



Parent/Guardian & Student Handbook

Mission

San Martin Gwinn is a community of lifelong learners engaging in activities that promote bilingualism, biliteracy, multiculturalism, and high academic achievement for ALL students.

Vision

Our Dual Immersion Multicultural Education (DIME) program, prepares students to obtain high academic skills in Spanish and English on the path to earn the Seal of Biliteracy on their high school diploma in addition to becoming highly productive citizens in a diverse world.

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[Bell Schedule](#)

The Panther Way
to show respect, make good choices, and solve problems responsibly

ABSENCES and TARDIES:

Parents play a major role and responsibility for assuring that their child or children arrive healthy and punctually to school each day and are prepared to learn. Students are required by California law to attend school every day on time. The school keeps a record of absences and tardies. State law also requires that absence verification be made by parents. When this does not happen, the school may not be able to receive the total resources allocated. Because class attendance and participation is important to student success, San Martin Gwinn School has established the following policy to encourage students to attend all their classes. We ask that you work with us as a team to support this policy and student attendance.

Important Points

- Any time a student is absent from one or more class periods in a day, an automated phone call will call home that day to inform the parent/guardian. It is important that the school has the correct primary number on file.
- Parent/Guardians may see real-time attendance information for their student on the Aeries Portal at any time.
- **Legitimate excuses for missing class are: illness, doctor or dentist appointments, funerals, religious observances, and court appearances.**
- At 3 unexcused absences in a class during the trimester of occurrence, the student loses the opportunity to participate in all extracurricular activities (athletics, band, band performances, dances, any school activities, etc.).
- If a student needs to be absent from a class or leave school during the day, he or she must be signed out through the Attendance Office by a parent or guardian or a person on the emergency contact list.
- To be in good standing and be eligible for extra-curricular privileges, a student must have a 90% attendance rate. Students who are chronically absent (missing 10% or more school days for any reason) will not be eligible for participation in extracurricular activities, such as athletics, dances, field trips, etc.
- If a student has accumulated 14 absences in the school year in any one class period due to any reason, including illness, any further absences for illness must be verified by a physician. When deemed necessary by administration, a physician's note may be required for ANY illness related absence.

Excusing Absences

- To call the Attendance Office, please dial 408-201-6480, ext. 17108 at any time, day or night. Attendance clerks are available from 8:00am to 3:00pm or an answering machine will record your message at any time of the day or night.
- To excuse an absence, the parent/guardian must notify the Attendance Office in one of these ways: telephone call, email, in person, or send a signed note.
- Parents/guardians have 3 school days after the date of an absence to excuse the absence. If an absence is not excused within 3 days, it will remain in the record as an unexcused absence. If you have any questions or concerns regarding this policy contact a school administrator.

Truancy Process

- At three unexcused absences - Parents will be notified of student's truancy by mail. Parents may also track truancy on Aeries in the student's Attendance section. Truancy is documented in the student's discipline record.
- At six or more unexcused absences – Parents will receive a second letter in the mail regarding their student's truancy. Truancy is logged into student discipline.
- At nine or more unexcused absences – Parent will receive a third letter in the mail regarding their student's truancy, and a meeting is required with an administrator of the truancy review panel. At this meeting, an Attendance Contract is discussed and signed. Truancy is logged into student discipline and truancy coordinator is notified.
- Further unexcused absences will lead to mediation with the district attorney's office and district officials.
- If unexcused absences continue, the student and parents may be scheduled for a Truancy Court Hearing.

CHROMEBOOKS:

Students in grades 6-8 will be assigned a Chromebook and a charging cord to enhance their learning and the development of 21st century skills. There are high expectations for how students treat these district devices. Students are responsible for damage or loss of their district-assigned Chromebook. Destroying or damaging school property of others is also a punishable offense. Parents can purchase insurance through the school district website. Student and parents will need to complete a user agreement at the beginning of each school year. All students are responsible for turning in their device and accessories at the end of each school year.

DRESS CODE:

Spirit Wear are items of clothing and/or accessories that are sold or donated by the school or the Home and School Club (H&SC). The *Spirit Wear* items display the school name and/or logos. Students may wear *Spirit Wear* items at any time.

All students are required to dress appropriately while attending school and/or school functions or events. If a student does not follow the dress code, his/her/their parent/guardian will be contacted for a change of clothing to be brought to school. If the parent/guardian cannot be reached, the office will attempt to provide clothing, when available.

Dress Code Grades TK-5

Attire must promote safety for the individual and the school. Students should not wear clothing that includes violent imagery, drug use, or offensive words or images. Students must wear closed toed shoes. Students are encouraged to wear school spirit wear clothing.

Dress Code Grades 6-8

Guiding Principles:

Attire must promote safety for the individual and the school.

Attire must be appropriate for a school environment.

Attire may not be offensive to any individual or group.

Clothes must be worn in a way such that genitals, buttocks, and chests are fully covered with opaque fabric. All items listed in the “must wear” and “may wear” categories below must meet this basic principle.

<u>Must Wear</u>	<u>May Wear</u>	<u>Cannot Wear</u>
<p>-A Shirt (with fabric in the front, back, and on the sides under the arms), AND -Pants/jeans or the equivalent (for example, a skirt, sweatpants, leggings, a dress or shorts), AND closed toe shoes. Shoes must be appropriate for PE.</p>	<p>-Hats facing straight forward or straight backward. Hats must allow the face to be visible to staff. -Hoodie sweatshirts as long as the hood is not worn outdoors on non-rainy days. -In a commitment to our college going culture, we allow college or university attire in any color.</p>	<p>-Shoes with attached wheels -Violent language or images or language depicting drugs or alcohol (or any illegal item or activity). -Any gang-related attire. -Hate speech, profanity, pornography. -Images or language that creates a hostile or intimidating environment -Any clothing that reveals visible undergarments (visible waistbands and visible straps are allowed) -Swimsuits -All Bandanas -Accessories that could be considered dangerous or could be used as a weapon. -Any item that obscures the face or ears (except as a religious observance).</p>

These dress code guidelines shall apply to regular school days, as well as any school-related events and activities, such as graduation ceremonies, sports events, dances and fundraiser activities. *The administration reserves the right to determine whether clothing is inappropriate for the school setting.*

EARLY STUDENT PICK UP:

If a parent/guardian must pick up their child early, please come to the office, sign your student out, and someone from the office will call your student out of class.

Please note: we cannot call a student out from class until you have come into the office and signed them out first. It also may take a bit of time for your student to get to the office, so please plan your time accordingly.

If someone else who is not listed as an emergency contact is picking up your student, please call to let the office know ahead of time.

Students cannot be checked-out for the last 15 minutes of school due to safety reasons and to limit disruptions at the end of the day when students and teachers are preparing to release students.

GAMBLING and SELLING ITEMS:

Gambling is strictly prohibited. This includes any wagering, betting, odds making, or any other activity involving the use of money or collection cards or predicting the outcome of an event. Students violating this rule are subject to disciplinary action. Students may not bring collector cards (such as Pokemon Cards), trading cards, playing cards or dice for gambling purposes. Additionally, students are not permitted to sell anything (such as food or personal items) to other students without the permission of the administration.

OUTSIDE FOOD POLICY:

The school provides lunch for free to all students. If a student forgets their lunch at home, the student will be provided with a nutritious, free school meal. Parents/guardians do not need to bring a replacement lunch. The office staff are not responsible for delivering food to students. Additionally, the classroom learning environment will not be disrupted to notify a student that a lunch is available in the office. Food delivery services, such as DoorDash, are not allowed without the permission of the school administration. Students are not allowed to order food to be delivered to school. All food deliveries for students will be turned away.

SMARTPHONE/PERSONAL ELECTRONICS POLICY:

Due to the negative mental health effects of social media and smartphone usage by children, parents/guardians are strongly encouraged not to give their children smartphones. Cell phones that only call and text are still available for purchase from many vendors. Below is a link to more information from the United States Surgeon General regarding the effects of social media on youth mental health.

<https://www.hhs.gov/about/news/2023/05/23/surgeon-general-issues-new-advisory-about-effects-social-media-use-has-youth-mental-health.html>

Students may carry a cell phone in their backpack to school and at school sponsored activities. Students may not turn on or use cell phones while on campus (except in the case of an emergency or for health related or IEP needs), including before school. Cell phone usage by students while riding to and from school on the bus, or on the bus during school sponsored activities, is at the discretion of the bus driver or the administration. It is the responsibility of the students to ensure the security of their cell phones. The school is not responsible for theft of cell phones at any time (Board Policy 5131) nor is San Martin/Gwinn responsible for searching for lost or stolen cell phones. If a student violates the cell phone rule the following disciplinary action will occur:

- **1st time cell phone is visible** - Cell phone will be confiscated and taken to the front office. Front office staff will contact parents to pick up the phone.
- **2nd offense** - Phone confiscated, parents contacted, and the student must check in their phone to the front office every day or leave it at home.

Note: With the permission and supervision of a staff member, the student may use their cell phone for educational purposes.

*See Board Policy 5145.12 regarding search and seizure.

Parents/Guardians should not call their children on their cellphones during school hours, except in the case of an extreme emergency. All communication between students and parents/guardians during school hours should go through the front office phones.

PERSONAL ELECTRONICS:

iPads, tablets and other personal electronics are never to be used or visible during class time without the permission of a member of the SMG staff. Bluetooth speakers and large stereos are not allowed on campus unless they are being used with a teacher's permission, in a class, or as a part of an assignment requirement. Students are strongly encouraged to avoid bringing personal electronics to school. This is due to both the disruption in learning they cause, and the risk of loss due to damage or theft. The school cannot be held responsible for lost or stolen electronics or other personal items.

Students are strongly encouraged to not bring smartwatches to school. During state testing in the Spring, smartwatches and smartphones are prohibited in the classroom or testing environment.

Wireless headphones such as Apple Airpods are a safety hazard due to their ability to block a student from hearing school staff, especially during emergencies. Therefore, wireless headphones are not allowed at school.

PROHIBITED ITEMS

Other items not listed in this section or detailed elsewhere in this handbook are only allowed with prior approval from the student’s teacher or administrators. Prohibited items will be confiscated and may only be picked up by a parent.

PERSONAL PROPERTY:

Students are responsible for loss or damage to their clothing, equipment, books or instruments.

Items of REAL OR SENTIMENTAL VALUE SHOULD NOT BE BROUGHT TO SCHOOL.

<p><u>NOT ADVISED ITEMS</u></p> <p>The administration recommends that students do not bring the items listed below to school. If a student decides to bring the item listed below, they do so at their own risk.</p>	<p><u>NOT ALLOWED ITEMS</u></p> <p>The items listed below are not allowed at school and are subject to confiscation and disciplinary action. <i>Possession of these items or any other items that disrupt the school environment may result in suspension or expulsion from school.</i></p>
<ul style="list-style-type: none">- Smart Phones- Ipods- Money (More Than \$10)- Hoverboards- Electronic Games- Personal Electronics- Skateboards- Scooters-Smart Watches	<ul style="list-style-type: none">- Tacks, Safety Pins, Or Anything Sharp- Spray Cologne- Laser Pens- Rubber Bands- Squirt Guns- Water Balloons- Bandanas- Eggs- Permanent Markers- Shaving Cream Or Silly String- Matches- Lighters- Poppers- Stink Bombs- Firecrackers Of Any Kind-Confetti Eggs-Excessively Spicy Food Items Such As The One Chip Challenge

PARENT ENGAGEMENT:

Parent/guardian involvement is integral to a child's success at school. Volunteers must obtain a volunteer badge from the District Office. Please see below or an office staff member at San Martin Gwinn for specific details and to pick up a volunteer application. The following are examples of parent involvement opportunities at San Martin Gwinn:

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

VOLUNTEERS AND CAMPUS VISITORS:

All visitors must sign in through the front office. Visitors volunteering on campus and interacting with students must hold a valid Morgan Hill Unified Volunteer Badge. Below is more information regarding volunteering. Further information can be found at the website linked below or by contacting the San Martin Gwinn front office staff at 408-201-6480

<https://www.mhusd.org/departments/human-resources/volunteer-requirements>

What are examples of volunteer opportunities?

- Volunteer opportunities may fall into any of the following categories:
- Ongoing: Volunteering for any school program regularly in any capacity
- As-needed: Volunteering on school grounds, in the office, or in the classroom one time or intermittently
- Face-to-face: Volunteering with direct contact with students, either under the supervision of an employee or, at times, as the sole adult supervising students (i.e., during a field trip, going to the library, leading a club, etc.)

-School-sponsored trips: Athletics, band, field trips, science camp, etc. either as a driver or as a chaperone

ALL VOLUNTEERS MUST HAVE THE UPDATED BADGE TO VOLUNTEER

Your badge must have the CURRENT SCHOOL YEAR on it in order for you to be able to volunteer.

STEPS TO GET A VOLUNTEER BADGE

1. Obtain a volunteer packet directly from the school and to learn more about the opportunities available at that site
2. Bring Driver's License, California ID, Permanent Resident Card, or Passport to HR during volunteer processing times
3. Watch a training video and take the quick quiz
4. NEW - Bring Tuberculosis Test Results or pick-up a Risk Assessment form from Human Resources during volunteer processing times
5. NEW- Fill out the LiveScan (Fingerprinting) form to be fingerprinted in Human Resources during volunteer processing times
6. Have a picture taken for your badge
7. Once TB results are on file and fingerprints are cleared, the volunteer will be called to pick up a volunteer badge.

This badge should be worn whenever the volunteer is on a school site or school sponsored trip. This badge indicates that a volunteer has been cleared and, once approved by the site for a volunteer opportunity, may be used at any site or program as evidence of clearance.

Parents/Guardians and Walking Students to Class:

Parents/Guardians interested in walking their child to complete a parent volunteer agreement form with the San Martin Gwinn front office. Once a volunteer signs the agreement form, site staff will attach a sticker to the volunteer badge and provide the parent/guardian with a brightly colored lanyard. Below is a list of agreements on the form:

1. I agree to follow all school rules and expectations outlined in the Parent/Student Handbook.
2. I agree to refrain from engaging with other students except as directed by the teacher or staff.
3. I agree to respect my child's teacher's time and schedule an appointment if I'd like to talk about my child.
4. I agree that if there are concerns or issues that are observed while on campus, I will bring them to the administration's attention.

PARKING and TRAFFIC:

Parents, visitors, volunteers, and staff are expected to park their vehicles only in designated parking spaces. Those with valid handicapped placards may use the handicapped parking spaces. Other spaces designated with marks on the pavement may only be used as signage allows. All vehicles are expected to abide by the applicable traffic, vehicle, civic, and criminal codes/laws.

Twice a day hundreds of students come and go from our school in a matter of minutes. Please help us make this safe for our families and students. Vehicles are not permitted to park and/or wait for pick-ups and drop-offs if their vehicle is an obstacle to district vehicles, delivery trucks, and school buses.

All painted red curb areas need to be cleared. There should not be any cars left unattended, as it is a NO parking zone. During pick up and drop off times, the red zones become a loading and unloading zone only. However, **parking or remaining in the same spot on the red curb is not permitted.** Parents should continue to move forward in the drop-off zone to allow other vehicles space to maneuver behind them. All drivers are expected to follow traffic laws and remain aware of students running, walking, hiding, jumping, and playing near vehicles. Students are expected to use crosswalks, carefully walk near parked cars, and never to cross lanes of traffic.

Unattended vehicles in the drop-off zone and red or yellow-curbed areas are subject to towing. The owner of the towed vehicle is responsible for all fines and fees related to such towing. Local authorities may help to enforce the school policies as well as traffic laws.

PARTIES / CLASS CELEBRATIONS:

Occasionally, there are parties in the classroom. The principal must authorize parties or celebrations. The food policy is as follows:

1. Each classroom is allowed no more than one event per month involving food. Examples: Holiday Celebrations, Halloween Goodie Bags, Classroom Reward Parties.
2. Birthdays: If families want to celebrate their child's birthday at school, they may send in stickers, pencils, erasers, etc., for each classmate. Edible treats are not allowed due to allergies and limits indicated by rule #1.
3. Prizes: Prizes at school may consist of stickers, pencils, erasers, etc...but not edible items.

Parents should bring treats/items to the office to minimize disruption to the classroom. The teacher will be notified at recess or lunch and will arrange for transportation of the treats from the office to the classroom. Balloons are **not** allowed at school at any time.

Reward parties and field trips require student's perfect behavior in order for them to attend. If a student has committed any major offense, he/she is not allowed to participate in any event, party, or

field trip that is not instructional. These students will require an approval from the teacher and administration.

POSITIVE BEHAVIOR INTERVENTION and SUPPORT (PBIS):

Positive Behavior Intervention & Supports (PBIS) is a program that focuses on promoting positive and appropriate behaviors. Our staff is committed to educating students about appropriate behaviors and will be utilizing a positive reward system to acknowledge students who are following the rules and/or working towards improvement. At San Martin Gwinn, we encourage our students to follow The Panther Way: to show respect, make good choices, and solve problems responsibly.

STUDENT BEHAVIOR and DISCIPLINE:

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

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

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

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

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

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

- Selling of any controlled substance (buying and/or negotiating)
- Possession of any weapon or dangerous object (lighter, 3D printed knife, matches, etc.)
- Robbery/Extortion
- Threatening any staff member
- Setting or attempting to set a fire
- Possession of a controlled substance, drug paraphernalia, or being under the influence of drugs or alcohol with no indication of selling or furnishing to others, or furnished a substance in lieu of a controlled substance
- Smoking or possessions of tobacco or tobacco products
- Fighting/Threatening another person/Intimidation
- Theft/Possession of stolen property
- False Fire Alarms
- Vandalism (causing damage to any property)
- Willful defiance of any school official
- Harassment/Bullying
- Sexual harassment (including comments relating to sexual orientation)
- Cutting school/off campus without permission
- Pantsing
- Disruptive or defiant behavior
- Birthday Bashing (including egging)
- Profanity / Obscene Act
- Racial, Sexual, ethnic or gender based comments
- Online or social media threats of violence or sexual harassment

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

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

California Code – Section 48900 (k): Students that have disrupted school activities or otherwise willfully defied the valid authority of supervisors, teachers, administrators, school officials, or other school personnel engaged in the performance of their duties are subject to school suspension and/or expulsion.

STUDENT DISPLAYS OF AFFECTION:

Students are asked to conduct themselves in an appropriate manner. Holding hands, arm-in-arm holding, and kissing are not appropriate in school.

1st offense = warning

2nd offense = parent contact

3rd offense = lunch detention or loss of privileges

SAN MARTIN GWINN DISCIPLINARY CHART Grades 6-8:

The chart listed on the following pages is a compilation of the major rule infractions and consequences for students. You will note that repeat offenses result in a more progressively serious disciplinary response than the initial violation. Every attempt will be made to follow the dictates of the chart displayed. However, the administration does reserve the right to objectively determine consequences based on the seriousness of a particular infraction and the previous discipline record of the student who commits the offense.

Progressive Discipline Policy

Action	1 st Infraction	2 nd Infraction	3 rd Infraction	4 th Infraction	5 th Infraction
Class Disruption	Lunch detention	After School Detention (ASD)	Friday School	In-house Suspension	At home suspension
Cutting Class	Lunch detention	After School Detention (ASD)	Friday School	In-house Suspension	At home suspension
Defiance Of Authority	Lunch detention	After School Detention (ASD)	Friday School	In-house Suspension	At home suspension
Dress Code Violation	Change clothing item	Phone call to parent, change clothing item	Lunch Detention	ASD	Friday School
Gang Related Activity *	Friday School, admin. & parent conference	In house suspension	At home suspension	Suspension/ Possible expulsion referral	NA

Use Of Profanity Or Obscenity	Warning	Lunch Detention/ parent contact	ASD	In-house suspension	At home suspension
Profanity And Disrespect Towards Staff	Meeting w/Principal, ASD	In-house suspension	At home suspension	Suspension/ Possible expulsion referral	NA
No-Show Teacher Lunch Detention	Lunch Detention with Admin.	ASD	Friday School	In-house suspension	At home suspension
No Show To ASD	2 days ASD	Friday School	In-house suspension	At home suspension	NA
No Show To Friday	2 days Friday School	In-house suspension	At home suspension	At home suspension	NA
Physical Rough Play	Lunch Detention	ASD	Friday School	In-house suspension	At home suspension
Out Of Class Disruption	Lunch detention	After School Detention (ASD)	Friday School	In-house Suspension	At home suspension
Vandalism	ASD and conference	Friday School	In-house suspension	At home suspension	NA

** = possible Law Enforcement contact*

Home suspension = suspension from school

ASD = After School Detention

All consequences are subject to change according to the severity of the offense



Title I School-Level Parent Involvement Policy

San Martin Gwinn

San Martin Gwinn has developed a written Title I parental involvement policy with input from Title I parents at Home and School and Community Club (HSCC), School Site Council (SSC), and English Language Advisory Committee (ELAC) meetings which it has posted on the school website. The policy describes the means for carrying out the following Title I parental involvement requirements [20 USC 6318 Section 1118(a)-(f) inclusive].

Involvement of Parents in the Title I Program

To involve parents in the Title I program at San Martin Gwinn, the following practices have been established:

- The school convenes meetings to inform parents of Title I students about Title I requirements and about the right of parents to be involved in the Title I program at San Martin Gwinn.
- The school offers a flexible number of meetings for Title I parents, such as meetings in the morning or in the evening or by appointment.
- The school employs a community liaison who is available on a daily basis to answer questions and to facilitate communication with Title 1 parents.
- The school involves parents of Title I students in an organized, ongoing, and timely way, in the planning, review, and improvement of the school's Title I programs and the Title I parental involvement policy during meetings of HSCC, SSC and ELAC.
- The school provides parents of Title I students with timely information about Title I programs through signs, flyers, emails and automated phone calls.
- The school provides parents of Title I students with an explanation of the curriculum used at the school, the assessments used to measure student progress, and the proficiency levels students are expected to meet at Back to School Night and at conferences.

If requested by parents of Title I students, the school provides opportunities for regular meetings that allow the parents to participate in decisions relating to the education of their children.

Educational Code Suspendable Offenses

Offense	First Incident	Second Incident
<u>48900(a)</u> - Caused, attempted to cause or threatened to cause physical injury to another	1-5 days home suspension, possible police or sheriff’s complaint report, possible arrest. Student Behavior Contract	If student pending court proceedings, Probation Department referral, if not, Police or Sheriff complaint report, possible arrest 5 days suspension- expulsion recommendation
<u>48900(a2)</u> - willfully used force or violence upon the person of another	1-5 days home suspension, possible police or sheriffs complaint report, possible arrest. Student Behavior Contract Possible recommendation for expulsion	If student pending court proceedings, Probation Department referral, if not, Police or Sheriff complaint report, possible arrest 5 days suspension- expulsion recommendation
<u>48900(b)</u> - Possessed,sold,or otherwise furnished any firearm, knife, explosive device or dangerous object	1-5 days home suspension, possible police or sheriffs complaint or arrest, Possible recommendation for expulsion Student Behavior Contract	If student pending court proceedings, Probation Department referral, if not, Police or Sheriff complaint report, arrest 5 days suspension- expulsion recommendation
<u>48900(c)</u> - Possession, used, sold or otherwise furnished or been under the influence of a controlled substance	1-5 days home suspension, possible police or sheriffs complaint, and possible arrest Possible recommendation for expulsion Student Behavior Contract	If student pending court proceedings, Probation Department referral, if not, Police or Sheriff complaint report, arrest 5 days suspension- expulsion recommendation
<u>48900(d)</u> - Unlawfully offered, arranged or negotiated the sell of any controlled substance	1-5 days home suspension Police or sheriff’s complaint and possible arrest For selling, mandatory recommendation for expulsion	N/A
<u>48900(e)</u> - Committed or attempted to commit robbery or extortion	1-5 days home suspension Police or sheriffs complaint, and possible arrest Recommendation for expulsion Student Behavior Contract	If student pending court proceedings, Probation Department referral, if not, Police or Sheriff complaint report, arrest 5 days suspension- expulsion recommendation

<u>48900(f)</u> - Caused or attempted to cause damage to school or private property	1- 5 days home suspension Police or sheriffs complaint report, possible arrest Student Behavior Contract	If student pending court proceedings, Probation Department referral, if not, Police or Sheriff complaint report, arrest 5 days suspension- expulsion recommendation
<u>48900(g)</u> -Stolen or attempted to steal school or private property	1- 5 days home suspension Police or sheriffs complaint report, possible arrest	If student pending court proceedings, Probation Department referral, if not, Police or Sheriff complaint report, arrest 5 days suspension- expulsion recommendation
<u>48900(h)</u> - Tobacco possession, use or furnishing	suspension, conference with parents, educational/restorative learning	3 days suspension, Behavior contract.
<u>48900(j)</u> - Possessed or sold drug paraphernalia	1-5 day home suspension, possible Police or Sheriff report	5 days suspension, Behavior contract, Police or Sheriff report complaint, possible arrest, Recommendation for expulsion
<u>48900(l)</u> - Knowingly received stolen school or private property	1-5 day home suspension, Police or Sheriff report complaint, possible arrest	If student pending court proceedings, Probation Department referral, if not, Police or Sheriff complaint report, arrest 5 days suspension- expulsion recommendation
<u>48900(m)</u> - Possession of an imitation firearm	1-5 days home suspension, possible police or sheriffs complaint report, possible arrest Possible recommendation for expulsion	If student pending court proceedings, Probation Department referral, if not, Police or Sheriff complaint report, arrest 5 days suspension- expulsion recommendation
<u>48900(n), 48900.3</u> - Threatening, or committing an act of hate. Violence or sexual assault	1-5 days home suspension, possible Police or Sheriff report and complaint, recommendation for expulsion	5 days suspension, Police or Sheriff complain report, possible arrest, recommendation for expulsion

NON-DISCRIMINATION IN DISTRICT PROGRAMS And ACTIVITIES

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

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

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

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

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

Sexual Harassment

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

The district strongly encourages any student who feels that he/she is being or has been sexually harassed on school grounds or at a school-sponsored or school-related activity by another student or an adult to immediately contact his/her teacher, the principal, or any other available school employee. Any employee who receives a report or observes an incident of sexual harassment shall notify the principal or a district compliance officer.

Complaints regarding sexual harassment shall be investigated and resolved in accordance with law and district procedures specified in AR 1312.3 - Uniform Complaint Procedures. Principals are responsible for notifying students and parents/guardians that complaints of sexual harassment can be filed under AR 1312.3 and where to obtain a copy of the procedures.

The Superintendent or designee shall take appropriate actions to reinforce the district's sexual harassment policy.

Instruction/Information

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

1. What acts and behavior constitute sexual harassment, including the fact that sexual harassment could occur between people of the same sex and could involve sexual violence
2. A clear message that students do not have to endure sexual harassment under any circumstance
3. Encouragement to report observed incidents of sexual harassment even where the alleged victim of the harassment has not complained
4. A clear message that student safety is the district's primary concern, and that any separate rule violation involving an alleged victim or any other person reporting a sexual harassment incident will be addressed separately and will not affect the manner in which the sexual harassment complaint will be received, investigated, or resolved
5. Information about the district's procedure for investigating complaints and the person(s) to whom a report of sexual harassment should be made
6. Information about the rights of students and parents/guardians to file a civil or criminal complaint, as applicable

Disciplinary Actions

Any student who engages in sexual harassment or sexual violence at school or at a school-sponsored or school-related activity is in violation of this policy and shall be subject to disciplinary action. For students in grades 4-12, disciplinary action may include suspension and/or expulsion, provided that, in imposing such discipline, the entire circumstances of the incident(s) shall be taken into account.

Any staff member found to have engaged in sexual harassment or sexual violence toward any student shall be subject to discipline up to and including dismissal in accordance with applicable policies, laws, and/or collective bargaining agreements.

Record-Keeping

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

The district designates the following individual(s) as the responsible employee(s) to coordinate its efforts to comply with Title IX of the Education Amendments of 1972 and California Education Code [234.1](#), as well as to investigate and resolve sexual harassment complaints under AR 1312.3 - Uniform Complaint Procedures. The coordinator/compliance officer(s) may be contacted at:

Coordinator of Student Services

15600 Concord Circle

Morgan Hill, CA 95037

(408) 201-6040

Prohibited sexual harassment includes, but is not limited to, unwelcome sexual advances, unwanted requests for sexual favors, or other unwanted verbal, visual, or physical conduct of a sexual nature made against another person of the same or opposite sex in the educational setting, under any of the following

conditions: (Education Code [212.5](#); 5 CCR [4916](#))

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

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

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

Reporting Process and Complaint Investigation and Resolution

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

In any case of sexual harassment involving the principal, compliance officer, or any other person to whom the incident would ordinarily be reported or filed, the report may instead be submitted the Superintendent or designee.

When a report of sexual harassment is submitted, the principal or compliance officer shall inform the

student or parent/guardian of the right to file a formal written complaint in accordance with the district's uniform complaint procedures.

If a complaint of sexual harassment is initially submitted to the principal, he/she shall, within two school days, forward the report to the compliance officer to initiate investigation of the complaint. The compliance officer shall contact the complainant and investigate and resolve the complaint in accordance with law and district procedures specified in AR 1312.3.

Confidentiality

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

However, when a complainant or victim of sexual harassment notifies the district of the harassment but requests confidentiality, the compliance officer shall inform him/her that the request may limit the district's ability to investigate the harassment or take other necessary action. When honoring a request for confidentiality, the district will nevertheless take all reasonable steps to investigate and respond to the complaint consistent with the request.

When a complainant or victim of sexual harassment notifies the district of the harassment but requests that the district not pursue an investigation, the district will determine whether or not it can honor such a request while still providing a safe and nondiscriminatory environment for all students.

Response Pending Investigation

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

Notifications

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

1. Be included in the notifications that are sent to parents/guardians at the beginning of each school year (Education Code [48980](#); 5 CCR [4917](#))

(cf. [5145.6](#) - Parental Notifications)

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

(cf. [1113](#) - District and School Web Sites)

3. Be provided as part of any orientation program conducted for new students at the beginning of each

quarter, semester, or summer session (Education Code [231.5](#))

4. Appear in any school or district publication that sets forth the school's or district's comprehensive rules, regulations, procedures, and standards of conduct (Education Code [231.5](#))
5. Be included in the student handbook
6. Be provided to employees and employee organizations

Uniform Complaint Procedures

The Governing Board recognizes that the district has the primary responsibility to ensure compliance with applicable state and federal laws and regulations governing educational programs. The Board encourages the early, informal resolution of complaints whenever possible and appropriate. To resolve complaints which cannot be resolved through such informal process, the Board shall adopt a uniform system of complaint processes specified in 5 CCR [4600-4670](#) and the accompanying administrative regulation.

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

1. Any complaint alleging district violation of applicable state or federal law or regulations governing adult education programs, consolidated categorical aid programs, migrant education, career technical and technical education and training programs, child care and development programs, child nutrition programs, and special education programs (5 CCR [4610](#))
2. Any complaint alleging unlawful discrimination, including discriminatory harassment, intimidation, or bullying, in district programs and activities against any person based on his/her actual or perceived characteristics of race or ethnicity, color, ancestry, nationality, national origin, ethnic group identification, age, religion, marital or parental status, physical or mental disability, sex, sexual orientation, gender, gender identity, gender expression, or genetic information, or any other characteristic identified in Education Code [200](#) or [220](#), Government Code [11135](#), or Penal Code [422.55](#), or based on his/her association with a person or group with one or more of these actual or perceived characteristics (5 CCR [4610](#))
3. Any complaint alleging bullying in district programs and activities, regardless of whether the bullying is based on a person's actual or perceived characteristics of race or ethnicity, color, ancestry, nationality, national origin, ethnic group identification, age, religion, marital or parental status, physical or mental disability, sex, sexual orientation, gender, gender identity, gender expression, or genetic information, or any other characteristic identified in Education Code [200](#) or [220](#), Government Code [11135](#), or Penal Code [422.55](#), or based on his/her association with a person or group with one or more of these actual or perceived characteristics.
4. Any complaint alleging district violation of the prohibition against requiring students to pay fees, deposits, or other charges for participation in educational activities (5 CCR [4610](#))
5. Any complaint alleging that the district has not complied with legal requirements related to the implementation of the local control and accountability plan (Education Code [52075](#))
6. Any complaint alleging retaliation against a complainant or other participant in the complaint process or anyone who has acted to uncover or report a violation subject to this policy
7. Any other complaint as specified in a district policy

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

In filing and investigating complaints, the confidentiality of the parties involved shall be protected as required by law. As appropriate for any complaint alleging retaliation, unlawful discrimination, or bullying, the Superintendent or designee shall keep confidential the identity of the complainant and/or the subject of the complaint, if he/she is different from the complainant, as long as the integrity of the complaint process is maintained.

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

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

The Superintendent or designee shall maintain records of all UCP complaints and the investigations of those complaints. All such records shall be destroyed in accordance with applicable state law and district policy.

Non-UCP Complaints

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

1. Any complaint alleging child abuse or neglect shall be referred to the County Department of Social Services, the County Protective Services Division, and the appropriate law enforcement agency.
2. Any complaint alleging health and safety violations by a child development program shall, for licensed facilities, be referred to Department of Social Services and shall, for licensing-exempt facilities, be referred to the appropriate Child Development regional administrator.
3. Any complaint alleging employment discrimination shall be sent to the California Department of Fair Employment and Housing and the compliance officer shall notify the complainant by first class mail of the transfer.
4. Any complaint alleging fraud shall be referred to the California Department of Education.

In addition, the district's Williams Uniform Complaint Procedures, AR 1312.4, shall be used to investigate and resolve any complaint related to sufficiency of textbooks or instructional materials, emergency or urgent facilities conditions that pose a threat to the health or safety of students or staff, or teacher vacancies and misassignments. (Education Code [35186](#))

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

(cf. [1312.1](#) - Complaints Concerning District Employees)

(cf. [1312.2](#) - Complaints Concerning Instructional Materials)

(cf. [1312.4](#) - Williams Uniform Complaint Procedures)

(cf. [4031](#) - Complaints Concerning Discrimination in Employment)

Compliance Officers

The district designates the individual(s) identified below as the employee(s) responsible for coordinating the district's response to complaints and for complying with state and federal civil rights laws. The individual(s) also serve as the compliance officer(s) specified in AR 5145.3 - Nondiscrimination/Harassment as the responsible employee to handle complaints regarding sex discrimination. The individual(s) shall receive and coordinate the investigation of complaints and shall ensure district compliance with law.

(cf. [5145.3](#) - Nondiscrimination/Harassment)

(cf. [5145.7](#) - Sexual Harassment)

Assistant Superintendent of Human Resources

15600 Concord Circle

Morgan Hill, CA 95037

(408) 201-6000

The compliance officer who receives a complaint may assign another compliance officer to investigate the complaint. The compliance officer shall promptly notify the complainant if another compliance officer is designated to investigate the complaint.

In no instance shall a compliance officer be designated to investigate a complaint if he/she is mentioned in the complaint or has a conflict of interest that would prohibit him/her from fairly investigating the complaint. Any complaint filed against or implicating a compliance officer may be filed with the Superintendent or designee.

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

(cf. [4331](#) - Staff Development)

(cf. [9124](#) - Attorney)

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

Notifications

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

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

(cf. [0420](#) - School Plans/Site Councils)

(cf. [1220](#) - Citizen Advisory Committees)

(cf. [3260](#) - Fees and Charges)

(cf. [4112.9/4212.9/4312.9](#) - Employee Notifications)

(cf. [5145.6](#) - Parental Notifications)

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

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

The notice shall:

1. Identify the person(s), position(s), or unit(s) responsible for receiving complaints
2. Advise the complainant of any civil law remedies that may be available to him/her under state or federal discrimination laws, if applicable
3. Advise the complainant of the appeal process, including, if applicable, the complainant's right to take a complaint directly to the California Department of Education (CDE) or to pursue remedies before civil courts or other public agencies, such as the U.S. Department of Education's Office for Civil Rights (OCR) in cases involving unlawful discrimination.
4. Include statements that:
 - a. The district has the primary responsibility to ensure compliance with applicable state and federal laws and regulations governing educational programs.
 - b. The complaint review shall be completed within 60 calendar days from the date of receipt of the complaint unless the complainant agrees in writing to an extension of the timeline.
 - c. A complaint alleging retaliation, unlawful discrimination, or bullying must be filed not later than six months from the date it occurred, or six months from the date the complainant first obtained knowledge of the facts of the alleged discrimination. The time for filing may be extended for up to 90 days by the Superintendent or designee for good cause upon written request by the complainant setting forth the reasons for the extension.

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

e. The Board is required to adopt and annually update a local control and accountability plan (LCAP), in a manner that includes meaningful engagement of parents/guardians, students, and other stakeholders in the development and/or review of the LCAP.

(cf. [0460](#) - Local Control and Accountability Plan)

f. The complainant has a right to appeal the district's decision to the CDE by filing a written appeal within 15 calendar days of receiving the district's decision.

g. The appeal to the CDE must include a copy of the complaint filed with the district and a copy of the district's decision.

h. Copies of the district's UCP are available free of charge.

District Responsibilities

All UCP-related complaints shall be investigated and resolved within 60 calendar days of the district's receipt of the complaint unless the complainant agrees in writing to an extension of the timeline. (5 CCR [4631](#))

The compliance officer shall maintain a record of each complaint and subsequent related actions, including steps taken during the investigation and all information required for compliance with 5 CCR [4631](#) and [4633](#).

All parties involved in the allegations shall be notified when a complaint is filed and when a decision or ruling is made. However, the compliance officer shall keep all complaints or allegations of retaliation, unlawful discrimination, or bullying confidential except when disclosure is necessary to carry out the investigation, take subsequent corrective action, conduct ongoing monitoring, or maintain the integrity of the process. (5 CCR [4630](#), [4964](#))

Filing of Complaint

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

All complaints shall be filed in accordance with the following:

1. A written complaint alleging district violation of applicable state or federal law or regulations governing adult education programs, consolidated categorical aid programs, migrant education, career technical and technical education and training programs, child care and development programs, child nutrition programs, and special education programs may be filed by any individual, public agency, or organization. (5 CCR [4630](#))

2. Any complaint alleging noncompliance with law regarding the prohibition against requiring students to pay student fees, deposits, and charges or any requirement related to the LCAP may be filed anonymously if the complaint provides evidence, or information leading to evidence, to support an allegation of noncompliance. (Education Code [49013](#), [52075](#))

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

occurred, or six months from the date when the complainant first obtained knowledge of the facts of the alleged discrimination. The time for filing may be extended for up to 90 days by the Superintendent or designee for good cause upon written request by the complainant setting forth the reasons for the extension. (5 CCR [4630](#))

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

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

6. If a complainant is unable to put a complaint in writing due to conditions such as a disability or illiteracy, district staff shall assist him/her in the filing of the complaint. (5 CCR [4600](#))

Mediation

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

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

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

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

Investigation of Complaint

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

Within one business day of initiating the investigation, the compliance officer shall provide the complainant and/or his/her representative with the opportunity to present the information contained in complaint to the compliance officer and shall notify the complainant and/or his/her representative of the opportunity to present the compliance officer with any evidence, or information leading to evidence, to support the allegations in the complaint. Such evidence or information may be presented at any time during the investigation.

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

A complainant's refusal to provide the district's investigator with documents or other evidence related to the allegations in the complaint, failure or refusal to cooperate in the investigation, or engagement in any other obstruction of the investigation may result in the dismissal of the complaint because of a lack of evidence to support the allegation. (5 CCR [4631](#))

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

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

Report of Findings

Unless extended by written agreement with the complainant, a final decision shall be sent to the complainant within 60 calendar days of the district's receipt of the complaint. Within 30 calendar days of receiving the complaint, the compliance officer shall prepare and send to the complainant a written report of the district's investigation and decision, as described in the section "Final Written Decision" below. If the complainant is dissatisfied with the compliance officer's decision, he/she may, within five business days, file his/her complaint in writing with the Board.

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

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

Final Written Decision

The district's decision shall be in writing and shall be sent to the complainant. (5 CCR [4631](#))

In consultation with district legal counsel, information about the relevant part of a decision may be communicated to a victim who is not the complainant and to other parties that may be involved in implementing the decision or affected by the complaint, as long as the privacy of the parties is protected.

If the complaint involves a limited-English-proficient student or parent/guardian and the student involved attends a school at which 15 percent or more of the students speak a single primary language other than English, then the decision shall also be translated into that language. In other all other instances, the district

shall ensure meaningful access to all relevant information for parents/guardians with limited English proficiency.

For all complaints, the decision shall include: (5 CCR [4631](#))

1. The findings of fact based on the evidence gathered. In reaching a factual determination, the following factors may be taken into account:
 - a. Statements made by any witnesses
 - b. The relative credibility of the individuals involved
 - c. How the complaining individual reacted to the incident
 - d. Any documentary or other evidence relating to the alleged conduct
 - e. Past instances of similar conduct by any alleged offenders
 - f. Past false allegations made by the complainant
2. The conclusion(s) of law
3. Disposition of the complaint
4. Rationale for such disposition

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

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

- a. How the misconduct affected one or more students' education
- b. The type, frequency, and duration of the misconduct
- c. The relationship between the alleged victim(s) and offender(s)
- d. The number of persons engaged in the conduct and at whom the conduct was directed
- e. The size of the school, location of the incidents, and context in which they occurred
- f. Other incidents at the school involving different individuals
5. Corrective action(s), including any actions that have been taken or will be taken to address the allegations in the complaint and including, with respect to a student fees complaint, a remedy that comports with Education Code [49013](#) and 5 CCR [4600](#)

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

- a. The corrective actions imposed on the individual found to have engaged in the conduct that relate directly to the subject of the complaint
- b. Individual remedies offered or provided to the subject of the complaint
- c. Systemic measures the school has taken to eliminate a hostile environment and prevent recurrence
6. Notice of the complainant's right to appeal the district's decision within 15 calendar days to the CDE and procedures to be followed for initiating such an appeal

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

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

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

Corrective Actions

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

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

1. Counseling
2. Academic support
3. Health services
4. Assignment of an escort to allow the victim to move safely about campus
5. Information regarding available resources and how to report similar incidents or retaliation
6. Separation of the victim from any other individuals involved, provided the separation does not penalize the victim
7. Restorative justice
8. Follow-up inquiries to ensure that the conduct has stopped and there has been no retaliation
9. Determination of whether any past actions of the victim that resulted in discipline were related to the treatment the victim received and described in the complaint

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

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

6. Denial of participation in extracurricular or co-curricular activities or other privileges as permitted by law
7. Disciplinary action, such as suspension or expulsion, as permitted by law

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

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

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

Appeals to the California Department of Education

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

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

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

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

Regulation MORGAN HILL UNIFIED SCHOOL DISTRICT

approved: June 23, 2015 Morgan Hill, California