

# Evergreen School District

## Cedar Grove Elementary School Comprehensive School Safety Plan

Effective Dates: 2024-2025

Principal/Administrator: Lea Peery

Plan Developed By	Title
Lea Peery	Principal
Mercy Pimentel	Classified
Margo Barrios	Parent
Karla Rodriguez Lomax	Parent
Janeth Enriquez	Parent
Rochelle Furtado	Parent
Sean Russell	Parent
Clarissa Balallo	Teacher
Patricia Valdillez	Teacher
Tammy Gibson	Teacher

Public Meeting Date: 10/22/2024

Date Adopted by School Site Council: 11/14/2024

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## Committee Members

Name of Members	Principal	Classified Employee	Teacher Re. of Cert. Employees	Parent or Community Member	Law Enforcement	Secondary Students	Other
Lea Peery	X						
Mercy Pimentel		X					
Margo Barrios				X			
Karla Rodriguez Lomax				X			
Rochelle Furtado				X			
Janeth Enriquez				X			
Sean Russell				X			
Clarissa Balallo			X				
Patricia Valdillez			X				
Tammy Gibson			X				
Eric Calderon					X		

## **Vision/Mission Statement**

Cedar Grove is a learning community that fosters empowered contributors to society through:

- Critical thinking, problem-solving, and perseverance
- Communication, collaboration, and creativity
- Empathy, respect, and mindfulness

We aspire to create an environment where students develop personal accountability while growing academically, socially, and emotionally.

## Data Analysis

Data Source	2021-22	2022-23	2023-24
California Health Kids Survey	X	X	
Suspensions	X	X	
Expulsions	X	X	
Local Crime data			
Other Community data			
Youth Truth Survey			
School Climate	X	X	

### Conclusions from Data:

#### Fall 2024 Safety Survey Conclusions

Overall, the staff and students are familiar with the emergency response drills.  
The majority of students feel safe at school, 98%.

76% see very little or no acts of bullying at our school.  
37% think that bullying is not a problem.  
24% hear students talk about bullying.

93% know the classroom rules very well.  
90% know the schoolwide expectations and rules.

2023-2024 - 1 suspension  
2022-2023- 1 suspension  
2021-2022 - 3 suspensions

Suspensions are related to safety.

### Conclusions from Parent, Teacher and Student Input:

As a result of reviewing the survey data, it was determined that the main areas of focus will be continuing to promote a positive school culture by empowering students to make kind, responsible, and safe decisions, strengthening communication, and creating systems that improve campus safety.

### Other:

**List Data Sources Reviewed and How the Data Determined the Goals: surveys, focus groups, discipline, and attendance.**

School Site Council  
Staff Survey  
Student Survey  
Parent Survey  
Powerschool Data  
Safety Survey  
PBIS Survey

**Areas of Pride and Strength (include school programs and practices that promote a positive learning environment).**

Tiered Discipline Model- PBIS(Positive Behavioral Interventions & Supports)  
Spirit Rallies  
Noon Supervisors added to morning and afterschool campus security  
Administrative visibility on campus  
Expect Respect Leaders/ Assemblies  
College Bound Community  
21st Century Skills (communication, collaboration, critical thinking, and creativity)  
Project-Based Learning  
Community Events

**Areas we wish to Change:**

- I. Social Emotional- Continue empowering students in character development. By implementing PBIS systems that encourage making kind, responsible, and safe decisions in a positive and caring learning community.
- II. Campus Safety- Identify visitors on campus to ensure student safety. Improve drop off / pick up procedures and emergency procedures. Strengthen communication channels.

## Goals Strategies and Activities

### Component I – People and Programs

#### Goal

Based on the analysis of PowerSchool data and surveys, it was determined that there is a need to empower all students at Cedar Grove to make kind, responsible, and safe decisions, through character development and leadership opportunities. Students will be encouraged to participate in school-wide activities and understand the school-wide procedures, and expectations.

#### Measurable Objective:

By Spring 2025, there will be a 3% decrease in documented conflicts between students as determined by an analysis of discipline records in PowerSchool. The surveys will be completed and the data will drive next steps. Relevant and meaningful activities will be maintained and offered to our students.

#### Action Steps:

##### PBIS

- 1.0 Maintain Tiered discipline model
- 1.1 Establish reflective Positive Behavior Intervention Support (PBIS) strategies to encourage self-management
- 1.2 A school-wide approach to positive behavior systems and character development
- 1.3 Commit to a school-wide citizenship pledge (Cougar Pledge)
- 1.4 Identify and implement a school-wide social-emotional learning curriculum (Second Step)
- 1.5 Continue positive reinforcement with Cougar Compliment Cards and students redeem at the Cougar Store
- 1.6 Use of reflection forms for behavior and communication to families

##### School Culture / Relationships

- 2.0 Create a college-bound culture to encourage responsibility and purpose
- 2.1 Schedule Spirit Rallies to promote character development, college, and career readiness and focus on school culture
- 2.2 Staff continues to support character development and college-bound culture
- 2.3 Continue Morning Meetings to improve school culture and relationships

##### Student Leadership

- 3.0 Utilize tools from Project Cornerstone
- 3.1 Train fourth, fifth, and sixth-grade leaders to act as Cedar Grove Ambassadors
- 3.3 Promote a positive school culture and have anti-bullying and spirit assemblies
- 3.4 Complete surveys

##### School Safety

- 4.0 School safety, visitor policy, and closed campus expectations shared with the community
- 4.1 Emergency Kits provided to all classrooms
- 4.2 Monthly fire drills, earthquake, and run/hide/defend drills twice a year

Who will take the lead?

- Principal
- Leadership Teams
- Support staff

Completion Date and Budget

- Training/Workshops
- Spring 2025

Resources Needed

- Professional Development
- Student Incentives

How we will Monitor and evaluate?

- Student survey data
- Implementation data

## **Component II – Place**

### **Goal**

Create and maintain a secure campus. Maintain and improve procedures to increase student safety throughout the school day including drop off and pick up from school and emergency procedures. Establish clear communication between staff, parents, and the community.

### **Measurable Objective:**

By Spring 2025, 95% of students will know the school rules and expectations. By Spring 2025, 97% or more students will report understanding the Fire, Earthquake, Shelter in Place, Lockdown, and Run Hide Defend procedures on the Evergreen School District Safety Survey.

### **Action Steps:**

#### Communication

- 1.0 Create a campus visitor policy
- 1.1 Post visitor policies and add signs to encourage visitors to enter the campus following the safety protocols
- 1.2 Visitors will sign in at the office for a visitor badge
- 1.3 Establish protocols for communicating with visitors
- 1.4 Maintain a Parent Waiting Area
- 1.5 Communicate policies through newsletters, website, and Parent Square
- 1.6 Secure a closed campus and all visitors sign in

#### Safety Drills

- 2.0 Establish and practice systems in the event of an intruder or unauthorized visitor
- 2.1 Regularly practice safety drills
- 2.2 Create safety/communication protocols with the office
- 2.3 Train all students, staff, and parents on Shelter in Place, Lockdown, and Run Hide defend to clarify which procedures to use in a given situation
- 2.4 Practice Shelter in Place, Lockdown, and Run Hide Defend so that students, staff, and parents are familiar with the protocol
- 2.5 Secure all windows with window coverings

#### Arrival and Dismissal

- 3.0 Maintain consistent procedures for arrival and dismissal procedures
- 3.1 Maintain regular systems for teacher supervision
- 3.2 Maintain protocols for the front parking lot, back parking lot, and community volunteer crossing guards
- 3.3 Communicate policies through the website, newsletters, and ParentSquare

### **Who will take the lead?**

- Principal
- Faculty
- Office Staff
- Support Staff

### **Completion Date and Budget**

- Spring 2025

### **Resources Needed**

- Signs
- Security Gates
- Visitor Badges
- Radios (walkie talkie)

How we will Monitor and evaluate?

- Visitor's Log
- Monitor Parent Waiting Area

## Communication

Method for Communicating Plan and Notifying Public: <i>Ed Code 32288</i>	<p><b>Date of Public Meeting:</b> 10/22/2024  <b>Site of Public Meeting:</b> Cedar Grove</p> <p>The School site council or school safety planning committee shall notify, in writing, the following persons and entities, if available, of the public meeting:</p> <ul style="list-style-type: none"> <li>• Local Mayor</li> <li>• Representative of the local school employee organization</li> <li>• A representative of each parent organization at the school site, including the parent teacher association and parent teacher clubs</li> <li>• A representative of each teacher organization at the school site</li> <li>• A representative of the student body government</li> </ul> <p>All persons who have indicated they want to be notified</p> <p>The School site council or school safety planning committee is encouraged to notify, in writing, the following persons and entities, if available, of the public meeting:</p> <ul style="list-style-type: none"> <li>• A representative of the local churches</li> <li>• Local civic leaders</li> <li>• Local business organizations</li> </ul> <p>In order to ensure compliance with this article, each School District or County Office of Education shall annually notify the State Department of Education by October 15 of any schools that have not complied with Ed Code 32281</p>
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	Name	Date
<b>Review of Progress for Last Year</b>	Lea Peery	10/22/2024
<b>Law Enforcement Review</b>	Eric Calderon	12/6/2024
<b>Site Council Approval</b>	Rochelle Furtado	11/14/2024
<b>School Board Approval</b>	EESD Board	12/12/2024

## **Evaluation**

### **How was the previous plan monitored?**

The principal, staff, and the School Site Council will monitor the progress of the plan (agendas, survey summary data, and calendar).

### **What progress was made on Component 1 (People and Programs)?**

- A tiered discipline approach has been implemented and students are accountable and utilizing the reflection forms for data - (PBIS) Positive Behavior Interventions & Support (Tier III)
- The PBIS team continues to identify systems of support for students in need. We are currently working on ways to track positive referrals(cougar compliment cards)
- School rules have been articulated across the campus and signs have been posted throughout the campus. Expectations have been clarified and will continue to be refined.
- A Cougar Pledge has been implemented for the student, staff, and community
- A college-bound culture has been implemented in all classrooms
- A Social-Emotional curriculum, Second Step is being implemented

### **What progress was made on Component 2? (Place / Physical Environment)**

- Systems for securing the campus from unauthorized visitors have been created and managed by custodial staff, teachers, supervisors, and support staff
- Protocols for communicating with visitors have been implemented
- A safe and clean campus has been established for students and staff
- Arrival and dismissal procedures are posted in the newsletter, classes, and Parent Square. As needed, we will inform the community members of our systems and procedures.
- Policies are communicated through the website, newsletter, and Parent Square.
- Monthly safety drills (Fire, Earthquake, Shelter in Place, Lockdown, Run, Hide, Defend) will continue. Communication about drills and how to prepare for an emergency will continue to be communicated to our parents.
- Discussions and plans regarding security upgrades will continue with the Director of Operations and Superintendent

ANNUAL REPORT ON THE STATUS OF THE PLAN (See Attached SARC)

## **Adopted Board Policies**

### **Alcohol and Other Drugs**

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

The Superintendent or designee shall select a performance measure that will be used to monitor and determine the effectiveness of the district's program in reducing drug and alcohol use.

The Superintendent or designee shall clearly communicate to all students, staff and parents/guardians the district's policies, regulations and school rules related to the use of alcohol and other drugs on school campuses or at school activities.

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

The Board encourages the establishment of site-level advisory groups to assist in promoting alcohol- and drug-free schools.

#### **Instruction**

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

All instruction and related materials shall consistently state that unlawful use of alcohol or other drugs is wrong and harmful. Instruction shall not include the concept of responsible use of drugs or alcohol when such use is illegal. (20 USC 7114, 7162; Health and Safety Code 11999.2)

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

#### **Enforcement/Discipline**

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

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

#### **Legal Reference:**

##### **EDUCATION CODE**

44049 Known or suspected alcohol or drug abuse by student

44645 In-service training anabolic steroids

48900 Suspension or expulsion (grounds)

48900.5 Suspension, limitation on imposition; exception

48901 Smoking or use of tobacco prohibited

48901.5 Prohibition of electronic signaling devices

48902 Notification of law enforcement authorities; civil or criminal immunity

48909 Narcotics or other hallucinogenic drugs

48915 Expulsion; particular circumstances

49602 Confidentiality of pupil information

51202 Instruction in personal and public health and safety  
51203 Instruction on alcohol, narcotics and restricted dangerous drugs  
51210 Areas of study  
51220 Areas of study, grades 7 to 12  
51260-51269 Drug education  
60041 Instructional materials  
60110-60115 Instructional materials on alcohol and drug education

**BUSINESS AND PROFESSIONS CODE**

25608 Alcohol on school property; use in connection with instruction

**HEALTH AND SAFETY CODE**

11032 Narcotics, restricted dangerous drugs and marijuana  
JI053-JI058 Standards and schedules  
11353.6 Juvenile Drug Trafficking and Schoolyard Act  
11357 Unauthorized possession of marijuana; possession in school or on school grounds  
11361.5 Destruction of arrest or conviction records  
JI372.7 Drug program fund; uses  
11802 Joint school-community alcohol abuse primary education and prevention program  
11998-11998.3 Drug and Alcohol Abuse Master Plans  
11999-11999.3 Alcohol and drug program funding; no unlawful use  
124175-124200 Adolescent family life program

**PENAL CODE**

13860-13864 Suppression of drug abuse in schools

**VEHICLE CODE**

13202.5 Drug and alcohol related offenses by person under age of 21, but aged 13 or over;

**WELFARE AND INSTITUTIONS CODE**

828 Disclosure of information re minors  
828.1 Disclosure of criminal records; protection of vulnerable staff & students

**UNITED STATES CODE, TITLE 20**

5812 National education goals  
7101-7184 Safe and Drug-Free Schools and Communities Act

**Instruction AR 5131.6(a)**

The curriculum of all elementary and secondary schools shall include instruction on the effects upon the human body, as determined by science, of tobacco, alcohol, narcotics, dangerous drugs as defined in Health and Safety Code 11032, and other dangerous substances. Instruction shall be sequential in nature and suited to meet the needs of students at their respective grade level. (Education Code 51203, 51260)

In grades 1-6, instruction in drug education should be given in health courses required by Education Code 51210. In grades 7-8, instruction in drug education shall be conducted in health courses and in any other appropriate area of study required by Education Code 51220. (Education Code 51260)

Instruction shall be provided by appropriately trained instructors who have demonstrated competencies, as determined by the principal or designee, in the following areas: (Education Code 51260)

1. The ability to interact with students in a positive way
2. Knowledge of the properties and effects of tobacco, alcohol, narcotics, dangerous drugs, and shared drug apparatus
3. Effective teaching skills and competency in helping students to express opinions responsibly and to become aware of their values as they affect drug-use decisions

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

School staff, students and parents/guardians shall be informed about early warning signs which may indicate alcohol and other drug use and about appropriate agencies offering intervention programs, counseling, referral and other student assistance programs. The Board strongly encourages any student who is using alcohol or drugs to discuss the matter with his/her parent/guardian or with any

staff member. Students who disclose their use of alcohol or other drugs when seeking help from an intervention or recovery program shall not be disciplined for such use.

### **Intervention**

District staff shall intervene whenever students use alcohol or other illegal drugs while on school property or under school jurisdiction. Staff members who have a reasonable suspicion that a student may be under the influence of alcohol or drugs shall immediately notify the principal or designee.

If the principal or designee, in his/her professional capacity or in the course of his/her employment, knows, observes or suspects that a student may be under the influence of alcohol or drugs, he/she may notify the parent/guardian. (Education Code 44049)

School staff shall not disclose confidential information provided during counseling by a student 12 years of age or older. A school counselor may report such information to the principal or parent/guardian only when he/she believes that disclosure is necessary to avert a clear and present danger to the health, safety or welfare of the student or other persons living in the school community. The school counselor shall not disclose such information to the parent/guardian if he/she believes that the disclosure would result in a clear and present danger to the student's health, safety or welfare. (Education Code 44049, 49602)

### **Tobacco**

The Board of Trustees recognizes that tobacco use presents serious health risks and desires to provide support and assistance in reducing the number of students who begin or continue to use tobacco. The Superintendent or designee shall establish a comprehensive program that includes consistent enforcement of laws prohibiting tobacco possession and use by students, tobacco-use prevention education including youth development activities, and intervention and cessation activities and/or referrals.

### **Prohibition Against Tobacco Use**

Students shall not possess, smoke, or use tobacco or any product containing tobacco or nicotine while on campus, while attending school-sponsored activities, or while under the supervision and control of district employees. Prohibited products include, but are not limited to, cigarettes, cigars, miniature cigars, clove cigarettes, smokeless tobacco, snuff, chew packets, and betel. (Education Code 48900, 48901)

Students' possession or use of nicotine delivery devices, such as electronic cigarettes, is also prohibited.

These prohibitions do not apply to a student's possession or use of his/her own prescription products. (Education Code 48900, 48901)

### **Instruction**

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

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

The Superintendent or designee shall select a performance measure that will be used to monitor and determine the effectiveness of the district's program in reducing drug and alcohol use.

### **Legal Reference:**

#### **EDUCATION CODE**

48900 Suspension or expulsion (grounds)

48900.5 Suspension, limitation on imposition; exception

48901 Smoking or use of tobacco prohibited

51202 Instruction in personal and public health and safety

60041 Instructional materials, portrayal of effects of tobacco use

#### **HEALTH AND SAFETY CODE**

104350-104495 Tobacco-use prevention education

119405 Unlawful to sell or furnish electronic cigarettes to minors

**PENAL CODE**

308 Minimum age for tobacco possession

**CODE OF REGULATIONS, TITLE 17**

6800 Definition, health assessment

6844-6847 Child Health and Disability Prevention program; health assessments

**UNITED STATES CODE, TITLE 20**

7111-7117 Safe and Drug-Free Schools and Communities Act

**CODE OF FEDERAL REGULATIONS, TITLE 21**

1140.1-1140.34 Unlawful sale of cigarettes and smokeless tobacco to minors

**ATTORNEY GENERAL OPINIONS**

88 Ops.Cal.Atty.Gen. 8 (2005)

**Tobacco-Use Prevention Education Program****Prevention Instruction**

The district shall provide developmentally appropriate tobacco-use prevention instruction for students at selected grade levels from K-8. Such instruction shall be aligned with state content standards and the state curriculum framework for health education and with any requirements of state and/or federal grant programs in which the district participates.

The district's tobacco-use prevention program shall provide students in grades 6-8 instruction which addresses the following topics: (Health and Safety Code 104420)

1. Immediate and long-term undesirable physiologic, cosmetic, and social consequences of tobacco use
2. Reasons that adolescents say they smoke or use tobacco
3. Peer norms and social influences that promote tobacco use
4. Refusal skills for resisting social influences that promote tobacco use

As appropriate, the district shall provide or refer students in grades 7-8 to tobacco-use intervention and cessation activities. (Health and Safety Code 104420)

In addition to targeting students who currently use tobacco, the district's program shall target students most at risk for beginning to use tobacco as identified through a local needs assessment.

The district shall provide or refer every pregnant and parenting minor enrolled in the district to tobacco-use prevention services. Such services may be integrated with existing programs for pregnant and parenting minors and shall include: (Health and Safety Code 104460)

1. Referral to perinatal and related support services
2. Outreach services and assessment of smoking status
3. Individualized counseling and advocacy services
4. Motivational messages
5. Cessation services, if appropriate
6. Incentives to maintain a healthy lifestyle
7. Follow-up assessment
8. Maintenance and relapse prevention services

**Intervention/Cessation Services**

The district may provide or refer students to counseling, intensive education.. and. Other intervention services to assist in the cessation of tobacco use. When appropriate, such intervention services may be provided as an alternative to suspension for tobacco possession.

**Program Planning**

The district's tobacco-use prevention and intervention program shall be based on an assessment of tobacco-use problems in district schools and the community, an examination of existing services and activities in the community, and a determination of high-risk student populations that are most in need of district services.

The Superintendent or designee also shall coordinate the district's tobacco-use prevention and intervention program with other district efforts to reduce students' use of illegal substances and to promote student wellness.

The Superintendent or designee shall select anti-tobacco programs based on the model program designs identified by the California Department of Education (CDE) and may modify the model to meet district needs. (Health and Safety Code 104420)

The Superintendent or designee shall not accept for distribution any materials or advertisements that promote the use or sale of tobacco products. He/she also shall not accept tobacco-use prevention or intervention funds or materials from the tobacco industry or from any entity that has received funding from the tobacco industry.

#### **Program Evaluation**

To evaluate the effectiveness of the district's program and ensure accountability, the Superintendent or designee shall administer an appropriate student survey at selected grade levels in order to assess student attitudes toward tobacco and student use of tobacco.

The results of program evaluations shall be used to refine program goals and objectives and make changes as needed to strengthen program implementation.

Regulation approved: March 21, 2013

**EVERGREEN SCHOOL DISTRICT**

San Jose, California

### **Behavioral Interventions for Special Education Students**

A special education student's behavior shall be subject to the disciplinary measures applicable to all students for such infractions unless it is a serious behavior problem as defined below.

More serious behavioral problems shall be addressed through the systematic use of behavioral and emergency interventions as provided below.

#### **Definitions**

Serious behavioral problems are behaviors which are self-injurious, assaultive or cause property damage, and other severe behavior problems that are pervasive and maladaptive for which instructional/behavioral approaches specified in the student's individualized education program (IEP) are found to be ineffective.

Behavioral intervention is a systematic implementation of procedures that result in lasting positive changes in the individual's behavior. "Behavioral intervention" means the design, implementation and evaluation of individual or group instructional and environmental modifications, including programs of behavioral instruction, to produce significant improvements in human behavior through skill acquisition and the reduction of problematic behavior. Behavioral interventions are designed to provide the individual greater access to a variety of community settings, social contacts and public events and ensure the individual's right to placement in the least restrictive environment, pursuant to the student's IEP. The use of behavioral interventions shall not cause pain or trauma, shall respect the individual's human dignity and personal privacy, and shall assure his/her physical freedom, social interaction and individual choice.

Behavior intervention plan is a written document which is developed when the student exhibits a serious behavior problem that significantly interferes with the implementation of the student's IEP.

Behavioral intervention case manager is a designated certificated school district/county staff member or other qualified personnel contracted by the district or county office, and trained in behavior analysis with emphasis on positive behavioral interventions.

Behavioral emergency is the demonstration of a serious behavior problem which has not previously been observed and for which a behavioral intervention plan has not been developed, or for which a previously designed behavioral intervention is not effective.

#### **Functional Analysis Assessment**

When a special education student's serious behavioral problem significantly interferes with implementing the goals and objectives of his/her IEP, the student's IEP team shall determine whether the instructional/behavioral approaches specified in the student's IEP have proven ineffective. If the IEP team finds that these approaches have been ineffective, a functional analysis assessment shall be conducted.

Before a functional analysis assessment begins, parents/guardians shall be notified and consent obtained pursuant to Education Code 56321. No such assessment shall preclude a parent/guardian from requesting a functional analysis assessment on the basis of language and speech disorders or specific learning disabilities.

The functional analysis assessment shall be conducted by, or be under the supervision of, a person with documented training in behavior analysis with an emphasis on positive behavioral interventions. This staff shall:

1. Observe the targeted inappropriate behavior, its frequency, duration and intensity
2. Observe events immediately preceding the behavior
3. Observe the consequences of the behavior to determine the purpose it serves for the student
4. Analyze the environment in which the behavior most frequently occurs
5. Analyze records for medical and health factors which may influence behavior
6. Review the history of the behavior, including the effectiveness of interventions used in the past

The parent/guardian shall receive a complete written report of the assessment. The report shall include:

1. A description of the nature and severity of the targeted behavior(s) in objective and measurable terms
2. A description of the targeted behavior that includes baseline data and an analysis of the antecedents and consequences that maintain the behavior and a functional analysis of the behavior across all appropriate settings in which it occurs
3. A description of the rate of alternative behaviors, their antecedents and consequences
4. A proposed behavioral intervention plan for consideration by the IEP team.

### **Behavioral Intervention Plan**

Within 10 business days after removing a student for more than 10 school days in a school year or commencing a removal that constitutes a change in placement, the district shall implement a behavioral intervention plan in accordance with 34 CFR 300.530, Board policy and administrative regulation.

Based on the functional assessment, the IEP team shall meet to determine whether a behavioral intervention plan is needed. If such a plan is needed, the IEP team shall be expanded to include a behavioral intervention case manager, qualified staff knowledgeable of the student's health needs, and others with expertise as deemed necessary by the parent/guardian, district or Special Education Local Plan Area (SELPA). This team shall develop a written behavioral intervention plan which includes:

1. A summary of relevant and determinative information gathered from the functional analysis assessment
2. An objective and measurable description of the targeted maladaptive behavior(s) and replacement positive behavior(s)
3. The student's goals and objectives specific to the behavioral intervention plan
4. A detailed description of interventions to be used and the circumstances for their use
5. Specific schedules for recording the frequency of intervention use and the frequency of the targeted and replacement behaviors, including specific criteria for discontinuing an intervention for lack of effectiveness or replacing it with a specified and identified alternative
6. Criteria by which the procedure will be faded or phased-out, or less intense/restrictive intervention schedules or techniques that will be used
7. Those behavioral interventions which will be used in the home, residential facility, work site or other noneducational settings
8. Specific dates when the IEP team will periodically review the efficacy of the program
9. The frequency of the consultation to be provided by the behavioral intervention case manager to the staff and parents/guardians who are responsible for implementing the plan

Based on the results of the functional analysis assessment, interventions specified in the plan may include:

1. Altering the identified antecedent event to prevent the occurrence of the behavior
2. Teaching the student alternative behaviors that produce the same consequences as the inappropriate behavior
3. Teaching the student adaptive behaviors which ameliorate negative conditions that promote the display of inappropriate behaviors

4. Manipulating the consequences for the display of inappropriate behaviors and alternative, acceptable behaviors, so that the alternative behaviors more effectively produce desired outcomes

Acceptable responses to targeted behavior may include, but are not limited to, one or more of the following:

1. The behavior is ignored, but not the student.
2. The student is verbally or verbally and physically redirected to an activity.
3. The student is provided with feedback.
4. The message of the behavior is acknowledged.
5. A brief physical prompt is provided to interrupt or prevent aggression, self-abuse or property destruction.

The behavioral intervention plan shall become a part of the student's IEP and shall be sufficiently detailed so as to direct the plan's implementation.

A copy of the behavioral intervention plan shall be provided to the person or agency responsible for implementation in noneducational settings.

At intervals scheduled by the IEP team, the behavioral intervention case manager, parent/guardian and others as appropriate shall evaluate the effectiveness of the behavioral intervention plan in accordance with law. This review may be conducted in meetings, by telephone conference, or by other means, as agreed upon by the IEP team.

If the IEP team determines that changes in the behavioral intervention plan are necessary, the teacher and behavioral intervention case manager shall conduct additional functional analysis assessments and, based on the outcomes, propose changes to the plan.

The parent/guardian and the behavioral intervention case manager or qualified designee may make minor modifications without an IEP team meeting. The parent/guardian shall be notified of the need for modification and shall be able to review the existing program evaluation data prior to implementing the modification. Parents/guardians shall be informed of their right to question any modification to the plan through the IEP procedures.

The IEP team also may include in the plan contingency schedules for altering specified procedures, their frequency or their duration, without reconvening the IEP team.

### **Emergency Interventions**

Emergency interventions not specified in a student's behavioral intervention plan shall be used only when necessary to control unpredictable, spontaneous behavior which poses clear and present danger of serious physical harm to the student or others and which cannot be immediately prevented by a response less restrictive than the temporary application of a technique used to contain the behavior. Emergency interventions shall not be used as a substitute for systematic behavioral intervention plans.

Only emergency interventions approved by the SELPA may be used. No emergency intervention shall be used for longer than is necessary to contain the behavior. Upon prolonged use of an emergency intervention, staff shall seek assistance of the principal or law enforcement agency, as applicable to the situation.

Parents/guardians shall be notified within one school day whenever emergency intervention is used or serious property damage occurs. A behavior emergency report shall immediately be completed, kept in the student's file, and forwarded to the Superintendent or designee for review. This report shall include:

1. The name and age of the student
2. The setting and location of the incident
3. The name of the staff or other persons involved
4. A description of the incident and the emergency intervention used
5. A statement of whether the student is currently engaged in a systematic behavioral intervention plan
6. Details of any injuries sustained by students or others, including staff, as a result of the incident

If the behavior emergency report is for a student who does not have a behavioral intervention plan, the Superintendent or designee shall, within two days, schedule an IEP team meeting to review the emergency report, determine the necessity for a functional analysis assessment, and determine the necessity for an interim behavioral intervention plan. The IEP team shall document the reasons for not conducting an assessment and/or not developing an interim plan.

If the behavior emergency report is for a student who has a behavioral intervention plan, any incident involving a previously unseen serious behavior problem or where a previously designed intervention is not effective shall be referred to the IEP team. The IEP team shall review the incident and determine whether the student's plan needs to be modified.

### **Prohibited Interventions**

The district prohibits any use of the following:

1. Any intervention designed or likely to cause physical pain
2. Releasing noxious, toxic or otherwise unpleasant sprays, mists or substances near the student's face
3. Any intervention that denies adequate sleep, food, water, shelter, bedding, physical comfort or access to the bathroom
4. Any intervention that subjects the student to verbal abuse, ridicule, humiliation or excessive emotional trauma
5. Use of any material or objects which simultaneously immobilize all hands and feet, except that prone containment or similar techniques may be used by trained staff as a limited emergency intervention
6. Locked seclusion, unless in a facility otherwise licensed or permitted by law to use a locked room
7. Any intervention that precludes adequate supervision of the student
8. Any intervention that deprives the student of one or more of his/her senses
9. Force exceeding what is reasonable and necessary under the circumstances

### **Legal Reference:**

#### **EDUCATION CODE**

49001 Prohibition of corporal punishment

56321 Notice of parental rights; consent of parents

56500-56508 Procedural safeguards, including due process rights

56520-56524 Behavioral Interventions

#### **CODE OF REGULATIONS, TITLE 5**

3001 Definitions

3052 Designated positive behavioral interventions

#### **UNITED STATES CODE, TITLE 20**

1412 State eligibility

1314 Procedural safeguards

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

300.1-300.818 Assistance to states for the education of students with disabilities

Regulation approved: March 21, 2013

### **EVERGREEN SCHOOL DISTRICT**

San Jose, California

### **Bullying**

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

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

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

### **Bullying Prevention**

To the extent possible, district and school strategies shall focus on prevention of bullying by establishing clear rules for student conduct and strategies to establish a positive, collaborative school climate. Students shall be informed, through student handbooks

and other appropriate means, of district and school rules related to bullying, mechanisms available for reporting incidents or threats, and the consequences for perpetrators of bullying.

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

### **Intervention**

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

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

As appropriate, the Superintendent or designee shall notify the parents/guardians of victims and perpetrators. He/she also may involve school counselors, mental health counselors, and/or law enforcement.

### **Complaints and Investigation**

Students may submit to a teacher or administrator a verbal or written complaint of conduct they consider to be bullying. Complaints of bullying shall be investigated and resolved in accordance with site-level protocol.

When a student is reported to be engaging in bullying off campus, the Superintendent or designee shall investigate and document the activity and shall identify specific facts or circumstances that explain the impact or potential impact on school activity, school attendance, or the targeted student's educational performance.

When the circumstances involve cyberbullying, individuals with information about the activity shall be encouraged to save and print any electronic or digital messages sent to them that they feel constitute cyberbullying and to notify a teacher, the principal, or other employee so that the matter may be investigated.

If the student is using a social networking site or service that has terms of use that prohibit posting of harmful material, the Superintendent or designee also may file a complaint with the Internet site or service to have the material removed.

### **Discipline**

Any student who engages in bullying on school premises, or off campus in a manner that causes or is likely to cause a substantial disruption of a school activity or school attendance, shall be subject to discipline, which may include suspension or expulsion, in accordance with district policies and regulations.

### **Legal Reference:**

#### **EDUCATION CODE**

200-262.4 Prohibition of discrimination

32282 Comprehensive safety plan

35181 Governing board policy on responsibilities of students

35291-35291.5 Rules

48900-48925 Suspension or expulsion

48985 Translation of notices

#### **PENAL CODE**

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

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

653.2 Electronic communication devices, threats to safety

#### **UNITED STATES CODE, TITLE 47**

254 Universal service discounts (e-rate)

#### **COURT DECISIONS**

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

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

### **Child Abuse Prevention and Reporting**

The Board of Trustees recognizes the district's responsibility to educate students about the dangers of child abuse so that they will acquire the skills and techniques needed to identify unsafe situations and to react appropriately and promptly.

The district's instructional program shall include age-appropriate and culturally sensitive child abuse prevention curriculum. This curriculum shall explain students' right to live free of abuse, inform them of available support resources, and teach them how to obtain help and disclose incidents of abuse. The curriculum also shall include training in self-protection techniques.

The Superintendent or designee shall seek to incorporate community resources into the district's child abuse prevention programs. To the extent feasible, the Superintendent or designee shall use these community resources to provide parents/guardians with instruction in parenting skills and child abuse prevention.

#### **Child Abuse Reporting**

The Board recognizes that child abuse has severe consequences and that the district has a responsibility to protect students by facilitating the prompt reporting of known and suspected incidents of child abuse. The Superintendent or designee shall establish procedures for the identification and reporting of such incidents in accordance with law.

Employees who are mandated reporters, as defined by law and administrative regulation, are obligated to report all known or suspected incidents of child abuse and neglect. Mandated reporters shall not investigate any suspected incidents but rather shall cooperate with agencies responsible for investigating and prosecuting cases of child abuse and neglect. The Superintendent or designee shall provide training regarding the reporting duties of mandated reporters.

In the event that training is not provided to mandated reporters, the Superintendent or designee shall report to the California Department of Education the reasons that such training is not provided.

#### **Legal Reference:**

##### **EDUCATION CODE**

32280-32288 Comprehensive school safety plans  
33308.1 Guidelines on procedure for filing child abuse complaints  
44690-44691 Staff development in the detection of child abuse and neglect  
44807 Duty concerning conduct of students  
48906 Notification when student released to peace officer  
48987 Dissemination of reporting guidelines to parents  
49001 Prohibition of corporal punishment  
51220.5 Parenting skills education

##### **PENAL CODE**

152.3 Duty to report murder, rape, or lewd or lascivious act  
273a Willful cruelty or unjustifiable punishment of child; endangering life or health  
288 Definition of lewd or lascivious act requiring reporting  
11164-11174.4 Child Abuse and Neglect Reporting Act

##### **WELFARE AND INSTITUTIONS CODE**

15630-15637 Dependent adult abuse reporting

##### **CODE OF REGULATIONS, TITLE 5**

4650 Filing complaints with CDE, special education students

#### **Definitions**

Child abuse or neglect includes the following: (Penal Code 11165.5, 11165.6)

1. A physical injury or death inflicted by other than accidental means on a child by another person
2. Sexual abuse of a child, including sexual assault or sexual exploitation, as defined in Penal Code 11165.1 .
3. Neglect of a child as defined in Penal Code 11165.2

4. Willful harming or injuring of a child or the endangering of the person or health of a child as defined in Penal Code 11165.3
5. Unlawful corporal punishment or injury as defined in Penal Code 11165.4

Child abuse or neglect does not include:

1. A mutual affray between minors
2. An injury caused by reasonable and necessary force used by a peace officer acting within the course and scope of his/her employment
3. An injury resulting from the exercise by a teacher, vice principal, principal, or other certificated employee of the same degree of physical control over a student that a parent/guardian would be privileged to exercise, not exceeding the amount of physical control reasonably necessary to maintain order, protect property, protect the health and safety of students, or maintain proper and appropriate conditions conducive to learning
4. An injury caused by a school employee's use of force that is reasonable and necessary to quell a disturbance threatening physical injury to persons or damage to property, to protect himself/herself, or to obtain weapons or other dangerous objects within the control of the student
5. Physical pain or discomfort caused by athletic competition or other such recreational activity voluntarily engaged in by the student

Mandated reporters include, but are not limited to, teachers; instructional aides; teacher's aides or assistants; classified employees; certificated pupil personnel employees; administrative officers or supervisors of child attendance; administrators and employees of a licensed day care facility; Head Start teachers; district police or security officers; licensed nurses or health care providers; and administrators, presenters, and counselors of a child abuse prevention program.

Reasonable suspicion means that it is objectively reasonable for a person to entertain a suspicion, based upon facts that could cause a reasonable person in a like position, drawing when appropriate on his/her training and experience, to suspect child abuse or neglect. However, reasonable suspicion does not require certainty that child abuse or neglect has occurred nor does it require a specific medical indication of child abuse or neglect.

### **Reportable Offenses**

A mandated reporter shall make a report using the procedures provided below whenever, in His/her professional capacity or within the scope of his/her employment, he/she has knowledge of or observes a child whom the mandated reporter knows or reasonably suspects has been the victim of child abuse or neglect.

Any mandated reporter who has knowledge of or who reasonably suspects that a child is suffering serious emotional damage or is at a substantial risk of suffering serious emotional damage, based on evidence of severe anxiety, depression, withdrawal, or untoward aggressive behavior toward self or others, may make a report to the appropriate agency.

Any district employee who reasonably believes that he/she has observed the commission of a murder, rape, or lewd or lascivious act by use of force, violence, duress, menace, or fear of immediate and unlawful bodily injury against a victim shall notify a peace officer.

### **Responsibility for Reporting**

The reporting duties of mandated reporters are individual and cannot be delegated to another person.

When two or more mandated reporters jointly have knowledge of a known or suspected instance of child abuse or neglect, the report may be made by a member of the team selected by mutual agreement and a single report may be made and signed by the selected member of the reporting team. Any member who has knowledge that the member designated to report has failed to do so shall thereafter make the report.

No supervisor or administrator shall impede or inhibit a mandated reporter from making a report.

Any person not identified as a mandated reporter who has knowledge of or observes a child whom he/she knows or reasonably suspects has been a victim of child abuse or neglect may report the known or suspected instance of child abuse or neglect to the appropriate agency.

### **Reporting Procedures**

## 1. Initial Telephone Report

Immediately or as soon as practicable after knowing or observing suspected child abuse or neglect, a mandated reporter shall make an initial report by telephone to any police department (excluding a school district police/security department), sheriffs department, county probation department if designated by the county to receive such reports, or county welfare department.

Child Abuse Referral and Reporting Center  
373 W. Julian Street  
San Jose, CA 95110  
(408) 299-2071

When the initial telephone report is made, the mandated reporter shall note the name of the official contacted, the date and time contacted, and any instructions or advice received.

## 2. Written Report

Within 36 hours of knowing or observing the information concerning the incident, the mandated reporter shall then prepare and either send, fax, or electronically submit to the appropriate agency a written follow-up report, which includes a completed Department of Justice form (SS 8572).

The Department of Justice form may be obtained from the district office or other appropriate agencies, such as the county probation or welfare department or the police or sheriffs department.

Reports of suspected child abuse or neglect shall include, if known:

- a. The name, business address, and telephone number of the person making the report and the capacity that makes the person a mandated reporter
- b. The child's name and address, present location, and, where applicable, school, grade, and class
- c. The names, addresses, and telephone numbers of the child's parents/guardians
- d. The name, address, telephone number, and other relevant personal information about the person who might have abused or neglected the child
- e. The information that gave rise to the reasonable suspicion of child abuse or neglect and the source(s) of that information

The mandated reporter shall make a report even if some of this information is not known or is uncertain to him/her.

The mandated reporter may give to an investigator from an agency investigating the case, including a licensing agency, any information relevant to an incident of child abuse or neglect or to a report made for serious emotional damage pursuant to Penal Code 11166.05.

## 3. Internal Reporting

The mandated reporter shall not be required to disclose his/her identity to his/her supervisor, the principal, or the Superintendent or designee.

However, employees reporting child abuse or neglect to an appropriate agency are encouraged, but not required, to notify the principal as soon as possible after the initial telephone report to the appropriate agency. When so notified, the principal shall inform the Superintendent or designee. .

The principal so notified shall provide the mandated reporter with any assistance necessary to ensure that reporting procedures are carried out in accordance with law, Board policy, and administrative regulation. At the mandated reporter's request, the principal may assist in completing and filing the necessary forms.

Reporting the information to an employer, supervisor, principal, school counselor, coworker, or other person shall not be a substitute for making a mandated report to the appropriate agency.

## Training

Training of mandated reporters shall include identification and mandated reporting of child abuse and neglect.

Training shall also include guidance in the appropriate discipline of students, physical contact with students, and maintenance of ethical relationships with students to avoid actions that may be misinterpreted as child abuse.

### **Victim Interviews by Social Services**

Whenever a representative from the Department of Social Services or another government agency investigating suspected child abuse or neglect deems it necessary, a suspected victim may be interviewed during school hours, on school premises, concerning a report of suspected child abuse or neglect that occurred within the child's home or out-of-home care facility. The child shall be given the choice of being interviewed in private or in the presence of any adult school employee or volunteer aide selected by the child.

A staff member or volunteer aide selected by a child may decline to be present at the interview. If the selected person accepts, the principal or designee shall inform him/her of the following requirements:

1. The purpose of the selected person's presence at the interview is to lend support to the child and enable him/her to be as comfortable as possible.
2. The selected person shall not participate in the interview.
3. The selected person shall not discuss the facts or circumstances of the case with the child.
4. The selected person is subject to the confidentiality requirements of the Child Abuse and Neglect Reporting Act, a violation of which is punishable as specified in Penal Code 11167.5.

If a staff member agrees to be present, the interview shall be held at a time during school hours when it does not involve an expense to the school.

### **Release of Child to Peace Officer**

When a child is released to a peace officer and taken into custody as a victim of suspected child abuse or neglect, the Superintendent or designee and/or principal shall not notify the parent/guardian, but rather shall provide the peace officer with the address and telephone number of the child's parent/guardian. It is the responsibility of the peace officer or agent to notify the parent/guardian of the situation,

### **Parent/Guardian Complaints**

Upon request, the Superintendent or designee shall provide parents/guardians with a copy of this administrative regulation which contains procedures for reporting suspected child abuse occurring at a school site to appropriate agencies. For parents/guardians whose primary language is not English, such procedures shall be in their primary language and, when communicating orally regarding those procedures, an interpreter shall be provided.

To file a complaint against a district employee or other person suspected of child abuse or neglect at a school site, parents/guardians may file a report by telephone, in person, or in writing with any appropriate agency identified above under "Reporting Procedures." If a parent/guardian makes a complaint about an employee to any other employee, the employee receiving the information shall notify the parent/guardian of procedures for filing a complaint with the appropriate agency. The employee also is obligated pursuant to Penal Code 11166 to file a report himself/herself using the procedures described above for mandated reporters.

In addition, if the child is enrolled in special education, a separate complaint may be filed with the California Department of Education pursuant to 5 CCR 4650.

### **Notifications**

The Superintendent or designee shall provide to all new employees who are mandated reporters a statement that informs them of their status as mandated reporters, their reporting obligations under Penal Code 11166, and their confidentiality rights under Penal Code 11167. The district also shall provide these new employees with a copy of Penal Code 11165.7, 11166, and 11167.

Before beginning employment, any person who will be a mandated reporter by virtue of his/her position shall sign a statement indicating that he/she has knowledge of the reporting obligations under Penal Code 11166 and will comply with those provisions. The signed statement shall be retained by the Superintendent or designee.

The Superintendent or designee also shall notify all employees that:

1. A mandated reporter who reports a known or suspected instance of child abuse or neglect shall not be held civilly or criminally liable for making a report and this immunity shall apply even if the mandated reporter acquired the knowledge or reasonable suspicion of child abuse or neglect outside of his/her professional capacity or outside the scope of his/her employment. Any other person making a report shall not incur civil or criminal liability unless it can be proven that he/she knowingly made a false report or made a report with reckless disregard of the truth or falsity of the report.
2. If a mandated reporter fails to report an incident of known or reasonably suspected child abuse or neglect, he/she may be guilty of a crime punishable by a fine and/or imprisonment.
3. No employee shall be subject to any sanction by the district for making a report.

Regulation approved: March 21, 2013

**EVERGREEN SCHOOL DISTRICT**

San Jose, California

**Comprehensive Safety Plan**

The Board of Trustees recognizes that students and staff have the right to a safe and secure campus where they are free from physical and psychological harm. The Board is fully committed to maximizing school safety and to creating a positive learning environment that includes strategies for violence prevention and high expectations for student conduct, responsible behavior, and respect for others.

The school site council at each district school shall develop a comprehensive school safety plan relevant to the needs and resources of that particular school. New school campuses shall develop a safety plan within one year of initiating operations.

The school safety plan shall take into account the school's staffing, available resources, and building design, as well as other factors unique to the site.

Each school shall forward its comprehensive safety plan to the Board for approval.

The comprehensive safety planes) shall be reviewed and updated by March 1 of each year.

The Board shall review the comprehensive safety planes) in order to ensure compliance with state law, Board policy, and administrative regulation and shall approve the planes) at a regularly scheduled meeting.

By October 15 of each year, the Superintendent or designee shall notify the California Department of Education of any schools that have not complied with the requirements of Education Code 32281.

**Tactical Response Plan**

Notwithstanding the process described above, any portion of a comprehensive safety plan that includes tactical responses to criminal incidents that may result in death or serious bodily injury at the school site, including steps to be taken to safeguard students and staff, secure the affected school premises, and apprehend the criminal perpetrator(s), shall be developed by district administrators in accordance with Education Code 32281. In developing such strategies, district administrators shall consult with law enforcement officials and with a representative of an employee bargaining unit, if he/she chooses to participate.

When reviewing the tactical response plan, the Board may meet in closed session to confer with law enforcement officials, provided that any vote to approve the tactical response plan is announced in open session following the closed session.

**Public Access to Safety Plans**

The Superintendent or designee shall ensure that an updated file of all safety-related plans and materials is readily available for inspection by the public.

However, those portions of the comprehensive safety plan that include tactical responses to criminal incidents shall not be publicly disclosed.

**Legal Reference:****EDUCATION CODE**

200-262.4 Prohibition of discrimination  
32260-32262 Interagency School Safety Demonstration Act of 1985  
32270 School safety cadre  
32280-32289 School safety plans  
32290 Safety devices  
35147 School site councils and advisory committees  
35183 School dress code; uniforms  
35291 Rules  
35291.5 School-adopted discipline rules  
35294.10-35294.15 School Safety and Violence Prevention Act  
41510-41514 School Safety Consolidated Competitive Grant Program  
48900-48927 Suspension and expulsion  
48950 Speech and other communication  
49079 Notification to teacher; student act constituting grounds for suspension or expulsion  
67381 Violent crime

**PENAL CODE**

422.55 Definition of hate crime  
626.8 Disruptions  
11164-11174.3 Child Abuse and Neglect Reporting Act

**CALIFORNIA CONSTITUTION**

Article 1, Section 28(c) Right to Safe Schools

**CODE OF REGULATIONS, TITLE 5**

11987-11987.7 School Community Violence Prevention Program requirements  
11992-11993 Definition, persistently dangerous schools

**UNITED STATES CODE, TITLE 20**

7101-7165 Safe and Drug Free Schools and Communities  
7912 Transfers from persistently dangerous schools

**UNITED STATES CODE, TITLE 42**

12101-12213 Americans with Disabilities Act

**Development and Review of Comprehensive School Safety Plan**

The school site council shall consult with local law enforcement in writing and developing the comprehensive school safety plan. When practical, the school site council also shall consult with other school site councils and safety committees.

The school site council may delegate the responsibility for developing a comprehensive safety plan to a school safety planning committee. This committee shall be composed of the following members:

1. The principal or designee
2. One teacher who is a representative of the recognized certificated employee organization
3. One parent/guardian whose child attends the school
4. One classified employee who is a representative of the recognized classified employee organization
5. Other members, if desired

Before adopting its comprehensive safety plan, the school site council or school safety planning committee shall hold a public meeting at the school in order to allow members of the public the opportunity to express an opinion about the plan.

The school site council or safety planning committee shall notify, in writing, the following persons and entities of the public meeting:

1. The local mayor
2. A representative of the local school employee organization
3. A representative of each parent organization at the school, including the parent teacher association and parent teacher clubs
- 4.. A representative of each teacher organization at the school
5. A representative of the school's student body government
6. All persons who have indicated that they want to be notified

In addition, the school site council or safety planning committee may notify, in writing, the following entities of the public meeting:

1. Representatives of local religious organizations
2. Local civic leaders
3. Local business organizations

### **Content of the Safety Plan**

Each comprehensive safety plan shall include an assessment of the current status of school crime committed on campus and at school-related functions.

The assessment may include, but not be limited to, data on reports of school crime, suspension and expulsion rates, and surveys of students, parents/guardians, and staff regarding their perceptions of school safety.

The plan also shall identify appropriate strategies and programs that will provide or maintain a high level of school safety and address the school's procedures for complying with existing laws related to school safety, including all of the following:

1. Child abuse reporting procedures consistent with Penal Code 11164
2. Routine and emergency disaster procedures including, but not limited to:
  - a. Adaptations for students with disabilities in accordance with the Americans with Disabilities Act
  - b. An earthquake emergency procedure system in accordance with Education Code 32282
  - c. A procedure to allow public agencies, including the American Red Cross, to use school buildings, grounds, and equipment for mass care and welfare shelters during disasters or other emergencies affecting the public health and welfare
3. Policies pursuant to Education Code 48915(d) for students who commit an act listed in Education Code 48915(c) and other school-designated serious acts which would lead to suspension, expulsion, or mandatory expulsion recommendations
4. Procedures to notify teachers of dangerous students pursuant to Education Code 49079
5. A policy consistent with the prohibition against discrimination, harassment, intimidation, and bullying pursuant to Education Code 200-262.4
6. If the school has adopted a dress code prohibiting students from wearing "gang-related apparel" pursuant to Education Code 35183, the provisions of that dress code and the definition of "gang-related apparel"
7. Procedures for safe ingress and egress of students, parents/guardians, and employees to and from school
8. A safe and orderly school environment conducive to learning
9. The rules and procedures on school discipline adopted pursuant to Education Code 35291 and 35291.5
10. Hate crime reporting procedures

Among the strategies for providing a safe environment, the school safety plan may also include:

1. Development of a positive school climate that promotes respect for diversity, personal and social responsibility, effective interpersonal and communication skills, self-esteem, anger management, and conflict resolution
2. Disciplinary policies and procedures that contain prevention strategies, such as strategies to prevent bullying, hazing, and cyberbullying, as well as behavioral expectations and consequences for violations
3. Curriculum that emphasizes prevention and alternatives to violence, such as multicultural education, character/values education, media analysis skills, conflict resolution, community service learning, and education related to the prevention of dating violence
4. Parent involvement strategies, including strategies to help ensure parent/guardian support and reinforcement of the school's rules and increase the number of adults on campus
5. Prevention and intervention strategies related to the sale or use of drugs and alcohol which shall reflect expectations for drug-free schools and support for recovering students
6. Collaborative relationships among the city, county, community agencies, local law enforcement, the judicial system, and the schools that lead to the development of a set of common goals and community strategies for violence prevention instruction
7. Procedures for responding to the release of a pesticide or other toxic substance from properties located within one-quarter mile of the school
8. Procedures for receiving verification from law enforcement that a violent crime has occurred on school grounds and for promptly notifying parents/guardians and employees of that crime

9. Assessment of the school's physical environment, including a risk management analysis and development of ground security measures such as procedures for the closing campuses to outsiders, installing surveillance systems, securing the campus perimeter, protecting buildings against vandalism, and providing for a law enforcement presence on campus
10. Crisis prevention and intervention strategies, which may include the following:
  - a. Identification of possible crises that may occur, determination of necessary tasks that need to be addressed, and development of procedures relative to each crisis, including the involvement of law enforcement and other public safety agencies as appropriate
  - b. Threat assessment strategies to determine the credibility and seriousness of a threat and provide appropriate interventions for the potential offender(s)
  - c. Assignment of staff members responsible for each identified task and procedure
  - d. Development of an evacuation plan based on an assessment of buildings and grounds and opportunities for students and staff to practice the evacuation plan
  - e. Coordination of communication to schools, Board of Trustees members, parents/guardians, and the media
  - f. Development of a method for the reporting of violent incidents
  - g. Development of follow-up procedures that may be required after a crisis has occurred, such as counseling
11. Staff development in violence prevention and intervention techniques, including preparation to implement the elements of the safety plan

Regulation approved: March 21, 2013

**EVERGREEN SCHOOL DISTRICT**

San Jose, California

**Conduct**

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

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

Prohibited student conduct includes, but is not limited to:

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

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

6. Obscene acts or use of profane, vulgar, or abusive language
7. Possession, use, or being under the influence of tobacco, alcohol, or other prohibited drugs
8. Possession or use of a laser pointer, unless for a valid instructional or other school related purpose (Penal Code 417.27)

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

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

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

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

(Education Code 48901.5)

10. Plagiarism or dishonesty on school work or tests
11. Inappropriate attire
12. Tardiness or unexcused absence from school
13. Failure to remain on school premises in accordance with school rules

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

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

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

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

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

#### **Legal Reference:**

##### **EDUCATION CODE**

200-262.4 Prohibition of discrimination  
32280-32289 Comprehensive safety plan  
35181 Governing board authority to set policy on responsibilities of students  
35291-35291.5 Rules  
44807 Duty concerning conduct of students  
48900-48925 Suspension and expulsion  
51512 Prohibition against electronic listening or recording device in classroom without permission

##### **CIVIL CODE**

1714.1 Liability of parents and guardians for willful misconduct of minor

##### **PENAL CODE**

288.2 Harmful matter with intent to seduce  
313 Harmful matter  
417.25-417.27 Laser scope or laser pointer  
647 Use of camera or other instrument to invade person's privacy; misdemeanor  
653.2 Electronic communication devices, threats to safety

##### **VEHICLE CODE**

23123-23124 Prohibitions against use of electronic devices while driving

##### **CODE OF REGULATIONS, TITLE 5**

300-307 Duties of students

##### **UNITED STATES CODE, TITLE 42**

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

##### **COURTDECISIONS**

L'C. v. Beverly Hills Unified School District, (2010) 711 F.Supp.2d 1094  
LaVine v. Blaine School District, (2000, 9th Cir.) 257 F.3d 981  
Emmett v. Kent School District No. 415, (2000) 92 F.Supp. 1088  
Bethel School District No. 403 v. Fraser, (1986) 478 Us. 675  
New Jersey. T.L.O., (1985) 469 US. 325  
Tinker v. Des Moines Independent Community School District, (1969) 393 Us. 503

Policy adopted: March 21, 2013

**EVERGREEN SCHOOL DISTRICT**  
San Jose, California

### **Bus Conduct**

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

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

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

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

#### **Legal Reference:**

##### **EDUCATION CODE**

35160 Authority of governing boards  
39800 Transportation  
39839 Transportation of guide dogs, signal dogs, service dogs  
44808 Duty to supervise conduct of students  
48900 Grounds for suspension and expulsion  
48918 Expulsion procedures  
49060-49079 Student records  
49073-49079 Privacy of student records

##### **GOVERNMENT CODE**

6253-6270 California Public Records Act

##### **CODE OF REGULATIONS, TITLE 5**

14103 Authority of the driver

##### **CODE OF REGULATIONS, TITLE 13**

1200-1228 General provisions, school bus regulations

##### **UNITED STATES CODE, TITLE 20**

1232g Family Educational Rights and Privacy Act

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

99.1-99.67 Family Educational Rights and Privacy

## **Bus Rider Rules**

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

1. Riders shall follow the instructions and directions of the bus driver at all times.
2. Riders should arrive at their designated bus stop on time and stand in a safe place at the stop to wait quietly for the bus.
3. Riders shall enter the bus in an orderly manner and go directly to their seats.
4. Riders shall sit down and fasten any passenger restraint systems. Riders shall remain seated while the bus is in motion.
5. Riders shall not block the aisle or emergency exit with their body or personal belongings. Riders may bring large or bulky items, such as class projects or musical instruments, on the bus only if the item does not displace any other rider or obstruct the driver's vision.
6. Riders should be courteous to the driver and to fellow passengers. Vulgarity, rude, or abusive behavior is prohibited.
7. Any noise or behavior that could distract the driver, such as loud talking, scuffling or fighting, throwing objects, or standing or changing seats, is prohibited and may lead to suspension of riding privileges.
8. Riders shall not use tobacco products, eat, or drink while riding the bus.
9. Riders may bring electronic devices onto the bus only if such devices are permitted at school. If the use of cellular telephones or similar devices disrupts the safe operation of the school bus, the bus driver may direct the student to no longer use the device on the bus.
10. Riders shall not put any part of the body out of the window nor throw any item from the bus.
11. Riders shall help keep the bus and the area around the bus stop clean. Riders shall not damage or deface the bus or tamper with bus equipment.
12. Service animals are permitted on school transportation services; all other animals are prohibited.
13. Upon reaching their destination, riders shall remain seated until the bus comes to a complete stop and upon the signal from the driver, unfasten any restraint system, enter the aisle, and go directly to the exit.
14. Riders should be alert for traffic when leaving the bus and shall follow the district's transportation safety plan when crossing the road and exiting the bus.

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

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

Regulation approved: March 21, 2013

**EVERGREEN SCHOOL DISTRICT**

San Jose, California

## **Discipline**

The Governing Board desires to provide a safe, supportive, and positive school environment conducive to student learning and to prepare students for responsible citizenship by fostering self-discipline and personal responsibility. The Board believes that high expectations for student behavior, use of effective school and classroom management strategies, and parent involvement can minimize the need for discipline.

The Superintendent or designee shall approve, for each school, a complement of effective, age-appropriate strategies for correcting student behavior. Such strategies may include, but are not limited to, conferences with students and their parents/guardians; use of study, guidance, or other intervention-related teams; enrollment in a program teaching prosocial behavior or anger management; and participation in a restorative justice program. Staff shall use preventative measures and positive conflict resolution techniques whenever possible. Disciplinary measures that may result in loss of instructional time or cause students to be disengaged from school, such as suspension and expulsion, shall be imposed only when required by law and when other means of correction have failed. (Education Code 48900.5)

Board policies and administrative regulations shall outline acceptable student conduct and provide the basis for sound disciplinary practices.

The administrative staff at each school may develop disciplinary rules to meet the school's particular needs. However, the rules shall be consistent with law, Board policy, and district regulations. The Board may review, at an open meeting, the approved school discipline rules for consistency with Board policy and state law. (Education Code 35291.5)

At all times, the safety of students and staff and the maintenance of an orderly school environment shall be priorities in determining appropriate discipline. When misconduct occurs, staff shall attempt to identify the causes of the student's behavior and implement appropriate discipline. When choosing between different disciplinary strategies, staff shall consider the effect of each option on the student's health and opportunity to learn.

Persistently disruptive students" may be assigned to alternative programs or removed from school in accordance with law, Board policy, and administrative regulation.

Staff shall enforce disciplinary rules fairly, consistently, and in accordance with the district's nondiscrimination policies.

The Superintendent or designee shall provide professional development as necessary to assist staff in developing consistent classroom management skills, implementing effective disciplinary techniques, and establishing cooperative relationships with parents/guardians.

At the beginning of every school year, the Superintendent or designee shall "report to the Board regarding disciplinary strategies used in each school in the immediately preceding school year and their effect on student learning in the school.

### **Corporal Punishment**

Corporal punishment shall not be used as a disciplinary measure against any student. Corporal punishment includes the willful infliction of, or willfully causing the infliction of, physical pain on a student. (Education Code 49001)

However, corporal punishment does not include any pain or discomfort suffered by a student as a result of his/her voluntary participation in an athletic or other recreational competition or activity. In addition, an employee's use of force that is reasonable and necessary to protect himself/herself, students, staff, or other persons, to prevent damage to property, or to obtain possession of weapons or other dangerous objects within the control of the student is not corporal punishment. (Education Code 49001)

### **Legal Reference:**

#### **EDUCATION CODE**

32280-32288 School safety plans

35146 Closed sessions

35291 Rules

35291.5-35291.7 School-adopted discipline rules

37223 Weekend classes

44807.5 Restriction from recess

48900-48926 Suspension and expulsion

48980-48985 Notification ofparent/guardian

49000-49001 Prohibition ofcorporal punishment

49330-49335 Injurious objects

#### **CIVIL CODE**

1714.1 Parental liability for child's misconduct

#### **CODE OF REGULATIONS, TITLE 5**

307 Participation in school activities until departure ofbus

353 Detention after school

### **DISCIPLINE**

#### **Site-Level Rules**

In developing site-level disciplinary rules, the principal or designee shall solicit the participation, views, and advice of one representative selected by each of the following groups: (Education Code 35291.5)

1. Parents/guardians
2. Teachers
3. School administrators
4. School security personnel, if any
5. For junior high schools, students enrolled in the school

Each school shall file a copy of its rules with the Superintendent or designee.

Each school shall review its site-level discipline rules at least every four years.

It shall be the duty of each employee of the school to enforce the school rules on student discipline. (Education Code 35291)

### **Disciplinary Strategies**

To the extent possible, staff shall use disciplinary strategies that keep students in school and participating in the instructional program. Disciplinary strategies may include, but are not limited to:

1. Discussion or conference between school staff and the student and his/her parents/guardians
2. Referral of the student to the school counselor or other school support service personnel for case management and counseling
3. Convening of a study, guidance, resource panel, or other intervention-related team to assess the behavior and develop and implement an individual plan to address the behavior in partnership with the student and his/her parents/guardians
4. When applicable, referral for a comprehensive psychosocial or psycho educational assessment, including for purposes of creating an individualized education program or a Section 504 plan
5. Enrollment in a program for teaching prosocial behavior or anger management
6. Participation in a restorative justice program
7. A positive behavior support approach with tiered interventions that occur during the school day on campus
8. After-school programs that address specific behavioral issues or expose students to positive activities and behaviors, including, but not limited to, those operated in collaboration with local parent and community groups
9. Recess restriction as provided in the section below entitled "Recess Restriction"
10. Detention after school hours as provided in the section below entitled "Detention After School"
11. Community service as provided in the section below entitled "Community Service"
12. In accordance with Board policy and administrative regulation, restriction or disqualification from participation in extracurricular activities
13. Reassignment to an alternative educational environment
14. Suspension and expulsion in accordance with law, Board policy, and administrative Regulation

### **Recess Restriction**

A teacher may restrict a student's recess time only when he/she believes that this action is the most effective way to bring about improved behavior. When recess restriction may involve the withholding of physical activity from a student, the teacher shall try other disciplinary measures before imposing the restriction. Recess restriction shall be subject to the following conditions:

1. The student shall be given adequate time to use the restroom and get a drink: or eat lunch, as appropriate.
2. The student shall remain under a certificated employee's supervision during the period' of restriction.
3. Teachers shall inform the principal of any recess restrictions they impose.

### **Detention After School**

Students may be detained for disciplinary reasons up to one hour after the close of the maximum school day. (5 CCR 353)

If a student will miss his/her school bus on account of being detained after school, or if the student is not transported by school bus, the principal or designee shall notify parents/guardians of the detention at least one day in advance so that alternative transportation arrangements may be made. The student shall not be detained unless the principal or designee notifies the parent/guardian.

In cases where the school bus departs more than one hour after the end of the school day, students may be detained until the bus departs. (5 CCR 307,353)

Students shall remain under the supervision of a certificated employee during the period of detention.

Students may be offered the choice of serving their detention on Friday/Saturday rather than after school.

#### **School Investigations and Authority To Detain Students**

The principal or other district administrator/designee is responsible for conducting investigations to ensure that student actions are in accordance with district Policy and Regulations. In accordance with Education Code 48902, personnel are required to make appropriate referrals to law enforcement agencies when potential criminal misconduct is suspected.

Parents/guardians shall have the opportunity to work with schools in a mutually supportive and respectful partnership to help their children succeed in school (BP 5020(a) and Education Code 51100). As such, school administrators, to the greatest extent possible, shall include parents/guardians in any investigation and/or disciplinary proceeding. When conducting an investigation that may extend after the close of the school day, school administrators shall make every reasonable effort to notify parents.

The district works cooperatively with peace officers to ensure a safe and orderly school environment. Students may be detained after the close of the school day for a reasonable length of time depending on the nature of the investigation as long as the parent/guardian has been notified. In situations where the investigation has been completed and there is no perceived or imminent danger to the student or other students, a student will only be detained after school at the direct request of a peace officer.

Students may be offered the choice of serving their detention on Friday/Saturday rather than after school.

#### **Community Service**

As part of or instead of disciplinary action, the Board, Superintendent, principal, or principal's designee may, at his/her discretion, require a student to perform community service during nonschool hours on school grounds, or, with written permission of the student's parent/guardian, off school grounds. Such service may include, but is not limited to, community or school outdoor beautification, campus betterment, and teacher, peer, or youth assistance programs. (Education Code 48900.6) –

This community service option is not available for a student who has been suspended, pending expulsion, pursuant to Education Code 48915. However, if the recommended expulsion is not implemented or the expulsion itself is suspended, then a student may be required to perform community service for the resulting suspension. (Education Code 48900.6)

#### **Notice to Parents/Guardians and Students**

At the beginning of the school year, the Superintendent or designee shall notify parents/guardians, in writing, about the availability of district rules related to discipline. (Education Code 35291,48980)

The Superintendent or designee shall also provide written notice of the rules related to discipline to transfer students at the time of their enrollment in the district.

Regulation approved: March 21,2013

**EVERGREEN SCHOOL DISTRICT**

San Jose, California

### **Emergencies and Disaster Preparedness Plan**

The Board of Trustees recognizes that all district staff and students must be prepared to respond quickly and responsibly to emergencies, disasters, and threats of disaster.

The Superintendent or designee shall develop and maintain a disaster preparedness plan which details provisions for handling emergencies and disasters and which shall be included in the district's comprehensive school safety plan.

The Superintendent or designee shall also develop and maintain emergency plans for each school site.

In developing the district and school emergency plans, the Superintendent or designee shall collaborate with city and county emergency responders, including local public health administrators.

The Superintendent or designee shall use state-approved Standardized Emergency Management System guidelines and the National Incident Command System when updating district and site-level emergency and disaster preparedness plans.

The Board shall grant the use of school buildings, grounds, and equipment to public agencies, including the American Red Cross, for mass care and welfare shelters during disasters or other emergencies affecting the public health and welfare. The Board shall cooperate with such agencies in furnishing and maintaining whatever services they deem necessary to meet the community's needs.

School employees are considered disaster service workers and are subject to disaster service activities assigned to them.

**Legal Reference:**

**EDUCATION CODE**

32001 Fire alarms and drills

32049 Duty to equip school with first aid kit

32280-32289 School safety plans

32290 Safety devices

39834 Operating overloaded bus

46390-46392 Emergency average daily attendance in case of disaster

49505 Natural disaster; meals for homeless students; reimbursement

**GOVERNMENT CODE**

3100 Public employees as disaster service workers

8607 Standardized emergency management system

**CODE OF REGULATIONS, TITLE 5**

550 Fire drills

560 Civil defense and disaster preparedness plans

**CODE OF REGULATIONS, TITLE 19**

2400-2450 Standardized emergency management system

**UNITED STATES CODE, TITLE 42**

12101-12213 Americans with Disabilities Act

**Components of the Plan**

The Superintendent or designee shall ensure that district and school site plans address, at a minimum, the following types of emergencies and disasters:

1. Fire on or off school grounds which endangers students and staff
2. Earthquake or other natural disasters
3. Environmental hazards
4. Attack or disturbance, or threat of attack or disturbance, by an individual or group
5. Bomb threat or actual detonation
6. Biological, radiological, chemical, and other activities, or heightened warning of such activities
7. Medical emergencies and quarantines, such as a pandemic influenza outbreak

The Superintendent or designee shall ensure that the district's procedures include strategies and actions for prevention/mitigation, preparedness, response, and recovery, including, but not limited to, the following:

1. Regular inspection of school facilities and equipment and identification of risks
2. Instruction and practice for students and employees regarding emergency plans, including:
  - a. Training of staff in first aid and cardiopulmonary resuscitation
  - b. Regular practice of emergency procedures by students and staff
3. Specific determination of roles and responsibilities of staff during a disaster or other emergency, including determination of:
  - a. The appropriate chain of command at the district and, if communication between the district and site is not possible, at each site
  - b. Individuals responsible for specific duties
  - c. Designation of the principal or designee for the overall control and supervision of activities at each school during the emergency, including authorization to use his/her discretion in situations which do not permit execution of prearranged plans
  - d. Identification of at least one person at each site who holds a valid certificate in first aid and cardiopulmonary resuscitation
  - e. Assignment of responsibility for identification of injured persons and administration of first aid

4. Personal safety and security, including:
  - a. Identification of areas of responsibility for supervision of students
  - b. Procedures for evacuation of students and staff, including posting. Of evacuation routes
  - c. Procedures for release of students, including a procedure to release students when reference to the emergency card is not feasible
  - d. Identification of transportation needs, including a plan which allows bus seating capacity limits to be exceeded when a disaster or hazard requires students to be moved immediately to ensure their safety
  - e. Provision of a first aid kit to each classroom
  - f. Arrangements for students and staff with special needs
  - g. Upon notification that a pandemic situation exists, adjustment of attendance policies for students and sick leave policies for staff with known or suspected pandemic influenza or other infectious disease
5. Closure of schools, including an analysis of:
  - a. The impact on student learning and methods to ensure continuity of instruction
  - b. How to provide for continuity of operations for essential central office functions, such as payroll and ongoing communication with students and parents/guardians
6. Communication among staff, parents/guardians, the Board of Trustees, other governmental agencies, and the media during an emergency, including:
  - a. Identification of spokesperson(s)
  - b. Development and testing of communication platforms, such as hotlines, telephone trees, and web sites
  - c. Development of methods to ensure that communications are, to the extent practicable, in a language and format that is easy for parents/guardians to understand
  - d. Distribution of information about district and school site emergency procedures to staff, students, and parents/guardians
7. Cooperation with other state and local agencies, including:
  - a. Development of guidelines for law enforcement involvement and intervention
  - b. Collaboration with the local health department, including development of a tracking system to alert the local health department to a substantial increase of student or staff absenteeism as indicative of a potential outbreak of an infectious disease
8. Steps to be taken after the disaster or emergency, including:
  - a. Inspection of school facilities
  - b. Provision of mental health services for students and staff, as needed

### **Fire Drills and Fires**

#### **Fire Drills**

The principal shall cause the fire alarm signal to be sounded at least once every month.

The principal shall also hold fire drills at least once a month at the elementary level, four times every school year at the intermediate level, and not less than twice every school year at the secondary level.

1. The principal shall notify staff as to the schedule for fire drills.
2. Whenever a fire drill is held, all students, teachers and other employees shall be directed to leave the building.
3. Teachers shall ascertain that no student remains in the building.
4. Teachers shall be prepared to select alternate exits and shall direct their classes to these exits whenever the designated escape route is blocked.
5. The principal or designee shall keep a record of each fire drill conducted and file a copy of this record with the office of the Superintendent or designee.

#### **Fires**

When a fire is discovered in any part of the school, the following actions shall be taken:

1. The principal or designee shall sound fire signals, unless the school and/or building is equipped with an automatic fire detection and alarm system.
2. The principal or designee shall call 911.
3. All persons shall be directed to leave the building and shall proceed outside to designated assembly areas.
4. Staff shall give students clear direction and supervision and help maintain a calm and orderly response.
5. In outside assembly areas, teachers shall take roll, report missing students, and provide assistance to any injured students.

6. In outside assembly areas, the principal, designee and/or each department head shall account for their staff, report missing staff, and provide assistance to any injured staff.
7. If the fire is extensive, students shall be taken to an alternate location for protective custody until parents/guardians can pick them up or until they can be safely transported to their homes.

**Legal Reference:**

**EDUCATION CODE**

17074.50-17074.56 Automatic fire detection, alarm and sprinkler systems

32001 Uniform fire signals

32040 Duty to equip school with first aid kit

**CODE OF REGULATIONS, TITLE 5**

550 Fire drills

Regulation approved: March 21, 2013

**EVERGREEN SCHOOL DISTRICT**

San Jose, California

**Bomb Threats**

To maintain a safe and secure environment for district students and staff, the Superintendent or designee shall ensure that the district's emergency and disaster preparedness plan and/or each school's comprehensive safety plan includes procedures for dealing with bomb threats. He/she also shall provide training regarding the procedures to site administrators, safety personnel, and staff members who customarily handle mail, telephone calls, or email.

**Receiving Threats**

Any staff member receiving a telephoned bomb threat shall try to keep the caller on the line in order to gather information about the location and timing of the bomb and the person(s) responsible. To the extent possible, the staff member should also take note of the caller's gender, age, any distinctive features of voice or speech, and any background noises such as music, traffic, machinery, or voices.

If the bomb threat is received through the mail system or in writing, the staff member who receives it should handle the letter, note, or package as minimally as possible. If the threat is received through electronic means, such as email or text messaging, the staff member should not delete the message.

**Response Procedure**

The following procedure shall be followed when a bomb threat is received:

1. Any employee who receives a bomb threat shall immediately call 911 and also report the threat to the Superintendent or designee. If the threat is in writing, the employee shall place the message in an envelope and take note of where and by whom it was found.
2. Any student or employee who sees a suspicious package shall promptly notify the Superintendent or designee.
3. The Superintendent or designee shall immediately use fire drill signals and initiate standard evacuation procedures as specified in the emergency plan.
4. The Superintendent or designee shall turn off any two-way radio equipment which is located in a threatened building.

Law enforcement and/or fire department staff shall conduct the bomb search. No school staff shall search for or handle any explosive or incendiary device.

No one shall reenter the threatened building(s) until the Superintendent or designee declares that reentry is safe based on law enforcement and/or fire department clearance.

To the extent possible, the Superintendent or designee shall maintain communications with staff, parents/guardians, the Board of Trustees, other governmental agencies, and the media during the period of the incident.

Following the incident, the Superintendent or designee shall provide crisis counseling for students and/or staff as needed.

Any employee or student found to have made a bomb threat shall be subject to disciplinary procedures and/or criminal prosecution.

**Legal Reference:**

**EDUCATION CODE**

44810 Willful interference with classroom conduct

48900 Grounds for suspension or expulsion

51202 Instruction in personal and public health and safety

**PENAL CODE**

17 Felony, misdemeanor, classification of offenses

148.1 False report of explosive or facsimile bomb

245 Assault with deadly weapon or force likely to produce great bodily injury; punishment

594 Vandalism; penalty

**Earthquake Emergency Procedure System**

**Earthquake Preparedness**

Earthquake emergency procedures shall be established in every school building having an occupant capacity of 50 or more students, or more than one classroom, and shall be incorporated into the comprehensive safety plan. .

Earthquake emergency procedures shall be aligned with the Standardized Emergency Management System and the National Incident Management System.

The Superintendent or designee may work with the California Emergency Management Agency and the Seismic Safety Commission to develop and establish the earthquake emergency procedures.

Earthquake emergency procedures shall outline the roles and responsibilities of students and staff during and after an earthquake.

Earthquake emergency procedures shall include, but not be limited to, all of the following:

1. A school building disaster plan, ready for implementation at any time, for maintaining the safety and care of students and staff
2. A drop procedure whereby each student and staff member takes cover under a table or desk; dropping to his/her knees, with the head protected by the arms and the back to the windows

Drop procedures shall be practiced at least once each school quarter in elementary schools and at least once each semester in secondary schools.

3. Protective measures to be taken before, during, and following an earthquake
4. A program to ensure that students and staff are aware of and properly trained in the earthquake emergency procedure system

Staff and students shall be informed of the dangers to expect in an earthquake and procedures to be followed. Students shall be instructed to remain silent and follow directions given by staff in such an emergency. Staff and students also shall be taught safety precautions to take if they are in the open or on the way to or from school when an earthquake occurs.

Earthquake emergency procedures shall designate primary and alternative locations outside of buildings, which may include areas off campus if necessary, where individuals on a school site will assemble following evacuation. In designating such areas, the Superintendent or designee shall consider potential post-earthquake hazards outside school buildings including, but not limited to, power lines, trees, covered walkways, chain link fences that may be an electric shock hazard, and areas near buildings that may have debris.

Earthquake emergency procedures also shall outline primary and alternative evacuation routes that avoid areas with potential hazards to the extent possible. The needs of students with disabilities shall be considered when planning evacuation routes.

The Superintendent or designee shall identify at least one individual within each building to determine if an evacuation is necessary, the best evacuation location, and the best route to that location when an earthquake occurs.

The Superintendent or designee shall identify potential earthquake hazards in classrooms and other district facilities, including, but not limited to, areas where the main gas supply or electric current enters the building, suspended ceilings, pendant light fixtures, large windows, stairwells, science laboratories, storage areas for hazardous materials, shop areas, and unsecured furniture and equipment. To the extent possible, dangers presented by such potential hazards shall be minimized by securing equipment and furnishings and removing heavy objects from high shelves.

### **Earthquake While Indoors at School**

When an earthquake occurs, the following actions shall be taken inside buildings and classrooms:

1. Staff shall have students perform the drop procedure. Students should stay in the drop position until the emergency is over or until further instructions are given.
2. In laboratories, burners should be extinguished, if possible, before taking cover.
3. As soon as possible, staff shall move students away from windows, shelves, and heavy objects or furniture that may fall.
4. After the earthquake, the principal or designee shall determine whether planned evacuation routes and assembly locations are safe and shall communicate with teachers and other staff.
5. When directed by the principal or designee to evacuate, or if classrooms or other facilities present dangerous hazards that require immediate evacuation, staff shall account for all students under their supervision and shall evacuate the building in an orderly manner.

### **Earthquake While Outdoors on School Grounds**

When an earthquake occurs, the following actions shall be taken by staff or other persons in authority who are outdoors on school grounds:

1. Staff shall direct students to walk away from buildings, trees, overhead power lines, power poles, or exposed wires.
2. Staff shall have students perform the drop procedure.
3. Staff shall have students stay in the open until the earthquake is over or until further directions are given.

### **Earthquake While on the Bus**

If students are on the school bus when an earthquake occurs, the bus driver shall take proper precautions to ensure student safety, which may include pulling over to the side of the road or driving to a location away from outside hazards, if possible. Following the earthquake, the driver shall contact the Superintendent or designee for instructions before proceeding on the route or, if such contact is not possible, drive to an evacuation or assembly location.

### **Subsequent Emergency Procedures**

After an earthquake episode has subsided, the following actions shall be taken:

1. Staff shall extinguish small fires if safe.
2. Staff shall provide first aid to any injured students, take roll, and report missing students to the principal or designee.
3. Staff and students shall refrain from lighting any stoves or burners or operating any electrical switches until the area is declared safe.
4. All buildings shall be inspected for water and gas leaks, electrical breakages, and large cracks or earth slippage affecting buildings.
5. The principal or designee shall post staff at safe distances from all building entrances and instruct staff and students to remain outside the buildings until they are declared safe.
6. The principal or designee shall request assistance as needed from the county or city civil defense office, fire and police departments, city and county building inspectors, and utility companies and shall confer with them regarding the advisability of closing the school.
7. The principal or designee shall contact the Superintendent or designee and request further instructions after assessing the earthquake damage.
8. The Superintendent or designee shall provide updates to parents/guardians of district students and members of the community about the incident, any safety issues, and follow-up directions.

### **Legal Reference: EDUCATION CODE**

32280-32289 School safety plans

**GOVERNMENT CODE**

3100 Public employees as disaster service workers

8607 Standardized Emergency Management System

**CODE OF REGULATIONS. TITLE 19**

2400-2450 Standardized Emergency Management System

Regulation approved: March 21, 2013

**EVERGREEN SCHOOL DISTRICT**

San Jose, California

**Emergency Schedules**

In order to provide for the safety of students and staff, the Board of Trustees authorizes the Superintendent or designee to close a school site, change the regular school day schedule, or take any necessary action when hazardous environmental or weather conditions or other emergencies warrant.

When an emergency condition causes a school closure, reduction in attendance, or change in schedule pursuant to Education Code 41422 or 46392, thereby preventing the district from complying with the minimum number of instructional days or minutes required by law, the Superintendent or designee shall complete and submit to the Superintendent of Public Instruction the necessary forms for obtaining approval of the days of the closure, reduction in attendance, or change in schedule. The Superintendent or designee shall submit other relevant district records as may be required.

The Superintendent or designee shall establish a system for informing students and parents/guardians when school buses are not operating as scheduled, the school day schedule is changed, or the school is closed. The district's notification system shall include, but is not limited to, notifying local television and radio stations, posting on district web site(s), sending email and text messages, and/or making telephone calls.

Whenever the school day schedule changes after students have arrived at school, the Superintendent or designee shall ensure that students are supervised in accordance with the procedures specified in the district's emergency and disaster preparedness plan.

The Superintendent or designee may provide a means to make up lost instructional time later during the year. Students and parents/guardians shall receive timely advanced notice of any resulting changes in the school calendar or school day schedule.

**Legal Reference:**

**EDUCATION CODE**

41420 Required length of school term

41422 Schools not maintained for 175 days

46010 Total days of attendance

46100-46192 Attendance; maximum credit; minimum day

46390 Calculation of ADA in emergency

46391 Lost or destroyed ADA records

46392 Decreased attendance in emergency situation

**VEHICLE CODE**

34501.6 School buses; reduced visibility

Policy adopted: March 21, 2013

**EVERGREEN SCHOOL DISTRICT**

San Jose, California

**Employee Security**

The Board of Trustees desires to provide a safe and orderly work environment for all employees. As part of the district's comprehensive safety plan, the Superintendent or designee shall develop strategies for protecting employees from potentially dangerous persons and situations and for providing them with necessary assistance and support when emergency situations occur.

Any employee against whom violence or any threat of violence has been directed in the workplace shall notify the Superintendent or designee immediately. The Superintendent or designee shall initiate legal and security measures to protect the employee and others in the workplace. In addition, the Superintendent or designee may initiate legal proceedings against any individual to recover damages for injury caused by the willful misconduct of that individual to the person or property of an employee or another person on district premises.

The Superintendent or designee shall ensure that employees are trained in crisis prevention and intervention techniques in order to protect themselves and students. Staff development may include training in classroom management, effective communication techniques, and crisis resolution.

An employee may use reasonable force as is necessary to protect himself/herself from attack, to protect another person or property, to quell a disturbance threatening physical injury to others, or to obtain possession of weapons or other dangerous objects upon the person or within control of a pupil.

The Superintendent or designee also shall ensure that employees are informed, in accordance with law, of crimes and offenses committed by students who may pose a danger in the classroom.

The Superintendent or designee may make available at appropriate locations, including, but not limited to, district and school offices, gyms, and classrooms, communication devices that would enable two-way communication with law enforcement and others when emergencies occur.

**Legal Reference:**

**EDUCATION CODE**

32210-32212 Willful disturbance, public schools or meetings

32225-32226 Communication devices

35208 Liability insurance

35213 Reimbursement for loss, destruction or damage of school property

44014 Report of assault by pupil against school employee

44807 Duty concerning conduct of students

48201 Transfer of student records

48900-48926 Suspension or expulsion

49079 Notification to teacher; student who has engaged in acts re: grounds suspension or expulsion

49330-49335 Injurious objects

**CIVIL CODE**

51.7 Freedom from violence or intimidation

**CODE OF CIVIL PROCEDURE**

527.8 Workplace violence safety

**GOVERNMENT CODE**

995-996.4 Defense of public employees

3543.2 Scope of representation

**PENAL CODE**

71 Threatening public officers and employees and school officials

240-246.3 Assault and battery, including:

241.3 Assault against school bus drivers

241.6 Assault on school employee includes board member

243.3 Battery against school bus drivers

243.6 Battery against school employee includes board member

245.5 Assault with deadly weapon; school employee includes board member

290 Registration of sex offenders

601 Trespass by person making credible threat

626-626.11 School crimes

646.9 Stalking  
12403.7 Weapons approved for self defense  
WELFARE AND INSTITUTIONS CODE  
827 Juvenile court proceedings; reports; confidentiality  
828.1 District police or security department, disclosure of juvenile records

#### **COURT DECISIONS**

City of San Jose v. William Garbett, (2010) 190 Cal. App. 4th 526

Policy adopted: March 21, 2013

#### **EVERGREEN SCHOOL DISTRICT**

San Jose, California

### **Hate-Motivated Behavior**

In order to create a safe learning environment for all students, the Board of Trustees desires to protect the right of every student to be free from hate-motivated behavior and will promote harmonious relationships among students so as to enable them to gain a true understanding of the civil rights and social responsibilities of people in society. The district prohibits discriminatory behavior or statements that degrade an individual on the basis of his/her actual or perceived race, ethnicity, culture, heritage, gender, sex, sexual orientation, physical/mental attributes, or religious beliefs or practices.

The Superintendent or designee shall collaborate with regional programs and community organizations to promote safe environments for youth. These efforts shall be focused on providing an efficient use of district and community resources.

The district shall provide age-appropriate instruction to help promote an understanding of and respect for human rights, diversity, and tolerance in a multicultural society and to provide strategies to manage conflicts constructively.

The Superintendent or designee shall ensure that staff receive training on recognizing hate motivated behavior and on strategies to help respond appropriately to such behavior.

#### **Grievance Procedures**

Any student who believes he/she is a victim of hate-motivated behavior shall immediately contact the Principal. Upon receiving such a complaint, the Principal shall immediately investigate the complaint in accordance with school-level complaint process/grievance procedures as described in AR 5145.7 - Sexual Harassment. A student who has been found to have demonstrated hate-motivated behavior shall be subject to discipline in accordance with law, Board policy, and administrative regulation.

Staff who receive notice of hate-motivated behavior or personally observe such behavior shall notify the Principal, Superintendent or designee, and/or law enforcement, as appropriate.

As necessary, the district shall provide counseling, guidance, and support to students who are victims of hate-motivated behavior and to students who exhibit such behavior.

#### **Legal Reference:**

##### **EDUCATION CODE**

200-262.4 Prohibition of discrimination  
32282 School safety plans  
48900.3 Suspension for hate violence  
48900.4 Suspension or expulsion for threats or harassment

##### **PENAL CODE**

422.55 Definition of hate crime  
422.6 Crimes, harassment

##### **CODE OF REGULATIONS, TITLE 5**

4600-4687 Uniform Complaint Procedures  
4900-4965 Nondiscrimination in elementary and secondary education programs

Policy adopted: March 21, 2013

## **EVERGREEN SCHOOL DISTRICT**

San Jose, California

### **HIV/Aids Prevention Instruction**

The Board of Trustees recognizes that accurate information about family life and human sexuality may contribute to a decreased risk for sexually transmitted diseases or unintended pregnancies. The Board also recognizes that Human Immunodeficiency Virus (RN) and Acquired Immune Deficiency Syndrome (AIDS) pose a public health crisis and that education is a necessary component for helping to slow the spread of this disease. The Board therefore desires to provide a well-planned sequence of instruction on comprehensive sexual health and mv/AIDS prevention.

The district's curriculum shall be based on medically accurate and factual information and shall help students understand the biological, psychological and social aspects of human sexuality. The district's program shall comply with the requirements of law and administrative regulation and shall respect the rights of parents/guardians to supervise their children's education on these subjects and parents/guardians to impart values regarding human sexuality to their children.

#### **Parent/Guardian Notification and Excuse**

At the beginning of each school year, or at the time of a student's enrollment, parents/guardians shall be notified about instruction in comprehensive sexual health education and liN/AIDS prevention education, as well as research on student health behaviors and risks, planned for the coming year. The notice shall advise parents/guardian: (Education Code 48980,51938)

1. That written and audiovisual educational materials to be used in comprehensive sexual health and liN/AIDS prevention education are available for inspection.
2. That parents/guardians may request in writing that their child not receive comprehensive sexual health or HIV/AIDS prevention education.
3. That parents/guardians have a right to request a copy of Education Code 51930-51938.
4. Whether the comprehensive sexual health or mV/AIDS prevention education will be taught by district personnel or outside consultants.

If the district chooses to use outside consultants or to hold an assembly with guest speakers to teach the comprehensive sexual health or HIV/AIDS prevention education, the notification shall include: (Education Code 51938)

1. The date of the instruction.
2. The name of the organization or affiliation of each guest speaker.
3. Information stating the right of the parent/guardian to request a copy of Education Code 51933-51934.

If the arrangements for instruction by outside consultants or guest speakers are made after the beginning of the school year, the district shall notify parents/guardians by mail or another commonly used method of notification no fewer than 14 days before the instruction is given. (Education Code 51938)

Upon written request, a parent/guardian may excuse his/her child from participating in comprehensive sexual health or HIV/AIDS prevention education or from participating in questionnaires or surveys regarding health behaviors and risks. Students so excused by their parents/guardians shall be given an alternative educational activity. (Education Code 51240, 51939)

A student shall not be subject to disciplinary action, academic penalty, or other sanction if the student's parent/guardian declines to permit the student to receive the instruction. (Education Code 51939)

#### **Legal Reference:**

##### **EDUCATION CODE**

220 Prohibition of discrimination

48980 Notice at beginning of term

51202 Instruction in personal and public health and safety

51210.8 Health education curriculum

51240 Excuse from instruction due to religious beliefs

51513 Materials containing questions about beliefs or practices

51930-51939 Comprehensive Sexual Health and HIV/AIDS Prevention Education Act

##### **HEALTH AND SAFETY CODE**

Comprehensive School Safety Plan

1255.7 Parents surrendering physical custody of a baby

**PENAL CODE**

243.4 Sexual battery

261.5 Unlawful sexual intercourse

271.5 Parents voluntarily surrendering custody of a baby

**UNITED STATES CODE, TITLE 20**

1232h Protection of student rights

7906 Sex education

**Instruction and Materials**

The Superintendent or designee shall ensure that the district's sexual health and HIV/AIDS prevention instruction and materials are: (Education Code 51933, 51934):

1. Age appropriate  
Age appropriate refers to topics, messages, and teaching methods suitable to particular ages or age groups of children and adolescents, based on developing cognitive, emotional, and behavioral capacity typical for the age or age group.
2. Factually and medically accurate and objective  
Medically accurate means verified or supported by research conducted in compliance with scientific methods and published in peer-reviewed journals, where appropriate, and recognized as accurate and objective by professional organizations and agencies with expertise in the relevant field, such as the federal Centers for Disease Control and Prevention, the American Public Health Association, the American Academy of Pediatrics, and the American College of Obstetricians and Gynecologists.
3. Available on an equal basis to a student who is an English learner, consistent with the existing curriculum and alternative options for an English learner, as otherwise provided in the Education Code
4. Appropriate for use with students of all races, genders, sexual orientations, and ethnic and cultural backgrounds, and students with disabilities
5. Accessible to students with disabilities, including, but not limited to, the provision of a modified curriculum, materials, and instruction in alternative formats and auxiliary aids
6. Not teaching or promoting religious doctrine
7. Not reflecting bias or promoting prejudice against students in protected categories of discrimination pursuant to Education Code 220

Other district courses that may include subject matter related to that which is presented in either HIV/AIDS prevention or comprehensive sexual health instruction, shall not be subject to the requirements of Education Code 51930-51939 pertaining to instructional content, teacher training, and parental notification and consent, if such courses contain: (Education Code 51932)

1. Solely a description or illustration of human reproductive organs that may appear in a textbook adopted pursuant to law on physiology, biology, zoology, general science, personal hygiene, or health
2. Instruction or materials that discuss gender, sexual orientation, or family life and do not discuss human reproductive organs and their function

**Additional Requirements for HIV/AIDS Prevention Instruction**

HIV/AIDS prevention instruction shall be offered at least once in junior high or middle school and once in high school. (Education Code 51934)

Instruction shall accurately reflect the latest information and recommendations from the United States Surgeon General, the federal Centers for Disease Control and Prevention, and the National Academy of Sciences. The district's curriculum shall satisfy the criteria listed in items #1-7 in the section entitled "Instruction and Materials" above and shall also include: (Education Code 51931, 51934)

1. Information on the nature of HIV/AIDS and its effects on the human body
2. Information on the manner in which HIV is and is not transmitted, including information on activities that present the highest risk of HIV infection
3. Discussion of methods to reduce the risk of HIV infection, including:
  - a. Emphasis that sexual abstinence, monogamy, the avoidance of multiple sexual partners, and abstinence from intravenous drug use are the most effective means for HIV/AIDS prevention
  - b. Statistics based upon the latest medical information citing the failure and success rates of condoms and other contraceptives in preventing sexually transmitted HIV infection

- c. Information on other methods that may reduce the risk of HIV transmission from intravenous drug use
4. Discussion of the public health issues associated with HIV/AIDS
5. Information on local resources for HIV testing and medical care
6. Development of refusal skills to assist students in overcoming peer pressure and using effective decision-making skills to avoid high-risk activities
7. Discussion about societal views on HIV/AIDS, including stereotypes and myths regarding persons with HIV/AIDS and emphasizing compassion for persons living with HIV/AIDS

#### **Additional Requirements for Sexual Health Instruction**

The district's sexual health education curriculum shall satisfy the criteria listed in items #1-7 in the section entitled "Instruction and Materials" above as well as the following criteria: (Education Code 51931, 51933)

1. Instruction and materials shall encourage a student to communicate with his/her parents/guardians about human sexuality.
2. Instruction and materials shall teach respect for marriage and committed relationships.
3. Beginning in grade 7, instruction and materials shall teach that abstinence from sexual intercourse is the only certain way to prevent unintended pregnancy, teach that abstinence from sexual activity is the only certain way to prevent sexually transmitted diseases, and provide information about the value of abstinence while also providing medically accurate information on other methods of preventing pregnancy and sexually transmitted diseases.
4. Beginning in grade 7, instruction and materials shall provide information about sexually transmitted diseases. This instruction shall include how sexually transmitted diseases are and are not transmitted, the effectiveness and safety of all federal Food and Drug Administration (FDA) approved methods of reducing the risk of contracting sexually transmitted diseases, and information on local resources for testing and medical care for sexually transmitted diseases.
5. Beginning in grade 7, instruction and materials shall provide information about the effectiveness and safety of all FDA-approved contraceptive methods in preventing pregnancy, including, but not limited to, emergency contraception.
6. Beginning in grade 7, instruction and materials shall provide students with skills for making and implementing responsible decisions about sexual conduct.
7. Beginning in grade 7, instruction and materials shall provide students with information on the law concerning surrendering physical custody of a minor child 72 hours or younger, pursuant to Health and Safety Code 1255.7 and Penal Code 271.5.

#### **Professional Development**

The district's instruction shall be provided by instructors trained in the appropriate courses who are knowledgeable of the most recent medically accurate research on human sexuality, pregnancy, and sexually transmitted diseases. (Education Code 51932, 51933, 51934)

The Superintendent or designee shall cooperatively plan and conduct in-service training for all district personnel who provide HIV/AIDS prevention education, through regional planning, joint powers agreements, or contract services. (Education Code 51935)

In developing and providing in-service training, the Superintendent or designee shall cooperate and collaborate with the teachers who provide HIV/AIDS prevention education and with the California Department of Education (CDE). (Education Code 51935)

The district shall periodically conduct in-service training to enable district personnel to learn new developments in the scientific understanding of HIV/AIDS. In-service training shall be voluntary for district personnel who have demonstrated expertise or received in-service training from the CDE or federal Centers for Disease Control and Prevention. (Education Code 51935)

The Superintendent or designee may expand HIV/AIDS in-service training to cover the topic of comprehensive sexual health education for district personnel teaching sexual health education to learn new developments in the scientific understanding of sexual health. (Education Code 51935)

#### **Use of Consultants or Guest Speakers**

The Superintendent or designee may contract with outside consultants with expertise in comprehensive sexual health or HIV/AIDS prevention education, including those who have developed multilingual curricula or curricula accessible to persons with disabilities, to deliver the instruction or to provide training for district personnel. The Superintendent or designee shall ensure that any instruction provided by an outside speaker or consultant complies with Board policy, administrative regulation, and Education Code 51930-51939. (Education Code 51933, 51934, 51936)

#### **Parent/Guardian Notification**

At the beginning of each school year, or at the time of a student's enrollment, parents/guardians shall be notified about instruction in comprehensive sexual health education and HIV/AIDS prevention education, as well as research on student health behaviors and risks, planned for the coming year. The notice shall advise parents/guardians: (Education Code 48980,51938)

1. That written and audiovisual educational materials to be used in comprehensive sexual health and HIV/AIDS prevention education are available for inspection
2. That parents/guardians may request in writing that their child not receive comprehensive sexual health or HIV/AIDS prevention education
3. That parents/guardians have a right to request a copy of Education Code 51930-51939
4. Whether the comprehensive sexual health or HIV/AIDS prevention education will be taught by district personnel or outside consultants

If the district chooses to use outside consultants or to hold an assembly with guest speakers to teach the comprehensive sexual health or HIV/AIDS prevention education; the notification shall include: (Education Code 51938)

- a. The date of the instruction
- b. The name of the organization or affiliation of each guest speaker
- c. Information stating the right of the parent/guardian to request a copy of Education Code 51933-51934

If the arrangements for instruction by outside consultants or guest speakers are made after the beginning of the school year, the district shall notify parents/guardians by mail or another commonly used method of notification no fewer than 14 days before the instruction is given. (Education Code 51938)

Parents/guardians shall be asked to sign and return to the school an acknowledgment that they have received the notification. If a parent/guardian wishes to excuse his/her child from instruction, he/she must provide a separate written request, as specified in Board policy.

Regulation adopted: March 21,2013

**EVERGREEN SCHOOL DISTRICT**

San Jose, California

### **Married/Pregnant/Parenting Students**

**Cautionary Notice:** As added and amended by SBX3 4 (Ch. 12, Third Extraordinary Session, Statutes of 2009), ABX4 2 (Ch. 2, Fourth Extraordinary Session, Statutes of 2009), and SB 70 (Ch. 7, Statutes of 2011), Education Code 42605 grants districts flexibility in "Tier 3" categorical programs. The Evergreen School District has accepted this flexibility and thus is deemed in compliance with the statutory or regulatory program and funding requirements for these programs for the 2008-09 through 2014-15 fiscal years. As a result, the district may temporarily suspend certain provisions of the following policy or regulation that reflect these requirements. For further information, please contact the Superintendent or designee.

The Board of Trustees recognizes that early marriage, pregnancy or parenting may disrupt a student's education and increase the chance of a student dropping out of school. The Board therefore desires to provide instruction and services designed to assist in pregnancy prevention. The Board also desires to support male and female expectant and parenting students to attain strong academic and parenting skills and to promote the healthy development of their children.

Married, expectant and parenting students shall have the same educational and extracurricular opportunities as all students. Participation in special programs or schools shall be voluntary.

For school-related purposes, married students under the age of 18 are emancipated minors and have all the rights and privileges of students who are 18, even if the marriage has been dissolved.

### **Expectant and Parenting Students**

The Board is committed to providing to expectant and parenting students and their children a comprehensive, continuous, community-linked program that reflects the cultural and linguistic diversity of the community.

The Superintendent or designee shall collaborate with the County Superintendent of Schools and other community agencies and organizations to ensure that appropriate educational and related support services are available to meet the needs of expectant and parenting students their children.

Expectant and parenting students retain the right to participate in any comprehensive school or educational alternative programs. School placement and instructional strategies for participating students shall be based on the needs and learning styles of individual students. The classroom setting shall be the preferred instructional strategy unless an alternative is necessary to meet the needs of the individual student and/or child.

In addition to providing a quality education program for expectant and parenting students, the district's program shall provide parenting education and life skills instruction, special school nutrition supplements for pregnant and lactating students, and a child care and development program on or near the school site for the children of enrolled students. The district's program may provide other support services authorized by Education Code 54746 as necessary to meet the needs of students and their children.

**Legal Reference:**

**EDUCATION CODE**

2551.3 Determination of state aid for pregnant minors program  
17293 School facilities for pregnant/parenting teen programs  
48220 Compulsory education requirement  
48410 Persons exempted from continuation classes  
49553 Nutrition supplements for pregnant/lactating students  
49558 Confidentiality of applications and records for free or reduced price meals  
51220.5 Parenting skills and education  
51745 Independent study  
52610.5 Enrollment of pregnant and parenting students in adult education  
54740-54749.5 California School Age Families Education Program (Cal-SAFE)

**FAMILY CODE**

7002 Description of emancipated minor  
7050 Purposes for which emancipated minor considered an adult

**HEALTH AND SAFETY CODE**

124175-124200 Adolescent and Family Life Act  
UNITED STATES CODE, TITLE 20  
1681-1688 Title IX, Education Act Amendments

**CODE OF FEDERAL REGULATIONS, TITLE 34**

106.40 Marital or parental status

The Superintendent or designee may grant a student a leave of absence due to pregnancy, childbirth or abortion for as long as it is deemed medically necessary. At the conclusion of the leave, the student shall be reinstated to the status she held when the leave began.

A pregnant or parenting student also may request exemption from attendance because of a physical or mental condition or because of personal services that must be rendered to a dependent. (Education Code 48410)

Regulation approved: March 21, 2013

**EVERGREEN SCHOOL DISTRICT**

San Jose, California

**Nondiscrimination/Harassment**

The Board of Trustees desires to provide a safe school environment that allows all students equal access and opportunities in the district's academic and other educational support programs, services, and activities. The Board 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.

The Board also prohibits any form of retaliation against any student who files a complaint or report regarding an incident of discrimination, harassment, intimidation, or bullying.

The Superintendent or designee may provide age-appropriate training and information to students, parents/guardians, and employees regarding discrimination, harassment, intimidation, and bullying, including, but not limited to, the district's nondiscrimination policy, what constitutes prohibited behavior, how to report incidents, and to whom such reports should be made.

In providing instruction, guidance, supervision, or other services to district students, employees and volunteers shall carefully guard against segregating or stereotyping students.

The principal or designee shall develop a plan to provide students with appropriate accommodations when necessary for their protection from threatened or potentially harassing or discriminatory behavior.

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

#### **Grievance Procedures**

The following position is designated Coordinator for Nondiscrimination to handle complaints regarding discrimination, harassment, intimidation, or bullying, and to answer inquiries regarding the district's nondiscrimination policies:

Director, Educational Services  
3188 Quimby Road  
San Jose, CA 95148  
(408) 270-6800

Any student who feels that he/she has been subjected to discrimination, harassment, intimidation, or bullying should immediately contact the Coordinator, the principal, or any other staff member. In addition, any student who observes any such incident should report the incident to the Coordinator or principal, whether or not the victim files a complaint.

Any school employee who observes an incident of discrimination, harassment, intimidation, or bullying shall report the incident to the Coordinator or principal, whether or not the victim files a complaint.

In addition, the employee shall immediately intervene when safe to do so. (Education Code 234.1)

Upon receiving a complaint of discrimination, harassment, intimidation, or bullying, the Coordinator shall immediately investigate the complaint in accordance with the site-level grievance procedures specified in AR 5145.7 - Sexual Harassment.

Within 30 days of receiving the district's report, the complainant may appeal to the Board if he/she disagrees with the resolution of the complaint. The Board shall make a decision at its next regular meeting and its decision shall be [mal.

The district's policy shall also be posted on the district web site or any other location that is easily accessible to students.

When required pursuant to Education Code 48985, complaint forms shall be translated into the student's primary language.

#### **Legal Reference: EDUCATION CODE**

200-262.4 Prohibition of discrimination  
48900.3 Suspension or expulsion for act of hate violence  
48900.4 Suspension or expulsion for threats or harassment  
48904 Liability of parent/guardian for willful student misconduct  
48907 Student exercise of free expression  
48950 Freedom of speech  
48985 Translation of notices  
49020-49023 Athletic programs  
51500 Prohibited instruction or activity  
51501 Prohibited means of instruction  
60044 Prohibited instructional materials

#### **CIVIL CODE**

1714.1 Liability of parents/guardians for willful misconduct of minor

#### **PENAL CODE**

422.55 Definition of hate crime

422.6 Crimes, harassment

#### **CODE OF REGULATIONS, TITLE 5**

4600-4687 Uniform Complaint Procedures

4900-4965 Nondiscrimination in elementary and secondary education programs

#### **UNITED STATES CODE, TITLE 20**

1681-1688 Title IX of the Education Amendments of 1972

#### **UNITED STATES CODE, TITLE 42**

2000d-2000e-17 Title VI and Title VII Civil Rights Act of 1964, as amended

2000h-2-2000h-6 Title IX of the Civil Rights Act of 1964

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

100.3 Prohibition of discrimination on basis of race, color or national origin

104.7 Designation of responsible employee for Section 504

106.8 Designation of responsible employee for Title IX

106.9 Notification of nondiscrimination on basis of sex

#### **COURT DECISIONS**

Donovan v. Poway Unified School District, (2008) 167 Cal.App.4th 567

Flores v. Morgan Hill Unified School District, (2003) 324 F.3d 1130

#### **Procedures**

1. The principal or designee shall promptly investigate all complaints of discrimination/harassment. In so doing, he/she shall talk individually with:
  - a. The student who is complaining.
  - b. The person accused of discrimination/harassment.
  - c. Anyone who saw the discrimination/harassment take place.
  - d. Anyone mentioned as having related information.
2. The student who is complaining shall have an opportunity to describe the incident, present witnesses and other evidence of the discrimination/harassment, and put his/her complaint in writing.
3. The principal or designee shall discuss the complaint only with the people described above. When necessary to carry out his/her investigation or for other good reasons that apply to the particular situation, the principal or designee also may discuss the complaint with the following persons:
  - a. The Superintendent or designee.
  - b. The parent/guardian of the student who complained.
  - c. The parent/guardian of the person accused of discriminating/harassing someone.
  - d. A teacher or staff member whose knowledge of the students involved may help in determining who is telling the truth.
  - e. Child protective agencies responsible for investigating child abuse reports.
  - f. Legal counsel for the district.
4. When the student who complained and the person accused of discrimination/harassment so agree, the principal or designee may arrange for them to resolve the complaint informally with the help of a counselor, teacher, administrator or

trained mediator. The student who complained shall never be asked to work out the problem directly with the accused person unless such help is provided.

5. The principal or designee shall tell the student who complained that he/she has the right to file a fon

Regulation approved: March 21, 2013 July 2003

**EVERGREEN SCHOOL DISTRICT**

San Jose, California

**Safe Routes To School Program**

District strategies to improve student safety along routes to school and to promote walking, bicycling, and other forms of active transport to school by students may include:

1. Education activities that promote safety and awareness, such as:
  - a. Instructing students about pedestrian, bicycle, and personal safety
  - b. Instructing students about the health and environmental benefits of walking, bicycling, and other forms of active transport to school
2. Encouragement strategies designed to generate interest in active transport to school, such as:
  - a. Organizing or facilitating "walking school buses" and/or "bicycle trains" whereby students walk: or bike to school in groups escorted by parents/guardians or other volunteers as needed
  - b. Organizing special events and activities, such as Walk: or Bike to School Day, International Walk: to School Month, or year-round competitions
  - c. Publicizing the district's efforts in order to build support of parents/guardians and the community, including providing information about the district's safe routes to school program in parent/guardian communications and in any notifications about transportation options
3. Enforcement strategies to, deter unsafe behaviors of drivers, pedestrians, and bicyclists, such as:
  - a. Partnering with local law enforcement to help ensure that traffic laws are obeyed in the vicinity of schools and to implement appropriate measures such as placement of speed feedback monitors, ticketing, and/or driver safety campaigns
  - b. Monitoring to ensure that students who bicycle to school or who use skateboards, skates, or nonmotorized scooters wear helmets in accordance with Vehicle Code 21212
4. Engineering strategies that address the design, implementation, operation, and maintenance of traffic control devices or physical measures, such as:
  - a. Working with local government agencies, parents/guardians, school staff, and others as appropriate to gather data about environmental conditions and hazards along routes to school
  - b. Working with local government agencies to make operational and physical improvements that reduce or eliminate hazards, such as reducing motor vehicle traffic speeds in the area and establishing safer and fully accessible crosswalks, walkways, trails, and bikeways
  - c. Assessing the adequacy, accessibility, and safety of bicycle parking at schools and making modifications as needed, such as increasing the number of or relocating bicycle racks and/or equipment storage areas
  - d. Considering safe routes to school when making decisions about siting and designing of new schools

**Legal Reference:**

**EDUCATION CODE**

32283 Comprehensive safety plan

45450-45451 Crossing guards

**GOVERNMENT CODE**

65352.2 General planning; communication between cities, counties and school districts

**STREETS AND HIGHWAYS CODE**

2333.5 Safe routes to schools construction program

**VEHICLE CODE**

21200-21212 Operation of bicycles, especially:

21212 Helmet required for bicycle, nonmotorized scooter, skateboard, skates

21949-21971 Pedestrian rights and duties

**UNITED STATES CODE, TITLE 23**

148 Highway safety improvement program

**UNITED STATES CODE, TITLE 42**

1751 Note Local wellness policy

Regulation approved: March 21, 2013

**EVERGREEN SCHOOL DISTRICT**

San Jose, California

**Safety**

The Board of Trustees recognizes the importance of providing a safe school environment that is conducive to learning and helps ensure student safety and the prevention of student injury. The Superintendent or designee shall implement appropriate practices to minimize the risk of harm to students, including, but not limited to, practices relative to school facilities and equipment, the outdoor environment, educational programs, and school-sponsored activities.

Staff shall be responsible for the proper supervision of students during school hours, during school-sponsored activities, and while students are using district transportation to and from school

The Superintendent or designee shall ensure that students receive appropriate instruction on topics related to safety, as well as injury and disease prevention.

**Crossing Guards/Safety Patrol**

To assist students in safely crossing streets adjacent to or near school sites, the Board may employ crossing guards and/or establish a safety patrol at any district school. The Superintendent or designee shall periodically examine traffic patterns within school attendance areas in order to identify locations where crossing assistance may be needed.

**Legal Reference:**

**EDUCATION CODE**

8482-8484.6 After School Education and Safety Program

17280-17317 Building approvals (Field Act)

17365-17374 Fitness of school facilities for occupancy

32001 Fire alarms and drills

32020 School gates; entrances for emergency vehicles

32030-32034 Eye safety

32040 First aid equipment

32225-32226 Two-way communication devices in classrooms

32240-32245 Lead-free schools

32250-32254 CDE school safety and security resources unit

32280-32289 Safety plans

44807 Duty of teachers concerning conduct of students

44808 Exemption from liability when students are not on school property

44808.5 Permission for students to leave school grounds; notice (high school)

45450-45451 Crossing guards  
48900 Hazing  
49300-49307 School safety patrol  
49330-49335 Injurious objects  
49341 Hazardous materials in school science laboratories  
51202 Instruction in personal and public health and safety

#### **GOVERNMENT CODE**

810-996.6 California Tort Claims Act

#### **HEALTH AND SAFETY CODE**

115725-115735 Playground safety  
115775-115800 Wooden playground equipment  
115810-115816 Playground safety and recycling grants

#### **PENAL CODE**

245.6 Hazing

#### **PUBLIC RESOURCES CODE**

5411 Purchase of equipment usable by physically disabled persons

#### **VEHICLE CODE**

21100 Rules and regulations; crossing guards  
21212 Use of helmets  
42200 Fines and forfeitures, disposition by cities  
42201 Fines and forfeitures, disposition by counties

#### **CODE OF REGULATIONS, TITLE 5**

202 Exclusion of students with a contagious disease  
570-576 School safety patrols  
5531 Supervision of social activities  
5552 Playground supervision  
5570 When school shall be open and teachers present  
14103 Bus driver; authority over pupils

#### **COURT DECISIONS**

Wiener v. Southcoast Childcare Centers, (2004) 32 Cal.4th 1138  
Kahn v. East Side Union High School District, (2003) 31 Cal.4th 990  
Hoyem v. Manhattan Beach City School District, (1978) 22 Cal. 3d 508  
Dailey v. Los Angeles Unified School District, (1970) 2 Cal 3d 741

Each principal or designee shall establish school rules for the safe and appropriate use of school equipment and materials and for student conduct consistent with law, Board policy, and administrative regulation. Copies of the rules shall be distributed to parents/guardians and shall be readily available at the school at all times.

#### **Release of Students**

Students shall be released during the school day only to the custody of an adult if:

1. The adult is the student's custodial parent/guardian.
2. The adult has been authorized on the student's emergency card as someone to whom the student may be released when the custodial parent/guardian cannot be reached, and the principal or designee verifies the adult's identity.
3. The adult is an authorized law enforcement officer acting in accordance with law.
4. The adult is taking the student to emergency medical care at the request of the principal or designee.

#### **Supervision of Students**

Every teacher shall hold students accountable for their conduct on the way to and from school, on the playgrounds, and during recess.

The principal or designee shall require all individuals supervising students to remain alert in spotting dangerous conditions, promptly report any such conditions to the principal or designee, and file a written report on such conditions as appropriate.

In arranging for appropriate supervision on playgrounds, the principal or designee shall:

1. Where playground supervision is not otherwise provided, provide for certificated employees to supervise the conduct and safety, and direct the play, of students who are on school grounds before and after school and during recess and other intermissions (5 CCR 5552)
2. Clearly identify supervision zones on the playground and require all playground supervisors to remain outside at a location from which they can observe their entire zone of supervision .
3. Consider the size of the playground area, the number of areas that are not immediately visible, and the age of the students to determine the ratio of playground supervisors to students

The Superintendent or designee shall ensure that teachers, teacher aides, playground supervisors, yard aides, and volunteers who supervise students receive training in safety practices and in supervisory techniques that will help them to forestall problems and resolve conflicts. Such training shall be documented and kept on file.

#### **Student Safety Patrols**

School safety patrols shall be used only at those locations where the nature of traffic will permit their safe operation. The locations where school safety patrols are used should be determined jointly with the local law enforcement agency.

A school safety patrol shall be composed of students of the school who are selected by the principal and shall serve only with written consent from their parent/guardian. Patrol members shall be at least 10 years old and at least in the fifth grade.

Patrol members shall be under the supervision and control of the principal or designee and shall receive training in proper procedures, including, but not limited to, the operations specified in 5 CCR 573-574. Whenever on duty, patrol members shall wear the standard uniform required by 5 CCR 576.

#### **Playground Safety**

Any new playground or any replacement of equipment or modification of components inside an existing playground shall conform to standards set forth by the American Society for Testing and Materials and the guidelines set forth by the U.S. Consumer Product Safety Commission.

Any playground installed between January 1, 1994, and December 31, 1999, shall conform to these standards not later than 15 years after the date of installation.

#### **Laboratory Safety**

The principal of each school offering laboratory work shall develop procedures for laboratory safety and designate a trained certificated employee to implement and regularly review these procedures.

#### **Eye Safety Devices**

The Superintendent or designee shall provide schools with eye safety devices for use whenever students, teachers, or visitors are engaged in or observing an activity or using hazardous substances likely to cause injury to the eyes. Eye safety devices may be sold to students for an amount not to exceed their actual cost to the district.

#### **Protection Against Insect Bites**

To help protect students against insect bites or stings that may spread disease or cause allergic reactions, students shall be allowed to apply insect repellent provided by their parents/guardians, under the supervision of school personnel, and in accordance with the manufacturer's directions, when engaging in outdoor activities.

Regulation approved: March 21, 2013

**EVERGREEN SCHOOL DISTRICT**

San Jose, California

#### **Students**

##### **Sexual Harassment**

The Board of Trustees 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 files a complaint, testifies, or otherwise participates in district complaint processes.

### **Instruction/Information**

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

1. What acts and behavior constitute sexual harassment, including the fact that sexual harassment could occur between people of the same sex and could involve sexual violence
2. A clear message that students do not have to endure sexual harassment
3. Encouragement to report observed instances of sexual harassment, even where the victim of the harassment has not complained
4. Information about the district's procedure for investigating complaints and the person(s) to whom a report of sexual harassment should be made
5. Information about the rights of students and parents/guardians to file a criminal complaint, as applicable

### **Complaint Process**

Any student who feels that he/she is being or has been sexually harassed on school grounds or at a school-sponsored or school-related activity (e.g., by a visiting athlete or coach) shall immediately contact his/her teacher or any other employee. An employee who receives such a complaint shall report it in accordance with administrative regulation.

The Superintendent or designee shall ensure that any complaints regarding sexual harassment are immediately investigated in accordance with administrative regulation. When the Superintendent or designee has determined that harassment has occurred, he/she shall take prompt, appropriate action to end the harassment and to address its effects on the victim.

### **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.

### **Confidentiality and Record-Keeping**

All complaints and allegations of sexual harassment shall be kept confidential except as necessary to carry out the investigation or take other subsequent necessary action. (5 CCR 4964)

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

### **Legal Reference:**

#### **EDUCATION CODE**

200-262.4 Prohibition of discrimination on the basis of sex

48900 Grounds for suspension or expulsion

48900.2 Additional grounds for suspension or expulsion; sexual harassment

48904 Liability of parent/guardian for willful student misconduct

48980 Notice at beginning of term

#### **CIVIL CODE**

51.9 Liability for sexual harassment; business, service and professional relationships

1714.1 Liability of parents/guardians for willful misconduct of minor

#### **GOVERNMENT CODE**

12950.1 Sexual harassment training

#### **CODE OF REGULATIONS, TITLE 5**

4600-4687 Uniform complaint procedures

4900-4965 Nondiscrimination in elementary and secondary education programs

#### **UNITED STATES CODE, TITLE 20**

1681-1688 Title IX, discrimination

#### **UNITED STATES CODE, TITLE 42**

1983 Civil action for deprivation of rights  
2000d-2000d-7 Title VI, Civil Rights Act of 1964  
2000e-2000e-17 Title VII, Civil Rights Act of 1964 as amended

**CODE OF FEDERAL REGULATIONS, TITLE 34**

106.1-106.71 Nondiscrimination on the basis of sex in education programs

**COURT DECISIONS**

Donovan v. Poway Unified School District, (2008) 167 Cal.App.4th 567  
Flores v. Morgan Hill Unified School District, (2003, 9th Cir.) 324 F.3d 1130  
Reese v. Jefferson School District, (2001, 9th Cir.) 208 F.3d 736  
Davis v. Monroe County Board of Education, (1999) 526 U.S. 629  
Gebser v. Lago Vista Independent School District, (1998) 524 U.S. 274  
Oona by Kate S. v. McCaffrey, (1998, 9th Cir.) 143-F.3d 473  
Doe v. Petaluma City School District, (1995, 9th Cir.) 54 F.3d 1447

Prohibited sexual harassment includes, but is not limited to, unwelcome sexual advances, unwanted requests for sexual favors, or other unwanted verbal, visual, or physical conduct of a sexual nature made against another person of the same or opposite sex in the educational setting, when made on the basis of sex and under any of the following conditions: (Education Code 212.5; 5 CCR4916)

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

**School-Level Complaint Process/Grievance Procedure**

Complaints of sexual harassment, or any behavior prohibited by the district's Nondiscrimination/Harassment policy - BP 5145.3, shall be handled in accordance with the following procedure:

1. **Notice and Receipt of Complaint:** Any student who believes he/she has been subjected to sexual harassment or who has witnessed sexual harassment may file a complaint with any school employee. Within 24 hours of receiving a complaint, the school employee shall report it to the district Coordinator for Nondiscrimination/Principal. In addition, any school employee who observes any incident of sexual harassment involving a student shall, within 24 hours, report this observation to the Coordinator/Principal, whether or not the victim files a complaint.

In any case of sexual harassment involving the Coordinator/Principal to whom the complaint would ordinarily be made, the employee who receives the student's report or who observes the incident shall instead report to the Superintendent or designee.

2. **Initiation of Investigation:** The Coordinator/Principal shall initiate an impartial investigation of an allegation of sexual harassment within five school days of receiving notice of the harassing behavior, regardless of whether a formal complaint has been filed. The district shall be considered to have "notice" of the need for an investigation upon receipt of information from a student who believes he/she has been subjected to harassment, the student's parent/guardian, an employee who received a complaint from a student, or any employee or student who witnessed the behavior.

If the Coordinator/Principal receives an anonymous complaint or media report about alleged sexual harassment, he/she shall determine whether it is reasonable to pursue an investigation considering the specificity and reliability of the information, the seriousness of the alleged incident, and whether any individuals can be identified who were subjected to the alleged harassment.

3. **Initial Interview with Student:** When a student or parent/guardian has complained or provided information about sexual harassment, the Coordinator/Principal shall describe the district's grievance procedure and discuss what actions are being sought by the student in response to the complaint. The student who is complaining shall have an opportunity to describe the incident, identify witnesses who may have relevant information, provide other evidence of the harassment, and put his/her complaint in writing. If the student requests confidentiality, he/she shall be informed that such a request may limit the district's ability to investigate.
4. **Investigation Process:** The Coordinator/Principal shall keep the complaint and allegation confidential, except as necessary to carry out the investigation or take other subsequent necessary action. (5 CCR 4964)

The Coordinator/Principal shall interview individuals who are relevant to the investigation, including, but not limited to, the student who is complaining, the person accused of harassment, anyone who witnessed the reported harassment, and anyone mentioned as having relevant information. The Coordinator/Principal may take other steps such as reviewing any records, notes, or statements related to the harassment or visiting the location where the harassment is alleged to have taken place.

When necessary to carry out his/her investigation or to protect student safety, the Coordinator/Principal also may discuss the complaint with the Superintendent or designee, the parent/guardian of the student who complained, the parent/guardian of the alleged harasser if the alleged harasser is a student, a teacher or staff member whose knowledge of the students involved may help in determining who is telling the truth, law enforcement and/or child protective services, and district legal counsel or the district's risk manager.

5. **Interim Measures:** The Coordinator/Principal shall determine whether interim measures are necessary during and pending the results of the investigation, such as placing students in separate classes or transferring a student to a class taught by a different teacher.
6. **Optional Mediation:** In cases of student-on-student harassment, when the student who complained and the alleged harasser so agree, the Coordinator/Principal may arrange for them to resolve the complaint informally with the help of a counselor, teacher, administrator, or trained mediator. The student who complained shall never be asked to work out the problem directly with the accused person unless such help is provided and both parties agree, and he/she shall be advised of the right to end the informal process at any time.
7. **Factors in Reaching a Determination:** In reaching a decision about the complaint, the Coordinator/Principal may take into account:
  - a. Statements made by the persons identified above
  - b. The details and consistency of each person's account
  - c. Evidence of how the complaining student reacted to the incident
  - d. Evidence of any past instances of harassment by the alleged harasser
  - e. Evidence of any past harassment complaints that were found to be untrue

To judge the severity of the harassment, the Coordinator/Principal may take into consideration:

- a. How the misconduct affected one or more students' education
- b. The type, frequency, and duration of the misconduct
- c. The identity, age, and sex of the harasser and the student who complained, and the relationship between them

- d. The number of persons engaged in the harassing conduct and at whom the harassment was directed
- e. The size of the school, location of the incidents, and context in which they occurred
- f. Other incidents at the school involving different students

8. **Written Report on Findings and Follow-Up:** No more than 30 days after receiving the complaint, the Coordinator/Principal shall conclude the investigation and prepare a written report of his/her findings. This timeline may be extended for good cause. If an extension is needed, the Coordinator/Principal shall notify the student who complained and explain the reasons for the extension.

The report shall include the decision and the reasons for the decision and shall summarize the steps taken during the investigation. If it is determined that harassment occurred, the report shall also include any corrective actions that have or will be taken to address the harassment and prevent any retaliation or further harassment. This report shall be presented to the student who complained, the person accused, the parents/guardians of the student who complained and the student who was accused, and the Superintendent or designee.

In addition, the Coordinator/Principal shall ensure that the harassed student and his/her parent/guardian are informed of the procedures for reporting any subsequent problems. The Coordinator/Principal shall make follow-up inquiries to see if there have been any new incidents or retaliation and shall keep a record of this information.

### **Enforcement of District Policy**

The Superintendent or designee shall take appropriate actions to reinforce the district's sexual harassment policy. As needed, these actions may include any of the following:

- 1. Removing vulgar or offending graffiti
- 2. Providing training to students, staff, and parents/guardians about how to recognize harassment and how to respond
- 3. Disseminating and/or summarizing the district's policy and regulation regarding sexual harassment
- 4. Consistent with the laws regarding the confidentiality of student and personnel records, communicating the school's response to parents/guardians and the community
- 5. Taking appropriate disciplinary action

In addition, disciplinary measures may be taken against any person who is found to have made a complaint of sexual harassment which he/she knew was not true.

### **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; 5CCR 4917)
- 2. Be displayed in a prominent location in the main administrative building or other area where notices of district rules, regulations, procedures, and standards of conduct are posted, including school web sites (Education Code 231.5)
- 3. Be 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)

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### **EVERGREEN SCHOOL DISTRICT**

San Jose, California

The Board of Trustees prohibits sexual harassment of district employees and job applicants. The Board also prohibits retaliatory behavior or action against district employees or other persons who complain, testify or otherwise participate in the complaint process established pursuant to this policy and administrative regulation.

The Superintendent or designee shall take all actions necessary to ensure the prevention, investigation, and correction of sexual harassment, including but not limited to:

- 1. Providing training to employees in accordance with law and administrative regulation
- 2. Publicizing and disseminating the district's sexual harassment policy to staff
- 3. Ensuring prompt, thorough, and fair investigation of complaints

4. Taking timely and appropriate corrective/remedial action(s), which may require interim separation of the complainant and the alleged harasser and subsequent monitoring of developments

All complaints and allegations of sexual harassment shall be kept confidential to the extent necessary to carry out the investigation or to take other subsequent necessary actions. (5 CCR4964)

Any district employee or job applicant who feels that he/she has been sexually harassed or who has knowledge of any incident of sexual harassment by or against another employee, a job applicant or a student, shall immediately report the incident to his/her supervisor, the principal, district administrator or Superintendent.

A supervisor, principal or other district administrator who receives a harassment complaint shall promptly notify the Superintendent or designee.

Complaints of sexual harassment shall be filed in accordance with AR 4031 – Complaints Concerning Discrimination in Employment. An employee may bypass his/her supervisor in filing a complaint where the supervisor is the subject of the complaint.

Any district employee who engages or participates in sexual harassment or who aids, abets, incites, compels, or coerces another to commit sexual harassment against a district employee, job applicant, or student is in violation of this policy and is subject to disciplinary action, up to and including dismissal.

#### **Legal Reference:**

##### **EDUCATION CODE**

200-262.4 Prohibition of discrimination on the basis of sex

##### **GOVERNMENT CODE**

12900-12996 Fair Employment and Housing Act, especially:

12940 Prohibited discrimination

12950.1 Sexual harassment training

##### **LABOR CODE**

1101 Political activities of employees

1102.1 Discrimination: sexual orientation

##### **CODE OF REGULATIONS, TITLE 2**

7287.8 Retaliation

7288.0 Sexual harassment training and education

##### **CODE OF REGULATIONS, TITLE 5**

4900-4965 Nondiscrimination in elementary and secondary education programs receiving state financial assistance

##### **UNITED STATES CODE, TITLE 42**

2000d-2000d-7 Title VI, Civil Rights Act of 1964

2000e-2000e-17 Title VII, Civil Rights Act of 1964, as amended

2000h-2-2000h-6 Title IX, 1972 Education Act Amendments

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

106.9 Dissemination of policy

##### **COURT DECISIONS**

Department of Health Services v. Superior Court of California, (2003) 31 Cal.4/h 1026

Faragher v. City of Boca Raton, (1998) 118 S.Ct. 2275

Burlington Industries v. Ellreth (1998) 118 S.O. 2257

Gebser v. Lago Vista Independent School District, (1998) 118 S.Ct. 1989

Oncale v. Sundowner Offshore Servo Inc., (1998) 118 S.Ct. 998

Meritor Savings Bank, FSB V. Vinson et al., (1986) 447 U.S. 57

#### **Definitions**

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 work or educational setting when: (Education Code 212.5; 5 CCR 4916)

1. Submission to the conduct is made explicitly or implicitly a term or condition of the individual's employment.

2. Submission to or rejection of such conduct by the individual is used as the basis for an employment decision affecting him/her.
3. The conduct has the purpose or effect of having a negative impact upon the individual's work or has the purpose or effect of creating an intimidating, hostile, or offensive work environment. The conduct is sufficiently severe, persistent, pervasive, or objectively offensive so as to create a hostile or abusive working environment or to limit the individual's ability to participate in or benefit from an education program or activity.
4. Submission to or rejection of the conduct by the other individual is used as the basis for any decision affecting him/her regarding benefits, services, honors, programs, or activities available at or through the district.

Other examples of actions that might constitute sexual harassment, whether committed by a supervisor, a co-worker, or a non-employee, in the work or educational setting, include, but are not limited to:

1. Unwelcome verbal conduct such as sexual flirtations or propositions; graphic comments about an individual's body; overly personal conversations or pressure for sexual activity; sexual jokes or stories; unwelcome sexual slurs, epithets, threats, innuendoes, derogatory comments, sexually degrading descriptions, or the spreading of sexual rumors
2. Unwelcome visual conduct such as drawings, pictures, graffiti, or gestures; sexually explicit emails; displaying sexually suggestive objects
3. Unwelcome physical conduct such as massaging, grabbing, fondling, stroking, or brushing the body; touching an individual's body or clothes in a sexual way; cornering, blocking, leaning over, or impeding normal movements

Prohibited sexual harassment may also include any act of retaliation against an individual who reports a violation of the district's sexual harassment policy or who participates in the investigation of a sexual harassment complaint.

### **Training**

Every two years, the Superintendent or designee shall ensure that supervisory employees receive at least two hours of classroom or other effective interactive training and education regarding sexual harassment. All newly hired or promoted supervisory employees shall receive training within six months of their assumption of the supervisory position. (Government Code 12950.1)

The district's training and education program for supervisory employees shall include information and practical guidance regarding the federal and state laws on the prohibition against and the prevention and correction of sexual harassment, and the remedies available to the victims of sexual harassment in employment. The training shall also include all of the content specified in 2 CCR 7288.0 and practical examples aimed at instructing supervisors in the prevention of harassment, discrimination, and retaliation. (Government Code 12950.1; 2 CCR 7288.0)

In addition, the Superintendent or designee shall ensure that all employees receive periodic training regarding the district's sexual harassment policy, particularly the procedures for filing complaints and employees' duty to use the district's complaint procedures.

### **Notifications**

A copy of the Board policy and this administrative regulation shall: (Education Code 231.5)

1. Be displayed in a prominent location in the main administrative building, district office, or other area of the school where notices of district rules, regulations, procedures, and standards of conduct are posted
2. Be provided to each faculty member, all members of the administrative staff, and all members of the support staff at the beginning of the first quarter or semester of the school year or whenever a new employee is hired
3. Appear in any school or district publication that sets forth the school's or district's comprehensive rules, regulations, procedures, and standards of conduct

All employees shall receive either a copy of information sheets prepared by the California Department of Fair Employment and Housing (DFEH) or a copy of district information sheets that contain, at a minimum, components on: (Government Code 12950)

1. The illegality of sexual harassment
2. The definition of sexual harassment under applicable state and federal law
3. A description of sexual harassment, with examples
4. The district's complaint process available to the employee
5. The legal remedies and complaint process available through DFEH and the Equal Employment Opportunity Commission (EEOC)
6. Directions on how to contact DFEH and the EEOC

7. The protection against retaliation provided by 2 CCR 7287.8 for opposing harassment prohibited by law or for filing a complaint with or otherwise participating in an investigation, proceeding, or hearing conducted by DFEH and the EEOC

In addition, the district shall post, in a prominent and accessible location, DFEH's poster on discrimination in employment and the illegality of sexual harassment. (Government Code 12950)

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**EVERGREEN SCHOOL DISTRICT**

San Jose, California

### **Student Disturbances**

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

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

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

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

#### **Legal Reference:**

##### **EDUCATION CODE**

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

##### **PENAL CODE**

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

#### **Prohibited Activities**

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

1. Disturbing the peace, including, but not limited to, causing or attempting to cause a riot, burning or destroying property, fighting, challenging another to fight, or using offensive words likely to provoke a fight

2. Disrupting school operations, including, but not limited to, exercising free expression which is obscene, libelous, or slanderous or so incites students as to create a clear and present danger of the commission of unlawful acts on school premises or the violation of lawful school regulations, or substantially disrupting the orderly operation of the school (Education Code 48907)

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

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

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

#### **Extension of Class Period and/or Dismissal of School**

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

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

#### **Vandalism and Graffiti**

The Board of Trustees desires to enhance student learning by striving to provide an environment where students and staff can feel safe and secure and can take pride in their school. To that end, the Superintendent or designee shall develop strategies for preventing graffiti and vandalism on school grounds, including collaborating with local law enforcement and city and county officials, as appropriate, to help develop a coordinated response to graffiti and vandalism in the community.

Students and staff are encouraged to report any graffiti or vandalism to the principal or designee for investigation. The principal or designee shall determine whether the incident necessitates an investigation pursuant to the district's sexual harassment, hate-motivated behavior, or nondiscrimination grievance procedure.

As appropriate, the principal or designee may contact local law enforcement in instances when the graffiti is repetitive, identifies particular targets or groups, identifies the perpetrator, and/or contains incitements to violence, threats, or intimidation. Photographs or other evidence of the vandalism or graffiti shall be preserved as necessary for investigation by the district or law enforcement and as evidence in any district disciplinary proceedings.

The principal or designee shall ensure that graffiti on school grounds is removed and covered as soon as possible, and if practicable before the beginning of the school day.

A student who commits an act of vandalism or graffiti on school grounds shall be subject to disciplinary action, including, but not limited to, suspension or expulsion in accordance with Board policy and administrative regulation. If reparation for damages is not made, the district also may withhold the student's grades, diploma, and/or transcripts in accordance with law.

#### **Legal Reference:**

##### **EDUCATION CODE**

48900 Grounds for suspension or expulsion

48904 Willful misconduct, limit of liability of parent or guardian

48904.3 Withholding grades, diplomas, or transcripts of pupils causing property damage or injury

**CIVIL CODE**

51.7 Right to be free from violence

52.1 Discrimination liability

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

**GOVERNMENT CODE**

53069.5 Reward for information

**PENAL CODE**

594 Vandalism

594.1 Aerosol containers of paint

594.2 Intent to commit vandalism or graffiti

594.6 Vandalism or graffiti, community service

640.5 Graffiti; facilities or vehicles of governmental entity

640.6 Graffiti

**CODE OF REGULATIONS, TITLE 5**

305 Student responsible for care of property

Policy adopted: March 21, 2013

**EVERGREEN SCHOOL DISTRICT**

San Jose, California

**Supplemental School Counseling Program for Students in Grades 7-8**

The Board has adopted the Supplemental School Counseling Program in order to provide supplemental counseling services to all students in grades 7-8 delivered by personnel who hold a valid pupil personnel services credential. In accordance with law and as specified in administrative regulations, the district's program shall provide for an individualized review of student records, an opportunity for a counselor to meet with students to discuss educational and vocational options, and specialized counseling services for students identified as at risk of not passing the high school exit examination.

**Personal Counseling**

Counseling staff may identify and work with students whose personal problems may prevent them from reaching their potential. As appropriate, students shall be informed about agencies that offer qualified professional assistance with substance abuse, physical or emotional problems, or other personal problems.

Counselors shall respect student confidentiality as appropriate and shall consult with the Superintendent or designee or with the district's legal counsel whenever unsure of how to respond to a student's personal problem. Parent/guardian consultation and consent shall be obtained as appropriate.

**Legal Reference:****EDUCATION CODE**

221.5 Prohibited sex discrimination

37254 Supplemental instruction based on failure to pass exit exam by end of grade 12

41505-41508 Pupil Retention Block Grant

48431 Establishing and maintaining high school guidance and placement program

49600-49604 Educational counseling

51250 School age military dependents

51513 Personal beliefs

52378-52380 Supplemental School Counseling Program

**REPEALED EDUCATION CODE FOR CATEGORICAL PROGRAMS**

48431.6 Tenth grade counseling program

**PENAL CODE**

11166-11170 Reporting known or suspected cases of child abuse

**CODE OF REGULATIONS, TITLE 5**

4930-4931 Counseling

**UNITED STATES CODE, TITLE 10**

503 Military recruiter access to directory information

**UNITED STATES CODE. TITLE 20**

1232g Family Educational Rights and Privacy Act

7908 Armed forces recruiter access to students and student recruiting information

**CODE OF FEDERAL REGULATIONS. TITLE 34**

99.1-99.67 Family educational rights and privacy

A counselor shall review the academic and behavior record of qualified students in grades 7-8, and meet with each student and, if practicable, his/her parent/guardian to explain the records. At the meeting, the counselor shall also explain the student's educational options, the coursework and academic progress needed for satisfactory completion of middle school or high school and passage of the high school exit examination, and the availability of career technical education. If such services are available to district students, the educational options discussed shall include college preparatory and vocational programs, including regional occupational centers and programs and any other available alternatives. (Education Code 53278)

The Superintendent or designee shall identify students in grades 7-8 (Education Code 53278)

1. Who are at risk of not graduating with the rest of their class
2. Who are not earning credits at a rate that will enable them to pass the high school exit examination
3. Who do not have sufficient training to allow them to fully engage in their chosen career
4. Other students who could benefit from, or are in need of, such services.

The district shall provide the following services:

1. For students in grade 7 who are deemed to be at the far below basic level in English language arts or mathematics pursuant to the California Standards Test administered in grade 6, the district shall provide a list of coursework and experience necessary to assist them to successfully transition to high school and to meet all graduation requirements, including passing the high school exit examination. (Education Code 53278)
2. For students in grade 7 detailed in item #1 above, a copy of the list of coursework and experience shall be provided to the student and his/her parent/guardian. The list shall also be included in the student's cumulative record. (Education Code 53278)
3. Individual Conference: For students in grade 7 who have been provided the list of coursework and experience detailed in item #1 above, the district shall offer and schedule an individual conference with each student, his/her parent/guardian, and the school. During the conference, the counselor shall apprise the student and his/her parent/guardian of the following: (Education Code 53278)
  - a. Consequences of not passing the high school exit examination
  - b. Available programs, courses, and career technical education options needed for satisfactory completion of middle or high school
  - c. The student's cumulative records and transcripts
  - d. The student's performance on standardized and diagnostic assessments
  - e. Available remediation strategies, high school courses, and alternative education options
  - f. Information about postsecondary education and training
  - g. As applicable, the student's score on the English language arts or mathematics portion of the California Standards Test administered in grade 6

The individual conference shall be scheduled, to the extent feasible, within the following timeline: (Education Code 53278)

For students in grade 7, the conference shall occur before January of that year in which the student is in grade 7.

The Superintendent or designee shall annually submit reports to the California Department of Education describing the number and percentage of students receiving various program services. (Education Code 52380)

**Notifications**

Beginning with grade 7, parents/guardians shall be notified at least once before career counseling and course selection so that they may participate in the counseling sessions and decisions. (Education Code 221.5)

**Nondiscrimination**

No counselor shall unlawfully discriminate against any student. In addition, when exploring the possibility of careers and courses leading to such careers, counseling staff shall not differentiate career, vocational, or higher education opportunities on the basis of the sex of the student. (Education Code 221.5; 5 CCR 4930)

For appraising or counseling students, the district shall not use testing or other materials that permit or require impermissible or unlawful differential treatment of students. (5 CCR 4931)

Regulation approved: March 21, 2013

**EVERGREEN SCHOOL DISTRICT**

San Jose, California

### **Suspension and Expulsion/due Process**

The Governing Board desires to provide district students access to educational opportunities in an orderly school environment that protects their safety and security, ensures their welfare and well-being, and promotes their learning and development. The Board shall develop rules and regulations setting the standards of behavior expected of district students and the disciplinary processes and procedures for addressing violations of those standards, including suspension and/or expulsion.

To correct the behavior of any student who is subject to discipline, the Superintendent or designee shall, to the extent allowed by law, first use alternative disciplinary strategies specified in AR 5144.1 - Discipline. (Education Code 48900.5)

Alternatives to suspension or expulsion also shall be used with students who are truant, tardy, or otherwise absent from assigned school activities.

Except for single acts of a grave nature or offenses for which suspension or expulsion is required by law, suspension or expulsion shall be used only when other means of correction have failed to bring about proper conduct or the student's presence causes a continuing danger to himself/herself or others.

The grounds for suspension and expulsion and the procedures for considering, recommending, and/or implementing suspension and expulsion shall be those specified in law and administrative regulation.

District staff shall enforce the rules concerning suspension and expulsion of students fairly, consistently, and in accordance with the district's nondiscrimination policies.

#### **Due Process**

The Board shall provide for the fair and equitable treatment of students facing suspension and expulsion by affording them their due process rights under the law. The Superintendent or designee shall comply with procedures for notices, hearings, and appeals as specified in law and administrative regulation. (Education Code 48911, 48915, 48915.5)

#### **Removal from Class by a Teacher and Parental Attendance**

When suspending a student from class for committing an obscene act, engaging in habitual profanity or vulgarity, disrupting school activities, or otherwise willfully defying valid staff authority, the teacher of the class may require any parent/guardian who lives with the student to attend a portion of the school day in the class from which the student is being suspended, to assist in resolving the classroom behavior problems. (Education Code 48900.1)

Teachers should reserve the option of required parental attendance for cases in which they have determined that it is the best strategy to promote positive interaction between the teacher and the student and his/her parents/guardians and to improve the student's behavior.

Any teacher requiring parental attendance pursuant to this policy shall apply the policy uniformly to all students within the classroom. (Education Code 48900.1)

When a teacher requires parental attendance, the principal shall send a written notice to the parent/guardian stating that his/her attendance is required pursuant to law. (Education Code 48900.1)

A parent/guardian who has received a written notice shall attend class as specified in the notice. After completing the classroom visit and before leaving school premises, the parent/guardian also shall meet with the principal or designee. (Education Code 48900.1)

At the meeting with the student's parent/guardian, the principal or designee shall explain the district's and school's discipline policies, including the disciplinary strategies that may be used to achieve proper student conduct.

When a parent/guardian does not respond to the request to attend school, the principal or designee shall contact him/her by telephone, mail, or other method that maintains the confidentiality of the student's records.

District regulations and school-site rules for student discipline shall include procedures for implementing parental attendance requirements. Parents/guardians shall be notified of this policy prior to its implementation. (Education Code 48900.1)

### **Supervised Suspension Classroom**

To ensure the proper supervision and ongoing learning of students who are suspended for any of the reasons enumerated in Education Code 48900 and 48900.2, but who pose no imminent danger or threat to anyone at school and for whom expulsion proceedings have not been initiated, the Superintendent or designee may establish a supervised suspension classroom program which meets the requirements of law.

Except where a supervised suspension is permitted by law for a student's first offense, supervised suspension shall be imposed only when other means of correction have failed to bring about proper conduct. (Education Code 48900.5)

### **Decision Not to Enforce Expulsion Order**

On a case-by-case basis, the enforcement of an expulsion order may be suspended by the Board pursuant to the requirements of law and administrative regulation. (Education Code 48917)

### **Legal Reference:**

#### **EDUCATION CODE**

212.5 Sexual harassment

233 Hate violence

1981 Enrollment of students in community school

17292.5 Program for expelled students

32261 Interagency School Safety Demonstration Act of 1985

35145 Open board meetings

35146 Closed sessions (regarding suspensions)

35291 Rules (for government and discipline of schools)

35291.5 Rules and procedures on school discipline

48645.5 Readmission; contact with juvenile justice system

48660-48667 Community day schools

48853.5 Foster youth

48900-48927 Suspension and expulsion

48950 Speech and other communication

48980 Parental notifications

49073-49079 Privacy of student records

#### **CIVIL CODE**

47 Privileged communication

48.8 Defamation liability

#### **CODE OF CIVIL PROCEDURE**

1985-1997 Subpoenas; means of production

#### **GOVERNMENT CODE**

11455.20 Contempt

54950-54963 Ralph M Brown Act

#### **HEALTH AND SAFETY CODE**

11014.5 Drug paraphernalia

11053-11058 Standards and schedules

**LABOR CODE**

230.7 Discharge or discrimination against employee for taking time off to appear in school on behalf Of a child

**PENAL CODE**

31 Principal of a crime, defined

240 Assault defined

241.2 Assault fines

242 Battery defined

243.2 Battery on school property

243.4 Sexual battery

245 Assault with deadly weapon

245.6 Hazing

261 Rape defined

266c Unlawful sexual intercourse

286 Sodomy defined

288 Lewd or lascivious acts with child under age 14

288a Oral copulation

289 Penetration of genital or anal openings

417.27 Laser pointers

422.55 Hate crime defined

422.6 Interference with exercise of civil rights

422.7 Aggravating factors for punishment

422.75 Enhanced penalties for hate crimes

626.2 Entry upon campus after written notice of suspension or dismissal without permission

626.9 Gun-Free School Zone Act of 1995

626.10 Dirks, daggers, knives, razors, or stun guns

868.5 Supporting person; attendance during testimony of witness

**WELFARE AND INSTITUTIONS CODE**

729.6 Counseling

**UNITED STATES CODE, TITLE 18**

921 Definitions, firearm

**UNITED STATES CODE, TITLE 20**

1314(K) Placement in alternative educational setting

7151 Gun-free schools

**COURT DECISIONS**

T.H. v. San Diego Unified School District (2004) 122 Cal. App. 4th 1267

Woodbury v. Dempsey (2003) 108 Cal. App. 4th 421

Board of Education of Sacramento City Unified School District v. Sacramento County Board of Education and Kenneth H. (2001) 85 Cal.App.4th 1321

Garcia v. Los Angeles Board of Education (1991) 123 Cal. App. 3d 807

Fremont Union High School District v. Santa Clara County Board (1991) 235 Cal. App. 3d 1182

John A. v. San Bernardino School District (1982) 33 Cal. 3d 301

**ATTORNEY GENERAL OPINIONS**

84 Ops.Cal.Atty.Gen. 146 (2001)

80 Ops.Cal.Atty.Gen. 91 (1997)

80 Ops.Cal.Atty.Gen. 85 (1997)

**Definitions**

Suspension from school means removal of a student from ongoing instruction for adjustment purposes. However, suspension does not mean any of the following: (Education Code 48925)

1. Reassignment to another education program or class at the same school where the student will receive continuing instruction for the length of day prescribed by the Board of Trustees for students of the same grade level.
2. Referral to a certificated employee designated by the principal to advise students.
3. Removal from the class, but without reassignment to another class or program, for the remainder of the class period without sending the student to the principal or designee as provided in Education Code 48910. Removal from a particular class shall not occur more than once every five school days.

Expulsion means removal of a student from the immediate supervision and control, or the general supervision, of school personnel. (Education Code 48925)

Day means a calendar day unless otherwise specifically provided.. (Education Code 48925)

School day means a day upon which the schools of the district are in session or weekdays during the summer recess. (Education Code 48925)

Student includes a student's parent/guardian or legal counsel. (Education Code 48925)

Principal's designee means one or more administrators or, if there is not a second administrator at one school site, a certificated person specifically designated by the principal, in writing, to assist with disciplinary procedures. Only one such person may be designated at any time as the principal's primary designee and only one such person may be designated as secondary designee for the school year. The names of such persons shall be on file in the principal's office. (Education Code 48911)

School property, for the purposes described in Education Code 48900, includes, but is not limited to, electronic files and databases. (Education Code 48900(u))

### **Notice of Regulations**

At the beginning of each school year, the principal of each school shall ensure that all students and parents/guardians are notified in writing of all school rules related to discipline, including suspension and expulsion. (Education Code 35291, 48900.1, 48980)

### **Grounds for Suspension and Expulsion**

Any student, including a student with disabilities, may be subject to suspension or expulsion when it is determined that he/she:

1. Caused, attempted to cause, or threatened to cause physical injury to another person or willfully used force or violence upon another person, except in self-defense. (Education Code 48900(a))

A student who aids or abets the infliction or attempted infliction of physical injury on another person, as defined in Penal Code 31, may be suspended, but not expelled. However, such a student may be suspended or expelled pursuant to Education Code 48900(a) when he/she has been adjudged by a juvenile court to have committed, as an aider or abettor, a crime of physical violence in which the victim suffered great or serious bodily injury. (Education Code 48900(t))

2. Possessed, sold, or otherwise furnished any firearm, knife, explosive, or other dangerous object, unless, in the case of possession of any object of this type, the student had obtained written permission to possess the item from a certificated school employee, with the principal or designee's concurrence. (Education Code 48900(b))
3. Unlawfully possessed, used, sold, otherwise furnished, or was under the influence of, any controlled substance as defined in Health and Safety Code 11053-11058, alcoholic beverage, or intoxicant of any kind. (Education Code 48900(c))
4. Unlawfully offered, arranged, or negotiated to sell any controlled substance as defined in Health and Safety Code 11053-11058, alcoholic beverage, or intoxicant of any kind, and then sold, delivered, or otherwise furnished to any person another liquid, substance, or material and represented same as such controlled substance, alcoholic beverage, or intoxicant. (Education Code 48900(d))
5. Committed or attempted to commit robbery or extortion. (Education Code 48900(e))
6. Caused or attempted to cause damage to school property or private property. (Education Code 48900(f))
7. Stole or attempted to steal school property or private property. (Education Code 48900(g))
8. Possessed or used tobacco or products containing tobacco or nicotine products, including, but not limited to, cigars, cigarettes, miniature cigars, clove cigarettes, smokeless tobacco, snuff, chew packets, and betel, except that this restriction shall not prohibit a student from using or possessing his/her own prescription products. (Education Code 48900(h))

9. Committed an obscene act or engaged in habitual profanity or vulgarity. (Education Code 48900(i))
10. Unlawfully possessed, offered, arranged, or negotiated to sell any drug paraphernalia, as defined in Health and Safety Code 11014.5. (Education Code 489000))
11. Disrupted school activities or otherwise willfully defied the valid authority of supervisors, teachers, administrators, other school officials, or other school personnel engaged in the performance of their duties. (Education Code 48900(k))
12. Knowingly received stolen school property or private property. (Education Code 48900(1))
13. Possessed an imitation firearm. (Education Code 48900(m)) Imitation firearm means a replica of a firearm that is so substantially similar in physical properties to an existing firearm as to lead a reasonable person to conclude that the replica is a firearm. (Education Code 48900(m))
14. Committed or attempted to commit a sexual assault as defined in Penal Code 261, 266c, 286, 288, 288a, or 289, or committed a sexual battery as defined in Penal Code 243.4. (Education Code 48900(n))
15. Harassed, threatened, or intimidated a student who is a complaining witness or witness in a school disciplinary proceeding for the purpose of preventing that student from being a witness and/or retaliating against that student for being a witness. (Education Code 48900(o))
16. Unlawfully offered, arranged to sell, negotiated to sell, or sold the prescription drug Soma. (Education Code 48900(P))
17. Engaged in, or attempted to engage in, hazing. (Education Code 48900(q))

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

18. Engaged in an act of bullying. (Education Code 48900(r))

Bullying means any severe or pervasive physical or verbal act or conduct, including communications made in writing or by means of an electronic act, directed toward one or more students that has or can reasonably be predicted to have the effect of placing a reasonable student in fear of harm to himself/herself or his/her property; cause the student to experience a substantially detrimental effect on his/her physical or mental health; or cause the student to experience substantial interferences with his/her academic performance or ability to participate in or benefit from the services, activities, or privileges provided by a school.

Bullying shall include any act of sexual harassment, hate violence, or harassment, threat, or intimidation, as defined in Education Code 48900.2, 48900.3, or 48900.4 (items #20-22 below), that has any of the effects described above on a reasonable student.

Electronic act means the transmission of a communication, including, but not limited to, a message, text, sound, image, or post on a social network Internet web site, by means of an electronic device, including, but not limited to, a telephone, wireless telephone, or other wireless communication device, computer, or pager. A post on a social network Internet web site shall include, but is not limited to, the posting or creation of a bum page or the creation of a credible impersonation or false profile for the purpose of causing a reasonable student any of the effects of bullying described above.

Reasonable student means a student, including, but not limited to, a student who has been identified as a student with a disability, who exercises average care, skill, and judgment in conduct for a person of his/her age, or for a person of his/her age with his/her disability. (Education Code 48900(r))

19. Made terrorist threats against school officials and/or school property. (Education Code 48900.7)

A terrorist threat includes any written or oral statement by a person who willfully threatens to commit a crime which will result in death or great bodily injury to another person or property damage in excess of \$1,000, with the specific intent that the statement is to be taken as a threat, even if there is no intent of actually carrying it out. (Education Code 48900.7)

A student in grades 4-8 is also subject to suspension or recommendation for expulsion when it is determined that he/she:

20. Committed sexual harassment as defined in Education Code 212.5. (Education Code 48900.2)

Sexual harassment means conduct which, when considered from the perspective of a reasonable person of the same gender as the victim, is sufficiently severe or pervasive as to have a negative impact upon the victim's academic performance or to create an intimidating, hostile, or offensive educational environment. (Education Code 212.5, 48900.2)

21. Caused, attempted to cause, threatened to cause, or participated in an act of hate violence as defined in Education Code 233. (Education Code 48900.3)

Hate violence means any act punishable under Penal Code 422.6, 422.7, or 422.75. Such acts include injuring or intimidating a victim, interfering with the exercise of a victim's civil rights, or damaging a victim's property because of the victim's race, ethnicity, religion, nationality, disability, gender, gender identity, gender expression, or sexual orientation; a perception of the presence of any of those characteristics in the victim; or the victim's association with a person or group with one or more of those actual or perceived characteristics. (Education Code 233; Penal Code 422.55)

22. Intentionally engaged in harassment, threats, or intimidation against district personnel or students that is sufficiently severe or pervasive to have the actual and reasonably expected effect of materially disrupting classwork, creating substantial disorder, and invading the rights of school personnel or students by creating an intimidating or hostile educational environment. (Education Code 48900.4)

A student may be suspended or expelled for any of the acts listed above if the act is related to school activity or school attendance occurring at any district school or within any other school district, at any time, including, but not limited to, the following: (Education Code 48900)

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

**Removal from Class by a Teacher and Parental Attendance** A teacher may suspend any student from his/her class for the remainder of the day and the following day for any act listed in "Grounds for Suspension and Expulsion" above. (Education Code 48910)

When removing a student from his/her class, the teacher shall immediately report this action to the principal or designee and send the student to the principal or designee for appropriate action. If that action requires the continuing presence of the student at school, he/she shall be appropriately supervised during the class periods from which he/she has been removed. (Education Code 48910)

As soon as possible, the teacher shall ask the student's parent/guardian to attend a parent teacher conference regarding the removal. A counselor or psychologist may attend the conference if it is practicable, and a school administrator shall attend if either the parent/guardian or teacher so requests. (Education Code 48910)

A student removed from class shall not be returned to class during the period of removal without the approval of the teacher of the class and the principal (Education Code 48910)

A student removed from class shall not be placed in another regular class during the period of removal. However, if a student is assigned to more than one class per day, he/she may be placed in any other regular classes except those held at the same time as the class from which the student was removed. (Education Code 48910)

The teacher of any class from which a student is removed may require the student to complete any assignments and tests missed during the removal (Education Code 48913)

Pursuant to Board policy, a teacher may require the parent/guardian of a student whom the teacher has removed to attend a portion of a school day in his/her child's classroom. When a teacher makes this request, the principal shall send the parent/guardian a written notice that the parent/guardian's attendance is requested pursuant to law. (Education Code 48900.1)

The notice shall specify that the attendance may be on either the date the student is scheduled to return to class or within one week thereafter.

This notice shall also:

1. Inform the parent/guardian when his/her presence is expected and by what means he/she may arrange an alternate date
2. State that if the parent/guardian does not have a means of transportation to school, he/she may ride the school bus with the student
3. Ask the parent/guardian to meet with the principal after the visit and before leaving school, as required by Education Code 48900.1

### **Suspension by Superintendent, Principal, or Designee**

The Superintendent, principal, or designee may suspend a student for any of the acts listed in "Grounds for Suspension and Expulsion" above. A student may be suspended only when the Superintendent or principal has determined that other means of correction have failed to bring about proper conduct in the student. (Education Code 48900.5)

However, the Superintendent, principal, or designee may impose a suspension upon a first offense if he/she determines that the student violated items #1-5 listed in "Grounds for Suspension and Expulsion" above or if the student's presence causes a danger to persons or property or threatens to disrupt the instructional process. (Education Code 48900.5)

In addition, the Superintendent, principal, or designee shall immediately suspend any student found at school or at a school activity to be: (Education Code 48915)

1. Possessing, as verified by a district employee, selling, or otherwise furnishing a firearm, unless the student had obtained prior written permission to possess the item from a certificated school employee, with the principal or designee's concurrence
2. Brandishing a knife as defined in Education Code 48915(g)
3. Unlawfully selling a controlled substance listed in Health and Safety Code 1105311058
4. Committing or attempting to commit a sexual assault or committing a sexual battery as defined in item #14 under "Grounds for Suspension and Expulsion" above
5. Possessing an explosive as defined in 18 USC 921

The Superintendent, principal, or designee may suspend a student from school for not more than five consecutive school days unless the suspension is extended pending expulsion. (Education Code 48911)

A student may be suspended from school for not more than 20 school days in any school year unless, for purposes of adjustment, the student enrolls in or is transferred to another regular school, an opportunity school, or continuation school or class, in which case suspension shall not exceed 30 days in any school year. However, this restriction on the number of days of suspension does not apply when the suspension is extended pending an expulsion. (Education Code 48903, 48911, 48912)

The district may count suspensions that occur while a student is enrolled in another school district toward the maximum number of days for which the student may be suspended in any school year. (Education Code 48903)

Suspensions shall be initiated according to the following procedures:

1. **Informal Conference:** Suspension shall be preceded by an informal conference conducted by the Superintendent, principal, or designee with the student and, whenever practicable, the teacher, supervisor, or school employee who referred the student to the principal. At the conference, the student shall be informed of the reason for the disciplinary action, presented with the evidence against him/her, and given the opportunity to present his/her version and evidence in support of his/her defense. (Education Code 48911)

This conference may be omitted if the Superintendent, principal, or designee determines that an emergency situation exists involving a clear and present danger to the lives, safety, or health of students or school personnel. If a student is suspended without this conference, both the parent/guardian and student shall be notified of the student's right to return to school for the purpose of the conference. The conference shall be held within two school days, unless the student waives his/her right to it or is physically unable to attend for any reason. In such a case, the conference shall be held as soon as the student is physically able to return to school. (Education Code 48911)

2. **Administrative Actions:** All requests for student suspension are to be processed by the principal or designee. A school employee shall report the suspension, including the name of the student and the cause for the suspension, to the Superintendent or designee. (Education Code 48911)
3. **Notice to Parents/Guardians:** At the time of the suspension, a school employee shall make a reasonable effort to contact the parent/guardian by telephone or in person. Whenever a student is suspended, the parent/guardian shall be notified in writing of the suspension. (Education Code 48911)

This notice shall state the specific offense committed by the student. (Education Code 48900.8)

In addition, the notice may state the date and time when the student may return to school. If school officials wish to ask the parent/guardian to confer regarding matters pertinent to the suspension, the notice may add that state law requires the parent/guardian to respond to such requests without delay.

4. **Parent/Guardian Conference:** Whenever a student is suspended, school officials may meet with the parent/guardian to discuss the cause(s) and duration of the suspension, the school policy involved, and any other pertinent matter. (Education Code 48914)

Although the parent/guardian is required to respond without delay to a request for a Conference about his/her child's behavior, no penalties may be imposed on the student for the failure of the parent/guardian to attend such a conference. The student may not be denied readmission solely because the parent/guardian failed to attend the conference. (Education Code 48911)

5. **Extension of Suspension:** If the Board is considering the expulsion of a suspended student from any school or the suspension of a student for the balance of the semester from continuation school, the Superintendent or designee may, in writing, extend the suspension until such time as the Board has made a decision. (Education Code 48911)

Any extension of the original period of suspension shall be preceded by notice of such extension with an offer to hold a conference concerning the extension, giving the student an opportunity to be heard. This conference may be held in conjunction with a meeting requested by the student or parent/guardian to challenge the original suspension. Extension of the suspension may be made only if the Superintendent or designee determines, following a meeting in which the student and the student's parent/guardian were invited to participate, that the student's presence at the school or at an alternative school would endanger persons or property or threaten to disrupt the instructional process. (Education Code 48911)

If the student involved is a foster youth, the Superintendent or designee shall notify the district liaison for foster youth of the need to invite the student's attorney and a representative of the appropriate county child welfare agency to attend the meeting. (Education Code 48853.5, 48911, 48918.1)

In addition to suspending a student, the Superintendent, principal, or designee may provide services or require the student to participate in an alternative disciplinary program designed to correct his/her behavior and keep him/her in school.

### **Suspension by the Board**

The Board may suspend a student for any of the acts listed in "Grounds for Suspension and Expulsion" above and within the limits specified in "Suspension by Superintendent, Principal, or Designee" above. (Education Code 48912)

The Board may suspend a student enrolled in a continuation school or class for a period not longer than the remainder of the semester if any of the acts listed in "Grounds for Suspension and Expulsion" occurred. The suspension shall meet the requirements of Education Code 48915. (Education Code 48912.5)

When the Board is considering a suspension, disciplinary action, or any other action (except expulsion) against any student, it shall hold closed sessions if a public hearing would lead to disclosure of information violating a student's right to privacy under Education Code 4907349079. (Education Code 35146, 48912)

The Board shall provide the student and his/her parent/guardian with written notice of the closed session by registered or certified mail or personal service. Upon receiving this notice, the student or parent/guardian may request a public meeting, and this request shall be granted if made in writing within 48 hours after receipt of the Board's notice. However, any discussion that conflicts with any other student's right to privacy still shall be held in closed session. (Education Code 35146, 48912)

### **Supervised Suspension Classroom**

Students for whom an expulsion action has not been initiated and who pose no imminent danger or threat to the school, students, or staff may be assigned to a supervised suspension classroom in a separate classroom, building, or site for the entire period of suspension. The following conditions shall apply: (Education Code 48911.1)

1. The supervised suspension classroom shall be staffed in accordance with law.
2. The student shall have access to appropriate counseling services.
3. The supervised suspension classroom shall promote completion of schoolwork and tests missed by the student during the suspension.
4. Each student shall be responsible for contacting his/her teacher(s) to receive assignments to be completed in the supervised suspension classroom. The teacher(s) shall provide all assignments and tests that the student will miss while suspended. If no such work is assigned, the person supervising the suspension classroom shall assign schoolwork.

At the time a student is assigned to a supervised suspension classroom, the principal or designee shall notify the student's parent/guardian in person or by telephone. When the assignment is for longer than one class period, this notification shall be made in writing. . (Education Code 48911.1)

### **Authority to Expel**

A student may be expelled only by the Board. (Education Code 48918(j))

The Board shall expel, as required by law, any student found to have committed any offense listed below under "Mandatory Recommendation and Mandatory Expulsion." (Education Code 48915)

For all other grounds listed above under "Grounds for Suspension and Expulsion," the Board shall order a student expelled upon the recommendation of the Superintendent, principal, or designee, only if the Board makes a finding of either or both of the following: (Education Code 48915(b) and (e))

1. That other means of correction are not feasible or have repeatedly failed to bring about proper conduct
2. That due to the nature of the violation, the presence of the student causes a continuing danger to the physical safety of the student or others

### **Mandatory Recommendation for Expulsion**

Unless the Superintendent, principal, or designee determines that expulsion should not be recommended under the circumstances or that an alternative means of correction would address the conduct, he/she shall recommend a student's expulsion for any of the following acts: (Education Code 48915(a))

1. Causing serious physical injury to another person, except in self-defense
2. Possession of any knife as defined in Education Code 48915(g), explosive, or other dangerous object of no reasonable use to the student
3. Unlawful possession of any controlled substance as listed in Health and Safety Code 11053-11058, except for (a) the first offense for the possession of not more than one ounce of marijuana, other than concentrated cannabis, or (b) the student's possession of over-the-counter medication for his/her use or other medication prescribed for him/her by a physician
4. Robbery or extortion
5. Assault or battery, as defined in Penal Code 240 and 242, upon any school employee

In determining whether or not to recommend the expulsion of a student, the Superintendent, principal, or designee shall act as quickly as possible to ensure that the student does not lose instructional time. (Education Code 48915)

### **Mandatory Recommendation and Mandatory Expulsion**

The Superintendent, principal, or designee shall recommend that the Board expel any student found at school or at a school activity to be: (Education Code 48915(c))

1. Possessing, as verified by a district employee, selling, or otherwise furnishing a firearm, unless the student had obtained prior written permission to possess the firearm from a certificated school employee, with the principal or designee's concurrence  
  
However, possession of an imitation firearm, as defined in Education Code 48900(m), shall not be regarded as an offense requiring a mandatory recommendation of expulsion and mandatory expulsion.
2. Brandishing a knife as defined in Education Code 48915(g) at another person
3. Unlawfully selling a controlled substance listed in Health and Safety Code 1105311058
4. Committing or attempting to commit a sexual assault as defined in Penal Code 261, 266c, 286, 288, 288a, or 289, or committing a sexual battery as defined in Penal Code 243.4
5. Possessing an explosive as defined in 18 USC 921

Upon finding that the student committed any of the above acts, the Board shall expel the student. (Education Code 48915)

### **Student's Right to Expulsion Hearing**

Any student recommended for expulsion shall be entitled to a hearing to determine whether he/she should be expelled. The hearing shall be held within 30 school days after the Superintendent, principal, or designee determines that the student has committed one of the acts listed under "Grounds for Suspension and Expulsion." (Education Code 48918(a))

The student is entitled to at least one postponement of an expulsion hearing for a period of not more than 30 calendar days. The request for postponement shall be in writing. Any subsequent postponement may be granted at the Board's discretion. (Education Code 48918(a))

If the Board finds it impractical during the regular school year to comply with these time requirements for conducting an expulsion hearing, the Superintendent or designee may, for good cause, extend the time period by an additional five school days. Reasons for the extension shall be included as a part of the record when the expulsion hearing is held. (Education Code 48918(a))

If the Board finds it impractical to comply with the time requirements of the expulsion hearing due to a summer recess of Board meetings of more than two weeks, the days during the recess shall not be counted as school days. The days not counted during the recess may not exceed 20 school days, as defined in Education Code 48925. Unless the student requests in writing that the expulsion hearing be postponed, the hearing shall be held not later than 20 calendar days prior to the first day of the next school year. (Education Code 48918(a))

Once the hearing starts, all matters shall be pursued with reasonable diligence and concluded without unnecessary delay. (Education Code 48918(a))

After a determination that one of the grounds listed above under "Grounds for Suspension and Expulsion" has occurred, the Superintendent, principal, or designee shall offer the student and his/her parent/guardian the option to waive a hearing and stipulate to the expulsion. The stipulation agreement shall be in writing and shall be signed by the student and his/her parent/guardian.

### **Rights of Complaining Witness**

An expulsion hearing involving allegations of sexual assault or sexual battery may be postponed for one school day in order to accommodate the special physical, mental, or emotional needs of a student who is the complaining witness. (Education Code 48918.5)

Whenever the Superintendent or designee recommends an expulsion hearing that addresses allegations of sexual assault or sexual battery, he/she shall give the complaining witness a copy of the district's suspension and expulsion policy and regulation and shall advise the witness of his/her right to: (Education Code 48918.5)

1. Receive five days' notice of his/her scheduled testimony at the hearing
2. Have up to two adult support persons of his/her choosing present at the hearing at the time he/she testifies
3. Have a closed hearing during the time he/she testifies

Whenever any allegation of sexual assault or sexual battery is made, the Superintendent or designee shall immediately advise complaining witnesses and accused students to refrain from personal or telephone contact with each other during the time when an expulsion process is pending. (Education Code 48918.5)

### **Written Notice of the Expulsion Hearing**

Written notice of the expulsion hearing shall be forwarded to the student and the student's parent/guardian at least 10 calendar days before the date of the hearing. The notice shall include: (Education Code 48900.8, 48918(b))

1. The date and place of the hearing.
2. A statement of the specific facts, charges, and offense upon which the proposed expulsion is based.
3. A copy of district disciplinary rules which relate to the alleged violation.
4. Notification of the student's or parent/guardian's obligation, pursuant to Education Code 48915.1, to provide information about the student's status in the district to any other district in which the student seeks enrollment. This obligation applies when a student is expelled for acts other than those described in Education Code 48915(a) or (c).
5. The opportunity for the student or the student's parent/guardian to appear in person or be represented by legal counselor by a nonattorney advisor.

Legal counsel means an attorney or lawyer who is admitted to the practice of law in California and is an active member of the State Bar of California.

Nonattorney advisor means an individual who is not an attorney or lawyer, but who is familiar with the facts of the case and has been selected by the student or student's parent/guardian to provide assistance at the hearing.

6. The right to inspect and obtain copies of all documents to be used at the hearing.
7. The opportunity to confront and question all witnesses who testify at the hearing.
8. The opportunity to question all evidence presented and to present oral and documentary evidence on the student's behalf, including witnesses.

### **Additional Notice of Expulsion Hearing for Foster Youth**

At least 10 days prior to a hearing to determine if a student who is a foster youth as defined under Education Code 48853.5 should be expelled for an offense not requiring a mandatory recommendation for expulsion, the Superintendent or designee shall notify the student's attorney and a representative of an appropriate county child welfare agency. If the hearing is pursuant to an offense requiring a mandatory expulsion recommendation, the Superintendent or designee may provide the same notification. The notice shall be provided by the most costeffective method possible, including by email or a telephone call. (Education Code 48918.1)

### **Conduct of Expulsion Hearing**

1. **Closed Session:** Notwithstanding the provisions of Government Code 54953 and Education Code 35145, the Board shall conduct a hearing to consider the expulsion of the student in a session closed to the public unless the student requests in writing at least five days prior to the hearing that the hearing be a public meeting. If such a request is made, the meeting shall be public unless another student's privacy rights would be violated. (Education Code 48918(c))

Whether the expulsion hearing is held in closed or public session, the Board may meet in closed session to deliberate and determine whether or not the student should be expelled. If the Board admits any other person to this closed session, the

parent/guardian, the student, and the counsel of the student also shall be allowed to attend the closed session. (Education Code 48918(c))

If a hearing that involves a charge of sexual assault or sexual battery is to be conducted in public, a complaining witness shall have the right to have his/her testimony heard in closed session when testifying in public would threaten serious psychological harm to the witness and when there are no alternative procedures to avoid the threatened harm, including, but not limited to, videotaped deposition or contemporaneous examination in another place communicated to the hearing room by closed-circuit television. (Education Code 48918(c))

2. **Record of Hearing:** A record of the hearing shall be made and may be maintained by any means, including electronic recording, as long as a reasonably accurate and complete written transcription of the proceedings can be made. (Education Code 48918(g))
3. **Subpoenas:** Before commencing a student expulsion hearing, the Board may issue subpoenas, at the request of either the student or the Superintendent or designee, for the personal appearance at the hearing of any person who actually witnessed the action that gave rise to the recommendation for expulsion. After the hearing has commenced, the Board or the hearing officer or administrative panel may issue such subpoenas at the request of the student or the County Superintendent of Schools or designee. All subpoenas shall be issued in accordance with the Code of Civil Procedure 1985-1985.2 and enforced in accordance with Government Code 11455.20. (Education Code 48918(i))

Any objection raised by the student or the Superintendent or designee to the issuance of subpoenas may be considered by the Board in closed session, or in open session if so requested by the student, before the meeting. The Board's decision in response to such an objection shall be final and binding. (Education Code 48918(i))

If the Board determines, or if the hearing officer or administrative panel finds and submits to the Board, that a witness would be subject to unreasonable risk of harm by testifying at the hearing, a subpoena shall not be issued to compel the personal attendance of that witness at the hearing. However, that witness may be compelled to testify by means of a sworn declaration as described in item #4 below. (Education Code 48918(i))

4. **Presentation of Evidence:** Technical rules of evidence shall not apply to the expulsion hearing, but relevant evidence may be admitted and used as proof only if it is the kind of evidence on which reasonable persons can rely in the conduct of serious affairs. The decision of the Board to expel shall be supported by substantial evidence that the student committed any of the acts pursuant to Education Code 48900 and listed in "Grounds for Suspension and Expulsion" above. (Education Code 48918(h))

Findings of fact shall be based solely on the evidence at the hearing. While no finding shall be based solely on hearsay, sworn declarations may be admitted as testimony from witnesses whose disclosure of their identity or testimony at the hearing may subject them to an unreasonable risk of physical or psychological harm. (Education Code 48918(f))

In cases where a search of a student's person or property has occurred, evidence describing the reasonableness of the search shall be included in the hearing record.

5. - **Testimony by Complaining Witnesses:** The following procedures shall be observed when hearings involve allegations of sexual assault or sexual battery by a student: (Education Code 48918, 48918.5)
  - a. Any complaining witness shall be given five days' notice before being called to testify.
  - b. Any complaining witness shall be entitled to have up to two adult support persons, including, but not limited to, a parent/guardian or legal counsel; present during his/her testimony.
  - c. Before a complaining witness testifies, support persons shall be admonished that the hearing is confidential.
  - d. The person presiding over the hearing may remove a support person whom he/she finds is disrupting the hearing.

- e. If one or both support persons are also witnesses, the hearing shall be conducted in accordance with Penal Code 868.5.
  - f. Evidence of specific instances of prior sexual conduct of a complaining witness shall be presumed inadmissible and shall not be heard unless the person conducting the hearing determines that extraordinary circumstances require the evidence to be heard. Before such a determination is made, the complaining witness shall be given notice and an opportunity to oppose the introduction of this evidence. In the hearing on the admissibility of this evidence, the complaining witness shall be entitled to be represented by a parent/guardian, legal counsel, or other support person. Reputation or opinion evidence regarding the sexual behavior of a complaining witness shall not be admissible for any purpose.
  - g. In order to facilitate a free and accurate statement of the experiences of the complaining witness and to prevent discouragement of complaints, the district shall provide a nonthreatening environment.
    - (1) The district shall provide a room separate from the hearing room for the use of the complaining witness before and during breaks in testimony.
    - (2) At the discretion of the person conducting the hearing, the complaining witness shall be allowed reasonable periods of relief from examination and cross-examination during which he/she may leave the hearing room.
    - (3) The person conducting the hearing may:
      - (a) Arrange the seating within the hearing room so as to facilitate a less intimidating environment for the complaining witness
      - (b) Limit the time for taking the testimony of a complaining witness to the hours he/she is normally in school, if there is no good cause to take the testimony during other hours
      - (c) Permit one of the support persons to accompany the complaining witness to the witness stand
6. Decision: The Board's decision as to whether to expel a student shall be made within 40 school days after the student is removed from his/her school of attendance, unless the student requests in writing that the decision be postponed. (Education Code 48918(a))

#### **Alternative Expulsion Hearing: Hearing Officer or Administrative Panel**

Instead of conducting an expulsion hearing itself, the Board may contract with the county hearing officer or with the Office of Administrative Hearings of the State of California for a hearing officer. Alternatively, the Board may appoint an impartial administrative panel composed of three or more certificated personnel, none of whom shall be members of the Board or on the staff of the school in which the student is enrolled. (Education Code 48918(d))

A hearing conducted by the hearing officer or administrative panel shall conform to the same procedures applicable to a hearing conducted by the Board as specified above in "Conduct of Expulsion Hearing," including the requirement to issue its decision within 40 school days of the student's removal from school, unless the student requests that the decision be postponed. (Education Code 48918(a) and (d))

The hearing officer or administrative panel shall, within three school days after the hearing, determine whether to recommend expulsion of the student to the Board. If expulsion is not recommended, the expulsion proceeding shall be terminated and the student shall be immediately reinstated. The Superintendent or designee shall place the student in a classroom instructional program, any other instructional program, a rehabilitation program, or any combination of these programs after consulting with district staff, including the student's teachers, and with the student's parent/guardian. The decision to not recommend expulsion shall be final. (Education Code 48918(e))

If expulsion is recommended, findings of fact in support of the recommendation shall be prepared and submitted to the Board. All findings of fact and recommendations shall be based solely on the evidence presented at the hearing. The Board may accept the recommendation based either upon a review of the findings of fact and recommendations submitted or upon the results of any supplementary hearing the Board may order. (Education Code 48918(f))

In accordance with Board policy, the hearing officer or administrative panel may recommend that the Board suspend the enforcement of the expulsion for a period of one year. (Education Code 48917, 48918)

#### **Final Action by the Board**

Whether the expulsion hearing is conducted in closed or public session by the Board, a hearing officer, or an administrative panel, the final action to expel shall be taken by the Board at a public meeting. (Education Code 489180))

If the Board conducts the hearing and reaches a decision not to expel, this decision shall be final and the student shall be reinstated immediately.

Upon ordering an expulsion, the Board shall set a date When the student shall be reviewed for readmission to a school within the district. For a student expelled for any act listed under "Mandatory Recommendation and Mandatory Expulsion" above, this date shall be one year from the date the expulsion occurred, except that the Board may set an earlier date on a case by- case basis. For a student expelled for other acts, this date shall be no later than the last day of the semester following the semester in which the expulsion occurred. If an expulsion is ordered during summer session or the intersession period of a year-round program, the Board shall set a date when the student shall be reviewed for readmission not later than the last day of the semester following the summer session or intersession period in which the expulsion occurred. (Education Code 48916)

At the time of the expulsion order, the Board shall recommend a plan for the student's rehabilitation, which may include: (Education Code 48916)

1. Periodic review, as well as assessment at the time of review, for readmission
2. Recommendations for improved academic performance, tutoring, special education assessments, job training, counseling, employment, community service, or other rehabilitative programs

With parent/guardian consent, students who have been expelled for reasons relating to controlled substances or alcohol may be required to enroll in a county-sponsored drug rehabilitation program before returning to school. (Education Code 48916.5)

#### **Written Notice to Expel**

The Superintendent or designee shall send written notice of the decision to expel to the student or parent/guardian. This notice shall include the following:

1. The specific offense committed by the student for any of the causes for suspension or expulsion listed above under "Grounds for Suspension and Expulsion" (Education Code 48900.8)
2. The fact that a description of readmission procedures will be made available to the student and his/her parent/guardian (Education Code 48916)
3. Notice of the right to appeal the expulsion to the County Board of Education (Education Code 48918)
4. Notice of the alternative educational placement to be provided to the student during the time of expulsion (Education Code 48918)
5. Notice of the student's or parent/guardian's obligation to inform any new district in which the student seeks to enroll of the student's status with the expelling district, pursuant to Education Code 48915.1 (Education Code 48918)

#### **Decision Not to Enforce Expulsion Order**

In accordance with Board policy, when deciding whether to suspend the enforcement of an expulsion order, the Board shall take into account the following criteria:

1. The student's pattern of behavior
2. The seriousness of the misconduct
3. The student's attitude toward the misconduct and his/her willingness to follow a rehabilitation program

The suspension of the enforcement of an expulsion shall be governed by the following:

1. The Board may, as a condition of the suspension of enforcement, assign the student to a school, class, or program appropriate for the student's rehabilitation. This rehabilitation program may provide for the involvement of the student's parent/guardian in the student's education. However, a parent/guardian's refusal to participate in the rehabilitation program shall not be considered in the Board's determination as to whether the student has satisfactorily completed the rehabilitation program. (Education Code 48917)
2. During the period when enforcement of the expulsion order is suspended, the student shall be on probationary status. (Education Code 48917)
3. The suspension of the enforcement of an expulsion order may be revoked by the Board if the student commits any of the acts listed under "Grounds for Suspension and Expulsion" above or violates any of the district's rules and regulations governing student conduct. (Education Code 48917)
4. When the suspension of enforcement of an expulsion order is revoked, a student may be expelled under the terms of the original expulsion order. (Education Code 48917)
5. Upon satisfactory completion of the rehabilitation assignment, the Board shall reinstate the student in a district school. Upon reinstatement, the Board may order the expunging of any or all records of the expulsion proceedings. (Education Code 48917)
6. The Superintendent or designee shall send written notice of any decision to suspend the enforcement of an expulsion order during a period of probation to the student or parent/guardian. The notice shall inform the parent/guardian of the right to appeal the expulsion to the County Board, the alternative educational placement to be provided to the student during the period of expulsion, and the student's or parent/guardian's obligation to inform any new district in which the student seeks to enroll of his/her status with the expelling district, pursuant to Education Code 48915.1(b). (Education Code 489180))
7. Suspension of the enforcement of an expulsion order shall not affect the time period and requirements for the filing of an appeal of the expulsion order with the County Board. (Education Code 48917)

#### **Right to Appeal**

The student or parent/guardian is entitled to file an appeal of the Board's decision with the County Board. The appeal must be filed within 30 days of the Board's decision to expel, even if the expulsion order is suspended and the student is placed on probation. (Education Code 48919)

The student shall submit a written request for a copy of the written transcripts and supporting documents from the district simultaneously with the filing of the notice of appeal with the County Board. The district shall provide the student with these documents within 10 school days following the student's written request. (Education Code 48919)

#### **Notification to Law Enforcement Authorities**

Prior to the suspension or expulsion of any student, the principal or designee shall notify appropriate city or county law enforcement authorities of any student acts of assault which may have violated Penal Code 245. (Education Code 48902)

The principal or designee also shall notify appropriate city or county law enforcement authorities of any student acts which may involve the possession or sale of narcotics or of a controlled substance. In addition, law enforcement authorities shall be notified regarding any acts by students regarding the possession, sale, or furnishment of firearms, explosives, or other dangerous weapons in violation of Education Code 48915(c)(1) or (5) or Penal Code 626.9 and 626.10. (Education Code 48902)

Within one school day after a student's suspension or expulsion, the principal or designee shall notify appropriate city or county law enforcement authorities, by telephone or other appropriate means, of any student acts which may violate Education Code 48900(c) or (d), relating to the possession, use, offering, or sale of controlled substances, alcohol, or intoxicants of any kind. (Education Code 48902)

#### **Post-Expulsion Placements**

The Board shall refer expelled students to a program of study that is: (Education Code 48915,48915.01)

1. Appropriately prepared to accommodate students who exhibit discipline problems
2. Not provided at a comprehensive middle, junior, or senior high school or at any elementary school, unless the program is offered at a community day school established at such a site
3. Not housed at the school site attended by the student at the time of suspension

When the placement described above is not available and when the County Superintendent so certifies, students expelled for acts described in items #6-13 and #20-22 under "Grounds for Suspension and Expulsion" above may be referred to a program of study that is provided at another comprehensive middle, junior, or senior high school or at an elementary school. (Education Code 48915)

The program for a student expelled from any of grades K-6 shall not be combined or merged with programs offered to students in any of grades 7-12. (Education Code 48916.1)

### **Readmission After Expulsion**

Readmission procedures shall be as follows:

1. On the date set by the Board when it ordered the expulsion, the district shall consider readmission of the student. (Education Code 48916)
2. The Superintendent or designee shall hold a conference with the parent/guardian and the student. At the conference the student's rehabilitation plan shall be reviewed and the Superintendent or designee shall verify that the provisions of this plan have been met. School regulations shall be reviewed and the student and parent/guardian shall be asked to indicate in writing their willingness to comply with these regulations.
3. The Superintendent or designee shall transmit to the Board his/her recommendation regarding readmission. The Board shall consider this recommendation in closed session if information would be disclosed in violation of Education Code 4907349079. If a written request for open session is received from the parent/guardian or adult student, it shall be honored.
4. If the readmission is granted, the Superintendent or designee shall notify the student and parent/guardian, by registered mail, of the Board's decision regarding readmission.
5. The Board may deny readmission only if it finds that the student has not satisfied the conditions of the rehabilitation plan or that the student continues to pose a danger to campus safety or to other district students or employees. (Education Code 48916)
6. If the Board denies the readmission of a student, the Board shall determine either to continue the student's placement in the alternative educational program initially selected or to place the student in another program that serves expelled students, including placement in a county community school. (Education Code 48916)
7. The Board shall provide written notice to the expelled student and parent/guardian describing the reasons for denying readmittance into the regular program. This notice shall indicate the Board's determination of the educational program which the Board has chosen. The student shall enroll in that program unless the parent/guardian chooses to enroll the student in another school district. (Education Code 48916)

### **Maintenance of Records**

The district shall maintain a record of each suspension and expulsion, including its specific cause(s). (Education Code 48900.8)

Expulsion records of any student shall be maintained in the student's mandatory interim record, and sent to any school in which the student subsequently enrolls upon written request by that school. (Education Code 48918(k))

The Superintendent or designee shall, within five working days, honor any other district's request for information about an expulsion from this district. (Education Code 48915.1)

### **Outcome Data**

The Superintendent or designee shall maintain the following data: (Education Code 48900.8, 48916.1)

1. The number of students recommended for expulsion
2. The specific grounds for each recommended expulsion
3. Whether the student was subsequently expelled
4. Whether the expulsion order was suspended
5. The type of referral made after the expulsion
6. The disposition of the student after the end of the expulsion period

In addition, the Superintendent or designee shall disaggregate student data collected based on race, color, nationality, religion, disability, and other categories protected from discrimination under the law.

### **Suspension and Expulsion/due Process (Students With Disabilities)**

A student identified as an individual with a disability pursuant to the Individuals with Disabilities Education Act (IDEA), 20 USC 1400-1482, is subject to the same grounds and procedures for suspension and expulsion which apply to students without disabilities, except as otherwise specified in this administrative regulation.

#### **Suspension**

The Superintendent or designee may suspend a student with a disability for up to 10 consecutive school days for a single incident of misconduct, and for up to 20 school days in a school year, as long as the suspension(s) does not constitute a change in placement pursuant to 34 CFR 300.536.

The principal or designee shall monitor the number of days, including portions of days, in which a student with a valid individualized education program (IEP) has been suspended during the school year.

The Superintendent or designee shall determine, on a case-by-case basis, whether a pattern of removals of a student from his/her current educational placement for disciplinary reasons constitutes a change of placement. A change of placement shall be deemed to have occurred under either of the following circumstances:

1. The removal is for more than 10 consecutive school days.
2. The student has been subjected to a series of removals that constitute a pattern because of all of the following:
  - a. The series of removals total more than 10 school days in a school year.
    - b. The student's behavior is substantially similar to his/her behavior in previous incidents that resulted in the series of removals.
    - c. Additional factors, such as the length of each removal, the total amount of time the student has been removed, and the proximity of the removals to one another, indicate a change of placement.

If a student's removal is determined to be a change of placement as specified in items #1-2 above, or the student is suspended for more than 10 school days in the same school year, the student's IEP team shall determine the appropriate educational services. Such services shall be designed to enable the student to continue to participate in the general education curriculum in another setting, to progress toward meeting the goals set out in his/her IEP, and to address the student's behavior violation so that it does not recur.

If the IEP of a student with a disability requires the district to provide the student with transportation, the district shall provide the student with an alternative form of transportation at no cost to him/her or to his/her parent/guardian when he/she is to be excluded from school bus transportation.

#### **Interim Alternative Educational Placement Due to Dangerous Behavior**

The district may unilaterally place a student with a disability in an appropriate interim alternative educational setting for up to 45 school days, without regard to whether the behavior is a manifestation of the student's disability, when the student commits one of the following acts while at school, going to or from school, or at a school-related function:

1. Carries or possesses a weapon, as defined in 18 USC 930
2. Knowingly possesses or uses illegal drugs
3. Sells or solicits the sale of a controlled substance as identified in 21 USC 812(c), Schedules I-V
4. Inflicts serious bodily injury upon another person as defined in 18 USC 1365

The student's interim alternative educational setting shall be determined by his/her IEP team.

On the date the decision to take disciplinary action is made, the student's parent/guardian shall be notified of the decision and provided the procedural safeguards notice pursuant to 34 CFR 300.504.

A student who has been removed from his/her current placement because of dangerous behavior shall receive services, although in another setting, to the extent necessary to allow him/her to participate in the general education curriculum and to progress toward meeting the goals set out in his/her IEP. As appropriate, the student shall also receive a functional behavioral assessment and behavioral intervention services and modifications that are designed to address the behavior violation so that it does not recur. (20 USC 1314(k)(1)(D); 34 CFR 300.530)

### **Manifestation Determination**

The following procedural safeguards shall apply when a student with a disability is suspended for more than 10 consecutive school days, when a series of removals of a student constitutes a pattern, or when a change of placement of a student is contemplated due to a violation of the district's code of conduct:

1. **Notice:** On the date the decision to take disciplinary action is made, the student's parent/guardian shall be notified of the decision and provided the procedural safeguards notice pursuant to 34 CFR 300.504.
2. **Manifestation Determination Review:** Immediately if possible, but in no case later than 10 school days after the date the decision to take disciplinary action is made, a manifestation determination review shall be made of the relationship between the student's disability and the behavior subject to the disciplinary action.

At the manifestation determination review, the district, the student's parent/guardian, and relevant members of the IEP team (as determined by the district and parent/guardian) shall review all relevant information in the student's file, including the student's IEP, any teacher observations, and any relevant information provided by the parents/guardians, to determine whether the conduct in question was either of the following:

- a. Caused by or had a direct and substantial relationship to the student's disability
- b. A direct result of the district's failure to implement the student's IEP, in which case the district shall take immediate steps to remedy those deficiencies

If the manifestation review team determines that either of the above conditions applies, the student's conduct shall then be determined to be a manifestation of his/her disability.

3. **Determination that Behavior is a Manifestation of the Student's Disability:** When the student's conduct has been determined to be a manifestation of his/her disability, the IEP team shall conduct a functional behavioral assessment, unless one had been conducted before the occurrence of the behavior that resulted in the change of placement, and shall implement a behavioral intervention plan for the student. If a behavioral intervention plan has already been developed, the IEP team shall review the behavioral intervention plan and modify it as necessary to address the behavior.

The student shall be returned to the placement from which he/she was removed, unless the parent/guardian and Superintendent or designee agree to a change of placement as part of the modification of the behavioral intervention plan.

4. **Determination that Behavior is Not a Manifestation of the Student's Disability:** When it has been determined that the student's conduct was not a manifestation of his/her disability, the student may be disciplined in accordance with the procedures for students without disabilities. However, the student's IEP team shall determine services necessary to enable him/her to participate in the general education curriculum in another setting and to allow him/her to progress toward meeting the goals set out in his/her IEP.

As appropriate, the student also shall receive a functional behavioral assessment and behavioral intervention services and modifications that are designed to address the behavior violation so that it does not recur.

**Due Process Appeals**

If the parent/guardian disagrees with any district decision regarding placement under 34 CFR 300.530 (suspension and removal for dangerous circumstances) or 34 CFR 300.531 (interim alternative placement), or the manifestation determination under 34 CFR 300.530(e), he/she may appeal the decision by requesting a hearing. The district may request a hearing if the district believes that maintaining the student's current placement is substantially likely to result in injury to the student or others. In order to request a due process hearing, the requesting party shall file a complaint pursuant to 34 CFR 300.507 and 300.508(a) and (b).

Whenever a hearing is requested as specified above, the parent/guardian or the district shall have an opportunity for an expedited due process hearing consistent with requirements specified in 34 CFR 300.507, 300.508 (a)-(c), and 300.510-300.514.

If the student's parent/guardian or the district has initiated a due process hearing under 34 CFR 300.532 as detailed above, the student shall remain in the interim alternative educational setting pending the decision of the hearing officer or until the expiration of the 45-day time period, whichever occurs first, unless the parent/guardian and district agree otherwise.

**Readmission**

Readmission procedures for students with disabilities shall be the same as those adopted for students without disabilities. Upon readmission of a student with disabilities, an IEP team meeting shall be convened to review and, as necessary, modify the student's IEP.

**Decision Not to Enforce Expulsion Order**

The Board of Trustees' criteria for suspending the enforcement of an expulsion order shall be applied to students with disabilities in the same manner as they are applied to all other students.

**Notification to Law Enforcement Authorities**

Law enforcement notification requirements involving students with disabilities shall be the same as those specified for all students in AR 5144.1 - Suspension and Expulsion/Due Process.

When giving any required notification concerning a student with disabilities to any law enforcement official, the principal or designee shall require the law enforcement official to certify in writing that he/she will not disclose the student's information or records to any other person without the prior written consent of the student's parent/guardian.

**Report to County Superintendent of Schools**

The Superintendent or designee shall report to the County Superintendent of Schools when any special education student has been expelled or suspended for more than 10 school days. The report shall include the student's name, last known address, and the reason for the action.

**Procedures for Students Not Yet Eligible for Special Education Services**

A student who has not been determined to be eligible for special education and related services and who has violated the district's code of student conduct may nevertheless assert any of the protections under IDEA, if the district had knowledge of the student's disability.

Knowledge means that, before the occurrence of the behavior that precipitated the disciplinary action, one of the following occurred:

1. The parent/guardian, in writing, has expressed concern to district supervisory or administrative personnel, or to a teacher of the student, that the student is in need of special education or related services.
2. The parent/guardian has requested an evaluation of the student for special education pursuant to 20 USC 1414(a)(1)(B) or 34 CFR 300.300-300.311.
3. The teacher of the student or other district personnel has expressed specific concerns directly to the district's director of special education or other supervisory district personnel about a pattern of behavior demonstrated by the student.

However, the district shall not be deemed to have knowledge of a student's disability if the student's parent/guardian has not allowed him/her to be evaluated for special education services or has refused services or, after evaluating the student pursuant to 34 CFR 300.300-300.311, the district determined that he/she was not an individual with a disability.

When the district is deemed to not have knowledge of a student's disability, the student shall be disciplined in accordance with procedures established for students without disabilities who engage in comparable behavior.

If a request is made for an evaluation of a student during the time period in which the student is subject to disciplinary measures pursuant to 34 CFR 300.530, the evaluation shall be conducted in an expedited manner. Until the evaluation is completed, the student shall remain in the educational placement determined by school authorities.

**Legal Reference:**

**EDUCATION CODE**

35146 Closed sessions re: suspensions  
35291 Rules of governing board  
48203 Reports of severance of attendance of disabled students  
48900-48925 Suspension and expulsion  
49076 Access to student records  
56000 Special education; legislative findings and declarations  
56320 Educational needs; requirements  
56321 Development or revision of individualized education program  
56329 Independent educational assessment  
56340-56347 Individualized education program teams  
56505 State hearing

**PENAL CODE**

245 Assault with deadly weapon  
626.2 Entry upon campus after written notice of suspension or dismissal without permission  
626.9 Gun-Free School Zone Act  
626.10 Dirks, daggers, knives, razors, or stun guns

**UNITED STATES CODE. TITLE 18**

930 Weapons  
1365 Serious bodily injury

**UNITED STATES CODE. TITLE 20**

1412 State eligibility  
1314 Procedural safeguards

**UNITED STATES CODE. TITLE 21**

812 Controlled substances

**UNITED STATES CODE. TITLE 29**

706 Definitions  
794 Rehabilitation Act of 1973, Section 504

**CODE OF FEDERAL REGULATIONS. TITLE 34**

104.35 Evaluation and placement  
104.36 Procedural safeguards  
300.1-300.818 Assistance to states for the education of students with disabilities, especially:  
300.530-300.537 Discipline procedures

**COURT DECISIONS**

Schaffer v. Weast, (2005) 546 U.S. 549  
Parents of Student W. v. Puyallup School District, (1994) 9th Cir. 31 F.3d 1489  
MP. v. Governing Board of Grossmont Union High School District, (1994) 858 F.Supp. 1044  
Honig v. Doe, (1988) 484 U.S. 305

Regulation approved: March 21, 2013

**EVERGREEN SCHOOL DISTRICT**

San Jose, California

**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 district shall investigate and seek to resolve any complaints

alleging failure to comply with such laws and/or alleging unlawful discrimination, harassment, intimidation, or bullying in accordance with the uniform complaint procedures:

The district shall use the uniform complaint procedures to resolve any complaint alleging unlawful discrimination, harassment, intimidation, or bullying in district programs and activities based on 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, Penal Code 422.55, or Government Code 11135, or based on association with a person or group with one or more of these actual or perceived characteristics.

Uniform complaint procedures shall also be used to address any complaint alleging the district's failure to comply with the prohibition against requiring students to pay fees, deposits, or other charges for participation in educational activities, the requirements for the development and adoption of a school safety plan, and state and/or federal laws in 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.

The Board prohibits any form of retaliation against any complainant in the complaint process. Participation in the complaint process shall not in any way affect the status, grades, or work assignments of the complainant.

The Board encourages the early, informal resolution of complaints at the site level whenever possible.

The Board recognizes that a neutral mediator can often suggest a compromise that is agreeable to all parties in a dispute. In accordance with the uniform complaint procedures, whenever all parties to a complaint agree to try resolving the problem through mediation, the Superintendent or designee shall initiate that process. The Superintendent or designee shall ensure that the results are consistent with state and federal laws and regulations.

In investigating complaints, the confidentiality of the parties involved and the integrity of the process shall be protected. As appropriate for any complaint alleging discrimination, harassment, intimidation, or bullying, the Superintendent or designee may keep the identity of a complainant confidential to the extent that the investigation of the complaint is not obstructed.

The district's Williams uniform complaint procedures, AR 1312.4, shall be used to investigate and resolve any complaint related to the following:

1. Sufficiency of textbooks or instructional materials
2. Emergency or urgent facilities conditions that pose a threat to the health or safety of students or staff
3. Teacher vacancies and misassignments

**Legal Reference:**

**EDUCATION CODE**

200-262.4 Prohibition of discrimination

8200-8498 Child care and development programs

8500-8538 Adult basic education

18100-18203 School libraries

32289 School safety plan, uniform complaint procedures

35186 Williams uniform complaint procedures

37254 Intensive instruction and services for students who have not passed exit exam

41500-41513 Categorical education block grants

48985 Notices in language other than English

49010-49013 Student fees

49060-49079 Student records

49490-49590 Child nutrition programs

52160-52178 Bilingual education programs

52300-52490 Career technical education

52500-52616.24 Adult schools

52800-52870 School-based program coordination

54000-54028 Economic impact aid programs

54100-54145 Miller-Unruh' Basic Reading Act  
54400-54425 Compensatory education programs  
54440-54445 Migrant education  
54460-54529 Compensatory education programs  
56000-56867 Special education programs  
59000-59300 Special schools and centers  
64000-64001 Consolidated application process

**GOVERNMENT CODE**

11135 Nondiscrimination in programs or activities funded by state  
12900-12996 Fair Employment and Housing Act

**PENAL CODE**

422.55 Hate crime; definition  
422.6 Interference with constitutional right or privilege

**CODE OF REGULATIONS, TITLE 5**

3080 Application of section  
4600-4687 Uniform complaint procedures  
4900-4965 Nondiscrimination in elementary and secondary education programs

**UNITED STATES CODE, TITLE 20**

6301-6577 Title 1 basic programs  
6601-6777 Title 11 preparing and recruiting high quality teachers and principals  
6801-6871 Title 111 language instruction for limited English proficient and immigrant students  
7101-7184 Safe and Drug-Free Schools and Communities Act  
7201-7283g Title V promoting informed parental choice and innovative programs  
7301-7372 Title V rural and low-income school programs

Except as the Governing Board may otherwise specifically provide in other Board policies, the uniform complaint procedures shall be used only to investigate and resolve complaints alleging violations of federal or state laws or regulations governing specific educational programs, the prohibition against requiring students to pay fees, deposits, or other charges for participating in educational activities, and unlawful discrimination, harassment, intimidation, or bullying, as specified in accompanying Board policy.

The district's uniform complaint procedures policy and administrative regulation shall be posted in all district schools and offices, including staff lounges and student government meeting rooms. 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 uniform complaint procedures shall be translated into that language. (Education Code 234.1, 48985)

**Compliance Officers**

The following compliance officer(s) shall receive and investigate complaints and shall ensure district compliance with law:

Director, Educational Services  
3188 Quimby Rd  
San Jose, CA 95148  
408-270-6800

The Superintendent or designee shall ensure that employees designated to investigate complaints are knowledgeable about the laws and programs for which they are responsible. Designated employees may have access to legal counsel as determined by the Superintendent or designee.

**Notifications**

The Superintendent or designee shall annually provide written notification of the district's uniform complaint procedures to students, employees, parents/guardians, the district advisory committee, school advisory committees, appropriate private school officials or representatives, and other interested parties. (5 CCR 4622)

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
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 unlawful discrimination, harassment, intimidation, 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, harassment, intimidation, or bullying.
  - d. The complainant has a right to appeal the district's decision to the CDE by filing a written appeal within 15 days of receiving the district's decision.
  - e. The appeal to the CDE must include a copy of the complaint filed with the district and a copy of the district's decision.
  - f. Copies of the district's uniform complaint procedures are available free of charge.

### **Procedures**

The following procedures shall be used to address all complaints which allege that the district has violated federal or state laws or regulations governing educational programs or has committed unlawful discrimination.

All complaints shall be investigated and resolved within 60 days of the district's receipt of the complaint. Compliance officers shall maintain a record of each complaint and subsequent related actions, including all information required for compliance with 5 CCR 4631 and 4633.

All parties involved in allegations shall be notified when a complaint is filed, when a complaint meeting or hearing is scheduled, and when a decision or ruling is made.

#### **Step 1: Filing of Complaint**

Any individual, public agency, or organization may file a written complaint of the district's alleged noncompliance with federal or state laws or regulations governing educational programs. (5 CCR 4630)

A complaint concerning unlawful discrimination, harassment, intimidation, or bullying may be filed only by a person who alleges that he/she personally suffered unlawful discrimination, harassment, intimidation, or bullying 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, harassment, intimidation, or bullying occurred, or six months from the date when the complainant first obtained knowledge of the facts of the alleged discrimination, harassment, intimidation, or bullying. However, upon written request by the complainant, the Superintendent or designee may extend the filing period for up to 90 calendar days. (5 CCR 4630)

A complaint alleging noncompliance with the law regarding the prohibition against requiring students to pay student fees, deposits, and charges maybe filed anonymously if the complaint provides evidence or information leading to evidence to support an allegation of noncompliance. (Education Code 49013)

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.

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)

#### **Step 2: Mediation**

Within three days of receiving the complaint, the compliance officer may informally discuss with all the parties the possibility of using mediation. If the parties agree to mediation, the compliance officer shall make all arrangements for this process.

Before initiating the mediation of a complaint alleging discrimination, harassment, intimidation, or bullying, the compliance officer shall ensure that all parties agree to make the mediator a party to related confidential information.

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. (5 CCR 4631)

### **Step 3: Investigation of Complaint**

Within 10 days of receiving the complaint, the compliance officer shall provide the complainant and/or his/her representative an opportunity to present the complaint and any evidence, or information leading to evidence, to support the allegations in the complaint. The compliance officer also shall collect all documents and interview all witnesses with information pertinent to the complaint.

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)

### **Step 4: Response**

Unless extended by written agreement with the complainant, the compliance officer shall prepare and send to the complainant a written report of the district's investigation and decision, as described in Step #5 below, within 60 days of the district's receipt of the complaint. (5 CCR 4631)

### **Step 5: Final Written Decision**

The district's decision shall be in writing and sent to the complainant. (5 CCR 4631)

The district's decision shall be written in English and, when required by Education Code 48985, in the complainant's primary language.

For all complaints, the decision shall include: (5 CCR 4631)

1. The findings of fact based on the evidence gathered
2. The conclusion(s) of law
3. Disposition of the complaint
4. Rationale for such disposition
5. Corrective actions, if any are warranted
6. Notice of the complainant's right to appeal the district's decision within 15 days to the CDE and procedures to be followed for initiating such an appeal

In addition, any decision concerning a discrimination, harassment, intimidation, or bullying complaint based on state law shall include a notice that the complainant must wait until 60 calendar days have elapsed from the filing of an appeal with the CDE before pursuing civil law remedies. (Education Code 262.3)

If investigation of a complaint results in discipline to a student or an employee, the decision shall simply state that effective action was taken and that the student or employee was informed of district expectations. The report shall not give any further information as to the nature of the disciplinary action.

If a complaint alleging noncompliance with the laws regarding student fees, deposits, and other charges is found to have merit, the district shall provide a remedy to all affected students and parents/guardians, which, where applicable, shall include reasonable efforts to ensure full reimbursement to them. (Education Code 49013)

### **Appeals to the California Department of Education**

If dissatisfied with the district's decision, the complainant may appeal in writing to the CDE. (Education Code 49013; 5 CCR 4632)

The complainant shall file his/her appeal within 15 calendar days of receiving the district's decision and the appeal 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

The CDE may directly intervene in a complaint without waiting for action by the district when one of the conditions listed in 5 CCR 4650 exists, including when the district has not taken action within 60 calendar days of the date the complaint was filed with the district.

### **Civil Law Remedies**

A complainant may pursue available civil law remedies outside of the district's complaint procedures. Complainants may seek assistance from mediation centers or public/private interest attorneys. Civil law remedies that may be imposed by a court include, but are not limited to, injunctions and restraining orders.

For complaints alleging discrimination, harassment, intimidation, and bullying based on state law, a complainant shall wait until 60 calendar days have elapsed from the filing of an appeal with the CDE before pursuing civil law remedies, provided the district has appropriately and in a timely manner apprised the complainant of his/her right to file a complaint in accordance with 5 CCR 4622. The moratorium does not apply to injunctive relief and to discrimination complaints based on federal law. (Education Code 262.3)

Board approved: November 14, 2013

Regulation revised: June 13, 2013, July 1, 2013, September 20, 2013

Regulation approved: March 21, 2013

### **EVERGREEN SCHOOL DISTRICT**

San Jose, California

### **Weapons and Dangerous Instruments**

The Board of Trustees recognizes that students and staff have the right to a safe and secure campus free from physical and psychological harm and desires to protect them from the dangers presented by firearms and other weapons.

#### **Possession of Weapons**

The Board prohibits any student from possessing weapons, imitation firearms, or other dangerous instruments, as defined in law and administrative regulation, in school buildings, on school grounds or buses, at school-related or school-sponsored activities away from school, or while going to or coming from school.

Under the power granted to the Board to protect the safety of students, staff, and others on district property and to maintain order and discipline in the schools, any school employee is authorized to confiscate any prohibited weapon, imitation firearm, or dangerous instrument from any student on school grounds.

Unless he/she has obtained prior written permission as specified below, a student possessing or threatening others with any weapon, dangerous instrument, or imitation firearm shall be subject to suspension and/or expulsion in accordance with law, Board policy, and administrative regulations.

The principal or designee shall notify law enforcement authorities when any student possesses a firearm, explosive, or other prohibited weapon or dangerous instrument without permission, sells or furnishes a firearm, or commits any act of assault with a firearm or other weapon. (Education Code 48902; Penal Code 245,626.9,626.10; 20 USC 7151)

#### **Advance Permission for Possession of a Weapon for Educational Purposes**

When the principal or designee grants permission, he/she shall take all necessary precautions to ensure the safety of all persons on school grounds, including, but not limited to, inspecting a firearm to verify that no live ammunition is present. Any weapon allowed shall be stored in a locked vehicle or in an appropriate, locked container before and after its authorized use.

A student granted permission to possess a weapon may be suspended and/or expelled if he/she possesses or uses the weapon inappropriately.

#### **Possession of Pepper Spray**

To prevent potential misuse that may harm students or staff, students are prohibited from carrying tear gas or tear gas weapons such as pepper spray on campus or at school activities.

#### **Reporting of Dangerous Objects**

The Board encourages students to promptly report the presence of weapons, injurious objects, or other suspicious activity to school authorities. The identity of a student who reports such activity shall remain confidential to the extent permitted by law.

The Superintendent or designee shall develop strategies designed to facilitate student reporting of the presence of injurious objects on school grounds, such as tip hotlines, electronic transmissions, or other methods that preserve the student's anonymity. Incident reports and records shall not identify the student who reported the possession. The Superintendent or designee also shall inform staff, students, and parents/guardians that students who report the presence of injurious objects on school campuses are to be protected and their identity shielded.

#### **Legal Reference:**

##### **EDUCATION CODE**

35291 Governing board to prescribe rules for discipline of the schools  
48900 Grounds for suspension/expulsion  
48902 Notification of law enforcement authorities  
48915 Required recommendation for expulsions  
48916 Readmission  
49330-49335 Injurious objects

##### **PENAL CODE**

245 Assault with deadly weapon  
417.4 Imitation firearm; drawing or exhibiting  
626.9 Gun-Free School Zone Act of 1995  
626.10 Dirks, daggers, knives, razor or stun gun; bringing or possessing in school  
653k Switchblade knife  
16100-17350 Definitions  
22810-23025 Tear gas weapon (pepper spray)  
25200-25225 Firearms, access to children  
30310 Prohibition against ammunition on school grounds

##### **UNITED STATES CODE, TITLE 20**

6301-7941 No Child Left Behind Act, especially:  
7151 Gun-Free Schools Act

Prohibited weapons and dangerous instruments include, but are not limited to: (Education Code 48915, 49330; Penal Code 626.10, 16100-17350, 30310)

1. Firearms: pistols, revolvers, shotguns, rifles, "zip guns," "stun guns," tasers, and any other device capable of propelling a projectile by the force of an explosion or other form of combustion
2. Ammunition or reloaded ammunition
3. Knives, razor blades, and box cutters: any dirks, daggers, ice picks, or other weapons with a fixed, sharpened blade fitted primarily for stabbing, weapons with a blade fitted primarily for stabbing, weapons with a blade longer than 2-1/2 inches, folding knives with a blade that locks into place, and razors with an unguarded blade
4. Explosive and/or incendiary devices: pipe bombs, time bombs, cap guns, containers of inflammable fluids, and other hazardous devices
5. Any instrument that expels a metallic projectile, such as a BB or a pellet, through the force of air pressure, carbon dioxide pressure, or spring action, or any spot marker gun
6. Any other dangerous device, instrument, or weapon, including those defined in Penal Code 12020, including a blackjack, slingshot, billy, nunchaku, sandclub, sandbag, metal knuckles, or any metal plate with three or more radiating points with one or more sharp edges designed for use as a weapon
7. Any imitation firearm, defined as a replica of a firearm that is so substantially similar in physical properties to an existing firearm as to lead a reasonable person to conclude that the replica is a firearm

Any employee may take any weapon or dangerous instrument from the personal possession of a student while the student is on school premises or under the authority of the district. (Education Code 49331, 49332)

In determining whether to take possession of the weapon or dangerous instrument, the employee shall use his/her own judgment as to the dangerousness of the situation and, based upon this analysis, shall take one of the following actions:

1. Confiscate the object and deliver it to the principal immediately
2. Immediately notify the principal, who shall take appropriate action
3. Immediately notify the local law enforcement agency and the principal

When informing the principal about the possession of a weapon or dangerous instrument, the employee shall report the name(s) of persons involved, witnesses, location, and the circumstances of the possession.

The principal shall report any possession of a weapon or dangerous instrument to the student's parents/guardians by telephone or in person, and shall follow this notification with a letter.

The employee shall retain possession of the instrument until the risk of its use as a weapon has dissipated or, upon the request of the student's parent/guardian, until the parent/guardian appears and personally takes possession. (Education Code 49331, 49332)

Regulation approved: March 21, 2013

**EVERGREEN SCHOOL DISTRICT**

San Jose, California

**Adaptations for Students with Disabilities**

**Opioid Prevention and Life-Saving Response Procedures**

**Response Procedures for Dangerous, Violent, or Unlawful Activity**

**Instructional Continuity Plan**

## **Additional Site Attachments**

Evergreen School District  
2024-2025 School Year

**Emergency Response Contact Information**

**SCHOOL NAME:**

CEDAR GROVE

2702 SUGARPLUM DRIVE, SAN JOSE 95148

(408) 270-4958

**PRINCIPAL NAME:**

LEA PEERY

(408) 427-1195

**PRIMARY CONTACT 1**

LEA PEERY (408) 427-1195

**PRIMARY CONTACT 2**

LISA DAVIDSON (408) 460-2818

**SAFETY ALERT EMAIL ADDRESS:**

[lpeery@eesd.org](mailto:lpeery@eesd.org)

[lisadavidson@eesd.org](mailto:lisadavidson@eesd.org)

[dlmsjdavidson@eesd.org](mailto:dlmsjdavidson@eesd.org)

[cgall@eesd.org](mailto:cgall@eesd.org)

**Cedar Grove**  
**Emergency Reporting Form**

(Assess and complete immediately. Emergency Team member will collect form when they check your classroom during the drill or at the blacktop.)

Teacher: \_\_\_\_\_ Room: \_\_\_\_\_

\_\_\_\_\_ All students and staff accounted for and uninjured.

Missing or injured students:

<u>Name</u>	<u>Problem (missing/injured)</u>	<u>Possible Location</u>
.		
.		
.		
.		

Missing or injured staff:

<u>Name</u>	<u>Problem (missing/injured)</u>	<u>Possible Location</u>
.		
.		
.		
.		

Damage Report:

\_\_\_\_\_ None      \_\_\_\_\_ Fire      \_\_\_\_\_ Gas Leak

\_\_\_\_\_ Minor (Objects fell, window cracked)

\_\_\_\_\_ Significant (Wall/ceiling partially damage)

\_\_\_\_\_ Major (Walls/ceiling collapsed)

Other Information \_\_\_\_\_

\_\_\_\_\_

***Give this form to the E.T. Member (Emergency Team/Admin.) who comes to your classroom to direct you to the emergency lines or other safe location.***

# Lesson Plan: Recess

Step 1: Identify the desired behavior and describe it in observable, measurable terms.

Be Kind	Be Responsible	Be Safe
<ul style="list-style-type: none"> <li>• Include all</li> <li>• Share equipment</li> <li>• Wait your turn</li> <li>• Follow directions</li> </ul>	<ul style="list-style-type: none"> <li>• Return equipment</li> <li>• Throw away trash</li> <li>• Line up quickly and quietly</li> </ul>	<ul style="list-style-type: none"> <li>• Walk</li> <li>• Use equipment correctly</li> <li>• Keep hands to self</li> </ul>

Step 2: List a rationale for teaching the behavior (Why is it important?)

1. "Today we are going to talk about how we are kind, responsible, and safe on the playground."
2. Why are doing this? So we all know what it means to be kind, responsible, and safe on the playground.
3. "Could someone tell us what we are going to learn and practice today?"
4. Show Teaching Poster of Expectations with pictures and walk through the expectations
5. Discuss

Step 3: Identify examples and non-examples of the desired behavior (What would the behavior look/sound like? What would the behavior not look/sound like?)

Examples	Non-examples
<ul style="list-style-type: none"> <li>• Count to 20 and the student gets off the swing immediately</li> <li>• Staying on the playground after ball goes into the parking lot</li> <li>• Putting balls away</li> <li>• Lining up quickly and quietly</li> <li>• Walking around games</li> </ul>	<ul style="list-style-type: none"> <li>• Swing without getting off when a peer counted to 20</li> <li>• Walking through a sock out game</li> <li>• Telling someone they cannot play</li> <li>• Kicking ball when the whistle is blown</li> <li>• Running to line up or walking too slowly with friends talking</li> </ul>

#### Step 4: Practice/Role Play Activities

##### **Model expected behavior (I do):**

- Demonstrate examples of NOT following the expectations.
  - KIND
  - RESPONSIBLE
  - SAFE
- Demonstrate examples of following the expectations.
  - KIND
  - RESPONSIBLE
  - SAFE
- Discussion. SAY: “Tell me what “Kind, Responsible, and Safe look, feel, or sound like on the playground.”

##### **Lead students through behavior (We do):**

###### Practice

- Take students to the playground and follow the expectations all of the way through, with an adult monitoring.
- Debrief with students any questions. SAY: “ Are there any questions you have about being kind, responsible, and safe behavior on the playground?”

##### **Test to ensure students understand behavior (You do):**

- Give scenarios of positive examples and non examples of behaviors and ask students to label the rule it follows or does not follow.

#### Step 5: Provide ongoing opportunities for practice

*Red highlighted dates are 4 day weeks.		8/19	8/26	9/2	9/9	9/16	9/23	9/30			
		10/7	10/14	10/21	10/28	11/4	11/11	11/18			
		12/2	12/9	12/16	1/6	1/13	1/20	1/27			
		2/3	2/10	2/24	3/3	3/10	3/17	3/31			
		4/7	4/14	4/21	4/28	5/12	5/19	5/26	6/2	6/9	
2:35/1:17	PM Flag	Conlon	Cuaderno	Speth-Martinez	Mena	Dimitri	Sax	Balallo	Dimitri (M,T) Balallo (W-F)	Cuaderno (M,T) Sax (W,Th)	
No Duty	Free	Mena	Balallo	Mena	Cuaderno	Balallo	Mena	Mena	Mena (M-W) Cuaderno	Mena	
10:00-10:20	G=Grass and playground with swings	Dimitri	Mena	Conlon	Sax	Cuaderno	Balallo	Speth-Martinez	Conlon (M-W) Mena (TH,F)	Sax (M,T) Cuaderno (W) Conlon (Th)	
No Duty	Free	Speth-Martinez	Dimitri	Balallo	Speth-Martinez	Speth-Martinez	Speth-Martinez	Cuaderno	Speth (M)	Speth (T-Th)	
No Duty	Free	Sax	Sax	Sax	Balallo	Sax	Cuaderno	Dimitri	Sax		
10:00-10:20	P=playgrounds (both) and basketball courts	Balallo	Speth-Martinez	Cuaderno	Dimitri	Mena	Conlon	Sax	Balallo (M) Speth (T-F)	Speth (M) Dimitri (T), Balallo (W) Cuaderno (Th)	
No Duty	Free	Cuaderno	Conlon	Dimitri	Conlon	Conlon	Dimitri	Conlon	Conlon (Th,F)	Conlon (M,T,W)	
									Balallo (T)	Balallo (M,T,Th)	
									Dimitri (W-F)	Dimitri (M,W,Th)	

## Expectations for teachers:

\*Teachers report to duty a couple minutes **before recess starts**

\*Make an extra effort to **be attentive**, as there are only 2 teachers on duty

\*Bring out your **cell phone** for emergencies

## Expectations for Students:

\*Tag is only for the grass area

\*Eating at tables

\*Collect all equipment at the end of recess





## **Safe Ingress/Egress Procedures**

In the morning, all students enter the school campus through the front and back gates. The office is opened for parents to access the buildings. All other gates are locked. When school starts, supervisors lock the front gates, and the custodian secures all other gates. At dismissal, parents wait in front of the school, the front gates are opened by teachers or supervisors on both sides of the campus.

### **Supervision of Students**

School administration and faculty place a high priority on providing adequate adult supervision on campus before, during, and after school. As students arrive on campus each morning, a teacher and two supervisors are strategically assigned to designated entrance areas and playground. During recess, teachers supervise playground activity. Teachers, supervisors, and administrator monitor lunch time activity in the café, patio and playground. At the end of the day when students are dismissed, the principal, teachers, and supervisors monitor student behavior to ensure a safe and orderly dismissal.

### **Visitors**

Cedar Grove Elementary School is a closed campus. During school hours, all visitors must sign in at the school's office and wear identification badges while on school grounds.

# EMERGENCY ASSIGNMENT



## **BUILDING A**

Upstairs - Lisa  
Downstairs- Lisa

## **BUILDING B**

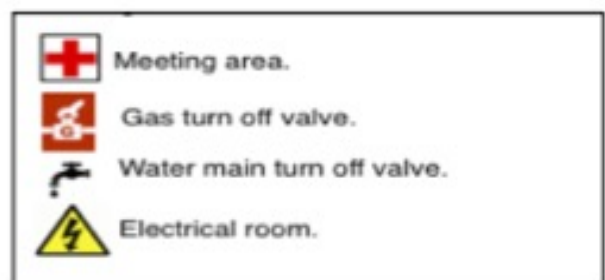
Elaine Perez

## **BUILDING C**

Upstairs - Lea  
Downstairs - Lea

## **KINDERGARTEN**

Elaine Perez



# EMERGENCY ASSIGNMENT



## BUILDING A

Upstairs - Lisa  
Downstairs- Lisa

## BUILDING B

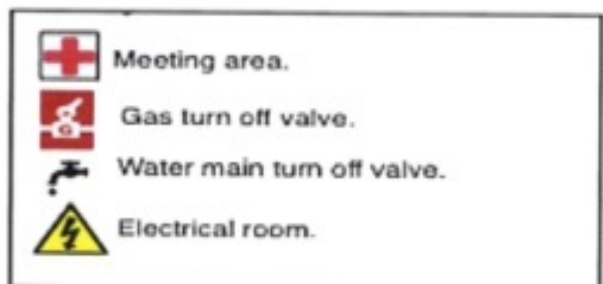
Elaine Perez

## BUILDING C

Upstairs - Lea  
Downstairs - Lea

## KINDERGARTEN

Elaine Perez



## Emergency Procedures

Below are the procedures to be followed in the event of a fire or earthquake disaster. The following page contains the procedures to be followed in a Run, Hide, Defend emergency. Fire drills will be held monthly and earthquake drills will be held twice a year.

### **Fire Drill Procedures**

1. The alarm will ring and students and teacher immediately evacuate the classroom in a quiet single file line.
2. The teacher is the last to evacuate and takes with him/her the class list for attendance. **The classroom doors are closed.**
3. Each class should follow the route on the evacuation map and line up as indicated
4. Once at the evacuation site, teachers take attendance and account for missing students
5. An "all clear" signal will be given, and students will return to class in single file, quiet lines

### **Earthquake Drill**

1. Upon feeling shaking, students and adults duck, cover, and hold.
2. Teachers take roll while in duck and cover position. Doors remain open.
3. An assigned contact person will come to your classroom and will act as a source of communication
4. Contact person assist with injuries. No one is to leave the classroom until instructed to do so by the contact person
5. When instructed to leave the classroom, **send students in groups of 4-5 to your evacuation area.** When all students are evacuated the teacher evacuates to assigned area, **leaving the classroom doors open.** Teacher takes Earthquake Procedures packet to the evacuation area.
6. Once at evacuation site, teacher takes attendance and accounts for missing students
7. Wait for further instructions or "all clear" signal before returning to buildings

### **Run, Hide, Defend- *Hide & Barricade***

Formally Code Red, Run, **Hide**, Defend is the term used to define "other" emergencies. These emergencies might include an armed intruder, an intruder within, or a chemical disaster. In the event of an armed intruder or intruder from within our **Run, Hide, Defend** training calls for us to adopt a "survivor mentality". This means that, if at all possible, you and your students should evacuate the campus and report to one of our two evacuation sites. The sites are the East Valley Church located on Flint Road and the Golden Hills Business Complex located at the corner of White and Norwood.

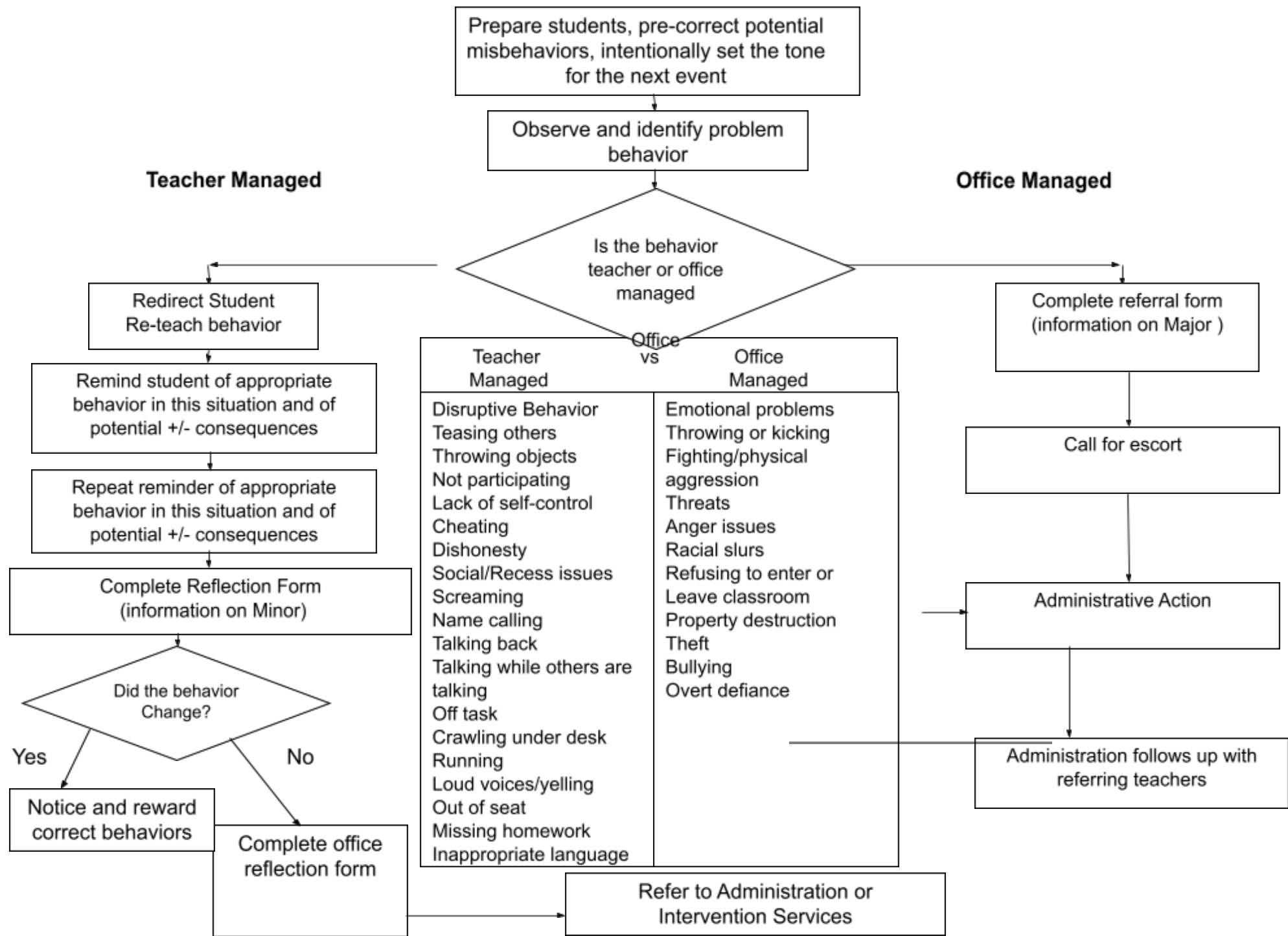
If unable to evacuate, teachers and students should hunker down in the classroom, out of the line of fire. Doors should be barricaded, blinds/drapes drawn close, students silent. Communication with the office will be via e-mail and/or phone. If you have an injured student, it will be communicated and attended to as appropriate. Often times, these

## Cedar Grove Elementary Behavior Expectations



	Arrival and Dismissal	Library	Main Office	Hallways and Stairs	Restrooms	Cougar Cafe	Playground
							
<b>Be Kind</b>	Greet others  Smile	Greet media clerk  Whisper  Take turns when needed during book selection	Greet others  Wait quietly by counter  Use manners- "please and thank you"	Quietly smile  Respect other people's property	Respect others privacy	Greet noon supervisors  Use manners- "Please", "Thank you"  Maintain eye contact	Share equipment  Wait your turn  Manage your words if upset
<b>Be Responsible</b>	Walk  Use crosswalk  Go straight home (dismissal)  Go to designated area (arrival)	Take care of books  Use walking feet  Sit in designated area	Wait your turn  Do your business and leave	Be mindful of others  Stay in designated area  Keep hands and feet to yourself	Clean Up after yourself  Wash your hands  Handle your business and leave	Eat your own food  Clean up after yourself  Raise your hand to be dismissed	Return equipment  Throw away trash  Be a problem solver
<b>Be Safe</b>	Wait on pick-up line  Cross only with an adult  Report Strangers	Use shelf markers correctly	Walk  Enter quietly  Open and close doors nicely	Walk quietly  Stay together  Stay to the right going up and down the stairs  No passing	Keep hands & objects to yourself  Report Strangers  Maintain Personal Space	Walk  Clean up after yourself	Walk  Use equipment correctly  Freeze when needed

Student Behavior Management Process



# Yard Duty Schedule (4th, 5th, 6th)

# 2024-2025



*Please report to duty on time.*



8/19	8/26	9/3	9/9	9/16	9/23	9/30	10/7
10/14	10/21	10/28	11/4	11/12	11/18	12/2	12/9
12/16	1/6	1/13	1/21	1/27	2/3	2/10	2/24
3/3	3/10	3/17	3/24	4/1	4/7	4/14	4/28
5/5	5/12	5/19	5/27	6/2	6/9		

10:30-10:50	G	Melo	Altona	Chong	Moutz	Valdillez	Cole	Camp	Li
8:15-8:30	AM	Li	Melo	Altona	Chong	Moutz	Valdillez	Cole	Camp
No Duty	Free	Camp	Li	Melo	Altona	Chong	Moutz	Valdillez	Cole
10:30-10:50	C	Cole	Camp	Li	Melo	Altona	Chong	Moutz	Valdillez
No Duty	Free	Valdillez	Cole	Camp	Li	Melo	Altona	Chong	Moutz
10:30-10:50	P	Moutz	Valdillez	Cole	Camp	Li	Melo	Altona	Chong
2:35/1:17	PM-A	Chong	Moutz	Valdillez	Cole	Camp	Li	Melo	Altona
No Duty	Free	Altona	Chong	Moutz	Valdillez	Cole	Camp	Li	Melo

G = grass/playground w/swings  
C = large basketball court  
P = playgrounds (both)

AM = morning, blacktop area where students line up  
PM-A = after school pickup, in front of building A & crosswalk

Cedar Grove Elementary  
Revised 8/15/24

# Yard Duty Schedule (4th, 5th, 6th) 2024-2025



*Please report to  
duty on time.*



	8/19	8/26	9/3	9/9	9/16	9/23	9/30	10/7
10:30-10:50	Melo	Altona	Chong	Moutz	Valdillez	Cole	Camp	Li
8:15-8:30	Li	Melo	Altona	Chong	Moutz	Valdillez	Cole	Camp
No Duty	Camp	Li	Melo	Altona	Chong	Moutz	Valdillez	Cole
10:30-10:50	Cole	Camp	Li	Melo	Altona	Chong	Moutz	Valdillez
No Duty	Valdillez	Cole	Camp	Li	Melo	Altona	Chong	Moutz
10:30-10:50	Moutz	Valdillez	Cole	Camp	Li	Melo	Altona	Chong
2:35/1:17	Chong	Moutz	Valdillez	Cole	Camp	Li	Melo	Altona
No Duty	Altona	Chong	Moutz	Valdillez	Cole	Camp	Li	Melo

G = grass/playground w/swings

C = large basketball court

P = playgrounds (both)

AM = morning, blacktop area where students line up

PM-A = after school pickup, in front of building A & crosswalk

PM-F = after school pickup, flagpole area



Dear EESD Families,

On Monday, August 21, 2023, we opened our doors to welcome nearly 9,000 students to the 2023-24 school year. The first day of school marks a milestone for students and parents alike. For some, it is the first day of kindergarten and for others, it is the first day of 8th grade. No matter where our children are on their learning journey in the Evergreen Elementary School District (EESD), it is my commitment to you to provide an environment that is challenging, supportive, safe, and inspirational.

All of our elementary and middle schools take a personalized approach to aiding students become lifelong learners and readers. With genuine care and commitment, students are greeted by name. All of our students have the opportunity to participate in distinguished educational programs as we work to serve the aspirations of all students. I firmly believe that the team approach of teachers, families, and classified staff supporting students is key to our young scholar's success. All of our campuses welcome and encourage parent involvement. I want to extend a sincere thank you for your active engagement in your child's education

EESD is one of the best school districts in Santa Clara County. We offer all the opportunities and amenities of a large district while maintaining a personal touch and feel. Our recent recognition of five of our schools being named "California Distinguished Schools" along with the reclassification of 570 English Learners is a shining example of the hard work and dedication of our staff to your children. While we are proud of our accomplishments, we are not satisfied. We are continually striving to do better. This year our theme is Back to our Roots, finding greatness for every student, every staff member, and the community we serve.

Again, welcome back. I, along with our dedicated team, are excited to be a part of partnering with you this school year and I look forward to seeing all that we accomplish for our students!

Take care,

Dr. Antoine Hawkins  
Superintendent  
Evergreen School District

## MISSION STATEMENT

Evergreen Elementary School District, in partnership with the community, provides all responsibility and a commitment to academic and civic excellence.

## VISION STATEMENT

Evergreen Elementary School District, in partnership with the community, will be a place where teachers, staff and students are partners in developing each student's unique potential.

## **BOARD OF TRUSTEES - GOALS**

To promote achievements for all students in a rigorous and innovative 21st century learning environment of collaboration, communication, critical thinking and creativity.

To provide equitable resources and facilities. Achieve financial stability and sustainability. Attract and retain teachers and staff, especially those with specialized credentials.

To enhance the social-emotional well-being of students, teachers, and staff.

## **Welcome to ESD!**

The Evergreen School District Parent Handbook and Annual Parent Acknowledgement and Consent Form are available in English, Spanish, and Vietnamese at your school site upon request.

Quyển sổ tay của học khu Evergreen dành cho phụ huynh và s ự tường tận h ằ ng n ằ m của phụ huynh và giấy chấp thu ậ n đã có bằng tiếng Anh, Tây Ban Nha, và ti ế ng Việt tại trường của quý vị theo sự yêu cầu

El Manual de Padres del Distrito Escolar de Evergreen y Reconocimiento Anual de Padres y Forma de Consentimiento están disponibles en Inglés, Español y Vietnamita en su escuela a la solicitud.

Evergreen School District

Mailing Address

3188 Quimby Rd.  
San Jose, CA 95148  
District Offices  
3188 Quimby Rd.  
San Jose, CA 95148  
(408) 270-6800

[www.eesd.org](http://www.eesd.org)

Hours of Operation (District Offices)  
Monday – Friday 7:30am – 4:30pm

Visit Us Online

[www.eesd.org](http://www.eesd.org)  
[facebook.com/EvergreenSchoolDistrict](https://facebook.com/EvergreenSchoolDistrict)  
twitter: @EvergreenESD  
@EvergreenESD Instagram:  
@evergreen\_school\_district

Board of Trustees

Patti Andrade, President  
Jeremy Barousse, Trustee  
Mary Pollett, Clerk  
Jim Zito, Trustee  
Dr. Stan Rose, Trustee

Superintendent

Dr. Antoine Hawkins

Assistant Superintendent

Educational Services

Deborah Ashmore

Human Resources

Samuel Bass

Chief Business Officer

Victoria Knutson

Elementary Schools

Cadwallader (408) 270-4950  
Cedar Grove (408) 270-4958  
Carolyn Clark (408) 223-4560  
Evergreen (408) 270-4966  
Holly Oak (408) 270-4975  
Tom Matsumoto (408) 223-4873  
Millbrook (408) 270-6767  
John J. Montgomery (408) 270-6718  
Norwood Creek (408) 270-6727  
Silver Oak (408) 223-4515  
James F. Smith (408) 532-2150  
Katherine Smith (408) 270-6751  
Otis B. Whaley (408) 270-6759

Middle Schools

Chaboya (408) 270-6900  
George V. LeyVa (408) 270-4992  
Bulldog Tech (408) 270 -6710  
Quimby Oak (408) 270- 6735  
Lobo School of Innovation (408) 270-6735

# 2023-2024 Academic Calendar

JULY				
M	T	W	TH	F
3	4	5	6	7
10	11	12	13	14
17	18	19	20	21
24	25	26	27	28
31				

AUGUST				
M	T	W	TH	F
	1	2	3	4
7	8	9	10	11
14	15	16	17	18
★	22	23	24	25
28	29	30	31	

SEPTEMBER				
M	T	W	TH	F
				1
4	5	6	7	8
11	12	13	14	15
18	19	20	21	22
25	26	27	28	29

OCTOBER				
M	T	W	TH	F
2	3	4	5	6
9	10	11	12	13
16	17	18	19	20
23	24	25	26	27
30	31			

NOVEMBER				
M	T	W	TH	F
		1	2	3
6	7	8	9	10
13	14	15	16	17
20	21	22	23	24
27	28	29	30	

DECEMBER				
M	T	W	TH	F
				1
4	5	6	7	8
11	12	13	14	15
18	19	20	21	22
25	26	27	28	29

JANUARY				
M	T	W	TH	F
1	2	3	4	5
8	9	10	11	12
15	16	17	18	19
22	23	24	25	26
29	30	31		

FEBRUARY				
M	T	W	TH	F
			1	2
5	6	7	8	9
12	13	14	15	16
19	20	21	22	23
26	27	28	29	

MARCH				
M	T	W	TH	F
				1
4	5	6	7	8
11	12	13	14	15
18	19	20	21	22
25	26	27	28	29

APRIL				
M	T	W	TH	F
1	2	3	4	5
8	9	10	11	12
15	16	17	18	19
22	23	24	25	26
29	30			

MAY				
M	T	W	TH	F
		1	2	3
6	7	8	9	10
13	14	15	16	17
20	21	22	23	24
27	28	29	30	31

JUNE				
M	T	W	TH	F
3	4	5	6	7
10	11	12	★	14
17	18	19	20	21
24	25	26	27	28

KEY	
First/ Last Day of Instruction	★
Classified Staff Holiday	○
Holiday/No School	■
Summer Break	□
Staff Inservice Day/ Conference (no students)	△

STAFF HOLIDAYS (17)		
Independence Day	Jul	4
Labor Day	Sept	4
Veteran's Day	Nov	10
Thanksgiving	Nov	22, 23, & 24
Winter Holiday	Dec	22 & 25
New Years Holiday	Dec	29 & Jan 1
MLK Day	Jan	15
President's Birthdays	Feb	19 & 20
Spring Holiday	Mar	29 & Apr 1
Memorial Day	May	27
Juneteenth	June	19
IMPORTANT DATES		
All Teachers Inservice Day	Aug	17 & 18
First Day of Instruction	Aug	21
First Elementary Minimum Day	Aug	24
Staff Development Day	Oct	4 & Jan 24
Conference Day	Nov	15
Thanksgiving Break	Nov	20 to 24
Winter Break	Dec	22 to Jan 5
President's Break	Feb	19 to 23
Cesar Chavez Day	Mar	29
Spring Break	Mar	29 to Apr 5
Last Day of Instruction	Jun	13

Calendars available for future planning on  
eesd.org are:  
2024-2025 and 2025-2026

## **Important Dates for 2023-24 School Calendar**

August 21 – Opening Day

October 4 – Staff Development Day (No School)

November 15 – Conference Day (No School)

September 5 – Labor Day (No School)

November 10 – Veterans Day (No School)

November 20-24– Thanksgiving Holiday (No School)

January 24 – Staff Development Day (No School)

March 29 – April 5 – Spring Break (No School)

June 13 – Last Day of Instruction

February 19-23 – Presidents Week Break (No School)

May 27– Memorial Day (No School)

## **Board of Trustees – Regular Meeting Dates**

Thursday, August 10, 2023

Thursday, September 14, 2023

Thursday, October 12, 2023

Thursday, November 9, 2023

Thursday, December 14, 2023

Thursday, January 11, 2024

Thursday, February 8, 2024

Thursday, March 14, 2024

Thursday, April 11, 2024

Thursday, May 9, 2024

Thursday, June 13, 2024

June 2024 (Special Board Meeting)

All Dates are Subject to Change

## **Parent Notice of Rights and Responsibilities: Evergreen School District Board Policy 5020**

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

The Board believes that the education of the district's students is a shared responsibility. The Superintendent or designee shall work with parents/guardians, including parents/guardians of English learners, to determine appropriate roles and responsibilities of parents/guardians, school staff and students for continuing the intellectual, physical, emotional and social development and well-being of students at each school site, including the means by which the schools and parents/guardians can help students achieve academic and other standards of the school. Within this framework, the school's primary responsibility shall be to provide a high-quality curriculum and instructional program in a supportive and effective learning environment that enables all students to meet the academic expectations of the school.

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

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

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

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

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

To observe, within a reasonable period of time after making the request, the classroom(s) in which their child is enrolled or for the purpose of selecting the school in which their child will be enrolled. (Education Code 51101) Parents/guardians may observe instructional and other school activities that involve their child in accordance with Board policy and administrative regulations adopted to ensure the safety of students and staff, prevent undue interference with instruction or harassment of school staff, and provide reasonable accommodation to parents/guardians. Upon written request by a parent/guardian, the Superintendent or designee shall arrange for parental observation of a class or activity in a reasonable time frame and in accordance with Board policy and administrative regulations. (Education Code 49091.10)

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

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

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

To receive the results of their child's performance and the school's performance on standardized tests and statewide tests. (Education Code 51101)

For parents/guardians of English learners, this right shall include the right to receive the results of their child's performance on the English language development test. (Education Code 51101.1)

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

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

To examine the curriculum materials of the class(es) in which their child is enrolled. (Education Code 51101; 20 USC 1232h) Parents/guardians may inspect, in a reasonable time frame, all primary supplemental instructional materials and assessments stored by the classroom teacher, including textbooks, teacher's manuals, films, tapes and software. (Education Code 49091.10) Each school site shall make available to parents/guardians and others, upon request, a copy of the prospectus for each course, including the titles, descriptions and instructional aims of the course. (Education Code 49091.14)

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

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

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

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

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

To receive information concerning the academic performance standards, proficiencies or skills their child is expected to accomplish. (Education Code 51101)

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

To be notified, as early in the school year as practicable pursuant to Education Code 48070.5, if their child is identified as being at risk of retention and of their right to consult with school personnel responsible for a decision to promote or retain their child and to appeal such a decision. (Education Code 51101)AR 5020(c)

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

To refuse to submit or to participate in any assessment, analysis, evaluation or monitoring of the quality or character of the student's home any form of parental screening or testing, any or testing, any nonacademic home- based counseling program, parent training, or any prescribed family education service plan and to inspect any survey collecting personal information. (Education Code 49091.18; 20 USC 1232h)

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

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

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

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

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

Monitoring attendance of their child

Ensuring that homework is completed and turned in on time

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

Monitoring and regulating the television viewed by their child

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

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

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

## **Parent Notice of Rights and Responsibilities**

State law requires that parents or guardians be notified of their rights and responsibilities in certain matters pertaining to their children's education.

### **Absence for Religious Exercises and Instruction**

Pupils may be excused, with written permission from a parent or guardian, in order to participate in religious exercises or receive moral and religious instruction away from school property. Every pupil so excused must attend at least the minimum school day. No pupil shall be excused from school for such purpose on more than four days per school month. (Ed. Code, § 46014)

### **Comprehensive Sexual Health Education and HIV/AIDS Prevention Education**

A parent or guardian has the right to excuse their child from comprehensive sexual health education and HIV prevention education. A parent or guardian who wishes to exercise this right must state their request in writing. (Ed. Code, § 51938) A parent or guardian may inspect the written and audio visual educational materials used in comprehensive sexual health education and HIV/AIDS prevention education. Parents have a right to request that the District provide them with a copy of the California Healthy Youth Act (Ed. Code, § 51930 et. seq) .

Parents or guardians shall be notified in writing if the District plans to administer an anonymous, voluntary, and confidential test, questionnaire, or survey containing age - appropriate questions about the pupils' attitudes concerning or practices related to sex in grades 7 to 12 and given the opportunity to review the test, questionnaire or survey. A Parent or guardian has the right to excuse their child from the test, questionnaire, or survey by stating their request in writing. (Ed. Code, § 51938).

Every child's parent will be notified prior to the commencement of any comprehensive sexual health education and HIV/AIDS prevention education instruction as to the date of such instruction and whether the instruction will be taught by District personnel or by outside consultants. If outside consultants are used, the name of the organization of each guest speaker will be identified.

### **Excuse from Instruction in Health**

Upon written request of a parent, a pupil may be excused from any part of instruction in health which conflicts with the parent(s)' religious training or beliefs (including personal moral convictions). (Ed. Code, § 51240)

### **Administration of Medication**

Medication prescribed by a physician for a child may be administered during the school day by a registered nurse or other designated school personnel, or self-administered by the child if the medication is prescription auto-injectable epinephrine or prescription inhaled asthma medication, but only if the parent consents in writing and provides detailed written instructions from a physician, or a physician assistant as specified by law. Forms for administering medication may be obtained from the school secretary. (Ed. Code, §§ 49423, 49423.1, 49423.5, 49480)

### **Students on Medication**

Parents are to notify the principal if their child is on a continuing medication regimen. This notification shall include the name of the medication being taken, the dosage, and the name of the supervising physician. With parental consent, the principal or school nurse may confer with the physician regarding possible effects of the drug, including symptoms of adverse side effects, omission or overdose and counsel with school personnel as deemed appropriate. (Ed. Code, § 49480)

### **Physical Exams and Testing**

The District is required to conduct certain physical examinations and vision, hearing and scoliosis testing of students unless the parent has a current written objection on file. However, the child may be sent home if he or she is believed to be suffering from a recognized contagious or infectious disease. (Ed. Code, §§ 49451, 49452, 49452.5 and 49455, Health & Saf. Code, § 124085)

## **Immunizations**

The District shall exclude from school any pupil who has not been immunized properly, unless the pupil is exempted from the immunization requirement pursuant to Health and Safety Code section 120370. The immunization exemption based on personal beliefs has been eliminated. (Health & Saf Code § 120325). A student who, prior to January 1, 2016, submitted a letter or affidavit on file at the District, stating beliefs opposed to immunization, is permitted to enroll in that institution until the student enrolls in the next grade span. Grade span means: 1) birth to preschool; 2) kindergarten and grades 1 through 6, inclusive, including transitional kindergarten; and 3) grades 7 through 12, inclusive. On or after July 1, 2016, the District shall exclude from school for the first time or deny admittance or deny advancement to any student to the 7<sup>th</sup> grade unless the student has been immunized for his or her age as required by law. (Health & Saf. Code 120335). A student may still be exempted from the immunization requirement based on medical condition or circumstances. A parent or guardian must file with the District a statement from a licensed physician saying that the immunization is not considered safe and is not recommended based upon the nature or duration of the medical condition or circumstances, including, but not limited to, the family medical history. (Health & Saf. Code, § 120370)

A parent or guardian may consent in writing for a physician, surgeon, or health care practitioner acting under the direction of a supervising physician and surgeon to administer an immunizing agent to a pupil at school. (Ed. Code, §§ 48216, 48980(a), 49403, Health & Saf. Code, §§ 120325, 120335)

## **Confidential Medical Services**

For students in grades 7 through 12, the District may release a student for the purpose of obtaining confidential medical services without obtaining the consent of the student's parent or guardian. (Ed. Code, § 46010.1)

## **Medical Coverage for Injuries**

Medical and hospital services for pupils injured at school or school-sponsored events, or while being transported, may be insured at parent's expense. No pupil shall be compelled to accept such services without his or her consent or, if the pupil is a minor, without the consent of a parent or guardian. (Ed. Code, § 49472)

## **Medical and Hospital Services Not Provided**

The District does not provide medical and hospital services for students injured while participating in athletic activities. However, all members of school athletic teams must have accidental injury insurance that covers medical and hospital expenses. (Ed. Code, §§ 32221.5, 49471)

## **Mental Health Services**

The District shall notify pupils and parents or guardians no less than twice each school year of the steps to initiate access to available pupil mental health services on campus and/or in the community. (Ed. Code, § 49428) The mental health services available include group counseling and/or Individual Counseling. To initiate services, a parent or student may request a conference with the school social worker, school psychologist, school counselor, site principal or assistant principal.

## **Services for Students with Exceptional Needs or a Disability**

State and federal law require that a free and appropriate public education (FAPE) in the least restrictive environment be offered to qualified pupils with disabilities ages 3 through 21 years. Students classified as individuals with exceptional needs for whom a special education placement is unavailable or inappropriate may receive services in a private nonsectarian school. Please contact the local director of pupil services for specific information. (Ed. Code, § 56040 et seq.) In addition, services are available for students who have a disability which interferes with their equal access to educational opportunities. (Section 504 of the Rehabilitation Act of 1973, 34 C.F.R. §104.32) The District official listed below is responsible for handling requests for services under Section 504 and may be reached at the following address and telephone:

Kim Kianidehkian, Director of Educational Services/Section 504  
3188 Quimby Road San Jose, CA 95148 408-270-6832

## **No Academic Penalty for Excused Absence**

No pupil may have his or her grade reduced or lose academic credit for any absence or absences which are excused for the reasons specified below when missed assignments and tests that can reasonably be provided are satisfactorily completed within a reasonable period of time. (Ed. Code, §§ 48205, 48980(j))

A pupil shall be excused from school when the absence is:

- Due to the pupil's illness.
- Due to quarantine under the direction of a county or city health officer.
- For the purpose of having medical, dental, optometric, or chiropractic services rendered.
- For the purpose of attending the funeral services of a member of the pupil's immediate family, so long as the absence is not more than one day if the service is conducted in California and not more than three days if the service is conducted outside California.
- For the purpose of jury duty in the manner provided for by law.
- Due to the illness or medical appointment during school hours of a child of whom the pupil is the custodial parent.
- For justifiable personal reasons, including but not limited to, an appearance in court, attendance at a funeral service, observance of a holiday or ceremony of the pupil's religion, attendance at religious retreats, attendance at an employment conference, or attendance at an educational conference on the legislative or judicial process offered by a nonprofit organization, when the pupil's absence is requested in writing by the parent or guardian and approved by the principal or a designated representative pursuant to uniform standards established by the governing board.
- For the purpose of serving as a member of a precinct board for an election pursuant to section 12302 of the Elections Code.
- For the purpose of spending time with a member of the pupil's immediate family, who is an active duty member of the uniformed services, as defined in Section 49701, and has been called to duty for, is on leave from, or has immediately returned from, deployment to a combat zone or combat support position. Absences granted pursuant to this paragraph shall be granted for a period of time to be determined at the discretion of the superintendent of the school district.
- For the purpose of attending the pupil's naturalization ceremony to become a United States citizen.
- Authorized at the discretion of a school administrator based on the facts of the pupil's circumstances, which are deemed to constitute a valid excuse, including, but not limited to, working for a period of not more than five consecutive days in the entertainment or allied industries or participate with a not-for-profit performing arts organization in a performance for a public school pupil audience for a maximum of up to five days per school year provided the pupil's parent or guardian provides a written note to the school authorities explaining the reason for the pupil's absence. (Ed. Code, §§ 48260, 48205, 48225.5)

A pupil absent from school under this section shall be allowed to complete all assignments and tests missed during the absence that can be reasonably provided and, upon satisfactory completion within a reasonable period of time, shall be given full credit therefore. The teacher of the class from which a pupil is absent shall determine which tests and assignments shall be reasonably equivalent to, but not necessarily identical to, the tests and assignments that the pupil missed during the absence. For purposes of this section, attendance at religious retreats shall not exceed four hours per semester. Absences pursuant to this section are deemed to be absences in computing average daily attendance and shall not generate state apportionment payments. 'Immediate family,' as used in this section refers to mother, father, grandmother, grandfather, or a grandchild of the pupil or of the spouse of the pupil, and the spouse, son, son-in-law, daughter, daughter-in-law, brother, or sister of the pupil, or any relative living in the immediate household of the pupil. (Ed. Code, § 48205)

**Equal Opportunity**

Equal opportunities for both sexes in all educational programs and activities run by the District is a commitment made by the District to all students. (Title IX of the Education Amendments of 1972.) Inquiries on all matters, including complaints, regarding the implementation of Title IX in the District may be referred to the District official listed below at the following address and telephone:

Educational Services - Complaints  
Deborah Ashmore, Assistant Superintendent - Educational Services  
3188 Quimby Rd. San Jose, CA 95148  
(408) 270-6827 dashmore@eesd.org

Parents may file a complaint concerning violations of federal or state law or regulations governing special education related services (Cal. Code Regs., tit. 5, § 4630). To file a complaint, write a description of the manner in which the parent believes special education programs for handicapped do not comply with state or federal law or regulations and file with the District official listed below at the following address and telephone:

Special Education - Complaints  
Dr. Tien Hoang, Director, Special Education/Pupil Services  
3188 Quimby Road San Jose, CA 95148  
(408) 270-6836 thoang@ed.org

**Release of Student Information**

The District does not release information or records concerning a child to noneducational organizations or individuals without parent consent except by court order, receipt of a lawfully issued subpoena, or when otherwise allowed by law. The following categories of directory information may be made available to various persons, agencies or institutions unless the parent or guardian notifies the District in writing not to release such information: Name, address, telephone, date of birth, email address, major field of study, participation in officially recognized activities and sports, weight and height of members of athletic teams, dates of attendance, diplomas and awards received, and most recent previous educational institution attended. (Ed. Code, §§ 49060 et seq., 49073, 20 U.S.C. § 1232g, 34 C.F.R. § 99.7) In accordance with state and federal law, the District may also make available photographs, videos, and class rosters. Directory information will not be released regarding a pupil identified as a homeless child or youth unless a parent, or pupil accorded parental rights, has provided written consent that directory information may be released. (Ed. Code, § 49073(c), 20 U.S.C. § 1232g, 42 U.S.C. § 11434a(2))

## Inspection of Student Records

State law requires that the District notify parents of the following rights which pertain to student records. (Ed. Code, §§ 49063, 49069, 34 C.F.R. § 99.7)

- A parent or guardian has the right to inspect and review student records relating directly to his or her child during school hours or obtain a copy of such records within five (5) business days of his/her request.
- Any parent who wishes to review the types of student records and information contained therein may do so by contacting the principal at his/her child's school. The principal of each school is ultimately responsible for maintenance of student records.
- A parent with legal custody has a right to challenge information contained in his/her child's records. Any determination to expunge a student's record is made after a review of said record(s) by site administrators and certificated staff. Following an inspection and review of student records, the parent may challenge the content of the student's record. The right to challenge becomes the sole right of the student when the student becomes eighteen (18) years of age.

A parent may file a written request with the Superintendent of the District to remove any information recorded in the written records concerning the child which is alleged to be:

- Inaccurate.
- An unsubstantiated personal conclusion or inference.
- A conclusion or inference outside of the observer's area of competence.
- Not based on the personal observation of a named person with the time and place of the observation noted.
- Misleading.
- In violation of the privacy or other rights of the pupil.

Within thirty (30) days, the Superintendent or designee shall meet with the parent/guardian and the certificated employee who recorded the information, if any, and if the person is still employed with the District, and sustain or deny the allegations. If the allegations are sustained, the Superintendent shall order the correction, removal or destruction of the information. If the Superintendent denies the allegations, the parent may appeal the decision to the Board of Trustees within thirty (30) days. The Board shall determine whether or not to sustain or deny the allegations. The Board shall determine whether or not to sustain or deny the allegations. If the Board sustains the allegations, it shall order the Superintendent to immediately correct, remove or destroy the information from the written records of the student. (Ed. Code, § 49070)

If the final decision of the Board is unfavorable to the parents, or if the parent accepts an unfavorable decision by the District Superintendent, the parent shall have the right to submit a written statement of objections to the information. This statement shall become a part of the student's school record until such time as the information objected to is removed. Both the Superintendent and the Board have the option of appointing a hearing panel in accordance with Education Code sections 49070-49071 to assist in the decision making. The decision as to whether a hearing panel is to be used shall be made at the discretion of the Superintendent or the Board and not of the challenging party.

- A Student Records Log is maintained for each student. The Student Records Log lists persons, agencies or organizations requesting and/or receiving information from the records to the extent required by law. Student Records Logs are located at each school and are open to inspection by parents or guardians. (Ed. Code, § 49064)
- School officials and employees having a legitimate educational interest, as well as persons identified in Education Code sections 49076 and 49076.5 and in the Family Educational Rights and Privacy Act, may access student records without first obtaining parental consent. 'School officials and employees' are persons employed by the District as an administrator, supervisor, instructor, or support staff member (including health or medical staff and District-employed law enforcement personnel), a Board member, a person or company with whom the District has contracted to perform a special service (such as an attorney, auditor, medical consultant, or therapist), or a parent, student, foster family agency, short term residential treatment staff or caregiver whose access to student records is legally authorized. whose access to student records is legally authorized. A 'legitimate educational interest' is one held by a school official or employee whose duties and responsibilities create a reasonable need for access. (Ed. Code, §§ 49063(d), 49076, 49076.5, 20 U.S.C. § 1232g)

- Parents and guardians have the right to authorize the release of student records to themselves. Only parents and guardians with legal custody can authorize the release of student records to others.
- Parents and guardians will be charged ten (10) cents per page for the reproduction of student records.
- Parents have a right to file a complaint with the U.S. Department of Education for alleged violations of parent rights related to student records. (20 U.S.C. § 1232g(g))

Parents may obtain a copy of the District’s complete student records policy by contacting the Superintendent.

### **Family Educational Rights and Privacy Act**

Parents have certain rights regarding student information and records which are guaranteed under federal law. A handout notifying parents of these rights is attached.

### **Student Discipline**

District and School rules pertaining to student discipline are available to parents or guardians of district students in the school office. (Ed. Code, § 35291) Students may be subject to discipline for off –campus misconduct if the misconduct is related to school activity or attendance and causes or is reasonably likely to cause a substantial disruption to school activity. For example, a student using technology such as a home computer, cellular phone, or other electronic device may be disciplined for bullying, engaging in unlawful harassment, or making threats against students, staff, or district property even if such misconduct occurred off-campus and during nonschool hours. (Ed. Code, § 48900(r))

### **Dissection of Animals**

If a student has a moral objection to dissecting (or otherwise harming or destroying) animals, or any part of an animal, the pupil must notify the teacher regarding such objection, and the objection must be substantiated with a note from the pupil’s parent or guardian. If the pupil chooses to refrain from participating in such a project or test, and if the teacher believes that an adequate alternative education project or test is possible, then the teacher may work with the pupil to develop and agree upon an alternate education project or test for the purpose of providing the pupil an alternate avenue for obtaining the knowledge, information or experience required by the course of study. (Ed. Code, §§ 32255-32255.6)

### **Temporary Disability**

A temporary disability which makes it impossible or inadvisable for a student to attend class may entitle the student to receive individualized instruction. It is the responsibility of the pupil’s parent or guardian to notify the school district in which the pupil is deemed to reside of the pupil’s need for individualized instruction. A student with a temporary disability who is in a hospital or other residential health facility, other than a state hospital, which is located outside the student’s school district of residence shall be deemed to comply with the residency requirements of the school district in which the hospital is located. (Ed. Code, §§ 48206.3, 48207, 48208, 48980(b))

**Home Instruction** The district in which the student resides is to provide individual instruction if the student is receiving the instruction in his or her home. Individual instruction in a pupil’s home pursuant to section 48206.3 shall commence no later than five working days after a school district has determined that the pupil shall receive this instruction.

### **Hospital or Health Facility Instruction**

The school district in which the hospital or other residential health facility, excluding a state hospital, is located must provide individual instruction to a student with a temporary disability. Within five working days of receipt of the notification, the district must determine whether the pupil will be able to receive individual instruction, and, if so, when the individual instruction will begin. A student with a temporary disability who is in a hospital or other residential health facility, other than a state hospital, which is located outside the student’s school district of residence shall be deemed to comply with the residency requirements of the school district in which the hospital is located. A school district may continue to enroll a pupil with a temporary disability who is receiving individual instruction in a hospital or residential health facility to facilitate the timely reentry of the pupil after the hospitalization has ended, or in order to provide a partial week of instruction. On days in which the student is not receiving individual instruction in a hospital or other residential health facility, he or she may attend school in his or her district of residence if well enough to do so. A pupil receiving individual instruction who is

who is well enough to return to a school shall be allowed to return to the school, including a charter school, that he or she attended immediately before receiving individual instruction, if returning during the same school year. (Ed. Code, §§ 48206.3, 48207, 48207.3, 48207.5, 48208, 48980(b))

Pregnancy, childbirth, false pregnancy, termination of pregnancy, and recovery therefrom shall be treated in the same manner and under the same policies as any other temporary disabling condition. (Ed. Code, § 221.51)

### **Student Residency**

A student may be enrolled in the District if (1) the student's parent, legal guardian or other person having control and charge of the student resides in the District (Ed. Code, §48200); (2) the District has approved interdistrict attendance (Ed. Code, § 46600; (3) the student is placed in a regularly established children's institution, licensed foster home, or family home; (4) the student is a foster child who remains in his or her school of origin pursuant to Education Code Section 48853.5(f) and (g); (5) the student is emancipated and lives within the District; (6) the student lives in the home of an adult who has submitted a caregiver affidavit; (7) the student resides in a state hospital within the District; or (8) the student's parent or legal guardian resides outside of the boundaries of the school district but is employed and lives with the student at the place of his/her employment within the school district boundaries for a minimum of three days during the school week. (Ed. Code, § 48204). The law allows, but does not require, a district to accept a student for enrollment where at least one parent or legal guardian of the student is physically employed within the district's boundaries for a minimum of 10 hours during the school week. (Ed. Code, §48204). A student also complies with the residency requirements for school attendance in a school district if he or she is a student whose parent is transferred or pending transfer to a military installation within the boundaries of the state while on active duty pursuant to an official military order. However, the parent must provide proof of residence in the school district within ten days after the published arrival date provided on official documentation. (Ed. Code, §48204.3) A student also complies with the residency requirement if the student's parent/guardians were residents of the state but departed California against their will if the student provides official documentation evidencing the departure of her/his parent/guardians against their will; and that the student lived and was enrolled in school in California immediately before moving outside of California. (Ed. Code, §48204.4).

### **Attendance Options**

All districts must inform parents at the beginning of the school year how to enroll in a school within the district that is different from the one assigned. Students who attend schools other than those assigned by the district are referred to as 'transfer students' throughout this notification. There is one process for choosing a school within the district in which the parent lives (intradistrict transfer), and separate processes for selecting schools in other districts (interdistrict transfer). (Ed. Code, § 48980(h)) (Ed. Code, § 48350 et seq.) Attached is a copy of the District's Policy of Interdistrict and Intradistrict Transfers (School Choice). Parents interested in interdistrict or intradistrict transfers should contact Evergreen School District Office, (408) 270-6800. The general requirements and limitations of each process are described as follows: Choosing a School Within the District in Which Parent Lives : Education Code section 35160.5(b) requires the school board of each district to establish a policy that allows parents to choose the schools their children will attend, regardless of where the parent lives in the district. The law limits choice within school district as follows:

- Students who live in the attendance area of a school must be given priority to attend that school over students who do not live in the school's attendance area.
- In cases in which there are more requests to attend a school than there are openings, the selection process must be 'random and unbiased,' which generally means students must be selected through a lottery process rather than on a first-come, first-served basis. A district cannot use a student's academic or athletic performance as a reason to accept or reject a transfer. However, a district may consider special circumstances that might be harmful or dangerous to a particular pupil in the current attendance area of the pupil, including physical threats of bodily harm or threats to the emotional stability of the pupil documented by a state or local agency, licensed or registered professional, or court order.

- Each district must decide the number of openings at each school which can be filled by transfer students. Each district also has the authority to keep appropriate racial and ethnic balances among its schools, meaning that a district can deny a transfer request if it would upset this balance or would leave the district out of compliance with a court-ordered or voluntary desegregation program.
- A district is not required to provide transportation assistance to a student that transfers to another school in the district under these provisions.

- If a transfer is denied, a parent does not have an automatic right to appeal the decision. Choosing a School Outside the District in Which Parent Lives:

Parents have two different options for choosing a school outside the district in which they live. The two options are: Interdistrict Transfers (Ed. Code, §§ 46600–46611): The law allows two or more districts to enter into an agreement for the transfer of one or more students for a period of up to five years. New agreements may be entered into for additional periods of up to five years each. The agreement must specify the terms and conditions under which transfers are permitted. The law on interdistrict transfers also provides for the following:

- Once a pupil is enrolled in a school pursuant to an interdistrict transfer agreement, the pupil must be allowed to continue to attend the school in which he or she is enrolled without reapplying, unless revocation of the interdistrict transfer is a term and condition of the agreement between the districts; however, a district must not rescind existing transfer permits for pupils entering grade 11 or 12 in the subsequent school year.

- Upon request, a pupil determined to be the victim of an act of bullying by a pupil of the district of residence must be given priority for interdistrict attendance under any existing interdistrict attendance agreement or additional consideration for the creation of an interdistrict attendance agreement. (Ed. Code, §§ 46600(b), 48900(r))

- If either district denies a transfer request, a parent may appeal that decision to the county board of education. There are specified timelines in the law for filing an appeal and for the county board of education to make a decision.

- A school district of residence shall not prohibit the transfer of a student who is a homeless child or youth, a current or former migratory child, a foster youth, the victim of an act of bullying, or a child of an active military duty parent to a school district of proposed enrollment if the school district of proposed enrollment approves the transfer application. A school district that elects to accept an interdistrict transfer pursuant to this subdivision shall accept all pupils who apply to transfer under this subdivision until the school district is at maximum capacity and shall ensure that pupils admitted under this subdivision are selected through an unbiased process that prohibits an inquiry into or evaluation or consideration of whether or not a pupil should be enrolled based on his or her academic, performance, athletic performance, physical condition, proficiency in English, family income, actual or perceived characteristics, such as disability (mental and physical), gender (includes gender identity, gender expression, and gender-related appearance and behavior whether or not stereotypically associated with the person's assigned sex at birth), actual or potential parental, family, or marital status, pregnancy (including childbirth, false pregnancy, termination of pregnancy, or recovery therefrom), nationality (includes citizenship, country of origin and national origin), immigration status, race or ethnicity (includes ancestry, color, ethnic group identification and ethnic background), religion (includes all aspects of religious belief, observance and practice, including agnosticism and atheism), sexual orientation (heterosexuality, homosexuality or bisexuality), or association with a person or group with one or more of these actual or perceived characteristics. Upon request of the parent on behalf of a pupil eligible for transfer pursuant to this subdivision, a school district of enrollment will provide transportation assistance to a pupil who is eligible for free or reduced-price meals. A school district of enrollment may provide transportation assistance to any pupil admitted under this subdivision. (Ed. Code, § 46600(d))

### **'Allen Bill' Transfers**

(Ed. Code, § 48204(b)): The law allows, but does not require, each school district to adopt a policy whereby the student may be considered a resident of the school district in which his/her parents (or legal guardian(s)) physically work for a minimum of 10 hours during the school week if that is different from the school district in which the student resides. This code section does not require that a school district accept a student requesting a transfer on this basis, but a student may not be rejected on the basis of race/ethnicity, sex, parental income, academic achievement, or any other 'arbitrary' consideration. Other provisions of Education Code section 48204(b) include:

- Either the district in which the parent (or legal guardian) lives or the district in which the parent (or legal guardian) physically works may prohibit the student's transfer if it is determined that there would be a negative impact on the district's desegregation plan.
- The district in which the parent (or legal guardian) physically works may reject a transfer if it determines that the cost of educating the student would be more than the amount of state funds the district would receive for educating the student.
- There are set limits (based on total enrollment) on the net numbers of students that may transfer out of a district under this law, unless the district approves a greater number of transfers.
- There is no required appeal process for a transfer that is denied. However, the district that declines to admit a student is encouraged to provide in writing to the parent the specific reasons for denying the transfer.

Applying to Attend a School under the Open Enrollment Act: The Open Enrollment Act allows the parent of a pupil enrolled in a 'low- achieving school' to submit an application, during the Open Enrollment window, for the pupil to transfer to another public school served by the school district of residence or another school district. (Ed. Code, § 48350 et seq.) The parent must submit an application requesting a transfer to the school district in which the parent does not reside, but in which the parent intends to enroll the pupil. With some exceptions, the application must be submitted prior to January 1 of the school year before the school year for which the pupil is requesting a transfer. Both of the school districts from which and to which the parent has applied to transfer may prohibit or limit pupil transfers if the transfer would negatively impact a court-ordered or voluntary desegregation plan or the racial/ethnic balance of the district. Additionally, the school district in which the parent does not reside, but in which the parent intends to enroll the pupil may adopt specific, written standards for acceptance and rejection of applications pursuant to the Open Enrollment Act. (Ed. Code, § 48356)

Transferring a Student Convicted of a Felony/Misdemeanor: Education Code section 48929 authorizes the governing board of a school district to transfer a student enrolled in the district who has been convicted of a violent felony as defined in Penal Code section 667.5 or misdemeanor listed in Penal Code section 29805 to another school within the district when the student and victim of the crime are enrolled in the same school. The governing board must first adopt a policy at a regular meeting and provide notice of the policy to parents or guardians as part of the annual parent notifications under Education Code section 48980. The policy must: 1) require notice to the student and student's parent or guardian of the right to request to meet with the principal or designee of the school or school district; 2) require the school to first attempt to resolve the conflict before transfer by using restorative justice, counseling, or other services; 3) include whether the transfer decision is subject to periodic review and include the procedure to conduct the review; and 4) provide the process the board will use to consider and approve or disapprove the recommendation of the school principal or other school or school district designee to transfer the student.

### **Sexual Harassment Policy**

Each student will receive a written copy of the district policy on sexual harassment. The purpose of this policy is to provide notification of the prohibition against sexual harassment as a form of sexual discrimination and to provide notification of available remedies. A copy of the District's policy on sexual harassment is attached. (Ed. Code, §§ 231.5, 48980(g))

### **Special Education (E.C. 56040 et seq.)**

School specialists are available to assess children with disabilities or children suspected of having a disability. If you suspect, or know of a child with a possible developmental delay or learning disability, who is not in school, or is not receiving assistance, please call the Director of Pupil Services at (408) 270- 6840. If a child is an 'individual with exceptional needs,' special education is available at no cost to the parent.

### **Special Education – Due Process**

A parent, or an educational agency, may initiate a due process hearing on any decision regarding the pupil's identification, evaluation, educational placement, or the provision of a free, appropriate public education. A request for a hearing must be filed, in writing, to the State Superintendent of Public Instruction and to the Evergreen School District. Additional information regarding this process may be obtained by contacting the Director of Pupil Services at (408) 270-6840.

**Section 504 Rehabilitation Act**

Certain students, with medical or physical conditions, may qualify for services under Section 504 of 1973 Rehabilitation Act. Information regarding those qualifications may be obtained from the District 504 Coordinator, Director of Pupil Services, at (408) 270-6840.

**Notice of Alternative Schools**

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

- Maximize the opportunity for students to develop the positive values of self-reliance, initiative, kindness, spontaneity, resourcefulness, courage, creativity, responsibility, and joy.
- Recognize that the best learning takes place when the student learns because of the student's desire to learn.
- Maintain a learning situation maximizing student self-motivation and encouraging the student in his or her own time to follow his or her own interests. These interests may be conceived by the student totally and independently or may result in whole or in part from a presentation by the student's teachers of choices of learning projects.
- Maximize the opportunity for teachers, parents and students to cooperatively develop the learning process and its subject matter. This opportunity shall be a continuous permanent process.
- Maximize the opportunity for the students, teachers, and parents to continuously react to the changing world, including but not limited to the community in which the school is located. In the event any parent, pupil, or teacher is interested in further information concerning alternative schools, the county superintendent of schools, the administrative office of this district, and the principal's office in each attendance unit have copies of the law available for parent information. This law particularly authorizes interested persons to request the governing board of the district to establish alternative school programs in each district. (Ed. Code, § 58501)

**Nutrition Program**

The State Department of Education has established a statewide program to provide nutritious meals and milk at school for pupils, and to provide free meals to the neediest children. In some instances, nominal cash payments may be required. (Ed. Code, § 49510 et seq.)

**U.S. Department of Education Programs**

The following applies only to programs directly funded by the U.S. Department of Education:

- All instructional materials, including teacher's manuals, films, tapes, or other supplementary material which will be used in connection with any survey, analysis, or evaluation shall be available for inspection by the parents or guardians of the children.
  - No student shall be required, as part of any applicable U.S. Department of Education funded program, to submit to a survey, analysis, or evaluation that reveals information concerning:
    - o political affiliations or beliefs of the student or student's parents: mental and psychological problems of the student or his/her family; sex behavior or attitudes;
    - o illegal, anti-social, self-incriminating or demeaning behavior;
    - o critical appraisals of other individuals with whom respondents have close family relationships;
    - o legally recognized privileged or analogous relationships, such as those of lawyers, physicians, and ministers;
    - o religious practices, affiliations, or beliefs of the student or student's parent; or
    - o income (other than that required by law to determine eligibility for participation in a program or for receiving financial assistance under such program) without the prior consent of the student (if the student is an adult or emancipated minor), or in the case of an unemancipated minor, without the prior written consent of the parent.
- (Section 20 U.S.C. § 1232h)

## **Availability of Insurance**

Insurance underwritten by the National Union Fire Insurance Company is available to all students. More information about the benefits and the application form can be accessed via the Internet at [www.studentinsuranceusa.com](http://www.studentinsuranceusa.com). On the left hand column of the home page, click on 'K12 Plans,' and then 'Benefits.' Claim forms can also be accessed from this site. You may also request a copy of the information from your school office. If you have questions about the various plans, a Student Insurance representative is available at (800) 367-5830. The application is mailed directly to Student Insurance at 11661 San Vicente Boulevard, Suite 200, Los Angeles, CA 90049. Healthy Families is low cost insurance for children and teens. It provides health, dental and vision coverage to children who do not have insurance and do not qualify for free Medi-Cal. Eligibility for the program is determined by family income, number of people in the family, and age of children. For more information visit <http://www.healthyfamilies.ca.gov>.

## **Nondiscrimination in District Programs and Activities**

The Board of Trustees is committed to equal opportunity for all individuals in education. District programs, activities, and practices shall be free from discrimination based on 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 expression, or genetic information; 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.

## **Uniform Complaint Procedures**

### Complaints Alleging Discrimination, Harassment, Intimidation, and Bullying:

State and federal law prohibit discrimination in education programs and activities. The District is primarily responsible for compliance with federal and state laws and regulations. (Cal. Code Regs., tit. 5, § 4620.)

Under state law, all pupils have the right to attend classes on school campuses that are safe, secure, and peaceful. (Ed. Code, § 32261.) State law requires school districts to afford all pupils equal rights and opportunities in education, regardless of their actual or perceived characteristics, such as disability (mental and physical), gender (includes gender identity, gender expression, and gender-related appearance and behavior whether or not stereotypically associated with the person's assigned sex at birth), actual or potential parental, family, or marital status, pregnancy (including childbirth, false pregnancy, termination of pregnancy, or recovery therefrom), nationality (includes citizenship, country of origin and national origin), race or ethnicity (includes ancestry, color, ethnic group identification and ethnic background), religion (includes all aspects of religious belief, observance and practice, including agnosticism and atheism), sexual orientation (heterosexuality, homosexuality or bisexuality), or association with a person or group with one or more of these actual or perceived characteristics. (Ed. Code, §§ 210-214, 220 et seq., 234 et seq. Cal. Code Regs., tit. 5, § 4900 et seq., 20 U.S.C. § 1681 et seq., 29 U.S.C. § 794, 42 U.S.C. § 2000d et seq., 42 U.S.C. § 12101 et seq., 34 C.F.R. § 106.9) The District prohibits discrimination, harassment, intimidation, bullying, and retaliation in all acts related to school activity or attendance. In addition to being the subject of a complaint, a pupil engaging in an act of bullying as defined by Education Code section 48900(r) may be suspended from school or recommended for expulsion.

The District's Uniform Complaint Procedure may be used in cases where individuals or a group have suffered discrimination, harassment, intimidation, or bullying. (Cal. Code Regs., tit. 5, §§ 4610, 4630, 4650, Ed. Code, § 234 et seq., 48900(r).)

- Any individual, public agency or organization has the right to file a written complaint alleging that he/she has personally suffered unlawful discrimination or that an individual or specific class of individuals has been subjected to unlawful discrimination. (Cal. Code Regs., tit. 5, § 4630(b)(1))
- Copies of the District's complaint procedures are available free of charge. (Cal. Code Regs., tit. 5, § 4622)
- Complaints must usually be filed with the (superintendent or designee of the District)
- Discrimination complaints must be filed within six (6) months of the date the alleged discrimination occurred, or within six (6) months of the date the complainant first obtained knowledge of the facts of the alleged discrimination. Within that six (6) month period, the complainant may file a written request with the district superintendent or designee for an extension of up to ninety (90) days following the six (6) month time period. Extensions will not be automatically granted, but may be granted for good cause. (Cal. Code Regs., tit. 5, § 4630(b))

**Complaints Other Than Discrimination, Harassment, Intimidation, and Bullying:**

The District has a written complaint procedure which may be used in cases where any individual, public agency or organization alleges violations of state or federal law, other than those relating to discrimination, harassment, intimidation, and bullying. Written complaints may be made regarding:

- ☐ Adult Basic Education
- ☐ After School Education and Safety
- ☐ Agricultural, Career Technical and/or Vocational Education
- ☐ American Indian Education Centers and American Indian Early Childhood Education
- ☐ Bilingual Education
- ☐ California Poor Assistance and Review Programs for Teachers
- ☐ Consolidated Categorical Aid Programs
- ☐ Migrant Child Education Programs
- ☐ Every Students Succeeds Act, (formerly No Child Left Behind)
- ☐ Career Technical and Technical Education and Technical Training Programs
- ☐ Child Care and Development
- ☐ Child Nutrition
- ☐ Compensatory Education
- ☐ Consolidated Categorical Aid
- ☐ Economic Impact Aid
- ☐ Special Education
- ☐ 'Williams Complaints'
- ☐ Pupil Fees
- ☐ Instructional Minutes for Physical Education
- ☐ Local Control Funding Formula (LCFF) and Local Control and Accountability Plan (LCAP)
- ☐ Pregnant and Parenting Pupils, including parental leave
- ☐ Student Parent Lactation Accommodations
- ☐ Course Assignments already Completed or without Educational Content
- ☐ Course Assignments
- ☐ Physical Education Instructional Minutes
- ☐ Foster Youth, Homeless, former Juvenile Court School Student Services, Migrant Youth and Pupils of Military Families
- ☐ Regional Occupational Centers and Programs
- ☐ Continued Education Options for Former Juvenile Court School Students
- ☐ School Safety Plan
- ☐ School Plan for Student Achievement (SPSA)
- ☐ Tobacco-Use Prevention Education
- ☐ Health and Safety in a California State Preschool Program
- ☐ Any other district-implemented state categorical program that is not funded through the
- ☐ local control funding formula pursuant to Education Code section 64000

(Cal. Code Regs., tit. 5, §§ 4610(b), 4622, 4630, Ed. Code, §§ 222, 4845.7, 8200-8498, 8500-8538, 32289, 33315, 33380-33384, 35186, 41500-41513, 46015, 47606.5, 47607.3, 48853.5, 49013, 49069.5, 49490-49590, 49701, 51210, 51223, 51225.1, 51225.2, 51226-51226.1, 51228.1, 51228.2, 51228.3, 52060-52075, 52160-52178, 52300-52490, 52334.7, 52500-52616.24, 52800-52870, 54000-54029, 54400-54425, 54440-54445, 54460- 54529, 56000- 56867, 59000 -59300, and 64001, 20 U.S.C. §§ 1400, 4600, 6601, 6801, 7101, 7201, 7301 et. seq., Health and Saf. Code, §§ 1596.792, 1596.7925, 104420) Any individual, public agency or organization has the right to file a written complaint alleging that the District has violated a federal or state law or regulation governing any program listed above (Cal. Code Regs. tit. 5, § 4630 (b)(1)) Copies of the District's complaint procedure are available free of charge. (Cal. Code Regs. tit. 5, § 4622) Complaints must usually be filed with the superintendent or designee of the District under the timelines established by District policy. (Cal. Code Regs., tit. 5, § 4630 (b)).

Within 60 days from the date of receipt of the complaint, the District’s responsible officer or his/her designee shall conduct and complete an investigation of the complaint in accordance with local procedures adopted pursuant to California Code of Regulations title 5, section 4621 and prepare a written decision.

The time period may be extended by mutual written agreement of the parties. Williams Complaints: Complaints including anonymous complaints, may be made and addressed on a shortened timeline for the following areas: (Ed. Code, §§ 8235.5, 35186)

- 1. Insufficient textbooks and instructional materials;
- 2. Emergency or urgent school facilities conditions that pose a threat to the health and safety of pupils; or
- 3. Noncompliance with the requirement of Education Code section 35292.6 to stock, at all times, at least half of the restrooms in the school with feminine hygiene products and to not charge students for the use of such products;
- 4. Teacher vacancy or misassignment.
- 5. Noncompliance of a license-exempt California State Preschool Program (CSPP) with health and safety standards specified in Health and Safety Code section 1596.7925 and related state regulations.

A complaint or noncompliance with Education Code section 35186 may be filed with the school principal or designee under the Uniform Complaint Procedures. A complainant not satisfied with the resolution of a Williams Complaint has the right to bring the complaint to the district governing board at a regularly scheduled hearing. In the case of a complaint regarding emergency or urgent school facilities conditions, a complainant has the right to appeal to the State Superintendent of Public Instruction.

- Pupil Fees Complaints: A pupil enrolled in our district shall not be required to pay a pupil fee for participation in an educational activity, including curricular and extracurricular activities.

- A pupil fee includes, but is not limited to, all of the following: a fee charged to a pupil as a condition for registering for school or classes, as a condition for participation in a class or an extracurricular activity, as a security deposit to obtain materials or equipment, or a purchase that a pupil is required to make to obtain materials or equipment for an educational activity.

- A complaint of noncompliance with Education Code section 49010 et seq. may be filed with the school principal under the Uniform Complaint Procedures. A complaint shall be filed no later than one calendar year from the date the alleged violation occurred. A complaint may be filed anonymously if the complaint provides evidence or information leading to evidence to support an allegation of noncompliance.

- Foster, homeless, former juvenile court pupils and pupils in military families: the District will post a standardized notice of the educational rights of pupils in foster care, pupils who are homeless, former juvenile court pupils now enrolled in a school district, and pupils in military families as specified in Education Code sections 48645.7, 48853, 48853.5, 49069.5, 51225.1, and 51225.2. This notice shall include complaint process information, as applicable. Responsible Official: The District official responsible for processing complaints is listed below at the following address:

Deborah Ashmore, Assistant Superintendent, Educational Services  
Evergreen School District  
3188 Quimby Rd., San Jose, CA 95148  
dashmore@eesd.org

**Complaints Made Directly to the State Superintendent:**

- Complaints alleging that the District failed to comply with the complaint procedures described herein, including failure or refusal to cooperate with the investigation.
- Complaints regarding Child Development and Child Nutrition programs not administered by the District.
- Complaints requesting anonymity, but only where the complainant also provides clear and convincing evidence that complainant would be in danger of retaliation if filing complaint at District level.

- Complaints alleging that the District failed or refused to implement a final decision regarding a complaint originally filed with the District.
- Complaints alleging that the District took no action within sixty (60) days regarding a complaint originally filed with the District.
- Complaints alleging immediate and irreparable harm as a result of applying a district-wide policy in conflict with state or federal law and that complaining at the local level would be futile
- Complaints relating to Special Education, but only if:
  - o District unlawfully refuses to provide a free appropriate public education to handicapped students; or
  - o District refuses to comply with due process procedures or fails to implement due process hearing order; or
  - o Children may be in immediate physical danger, or their health, safety or welfare is threatened; or
  - o A handicapped pupil is not receiving the services specified in his/her Individual Educational Program (IEP); or
  - o The complaint involves a violation of federal law.
- The District refuses to respond to the State Superintendent’s request for information regarding a complaint originally filed with the District. (Cal. Code Regs., tit. 5, §§ 4630, 4650)

**Appeals:**

- Except for Williams Complaints, a complainant may appeal the District’s decision to the California Department of Education. (Ed. Code, § 262.3(a), Cal. Code Regs., tit. 5, § 4632)
  - o Appeals must be filed within fifteen (15) days of receiving the District decision.
  - o Appeals must specify the reason(s) for appealing the District decision, including whether the facts are incorrect and/or the law has been misapplied.
  - o Appeals must include a copy of the original complaint and a copy of the District decision.
  - o Pupil fee complaints appealed to the California Department of Education will receive a written appeal decision within 60 days of the department’s receipt of the appeal.
  - o If the school/District finds merit in a complaint, or the California Department of Education finds merit in an appeal, the school/District must provide a remedy to all affected pupils, parents, and guardians. For pupil fee complaints, this includes reasonable efforts by the school to ensure full reimbursement to all pupils, parents, and guardians, subject to procedures established through regulations adopted by the state board.
- If a complaint is denied, in full or in part, by the Department of Education, the complainant may request reconsider Public Instruction. (Cal. Code Regs., tit. 5, § 4665)
  - o Reconsideration must be requested within thirty-five (35) days of receiving the Department of Education report.
  - o The original decision denying the complaint will remain in effect and enforceable unless and until the State Superintendent of Public Instruction modifies that decision.

**Civil Law Remedies:**

In addition to the above-described complaint procedure, or upon completion of that procedure, complainants may have civil law remedies under state or federal discrimination harassment, intimidation, or bullying laws. These civil law remedies can include, but are not limited to, injunctions and restraining orders. These civil law remedies are granted by a court of law and may be used, in part, to prevent the District from acting in an unlawful manner. Delay in pursuing civil law remedies before a court of law may result in loss of rights to those remedies. Any questions regarding civil law remedies should be directed to an attorney. (Ed. Code, § 262.3(b), Cal. Code Regs., tit. 5, § 4622)

**Pupil-Free Staff Development Day and Minimum Day Schedule**

A copy of the District’s pupil-free staff development day and minimum day schedules is attached for reference. Thursdays have been designated as minimum days for students in grades 1-6. A pupil’s parent or guardian will be notified during the school year of any additional minimum days, (Ed. Code, § 48980(c))

## **Review of Curriculum**

A prospectus of curriculum, including titles, descriptions, and instructional aims of every course offered by each public school, is available at the school site for parent review upon request. Copies are available upon request for a reasonable fee not to exceed the actual copying cost. (Ed. Code, §§ 49063, 49091.14)

## **Transitional Kindergarten:**

A school district or charter school may admit a child, who will have his/her fifth birthday after September 2, to a transitional kindergarten at the beginning of or at any time during the school year with parental/guardian approval if: a) the governing board or body determines that the admittance is in the best interests of the child, and b) the parent/guardian is given information on the advantages and disadvantages and any other explanatory information on the effects of early admittance. (Ed. Code, § 48000)

**Child Find System; Policies and Procedures:** Any parent suspecting that a child has exceptional needs may request an assessment for eligibility for special education services through the school principal. Policy and procedures shall include written notification to all parents of their rights pursuant to Education Code section 56300 et seq. (Ed. Code, § 56301. 34 C.F.R. § 104.32(b))

**School Accountability Report:** Parents/guardians may request a hard copy of the School Accountability Report Card which is issued annually for each school of the District. (Ed. Code, § 35256)

**Asbestos Management Plan:** An updated management plan for asbestos-containing material in school buildings is available at the District Office. (40 C.F.R. § 763.93)

**Assistance to Cover Costs of Advanced Placement Examination Fees:** The District may help pay for all or part of the costs of one or more advanced placement examinations that are charged to economically disadvantaged students. (Ed. Code, §§ 48980(k) and 52242)

**Every Student Succeeds Act (ESSA):** The Every Student Succeeds Act (ESSA) took full effect in 2018 to replace the No Child Left Behind Act in modifying the Elementary and Secondary Education Act of 1965 (ESEA). If updates are provided by the California Department of Education, the following parent notice requirements may change and new notice requirements may be added.

- **Information Regarding Professional Qualifications of Teachers, Paraprofessionals, and Aides:** Upon request, parents have a right to information regarding the professional qualifications of their student's classroom teachers, paraprofessionals, and aides. This includes whether the teacher meets the state qualifications and licensing criteria for the grades and subjects he/she teaches, whether the teacher is teaching under an emergency permit or other provisional status because of special circumstances, the major or field of discipline for any degrees or certifications held by the teacher, and whether any instructional aides or paraprofessionals provide services to the parents' child and, if so, their qualifications. In addition, parents have a right to notice when the parent's child has been taught for four or more weeks by a teacher who is not highly qualified. (ESEA § 1111(h)(6) (as amended by ESSA))

- **Information Regarding Individual Student Reports on Statewide Assessments:** Upon request, parents have a right to information on the level of achievement of their student on every State academic assessment administered to the student. (ESEA § 1111(h)(6) (as amended by ESSA))

- **School Identified for School Improvement:** The Act requires notice be given to parents of limited English proficient students regarding limited English proficiency programs, not later than 30 days after the beginning of the school year (or, for students identified later in the school year, within two weeks). Notice includes: the reasons for the identification of the student as limited English proficient; the need for placement in a language instruction educational program; the student's level of English proficiency and how such level was assessed; the status of the student's academic achievement; the methods of instruction used in the available programs; how the recommended program will meet the student's needs; the exit requirements for the program; how the program meets the objectives of the student's IEP, if applicable, and; parent options for removing a student from a program and/or declining initial enrollment. (Section 1112(e)(3)(A) of the ESEA, as amended by ESSA)

● **Limited English Proficient Students:** The Act requires notice be given to parents of limited English proficient students regarding limited English proficiency programs, not later than 30 days after the beginning of the school year (or, for students identified later in the school year, within two weeks). Notice includes: the reasons for the identification of the student as limited English proficient; the need for placement in a language instruction educational program; the student's level of English proficiency and how such level was assessed; the status of the student's academic achievement; the methods of instruction used in the available programs (including content, instructional goals, and the use of English and native language); how the recommended program will meet the student's educational strengths and needs; how the program will specifically help the student learn English and meet age-appropriate academic achievement standards; the exit requirements for the program; how the program meets the objectives of the student's IEP, if applicable; and, parent options for removing a student from a program, declining initial enrollment and/or choosing another program. (ESEA § 1112(g)(1)(A) (as amended by ESSA)) In addition, the notice shall include whether the student is a long- term English learner or English learner at risk of becoming a long-term English Learner and the manner in which the program will meet the needs of a child identified as either a long-term English learner or English learner at risk of becoming a long-term English Learner. (Ed. Code, § 313.2) The information provided above is available upon request from each child's school or the district office. Additional notices that may be required under the No Child Left Behind Act shall be sent separately. (20 U.S.C. §§ 6301 et seq.)

**Language Acquisition Program:** If a school district implements a language acquisition program pursuant to Education Code section 310, it must to the following: 1) comply with the kindergarten and grades 1-3, inclusive, class size requirements specified in Education Code section 42238.02 and (2) provide the parent or legal guardian of a minor pupil annually, or upon the pupil's enrollment, with information on the types of language programs available to pupils enrolled in the school district, including, but not limited to, a description of each program.

**Children In Homeless / Foster Care Situations and Former Juvenile Court School Students, Migrant Students, and Newcomers:** Each local district shall designate a staff person as a liaison for homeless children who shall ensure the dissemination of public notice of the educational rights of students in homeless situations. (Ed. Code, § 48852.5, 42 U.S.C. §11432(g)(1)(J)(ii)) A district serving a homeless child must allow the child to continue his/her education in the school of origin through the duration of homelessness at the point of any change or any subsequent change in residence once a child becomes a homeless child. If the child's status changes before the end of the academic year so that he/she is not homeless, the district must allow a child in high school to continue his/her education in the school of origin through graduation. For a child in grades K through 8, the district must allow the formerly homeless child to continue his/her education in the school of origin until the end of the academic school year. A homeless child transitioning between school grade levels must be allowed to continue in the school district of origin in the same attendance area. If a homeless child is transitioning to a middle or high school where the school designated for matriculation is in another school district, the homeless child must be allowed to continue to the school designated for matriculation in that school district. The new school is required to enroll the child immediately regardless of any outstanding fees, fines, textbooks or other items or money due to the school last attended or if the child is unable to produce clothing or records normally required for enrollment, including medical records, proof of immunization history, and proof of residency. (Ed. Code, § 48852.7) Each local district shall also designate a staff person as the educational liaison for foster children. The educational liaison shall disseminate a standardized notice to foster children that has been developed by the State Department of Education and includes complaint process information. (Ed. Code, § 48853.5) The district serving the foster child shall allow the foster child to continue his/her education in the school of origin under specified circumstances. If it is determined that it is in the best interests of the foster child to transfer to a school other than the school of origin, the foster child shall immediately be enrolled in the new school, regardless of any outstanding fees, fines, textbooks, or other items or moneys owed to the school last attended or if the child is unable to produce clothing or records normally required for enrollment, including immunization history. The last school attended must provide all records to the new school within two business days of receiving the request. (Ed. Code, §§ 48853, 48853.5) The district receiving a transfer request or notification of a student in foster care shall, within two business days, transfer the student out of school and deliver the educational information and records to the next educational placement. Grades and credits will be calculated as of the day the student left school and no lowering of grades will occur as a result of the student's absence due to the decision to change placement or for a verified court appearance or related court activity (Ed. Code, §§ 51225.1, 51225.2)

The district shall exempt from local graduation requirements a student who is in foster care, a homeless child or youth, a child of a military family, or a former juvenile court school student, a migratory child, or a pupil participating in a newcomer program for recently arrived immigrant pupils and who transfers between schools under certain circumstances. (Ed. Code, §51225.1) A district shall accept coursework done by a student who is in foster care, a homeless child or youth, a child of a military family, or a former juvenile court school student while attending another school. The district is prohibited from requiring those students to retake courses or partial courses they have satisfactorily completed elsewhere. (Ed. Code, § 51225.2) A complaint of noncompliance alleging violations of these sections, except for Education Code section 48852.7, may be filed under the District’s Uniform Complaint Procedures and Title 5 of the California Code of Regulations.

**Continued Education Options For Juvenile Court School Students:** A Juvenile court school student, or the person holding the right to make educational decisions for the student, may voluntarily defer or decline issuance of their diploma until after the student is released from the juvenile detention facility, thereby allowing the student to take additional coursework at a local education agency. The county office of education will notify the student, the person holding to right to make educational decisions for the student, and the student’s social worker or probation officer of all of the following:

- a) The student’s right to a diploma;
- b) How taking coursework and meeting other educational requirements will affect the student’s ability to gain admission to a post-secondary educational institution;
- c) Information about transfer opportunities available through the California Community Colleges; and
- d) The option to defer or decline the diploma and take additional coursework. (Ed. Code, §§ 48645.3(a), 48645.7)

**Sex Equity In Career Planning**

Parents shall be notified in advance of career counseling and course selection commencing with course selection in Grade 7, to promote sex equity and allow parents to participate in counseling sessions and decisions. (Ed. Code,§ 221.5(d))

**Pesticide Products**

All schools are required to provide parents or guardians with annual written notice of expected pesticide use at schools. The table below provides the name of each pesticide product and the active ingredient(s). You can find more information regarding these pesticides/herbicides and pesticide use reduction at the Department of Pesticide Regulation’s website at <http://www.cdpr.ca.gov>. Parents or guardians may request prior notice of individual pesticide applications at the school. If a parent wishes to be notified every time a pesticide is going to be applied, he or she must complete the attached form and return it to his or her child’s school. A copy of the integrated pest management plan for the school site or District may be provided on the school website or viewed at the school office. (Ed. Code, §§ 48980.3, 17612)

PE Instructional Minutes: The adopted course of study for grades 1 through 6 and instruction in grades 1through 8 in an elementary school must include physical education for not less than 200 minutes each ten school days, exclusive of recesses and the lunch period. (Ed. Code, §§ 51210, 51223) A complaint of noncompliance may be filed under the District’s Uniform Complaint Procedures and Title 5 of the California Code of Regulations.

**Regional Occupational Centers and Programs/County Offices of Education Programs/Adult Regional Occupational Centers and Programs/County Offices of Education Programs/Adult Education Programs:** A regional occupational center or program, county office of education program, or adult education program must meet specified requirements for certification by the Superintendent of Public Instruction in order to provide an employment training program for adults or to authorize an education program beyond secondary education that leads to a degree or certificate. (Ed. Code, § 52334.7) A complaint alleging that a local agency violated federal or state laws or regulations governing adult education programs under Education Complaint Procedures and Title 5 of the California Code of Regulations. A complaint alleging that a county office of education violated federal or state laws or regulations governing the county office’s participation in any student financial assistance program authorized by Title IV may also be filed under the Uniform Complaint Procedures and Title 5 of the California Code of Regulations.

**Pupil Fees**

A pupil enrolled in a public school must not be required to pay a pupil fee for participation in an educational activity. (Ed. Code, § 49011)

- The following requirements apply to prohibited pupil fees:
  - o All supplies, materials, and equipment needed to participate in educational activities must be provided to pupils free of charge.
  - o A fee waiver policy shall not make a pupil fee permissible.
  - o School districts and schools shall not establish a two-tier educational system by requiring a minimal educational standard and also offering a second, higher educational standard that pupils may only obtain through payment of a fee or purchase of additional supplies that the school district or school does not provide.
  - o A school district or school shall not offer course credit or privileges related to educational activities in exchange for money or donations of goods or services from a pupil or a pupil’s parents or guardians, and a school district or school shall not remove course credit or privileges related to educational activities, or otherwise discriminate against a pupil, because the pupil or the pupil’s parents or guardians did not or will not provide money or donations of goods or services to the school district or school.
  - o Solicitation of voluntary donations of funds or property and voluntary participation in fundraising activities are not prohibited. School districts, schools, and other entities are not prohibited from providing pupils prizes or other recognition for voluntarily participating in fundraising activities. (Ed. Code, § 49010 et seq.)

A complaint of noncompliance may be filed under the District’s Uniform Complaint Procedures and Title 5 of the California Code of Regulations. (Ed. Code, § 49013)

### **Notification of Rights Under FERPA for Elementary and Secondary Schools**

The Family Educational Rights and Privacy Act (FERPA) affords parents and students over 18 years of age ('eligible students') certain rights with respect to the student's education records.

These rights are:

- The right to inspect and review the student's education records within 45 days of the day the School receives a request for access.
- Parents or eligible students should submit to the school principal a written request that identifies the record(s) they wish to inspect. The school official will make arrangements for access and notify the parent or eligible student of the time and place where the records may be inspected.
- The right to request amendment of the student's education records that the parent or eligible student believes are inaccurate, misleading, or otherwise in violation of the student's privacy rights under FERPA.
- Parents or eligible students may ask the school to amend a record that they believe is inaccurate or misleading. They should submit a written request to the school principal, clearly identify the part of the record they want changed, and specify why it is inaccurate or misleading.
- If the school decides not to amend the record as requested by the parent or eligible student, the school will notify the parent or eligible student of the decision and advise the parent or eligible student of the right to a hearing regarding the request for amendment. Additional information regarding the hearing procedures will be provided to the parent or eligible student when notified of the right to a hearing.
- The right to consent to disclosures of personally identifiable information contained in the student's education records, except to the extent that FERPA authorizes disclosure without consent.
- One exception, which permits disclosure without consent, is disclosure to school officials with legitimate educational interests. A school official is a person employed by the school as an administrator, supervisor, instructor, or support staff member (including health or medical staff and law enforcement unit personnel); a person serving on the Board of Trustees; a person or company with whom the school has contracted to perform a special task (such as an attorney, auditor, medical consultant, or therapist); or a parent or student serving on an official committee, such as a disciplinary or grievance committee, or assisting another school official in performing his or her tasks.
- A school official has a legitimate educational interest if the official needs to review an education record in order to fulfill his or her professional responsibility.
- Upon request, the school discloses education records, without prior consent, to officials of another school district in which a student seeks or intends to enroll.
- The right to file a complaint with the U.S. Department of Education concerning alleged failures by the school to comply with the requirements of FERPA.

Evergreen School District Board  
Policy 3513.3: Tobacco-Free Schools Business  
and Non Instructional Operations  
TOBACCO-FREE SCHOOLS

The Board of Trustees recognizes that smoking and other uses of tobacco and nicotine products constitute a serious public health hazard and are inconsistent with district goals to provide a healthy environment for students and staff.

The Board prohibits the use of tobacco products at any time in district-owned or leased buildings, on district property, and in district vehicles. (Health and Safety Code 104420; Labor Code 6404.5; 20 USC 6083) This prohibition applies to all employees, students, and visitors at any school-sponsored instructional program, activity, or athletic event held on or off district property. Any written joint use agreement governing community use of district facilities or grounds shall include notice of the district's tobacco-free schools policy and consequences for violations of the policy. The products prohibited include any product containing tobacco or nicotine, including, but not limited to, cigarettes, cigars, miniature cigars, smokeless tobacco, snuff, chew, clove cigarettes, betel, electronic cigarettes, electronic hookahs, and other vapor-emitting devices, with or without nicotine content, that mimic the use of tobacco products. Legal Reference:

EDUCATION CODE

48900 Grounds for suspension/expulsion

48901 Prohibition against tobacco use by students HEALTH

AND SAFETY CODE

39002 Control of air pollution from non vehicular sources

104350-104495 Tobacco use prevention, especially:

104495 Prohibition of smoking and tobacco waste on playgrounds 119405

Unlawful to sell or furnish electronic cigarettes to minors LABOR CODE

3300 Employer, definition

6304 Safe and healthful workplace

6404.5 Occupational safety and health; use of tobacco products UNITED

STATES CODE, TITLE 20

6083 Non Smoking policy for children's services

7100-7117 Safe and Drug Free Schools and Communities Act

CODE OF FEDERAL REGULATIONS, TITLE 21

1140.1-1140.34 Unlawful sale of cigarettes and smokeless tobacco to minors

Family Policy Compliance Office

U.S. Department of Education

400 Maryland Avenue, SW

Washington, DC 20202-5920

Revised: October 1, 2014 Policy  
EVERGREEN SCHOOL DISTRICT

adopted: March 21, 2013 San Jose, California

Noninstructional Operations AR 3513.3

## TOBACCO-FREE SCHOOLS

### Notifications

Information about the district's tobacco- free schools policy and enforcement procedures shall be communicated clearly to employees, parents/guardians, students, and the community. (Health and Safety Code 104420)

The Superintendent or designee may disseminate this information through annual written notifications, district and school websites, student and parent handbooks, and/or other appropriate methods of communication. Signs stating Tobacco use is prohibited' shall be prominently displayed at all entrances to school property. (Health and Safety Code 104420) Any employee or student who violates the district's tobacco-free schools policy shall be asked to refrain from smoking and shall be subject to disciplinary action as appropriate. Any other person who violates the district's policy on tobacco-free schools shall be informed of the district's policy and asked to refrain from smoking. If the person fails to comply with this request, the Superintendent or designee may:

1. Direct the person to leave school property
2. Request local law enforcement assistance in removing the person from school premises
3. If the person repeatedly violates the tobacco-free schools policy, prohibit him/her from entering district property for a specified period of time

The Superintendent or designee shall not be required to physically eject a nonemployee who is smoking or to request that the nonemployee refrain from smoking under circumstances involving a risk of physical harm to the district or any employee. (Labor Code 6404.5)

Revised: October 1, 2014 Regulation

EVERGREEN SCHOOL DISTRICT

approved: March 21, 2013 San Jose, California

## Students

### INTRADISTRICT OPEN ENROLLMENT BP 5116.1

The Board of Trustees desires to provide enrollment options that meet the diverse needs and interests of district students and parents/guardians, while also maximizing the efficient use of district facilities. The Superintendent or designee shall establish procedures for the selection and transfer of students among district schools in accordance with law, Board policy, and administrative regulation. The parents/guardians of any student who resides within district boundaries may apply to enroll their child in any district school, regardless of the location of residence within the district. (Education Code 35160.5)

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

#### Enrollment Priorities

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

The Superintendent or designee shall grant priority to any district student to attend another district school, including a charter school, outside of his/her attendance area as follows:

1. Any student enrolled in a district school that has been identified on the state's Open Enrollment List. (Education Code 48354)
2. Any student enrolled in a district school designated by the California Department of Education as 'persistently dangerous'. (20 USC 7912; 5 CCR 11992)
3. Any student who is a victim of a violent crime while on school grounds. (20 USC 7912)
4. Upon a finding that special circumstances exist that might be harmful or dangerous to the student in the current attendance area. Special circumstances include, but are not limited to, threats of bodily harm or threats to the emotional stability of the student.

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

- a. A written statement from a representative of an appropriate state or local agency, such as a law enforcement official, social worker, or a properly licensed or registered professional, such as a psychiatrist, psychologist, or marriage and family therapist
  - b. A court order, including a temporary restraining order and injunction
6. Any sibling of a student already in attendance in that school.
  7. Any student whose parent/guardian is assigned to that school as his/her primary place of employment.

## Application and Selection Process

In order to ensure that priorities for enrollment in district schools are implemented in accordance with law and policy, parents/guardians are notified that applications for intradistrict open enrollment shall be submitted during the transfer request window during the school year preceding the school year for which the transfer is requested.

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

Except for priorities listed above, the Superintendent or designee shall use a random, unbiased selection process to determine who shall be admitted whenever the school receives admission requests that are in excess of the school's capacity. (Education Code 35160.5) Enrollment decisions shall not be based on a student's academic or athletic performance, except that existing entrance criteria for specialized schools or programs may be used provided that the criteria are uniformly applied to all applicants. Academic performance may be used to determine eligibility for, or placement in programs for gifted and talented students. (Education Code 35160.5)

## Legal Reference: EDUCATION CODE

200 Prohibition against discrimination

35160.5 District policies; rules and regulations

35291 Rules

35351 Assignment of students to particular schools

46600-46611 Interdistrict attendance agreements

48200 Compulsory attendance

48204 Residency requirements for school attendance

48300-48316 Student attendance alternatives, school district of choice program 48350-48361 Open Enrollment Act

48980 Notice at beginning of term

CODE OF REGULATIONS, TITLE 5

11992-11994 Definition of persistently dangerous schools

UNITED STATES CODE, TITLE 20

6316 Transfers from program improvement schools

7912 Transfers from persistently dangerous schools

CODE OF FEDERAL REGULATIONS, TITLE 34

200.36 Dissemination of information

200.37 Notice of program improvement status, option to transfer

200.39 Program improvement, transfer option

200.42 Corrective action, transfer option

200.43 Restructuring, transfer option

200.44 Public school choice, program improvement schools

200.48 Transportation funding for public school choice

COURT DECISIONS

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

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

Students

## **INTRADISTRICT OPEN ENROLLMENT AR 5116.1**

### **Transfers for Victims of a Violent Criminal Offense**

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

Transfers from a 'Persistently Dangerous' School

Upon receipt of notification from the California Department of Education (CDE) that a district school has been designated as 'persistently dangerous', the Superintendent or designee shall provide parents/guardians of students attending the school with the following notifications:

1. Within 10 days of receipt of the notification from CDE, notice of the school's designation
2. Within 20 days of receipt of the notification from CDE, notice of the option to transfer their child (cf. 0450 - Comprehensive Safety Plan)

Parents/guardians who desire to transfer their child out of a 'persistently dangerous' school shall provide a written request to the Superintendent or designee and shall rank-order their preferences from among all schools identified by the Superintendent or designee as eligible to receive transfer students. The Superintendent or designee may establish a reasonable timeline, not to exceed seven school days, for the submission of parent/guardian requests.

The Superintendent or designee shall consider the needs and preferences of students and parents/guardians before making an assignment, but is not obligated to accept the parent/guardian's preference if the assignment is not feasible due to space constraints or other considerations. For students whose parents/guardians accept the offer, the transfer shall generally be made within 30 school days of receiving the notice of the school's designation from the CDE. If parents/guardians decline the assigned school, the student may remain in his/her current school.

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

### **Other Intradistrict Open Enrollment**

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

1. The Superintendent or designee shall identify those schools which may have space available for additional students. A list of those schools and open enrollment applications shall be available at each school site, the district office, and on the district's website.
2. After the enrollment priorities have been applied in accordance with Board policy, if there are more requests for a particular school than there are spaces available, a random drawing shall be held from the applicant pool. A waiting list shall be established to indicate the order in which applicants may be accepted

if openings occur during the year. Late applicants shall not be added to the waiting list for the current year but shall instead wait for a subsequent lottery.

3. The Superintendent or designee shall provide written notification to applicants as to whether their applications have been approved, denied, or placed on a waiting list. If the application is denied, the reasons for denial shall be stated.

4. Approved applicants must confirm their enrollment within 10 school days.

Any student who, prior to the 2016-17 school year, was granted a transfer out of a Title I school that had been identified for program improvement shall be allowed to remain in the school of enrollment until he/she completes the highest grade offered at that school.

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

Bulldog Tech at LeyVa Middle School and Lobo School of Innovation (LSI) at Quimby Oak Middle School

In an effort to provide a variety of educational options, Evergreen School District offers families the choice of a project based learning environment for their 7th and 8th grade students. These programs shall first be made available to students residing within the school attendance boundaries. Should there be more applicants than space allows a lottery system will determine the order in which students will be admitted. All additional space will be made available via the intradistrict transfer process.

### **Dual Language Academy at Holly Oak Elementary School**

Enrollment for the Dual Language Academy at Holly Oak Elementary School will be processed at the Evergreen School District office. Registration forms and enrollment information can be obtained from either the School office or the Evergreen School District Office.

As part of the Dual Immersion focus of the school, as much as is possible, an enrollment percentage of no more than 2/3 English language learners and 1/3 English only students, with a goal of having 1/3 English only students, 1/3 Bilingual (English and Spanish) students and 1/3 Spanish will be maintained to allow for appropriate modeling for Spanish and English.

Students wishing to enroll after the second semester of first grade will be assessed to determine the student's ability to participate successfully in a dual immersion curriculum. Assessment results will determine eligibility for the dual immersion program.

The program shall first be made available to students residing within the school attendance boundaries. A priority and lottery system will determine the order in which students will be admitted to Dual Language Academy at Holly Oak Elementary School if there are more applicants than space available.

#### **Notifications**

Notifications shall be sent to parents/guardians at the beginning of each school year describing all current statutory attendance options and local attendance options available in the district. Such notification shall include: (Education Code 35160.5, 48980)

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

Revised 01/09/2020

## **Evergreen School District Board Policy 5117: Interdistrict Attendance**

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

### **Interdistrict Attendance Permits**

The Board may enter into an agreement with any other school district, for a term not to exceed five school years, for the interdistrict attendance of students who are residents of the districts. (Education Code 46600) The agreement shall specify the terms and conditions under which interdistrict attendance shall be permitted or denied. It also may contain standards agreed to by both districts for reapplication and/or revocation of the student's permit. (Education Code 46600) Upon receiving a permit for transfer into the district that has been approved by the student's district of residence, or upon receiving a written request from the parent/guardian of a district student who wishes to enroll in another district, the Superintendent or designee shall review the request and may approve or deny the permit subject to the terms and conditions of the interdistrict attendance agreement. Interdistrict transfers must be renewed on a yearly basis.

### **Transportation**

The district shall not provide transportation beyond any school attendance area.

### **Limits on Student Transfers Out of the District to a School District of Choice**

The Superintendent or designee may limit the number of student transfers out of the district to a school district of choice based on the percentages of average daily attendance specified in Education Code 48307. In addition, transfers out of the district may be limited during a fiscal year when the County Superintendent of Schools has given the district a negative budget certification or when the County Superintendent has determined that the district will not meet the state's standards and criteria for fiscal stability in the subsequent fiscal year exclusively as a result of student transfers from this district to a school district of choice. (Education Code 48307)

The district may deny a transfer of a student out of the district to a school district of choice if the Board determines that the transfer would negatively impact a court-ordered or voluntary desegregation plan of the district. (Education Code 48301)

## **Evergreen School District Administrative Regulations 5117: Interdistrict Attendance**

### **Interdistrict Attendance Permits**

In accordance with an agreement between the Board of Trustees and the board of another district, a permit authorizing a student's attendance outside his/her district of residence may be issued upon approval of both the district of residence and the district of proposed attendance. The Superintendent or designee may approve an interdistrict attendance permit for a student for any of the following reasons when stipulated in the agreement:

1. When the student has been determined by staff of either the district of residence or district of proposed attendance to be a victim of an act of bullying as defined in Education Code 48900(r). Such a student shall be given priority for interdistrict attendance under any existing interdistrict attendance agreement or, in the absence of an agreement, shall be given consideration for the creation of a new permit. (Education Code 46600)
2. To meet the child care needs of the student. Such a student may be allowed to continue to attend district schools only as long as he/she continues to use a child care provider within district boundaries.
3. To meet the student's special mental or physical health needs as certified by a physician, school psychologist, or other appropriate school personnel.
4. When the student has a sibling attending school in the receiving district, to avoid splitting the family's attendance.
5. To allow the student to complete a school year when his/her parents/guardians have moved out of the district during that year.
6. To allow the student to remain with a class graduating that year from an elementary, or middle school.
7. When the parent/guardian provides written evidence that the family will be moving into the district in the immediate future and would like the student to start the year in the district.

8. When the student will be living out of the district for one year or less.
9. When recommended by the school attendance review board or by county child welfare, probation, or social service agency staff in documented cases of serious home or community problems which make it inadvisable for the student to attend the school of residence.
10. When there is valid interest in a particular educational program not offered in the district of residence.
11. To provide a change in the school environment for reasons of personal and social adjustment. An interdistrict attendance permit is renewed annually. Each permit shall stipulate the terms and conditions established by both districts under which interdistrict attendance shall be permitted, denied, or revoked, and any standards for reapplication.

The Superintendent or designee may deny requests for interdistrict attendance permits due to limited district resources, overcrowding of school facilities at the relevant grade level, or other considerations that are not arbitrary.

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

Evergreen School District Board Policy 5145.7:

### **Sexual Harassment**

The Board of Trustees 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 files a complaint, testifies, or otherwise participates in district complaint processes.

#### **Instruction/Information**

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

1. What acts and behavior constitute sexual harassment, including the fact that sexual harassment could occur between people of the same sex and could involve sexual violence.
2. A clear message that students do not have to endure sexual harassment
3. Encouragement to report observed instances of sexual harassment, even where the victim of the harassment has not complained
4. Information about the district's procedure for investigating complaints and the person(s) to whom a report of sexual harassment should be made
5. Information about the rights of students and parents/guardians to file a criminal complaint, as applicable

## **Complaint Process**

Any student who feels that he/she is being or has been sexually harassed on school grounds or at a school- sponsored or school-related activity (e.g., by a visiting athlete or coach) shall immediately contact his/her teacher or any other employee. An employee who receives such a complaint shall report it in accordance with administrative regulation.

The Superintendent or designee shall ensure that any complaints regarding sexual harassment are immediately investigated in accordance with administrative regulation. When the Superintendent or designee has determined that harassment has occurred, he/she shall take prompt, appropriate action to end the harassment and to address its effects on the victim.

## **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.

## **Confidentiality and Record-Keeping**

All complaints and allegations of sexual harassment shall be kept confidential except as necessary to carry out the investigation or take other subsequent necessary action. (5 CCR 4964)

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

## **Evergreen School District Administrative Regulations 5145.7: Sexual Harassment**

Prohibited sexual harassment includes, but is not limited to, unwelcome sexual advances, unwanted requests for sexual favors, or other unwanted verbal, visual, or physical conduct of a sexual nature made against another person of the same or opposite sex in the educational setting, when made on the basis of sex and under any of the following conditions: (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

#### **School-Level Complaint Process/Grievance Procedure**

Complaints of sexual harassment, or any behavior prohibited by the district's with the following procedure:

**1. Notice and Receipt of Complaint:** Any student who believes he/she has been subjected to sexual harassment or who has witnessed sexual harassment may file a complaint with any school employee. Within 24 hours of receiving a complaint, the school employee shall report it to the district Coordinator for Nondiscrimination/Principal. In addition, any school employee who observes any incident of sexual harassment involving a student shall, within 24 hours, report this observation to the Coordinator/Principal, whether or not the victim files a complaint. In any case of sexual harassment involving the Coordinator/Principal to whom the complaint would ordinarily be made, the employee who receives the student's report or who observes the incident shall instead report to the Superintendent or designee.

**2. Initiation of Investigation:** The Coordinator/Principal shall initiate an impartial investigation of an allegation of sexual harassment within five (5) school days of receiving notice of the harassing behavior, regardless of whether a formal complaint has been filed. The district shall be considered to have 'notice' of the need for an investigation upon receipt of information from a student who believes he/she has been subjected to harassment, the student's parent/guardian, an employee who received a complaint from a student, or any employee or student who witnessed the behavior.

If the Coordinator/Principal receives an anonymous complaint or media report about alleged sexual harassment, he/she shall determine whether it is reasonable to pursue an investigation considering the specificity and reliability of the information, the seriousness of the alleged incident, and whether any individuals can be identified who were subjected to the alleged harassment.

**3. Initial Interview with Student:** When a student or parent/guardian has complained or provided information about sexual harassment, the Coordinator/Principal shall describe the district's grievance procedure and discuss what actions are being sought by the student in response to the complaint. The student who is complaining shall have an opportunity to describe the incident, identify witnesses who may have relevant information, provide other evidence of the harassment, and put his/her complaint in writing. If the student requests confidentiality, he/she shall be informed that such a request may limit the district's ability to investigate.

**4. Investigation Process:** The Coordinator/Principal shall keep the complaint and allegation confidential, except as necessary to carry out the investigation or take other subsequent necessary action. (5 CCR 4964)

The Coordinator/Principal shall interview individuals who are relevant to the investigation, including, but not limited to, the student who is complaining, the person accused of harassment, anyone who witnessed the reported harassment, and anyone mentioned as having relevant information. The Coordinator/Principal may take other steps such as reviewing any records, notes, or statements related to the harassment or visiting the location where the harassment is alleged to have taken place. When necessary to carry out his/her investigation or to protect student safety, the Coordinator/Principal also may discuss the complaint with the Superintendent or designee, the parent/guardian of the student who complained, the parent/guardian of the alleged harasser if the alleged harasser is a student, a teacher or staff member whose knowledge of the students involved may help in determining who is telling the truth, law enforcement and/or child protective services, and district legal counsel or the district's risk manager.

**5. Interim Measures:** The Coordinator/Principal shall determine whether interim measures are necessary during and pending the results of the investigation, such as placing students in separate classes or transferring a student to a class taught by a different teacher.

**6. Optional Mediation:** In cases of student-on-student harassment, when the student who complained and the alleged harasser agree, the Coordinator/Principal may arrange for them to resolve the complaint informally with the help of a counselor, teacher, administrator, or trained mediator. The student who complained shall never be asked to work out the problem directly with the accused person unless such help is provided and both parties agree, and he/she shall be advised of the right to end the informal process at any time.

**7. Factors in Reaching a Determination:** In reaching a decision about the complaint, the Coordinator/Principal may take into account:

- a. Statements made by the persons identified above
- b. The details and consistency of each person's account
- c. Evidence of how the complaining student reacted to the incident
- d. Evidence of any past instances of harassment by the alleged harasser
- e. Evidence of any past harassment complaints that were found to be untrue

To judge the severity of the harassment, the Coordinator/Principal may take into consideration:

- a. How the misconduct affected one or more students' education
- b. The type, frequency, and duration of the misconduct
- c. The identity, age, and sex of the harasser and the student who complained, and the relationship between them
- d. The number of persons engaged in the harassing conduct and at whom the harassment was directed
- e. The size of the school, location of the incidents, and context in which they occurred
- f. Other incidents at the school involving different students

**8. Written Report on Findings and Follow-Up:** No more than 30 days after receiving the complaint, the Coordinator/Principal shall conclude the investigation and prepare a written report of his/her findings.

This timeline may be extended for good cause. If an extension is needed, the Coordinator/Principal shall notify the student who complained and explain the reasons for the extension. The report shall include the decision and the reasons for the decision and shall summarize the steps taken during the investigation. If it is determined that harassment occurred, the report shall also include any corrective actions that have or will be taken to address the harassment and prevent any retaliation or further harassment. This report shall be presented to the student who complained, the person accused, the parents/guardians of the student who complained and the student who was accused, and the Superintendent or designee. In addition, the Coordinator/Principal shall ensure that the harassed student and his/her parent/guardian are informed of the procedures for reporting any subsequent problems. The Coordinator/Principal shall make follow-up inquiries to see if there have been any new incidents or retaliation and shall keep a record of this information.

**Enforcement of District Policy**

The Superintendent or designee shall take appropriate actions to reinforce the district's sexual harassment policy. As needed, these actions may include any of the following:

1. Removing vulgar or offending graffiti
2. Providing training to students, staff, and parents/guardians about how to recognize harassment and how to respond
3. Disseminating and/or summarizing the district's policy and regulation regarding sexual harassment
4. Consistent with the laws regarding the confidentiality of student and personnel records, communicating the school's response to parents/guardians and the community
5. Taking appropriate disciplinary action In addition, disciplinary measures may be taken against any person who is found to have made a complaint of sexual harassment which he/she knew was not true.

**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)
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 websites. (Education Code 231.5)
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)

### **Your Child Has the Right to a Free Public Education**

- All children in the United States have a Constitutional right to equal access to free public education, regardless of immigration status and regardless of the immigration status of the student's parents or guardians.
- In California:
  - All children have the right to a free public education.
  - All children ages 6 to 18 years must be enrolled in school.
  - All students and staff have the right to attend safe, secure, and peaceful schools.
  - All students have a right to be in a public school learning environment free from discrimination, harassment, bullying, violence, and intimidation.
  - All students have equal opportunity to participate in any program or activity offered by the school, and cannot be discriminated against based on their race, nationality, gender, religion, or immigration status, among other characteristics.

### **Information Required for School Enrollment**

- When enrolling a child, schools must accept a variety of documents from the student's parent or guardian to demonstrate proof of the child's age or residency.
- You never have to provide information about citizenship/immigration status to have your child enrolled in school. Also, you never have to provide a Social Security number to have your child enrolled in school.

### **Confidentiality of Personal Information**

- Federal and state laws protect student education records and personal information. These laws generally require that schools get written consent from parents or guardians before releasing student information, unless the release of information is for educational purposes, is already public, or is in response to a court order or subpoena.
- Some schools collect and provide publicly basic student 'directory information.' If they do, then each year, your child's school district must provide parents/guardians with written notice of the school's directory information policy, and let you know of your option to refuse release of your child's information in the directory. **Family Safety Plans If You Are Detained or Deported**
- You have the option to provide your child's school with emergency contact information, including the information of secondary contacts, to identify a trusted adult guardian who can care for your child in the event you are detained or deported.
- You have the option to complete a Caregiver's Authorization Affidavit or a Petition for Appointment of Temporary Guardian of the Person, which may enable a trusted adult the authority to make educational and medical decisions for your child.

#### Family Safety Plans If You Are Detained or Deported

- You have the option to provide your child's school with emergency contact information, including the information of secondary contacts, to identify a trusted adult guardian who can care for your child in the event you are detained or deported.
- You have the option to complete a Caregiver's Authorization Affidavit or a Petition for Appointment of Temporary Guardian of the Person, which may enable a trusted adult the authority to make educational and medical decisions for your child.

#### Right to File a Complaint

- Your child has the right to report a hate crime or file a complaint to the school district if he or she is discriminated against, harassed, intimidated, or bullied on the basis of his or her actual or perceived nationality, ethnicity, or immigration status.

For more information on resources for responding to immigration enforcement activities at California schools, or to file a complaint, please contact:

Bureau of Children's Justice  
California Attorney General's Office  
P.O. Box 944255 Sacramento, CA 94244-2550  
Phone: (800) 952-5225  
E-mail: [BCJ@doj.ca.gov](mailto:BCJ@doj.ca.gov)  
<https://oag.ca.gov/bcj/complaint>

The Attorney General's publications can be downloaded at: <https://www.oag.ca.gov/bcj>

Instruction BP 6163.4(a)  
**STUDENT USE OF TECHNOLOGY**

The Board of Trustees intends that technological resources provided by the district be used in a safe, responsible, and proper manner in support of the instructional program and for the advancement of student learning. The Superintendent or designee shall notify students and parents/guardians about authorized uses of district computers, user obligations and responsibilities, and consequences for unauthorized use and/or unlawful activities in accordance with district regulations and the district’s Acceptable Use Agreement.

Before a student is authorized to use the district’s technological resources, the student and his/her parent/guardian shall sign and return the Acceptable Use Agreement specifying user obligations and responsibilities. In that agreement, the student and his/her parent/guardian shall agree not to hold the district or any district staff responsible for the failure of any technology protection measures, violations of copyright restrictions, or user mistakes or negligence. They shall also agree to indemnify and hold harmless the district and district personnel for any damages or costs incurred. The Superintendent or designee shall regularly review and update this policy, the accompanying administrative regulation, and other relevant procedures to enhance the safety and security of students using the district’s technological resources and to help ensure that the district adapts to changing technologies and circumstances.

**Use of District Computers for Online Services/Internet Access**

The Superintendent or designee shall ensure that all district computers with Internet access have a technology protection measure that blocks or filters Internet access to visual depictions that are obscene, child pornography, or harmful to minors and that the operation of such measures is enforced. (20 USC 6777, 47 USC 254)

To reinforce these measures, the Superintendent or designee shall implement rules and procedures designed to restrict students access to harmful or inappropriate matter on the Internet and to ensure that students do not engage in unauthorized or unlawful online activities. Staff shall supervise students while they are using online services and may have teacher aides, student aides, and volunteers assist in this supervision. The Superintendent or designee also shall establish regulations to address the safety and security of students and student information when using email, chat rooms, and other forms of direct electronic communication.

The Superintendent or designee shall provide age-appropriate instruction regarding safe and appropriate behavior on social networking sites, chat rooms, and other Internet services. Such instruction shall include, but not be limited to, the dangers of posting personal information online, misrepresentation by online predators, how to report inappropriate or offensive content or threats, behaviors that constitute cyberbullying, and how to respond when subjected to cyberbullying.

EDUCATION CODE  
51006 Computer education and resources  
51007 Programs to strengthen technological skills  
51870-51874 Education technology  
60044 Prohibited instructional materials  
PENAL CODE  
313 Harmful matter  
502 Computer crimes, remedies  
632 Eavesdropping on or recording confidential communications  
653.2 Electronic communication devices, threats to safety  
UNITED STATES CODE, TITLE 15  
6501-6506 Children's Online Privacy Protection Act  
UNITED STATES CODE, TITLE 20  
6751-6777 Enhancing Education Through Technology Act, Title II, Part D, especially:  
6777 Internet safety

UNITED STATES CODE, TITLE 47  
254 Universal service discounts (E-rate)  
CODE OF FEDERAL REGULATIONS, TITLE 16  
312.1-312.12 Children's Online Privacy Protection Act  
CODE OF FEDERAL REGULATIONS, TITLE 47  
54.520 Internet safety policy and technology protection measures, E-rate discounts  
Policy  
adopted: March 21, 2013

EVERGREEN SCHOOL  
DISTRICT  
San Jose, California

Instruction  
STUDENT USE OF  
TECHNOLOGY

AR 6163.4(a)

The principal or designee shall oversee the maintenance of each school's technological resources and may establish guidelines and limits on their use. All instructional staff shall receive a copy of this administrative regulation, the accompanying Board policy, and the district's Acceptable Use Agreement describing expectations for appropriate use of the system and shall also be provided with information about the role of staff in supervising student use of technological resources. All students using these resources shall receive instruction in their proper and appropriate use.

Teachers, administrators, and/or library media specialists shall prescreen technological resources and online sites that will be used for instructional purposes to ensure that they are appropriate for the intended purpose and the age of the students.

**Online/Internet Services: User Obligations and Responsibilities**

Students are authorized to use district equipment to access the Internet or other online services in accordance with Board policy, the user obligations and responsibilities specified below, and the district's Acceptable Use Agreement.

1. The student in whose name an online services account is issued is responsible for its proper use at all times. Students shall keep personal account numbers and passwords private and shall only use the account to which they have been assigned.
2. Students shall use the district's system safely, responsibly, and primarily for educational purposes.
3. Students shall not access, post, submit, publish, or display harmful or inappropriate matter that is threatening, obscene, disruptive, or sexually explicit, or that could be construed as harassment or disparagement of others based on their race/ethnicity, national origin, sex, gender, sexual orientation, age, disability, religion, or political beliefs. Harmful matter includes matter, taken as a whole, which to the average person, applying contemporary statewide standards, appeals to the prurient interest and is matter which depicts or describes, in a patently offensive way, sexual conduct and which lacks serious literary, artistic, political, or scientific value for minors. (Penal Code 313)
4. Unless otherwise instructed by school personnel, students shall not disclose, use, or disseminate personal identification information about themselves or others when using email, chat rooms, or other forms of direct electronic communication. Students also shall be cautioned not to disclose such information by other means to individuals contacted through the Internet without the permission of their parents/guardians. Personal information includes the student's name, address, telephone number, Social Security number, or other personally identifiable information.
5. Students shall not use the system to encourage the use of drugs, alcohol, or tobacco, nor shall they promote unethical practices or any activity prohibited by law, Board policy, or administrative regulations.
6. Students shall not use the system to engage in commercial or other for-profit activities.
7. Students shall not use the system to threaten, intimidate, harass, or ridicule other students or staff.
8. Copyrighted material shall be posted online only in accordance with applicable copyright laws. Any materials utilized for research projects should be given proper credit as with any other printed source of information.
9. Students shall not intentionally upload, download, or create computer viruses and/or maliciously attempt to harm or destroy district equipment or materials or manipulate the data of any other user, including so-called 'hacking'.
10. Students shall not attempt to interfere with other users' ability to send or receive email, nor shall they attempt to read, delete, copy, modify, or use another individual's identity.
11. Students shall report any security problem or misuse of the services to the teacher or principal. The district reserves the right to monitor use of the district's systems for improper use without advance notice or consent. Students shall be informed that computer files and electronic communications, including email, are not private and may be accessed by the district for the purpose of ensuring proper use. Whenever a student is found to have violated Board policy, administrative regulation, or the district's Acceptable Use Agreement, the principal or designee may cancel or limit a student's user privileges or increase supervision of the student's use of the district's technological resources, as appropriate. Inappropriate use also may result in disciplinary action and/or legal action in accordance with law and Board policy.

**Cyberbullying** - Includes the posting of harassing messages, direct threats, social cruelty, or other harmful text or images on the Internet, social networking sites, or other digital technologies, as well as breaking into another person's account and assuming that person's identity in order to damage that person's reputation or friendships.

**Filtering** - District has the right, to the extent required by law, to place reasonable restrictions on the material accessed or posted through the system.

**Media Publishing** - All published media must follow district guidelines and is subject to review.

Plagiarism - Students will not plagiarize works. Plagiarism is taking the ideas or writings of others and presenting them as if they were their own.

Copyright Infringement - Students will respect the rights of copyright owners. Copyright infringement occurs when a work, software, music, video, etc. that is protected by a copyright is inappropriately reproduced. Students should ask their teacher and request permission from the copyright owner if they are unsure whether or

not they can use a work.

Services - The district makes no guarantee that the functions of the services provided by or through the district system will be error-free or without defect.

The district will not be responsible for any damage suffered, including but not limited to, loss of data or interruption of service.

Consequences - The use of technology in the district is a privilege, not a right. In addition to any criminal and civil penalties, students are also subject to school discipline for technology-related offenses.

Board approved: September 12, 2013

Regulation

EVERGREEN SCHOOL DISTRICT

Healthy Schools Act of 2000

Notice to all students, parents/guardians and employees of the Evergreen School District:

Assembly Bill 2260 went into effect on January 1, 2001. This legislation enacted Education Code sections 17608 et seq. which require, among other things, that school districts notify parents and staff about the use of pesticides at school. The purpose of this legislation is to reduce exposure to toxic pesticides through information and application of an integrated pest management system at schools. Towards this end, and pursuant to the requirements of this legislation, please be advised of the following:

The Evergreen School District expects to use the following pesticides at its campuses during the upcoming year:

Pesticide/Herbicide	E.P.A. Reg. Number	Active Ingredient(s)
Round Up	524-475	Glyphosate
Turflon	17545-8	Triclopyr
Surflan	70506-44	Olyzalin &Dipropysulfanilamide
Termidor	7969-210	Fipronil
Tenguard		Permethrin
Suspend		Deltamethrin
Eco Exempt	N/A	Rosemary Oil, Peppermint Oil
Tempo	432-1377	Cufluthrine
Gentrol IGR Concentrate	2724-351	Hydroprene
Maxforce Ant Bait		Fipronil
Eco Exempt G	N/A	Clove Oil, Thyme Oil
Avert	499-294	Abamectin B1
DuPont Advion Ant Gel	352-746	Indoxcarb
DuPont Advion Roach Bait	352-652	Inoxacarb
CB-80 Extra	9444-175	Pyrethrins
EcoExempt Jet		2-Phenethyl Proplonate, Rosemary Oil
Gentrol Point Source	2724-469	Hydroprene
Wasp-Freeze	499-362	d-trans Allethrin, Phenothrin
Talpirid	12455-101	Bromethalin

Parents/guardians of the Evergreen School District can register with the District's designee,

Michael Butler, Director of Operations

Telephone: 408-270-6800

Email: [mbutler@eesd.org](mailto:mbutler@eesd.org)

to receive notification of individual pesticide applications. Persons who register for this notification shall be notified at least seventy-two (72) hours prior to the application, except in emergencies, and will be provided the name and active ingredient(s) of the pesticide as well as the intended date of application.

If you wish to access information on pesticides and pesticide use reduction developed by the Department of Pesticide Regulation pursuant to California Food and Agricultural Code section 13184, you can do so by accessing the Department's web-site at [www.cdpr.ca.gov](http://www.cdpr.ca.gov).

## **Notification of Rights Under the Protection of Pupil Rights Amendment (PPRA)**

PPRA affords parents certain rights regarding our conduct of surveys, collection and use of information for marketing purposes, and certain physical exams. These include the right to:

1. Consent before students are required to submit a survey that concerns one or more of the following protected areas ('protected information survey') if the survey is funded in whole or in part by a program of the U.S. Department of Education (ED)--
  - Political affiliations or beliefs of the student or student's parent;
  - Mental or psychological problems of the student or student's family;
  - Sex behavior or attitudes;
  - Illegal, anti-social, self-incriminating, or demeaning behavior;
  - Critical appraisals of others with whom respondents have close family relationships;
  - Legally recognized privileged relationships, such as with lawyers, doctors, or ministers;
  - Religious practices, affiliations, or beliefs of the student or parents; or
  - Income, other than as required by law to determine program eligibility.
2. Receive notice and an opportunity to opt a student out of:
  - Any other protected information survey, regardless of funding;
  - Any non-emergency, invasive physical exam or screening required as a condition of attendance, administered by the school or its agent, and not necessary to protect the immediate health and safety of a student, except for hearing, vision, or scoliosis screening, or any physical exam or screening permitted or required under State law; and
  - Activities involving collection, disclosure, or use of personal information obtained from students for marketing or to sell or otherwise distribute the information to others.
3. Inspect, upon request and before administration or use --
  - Protected information surveys of students;
  - Instruments used to collect personal information from students for any of the above marketing, sales, or other distribution purposes; and
  - Instructional material used as part of the education curriculum.

These rights transfer from the parents to a student who is 18 years old or an emancipated minor under State law. Evergreen School District has developed and adopted policies, in consultation with parents, regarding these rights, as well as arrangements to protect student privacy in the administration of protected surveys and the collection, disclosure, or use of personal information for marketing, sales, or other distribution purposes. Evergreen School District will directly notify parents of these policies at least annually at the start of each school year and after any substantive changes. Evergreen School District will also directly notify, such as through U.S.

Mail or email, parents of students who are scheduled to participate in the specific activities or surveys noted below and will provide an opportunity for the parent to opt his or her child out of participation in the specific activity or survey. Evergreen School District will make this notification to parents at the beginning of the school year if the District has identified the specific or approximate dates of the activities or surveys at that time. For surveys and activities scheduled after the school year starts, parents will be provided reasonable notification of the planned activities and surveys listed below and be provided an opportunity to opt their child out of such activities and surveys. Parents will also be provided an opportunity to review any pertinent surveys. Following is a list of the specific activities and surveys covered under this requirement:

- Collection, disclosure, or use of personal information for marketing, sales or other distribution.
- Administration of any unprotected information survey not funded in whole or in part by the Department of Education.
- Any non-emergency, invasive physical examination or screening as described above.
- Parents/eligible students who believe their rights have been violated may file a complaint with:

Family Policy Compliance Office  
U.S. Department of Education 400  
Maryland Avenue, SW Washington, D.C. 20202-5920

## **Child Abuse Reporting Guidelines And Procedures**

The following information will assist parents and guardians in determining whether or not child abuse has occurred and, if so, how to file a complaint of child abuse with local law enforcement. This information has been taken from the California Child Abuse and Neglect Reporting Act in the California Penal Code and from sections of the California Education Code.

### **Child Abuse Can Be Any of the Following:**

- A physical injury which is inflicted on a child by another person other than by accidental means.
- The sexual abuse, assault, or exploitation of a child, such as:
  - The negligent treatment or maltreatment of a child by a person responsible for the child's welfare under circumstances indicating harm or threatened harm to the child's health or welfare, whether the harm or threatened harm is from acts or omissions on the part of the responsible person;
  - The willful infliction upon a child of any cruel or inhumane corporal punishment or any injury resulting in a traumatic condition; or
  - The willful harming or injuring of a child or endangering of the person or the health of a child where the person responsible for the child's welfare is a licensee, administrator, or employee of any facility licensed to care for children or an administrator or employee of a public or private school or other institution or agency.

### **Child Abuse Does *Not* Include:**

- A mutual fight between minors;
- An injury that is caused by the actions of a peace officer using reasonable and necessary force within the scope of his or her employment; or
- An injury caused by any force that is reasonable and necessary for a person employed by or engaged in a school:
  - To stop a disturbance threatening physical injury to people or damage to property;
  - For purposes of self-defense;
  - To obtain possession of weapons or other dangerous objects within control of a pupil; or
  - To exercise the degree of control reasonably necessary to maintain order, protect property, protect the health and safety of pupils, and maintain proper and appropriate conditions conducive to learning.

### **How to File a Complaint of Child Abuse Committed at a School Site**

Parents and guardians of pupils have the right to file a complaint against a school employee or other person that they suspect has engaged in abuse of a child at a school site. To file a complaint, the parent or guardian must file a formal report with an appropriate local law enforcement agency. An appropriate law enforcement agency may be one of the following:

- A Police or Sheriff's Department (not including a school district police department or school security department)
- A County Probation Department if designated by the county to receive child abuse reports, or
- A County Welfare Department/County Child Protective Services. The complaint may be filed over the telephone, in person, or in writing. A complaint may also be filed at the same time with your school district or county office of education. School districts and county offices of education, however, do not investigate child abuse allegations. The local law enforcement agency is required to investigate all complaints. In addition, if the child is disabled and enrolled in special education, a separate complaint may be filed by the parent or guardian with the California Department of Education (CDE) according to Title 5 of the California Code of Regulations Section 4650(a)(vii)(c). The CDE does not, however, investigate allegations of child abuse but rather investigates the conditions that may involve immediate physical danger or threaten the health, safety, or welfare of the child or children or which may result in denial of a free and appropriate public education.

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  - The negligent treatment or maltreatment of a child by a person responsible for the child's welfare under circumstances indicating harm or threatened harm to the child's health or welfare, whether the harm or threatened harm is from acts or omissions on the part of the responsible person;
  - The willful infliction upon a child of any cruel or inhumane corporal punishment or any injury resulting in a traumatic condition; or
  - The willful harming or injuring of a child or endangering of the person or the health of a child where the person responsible for the child's welfare is a licensee, administrator, or employee of any facility licensed to care for children or an administrator or employee of a public or private school or other institution or agency.

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- An injury that is caused by the actions of a peace officer using reasonable and necessary force within the scope of his or her employment; or
- An injury caused by any force that is reasonable and necessary for a person employed by or engaged in a school:
  - To stop a disturbance threatening physical injury to people or damage to property;
  - For purposes of self-defense;
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If the complaint of child abuse is “substantiated”; or confirmed by the local law enforcement agency, meaning that the report of child abuse or neglect, as determined by the law enforcement investigator who conducted the investigation, is, based upon the evidence, more likely to have occurred than not, then a report of the investigation will be transmitted by the law enforcement agency to the governing board of the local school district or County Office of Education. A confirmed report of child abuse or neglect received by a governing board of a school district or County Office of Education will be subject to the provisions of California Education Code section 44031, which gives school employees certain rights regarding personnel information and records. In addition, a confirmed report shall be forwarded by the law enforcement agency that investigated the complaint to the California Department of Justice according to California Penal Code Section 11169 and notice will be provided to the alleged child abuser that he or she has been reported to the Child Abuse Central Index, as maintained by the Department of Justice.



## California Universal Meals

Beginning in School Year (SY) 2022-23, California became the first state to implement a statewide Universal Meals Program. We are pleased to announce that all Evergreen School District students will be able to receive a free breakfast and free lunch each school day, regardless of your income! We applaud California's effort to lessen food insecurity, reduce financial burdens on families, eliminate the stigma of the meal program, and ensure students have the necessary nutrition for their academic success. Evergreen School District participates in the federal program called Provision 2 Special Assistance Program available to schools as part of the National School Lunch Program and School Breakfast Provision 2 operates on a four year cycle. The first year, or base year, sets federal and state meal program reimbursement based on the percentages of free, reduced, and paid meals served during SY 2022-23. Child Nutrition Services will not make any new free or reduced-price meal eligibility determinations in subsequent cycle years. As a result, households experience a reduction in burden as families will not be asked to complete a Free & Reduced Meal Application in non-base years.

Evergreen School District however, may request that new or incoming transfer students complete an Education Benefit form. Education Benefit forms will not affect your student's ability to receive two free meals a day. Completing the Education Benefit form is critical for the District to obtain the socio-economic data used to secure essential school funding in lieu of the Free & Reduced Price Meal Application. It may also make families eligible for discounted utilities and internet, college application fees, after-school programs and more.

Learn more about Child Nutrition Services, the school meal program, Provision 2, and more at: <https://www.eesd.org/departments/child-nutrition>

## Meal Charging Policy

It is the full intent of the Evergreen School District that all households are made aware of the Meal Charging Policy. This, and more information about the meal program, can also be found at: [www.eesd.org/departments/child-nutrition](http://www.eesd.org/departments/child-nutrition).

Meals are FREE for all students during the school year. To obtain free meals, the student must take the minimum amount required of a "reimbursable meal" under the Offer vs. Serve meal pattern of the National School Lunch and National School Breakfast Program. If a student takes less than the minimum amount, they will be charged a la carte for the items they have taken. Payment for a la carte purchases and adult meals will still be required. Evergreen School District strongly encourages families to pay for al la carte purchases in advance. Pre-paying before meal service provides a simple way for you to manage your student's account and also helps lunch lines move more quickly, giving children more time to enjoy their meal. Households can pay for meals by:

**Paying Online:** Visit [www.myschoolbucks.com](http://www.myschoolbucks.com) to make payments, set up low balance alert emails, and track transactions safely and securely anytime.

**Paying at your child's school:** Students may pay cash or check when they are in the cafeteria. Prepayments can also be left at the school office during normal business hours. Checks should be made payable to CNS and please include the student's full name and room # when sending in a payment.

## Meals on Credit

No charges will be placed on a student's account if they choose a reimbursable meal at service time. Due to program limitations, our staff cannot force your student to take a reimbursable meal, however we will encourage them to take what is necessary to make it complete. No a la carte items can be purchased on credit. Please review menus in advance with your child so you can ensure they will be able to choose and eat the minimum reimbursable meal components. If not, it is the parent's responsibility to make sure that money is in the account or a home prepared meal is sent to the school with their child. Any monies received from students with a negative account balance must first be used to satisfy the negative balance. No change will be given back to students with negative account balances and any extra monies will be deposited into the student's account.

## Repayment for Returned Checks

If a check is returned due to insufficient funds, a letter will be sent to the household. Returned checks will result in an additional \$25/check fee and checks will not be accepted from the household until the balance is paid.

## End of the Year Balances

At the end of the school year, any positive funds left in a student's account will be carried over to the following school year. Students graduating out of Evergreen School District will be notified by mail with the balance amount. Parents have the option to request a refund, donate, or transfer the balance to a younger sibling. Instructions will be included. Federal guidelines prohibit the Food and Nutrition operation from writing off bad debts as a result of charged meals. If the student has graduated or moved out of the district with a negative lunch account balance, the unpaid meal charges will be considered bad debt and a file containing students' names and amounts owed will be turned over to the district's business office by June 30 of each school year.

To protect family's confidentiality, account balance information will only be monitored and dispersed by the Child Nutrition Services Department. Debt collection procedures will also only be initiated by Child Nutrition Services staff. Debt thresholds and delinquent payment definitions will be reviewed annually by the CBO and CNS Supervisor to ensure the purpose of the meal charging policy is not jeopardized by the diversions of staff time and effort to collect payment.

## Refunds and Balance Transfers

If your child is graduating or moving out of Evergreen School District with excess funds on their school lunch account, you can request a refund, transfer it to a younger sibling, or donate the balance to the Child Nutrition Services Department. Please be aware that balances DO NOT carry over to the high school level.

If you are unsure of your student's balance, please login to your MySchoolBucks account at [myschoolbucks.com](https://myschoolbucks.com) or contact Child Nutrition Services at (408) 223-4500. Parents of 8th grade students will also receive a letter the first week in June with the current funds remaining on your student's account. Refunds typically take up to 30 days to be processed and a check mailed to the address provided in your request. Due to the high volume of requests at the end of the school year, please be patient in receiving your refund. We ask that your refund requests be received by July 31.

You can also complete a request form at <https://www.eesd.org/departments/child-nutrition/payments> or send a request by mail to 2828 Corda Drive, San Jose, CA 95122. Include in your request: your name, address, phone number, student name, school attended, and student ID number (if known). Please include sibling information if you are requesting a transfer of funds. If at any time households have questions about their student's lunch account, current account balance, or are facing a financial hardship, they should contact Child Nutrition Services at (408) 223-4500.

We look forward to welcoming your students into our cafeterias this year!

Students BP 5125.1

## RELEASE OF DIRECTORY INFORMATION

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

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

The Superintendent or designee may limit or deny the release of specific categories of directory information to any public or private nonprofit organization based on his/her determination of the best interests of district students. (Education Code 49073)

Under no circumstances shall directory information be disclosed to a private profit-making entity, except for representatives of the news media and prospective employers, in accordance with Board policy.

Legal Reference:

EDUCATION CODE

49061 Definitions

49063 Notification of parents of their rights

49073 Release of directory information

49073.5 Directory information; military representatives; telephone numbers 49603 Public high schools; military recruiting

UNITED STATES CODE, TITLE 10

503 Military recruiter access to directory information

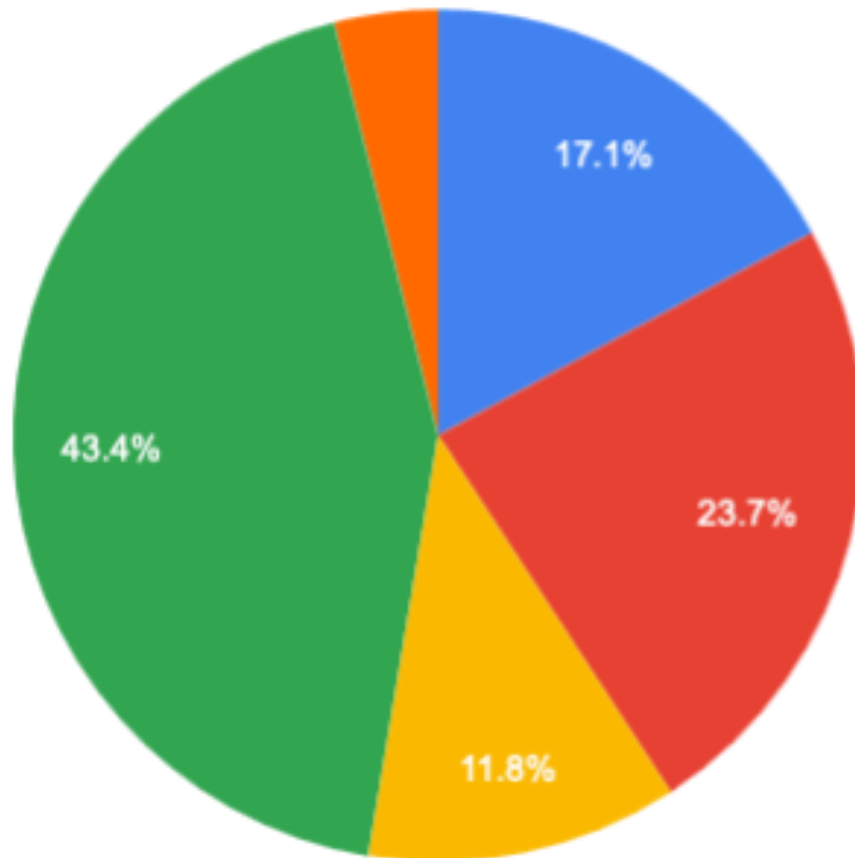
UNITED STATES CODE, TITLE 20

1232g Family Educational Rights and Privacy Act

7908 Armed forces recruiter access to students and student recruiting information CODE OF FEDERAL REGULATIONS, TITLE 34

99.1-99.67 Family Educational Rights and Privacy

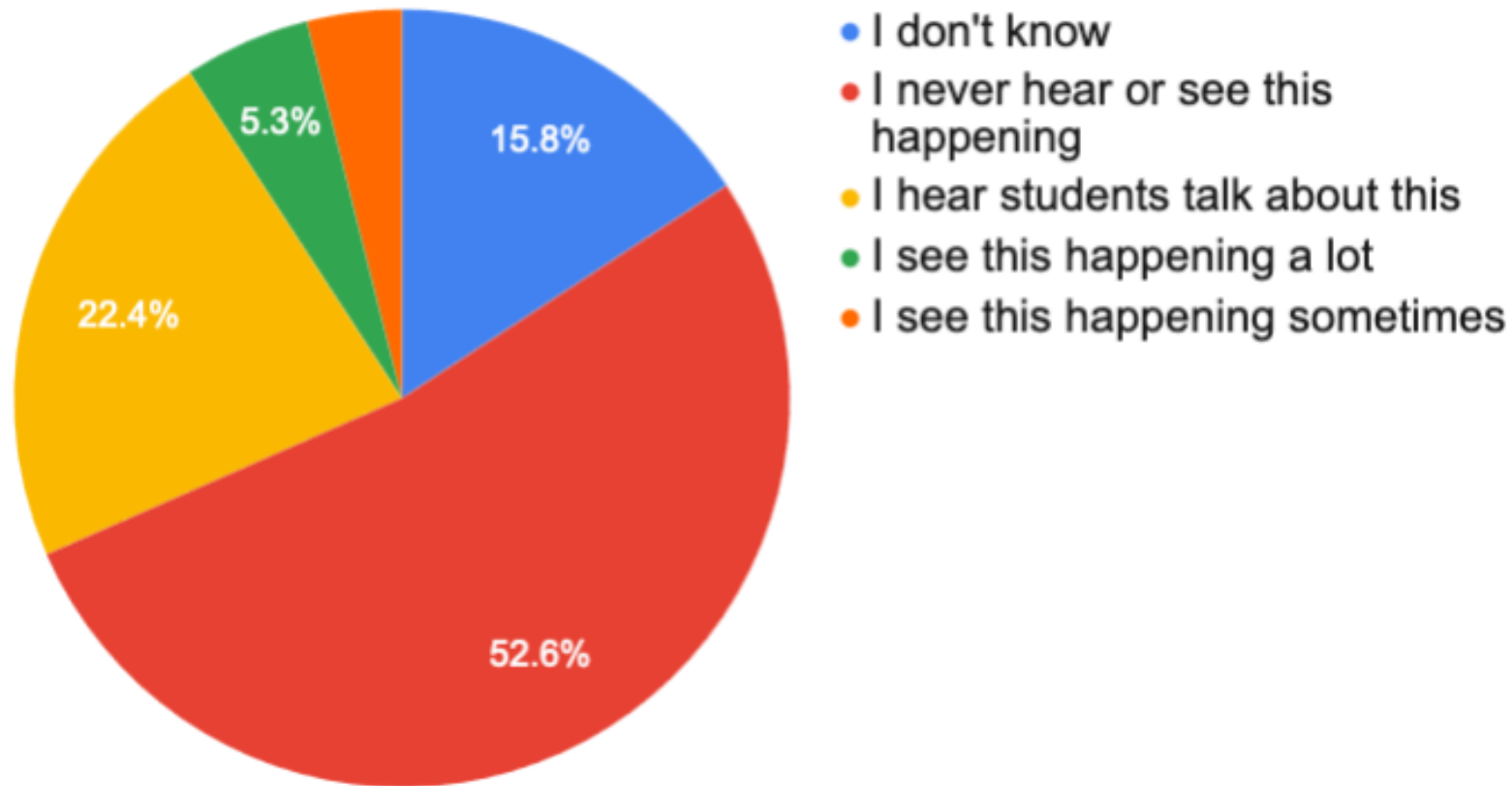
Count of How much do you find the following to be a problem at your child's school? [Bullying]



- I don't know
- I hear students talk about this
- I see this happening sometimes
- I never hear or see this happening
- I see this happening a lot

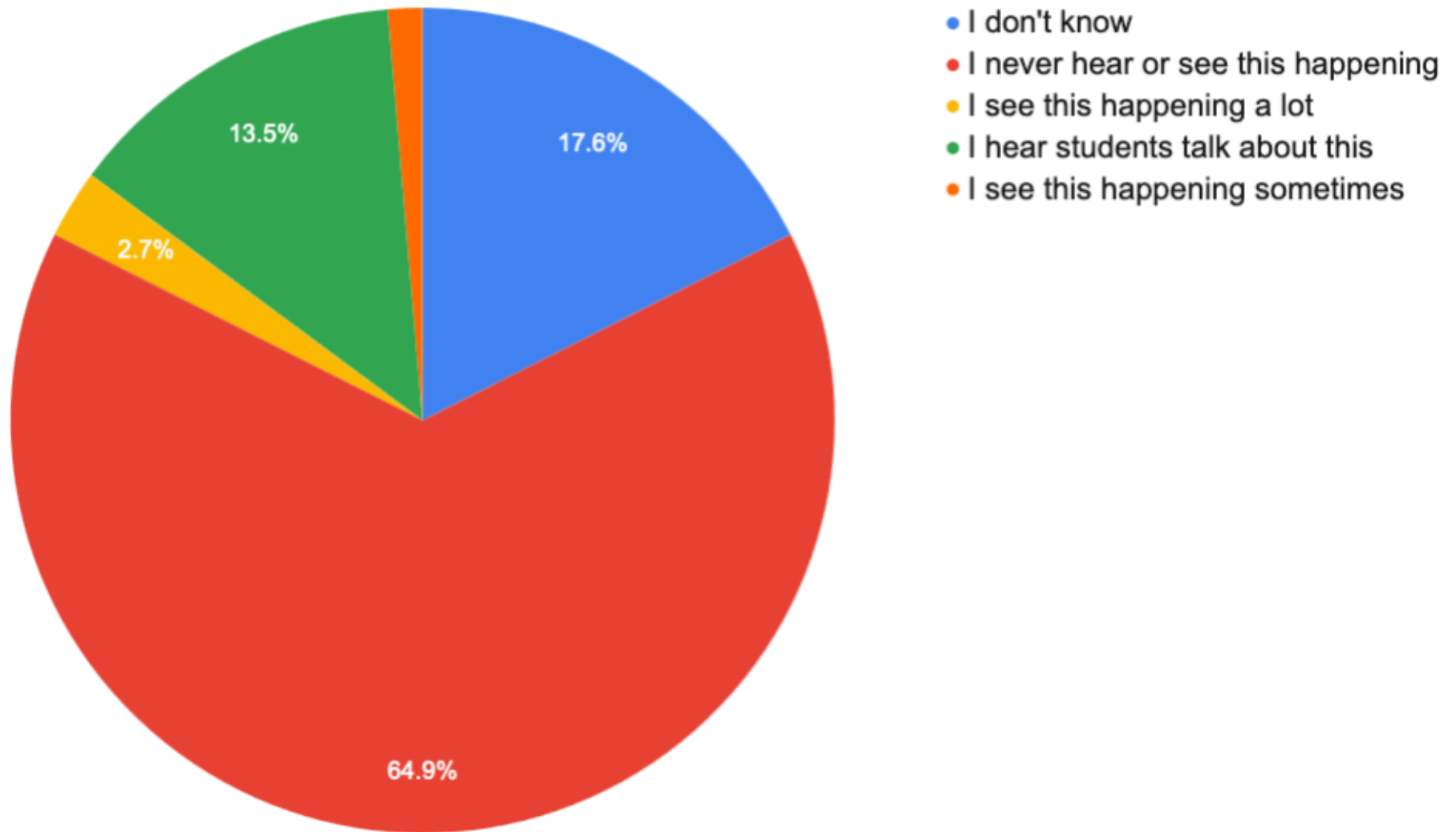
**Community Survey**

Count of How much do you find the following to be a problem at your child's school? [Harassment, and intimidation]



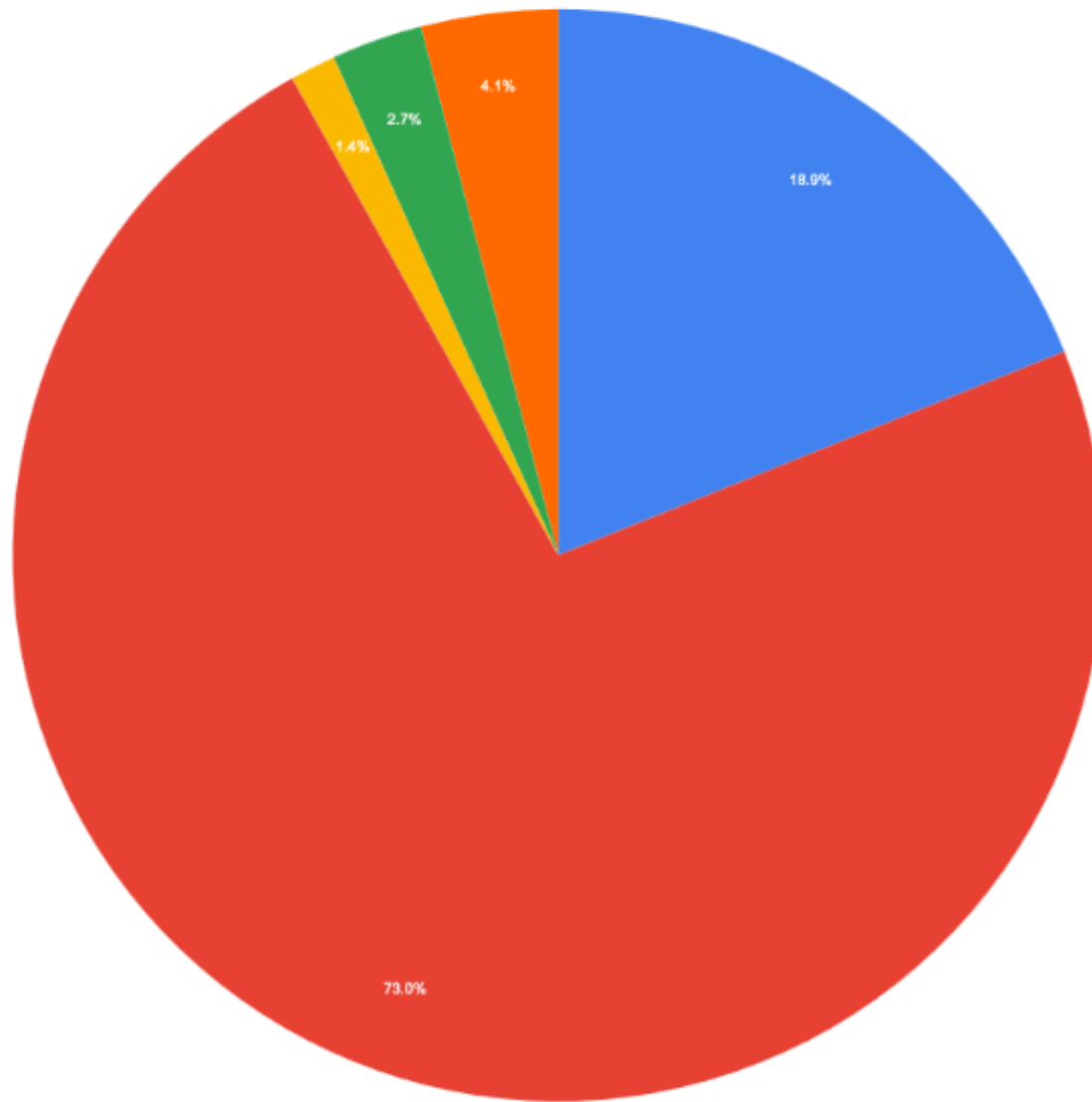
**Community Survey**

Count of How much do you find the following to be a problem at your child's school? [Fights and Assault]



**Community Survey**

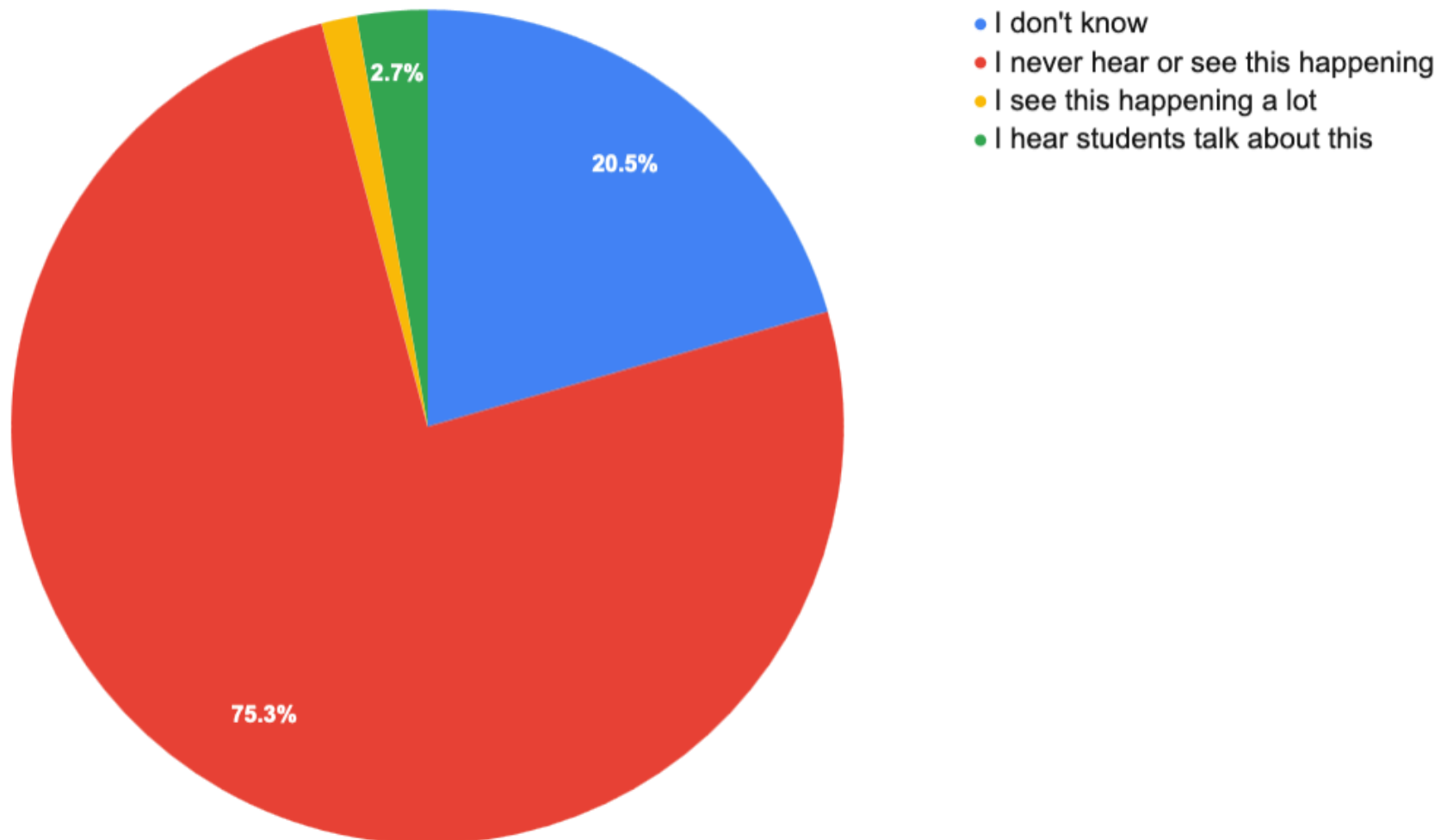
How much do you find the following to be a problem at your child's school? [Student interest in gangs]



- I don't know
- I never hear or see this happening
- I see this happening a lot
- I see this happening sometimes
- I hear students talk about this

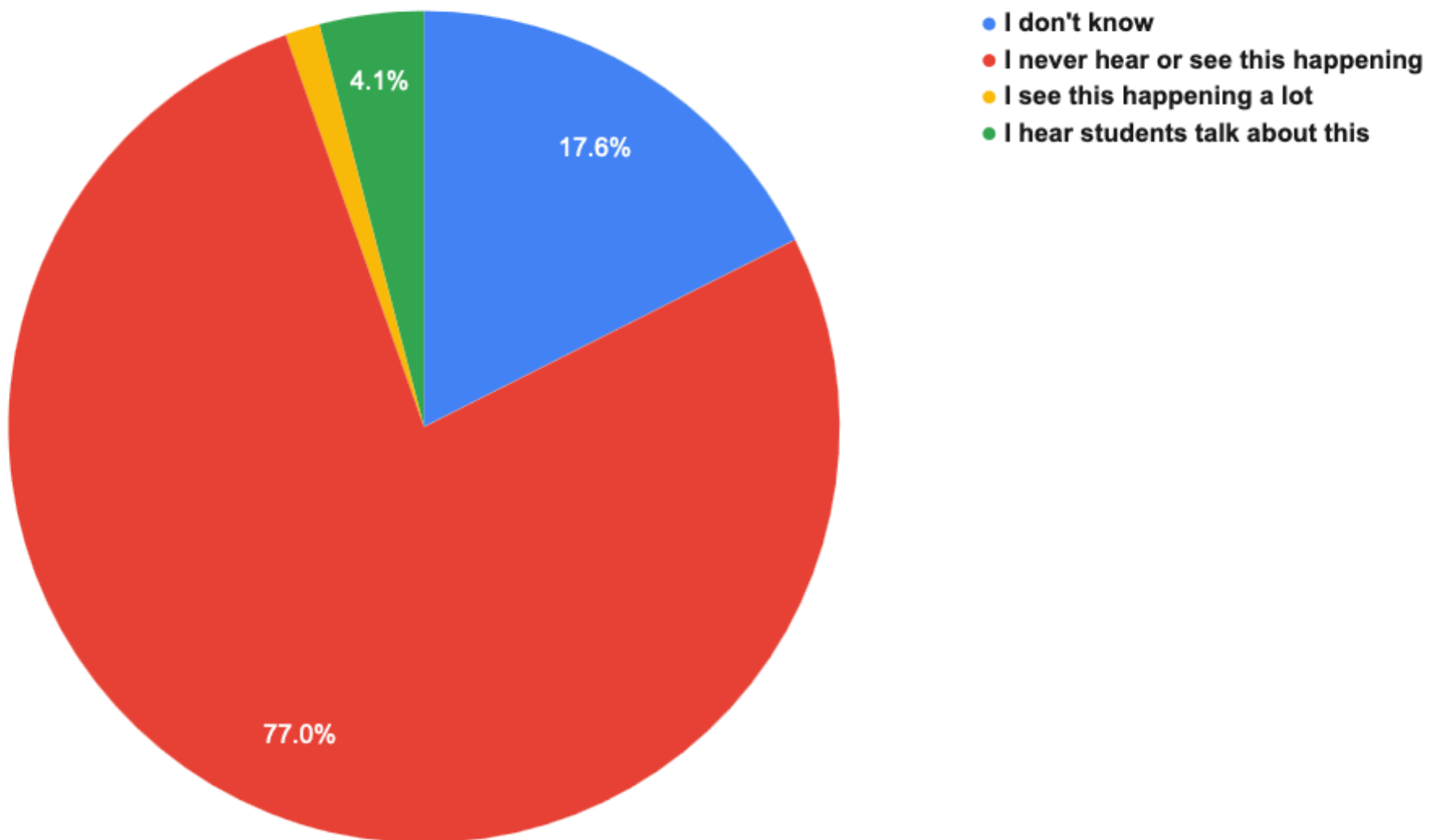
**Community Survey**

Count of How much do you find the following to be a problem at your child's school? [Alcohol use]



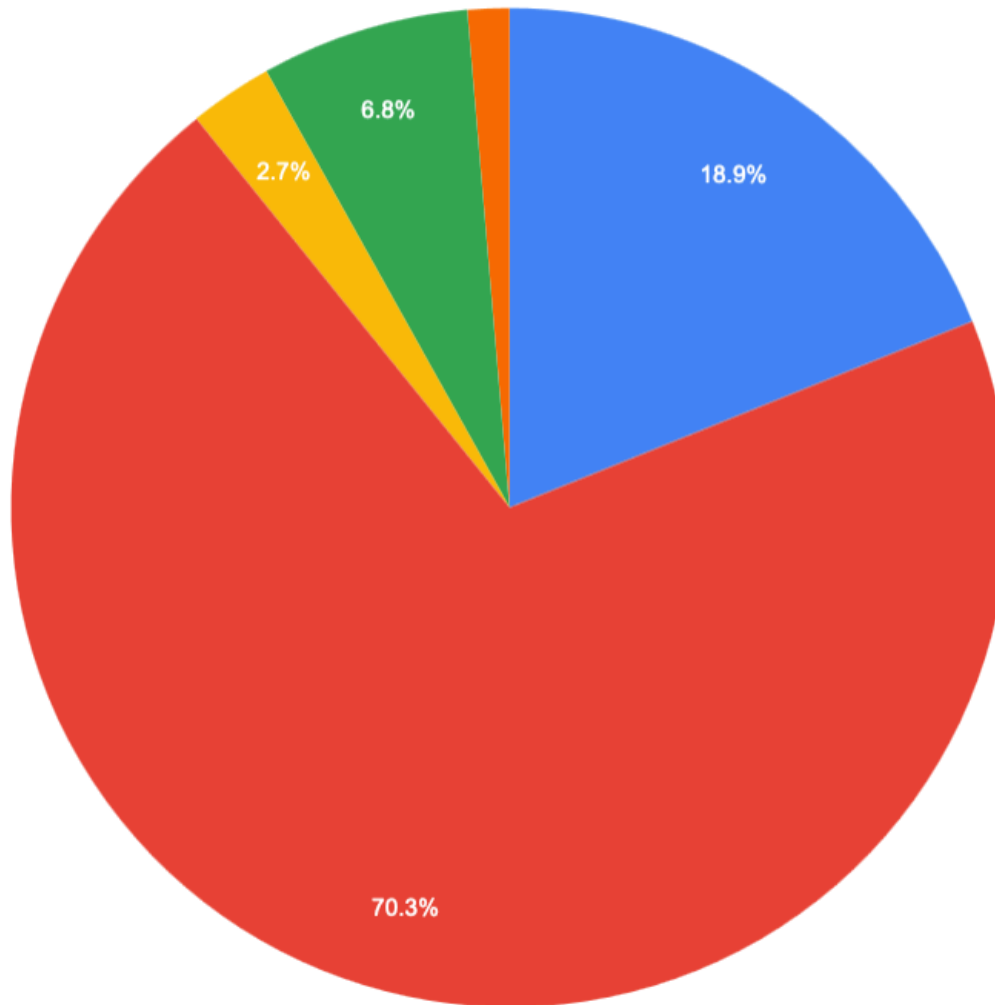
**Community Survey**

Count of How much do you find the following to be a problem at your child's school? [Illegal weapons]



**Community Survey**

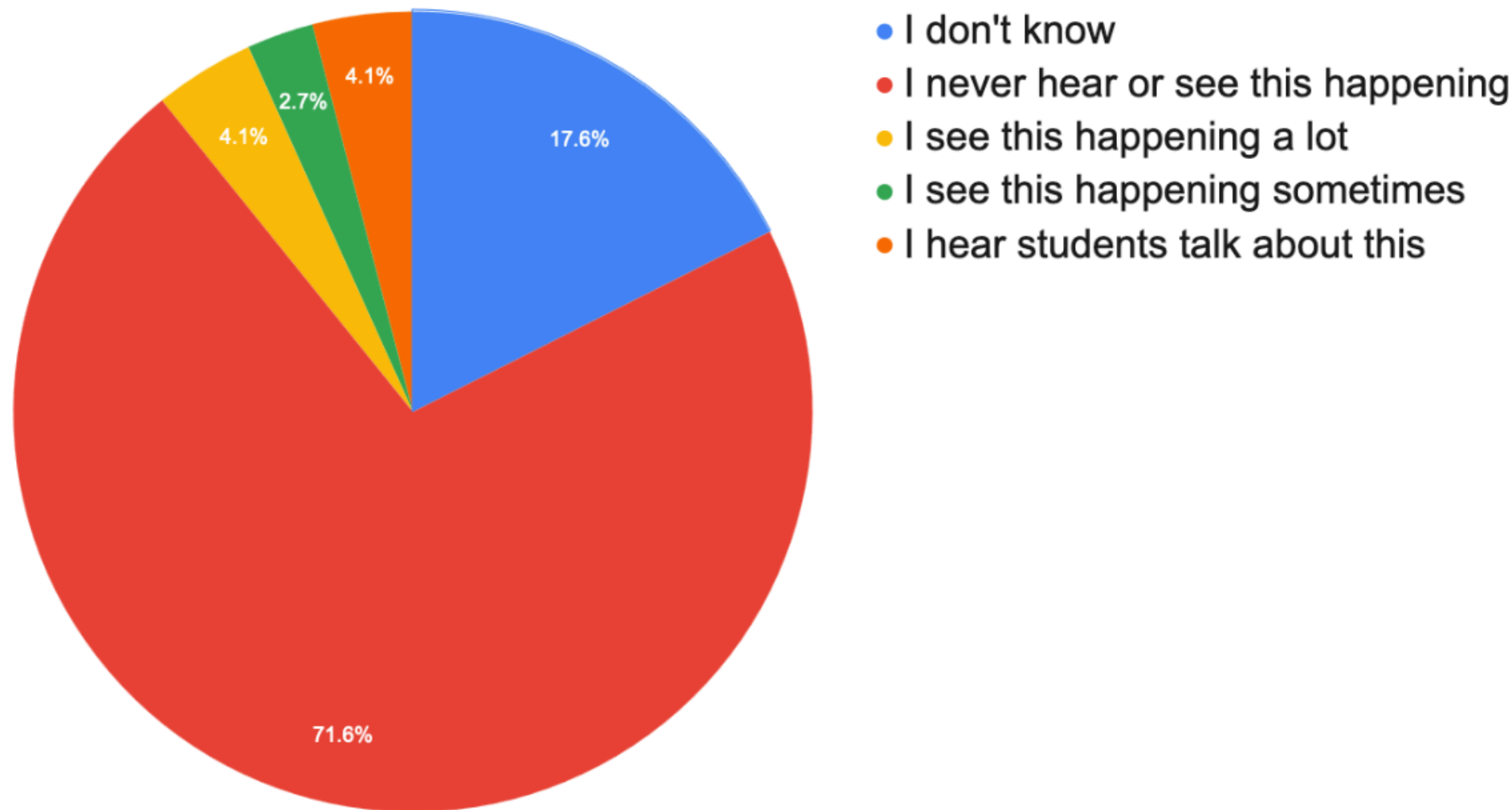
**Count of How much do you find the following to be a problem at your child's school? [Graffiti and vandalism]**



- I don't know
- I never hear or see this happening
- I see this happening a lot
- I hear students talk about this
- I see this happening sometimes

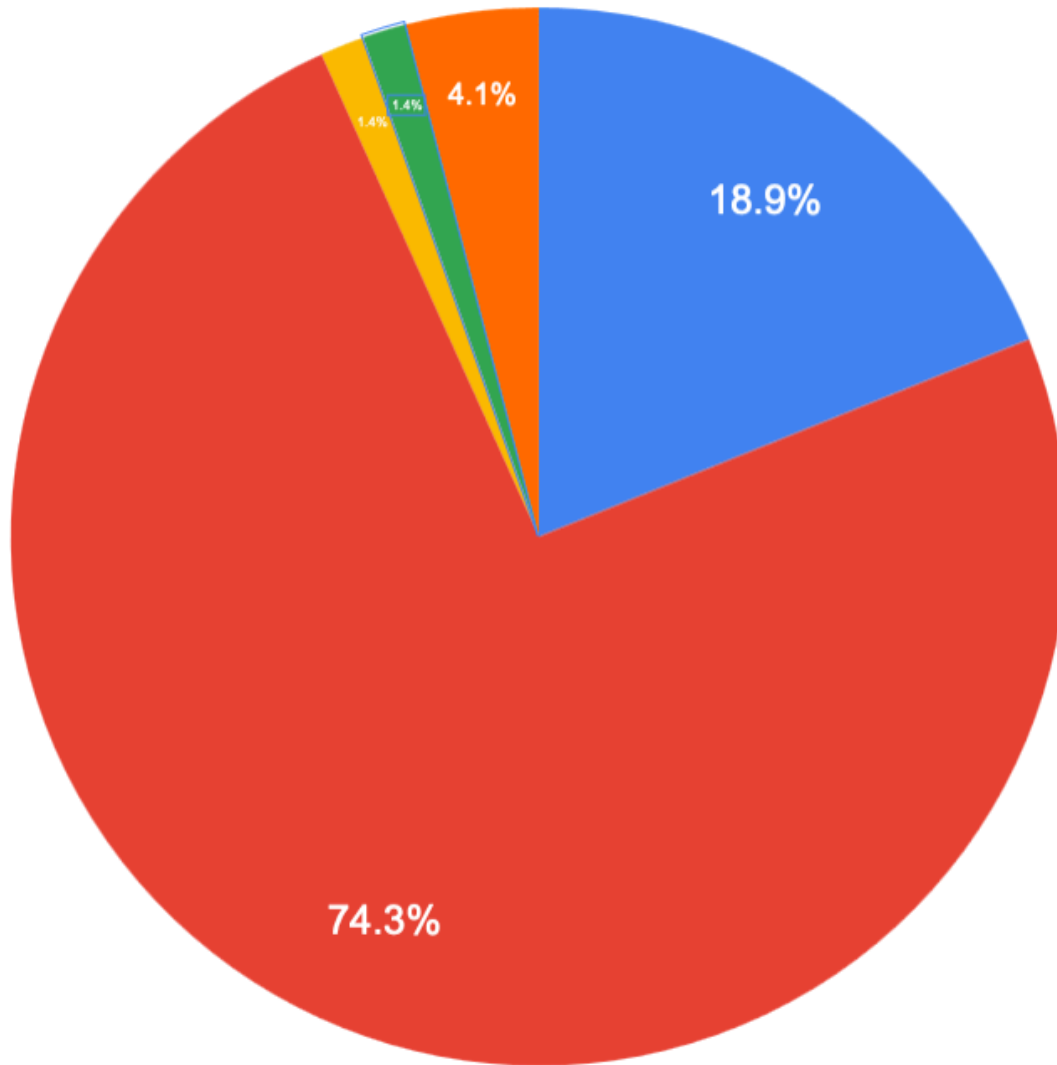
**Community Survey**

Count of How much do you find the following to be a problem at your child's school? [People trespassing on campus]



**Community Survey**

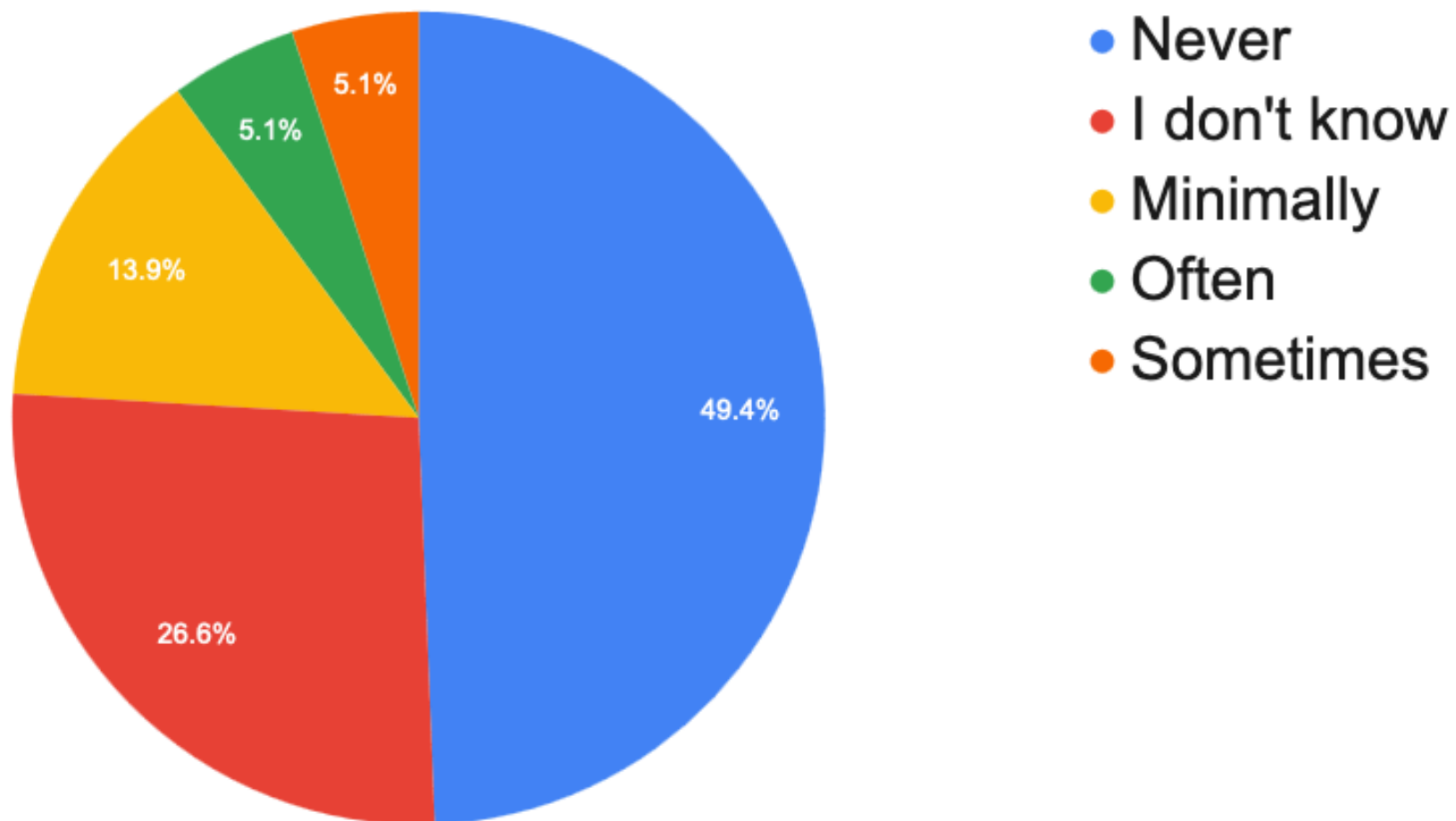
How much do you find the following to be a problem at your child's school? [Drug use]



- I don't know
- I never hear or see this happening
- I see this happening a lot
- I see this happening sometimes
- I hear students talk about this

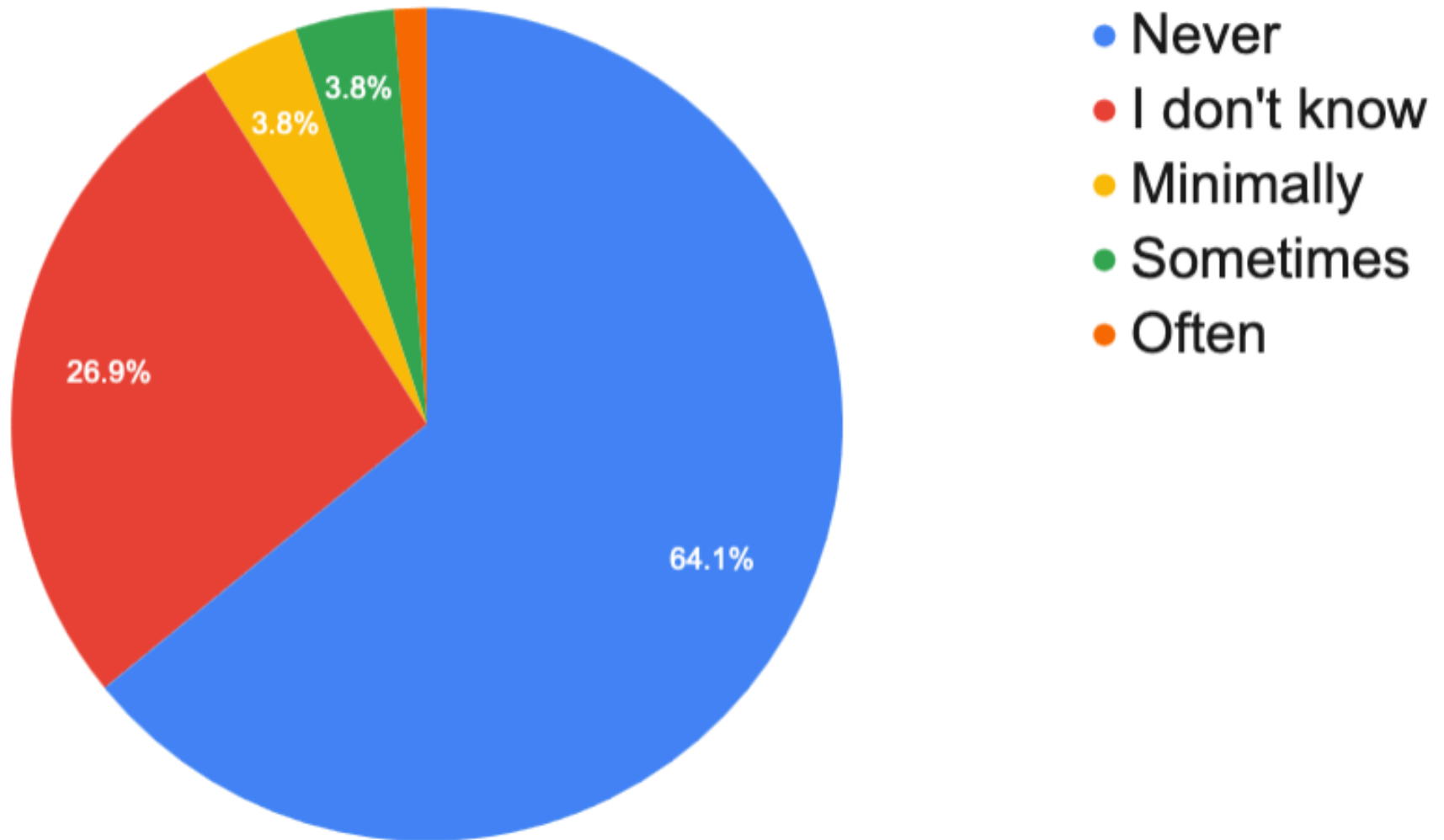
**Community Survey**

## Count of Students at my child's school get put down because of their ... [Race]



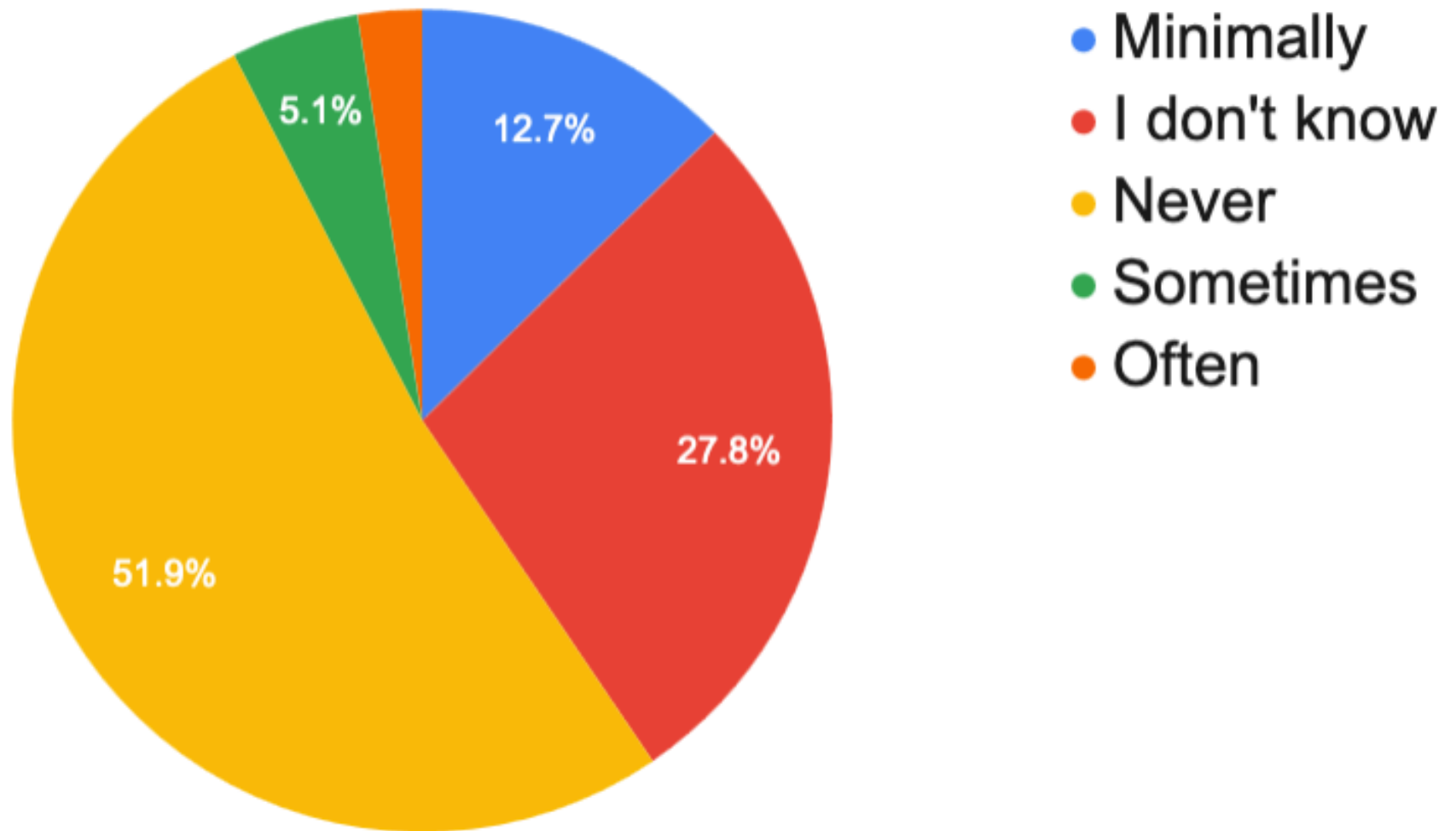
**Community Survey**

**Count of Students at my child's school get put down because of their ...  
[Gender or gender identification]**



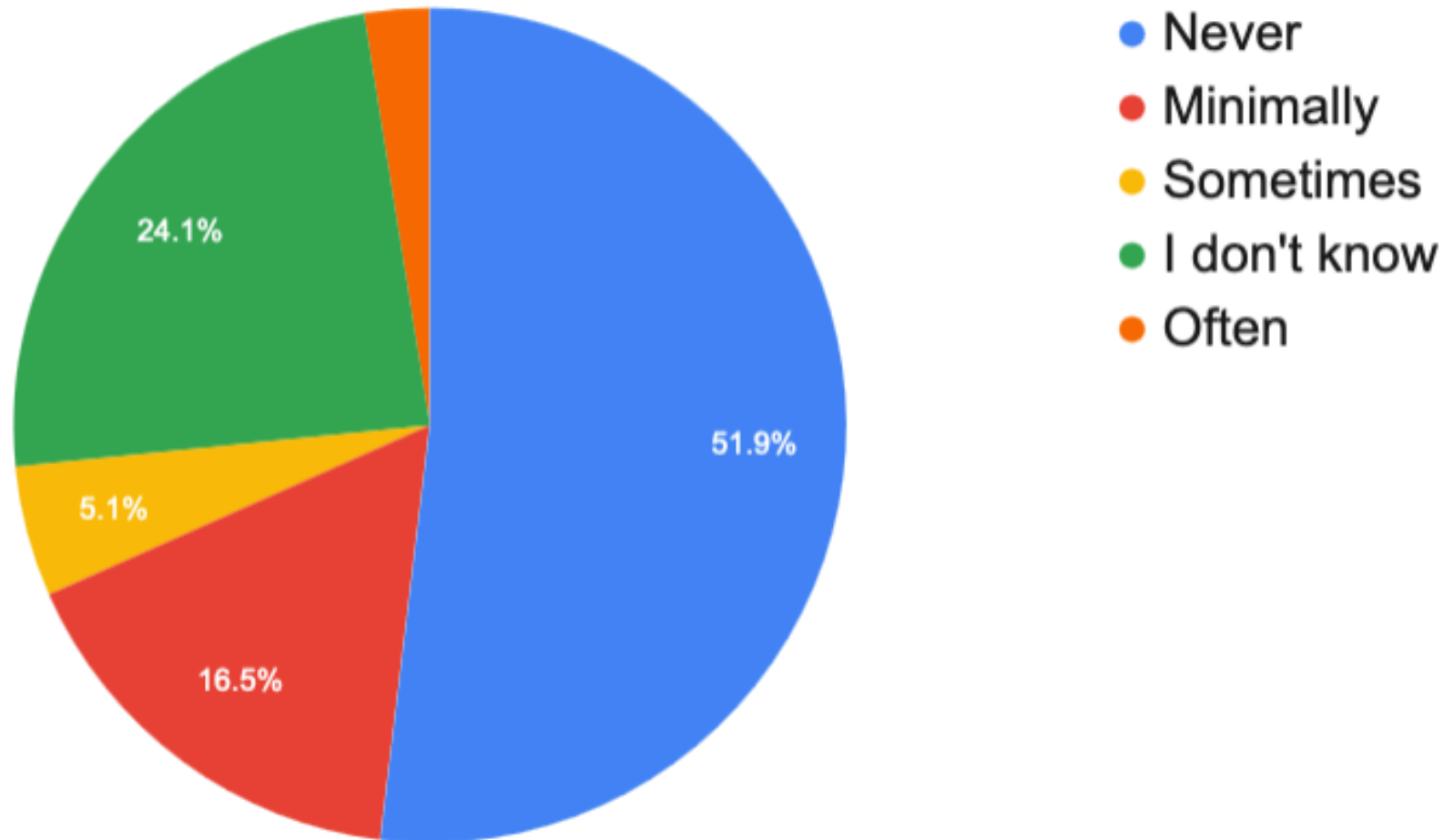
**Community Survey**

## Count of Students at my child's school get put down because of their ... [Learning difficulties]



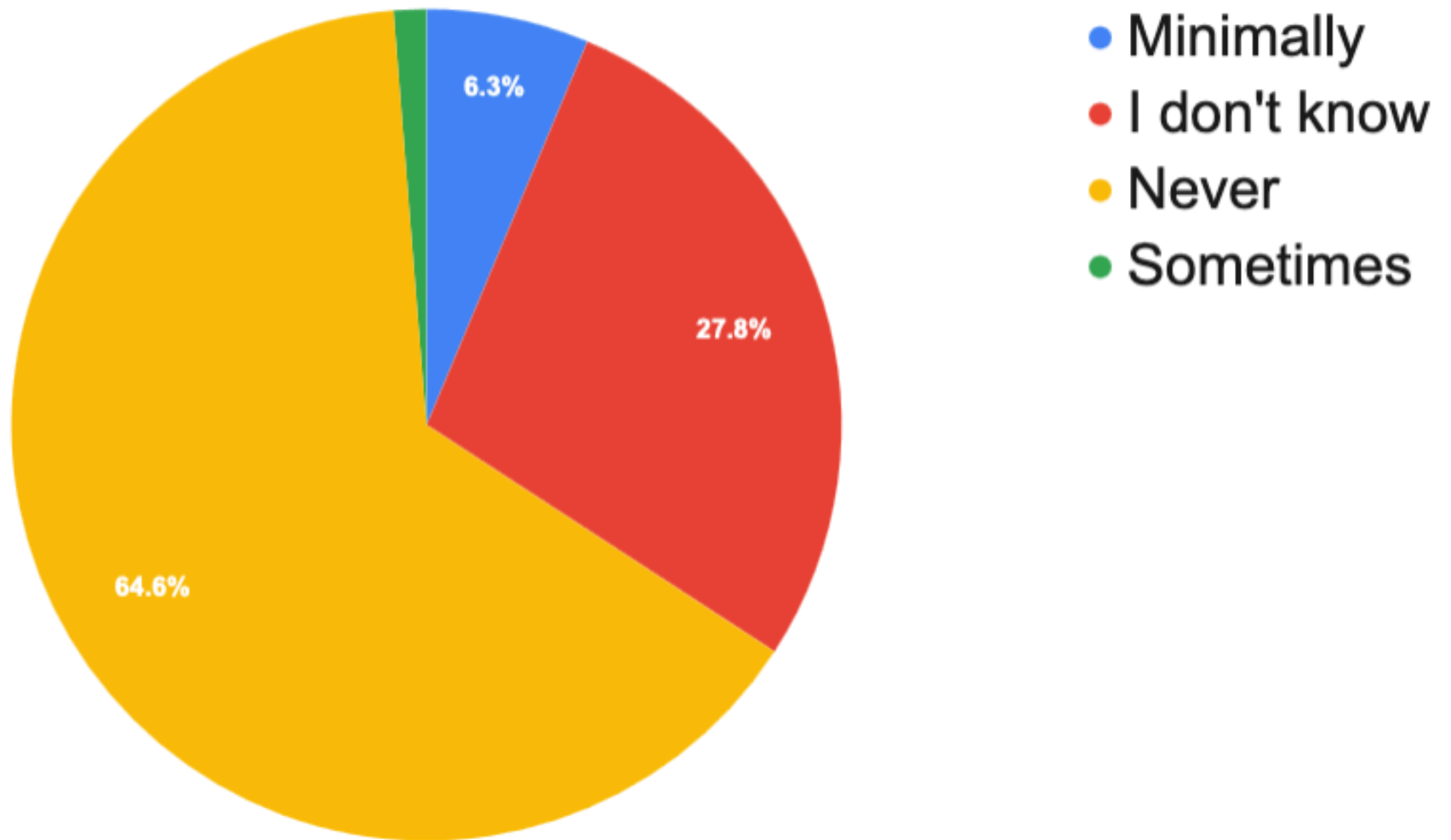
**Community Survey**

## Count of Students at my child's school get put down because of their ... [Clothing or physical appearance]



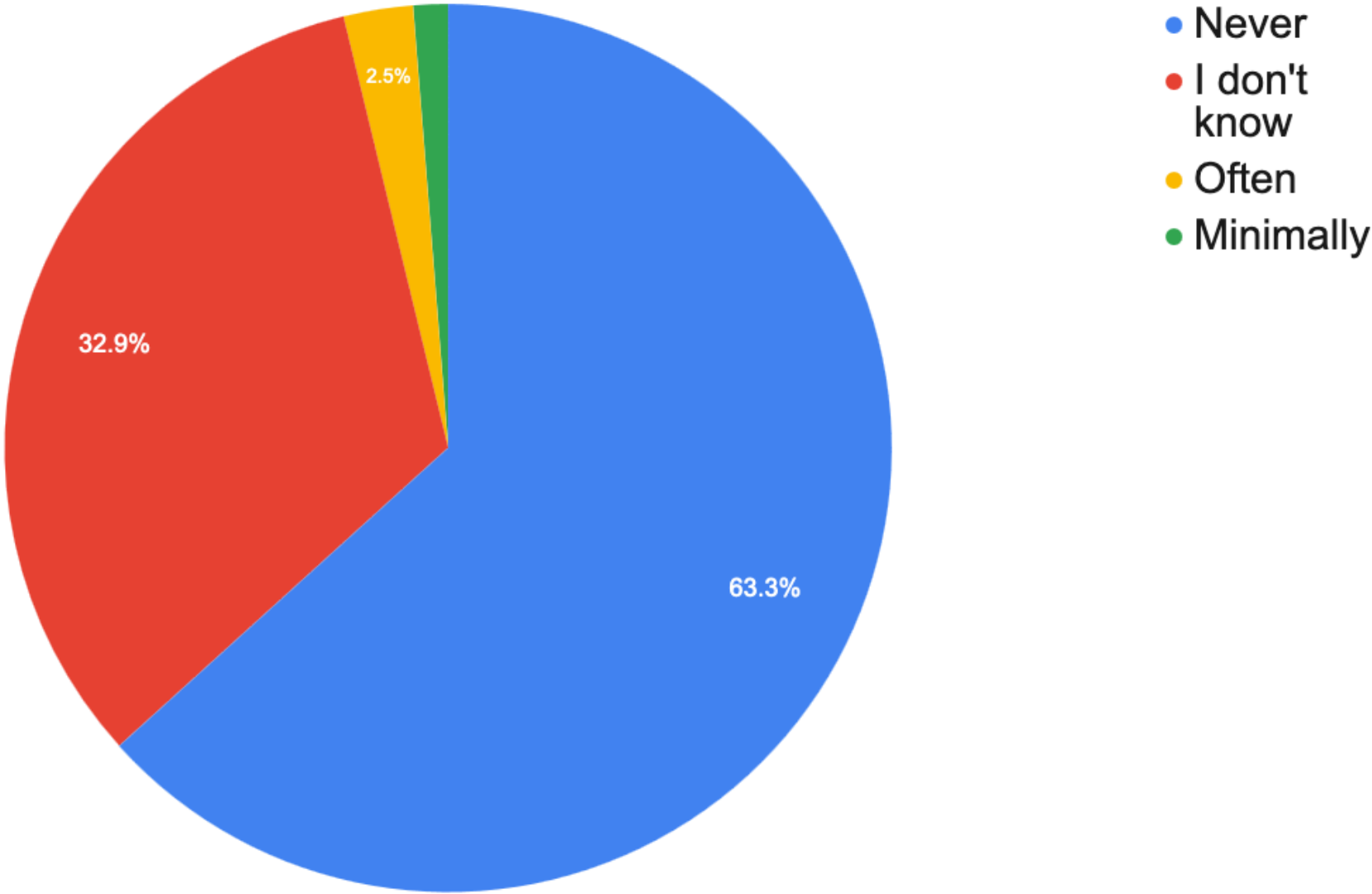
**Community Survey**

**Count of Students at my child's school get put down because of their ...  
[Religion or cultural practices]**



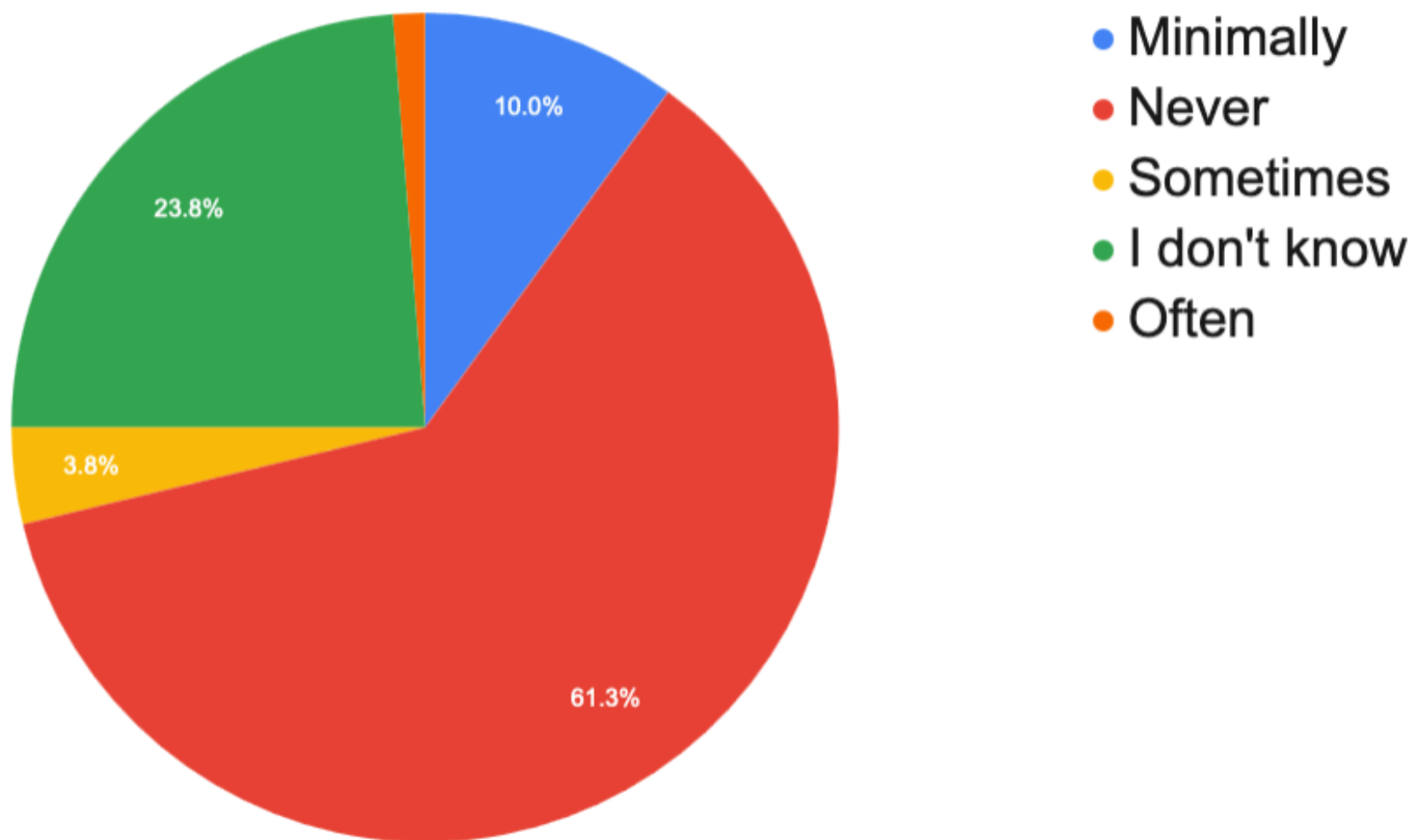
**Community Survey**

Students at my child's school get put down because of their ... [Sexual orientation]



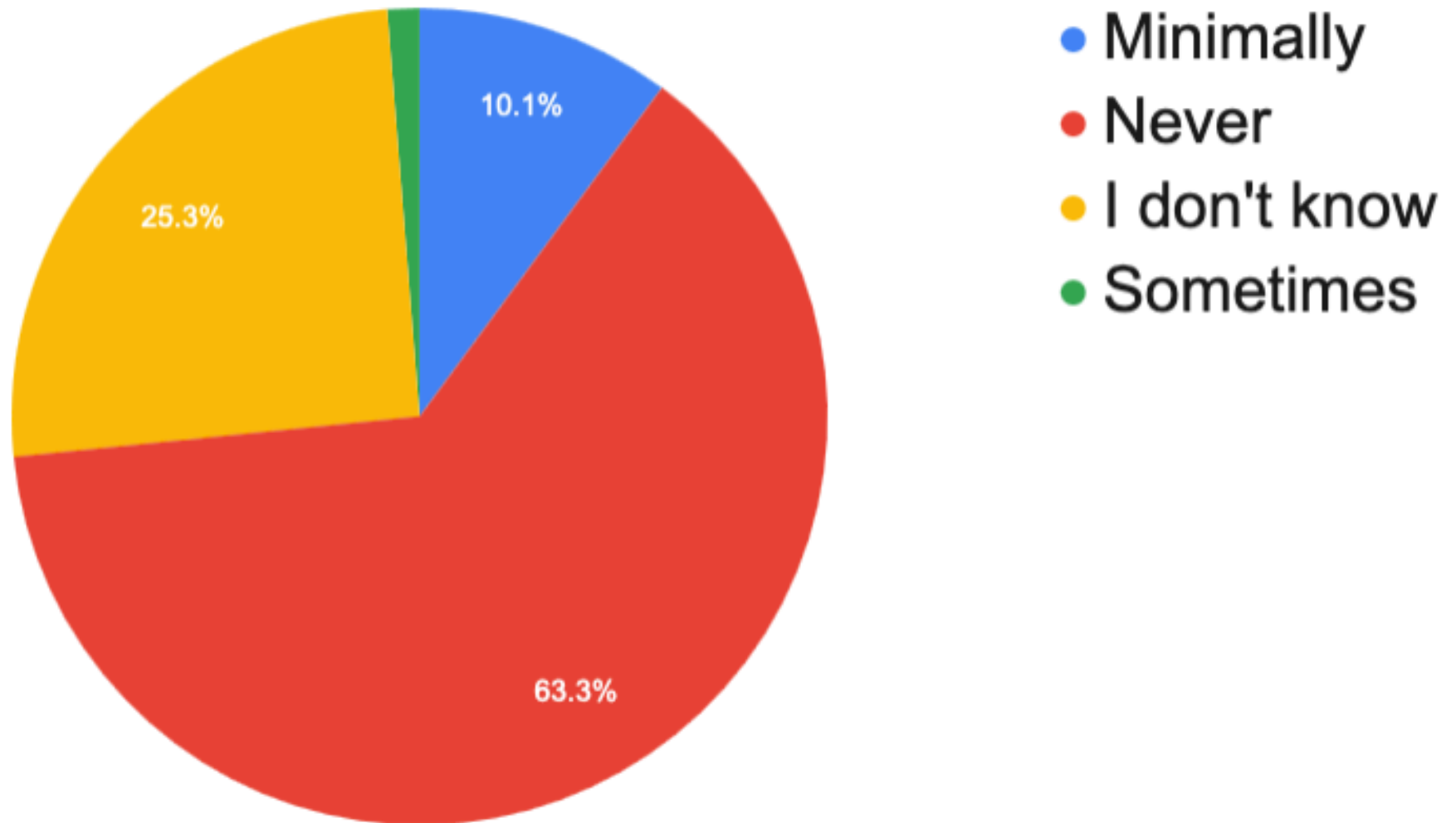
**Community Survey**

Count of How often do you hear ADULTS at your child's school make fun of differences such as... [Race]



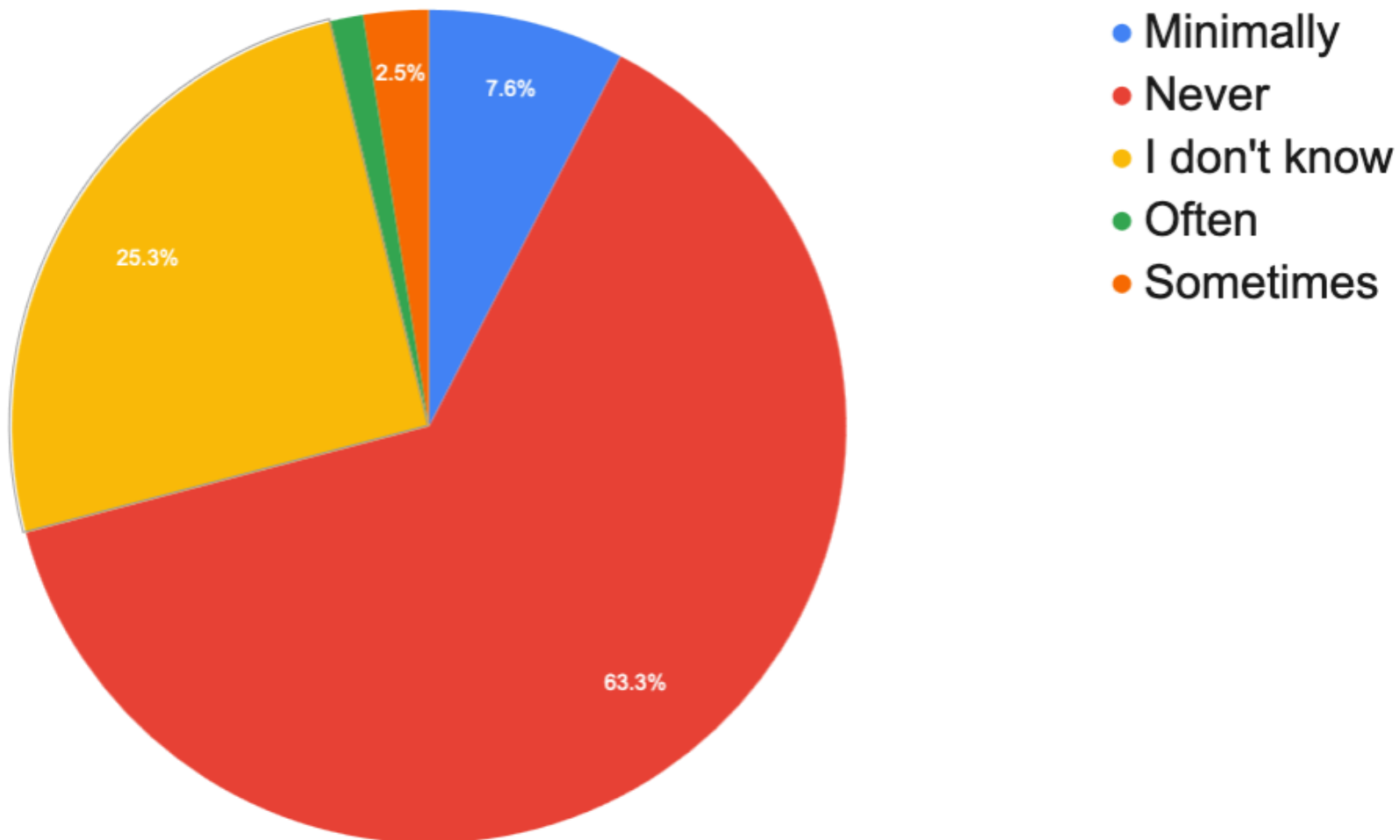
**Community Survey**

## Count of How often do you hear ADULTS at your child's school make fun of differences such as... [Religion]



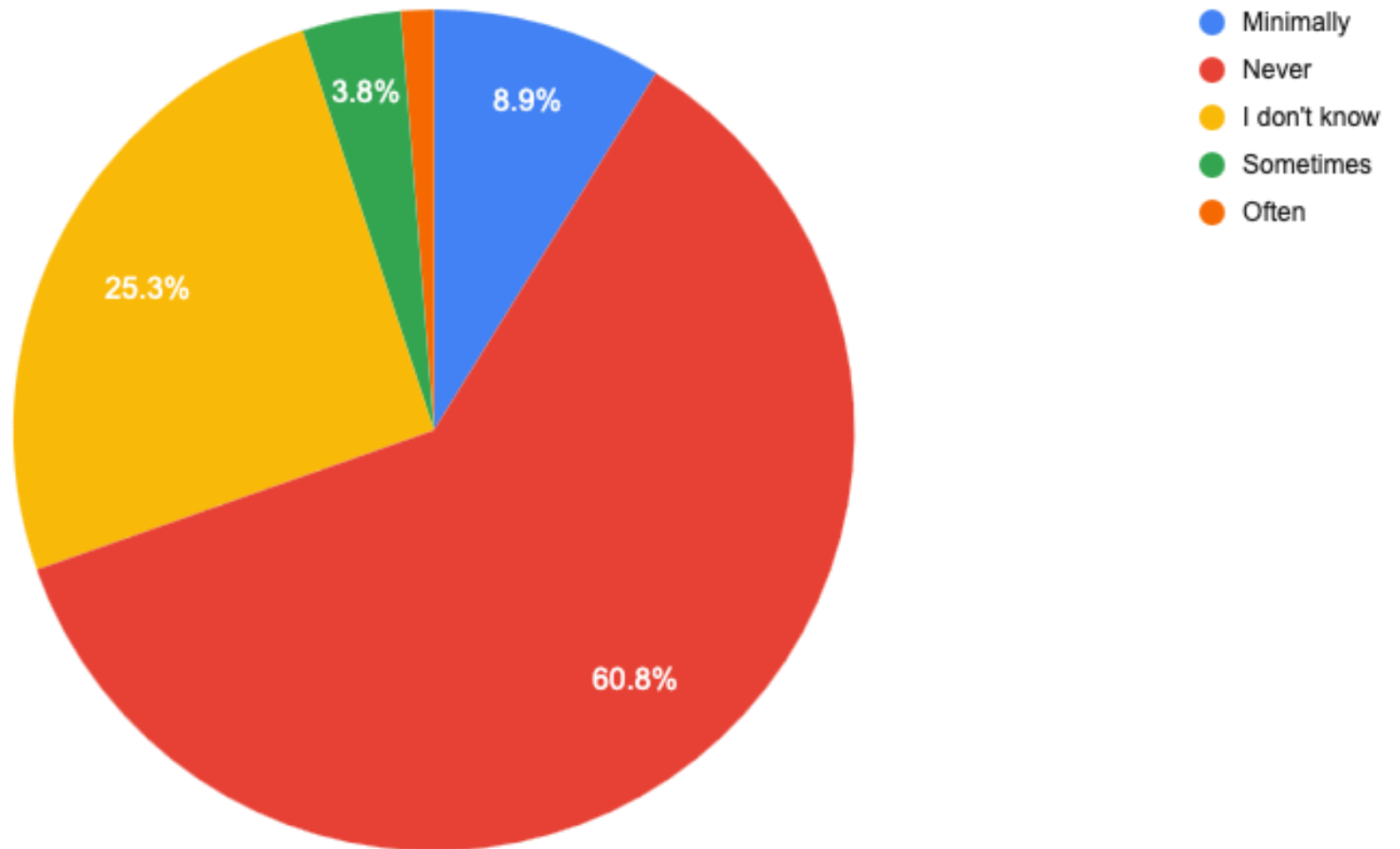
**Community Survey**

Count of How often do you hear ADULTS at your child's school make fun of differences such as... [Sexual orientation]



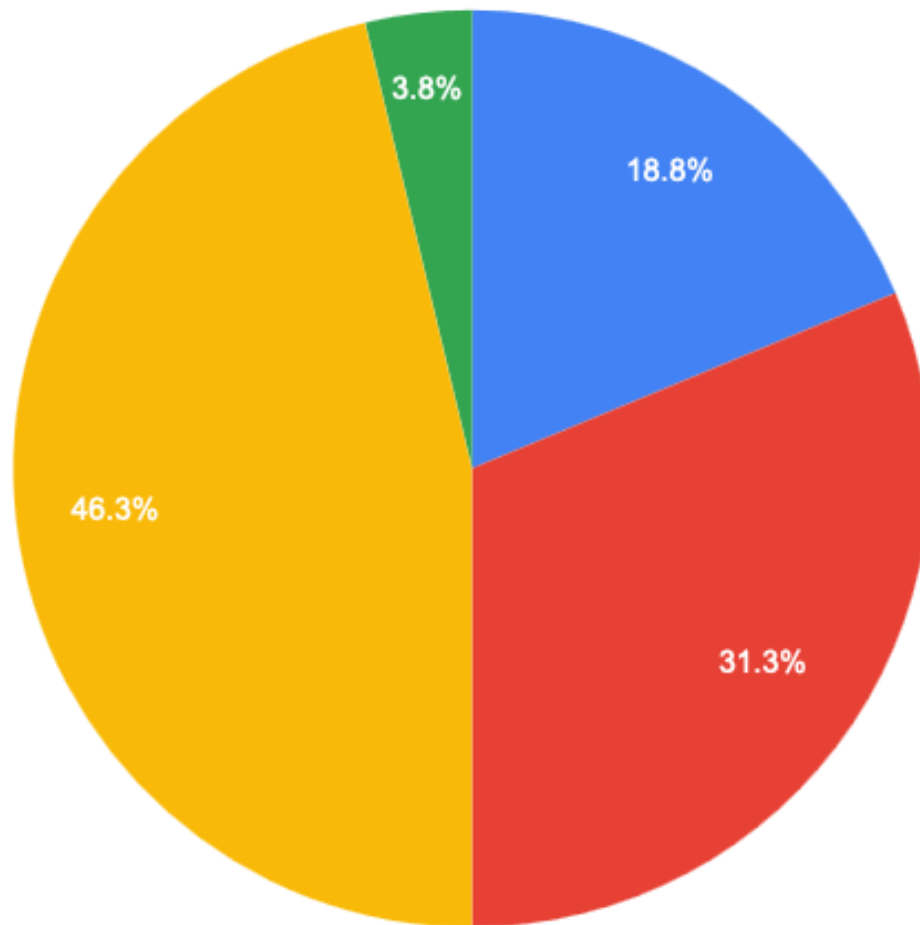
**Community Survey**

## Count of How often do you hear ADULTS at your child's school make fun of differences such as... [Learning difficulties]



**Community Survey**

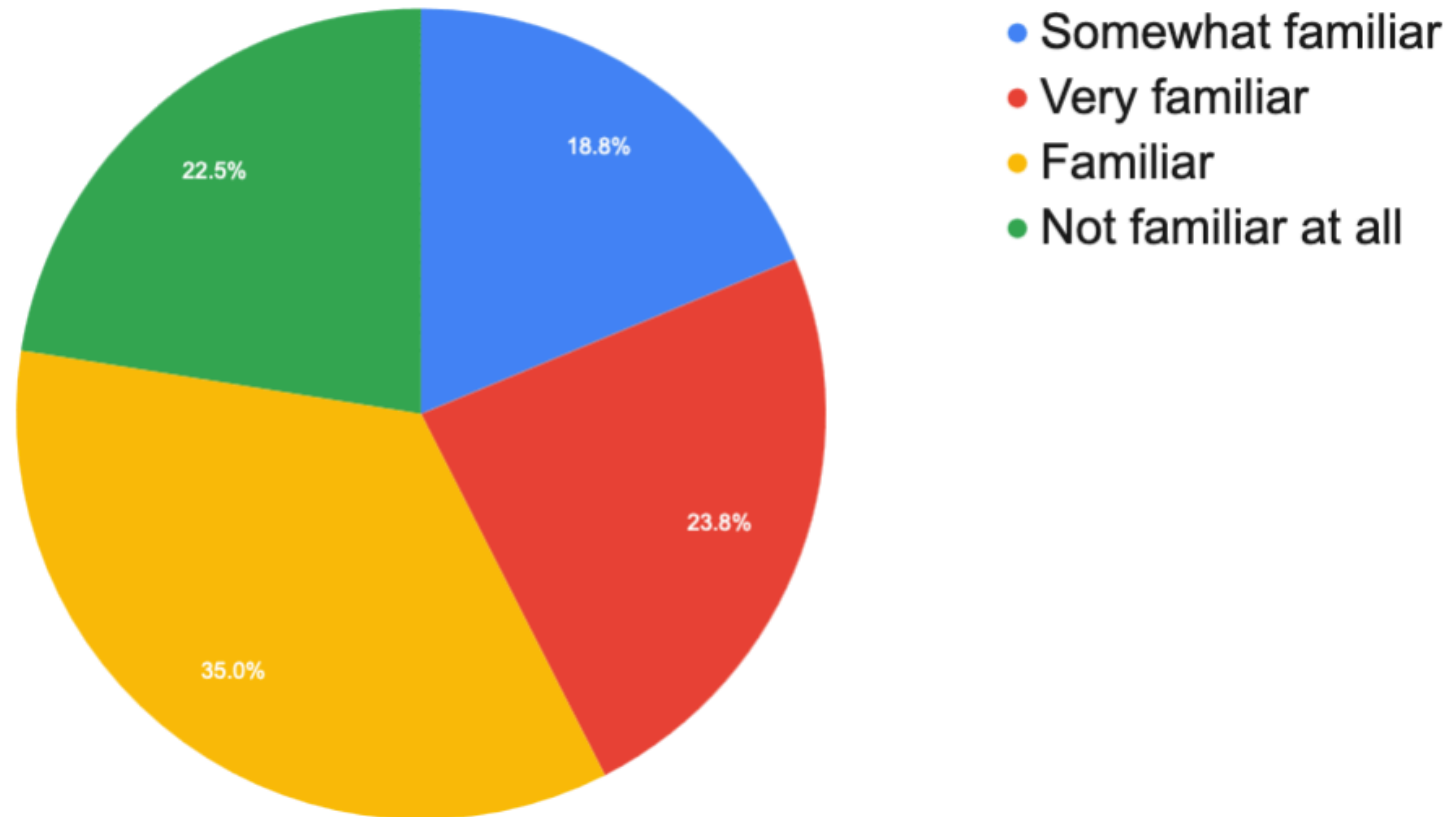
Count of How familiar are you with the following at your child's school?  
[Classroom rules and consequences when those rules are broken.]



- Somewhat familiar
- Very familiar
- Familiar
- Not familiar at all

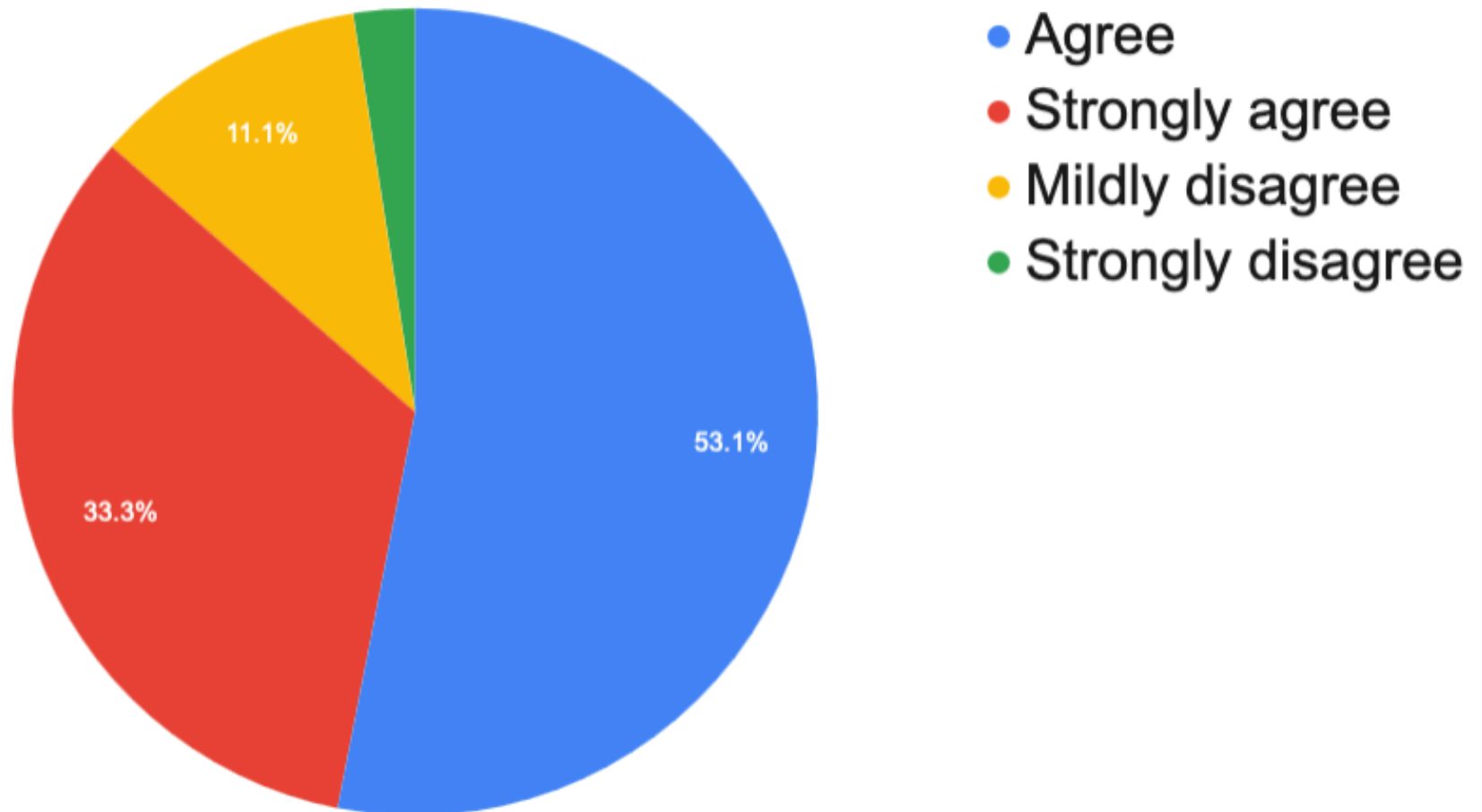
**Community Survey**

Count of How familiar are you with the following at your child's school?  
[Cyberbullying rules and consequences when those rules are broken.]



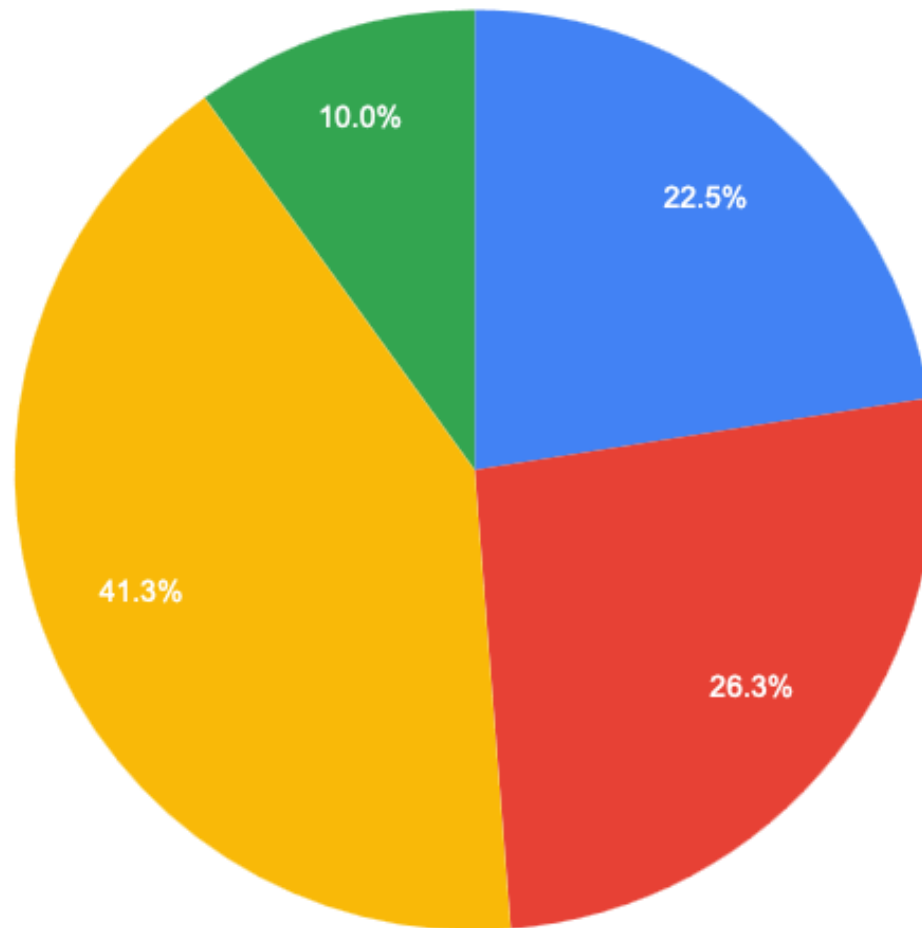
**Community Survey**

**Count of The rules and expectations of the school are clear and well known to me.**



**Community Survey**

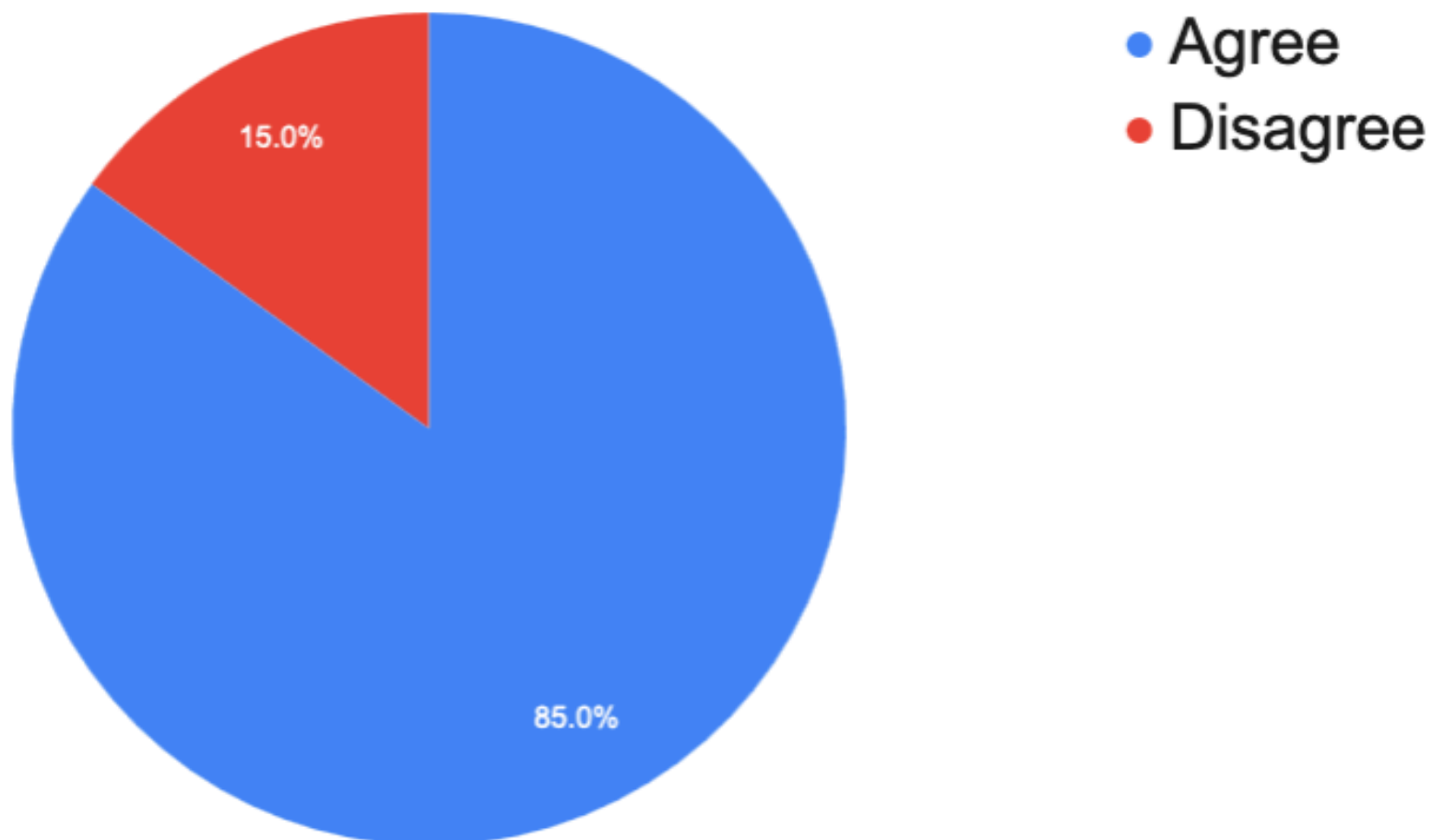
**Count of How familiar are you with the following at your child's school?  
[School-wide rules and consequences when those rules are broken.]**



- Somewhat familiar
- Very familiar
- Familiar
- Not familiar at all

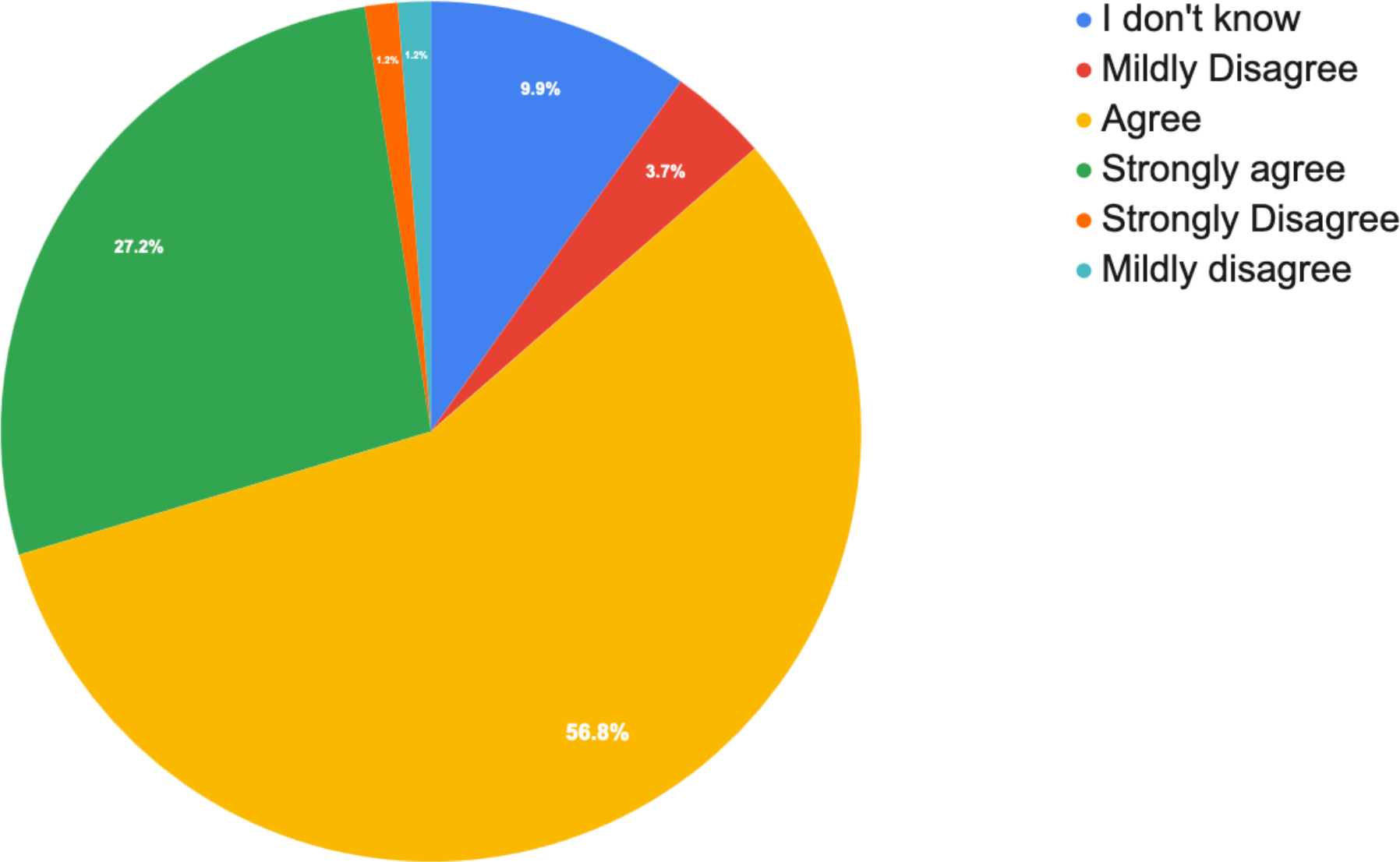
**Community Survey**

**Count of I am aware of the District's Wellness Connections  
webpage with resources for students and families.**



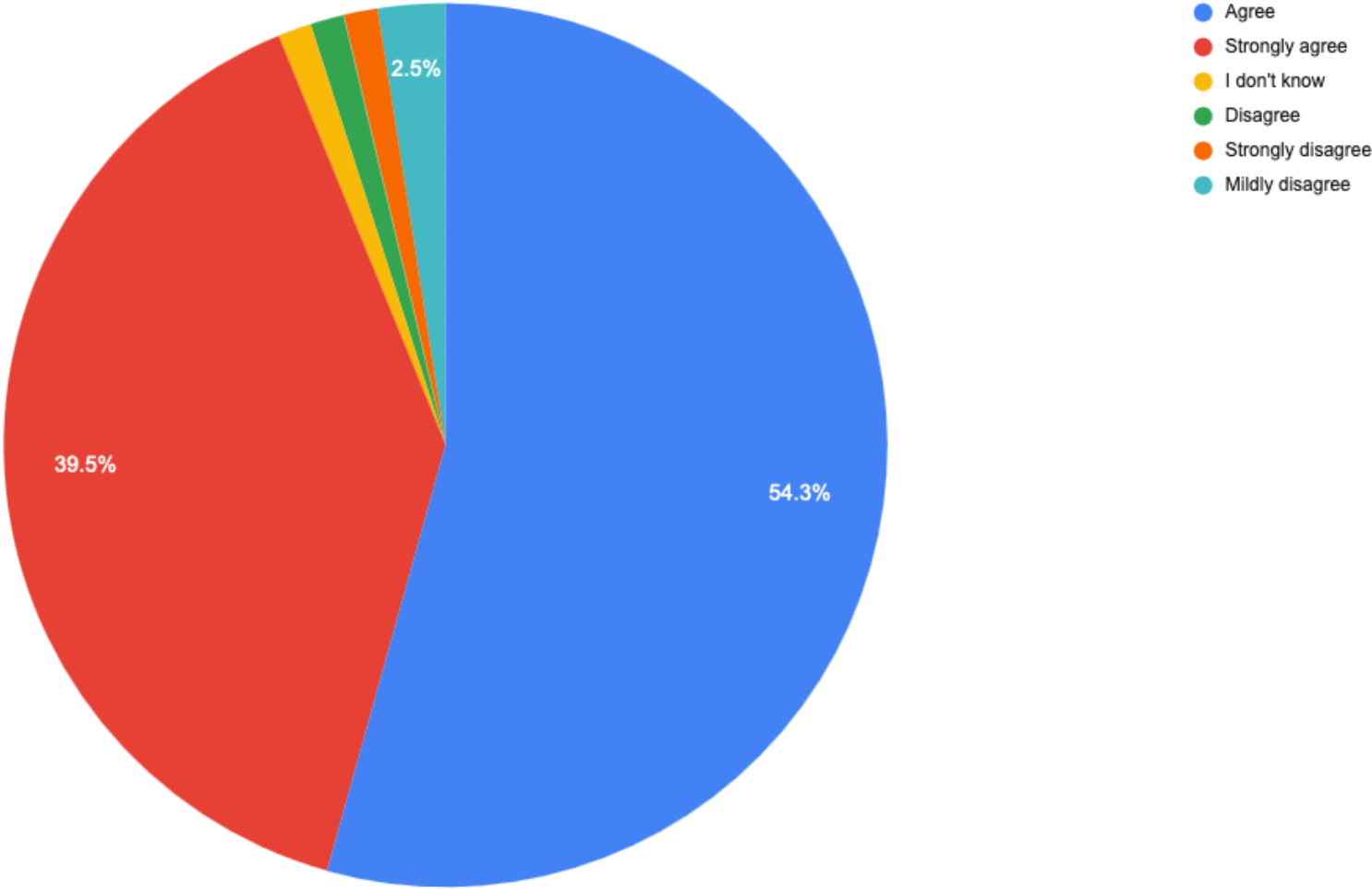
**Community Survey**

My child's school has a way to recognize positive behavior among students.

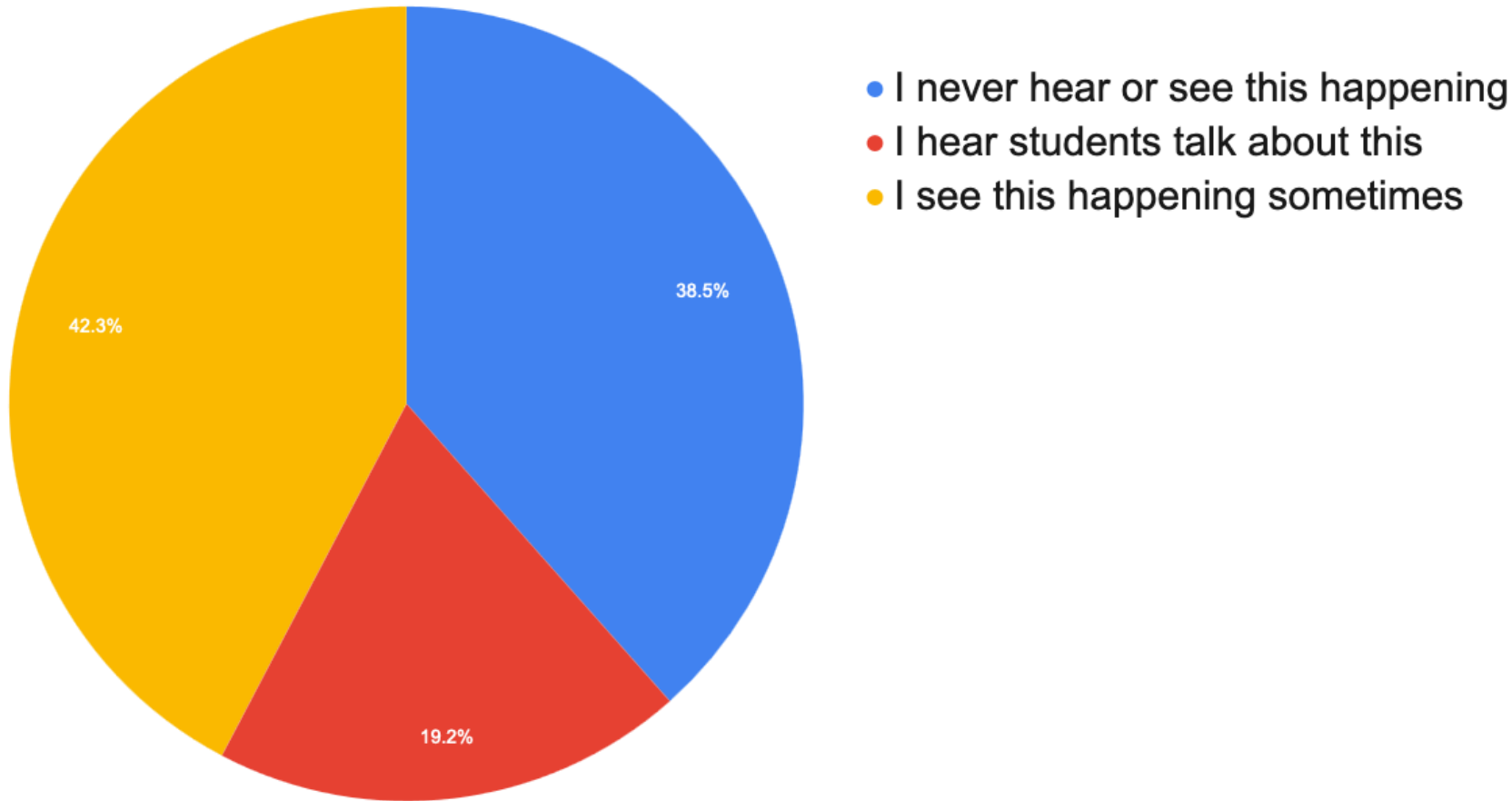


Community Survey

Count of The facilities and grounds are well maintained at my child's school.

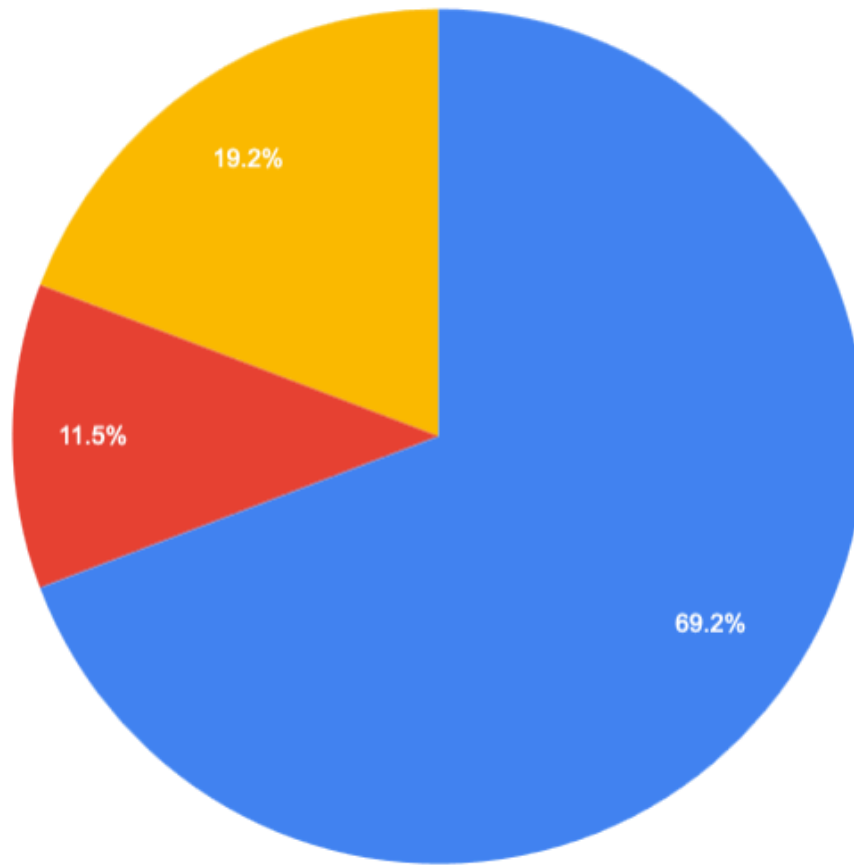


How much do you find the following to be a problem at your school? [Bullying]



**Staff Survey**

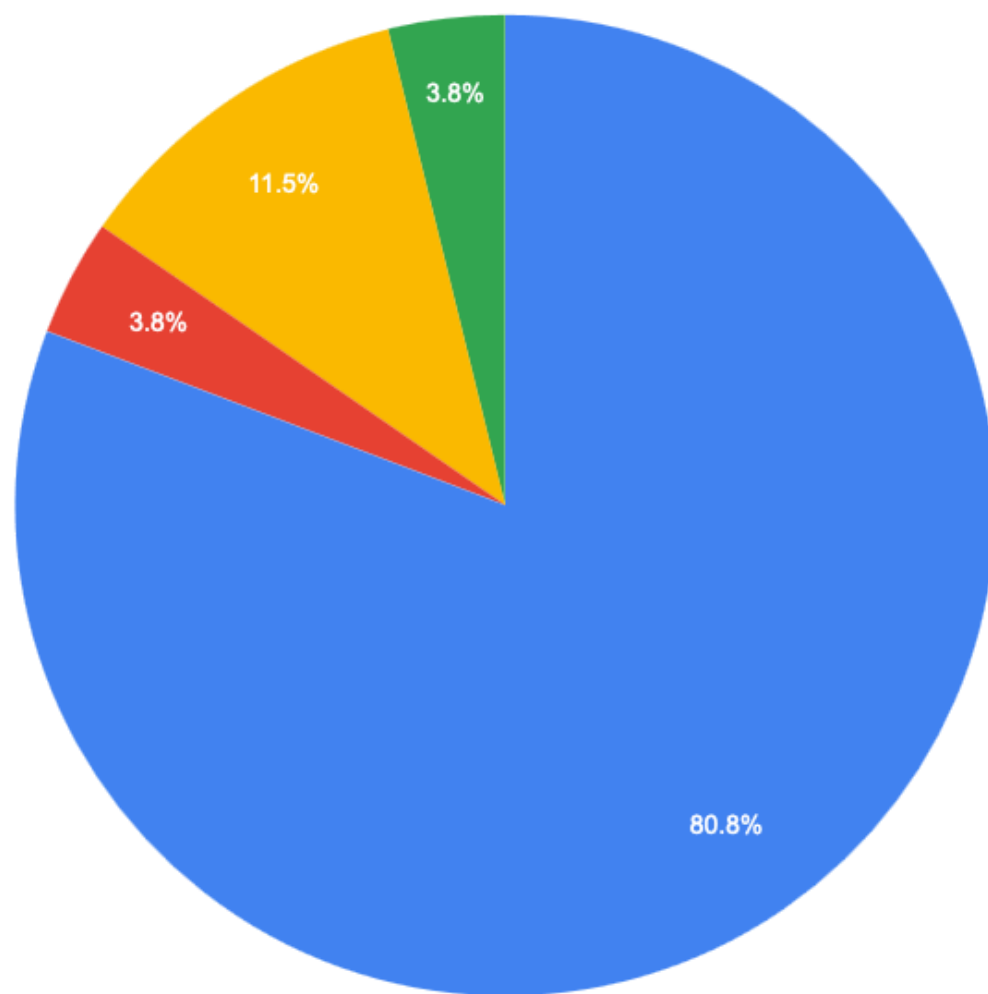
How much do you find the following to be a problem at your school? [Harassment, and intimidation]



- I never hear or see this happening
- I hear students talk about this
- I see this happening sometimes

**Staff Survey**

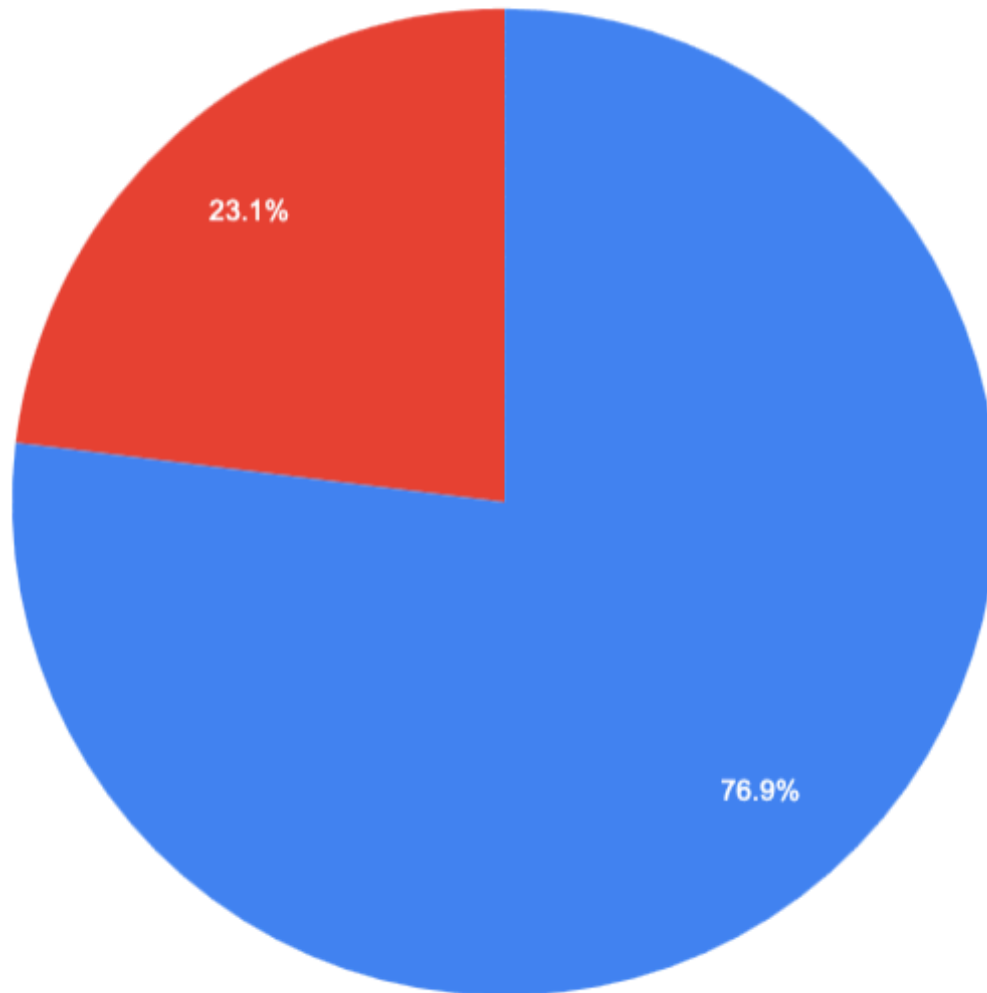
How much do you find the following to be a problem at your school? [Fights and Assault]



- I never hear or see this happening
- I hear students talk about this
- I see this happening sometimes
- I see this happening a lot

**Staff Survey**

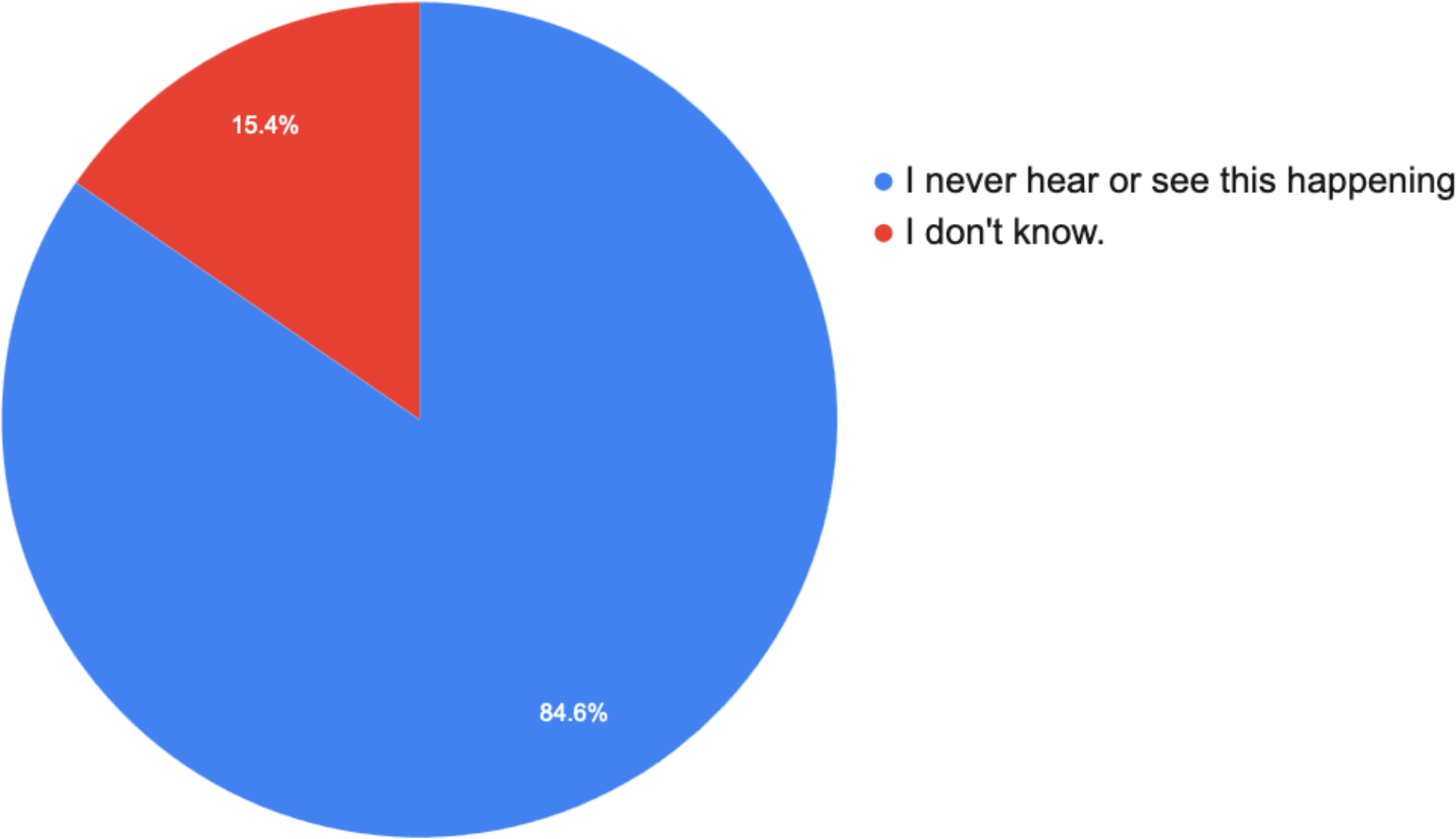
How much do you find the following to be a problem at your school? [Student interest in gangs]



- I never hear or see this happening
- I don't know.

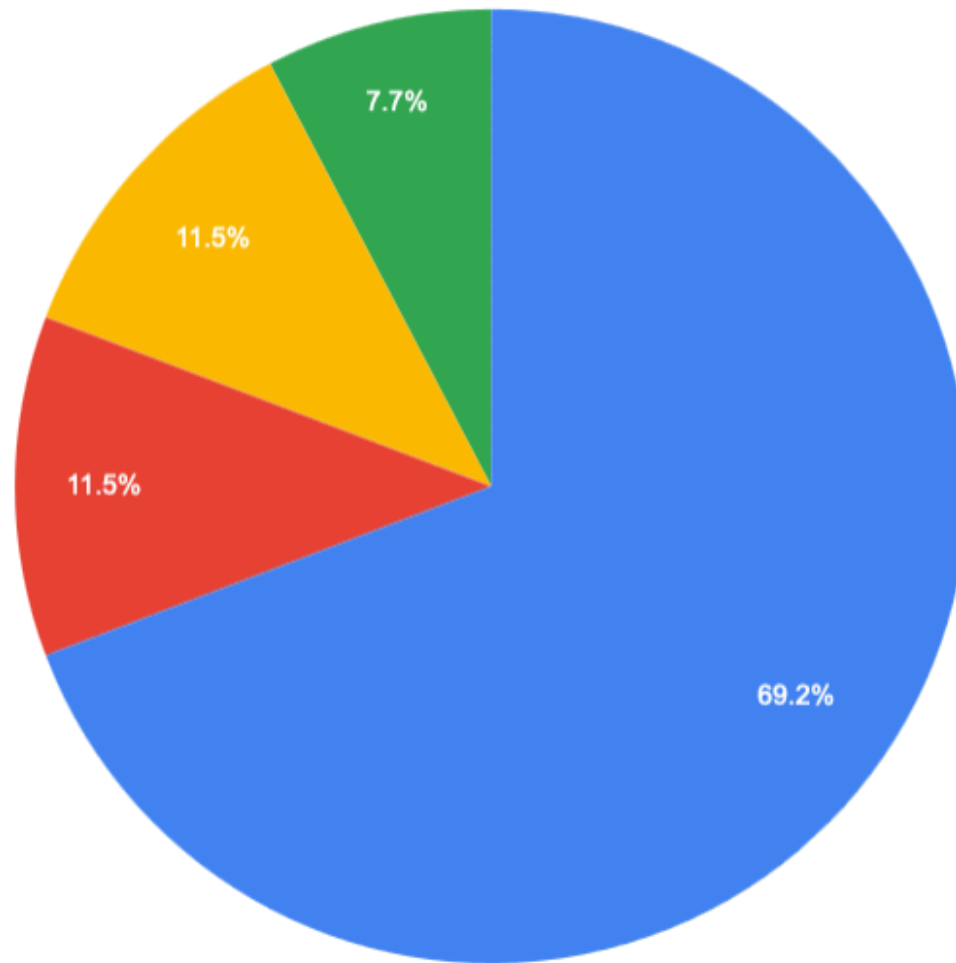
**Staff Survey**

How much do you find the following to be a problem at your school? [Illegal weapons]



**Staff Survey**

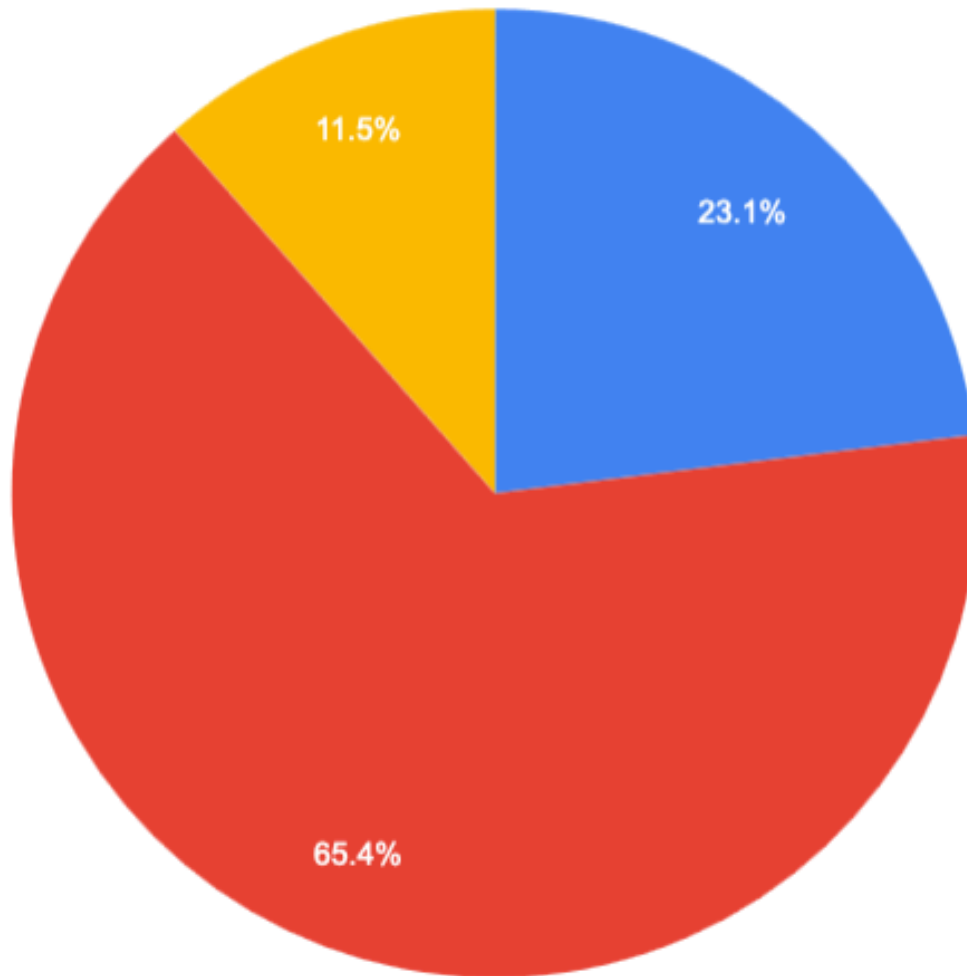
How much do you find the following to be a problem at your school? [Graffiti and vandalism]



- I never hear or see this happening
- I don't know.
- I see this happening sometimes
- I hear students talk about this

**Staff Survey**

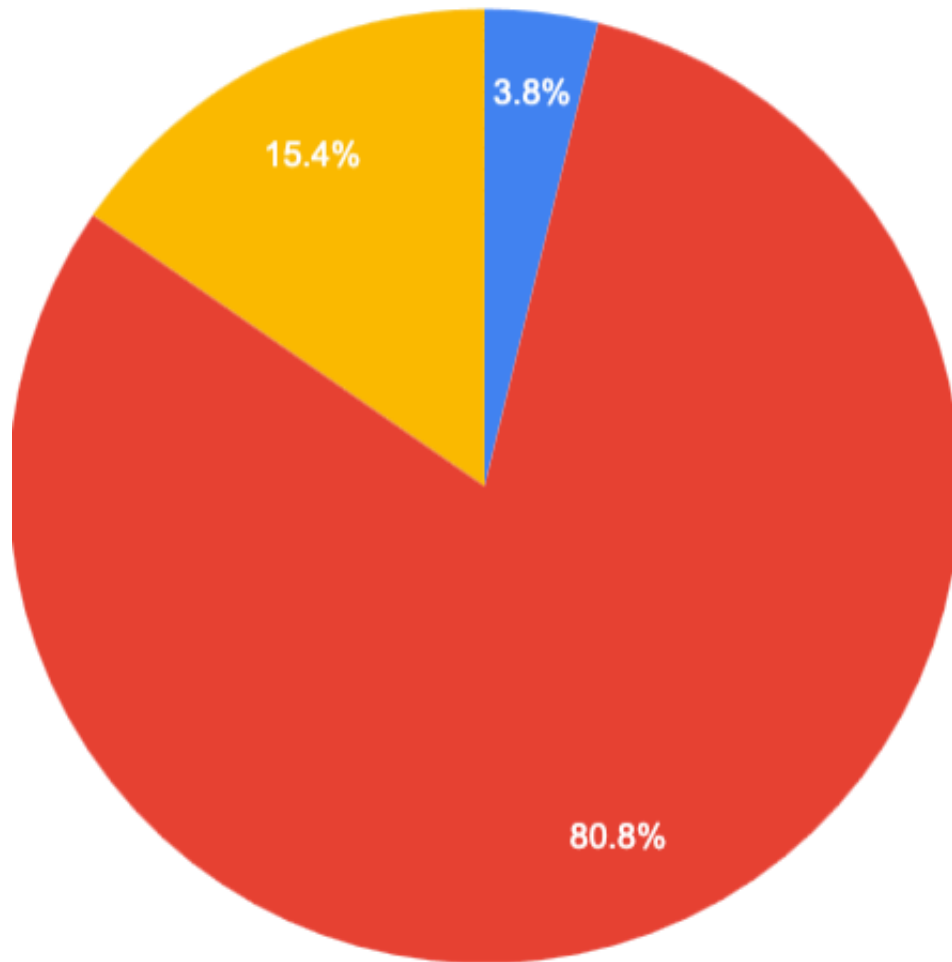
How much do you find the following to be a problem at your school?  
[People trespassing on campus]



- I see this happening sometimes
- I never hear or see this happening
- I don't know.

**Staff Survey**

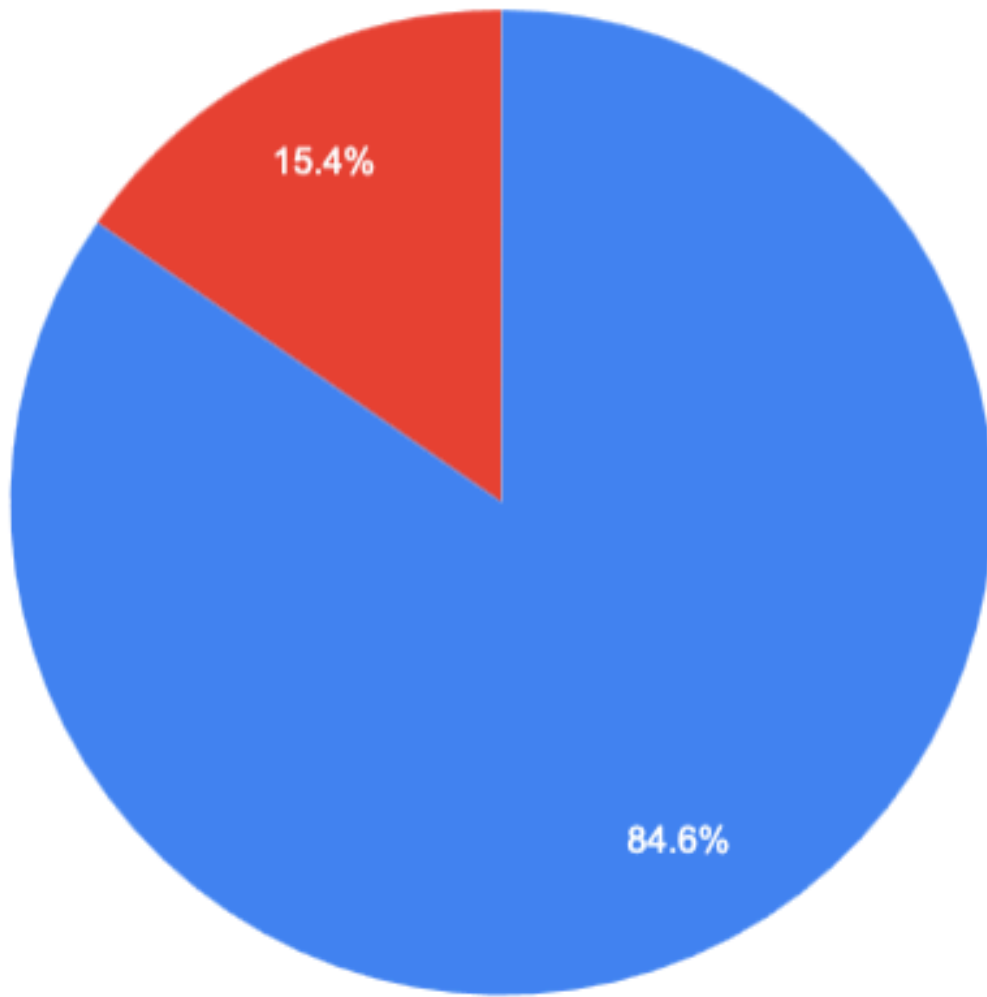
How much do you find the following to be a problem at your school? [Drug use]



- I see this happening sometimes
- I never hear or see this happening
- I don't know.

**Staff Survey**

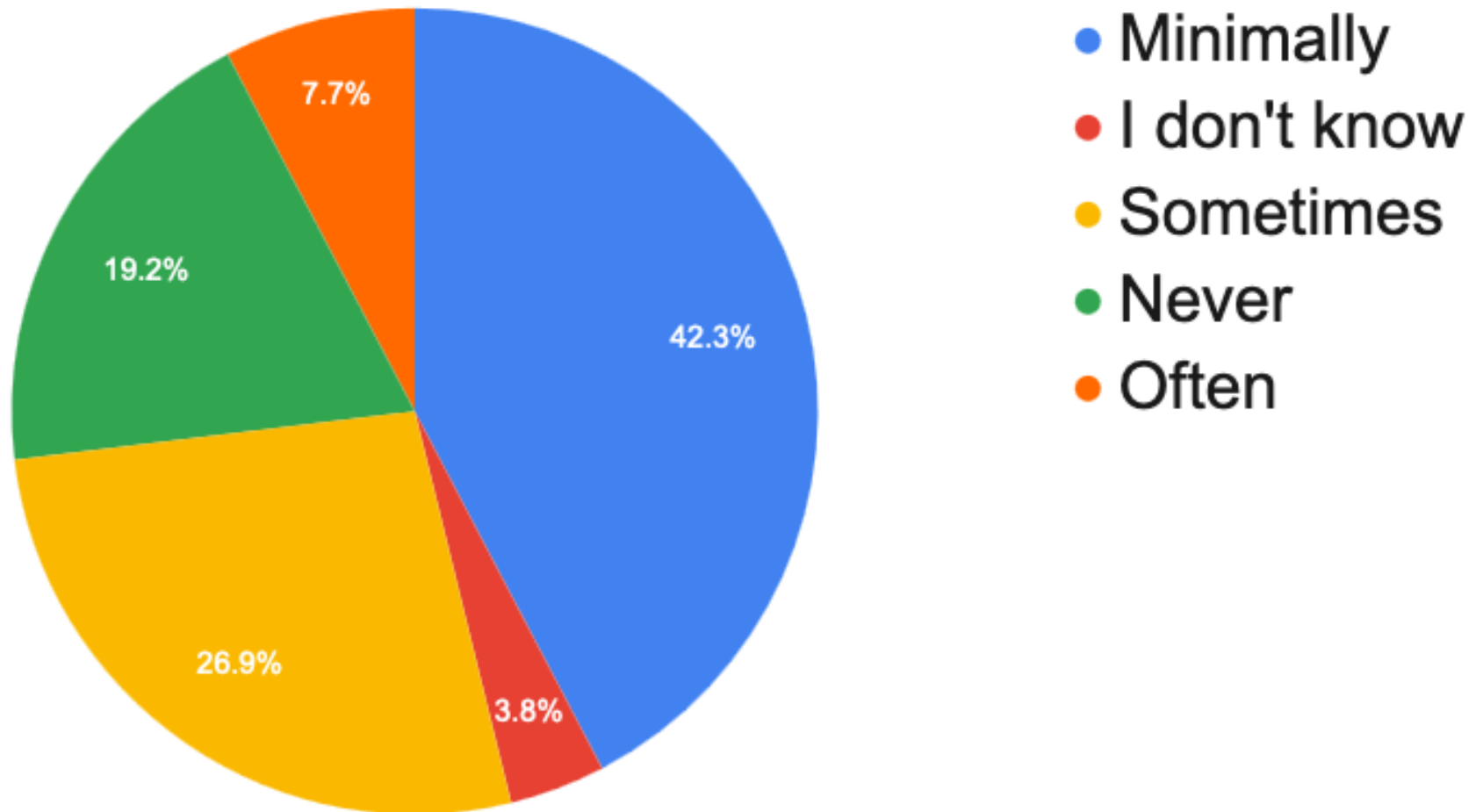
How much do you find the following to be a problem at your school? [Alcohol use]



- I never hear or see this happening
- I don't know.

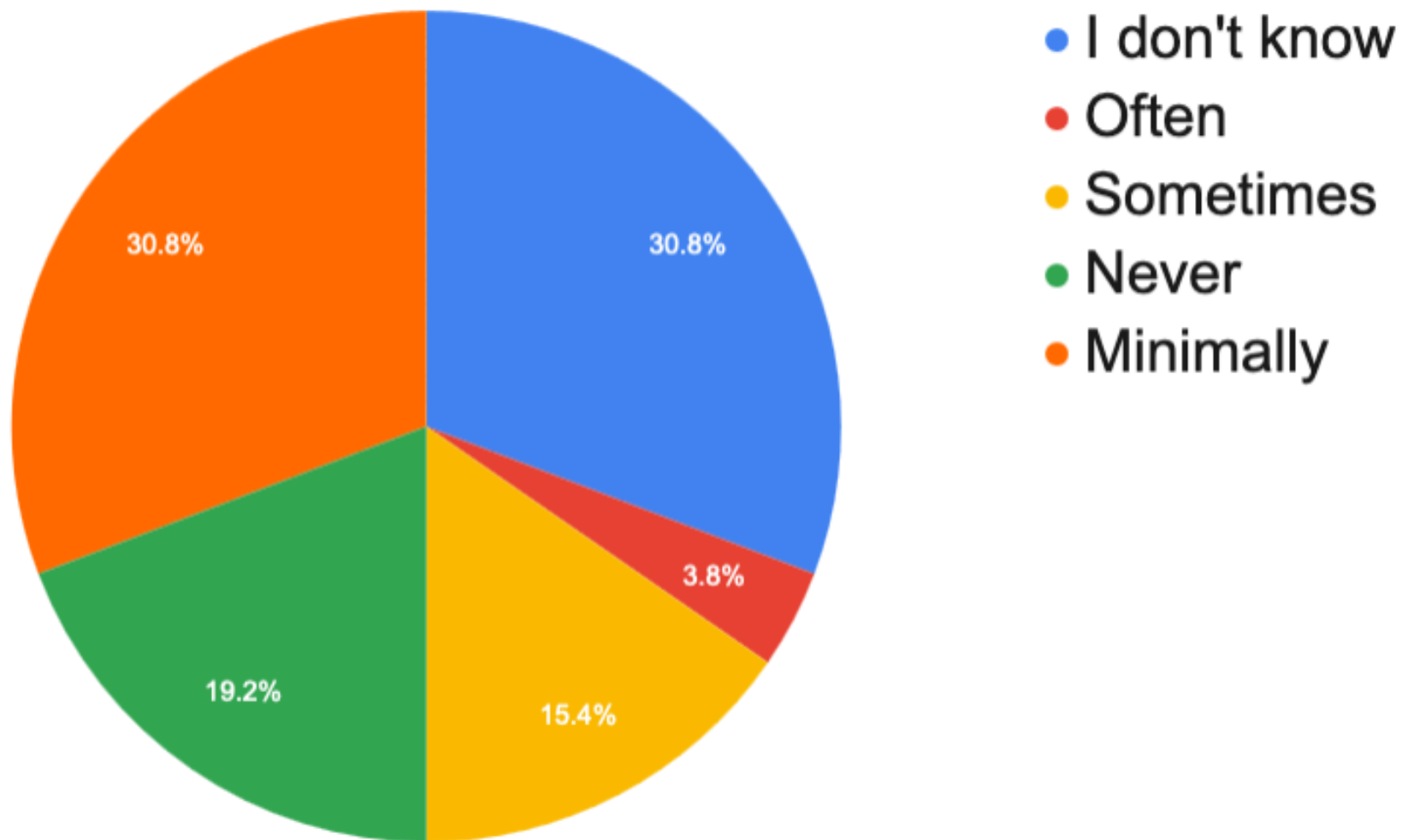
**Staff Survey**

How often do you hear or see any act of bullying at your school? Definition of bullying: When someone is being hurt either by words or actions on purpose, usually more than once, feels bad because of it, and has a hard time stopping what is happening to them. Types of bullying include: physical, verbal, emotional, social, and cyberbullying.



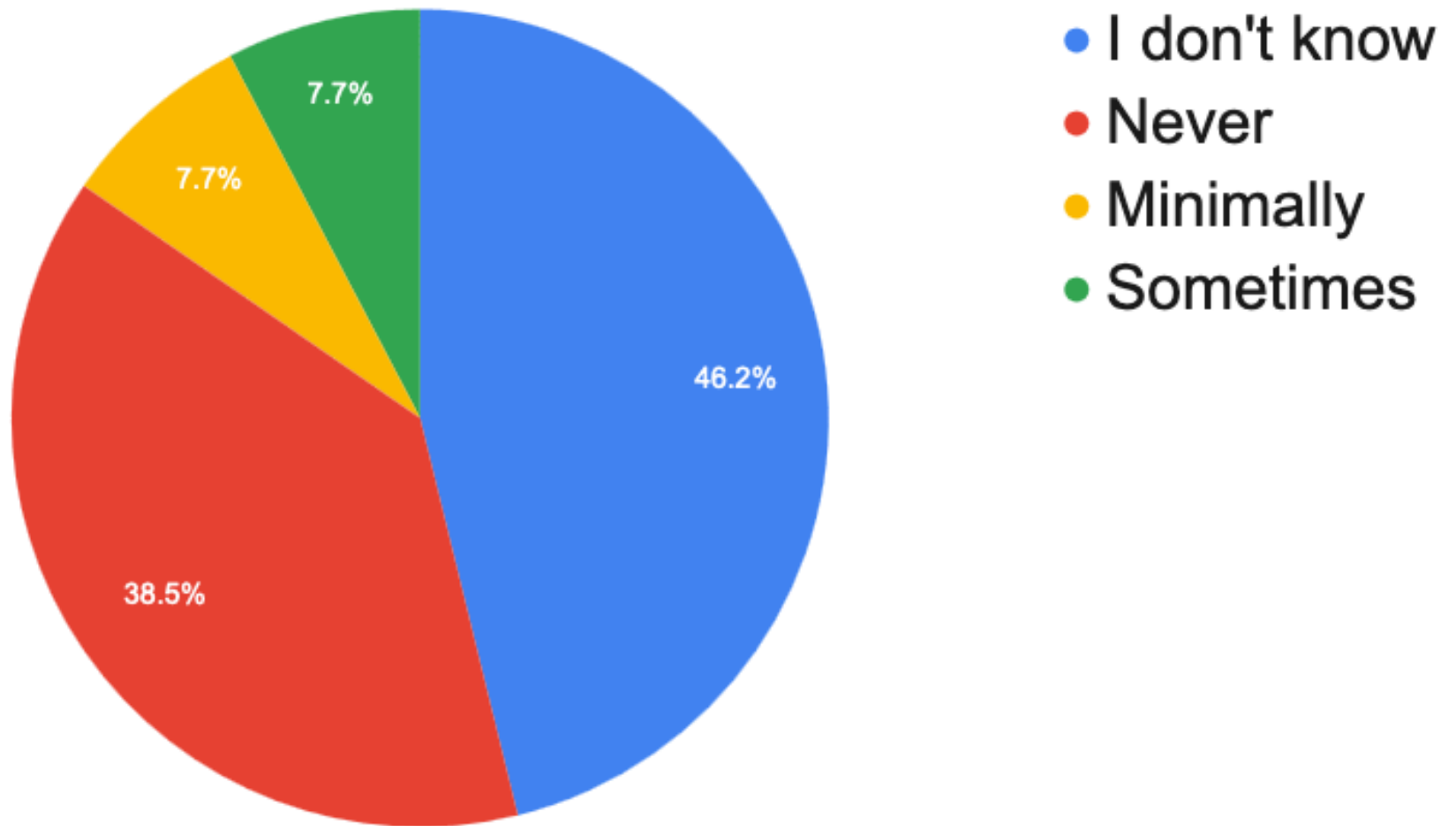
**Staff Survey**

## Students at my school get put down because of their ... [Race]



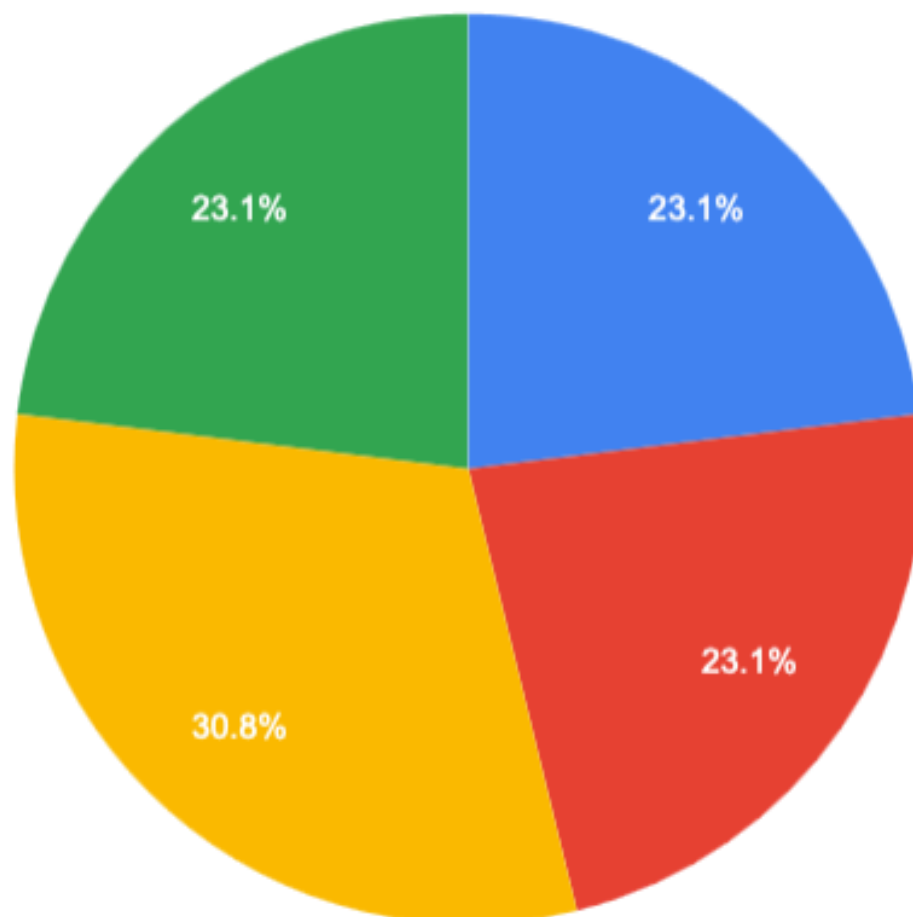
**Staff Survey**

**Students at my school get put down because of their ... [Gender or gender identification]**



**Staff Survey**

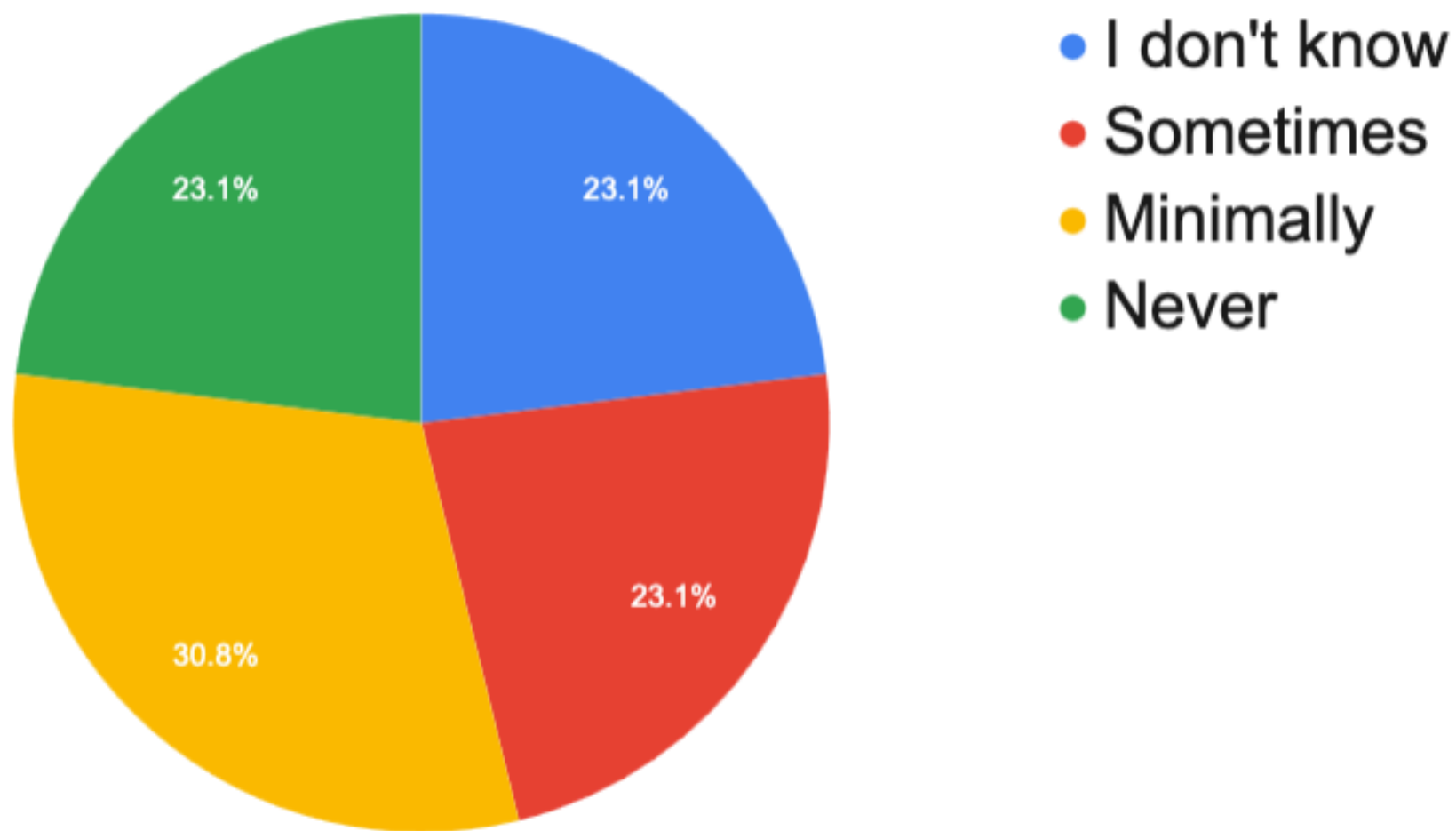
**Students at my school get put down because of their ...**  
**[Learning difficulties]**



- I don't know
- Sometimes
- Minimally
- Never

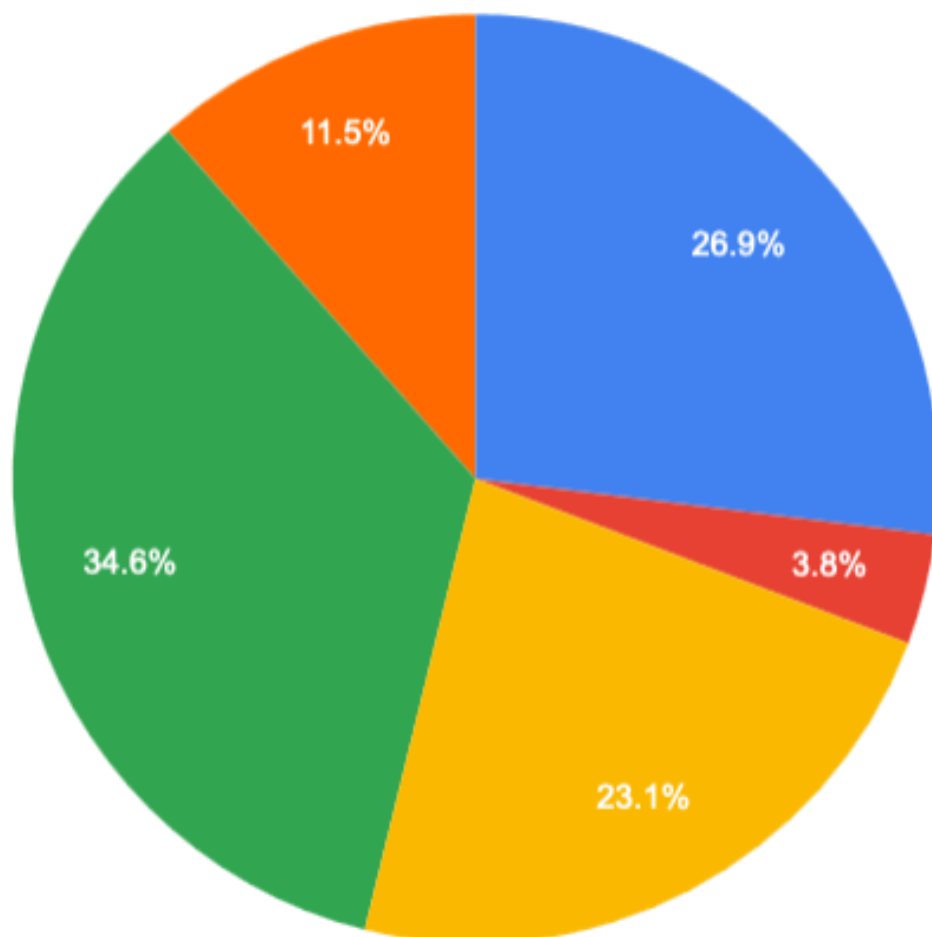
**Staff Survey**

**Students at my school get put down because of their ...  
[Learning difficulties]**



**Staff Survey**

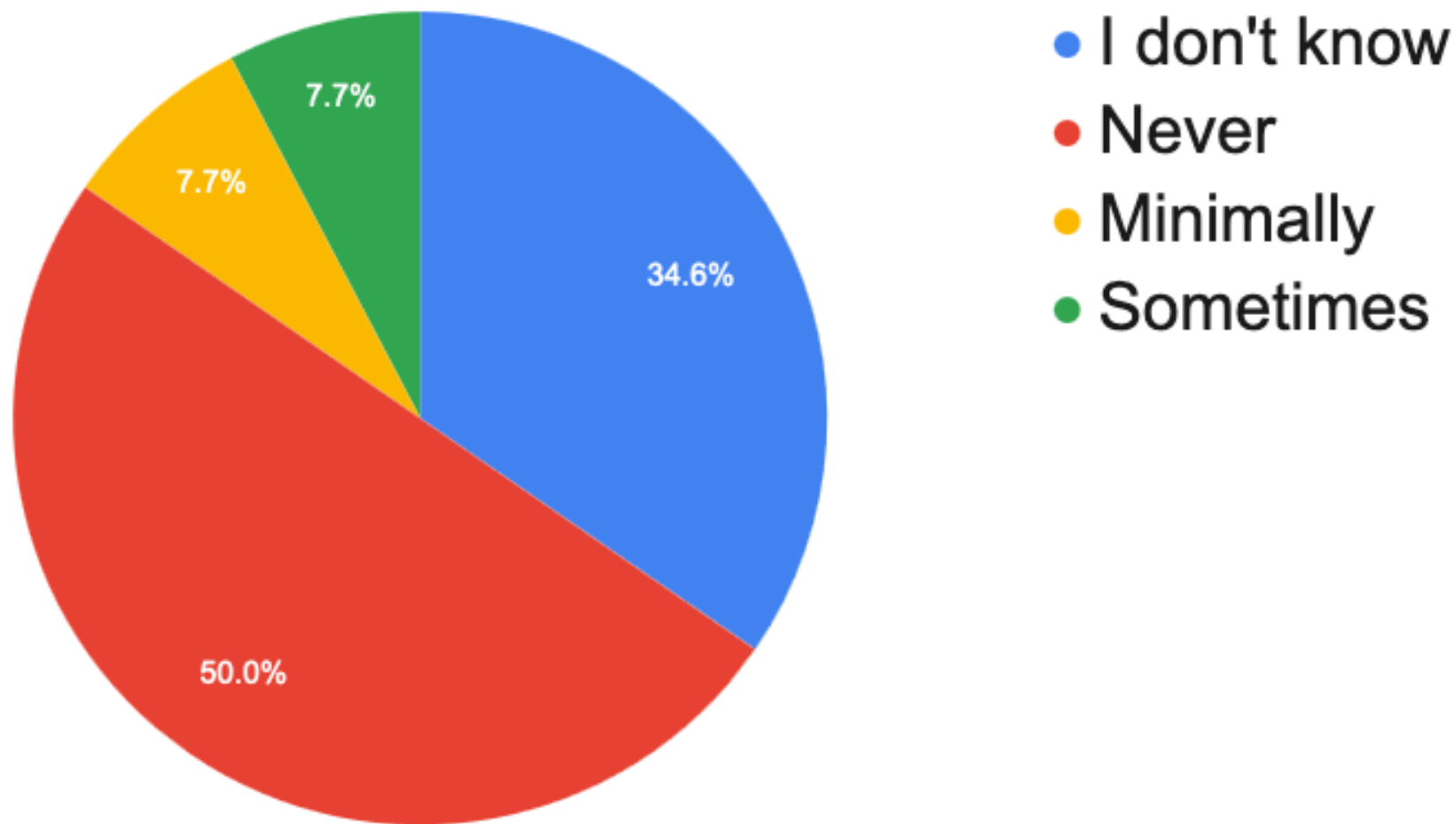
**Students at my school get put down because of their ... [Clothing or physical appearance]**



- I don't know
- Often
- Minimally
- Never
- Sometimes

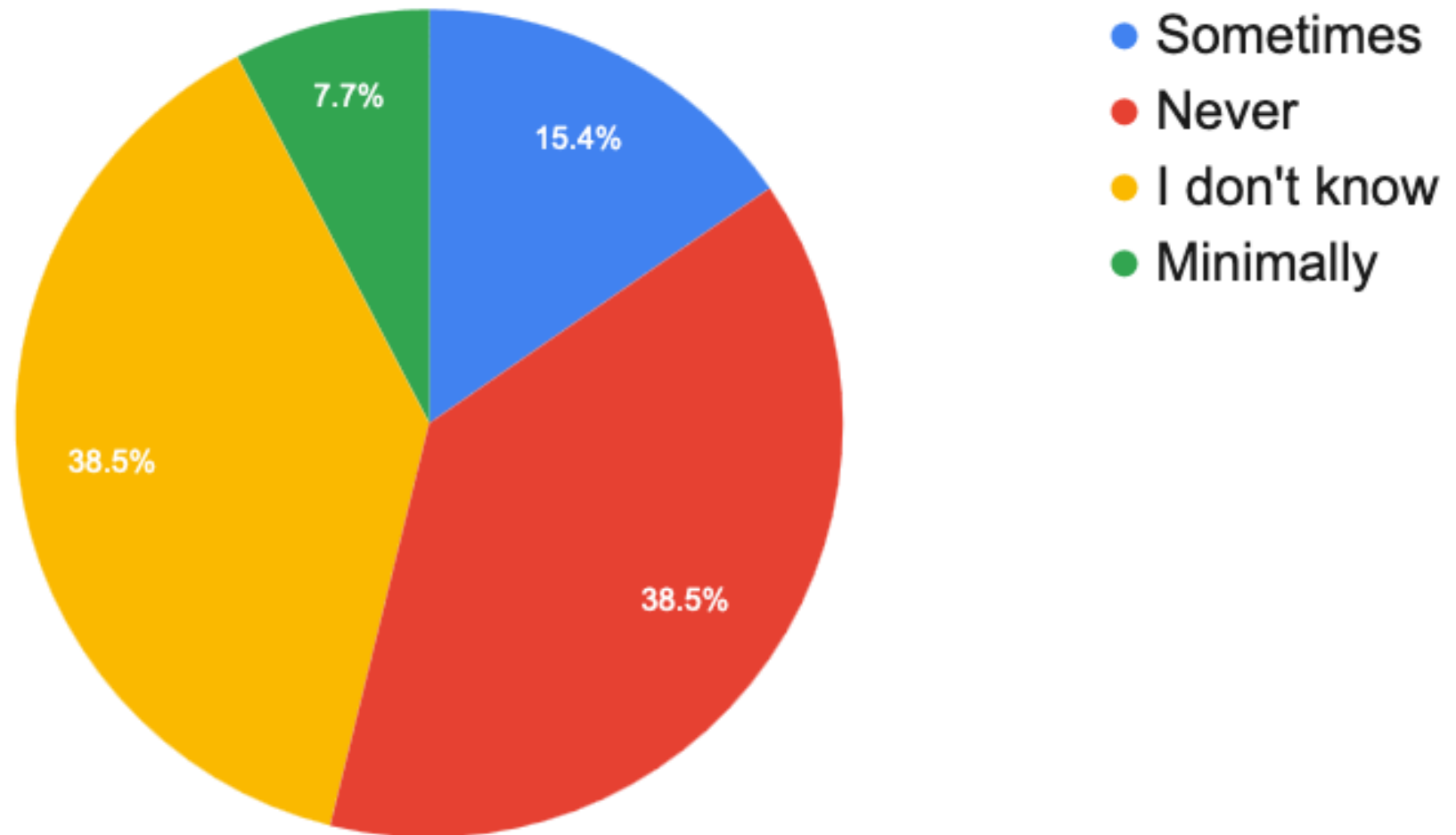
**Staff Survey**

Students at my school get put down because of their ...  
[Religion or cultural practices]



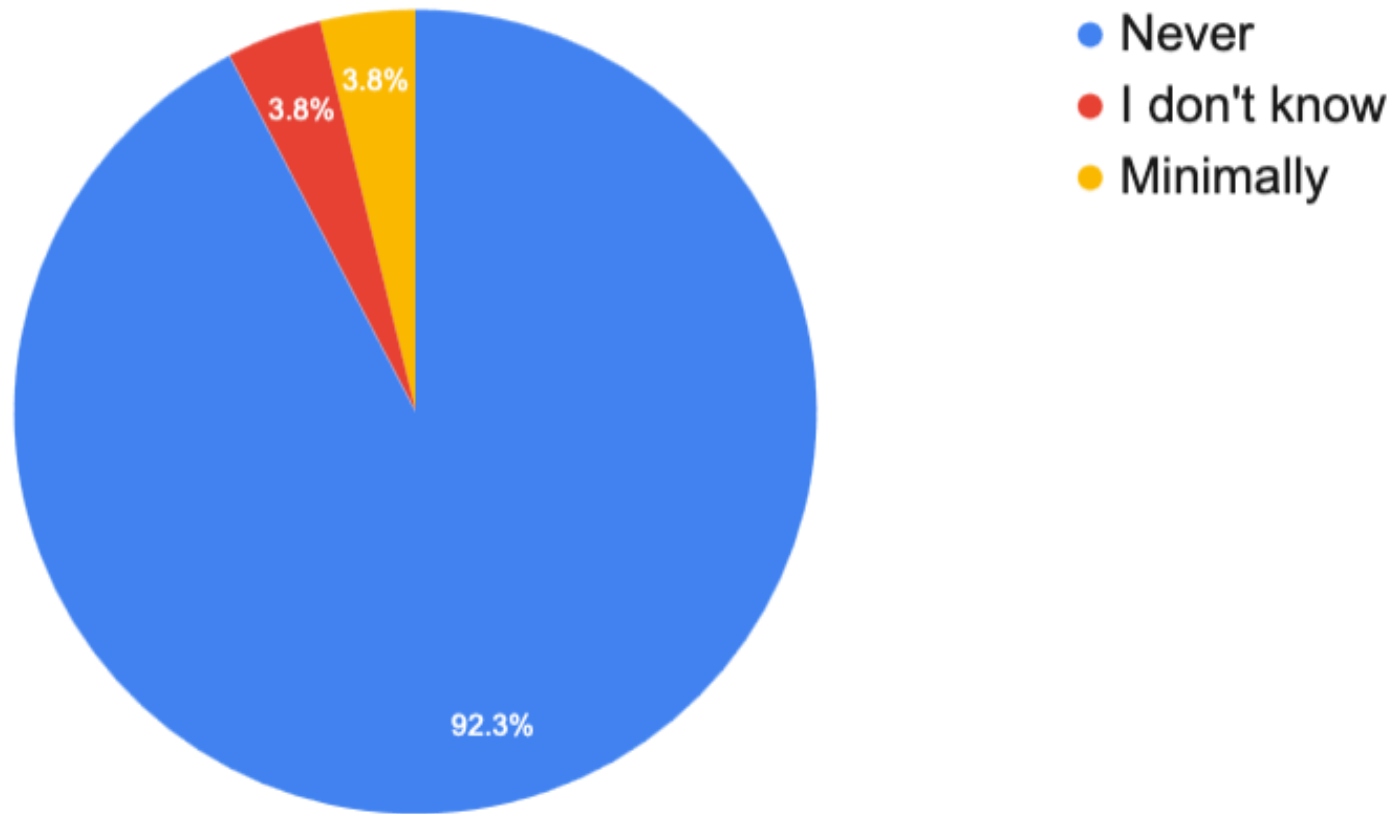
**Staff Survey**

## Students at my school get put down because of their ... [Sexual Orientation]



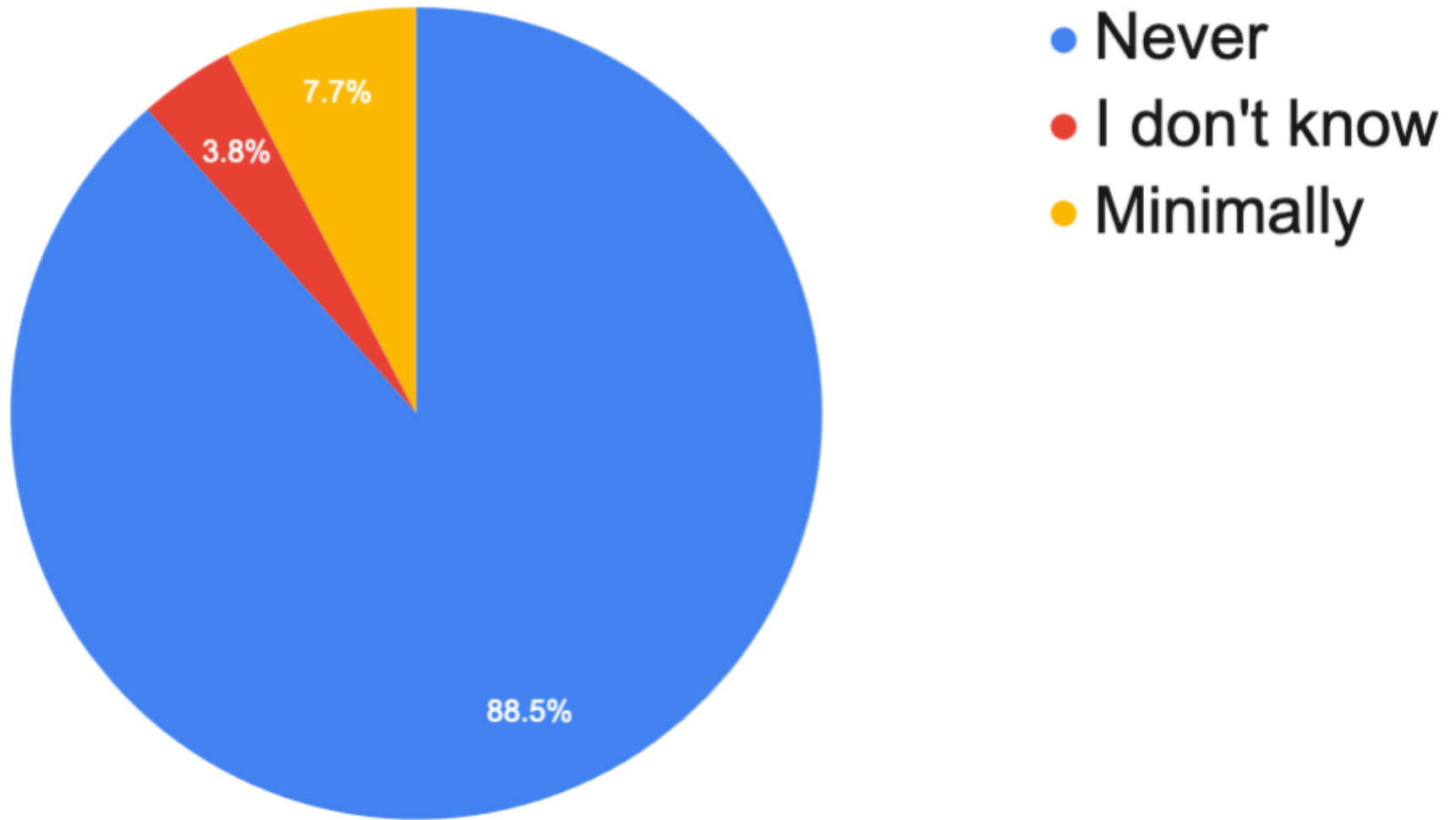
**Staff Survey**

How often do you hear ADULTS at your school make fun of differences such as... [Race]



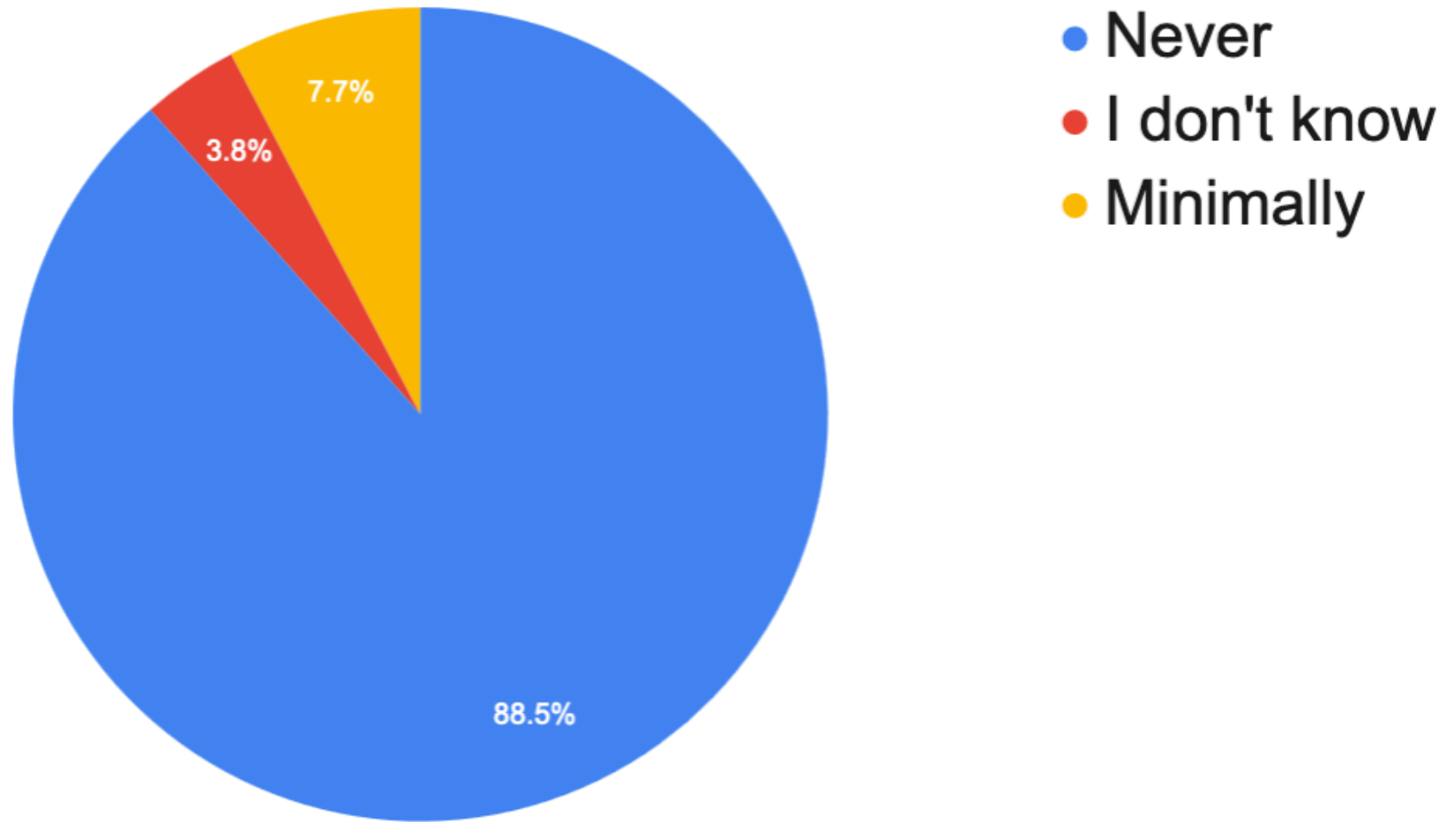
**Staff Survey**

How often do you hear **ADULTS** at your school make fun of differences such as... [Gender or gender identification]



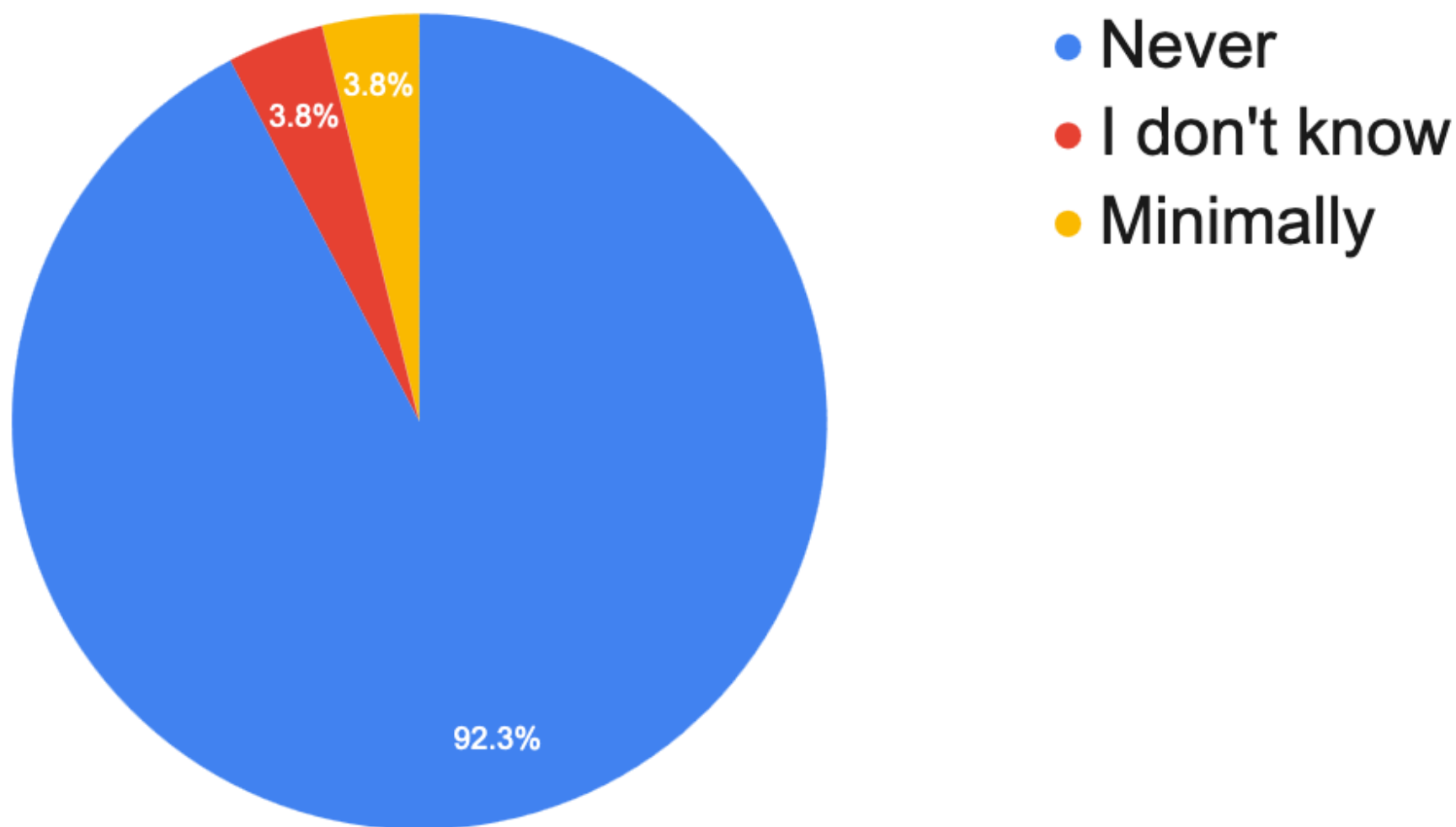
**Staff Survey**

How often do you hear **ADULTS** at your school make fun of differences such as... [Learning difficulties]



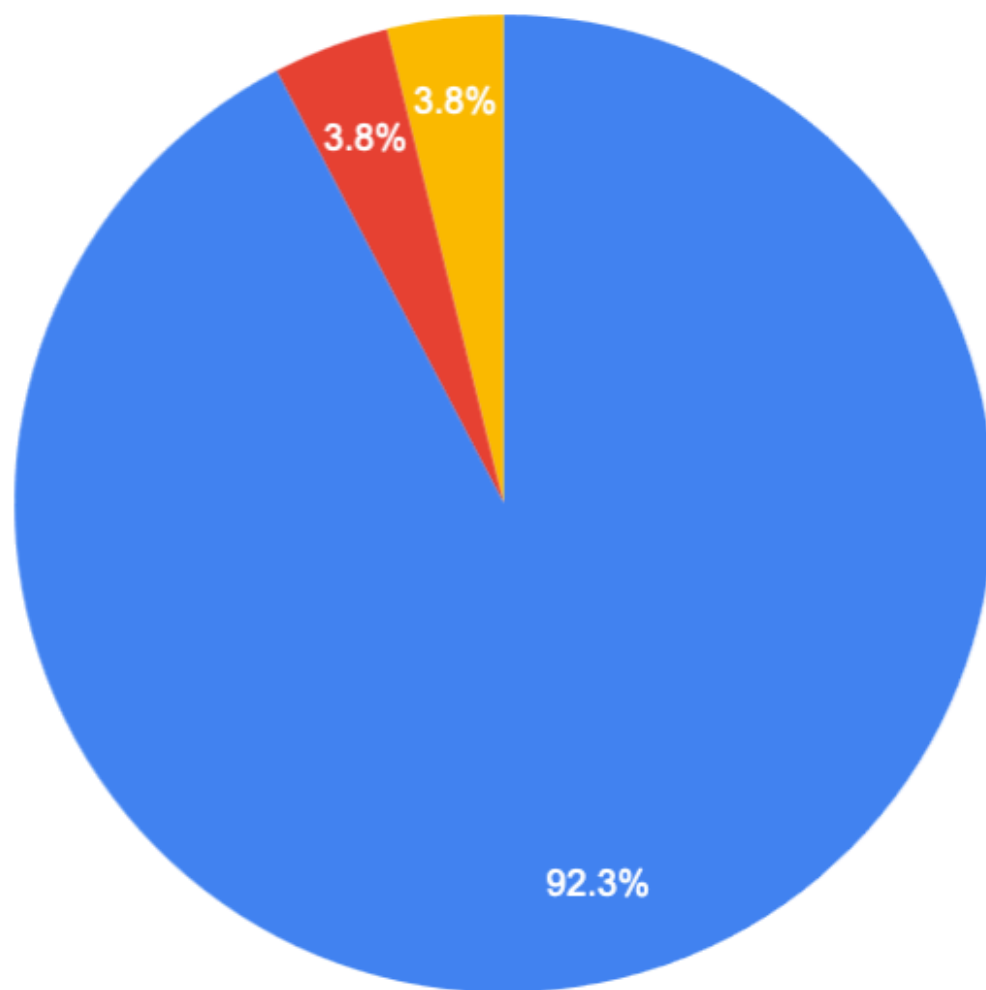
**Staff Survey**

How often do you hear **ADULTS** at your school make fun of differences such as... [Clothing or physical appearance]



**Staff Survey**

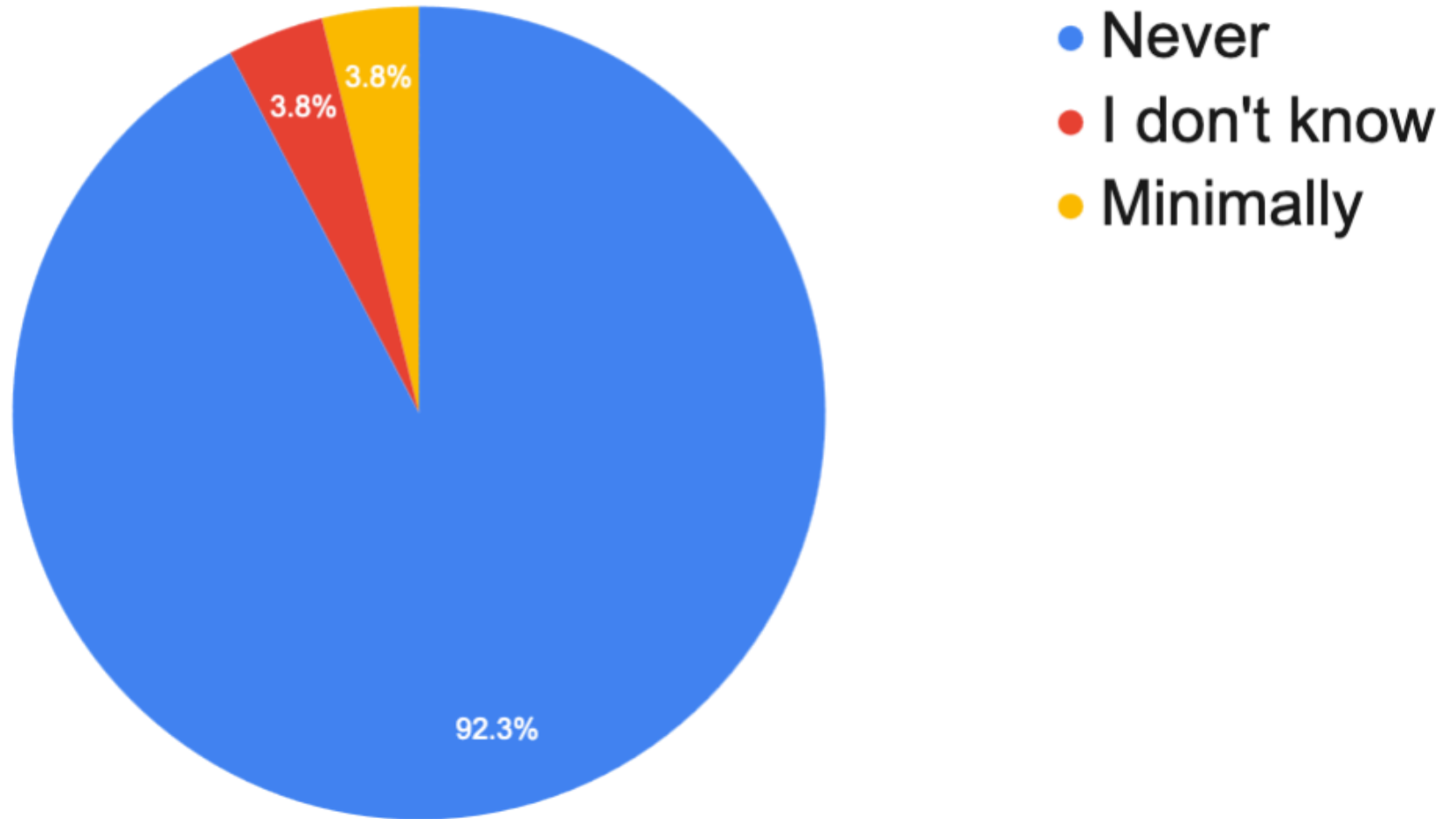
How often do you hear **ADULTS** at your school make fun of differences such as... [Religion or cultural practices]



- Never
- I don't know
- Minimally

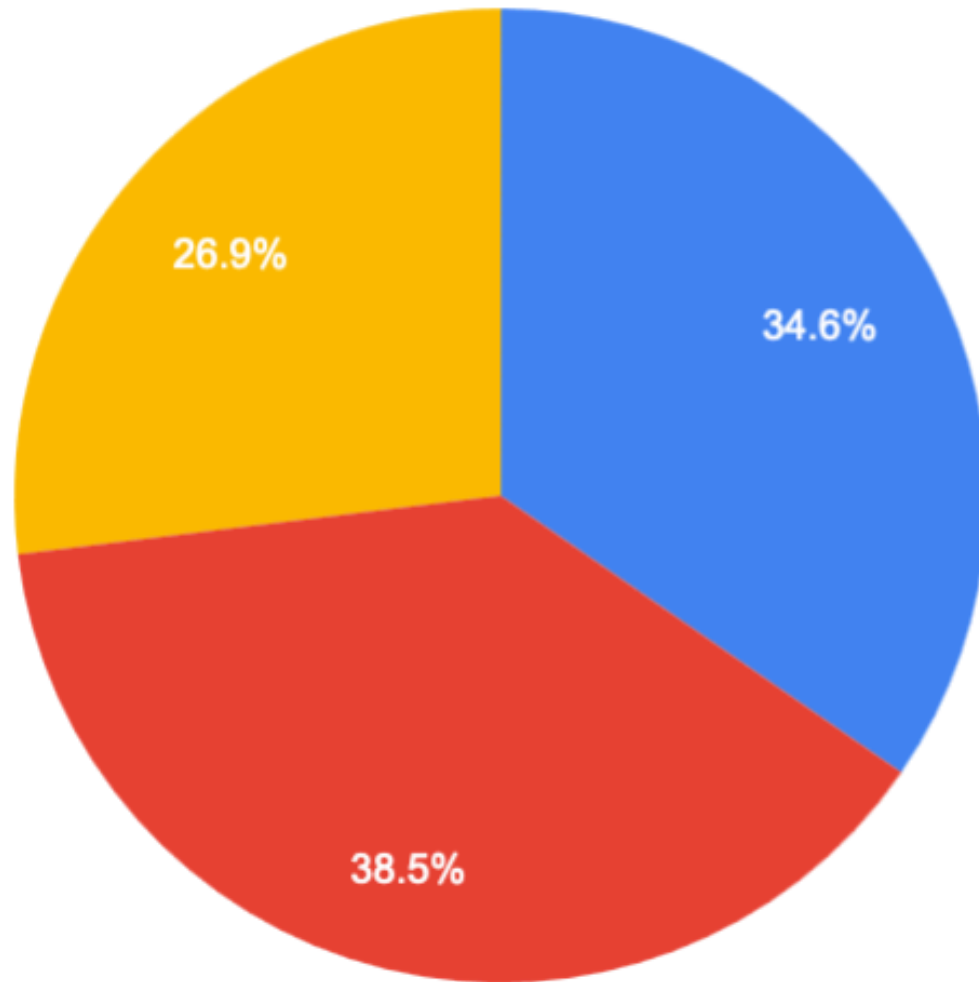
**Staff Survey**

## Count of How often do you hear ADULTS at your school make fun of differences such as... [Sexual Orientation]



**Staff Survey**

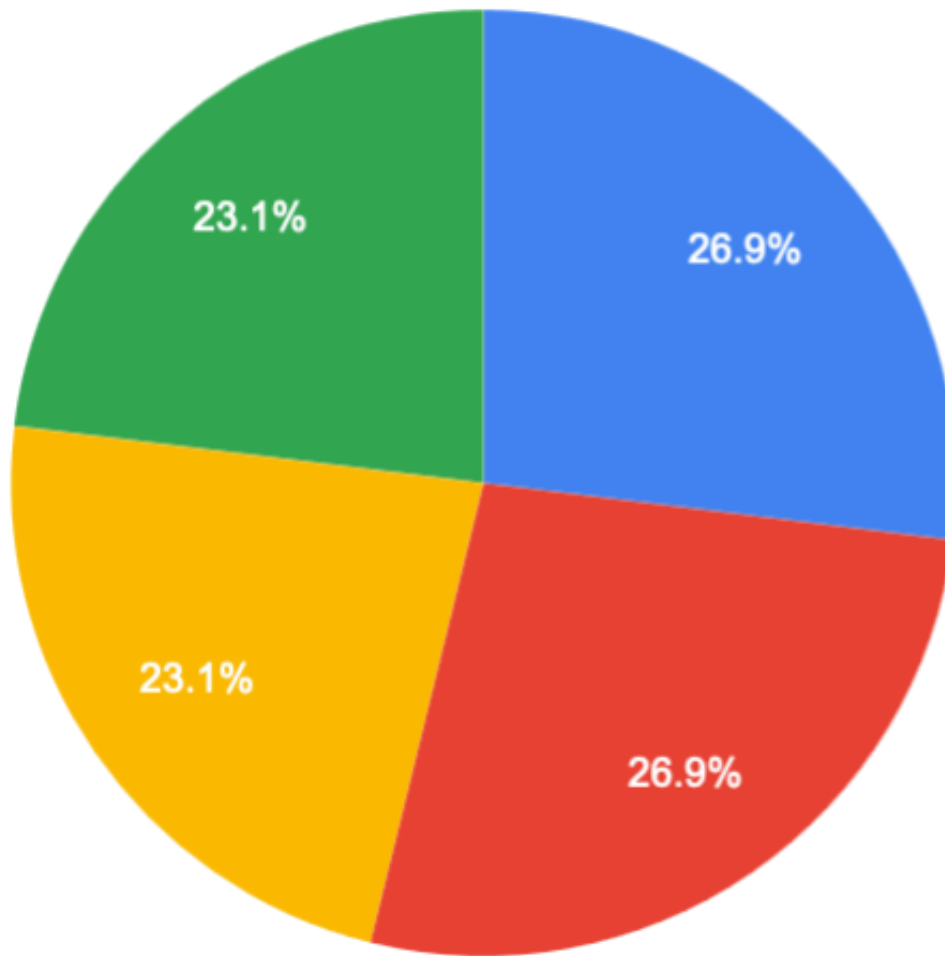
**How familiar are you with the following? [School-wide rules and consequences when those rules are broken.]**



- Familiar
- Very familiar
- Somewhat familiar

**Staff Survey**

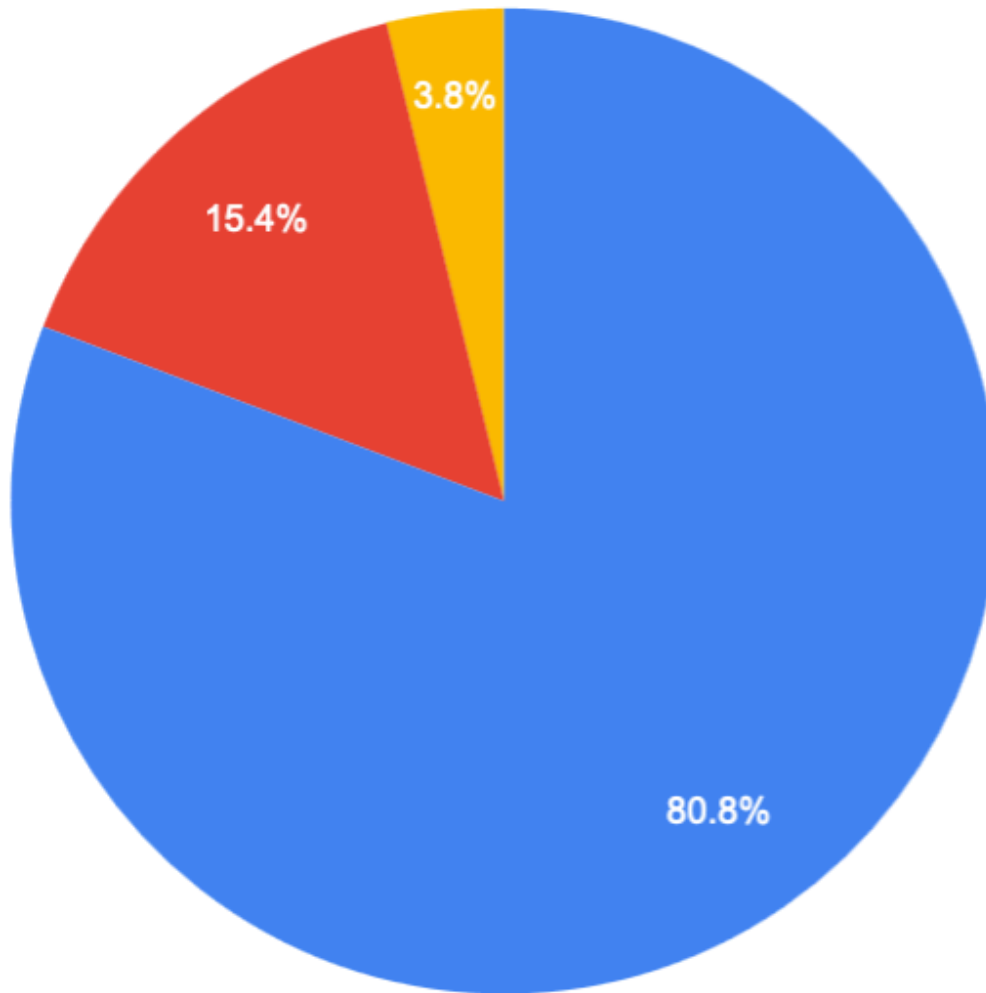
**How familiar are you with the following? [Cyberbullying rules and consequences when those rules are broken.]**



- Familiar
- Very familiar
- Not familiar at all
- Somewhat familiar

**Staff Survey**

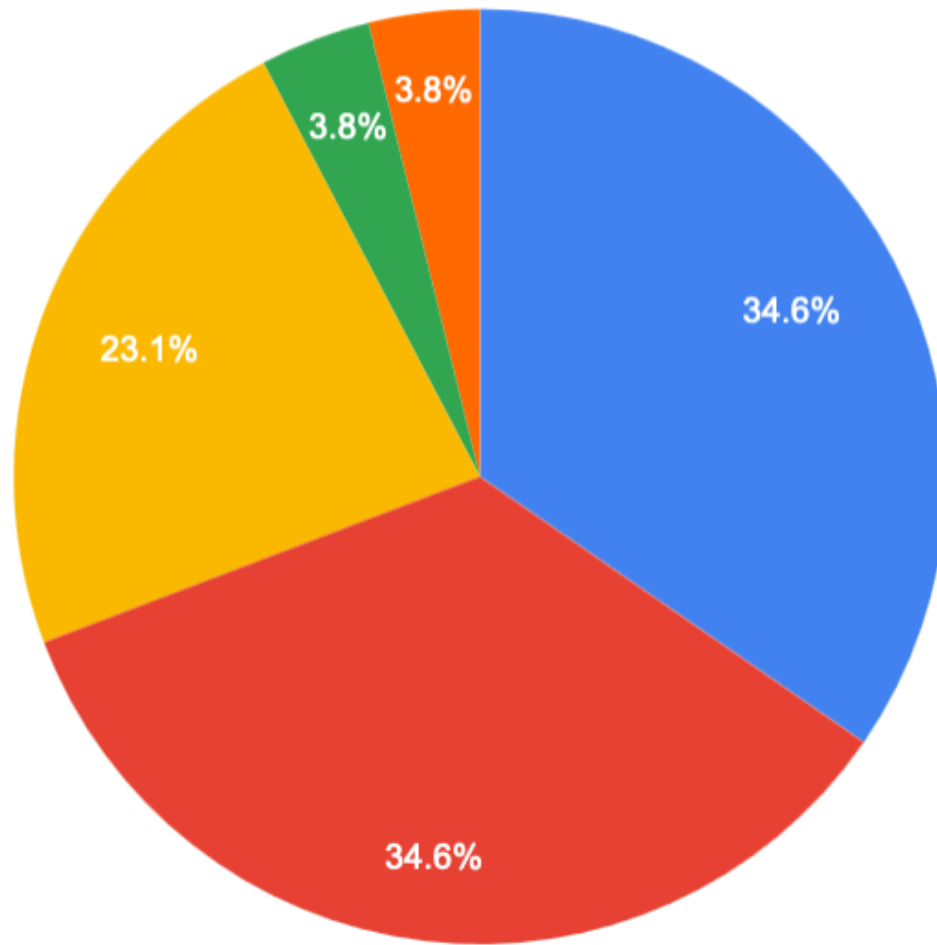
**I think Staff enforces rules fairly and appropriately.**



- Agree
- Mildly disagree
- I don't know

**Staff Survey**

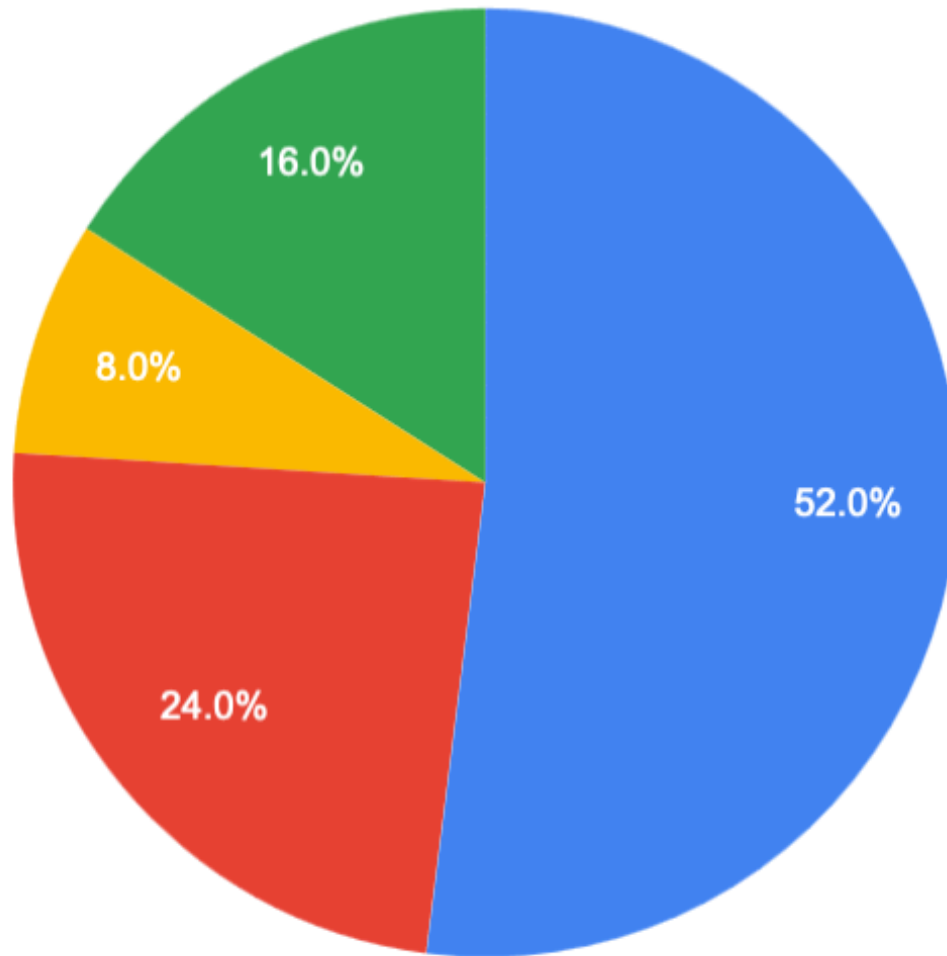
**I think that suspensions and expulsions are assigned when necessary.**



- I don't know
- Mildly disagree
- Agree
- Strongly disagree
- Strongly agree

**Staff Survey**

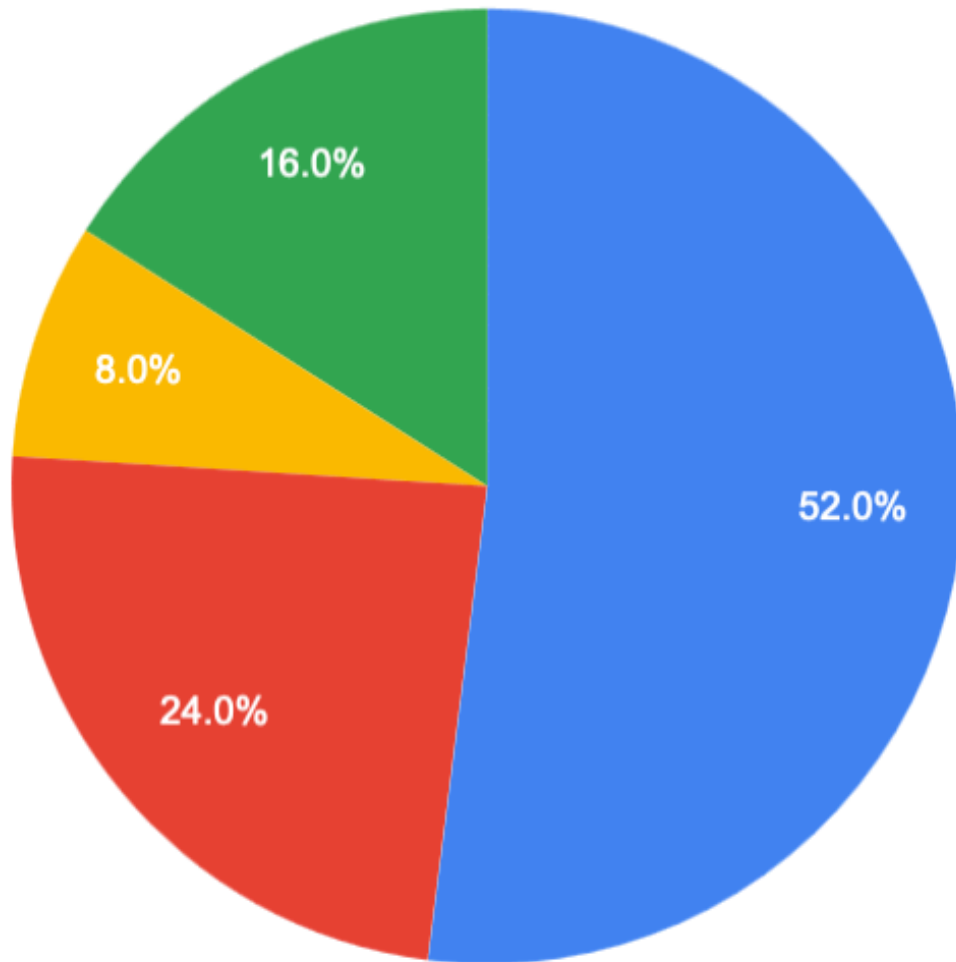
**How satisfied are you with the level of support  
administration gives teachers in dealing with discipline pr...**



- Satisfied
- Somewhat satisfied
- Very satisfied
- Unsatisfied

**Staff Survey**

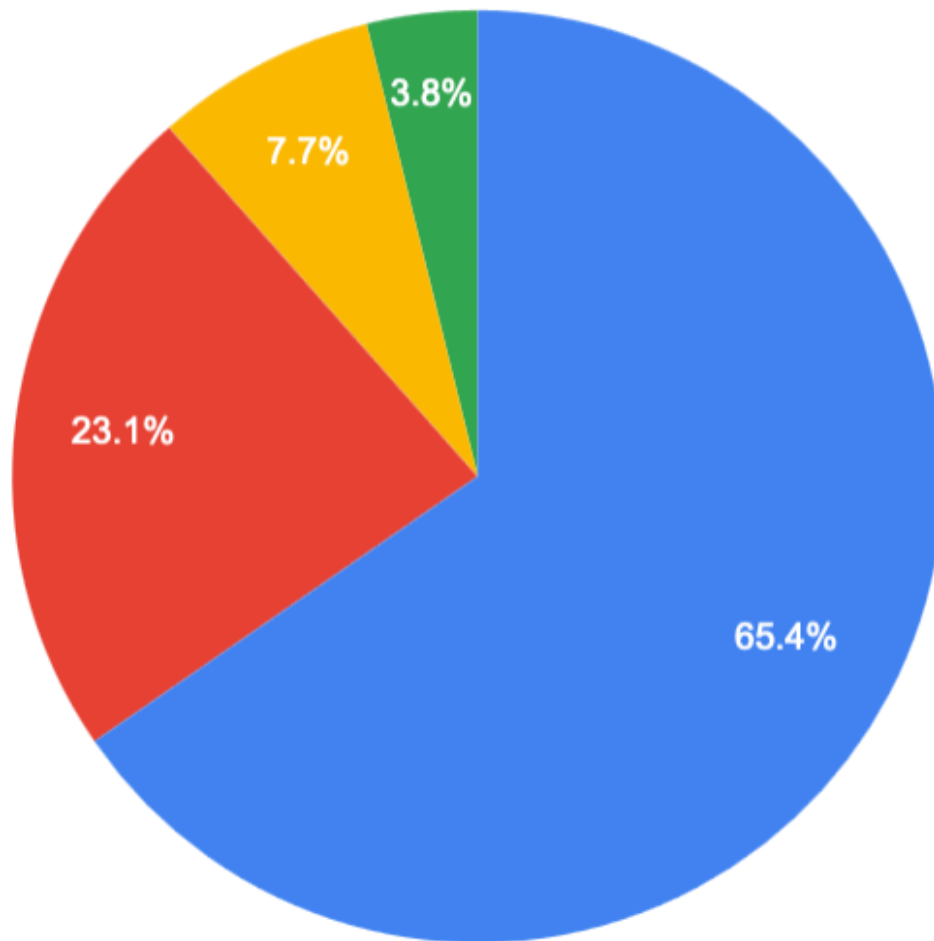
**How satisfied are you with the level of support  
administration gives teachers in dealing with discipline pr...**



- Satisfied
- Somewhat satisfied
- Very satisfied
- Unsatisfied

**Staff Survey**

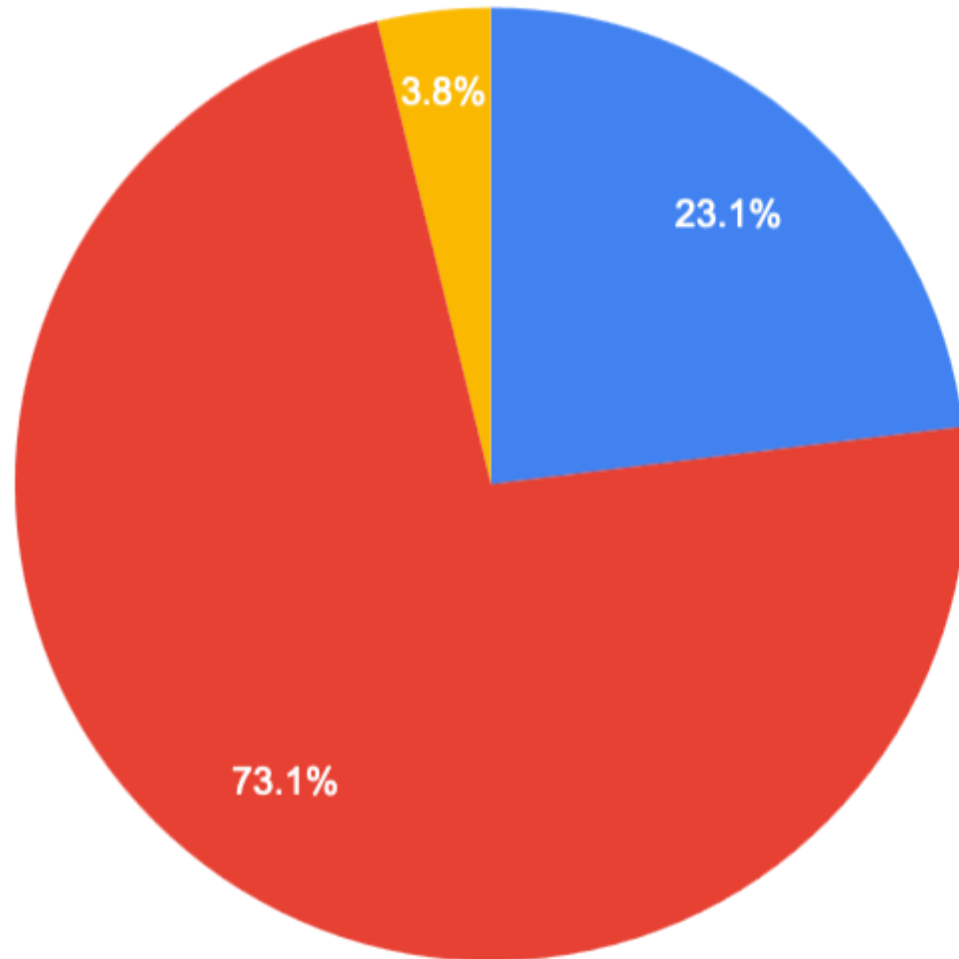
**My school provides adequate training for staff on school policies and procedures.**



- Agree
- Strongly agree
- Mildly disagree
- Strongly disagree

**Staff Survey**

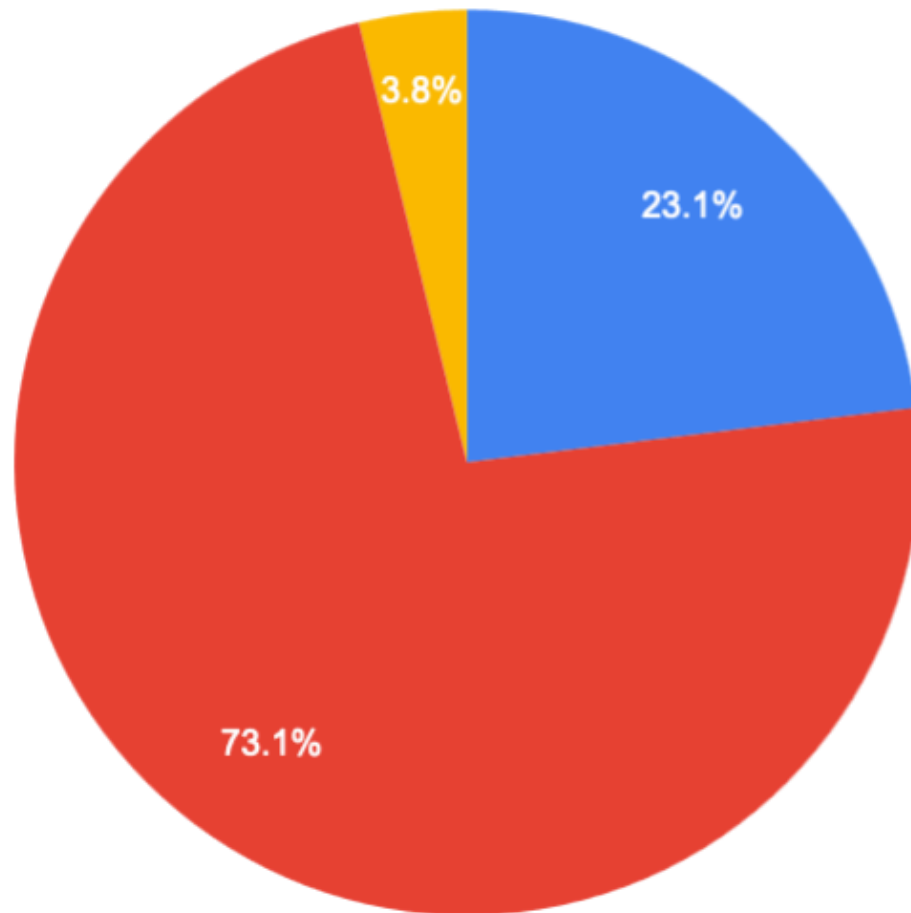
## How well do understand your school Emergency procedures? [Fire Drill]



- Familiar
- Very familiar
- Somewhat familiar

**Staff Survey**

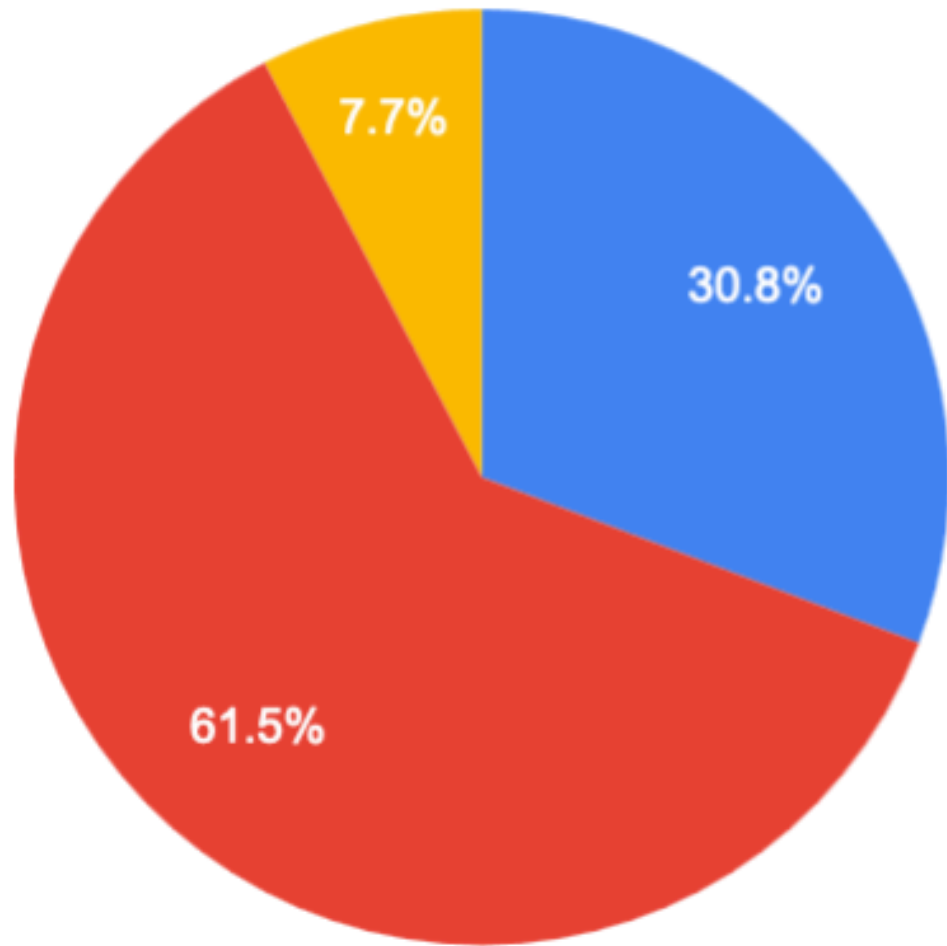
## How well do understand your school Emergency procedures? [Earthquake Drill]



- Familiar
- Very familiar
- Somewhat familiar

**Staff Survey**

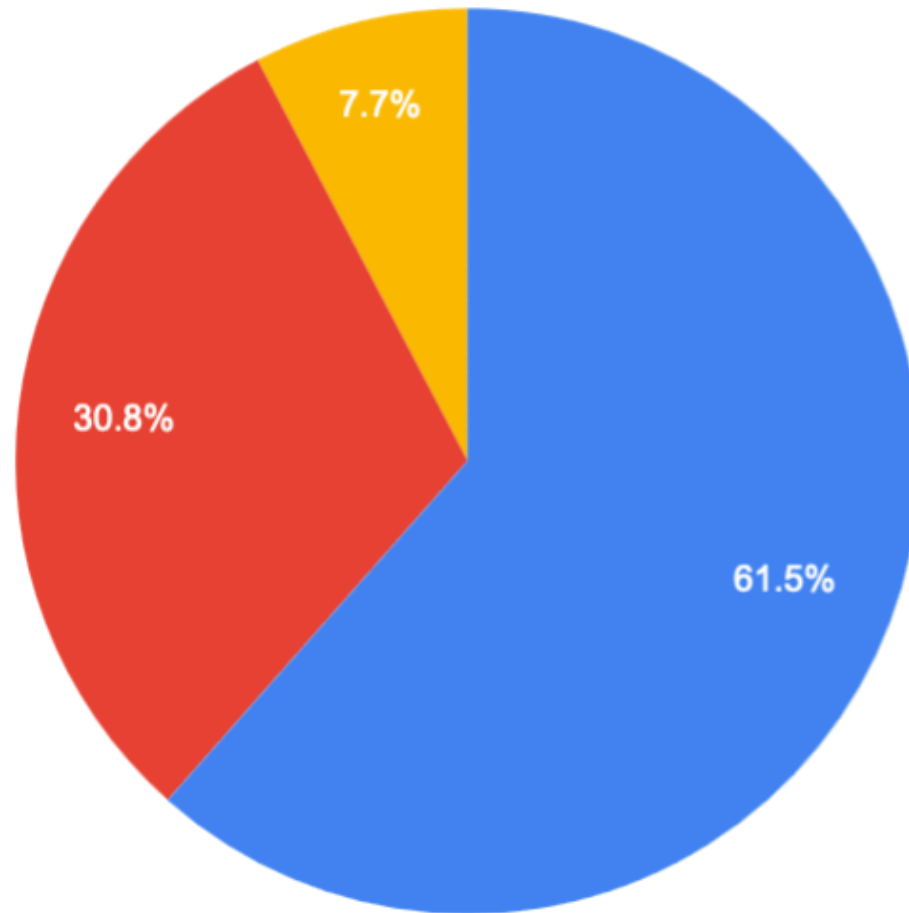
## How well do understand your school Emergency procedures? [Shelter in Place]



- Familiar
- Very familiar
- Somewhat familiar

**Staff Survey**

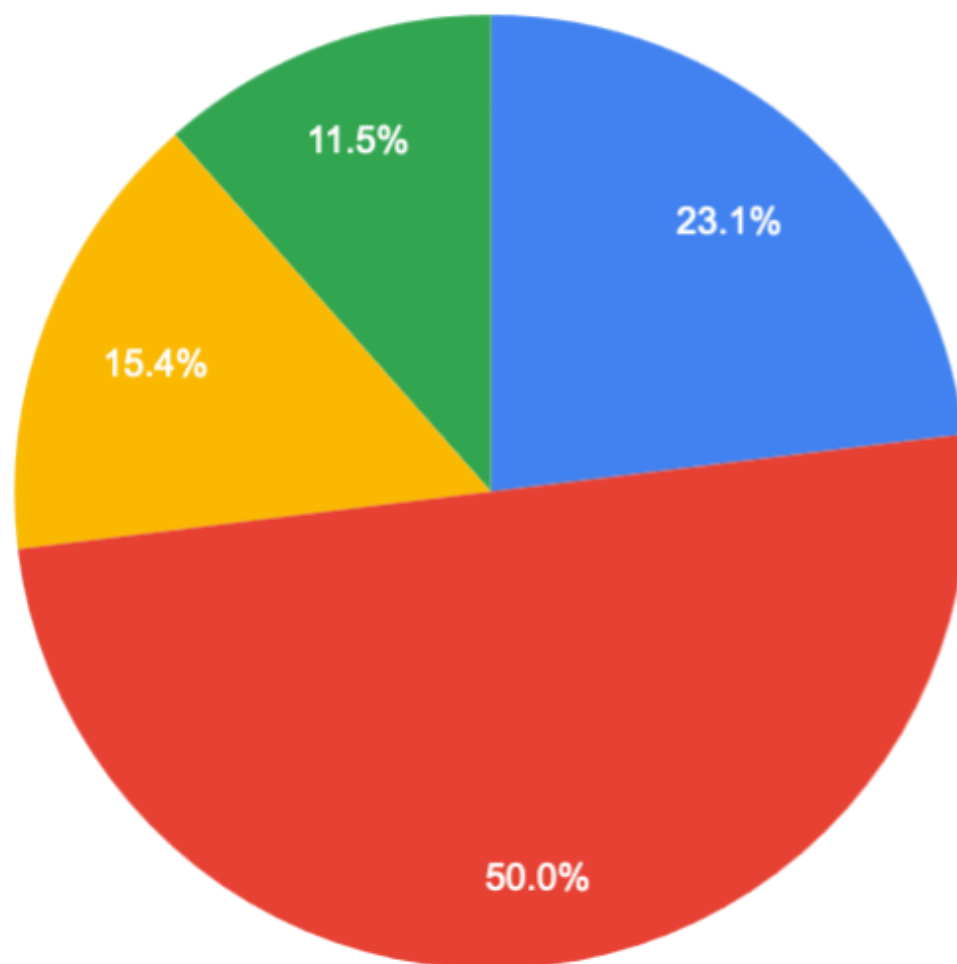
## How well do understand your school Emergency procedures? [Run, Hide, Defend]



- Very familiar
- Familiar
- Somewhat familiar

**Staff Survey**

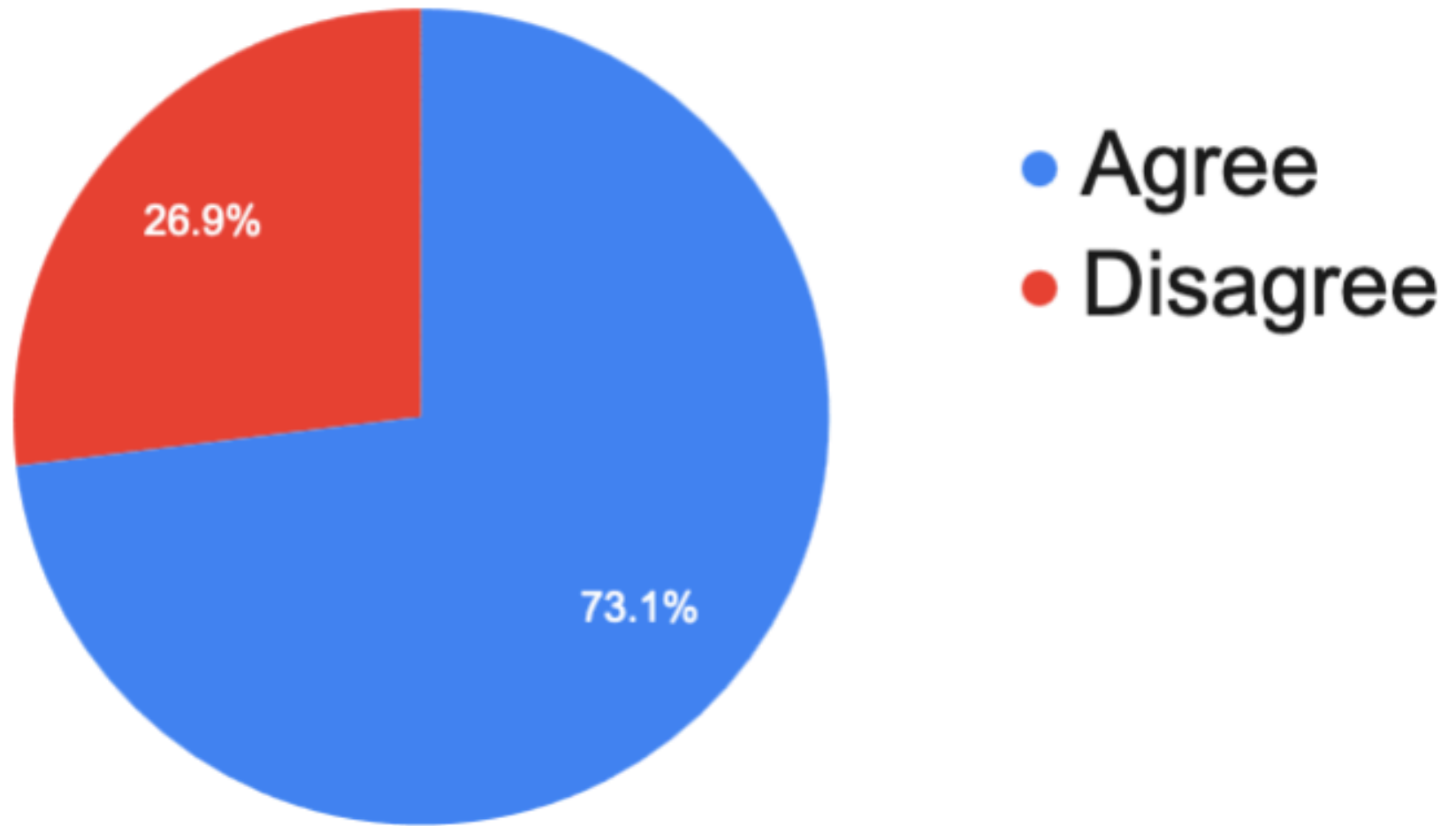
**My school has adequate resources to help students in an emergency or crisis.**



- Mildly disagree
- Agree
- I don't know
- Strongly agree

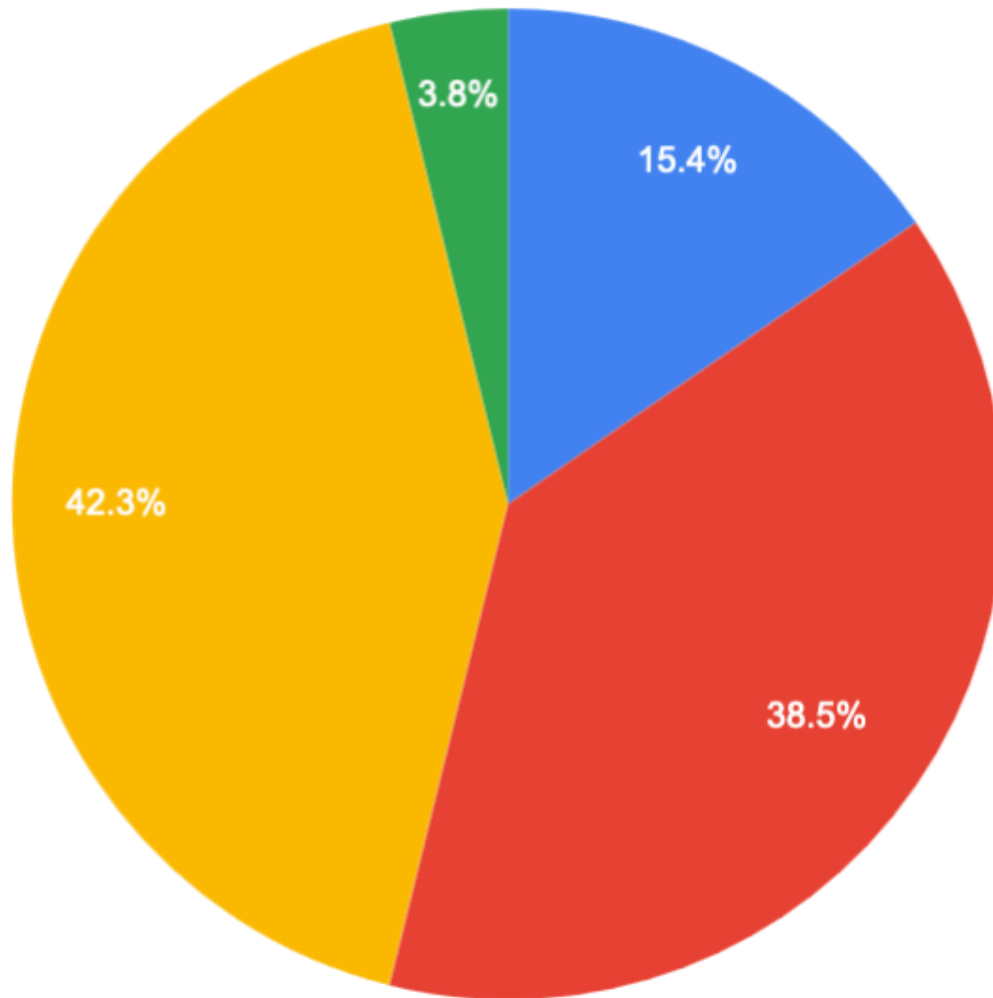
**Staff Survey**

I am aware of the District's Wellness Connections webpage.



**Staff Survey**

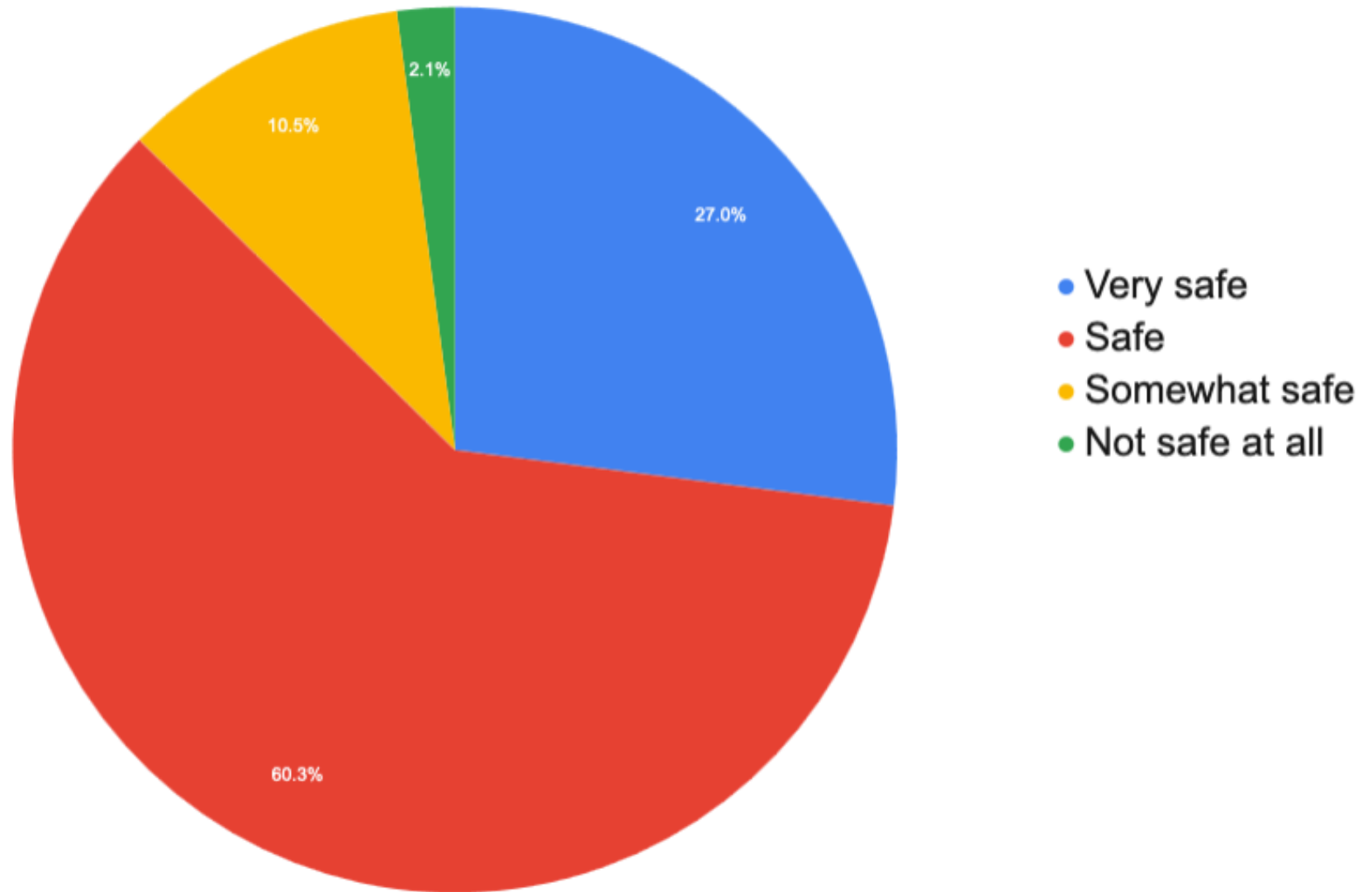
**The facilities and grounds are well maintained at my school.**



- Mildly disagree
- Strongly agree
- Agree
- Strongly disagree

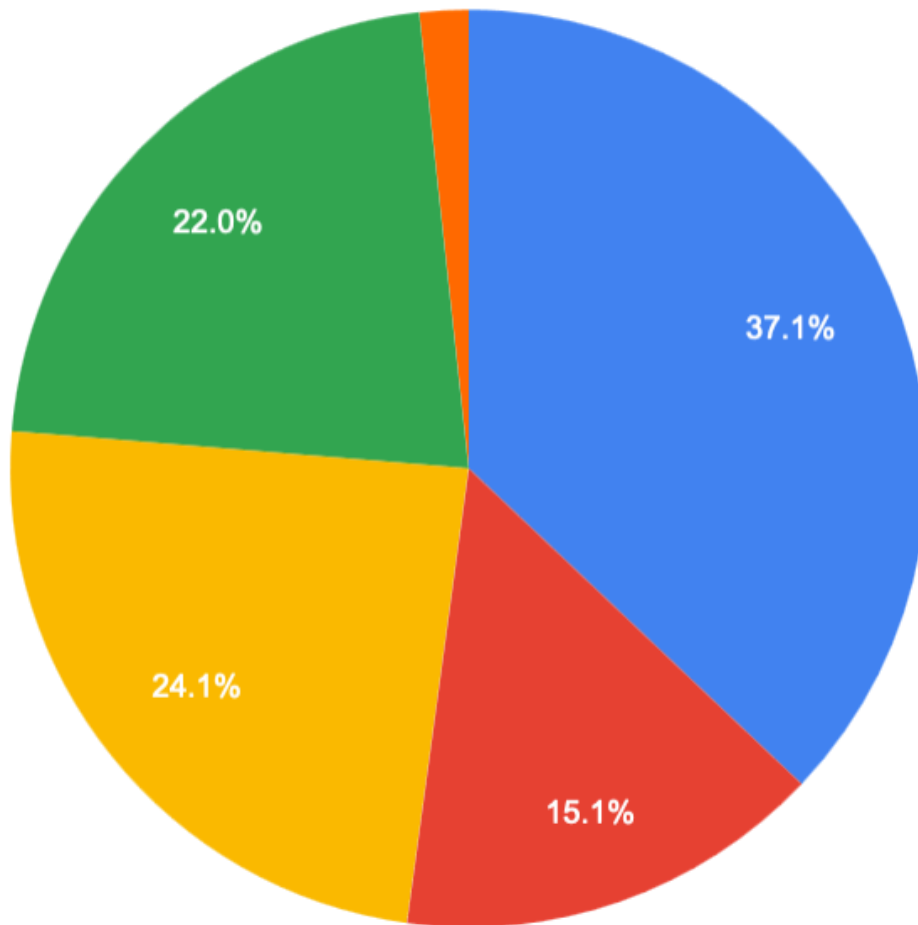
**Staff Survey**

How safe do you feel at school?



**Student Survey**

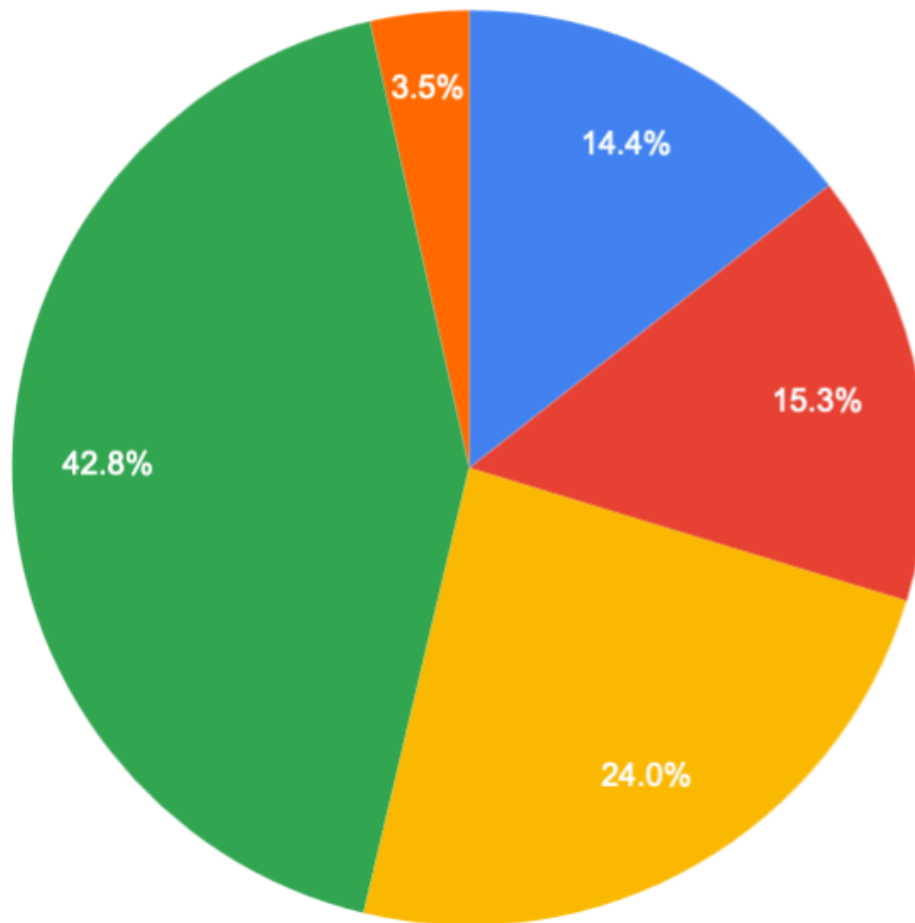
How much do you find the following to be a problem at your school?  
[Bullying]



- I never hear or see this happening
- I don't know.
- I see this happening sometimes
- I hear students talk about this
- I see this happening a lot

**Student Survey**

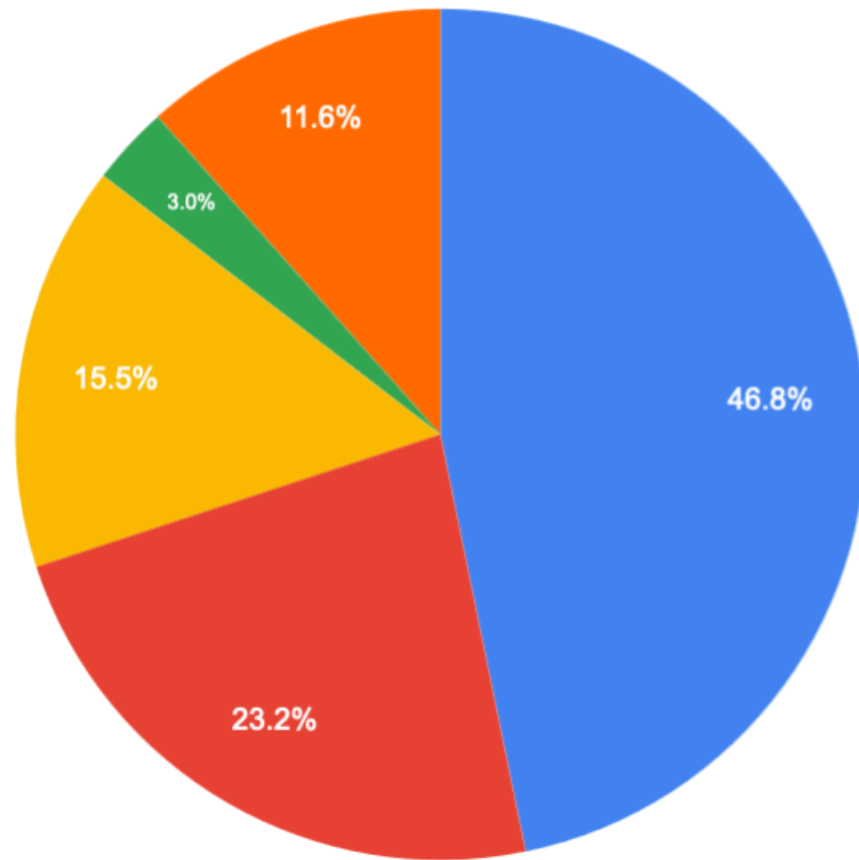
How much do you find the following to be a problem at your school?  
[Harassment, and intimidation]



- I see this happening sometimes
- I hear students talk about this
- I don't know.
- I never hear or see this happening
- I see this happening a lot

**Student Survey**

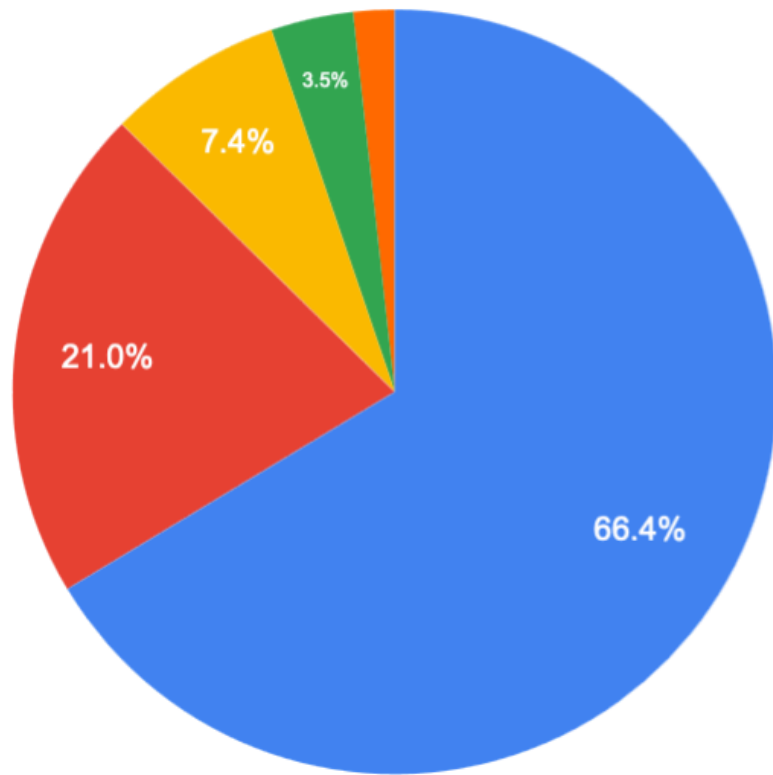
## How much do you find the following to be a problem at your school? [Fights and Assault]



- I never hear or see this happening
- I hear students talk about this
- I don't know.
- I see this happening a lot
- I see this happening sometimes

**Student Survey**

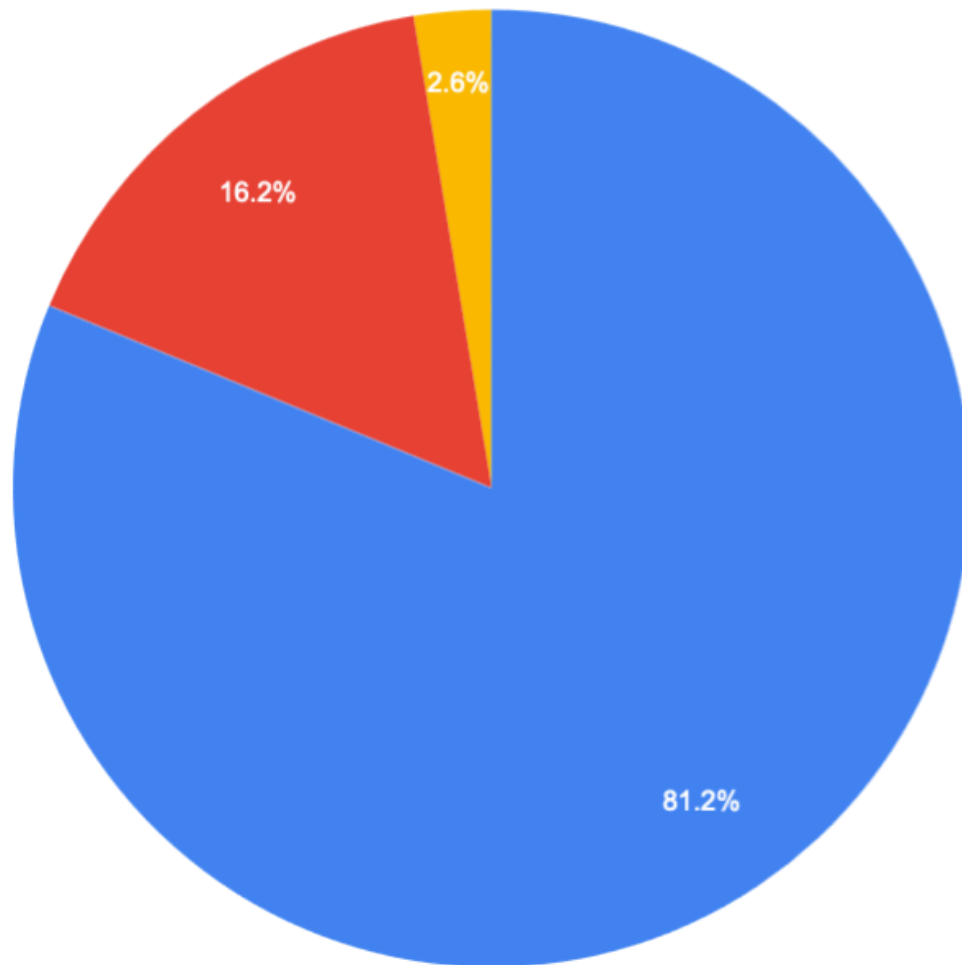
How much do you find the following to be a problem at your school? [Student interest in gangs]



- I never hear or see this happening
- I don't know.
- I hear students talk about this
- I see this happening sometimes
- I see this happening a lot

**Student Survey**

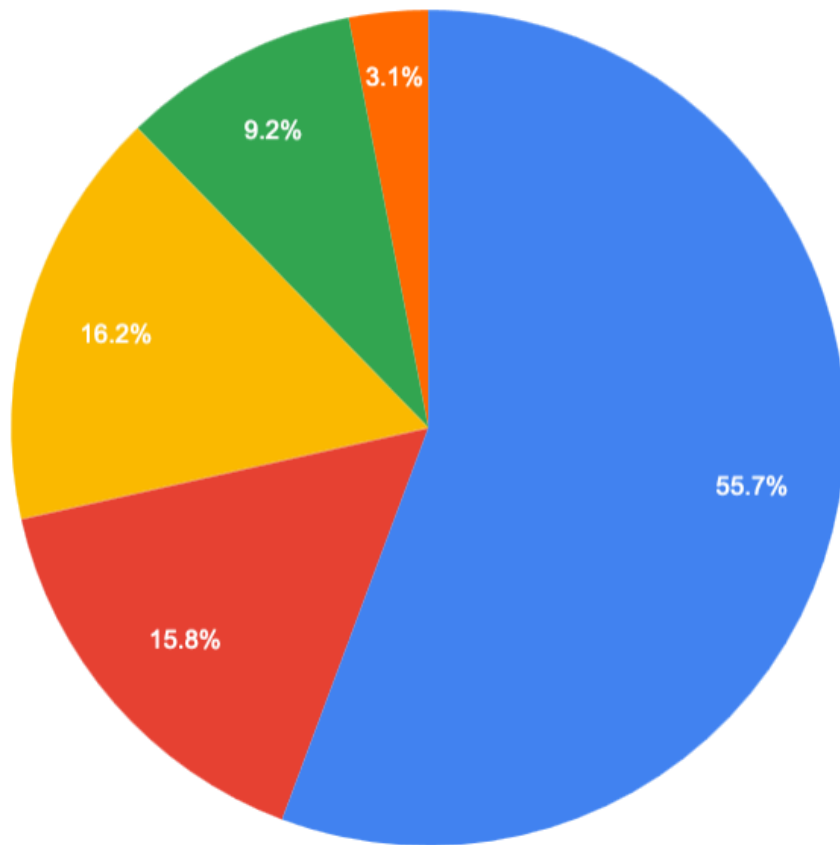
How much do you find the following to be a problem at your school? [Illegal weapons]



- I never hear or see this happening
- I don't know.
- I hear students talk about this

**Student Survey**

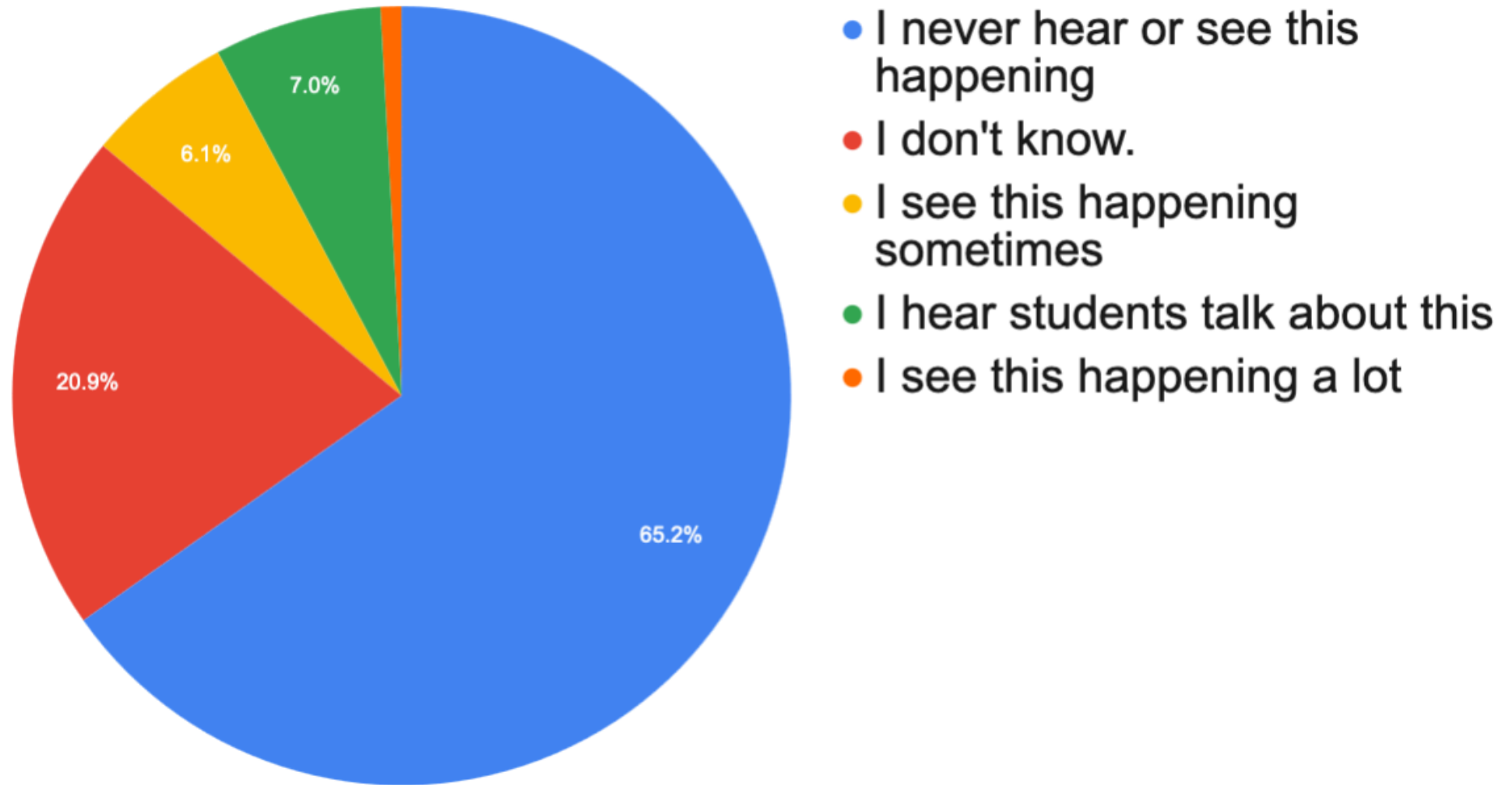
How much do you find the following to be a problem at your school? [Graffiti and vandalism]



- I never hear or see this happening
- I see this happening sometimes
- I don't know.
- I hear students talk about this
- I see this happening a lot

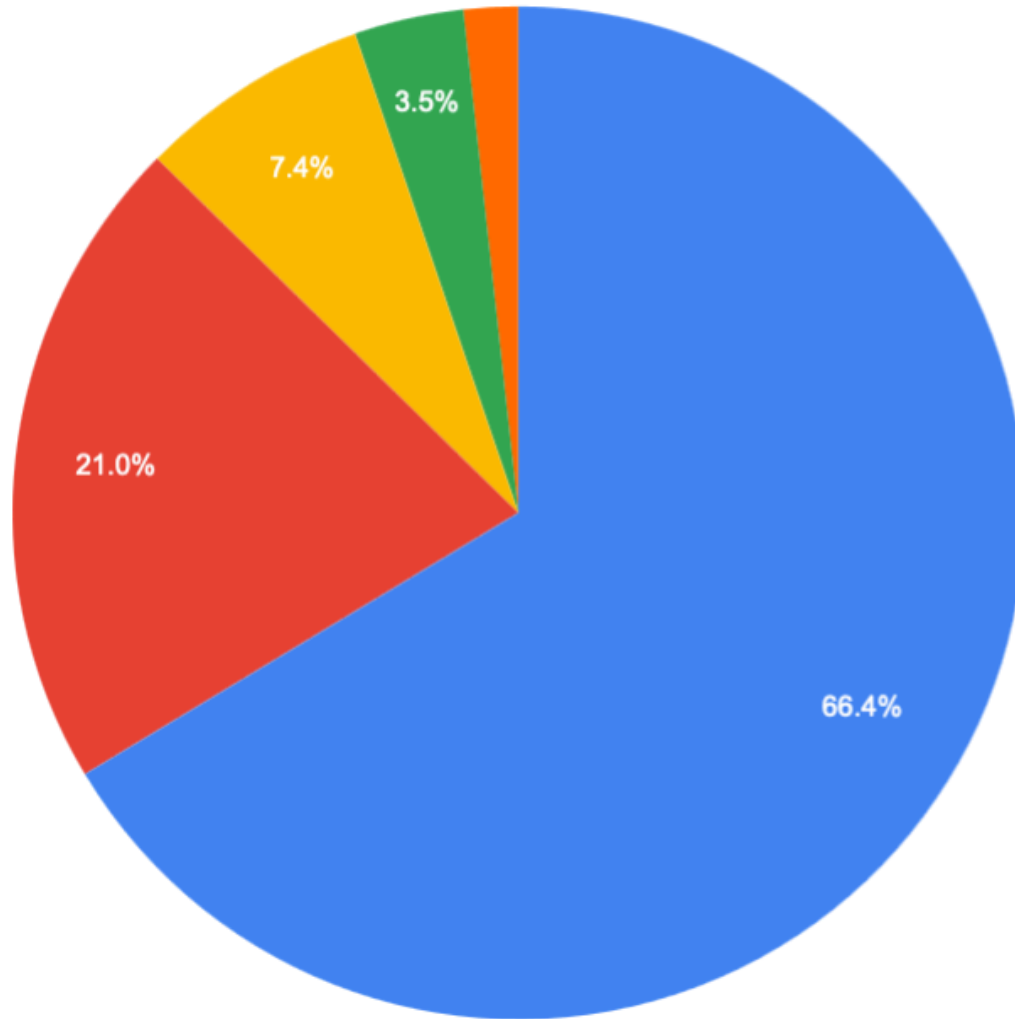
**Student Survey**

How much do you find the following to be a problem at your school? [People trespassing on campus]



**Student Survey**

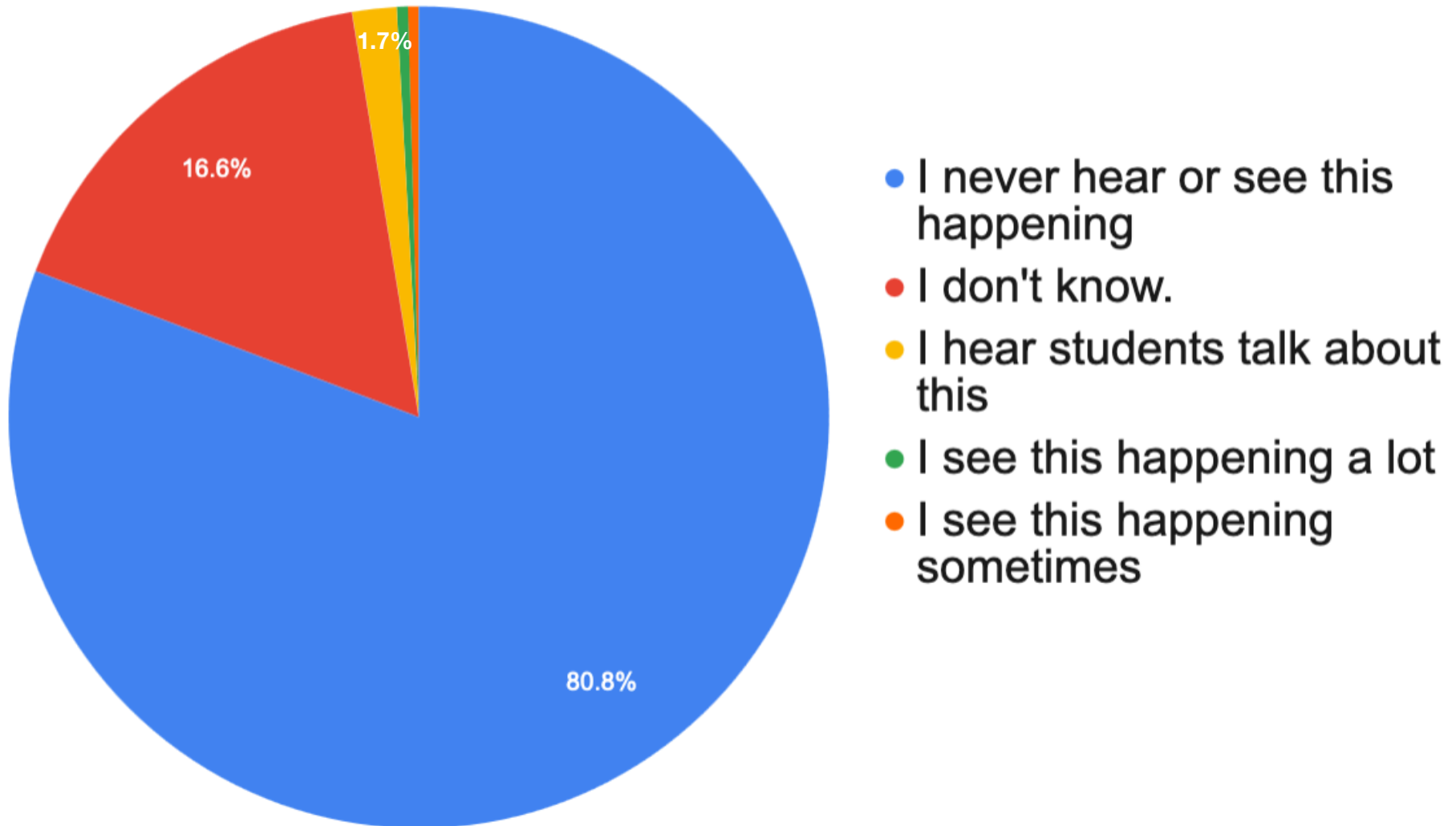
How much do you find the following to be a problem at your school? [Student interest in gangs]



- I never hear or see this happening
- I don't know.
- I hear students talk about this
- I see this happening sometimes
- I see this happening a lot

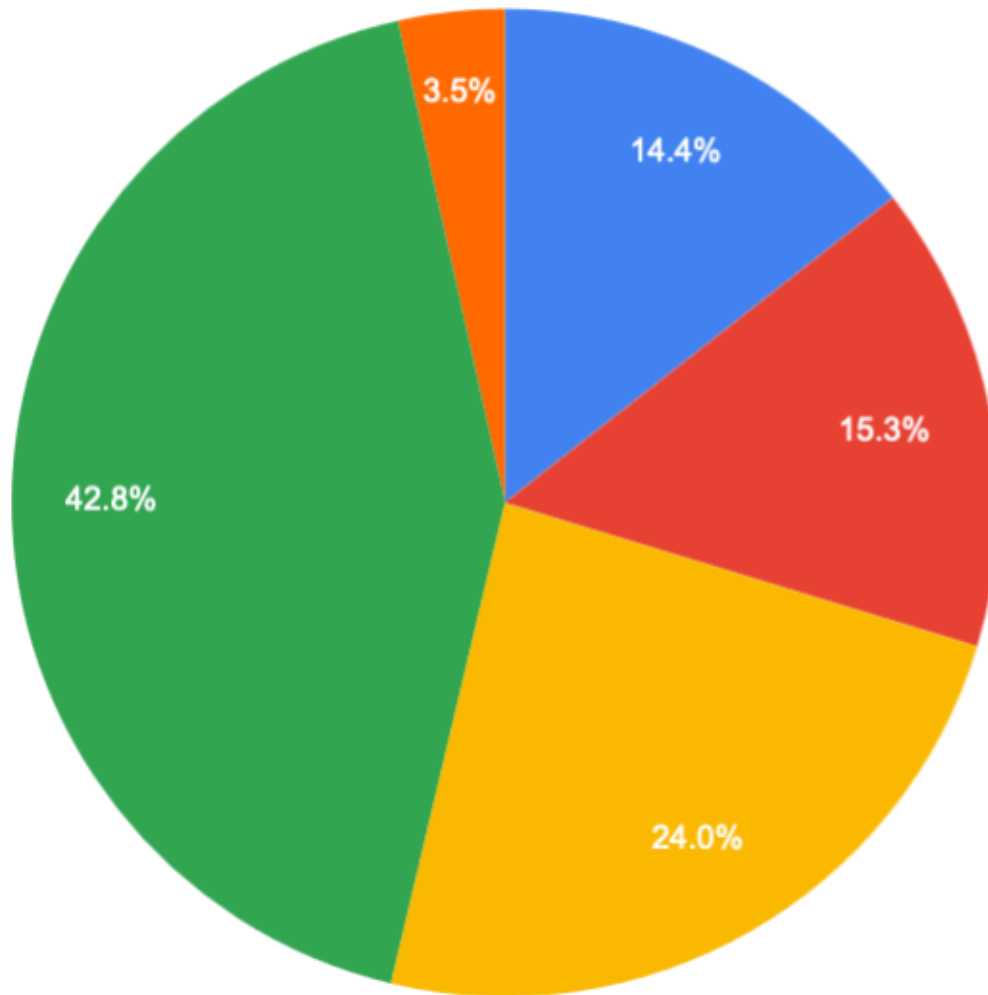
**Student Survey**

How much do you find the following to be a problem at your school? [Alcohol use]



**Student Survey**

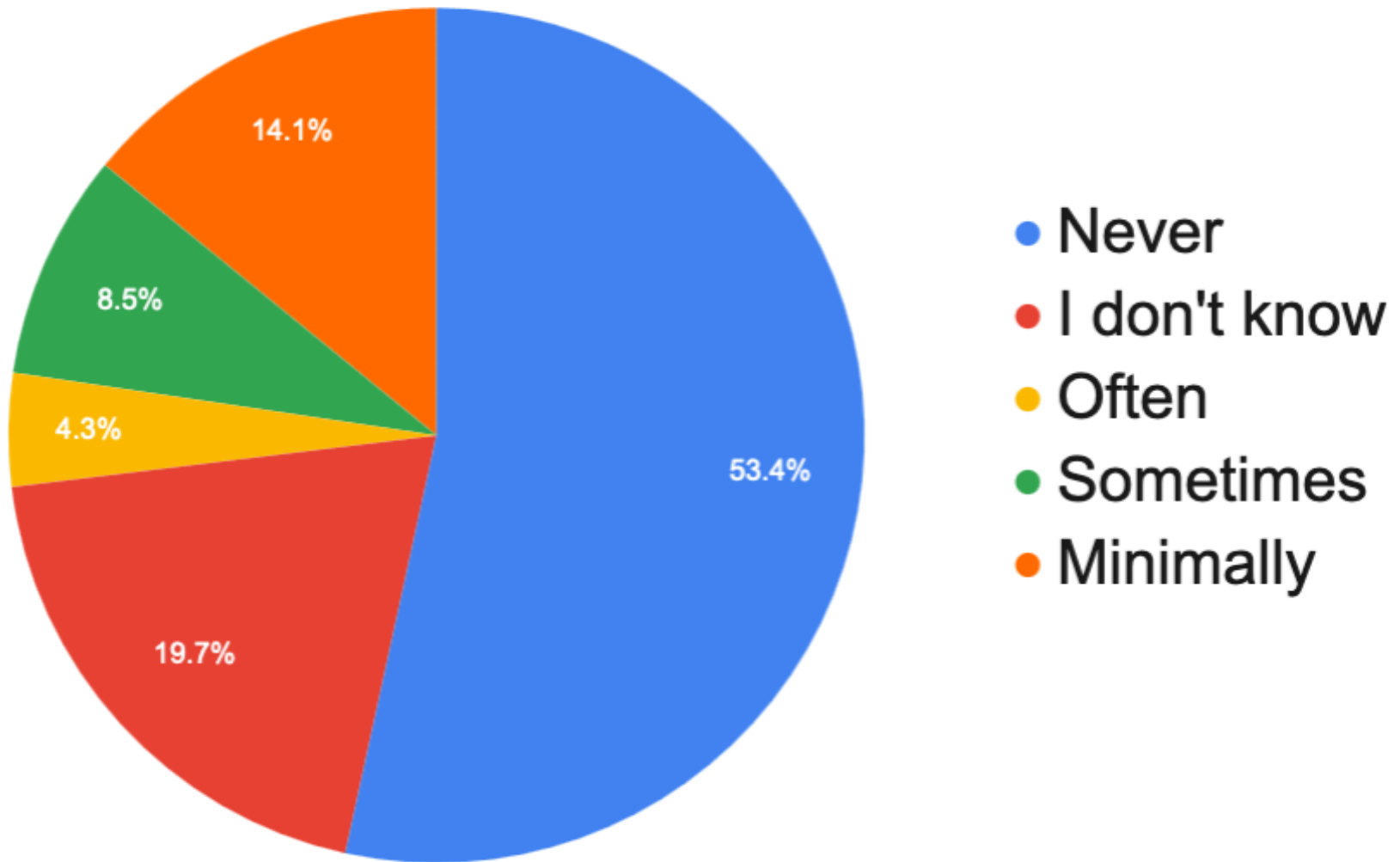
How much do you find the following to be a problem at your school?  
[Harassment, and intimidation]



- I see this happening sometimes
- I hear students talk about this
- I don't know.
- I never hear or see this happening
- I see this happening a lot

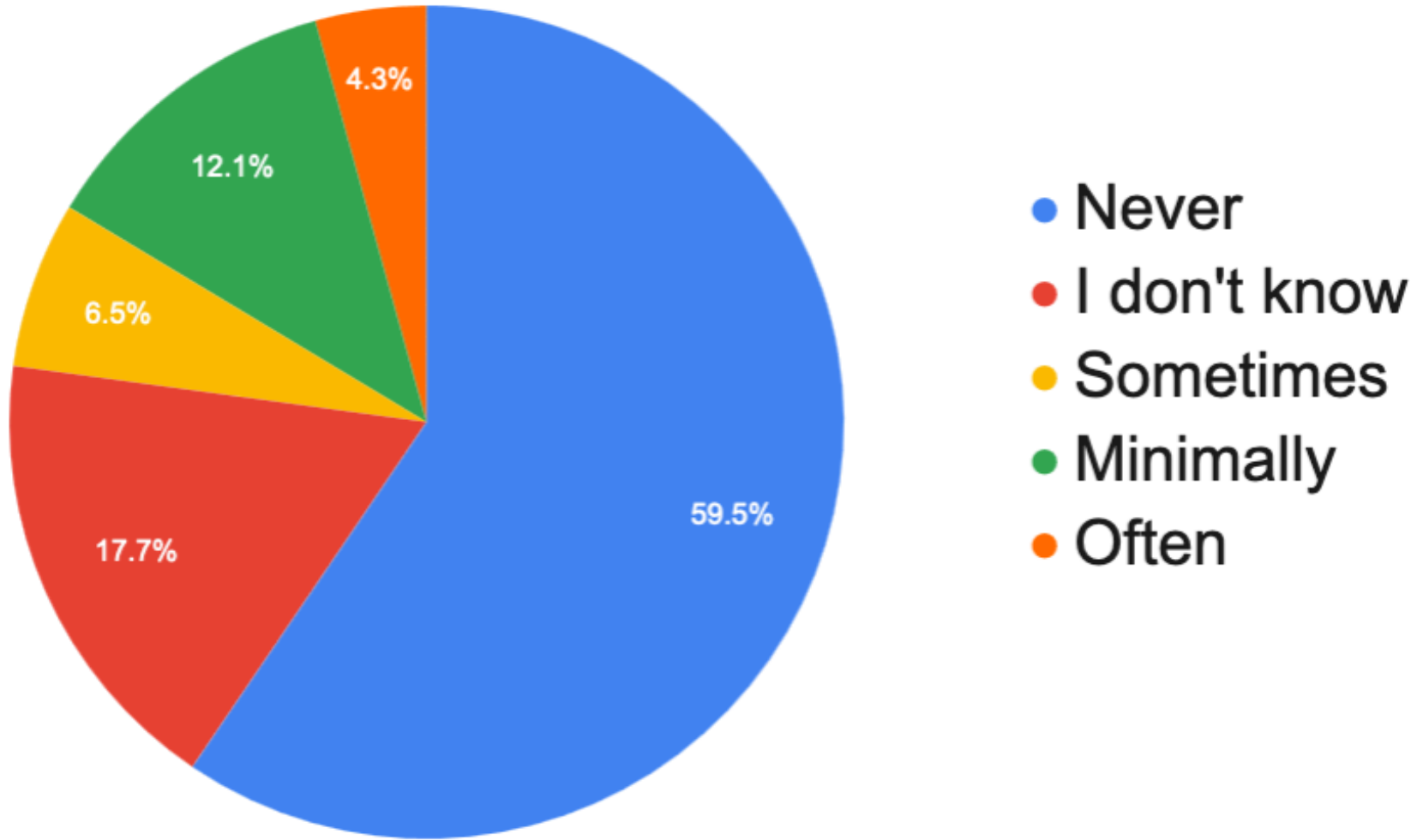
**Student Survey**

## Students at my school get put down because of their ... [Race]

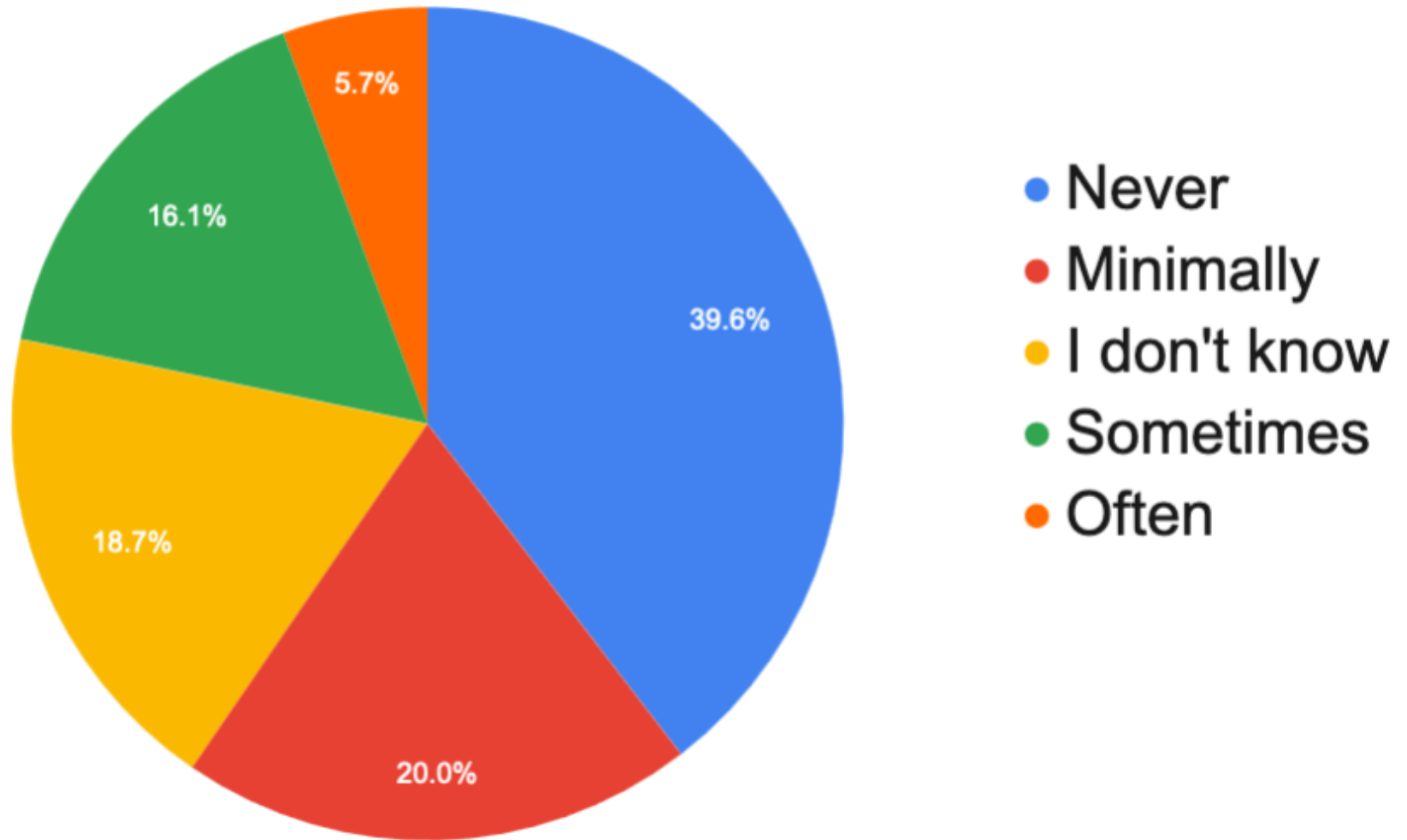


**Student Survey**

Students at my school get put down because of their ... [Gender or gender identification]

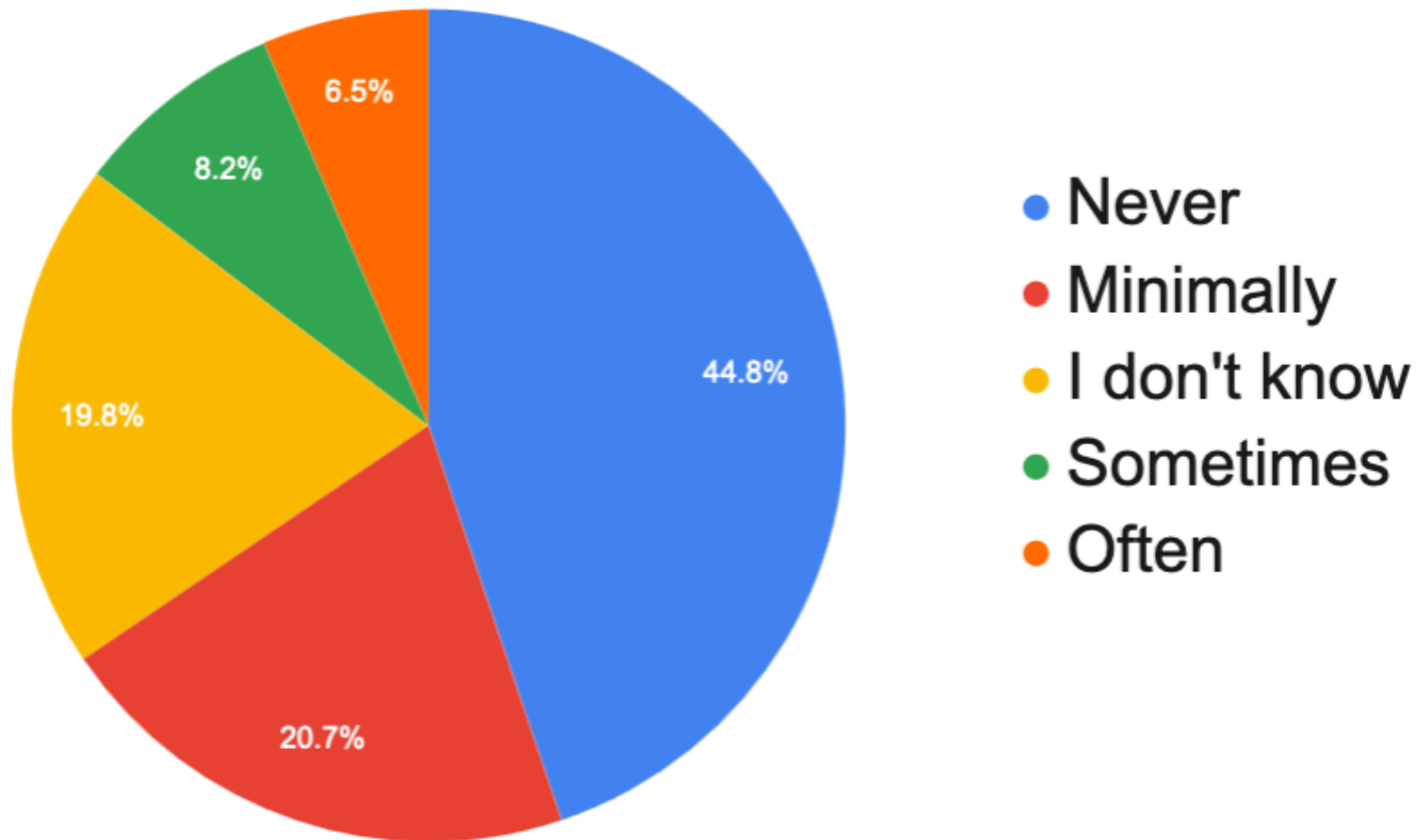


## Students at my school get put down because of their ... [Learning difficulties]



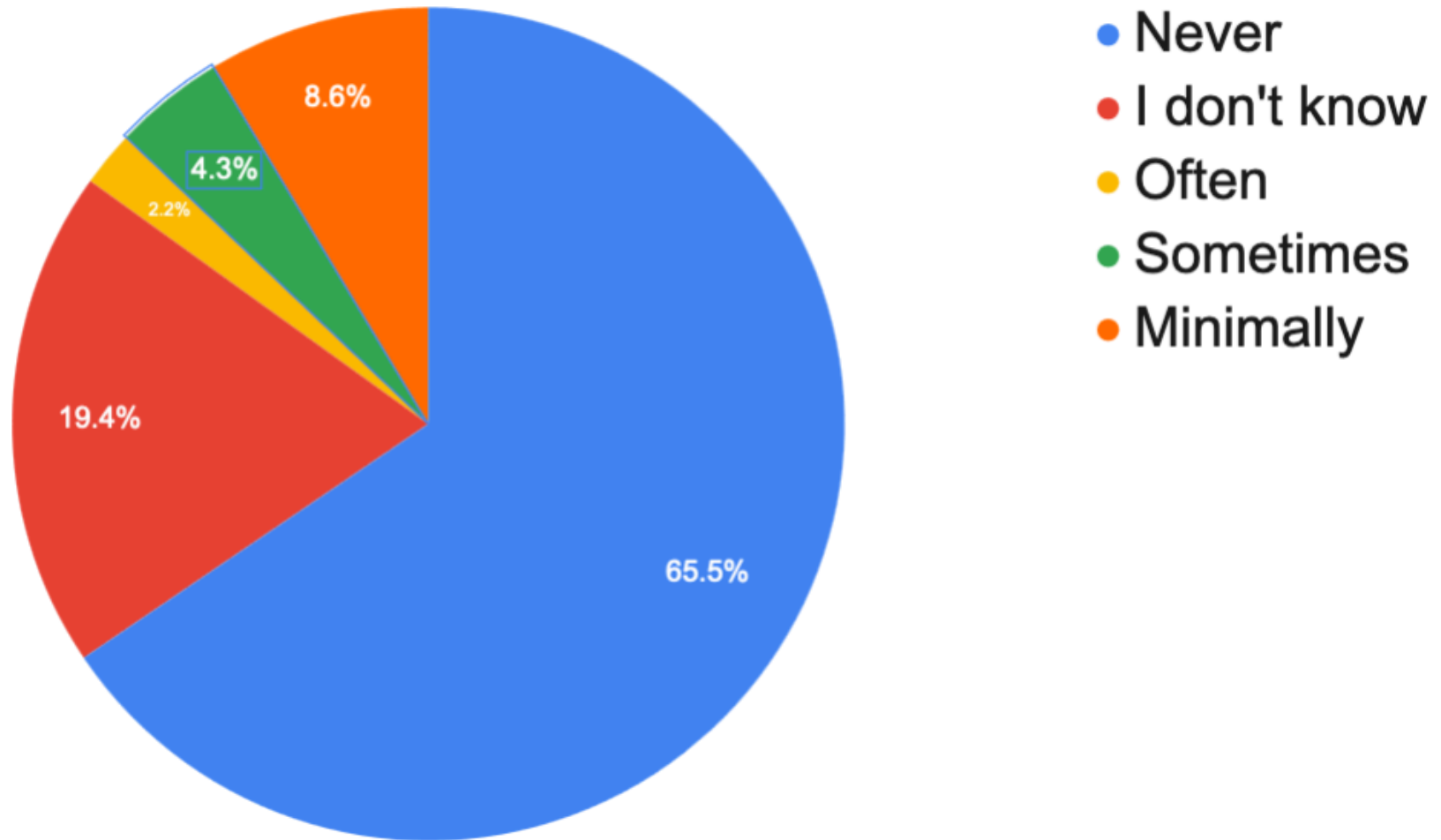
**Student Survey**

## Students at my school get put down because of their ... [Clothing or physical appearance]



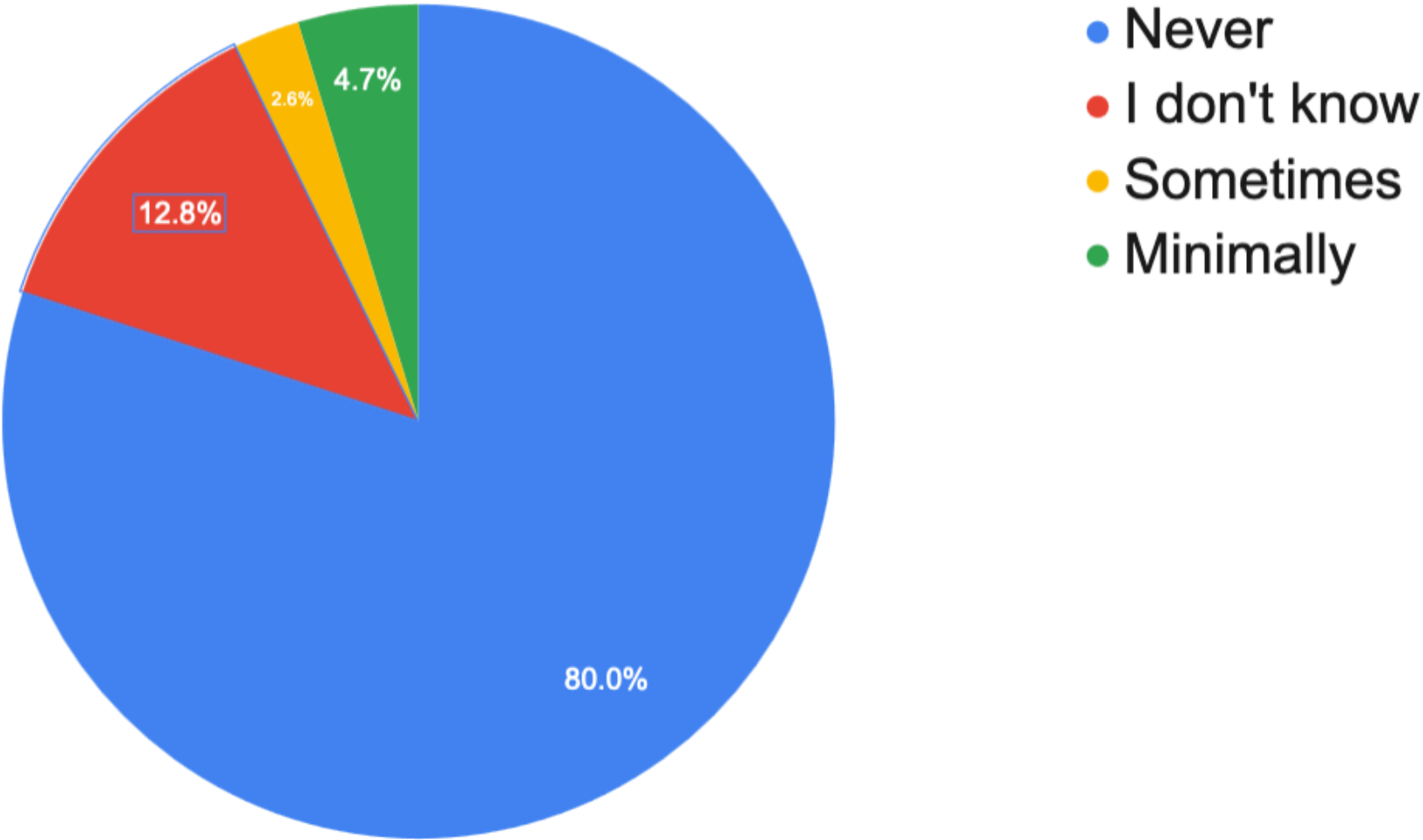
**Student Survey**

## Students at my school get put down because of their ... [Religion or cultural practices]



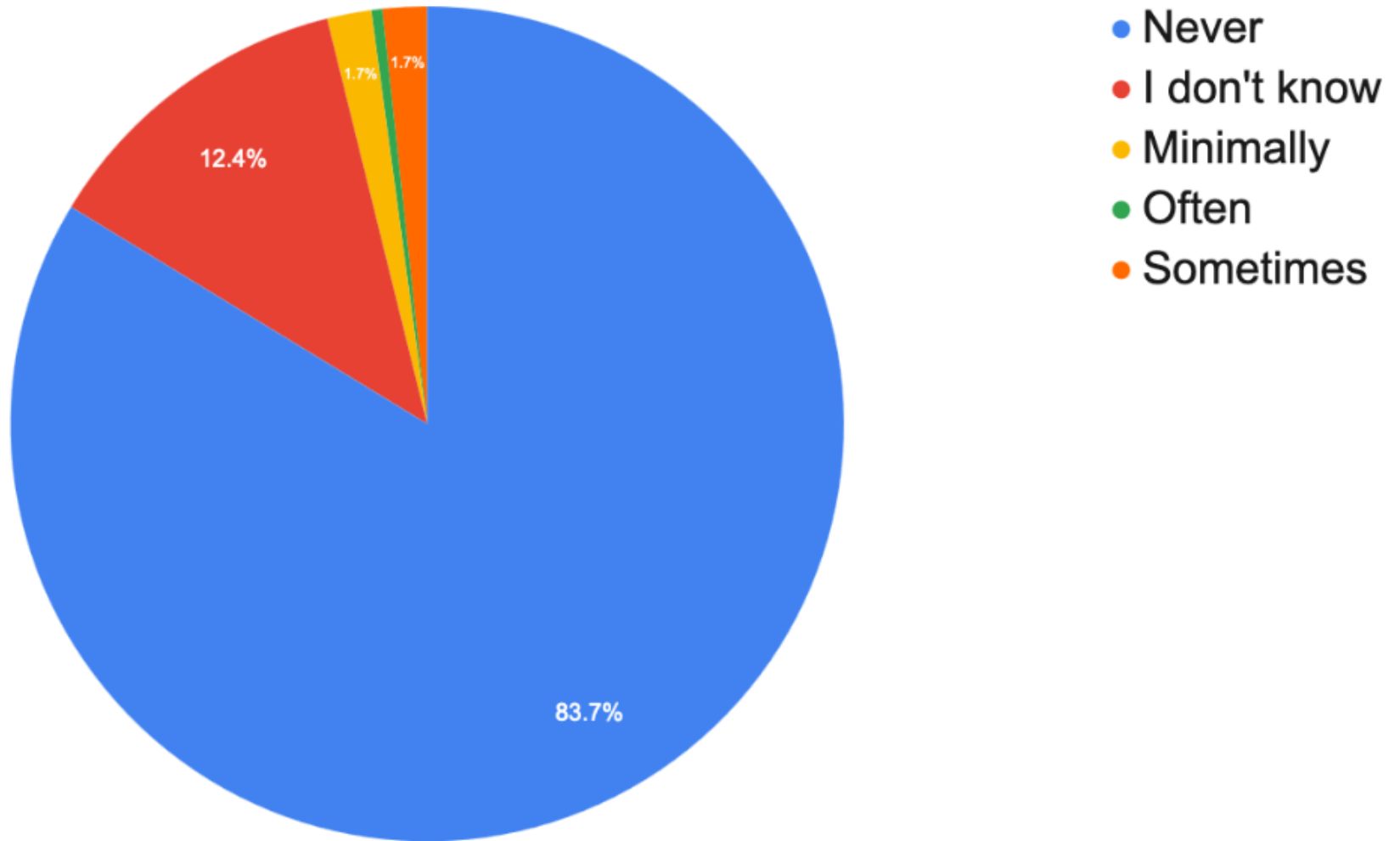
**Student Survey**

How often do you hear ADULTS at your school make fun of differences such as... [Race]



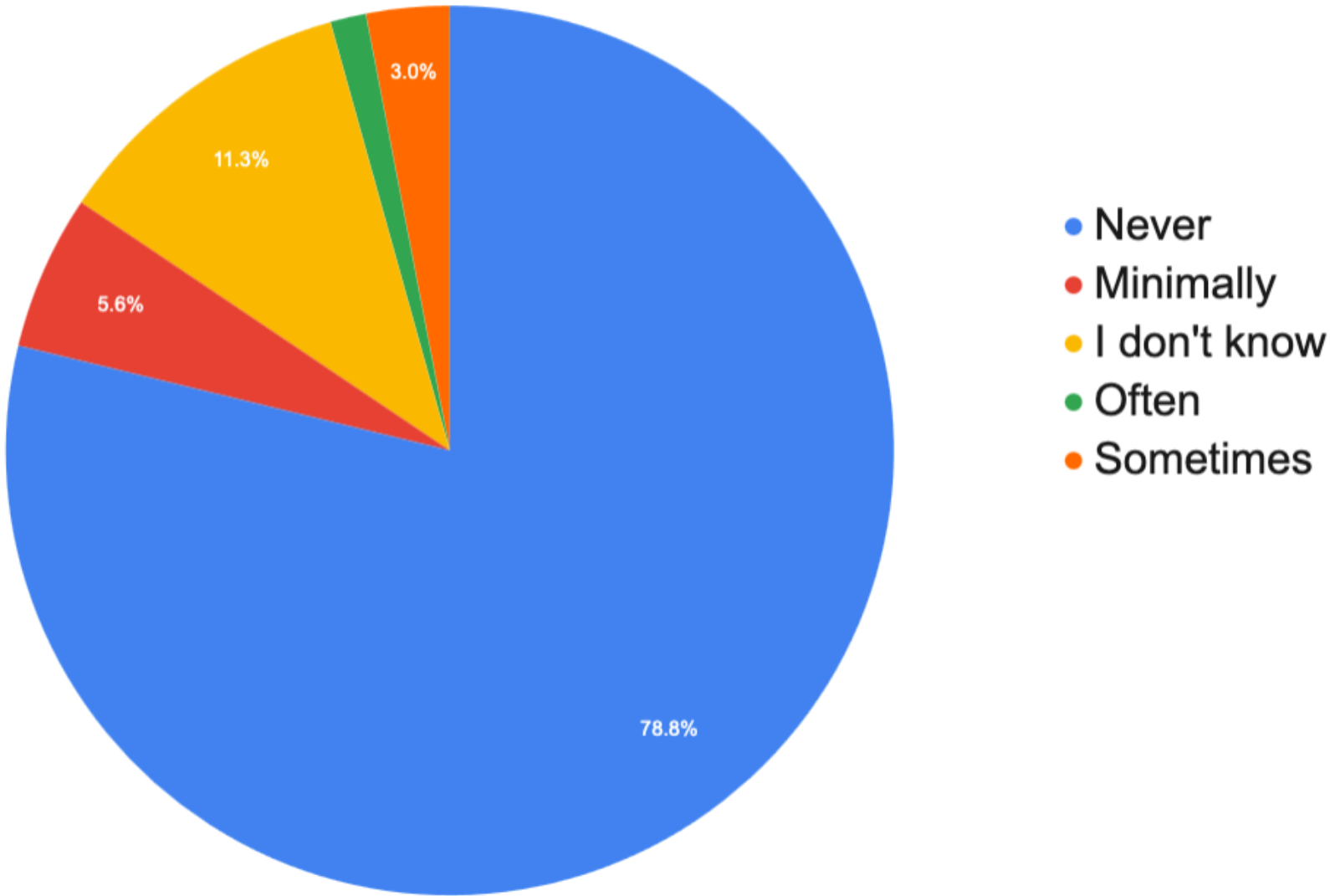
**Student Survey**

How often do you hear ADULTS at your school make fun of differences such as... [Gender or gender identification]



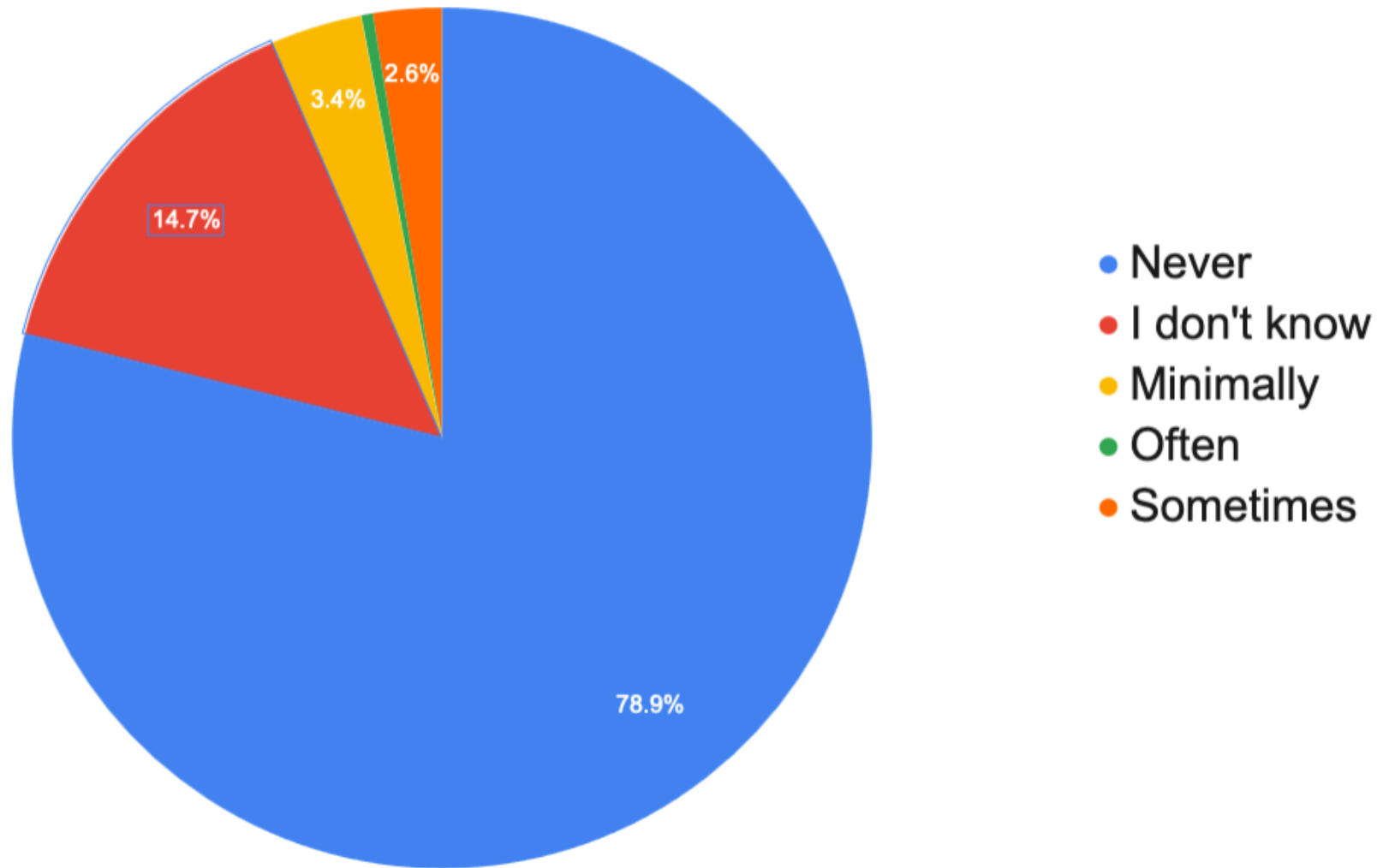
**Student Survey**

How often do you hear ADULTS at your school make fun of differences such as... [Learning difficulties]



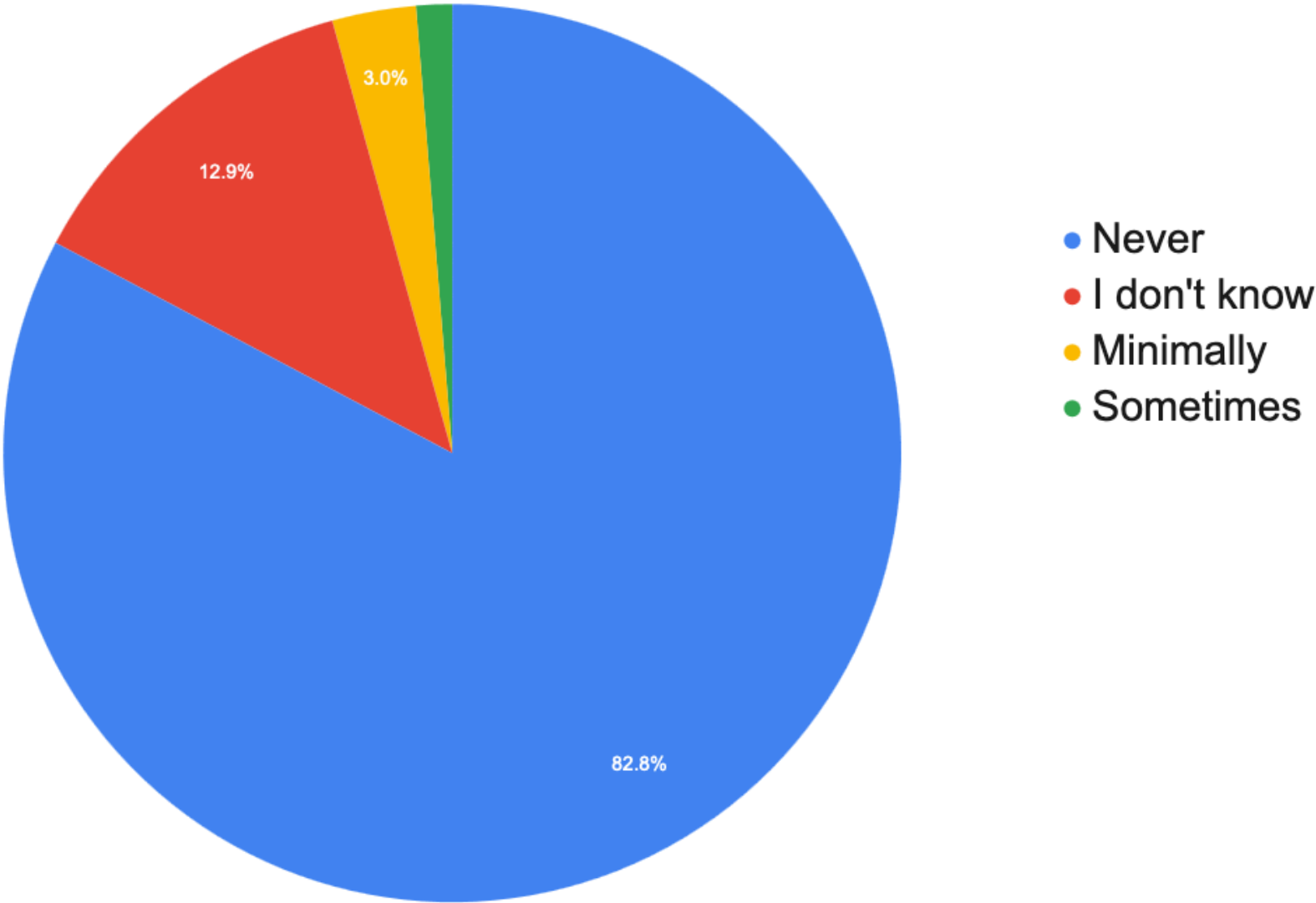
**Student Survey**

How often do you hear ADULTS at your school make fun of differences such as... [Clothing or physical appearance]



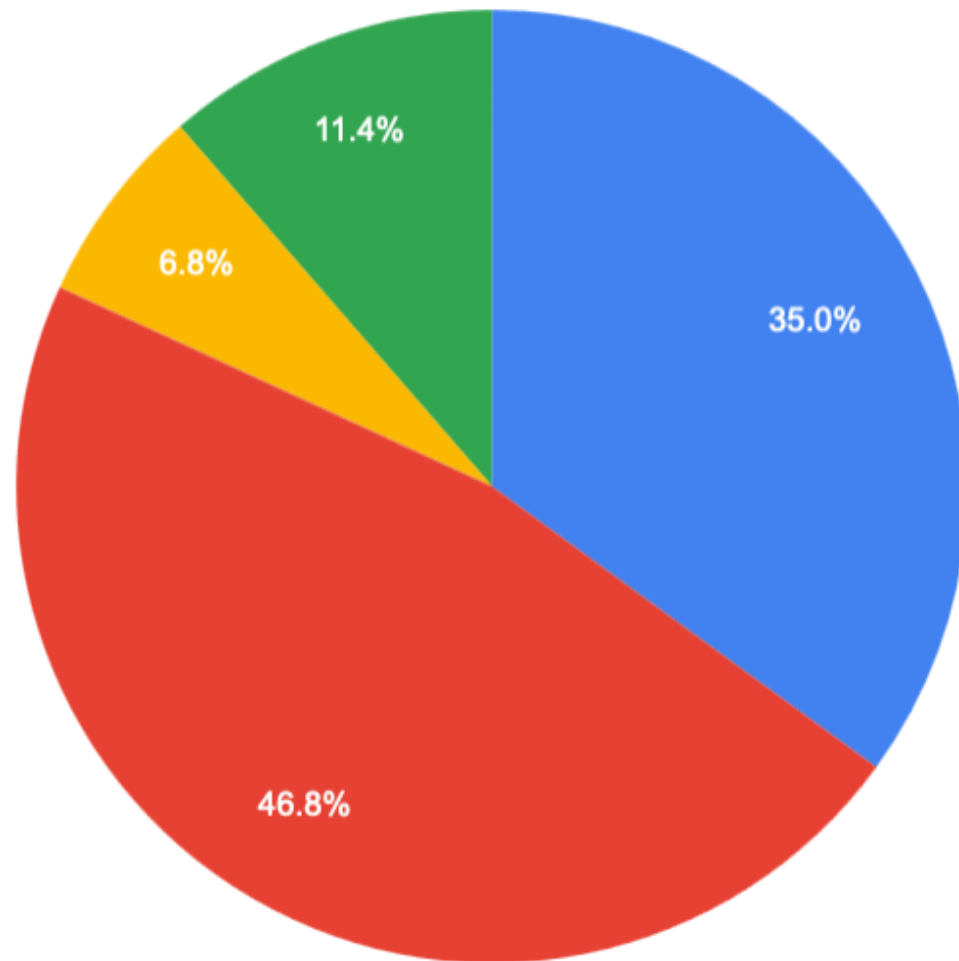
**Student Survey**

How often do you hear ADULTS at your school make fun of differences such as... [Religion or cultural practices]



**Student Survey**

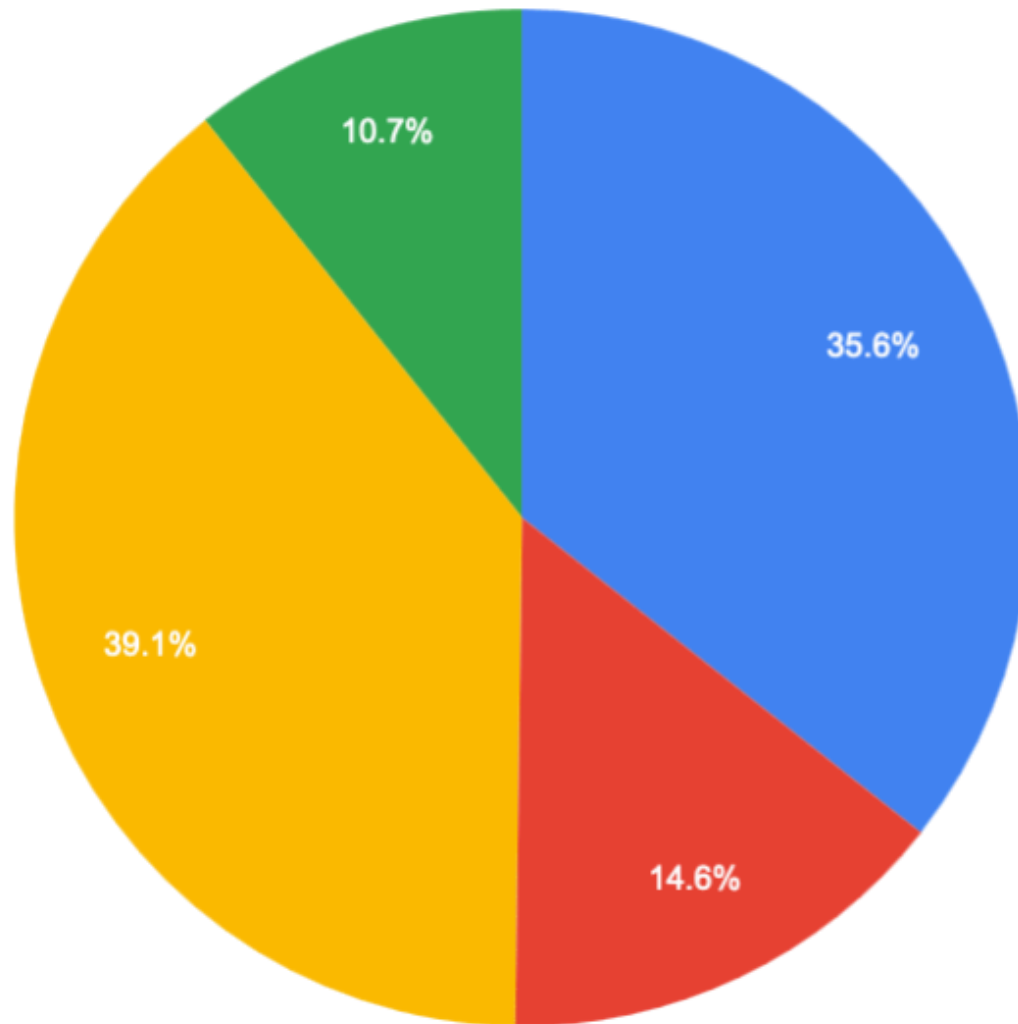
**How familiar are you with the following? [Classroom rules and consequences when those rules are broken.]**



- Familiar
- Very familiar
- Not familiar at all
- Somewhat familiar

**Student Survey**

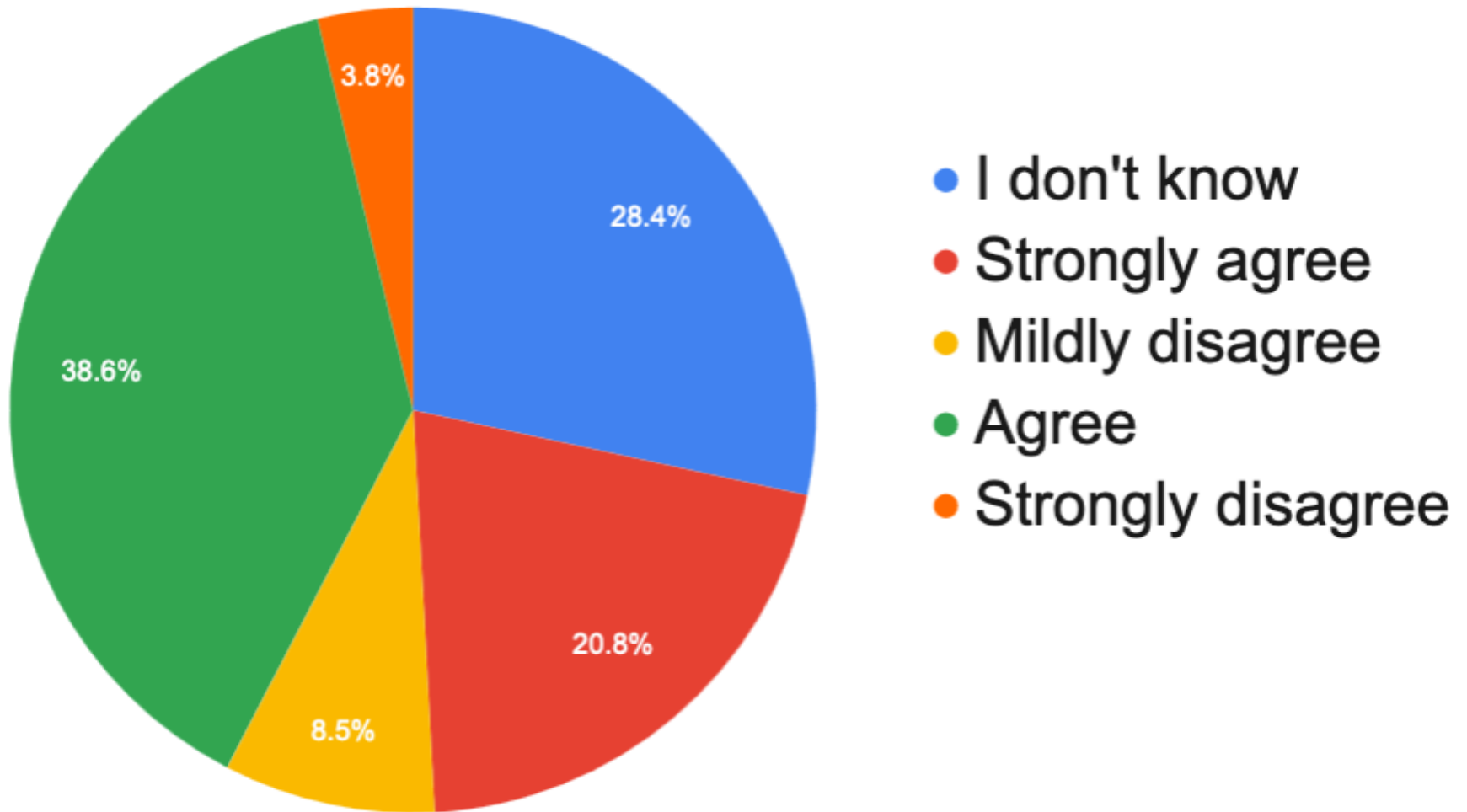
**How familiar are you with the following? [School-wide rules and consequences when those rules are broken.]**



- Familiar
- Somewhat familiar
- Very familiar
- Not familiar at all

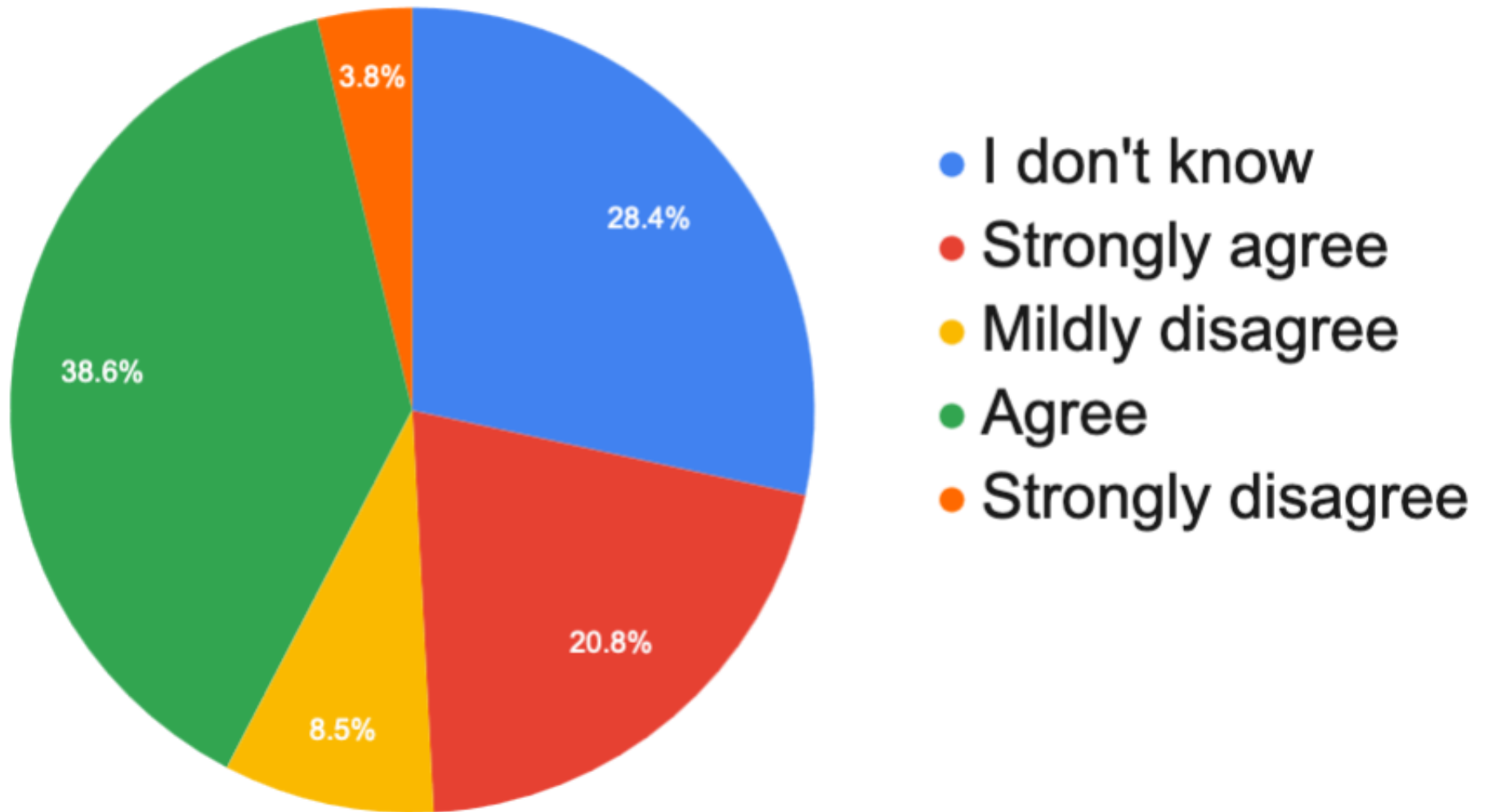
**Student Survey**

**I think that suspensions and expulsions are assigned when necessary.**



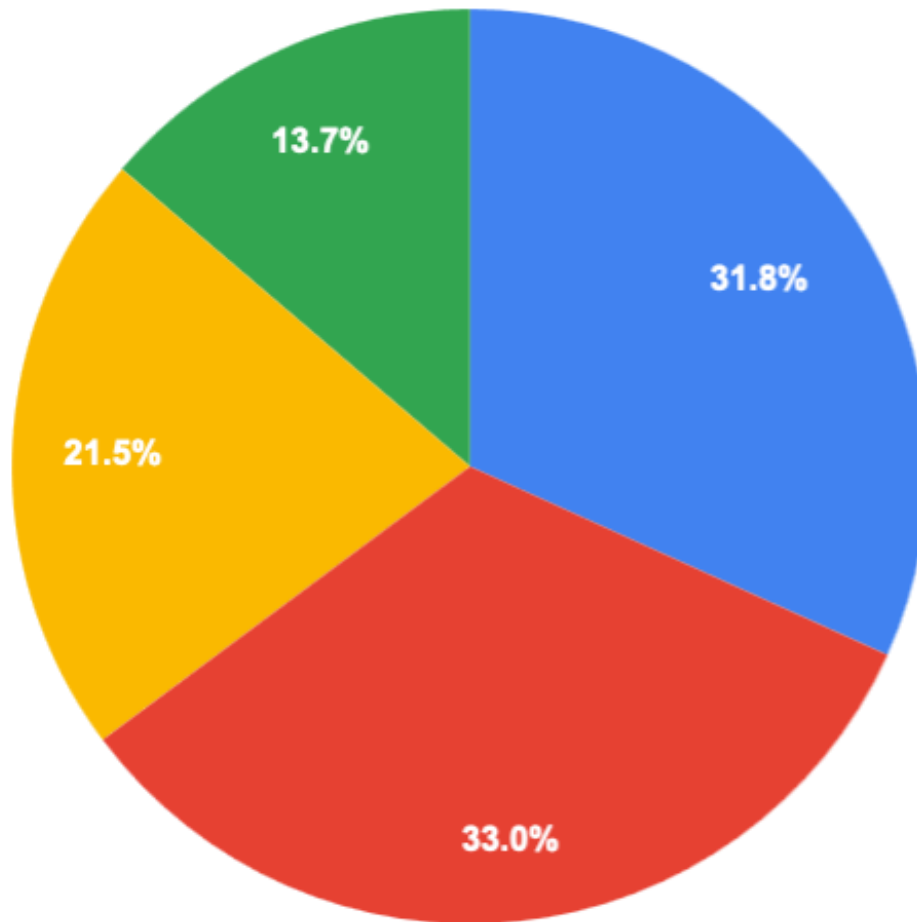
**Student Survey**

**I think that suspensions and expulsions are assigned when necessary.**



**Student Survey**

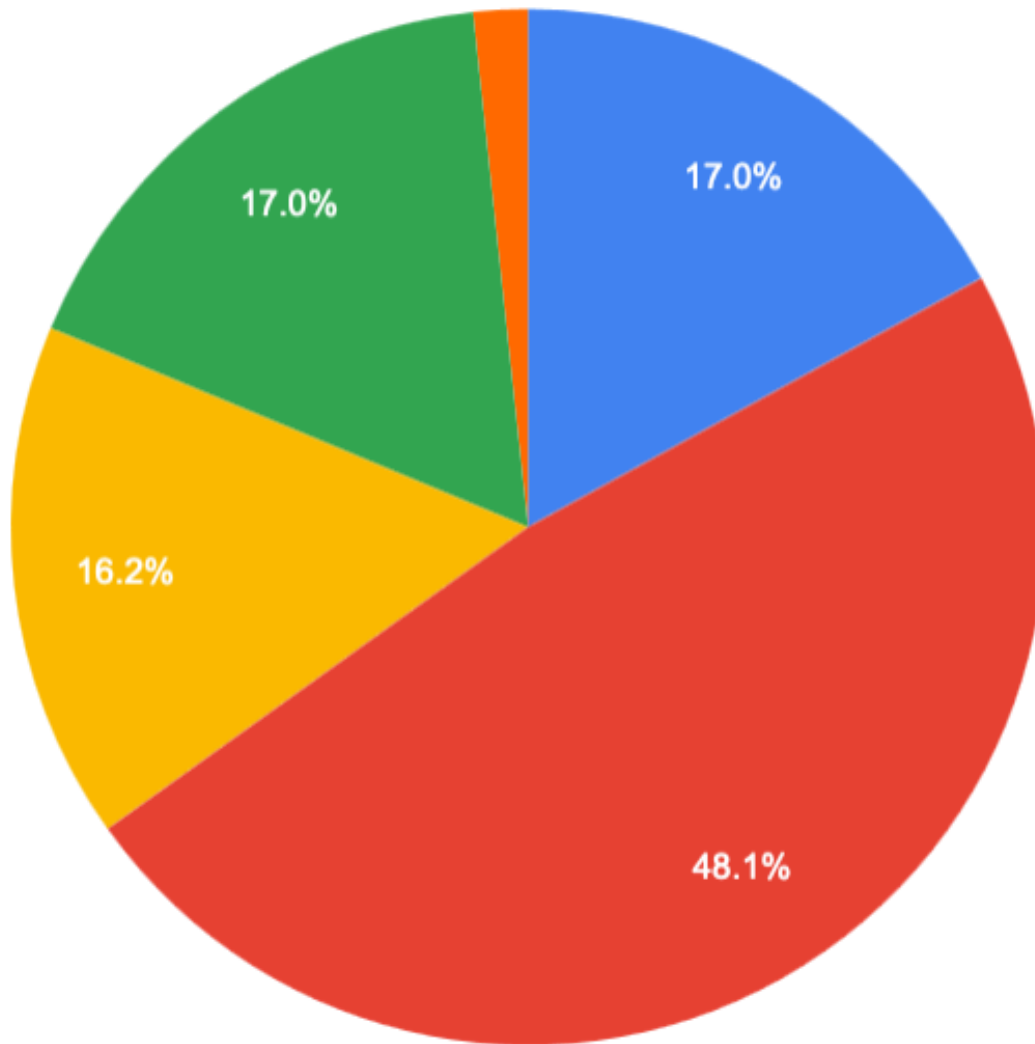
**How familiar are you with the following? [Cyberbullying rules and consequences when those rules are broken.]**



- Familiar
- Very familiar
- Not familiar at all
- Somewhat familiar

**Student Survey**

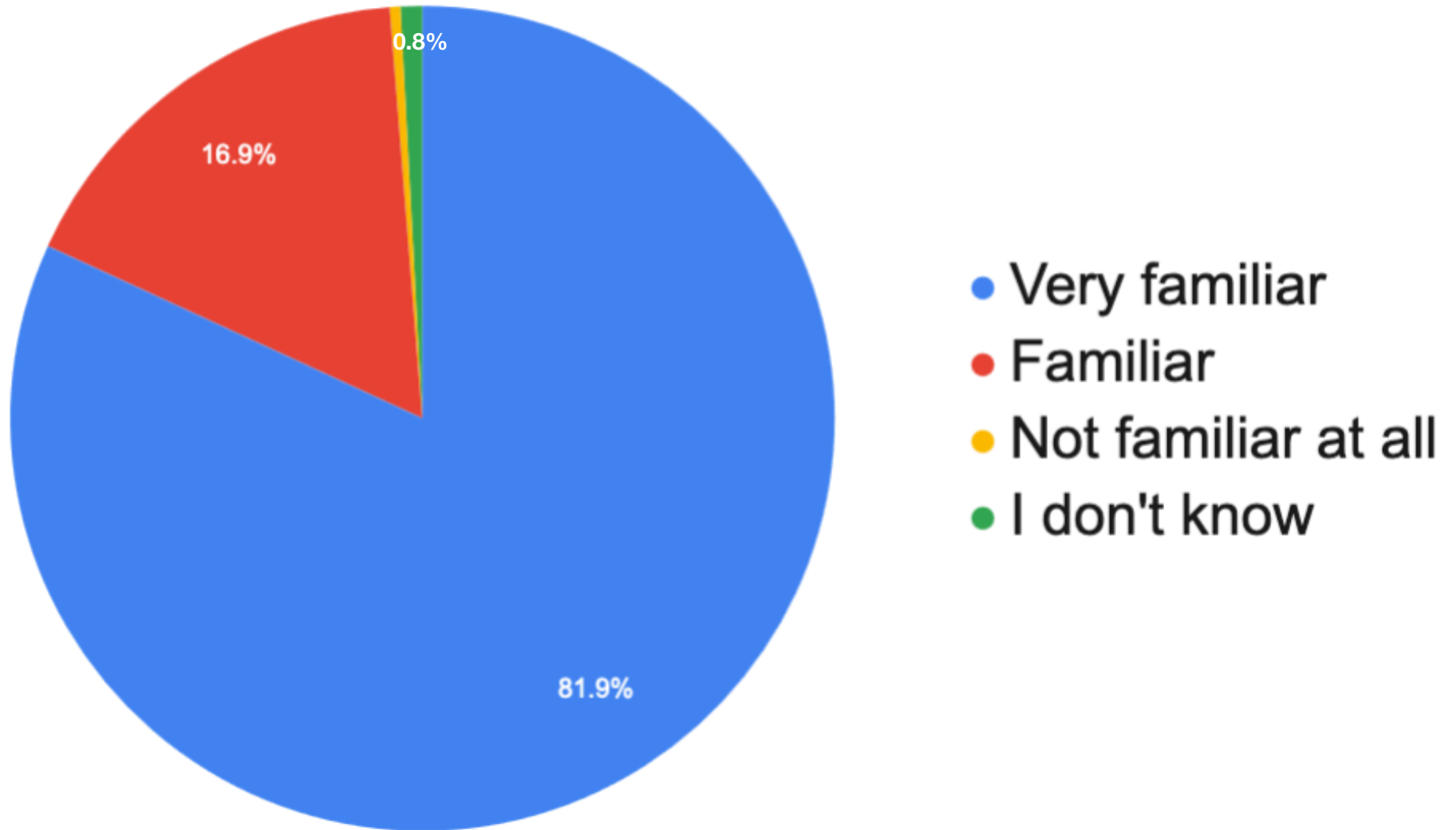
**The facilities and grounds are well maintained at my school.**



- I don't know
- Agree
- Mildly disagree
- Strongly agree
- Strongly disagree

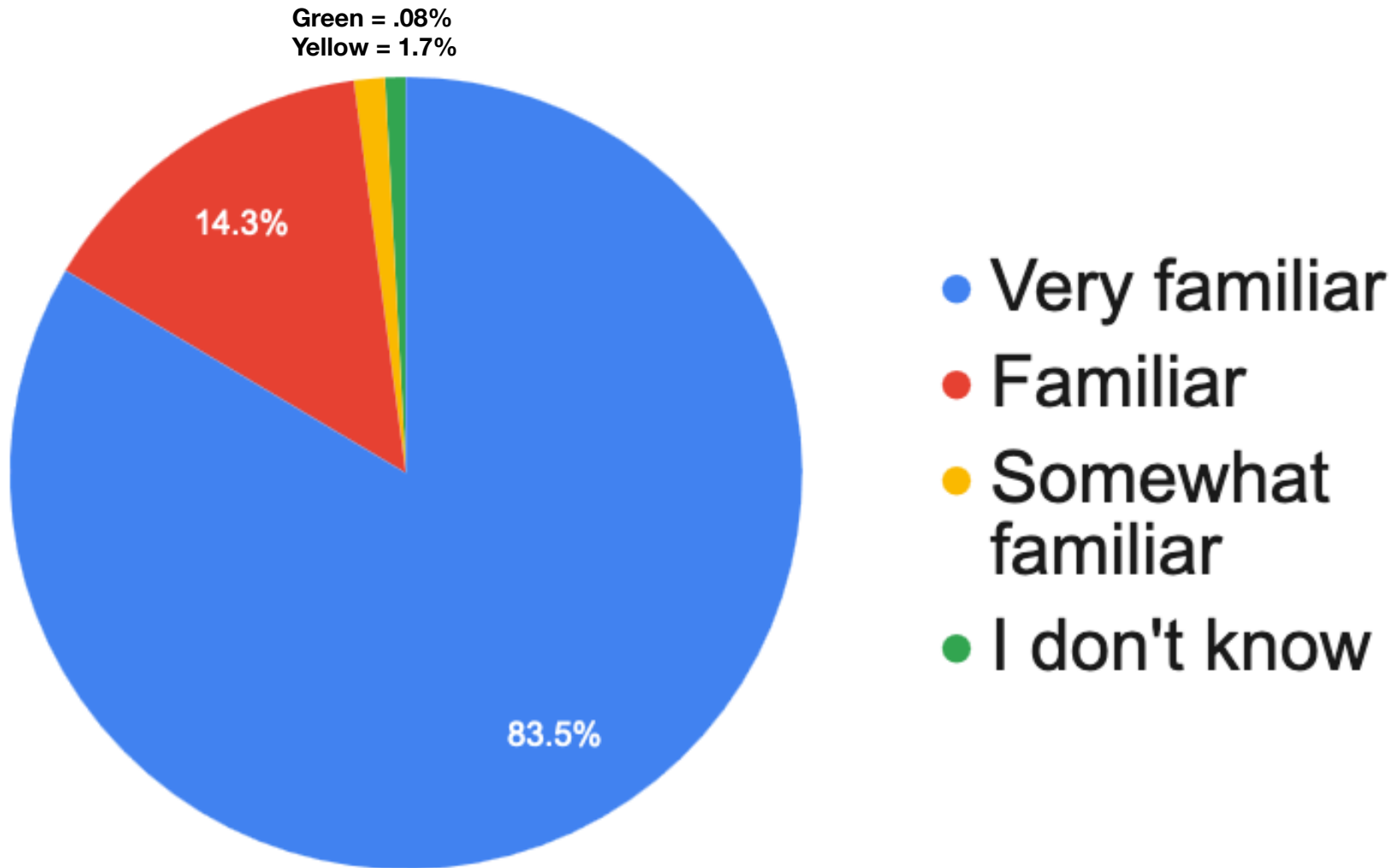
**Student Survey**

How well do understand your school Emergency procedures? [Fire Drill]



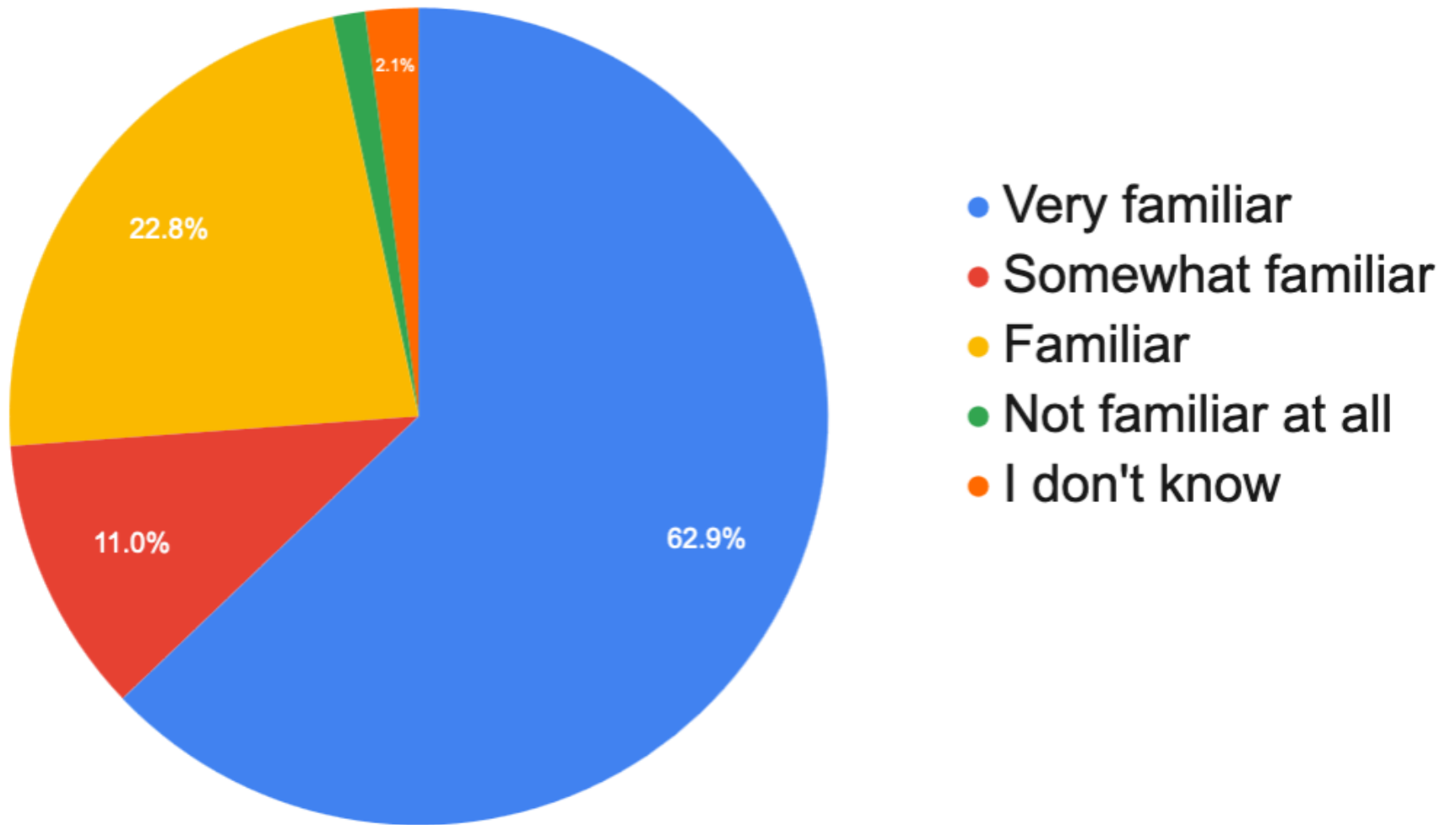
**Student Survey**

## How well do understand your school Emergency procedures? [Earthquake Drill]



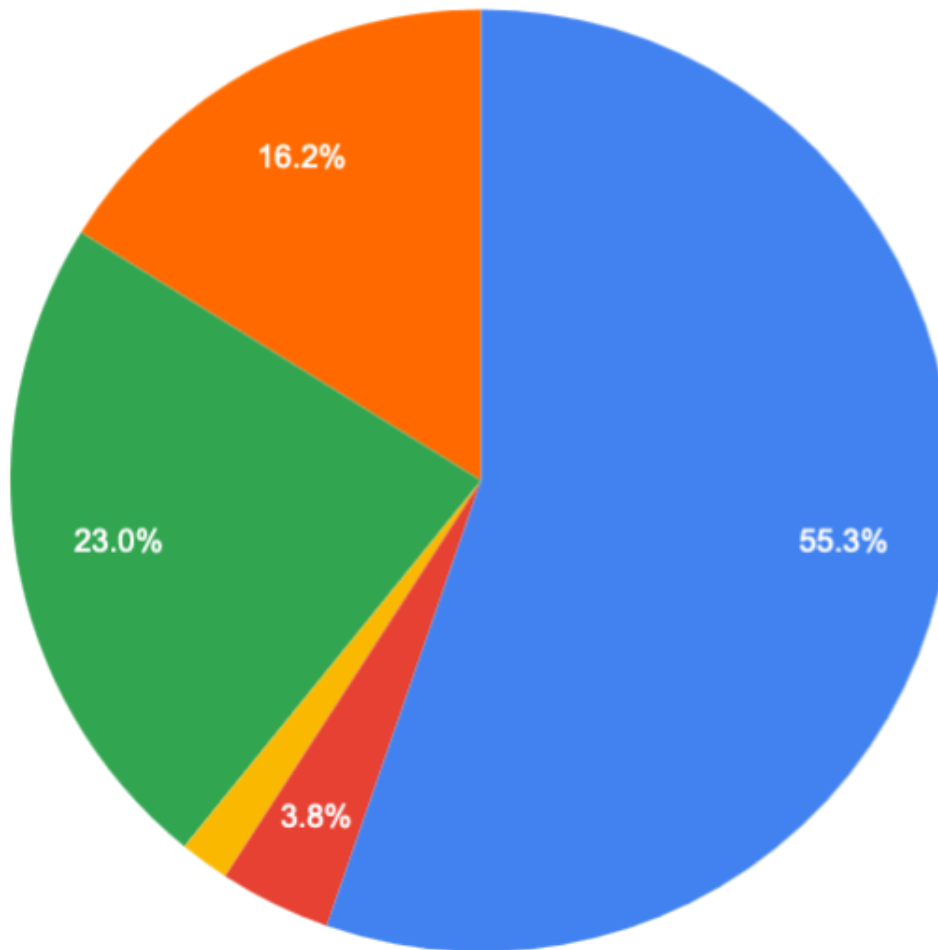
**Student Survey**

How well do understand your school Emergency procedures? [Shelter in Place]



**Student Survey**

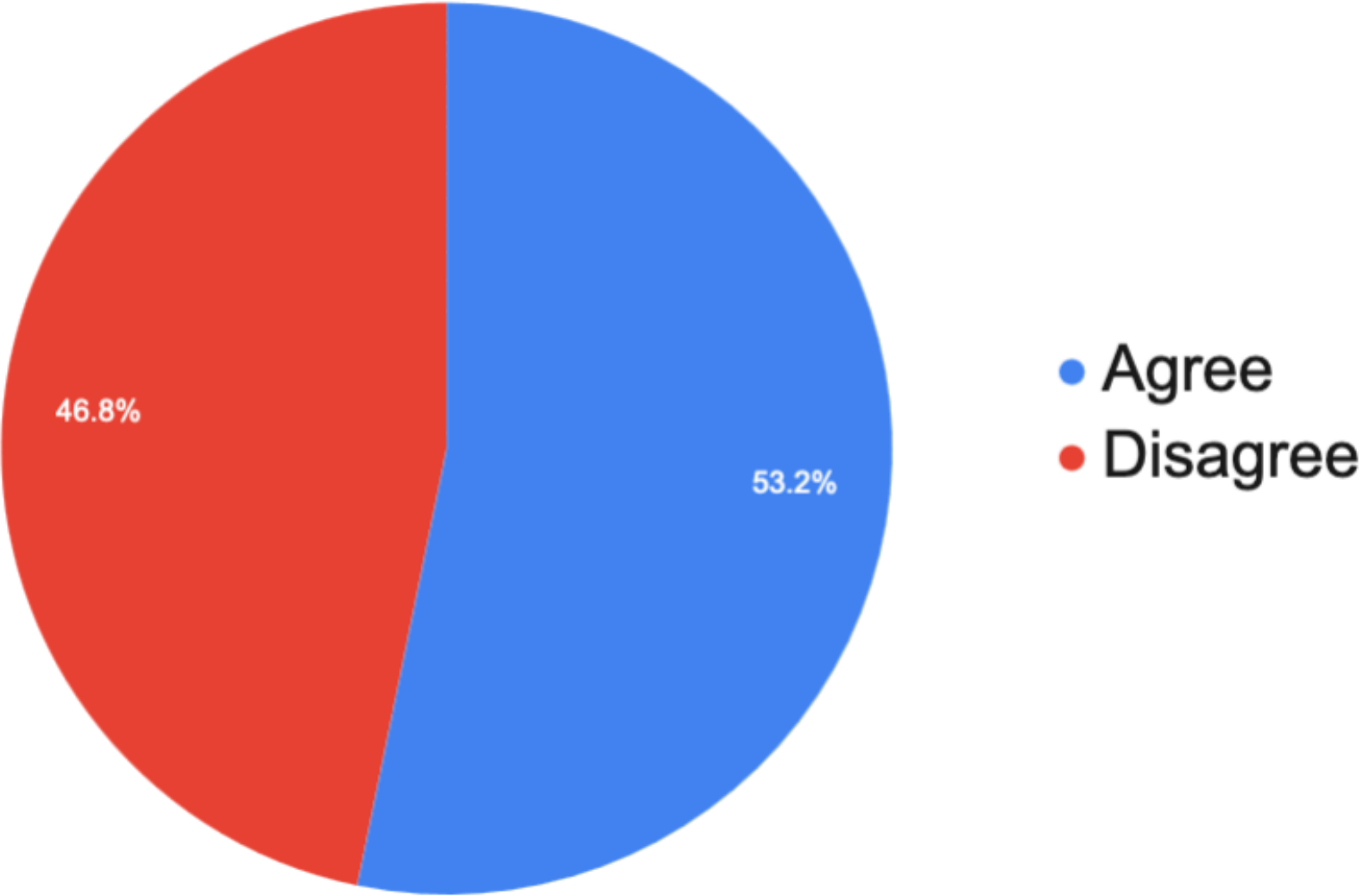
How well do understand your school Emergency procedures? [Run, Hide, Defend]



- Very familiar
- Not familiar at all
- I don't know
- Familiar
- Somewhat familiar

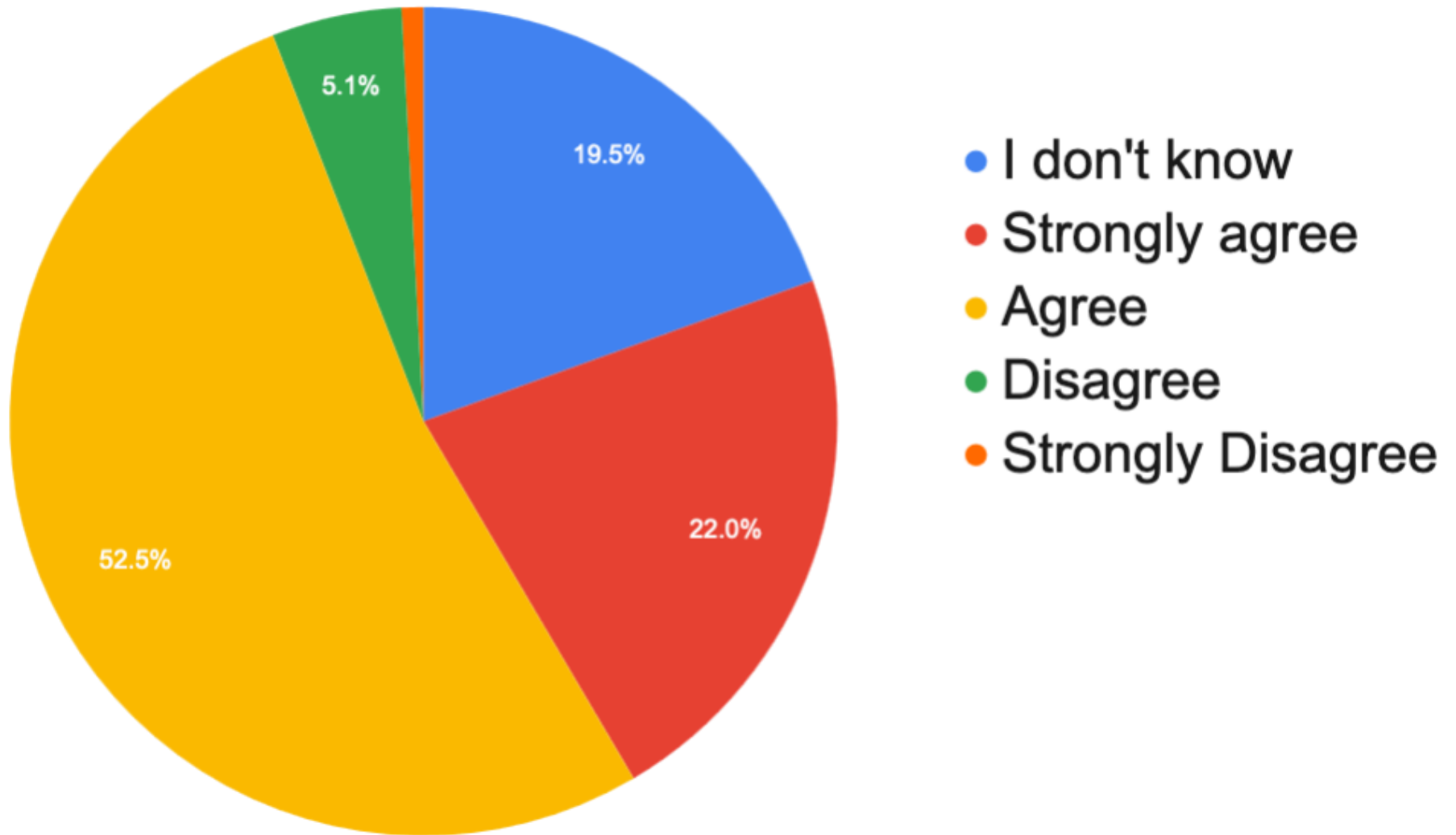
**Student Survey**

**I am aware of the District's Wellness Connections webpage.**



**Student Survey**

**My school has a way to recognize positive behavior among students.**



**Student Survey**