

Folsom Cordova Unified School District

Parent's Rights and Responsibilities Handbook and Student Code of Conduct 2024-2025

Board of Education

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RECEIPT OF NOTICE

The Board of Education is required by law to notify parents/guardians of certain rights and responsibilities. This annual notification contains a summary of these rights and responsibilities. You may contact the principal of the school your child attends if you have questions regarding this information.

FCUSD's COMMITMENT TO ALL STUDENTS

The Folsom Cordova Unified School District fosters the safety, success, and wellness of all students by creating a positive school culture and celebrating the power of diversity and differences. Our schools, students, families, and employees will treat each other with respect, and refuse to tolerate behavior that causes harm. Hateful and discriminatory actions or words – which target a person's actual or perceived race, ethnicity, culture, heritage, gender, sex, sexual orientation, immigration status, socioeconomic status, physical/mental attributes, or religious beliefs or practices - will not be tolerated in our school communities.

The information contained in this document is important for you and your child(ren). Please review each section to familiarize yourself with Education Code 48980 pertaining to your rights, responsibilities, and important policies of the Folsom Cordova Unified School District.

You are invited to share your comments and/or request additional information regarding District policies related to these programs, activities, and services from the office of your child's school, or by contacting the District Education Services Center at 916-294-9000.

The Board of Trustees, Superintendent, and staff wish you a most enjoyable and successful year.

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CAMPUS SAFETY

PROTECTION OF STUDENTS AND STAFF

To provide for the protection and the safety of students, teachers, employees, and school property, the public (except those persons exempted) is required to register in the school office prior to entering or remaining on the school premises during school hours. Signs are posted at each school entrance indicating the location of the school office (place of registration) and penalties for failure to comply. Should you have any questions, please contact the school's office.

EMPLOYEE CODE OF CONDUCT; INTERACTIONS WITH STUDENTS **EC 44050; BP 4119.21**

The Governing Board expects district employees to maintain the highest ethical standards, exhibit professional behavior, follow district policies and regulations, abide by state and federal laws, and exercise good judgment when interacting with students and other members of the school community. Employee conduct should enhance the integrity of the district, advance the goals of the district's educational programs, and contribute to a positive school climate.

CIVILITY AND MUTUAL RESPECT **EC 44811; BP 1313, 1313.02**

Folsom Cordova Unified School District staff will treat parents and other members of the public with respect and expect the same in return. The Superintendent is committed to maintaining orderly educational and administrative processes in keeping schools and administrative offices free from disruptions and preventing unauthorized persons from entering school grounds. Board Policy 1313.02 promotes mutual respect, civility, and orderly conduct among Folsom Cordova Unified School District employees, parents, and the public. This policy is not intended to deprive any person of his/her right to freedom of expression, but only to maintain, to the extent possible and reasonable, a safe, harassment-free workplace for our students and staff. In the interest of presenting Folsom Cordova Unified School District employees as positive role models to the children of district programs, as well as the community, the Superintendent encourages positive communication, and discourages volatile, hostile, or aggressive actions. The Superintendent seeks public cooperation with this endeavor. Any individual who disrupts or threatens to disrupt school operations; threatens the health and safety of students or staff; willfully causes property damage; uses loud and/or offensive language which could provoke a violent reaction; or who has otherwise established a continued pattern of unauthorized entry on school property, will be directed to leave school property promptly by the Superintendent or designee.

NONDISCRIMINATION **34 CFR 104.8, 106.9; BP 0410, 6178; BP and AR 5145.3**

The Governing Board is committed to providing equal opportunity for all individuals in District programs and activities. District programs, activities, and programs shall be free from unlawful discrimination, discrimination against an individual or group based on race, color, creed, ancestry, nationality, national origin, immigration status, ethnic group identification, ethnicity, language age, religion, marital status, pregnancy, parental status, physical or mental disability, sex or sexual orientation, gender, gender identify, gender expression, genetic information, geographic location, or socioeconomic status, 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. Please see Appendix for full version of BP and AR 5145.3 Nondiscrimination/Harassment.

BULLYING **BP 5131.2**

The Governing Board 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, while going to or coming from school, while at school activities, and while on district transportation. Prohibited student conduct includes but is not limited to harassment of students or staff, including bullying, intimidation, cyberbullying, hazing or initiation activity, ridicule, extortion, or any other verbal, written, or physical conduct that causes or threatens to cause bodily harm or emotional suffering. Please see Appendix for full version of BP 5131.1 Bullying.

SEXUAL HARASSMENT

EC 231.5; 5 CCR 4917; AR 5145.7, BP and AR 5145.7

The Governing Board is committed to maintaining a learning environment that is free of harassment. Board Policy 5145.7 prohibits the unlawful sexual harassment of any student by any employee, student, or other person at school or at any school-related activity. The District is committed to taking serious, immediate, and appropriate action with respect to violations of sexual harassment policy. Students shall be assured that they need not endure any form of sexual harassment. They shall further be assured that they need not endure, for any reason, any harassment that impairs the educational environment or a student's emotional well-being at school. Should a student believe that he/she has been subjected to sexual harassment, he/she shall file a complaint in accordance with the guidelines outlined under the Uniform Complaint Procedures or with the school principal. Students can be assured that the District will not tolerate retaliation as a result of the filing of a complaint. Any student who engages in the sexual harassment of anyone at school or a school related activity shall be subject to disciplinary action. Please see Appendix for full version of BP 5145.7 Sexual Harassment, AR 5145.7 Sexual Harassment, and AR 5145.71 Title IX Sexual Harassment Complaint Procedures

Donald Ogden, Associate Superintendent - Human Resources, Title IX Coordinator (employees), and Equity Compliance Officer
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(916) 294-9000 ext. 104410

Jim Huber, Ed.D., Assistant Superintendent - Educational Services, Title IX Coordinator (students), Section 504 Coordinator, and Equity Compliance Officer
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UNIFORM COMPLAINT PROCEDURES (UCP) Annual Notice **5 CCR 4632; BP and AR 1312.3, BP 0460**

The Folsom Cordova Unified School District annually notifies our students, employees, parents or guardians of its students, the district advisory committee, school advisory committees, appropriate private school officials, and other interested parties of our Uniform Complaint Procedures (UCP) process. Annual written notice of the complaint procedures shall be in English, and when necessary, in the primary language, pursuant to Ed Code Section 48985 or mode of communication of the recipient of the notice.

The UCP Annual Notice is available on our website at www.fcusd.org.

We are primarily responsible for compliance with federal and state laws and regulations, including those related to unlawful discrimination, harassment, intimidation or bullying against any protected group, and all programs and activities that are subject to the UCP.

Programs and Activities Subject to the UCP

Accommodations for Pregnant and Parenting Pupils

Adult Education

After School Education and Safety

Agricultural Career Technical Education

Career Technical and Technical Education and Career Technical and Technical Training Programs

Child Care and Development Programs

Compensatory Education

Consolidated Categorical Aid Programs

Course Periods without Educational Content

Discrimination, harassment, intimidation, or bullying against any protected group as identified under sections 200 and 220 and Section 11135 of the Government Code, including any actual or perceived characteristic as set forth in Section 422.55 of the Penal Code, or on the basis of a person's association with a person or group with one or more of these actual or perceived characteristics, in any program or activity conducted by an educational institution, as defined in Section 210.3, that is funded directly by, or that receives or benefits from, any state financial assistance.

Educational and graduation requirements for pupils in foster care, pupils who are homeless, pupils from military families and pupils formerly in Juvenile Court now enrolled in a school district.

Every Student Succeeds Act

Local Control and Accountability Plans (LCAP)

Migrant Education

Physical Education Instructional Minutes

Pupils Fees

Reasonable Accommodations to a Lactating Pupil

Regional Occupational Centers and Programs

School Plans for Student Achievement

Schoolsite Councils

State Preschool

State Preschool Health and Safety Issues in LEAs Exempt from Licensing

And any other state or federal educational program the State Superintendent of Public Instruction (SSPI) of the California Department of Education (CDE) or designee deems appropriate.

Filing a UCP Complaint

A UCP complaint shall be filed no later than one year from the date the alleged violation occurred.

For complaints relating to Local Control and Accountability Plans (LCAP), the date of the alleged violation is the date when reviewing authority approves the LCAP or annual update that was adopted by our agency.

A pupil enrolled in any of our public schools shall not be required to pay a pupil fee for participation in an educational activity.

A pupil fee complaint may be filed with the principal of a school or our Superintendent or their designee.

A pupil fee or LCAP complaint may be filed anonymously, that is, without an identifying signature, if the complainant provides evidence or information leading to evidence to support an allegation of noncompliance.

Responsibilities of the Folsom Cordova Unified School District

The District shall post a standardized notice, in addition to this notice, with educational and graduation requirements for pupils in foster care, pupils who are homeless, pupils from military families and pupils formerly in Juvenile Court now enrolled in a school district.

The District advises complainants of the opportunity to appeal an Investigation Report of complaints regarding programs within the scope of the UCP to the Department of Education (CDE).

The District advises complainants of civil law remedies, including injunctions, restraining orders, or other remedies or orders that may be available under state or federal discrimination, harassment, intimidation or bullying laws, if applicable.

Copies of UCP procedures shall be available free of charge.

For UCP Complaints Regarding State Preschool Health and Safety Issues Pursuant to Section 1596.7925 of the California Health and Safety Code (HSC)

In order to identify appropriate subjects of state preschool health and safety issues pursuant to Section 1596.7925 of the California Health and Safety Code (HSC) a notice shall be posted in each California state preschool program classroom in each school in our agency.

The notice is in addition to this UCP annual notice and addresses parents, guardians, pupils, and teachers of (1) the health and safety requirements under Title 5 of the California Code of Regulations (5 CCR) that pally to California state preschool programs pursuant to HSC Section 1596.7925, and (2) the location at which to obtain a form to file a complaint.

Contact Information

Complaints within the scope of the UCP are to be filled with the person responsible for processing complaints:

Donald Ogden, Associate Superintendent, Human Resources, Title IX Coordinator (Employees) and Equity Compliance Officer
dogden@fcusd.org
(916) 294-9000 ext. 104410

Jim Huber, Ed.D.
Assistant Superintendent of Educational Services, Title IX Coordinator (students), Section 504 Coordinator,
and Equity Compliance Officer
jhuber@fcusd.org
(916) 294-9000 ext. 104625
1965 Birkmont Drive Rancho Cordova, CA 95742

The above contact(s) is knowledgeable about the laws and programs that they are assigned to investigate in Folsom Cordova Unified School District.

WILLIAMS UNIFORM COMPLAINT PROCEDURES BP and AR 1312.4

The District's Williams Uniform Complaint Procedures, AR 1312.4, shall be used to investigate and resolve any complaint related to the following:

1. Complaints regarding the insufficiency of textbooks and instructional materials, including any complaint alleging that: (Education Code 35186; 5 CCR 4681)
 - a. A student, including an English learner, does not have standards-aligned textbooks or instructional materials or state-or-district-adopted textbooks or other required instructional materials to use in class.
 - b. A student does not have access to textbooks or instructional materials to use at home or after school. This does not require two sets of textbooks or instructional materials for each student.
 - c. Textbooks or instructional materials are in poor or unusable condition or unusable condition, have missing pages, or unreadable due to damage.
 - d. A student was provided photocopied sheets from only a portion of a textbook or instructional materials to address a shortage of textbooks or instructional materials.
2. Complaints regarding teacher vacancy or misassignment, including any complaint alleging that: (Education Code 35186; 5 CCR 4682)
 - a. A semester begins and a teacher vacancy exists.
 - b. A teacher who lacks credentials or training to teach English learners is assigned to teach a class with more than 20% percent English learners in the class
 - c. A teacher is assigned to teach a class for which the teacher lacks subject matter competency.
3. Complaints regarding the condition of school facilities, including any complaint alleging that: (Education Code 35186; 5 CCR 4683)
 - a. A condition poses an emergency or urgent threat to the health or safety of students or staff.
 - b. A school restroom has not been cleaned, maintained, or kept open in accordance with Education Code 35292.5.

Please see Appendix for full version of AR 1312.4 Williams Uniform Complaint Procedures.

A notice of the Williams Act complaint rights to parents, guardians, pupils, and teacher is posted in all District classrooms and available on the District's website at www.fcusd.org.

Folsom Cordova Unified School District's Uniform Complaint policy and procedures are available free of charge and are posted on the District's website at www.fcusd.org, and are available in English, Spanish, and Russian. This notice is provided to students, employees, parents or guardians of students, school and district advisory committees, appropriate private school officials or representatives, and other interested parties.

PERSONAL PROPERTY

The District is not responsible for loss or theft of personal property. Students are discouraged from bringing non-instructional items to school, such as AirPods, cell phones, speakers, or skateboards, or other high value devices. Refer to the student-parent handbook at each school for more specific rules.

VANDALISM

All parents and guardians are asked to help prevent vandalism by impressing upon their child the seriousness of destroying school property. Citizens living near the schools are requested to report any acts of suspected vandalism to the school principal or to the proper authorities - in Rancho Cordova call 916-362-5115, or in Folsom call 916-355-7231.

Note: The 911 emergency telephone number will quickly summon *emergency service in a crisis situation*. This number may be used to contact the local fire department, sheriff's office, police department, or the highway patrol. Parents of students who vandalize school property may be charged for the damage incurred.

SAFE SCHOOL ENVIRONMENT

As required by law, the Folsom Cordova Unified School District must allow a student attending a "persistently dangerous" school, or who becomes a victim of a violent criminal offense while in or on the grounds of a school that the student attends, to attend a safe public elementary or secondary school within the District's jurisdiction. (20 USC 791{a})

SCHOOL SAFETY AND HOMICIDE THREATS EC 49390, 49391, 49392; BP and AR 0450

The Governing Board recognizes that students and staff have the right to a safe and secure campus where they are free from physical and psychological harm and 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 Superintendent or designee shall consult with local law enforcement and other appropriate individuals and agencies to address the security of school campuses and providing a safe environment for students, staff, and visitors on campus.

If a District employee observes or suspects that any unauthorized person is in possession of a firearm on or near school grounds or at a school activity, or any writing or action of a pupil that creates a reasonable suspicion that the pupil is preparing to commit a homicidal act related to school or school activity the employee shall immediately notify the principal or designee and law enforcement. This may include possession, use or depictions of firearms, ammunition, shooting, or targets in association with infliction of physical harm, destruction, or death in a social media post, journal, class note, or other media associated with the pupil. It may also include a warning by a parent, pupil or other individual. After the initial report, the District shall immediately investigate any threat or perceived threat (e.g., threat assessment).

The prohibition against the possession of firearms on school grounds shall be included in the District's comprehensive safety plan and shall be communicated to District staff, parents/guardians, and the community.

SAFE STORAGE OF FIREARMS AND SCHOOL SAFETY

Folsom Cordova Unified School District is required by law to inform and to remind parents and legal guardians of all students in the District of their responsibility for keeping firearms out of the hands of children as required by California law. There have been many news reports of children bringing firearms to school. In many instances, the child obtained the firearm(s) from their home. **These incidents can be easily prevented by storing firearms in a safe and secure manner, keeping them locked up when not in use and storing the separately from ammunition.**

To help everyone understand their legal responsibilities, below is a summary of California law regarding the storage of firearms. Please take some time to review this information and evaluate your own personal practices to assure that you and your family are in compliance with California law.

- With very limited exceptions, California makes a person criminally liable for keeping any firearm, loaded or unloaded, within any premises that are under their custody and control where that person knows or reasonably should know that a child is likely to gain access to the firearm without the permission of the child's parent or legal guardian, and the child obtains access to the firearm and thereby (1) causes death or injury to the child or any other person; (2) carries the firearm off the premises or to a public place, including to any preschool or school grades kindergarten through twelfth grade, or to any school-sponsored event, activity, or performance; **or** (3) unlawfully brandishes the firearm at others.
 - **NOTE:** The criminal penalty may be significantly greater if someone dies or suffers great bodily injury as a result of the child gaining access to the firearm.
- With very limited exceptions, California also make it a crime for a person to negligently store or leave any firearm, loaded or unloaded, on their premises in a location where the person know or reasonably should know that a child is likely to gain access to it without the permission of the child's parent or legal guardian, unless reasonable action is taken to secure the firearm against access by the child, even where a minor **never** actually access the firearm.
- In addition to potential fines and terms of imprisonment, as of January 1, 2020, a gun owner found criminally liable under these California laws faces prohibitions from possessing, controlling, owning, receiving, or purchasing a firearm for 10 years.
- Finally, a parent or guardian may also be civilly liable for damages resulting from the discharge of a firearm by that person's child or ward.

NOTE: Your county or city may have additional restrictions regarding the safe storage of firearms.

Thank you for helping to keep our children and schools safe. Remember that the easiest and safest way to comply with the law is to keep firearms in a locked container or secured with a locking device that renders the firearm inoperable.

WHAT TO EXPECT DURING A SCHOOL EMERGENCY

EC 32281; BP and AR 0450

The safety of students and staff is our highest priority. Multiple safety measures on campus are in place, including regular staff training, Comprehensive School Safety Plans posted on all school websites, practice drills, security cameras on all campuses, School Resource Officers throughout the District and a strong partnership with law enforcement and first responders.

Should an emergency situation on campus occur, please review the procedures below to be aware and prepared. It is important for parents/guardians to be knowledgeable of these procedures and to know what occurs during emergency situations.

The first priority for school staff during an emergency is to ensure the safety of students, staff members and any guests who are on campus by enacting your site's Comprehensive School Safety Plan and following all steps to secure safety.

Emergency situations can cause disruptions to regular communication, schedules, and plans.

Schools work with students to prepare them for situations by conducting drills each year. Some may be as simple as the traditional fire and evacuation drill, while others focus on lockdown situations and intruders on campus. The purpose is never to scare students, or parents/guardians but to provide the skills and knowledge needed to remain safe during an emergency situation.

Students Roles in an Emergency

We ask that students remain calm and follow the directions and safety measures that have been practiced according to the site's Comprehensive School Safety Plan. Perpetuating rumors or hearsay can have a negative impact on important safety steps. This includes sending unverified information via text message or social media posts.

Please note that per [Board Policy 5131.8](#), students TK - 8 grade are not allowed to have cell phones during the instructional day.

We want parents/guardians and students to have accurate and timely information. School leadership is committed to responsive communication and updated information to families following actions taken for securing a situation with the safety of all involved as the priority.

If a violent situation occurs, students should:

- Notify the nearest school staff member.
- Share all relevant information with law enforcement, teachers, and school staff.
- During and after the crisis, to the extent that is safe, keep personal items with them, do not pick anything up, and not go back for anything until receiving clearance.
- Stay calm and reassure fellow students.

Parent/Guardian Roles in an Emergency

- **Please familiarize yourself with your school site's Comprehensive School Safety Plan posted on your school's website.**
- Stay calm during a school emergency.
- Make sure your emergency contact numbers and email are updated and on file in the school's office.
- During a school emergency, please rely on law enforcement and/or District updates for accurate information. Updates will be sent as soon as possible.

IMPORTANT: Allow for a reasonable amount of time before receiving a communication update from law enforcement and/or District leaders. In an emergency, they will be working first to secure site safety before sending a communication update.

- Rely on factual information from law enforcement, the school or the District.
 - It is not uncommon for incorrect/false rumors to surface.
 - Inaccurate information can be alarming and potentially dangerous.
- Crisis counseling services will be available for you, or a child affected by a crisis.
- Please contact a school administrator or counselor about accessing counseling resources.

Reunification Process

If there is a traumatic event after which it's decided that no more instruction will occur that day, a formal reunification process will be initiated. The school will send a notification to parents/guardians asking that they come pick-up their student.

Please **DO NOT** arrive at a school site until you are notified of the pickup location. *Parents/guardians coming to campus without authorization during an emergency can potentially make a situation more hazardous, placing themselves, first responders, students and school personnel in additional jeopardy.* Parents or guardians will pick up at the school site, or at an alternate location, depending on the emergency situation. At the pickup site, staff will identify the child, and unite them with the parent(s)/guardian(s).

Parent/guardian identification will be required for formal reunifications to pick-up your child.

PLEASE DO NOT GO TO THE SCHOOL DURING A LOCKDOWN. NO ONE WILL BE ALLOWED TO ENTER OR EXIT THE CAMPUS UNTIL THE LOCKDOWN HAS BEEN LIFTED.

Please contact your child's school principal to learn more about specific safety procedures at their school.

YOUR RIGHTS AND EDUCATIONAL SERVICES

RIGHT TO A FREE PUBLIC EDUCATION REGARDLESS OF IMMIGRATION STATUS OR RELIGIOUS BELIEFS EC 234.7; BP 5145.13

The Governing Board is committed to the success of all students and believes that every school site should be a safe and welcoming place for all students and their families irrespective of their citizenship or immigration status. All students have the right to a free public education regardless of immigration status or religious beliefs and their rights related to immigration enforcement.

- All children have the right to a free public education.
- All children ages 6-12 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.
- When enrolling a child, schools must accept a variety of documents from the student's parent/guardian to demonstrate proof of 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.
- Federal and state laws protect student education records and personal information. These laws generally require schools to get written consent from parents/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 (InfoSnap), and let you know of your option to refuse release of your child's information in the directory.
- 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 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.
- 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, harasses, intimidated, or bullied on the basis of his or her actual or perceived nationality, ethnicity, or immigration status.

Consistent with requirements of the California Office of the Attorney General, FCUSD has developed procedures for addressing any requests by a law enforcement officer for access to district records, school sites, or students for the purpose of immigration enforcement.

LANGUAGE ACQUISITION PROGRAM **EC306, 310; BP and AR 6174**

As required by law, the Folsom Cordova Unified School District shall provide to students, effective and appropriate instructional methods, including, but not limited to, establishing language acquisition programs, as defined in Ed Code 306. This requirement is intended to ensure that all students, including English learners and native speakers of English, have access to the core academic content standards, including the English language development standards, as applicable, and become proficient in the English language. The Language Acquisition FCUSD currently offers to all English Learner Students is SEI (Structured English Immersion).

Language Programs:

Language programs are multilingual programs that offer opportunities for students who are not English learners to be instructed in languages other than English. These programs may lead to proficiency in languages other than English. The information about the Global Economy Initiative can be found at <https://www.cde.ca.gov/sp/el/er/casedge.asp> Examples of current FCUSD Language programs are as follows:

- FLES (Foreign Language Elementary Study) for non-English learner students
- World Language Coursers for secondary students

Other Language programs not currently offered by FCUSD could include, but are not limited to:

- One-Way Immersion for English-only students
- Foreign Language Elementary Experience (FLEX)
- Heritage/Indigenous Language
- Dual-Language Immersion (Two-Way)
- Developmental Bilingual
- Transitional Bilingual (Early Exit)
- One-Way Immersion for English Learners

Parent Choice:

Parents have the right to request a new or different Language program placement for their child. A brief description of the process is as follows; please refer to AR 6174 and BP 6174 for more detail:

- (1) A parent may request a new program at their school site (written or verbal). The school site will track requests.
- (2) When the requests meet the state determined threshold (30 pupils or more per school or 20 pupils or more within a single

grade level), the following will happen:

- (a) The school will notify the District, the parents of pupils attending the school, school staff, ELAC and DELAC of the request; The District will perform a cost analysis and needs assessment for implementation of any new language acquisition or language program (i.e.: certificated teachers with appropriate authorizations, necessary instructional materials, professional development related to the new program, and opportunities for parent and community engagement to support the proposed program goals), and
- (3) The district will make a determination (within 60 calendar days of reaching the threshold) whether it is possible to implement the requested program. The District's determination is provided in writing to parents of pupils attending the school, the staff, and administration. If the determination is to implement the requested program, a reasonable timeline of actions is published. If the determination is to not implement the requested program, the District writes an explanation of that determination and may offer an alternate option that can be implemented at school.

As outlined above, the following direction from the CDE, site collects requests (verbal or written) and report to the Categorical Programs office at the Educational Services Center when the threshold for requests have been made.

PRIVACY RIGHTS REGARDING STUDENT RECORDS **EC 49063, 49069; AR 5125, 5125.3**

Federal and state laws grant certain privacy rights and rights of access to pupil records to students and to their parents or guardians. Full access to all personally identifiable written records maintained by the school district or county office must be granted to:

Parents or guardians of students younger than age 18

Parents or guardians of students age 18 or older if the student is a dependent for tax purposes.

Students age 16 or older or have completed 10th grade.

Parents/guardians may review individual records by making a request to the principal. At each school, the principal or designee shall act as custodian of records. The principal will see that explanations and interpretations are provided if requested. A parent or guardian has the right to question and receive an answer regarding items on their child's record that appears inaccurate, misleading or that invades his/her child's privacy. Information, which is alleged to be inaccurate, inappropriate, or misleading, may or may not be removed by the Superintendent or his/her designee. A log or record of the maintenance of each pupil record of enrolled students shall be kept in the school office.

In addition, parents or guardians of eligible students may receive a copy of any information in the pupil's records at a reasonable cost per page. School district policies and procedures relating to types of records, kinds of information retained, persons responsible for maintaining pupil records, directory information, access by other persons review and to challenge the content of records is available through the principal or his/her designee. Parents may contact the school to review the log listing of those that have requested or received information from a pupil's file.

Access to a pupil's records will only be granted to those with a legitimate educational interest who are officials or employees whose duties and responsibilities to the district, whether routine or as a result of special circumstance, require that they have access to pupil records. School officials may be authorized to inspect student records if a legitimate educational interest exists. A school official has a legitimate educational interest if the official needs to review an educational record in order to fulfill his or her professional responsibilities. A school official is a person employed by the district as an administrator, supervisor, instructor, support staff member (including health or medical staff and law enforcement unit personnel), a person serving on the Governing Board, a person or company with whom the district has contracted to perform a special task (such as attorney, auditor, consultant or therapist), a parent or student serving on an official committee (such as a disciplinary or grievance committee), assisting another school official in performing his or her tasks. (FERPA, 34 Code of Federal Regulations (C.F.R.) Part 99.7(a) (3)(iii) and 99.31(a)(1) and Ed. Code § 49063 (d), 49064 and 49076)

Parents or an eligible student may challenge, review, or receive a copy at a reasonable cost per page, of the requested records. Parents or guardians may contact the school district or county office for any policy regarding the review and expunging of pupil records.

If you believe the school district is not in compliance with federal regulations regarding privacy, you may file a complaint with the United States Department of Education at the following address: Family Policy Compliance Office, U.S. Department of Education, 400 Maryland Avenue, SW, Washington, D.C. 20202-5920.

TRANSCRIPT IMMUNIZATION OPT OUT FOR GRADES 9 – 12

It is the practice of the Folsom Cordova Unified School District (FCUSD) to include a student's immunization records on the official student transcript, as most colleges require proof of immunization for registration.

Parents and guardians may request that FCUSD NOT include a student's immunization record on their transcript by completing an opt-out form and returning it to the student's Counseling Office at their school. Forms can be requested from your school's Counseling Office.

NONCUSTODIAL PARENTS BP 5021

School officials shall presume that both parents/guardians have equal rights regarding their child, including, but not limited to, picking the student up after school or otherwise removing the student from school, accessing student records, participating in school activities, or visiting the school. When a court order restricts access to the child or to his/her student information, a parent/guardian shall provide a copy of the certified court order to the principal or designee upon enrollment or upon a change in circumstances. In the event of an attempted violation of a court order that restricts access to a student, the principal or designee shall contact the custodial parent and local law enforcement officials and shall make the student available only after one or both of these parties' consent.

REPORTING TO PARENTS REGARDING TEACHERS AND PARAPROFESSIONALS 20 USC 6312; 34 CFR 200.48; BP 4112.2; AR 4222

Individual teachers are to communicate in writing to students and parents at the beginning of the school year the classroom grading policy, which includes homework requirements, make-up procedures, and the weighting of course work as it pertains to the calculation of the final grade. Course expectations shall be provided at this time.

Federal law allows you to ask for certain information about your child's classroom teachers and paraprofessionals and requires the District to give you this information if you ask for it. You may ask about the type of state credential a teacher has and the grades and subjects the teacher is licensed to teach. You may also ask about the teacher's college major and any advanced degrees. If a paraprofessional is assigned to assist your child, you may ask about his/her qualifications.

INTRA/INTERDISTRICT ATTENDANCE OPTIONS EC 48980, 35160.5, 46600-4611, 48204, 48301; AR 5117, 5116.1

Students who reside within the District attendance area may apply for enrollment in any District school, providing the school of choice has space available. A student who currently attends a school and resides within that school's attendance area shall not be displaced by another student who transfers from outside of the attendance area.

In accordance with an agreement between the Governing Board 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.

A student who wishes to attend the schools of this district but does not reside here must secure an interdistrict agreement from the district of residence to be approved by the district Superintendent or designee. The school district of residence initiates the agreement. All agreements are handled by the Office of Attendance and Due Process:

<https://www.fcusd.org/Page/45389>

Pupils residing in this school district may be allowed to attend schools in another school district. All agreement forms are provided and processed by the Office of Attendance and Due Process and approved by the district of attendance.

ABSENCES EC 46014, 48205; BP 6154; AR 5113

Each student is granted ten (10) parent-verified excused absences for mental or physical health reasons. Once a student has surpassed their ten (10) excused absences, we require a doctor's note (note on medical letterhead signed by a licensed medical

professional). We require that each day a student is absent has a corresponding note. Otherwise, additional absences will be marked “unexcused.”

Other excused absences shall be for justifiable personal reasons protected under California Education Code, such as an appearance in court, observance of a holiday or ceremony of his or her religion, participation in religious exercises or instruction away from the school site, and attendance at religious retreats. **For these justifiable personal reasons, the parent/guardian must submit a request in writing to the school authorities for prior approval.** EC 48205

No student may have his or her grade reduced or lose academic credit for any absence or absences excused if missed assignments and tests that can reasonably be provided are satisfactorily completed within a reasonable period of time. EC 48205

Students in grades K-12 shall not be absent from school without their parents’/guardians’ knowledge or consent except in cases of medical emergency or confidential medical appointments.

School administrators may excuse any student in grades 7 through 12 from school to obtain confidential medical services without the consent of the student’s parent or guardian. Middle school and high school students may be absent to participate in civic or political events.

TARDINESS/TRUANCY

EC 48262

California law mandates that each child 6 years of age or older, and younger than 18 years of age, attend school every day and on-time. California law further requires that any child who has been absent without valid excuse and/or a tardy in excess of 30 minutes on each of the three or more days in one school year, may be reported as a truant to the Office of Attendance and Due Process.

Any student is deemed to be a habitual truant who has been reported as a truant three or more times in a school year. No student shall be considered a habitual truant unless an appropriate school official has made a conscientious effort to hold at least one conference with the student and the student’s parent or guardian. Any student considered a habitual truant, or who is irregular in school attendance, or who is habitually insubordinate or disorderly during school attendance, may be referred to a School Attendance Review Board (SARB) which will require the attendance of both the parent or guardians and the student.

The primary responsibility for school attendance is assigned to the parent or guardian. As students grow older, they too may be assigned by the SARB some responsibility for regular school attendance. If after a SARB meeting a student’s truancy continues, then the parent may be referred to the District Attorney’s office for prosecution for Contributing to the Delinquency of a Minor (PC272), or both the parent and the student may be referred to the Sacramento County Truancy Court.

Parents or guardians with difficulties at home that are preventing the regular and on-time school attendance of their students may contact the administration at the school where their student(s) are enrolled or contact the FCUSD Office of Attendance and Due Process at (916) 294-9012 for social service referrals and other family support assistance.

EXCESSIVE ABSENCES

Students experiencing excessive school absences may be referred to the School Attendance Review Board (SARB) or may receive a home visit from a representative of Attendance & Due Process. The SARB is designed to assist the student and parent in reducing school attendance problems by maximizing use of school and coordinated community resources.

INDEPENDENT STUDY TK-12

BP and AR 6158; EC 51747

Duration: 3 days minimum – 14 days maximum per school year

BEFORE the student leaves:

- Independent Study is not available the first two weeks of school or the last two weeks of school. Students who fail to report back by the third day of instruction may be disenrolled. If space is no longer available, the student will be overflowed to another neighboring school or at the secondary level the student may lose their spot in a high demand class.
- Office staff will ensure that the contract is completed in full. Parent/Guardian must sign the contract 10 days prior to the

- begin date of the contract.
- Parent/Guardian is responsible for the supervision of the child while he or she is completing the assignments necessary for evaluation.
- Parent/Guardian is liable for the cost of replacement or repair for willfully damaged or destroyed books or other school property
- All completed work must be returned to the classroom teacher by the return date specified in the agreement.

WHEN the student returns:

- The student must turn in their work product (i.e., assignment) in person or electronically in pdf format on the END date on the Independent Study Contract in order to receive attendance credit for contracts 3 days or greater.

OVERFLOW INFORMATION AND APPEAL PROCESS

On occasion, FCUSD will need to overflow students in grades TK-5 when there is no room at the student's home boundary school at the time of registration. Action is taken when class sizes exceed limits that are affected by class size funding or contractual obligations. For example, if the district established class size in a primary grade to be 24 for the year, the 25th student would be overflowed.

Schools will overflow students after the following actions, with ESC assistance, have been exhausted:

- Creating a combination class to house extra students
- Adding an extra teacher (if there is space to house extra students) if there are extra students in one grade or extra students in tow grades

Overflow students are selected by the date of completed registration at the home boundary school. Students who register first have preference for space at the school. Students will be overflowed until there is an available space at your home boundary school. The time frame depends on two things: your student's wait list number (students are called back to their home school base on their registration date) and the turnover rate at your home school. This timeframe could be a few days, weeks, months, or an indefinite period of time. The turnover of students during the school year is difficult to predict.

❖ If your home boundary school enrollment is impacted and you choose to keep your child out of school outside of the Independent Study guidelines, they may be disenrolled. Upon your return, you will have to re-enroll your student. Since the district won't hold spots for students not attending school, your student may be overflowed at that time.

We try to keep sibling together. If one of your children must be bused, we will make an effort to find a school to also accommodate their sibling if this is requested.

Transportation is provided from school to school and free of charge for students who have been overflowed to another school. Home boundary school office staff will facilitate paperwork and give the parents/guardians the bus route number, a bus stop location, and pick up time. Parents are asked to provide assistance to students so that they get on the bus.

To ensure stability in classrooms we do not call students back to their home school after October 31. If you wish to have your student return to the home school after October 31, please inform your home school.

Appeal Process

Parents/guardians may appeal in writing in the order below. The decision by Educational Services is final.

1. Principal
2. Director of Educational Services

STUDENTS WITH DISABILITIES – Under Section 504 BP and AR 6164.6; EC 56301; CFR 300.301

If your child is temporarily or permanently disabled, he/she has the right to be educated in facilities and receive services comparable to those provided to students without disabilities, to the maximum extent appropriate. Without discrimination, Section 504 of the Rehabilitation Act provides for qualified students to receive reasonable accommodations allowing forequal access. If you have questions about programs concerning students that qualify for 504 services, please see the Appendix for full versions of AR 6164.6 regarding identification and education under Section 504 (including procedural safeguards).

AMERICANS WITH DISABILITIES NOTICE

The Folsom Cordova Unified School District welcomes those with disabilities to participate fully in the programs, services, and activities involving their child. If you need a disability-related modification or accommodation, including auxiliary aids or services, to participate in any program, service, or activity involving your child, please contact the principal of the school where your child attends

at least 48 hours before the scheduled event, so that we may make every reasonable effort to accommodate you. Government Code Section 54953.2; Americans with Disabilities Act of 1990, Section 202 (42 U.S.C. Section 12132)

IDENTIFICATION AND EVALUATION OF INDIVIDUALS FOR SPECIAL EDUCATION **EC 56301, 56302; BP and AR 6164.4**

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

The Superintendent or designee shall develop processes to determine when an individual is eligible for special education services and shall establish systematic procedures for special education program identification, screening, referral, assessment, planning, implementation, review, and triennial assessment.

The Superintendent or designee shall establish a method whereby parent/guardian, teachers, appropriate professionals, and others may refer an individual for assessment for special education services. Identification procedures shall be coordinated with school site procedures for referral of students with needs that cannot be met with modifications to the general instructional program.

The District's child find process includes the collection of data and, at reasonable intervals, the screening of such data to determine if students are making adequate progress, as appropriate. A student shall be referred for special education instruction and services only after the resources of the regular education program have been considered and used where appropriate. However, the district shall ensure that evaluations of children suspected of having a disability are not delayed or denied because of the implementation of response to intervention strategies. A parent/guardian or the district may initiate a request for an initial evaluation to determine if the student is a student with a disability. See the Appendix for a full version of AR 6164.4 for more information regarding identification and evaluation of individuals for special education.

RACE/ETHNICITY RE-IDENTIFICATION

On October 19, 2007, the United States Department of Education (ED) published its final guidance to states on maintaining, collecting, and reporting race and ethnicity data. Changes in how race and ethnicity data are collected and maintained will affect schools and districts. While re-identification of race/ethnicity using the final guidance is not mandatory, educational institutions are required to provide students who enter an educational institution or program on or after the implementation deadline the opportunity to re-identify.

FAMILIES IN TRANSITION (FIT) **BP 6173**

McKinney-Vento Homeless Education Act was created to eliminate barriers that transition students (homeless students) were facing in terms of enrollment, attendance, and success in school.

The McKinney-Vento Act defines homeless children and youth as individuals who lack a fixed, regular, and adequate nighttime residence. This definition also includes:

- Children and youth who are sharing the housing of other persons due to loss of housing, economic hardship, or a similar reason
- Children and youth who may be living in motels, hotels, trailer parks, shelters
- Children and youth who have a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings
- Children and youth who are living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings, or
- Migratory children who qualify as homeless because they are children who are living in similar circumstances listed above

Any student in transition will be immediately admitted to school even if the child the child's parent, or guardian is unable to produce records normally required to establish residency as provided in Board Policy 6173.

IF A PARENT OR STUDENT FEELS THAT THE LAW APPLIES, CONTACT THE LIAISON FOR FAMILIES IN TRANSITION DEPARTMENT , (916) 294-9000 X 610140

FOSTER YOUTH BP 6173.1

1. RIGHT TO REMAIN IN YOUR SCHOOL OF ORIGIN

- You have the right to stay in the same school after you move to a new foster care placement. Your “school of origin” can be:
 - The school you attended when you first entered foster care,
 - The school you most recently attended, or
 - Any school you attended in the last 15 months that you feel connected to.
- Your school district must work with you, your education rights holder (ERH), your caregiver, and your social worker/probation officer to develop a plan to transport you to your school of origin.
- If you are transitioning from elementary school to middle or from middle school to high school, you have the right to transition to the same school as your classmates.
- If there is any disagreement about which school you will attend, you have the right to stay in your school of origin until the disagreement is resolved.

2. RIGHT TO IMMEDIATE ENROLLMENT IN SCHOOL

- You have the right to immediately enroll in your home school after you move placements.
- You cannot be forced to attend a continuation school or other alternative education program, such as independent study, even if you are behind in credits or have discipline problems at school.
- You have to immediately enroll in school and begin attending classes, even if you do not have the paperwork, you would normally need for enrollment (such as birth certificate, transcript, or individualized education program) or you did not check out from your previous school.
- Your previous school must send your education records to your new school after you enroll.
- You have the right to participate in any activities at your new school, such as sports teams, tutoring, or after-school clubs, even if you miss a tryout.

3. RIGHT TO PARTIAL CREDITS FOR HIGH SCHOOL STUDENTS

- If you change schools during the school year, you have the right to partial credits in all classes that you are passing when you leave your old school, even if you don't complete the entire class.
- After you change schools, your new school must accept any partial credits issued by your old school.
- After you change schools, you have the right to be enrolled in the same or similar classes you were enrolled in at your last school.
- You cannot be forced to retake a class or part of a class that you have already completed with a passing grade if it would make you off-track for high school graduation.
- You have the right to take or retake any class that you need to go to a California University or University of California.
- Your grade cannot be lowered because you were absent from school for a court hearing, placement change, or a court-related activity.

4. GRADUATION RIGHTS

- If you are behind on your credits, and you transferred schools after your second year of high school, you may be eligible to graduate under Assembly Bill (AB) 167/216 by completing only the state graduation requirements (130 credits in specific classes) instead of your school district's requirements.
- Your school must inform you of your right to this option within 30 days of your school transfer, including consulting with you and your ERH about your options. If you do not qualify when you transfer, the school must reassess whether you qualify within the first 30 days of the next school year. You can also request a reassessment at any time and the school must complete it within 30 days.
- You have the right to stay in high school for a fifth year to complete your school district graduation requirements, or the state graduation requirements, even if you are over eighteen.
- If you are eligible (even if you were not originally eligible, your district failed to inform you when you were eligible, or you are now attending adult school), the decision or whether to graduate under AB 167/216, to defer the decision, or to change your mind before you graduate, is made by your ERH, or if you are over eighteen.

5. SCHOOL DISCIPLINE RIGHTS

- You cannot be suspended for more than five school days in a row or for more than 20 days in a school year.
- You have the right to be told why you are being suspended and the right to provide your version of events and evidence before you are suspended unless there is an emergency. If the behavior for which you are being suspended could subject you to criminal charges, you should consult with your ERH or attorney before providing an oral or written statement to the school or police.
- Your attorney and social worker must be invited to a meeting before your suspension can be extended beyond five days and a suspension can only be extended if you are being considered for expulsion.
- You have the right to a formal hearing, and to be represented by an attorney at that hearing before you are expelled.
- If you are facing school discipline, your ERH, attorney, and social worker must be notified. If you are in special education, they must be invited to a meeting to decide whether your behavior was related to your disability.

MARRIED/PREGNANT/PARENTING STUDENTS

EC 222; BP and AR 5146

The Governing Board recognizes that early marriage, pregnancy, or parenting may disrupt a student's education and increase the chances of a student dropping out of school. The Board, therefore, desires to support married, pregnant, or parenting students to continue their education, attain strong academic and parenting skills and to promote the healthy development of their children in participation in regular school programs or alternative programs, activities, and courses equal to regular program. The district shall not discriminate against any student on the basis of the student's marital status, pregnancy, childbirth, false pregnancy, termination of pregnancy, related recovery, a pupil's actual or potential parental family, or marital status that treats pupils differently on the basis of sex.

Parents/guardians shall be annually notified at the beginning of the school year of the rights and options available to pregnant and parenting students under the law, which also includes an annual school year welcome packet and through independent study contracts. Pregnant or parenting students shall retain the right to participate in regular education program or alternative educational program. The classroom setting shall be the preferred instructional strategy unless an alternative is necessary to meet the needs of the student and/or the student's child.

The district shall provide reasonable accommodations for lactating pupils to express milk or breast-feed an infant child on campus. The district shall treat pregnancy, childbirth, false pregnancy, termination of pregnancy, and recovery there from in the same manner and under the same policies as any other temporary disability. The student shall not incur an academic penalty for using any of the reasonable accommodations and shall be provided the opportunity to make up work due to such use. (See Welcome Packet for full accommodations - <https://www.fcusd.org/domain/2796>)

Any complaint alleging discrimination on the basis of pregnancy, or marital or parental status, district noncompliance with requirement of Education Code 46015 or district noncompliance with the requirement to provide reasonable accommodations for lactating shall be addressed through the district's uniform complaint procedures in accordance with 5 CCR 4600-4760 – BP/AR 1312.3 – Uniform Complaint Procedures. <https://www.fcusd.org/Page/26067>

ANIMAL USE

EC 32255-32255.6; AR 5145.8

The provision for animal use requires that the District observe a student's right to refrain from harmful or destructive use of animals, such as dissecting or experimenting on animals. The student must notify the teacher of his/her objection.

PUPIL FEES

EC 49013; BP and AR 3260

No student shall be required to pay any fees, deposits, or other charges for his/her participation in an educational activity offered by a school or District that constitutes an integral fundamental part of elementary and secondary education, including but not limited to, curricular and extracurricular activities. As necessary, the Board may approve fees, deposits, and other charges which are specifically authorized by law. For such authorized fees, deposits, and other charges, the district shall consider students' and parents'/guardians' ability to pay when establishing fee schedules and granting waivers or exceptions. Parents may file a complaint of noncompliance under this section with the principal of the school alleged to be in noncompliance per the Uniform Complaint Procedure.

SUBMISSION OF STUDENT GPA TO CALIFORNIA STUDENT AID COMMISSION

State law, AB 20160, requires all public schools to electronically submit Grade Point Averages (GPAs) for Grade 12 students to the California Student Aid Commission, which uses the information for Cal Grant award consideration.

Parents and guardians may request that the Folsom Cordova Unified School District **NOT** submit a student's GPA to the California Student Aid Commission by completing an opt-out form and returning it to the student's school office. Forms can be requested from your school registrar's office.

Note: Opting out does NOT exclude a student from applying for the Cal Grant, but it could delay the process.

SCHOOL ACCOUNTABILITY REPORT CARDS (SARC)

EC 35256, 35258; BP 0510

California public schools annually provide information about themselves to the community allowing the public to evaluate and compare schools for student achievement, environment, resources, and demographics. **School Accountability Report Cards (SARC)** represent extensive profiles of every school with information on per pupil and staffing expenditures, textbooks and instructional materials, special programs, support personnel, teacher credentialing, demographics, standardized test scores, intermediate and high school drop out rates, curriculum, staff development, facility conditions, instructional time, school discipline, and high school SAT scores.

School Accountability Report Cards are available through your school office and are posted on the District's website at www.fcusd.org and CA Dept. of Education (CDE) website at <https://www.cde.ca.gov/ta/ac/sa/>

STUDENT USE OF THE INTERNET AND ONLINE SERVICES

BP 6163.4

The District provides student access to the District Technology Resources as educational tools. Use of these resources is a privilege conditioned on the student and the student's parent/guardian agreeing to the district policies and terms of the Student Technology Use Agreement. Student access to the District Technology Resources will be created except when the student's parent/guardian has notified the district writing not to allow access to be created. If such an election is made and an assignment is due that requires utilization of District Technology Resources, an appropriate alternative assignment will be provided to the student with no penalty. Students who use District resources agree to abide by all District policies and guidelines for their legal use.

The District will provide reasonable supervision of students using its resources and will attempt to do what is technologically reasonable with filtering software to prevent students from obtaining access to pornographic or harmful matter as defined by state and federal law.

Students using the District's Internet access and technology resources shall have no right of privacy in their use of those systems. Staff may monitor or examine all system activities a student takes part in to ensure proper use of the system. Students who fail to abide by District policies and guidelines may be subject to disciplinary action, revocation of their privilege to use the systems, or legal action as appropriate.

PROMOTION, ACCELERATION AND RETENTION

EC 48070.5 BP and AR 5123

Decisions to promote students shall be made on the basis of achievement of grade-level standards, test scores, and other indicators of academic achievement designated by the Board of Education.

Retention will be considered for students who do not meet minimum grade-level standards in reading, language arts, and math. Principals and teachers will determine which students must be retained. Students who have special needs or whose teachers have determined that retention is not the appropriate intervention may be exempt if so, determined by a team of the student's parents/guardians and educators.

In special situations, acceleration may be appropriate when the decision is in the best interest of the student. Considerations for the decision to accelerate will depend on academic grades, achievement test scores, social and emotional development, teacher's opinion, and the parent/guardian recommendation.

STUDENT DATA FOR STATE REPORTING

This District maintains data with the statewide California Longitudinal Pupil Achievement Data System (CALPADS) Program in the electronic transfer of student data for state reporting to the California Department of Education and to Districts and/or public postsecondary institutions to which the student is transferring or applying for admission. All data maintained by the CALPADS Program is in compliance with federal and state privacy and confidentiality requirements. The data being transferred is specific to the state reports and records transfer requirements, and no additional data is reported.

The benefits of this system to the student and parent are that student records can be transferred much more promptly, and that information about student assessment and academic placement will be available at the time of transfer. Schools and Districts will benefit from the streamlining and reduction of required state reporting.

STUDENT TESTING

EC 60615; AR 6162.51

Pupils in applicable grade levels will participate in the California Assessment of Student Performance and Progress (CAASPP) except as exempted by law.

Pursuant to California Education Code Section 60615, parents/guardians may annually submit to the school a written request to excuse their child from any or all of the CAASPP assessments. If the parent submits the exemption request after testing begins, any test(s) completed before the request is submitted will be scored; the results will be included in the pupil's records and reported to the parent.

School district employees will not solicit or encourage any exemption request on behalf of a pupil or group of pupils.

ALTERNATIVE SCHOOLS

EC 48980, 58501; AR 6181

California state law authorizes all school Districts to provide for alternative schools. EC 58501 defines alternative school as a school or separate class group within a school that is operated in a manner designed to:

- (b) Maximize the opportunity for students to develop self-reliance, initiative, kindness, spontaneity, resourcefulness, courage, creativity, responsibility, and joy, and:
- (b) Recognize that the best learning takes place when the student learns because of his/her desire to learn.
- (c) Maintain a learning situation maximizing student self-motivation and encouraging the student in his/her own time to follow his/her own interests. These interests may be conceived by him/her totally and independently or may result in whole or in part from a presentation by his/her teachers of choices of learning projects.
- (d) 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.
- (e) 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, student, or teacher is interested in further information concerning alternative schools, the county superintendent of schools, the administrative office of the District, and the principal's office in each school have copies of the law available for information. This law authorizes interested persons to request the governing board of the District to establish alternative school programs in each District.

The following alternative programs may be provided for students in the District:

- Adult Education classes, with approval of the unit administrator
- Adolescent Parenting Program
- Independent Study Programs
- Innovations Academy
- Continuation High Schools
- Elementary Opportunity Classes
- Prospect Community Day School

Other Educational Opportunities Include:

- Advanced Placement
- Online Learning
- Courses through community colleges/universities
- Course Challenging
- Gifted and Talented Education
- Gateway Academy for Advanced Learning

- Transitional Kindergarten Program
- Special Education*
- Home and Hospital Instruction
- Drop-out Recovery Program
- Regional Occupational Programs**

*Parents have the right to call or write their student's school and request an assessment from the school psychologist.

** Please contact your school counselor if your son or daughter is interested in ROP classes and is handicapped, disadvantaged, or enrolled in special education. Additional assistance is available to provide equal access and opportunity for success.

MENTAL AND PHYSICAL HEALTH

STUDENT MENTAL HEALTH AND ACCESSING SERVICES EC 49428; AR 2022

In accordance with AB 2022 (September 18, 2018) and EC 49428, Folsom Cordova Unified School District is sharing this information with students and families, to notify them how to initiate mental health services in school settings and in the local area. The contacts provided here are the recommended starting points to accessing mental health services. The process to initiate and access clinical mental health treatment may vary depending on health insurance providers and availability of services. Sometimes working with multiple agencies and health insurance can be frustrating when you are trying to help a child get needed mental health supports. We encourage you to not give up, continue to advocate for your child, and be patient with mental health providers as they work to address your needs as quickly and effectively as they are able. FCUSD contracts with Care Solace to help families navigate access to mental health and substance abuse treatment. You can self-refer by completing online referral; www.caresolace.com/FCUSD or by calling 1-888-515-0595.

Folsom Cordova Unified School District is committed to promoting student wellness to help all students achieve academic, social-emotional, and behavioral success. Student mental health is supported by FCUSD through Student Wellness Team clinicians onsite, a variety of services ranging from school wellness campaigns to more intensive and individualized support programs. We also work closely with partners and community service agencies for additional service considerations to best support our students and families.

All students and their parents or caregivers can request mental health support, including assistance with social, emotional, and/or behavioral needs, at their school site. **The first step is to talk to your school counselor or site administrator about the mental health needs of your child.** They will work with you and your student to find the best available school-based support, depending on the needs of your child. These team members will also provide further instructions, if needed, to help get the right supports in place for your child.

If more support is needed than what is available at school, the following National and Community Resources are provided as a starting point for options and considerations.

National Resources

National Suicide Prevention Lifeline - 800-273-8255

Crisis Textline by texting TALK to 74171

Care Solace

24/7 referral network for youth, families, or staff – 888-515-0595

www.caresolace.com/FCUSD

Community Resources

Sacramento County 24-Hour Suicide Prevention Hotline 24 hours per day/7 days per week

(916) 368-3111 or Toll Free (800) 273-8255

Sacramento County Mental Health Access Team

Call the [Mental Health Access Team](#) to request services and an over-the-phone assessment in order to be referred to an appropriate mental health service provider.

Monday - Friday, 8 am - 5 pm

(916) 875-1055 or toll free (888) 881-4881

Fax (916) 875-1190

The Source Crisis Sacramento; 24/7 support line for youth up to 26 years of age.

Call or text (916) 787-7678;

(916) Support Chat @thesourcesacramento.com

Sacramento County Community Support Team

Staff support individuals with navigating mental health services, provide field-based assessments, and can refer to other community resources as needed.

Monday - Friday, 8 am - 5 pm (916) 874-6015

Sacramento County Mental Health Urgent Care Clinic Provides services on a walk-in basis to individuals of all ages who are experiencing a mental health and/or co-occurring substance abuse crisis.

Monday - Friday, 10 am - 10 pm

Saturday - Sunday and Holidays, 10 am - 6 pm

2130 Stockton Boulevard, Building 300, Sacramento, CA 95817

(916) 520-2460

TOBACCO-FREE SCHOOL POLICY

EC 48901; BP 5131.62

The use of tobacco products or any products containing tobacco or nicotine are prohibited at all times on District property and in District vehicles. This prohibition applies to all parents, employees, students, visitors, and other persons.

District policy and the Education Code prohibit the possession, use, manufacture, distribution, or dispensing of tobacco and nicotine products at school or during school related activities. The District defines “tobacco and nicotine products” as a lighted or unlighted cigarette, cigar, pipe or other smoking product or material, smokeless tobacco in any form, and electronic cigarettes. “Electronic cigarettes” are defined as battery-operated or other electronic products designed to deliver nicotine, flavor, and other chemicals by turning the substance into a vapor that is inhaled by the user, including, but not limited to electronic vaping devices, personal vaporizers, digital vapor devices, electronic nicotine delivery systems and hookah pens.

Persons determined to have used or to be in possession of tobacco or nicotine products at school or school related activities may be subject to discipline under District policy and/or other applicable laws.

SUBSTANCE ABUSE EDUCATION/PREVENTION/INTERVENTION

EC 51513; AR 5022; BP 6162.8

The intent of the District policy is to establish an atmosphere that will promote understanding of the use, abuse, and misuse of drugs, alcohol, and tobacco. Curricula shall be course-specific, as well as appropriately infused into various content areas.

For the protection of students, school employees will make every effort to prohibit the flow of drugs in the school. When substance abuse incidents occur, school staff will:

1. Provide emergency medical assistance.
2. Require parental involvement.
3. Enforce the laws regarding use and distribution of illegal substances.
4. Discipline students.
5. Provide assistance to student seeking help, according to established rules and regulations.

Anonymous, voluntary, and confidential research and evaluation tools to measure pupils’ health behaviors and risks, including tests, questionnaires, and surveys containing age-appropriate questions about the pupil’s attitudes or practices may be administered to any pupil in grades 7-12 inclusive. The parent or guardian is given the opportunity to review the test, questionnaire, or survey, and to request that his or her child not participate. The California Healthy Kids Survey is administered to students annually for students in grades 5, 7, 9, and 11 and all students in our alternative educational sites. A pupil may not be subject to disciplinary action, academic penalty, or other sanction if the pupil’s parent/guardian declines to permit pupil participation, and an alternative educational activity shall be made available.

PHYSICAL EXAMINATION

EC 49451; AR 5141.3

A physical examination may not be required of a child whose parent has filed an objection for that specified school year. However, the child may be sent home if, for good reason, he or she is believed to be suffering from a recognized contagious or infectious disease, until the school authorities are satisfied that any contagious or infectious disease does not exist.

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

ORAL HEALTH SERVICES

AR 5141.6; EC 49452.8; HSC 104855

Tooth decay is the most chronic yet the most preventable health care needs among California children. It is the cause of 874,000 school days missed each year, which costs the schools \$29 to \$32 million dollars annually in average daily attendance funding. Currently, over half of California kindergarteners have experienced tooth decay, and by third grade, this number rises to over 70 percent. If left untreated, tooth decay effects children's academic performance, social-emotional development, sleep, nutrition, and overall health.

California law, *Education Code* Section 49452.8, requires that your child have an oral health assessment (dental check-up) by May 31 in either kindergarten or first grade, whichever is his or her first year in public school. Assessments that have happened within the 12 months before your child enters school so meet this requirement. The law specifies that the assessment must be done by a licensed dentist or other licensed or registered dental health professional. Under Senate Bill 379, school districts may provide dental assessments onsite. For grades preschool-to (5th or 12th), the dental assessments will be provided with passive permission and no dental treatment will be provided. Any abnormal results will be reported to the parent. A parent/guardian may submit a request annually in writing, to the principal of the school, that his/her child be excluded from any of these screening programs. The reasons for not completing an assessment shall include all of the following:

- (a) Completion of an assessment poses an undue financial burden on the parent or legal guardian.
- (b) Lack of access by the parent or legal guardian to a licensed dentist or other licensed or registered dental health professional
- (c) The parent or legal guardian does not consent to an assessment.

The law states schools must keep student health information private. There are dental resources as listed below:

1. Medi-Cal/Denti-Cal's toll-free number or Web site can help you to find a dentist who takes Medi-Cal Managed Care Health Options: 1-800-423-4263; <http://smilecalifornia.org>.
2. Sacramento Covered's toll-free number or Website can assist you in locating free or low-cost insurance or to find out if your child can enroll in the program: 1-866-850-4321 or at: <http://www.SacramentoCovered.org>.
3. For additional resources that may be helpful, contact your local public health department at: www.saccountyoralthhealth.net for their website and for email: oralhealth@saccounty.net

The topical application of fluoride, including fluoride varnish, or other decay-inhibiting agent to the teeth, is available to students during the school year. Such applications shall only be provided to a student whose parent/guardian submits correspondence to Health Services with an indication consenting to the treatment. (Health and Safety Code 104830, 104850, 104855)

MEDICATION

EC 49423, 49480; AR 5141.21

Prescribed medication that is required during the school day may be administered by school nurse or other designated school personnel, according to physician orders. Written orders from a physician and written consent by the parent or guardian are required on the FCUSD form, Parent/Physician Release for Medication at School.

Over-the-counter medication, required during the school day, may also be administered following a written request by the parent or guardian on FCUSD form, Parent Release for Non- Prescription Over-the-Counter Medication in School.

All medication must be in its original pharmacy or manufacturer's container. Prescription medication must be properly labeled with the name of the student, name of the prescribing physician, name of the dispensing pharmacy, name of the drug, strength of the medication, dosage, method of administration, frequency of administration, duration of administration, and expiration date. Over-

the-counter medication must be labeled with the name of the student, name of the medication, dosage, method and frequency of administration, and expiration date.

A pupil who brings medication (prescription or non-prescription) on school grounds and either (1) gives or sells the medication to other pupils; or (2) self-administers a medication without the District's assistance, may be subject to discipline.

CONSENT TO IMMUNIZE

EC 49403; BP 5141.31

Your child must be immunized against certain diseases before being admitted to school, unless a medical exemption has been provided by a California medical doctor. The school district may administer immunizing agents to prevent or control communicable disease to students whose parents or guardians have consented in writing to such immunization. Please visit the FCUSD Health Services webpage at www.fcusd.org/Health for further information.

ACCIDENT INSURANCE

EC 49471 49472; BP 5143

The District does not insure students for injury sustained while at school. The District provides a voluntary student insurance application, available at school sites at the beginning of each school year. If students wish to participate in athletics (grades 7-12), they must show evidence of medical insurance, as well as having had a physical exam within the last twelve months.

NUTRITIOUS MEALS ARE SERVED EACH SCHOOL DAY

EC 49520; AR 3553

To improve student access to healthy school meals, free or reduced-priced meals are available to all eligible students. Paper applications are available at school sites, or online applications are available at: www.schoolnutritionandfitness.com/index.php?sid=02081314_51023969&page=lunchapps.

HOME AND HOSPITAL INSTRUCTION

EC 48206.3, 48207, 48208;

Services may be provided to students who are temporarily disabled, unable to attend regular classes or alternative education programs, and are confined to their residences due to verified physical, mental, or emotional disability. Parents may apply in writing for Home Hospital Instruction. Parental consent, medical verification, and authorization for exchange of information are required, and may be obtained at the student's school site.

For students who have a disability qualifying them for Special Education services, home and hospital instruction may be considered through the IEP process. When a student is hospitalized or in a residential health facility located outside the school District, it shall be the primary responsibility of the parent to apply for instruction at the School District in which the hospital is located.

MANDATED SCREENING

EC 49452

Pursuant to Education Code Section 49452, the District will provide testing for the sight and hearing of students. The District may provide for the screening of the condition known as scoliosis. A report of abnormal screening results will be sent to the parent. A parent/guardian may submit a request annually in writing, to the principal of the school, that his/her child be excluded from any of these screening programs.

ADMINISTRATION OF EMERGENCY EPINEPHRINE AUTO-INJECTORS FOR ANAPHYLACTIC REACTIONS

EC 49414; BP 5141.21

Pursuant to Education Code Section 49414, effective January 1, 2015, the District shall provide for each school site, emergency

epinephrine auto-injectors. School nurses or trained personnel who have volunteered may use epinephrine auto-injectors to provide emergency medical aid to persons suffering or reasonably believed to be suffering from an anaphylactic reaction. Anaphylaxis is a rapid, severe allergic response triggered by insect stings, foods, medications, latex materials, and other unknown causes. It is life-threatening and requires immediate treatment. In the event that an epinephrine auto-injector is administered, Emergency Medical Services will be called to provide continuing care. All students who have had a prior allergic reaction or have a medical prescription for epinephrine must provide an auto-injector for their personal use per the District's Administering Medication and Monitoring Health Conditions, Board Policy 5141.21.

ADMINISTRATION OF EMERGENCY NALOXONE HCL FOR OPIOID OVERDOSE
EC 4914.3; BP 5141.22

Current law (Education Code 49414.3) allows schools to provide emergency naloxone HCL for individuals who may be experiencing opioid overdose or poisoning. Opioid overdose can occur when a person knowingly or unknowingly ingests an opioid (such as fentanyl, heroin, or oxycodone) and experiences the physical symptoms of an overdose. These symptoms can include shallow or raspy breathing, decreased level of consciousness, and drowsiness. Without immediate administration of naloxone and summoning Emergency Medical Services (911), death could occur. Individuals may experience opioid overdose/poisoning that have no known previous history of use.

Education Code 49414.3 allows for school nurse or trained personnel to administer a naloxone nasal spray to an individual who is exhibiting potentially life-threatening symptoms of opioid overdose after exposure or ingestion of an opioid. Training will be provided to personnel regarding signs and symptoms of overdose, how to administer the naloxone nasal spray, calling EMS (911), and any follow up documentation or actions required.

For any questions, please contact your school nurse or the Folsom Cordova Unified School District Health Office at 916- 294-9013.

FAMILY LIFE

The District is required at the beginning of each school year, or at the time of enrollment for a new student, to inform each parent about instruction in comprehensive sexual health education and HIV/AIDS prevention education planned for the coming year. The Family Life program includes a comprehensive sexual health education and HIV/AIDS prevention education program taught by District personnel in which reproductive organs and their functions are described, illustrated, and discussed. Written and audiovisual materials are available for inspection.

A parent or guardian of a pupil may request in writing that his or her child be excused from all or part of the comprehensive sexual health education, HIV/AIDS prevention instruction, and any assessments related to that education. A pupil may not be subject to disciplinary action, academic penalty, or other sanction if the pupil's parent/guardian declines to permit pupil participation, and an alternative activity shall be made available. The parent or guardian may request a copy of Chapter 5.6 of the California Comprehensive Sexual Health and HIV/AIDS. Prevention Education Act. EC 51930, 51937, 51938, 51939

PESTICIDE APPLICATION AND NOTIFICATION
EC 17611.5, 17612.3; AR 3514.2

The Healthy Schools Act of 2000 requires that parents be provided with written notification of expected use of pesticides or herbicides on school sites during the school year. The following may be used at school sites:

Name of Pesticide	Active Ingredient(s)
Photoxin (Rodent Bait)	Aluminum Phosphide
Roundup/Ranger Pro (Weed Control)	Glyphosate
Surflan (Weed Control)	Oryzalin

Merit (Insect Spray for trees/shrubs)	Imidacloprid
Rodent Bait (Gophers)	Chlorophacinone
Tempe SC Ultra (Landscape Insect Spray)	Cyfiuthrin Cyano
SpeedZone (herbicide)	2,4-D, 2-ethylhexylester (CS-No: 128-43-4) R(+) ² (²) Methyl-4- chlorophenoxy)propionic-acid(MCPP) 3,6-Dichloro-o- anisic acid (Dicamba)(CAS-No:1918-00-9) Carfentrazone-ethyl(CAS-No: 128639-02-01) TradeSecrets

Parents/guardians may request prior notification of each application at their child’s school site. Upon completion of the *Request for Individual Pesticide Application Notification*, you will be contacted 72 hours prior to the intended application. In an emergency, pesticides may be applied without prior notice, but you will be provided notice following any such application. The form requesting notification is available in your child’s school office.

ASBESTOS MANAGEMENT PLAN
AR 3514; 40 CFR 763.84, 763.93

School facilities shall be inspected for asbestos-containing materials. Based on the results of the inspection, an appropriate response which is sufficient to protect human health and the environment shall be determined from among the options specified in 40 CFR 763.90. The district may select the least burdensome response, taking into consideration local circumstances, including occupancy and use patterns within the school building and economic concerns such as short-term and long-term costs.

An asbestos management plan for each identified school site shall be maintained and regularly updated to keep it current with ongoing operations and maintenance, periodic surveillance, inspection, re-inspection, and response action activities.

The asbestos management plan shall be available for inspection in the District Facilities Department and school offices during normal business hours. Parent/guardian, teacher, and employee organizations shall be annually informed of the availability of these plans.

DIRECTORY INFORMATION
 EC 49061 49073; AR 5125.1

Federal and state law allows the District to disclose directory information to outside organizations, without written consent, unless you have advised the District that you do not want directory information released. The District has designated the following information to be directory information: email address, date of birth, major field of study, participation in officially recognized activities and sports, dates of attendance, degrees and awards received, and most recent previous school attended. The District may release directory information, upon request, to outside organizations including the following entities: parent/school organizations, military recruiters, prospective employers or colleges and universities. Directory information may be released to other public agencies providing services to current students. The District will deny the release of specific categories of directory information to any public or private non-profit organization if the District believes that the release of such information is contrary to the best interest of the student which may include citizenship status, immigration status, place of birth, or other information indicating national origin (except where the District receives consent as required under state law). Family Educational Rights and Privacy Act (FERPA) (20 U.S.C. § 1232g; 34 CFR § 99.31).

In addition, the *No Child Left Behind Act* of 2001, §9528 (20U.S.C. §7908), requires that we release secondary school students’ names, addresses, and telephone listings to military recruiters upon their request, unless a parent has “opted out” of providing such information. In order to opt out the parent must complete registration through InfoSnap, in which parents/guardians have to sign the District Directory Information form in the agreements section.

USAGE OF STUDENT NAMES/PHOTOS/VIDEOS FOR PUBLIC RELEASE

The Folsom Cordova Unified School District is proud of the many accomplishments of our students and staff. These accomplishments may draw the attention of newspapers, television stations, or other media who visit our schools to photograph or film students and staff during various activities. In addition, the District uses photographs and video footage of students and/or their names in District-produced materials including printed publications, television productions, web sites, and official District social media platforms to promote their achievements. These photographs and videos may also include displays of student work. This usage does not include school yearbooks—if you do not want your child's photo used in a yearbook, contact your child's principal.

PHOTOS & VIDEO OF GENERAL EDUCATION STUDENTS

Unless notified in writing of an objection by a parent, legal guardian, or student of age 18, photographs and video footage of students and/or names may be used in District-produced materials including printed publications, television productions web sites, and official District social media platforms. If parents do not want photographs or videos of their student(s) to be used in these materials, they should complete a Request to Restrict Use of Photos, Videos, and/or Name of Student form available at school offices or via the District's website.

Please be aware that these requests are valid for the current school year and must be renewed at the start of the next school year. The requests will not prohibit usage in student-produced materials such as yearbooks and newspapers.

Please contact your school office or visit the District's website at www.fcusd.org/photorelease for more information.

PHOTOS & VIDEO OF STUDENTS WITH INDIVIDUALIZED EDUCATION PROGRAMS

It is the District's policy to require written permission from parents/guardians before using photos of video footage that identifies students with Individualized Education Programs. Consent forms can be obtained from school offices, or by visiting the District's website. www.fcusd.org/photorelease. Forms are stored at the student's school and are good for the current school year.

STUDENT CONDUCT CODE

RESPONSIBILITIES AND EXPECTATIONS:

RESPONSIBILITIES AND EXPECTATIONS: DISTRICT STAFF RESPONSIBILITIES

TITLE 5, CCR 5530; EC 44807

To maintain and encourage acceptable standards of student behavior, District personnel should provide good examples for students in real life. District personnel shall:

- Establish an atmosphere in which productive learning can take place.
- Establish an atmosphere of mutual respect.
- Teach the District standards of behavior.
- Identify the causes of student misconduct.
- Find constructive methods of preventing and controlling such misconduct.
- Consistently and fairly apply classroom, school, and District rules.
- Communicate regularly with students and parents regarding the student's academic progress and behavior.

STUDENT SEARCHES

School officials may conduct searches of pupils and their personal belongings while on school property or at school-sponsored events. Searches of pupils and personal belongings will be conducted when there are reasonable grounds to suspect that the search will provide evidence that the pupil is violating the law and/or school regulations. The scope of the search will be related to the objectives of the search, the age and sex of the pupil, and the nature of the violation.

Any student who leaves school without permission and re-enters during the same day will immediately be searched (along with their personal belongings) for weapons, drugs, or other contraband.

By way of example, and not limitation, "personal belongings" includes backpacks, briefcases, bags, et cetera. Searches are also conducted of school property under joint control. "School property" under joint control includes lockers and desks.

Lockers are school property under the joint control of the school and the pupil. There is no expectation of privacy. The District may search lockers, or any other school property under joint control, at any time. Searches may be random and without cause of any kind.

Automobiles parked on the school premises or in the school parking lot are subject to search when officials have reason to believe weapons, drugs, or objects prohibited by school policy or state law are contained therein.

Canines may be used to search a pupil's personal belongings and vehicles and school property under joint control. Canine searches will be used to search a pupil's person when either: (1) there are reasonable grounds to suspect a particular pupil of wrongdoing; or (2) the District determines that the school has a drug crisis or problem.

DUE PROCESS AND THE RIGHT TO APPEAL

EC 35291; AR 5144.1

District and school rules pertaining to student discipline are available to parents and guardians of district students in the school office.

No student will be suspended or expelled without due process. As an added safeguard, a student and his/her parent/guardian have the right to request an appeal regarding the discipline imposed. AR 5144.1 sets forth a complete explanation of the procedures for suspension, expulsion, and appeals.

SPECIAL EDUCATION STUDENTS

The suspension and expulsion processes for Special Education students may include additional and/or different requirements to meet the provisions of the Education Code.

CONDUCT CODE VIOLATIONS AND CONSEQUENCES

DISTRICT RESPONSIBILITY TO MAINTAIN SAFE SCHOOLS

School officials work to ensure and maintain order, student, and staff safety, protect property, and maintain appropriate conditions conducive to learning. When investigating allegations of misconduct by students or staff, school officials may interview students without parental consent. (Education Code 44807)

DEFINITION OF STUDENT MISCONDUCT

EC 48911

Suspension shall be imposed only when other means of correction fail to bring out proper conduct. However, a student may be disciplined, to include suspension and/or expulsion, for any of the reasons set forth in the California Education Code. At the current time, this includes the categories of behavior set forth in Education Code Sections 48900 and 48915, plus those described in 48900.2, 48900.3, 48900.4 and 48900.7. To assist students in modeling appropriate behavior, District staff has prepared this Student Conduct Code which lists various types of inappropriate behavior. It is not, however, the intent of the District that the Student Conduct Code define in detail every possible situation which may warrant disciplinary action nor to list every possible consequence. The District will proceed with disciplinary action permitted by law for misconduct even if it is not specifically listed in this Student Conduct Code.

RELATED TO SCHOOL ACTIVITY OR SCHOOL ATTENDANCE

A student will not be disciplined unless his/her conduct is related to school activity or school attendance. Conduct related to school activity or attendance may occur at any time and include, by way of illustration and not limitation:

- While on school grounds.
- While going to or coming from school.
- During the lunch period, whether on or off the campus, or while going to or coming from an off-campus lunch site.
- During, or while going to or coming from a school-sponsored activity.

Typical Disciplinary Actions

Students of the District are required to follow and comply with school and District conduct rules. If a student chooses to break the rules, he/she will be subject to various consequences.

A list of typical disciplinary actions which may result from a student's breach of school regulations is listed below. The actual action taken by the District may vary from the list below and the level of discipline imposed will depend on the frequency and seriousness of the violation.

1. Parent Conference

A parent/teacher/principal conference may be required to discuss the student's behavior and/or to reach an agreement on the student's behavior.

2. Detention

A student may be assigned to a supervised area for a specific period of time before or after school or on a Saturday.

3. Recommended Counseling

A student may be recommended for counseling services to discuss problems. Any fees for counseling services will be the parent/guardian's responsibility.

4. Loss of Privileges

A student's participation in school activities or events including but not limited to games, dances, field trips, promotion ceremonies, graduation exercise or other senior activities may be limited or revoked.

5. Restorative circles and conflict resolution

6. Weekend School

A student may be required to attend class on a Friday night or Saturday for repeated unexcused absences from class (es) or for other infractions.

7. Community Service on School Grounds

A student may be required to perform community service on school grounds during school or non-school hours. This may include outdoor beautification, campus betterment and teacher or peer assistance programs.

8. Behavior Contract

The District may enter into an agreement with the student wherein he/she agrees to comply with the conditions contained in the contract, and the school rules. The student agrees to refrain from committing the same violation and/or breaking other school regulations. This contract may be in addition to a suspension /or expulsion and/or in lieu of such actions.

9. In-School Suspension, EC 48911

- A student may be assigned to a supervised suspension classroom separated from other students at the school site for the period of the suspension.
- Suspension by principal, principal's designee, or superintendent
- Education Code 48911 (h) states: ..., a "principal's designee" is any one or more administrators at the schoolsite specifically designated by the principal, in writing, to assist with disciplinary procedures.
- At the middle school and high school level, the schoolsite Assistant Principals are the "principal's designee for disciplinary procedures.

10. At-Home Suspension, EC 48910 (a)(b), 48911

A student may be suspended from attending regular classes and prohibited from attending school, participating in school activities, and being on school grounds for a period of time.

- Suspension by Principal-Suspension by the principal or designee shall be preceded by an informal conference. At that conference, the student shall be informed of the reasons for the disciplinary action and the evidence against him/her. In addition, the student shall be given the opportunity to present his/her version and evidence in his/her defense. At the time of the suspension, the principal or designee shall make a reasonable effort to contact the student's parent or guardian in person or by telephone. Whenever a student is suspended from school, the parent or guardian shall be notified in writing of the suspension. The notice shall contain a statement of the facts leading to the decision to suspend; date and time when the student will be allowed to return to school; and a request that the parent or guardian attend a conference with school officials, including notice that state law requires parents or guardians to respond to such request without delay. The Assistant Principal shall serve as the principal's designee and will assist with disciplinary procedures.
- Suspension by Teacher-A teacher may suspend any student from the class for the day of the suspension and the day following, for any act stated in EC 48900. (Secondary day is defined as an instructional period; elementary day is defined as a calendar day.) If the student has more than one teacher, the student is only precluded from attending the suspending teacher's class. Prior to excluding a student from the classroom, the teacher must inform the student which District policy the student has violated, that the teacher intends to suspend, and that the student has the opportunity to respond to the charges. As soon as possible, the teacher shall request a parent/guardian conference, at which time the circumstances of the suspension and the data will be presented.

11. Expulsion

A student may be expelled from all schools in the District and removed from the immediate supervision and control of school personnel. The student would be prohibited from being on school grounds. The Board of Education has the authority to expel students for serious and/or repeated offenses. Typically, student expulsions are a last resort after other actions have been tried. In certain situations, however, expulsion is appropriate, or may be required by law, on the first offense. A student on a suspended expulsion may be excluded from participation in extracurricular/co-curricular activities. The activities include, but are not limited to, field trips, athletic events, theater events, proms, student dances, student government, graduation ceremonies, band events or similar activities.

12. Administrative Transfer to Another School Site

A student may be administratively transferred to another schoolsite by the Director of Behavior Intervention & Student

Services or other administrative designee(s) and directed to successfully complete a District approved rehabilitation plan.

In circumstances involving severe and/or pervasive misconduct, a student may receive a schedule change or be moved to another classroom by a school site administrator or may be administratively transferred to another school site by a District Administrator. When a schedule change or school transfer is deemed necessary, the School and/or District Administrator shall first consider transferring the aggressor/respondent in the matter, prior to considering transfer of the victim/complainant. School and/or District Administrators must also consider the individual needs of the student(s) involved, including but not limited to special education and graduation requirements. Student(s) may also be required to complete a District rehabilitation plan.

13. Notice to Law Enforcement Authorities, EC 48906

The District may notify the appropriate law enforcement authorities for various student violations of school rules and state law. For certain violations, the District is required by law to notify the appropriate law enforcement authorities.

If a school official releases your child from school to a peace officer for the purpose of removing him/her from school premises, the school official shall take immediate steps to notify you or a responsible relative of your child, except when a student has been taken into custody as a victim of a suspected child abuse. In those cases, the peace officer will notify the parent or guardian. EC 48906

ADDITIONAL CONSIDERATIONS

A. MORE THAN ONE CONSEQUENCE

Depending on the nature of the offense, the site administrator will determine whether the consequences should include more than one form of discipline. Typical consequences which are determined and combined by a site administrator include home suspension, in-school suspension, Saturday school, intervention group, detention, administrative transfer to another school site, community service or counseling.

B. EDUCATIONAL RECORD

In determining the appropriate level of consequence, the District may consider a student's grades, attendance, prior discipline, and particular circumstances.

C. RELATED TO SUSPENSION

1. First Offense Suspensions, EC 48900.5

For some infractions, the student may be suspended on the first offense if it is determined that the student's presence causes a danger to persons.

2. Gang Related

Gang-related offenses are generally of the nature where the student's presence does pose a danger to persons or property or threatens to disrupt the instructional process. In such cases, the student may be suspended up to five days on the first offense as well as recommended for an administrative transfer to another school site and possible recommendation for expulsion.

3. Violation of Suspension Rules

Violation of suspension rules may result in a minimum consequence of a warning and a maximum consequence of a referral to the appropriate law enforcement agency.

D. DURING SUSPENSION

1. Parental Supervision

Students on home suspension are expected to be under the supervision of a parent/guardian during school hours. (7:00a.m. - 4:30 p.m.)

2. Stay off School Grounds

Students on home suspension must stay off any school campus unless a prior arrangement has been made with a school administrator to come to the office on official business with the student's parent/guardian.

3. No School-Sponsored Activities

Students on suspension may not attend any school-sponsored activity (whether on or off any school campus – including weekends and holidays). This includes, by way of illustration and not limitation, graduation ceremonies, field trips, athletic events, proms, dances, athletic activities, latch key and after- school recreation.

4. Make-Up Work, EC 48913

- (a) Upon the request of the parent, a legal guardian or other person holding the right to make education decisions for the pupil, or the affected pupil, a teacher shall provide to a pupil in any grades 1-12, inclusive, who has been suspended from school for two or more school days, the homework that the pupil would otherwise be assigned.

A student absent due to suspension may complete and turn in work during the period of suspension in the same manner and at the same time as other students enrolled in the class. Work not submitted in a timely manner will be received, rejected and/or graded in accordance with the teacher's standard policy regarding all other "late" work. It is the individual responsibility of any suspended student to remain informed of class assignments and due dates.

PAYMENT FOR DAMAGES

EC 48904, 48905

If a student's misconduct results in damage or injury to school property, or the personal property of any District employee, the student's parent/guardian is liable for all damages caused by the student.

If the student's parent/guardian is unable to pay for the damages, the District will provide a program of voluntary work for the minor in lieu of payment of monetary damages.

The parent/guardian is responsible for the amount of any reward not exceeding ten thousand dollars (\$10,000) paid for information leading to the apprehension of the person causing the damage. The District may withhold the grades, diplomas, or transcripts of the student until such damages are paid or the property returned, or until completion of a voluntary work program in lieu of payment of money.

F. CONFISCATED PROPERTY

Any confiscated material (e.g., radios, and skateboards) may be returned to the parents and not the student. The District is not responsible for loss of or damage to confiscated materials.

Illegal and dangerous objects including but not limited to, guns, knives, controlled substances, drug paraphernalia, and other dangerous objects will be turned over to the appropriate law enforcement authorities.

MOBILE COMMUNICATION DEVICES

BP 5131.8 Board approved June 4, 2020 (Revised September 21, 2023)

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

Students in grades TK-8 may not use cell phones, smartphones, smart watches, or other mobile communication devices while on campus. Devices must be turned off and placed out of sight during the school day. Students who need to call parents may use phones located in the administrative office.

Students in grades 6 - 8 may resume the use of their mobile communication devices after the last period of the day, and during after school extracurricular and sporting activities.

The Board gives the district and site administrators the authority to use any product or policy that the district and/or site administrators feel would assist the schools in successfully implementing the restriction of mobile communication devices on campus.

Students in grades 9-12 may use cell phones, smartphones, smart watches, or other mobile communication devices on campus during non-instructional time as long as the device is utilized in accordance with law and in accordance with BP/E 6163.4 Student Use of Technology.

The Governing Board understands that secondary site administrators may need flexibility in regard to student use of mobile communication devices on their campus. Thus, site principals are authorized to impose a temporary ban on student use of mobile communication devices while on campus when there is a specific concern in regard to student, staff and/or public safety. Principals implementing a temporary ban of student use of mobile communication devices on campus will notify the superintendent, staff, students, and families the reason and duration of the ban as soon as the ban is deemed necessary.

Mobile communication devices shall be turned off during instructional time. However, a student shall not be prohibited from possessing or using a mobile communication device under any of the following circumstances: (Education Code 48901.5, 48901.7)

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

Smartphones and other mobile communication devices shall not be used in any manner that infringes on the privacy rights of any other person.

The use of any electronic device, to include cell phones, may NOT be used at any time in the gym locker rooms.

Due to the unique nature of Prospect Community Day School, students enrolled in this program will continue to be prohibited from possessing or using an electronic signaling device except with prior consent for health reasons.

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

When a student uses a mobile communication device in an unauthorized manner, the student may be disciplined, and a district employee may confiscate the device. The employee shall store the device securely until it is returned to the student or turned over to the principal or designee, as appropriate. If turned over to the principal, a parent/guardian may be notified and may be required to pick up the device from school. A student who violates this policy may be restricted from possessing a personal electronic signaling device at school or school-related events.

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

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

BEHAVIOR AND CALIFORNIA ED CODE REFERENCE

Current FCUSD Board Policies and Administrative Regulations may surpass the minimum California Education Code requirements.

INTERVENTIONS AND SUPPORT SERVICES FOR STUDENTS

All Folsom-Cordova Unified School District administrators are committed to utilizing interventions and disciplinary supports, and consequences that are consistent, reasonable, fair, age appropriate, and reflective of the severity of the student's misconduct. Even though there are situations that might signal suspension from school, it is the District's goal to support students in learning the skills necessary to function in the school environment and to avoid negative behavior.

Please note that this document is intended as a reference tool for illustrating and clarifying existing federal, state law and regulations as well as Board policies and regulations. Such laws, rules and regulations are subject to frequent change and court interpretation and shall prevail in the event of any conflict with statements in this summary. As a "living document" this

resource may be updated without notice from time to time to conform to law or as otherwise deemed appropriate.

There is a wide range of support interventions used to minimize suspension and expulsions, and to provide our students with meaningful experiences in our learning communities. The following are some representative examples of the interventions our school and district staff employ in order to improve climate and reduce or eliminate behavior exhibited by students that may result in suspension from school or possible recommendation for expulsion:

PARENT OUTREACH		
	• School to Home Communication	District Digest/social media outreach
	• Parent-Teacher Conferences	Informational Parent Nights
	• Parent Outreach • Campus Parent Portal	Parent Group Meetings for At-Risk Students

- Parent Observation of Child in Class
- District Knock and Talks/Tap and Chats
- BlackBoard Mass
- Technology outreach
- Parent Focus Groups
- Anti-Bullying Campaigns and annual policy distribution to parents and other members of our school communities.
- Strengthening Families (Program)

COUNSELING & MENTAL HEALTH SUPPORT

- School Counselor Contacts
- Mental Health Specialist/School Social Worker referral, school Psychologist
- Resource Referrals
- Conflict Mediation
- Counseling for Skill Building
- Focus Groups
- Brief Interventions
- SRO

ACADEMIC SUPPORT

- Student Study Team (SST) meetings
- Peer Tutoring
- Homework Center/Homework Help
- Study Hall
- Every Child by Name
- MTSS
- Response to Intervention (RtI) Programs with Tiered Support
- Online Credit Recovery Programs
- Student Government/Leadership/ASB, Link Crew Opportunities at the middle and high schools.
- Behavior Specialist Services
- Behavior Intervention Plan
- PBIS Plan
- IEP Team Meetings

ACCOMMODATIONS AND SPECIAL EDUCATION

- Manifestation
- Classroom Modifications Specialized Academic Instruction and related services
- Alternative Dispute Resolution (ADR) Meeting

BEHAVIORAL INTERVENTIONS

- Response to Intervention (RtI)
- Programs with Tiered Support
- Positive Behavior Interventions and Supports (PBIS)
- Behavior Support
- Curriculum/Character Education
- Campus Clean-up, Community Service
- Warnings/Formal Reprimands/Teachable Moments
- Saturday School/detention
- Timeouts/Referrals to SRO
- Loss of Recess/Free time
- Individual Crisis Management Plan
- Section 504 Accommodations
- Alternative to Expulsion Program
- Administrative Transfers to other comprehensive schoolsites
- Student Handbooks reviewed with students in class
- School Attendance Review Board (SARB) and School Attendance Review Team (SART)
- Mentor programs (Link Crew and WEB) at all comprehensive middle and high schools.
- Restitution
- Reintegration meetings
- Check in/Check out
- Restorative Circles
- Mediation/Conflict Resolution

COMMUNITY PARTNERSHIPS & RESOURCES

- Folsom Cordova Community Partnership (FCCP)
- Faith Based Partnerships
- Sacramento Sheriff Department
- Folsom Police Department

STUDENT DISCIPLINE CODE

The student discipline code applies to all students attending school in the Folsom Cordova Unified School District who engage in conduct at school, at a school activity, or related to school attendance, including, by way of illustration and not limitation, the following circumstances: (1) while on any school grounds; (2) while going to or coming from any school; (3) during the lunch period, whether on or off the school campus; and (4) during, going to, or coming from a school-sponsored activity. Where appropriate, discipline should be progressive. This means that a student's first violation will usually merit a consequence of a lesser degree than subsequent violations, taking into account all factors relevant to the severity of the current violation. Except where specified by Education Code Section 48900.5, a student may be suspended when there has been a determination that other means of correction have failed to bring about proper conduct or are not currently feasible, or that the student's presence causes a danger to persons.

The student discipline code also applies to: (1) all school-related trips and excursions approved according to governing board standards; and (2) optional District educational programs such as: (a) summer school; (b) after-school programs and (c) pre-kindergarten or preschool programs. At the principal's discretion, a student with documented discipline problems not requiring expulsion may be removed from the remainder of an optional educational program. Before a removal occurs, the parent will receive a written notice and an opportunity to be heard in front of the principal or principal's designee.

CONSEQUENCES/INTERVENTIONS

Understanding that consequences and interventions represent "teachable moments" is fundamental to a positive approach to discipline. The goal of progressive consequences and interventions is the teaching of pro-social behavior. Progressive consequences seek accountability and behavioral change. Prevention of negative behavior occurs by helping students learn from their mistakes. Essential to progressive discipline is helping students who have engaged in unacceptable behavior to:

1. Understand why the behavior is unacceptable and the harm it has caused
2. Understand what they could have done differently in the same situation
3. Take responsibility for their action
4. Be given the opportunity to learn pro-social strategies and skills to use in the future
5. Understand the progression of more stringent consequences if the behavior reoccurs

Consequences and interventions are most effective with students when they deal directly with the problem, in a way that is fair and impartial. These procedures were developed to establish a uniform discipline code for the District; it is expected that this code would be followed and consistently enforced throughout the Folsom Cordova Unified School District. All District staff who are authorized to impose disciplinary actions are expected to do so in a prompt, fair and lawful manner and to place emphasis on the student's ability to grow in self-discipline. All District staff are to assure due process for students. When choosing interventions and consequences for a student's behavior, District staff should consider the following factors:

1. Age, health, maturation and disability or special education status of the student
2. Student's prior conduct and record of behavior
3. Student's understanding of the impact of their behavior
4. Student's willingness to repair the harm caused by their behavior
5. Seriousness of the behavior offense and the degree of harm caused
6. Impact of the incident on overall school community
7. Whether the student's violation threatened the safety of any student or staff member
8. The likelihood that a lesser intervention or consequence would adequately address the violation

When students are disruptive or act inappropriately, and following consideration of the factors previously mentioned, District staff shall determine the level of consequence and intervention needed to assist the student in bringing about proper conduct. Consequences should be paired with an appropriate intervention. The following levels of interventions and consequences shall be applied in a logical, appropriate, and consistent manner:

Levels of Response – Interventions and Consequences

Level 1	Examples of Classroom Managed Responses	
	<p>These interventions and consequences aim to teach correct behavior so students may learn and demonstrate safe, respectful, and responsible behavior. Teachers are encouraged to try a variety of teaching and classroom management strategies. Below are possible interventions and consequences that may be used.</p>	
Level 2	Examples of Administrative Responses	
	<p>These interventions and consequences used in response to an office discipline referral, aim to correct behavior by stressing the seriousness of the behavior while keeping the student in school. Interventions often involve support staff and aim to engage the student's support system to ensure successful learning, consistency, and change the conditions that contribute to the student's inappropriate or disruptive behavior. Below are possible interventions and consequences that may be used. Level 1 interventions may still apply.</p>	
Level 3	Examples of Administrative Removal Responses	
	<p>Level 3 interventions and consequences involve short-term removal of a student from the school environment due to the severity of the behavior or because Level 1 and Level 2 consequences have failed to bring about proper conduct. Level 1 and Level 2 interventions may still be applied in addition to those listed in Level 3. The duration of the suspension is to be limited as much as practicable while adequately addressing the behavior.</p>	
Level 4	Examples of Administrative Removal Responses Including Possible Expulsion	
	<p>Level 4 involves the removal of the student from the school environment due to the severity of the behavior or because Level 1, 2, or 3 interventions and consequences have failed to bring about proper conduct and/or due to the nature of the act, the student's presence causes a danger to persons. These consequences focus on protecting the safety of the school community and ending self-destructive and dangerous behavior. Level 1, 2 and 3 interventions may still be applied, if applicable.</p>	
	<p><i>Possible Interventions</i></p> <ul style="list-style-type: none"> • Establish positive relationship with student • Seat change • Pre-correction and redirection • No contact contract • Establish buddy teacher system • Parent/Guardian accompany student in class • Daily progress report for behavior • Increase positive recognition • Goal setting with student, possible counseling check-in 	<p><i>Required Consequences</i></p> <ul style="list-style-type: none"> • Contact parent • Verbal corrective feedback • In-class timeout, Teacher detention • Parent/Guardian conference, Teacher meeting • Student verbal or written apology • Use buddy teacher system • Loss of class privileges • Student written reflection • Teacher and student conference/pose logical consequences
	<p><i>Required Interventions</i></p> <ul style="list-style-type: none"> • Refer to SST/individual Education Plan (IEP) 504 team • Increase positive recognition • Collaborative problem solving • Establish positive relationship with student • Refer for substance abuse intervention • Mentoring, Social/Academic Skills Group • Develop/revise Behavior Support Plan (BSP) • Check In/Check Out • Refer to counseling program • Refer for educational/psychological evaluation • Refer to school/community based mental health 	<p><i>Possible Consequences</i></p> <ul style="list-style-type: none"> • Parent/Guardian notification required • Detention/Saturday School • Student verbal or written apology • Use buddy teacher system • Change of class/withdrawal from class • Conference with student • Remove privilege/restricted activity • Restitution/community Service • Time out • Relationship development action • Restorative conferencing
	<p><i>Possible Interventions</i></p> <ul style="list-style-type: none"> • Develop/revise Behavior Support Plan (BSP) • Revise 504/IEP (students with disabilities) • Develop Functional Behavioral Assessment • Behavior Intervention Plan • Restorative Justice re-entry conferencing 	<p><i>Required Consequences</i></p> <ul style="list-style-type: none"> • Parent/Guardian notification • Suspension from school (one to five days) and <u>or</u> In-School Suspension (one to four days) or Alternative to Suspension class, and (one to five days) <i>Saturday</i> • <i>School-applicable to middle and high school students</i>
	<p><i>Possible Interventions</i></p> <ul style="list-style-type: none"> • Manifestation determination (IEP only)/504 compliancereview • Develop/revise Behavior Support Plan (BSP) • Revise IEP (for students with disabilities) • Develop Functional Behavioral Assessment • Behavior Intervention Plan (BIP) • Alternative educational placement 	<p><i>Required Consequences</i></p> <ul style="list-style-type: none"> • Parent/Guardian notification • Suspension from school (5 days) • May refer for Expulsion (total removal from school if other means of correction have <u>not</u> brought about proper <u>conduct</u> <u>or</u> are not feasible <u>or</u> there is a continuing danger to the physical safety of the student or others • Mandatory recommendation for Expulsion for violations of Ca Ed Code 48915 (al A-E)

Level 5	Mandatory Recommendation for Expulsion and Mandatory Expulsion	
	Mandatory removal from school and referral for expulsion for acts as specified in CA Ed. Code 48915 (C1-5)	
	<i>Possible Interventions</i> <ul style="list-style-type: none"> • Manifestation determination (IEP only) /504 compliance review • Alternative educational placement • Mandatory referral for expulsion, mandatory expulsion 	<i>Required Consequences</i> <ul style="list-style-type: none"> • Parent/Guardian notification • Suspension from school (5 days)

PROBLEM BEHAVIOR AND APPLICABLE LEVELS OF RESPONSE

Note: If the problem behavior is assigned to two or more levels, then whenever possible, the lowest level of intervention and consequence should be used first. A Level 3 or above response may only be given if other means of correction have failed to bring about proper conduct; or due to the nature of the act, the student's presence causes a danger to persons; or suspension is authorized by law. In accordance with law, a Level 3 response may be used on a first offense for behaviors marked with an asterisk (*).

Problem Behavior	Level 1	Level 2	Level 3	Level 4	Level 5	Requires Law Enforcement Notification
Absence from Class or School						
• Tardiness	•	•				
• Cutting class	•	•				
• Excessive absences/truancy	•	•				
Bullying						
• Intentional physical or verbal act or conduct including communications made in writing or by means of an electronic act that has an effect described in law (EC 48900(r))	•	•	•	•		
• Severe or pervasive physical or verbal act(s) or conduct including communications made in writing or by means of an electronic act that has an effect described in law (<i>Suspension. Gr. 4-12 only EC 48900 (r)</i>)		•	Grade 4-12 only	Grade 4-12 only		
• Engaged in, or attempted to engage in, hazing as defined in law (EC 48900 (q))		•	•	•		
Contraband – Tobacco						
• Possession of tobacco or any products containing tobacco or nicotine (EC 48900 (h))	•	•	•			
• Possession of nicotine delivery systems (e.g., vaporizers, hookah pens) (EC 48900 (h))	•	•	•			
• Use of tobacco or any products containing tobacco or nicotine (EC 48900 (h))		•	•			
Contraband - Alcohol and Intoxicants						
• Possessed or under the influence of an alcohol beverage or an intoxicant of any kind (EC 48900 (c)) *		•	•	•		•
• Used, sold, or furnished an alcohol beverage or an intoxicant of any kind (EC 48900 (c))			•	•		•
Contraband - Controlled Substances						

<ul style="list-style-type: none"> • Possessed, offered, arranged, or negotiated to sell any drug paraphernalia (EC 48900 (j)) 		●	●	●		
<ul style="list-style-type: none"> • Possessed, or came to school under the influence of, a controlled substance (EC 48900 (c), 48915 (a1C)) * 		●	●	●		●
<ul style="list-style-type: none"> • Unlawfully offered, arranged to sell, negotiated to sell, or sold the prescription drug Soma (EC 48900(p), 48915(c3)) 			●	●	●	●
<ul style="list-style-type: none"> • Used or offered a controlled substance (EC 48900 (c)) 			●	●		●
<ul style="list-style-type: none"> • Unlawfully offered, arranged, or negotiated to sell and delivered a "look alike" represented as a controlled substance, alcoholic beverage, or other intoxicant (EC 48900 (d)) 			●	●		●
<ul style="list-style-type: none"> • Sold a controlled substance (EC 48915 (c3)) 					●	●

PROBLEM BEHAVIOR AND APPLICABLE LEVELS OF RESPONSE

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Problem Behavior	Level1	Level2	Level3	Level4	Level5	Requires Law Enforcement Notification
Contraband – Weapons						
<ul style="list-style-type: none"> • Possessed an imitation firearm (EC 48900 (m)) 		●	●	●		
<ul style="list-style-type: none"> • Possessed a knife or other dangerous object (EC 48900 (b), 48915 (a1B)) * 		●	●	●		●
<ul style="list-style-type: none"> • Sold or otherwise furnished any knife or other dangerous object (EC 48900 (b)) 			●	●		
<ul style="list-style-type: none"> • Brandished a knife at another person (EC 48915 (c2)) 					●	●
<ul style="list-style-type: none"> • Possessed an explosive as defined in federal law (EC 48915 (c5)) 					●	●
<ul style="list-style-type: none"> • Possessed, sold, or otherwise furnished a firearm (EC 48915 (c1)) 					●	●
Contraband - Other items						
<ul style="list-style-type: none"> • Possession of unauthorized items not otherwise included in this code 	●	●				
<ul style="list-style-type: none"> • Unauthorized sale or distribution of goods not otherwise included in this code 	●	●	●	●		
<ul style="list-style-type: none"> • Use of over-the-counter or prescription medicine in a manner other than prescribed by a physician or Education Code (EC 48900 (a1),(b), (c), (d)) * 		●	●	●		●
Disruption						
<ul style="list-style-type: none"> • Engaged in behavior causing an interruption during class or other school activity 	●	●				

<ul style="list-style-type: none"> Ran, made excessive noise, or loitered in a hallway or between classes 	●	●				
<ul style="list-style-type: none"> Engaged in gambling 	●	●	●			
<ul style="list-style-type: none"> Repeated and chronic behavior that creates an environment preventing teaching and learning (Susp. Gr. 8-12 only EC 48900 (k)) 		●	Grade 8-12 only	Grade 8-12 only		
<ul style="list-style-type: none"> False activation of a fire alarm (Susp. Gr. 8-12 only EC 48900k) 		●	Grade 8-12 only	Grade 8-12 only		
<ul style="list-style-type: none"> Caused a major disruption to the atmosphere of order and safety in the school, such as a riot (Susp. Gr. 8-12 only EC 48900(k)) 			Grade 8-12 only	Grade 8-12 only		
Dress Code Violation						
<ul style="list-style-type: none"> Wearing clothing that does not fit within dress code guidelines established by the District or school in accordance with BP/AR 5132 -Pupil Dress and Grooming (EC 35183) 	●	●				
<ul style="list-style-type: none"> Wearing clothing that does not fit within dress code guidelines and causes a major disruption to a safe school environment (Susp. Gr. 8- 12 only EC 48900 (k)) 	●	●	Grade 8-12 only			

PROBLEM BEHAVIOR AND APPLICABLE LEVELS OF RESPONSE

Note: If the problem behavior is assigned to two or more levels, then whenever possible, the lowest level of intervention and consequence should be used first. A Level 3 or above response may only be given if other means of correction have failed to bring about proper conduct; or due to the nature of the act, the student's presence causes a danger to persons; or suspension is authorized by law. In accordance with law, a Level 3 response may be used on a first offense for behaviors marked with an asterisk (*).

Problem Behavior	Level1	Level2	Level3	Level4	Level5	Requires Law Enforcement Notification
Harassment						
<ul style="list-style-type: none"> Minor annoying behavior or negative gestures toward other students 	●	●				
<ul style="list-style-type: none"> Repeated annoying behavior or negative gestures toward other students despite directions to stop by staff (Susp. Gr. 8- 12 only EC 48900 (k)) 		●	Grade 8-12 only			
<ul style="list-style-type: none"> Intentionally engaged in harassment, threats or intimidation directed against District personnel or student(s) causing disorder and creating a hostile school setting (Susp. Gr. 8- 12 only EC 48900.4) 		●	Grade 8-12 only	Grade 8-12 only		
<ul style="list-style-type: none"> Harassed/threatened/intimidated a student victim/witness in a school disciplinary proceeding (EC 48900 (o)) 		●	●	●		
Immodest/Offensive Behavior						
<ul style="list-style-type: none"> Inappropriate display of affection 	●	●				
<ul style="list-style-type: none"> Viewing or displaying obscene or sexually explicit content (EC 48900 (i)) 		●	●	●		
<ul style="list-style-type: none"> Intentional physical or verbal act or conduct that is of a sexual nature or considered obscene by a reasonable person (EC 48900 (i)) 		●	●	●		

<ul style="list-style-type: none"> Sexual harassment: Severe or pervasive physical or verbal act(s) or conduct of a sexual nature that has an effect described in law (<i>Susp. Gr. 8-12 only EC 48900.2</i>) 			Grade 4-12 only	Grade 4-12 only		
<ul style="list-style-type: none"> Committed a sexual battery (<i>EC 48900 (n), 48915 (c4)</i>) 					●	●
<ul style="list-style-type: none"> Committed or attempted to commit a sexual assault (<i>EC 48900 (n), 48915 (c4)</i>) 					●	●
Lying/Cheating						
<ul style="list-style-type: none"> Lying to get self or others out of trouble 	●	●				
<ul style="list-style-type: none"> Intentional lying to get another person(s) in trouble (<i>Susp. Gr. 8-12 only EC 48900 (k)</i>) 		●	Grade 8-12 only			
<ul style="list-style-type: none"> Cheating or plagiarism 	●	●				
Non-cooperative Behavior						
<ul style="list-style-type: none"> Trespassing; Unauthorized attendance at school activities 	●	●				
<ul style="list-style-type: none"> Failure to follow directions, share, respond to staff requests, or allow others to participate in an activity 	●	●				
<ul style="list-style-type: none"> Failure to follow directions leading to potential disruption or harm to self or others (<i>Susp. Gr. 4-12 only EC 48900 (k)</i>) 	●	●	Grade 4-12 only			
<ul style="list-style-type: none"> Failure to follow directions that directly leads to disruption or the harm of self or others (<i>Susp. Gr. 4-12 only EC 48900 (k)</i>) 		●	Grade 4-12 only	Grade 4-12 only		

PROBLEM BEHAVIOR AND APPLICABLE LEVELS OF RESPONSE

Note: If the problem behavior is assigned to two or more levels, then whenever possible, the lowest level of intervention and consequence should be used first. A Level 3 or above response may only be given if other means of correction have failed to bring about proper conduct; or due to the nature of the act, the student's presence causes a danger to persons; or suspension is authorized by law. In accordance with law, a Level 3 response may be used on a first offense for behaviors marked with an asterisk (*).

Problem Behavior	Level1	Level2	Level3	Level4	Level5	Requires Law Enforcement Notification
Physical Aggression						
<ul style="list-style-type: none"> Minor physical aggression without injury 	●	●				
<ul style="list-style-type: none"> Mutual fight (<i>EC 48900 (a1)</i>) 	●	●	●			
<ul style="list-style-type: none"> Mutual fight (repeated instances and/or with moderate physical injury and/or other serious aggravating factors) 			●	●		
<ul style="list-style-type: none"> Attack on student, attempting to cause physical injury (<i>EC 48900 (a1) (a2)</i> *) 		●	●	●		
<ul style="list-style-type: none"> Aides or abets in the infliction or attempted infliction of physical injury (<i>EC 48900 (t)</i>) 		●	●	●		
<ul style="list-style-type: none"> Caused or attempted to cause or participated in an act of hate violence (<i>Susp. Gr. 4-12 only EC 48900.3</i>) 		●	Grade 4-12 only	Grade 4-12 only		
<ul style="list-style-type: none"> Attack on student, causing physical injury (<i>EC 48900 (a1)</i>) 			●	●		

<ul style="list-style-type: none"> Willfully used force or violence upon the person of another, except in self-defense (EC 48900 (a2)) 			●	●		●
<ul style="list-style-type: none"> Caused serious injury to another person, except in self-defense (EC 48915 (a1)) 				●		●
<ul style="list-style-type: none"> Unintentional, incidental physical contact with school personnel 	●	●				
<ul style="list-style-type: none"> Unintentional striking of a staff member who is intervening in a fight or other disruptive activity (EC 48900 (a1)) * 		●	●	●		
<ul style="list-style-type: none"> Intentional assault or battery upon any school employee (EC 48915 (a1)) 				●		●
Property Misuse/Damage						
<ul style="list-style-type: none"> Littering 	●	●				
<ul style="list-style-type: none"> Minor or accidental damage 	●	●				
<ul style="list-style-type: none"> Attempted to cause damage to property (EC 48900 (f)) 	●	●	●			
<ul style="list-style-type: none"> Caused damage to property (EC 48900 (f)) 		●	●	●		
<ul style="list-style-type: none"> Breaking and entering on District property (EC 48900 (f)) 		●	●	●		●
<ul style="list-style-type: none"> Set fire to property (EC 48900 (f)) 		●	●	●		●
Stealing/Possessing Stolen Property						
<ul style="list-style-type: none"> Stole school or private property (EC 48900 (g)) 	●	●	●	●		
<ul style="list-style-type: none"> Knowingly possessed stolen property (EC 48900 (l)) 	●	●	●	●		
<ul style="list-style-type: none"> Attempted to commit robbery or extortion (EC 48900 (e), 48915 (a1D)) * 			●	●		
<ul style="list-style-type: none"> Committed robbery or extortion (EC 48900 (e), 48915 (a1D)) 			●	●		●
Tantrum						
<ul style="list-style-type: none"> A combination of disruptive behavior (e.g., whining, yelling, throwing objects) to express frustration or gain attention 	●	●				

PROBLEM BEHAVIOR AND APPLICABLE LEVELS OF RESPONSE

Note: If the problem behavior is assigned to two or more levels, then whenever possible, the lowest level of intervention and consequence should be used first. A Level 3 or above response may only be given if other means of correction have failed to bring about proper conduct; or due to the nature of the act, the student's presence causes a danger to persons; or suspension is authorized by law. In accordance with law, a Level 3 response may be used on a first offense for behaviors marked with an asterisk (*).

Problem Behavior	Level1	Level2	Level3	Level4	Level5	Requires Law Enforcement Notification
Technology Violation						
<ul style="list-style-type: none"> Violation of school rules regarding use of personal technology not resulting in harm 	●	●				
<ul style="list-style-type: none"> Violation of District's Acceptable Use Agreement for using District technology not resulting in harm 	●	●				
<ul style="list-style-type: none"> Using District technology without permission 	●	●				

<ul style="list-style-type: none"> Repeated violations of school rules, District Acceptable Use Agreement, or using District technology without permission (Susp. Gr. 8-12 only EC 48900 (k)) 		●	Grade 8-12 only	Grade 9-12 only		
<ul style="list-style-type: none"> Use of electronic device(s) for which it is determined that such use directly causes physical or emotional harm to another person as defined in law (Susp. Gr. 4-12 only EC 48900 (r)) 		●	Grade 4-12 only	Grade 4-12 only		
Verbal and Written Aggression (Not Arising to Level of Bullying or Other Serious Offense)						
<ul style="list-style-type: none"> Yelling or using aggressive language towards another student 	●	●				
<ul style="list-style-type: none"> Minor name calling or teasing, whether written or verbal, towards other students 	●	●				
<ul style="list-style-type: none"> Repeated name calling or teasing, whether written or verbal, towards other students despite directions to stop by staff (Susp. Gr. 8-12 only EC 48900 (k)) 		●	Grade 8-12 only			
<ul style="list-style-type: none"> Use of profanity or vulgarity not directed at others (Susp. Gr. 8-12 only EC 48900 (k)) 	●	●	Grade 8-12 Only			
<ul style="list-style-type: none"> Habitual use of profanity or vulgarity (EC 48900 (i)) 		●	●			
<ul style="list-style-type: none"> Threatened to cause an act of hate violence (Susp. Gr. 4-12 only EC 48900.3) 		●	Grade 4-12 only	Grade 4-12 only		
<ul style="list-style-type: none"> Threatened to cause physical injury (EC 48900 (a1)) * 		●	●	●		
<ul style="list-style-type: none"> Made terroristic threats against school officials or school property or both (EC 48900.7) 		●	●	●		●

APPENDICES

Policy 5145.3: Nondiscrimination/Harassment

Status: ADOPTED

Original Adopted Date: 05/19/2011 | Last Revised Date: 02/02/2023 | Last Reviewed Date: 02/02/2023

This policy shall apply to all acts constituting unlawful discrimination or harassment related to school activity or to school attendance occurring within a district school, and to acts which occur off campus or outside of school-related or school-sponsored activities but which may have an impact or create a hostile environment at school.

The Governing Board desires to provide a safe school environment that allows all students equal access to and opportunities in the district's academic, extracurricular, and other educational support programs, services, and activities. The Board prohibits, at any district school or school activity, unlawful discrimination, including discriminatory harassment, intimidation, harassment, and bullying, targeted at any student by anyone, based on the person's actual or perceived race, color, creed, ancestry, nationality, national origin, immigration status, ethnic group identification, language, ethnicity, age, religion, marital status, pregnancy, parental status, physical or mental disability, gender, gender identity or gender expression, sex, sexual orientation, genetic information, geographic location, socioeconomic status, or association with a person or group with one or more of these actual or perceived characteristics.

Unlawful discrimination, including discriminatory harassment, intimidation, or bullying, may result from physical, verbal, nonverbal, or written conduct based on any of the categories listed above. Unlawful discrimination also occurs when prohibited conduct is so severe, persistent, or 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.

Unlawful discrimination also includes disparate treatment of students based on one of the categories above with respect to the provision of opportunities to participate in school programs or activities or the provision or receipt of educational benefits or services.

The Board also prohibits any form of retaliation against any individual who reports or participates in the reporting of unlawful discrimination, files or participates in the filing of a complaint, or investigates or participates in the investigation of a complaint or report alleging unlawful discrimination. Retaliation complaints shall be investigated and resolved in the same manner as a discrimination complaint.

The Superintendent or designee shall facilitate students' access to the educational program by publicizing the district's nondiscrimination policy and related complaint procedures to students, parents/guardians, and employees. In addition, the Superintendent or designee shall post the district's policies prohibiting discrimination, harassment, intimidation, and bullying and other required information on the district's website in a manner that is easily accessible to parents/guardians and students, in accordance with law and the accompanying administrative regulation.

The Superintendent or designee shall provide training and/or information on the scope and use of the policy and complaint procedures and take other measures designed to increase the school community's understanding of the requirements of law related to discrimination. The Superintendent or designee shall regularly review the implementation of the district's nondiscrimination policies and practices and, as necessary, shall take action to remove any identified barrier to student access to or participation in the district's educational program. The Superintendent or designee shall report the findings and recommendations to the Board after each review.

Regardless of whether a complainant complies with the writing, timeline, and/or other formal filing requirements, all complaints alleging unlawful discrimination, including discriminatory harassment, intimidation or bullying, shall be investigated and prompt action taken to stop the discrimination, prevent recurrence, and address any continuing effect on students.

Students who engage in unlawful discrimination, including discriminatory harassment, intimidation, retaliation, or bullying, in violation of law, Board policy, or administrative regulation shall be subject to appropriate consequence or discipline, which may include suspension or expulsion when the behavior is severe or pervasive as defined in Education Code 48900.4. Any employee who permits or engages in prohibited discrimination, including discriminatory harassment, intimidation, retaliation, or bullying, shall be subject to disciplinary action, up to and including dismissal.

Record-Keeping

The Superintendent or designee shall maintain a record of all reported cases of unlawful discrimination, including discriminatory harassment, intimidation, or bullying, to enable the district to monitor, address, and prevent repetitive prohibited behavior in district schools.

Policy Reference Disclaimer: These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State References

5 CCR 432
 5 CCR 4600-4670
 5 CCR 4900-
 Civ. Code
 Ed. Code 200-
 Ed. Code 48900.3
 Ed. Code 48900.4
 Ed. Code 48904
 Ed. Code 48907
 Ed. Code 48950
 Ed. Code 48985
 Ed. Code 49020-49023
 Ed. Code 49060-49079
 Ed. Code 51500
 Ed. Code 51501
 Ed. Code 60044
 Gov. Code
 Pen. Code 422.55
 Pen. Code 422.6

Federal References

20 USC 1681-1688
 28 CFR 35.107
 29 USC 794
 34 CFR 100.3
 34 CFR
 34 CFR 104.8
 34 CFR 106.8
 34 CFR 106.9
 34 CFR 110.25
 34 CFR 99.31
 42 USC 12101-12213
 42 USC 2000d-2000e-17
 42 USC 2000h-2-2000h-6
 42 USC 6101-6107

Management Resources References**Description**

Student records
 Uniform complaint procedures
 Nondiscrimination in elementary and secondary educational programs receiving state or federal financial assistance
 Liability of parent or guardian for act of willful misconduct by a minor - <https://simbli.eboardsolutions.com/SU/NSknepFduiYWusJFnU3r9Q==>
 Prohibition of discrimination - <https://simbli.eboardsolutions.com/SU/ytTLslshoozWGUAAbNL6kKkgxQ==>
 Suspension or expulsion for act of hate violence
 Suspension or expulsion for harassment, threats, or intimidation
 Liability of parent/guardian for willful student misconduct
 Exercise of free expression; time, place and manner rules and regulations
 Speech and other communication
 Notices to parents in language other than English
 Athletic programs
 Student records
 Prohibited instruction or activity
 Prohibited means of instruction
 Prohibited instructional materials
 Prohibition of discrimination - <https://simbli.eboardsolutions.com/SU/PcUFWeMcCJnzBrKAL0EtfQ==>
 Definition of hate crime
 Crimes; harassment

Description

Title IX of the Education Amendments of 1972; discrimination based on sex
 Nondiscrimination on basis of disability; complaints
 Rehabilitation Act of 1973; Section 504
 Prohibition of discrimination on basis of race, color or national origin
 Section 504; Designation of responsible employee and adoption of grievances procedures
 Notice of Nondiscrimination on the Basis of Handicap
 Designation of coordinator; dissemination of policy, and adoption of grievance procedures
 Severability
 Prohibition of discrimination based on age
 Disclosure of personally identifiable information
 Americans with Disabilities Act
 Title VI and Title VII Civil Rights Act of 1964, as amended
 Title IX of the Civil Rights Act of 1964
 Age Discrimination Act of 1975

Description

Promoting Safe & Secure Learning Environment for All: Guidance & Model

CA Office of the Attorney General Publication	
Policies to Assist CA K-12 Schools in Responding to Immigration Issues, 4/2018	
Court Decision	Donovan v. Poway Unified School District, (2008) 167 Cal.App.4th 567
Court Decision	Flores v. Morgan Hill Unified School District, (2003, 9th Cir.) 324 F.3d 1130
CSBA	Updated Legal Guidance: Protecting Transgender and Gender Nonconforming Students Against Sex Discrimination, March 2017
First Amendment Center Publication	Public Schools and Sexual Orientation: A First Amendment Framework for Finding Common Ground,
U.S Dept of Ed Office for Civil Rights	Resolution Agreement Between the Arcadia USD, US Dept of Ed, OCR, & the US DOJ, CRD, (2013) OCR 09-12-1020, DOJ 169-12C-70
U.S. Dept. of Health & Human Services	Guide. to Fed Fin. Assist. Recipients Re. Title VI Prohibition Against Nat'l Origin Discrimination Affect Limited English Proficient Persons, Aug. 2013
U.S. DOE, Office for Civil Rights Publication	Dear Colleague Letter: Harassment and Bullying, October 2010
U.S. DOE, Office for Civil Rights Publication	Dear Colleague Letter: Title IX Coordinators, April 2015
U.S. DOE, Office for Civil Rights Publication	Examples of Policies and Emerging Practices for Supporting Transgender Students, May
U.S. DOE, Office for Civil Rights Publication	Notice of Non-Discrimination, Fact Sheet, August 2010
Website	CSBA District and County Office of Education Legal Services - https://simbli.eboardsolutions.com/SU/UdykszdmPETuDsIshXk6R5akQ==
Website	First Amendment Center - https://simbli.eboardsolutions.com/SU/jzIfta62CjSCuo68JOXF1w==
Website	California Office of the Attorney General - https://simbli.eboardsolutions.com/SU/5qNslsh5DoKuytasYcv9khGiA==
Website	California Safe Schools Coalition - https://simbli.eboardsolutions.com/SU/WemZSI34fz0YvWHUM4trDg==
Website	CSBA - https://simbli.eboardsolutions.com/SU/W3QxkK2FPsDsQBnMIENxGg==
Website	California Department of Education - https://simbli.eboardsolutions.com/SU/os2jq5DcA2RawmY2VZ5FZQ==
Website	U.S. Department of Education, Office for Civil Rights - https://simbli.eboardsolutions.com/SU/xmCPrTcoZle111WmbX10Vg==

Cross References

	Description
0410	Nondiscrimination In District Programs And Activities - https://simbli.eboardsolutions.com/SU/a3plumwl0zslshlRw6iTRI9XEKQ==
0415	Equity - https://simbli.eboardsolutions.com/SU/nuGirUtA8OQRUKAUde4utQ==
0450	Comprehensive Safety Plan - https://simbli.eboardsolutions.com/SU/LOaBnoVY0hmNKftDesWTPQ== Comprehensive Safety Plan - https://simbli.eboardsolutions.com/SU/islshO4d5Nk1vylzNHT2rm6Q==
1114	District-Sponsored Social Media - https://simbli.eboardsolutions.com/SU/E9Njs9XqPUjo7aByBxJbslshg==
1240	Volunteer Assistance - https://simbli.eboardsolutions.com/SU/fdrtP0frDUVr6lgH5i84EA==
1240	Volunteer Assistance - https://simbli.eboardsolutions.com/SU/fvRttiXEeWPX94Sblrplustg==
1240-E PDF(1)	Volunteer Assistance - https://simbli.eboardsolutions.com/SU/XLPxquVuyxxhKNmJUUpQZyw==
1312.1	Complaints Concerning District Employees - https://simbli.eboardsolutions.com/SU/iGqfVAc81p1d2slshlNLGdbfg==
1312.1	Complaints Concerning District Employees - https://simbli.eboardsolutions.com/SU/XRe1heSPHXk BemVtGIYyyA==
1312.3	Uniform Complaint Procedures - https://simbli.eboardsolutions.com/SU/T3xkspXayFj4xNZuQYUJyg==

1312.3 Uniform Complaint Procedures - <https://simbli.eboardsolutions.com/SU/5nOztuslshDkexjyldR9OhG1g==>

1312.3-E PDF(1) Uniform Complaint Procedures - <https://simbli.eboardsolutions.com/SU/bldSimwcloY0WOrNdt7slw==>

1312.3-E PDF(2) Uniform Complaint Procedures - <https://simbli.eboardsolutions.com/SU/hBq0A2bnM4WB0IA8IE1U8g==>

1312.3-E PDF(3) Uniform Complaint Procedures - <https://simbli.eboardsolutions.com/SU/EyU7Ee01EZ2Bwslsh1Uzs8DmA==>

1340 Access To District Records - <https://simbli.eboardsolutions.com/SU/PAmaplusQt6MotGnoNvzEiCiA==>

1340 Access To District Records - <https://simbli.eboardsolutions.com/SU/YSLwo8HRk11flprHGVl5cg==>

3515.4 Recovery For Property Loss Or Damage - <https://simbli.eboardsolutions.com/SU/WXkpsjswrEvopKT8VqQ05Lw==>

3515.4 Recovery For Property Loss Or Damage - <https://simbli.eboardsolutions.com/SU/UgUiEXWxUifY2HsYbz5vOA==>

3530 Risk Management/Insurance - <https://simbli.eboardsolutions.com/SU/FZ8QGeks2H3hENqDCuBbbA==>

353 Risk Management/Insurance - <https://simbli.eboardsolutions.com/SU/Z00wOeYq78HzLb5MflKtIA==>

355 Free And Reduced Price Meals - <https://simbli.eboardsolutions.com/SU/Q0slsh4FkUOQqxKwrhMChZ9Kg==>

3553 Free And Reduced Price Meals - <https://simbli.eboardsolutions.com/SU/jwQplusi64iOplusGTtoK4cqGclxg==>

3580 District Records - <https://simbli.eboardsolutions.com/SU/H0XmbZzkAD38KfMxFlmOzw==>

3580 District Records - <https://simbli.eboardsolutions.com/SU/iY5AOaxwIVMa6ZoYBzdE1w==>

4112.6 Personnel Files - <https://simbli.eboardsolutions.com/SU/n3YINljQBy3TA5dldwQZ0A==>

4112.9 Employee Notifications - <https://simbli.eboardsolutions.com/SU/0uES3OjPdHoDII55iC1mYQ==>

4112.9-E PDF(1) Employee Notifications - <https://simbli.eboardsolutions.com/SU/r83gYqh4subAVMLbqj2wvg==>

4118 Dismissal/Suspension/Disciplinary Action - <https://simbli.eboardsolutions.com/SU/IAHPaqre0DL5WslshHwWytuw==>

411 Dismissal/Suspension/Disciplinary Action - <https://simbli.eboardsolutions.com/SU/HVNbyzO1EXlztQPbWsU1Cg==>

4119.21 Professional Standards - <https://simbli.eboardsolutions.com/SU/2q90SxKVhyPp5kKyPEqi0Q==>

4119.23 Unauthorized Release Of Confidential/Privileged Information - <https://simbli.eboardsolutions.com/SU/04Nejq6jnzLlslshOwgw6PZrA==>

4131 Staff Development - <https://simbli.eboardsolutions.com/SU/1zplusJeDg4RdHb3T3fVuFPLw==>

4212.6 Personnel Files - <https://simbli.eboardsolutions.com/SU/sbwZ6rslshjOTKetb3acBFORA==>

4212.9 Employee Notifications - <https://simbli.eboardsolutions.com/SU/BgKqFwgSslshSvDCaPg8XtFPw==>

4212.9-E PDF(1) Employee Notifications - <https://simbli.eboardsolutions.com/SU/P13AxYXvknOvHRaXSozXaA==>

4218 Dismissal/Suspension/Disciplinary Action - <https://simbli.eboardsolutions.com/SU/SAFuYHCWDBlplus4yljuQ11Rg==>

4218 Dismissal/Suspension/Disciplinary Action - <https://simbli.eboardsolutions.com/SU/8GzazuqxUzeqTkIplushXBz1A==>

4219.21 Professional Standards - <https://simbli.eboardsolutions.com/SU/Vg9eZplusjkk4fNzoOLzNik2g==>

4219.23 Unauthorized Release Of Confidential/Privileged Information -
<https://simbli.eboardsolutions.com/SU/KqjeZ2mvcJXslshjF3slshF5xOg==>

4231 Staff Development -
<https://simbli.eboardsolutions.com/SU/odPuXyrWlslshgfXxSghXNCplusw==>

4312.6 Personnel Files -
<https://simbli.eboardsolutions.com/SU/Vvh5IErNYoplus7QBi59GTmnA==>

4312.9 Employee Notifications -
<https://simbli.eboardsolutions.com/SU/t1MTg25OZCXe91hk4nw6SA==>

4312.9-E PDF(1) Employee Notifications -
<https://simbli.eboardsolutions.com/SU/Q4vO2jaRoplusaAudVEOI7Hplusw==>

4319.21 Professional Standards -
<https://simbli.eboardsolutions.com/SU/92eHEQBwl4OA0tJWsdltVg==>

4319.21-E PDF(1) Professional Standards -
<https://simbli.eboardsolutions.com/SU/nnTef11KyaDVap8s4xvuVw==>

4319.23 Unauthorized Release Of Confidential/Privileged Information -
<https://simbli.eboardsolutions.com/SU/yCOX07AbZRGKGxJmr52IA==>

5000 Concepts And Roles -
<https://simbli.eboardsolutions.com/SU/IZMYIsmP2EkGuN2pdUXqeQ==>

5030 Student Wellness -
<https://simbli.eboardsolutions.com/SU/IQRHMqUCM0ZMsTv6UaNiVg==>

5030 Student Wellness -
<https://simbli.eboardsolutions.com/SU/xQ2xslshJSAtxjmPd8PE3Qodg==>

5111 Admission -
<https://simbli.eboardsolutions.com/SU/Zz9IzPwWejHFs2yYFuwrwg==>

5111 Admission -
<https://simbli.eboardsolutions.com/SU/OJslsh20qzCVLwBGOvbDhzlqg==>

5113.1 Chronic Absence And Truancy -
<https://simbli.eboardsolutions.com/SU/qi8KumtMSLieTBQVrcihJw==>

5113.1 Chronic Absence And Truancy -
<https://simbli.eboardsolutions.com/SU/5ZWJrpOqIBknxts88zeSfA==>

5125 Student Records -
<https://simbli.eboardsolutions.com/SU/xeelvwCdtPXKjXrB8slshAobQ==>

5125 Student Records -
<https://simbli.eboardsolutions.com/SU/2AslshSBM3tpluspluskZTby55sS4MA==>

5125.1 Release Of Directory Information -
<https://simbli.eboardsolutions.com/SU/kjfd12BwuJHIT7dslsh2ub0UQ==>

5125.1 Release Of Directory Information -
<https://simbli.eboardsolutions.com/SU/mwoRvyiqeVIY9EmmMS5KPw==>

5125.1-E PDF(1) Release Of Directory Information -
<https://simbli.eboardsolutions.com/SU/sJofCxZJ8IOkv48NFFKH6w==>

5125.3 Challenging Student Records -
<https://simbli.eboardsolutions.com/SU/luUNNeJiw8TIPsGRRKig2g==>

5131 Conduct -
<https://simbli.eboardsolutions.com/SU/ovslshoKtdzfsishUslshVplusqrS2iSeg==>

5131.2 Bullying -
<https://simbli.eboardsolutions.com/SU/A0AqjRpWXYjq273aVko8Xw==>

5131.2 Bullying -
<https://simbli.eboardsolutions.com/SU/2plusypCgPeVLBR6mplusTUsqi1g==>

5131.5 Vandalism And Graffiti -
<https://simbli.eboardsolutions.com/SU/o6zb6plusvCxeIvPvQTDloixw==>

5132 Dress And Grooming -
<https://simbli.eboardsolutions.com/SU/TnKvEfVE7PLtLppsChO75g==>

5132 Dress And Grooming -
<https://simbli.eboardsolutions.com/SU/VamSa0oG2Jlms3zVv9CrQw==>

5137	Positive School Climate - https://simbli.eboardsolutions.com/SU/mGugNJPll8ZQbaLZt6ZvbQ==
5138	Conflict Resolution/Peer Mediation - https://simbli.eboardsolutions.com/SU/Ww1RhNjIRXkvCDTeM4IUUQ==
5141.22	Infectious Diseases - https://simbli.eboardsolutions.com/SU/MSO6plust03cY6kBYDcK8LRnw==
5141.22	Infectious Diseases - https://simbli.eboardsolutions.com/SU/G9fHal5plusOqwGXVlzreEa4Q==
5141.27	Food Allergies/Special Dietary Needs - https://simbli.eboardsolutions.com/SU/4Du7Ch9ork0IS3I4COdplushg==
5141.27	Food Allergies/Special Dietary Needs - https://simbli.eboardsolutions.com/SU/dDt1Hd5LlifFYSznpplusOUeVw==
5141.4	Child Abuse Prevention And Reporting - https://simbli.eboardsolutions.com/SU/VETM5jGhZAIiDENTTGMZQQ==
5141.4	Child Abuse Prevention And Reporting - https://simbli.eboardsolutions.com/SU/7oCqXNVXUT6kXBVMR2Jy2A==
5141.52	Suicide Prevention - https://simbli.eboardsolutions.com/SU/eZvhQcyDw9TDz2DRMjTngg==
5141.52	Suicide Prevention - https://simbli.eboardsolutions.com/SU/ACK1rtU0auUJfaUf1ZRGAA==
5144	Discipline - https://simbli.eboardsolutions.com/SU/1IZUJslshUmrX9nDgTevO77Jw==
5144	Discipline - https://simbli.eboardsolutions.com/SU/fMBf9gXFm4plus4XiNSjEKOBQ==
5144.1	Suspension And Expulsion/Due Process - https://simbli.eboardsolutions.com/SU/vXM0TIGFZ9o63s9uZSjBVw==
5144.1	Suspension And Expulsion/Due Process - https://simbli.eboardsolutions.com/SU/1iQ5RU0xqQvDg1wdQB1yuw==
5144.1-E PDF(1)	Suspension And Expulsion/Due Process - https://simbli.eboardsolutions.com/SU/022Eipb9wxOIWne38BCQrQ==
5144.2	Suspension And Expulsion/Due Process (Students With Disabilities) - https://simbli.eboardsolutions.com/SU/echz3oTQfslshFd3MhitpscDg==
5145.12	Search And Seizure - https://simbli.eboardsolutions.com/SU/7XBbt2aRevRSrc3zcH421w==
5145.12	Search And Seizure - https://simbli.eboardsolutions.com/SU/sNLR6Tq0PSosggGplusB9Bz6A==
5145.2	Freedom Of Speech/Expression - https://simbli.eboardsolutions.com/SU/qap7r2ml9t0Ja3g8XWsn2w==
5145.2	Freedom Of Speech/Expression - https://simbli.eboardsolutions.com/SU/zvGwunslsh8qdpvRNSfNzor2Q==
5145.6	Parent/Guardian Notifications - https://simbli.eboardsolutions.com/SU/UlorslshSzUnq9z2Gr1yUJJwg==
5145.6-E PDF(1)	Parent/Guardian Notifications - https://simbli.eboardsolutions.com/SU/L83TjjRVdHWxulYl8sbziw==
5145.7	Sexual Harassment - https://simbli.eboardsolutions.com/SU/RU3wDUC1I94YE4bxtHnm7Q==
5145.7	Sexual Harassment - https://simbli.eboardsolutions.com/SU/bydUBu7DBvOYh3wUQWPC5w==
5145.71	Title IX Sexual Harassment Complaint Procedures - https://simbli.eboardsolutions.com/SU/EPpycThQv7plus5MQL7ezNYuw==
5145.71-E PDF(1)	Title IX Sexual Harassment Complaint Procedures - https://simbli.eboardsolutions.com/SU/FeA43XeSaSiMq04Tetd27Q==
5145.9	Hate-Motivated Behavior - https://simbli.eboardsolutions.com/SU/Y5vPjGGK30VzCVtconQslsh5Q==
5146	Married/Pregnant/Parenting Students - https://simbli.eboardsolutions.com/SU/5c7AV7Dv3Hrrjz2UlpYjA==

6142.1	Sexual Health And HIV/AIDS Prevention Instruction - https://simbli.eboardsolutions.com/SU/APhejEqqOXStK5zU7eytVA==
6142.1	Sexual Health And HIV/AIDS Prevention Instruction - https://simbli.eboardsolutions.com/SU/QcsHODX8Kr6Pv7MUSGP34Q==
6142.8	Comprehensive Health Education - https://simbli.eboardsolutions.com/SU/ZICAiD085XC36cXJ5egHLw==
6142.8	Comprehensive Health Education - https://simbli.eboardsolutions.com/SU/w24gpZ7YaDcc8b8HHuHLmg==
6143	Courses Of Study - https://simbli.eboardsolutions.com/SU/kvd2Rh3vflsDNCOuyFnZHq==
6143	Courses Of Study - https://simbli.eboardsolutions.com/SU/ooFRRvDSDMWzfsIshaNbAD0Q==
6144	Controversial Issues - https://simbli.eboardsolutions.com/SU/ImDaUZImYKjA0ORhBD4nsQ==
6145	Extracurricular And Cocurricular Activities - https://simbli.eboardsolutions.com/SU/xHspWFdq7nKzJ78oGc0kg==
6145	Extracurricular And Cocurricular Activities - https://simbli.eboardsolutions.com/SU/1RvrVGX0CUtBPBOcDs3b6A==
6145.2	Athletic Competition - https://simbli.eboardsolutions.com/SU/D4psC3l2rgJya3nz2eifRw==
6145.2	Athletic Competition - https://simbli.eboardsolutions.com/SU/jow6qe61P82urpOwlJopxw==
6153	School-Sponsored Trips - https://simbli.eboardsolutions.com/SU/mNaAIA1INslshslshCjbmNld24rg==
6153	School-Sponsored Trips - https://simbli.eboardsolutions.com/SU/n5xpluxVh7x4QCO1Uw4JYGlg==
6159.4	Behavioral Interventions For Special Education Students - https://simbli.eboardsolutions.com/SU/Urcp3slshJcJssUplusUXnzmfdTA==
6161.1	Selection And Evaluation Of Instructional Materials - https://simbli.eboardsolutions.com/SU/G0hdHCplsik2z7RfrFAeAw==
6161.1	Selection And Evaluation Of Instructional Materials - https://simbli.eboardsolutions.com/SU/T3BDJVhfel3ENJlhEBWw==
6163.4	Student Use Of Technology - https://simbli.eboardsolutions.com/SU/qpcwLFJqjXdb4ZyWGo7vyg==
6163.4-E PDF(1)	Student Use Of Technology - https://simbli.eboardsolutions.com/SU/iv3ZMz2tqiFzrpZWJ1fyg==
6164.2	Guidance/Counseling Services - https://simbli.eboardsolutions.com/SU/qJslshPzVHN2JW9dYjMpMOlxQ==
6173.1	Education For Foster Youth - https://simbli.eboardsolutions.com/SU/r7CnxKuG2Ud280IFlslshUqg==
6173.1	Education For Foster Youth - https://simbli.eboardsolutions.com/SU/HZ4FnOtlx811LRZOEiga9Q==
7110	Facilities Master Plan - https://simbli.eboardsolutions.com/SU/B49E7Ny9lpluszfiilTruWceg==
7110	Facilities Master Plan - https://simbli.eboardsolutions.com/SU/QcvGVihCbR3ppO7n4ZsySA==

Regulation 5145.3: Nondiscrimination/Harassment

Status: ADOPTED

Original Adopted Date: 01/22/2015 | Last Revised Date: 04/21/2023 | Last Reviewed Date: 04/21/2023

The district designates the individual(s) identified below as the employee(s) responsible for coordinating the district's efforts to comply with applicable state and federal civil rights laws and to answer inquiries regarding the district's nondiscrimination policies. The individual(s) shall also serve as the compliance officer(s) specified in AR 1312.3 - Uniform Complaint Procedures as the responsible employee to handle complaints alleging unlawful discrimination targeting a student, including discriminatory harassment, intimidation, or bullying, based on the student's actual or perceived race, color, ancestry, nationality, national origin, immigration status, ethnic group identification, ethnicity, age, religion, marital status, pregnancy, parental status, physical or mental disability, medical condition, sex, sexual orientation, including sexual harassment, gender, gender identity, gender expression, genetic information, or any other legally protected status or association with a person or group with one or more of these actual or perceived characteristics. The coordinator/compliance officer(s) may be contacted at: (Education Code 234.1; 5CCR 4621)

Donald Ogden, Associate Superintendent - Human Resources, Title IX Coordinator (employees), and Equity Compliance Officer
dogden@fcusd.org
(916) 294-9000 ext. 104410

Jim Huber, Ed.D., Assistant Superintendent - Educational Services, Title IX Coordinator (students), 504 Coordinator, and Equity Compliance Officer
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1965 Birkmont Drive Rancho
Cordova, CA 95742

Measures to Prevent Discrimination

To prevent unlawful discrimination, including discriminatory harassment, intimidation, retaliation, and bullying, of students at district schools or in school activities and to ensure equal access of all students to the educational program, the Superintendent or designee shall implement the following measures:

1. Publicize the district's nondiscrimination policy and related complaint procedures, including the coordinator/compliance officer's contact information, to students, parents/guardians, employees, volunteers, and the general public by posting them in prominent locations and providing easy access to them through district-supported communications
2. Post the district's policies and procedures prohibiting discrimination, harassment, student sexual harassment, intimidation, bullying, and cyberbullying, including a section on social media bullying that includes all of the references described in Education Code 234.6 as possible forums for social media, in a prominent location on the district's website in a manner that is easily accessible to parents/guardians and students. (Education Code 234.6)
3. Post the definition of sex discrimination and harassment as described in Education Code 230, including the rights set forth in Education Code 221.8, in a prominent location on the district's website in a manner that is easily accessible to parents/guardians and students. (Education Code 234.6)
4. Post in a prominent location on the district's website in a manner that is easily accessible to parents/guardians and students' information regarding Title IX prohibitions against discrimination based on a student's sex, gender, gender identity, pregnancy, and parental status, including the following: (Education Code 221.6, 221.61, 234.6)
 - a. The name and contact information of the district's Title IX coordinator, including the phone number and email address
 - b. The rights of students and the public and the responsibilities of the district under Title IX, including a list of rights as specified in Education Code 221.8 and web links to information about those rights and responsibilities located on the websites of the Office for Equal Opportunity and the U.S. Department of Education's Office for Civil Rights (OCR)
 - c. A description of how to file a complaint of noncompliance under Title IX, which shall include:
 - i. An explanation of the statute of limitations within which a complaint must be filed after an alleged incident of discrimination has occurred and how a complaint may be filed beyond the statute of limitations

- ii. An explanation of how the complaint will be investigated and how the complainant may further pursue the complaint, including web links to this information on the OCR's website
 - iii. A web link to the OCR complaints form and the contact information for the office, including the phone number and email address for the office
 - d. A link to the Title IX information included on the California Department of Education's (CDE) website
5. Post a link to statewide CDE-compiled resources, including community-based organizations, that provide support to youth who have been subjected to school-based discrimination, harassment, intimidation, or bullying and to their families. Such resources shall be posted in a prominent location on the district's website in a manner that is easily accessible to parents/guardians and students. (Education Code 234.5, 234.6)
 6. Provide to students a handbook that contains age-appropriate information that clearly describes the district's nondiscrimination policy, procedures for filing a complaint, and resources available to students who feel that they have been the victim of any such behavior.
 7. Annually notify all students and parents/guardians of the district's nondiscrimination policy, including its responsibility to provide a safe, nondiscriminatory school environment for all students. The notice shall inform students and parents/guardians that they may request to meet with the compliance officer to determine how best to accommodate or resolve concerns that may arise from the district's implementation of its nondiscrimination policies. The notice shall also inform all students and parents/guardians that, to the extent possible, the district will address any individual student's interests and concerns in private.
 8. Ensure that students and parents/guardians, including those with limited English proficiency, are notified of how to access the relevant information provided in the district's nondiscrimination policy and related complaint procedures, notices, and forms in a language they can understand.

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 nondiscrimination shall be translated into that language in accordance with Education Code 234.1 and 48985. In all other instances, the district shall ensure meaningful access to all relevant information for parents/guardians with limited English proficiency.
 9. Provide to students, employees, volunteers, and parents/guardians age-appropriate training and/or information regarding the district's nondiscrimination policy; what constitutes prohibited discrimination, including discriminatory harassment, intimidation, retaliation, or bullying; how and to whom a report of an incident should be made; and how to guard against segregating or stereotyping students when providing instruction, guidance, supervision, or other services to them. Such training and information shall include details of guidelines the district may use to provide a discrimination-free environment for all district students.
 10. At the beginning of each school year, inform school employees that any employee who witnesses any act of unlawful discrimination, including discriminatory harassment, intimidation, or bullying, against a student is required to intervene if it is safe to do so. (Education Code 234.1)
 11. At the beginning of each school year, inform each principal or designee of the district's responsibility to provide appropriate assistance or resources to protect students from threatened or potentially discriminatory behavior and ensure their privacy rights.

Enforcement of District Policy

The Superintendent or designee shall take appropriate actions to reinforce BP 5145.3 - Nondiscrimination/Harassment. 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 unlawful discrimination, how to report it or file a complaint, and how to respond
3. Disseminating and/or summarizing the district's policy and regulation regarding unlawful discrimination
4. Consistent with laws regarding the confidentiality of student and personnel records, communicating to students, parents/guardians, and the community the school's response plan to unlawful discrimination or harassment
5. Taking appropriate disciplinary action against students, employees and anyone determined to have engaged in wrongdoing in violation of district policy, including any student who is found to have filed a complaint of discrimination that the student knew was not true

Process for Initiating and Responding to Complaints

Students who feel that they have been subjected to unlawful discrimination described above or in district policy are strongly encouraged to immediately contact the compliance officer, principal, or any other staff member. In addition, students who observe any such incident are strongly encouraged to report the incident to the compliance officer or principal, whether or not the alleged victim files a complaint.

Any school employee who observes an incident of unlawful discrimination, including discriminatory harassment, intimidation, retaliation, or bullying, or to whom such an incident is reported shall report the incident to the compliance officer or principal within a school day, whether or not the alleged victim files a complaint.

Any school employee who witnesses an incident of unlawful discrimination, including discriminatory harassment, intimidation, retaliation, or bullying, shall immediately intervene to stop the incident when it is safe to do so. (Education Code 234.1) When a report of unlawful discrimination, including discriminatory harassment, intimidation, retaliation, or bullying, is made to or received by the principal or compliance officer, the principal or compliance officer shall notify the student or parent/guardian of the right to file a formal complaint in accordance with AR 1312.3 - Uniform Complaint Procedures or, for complaints of sexual harassment that meet the federal Title IX definition, AR 5145.71 – Title IX Sexual Harassment Complaint Procedures. Once notified verbally or in writing, the compliance officer shall begin the investigation and shall implement immediate measures necessary to stop the discrimination and ensure that all students have access to the educational program and a safe school environment. Any interim measures adopted to address unlawful discrimination shall, to the extent possible, not disadvantage the complainant or a student who is the victim of the alleged unlawful discrimination.

Any report or complaint alleging unlawful discrimination by the principal, compliance officer, or any other person to whom a report would ordinarily be made, or complaint filed shall instead be made to or filed with the Superintendent or designee who shall determine how the complaint will be investigated.

Issues Unique to Intersex, Nonbinary, Transgender and Gender-Nonconforming Students

Gender identity of a student means the student's gender-related identity, appearance, or behavior as determined from the student's internal sense, whether or not that gender-related identity, appearance, or behavior is different from that traditionally associated with the student's physiology or assigned sex at birth.

Gender expression means a student's gender-related appearance and behavior, whether stereotypically associated with the student's assigned sex at birth. (Education Code 210.7)

Gender transition refers to the process in which a student changes from living and identifying as the sex assigned to the student at birth to living and identifying as the sex that corresponds to the student's gender identity.

Gender-nonconforming student means a student whose gender expression differs from stereotypical expectations.

Intersex student means a student with natural bodily variations in anatomy, hormones, chromosomes, and other traits that differ from expectations generally associated with the female or male bodies.

Nonbinary student means a student whose gender identity falls outside the traditional conception of strictly either female or male, regardless of whether or not the student identifies as transgender, was born with intersex traits, uses gender-neutral pronouns, or uses agender, genderqueer, pangender, gender nonconforming, gender variant or such other more specific term to describe their gender.

Transgender student means a student whose gender identity is different from the gender assigned at birth.

The district prohibits acts of verbal, nonverbal, or physical aggression, intimidation, or hostility that are based on sex, gender identity, or gender expression, or that have the purpose or effect of producing a negative impact on the student's academic performance or of creating an intimidating, hostile, or offensive educational environment, regardless of whether the acts are sexual in nature. Examples of the types of conduct which are prohibited in the district, and which may constitute gender-based harassment include, but are not limited to:

1. Refusing to address a student by a name and the pronouns consistent with the student's gender identity
2. Disciplining or disparaging a student or excluding the student from participating in activities, for behavior or appearance that is consistent with the student's gender identity or that does not conform to stereotypical notions of masculinity or femininity, as applicable
3. Blocking a student's entry to the restroom that corresponds to the student's gender identity
4. Taunting a student because the student participates in an athletic activity more typically favored by a student of the other sex
5. Revealing a student's gender identity to individuals who do not have a legitimate need for the information, without the student's consent
6. Using of gender-specific slurs

7. Physically assaulting a student motivated by hostility toward the student because of the student's gender, gender identity, or gender expression

The district's uniform complaint procedures (AR 1312.3) or Title IX sexual harassment procedures (AR 5145.71), as applicable, shall be used to report and resolve complaints alleging discrimination against intersex, nonbinary, transgender and gender-nonconforming students.

Examples of bases for complaints include, but are not limited to, the above list, as well as improper rejection by the district of a student's asserted gender identity, denial of access to facilities that correspond with a student's gender identity, improper disclosure of a student's gender identity, discriminatory enforcement of a dress code, and other instances of gender-based harassment.

To ensure that intersex, nonbinary, transgender and gender-nonconforming students are afforded the same rights, benefits, and protections provided to all students by law and Board policy, the district shall address each situation on a case-by-case basis, in accordance with the following guidelines:

1. *Right to privacy*: A student's intersex, nonbinary, transgender or gender-nonconforming status is the student's private information. The district shall develop strategies to prevent unauthorized disclosure of student's private information. Such strategies may include, but are not limited to, collecting, or maintaining information about student gender only when relevant to the educational programs or activity, protecting or revealing a student's gender identity as necessary to protect the health and safety of the student, and keeping a student's unofficial record separate from the official record.

The district shall only disclose the information to others with the student's prior written consent, except when the disclosure is otherwise required by law or when the district has compelling evidence that disclosure is necessary to preserve the student's physical or mental well-being. In any case, the district shall only allow disclosure of a student's personally identifiable information to employees with a legitimate educational interest as determined by the district pursuant to 34 CFR 99.31. Any district employee to whom a student's intersex, nonbinary, transgender or gender-nonconforming status is disclosed shall keep the student's information confidential. When disclosure of a student's gender identity is made to a district employee by a student, the employee shall seek the student's permission to notify the compliance officer. If the student refuses to give permission, the employee shall keep the student's information confidential, unless the employee is required to

disclose or report the student's information pursuant to this administrative regulation and shall inform the student that honoring the student's request may limit the district's ability to meet the student's needs related to the student's status as an intersex, nonbinary, transgender or gender-nonconforming student. If the student permits the employee to notify the compliance officer, the employee shall do so within three school days.

As appropriate given the student's need for support, the compliance officer may discuss with the student any need to disclose the student's intersex, nonbinary, transgender or gender-nonconformity status or gender identity or gender expression to the student's parents/guardians and/or others, including other students, teacher(s), or other adults on campus. The district shall offer support services, such as counseling, to students who wish to inform their parents/guardians of their status and desire assistance in doing so.

2. *Determining a Student's Gender Identity*: The compliance officer shall accept the student's assertion of gender identity and begin to treat the student consistent with that gender identity unless district personnel present a credible and supportable basis for believing that the student's assertion is for an improper purpose.
3. *Addressing a Student's Transition Needs*: The compliance officer shall arrange a meeting with the student and, if appropriate, the student's parents/guardians to identify and develop strategies for ensuring that the student's access to educational programs and activities is maintained. The meeting shall discuss the intersex, nonbinary, transgender or gender-nonconforming student's rights and how those rights may affect and be affected by the rights of other students and shall address specific subjects related to the student's access to facilities and to academic or educational support programs, services, or activities, including, but not limited to, sports and other competitive endeavors. In addition, the compliance officer shall identify specific school site employee(s) to whom the student may report any problem related to the student's status as an intersex, nonbinary, transgender or gender-nonconforming individual, so that prompt action could be taken to address it. Alternatively, if appropriate and desired by the student, the school may form a support team for the student that will meet periodically to assess whether the arrangements for the student are meeting the student's educational needs and providing equal access to programs and activities, educate appropriate staff about the student's transition, and serve as a resource to the student to better protect the student from gender-based discrimination.
4. *Accessibility to Sex-Segregated Facilities, Programs, and Activities*: When the district maintains sex-segregated facilities, such as restrooms and locker rooms, or offers sex-segregated programs and activities, such as physical education classes, intermural sports, and interscholastic athletic programs, students shall be permitted to access facilities and participate in programs and activities consistent with their gender identity. To address any student's privacy concerns in using sex-segregated facilities, the district shall offer available options such as a gender-neutral or single-use restroom or changing area, a bathroom stall with a door, an area in the locker room separated by a curtain or screen, or use of the locker room before or after the other students. However, the district shall not require a student to utilize these options because the student is intersex, nonbinary, transgender or gender-nonconforming. In addition, a student shall be permitted to participate in accordance with the student's gender identity in other circumstances where students are separated by gender, such as for class discussions, yearbook pictures, and field trips. A student's right to participate in a sex-segregated

activity in accordance with the student's gender identity shall not render invalid or inapplicable any other eligibility rule established for participation in the activity.

5. *Student Records*: Upon each student's enrollment, the district is required to maintain a mandatory permanent student record (official record) that includes the student's gender and legal name.

A student's legal name as entered on the mandatory student record required pursuant to 5 CCR 432 shall only be changed with proper documentation. A student's gender as entered on the student's official record required pursuant to 5 CCR 432 shall only be changed with written authorization of a parent/guardian having legal custody of the student. (Education Code 49061)

However, when proper documentation or authorization, as applicable, is not submitted with a request to change a student's legal name or gender, any change to the student's record shall be limited to the student's unofficial records such as attendance sheets, report cards, and school identification.

6. *Names and Pronouns*: If a student so chooses, district personnel shall be required to address the student by a name and the pronoun(s) consistent with the student's gender identity, without the necessity of a court order or a change to the student's official district record. However, inadvertent slips or honest mistakes by district personnel in the use of the student's name and/or consistent pronouns will, in general, not constitute a violation of this administrative regulation or the accompanying district policy.

7. *Uniforms/Dress Code*: A student has the right to dress in a manner consistent with the student's gender identity, subject to any dress code adopted on a school site.

Policy Reference Disclaimer: These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State References

5 CCR 432

Description

Student records

5 CCR 4600-4670

Uniform complaint procedures

5 CCR 4900-

Nondiscrimination in elementary and secondary educational programs receiving state or federal financial assistance

Civ. Code 1714.1

Liability of parent or guardian for act of willful misconduct by a minor - <https://simbli.eboardsolutions.com/SU/NSknepFduiYWusJFnU3r9Q==>

Ed. Code 200-262.4

Prohibition of discrimination - <https://simbli.eboardsolutions.com/SU/ytTLslshoozWGUAAbNL6kKkgxQ==>

Ed. Code 48900.3

Suspension or expulsion for act of hate violence

Ed. Code 48900.4

Suspension or expulsion for harassment, threats, or intimidation

Ed. Code 48904

Liability of parent/guardian for willful student misconduct

Ed. Code 48907

Exercise of free expression; time, place and manner rules and regulations

Ed. Code 48950

Speech and other communication

Ed. Code 48985

Notices to parents in language other than English

Ed. Code 49020-49023

Athletic programs

Ed. Code 49060-49079

Student records

Ed. Code 51500

Prohibited instruction or activity

Ed. Code 51501

Prohibited means of instruction

Ed. Code 60044

Prohibited instructional

Gov. Code 11135

materials Prohibition of discrimination - <https://simbli.eboardsolutions.com/SU/PcUFWeMcCJnzBrKAL0EtfQ==>

Pen. Code 422.55

Definition of hate crime

Pen. Code 422.6

Crimes; harassment

Federal References

20 USC 1681-1688

Description

Title IX of the Education Amendments of 1972; discrimination based on sex

28 CFR 35.107	Nondiscrimination on basis of disability; complaints
29 USC 794	Rehabilitation Act of 1973; Section 504
34 CFR 100.3	Prohibition of discrimination on basis of race, color or national origin
34 CFR 104.7	Section 504; Designation of responsible employee and adoption of grievances procedures
34 CFR 104.8	Notice of Nondiscrimination on the Basis of Handicap
34 CFR 106.8	Designation of coordinator; dissemination of policy, and adoption of grievance procedures
34 CFR 106.9	Severability
34 CFR 110.25	Prohibition of discrimination based on age
34 CFR 99.31	Disclosure of personally identifiable information
42 USC 12101-12213	Americans with Disabilities Act
42 USC 2000d-2000e-17	Title VI and Title VII Civil Rights Act of 1964, as amended
42 USC 2000h-2-2000h-6	Title IX of the Civil Rights Act of 1964
42 USC 6101-6107	Age Discrimination Act of 1975

Management Resources References

Description

	Promoting Safe & Secure Learning Environment for All: Guidance & Model CA Office of the Attorney General Publication
Court Decision	Donovan v. Poway Unified School District, (2008) 167 Cal.App.4th 567
Court Decision	Flores v. Morgan Hill Unified School District, (2003, 9th Cir.) 324 F.3d 1130
CSBA Publication	Updated Legal Guidance: Protecting Transgender and Gender Nonconforming Students Against Sex Discrimination, March 2017
First Amendment Center Publication	Public Schools and Sexual Orientation: A First Amendment Framework for Finding Common Ground,
U.S Dept of Ed Office for Civil Rights	Resolution Agreement Between the Arcadia USD, US Dept of Ed, OCR, & the US DOJ, CRD, (2013) OCR 09-12-1020, DOJ 169-12C-70
U.S. Dept. of Health & Human Services	Guide. to Fed Fin. Assist. Recipients Re. Title VI Prohibition Against Nat'l Origin Discrimination Affect Limited English Proficient Persons, Aug. 2013
U.S. DOE, Office for Civil Rights Publication	Dear Colleague Letter: Harassment and Bullying, October 2010
U.S. DOE, Office for Civil Rights Publication	Dear Colleague Letter: Title IX Coordinators, April 2015
U.S. DOE, Office for Civil Rights Publication	Examples of Policies and Emerging Practices for Supporting Transgender Students, May 2016
U.S. DOE, Office for Civil Rights Publication	Notice of Non-Discrimination, Fact Sheet, August 2010
Website	CSBA District and County Office of Education Legal Services - https://simbli.eboardsolutions.com/SU/UdykszdmPETuDsIshXk6R5akQ==
Website	First Amendment Center - https://simbli.eboardsolutions.com/SU/jzfta62CjSCuo68JOXF1w==
Website	California Office of the Attorney General - https://simbli.eboardsolutions.com/SU/5qNslsh5DoKuytasYcv9KhGiA==
Website	California Safe Schools Coalition - https://simbli.eboardsolutions.com/SU/WemZSI34fz0YvWHUM4trDg==
Website	CSBA - https://simbli.eboardsolutions.com/SU/W3QxkK2FPsDsQBnMIENxGg==
Website	California Department of Education - https://simbli.eboardsolutions.com/SU/os2jq5DcA2RawmY2VZ5FZQ==
Website	U.S. Department of Education, Office for Civil Rights - https://simbli.eboardsolutions.com/SU/xmCPrTcoZle111WmbX10Vg==
Cross References	Description
0410	Nondiscrimination In District Programs And Activities - https://simbli.eboardsolutions.com/SU/a3plusmwI0zslshIRw6iTRI9XEKQ==
0415	Equity -

<https://simbli.eboardsolutions.com/SU/nuGirUtA8OQRUkAUde4utQ==>
 0450 Comprehensive Safety Plan -
<https://simbli.eboardsolutions.com/SU/LOaBnoVY0hmNKftDesWTPQ==>
 0450 Comprehensive Safety Plan -
<https://simbli.eboardsolutions.com/SU/islshO4d5Nk1IvylzNHT2rm6Q==>
 1114 District-Sponsored Social Media -
<https://simbli.eboardsolutions.com/SU/E9NjS9XqPUjo7aByBxJbslshg==>
 1240 Volunteer Assistance -
<https://simbli.eboardsolutions.com/SU/fdrtp0frDUVr6lgH5i84EA==>
 1240 Volunteer Assistance -
<https://simbli.eboardsolutions.com/SU/fvRttiXEeWPX94Sblrplustg==>
 1240-E PDF(1) Volunteer Assistance -
<https://simbli.eboardsolutions.com/SU/XLPxquVuyxhKNmJUUpQZyw==>
 1312.1 Complaints Concerning District Employees -
<https://simbli.eboardsolutions.com/SU/iGqVAc81p1d2slshtNLGdbfg==>
 1312.1 Complaints Concerning District Employees -
<https://simbli.eboardsolutions.com/SU/XRe1heSPHXk BemVtGIYyyA==>
 1312.3 Uniform Complaint Procedures -
<https://simbli.eboardsolutions.com/SU/T3xkspXayFj4xNZuQYUjyg==>
 1312.3 Uniform Complaint Procedures -
<https://simbli.eboardsolutions.com/SU/5nOztuslshDkexjyldR9OhG1g==>
 1312.3-E PDF(1) Uniform Complaint Procedures -
<https://simbli.eboardsolutions.com/SU/bldSimwcloY0WOrNdt7slw==>
 1312.3-E PDF(2) Uniform Complaint Procedures -
<https://simbli.eboardsolutions.com/SU/hBq0A2bnM4WB0IA8IE1U8g==>
 1312.3-E PDF(3) Uniform Complaint Procedures -
<https://simbli.eboardsolutions.com/SU/EyU7Ee01EZ2Bwslsh1Uzs8DmA==>
 1340 Access To District Records -
<https://simbli.eboardsolutions.com/SU/PAmaplusQt6MotGnoNvzEiCiA==>
 1340 Access To District Records -
<https://simbli.eboardsolutions.com/SU/YSLwo8HRk11fprHGVI5cg==>
 3515.4 Recovery For Property Loss Or Damage -
<https://simbli.eboardsolutions.com/SU/WXkpsjswrEvopKT8VqQ05Lw==>
 3515.4 Recovery For Property Loss Or Damage -
<https://simbli.eboardsolutions.com/SU/UgUiEXWxUifY2HsYbz5vOA==>
 3530 Risk Management/Insurance -
<https://simbli.eboardsolutions.com/SU/FZ8QGeks2H3hENqDCuBbbA==>
 3530 Risk Management/Insurance -
<https://simbli.eboardsolutions.com/SU/Z00wOeYq78HzLb5MfIkIA==>
 3553 Free And Reduced Price Meals -
<https://simbli.eboardsolutions.com/SU/Q0slsh4FKUOQqxKwrhMChZ9Kg==>
 3553 Free And Reduced Price Meals -
<https://simbli.eboardsolutions.com/SU/jwQplusi64iOplusGTOK4cqGclxg==>
 3580 District Records -
<https://simbli.eboardsolutions.com/SU/H0XmbZzkAD38KfMxFmIOzw==>
 3580 District Records -
<https://simbli.eboardsolutions.com/SU/iY5AOaxwIVMa6ZoYBZdE1w==>
 4112.6 Personnel Files -
<https://simbli.eboardsolutions.com/SU/n3YINljQBy3TA5dldwQZ0A==>
 4112.9 Employee Notifications -
<https://simbli.eboardsolutions.com/SU/0uES3OjPdHoDII55iC1mYQ==>
 4112.9-E PDF(1) Employee Notifications -
<https://simbli.eboardsolutions.com/SU/r83gYqh4subAVMLbqj2wvvg==>
 4118 Dismissal/Suspension/Disciplinary Action -
<https://simbli.eboardsolutions.com/SU/IAhHPaqre0DL5WslshHwWyTuw==>
 4118 Dismissal/Suspension/Disciplinary Action -
<https://simbli.eboardsolutions.com/SU/HVNbyzO1EXIztQPbWsU1Cg==>

4119.21	Professional Standards - https://simbli.eboardsolutions.com/SU/2q90SxKVhyPp5kKyPEqi0Q==
4119.23	Unauthorized Release Of Confidential/Privileged Information - https://simbli.eboardsolutions.com/SU/04Nejq6jnzLlslshOwgw6PZrA==
4131	Staff Development - https://simbli.eboardsolutions.com/SU/1zplusJeDg4RdHb3T3fVuFPLw==
4212.6	Personnel Files - https://simbli.eboardsolutions.com/SU/sbwZ6rslshjOTKetb3acBFORA==
4212.9	Employee Notifications - https://simbli.eboardsolutions.com/SU/BgKqFwqSslshSvDCaPg8XtFPw==
4212.9-E	Employee Notifications - https://simbli.eboardsolutions.com/SU/P13AxYXvknOvHRAxSozXaA==
4218	Dismissal/Suspension/Disciplinary Action - https://simbli.eboardsolutions.com/SU/SAFuYHCWDBlplus4yjuQ11Rg==
4218	Dismissal/Suspension/Disciplinary Action - https://simbli.eboardsolutions.com/SU/8GzazuqxUzeqTkIplushXBz1A==
4219.21	Professional Standards - https://simbli.eboardsolutions.com/SU/Vg9eZplusjkk4fNzoOLzNik2g==
4219.23	Unauthorized Release Of Confidential/Privileged Information - https://simbli.eboardsolutions.com/SU/KqjeZ2mvcJXslshjlf3slshF5xOg==
4231	Staff Development - https://simbli.eboardsolutions.com/SU/odPuXyrWlslshqfXxSghXNCplusw==
4312.6	Personnel Files - https://simbli.eboardsolutions.com/SU/Vvh5lErNYoplus7QB59GTmnA==
4312.9	Employee Notifications - https://simbli.eboardsolutions.com/SU/t1MTg25OZCXe91hk4nw6SA==
4312.9-E PDF(1)	Employee Notifications - https://simbli.eboardsolutions.com/SU/Q4vO2jaRoplusaAudVEOI7Hplusw==
4319.21	Professional Standards - https://simbli.eboardsolutions.com/SU/92eHEQBwl4OA0tJWsdlvTg==
4319.21-E PDF(1)	Professional Standards - https://simbli.eboardsolutions.com/SU/nnTef11KyaDVap8s4xvuVw==
4319.23	Unauthorized Release Of Confidential/Privileged Information - https://simbli.eboardsolutions.com/SU/yCOX07AbZRGKGxJrn52IA==
5000	Concepts And Roles - https://simbli.eboardsolutions.com/SU/IZMYlsmP2EkGuN2pdUXqeQ==
5030	Student Wellness - https://simbli.eboardsolutions.com/SU/IQRHMqUCM0ZMsTv6UaNIVg==
5030	Student Wellness - https://simbli.eboardsolutions.com/SU/xQ2xslshJSAtxjmPd8PE3Qodg==
5111	Admission - https://simbli.eboardsolutions.com/SU/Zz9lzPwWejHFs2yYFuwrtg==
5111	Admission - https://simbli.eboardsolutions.com/SU/OJslsh20qzCVLwBGOvbDhzlqg==
5113.1	Chronic Absence And Truancy - https://simbli.eboardsolutions.com/SU/qi8KumtMSLieTBQVrcihJw==
5113.1	Chronic Absence And Truancy - https://simbli.eboardsolutions.com/SU/5ZWJrpOglBknxts88zeSfA==
5125	Student Records - https://simbli.eboardsolutions.com/SU/xeelvwCdtPXKjXrB8slshAobQ==
5125	Student Records - https://simbli.eboardsolutions.com/SU/2AslshSBM3tpluspluskZTby55sS4MA==
5125.1	Release Of Directory Information - https://simbli.eboardsolutions.com/SU/mwoRvyiqeVIY9EmmMS5KPw==
5125.1	Release Of Directory Information -

	https://simbli.eboardsolutions.com/SU/kjfd12BwuJHIT7dslsh2ub0UQ==
5125.1-E PDF(1)	Release Of Directory Information - https://simbli.eboardsolutions.com/SU/sJofCxZJ8IOkv48NFFKH6w==
5125.3	Challenging Student Records - https://simbli.eboardsolutions.com/SU/luUNNeJiw8TIPsgRRKig2g==
5131	Conduct - https://simbli.eboardsolutions.com/SU/ovslshoKtdzfsishUslshVplusqrS2iSeg==
5131.2	Bullying - https://simbli.eboardsolutions.com/SU/2plusypCgPeVLBR6mplusTUsqi1g==
5131.2	Bullying - https://simbli.eboardsolutions.com/SU/A0AqjRpWXYjq273aVKO8Xw==
5131.5	Vandalism And Graffiti - https://simbli.eboardsolutions.com/SU/o6zb6plusvCxeIvPvQTDloixw==
5132	Dress And Grooming - https://simbli.eboardsolutions.com/SU/TnKvEfvE7PLtLppsChO75g==
5132	Dress And Grooming - https://simbli.eboardsolutions.com/SU/VamSa0oG2Jlms3zVv9CrQw==
5137	Positive School Climate - https://simbli.eboardsolutions.com/SU/mGugNJPll8ZQbaLZt6ZvbQ==
5138	Conflict Resolution/Peer Mediation - https://simbli.eboardsolutions.com/SU/Ww1RhNjIRXkvCDTeM4IUUQ==
5141.22	Infectious Diseases - https://simbli.eboardsolutions.com/SU/MSO6plust03cY6kBYDcK8LRnw==
5141.22	Infectious Diseases - https://simbli.eboardsolutions.com/SU/G9fHal5plusOqwGXVlzreEa4Q==
5141.27	Food Allergies/Special Dietary Needs - https://simbli.eboardsolutions.com/SU/4Du7Ch9ork0IS3l4COdplushg==
5141.27	Food Allergies/Special Dietary Needs - https://simbli.eboardsolutions.com/SU/dDt1Hd5LlifFYsznplusOUeVw==
5141.4	Child Abuse Prevention And Reporting - https://simbli.eboardsolutions.com/SU/VETM5jGhZAlIDENTTGmZQQ==
5141.4	Child Abuse Prevention And Reporting - https://simbli.eboardsolutions.com/SU/7oCqXNVXUT6kXBVMR2Jy2A==
5141.52	Suicide Prevention - https://simbli.eboardsolutions.com/SU/eZvhQcyDw9TDz2DRMjTngg==
5141.52	Suicide Prevention - https://simbli.eboardsolutions.com/SU/ACK1rtU0auUJfaUf1ZRGA==
5144	Discipline - https://simbli.eboardsolutions.com/SU/1IZUJslshUmrX9nDgTevO77Jw==
5144	Discipline - https://simbli.eboardsolutions.com/SU/fMBf9gXFm4plus4XjNSjEKOBQ==
5144.1	Suspension And Expulsion/Due Process - https://simbli.eboardsolutions.com/SU/1iQ5RU0xqQvDg1wdQB1yuw==
5144.1	Suspension And Expulsion/Due Process - https://simbli.eboardsolutions.com/SU/vXM0TIGFZ9o63s9uZSjBVw==
	Suspension And Expulsion/Due Process - 5144.1-E PDF(1) https://simbli.eboardsolutions.com/SU/022Eipb9wxOIWne38BCQRQ==
5144.2	Suspension And Expulsion/Due Process (Students With Disabilities) - https://simbli.eboardsolutions.com/SU/echz3oTQfslshFd3MhitpscDg==
5145.12	Search And Seizure - https://simbli.eboardsolutions.com/SU/7XBbt2aRevRsrc3zcH421w==
5145.12	Search And Seizure - https://simbli.eboardsolutions.com/SU/sNLR6Tq0PSosggGplusB9Bz6A==
5145.2	Freedom Of Speech/Expression -

	https://simbli.eboardsolutions.com/SU/qap7r2ml9t0Ja3g8XWsn2w==
5145.2	Freedom Of Speech/Expression - https://simbli.eboardsolutions.com/SU/zvGwunslsh8qdpvRNSfNZor2Q==
5145.6	Parent/Guardian Notifications - https://simbli.eboardsolutions.com/SU/UlorslshSzUnq9z2Gr1yUJJwg==
5145.6-E PDF(1)	Parent/Guardian Notifications - https://simbli.eboardsolutions.com/SU/L83TjjRVdHWxulYl8sbziw==
5145.7	Sexual Harassment - https://simbli.eboardsolutions.com/SU/RU3wDUC1I94YE4bxtHnm7Q==
5145.7	Sexual Harassment - https://simbli.eboardsolutions.com/SU/bydUBu7DBvOYh3wUQWPC5w==
5145.71	Title IX Sexual Harassment Complaint Procedures - https://simbli.eboardsolutions.com/SU/EPpycThQv7plus5MQL7ezNYuw==
5145.71-E PDF(1)	Title IX Sexual Harassment Complaint Procedures - https://simbli.eboardsolutions.com/SU/FeA43XeSaSiMq04Tetd27Q==
5145.9	Hate-Motivated Behavior - https://simbli.eboardsolutions.com/SU/Y5vPjGGK30VzCVtconQslsh5Q==
5146	Married/Pregnant/Parenting Students - https://simbli.eboardsolutions.com/SU/5c7AV7Dv3Hrrjz2UlpYjA==
6142.1	Sexual Health And HIV/AIDS Prevention Instruction - https://simbli.eboardsolutions.com/SU/APhejEqqOXStK5zU7eytVA==
6142.1	Sexual Health And HIV/AIDS Prevention Instruction - https://simbli.eboardsolutions.com/SU/QcsHODX8Kr6Pv7MUSGP34Q==
6142.8	Comprehensive Health Education - https://simbli.eboardsolutions.com/SU/ZICAiD085XC36cXJ5egHLw==
6142.8	Comprehensive Health Education - https://simbli.eboardsolutions.com/SU/w24gpZ7YaDcc8b8HHuhLmg==
6143	Courses Of Study - https://simbli.eboardsolutions.com/SU/kvd2Rh3vflsDNCOuyFnZHq==
6143	Courses Of Study - https://simbli.eboardsolutions.com/SU/ooFRRvDDSMWzfslishaNbAD0Q==
6144	Controversial Issues - https://simbli.eboardsolutions.com/SU/ImDaUZImYKjA0ORhBD4nsQ==
6145	Extracurricular And Cocurricular Activities - https://simbli.eboardsolutions.com/SU/xHspsWFdq7nKzJ78oGc0kg==
6145	Extracurricular And Cocurricular Activities - https://simbli.eboardsolutions.com/SU/1RvrVGX0CUtBPBOcDs3b6A==
6145.2	Athletic Competition - https://simbli.eboardsolutions.com/SU/D4psC3I2rgJya3nz2eifRw==
6145.2	Athletic Competition - https://simbli.eboardsolutions.com/SU/jow6ge61P82urpOwlJopxw==
6153	School-Sponsored Trips - https://simbli.eboardsolutions.com/SU/mNaAIA1INslshslshCjbmNld24rg==
6153	School-Sponsored Trips - https://simbli.eboardsolutions.com/SU/n5xplusvH7x4QCO1Uw4JYGlg==
6159.4	Behavioral Interventions For Special Education Students - https://simbli.eboardsolutions.com/SU/Urcp3slshJcJssUplusUXnzmfdTA==
6161.1	Selection And Evaluation Of Instructional Materials - https://simbli.eboardsolutions.com/SU/G0hdHCplsik2z7RfrFAeAw==
6161.1	Selection And Evaluation Of Instructional Materials - https://simbli.eboardsolutions.com/SU/T3BDJVhfel3ENJlhZEBWw==
6163.4	Student Use Of Technology - https://simbli.eboardsolutions.com/SU/qpcwLFJqjXdb4ZyWGo7vyg==
6163.4-E PDF(1)	Student Use Of Technology - https://simbli.eboardsolutions.com/SU/iv3ZMz2tqiFtzrpZWJ1fyg==

- 6164.2 <https://simbli.eboardsolutions.com/SU/qJslshPzVHN2JW9dYjMpMOlxQ==>
Guidance/Counseling Services -
- 6173.1 <https://simbli.eboardsolutions.com/SU/r7CnxKuG2Ud280IFislshUqg==>
Education For Foster Youth -
- 6173.1 <https://simbli.eboardsolutions.com/SU/HZ4FnOtlx811LRZOEiga9Q==>
Education For Foster Youth -
- 7110 <https://simbli.eboardsolutions.com/SU/B49E7Ny9lpluszfilTruWceg==>
Facilities Master Plan -
- 7110 <https://simbli.eboardsolutions.com/SU/QcvGVihCbR3ppO7n4Zsy>
Facilities Master Plan -

Policy 5131.2: Bullying

Status: ADOPTED

Original Adopted Date: 03/06/2014 | Last Revised Date: 02/04/2021 | Last Reviewed Date: 02/04/2021

The Governing Board recognizes the harmful effects of bullying on student well-being, student learning, and school attendance and desires to provide a safe school environment that protects students from physical and emotional harm. No individual or group shall, through physical, written, verbal, visual, or other means, harass, sexually harass, threaten, intimidate, cyberbully, cause bodily injury to, or commit hate violence against any other student or school personnel, or retaliate against them for filing a complaint or participating in the complaint resolution process.

The Superintendent or designee shall develop strategies for addressing bullying in district schools with the involvement of students, parents/guardians, and staff. As appropriate, the Superintendent or designee may also collaborate with social services, mental health services, law enforcement, courts, and other agencies and community organizations in the development and implementation of effective strategies to promote safety in schools and the community.

Such strategies shall be incorporated into the comprehensive safety plan and, to the extent possible, into the local control and accountability plan and other applicable district and school plans.

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

If the Superintendent or designee believes it is in the best interest of a student who has been the victim of an act of bullying, as defined in Education code 48900, the Superintendent or designee shall advise the student's parents/guardians that the student may transfer to another school. If the parents/guardians of a student who has been the victim of an act of bullying requests a transfer for the student pursuant to Education Code 46600, the Superintendent or designee shall allow the transfer in accordance with law and district policy on intradistrict or interdistrict transfer, as applicable.

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

Policy Reference Disclaimer: These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State References	Description
5 CCR 4600-4670	Uniform complaint
Ed. Code 200-	procedures Prohibition of
	discrimination -
	https://simbli.eboardsolutions.com/SU/ytTLslshoozWGUAbNL6kKqgQ==
Ed. Code 32280-32289.5	School safety plans
Ed. Code 32283.5	Bullying; online training
Ed. Code 35181	Governing board authority to set policy on responsibilities of students
Ed. Code 35291-35291.5	Rules
Ed. Code 46600	Student transfers
Ed. Code 48900-48925	Suspension and expulsion
Ed. Code 48985	Notices to parents in language other than English
Ed. Code 52060-52077	Local control and accountability plan
Pen. Code 422.55	Definition of hate crime
Pen. Code 647	Use of camera or other instrument to invade person's privacy; misdemeanor
Pen. Code 647.7	Use of camera or other instrument to invade person's privacy; punishment
Pen. Code 653.2	Electronic communication devices; threats to safety
Federal References	Description
28 CFR 35.107	Nondiscrimination on basis of disability; complaints

34 CFR	Section 504; Designation of responsible employee and adoption of grievances procedures
34 CFR	Designation of coordinator; dissemination of policy, and adoption of grievance procedures
34 CFR 110.25	Notification of nondiscrimination on the basis of age
47 USC 254	Universal service discounts (E-rate)

Management Resources References	Description
CA Office of the Attorney General Publication	Promoting Safe & Secure Learning Environment for All: Guidance & Model Policies to Assist CA K-12 Schools in Responding to Immigration Issues, 4/2018
California Department of Education Publication	Bullying at School, 2003
California Department of Education Publication	Bullying Module
California Department of Education Publication	California's Social and Emotional Learning: Guiding Principles, 2018
California Department of Education Publication	Health Education Content Standards for California Public Schools: Kindergarten Through Grade Twelve, 2008
California Department of Education Publication	Social and Emotional Learning in California: A Guide to Resources, 2018
Court Decision	J.C. v. Beverly Hills Unified School District, (2010) 711 F.Supp.2d 1094
Court Decision	Lavine v. Blaine School District, (2002) 279 F.3d 719
Court Decision	Wynar v. Douglas County School District, (2013) 728 F.3d 1062
CSBA Publication	Addressing the Conditions of Children: Focus on Bullying, Governance Brief, December
CSBA	Building Healthy Communities: A School Leaders Guide to Collaboration and Community Engagement, 2009
CSBA Publication	Cyberbullying: Policy Considerations for Boards, Policy Brief, rev. July 2010
CSBA Publication	Providing a Safe, Nondiscriminatory School Environment for Transgender and Gender-Nonconforming Students, Policy Brief, February 2014
CSBA Publication	Safe Schools: Strategies for Governing Boards to Ensure Student Success, 201
CSBA	Final Guidance: AB 1266, Transgender and Gender Nonconforming Students, Privacy, Programs, Activities & Facilities, Legal Guidance, March 2014
U.S. DOE Office for Civil Rights Publication	Guidance to America's Schools: Bullying of Students with Disabilities, October 201
U.S. DOE Office for Civil Rights Publication	Dear Colleague Letter: Responding to Bullying of Students with Disabilities, October
U.S. DOE Office for Civil Rights	Dear Colleague Letter: Guidance on Schools' Obligations to Protect Students from Student-on-Student Harassment on Basis of Sex, Race, Color, Oct 2010
U.S. DOE, Office for Civil Rights Publication	Dear Colleague Letter: Harassment and Bullying, October 2010
Website	CSBA District and County Office of Education Legal Services - https://simbli.eboardsolutions.com/SU/UdykszdmPETuDsIshXk6R5akQ==
Website	National School Safety Center - https://simbli.eboardsolutions.com/SU/DT4ecTE5xOmkiuXpIMccKw==
Website	Partnership for Children and Youth - https://simbli.eboardsolutions.com/SU/bolflRuzs4PI63kJI3082w==

Website	Center on Great Teachers and Leaders - https://simbli.eboardsolutions.com/SU/uuNY8dCMmlel2NuPXnq4GQ==
Website	Collaborative for Academic Social and Emotional Learning - https://simbli.eboardsolutions.com/SU/sNNHIYslsh8zYCfpQYfg7rGplusw==
Website	Common Sense Media - https://simbli.eboardsolutions.com/SU/wpUjl8j8od73P0r6UNOcNQ==
Website	California Department of Education, Safe Schools - https://simbli.eboardsolutions.com/SU/AxdFslshFpyQ1QP0821fOy9pg==
Website	California Office of the Attorney General - https://simbli.eboardsolutions.com/SU/5qNslsh5DoKuytasYcv9khGiA==
Website	CSBA - https://simbli.eboardsolutions.com/SU/W3QxkK2FPsDsQBnMIENxGg==
Website	U.S. Department of Education - https://simbli.eboardsolutions.com/SU/XcSsJimoslsh3XhJKy4tplus7wplusA==

Cross References	Description
0100	Philosophy - https://simbli.eboardsolutions.com/SU/SzZGqwgacLRosoejYEegEA==
0410	Nondiscrimination In District Programs And Activities - https://simbli.eboardsolutions.com/SU/a3plumwI0zslshIRw6iTRI9XEkQ==
0440	District Technology Plan - https://simbli.eboardsolutions.com/SU/Qg7ZVjKlippiuCoxYlkh4Q==
0450	Comprehensive Safety Plan - https://simbli.eboardsolutions.com/SU/LOaBnoVY0hmNKftDesWTPQ==
0450	Comprehensive Safety Plan - https://simbli.eboardsolutions.com/SU/islshO4d5Nk1IvylzNHT2rm6Q==
1113	District And School Web Sites - https://simbli.eboardsolutions.com/SU/m2Pb71YWslshsj9k1H50DGFHg==
1113	District And School Web Sites - https://simbli.eboardsolutions.com/SU/AIrWADp8cT3fpeWVfzcHoQ==
3515	Campus Security - https://simbli.eboardsolutions.com/SU/4qYGPR5slshOcPb8XbyqycXTw==
3515	Campus Security - https://simbli.eboardsolutions.com/SU/dwlg5NMi4lh7jlbTwyNUZQ==
4131	Staff Development - https://simbli.eboardsolutions.com/SU/1zplusJeDg4RdHb3T3fVufPLw==
4219.21	Professional Standards - https://simbli.eboardsolutions.com/SU/Vg9eZplusjkk4fNzoOLzNik2g==
4231	Staff Development - https://simbli.eboardsolutions.com/SU/odPuXyrWlslshgfXxSghXNCplusw==
4319.21	Professional Standards - https://simbli.eboardsolutions.com/SU/92eHEQBw4OA0tJWsdIvTg==
4319.21-E	Professional Standards - https://simbli.eboardsolutions.com/SU/nnTef11KyaDVap8s4xvuVw==
5030	Student Wellness - https://simbli.eboardsolutions.com/SU/IQRHMqUCM0ZMsTv6UaNIVg==
5030	Student Wellness - https://simbli.eboardsolutions.com/SU/xQ2xslshJSAtxjnPd8PE3Qodg==
5113.1	Chronic Absence And Truancy - https://simbli.eboardsolutions.com/SU/qi8KumtMSLieTBQVrcihJw==
5113.1	Chronic Absence And Truancy - https://simbli.eboardsolutions.com/SU/5ZWJrpOglBknxts88zeSfA==
5116.1	Intradistrict Open Enrollment - https://simbli.eboardsolutions.com/SU/7Jx3VHBVtealFxpIusr20RwTQ==
5116.1	Intradistrict Open Enrollment - https://simbli.eboardsolutions.com/SU/f9hplusYIZHivF4QocX8U6D8A==
5117	Interdistrict Attendance -

	https://simbli.eboardsolutions.com/SU/NFlo0gUkWHrgxZwGdHp7OA==
5117	Interdistrict Attendance - https://simbli.eboardsolutions.com/SU/youUKplusbplusTXh1sxl7SP5plusLEQ==
5125	Student Records - https://simbli.eboardsolutions.com/SU/xeelvwCdtPXKjXrB8slshAobQ==
5125	Student Records - https://simbli.eboardsolutions.com/SU/2AslshSBM3tpluspluskZTby55sS4MA==
5131	Conduct - https://simbli.eboardsolutions.com/SU/ovslshoKtdzfsishUslshVplusqrS2iSeg==
5131.8	Mobile Communication Devices - https://simbli.eboardsolutions.com/SU/1kslshJbS58kVvtpluszYVZLcplus7A==
5136	Gangs - https://simbli.eboardsolutions.com/SU/wyqxa0lhdSpzce0eWWqVmQ==
5136	Gangs - https://simbli.eboardsolutions.com/SU/hOw80FeCPY2MqZ43HLvO0w==
5137	Positive School Climate - https://simbli.eboardsolutions.com/SU/mGugNJPII8ZQbaLZt6ZvbQ==
5138	Conflict Resolution/Peer Mediation - https://simbli.eboardsolutions.com/SU/Ww1RhNjIRXkvCDTeM4IUUQ==
5141.27	Food Allergies/Special Dietary Needs - https://simbli.eboardsolutions.com/SU/4Du7Ch9ork0IS3l4COdplushg==
5141.27	Food Allergies/Special Dietary Needs - https://simbli.eboardsolutions.com/SU/dDt1Hd5LliffYSznplusOUeVw==
5141.52	Suicide Prevention - https://simbli.eboardsolutions.com/SU/eZvhQcyDw9TDz2DRMjTngg==
5141.52	Suicide Prevention - https://simbli.eboardsolutions.com/SU/ACk1rtU0auUjfaUf1ZRGAA==
5144	Discipline - https://simbli.eboardsolutions.com/SU/1IZUJslshUmrX9nDgTevO77Jw==
5144	Discipline - https://simbli.eboardsolutions.com/SU/fMBf9gXFm4plus4XjNSlEKOBQ==
5144.1	Suspension And Expulsion/Due Process - https://simbli.eboardsolutions.com/SU/vXM0TIGFZ9o63s9uZSjBVw==
5144.1	Suspension And Expulsion/Due Process - https://simbli.eboardsolutions.com/SU/1iQ5RU0xqQvDg1wdQB1yuw==
5144.1-E PDF(1)	Suspension And Expulsion/Due Process - https://simbli.eboardsolutions.com/SU/022Eipb9wxOIWne38BCQRQ==
5144.2	Suspension And Expulsion/Due Process (Students With Disabilities) - https://simbli.eboardsolutions.com/SU/echz3oTQfslshFd3MhitpscDg==
5145.12	Search And Seizure - https://simbli.eboardsolutions.com/SU/7XBbt2aRevRSrc3zcH421w==
5145.12	Search And Seizure - https://simbli.eboardsolutions.com/SU/sNLR6Tq0PSosggGplusB9Bz6A==
5145.2	Freedom Of Speech/Expression - https://simbli.eboardsolutions.com/SU/qap7r2ml9t0Ja3g8XWsn2w==
5145.2	Freedom Of Speech/Expression - https://simbli.eboardsolutions.com/SU/zvGwunslsh8qdpvRNSfnZor2Q==
5145.3	Nondiscrimination/Harassment - https://simbli.eboardsolutions.com/SU/UjKhpKYEwslshplusUXjTsFSpusflg==
5145.3	Nondiscrimination/Harassment - https://simbli.eboardsolutions.com/SU/WBwKoldE4HmxGENIYcoBBA==
5145.7	Sexual Harassment - https://simbli.eboardsolutions.com/SU/RU3wDUC1I94YE4bxtHnm7Q==
5145.7	Sexual Harassment - https://simbli.eboardsolutions.com/SU/bydUBu7DBvOYh3wUQWPC5w==

5145.9	Hate-Motivated Behavior - https://simbli.eboardsolutions.com/SU/Y5vPjGGK30VzCVtconQslsh5Q==
6144	Controversial Issues - https://simbli.eboardsolutions.com/SU/lmDaUZImYKjA0ORhBD4nsQ==
6163.4	Student Use Of Technology - https://simbli.eboardsolutions.com/SU/qpcwLFJqjXdb4ZyWGo7vyg==
6163.4-E PDF(1)	Student Use Of Technology - https://simbli.eboardsolutions.com/SU/iv3ZMz2tqiFzrpZWJ1fyg==
6164.2	Guidance/Counseling Services - https://simbli.eboardsolutions.com/SU/qJslshPzVHN2JW9dYjMpMOlxQ==
6173.1	Education For Foster Youth - https://simbli.eboardsolutions.com/SU/r7CnxKuG2Ud280IFslshUgg==
6173.1	Education For Foster Youth - https://simbli.eboardsolutions.com/SU/HZ4FnOtlx811LRZOEiga9Q==
6184	Continuation Education - https://simbli.eboardsolutions.com/SU/QjQceDXmW7slshpgvqefDRRWw==
6184	Continuation Education - https://simbli.eboardsolutions.com/SU/EeAjsqQQLfLeRuqXifsBlg==

Regulation 5131.2: Bullying

Status: ADOPTED

Original Adopted Date: 08/13/2019 | Last Revised Date: 03/16/2021 | Last Reviewed Date: 03/16/2021

Bullying is an aggressive behavior that involves a real or perceived imbalance of power between individuals with the intent to cause emotional or physical harm. Bullying can be physical, verbal, or social/relational and may involve a single serve act or repetition or potential repetition of a deliberate act. Bullying includes, but is not limited to, any act described in Education Code 48900(r).

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

Examples of the types of conduct that may constitute bullying and are prohibited by the district include, but are not limited to:

1. Physical bullying: An act that inflicts harm upon a person's body or possessions, such as hitting, kicking, pinching, spitting, tripping, pushing, taking or breaking someone's possessions, or making cruel or rude hand gestures
2. Verbal bullying: An act that includes saying or writing hurtful things, such as teasing, name-calling, inappropriate sexual comments, taunting, or threats to cause harm
3. Social/relational bullying: An act that harms a person's reputation or relationships, such as leaving a person out of an activity on purpose, influencing others not to be friends with someone, spreading rumors, or embarrassing someone in public
4. Cyberbullying: An act such as sending demeaning or hateful text messages or emails, spreading rumors by email or by posting on social networking sites, or posting or sharing embarrassing photos, videos, web site, or fake profiles

Measures to Prevent Bullying

The Superintendent or designee shall implement measures to prevent bullying in district schools, including, but not limited to, the following:

1. Ensuring that each school establishes clear rules for student conduct and implements strategies to promote a positive, collaborative school climate
2. Providing information to students, through student handbooks, district and school web sites and social media, and other age-appropriate means, about district and school rules related to bullying, mechanisms available for reporting incidents or threats, and the consequences for engaging in bullying
3. Encouraging students to notify school staff when they are being bullied or when they suspect that another student is being bullied, and providing means by which students may report threats or incidents confidentially and anonymously
4. Conducting an assessment of bullying incidents at each school and, if necessary, increasing supervision and security in areas where bullying most often occurs, such as playgrounds, hallways, restrooms, and cafeterias
5. Annually notifying district employees that, pursuant to Education Code 234.1, any school staff who witnesses an act of bullying against a student has a responsibility to immediately intervene to stop the incident when it is safe to do so

Staff Development

The Superintendent or designee shall annually make available to all certificated staff and to other employees who have regular interaction with students the California Department of Education (CDE) online training module on the dynamics of bullying and cyberbullying, including the identification of bullying and cyberbullying and the implementation of strategies to address bullying. (Education Code 32283.5)

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

1. Discuss the diversity of the student body and school community, including their varying immigration experiences

2. Discuss bullying prevention strategies with students, and teach students to recognize the behavior and characteristics of bullying perpetrators and victims
3. Identify the signs of bullying or harassing behavior
4. Take immediate corrective action when bullying is observed
5. Report incidents to the appropriate authorities, including law enforcement in instances of criminal behavior

Information and Resources

The Superintendent or designee shall post on the district's web site, in a prominent location and in a manner that is easily accessible to students and parent/guardians, information on bullying and harassment prevention which includes the following: (Education Code 234.6)

1. The district's policy on student suicide prevention, including a reference to the policy's age appropriateness of students in grades K-6
2. The definition of sex discrimination and harassment as described in Education Code 230, including the rights set forth in Education Code 221.8
3. Title IX information included on the district's web site pursuant to Education Code 221.61, and a link to the Title IX information included on CDE's web site pursuant to Education Code 221.6
4. District policies on student sexual harassment, prevention and response to hate violence, discrimination, harassment, intimidation, bullying, and cyberbullying
5. A section on social media bullying that includes all of the references described in Education Code 234.6 as possible forums of social media
6. A link to statewide resources, including community-based organizations, compiled by CDE pursuant to Education Code 234.5
7. Any additional information the Superintendent or designee deems important for preventing bullying and harassment

Student Instruction

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

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

Students should be taught the difference between appropriate and inappropriate behaviors, how to advocate for themselves, how to help another student who is being bullied, and when to seek assistance from a trusted adult. As role models for students, staff shall be expected to demonstrate effective problem-solving and anger management skills.

To discourage cyberbullying, teachers may advise students to be cautious about sharing passwords, personal data, or private photos online and to consider the consequences of making negative comments about others online.

Report and Filing of Complaints

Any student, parent/guardian, or other individual who believes that a student has been subjected to bullying or who has witnessed bullying may report the incident to a teacher, the principal, a compliance officer, or any other available school employee.

When a report of bullying is submitted, the principal or a district compliance officer shall inform the student or parent/guardian of the right to file a formal written complaint in accordance with AR 1312.3 - Uniform Complaint Procedures. The student who is the alleged victim of the bullying shall be given an opportunity to describe the incident, identify witnesses who may have relevant information, and provide other evidence of bullying.

Within one business day of receiving such a report, a staff member shall notify the principal of the report, whether or not a uniform complaint is filed. In addition, any school employee who observes an incident of bullying involving a student shall, within one business day, report such observation to the principal or a district compliance officer, whether or not the alleged victim files a complaint.

Within two business days of receiving a report of bullying, the principal shall notify the district compliance office identified in AR 1312.3.

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

Discipline/Corrective Actions

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

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

Support Services

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

If any student involved in bullying exhibits warning signs of suicidal thought or intention or of intent to harm another person, the Superintendent or designee shall, as appropriate, implement district intervention protocols which may include, but are not limited to, referral to district or community mental health services, other health professionals, and/or law enforcement.

Policy Reference Disclaimer: These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State References

5 CCR 4600-4670

Ed. Code 200-262.4

Ed. Code 32280-32289.5

Ed. Code 32283.5

Ed. Code 35181

Ed. Code 35291-35291.5

Ed. Code 46600

Ed. Code 48900-48925

Ed. Code 48985

Ed. Code 52060-52077

Pen. Code 422.55

Pen. Code 647

Pen. Code 647.7

Pen. Code 653.2

Description

Uniform complaint procedures

Prohibition of discrimination -
<https://simbli.eboardsolutions.com/SU/ytTLslshoozWGUAAbNL6kKkgxQ==>

School safety plans

Bullying; online training

Governing board authority to set policy on responsibilities of students
Rules

Student transfers

Suspension and expulsion

Notices to parents in language other than English

Local control and accountability plan

Definition of hate crime

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

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

Electronic communication devices; threats to safety

Federal References

28 CFR 35.107

34 CFR 104.7

34 CFR 106.8

34 CFR 110.25

47 USC 254

Description

Nondiscrimination on basis of disability; complaints

Section 504; Designation of responsible employee and adoption of grievances procedures

Designation of coordinator; dissemination of policy, and adoption of grievance procedures

Notification of nondiscrimination on the basis of age

Universal service discounts (E-rate)

Management Resources References	Description
Policies to Assist CA K-12 Schools in Responding to Immigration Issues, 4/2018	Promoting Safe & Secure Learning Environment for All: Guidance & Model CA Office of the Attorney General Publication
California Department of Education Publication	Bullying at School, 2003
California Department of Education Publication	Bullying Module
California Department of Education Publication	California's Social and Emotional Learning: Guiding Principles, 2018
California Department of Education Publication	Health Education Content Standards for California Public Schools: Kindergarten Through Grade Twelve,
California Department of Education Publication	Social and Emotional Learning in California: A Guide to Resources, 2018
Court Decision	J.C. v. Beverly Hills Unified School District, (2010) 711 F.Supp.2d 1094
Court Decision	Lavine v. Blaine School District, (2002) 279 F.3d 719
Court Decision	Wynar v. Douglas County School District, (2013) 728 F.3d 1062
CSBA Publication	Addressing the Conditions of Children: Focus on Bullying, Governance Brief, December 2012
CSBA	Building Healthy Communities: A School Leaders Guide to Collaboration and Community Engagement, 2009
CSBA Publication	Cyberbullying: Policy Considerations for Boards, Policy Brief, rev. July 2010
CSBA	Providing a Safe, Nondiscriminatory School Environment for Transgender and Gender-Nonconforming Students, Policy Brief, February 2014
CSBA Publication	Safe Schools: Strategies for Governing Boards to Ensure Student Success, 2011
CSBA	Final Guidance: AB 1266, Transgender and Gender Nonconforming Students, Privacy, Programs, Activities & Facilities, Legal Guidance, March 2014
U.S. DOE Office for Civil Rights Publication	Guidance to America's Schools: Bullying of Students with Disabilities, October 201
U.S. DOE Office for Civil Rights Publication	Dear Colleague Letter: Responding to Bullying of Students with Disabilities, October
U.S. DOE Office for Civil Rights	Dear Colleague Letter: Guidance on Schools' Obligations to Protect Students from Student-on-Student Harassment on Basis of Sex, Race, Color, Oct 2010
U.S. DOE, Office for Civil Rights Publication	Dear Colleague Letter: Harassment and Bullying, October 2010
Website	CSBA District and County Office of Education Legal Services - https://simbli.eboardsolutions.com/SU/UdykszdmPEtUdSlshXk6R5akQ==
Website	National School Safety Center - https://simbli.eboardsolutions.com/SU/DT4ecTE5xOmkiuXpIMccKw==
Website	Partnership for Children and Youth - https://simbli.eboardsolutions.com/SU/bolflRuzs4PI63kJI3082w==
Website	Center on Great Teachers and Leaders - https://simbli.eboardsolutions.com/SU/uuNY8dCMmlel2NuPXnq4GQ==
Website	Collaborative for Academic Social and Emotional Learning - https://simbli.eboardsolutions.com/SU/sNNHIYslsh8zYCfpQYfg7rGplusw==
Website	Common Sense Media - https://simbli.eboardsolutions.com/SU/wpUjl8j8od73P0r6UNOcNQ==
Website	California Department of Education, Safe Schools - https://simbli.eboardsolutions.com/SU/AxdFslshFpyQ1QP0821fOy9pg==
Website	California Office of the Attorney General - https://simbli.eboardsolutions.com/SU/5qNslsh5DoKuytasYcv9khGiA==
Website	CSBA - https://simbli.eboardsolutions.com/SU/W3QxkK2FPsDsQBnMIENxGg==
Website	U.S. Department of Education - https://simbli.eboardsolutions.com/SU/XcSsJimoslsh3XhJKy4tplus7wplusA==

Cross References

Description

0100	Philosophy - https://simbli.eboardsolutions.com/SU/SzZGqwgacLRosoejYEggEA==
0410	Nondiscrimination In District Programs And Activities - https://simbli.eboardsolutions.com/SU/a3plusmwl0zslshIRw6iTRI9XEkQ==
0440	District Technology Plan - https://simbli.eboardsolutions.com/SU/Qq7ZVjKlJppiuCoxYLkh4Q==
0450	Comprehensive Safety Plan - https://simbli.eboardsolutions.com/SU/LOaBnoVY0hmNKftDesWTPQ==
0450	Comprehensive Safety Plan - https://simbli.eboardsolutions.com/SU/islshO4d5Nk1lvyzNHT2rm6Q==
1113	District And School Web Sites - https://simbli.eboardsolutions.com/SU/m2Pb71YWslshsj9k1H50DGFHg==
1113	District And School Web Sites - https://simbli.eboardsolutions.com/SU/AIrWADp8cT3fpeWVfzcHoQ==
3515	Campus Security - https://simbli.eboardsolutions.com/SU/4qYGPR5slshOcPb8XbyqycXTw==
3515	Campus Security - https://simbli.eboardsolutions.com/SU/dwlg5NMi4lh7jlbTwyNUZQ==
4131	Staff Development - https://simbli.eboardsolutions.com/SU/1zplusJeDg4RdHb3T3fVuFPLw==
4219.21	Professional Standards - https://simbli.eboardsolutions.com/SU/Vg9eZplusjkk4fNzoOLzNik2g==
4231	Staff Development - https://simbli.eboardsolutions.com/SU/odPuXyrWlslshgfXxSghXNCplusw==
4319.21	Professional Standards - https://simbli.eboardsolutions.com/SU/92eHEQBw4OA0tJWsdlvTg==
4319.21-E PDF(1)	Professional Standards - https://simbli.eboardsolutions.com/SU/nnTef11KyaDVap8s4xvuVw==
5030	Student Wellness - https://simbli.eboardsolutions.com/SU/IQRHMqUCM0ZMsTv6UaNIVg==
5030	Student Wellness - https://simbli.eboardsolutions.com/SU/xQ2xslshJSAtxjmPd8PE3Qodg==
5113.1	Chronic Absence And Truancy - https://simbli.eboardsolutions.com/SU/qi8KumtMSLieTBQVrcihJw==
5113.1	Chronic Absence And Truancy - https://simbli.eboardsolutions.com/SU/5ZWJrpOglBknxts88zeSfA==
5116.1	Intradistrict Open Enrollment - https://simbli.eboardsolutions.com/SU/7Jx3VHBVtealFxpusr20RwTQ==
5116.1	Intradistrict Open Enrollment - https://simbli.eboardsolutions.com/SU/f9hplusYIZHivF4QocX8U6D8A==
5117	Interdistrict Attendance - https://simbli.eboardsolutions.com/SU/NFio0gUkWHrgxZwGdHp7OA==
5117	Interdistrict Attendance - https://simbli.eboardsolutions.com/SU/yuUKplusplusTXh1sxl7SP5plusLEQ==
5125	Student Records - https://simbli.eboardsolutions.com/SU/xeelvwCdtPXKjXrB8slshAobQ==
5125	Student Records - https://simbli.eboardsolutions.com/SU/2AslshSBM3tpluspluskZTby55sS4MA==
5131	Conduct - https://simbli.eboardsolutions.com/SU/ovslshoKtdzslshUslshVplusqrS2iSeg==
5131.8	Mobile Communication Devices - https://simbli.eboardsolutions.com/SU/1kslshJbS58kVvtpluszYVZLcplus7A==
5136	Gangs - https://simbli.eboardsolutions.com/SU/wyqxa0IhdSpzce0eWWqVmQ==
5136	Gangs -

	https://simbli.eboardsolutions.com/SU/hOw80FeCPY2MqZ43HLvO0w==
5137	Positive School Climate - https://simbli.eboardsolutions.com/SU/mGugNJPII8ZQbaLZt6ZvbQ==
5138	Conflict Resolution/Peer Mediation - https://simbli.eboardsolutions.com/SU/Ww1RhNjIRXkvCDTeM4IUUQ==
5141.27	Food Allergies/Special Dietary Needs - https://simbli.eboardsolutions.com/SU/4Du7Ch9ork0IS3l4COdplushg==
5141.27	Food Allergies/Special Dietary Needs - https://simbli.eboardsolutions.com/SU/dDt1Hd5LlifFYSznplusOUeVw==
5141.52	Suicide Prevention - https://simbli.eboardsolutions.com/SU/eZvhQcyDw9TDz2DRMjTngg==
5141.52	Suicide Prevention - https://simbli.eboardsolutions.com/SU/ACk1rtU0auUJjfaUf1ZRGA==
5144	Discipline - https://simbli.eboardsolutions.com/SU/1IZUJslshUmrX9nDgTevO77Jw==
5144	Discipline - https://simbli.eboardsolutions.com/SU/fMBf9gXFm4plus4XjNSjEKOBQ==
5144.1	Suspension And Expulsion/Due Process - https://simbli.eboardsolutions.com/SU/1iQ5RU0xqQvDg1wdQB1yuuw==
5144.1	Suspension And Expulsion/Due Process - https://simbli.eboardsolutions.com/SU/vXM0TIGFZ9o63s9uZSjBVw==
5144.1-E PDF(1)	Suspension And Expulsion/Due Process - https://simbli.eboardsolutions.com/SU/022Eipb9wxOIWne38BCQrQ==
5144.2	Suspension And Expulsion/Due Process (Students With Disabilities) - https://simbli.eboardsolutions.com/SU/echz3oTQfslshFd3MhitpscDg==
5145.12	Search And Seizure - https://simbli.eboardsolutions.com/SU/7XBbt2aRevRSrc3zcH421w==
5145.12	Search And Seizure - https://simbli.eboardsolutions.com/SU/sNLR6Tq0PSosggGplusB9Bz6A==
5145.2	Freedom Of Speech/Expression - https://simbli.eboardsolutions.com/SU/qap7r2ml9t0Ja3g8XWsn2w==
5145.2	Freedom Of Speech/Expression - https://simbli.eboardsolutions.com/SU/zvGwunslsh8qdpvRNSfnZor2Q==
5145.3	Nondiscrimination/Harassment - https://simbli.eboardsolutions.com/SU/UjKhpKYEwslshplusUXjTsFplusflg==
5145.3	Nondiscrimination/Harassment - https://simbli.eboardsolutions.com/SU/WBwKoldE4HmxGENIYcoBBA==
5145.7	Sexual Harassment - https://simbli.eboardsolutions.com/SU/RU3wDUC1I94YE4bxtHnm7Q==
5145.7	Sexual Harassment - https://simbli.eboardsolutions.com/SU/bydUBu7DBvOYh3wUQWPC5w==
5145.9	Hate-Motivated Behavior - https://simbli.eboardsolutions.com/SU/Y5vPjGGK30VzCVtconQslsh5Q==
6144	Controversial Issues - https://simbli.eboardsolutions.com/SU/lmDaUZImYKjA0ORhBD4nsQ==
6163.4	Student Use Of Technology - https://simbli.eboardsolutions.com/SU/qpcwLFJqjXdb4ZyWGo7vyg==
6163.4-E PDF(1)	Student Use Of Technology - https://simbli.eboardsolutions.com/SU/iv3ZMz2tqiFtzrpZWJ1fyg==
6164.2	Guidance/Counseling Services - https://simbli.eboardsolutions.com/SU/qJslshPzVHN2JW9dYjMpMOIxQ==
6173.1	Education For Foster Youth - https://simbli.eboardsolutions.com/SU/r7CnxKuG2Ud280IFslshUqg==
6173.1	Education For Foster Youth - https://simbli.eboardsolutions.com/SU/HZ4FnOtlx811LRZOEiga9Q==
6184	Continuation Education - https://simbli.eboardsolutions.com/SU/QjQceDXmW7slshpgvqefDRRWw==

Policy 5145.7: Sexual Harassment

Status: ADOPTED

Original Adopted Date: 05/19/2011 | Last Revised Date: 02/02/2023 | Last Reviewed Date: 02/02/2023

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

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

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

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

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

Instruction/Information

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

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

Disciplinary Actions

Upon completion of an investigation of a sexual harassment complaint, any student found to have engaged in sexual harassment or sexual violence in violation of this policy 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.

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

Record-Keeping

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

Policy Reference Disclaimer: These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State References

5 CCR 4600-4670

Description

Uniform complaint procedures

5 CCR 4900-

Nondiscrimination in elementary and secondary educational programs receiving state or federal financial assistance

Civ. Code

Liability of parent or guardian for act of willful misconduct by a minor - <https://simbli.eboardsolutions.com/SU/NSknePFduiYWusJFnU3r9Q==>

Civ. Code 51.9

relationships - <https://simbli.eboardsolutions.com/SU/RFwiKgYI364luH8a6QAqdg==>

Liability for sexual harassment; business, service and professional

Ed. Code 200-

Prohibition of discrimination -

<https://simbli.eboardsolutions.com/SU/ytTLslshoozWGUAAbNL6kKkgxQ==>

Ed. Code 48900

Grounds for suspension or expulsion

Ed. Code 48900.2

Additional grounds for suspension or expulsion; sexual harassment

Ed. Code 48904

Liability of parent/guardian for willful student misconduct

Ed. Code 48980

Parent/Guardian notifications

Ed. Code 48985

Notices to parents in language other than English

Gov. Code 12950.1

Sexual harassment training

Federal References

20 USC 1092

Definition of sexual assault

20 USC 1221

Application of laws

20 USC 1232g

Family Educational Rights and Privacy Act (FERPA) of 1974

20 USC 1681-1688

Title IX of the Education Amendments of 1972; discrimination based on sex

34 CFR 106.1-106.82

Nondiscrimination on the basis of sex in education programs

34 CFR 99.1-99.67

Family Educational Rights and Privacy

34 USC 12291

Definition of dating violence, domestic violence, and stalking

42 USC 1983

Civil action for deprivation of rights

42 USC 2000d-2000d-7

Title VI, Civil Rights Act of 1964

42 USC 2000e-2000e-17

Title VII, Civil Rights Act of 1964, as amended

Management Resources References

Court Decision

Description

Gebser v. Lago Vista Independent School District, (1998) 524 U.S. 274

Court Decision

Oona by Kate S. v. McCaffrey, (1998, 9th Cir.) 143 F.3d 473

Court Decision

Reese v. Jefferson School District, (2001, 9th Cir.) 208 F.3d 736

Court Decision

Davis v. Monroe County Board of Education, (1999) 526 U.S. 629

Court Decision

Doe v. Petaluma City School District, (1995, 9th Cir.) 54 F.3d 1447

Court Decision

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

Court Decision	Flores v. Morgan Hill Unified School District, (2003, 9th Cir.) 324 F.3d 1130
CSBA Publication	Safe Schools: Strategies for Governing Boards to Ensure Student Success, 201
CSBA	Providing a Safe, Nondiscriminatory School Environment for Transgender and Gender-Nonconforming Students, Policy Brief, February 2014
U.S. DOE, Office for Civil Rights Publication	Q&A on Campus Sexual Misconduct, September 2017
U.S. DOE, Office for Civil Rights Publication	Sexual Harassment: It's Not Academic, September 2008
U.S. DOE, Office for Civil Rights	Revised Sexual Harassment Guidance: Harassment of Students by School Employees, Other Students, or Third Parties, January 2001
U.S. DOE, Office for Civil Rights Publication	Examples of Policies and Emerging Practices for Supporting Transgender Students, May
U.S. DOE, Office for Civil Rights Publication	Dear Colleague Letter: Title IX Coordinators, April 2015
Website	CSBA District and County Office of Education Legal Services - https://simbli.eboardsolutions.com/SU/UdykszdmPETuDsIshXk6R5akQ==
Website	California Department of Education - https://simbli.eboardsolutions.com/SU/os2jq5DcA2RawmY2VZ5FZQ==
Website	CSBA - https://simbli.eboardsolutions.com/SU/W3QxkK2FPsDsQBnMIENxGg==
Website	U.S. Department of Education, Office for Civil Rights - https://simbli.eboardsolutions.com/SU/xmCPrTcoZle111WmbX10Vg==

Cross References

Description

0410	Nondiscrimination In District Programs And Activities - https://simbli.eboardsolutions.com/SU/a3plusmwI0zslshIRw6ITRI9XEKQ==
0450	Comprehensive Safety Plan - https://simbli.eboardsolutions.com/SU/LOaBnoVY0hmNKfDesWTPQ==
0450	Comprehensive Safety Plan - https://simbli.eboardsolutions.com/SU/islshO4d5Nk1IvylzNHT2rm6Q==
1114	District-Sponsored Social Media - https://simbli.eboardsolutions.com/SU/E9NjS9XqPUjo7aByBxJbslshg==
1312.1	Complaints Concerning District Employees - https://simbli.eboardsolutions.com/SU/iGqfVAc81p1d2slshtNLGdbfg==
1312.1	Complaints Concerning District Employees - https://simbli.eboardsolutions.com/SU/XRe1heSPHXk BemVtGIYyyA==
1312.3	Uniform Complaint Procedures - https://simbli.eboardsolutions.com/SU/T3xkspXayFj4xNZuQYUjyg==
1312.3	Uniform Complaint Procedures - https://simbli.eboardsolutions.com/SU/5nOztuslshDkexjyldR9OhG1g==
1312.3-E PDF(1)	Uniform Complaint Procedures - https://simbli.eboardsolutions.com/SU/bldSimwcloY0WOrNdt7slw==
1312.3-E PDF(2)	Uniform Complaint Procedures - https://simbli.eboardsolutions.com/SU/hBq0A2bnM4WB0IA8IE1U8g==
1312.3-E PDF(3)	Uniform Complaint Procedures - https://simbli.eboardsolutions.com/SU/EyU7Ee01EZ2Bwslsh1Uzs8DmA==
3515.4	Recovery For Property Loss Or Damage - https://simbli.eboardsolutions.com/SU/WXkpsjswrEvopKT8VqQ05Lw==
3515.4	Recovery For Property Loss Or Damage - https://simbli.eboardsolutions.com/SU/UgUiEXWxUifY2HsYbz5vOA==
3530	Risk Management/Insurance - https://simbli.eboardsolutions.com/SU/FZ8QGeks2H3hENqDCuBbbA==
3530	Risk Management/Insurance - https://simbli.eboardsolutions.com/SU/Z00wOeYq78HzLb5MfIKtIA==
3580	District Records - https://simbli.eboardsolutions.com/SU/H0XmbZzkAD38KfMx FmIOzw==
3580	District Records - https://simbli.eboardsolutions.com/SU/iY5AOaxwIVMa6ZoYBZdE1w==

4117.7	Employment Status Reports - https://simbli.eboardsolutions.com/SU/5wcGSxsctvXYnPFrwzvSTA==
4118	Dismissal/Suspension/Disciplinary Action - https://simbli.eboardsolutions.com/SU/IAHPaqre0DL5WslshHwWvYTuw==
4118	Dismissal/Suspension/Disciplinary Action - https://simbli.eboardsolutions.com/SU/HVNbyzO1EXlztQPbWsU1Cg==
4119.11	Sexual Harassment - https://simbli.eboardsolutions.com/SU/sKvdHiQ8wRUm5K1Rp2QSRQ==
4119.11	Sexual Harassment - https://simbli.eboardsolutions.com/SU/6oifil8SSxGLTWUjOfGysw==
4131	Staff Development - https://simbli.eboardsolutions.com/SU/1zplusJeDg4RdHb3T3fvuFPLw==
4218	Dismissal/Suspension/Disciplinary Action - https://simbli.eboardsolutions.com/SU/SAFuYHCWDBlplus4yIjuQ11Rg==
4218	Dismissal/Suspension/Disciplinary Action - https://simbli.eboardsolutions.com/SU/8GzazuqxUzeqTkIplushXBz1A==
4219.11	Sexual Harassment - https://simbli.eboardsolutions.com/SU/wR6WdPaWbTcHk3plusSpfx9eQ==
4219.11	Sexual Harassment - https://simbli.eboardsolutions.com/SU/zekwplusvHloXCCJBeyIMKplusaw==
4219.21	Professional Standards - https://simbli.eboardsolutions.com/SU/Vg9eZplusjkk4fNzoOLzNik2g==
4231	Staff Development - https://simbli.eboardsolutions.com/SU/odPuXyrWlshqfXxSghXNCplusw==
4317.7	Employment Status Reports - https://simbli.eboardsolutions.com/SU/knyZqPsbpH1WMxawpJjPyA==
4319.11	Sexual Harassment - https://simbli.eboardsolutions.com/SU/sr1JEplusyifdVH78mGYQqChw==
4319.11	Sexual Harassment - https://simbli.eboardsolutions.com/SU/yFJFBL60pgC1rKO0ur9FEg==
4319.21	Professional Standards - https://simbli.eboardsolutions.com/SU/92eHEQBwl4OA0tJWsdIvTg==
4319.21-E PDF(1)	Professional Standards - https://simbli.eboardsolutions.com/SU/nnTef11KyaDVap8s4xvuVw==
5125	Student Records - https://simbli.eboardsolutions.com/SU/xeelvwCdtPXXkXrB8slshAobQ==
5125	Student Records - https://simbli.eboardsolutions.com/SU/2AslshSBM3tpluspluskZTby55sS4MA==
5131	Conduct - https://simbli.eboardsolutions.com/SU/ovslshoKtdzfsishUslshVplusqrS2iSeg==
5131.2	Bullying - https://simbli.eboardsolutions.com/SU/2plusypCgPeVLBR6mplusTUsg1g==
5131.2	Bullying - https://simbli.eboardsolutions.com/SU/A0AqjRpWXYjq273aVKO8Xw==
5131.5	Vandalism And Graffiti - https://simbli.eboardsolutions.com/SU/o6zb6plusvCxelPvQTDloixxw==
5132	Dress And Grooming - https://simbli.eboardsolutions.com/SU/TnKvEfvE7PLtLppsChO75g==
5132	Dress And Grooming - https://simbli.eboardsolutions.com/SU/VamSa0oG2Jlms3zVv9CrQw==
5137	Positive School Climate - https://simbli.eboardsolutions.com/SU/mGugNJPII8ZQbaLZt6ZvbQ==
5138	Conflict Resolution/Peer Mediation - https://simbli.eboardsolutions.com/SU/Ww1RhNjIRXkvCDTeM4IUUQ==

5141.4	Child Abuse Prevention And Reporting - https://simbli.eboardsolutions.com/SU/VETM5jGhZAIiDENTTGMZQQ==
5141.4	Child Abuse Prevention And Reporting - https://simbli.eboardsolutions.com/SU/7oCqXNVXUT6kXBVMR2Jy2A==
5141.52	Suicide Prevention - https://simbli.eboardsolutions.com/SU/eZvhQcyDw9TDz2DRMjTngg==
5141.52	Suicide Prevention - https://simbli.eboardsolutions.com/SU/ACk1rtU0auUJfaUf1ZRGA==
5144	Discipline - https://simbli.eboardsolutions.com/SU/1IZUJslshUmrX9nDgTevO77Jw==
5144	Discipline - https://simbli.eboardsolutions.com/SU/fMBf9gXFm4plus4XjNSjEKOBBQ==
5144.1	Suspension And Expulsion/Due Process - https://simbli.eboardsolutions.com/SU/vXM0TIGFZ9o63s9uZSjBVw==
5144.1	Suspension And Expulsion/Due Process - https://simbli.eboardsolutions.com/SU/1iQ5RU0xqQvDg1wdQB1yuw==
5144.1-E PDF(1)	Suspension And Expulsion/Due Process - https://simbli.eboardsolutions.com/SU/022Eipb9wxOIWne38BCQRQ==
5144.2	Suspension And Expulsion/Due Process (Students With Disabilities) - https://simbli.eboardsolutions.com/SU/echz3oTQfslshFd3MhitpscDg==
5145.2	Freedom Of Speech/Expression - https://simbli.eboardsolutions.com/SU/qap7r2ml9t0Ja3g8XWsn2w==
5145.2	Freedom Of Speech/Expression - https://simbli.eboardsolutions.com/SU/zvGwunslsh8qdpvRNSfnZor2Q==
5145.3	Nondiscrimination/Harassment - https://simbli.eboardsolutions.com/SU/UjKhpKYEwslshplusUXjTsFSplusfLg==
5145.3	Nondiscrimination/Harassment - https://simbli.eboardsolutions.com/SU/WBwKoldE4HmxGENiYcoBB Parent/Guardian Notifications - https://simbli.eboardsolutions.com/SU/UlorslshSzUnq9z2Gr1yUJJwg==
5145.	Parent/Guardian Notifications - https://simbli.eboardsolutions.com/SU/L83TjjRVdHWxuLyl8sbziw Parent/Guardian Notifications - https://simbli.eboardsolutions.com/SU/UlorslshSzUnq9z2Gr1yUJJwg==
5145.6-E PDF(1)	Parent/Guardian Notifications - https://simbli.eboardsolutions.com/SU/L83TjjRVdHWxuLyl8sbziw
5145.71	Title IX Sexual Harassment Complaint Procedures - https://simbli.eboardsolutions.com/SU/EPpycThQv7plus5MQL7ezNYuw==
5145.71-E PDF(1)	Title IX Sexual Harassment Complaint Procedures - https://simbli.eboardsolutions.com/SU/FeA43XeSaSiMq04Tetd27Q==
5145.9	Hate-Motivated Behavior - https://simbli.eboardsolutions.com/SU/Y5vPjGGK30VzCVtconQslsh5Q==
6142.1	Sexual Health And HIV/AIDS Prevention Instruction - https://simbli.eboardsolutions.com/SU/APhejEqqOXStK5zU7eytVA==
6142.1	Sexual Health And HIV/AIDS Prevention Instruction - https://simbli.eboardsolutions.com/SU/QcsHODX8Kr6Pv7MUSGP34Q==
6142.8	Comprehensive Health Education - https://simbli.eboardsolutions.com/SU/ZICAiD085XC36cXJ5egHLw==
6142.8	Comprehensive Health Education - https://simbli.eboardsolutions.com/SU/w24gpZ7YdDcc8b8HHuhLmg==
6145	Extracurricular And Cocurricular Activities - https://simbli.eboardsolutions.com/SU/xHspsWFdq7nKzJ78oGc0kg==
6145	Extracurricular And Cocurricular Activities - https://simbli.eboardsolutions.com/SU/1RvrVGX0CUtBPBOcDs3b6A==
6145.2	Athletic Competition - https://simbli.eboardsolutions.com/SU/D4psC3l2rqJya3nz2eifRw==
6145.2	Athletic Competition -

6163.4

<https://simbli.eboardsolutions.com/SU/jow6ge61P82urpOwJjopxw==>

Student Use Of Technology -

<https://simbli.eboardsolutions.com/SU/gpcwLFJqjXdb4ZyWGo7vyg==>

6163.4-E PDF(1)

Student Use Of Technology -

<https://simbli.eboardsolutions.com/SU/iv3ZMz2tqiFzrpZWJ1fyg==>

Regulation 5145.7: Sexual Harassment

Status: ADOPTED

Original Adopted Date: 05/19/2011 | Last Revised Date: 04/21/2023 | Last Reviewed Date: 04/21/2023

Definitions

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

1. Submission to the conduct is explicitly or implicitly made a term or condition of a student's academic status or progress.
2. Submission to or rejection of the conduct by a student is used as the basis for academic decisions affecting the student.
3. The conduct has the purpose or effect of having a negative impact on the student's academic performance or of creating an intimidating, hostile, or offensive educational environment.
4. Submission to or rejection of the conduct by the student is used as the basis for any decision affecting the student regarding benefits and services, honors, programs, or activities available at or through any district program or activity.

Any prohibited conduct that occurs off campus or outside of school-related or school-sponsored programs or activities will be regarded as sexual harassment in violation of district policy if it has a continuing effect on or creates a hostile school environment for the complainant or victim of the conduct. (34 CFR 106.30, 106.44)

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

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

Examples of Sexual Harassment

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

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

10. Displaying sexually suggestive objects
11. Sexual assault, sexual battery, or sexual coercion
12. Electronic communications containing comments, words, or images described above

Title IX Coordinator Compliance Officer

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

Donald Ogden, Associate Superintendent - Human Resources, Title IX Coordinator (employees), and Equity Compliance Officer
dogden@fcusd.org
(916) 294-9000 ext. 104410

Jim Huber, Ed.D., Assistant Superintendent- Educational Services, Title IX Coordinator (students), 504 Coordinator, and Equity Compliance Officer
jhuber@fcusd.org
(916) 294-9000 ext. 104625

1965 Birkmont Drive Rancho
Cordova, CA 95742

Notifications

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

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

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

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

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

Reporting Complaints

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

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

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

Complaint Procedures

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

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

Policy Reference Disclaimer: These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State References

5 CCR 4600-4670

Description

Uniform complaint procedures

5 CCR 4900-

Nondiscrimination in elementary and secondary educational programs receiving state or federal financial assistance

Civ. Code 1714.1

Liability of parent or guardian for act of willful misconduct by a minor - <https://simbli.eboardsolutions.com/SU/NSknePFduiYWusJFnU3r9Q==>

Civ. Code 51.9

Liability for sexual harassment; business, service and professional relationships - <https://simbli.eboardsolutions.com/SU/RFwiKgYI364luH8a6QAqdg==>

Ed. Code 200-262.4

Prohibition of discrimination - <https://simbli.eboardsolutions.com/SU/ytTLslshoozWGUAbNL6kKkgxQ==>

Ed. Code 48900

Grounds for suspension or expulsion

Ed. Code 48900.2

Additional grounds for suspension or expulsion; sexual harassment

Ed. Code 48904

Liability of parent/guardian for willful student misconduct

Ed. Code 48980

Parent/Guardian notifications

Ed. Code 48985

Notices to parents in language other than English

Gov. Code 12950.1

Sexual harassment training

Federal References

20 USC 1092

Description

Definition of sexual assault

20 USC 1221

Application of laws

20 USC 1232g

Family Educational Rights and Privacy Act (FERPA) of 1974

20 USC 1681-1688

Title IX of the Education Amendments of 1972; discrimination based on sex

34 CFR 106.1-106.82

Nondiscrimination on the basis of sex in education programs

34 CFR 99.1-99.67
34 USC 12291
42 USC 1983
42 USC 2000d-2000d-7
42 USC 2000e-2000e-17

Family Educational Rights and Privacy
Definition of dating violence, domestic violence, and stalking
Civil action for deprivation of rights
Title VI, Civil Rights Act of 1964
Title VII, Civil Rights Act of 1964, as amended

Management Resources References

Court Decision
Court Decision
Court Decision
Court Decision
Court Decision
Court Decision
Court Decision
CSBA Publication

CSBA

U.S. DOE, Office for Civil Rights Publication
U.S. DOE, Office for Civil Rights Publication

U.S. DOE, Office for Civil Rights

U.S. DOE, Office for Civil Rights Publication
U.S. DOE, Office for Civil Rights Publication

Website

Website

Website

Website

Description

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
Reese v. Jefferson School District, (2001, 9th Cir.) 208 F.3d 736
Davis v. Monroe County Board of Education, (1999) 526 U.S. 629
Doe v. Petaluma City School District, (1995, 9th Cir.) 54 F.3d 1447
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
Safe Schools: Strategies for Governing Boards to Ensure Student Success, 201
Providing a Safe, Nondiscriminatory School Environment for Transgender and Gender-Nonconforming Students, Policy Brief, February 2014
Q&A on Campus Sexual Misconduct, September 2017
Sexual Harassment: It's Not Academic, September 2008
Revised Sexual Harassment Guidance: Harassment of Students by School Employees, Other Students, or Third Parties, January 2001
Examples of Policies and Emerging Practices for Supporting Transgender Students, May
Dear Colleague Letter: Title IX Coordinators, April 2015
CSBA District and County Office of Education Legal Services - <https://simbli.eboardsolutions.com/SU/UdykszdmPETuDsIshXk6R5akQ==>
California Department of Education - <https://simbli.eboardsolutions.com/SU/os2jq5DcA2RawmY2VZ5FZQ==>
CSBA - <https://simbli.eboardsolutions.com/SU/W3QxkK2FPsDsQBnMIENxGg==>
U.S. Department of Education, Office for Civil Rights - <https://simbli.eboardsolutions.com/SU/xmCPrTcoZle111WmbX10Vg==>

Cross References

0410
0450
0450
1114
1312.1
1312.1
1312.3
1312.3
1312.3-E PDF(1)

Description

Nondiscrimination In District Programs And Activities - <https://simbli.eboardsolutions.com/SU/a3plusmwI0zslshIRw6iTRI9XEKQ==>
Comprehensive Safety Plan - <https://simbli.eboardsolutions.com/SU/LOaBnoVY0hmNKftDesWTPQ==>
Comprehensive Safety Plan - <https://simbli.eboardsolutions.com/SU/islshO4d5Nk1IvylzNHT2rm6Q==>
District-Sponsored Social Media - <https://simbli.eboardsolutions.com/SU/E9NjS9XqPUjo7aByBxJbslshg==>
Complaints Concerning District Employees - <https://simbli.eboardsolutions.com/SU/iGqfVAc81p1d2slshtNLGdbfg==>
Complaints Concerning District Employees - <https://simbli.eboardsolutions.com/SU/XRe1heSPHXk BemVtGIYyyA==>
Uniform Complaint Procedures - <https://simbli.eboardsolutions.com/SU/T3xkspXayFi4xNZuQYyJyg==>
Uniform Complaint Procedures - <https://simbli.eboardsolutions.com/SU/5nOztuslshDkexjyldR9OhG1g==>
Uniform Complaint Procedures -

<https://simbli.eboardsolutions.com/SU/bldSimwcloY0WOrNdt7slw==>
 1312.3-E PDF(2) Uniform Complaint Procedures -
<https://simbli.eboardsolutions.com/SU/hBg0A2bnM4WB0IA8E1U8g==>
 1312.3-E PDF(3) Uniform Complaint Procedures -
<https://simbli.eboardsolutions.com/SU/EyU7Ee01EZ2Bwslsh1Uzs8DmA==>
 3515.4 Recovery For Property Loss Or Damage -
<https://simbli.eboardsolutions.com/SU/WXkpswrEvopKT8VqQ05Lw==>
 3515.4 Recovery For Property Loss Or Damage -
<https://simbli.eboardsolutions.com/SU/UgUiEXWxUifY2HsYbz5vOA==>
 3530 Risk Management/Insurance -
<https://simbli.eboardsolutions.com/SU/FZ8QGeks2H3hENqDCuBbbA==>
 3530 Risk Management/Insurance -
<https://simbli.eboardsolutions.com/SU/Z00wOeYq78HzLb5MflkIA==>
 3580 District Records -
<https://simbli.eboardsolutions.com/SU/H0XmbZzkAD38KfMxFmIOzw==>
 3580 District Records -
<https://simbli.eboardsolutions.com/SU/iY5AOaxwIVMa6ZoYBZdE1w==>
 4117.7 Employment Status Reports -
<https://simbli.eboardsolutions.com/SU/5wcGSxsctvXYnPFrwzvSTA==>
 4118 Dismissal/Suspension/Disciplinary Action -
<https://simbli.eboardsolutions.com/SU/IAAnHPaqre0DL5WslshHwWytuw==>
 4118 Dismissal/Suspension/Disciplinary Action -
<https://simbli.eboardsolutions.com/SU/HVNbyzO1EXlztQPbWsU1Cg==>
 4119.11 Sexual Harassment -
<https://simbli.eboardsolutions.com/SU/sKVdHiQ8wRUm5K1Rp2QSRQ==>
 4119.11 Sexual Harassment -
<https://simbli.eboardsolutions.com/SU/6oifil8SSxGLTWUjOfGysw==>
 5141.52 Suicide Prevention -
<https://simbli.eboardsolutions.com/SU/ACK1rtU0auUJfaUf1ZRGa==>
 5144 Discipline -
<https://simbli.eboardsolutions.com/SU/1IZUJslshUmrX9nDgTevO77Jw==>
 5144 Discipline -
<https://simbli.eboardsolutions.com/SU/fMBf9gXFm4plus4XjNSjEKOQBQ==>
 5144.1 Suspension And Expulsion/Due Process -
<https://simbli.eboardsolutions.com/SU/1iQ5RU0xqQvDg1wdQB1yuw==>
 5144.1 Suspension And Expulsion/Due Process -
<https://simbli.eboardsolutions.com/SU/vXM0TIGFZ9o63s9uZSjBVw==>
 5144.1-E PDF(1) Suspension And Expulsion/Due Process -
<https://simbli.eboardsolutions.com/SU/022Eipb9wxOIWne38BCQRQ==>
 5144.2 Suspension And Expulsion/Due Process (Students With Disabilities) -
<https://simbli.eboardsolutions.com/SU/echz3oTQfslshFd3MhitpscDg==>
 5145.2 Freedom Of Speech/Expression -
<https://simbli.eboardsolutions.com/SU/qap7r2m19t0Ja3g8XWsn2w==>
 5145.2 Freedom Of Speech/Expression -
<https://simbli.eboardsolutions.com/SU/zvGwunslsh8qdpvRNSfNZor2Q==>
 5145.3 Nondiscrimination/Harassment -
<https://simbli.eboardsolutions.com/SU/UjKhpKYEwslshplusUXjTsFSpusflg==>
 5145.3 Nondiscrimination/Harassment -
<https://simbli.eboardsolutions.com/SU/WBwKoldE4HmxGENiYcoBBA==>
 5145.6 Parent/Guardian Notifications -
<https://simbli.eboardsolutions.com/SU/UlorslshSzUnq9z2Gr1yUJjWg==>
 5145.6-E PDF(1) Parent/Guardian Notifications -
<https://simbli.eboardsolutions.com/SU/L83TjjRVdHWxulYl8sbziw==>
 5145.71 Title IX Sexual Harassment Complaint Procedures -
<https://simbli.eboardsolutions.com/SU/EPpycThQv7plus5MQL7ezNYuw==>
 5145.71-E PDF(1) Title IX Sexual Harassment Complaint Procedures -
<https://simbli.eboardsolutions.com/SU/FeA43XeSaSiMq04Tetd27Q==>

5145.9	Hate-Motivated Behavior - https://simbli.eboardsolutions.com/SU/Y5vPjGGK30VzCVtconQslsh5Q==
6142.1	Sexual Health And HIV/AIDS Prevention Instruction - https://simbli.eboardsolutions.com/SU/APhejEqqOXStK5zU7eytVA==
6142.1	Sexual Health And HIV/AIDS Prevention Instruction - https://simbli.eboardsolutions.com/SU/QcsHODX8Kr6Pv7MUSGP34Q==
6142.8	Comprehensive Health Education - https://simbli.eboardsolutions.com/SU/ZICAiD085XC36cXJ5egHLw==
6142.8	Comprehensive Health Education - https://simbli.eboardsolutions.com/SU/w24gpZ7YaDcc8b8HHuhLmg==
6145	Extracurricular And Cocurricular Activities - https://simbli.eboardsolutions.com/SU/xHspsWFdq7nKzJ78oGc0kg==
6145	Extracurricular And Cocurricular Activities - https://simbli.eboardsolutions.com/SU/1RvrVGX0CUtBPBOcDs3b6A==
6145.2	Athletic Competition - https://simbli.eboardsolutions.com/SU/D4psC3l2rgJya3nz2eifRw==
6145.2	Athletic Competition - https://simbli.eboardsolutions.com/SU/jow6qe61P82urpOwlJopxw==
6163.4	Student Use Of Technology - https://simbli.eboardsolutions.com/SU/qpcwLFJqjXdb4ZyWGo7vyg==
6163.4-E PDF(1)	Student Use Of Technology - https://simbli.eboardsolutions.com/SU/iv3ZMz2tqiFzrpZWJ1fyg==

Regulation 5145.71: Title IX Sexual Harassment Complaint Procedures

Status: ADOPTED

Original Adopted Date: 03/02/2021 | Last Revised Date: 04/21/2023 | Last Reviewed Date: 04/21/2023

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

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

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

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

Reporting Allegations/Filing a Formal Complaint

Donald Ogden, Associate Superintendent - Human Resources, Title IX Coordinator (employees), and Equity Compliance Officer
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916-294-9000 ext. 104410

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1965 Birkmont Drive
Rancho Cordova, 95742

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

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

A formal complaint, with the complainant's physical or digital signature, may be filed with the Title IX Coordinator in person, by mail, by email, or by any other method authorized by the district. (34 CFR 106.30) Even if the alleged victim chooses not to file a formal complaint, the Title IX Coordinator shall file a formal complaint in situations when a safety threat exists. In addition, the Title IX Coordinator may file a formal complaint in other situations as permitted under the Title IX regulations, including as part of the district's obligation to not be deliberately indifferent to known allegations of sexual harassment. In such cases, the Title IX Coordinator shall provide the alleged victim notices as required by the Title IX regulations at specific points in the complaint process.

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

Supportive Measures

Upon receipt of a report of Title IX sexual harassment, the Title IX Coordinator shall promptly contact the complainant to discuss the availability of supportive measures and shall consider the complainant's wishes with respect to the supportive measures implemented. Supportive measures shall be offered as appropriate, as reasonably available, and without charge to the complainant or the respondent before or after the filing of a formal complaint or where no formal complaint has been

filed. Such measures shall be nondisciplinary, nonpunitive, and designed to restore or preserve equal access to the district's education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the district's educational environment or to deter sexual harassment. Supportive measures may include, but are not limited to, counseling, course-related adjustments, modifications of class schedules, mutual restrictions on contact, increased security, and monitoring of certain areas of the campus. (34 CFR 106.30, 106.44)

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

Emergency Removal from School

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

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

Dismissal of Complaint

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

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

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

Informal Resolution Process

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

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

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

Written Notice

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

1. The district's complaint process, including any informal resolution process
2. The allegations potentially constituting sexual harassment with sufficient details known at the time, including the identity of parties involved in the incident if known, the conduct allegedly constituting sexual harassment, and the date and location of the alleged incident if known. Such notice shall be provided with sufficient time for the parties to prepare a response before any initial interview.

If, during the course of the investigation, new Title IX allegations arise about the complainant or respondent that are not included in the initial notice, the Title IX Coordinator shall provide notice of the additional allegations to the parties.

3. A statement that the respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the complaint process
4. The opportunity for the parties to have an advisor of their choice who may be, but is not required to be, an attorney, and the ability to inspect and review evidence
5. The prohibition against knowingly making false statements or knowingly submitting false information during the complaint process

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

Investigation Procedures

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

1. Provide an equal opportunity for the parties to present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence
2. Not restrict the ability of either party to discuss the allegations under investigation or to gather and present relevant evidence
3. Provide the parties with the same opportunities to have others present during any grievance proceeding, including the opportunity to be accompanied to any related meeting or proceeding by the advisor of their choice, who may be, but is not required to be, an attorney
4. Not limit the choice or presence of an advisor for either the complainant or respondent in any meeting or grievance proceeding, although the district may establish restrictions regarding the extent to which the advisor may participate in the proceedings as long as the restrictions apply equally to both parties
5. Provide, to a party whose participation is invited or expected, written notice of the date, time, location, participants, and purpose of all investigative interviews or other meetings, with sufficient time for the party to prepare to participate
6. Send in an electronic format or hard copy to both parties and their advisors, if any, the evidence obtained as part of the investigation that is directly related to the allegations raised in the complaint, and provide the parties at least 10 days to submit a written response for the investigator to consider prior to the completion of the investigative report
7. Objectively evaluate all relevant evidence, including both inculpatory and exculpatory evidence, and determine credibility in a manner that is not based on a person's status as a complainant, respondent, or witness
8. Create an investigative report that fairly summarizes relevant evidence and, at least 10 days prior to the determination of responsibility, send to the parties and their advisors, if any, the investigative report in an electronic format or a hard copy, for their review and written response

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

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

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

Written Decision

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

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

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

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

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

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

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

1. Identification of the allegations potentially constituting sexual harassment as defined in 34 CFR 106.30
2. A description of the procedural steps taken from receipt of the formal complaint through the written decision, including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, and hearings held if the district includes hearings as part of the grievance process
3. Findings of fact supporting the determination
4. Conclusions regarding the application of the district's code of conduct or policies to the facts
5. A statement of, and rationale for, the result as to each allegation, including a decision regarding responsibility, any disciplinary sanctions the district imposes on the respondent, and whether remedies designed to restore or preserve equal access to the district's educational program or activity will be provided by the district to the complainant
6. The district's procedures and permissible bases for the complainant and respondent to appeal

Appeals

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

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

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

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

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

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

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

Remedies

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

Corrective/Disciplinary Actions

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

For students in grades 4-12, discipline for sexual harassment may include suspension and/or expulsion. After the completion of the complaint procedure, if it is determined that a student at any grade level has committed sexual assault or sexual battery at school or at a school activity off school grounds, the principal or Superintendent shall immediately suspend the student and shall recommend expulsion. (Education Code 48900.2, 48915)

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

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

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

Record-Keeping

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

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

Policy Reference Disclaimer: These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State References

5 CCR 4600-4670

5 CCR 4900-4965

Civ. Code 1714.1

Ed. Code 200-262.4

Description

Uniform complaint procedures

Nondiscrimination in elementary and secondary educational programs receiving state or federal financial assistance

Liability of parent or guardian for act of willful misconduct by a minor - <https://simbli.eboardsolutions.com/SU/NSknepFduiYWusJFnU3r9Q==>

Liability for sexual harassment; business, service and professionalCiv. Code 51.9 relationships -

<https://simbli.eboardsolutions.com/SU/RFwiKgY1364luH8a6QAqdg>

	Prohibition of discrimination on the basis of sex Prohibition of discrimination - https://simbli.eboardsolutions.com/SU/ytTLslshoozWGUAbNL6kKkgxQ==
Ed. Code 48900	Grounds for suspension or expulsion
Ed. Code 48900.2	Additional grounds for suspension or expulsion; sexual harassment
Ed. Code 48985	Notices to parents in language other than English
Gov. Code 12950.1	Sexual harassment training
Federal References	Description
20 USC 1092	Definition of sexual assault
20 USC 1221	Application of laws
20 USC 1232g	Family Educational Rights and Privacy Act (FERPA) of 1974
20 USC 1681-1688	Title IX of the Education Amendments of 1972; discrimination based on sex
34 CFR 106.1-106.82	Nondiscrimination on the basis of sex in education programs
34 CFR 99.1-99.67	Family Educational Rights and Privacy
34 USC 12291	Definition of dating violence, domestic violence, and stalking
42 USC 1983	Civil action for deprivation of rights
42 USC 2000d-2000d-7	Title VI, Civil Rights Act of 1964
42 USC 2000e-2000e-17	Title VII, Civil Rights Act of 1964, as amended
Management Resources References	Description
Court Decision	Davis v. Monroe County Board of Education, (1999) 526 U.S. 629
Court Decision	Doe v. Petaluma City School District, (1995, 9th Cir.) 54 F.3d 1447
Court Decision	Gebser v. Lago Vista Independent School District, (1998) 524 U.S. 274
Court Decision	Oona by Kate S. v. McCaffrey, (1998, 9th Cir.) 143 F.3d 473
Court Decision	Reese v. Jefferson School District, (2001, 9th Cir.) 208 F.3d 736
Court Decision	Donovan v. Poway Unified School District, (2008) 167 Cal.App.4th 567
Court Decision	Flores v. Morgan Hill Unified School District, (2003, 9th Cir.) 324 F.3d 1130
CSBA Publication	Providing a Safe, Nondiscriminatory School Environment for Transgender and Gender-Nonconforming Students, Policy Brief, February 2014
CSBA Publication	Safe Schools: Strategies for Governing Boards to Ensure Student 201 Success, Nondiscrimination on the Basis of Sex in Education Programs or Activities
Federal Register	Receiving Federal Financial Assistance, May 19, 2020, Vol. 85, No. 97, pages 30026-30579

U.S. DOE, Office for Civil Rights Publication	Sexual Harassment: It's Not Academic, September 2008
U.S. DOE, Office for Civil Rights Publication	Q&A on Campus Sexual Misconduct, September 2017
U.S. DOE, Office for Civil Rights	Revised Sexual Harassment Guidance: Harassment of Students by School Employees, Other Students, or Third Parties, January 2001
U.S. DOE, Office for Civil Rights Publication	Dear Colleague Letter: Title IX Coordinators, April 2015
U.S. DOE, Office for Civil Rights Publication	Examples of Policies and Emerging Practices for Supporting Transgender Students, May
Website	CSBA District and County Office of Education Legal Services - https://simbli.eboardsolutions.com/SU/UdykszdmPETuDsIshXk6R5akQ==
Website	California Department of Education - https://simbli.eboardsolutions.com/SU/os2jq5DcA2RawmY2VZ5FZQ==
Website	CSBA - https://simbli.eboardsolutions.com/SU/W3QxkK2FPsDsQBnMIENxGg==
Website	U.S. Department of Education, Office for Civil Rights - https://simbli.eboardsolutions.com/SU/xmCPrTcoZle111WmbX10Vg==

Cross References

Description

0410	Nondiscrimination In District Programs And Activities - https://simbli.eboardsolutions.com/SU/a3plumwl0zslshIRw6iTRI9XEKQ==
1312.3	Uniform Complaint Procedures - https://simbli.eboardsolutions.com/SU/T3xkspXayFj4xNZuQYUJyg==
1312.3	Uniform Complaint Procedures - https://simbli.eboardsolutions.com/SU/5nOztusIshDkexjldR9OhG1g==
1312.3-E PDF(1)	Uniform Complaint Procedures - https://simbli.eboardsolutions.com/SU/bldSimwcloY0WOrNdt7slw==
1312.3-E PDF(2)	Uniform Complaint Procedures - https://simbli.eboardsolutions.com/SU/hBq0A2bnM4WB0IA8E1U8g==
1312.3-E PDF(3)	Uniform Complaint Procedures - https://simbli.eboardsolutions.com/SU/EyU7Ee01EZ2Bwslsh1Uzs8DmA==
3580	District Records - https://simbli.eboardsolutions.com/SU/H0XmbZzkAD38KfMxFmlOzw==
3580	District Records - https://simbli.eboardsolutions.com/SU/iY5AOaxwIVMa6ZoYBZdE1w==
4117.7	Employment Status Reports - https://simbli.eboardsolutions.com/SU/5wcGSxsctvXYnPFrwzvSTA==
4118	Dismissal/Suspension/Disciplinary Action - https://simbli.eboardsolutions.com/SU/IAHPaqre0DL5WslshHwWyTuw==
4118	Dismissal/Suspension/Disciplinary Action - https://simbli.eboardsolutions.com/SU/HVNbyzO1EXIztQPbWsU1Cg==
4119.11	Sexual Harassment - https://simbli.eboardsolutions.com/SU/sKVdHiQ8wRUm5K1Rp2QSRQ==
4119.11	Sexual Harassment - https://simbli.eboardsolutions.com/SU/6oifil8SSxGLTWUiofGysw==
4131	Staff Development - https://simbli.eboardsolutions.com/SU/1zplusJeDg4RdHb3T3fVuFPLw==
4218	Dismissal/Suspension/Disciplinary Action - https://simbli.eboardsolutions.com/SU/SAFuYHCWDBIplus4yjuQ11Rg==
4218	Dismissal/Suspension/Disciplinary Action - https://simbli.eboardsolutions.com/SU/8GzazuqxUzeqTkIplushXBz1A==
4219.11	Sexual Harassment - https://simbli.eboardsolutions.com/SU/wR6WdPaWbTcHk3plusSpfx9eQ==
4219.11	Sexual Harassment - https://simbli.eboardsolutions.com/SU/zekwplusvHloXCCJBeyIMKplusaw==
4317.7	Employment Status Reports - https://simbli.eboardsolutions.com/SU/knyZqPsbpH1WMxawpJjPyA==

4319.11	Sexual Harassment - https://simbli.eboardsolutions.com/SU/sr1JEplusyjfVH78mGYQqChw==
4319.11	Sexual Harassment - https://simbli.eboardsolutions.com/SU/yFJFBL60pgC1rKO0ur9FEg==
5030	Student Wellness - https://simbli.eboardsolutions.com/SU/IQRHMqUCM0ZMsTv6UaNIVg==
5030	Student Wellness - https://simbli.eboardsolutions.com/SU/xQ2xslishJSAtxjmPd8PE3Qodg==
5141.4	Child Abuse Prevention And Reporting - https://simbli.eboardsolutions.com/SU/VETM5jGhZAlIDENTTGMZQQ==
5141.4	Child Abuse Prevention And Reporting - https://simbli.eboardsolutions.com/SU/7oCqXNVXUT6kXBVMR2Jy2A==
5141.52	Suicide Prevention - https://simbli.eboardsolutions.com/SU/eZvhQcyDw9TDz2DRMjTngg==
5141.52	Suicide Prevention - https://simbli.eboardsolutions.com/SU/ACK1rtU0auUJfaUf1ZRGA==
5144	Discipline - https://simbli.eboardsolutions.com/SU/1IZUJslshUmrX9nDgTevO77Jw==
5144	Discipline - https://simbli.eboardsolutions.com/SU/fMBf9gXFm4plus4XjNSjEKOBQ==
5144.1	Suspension And Expulsion/Due Process - https://simbli.eboardsolutions.com/SU/1iQ5RU0xqQvDg1wdQB1yuw==
5144.1	Suspension And Expulsion/Due Process - https://simbli.eboardsolutions.com/SU/vXM0TIGFZ9o63s9uZSjBVw==
5144.1-E PDF(1)	Suspension And Expulsion/Due Process - https://simbli.eboardsolutions.com/SU/022Eipb9wxOIWne38BCQRQ==
5145.3	Nondiscrimination/Harassment - https://simbli.eboardsolutions.com/SU/UjKhpKYEwslshplusUXjTsFSpusflg==
5145.3	Nondiscrimination/Harassment - https://simbli.eboardsolutions.com/SU/WBwKoldE4HmxGENiYcoBBA==
5145.7	Sexual Harassment - https://simbli.eboardsolutions.com/SU/RU3wDUC1I94YE4bxtHnm7Q==
5145.7	Sexual Harassment - https://simbli.eboardsolutions.com/SU/bydUBu7DBvOYh3wUQWPC5w==
5145.9	Hate-Motivated Behavior - https://simbli.eboardsolutions.com/SU/Y5vPjGGK30VzCVtconQslsh5Q==
6145	Extracurricular And Cocurricular Activities - https://simbli.eboardsolutions.com/SU/xHspsWFdq7nKzJ78oGc0kg==
6145	Extracurricular And Cocurricular Activities - https://simbli.eboardsolutions.com/SU/1RvrVGX0CUTBPBOcDs3b6A==
6159	Individualized Education Program - https://simbli.eboardsolutions.com/SU/CQTemwr9lCeosLn9iCNplusYQ==
6159	Individualized Education Program - https://simbli.eboardsolutions.com/SU/LSSny55FFYP8THGsL1xGdw==
6164.5	Student Success Teams - https://simbli.eboardsolutions.com/SU/kElc1a5oskQScKbX6TiRVw==
6164.5	Student Success Teams - https://simbli.eboardsolutions.com/SU/LwkclivTplusplusliGbQGyiplushLw==
6164.6	Identification And Education Under Section 504 - https://simbli.eboardsolutions.com/SU/f66ldF8slshmRHX9VVA6LvkNQ==
6164.6	Identification And Education Under Section 504 - https://simbli.eboardsolutions.com/SU/Y93Mqb1yslsh6wY5kWIwr2TyQ==

Regulation 1312.4: Williams Uniform Complaint Procedures

Status: ADOPTED

Original Adopted Date: 05/14/2008 | Last Revised Date: 04/26/2023 | Last Reviewed Date: 04/26/2023

Types of Complaints

The district shall use the procedures described in this administrative regulation only to investigate and resolve the following:

1. Complaints regarding the insufficiency of textbooks and instructional materials, including any complaint alleging that: (Education Code 35186; 5 CCR 4681)
 - a. A student, including an English learner, does not have standards-aligned textbooks or instructional materials or state- or district-adopted textbooks or other required instructional materials to use in class.
 - b. A student does not have access to textbooks or instructional materials to use at home or after school. This does not require two sets of textbooks or instructional materials for each student.
 - c. Textbooks or instructional materials are in poor or unusable condition, have missing pages, or are unreadable due to damage.
 - d. A student was provided photocopied sheets from only a portion of a textbook or instructional materials to address a shortage of textbooks or instructional materials.
2. Complaints regarding teacher vacancy or misassignment, including any complaint alleging that: (Education Code 35186; 5 CCR 4682)
 - a. A semester begins and a teacher vacancy exists.
 - b. A teacher who lacks credentials or training to teach English learners is assigned to teach a class with more than 20 percent English learners in the class.
 - c. A teacher is assigned to teach a class for which the teacher lacks subject matter competency.

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

Beginning of the year or semester means the time period from the first day students attend classes for a year-long course or semester-long course through not later than 20 business days afterwards.

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

3. Complaints regarding the condition of school facilities, including any complaint alleging that: (Education Code 35186; 5 CCR 4683)
 - a. A condition poses an emergency or urgent threat to the health or safety of students or staff.

Emergency or urgent threat means structures or systems that are in a condition that poses a threat to the health and safety of students or staff while at school, including but not limited to, gas leaks; nonfunctioning heating, ventilation, fire sprinklers, or air-conditioning systems; electrical power failure; major sewer line stoppage; major pest or vermin infestation; broken windows or exterior doors or gates that will not lock and that pose a security risk; abatement of hazardous materials previously undiscovered that pose an immediate threat to students or staff; structural damage creating a hazardous or uninhabitable condition; or any other condition deemed appropriate. (Education Code 17592.42)

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

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

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

In any school serving any of grades 6-12 a complaint may be filed alleging noncompliance with the requirement of Education Code 35292.6 to, at all times, stock and make available and accessible free of cost, an adequate supply of menstrual products in every woman's and all-gender restroom, and in at least one men's restroom. Education Code 35292.6)

Forms and Notices

The Superintendent or designee shall ensure a Williams complaint form is available at each school. However, complainants need not use the district's complaint form in order to file a complaint. (Education Code 35186; 5 CCR 4680)

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

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

Filing of Complaint

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

Investigation and Response

The principal or a designee of the Superintendent shall make all reasonable efforts to investigate any problem within the principal's or designee's authority. (Education Code 35186; 5 CCR 4685)

The principal or Superintendent's designee shall remedy a valid complaint within a reasonable time period not to exceed 30 working days from the date the complaint was received. (Education Code 35186; 5 CCR 4685)

If the complainant has indicated on the complaint form a desire to receive a response to the complaint, the principal or Superintendent's designee shall send a written resolution of the complaint to the mailing address of the complainant as indicated on the complaint within 45 working days of the initial filing of the complaint. If the principal makes this report, the information shall be reported at the same time to the Superintendent or designee. (Education Code 35186; 5 CCR 4680, 4685)

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

A complainant who is not satisfied with the resolution of the principal or the district superintendent or his or her designee, has the right to describe the complaint to the Governing Board of the school district at a regularly scheduled meeting of the Governing Board. (Education Code 35186; 5 CCR 4686)

For any complaint concerning a facilities condition that poses an emergency or urgent threat to the health or safety of students or staff as described in item #3a in the section "Types of Complaints" above, a complainant who is not satisfied with the resolution proffered by the principal or Superintendent or designee may file an appeal to the Superintendent of Public Instruction within 15 days of receiving the district's response. The complainant shall comply with the appeal requirements specified in 5 CCR 4632. (Education Code 35186; 5 CCR 4687)

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

Reports

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

Policy Reference Disclaimer: These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State References

5 CCR 4600-4670

5 CCR 4680-4687

Ed. Code 1240

Description

Uniform complaint procedures

Williams uniform complaint procedures County superintendent of schools; duties - <https://simbli.eboardsolutions.com/SU/zxiNblNKXQ1Z3w2H1beZIA==>

Ed. Code 17592.72 Urgent or emergency repairs; School Facility Emergency

Ed. Code 234.1	Student protections relating to discrimination, harassment, intimidation, and bullying
Ed. Code 33126	School accountability report card
Ed. Code 35186	Williams uniform complaint procedures
Ed. Code 35292.5-35292.6	Restrooms; maintenance and cleanliness
Ed. Code 48985	Notices to parents in language other than English
Ed. Code 60119	Hearing on sufficiency of instructional materials

Federal References

20 USC 6314

Description

Title I schoolwide program

Management Resources References

Website

CSBA District and County Office of Education Legal Services - <https://simbli.eboardsolutions.com/SU/UdykszdmPETuDsIshXk6R5akQ==>

Website

State Allocation Board, Office of Public School Construction - <https://simbli.eboardsolutions.com/SU/UxUcDGuszWNedr16Dp8wuQ==>

Website

California Department of Education, Williams Case - <https://simbli.eboardsolutions.com/SU/IgEokvI5m4hnKA9yXFZS8A==>

Website

California County Superintendents Educational Services Association - <https://simbli.eboardsolutions.com/SU/Wyr1WplusZPL9SDth52IMoLrg==>

Website

CSBA - <https://simbli.eboardsolutions.com/SU/W3QxkK2FPsDsQBnMIENxGg==>

Cross References

Description

0460

Local Control And Accountability Plan - <https://simbli.eboardsolutions.com/SU/gditerWbfoop8VLymTuQiA==>

0460

Local Control And Accountability Plan - <https://simbli.eboardsolutions.com/SU/5qHtOn3K2vGM9TrbTJR0NQ==>

1100

Communication With The Public - <https://simbli.eboardsolutions.com/SU/U5eWKQ8plusUsVSMnhslshMjcslshjg==>

1250

Visitors/Outsiders - <https://simbli.eboardsolutions.com/SU/wslW2pPseik9ZYpZbKCIrW==>

1250

Visitors/Outsiders - <https://simbli.eboardsolutions.com/SU/D72h7YBaJkCh3LzIV431Bg==>

1312.2

Complaints Concerning Instructional Materials - <https://simbli.eboardsolutions.com/SU/4cplusb9mzj2MJsIshVYdPCYLA==>

1312.2

Complaints Concerning Instructional Materials - <https://simbli.eboardsolutions.com/SU/cHm6tK9aYok9ASYZtWwIgg==>

1312.2-E PDF(1)

Complaints Concerning Instructional Materials - <https://simbli.eboardsolutions.com/SU/8EEkDX9QS4ofxWl0a7SI4A==>

1312.3

Uniform Complaint Procedures - <https://simbli.eboardsolutions.com/SU/T3xkspXayFj4xNzuQYUjyg==>

1312.3

Uniform Complaint Procedures - <https://simbli.eboardsolutions.com/SU/5nOztuslshDkexiyldR9OhG1g==>

1312.3-E PDF(1)

Uniform Complaint Procedures - <https://simbli.eboardsolutions.com/SU/bldSimwcl0Y0W0rNdt7slw==>

1312.3-E PDF(2)

Uniform Complaint Procedures - <https://simbli.eboardsolutions.com/SU/hBg0A2bnM4WB0IA8IE1U8g==>

1312.3-E PDF(3)

Uniform Complaint Procedures - <https://simbli.eboardsolutions.com/SU/EyU7Ee01EZ2Bwslsh1Uzs8DmA==>

1340

Access To District Records - <https://simbli.eboardsolutions.com/SU/PAmplusQt6MotGnoNvzEiCiA==>

1340

Access To District Records - <https://simbli.eboardsolutions.com/SU/YSLwo8HRk11fIprHGVI5cg==>

3270

Sale And Disposal Of Books, Equipment And Supplies - <https://simbli.eboardsolutions.com/SU/x0eFls4WplusxNrJ8ZnG6pplus0A==>

3270 Sale And Disposal Of Books, Equipment And Supplies - <https://simbli.eboardsolutions.com/SU/RrhUluug1cLvz5h6yzu3Dg==>

3514 Environmental Safety - <https://simbli.eboardsolutions.com/SU/QXxXfyYBYTw27uB0pluswWwoQ==>

3514 Environmental Safety - <https://simbli.eboardsolutions.com/SU/8mZOOfK3ex5eJpTSbViF98A==>

3514.2 Integrated Pest Management - <https://simbli.eboardsolutions.com/SU/PYA56wzouVplusQXlXmsGks0w==>

3517 Facilities Inspection - <https://simbli.eboardsolutions.com/SU/LY7qnE0Cd3ioMFljeDkaIQ==>

3517 Facilities Inspection - <https://simbli.eboardsolutions.com/SU/zGV4qnmB6PvojEClOzFF8A==>

3550 Food Service/Child Nutrition Program - <https://simbli.eboardsolutions.com/SU/OusTtwwtWFmXxtFaEsLaFg==>

3550 Food Service/Child Nutrition Program - <https://simbli.eboardsolutions.com/SU/YyL6hdGkslshQYwkf4618SAA==>

4112.2 Certification - <https://simbli.eboardsolutions.com/SU/xhfWS9kgBK8uMKauSyi1Q==>

4112.2 Certification - <https://simbli.eboardsolutions.com/SU/mlcITNueHkZ4uyHkIfwgqQ==>

4112.22 Staff Teaching English Learners - <https://simbli.eboardsolutions.com/SU/LYDsRcT8moH2sslshslshv1FLslshGA==>

4112.22 Staff Teaching English Learners - <https://simbli.eboardsolutions.com/SU/tim29vslsh354eHplusuofS83Y4g==>

4113 Assignment - <https://simbli.eboardsolutions.com/SU/Hevd7AWjYRDl4zxPeWMC0w==>

4113 Assignment - <https://simbli.eboardsolutions.com/SU/oZvVLKLA3MVquXco4d3PRA==>

4144 Complaints - <https://simbli.eboardsolutions.com/SU/1mWBd7JXTKMZJtbHTXUCCg==>

4144 Complaints - <https://simbli.eboardsolutions.com/SU/v3vSwTCrofQQ66Mvqqmngg==>

4244 Complaints - <https://simbli.eboardsolutions.com/SU/jvM9TX8tCdhxDfMR6BPW6Q==>

4244 Complaints - <https://simbli.eboardsolutions.com/SU/C70tb9WYy81EUlslshplusotTplusw==>

4344 Complaints - <https://simbli.eboardsolutions.com/SU/Qtiy116Za0jAslshjVu4wkzFg==>

4344 Complaints - <https://simbli.eboardsolutions.com/SU/XYCh89veqppz5bicU0vKqw==>

6142.92 Mathematics Instruction - <https://simbli.eboardsolutions.com/SU/TslshNziswrs5ZmySBq2fyjIQ==>

6161.1 Selection And Evaluation Of Instructional Materials - <https://simbli.eboardsolutions.com/SU/G0hdHCplsik2z7RfrFAeAw==>

6161.1 Selection And Evaluation Of Instructional Materials - <https://simbli.eboardsolutions.com/SU/T3BDJVhfel3ENJlhzEBWw==>

6161.2 Damaged Or Lost Instructional Materials - <https://simbli.eboardsolutions.com/SU/Jdl1oirplusbaRM8Mw4YSIpluscg==>

9000 Role Of The Board - <https://simbli.eboardsolutions.com/SU/WpolC0eHASexV8DgQwqWwg==>

9012 Board Member Electronic Communications - <https://simbli.eboardsolutions.com/SU/mZBFk4iRGY0ylvplusXoNdn8A==>

9200 Limits Of Board Member Authority - <https://simbli.eboardsolutions.com/SU/9oeFy1vHOslshXnG7EeNMtjTw==>

9322 Agenda/Meeting Materials - <https://simbli.eboardsolutions.com/SU/WTz4dapPN22AE7VLPgb8dw==>

**Regulation 6164.4: Identification And Evaluation Of Individuals For
Special Education**

Status: ADOPTED

Original Adopted Date: 02/02/2012 | Last Revised Date: 06/02/2016

Referrals for Special Education Services

A student shall be referred for special educational instruction and services only after the resources of the general education program have been considered and used where appropriate. (Education Code 56303)

The district may not use Rtl to delay evaluation, or as a substitute for evaluation and placement procedures under the IDEA and Section 504.

All referrals from school staff for special education and related services shall include a brief reason for the referral and description of the regular program resources that were considered and/or modified for use with the student and their effect. (5 CCR 3021)

The Governing Board is committed to providing 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.

The Superintendent or designee shall review district programs and activities to ensure the removal of any barrier that may unlawfully prevent an individual or group in any of the protected categories stated above from accessing district programs and activities, including the use of facilities. He/she shall take prompt, reasonable actions to remove any identified barrier.

Initial Evaluation for Special Education Services

Before the initial provision of special education and related services to a student with a disability, the district shall conduct a full and individual initial evaluation of the student. (34 CFR 300.301; Education Code 56320)

Upon receipt of a referral of any student for special education and related services, a proposed evaluation plan shall be developed within 15 days, not counting days between the student's regular school sessions or terms or days of school vacation in excess of five school days, unless the parent/guardian agrees, in writing, to an extension. If the referral is made within 10 days or less prior to the end of the student's regular school year or term, the proposed evaluation plan shall be developed within 10 days after the beginning of the next regular school year or term. (Education Code 56043, 56321)

The proposed evaluation plan shall meet all of the following requirements: (Education Code 56321)

1. Be in a language easily understood by the general public
2. Be provided in the native language of the parent/guardian or other mode of communication used by the parent/guardian unless it is clearly not feasible
3. Explain the types of evaluation to be conducted
4. State that no individualized education program (IEP) will result from the evaluation without parent/guardian consent

Prior to conducting an initial evaluation, the district shall provide the parent/guardian with prior written notice in accordance with 34 CFR 300.503. In addition, as part of the evaluation plan, the parent/guardian shall receive written notice that includes all of the following information: (34 CFR 300.304, 300.504; Education Code 56329)

1. Upon completion of the administration of tests and other evaluation materials, an IEP team meeting that includes the parent/guardian or his/her representative shall be scheduled pursuant to Education Code 56341. At this meeting, the team shall determine whether or not the student is a student with disabilities, as defined in Education Code 56026, and shall discuss the evaluation, the educational recommendations, and the reasons for the recommendations.
2. When making a determination of eligibility for special education, the district shall not determine that a student is disabled if the primary factor for such determination is lack of appropriate instruction in reading, including the essential components of reading instruction as defined in 20 USC 6368 of the No Child Left Behind Act, lack of appropriate instruction in mathematics, or limited English proficiency.
3. A copy of the evaluation report and the documentation of determination of eligibility shall be given to the parent/guardian.

4. If a parent/guardian disagrees with an evaluation obtained by the district, the parent/guardian has the right to obtain, at public expense, an independent educational evaluation of the student from qualified specialists, in accordance with 34 CFR 300.502. A parent/guardian is entitled to only one such evaluation at public expense each time the district conducts an assessment with which the parent/guardian disagrees.

If the district observed the student in conducting its evaluation, or if its evaluation procedures make it permissible to have in-class observation of a student, an equivalent opportunity shall apply to the independent educational evaluation. This equivalent opportunity shall apply to the student's current placement and setting as well as observation of the district's proposed placement and setting, if any, regardless of whether the independent educational evaluation is initiated before or after the filing of a due process hearing proceeding.

5. The district may initiate a due process hearing pursuant to Education Code 56500-56508 to show that its evaluation is appropriate. If the final decision resulting from the due process hearing is that the evaluation is appropriate, the parent/guardian maintains the right for an independent educational evaluation, but not at public expense.

If the parent/guardian obtains an independent educational evaluation at private expense, the results of the evaluation shall be considered by the district with respect to the provision of a free appropriate public education (FAPE) to the student, and may be presented as evidence at a due process hearing regarding the student. If the district observed the student in conducting its evaluation, or if its evaluation procedures make it permissible to have in-class observation of a student, an equivalent opportunity shall apply to an independent educational evaluation of the student in the student's current educational placement and setting, if any, proposed by the district, regardless of whether the independent educational evaluation is initiated before or after the filing of a due process hearing.

6. If a parent/guardian proposes a publicly financed placement of the student in a nonpublic school, the district shall have an opportunity to observe the proposed placement and the student in the proposed placement, if the student has already been unilaterally placed in the nonpublic school by the parent/guardian. Any such observation shall only be of the student who is the subject of the observation and shall not include the observation or evaluation of any other student in the proposed placement unless that other student's parent/guardian consents to the observation or evaluation. The results of any observation or evaluation of another student in violation of Education Code 56329(d) shall be inadmissible in any due process or judicial proceeding regarding FAPE of that other student.

(cf. 5145.6 - Parental Notifications)

(cf. 6159.1 - Procedural Safeguards and Complaints for Special Education) Parent/Guardian

Consent for Evaluations

Upon receiving the proposed evaluation plan, the parent/guardian shall have at least 15 days to decide whether or not to consent to the initial evaluation. The district shall not interpret parent/guardian consent for initial evaluation as consent for initial placement or initial provision of special education services. (34 CFR 300.300, 34 CFR 300.301; Education Code 56320, 56321)

Informed parental consent means that the parent/guardian: (34 CFR 300.9)

1. Has been fully informed, in his/her native language or other mode of communication, of all information relevant to the activity for which consent is sought
2. Understands and agrees, in writing, to the carrying out of the activity for which his/her consent is sought and the consent describes that activity and lists the records (if any) that will be released and to whom
3. Understands that the granting of consent is voluntary on his/her part and may be revoked at any time
4. Understands that if he/she revokes consent, that revocation is not retroactive (i.e., it does not negate an action that has occurred after the consent was given and before the consent was revoked)

The district shall make reasonable efforts to obtain the informed consent of the parent/guardian for an initial evaluation or reevaluation of a student. The district shall maintain a record of its attempts to obtain consent, including: (34 CFR 300.300, 300.322)

1. Detailed records of telephone calls made or attempted and the results of those calls
2. Copies of correspondence sent to the parent/guardian and any responses received
3. Detailed records of visits made to the parent/guardian's home or place of employment and the results of those visits

If a parent/guardian refuses to consent to the initial evaluation or fails to respond to a request to provide consent, the district may, but is not required to, pursue an evaluation by utilizing the procedural safeguards, including the mediation and due process procedures pursuant to 20 USC 1415 and 34 CFR 300.506-300.516. (34 CFR 300.300; Education Code 56321)

For a student who is a ward of the state and not residing with his/her parent/guardian, the district may conduct an initial

evaluation without obtaining informed consent if any of the following situations exists: (34 CFR 300.300; Education Code 56321)

1. Despite reasonable efforts to do so, the district cannot discover the whereabouts of the parent/guardian of the student.
2. The rights of the parent/guardian of the student have been terminated in accordance with California law.
3. The rights of the parent/guardian to make educational decisions have been subrogated by a judge in accordance with California law and consent for an initial evaluation has been given by an individual appointed by the judge to represent the student.

(cf. 6159.3 - Appointment of Surrogate Parent for Special Education Students)

The district need not obtain parent/guardian consent before reviewing existing data as part of an evaluation or administering a test or other evaluation that is administered to all students, unless consent is required from the parents/guardians of all students. (34 CFR 300.300; Education Code 56321)

Conduct of the Evaluation

The district shall complete the determination as to whether the student is a student with a disability; conduct the initial evaluation to determine his/her educational needs, and develop an IEP within 60 days of receiving informed parent/guardian consent for the evaluation. (34 CFR 300.300, 34 CFR 300.301; Education Code 56344)

The evaluation shall be conducted by qualified personnel who are competent to perform the assessment as determined by the district, county office of education, or special education local plan area (SELPA). (Education Code 56320, 56322)

The screening of a student by a teacher or specialist to determine appropriate instructional strategies for curriculum implementation shall not be considered to be an evaluation for eligibility for special education and related services. (34 CFR 300.302)

In conducting the evaluation, the district shall use a variety of assessment tools and strategies to gather relevant functional, developmental, and academic information about the student. The district shall also use any information provided by the parent/guardian that may assist the district in making the determination as to whether the student is a student with a disability and, if so, the necessary components of his/her IEP when the IEP is developed, including information related to enabling the student to be involved in and to progress in the general education curriculum. (34 CFR 300.304)

The district's evaluation shall not use any single measure or assessment as the sole criterion for determining whether a student is a student with a disability and for determining the appropriate educational program for the student. The assessment shall use technically sound instruments that may assess the relative contribution of cognitive and behavioral factors in addition to physical or developmental factors. (34 CFR 300.304)

The district shall also ensure that assessments and other evaluation materials provide relevant information that directly assists persons in determining the student's educational needs and are: (34 CFR 300.304; Education Code 56320)

1. Selected and administered so as not to be discriminatory on a racial, cultural, or sexual basis
2. Provided and administered in the language and form most likely to yield accurate information on what the student knows and can do academically, developmentally, and functionally, unless it is clearly not feasible to so provide or administer
3. Used for the purposes for which the assessments or measures are valid and reliable
4. Administered by trained and knowledgeable personnel
5. Administered in accordance with any instructions provided by the producer of the assessments
6. Tailored to assess specific areas of educational need and not merely designed to provide a single general intelligence quotient
7. If administered to a student with impaired sensory, manual, or speaking skills, selected and administered to best ensure that the results accurately reflect the student's aptitude or achievement level or whatever other factors the test purports to measure

Students shall be assessed in all areas related to the suspected disability, including, if appropriate, health and development, vision (including low vision), hearing, motor abilities, language function, general intelligence, academic performance, communicative status, self-help, orientation and mobility skills, career and vocational abilities and interests, and social and emotional status. When appropriate, a developmental history shall be obtained. The district shall ensure that the evaluation is sufficiently comprehensive to identify all of the student's special education and related service needs, whether or not commonly linked to the disability category in which the student has been classified. (34 CFR 300.304; Education Code 56320)

As part of the initial evaluation and any reevaluation, the IEP team and other qualified professionals shall, if appropriate, review existing evaluation data on the student, including evaluations and information provided by the parents/guardians; current classroom-based local or state assessments and classroom-based observations; and observations by teachers and related services providers. On the basis of that review and input from the student's parent/guardian, the team shall identify what additional data, if any, are needed to determine: (34 CFR 300.305; Education Code 56381)

1. Whether the student is a student with a disability, or in the case of a reevaluation, whether the student continues to have a disability, and the educational needs of the student
2. The present levels of academic achievement and related developmental needs of the student
3. Whether the student needs, or continues to need, special education and related services
4. Whether any additions or modifications to the special education and related services are needed to enable the student to meet the measurable annual goals set out in his/her IEP and to participate, as appropriate, in the general education curriculum.

If a student has transferred from another district in the same school year or leaves this district, the district shall coordinate with the student's prior or subsequent district as necessary and as expeditiously as possible to ensure prompt completion of full evaluations. (34 CFR 300.304)

Eligibility Determination

Upon completion of the administration of assessments and other evaluation measures, a group of qualified professionals and the parent/guardian shall determine whether the child is a student with a disability and, if so, his/her educational needs. In interpreting the data, the group shall draw information from a variety of sources, including aptitude and achievement tests, parent/guardian input, and teacher recommendations, as well as information about the student's physical condition, social or cultural background, and adaptive behavior. The group shall ensure that the information obtained from these sources is documented and carefully considered. (34 CFR 300.306)

The personnel who evaluate the student shall prepare a written report of the results of each evaluation. The report shall include, but not be limited to, the following: (Education Code 56327)

1. Whether the student may need special education and related services
2. The basis for making the determination
3. The relevant behavior noted during the observation of the student in an appropriate setting
4. The relationship of that behavior to the student's academic and social functioning
5. The educationally relevant health, developmental, and medical findings, if any
6. For students with learning disabilities, whether there is such a discrepancy between achievement and ability that it cannot be corrected without special education and related services
7. A determination concerning the effects of environmental, cultural, or economic disadvantage, where appropriate
8. The need for specialized services, materials, and equipment for students with low incidence disabilities, consistent with Education Code 56136

When making a determination of eligibility for special education and related services, the district shall not determine that a student is disabled if the primary factor for such determination is a lack of appropriate instruction in reading, including the essential components of reading instruction pursuant to 20 USC 6368 of the No Child Left Behind Act, lack of instruction in mathematics, limited English proficiency, or that the student does not otherwise meet the eligibility criteria. (34 CFR 300.306; Education Code 56329)

If a determination is made that a student has a disability and needs special education and related services, an IEP shall be developed within a total time not to exceed 60 days, not counting days between the student's regular school sessions, terms, or days of school vacation in excess of five school days, from the date of the receipt of the parent/guardian's consent for evaluation, unless the parent/guardian agrees, in writing, to an extension. (34 CFR 300.306; Education Code 56043)

Independent Educational Evaluation

The parents/guardians of a student with a disability have the right to obtain an independent educational evaluation at public expense under the same criteria that the district uses for a district-initiated evaluation. An independent educational evaluation is an evaluation conducted by a qualified examiner who is not employed by the district. Public expense means the district either pays for the full cost of the independent educational evaluation or ensures that the evaluation is otherwise provided at no cost to the parent/guardian. (34 CFR 300.502)

The parent/guardian is entitled to only one independent educational evaluation at public expense each time the district conducts an evaluation with which the parent/guardian disagrees. (34 CFR 300.502; Education Code 56329)

If a parent/guardian has requested an independent educational evaluation, the district may ask for a reason that he/she objects to the district's evaluation. However, the parent/guardian is not required to provide the reason to the district. (34 CFR 300.502)

Upon receiving the request for an independent educational evaluation, the district shall, without unnecessary delay, either: (34 CFR 300.502)

1. File a due process complaint to request a hearing to show that its evaluation is appropriate
2. Ensure that an independent evaluation is provided at public expense, unless the district can later demonstrate at a hearing that the evaluation obtained by the parent/guardian did not satisfy the district's criteria

If a due process hearing decision determines that the district's evaluation is appropriate, then the parent/guardian may obtain an independent evaluation but not at public expense. (34 CFR 300.502)

The results of an independent evaluation obtained by the parent/guardian, whether at public or private expense, shall be considered by the district if it meets district criteria in any decision made with respect to FAPE and may be presented as evidence at a hearing on a due process complaint. (34 CFR 300.502)

Reevaluation

A reevaluation shall be conducted when the district determines that the educational or related services needs of the student, including improved academic achievement and functional performance, warrant a reevaluation or if the student's parent/guardian or teacher requests reevaluation. Such reevaluations shall occur every three years, unless the parent/guardian and district agree in writing that a reevaluation is unnecessary. A reevaluation may not occur more than once a year, unless the parent/guardian and the district agree otherwise. (34 CFR 300.303; Education Code 56043, 56381)

The district shall ensure that any reevaluations of the student are conducted in accordance with the evaluation procedures pursuant to 34 CFR 300.304-300.311. (34 CFR 300.303)

Before entering kindergarten or first grade, children with disabilities who are in a preschool program shall be reevaluated to determine if they still need special education and services. IEP teams shall identify a means of monitoring the continued success of children who are determined to be eligible for less intensive special education programs to ensure that gains made are not lost by a rapid removal of individualized programs and supports for these children. (Education Code 56445)

Parent/Guardian Revocation of Consent for Continued Provision of Services

If at any time subsequent to the initial provision of services, the student's parent/guardian revokes consent, in writing, for the continued provision of special education services, the Superintendent or designee shall provide prior written notice within a reasonable time before ceasing to provide services to the student. The district shall not request a due process hearing or pursue mediation in order to require an agreement or ruling that services be provided to the student. (34 CFR 300.300, 300.503)

Prior to the discontinuation of services, the Superintendent or designee may offer to meet with the parent/guardian to discuss concerns for the student's education. However, this meeting shall be voluntary on the part of the parent/guardian and shall not delay the implementation of the parent/guardian's request for discontinuation of services. In addition, the Superintendent or designee shall send a letter to the parent/guardian confirming the parent/guardian's decision to discontinue all services.

Once the district has ceased providing special education services in response to the parent/guardian's revocation of consent, the student shall be classified as a general education student.

Policy Reference Disclaimer: These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State References

34 CFR 303.1-303.734

5 CCR 3021-3029

5 CCR 3030-3031

Ed. Code 44265.5

Ed. Code 56000-56885

Ed. Code 56043

Ed. Code 56195.8

Ed. Code 56300-56305

Ed. Code 56320-56330

Ed. Code 56333-56338

Description

Early Intervention Program for Infants and Toddlers with Disabilities

Identification, referral and assessment

Eligibility criteria

Professional preparation for teachers of impaired students

Special education programs

Special education; timelines

Adoption of policies

Identification of individuals with disabilities

Assessment

Eligibility for specific learning disabilities

Ed. Code 56340-56347	Individualized education program teams
Ed. Code 56381	Reassessment of students
Ed. Code 56425-56432	Early education for individuals with disabilities
Ed. Code 56441.11	Eligibility criteria; children ages 3-5
Ed. Code 56445	Transition to grade school; reassessment
Ed. Code 56500-56509	Procedural safeguards
Gov. Code 95000-95029.5	California Early Intervention Services Act
Federal References	Description
20 USC 1232g	Family Educational Rights and Privacy Act (FERPA) of 1974
20 USC 1400-1482	Individuals with Disabilities Education Act
20 USC 1412	State eligibility
20 USC 1415	Procedural safeguards
34 CFR 104.35	Evaluation and placement
34 CFR 104.36	Procedural safeguards
34 CFR 300.1-300.818	Individuals with Disabilities Education Act
34 CFR 300.301-300.306	Evaluations and reevaluations
34 CFR 300.323	When IEPs must be in effect
34 CFR 300.502	Independent educational evaluation of student with disability
Management Resources References	Description
California Department of Education Publication	California Practitioners' Guide for Educating English Learners with Disabilities,
Court Decision	N.B. and C.B v. Hellgate Elementary School District (9th Cir. 2008) 541 F.3d 120
Court Decision	Compton Unified School District v. Addison (9th Cir. 2010) 598 F.3d 1181
Court Decision	Timothy O. v. Paso Robles Unified School District (9th Cir. 2016) 822 F.3d 110
Court Decision	M.M. v. Lafayette School District (9th Cir. 2014) 767 F.3d 842
Court Decision	Hood v. Encinitas Union School District (2007) 486 F.3d 1099
Federal Register	Rules and Regulations, August 14, 2006, Vol. 71, Number 156, 46539- pages Long COVID under Section 504 and the IDEA: A Resource to Support Children, Students, Educators, Schools, Service Providers, and Families, July 2021
U.S. Department Of Education Publication	
U.S. Department Of Education Publication	Return to School Roadmap: Child Find Under Part B of the Individuals with Disabilities Education Act, A Response to Intervention (RTI) Process Cannot Be Used to Delay-Deny an Evaluation for Eligibility under the Individuals with Disabilities Education Act (IDEA): Memorandum 11-07, January 2011
U.S. Department of Education Publication	
Website	CSBA District and County Office of Education Legal Services - https://simbli.eboardsolutions.com/SU/UdykszdmPETuDsIshXk6R5akQ==
Website	California Department of Education, Special Education - https://simbli.eboardsolutions.com/SU/wbtzINw8puwslshjTsrMvmBCA==
Website	U.S. Department of Education, Office of Special Education Programs - https://simbli.eboardsolutions.com/SU/v4I2D9cNplus2KZ0yVtPslshvZhg==
Website	CSBA - https://simbli.eboardsolutions.com/SU/W3QxkK2FPsDsQBnMIENxGg==

Cross References

0410

Description

Nondiscrimination In District Programs And Activities -
<https://simbli.eboardsolutions.com/SU/a3plusmwl0zslshIRw6iTRI9XEKQ==>

0430

Comprehensive Local Plan For Special Education -
<https://simbli.eboardsolutions.com/SU/pBs6lf6ypslshrsishGUOLMRq71Q==>

0430 Comprehensive Local Plan For Special Education -
<https://simbli.eboardsolutions.com/SU/C0zrowhLEfnSoKQlWqttew==>

0460 Local Control And Accountability Plan -
<https://simbli.eboardsolutions.com/SU/gditerWbfooP8VLymTuQiA==>

0460 Local Control And Accountability Plan -
<https://simbli.eboardsolutions.com/SU/5qHtOn3K2vGM9TrbTJR0NQ==>

1312.3 Uniform Complaint Procedures -
<https://simbli.eboardsolutions.com/SU/T3xkspXayFj4xNZuQYUjyg==>

1312.3 Uniform Complaint Procedures -
<https://simbli.eboardsolutions.com/SU/5nOztuslshDkexjyldR9OhG1g==>

1312.3-E PDF(1) Uniform Complaint Procedures -
<https://simbli.eboardsolutions.com/SU/bldSimwcloY0WorNdt7slw==>

1312.3-E PDF(2) Uniform Complaint Procedures -
<https://simbli.eboardsolutions.com/SU/hBg0A2bnM4WB0IA8IE1U8g==>

1312.3-E PDF(3) Uniform Complaint Procedures -
<https://simbli.eboardsolutions.com/SU/EyU7Ee01EZ2Bwslsh1Uzs8DmA==>

3541.2 Transportation For Students With Disabilities -
<https://simbli.eboardsolutions.com/SU/6SDHiLfr34XBujlJYfkZA==>

4112.23 Special Education Staff -
<https://simbli.eboardsolutions.com/SU/slshEwYCHT1CT3vJuXbksMHg==>

5144.2 Suspension And Expulsion/Due Process (Students With Disabilities) -
<https://simbli.eboardsolutions.com/SU/echz3oTQfslshFd3MhitpscDg==>

5145.6 Parent/Guardian Notifications -
<https://simbli.eboardsolutions.com/SU/UlorslshSzUnq9z2Gr1yUJWg==>

5145.6-E PDF(1) Parent/Guardian Notifications -
<https://simbli.eboardsolutions.com/SU/L83TjijRVdHWxulYl8sbiw==>

5148 Child Care And Development -
<https://simbli.eboardsolutions.com/SU/ERwucUgeolTplusSGKrNjUGmA==>

5148 Child Care And Development -
<https://simbli.eboardsolutions.com/SU/8OjkaexLfU0NYepf0PJRfQ==>

5148.3 Preschool/Early Childhood Education -
<https://simbli.eboardsolutions.com/SU/ugaCsoNAn6tISVLzmslshPqag==>

5148.3 Preschool/Early Childhood Education -
<https://simbli.eboardsolutions.com/SU/vfcQDplusJl5gaDyi2LEbGtQ==>

6120 Response To Instruction And Intervention -
<https://simbli.eboardsolutions.com/SU/UAcM1ft7ulYQLDjMsQUqpA==>

6146.4 Differential Graduation And Competency Standards For Students With Disabilities -
<https://simbli.eboardsolutions.com/SU/slshAMyavJSCtWTg3XtTc4bzQ==>

6159 Individualized Education Program -
<https://simbli.eboardsolutions.com/SU/CQTemwr9lCeosLn9iCNplusYQ==>

6159 Individualized Education Program -
<https://simbli.eboardsolutions.com/SU/LSSny55FFYP8THGsL1xGdw==>

6159.1 Procedural Safeguards And Complaints For Special Education -
<https://simbli.eboardsolutions.com/SU/oPGFgDrieYAEIKIXrzSGQw==>

6159.1 Procedural Safeguards And Complaints For Special Education -
<https://simbli.eboardsolutions.com/SU/7ybMu5NmrGleeQBmSYf0lw==>

6159.2 Nonpublic, Nonsectarian School And Agency Services For Special Education -
<https://simbli.eboardsolutions.com/SU/89JtSHbfjTYIa1Q4B9Z4wg==>

- 6159.2 Nonpublic, Nonsectarian School And Agency Services For Special Education - <https://simbli.eboardsolutions.com/SU/jMYRvxGd90mNn5343GGRFQ==>
- 6159.3 Appointment Of Surrogate Parent For Special Education Students - <https://simbli.eboardsolutions.com/SU/TyDLSzTJ041qvzaiEIK0vA==>
- 6159.3 Appointment Of Surrogate Parent For Special Education Students - <https://simbli.eboardsolutions.com/SU/BdsslsHzffslshzXwfUF9g9Aw14w==>
- 6162.5 Student Assessment - <https://simbli.eboardsolutions.com/SU/A2QrBnPCOHPYMz9gYoUJKw==>
6162. State Academic Achievement Tests - <https://simbli.eboardsolutions.com/SU/cxu9oLyR2VRcu3NdLwqLvw==>
6162. State Academic Achievement Tests - <https://simbli.eboardsolutions.com/SU/YHP00sOEZplusukfdciTn4NNw==>
- 6163.2 Animals At School - <https://simbli.eboardsolutions.com/SU/1PlrseslshglIAUj9ABnG1w3g==>
6164. Children With Disabilities Enrolled By Their Parents In Private School - <https://simbli.eboardsolutions.com/SU/25IP0XbWkgtzpk0qefcaBw==>
6164. Children With Disabilities Enrolled By Their Parents In Private School - <https://simbli.eboardsolutions.com/SU/5Yv5euuEw2rkfxljhF8ftg==>
- 6164.5 Student Success Teams - <https://simbli.eboardsolutions.com/SU/kElc1a5oskQScKbX6TiRVw==>
- 6164.5 Student Success Teams - <https://simbli.eboardsolutions.com/SU/LwkclivTplusplusliGbQGyiplushLw==>
- 6164.6 Identification And Education Under Section 504 - <https://simbli.eboardsolutions.com/SU/f66ldF8slshmRHX9VWA6LvkNQ==>
- 6164.6 Identification And Education Under Section 504 - <https://simbli.eboardsolutions.com/SU/Y93Mqb1yslsh6wY5kWlwr2TyQ==>
- 6173.1 Education For Foster Youth - <https://simbli.eboardsolutions.com/SU/r7CnxKuG2Ud280IFslshmuqg==>
- 6173.1 Education For Foster Youth - <https://simbli.eboardsolutions.com/SU/HZ4FnOtlx811LRZOEiga9Q==>
- 6173.2 Education Of Children Of Military Families - <https://simbli.eboardsolutions.com/SU/8WBHEOS5P6eQx1rQNmRuUA==>
- 6173.2 Education Of Children Of Military Families - <https://simbli.eboardsolutions.com/SU/5X18y84xJ92Xr0O9Qyaqkw==>

Policy 5146: Married/Pregnant/Parenting Students

Original Adopted Date: 05/02/2014 | Last Revised Date: 05/16/2019 | Last Reviewed Date: 05/16/2019

The Governing Board recognizes that responsibilities related to marriage, pregnancy, or parenting and related responsibilities may disrupt a student's education and increase the chance of a student dropping out of school. The Board therefore desires to support married, pregnant, and parenting students to continue their education, attain strong academic and parenting skills, and promote the healthy development of their children.

The district shall not exclude or deny any student from any educational program or activity, including any class or extracurricular activity, solely on the basis of the student's pregnancy, childbirth, false pregnancy, termination of pregnancy, or related recovery. In addition, the district shall not adopt any rule concerning a student's actual or potential parental, family, or marital status that treats students differently on the basis of sex. (Education Code 221.51, 230; 5 CCR 4950; 34 CFR 106.40)

The Superintendent or designee shall annually notify parents/guardians at the beginning of the school year of the rights and options available to pregnant and parenting students under the law. In addition, pregnant and parenting students shall be notified of the rights and options available to them under the law through annual school year welcome packets and through independent study packets. (Education Code 222.5, 48980)

For school-related purposes, a student under the age of 18 years who enters into a valid marriage shall have all the rights and privileges of students who are 18 years old, even if the marriage has been dissolved. (Family Code 7002)

Education and Support Services for Pregnant and Parenting Students

Pregnant or parenting students shall retain the right to participate in the regular education program or an alternative educational program. The classroom setting shall be the preferred instructional strategy unless an alternative is necessary to meet the needs of the student and/or the student's child.

Any alternative education program, activity, or course that is offered separately to pregnant or parenting students, including any class or extracurricular activity, shall be equal to that offered to other district students. A student's participation in such programs shall be voluntary. (Education Code 221.51; 5 CCR 4950)

If required for students with any other temporary disabling condition, the Superintendent or designee may require a student, based on pregnancy, childbirth, false pregnancy, termination of pregnancy, or related recovery, to obtain certification from a physician or nurse practitioner indicating that the student is physically and emotionally able to continue participation in the regular education program or activity. (Education Code 221.51; 5 CCR 4950; 34 CFR 106.40)

To the extent feasible, the district shall provide educational and related support services, either directly or in collaboration with community agencies and organizations, to meet the needs of pregnant or parenting students and their children. Such services may include, but are not limited to:

1. Child care and development services for the children of parenting students on or near school site(s) during the school day and during school-sponsored activities
2. Parenting education and life skills instruction
3. Special school nutrition supplements for pregnant or lactating students pursuant to Education Code 49553, 42 USC 1786, and 7 CFR 246.1-246.28
4. Health care services, including prenatal care
5. Tobacco, alcohol, and/or drug prevention and intervention services
6. Academic and personal counseling
7. Supplemental instruction to assist students in achieving grade-level academic standards and progressing toward graduation

As appropriate, teachers, administrators, and/or other personnel who work with pregnant or parenting students shall receive related professional development.

Absences

Pregnant or parenting students may be excused for absences for medical appointments and other purposes specified in BP/AR 5113 - Absences and Excuses.

A student shall be excused for absences to care for a sick child for whom the student is the custodial parent. A note from a physician shall not be required for such an absence. (Education Code 48205)

Parental Leave

A pregnant or parenting student shall be entitled to eight weeks of parental leave in order to protect the health of the student who gives or expects to give birth and the infant, and to allow the pregnant or parenting student to care for and bond with the infant. Such leave may be taken before the birth of the student's infant if there is a medical necessity and after childbirth during the school year in which the birth takes place, inclusive of any mandatory summer instruction. The Superintendent or designee may grant parental leave beyond eight weeks if deemed medically necessary by the student's physician. (Education Code 46015; 34 CFR 106.40)

The student, if age 18 years or older, or the student's parent/guardian shall notify the school of the student's intent to take parental leave. No student shall be required to take all or part of the parental leave. (Education Code 46015)
When a student takes parental leave, the attendance supervisor shall ensure that absences from the regular school program are excused until the student is able to return to the regular school program or an alternative education program. A pregnant or parenting student shall not be required to complete academic work or other school requirements during the period of the parental leave. (Education Code 46015)

Following the leave, a pregnant or parenting student may elect to return to the school and the course of study in which the student was enrolled before taking parental leave or to an alternative education option provided by the district. Upon return to school, a pregnant or parenting student shall have opportunities to make up work missed during the leave, including, but not limited to, makeup work plans and reenrollment in courses. (Education Code 46015)

When necessary to complete high school graduation requirements, the student may remain enrolled in school for a fifth year of instruction, unless the Superintendent or designee makes a finding that the student is reasonably able to complete district graduation requirements in time to graduate by the end of the fourth year of high school. (Education Code 46015)

Accommodations

When necessary, the district shall provide accommodations to enable a pregnant or parenting student to access the educational program.

A pregnant student shall have access to any services available to other students with temporary disabilities or medical conditions. (34 CFR 106.40)

The school shall provide reasonable accommodations to any lactating student to express breast milk, breastfeed an infant child, or address other needs related to breastfeeding. A student shall not incur an academic penalty for using any of these reasonable accommodations, and shall be provided the opportunity to make up any work missed due to such use.

Reasonable accommodations include, but are not limited to: (Education Code 222)

1. Access to a private and secure room, other than a restroom, to express breast milk or breastfeed an infant child
2. Permission to bring onto a school campus a breast pump and any other equipment used to express breast milk
3. Access to a power source for a breast pump or any other equipment used to express breast milk
4. Access to a place to store expressed breast milk safely
5. A reasonable amount of time to accommodate the student's need to express breast milk or breastfeed an infant child

Complaints

Any complaint alleging discrimination on the basis of pregnancy or marital or parental status, district noncompliance with the requirements of Education Code 46015, or district noncompliance with the requirement to provide reasonable accommodations for lactating students shall be addressed through the district's uniform complaint procedures in accordance with 5 CCR 4600-4670 and BP/AR 1312.3 - Uniform Complaint Procedures. A complainant who is not satisfied with the district's decision may appeal the decision to the California Department of Education (CDE). If the district or the CDE finds merit in an appeal, the district shall provide a remedy to the affected student. (Education Code 222; 46015; 5 CCR 4600-4670)

Program Evaluation

The Superintendent or designee shall periodically report to the Board regarding the effectiveness of district strategies to support married, pregnant, and parenting students, which may include data on student participation in district programs and services, academic achievement, school attendance, graduation rate, and/or student feedback on district programs and services.

Policy Reference Disclaimer: These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State References

22 CCR 101151-101239.2

Description

General requirements; licensed child care centers -
<https://simbli.eboardsolutions.com/SU/25F12slsh36wTFm0vX8xZRbZg==>

22 CCR 101351-101439.1

5 CCR 4600-4670

5 CCR 4950

Civ. Code

Ed. Code 221.51

Ed. Code 222

Ed. Code 222.5

Ed. Code 230

Ed. Code 46015

Ed. Code 48050

Ed. Code 48205

Ed. Code 48206.3

Ed. Code 48220

Ed. Code 48410

Ed. Code 48980

Ed. Code 49553

Ed. Code 51220.5

Ed. Code 51745

Ed. Code 52610.5

Ed. Code 8200-8498

Fam. Code 7002

H&S Code 104460

Federal References

20 USC 1681-1688

34 CFR 106.40

42 USC 1786

7 CFR 246.1-246.28

Management Resources References

Attorney General Opinion

California Women's Law Center Publication

California Women's Law Center Publication

California Women's Law Center Publication

2002 Court Decision

307 Supporting the Academic Success of Pregnant and Parenting Students under

U.S. Department of Education

Website

Website

Website

Website

Website

Infant care centers -

<https://simbli.eboardsolutions.com/SU/MZd5nRruHaxonVu57p4Apw==>

Uniform complaint procedures

Nondiscrimination; marital and parental status Unruh Civil Rights Act -

<https://simbli.eboardsolutions.com/SU/Vx1Rn5gyrfE4qipECNx6Q==>

Nondiscrimination; married, pregnant, and parenting students

Reasonable accommodations; lactating students

Pregnant and parenting students; notification of rights

Sex discrimination

Parental leave

Residents of adjoining states

Excused absences

Temporary disability; definition

Compulsory education requirement

Persons exempted from continuation classes

Parent/Guardian notifications

Nutrition supplements for pregnant/lactating students

Parenting skills and education

Independent study

Enrollment of pregnant and parenting students in adult education

Child Care and Development Services Act

Description of emancipated minor

Tobacco prevention services for pregnant and parenting students

Description

Title IX of the Education Amendments of 1972; discrimination based on sex
Marital or parental status

Special supplemental nutrition program for women, infants, and children

Special supplemental nutrition program for women, infants, and children

Description

87 Ops.Cal.Atty.Gen. 168 (2004)

Pregnant Students and Confidential Medical Services, 2013

Educational Rights of Pregnant and Parenting Teens: Title IX and California
State Law Requirements,

The Civil Rights of Pregnant and Parenting Teens in California Schools,

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

307 Supporting the Academic Success of Pregnant and Parenting Students under

Title IX of the Education Amendments of 1972, rev. June 2013

CSBA District and County Office of Education Legal Services -

<https://simbli.eboardsolutions.com/SU/UdykszdmpETuDsIshXk6R5akQ==>

California Women's Law Center -

<https://simbli.eboardsolutions.com/SU/HSJaqkUSUgcjvETI7j6YAQ==>

U.S. Department of Agriculture, Women, Infants, and Children Program -

<https://simbli.eboardsolutions.com/SU/a6LxgijQslshQHOS8pHGswPKg==>

U.S. Department of Education -

<https://simbli.eboardsolutions.com/SU/XcSsJimosIsh3XhJKy4tplus7wplusA==>

California Department of Education -

<https://simbli.eboardsolutions.com/SU/os2jq5DcA2RawmY2VZ5FZQ==>

Cross References**Description**

0410	Nondiscrimination In District Programs And Activities - https://simbli.eboardsolutions.com/SU/a3plusmw0zslshlRw6iTRI9XEKQ==
1312.3	Uniform Complaint Procedures - https://simbli.eboardsolutions.com/SU/T3xkspXayFj4xNZuQYuJyg==
1312.3	Uniform Complaint Procedures - https://simbli.eboardsolutions.com/SU/5nOztuslshDkexijldR9OhG1g==
1312.3-E PDF(1)	Uniform Complaint Procedures - https://simbli.eboardsolutions.com/SU/blDsimwcloY0WOrNdt7slw==
1312.3-E PDF(2)	Uniform Complaint Procedures - https://simbli.eboardsolutions.com/SU/hBq0A2bnM4WB0IA8IE1U8g==
1312.3-E PDF(3)	Uniform Complaint Procedures - https://simbli.eboardsolutions.com/SU/EyU7Ee01EZ2Bwslsh1Uzs8DmA==
1400	Relations Between Other Governmental Agencies And The Schools - https://simbli.eboardsolutions.com/SU/dqplusdYbNUrwhZorBtYAkFEQ==
4131	Staff Development - https://simbli.eboardsolutions.com/SU/1zplusJeDg4RdHb3T3fUfPLw==
5030	Student Wellness - https://simbli.eboardsolutions.com/SU/IQRHMqUCM0ZMsTv6UaNIVg==
5030	Student Wellness - https://simbli.eboardsolutions.com/SU/xQ2xslshJSAtxjmPd8PE3Qodg==
5112.1	Exemptions From Attendance - https://simbli.eboardsolutions.com/SU/OplusW7slshTfPslshObmuS5lskvHtQ==
5112.1	Exemptions From Attendance - https://simbli.eboardsolutions.com/SU/gxcDrODS0zqsxaym6TRpplusQ==
5113	Absences And Excuses - https://simbli.eboardsolutions.com/SU/tKvnrxqLwKw4p1N4NWoGA==
5113	Absences And Excuses - https://simbli.eboardsolutions.com/SU/sjPi7bLz58Ts93nHsY0vgv==
5113.1	Chronic Absence And Truancy - https://simbli.eboardsolutions.com/SU/qi8KumtMSLieTBQVrcihJw==
5113.1	Chronic Absence And Truancy - https://simbli.eboardsolutions.com/SU/5ZWJrpOglBknxts88zeSfA==
5131.6	Alcohol And Other Drugs - https://simbli.eboardsolutions.com/SU/zXkeftnuPVXoNkaG4elhXQ==
5131.6	Alcohol And Other Drugs - https://simbli.eboardsolutions.com/SU/Uo4aQIkAztSKOjAEKzWm8Q==
5131.	Tobacco - https://simbli.eboardsolutions.com/SU/GCzplusOplumNolgTDphpluszMaWxA==
5131.62	Tobacco - https://simbli.eboardsolutions.com/SU/jyul8C4ztn5XKvN3i0WS7w==
5141.6	School Health Services - https://simbli.eboardsolutions.com/SU/7dpU5F7wUuOvh6DSmUsyFQ==
5141.6	School Health Services - https://simbli.eboardsolutions.com/SU/l7HXon2mqSmZ8aEwaSP7Bw==
5145.3	Nondiscrimination/Harassment - https://simbli.eboardsolutions.com/SU/UjKhpKYEwslshplusUXjTsfSpluslG==
5145.3	Nondiscrimination/Harassment - https://simbli.eboardsolutions.com/SU/WBwKoldE4HmxGENiYcoBBA==
5145.6	Parent/Guardian Notifications - https://simbli.eboardsolutions.com/SU/UlorslshSzUnq9z2Gr1yUJjwg==
5145.6-E PDF(1)	Parent/Guardian Notifications - https://simbli.eboardsolutions.com/SU/L83TjjRVdHWxULyl8sbziw==
5147	Dropout Prevention - https://simbli.eboardsolutions.com/SU/Rzpv2RYt9aUL9pDanYHhGw==
5148	Child Care And Development - https://simbli.eboardsolutions.com/SU/ERwuCUgeolTplusSGKrNjUGmA==
5148	Child Care And Development - https://simbli.eboardsolutions.com/SU/8OjkaexLfU0NYepf0PJRFQ==

- 6142.1 Sexual Health And HIV/AIDS Prevention Instruction - <https://simbli.eboardsolutions.com/SU/APhejEqqOXStK5zU7eytVA==>
- 6142.1 Sexual Health And HIV/AIDS Prevention Instruction - <https://simbli.eboardsolutions.com/SU/QcsHODX8Kr6Pv7MUSGP34Q==>
- 6142.8 Comprehensive Health Education - <https://simbli.eboardsolutions.com/SU/ZICAiD085XC36cXJ5egHLw==>
- 6142.8 Comprehensive Health Education - <https://simbli.eboardsolutions.com/SU/w24gpZ7YaDcc8b8HHuhLmg==>
- 6143 Courses Of Study - <https://simbli.eboardsolutions.com/SU/kVd2Rh3vflsDNCOuyFnZHg==>
- 6143 Courses Of Study - <https://simbli.eboardsolutions.com/SU/ooFRRvDDSMWzfsIshaNbAD0Q==>
- 6158 Independent Study - <https://simbli.eboardsolutions.com/SU/v5MeJr6x02rYFYqoltUcSg==>
- 6158 Independent Study - <https://simbli.eboardsolutions.com/SU/5nLyeHeYbxjK5s3kMcplusS0A==>
- 6164.5 Student Success Teams - <https://simbli.eboardsolutions.com/SU/kElc1a5oskQScKbX6TiRVw==>
- 6164.5 Student Success Teams - <https://simbli.eboardsolutions.com/SU/LwkclivTplusplusIgbQGyiplushLw==>
- 6184 Continuation Education - <https://simbli.eboardsolutions.com/SU/QjQceDXmW7slshpgvqefDRRWw==>
- 6184 Continuation Education - <https://simbli.eboardsolutions.com/SU/EeAjsqQLflerUqXifsBlg==>