

Student Handbook

2025-2026



Superintendent of Schools

Miki R. Inbody

Board of Education

Adam Perez

Danielle Holley

Angel Ramirez

Mary Sandoval

Marcelino Serna

Wayne Ruble Middle School Administration

Anne-Marie Cabrales, Principal

Stacie Gonzalez, Assistant Principal

Erin Roth, Assistant Principal

Nathan Horton, Dean of Students

WAYNE RUBLE MIDDLE SCHOOL STUDENT GOALS

SCHOOL MISSION STATEMENT

Wayne Ruble Middle School..... Is dedicated to maintaining an environment where our students achieve their highest potential, develop social responsibilities, enhance personal, school and community pride.

THE PERKS OF BEING A WILDCAT

Wildcat students will be:

Problem Solvers who:

- Use technology (computers, calculators, etc.) to gather information
- Look for a variety of solutions

Energetic Individuals who:

- Make healthy choices
- Have a positive attitude and self-worth

Responsible Members of Society who:

- Participate in local community activities
- Have lifelong goals

Curious Individuals who:

- Gather information
- Study using a variety of resources

Successful Communicators who:

- Consider other people's ideas and opinions
- Read, write, speak, and listen carefully



FONTANA UNIFIED SCHOOL DISTRICT

Student Rights & Responsibilities

The mission of Fontana Unified School District is to graduate all students prepared to succeed in a changing world. This can only be accomplished through a partnership between Fontana Educators, Parents, and Students. We, the students at Fontana Unified School District, understand the active role we must play in order for this to be a successful partnership. As part of this intertwined relationship, there is an expectation regarding the quality of our experiences in FUSD.

All Students have the right:

- to be treated equally with proper respect by their peers, teachers, support staff, and administrators.
- to attend a safe campus that creates an effective learning environment.
- to healthy, fresh food for breakfast and lunch.
- to receive guidance regarding college and career expectations as well as what needs to be done to meet those requirements.
- to ask questions, get clarifications, and seek help regarding topics of instruction.
- to equal access to resources including interventions, tutorials, and credit recovery programs.
- to participate in activities/sports for which they qualify.
- to receive an unbiased education and have the full cooperation and support of teachers.
- to express themselves in a way that doesn't disrupt learning or school activities.
- to be excused from class at appropriate times to use the restroom (10/10 rule).
- to have a second chance to be successful in a school environment.

All Students have the responsibility:

- to come to school every day, on time, and prepared to learn in every class.
- to respect everyone and the role they play as students, teachers, support staff, and administrators.
- for their own behavior and keeping the campus clean.
- to pay attention in class and ask questions when you don't understand something.
- to strive to maintain at least a 2.0 GPA.

FONTANA UNIFIED SCHOOL DISTRICT

BULLYING POLICY, NOTICE, AND PREVENTION FORM

Statement of policy on bullying

The Fontana Unified School District’s policy on bullying or harassment is that it is unacceptable. Bullying is a breach of a student’s rights and responsibilities under the laws of the State of California. Every student has a right to feel protected, nurtured and valued.

What is bullying?

Bullying is any willful, conscious behavior intended to hurt another person, either physically, verbally, or by intimidation, isolation or cyber bullying. Bullying is against the law in California.

Cyber bullying is a new form of bullying. It happens over the Internet by computer, cell phone, or another electronic device. It usually involves nasty words or pictures about someone, or spreading lies about the victim to those on the Internet, Facebook, Instagram, Tik-Tok, Twitter or other social media sites, which are commonplaces for bullying.

Bullying may take many forms and can include:

- picking on others
- making hurtful and racist comments
- any form of physical violence, such as hitting, pushing or spitting
- suggestive comments or other forms of sexual abuse
- forcing others to act against their will
- verbal threats of aggression against property or possessions
- using put-downs or belittling others’ abilities and achievements
- using offensive names or teasing or spreading rumors about others or their families
- acts of vandalism

Bullying is a serious issue

Bullying is not “okay.” Do not tolerate bullying—such incidents are too important not to report. A tradition of silence is a barrier to be broken down. As a student, it is not only your right, but also your duty to report bullying, whether it happens to you or to someone else.

Who are the bullies?

Anyone can be a bully—any of us. We all have the capacity and, occasionally, the inclination to be hurtful.

Any person who aims in some way to hurt someone else by causing either physical or emotional pain is a bully. Some bullies do the hurting themselves; some are ringleaders who get others to do their dirty work, and some are members of a group. Others unintentionally encourage bullies by being onlookers when bullying occurs; they fail to intervene or report the bullying. Often bullies justify their behavior by saying they were only teasing or having fun. If the person being teased does not like it, or want it, and yet others persist with it, then it is a clear case of bullying. It is cruel and unfair behavior. This behavior is against the rules and law.

What can you do if you witness bullying?

There is a risk that you can become the victim or be called a tattletail or snitch because you told your teacher or principal that you were a victim of bullying or saw someone being bullied, but you have a duty to tell what happened so the bullying can be stopped. The school wants you to:

- care enough to want to do something.
- intervene, if possible, when the bullying occurs by simply saying “cut it out,” “leave him/her alone,” or “quit it.” This is very useful if you have influence with the bully; for example, you are older, a friend, or are liked by the person violating the rules.
- report the incident to someone as soon as you can (if you cannot help immediately). Your report can be private and confidential. Alternatively, you may wish to make an anonymous report that will advise of an incident, a bully or a victim.
- offer support and friendship to the victim. Encourage the victim to get help through his/her teacher, principal, school security, police or family.

What can you do if you are bullied?

As the victim, you are the one who should act most strongly:

- Try not to retaliate by becoming a physical or verbal bully yourself.
- Try to ignore the bullying. If you show that you are not upset, the bully may stop.
- Tell the bully to “quit it,” “get lost” or “cut it out.”
- Laugh it off; use humor.
- Don’t be afraid to talk about it with your friends or family.
- Leave the area and go directly to an adult, like a teacher or the principal.
- Establish a friendship network.

Consequences

There are clear consequences for bullying and if a student is found to be bullying, he/she can expect some of the following to happen:

- Written records kept on the behavior.
- Stern warning accompanied by a formal letter to the student and parent
- Monitoring of behavior
- Consultation with parent

- Detention and community service
- Counseling/behavior modification programs
- Loss of school privileges
- Suspension from school—resuming only on the condition that a formal contract is signed, undertaking to cease all bullying behavior.
- Expulsion

Those who bully or harass others are themselves in need of help, with help being behavior modification strategies, counseling, and the provision of very clear boundaries.

A Parent's Guide to Using the Agenda

See why so many parents are enthusiastic about our agenda system. It is a quick, effective way to keep track of what is going on at school. It is not always easy to keep in touch because family life is so busy nowadays, but this is the most effective system we have found.

How does my child use the Agenda?

Students are recommended to write down their assignments and messages every day in each class.

What should I do each night?

We advise that you read and review the **Agenda** each night. Also, ask your child what they did in class to help develop communication skills.

What if I have a question for a teacher?

Space is provided in the **Agenda** for you to write a note to the teacher. Example: *Is it true, Mr. Jones, my son had no math homework this week?*

How do I know the teacher saw my question?

Your child **must** show the note in the agenda to the teacher. The teacher will sign and date the agenda. If it is not signed...the teacher did not see it! Parents are encouraged to communicate with teachers via the student agenda.

Parents – *We need your help!*

We value the importance of an uninterrupted classroom. If your student has forgotten an item or you have dropped something off for them in the front office, the student must come up and check for the item during passing period or lunch. We will not send passes to classes to inform students that the item has arrived, to maintain the excellent instruction that is the pride of Wayne Ruble.

STUDENT RESPONSIBILITIES

Education Code 48908: All pupils shall comply with the regulations, pursue the required course study, and submit to the authority of the teachers of the school.

C.C.R. Title 5, Sec. 300: Every student shall attend school punctually and regularly; conform to the regulations of the school; obey promptly all the directions of his teacher and others in authority; observe good order and propriety of deportment; be diligent in study; respectful to his teacher and others in authority; kind and courteous to schoolmates; and refrain from the use of profane and vulgar language. (Reg. 77, No. 39)

Code of Conduct

ALL STUDENTS MUST CARRY THEIR STUDENT I.D. CARD AND STUDENT HANDBOOK AT ALL TIMES. REPLACEMENT COST WILL BE \$3 FOR I.D. CARD AND \$5 FOR THE HANDBOOK. THE COST WILL BE AUTOMATICALLY CHARGED TO THE STUDENT'S ACCOUNT.

Wildcat Students are expected to:

- Come to school on time. (suggested that students be here 15 minutes prior to school starting)
- Come to school prepared to learn; this includes having a 3-ring binder, pen, pencil, paper, and textbook, and all required materials.
- Follow directions of ALL school personnel
- Use school property correctly and treat all property with respect.
- Respect the rights and the property of others.
- Respect the environment; pick up trash.
- Walk in an orderly and quiet manner on the walkways – not in the flowerbeds.
- Keep hands, feet, food, and objects to themselves.
- Not spray any chemical, cologne, perfume, hair spray, scented body lotion, or scented deodorant on any other student, teacher or any school property of a student or teacher without the permission of that student or teacher
- Behave in a manner that will bring pride to the school and the community
- “Dress to Impress” in accordance with the Wayne Ruble Middle School Dress Code
- Avoid any violations of California Education Code 48900 which are grounds for suspension and/or expulsion
- Maintain high moral and ethical standards
- Deliver ALL school related information to parents/guardians on the same day it is issued

Students coming to and arriving at Wayne Ruble Middle School will:

- Be courteous to all community members that live around the school
- Not leave without permission once on campus

Students on campus at Wayne Ruble Middle School will:

- Stay out of the parking lot during normal school hours
- Treat everyone with respect and dignity
- Walk and not run on campus

- Not ride bikes, scooters, or skateboards on campus
- Will wear a helmet for protection when riding bikes, scooters or skateboards
- Not loiter during passing periods
- Not use any item which disrupts normal activities or is not necessary for classroom instruction
- **Not use any electronic devices while on campus during normal school hours – cell phones, IWatch, etc. without specific permission from the classroom teacher**
- Not be allowed to bring or receive party/celebration balloons or flowers. If balloons or flowers are brought to school, they will be brought to the office and kept until Friday at which time a parent will be required to pick them up. If balloons are brought on a Friday, they will be kept until the following Friday. Any balloons or flowers not picked up on the specified Friday will be thrown away.
- Refrain from inappropriate, public displays of affection
- Not get into verbal or physical altercations
- Stay away from altercations and not instigate any further problems
- No energy drinks consumed on campus (Monster, Bang, Red Bull, etc.)

Students in the classroom at Wayne Ruble Middle School will:

- Arrive to and be prepared for class BEFORE the tardy bell rings
- Follow directions
- Give everyone the right to learn by not being disruptive
- Not waste time and stay on task
- Complete and turn in all assignments on time when requested
- Be courteous to all classmates
- Always use appropriate language
- Use their student handbook
- Make up any work missed when absent
- Follow each teacher's specific behavior guidelines
- Not use their personal cell phone, or anyone else's, unless given explicit directions to do so by a teacher/administrator.

Students during lunch at Wayne Ruble Middle School will:

- Eat food and remain in designated areas
- Wait patiently in lines and not cut in front of classmates
- Not litter and will clean up after themselves. Trash cans are located throughout campus
- Not buy food or drinks after the warning bell has rung
- Go directly to the food lines and not wait until lunch is almost over
- Not take food or drink outside of cafeteria
- Not use their personal cell phone, or anyone else's, unless given explicit directions to do so by a teacher/administrator.

Students as they leave the Wayne Ruble Middle School campus will:

- Not loiter on campus and/or in local businesses
- Represent Wayne Ruble with pride by respecting local homes and businesses
- Observe all school and bus rules

- Follow all directions given by the supervising adults
- Use crosswalks
- Wait for parents/guardians at the front of the school, if being picked up

Progress Reports and Report Cards: Progress reports dealing with your performance and academic achievement will be calculated at each mid-quarter. Grades will be given at the end of each quarter and semester. ONLY semester grades are part of your permanent record.

Academic Recognition: The administration and staff of Wayne Ruble proudly recognize the academic achievement of all students in various ways and at various times throughout the school year. Recognition may come in the form of certificates, dog tags, trophies, special field trips, assemblies, t-shirts, and/or prizes.

Homework: The assignment of academic work to be completed outside of the regular school day is an integral part of the educational experience. Students who fail to complete homework hinder their success and their learning opportunities for their class. Students should expect homework in all courses. The length of the time a student will spend on homework will vary.

Make-up Work: An absence from school (including field trips and school activities) does not excuse you from your responsibilities to complete class work. If you are absent, you are expected to find out what you missed from your teacher and make up that work.

Academic Dishonesty: Intentionally using or attempting to use unauthorized materials, information, or study aids, including *text messages* and/or *taking pictures of an exam, etc.* is prohibited in all classes and could result in teacher disciplinary action and/or academic consequences.

*FUSD requires all students to demonstrate honesty and to abide by ethical standards in preparing and presenting materials, as well as in testing situations. Grades should reflect the student's own work in the fairest possible way. Academic dishonesty, cheating, or plagiarism involves an attempt by the student to show possession of a level of knowledge or skill which the student does not possess. It involves any attempt by a student to substitute the product of another, in whole or in part, as the student's own work. This policy covers all school-related tests, quizzes, reports, class assignments, and projects.

Academic dishonesty includes, but is not limited to, the following:

Cheating

- Obtaining information from another student during an examination
- Communicating information to another student during an examination
- Knowingly allowing another student to copy one's work
- Offering another person's work as one's own
- Using an unauthorized electronic device to solicit, transmit, or search for answers
- Taking an examination for another student or having someone take an examination for oneself
- Sharing answers for a take-home examination unless specifically authorized by the teacher
- Using unauthorized material during an examination
- Altering a graded examination or assignment and returning it for additional credit, under the pretense that the teacher made an error

- Having another person or a company do the research and/or writing of an assigned paper or report
- Misreporting or altering the data in laboratory or research project

Plagiarism

- Plagiarism is to present the ideas, words, or creative product of another as one's own. Credit must be given to the source for direct quotations, paraphrases, ideas, and facts which are not common knowledge.

Restroom: Students are responsible for keeping restrooms clean and orderly. Students are expected to use the restrooms **before school, and during the five-minute passing period** between classes. Teachers value every opportunity to work with students in the classroom and routinely issuing restroom passes disrupts the instructional process. **Only in an emergency may students use the restroom during class time and only with a valid pass. Students using the restroom without a pass will be considered truant. Students are not allowed to use the restrooms during the first 10 minutes or the last 10 minutes of class.**

Visitors: In order to ensure a safe and well supervised campus, Wayne Ruble Middle School requires **all visitors to sign in with the office and provide identification to visit any part of the campus.** Student visitors are not allowed on campus during the school day unless part of a designated field trip. Adult visitors must register with the office immediately upon arriving on campus. All adult visitors must have the WRMS Visitors' Pass visible at all times. All visitors are expected to leave promptly when their business is completed.

Parents wishing to meet with any teacher about their student are to notify the school a minimum of 24 hours prior to the meeting. Parents must check in with the front office and receive a visitor's pass. No teacher will meet with any parent who has not checked in at the office first. **Parents wishing to sit in on their child's classes** must arrange a date/time with the teacher. Teachers cannot allow unannounced visitors into the classroom on campus due to safety/security issues.

ID Cards: ID cards are a MUST. ID cards are issued to all students free of charge at the beginning of the school year and MUST be always carried with them. Students must be able to present the ID card upon request by any Wayne Ruble Middle School staff member. Failure to do so may result in disciplinary action. If the original card is lost or stolen, replacement cards must be purchased at the student's expense for \$3.00. These are issued at the Student Store. ID cards will be used for the following:

- Checking out textbooks, paying fines, or purchasing items
- Checking into school-sponsored activities (i.e., dances, volleyball/basketball games)
- Verifying identity for students out of class

ALL students MUST have a valid Wayne Ruble Middle School picture ID card throughout the year

Fundraising: All campus fundraising must be done through approved Wayne Ruble ASB clubs only. The law expressly forbids fundraising for outside organizations or for individual profit; violators will be disciplined. Only fundraising activities with Wayne Ruble ASB approval are allowed. If a student violates these terms, **THE ITEMS AND MONEY WILL BE CONFISCATED AND DONATED TO THE SCHOOLS ASB FUND. PARENTS WILL BE NOTIFIED.**

Yearbook: The excitement of the school year is captured in the traditional middle school keepsake. Wayne Ruble Middle School's official yearbook will be offered during fall presale activities. There may be extra copies available in May at an increased price, but there are no guarantees. **BUY EARLY!** Yearbooks can be purchased from ASB. The school is not responsible for damage or loss to the yearbook once the student who purchased it gains possession of that item; at that point, the yearbook becomes the property of the student, and the student is responsible for that item from that point on.

Activities: Dances, Intramural Sports, and ASB sponsored activities. Activities at WRMS are a privilege, as such the following rules apply:

1. Only WRMS students may attend activities.
2. Students are to remain at the activity until the end, unless their parents pick them up early. For the sake of safety and supervision, **students must be picked up within 15 minutes after the activity ends.** If they are walking, they must walk straight home. Police may be called to assist in taking remaining children to their homes. Students may be denied participation in the next activity if pick-up is later than 15 minutes.
3. If district transportation is used, student must ride to and from the event on the transportation provided (no private pick-ups).
4. Students are expected to follow **all school rules** and behave accordingly.
5. Students will be placed on a No-Go list that will exclude them from activities for any of the following offenses:
 - Violation of rules during prior activity
 - Class suspension– 2 or more days
 - Administrative Detention – 4 or more days
 - School suspension (on campus or off campus) – 1 or more day
6. All students who are NOT on the No-Go list may attend the activity.

Dances: The following are rules that apply to all Wayne Ruble Middle School sponsored dances:

- Students and parents are required to abide by the conditions set forth in the Code of Conduct for each event.
- *All* students must have a Wayne Ruble Middle School ID card.
- Students must clear all outstanding fines, fees before purchasing tickets.
- Poor attendance and/or behavior may prevent a student from attending a dance.
- Students **MUST** be present at school the day of the dance.
- All school rules will be in effect and must be followed.
- Any student that needs to leave early, must be picked up by the parent at the door.
- Wayne Ruble Middle School staff members and chaperones may ask any student to leave if they are causing a disturbance.
- The Wayne Ruble Middle School administration reserves the right to refuse attendance and/or entry to a dance.

Attendance: State Law requires schools to account for all student absences. Valid excuses include the following:

- Illness
- Visitation to a medical office, clinic, doctor, or dentist
- Funeral of immediate family member
- Quarantine of the home

Parents may call the Attendance Office at 357-5530, Ext. 36209. A 24-hour message phone will record your message. Please give the following information:

- The student's first and last name and grade
- The date(s) he or she was or will be absent
- The reason for the absence
- Your name and a phone number where we can reach you.

If you cannot call, please send a note with your child. The note should contain the same information as above and be turned in to the attendance office before school starts. All absences must be cleared within three (3) days, or they will become full day trancies and/or unexcused absences.

Perfect Attendance: Perfect attendance includes no blemishes on the student's attendance record including tardies or missed period(s).

Change of Address/other Important Info: Please keep the Records Clerk informed of any changes in name, address, home or work numbers, and emergency numbers throughout the year. It is very important that the school have a phone number where you can be reached in case of an emergency. *It is the parent or guardian's responsibility to give us any personal information updates.*

Leaving Campus Early: Students must remain on campus unless signed out through the Attendance Office or Health Office by a parent or guardian with a valid excuse. **All parents or guardians MUST present a picture ID and be listed in our computer system as a legal parent/guardian to check out a student.**

School attendance is the single most important factor in school success.

Education Code 48403 – Habitual Truants: If any person subject to the provision of this chapter is a habitual truant or is irregular in attendance as required by this chapter or is habitually insubordinate or disorderly during attendance at school, the county superintendent of the schools may request a petition on his behalf in the juvenile courts of the county.

Education Code 48260 – Truancy Definition: Any pupil subject to compulsory education or to compulsory continuation education who is absent from school without a valid excuse **3 FULL DAYS** in one school year or **tardy or absent for more than any 30 minute period during the school day** without a valid excuse or on three occasions in one school year, or any combination thereof, is truant and shall be reported to the attendance supervisor or the superintendent of the school district. Upon the fourth truancy within the same school year, the pupil shall be classified a **HABITUAL TRUANT**.

Classroom Tardy Policy:

- Passing period is 5 minutes. When the bell rings students are expected to be in their seat or lined up at the door (depending on the teacher policy).
- Tardy bell rings and all doors are locked the first ten (10) minutes of class. This is an absolutely no movement time.
 - **Teachers WILL NOT let any student out of class; this includes retrieving a book, to get something out of a locker, etc. the first ten (10) minutes of the period.**

- Locker rooms are always off-limits unless a student has P.E. scheduled that period. Students are not to keep books and/or homework in lockers during the day.
- If a student is kept after class, the teacher will call the student's next teacher or write a note in the student's handbook informing them that the student will be late. This student cannot leave class for the first ten (10) minutes during the period.
- ALL STUDENTS OUT OF CLASS DURING THE PERIOD MUST CORRECTLY WEAR THE ORANGE VEST.
- **NO STUDENT SHOULD BE OUT OF CLASS THE FIRST AND LAST TEN (10) MINUTES OF CLASS. NO EXCUSES!**
- Teachers will only be responsible for tardies 2 through 8. All remaining tardies will be dealt with by an administrator.

- Tardy 1st-* Teacher warning and document for future reference in Q Visits.
- Tardy 2nd-* Teacher warning and document for future reference in Q Visits.
- Tardy 3rd-* Teacher warning and document for future reference in Q Visits. Parent contact.
- Tardy 4th-* Teacher discipline (detention or other consequence). Parent contact. Enter in Q Visits.
- Tardy 5th-8th-* Teacher discipline (detention or other consequence). Personal call home to the parent. Everything documented under Q Visits.

After the 8th tardy, an administrator will give out consequences such as but not limited to:

Lunch reflection, contact home
 ASWP, contact home by administrator.
 ALC, contact home by administrator
 SOAR Saturday School or alternate discipline, contact home by administrator.
 Mandatory parent/administrator meeting, additional disciplinary steps.

- **Administrator discipline described for tardies is a guide only and may be changed at the discretion of the assigning administrator.**
- **FIRST PERIOD TARDIES:** *Teachers will continue to use the tardy policy as listed above.* Students who arrive more than 15 minutes late to school are truant and will be sent to the attendance office for a pass and documentation that they were truant. Continued truants will be referred to SART (Student Attendance Review Team). Parents will be given written notification about the SART process. This process is a very serious legal procedure that attempts to solve the problem or referring the parent/guardian and student to SARB (the Student Attendance Review Board) where a citation may be given.
 - Per California Ed. Code section 48260, any student tardy in excess of 30 minutes will be considered absent, and any student who is absent from school without a valid excuse for three (3) or more days will be considered truant.

Wayne Ruble Middle School's tardy policy is meant to emphasize the importance of punctuality and attendance to class. It is not the intent of Wayne Ruble Middle School to punish students who become ill or have family emergencies. It is our goal that every student at Wayne Ruble Middle School goes from great to greater. Perfect attendance includes no tardies or missed periods of class.

Tardy Sweep Lock-Out: There will be tardy sweep lockouts throughout the school year. During a tardy sweep lock-out, late students will be swept up into an area where they will receive an immediate disciplinary consequence.

Schedule Changes: Wayne Ruble Middle School Guidance Technicians will enroll students into courses. They will try to schedule students into the courses they have requested; **HOWEVER, THIS IS NOT ALWAYS POSSIBLE.** Schedule changes will be made only within the given timelines (see student bulletin and/or postings) and **ONLY** for the following reasons:

- 1) Missing a course needed
- 2) A missing period
- 3) A duplicate course
- 4) Discretion of the school administrator

THERE WILL BE NO “TEACHER SHOPPING” OR SCHEDULE MATCHING. Any request made after the given deadlines may require a parent/teacher/administrator meeting prior to the change being considered. Schedule change requests are just that – a request. The request does not mean that a change will be granted.

Health Services:

- Located in the Administration Building
- Open during regular school hours
- Health clerk available each day of the week
- School nurse visits one or two days a week

Special Note: Students who are ill or injured **MUST** have a pass from their teacher **BEFORE** going to the health center. No visits allowed during passing periods.

Medication: The administering of medications in school is limited and controlled by law – Title 20-AMRSA, 254 (5), 4009 (4) – and is specifically addressed by the school board. Medication is administered through the nurse’s office only. You may not carry any type of over the counter or prescribed medication. If you need to take medication throughout the day, please take the medication to the nurse’s office to be logged in. The nurse will then explain the procedures of taking medication.

Education Code 11753.1: Pupils that are required to take medication during the regular school day as prescribed for them by PHYSICIAN may be assisted by the school nurse or other designated personnel if the school district receives:

- A written statement from such a physician detailing such medication amount, and time schedule by which such medication is to be taken
- A written statement from the parent or guardian of the pupil indicating the desire that the school district assists the pupil in the matters set forth in the physician’s statement
- Medication must be brought in a container with the student’s name, physician’s name, the name of the medication, dosage, and time to be administered clearly labeled
- The same directions apply for over-the-counter medication such as Aspirin, Tylenol, and Midol.
- Students may not carry any medication on their person without prior approval
- Students should not offer any medication to others

Students should be referred to the nurse’s office for the following conditions:

- Rashes (impetigo, ringworm, rubella, contact dermatitis)
- Pediculosis (head lice)
- Conjunctivitis (pink eye or red, itchy, watery eyes)
- Sore throat, fever, and/or other infectious diseases

- Obvious physical injuries

Special Note: *Current immunization records and compliance are required as a condition of enrollment.*

Wellness Policy: A complete description of the district wellness policy can be found at: <http://www.fusd.net/district/schsupport/specprograms/wellness.stm>. The policy recognizes the link between student health and learning. A major component of the policy outlines the new nutritional standards for foods and beverages sold to students during and immediately after the school day, including sales from vending machines, student stores and fundraisers; these nutritional standards also apply to any food or beverages offered to students during celebrations, classroom parties and as rewards. **Students may not chew gum or eat candy on campus!**

High Heat Procedures: Physical education classes conducted during high heat will include limited activity or will be held indoors.

Lunches: School tray lunches are available in the cafeteria. A wide variety of a la carte items are also available. Breakfast is available each morning. Free and reduced breakfasts and lunches are available for all students. Applications are renewed annually.

Lunch Deliveries – The front office will not accept delivery of food for students from Door Dash, Uber Eats, etc.

Please note: To help keep our campus clean and litter-free, students will be required to eat in the designated lunch area. Trash must be deposited in the proper containers before exiting the lunch area. **No food or drinks are allowed in the classrooms!**

Physical Education: Our physical education program allows each student the opportunity to participate in a variety of activities. Lockers are assigned for use during PE class only. The student is required to purchase his/her own P.E. clothes for \$20. Students are required to dress in their P.E. uniforms **every** day and to change back into their regular clothes when P.E. is over. Students **should not** wear their P.E. clothes to school. Also, because of safety issues, wearing jewelry during P.E. **is not** permitted. **Please note:** To prevent theft, locker combinations should not be shared among friends.

Personal Property: Students assume the responsibility for loss or damage to their clothing, equipment, books, or instruments. The school makes an effort to protect all personal property but is not responsible for it. Large sums of money and articles of value including electronic devices should not be brought to school.

Please note: All types of toys, finger skateboards, cell phones, PSP's electronic video games, laser pointers, cameras, etc. and/or non-educational items **are not allowed on campus**. These items will be taken away. Confiscated items need to be picked up in the office by parent/guardian **only**. Items will not be released to emergency contacts.

Campus Security Video: Security video is being utilized on campus. For questions regarding campus security video please contact the office.

Emergency Drills: In the event of a fire drill or a disaster drill, students will be evacuated to the area pre-assigned by their teachers. If the alarm sounds before school begins, they are to report to

the area of their **First Period** teacher. If the alarm sounds during passing period, they are to report to the class they are **coming from** and if the alarm sounds after school, they are to report to their **Sixth Period** teacher.

Telephone Use: Students will only be allowed to use the office telephone in an emergency (this is determined by an administrator), or 20 minutes after they are dismissed from school. Any arrangements for transportation to and from school, rehearsals, detentions, field trips, dances, etc., should be made in advance.

Please note: For their safety, students should be picked up **promptly** after school. We do not have staff on duty for student supervision beyond the end of the school day.

Office: Students are not permitted to loiter in the office before and after school. During inclement weather, students may wait in the library or in their classroom if supervision is available.

Use of Drug-Detection Dogs: In an effort to keep the schools free of drugs, the district may use specially trained non-aggressive dogs to sniff and alert staff to the presence of substances prohibited by law and Board policy. The dogs may sniff the air around lockers, desks, bags, items, or vehicles on district property or at district sponsored events. Drug-detection dogs are not allowed to directly sniff any students.

Pets on Campus: Pets are not permitted on campus for any reason.

Services Animals: Service animals are permitted on campus for those students who have the proper documentation and have been cleared through Risk Management.

Fieldtrips: Field trips may be offered at various times during the school year. Parents will be notified in advance of activities and will be required to sign a permission slip to allow student participation.

Volunteers: Wayne Ruble Middle School needs parents, grandparents, and friends to volunteer in the classrooms, library, on field trips, etc. Please contact your child's teacher, or the office, if you are interested in volunteering your services.

Student Use of Technology: Students will receive many opportunities to use technology on campus. Prior to accessing the internet, students will be required to sign a Student Internet Acceptable Use Policy. Parents, if your student receives this form, please sign and return to the front office ASAP! For more information please contact the office.

Video Recording: Please be reminded that camcorder, cell phones and any other recording devices do not belong at school. It is strictly prohibited to video tape/record in classrooms, on campus, in restrooms, locker rooms, etc. **Students who are in the front office writing What Happened statements either as a witness, alleged victim or perpetrator are TO REFRAIN from contacting parents via text or phone call until the administration has had an opportunity to fully investigate the incident at hand.** Finally, students are to also be reminded that posting videos to social web sites (Facebook, SnapChat, Instagram, YouTube, etc.) can be viewed as a violation of privacy and you are to be cautioned to refrain from such behavior.

Wayne Ruble Middle School Dress Code

Wayne Ruble Middle School strongly believes in developing student pride. Dress should be appropriate for normal school day activities; it should reflect pride, respect, and decency. Health and safety are guides to acceptable school attire. Students will adhere to the following dress code:

1. Shoes or sandals must be always worn. Sandals must have a strap on the back. Bedroom slippers and other footwear without solid soles are not allowed. No heels over 1 inch.
2. Clothing, headwear, backpacks and jewelry shall be free of tagging, pictures, or any other insignias, symbols, or emblems which are crude, vulgar, profane, symbolize violence, alcohol, drugs or suggest any sexual act which is illegal or hazardous to one's health.
3. Clothing, headwear, backpacks and jewelry that advocates racial, ethnic, or religious prejudice or the use of drugs, tobacco, alcohol, or weapons is prohibited.
4. The only hats/head coverings permitted on campus are unaltered school hats for the purpose of sun protection (Ed. Code 35183.5). Hats/beanies must be school colors (black/green/white/grey) with no design/logo. Hoods, hats or any head garments are not to be worn in the classroom unless for religious reasons.
5. No bandanas (used as headbands, wristbands or ankle bands), hairnets, or nylon stocking beanies/caps are allowed.
6. Any garments, headwear, or accessory displaying emblems of outside clubs or gang affiliations are not acceptable and will be confiscated.
7. Any article of clothing, headwear, or jewelry that can be construed to have a "double meaning" is prohibited.
8. Clothing **must cover all undergarments**, on both males (muscle shirts, underwear) and females (bra, underwear).
9. No muscle shirts, undershirts, backless blouses, halter/tube tops, and sports bras/exercise tops are allowed on campus. Blouses/tops **MUST** have **two** shoulder straps (NOT SPAGHETTI STRAPS) and cover the entire midsection.
10. See-through, or fishnet fabrics must have a garment other than underclothing underneath. Excessively revealing clothes are not allowed (cut-outs, low cut tops).
11. Shorts and skirts must be of sufficient length to completely cover the buttocks.
12. Excessively baggy pants are not acceptable. Pants must be worn over the hips for both males and females. **PULL YOUR PANTS UP!!!!**
13. No pajama tops, bottoms or onesies. No blankets.
14. Excessively long chains, pocket chains and spiked jewelry are not allowed.
15. PE Uniforms may only be worn during PE class.
16. In case of questionable dress not covered in the rules above, a site administrator will make a final decision.

Buses: All questions regarding transportation should be directed to the district transportation office at (909) 357-7510. The Transportation Dept. requests that students observe the following:

- Student ID cards must be presented along with the valid Fontana Unified School District Bus Pass
- No eating, drinking, or profanity on the bus
- Follow ALL the bus driver's instructions
- Always exercise standards of safety
- All school rules apply from pick-up to drop-off

FAILURE TO FOLLOW BUS RULES MAY RESULT IN BUS RIDING PRIVILEGES BEING REVOKED

Pedestrians: Students are reminded to use the crosswalks when crossing the streets. Parents are asked to use extreme caution and observe all posted traffic and safety signs. All vehicles are to yield to Bus Zones in the North parking lots. Parents are NOT to drop off or pick up students in these designated areas before or after school.

Personal Means of Transportation: Bicycles, scooters or skateboards should be secured in the bicycle racks by a padlock and are not to be ridden on campus. The Fontana Unified School District Board of Education does not and cannot assume any responsibility for accidents or injuries to students riding their bicycles.

Lost and Found: There are no general lockers. **The PE and/or band lockers must not be used to store your textbooks and/or other personal belongings.** All textbooks are to be carried by the student. Students are responsible for their own property and should not allow other students to watch their things. Personal items should NEVER be left alone. We recommend that large amounts of money and expensive jewelry or electronic items not be brought to school. All lost items are taken to the front office discipline clerk. All items that are not picked up by the end of the school year will be donated to charity. **The school will assume NO responsibility for losses.**

Textbooks: Textbooks will be furnished to students at no charge. It is the responsibility of the student to make sure textbooks are not damaged or lost. Students will be held responsible for all fines. In order to receive additional textbooks, all fines must be paid or a payment plan must be arranged. Textbooks left in the classrooms are the responsibility of the student.

Textbook Responsibilities: Each Wayne Ruble Middle School student is solely responsible for all of his/her assigned textbooks. Students should never leave assigned textbooks unattended in classrooms or any place where books might be stolen, exchanged with another student or damaged in any way. Damages include pencil or ink markings, torn covers, bent corners, deliberately torn pages, water, gum, food damage, hi-lighting, missing barcode, excessive wear, etc. Each student will be fined according to the severity of the damage. Fines range from \$3.00 to the full price for any textbook that cannot be reissued.

It is also the responsibility of each student to carefully check his/her textbook at the time of checkout for any previous damage which missed being repaired and/or noted.

Extracurricular activities may be restricted by any outstanding textbook/library fines.

Discipline: Discipline consequences are based on individual incidents. The final decision is at the discretion of the administrators. All students are expected to conduct themselves in such a manner as to contribute to a productive learning environment. The purpose of the student discipline policy at Wayne Ruble Middle School is to maintain an educational environment conducive to learning and to protect the safety and health of all pupils. Teachers, campus supervisors, and all other Wayne Ruble Middle School staff members will assist in encouraging students to follow the rules and regulations of the school, the district, and the laws of the State of California.

Penal Code 628.5 Pupils Right to Attend Safe Schools: The Legislature hereby recognizes that ALL pupils enrolled in the California public schools have the inalienable right to attend classes on campuses that are SAFE, SECURE, and PEACEFUL.

California State Education Code Section 48900 – Discipline

A pupil **may not be suspended from school or recommended for expulsion** unless the superintendent or the principal of the school in which the pupil is enrolled determines that the pupil has committed an act as defined pursuant to one or more of the subdivisions (a)- (v) inclusive:

- (a): (1) Caused, attempted to cause, or threatened to cause physical injury to another person.
(2) Willfully used force or violence upon the person of another, except in self-defense.
- (b) Possessed, sold, or otherwise furnished any firearm, knife, explosive, or other dangerous object unless in the case of possession of any object of this type, the pupil had obtained written permission to possess the item from a certificated school employee, which is concurred in by the principal or the designee of the principal.
- (c) Unlawfully possessed, used, sold, or otherwise furnished, or been under the influence of, any controlled substance listed in Chapter 2 (commencing with Section 11053) of Division 10 of the Health and Safety Code, an alcoholic beverage, or an intoxicant of any kind.
- (d) Unlawfully offered, arranged, or negotiated to sell any controlled substance listed in Chapter 2 (commencing with Section 11053) of Division 10 of the Health and Safety Code, an alcoholic beverage, or an intoxicant of any kind, and then either sold, delivered, or otherwise furnished to any person another liquid, substance, or material and represented the liquid, substance, or material as a controlled substance, alcoholic beverage, or intoxicant.
- (e) Committed or attempted to commit robbery or extortion.
- (f) Cause or attempt to cause damage to school or private property.
- (g) Stolen or attempted to steal school or private property.
- (h) Possessed or used tobacco, or any other products containing tobacco or nicotine products, including, but not limited to, cigarettes, cigars, miniature cigars, clove cigarettes, smokeless tobacco, snuff, chewing packets, and betel. However, this section does not prohibit use or possession by a pupil of his or her own prescription products.
- (i) Committed an obscene act or engaged in habitual profanity and vulgarity.
- (j) Unlawfully possessed or unlawfully offered, arranged, negotiated to sell drug paraphernalia, as defined in Section 11014.5 of the Health and Safety Code.
- (k) 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.
- (l) Knowingly received stolen property or private property.

- (m) Possessed an imitation firearm. As used in this section, “Imitation firearm” means a replica of a firearm that is as substantially similar in physical properties to an existing firearm as to lead a reasonable person to conclude that the replica is a firearm.
- (n) Committed or attempted to commit a sexual assault as defined in Section 261, 266c, 286, 288, 288a, or 289 of the Penal Code or committed a sexual battery as defined in Section 243.4 of the Penal Code.
- (o) Harassed, threatened, or intimidated a pupil who is a complaining witness or witness in a school disciplinary proceeding for the purpose of either preventing the pupil from being a witness or retaliating against that pupil for being a witness, or both.
- (p) Unlawfully offered, arranged to sell, negotiated to sell, or sold the prescription drug Soma.
- (q) Engaged in, or attempted to engage in, hazing as defined in Section 32050.
- (r) A pupil may not be suspended or expelled for any kind of the acts enumerated unless that act is related to school activity or school attendance occurring within a school under the jurisdiction of the superintendent or principal or occurring within any other school district. A pupil may be suspended or expelled for acts that are enumerated in this section and related to school activity or attendance that occur at any time, including, but not limited to, any of the following:
 - 1) While on school grounds.
 - 2) While going to or coming from school.
 - 3) During the lunch period whether on or off the campus.
 - 4) During, or while going to or coming from, a school sponsored activity.
- (s) A pupil who aides and abets, as defined in Section 31 of the Penal Code, the infliction or attempted infliction of physical injury to another person may suffer suspension, but not expulsion, pursuant to the provisions of this section. Except that a pupil who has been adjudged by a juvenile court to have committed, as an aider and abettor, a crime of physical violence in which the victim suffered great bodily injury or serious bodily injury shall be subject to discipline pursuant to subdivision (a)
- (t) As used in this section, “school property” includes, but is not limited to, electronic files and databases.
- (u) A superintendent or principal may use their discretion to provide alternatives to suspension or expulsion, including, but not limited to, counseling and an anger management program, for pupil subject to discipline under this section.
- (v) It is the intent of the Legislature that alternatives to suspension or expulsions be imposed against any pupil who is truant, tardy, or otherwise absent from school activities.

Education Code 48900.2: Sexual Harassment

In addition to the reasons specified in Section 48900, a pupil may be suspended from school or recommended for expulsion if the superintendent or the principal of the school in which the pupil is enrolled determines that the pupil has committed sexual harassment as defined in Section 212.5. For the purpose of this chapter, the conduct described in Section 212.5 must be considered by a reasonable of the same gender as the victim to be sufficiently severe or pervasive to have negative impact upon

the individual's academic performance or to create an intimidating, hostile, or offensive educational environment. This section shall not apply to pupils enrolled in kindergarten and grades 1 to 3, inclusive.

Education Code 48900.3: Act of Hate Violence

In addition to the reasons set forth in Sections 48900 and 48900.2, a pupil enrolled in any grades 4 to 12, inclusive, may be suspended from school or recommended for expulsion if the superintendent or the principal; of the school in which the pupil is enrolled determines that the pupil has caused, attempted to cause, threatened to cause, or participated in the act of, hate violence as defined in subdivision (e) of Section 233.

Education Code 48900.4: Harassment, Intimidation, etc.

In addition to the grounds specified in Sections 48900 and 48900.2, a pupil enrolled in grades 4 to 12, inclusive, may be suspended from school or recommended for expulsion if the superintendent or the principal of the school in which the pupil is enrolled determines that the pupil has intentionally engaged in harassment, threats, or intimidation, directed at a pupil or a group of pupils, that is sufficiently severe or pervasive to have the actual and reasonably expected effect of materially disrupting classwork, creating substantial disorder, and invading the rights of the pupil or group of pupils by creating an intimidating or hostile educational environment.

48900.7 Terroristic Threat Against School Officials, School Property or Both.

subpart (b): "The purpose of this section, "terroristic threat" shall include any statement, oral, written, by a person who willfully threatens to commit a crime which will result in death, great bodily injury to another person, or property damage in excess of one thousand dollars, with the specific intent that the statement is taken as a threat even if there is no intent to actually carry it out, which, on its face and under the circumstances in which it is made, is so unequivocal, unconditional, immediate, and specific as to convey to the person threatened, a gravity of purpose and an immediate prospect of execution of the threat, and thereby causes that person reasonably to be in sustained fear for his/her own safety or for his/her immediate family's safety, or for the protection of school property, or the personal property of the person threatened or his/her immediate family."

During Suspension the following conditions apply:

1. Students must be under Parent/Guardian supervision.
2. Students may not be near or enter any school campus nor may students participate in any school activity.

Note: Failure to comply with the above mentioned conditions may result in a recommendation for expulsion.

Juvenile Citations: The following disciplinary violations are subject to citations from school police and/or other police agencies:

1. **P.C. 415** **Disturbing the Peace on School Grounds**
 - a. Fighting
2. **P.C. 308b** **Minor in Possession of Tobacco Products**
 - a. Smoking cigarettes/lighters/chewing tobacco
3. **P.C. 488** **Petty Theft (Under \$400.00)**
 - a. Stealing
4. **P.C. 487** **Grand Theft (Over \$400.00)**
 - a. Stealing

5. **P.C. 594** **Vandalism**
 - a. Defacing with graffiti
 - b. Destruction of school or private property
6. **P.C. 653m** **Threatening or Harassing Phone Calls**
7. **B&PC 25608** **Possess Alcohol on School Grounds**
 - a. Any alcoholic beverage
8. **B&PC 25658** **Minor Consuming Alcohol**
 - a. Under the Influence of Alcohol
9. **H&S C 11357e** **Possession of Marijuana on School Grounds**
10. **H&S C 11364** **Possession of Drug Paraphernalia**
 - a. Pipes, Zig-Zag papers, roach clips, homemade tools to do drugs, syringes
11. **H&S C** **Possession or use of Controlled Substances listed in Chapter 2 not mentioned above**

The following are violations for which a student may be arrested:

- **P.C 404.6** **Inciting a Riot**
Urges fight to continue or urge others to commit acts of force or violence.
- **P.C 489** **Grand Theft (Over \$400.00)**
Student intentionally steals an item that is worth over \$400.00
- **H&S 11359** **Possession for sale of Marijuana**
Large quantity/ large amount of money/ drugs are packaged
- **C.C 1708.5** **Sexual Battery**
A student acts with the intent to cause a harmful or offensive contact with an intimate part of another, and sexually offensive contact with another by the use of his or her intimate part, and a sexually offensive contact with that person directly or indirectly results.
- **P.C 243.2** **Battery**
A battery is any willful use of force or violence upon another person
- **P.C 245** **Assault with a Deadly Weapon**
Any person who commits an assault upon the person of another with a deadly weapon or instrument or by any means of force likely to produce great bodily injury. Examples:
 - Kicking someone when they are down
 - Hitting someone repeatedly with an object without the other person being able to defend him or herself.
- **P.C 422** **Terroristic Threats**
A person who willfully threatens to commit a crime that will result in death or great bodily injury to another person.
- **P.C 626.10** **Dirk, Dagger, Knife**
Possession of a knife having a blade longer than 2 ½ inches, folding knife with a blade that locks into place, or blade that is sharpened on both sides

Other Disciplinary Issues that will result in being given consequences:

- **Education Code 48907: Limits for Students' Freedom of Expression**
 - Expression shall be prohibited if it is obscene, libelous, or slanderous.
 - Written expression that creates a clear and present danger of commission of unlawful school regulations or the substantial disruption of the orderly operation of the school.
- **Education Code 48901:** Smoking or the uses of tobacco products are prohibited.

- **Education Code 48211:** Filthy or vicious habits.
- **Education Code 48901.5 – Electronic Devices:** The governing board of each school district, or its designee, may regulate the possession or use of any electronic signaling device and Ipods that operates through the transmission or receipt of radio waves, including, but not limited to, paging and signaling equipment, by pupils of the school district while the pupils are on campus, while attending school-sponsored activities, or while under the supervision and control of school district employees.

Unauthorized use of an electronic device will cause the item to be confiscated and taken to the office.

Electronic devices and accessories, i.e. Cell phones, earbuds, etc., may not be used, visible or audible at any time between 7:30 a.m. and 2:42 p.m.

Failure to follow this policy will result in the item being confiscated

Consequences for Classroom Use of Electronic Devices

All confiscated electronic items are to be turned into the office.

First Offense

- Teacher makes personal phone call to the parent/guardian advising them to pick up the item from the office.
- Only a parent or guardian, may pick up the electronic device. The parent or guardian must be on the student's emergency list. Notes or phone calls from parents/guardians asking that friends or family members be allowed to pick up the device will not be allowed.
- Parent/guardians may pick up electronic devices anytime during school business hours, which are 7:30 a.m. to 4:00 p.m.
- If a student refuses to give up their electronic device, security will be called and the student will be taken to the office along with a discipline referral, which will lead to further consequences.

Note: At the end of the year, items that have not been picked up will be donated to charity.

Other Means of Correction

- **Counseling** – Student will be counseled by different staff members regarding choice of behavior.
- **Time-Outs** – Student will be asked to go to a different classroom to finish the period.
- **Detention** – Student will have to stay after school with the teacher for minor misbehavior. Detention may be up to one hour in length. Parents must have 24 hour notice.
- **Lunch Reflection** – Students will get lunch and report to a designated spot for behavior reflection discussion.
- **Alternative Learning Center** – Students will be assigned to ALC for one to six periods for continuous behavior violations in lieu of suspension.
- **After School Work Program (ASWP)** – Students will stay after school for a maximum of one hour doing campus beautification.

- **Classroom Suspension** – After attempting to correct behavior by other means, the teacher can suspend a student from class for a total of two periods: The day of the incident and the following day.
- **Saturday School** – Students will be required to attend school on Saturday for four hours to make up time lost during the regular school day.
- **Suspension** - Students will be required to stay home under parent/guardian supervision from one to five days for Education Code violations.
- **Expulsion** - Students are removed from all schools of the Fontana Unified School District for serious Education Code (Class “A”) violations.

Harassment: Students are to refrain from engaging in any harassment activity, behavior, or act that creates an intimidating, hostile, or offensive educational environment. This includes sexual harassment. Sexual harassment means unwelcome sexual advances, requests for sexual favors, and other unwelcome verbal, visual, or physical conduct of a sexual nature. Any student who feels they are being harassed should immediately see an administrator.

Wayne Ruble Middle School Discipline Chart

Discipline Chart: Parents, students, and staff should use this chart as a guide to understand consequences as they apply to various infractions and/or violations. Any or all of the consequences up to and including warnings and counseling listed here may be applied for any offense, depending upon the severity and the circumstances. It is important to recognize that this information serves merely as a guide of what *may* happen with the understanding that the *final* decision is at the discretion of the administration. All consequences are subject to change based on the facts collected during the investigation of each case.

Parent contact may include phone call to parents, parent meeting, parent conference with school personnel and/or teachers, intervention team meetings.

Fighting- Education Code 48900 subpart (a1)

- 1-3 days suspension with possible citation and parent contact
- 3-5 days suspension with citation and parent contact
- 3-5 days suspension with citation and possible recommendation for expulsion and parent contact

Threats/Intimidation- Education Code 48900 subpart (a1)

- 1-3 days ALC with No Fight Contracts and possible citation
- 3 days suspension and possible citation and parent contact
- 5 days suspension with Intervention meeting CWA, possible citation, and parent contact

Verbal Altercations- Education Code 48900 (a1)

- 1-3 days ASWP with No Fight Contracts and possible citation
- 1-3 days ALC with No Fight Contracts, possible citation, and parent contact
- 1-3 days suspension with No Fight Contracts, possible citation, and parent contact

Battery- Education Code 48900 subpart (a2)

- 3-5 days suspension with possible arrest, possible recommendation for expulsion and parent contact

Weapon- Education Code 48900 subpart (b)

- 1-5 days suspension with arrest, recommendation for expulsion, and parent contact

Dangerous Object- Education Code 48900 subpart (b)

- 3-5 days suspension with parent contact
- 5 days suspension with intervention meeting and parent contact
- 5 days suspension with recommendation for expulsion, possible citation, and parent contact

Possession of Drugs/Under the Influence- Education Code 48900 subpart (c)

- 3 days suspension with parent meeting and possible citation
- 5 days suspension with, parent meeting and possible citation
- 5 days suspension with recommendation for expulsion and citation

Selling or Offering any Controlled substances- Education Code 48900 subpart (d)

- 5 days suspension with recommendation for expulsion; possible arrest/citation, parent contact

Robbery/Extortion- Education Code 48900 subpart (e)

- 3-5 days suspension with citation/arrest and parent contact
- 5 days suspension with recommendation for expulsion, citation/arrest, and parent contact

Damaging School or Private Property- Education Code 48900 subpart (f)

- Alternative Learning Center Placement with possible citation
- 3 days suspension with citation; parent contact
- 5 days suspension with citation/arrest; intervention meeting CWA, and parent contact

Drug Paraphernalia- Education Code 48900 subpart (j)

- Alternative Learning Center Placement with possible citation
- 3 days suspension with citation; parent contact
- 5 days suspension with citation/arrest; intervention meeting CWA, and parent contact

Defiance/Disruption- Education Code 48900 subpart (k)

- Classroom progressive discipline – must be documented
- 1-3 days ASWP
- 1-3 days ALC with possible parent contact
- 1-5 days suspension and parent contact

Minor Campus Disruption- Education Code 48900 subpart (k)

- 1-3 days ASWP
- 1-3 days ALC and parent contact
- 1-3 days suspension and parent contact

Major Campus Disruption- Education Code 48900 subpart (k)

- 1-3 days ALC and parent contact
- 1-3 days suspension and parent contact
- 5 days suspension with Intervention meeting CWA and parent contact

No Show to Detentions- Education Code 48900 subpart (k)

- Reassign
- Teacher phone call to parents/guardians. Document in Zangle (Visits/Referrals)
- 1-3 days ASWP

No Show to ASWP- Education Code 48900 subpart (k)

- Reassign
- 1-3 days ALC and parent contact

Use of Electronic Devices and Ipods- Education Code 48900 (k)

- See page 15

Dress Code Violations- Education Code 48900 (k)

- Change clothes
- 1-3 days ASWP and Parent Contact
- 1-3 days ALC and Parent Contact

Receiving Stolen Property- Education Code 48900 subpart (1)

- Alternative Learning Center Placement with citation
- 3 days suspension with citation; parent contact
- 5 days suspension with citation/arrest; intervention meeting CWA, and parent contact

Truancy-Education Code 48900 subpart (v)

- 1-3 days ASWP with possible citation for Daylight truancy
- 1-3 days ALC with possible citation for Daylight truancy
- 3-5 days ALC/Parent conference with possible citation for Daylight truancy/Begin SARB process

Sexual Harassment- Education Code 48900.2

- 1-3 days ALC/ Red file and parent conference
- 1-5 days suspension / Red file and parent conference
- 5 days suspension / Red file and parent conference

Terroristic Threats- Education Code 48900.7

- 5 days suspension with recommendation for expulsion; police involvement; possible arrest and parent conference

Other Important Information Students need to know:

Individual Searches: School officials may search individual students and their property including vehicles when there is a reasonable suspicion that the search will uncover evidence that the student is violating the law or rules of the district or the school.

The Right to Search Students with Metal Detectors: The Board finds that the growing presence of weapons in the schools threatens the district's ability to provide the safe and orderly environment to which our students and staff are entitled. The Board also finds that random metal detector searches offer a reasonable means to keep weapons out of the schools and mitigate the fears of the students and staff

Use of Drug-Detection Dogs: In an effort to keep the schools free of drugs, the district may use specially trained non-aggressive dogs to sniff out and alert staff to the presence of substances prohibited by law and Board policy. The dogs may sniff the air around lockers, desks, bags, items, or vehicles on district property or at district-sponsored events as long as they are not allowed to sniff within the close proximity of any student.

Uniform Complaint Procedure: It is the goal of the Fontana Unified School District to ensure compliance with applicable state and federal regulations. For more information regarding Uniform Complaint Procedures or assistance with the process, please call 357-5900 or contact: Fontana Unified School District, PO Box 5090, Fontana, CA 92335-5090



FUSD

FONTANA UNIFIED
SCHOOL DISTRICT

9680 Citrus Avenue • P. O. Box 5090 • Fontana • California 92335-5090 • (909) 357-5000 • www.fusd.net

Nondiscrimination Statement

The Fontana Unified School District prohibits discrimination, intimidation, harassment (including sexual harassment), or bullying based on a person's actual or perceived ancestry, color, disability, race, ethnicity, religion, gender, gender expression, gender identity, immigration status, national origin, sex, sexual orientation, or association with a person or group with one or more of these actual or perceived characteristics. For questions or complaints, contact Equity Compliance Officer: Craig Baker, Associate Superintendent, Student Services at 9680 Citrus Avenue, Fontana CA 92335 (909) 357-5000 extension 29194 TitleIX@fusd.net; Title IX Coordinator, Director, Certificated Human Resources, at 9680 Citrus Avenue, Fontana CA 92335 (909) 357-5000 extension 29045 TitleIX@fusd.net; and 504 Coordinator: Lauri Martin, Director, Online Learning and Alternative Programs, at 9680 Citrus Avenue, Fontana, CA 92335 (909) 357-5000, extension 29077 504Coordinator@fusd.net

Mantenimiento de registros

El superintendente o su designado mantendrán un registro de todos los casos denunciados de discriminación ilegal, incluido el acoso discriminatorio, el acoso sexual, la intimidación o el acoso escolar, para permitir que el distrito controle, aborde y prevenga el comportamiento prohibido repetitivo en las escuelas del distrito. Las quejas de discriminación, acoso, intimidación o acoso ilegales se investigan a través del Proceso Uniforme de Quejas. Para obtener un formulario de queja o información adicional, comuníquese con: Distrito Escolar Unificado de Fontana, Oficial de Cumplimiento de Equidad: Craig Baker, Superintendente Asociado, Servicios Estudiantiles, en 9680 Citrus Avenue, Fontana, CA 92335, (909) 357-5000, extensión 29194, TitleIX@fusd.net; Coordinadora del Título IX: Directora, Recursos Humanos Certificados, 9680 Citrus Avenue, Fontana, CA 92335 (909) 357-5000, extensión 29045, TitleIX@fusd.net; y Lauri Martin, Directora de Programas en Línea y Alternativos, en 9680 Citrus Avenue, Fontana, CA 92335 (909) 357-5000, extensión 29086, 504Coordinator@fusd.net.

BOARD OF EDUCATION

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Telecommunications Device for the Deaf (909) 357-5018



FUSD

FONTANA UNIFIED
SCHOOL DISTRICT

UNIFORM COMPLAINT PROCEDURES (UCP) ANNUAL NOTICE 2025-2026

For stakeholders including students, employees, parents/guardians of its pupils, school and district advisory committee members, appropriate private school officials or representatives, and other interested parties of the Uniform Complaint Procedures (UCP) process.

The Fontana Unified School District (FUSD) has the primary responsibility for compliance with federal and state laws and regulations. The District has established Uniform Complaint Procedures (UCP) to address allegations of unlawful discrimination, harassment, intimidation, and bullying, and complaints alleging violation of state or federal laws governing educational programs, the charging of unlawful pupil fees, and the non-compliance of our Local Control and Accountability Plan (LCAP).

The UCP Annual Notice is also available on our website at www.fusd.net.

The district requires that school personnel take immediate steps to intervene when safe to do so when he or she witnesses an act of discrimination, harassment, intimidation, or bullying. The District will investigate all allegations of unlawful discrimination, harassment, intimidation, or bullying against any protected group as identified in Education Code Sections 200 and 220 and Government Code Section 11135, including any actual or perceived characteristics as set forth in Penal Code section 422.55 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 the District, which is funded directly by, or that receives or benefits from any state financial assistance.

The UCP shall also be used when addressing complaints alleging failure to comply with state and/or federal laws in:

- Accommodations for Pregnant and Parent 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 (LCAP)
- Migrant Education
- Physical Education Instructional Materials
- Pupil Fees
- Reasonable Accommodations to a Lactating Pupil
- Regional Occupational Centers and Programs
- School Plans for Student Achievement
- School Safety Plans
- School Site Councils
- State Preschool
- State Preschool Health and Safety Issues in LEAs Exempt from Licensing

Additionally, any other state or federal education program the State Superintendent of Public Instruction (SSPI) 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 the reviewing authority approves the LCAP or annual update that was adopted by the district.

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 FUSD

Fontana Unified School District will 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 the school district.

We advise complainants of the opportunity to appeal an Investigation Report regarding programs within the scope of the UCP to the California Department of Education (CDE).

We advise complainants of civil law remedies, including, but not limited to, injunctions, restraining orders, or other remedies or orders that may be available under state and federal discrimination, harassment, intimidation, or bullying laws, if applicable.

Copies of our UCP procedures shall be available free of charge.

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 operated in any school in FUSD.

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

Contact Information

Complaints within the scope of the Uniform Complaint Procedures are to be filed with the person responsible for processing complaints:

Equity Office
Associate Superintendent, Student Services
9680 Citrus Avenue
Fontana, CA 92335
(909) 357-5000, ext. 29194
TITLEIX@fUSD.net

Title IX Officer
Executive Director, Certificated Human Resources
9680 Citrus Avenue
Fontana, CA 92335
(909) 357-5000, ext. 29045
TITLEIX@fUSD.net

The above contacts are knowledgeable about the laws and programs they are assigned to investigate in Fontana Unified School District.

A copy of the District's UCP policies and procedures is available free of charge at the District Office or on the District website: www.fUSD.net.



FUSD

FONTANA UNIFIED
SCHOOL DISTRICT

LOS PROCEDIMIENTOS UNIFORMES DE QUEJAS (UCP) AVISO ANUAL 2025-2026

Para las partes interesadas las cuales incluyen a los estudiantes, empleados, padres/tutores legales de los alumnos, comités asesores del distrito, comités asesores de las escuelas, funcionarios o representantes de escuelas particulares y otros grupos de interés

La responsabilidad primordial del Distrito Escolar Unificado de Fontana es el cumplimiento de las leyes y regulaciones federales y estatales. El Distrito ha establecido los Procedimientos Uniformes de Quejas (UCP, por sus siglas en inglés) a fin de abordar alegaciones de discriminación ilegal, hostigamiento, intimidación y acoso escolar y quejas que aleguen el quebrantamiento de las leyes federales o estatales que rigen sobre los programas educativos, el cobro ilegal de cuotas estudiantiles y el incumplimiento de nuestro Plan de Responsabilidad de Control Local (LCAP, por sus siglas en inglés).

La Notificación Anual sobre el UCP se encuentra disponible en nuestra página web www.fusd.net.

El Distrito requiere que el personal de la escuela tome medidas inmediatas para intervenir, cuando sea seguro hacerlo, cuando él o ella presencie un acto de discriminación, hostigamiento, intimidación o de acoso escolar. El Distrito investigará toda alegación de discriminación ilegal, hostigamiento, intimidación o de acoso escolar contra cualquier grupo protegido identificado en la sección 200 y 220 del Código de Educación y en la sección 11135 del Código del Gobierno, incluso cualquier característica, ya sea real o percibida, según lo establecido en la sección 422.55 del Código Penal o en base a la asociación de una persona con una persona o grupo con una o más de estas características, ya sean reales o percibidas, dentro de cualquier programa o actividad dirigida por el Distrito, el cual está financiado de manera directa por o que recibe o se beneficia de cualquier asistencia financiera del estado.

Programas y actividades a los que se aplica el UCP:

- Adaptaciones para las alumnas embarazadas y con hijos
- Educación para adultos
- Educación y seguridad después del horario de clases
- Educación vocacional técnica agrícola
- Educación vocacional técnica y programas de capacitación vocacional técnica
- Cuidado y desarrollo infantil
- Educación compensatoria
- Programas de ayuda categórica consolidados
- Períodos lectivo sin contenido educativo
- La discriminación, el hostigamiento, la intimidación o el acoso contra cualquier grupo protegido según se identifica en las secciones 200, 220 y la Sección 11135 del Código de Gobierno, que incluye cualquier característica
- Requisitos educativos y para la graduación de alumnos en hogares de acogida temporal, alumnos sin vivienda, alumnos que provienen de familias militares, alumnos que anteriormente estuvieron en Correccional de menores y que actualmente están inscritos en el distrito escolar
- Ley cada estudiante triunfa
- Planes de rendición de cuentas con control local
- Educación para alumnos migratorios
- Minutos de instrucción dedicados a la educación física
- Pagos que realizan los alumnos
- Adaptaciones razonables para alumnas en período de lactancia

real o percibida según se establece en la Sección 422.55 del Código Penal, o sobre la base de la asociación de una persona con otro individuo o grupo que tiene una o más de estas características reales o percibidas, en cualquier programa o actividad conducida por una institución educativa, como se define en la Sección 210.3; y que es financiada en forma directa por el Estado, o que recibe o se beneficia de cualquier asistencia financiera estatal.

- Centros y programas regionales ocupacionales
- Planes escolares para el rendimiento estudiantil
- Planes concernientes a la seguridad escolar
- Consejos escolares de cada plantel
- Establecimientos preescolares públicos estatales
- Asuntos relacionados con la seguridad y la salud en los establecimientos preescolares públicos estatales de las LEA, exentos de licencias

Y cualquier otro programa educativo estatal o federal que el Superintendente de instrucción pública del estado (State Superintendent of Public Instruction [SSPI], por sus siglas en inglés) del Departamento de Educación de California (California Department of Education [CDE], por sus siglas en inglés) o su funcionario designado considere apropiado.

Presentación de una queja conforme al UCP

Una queja conforme al UCP deberá presentarse a más tardar un año después de la fecha en que ocurrió la presunta transgresión.

Para las quejas relacionadas con los Planes de rendición de cuentas con control local (Local Control and Accountability Plans [LCAP], por sus siglas en inglés), la fecha de la supuesta transgresión es la fecha en que la autoridad revisora aprueba el LCAP o la fecha de la actualización anual que fue adoptada por nuestra agencia.

Un alumno inscrito en cualquiera de nuestras escuelas públicas no deberá pagar costo alguno por participar en una actividad educativa.

Se puede presentar una queja ante el director de una escuela o ante nuestro superintendente o su funcionario designado en relación con los pagos que realizan los alumnos.

Se puede presentar de forma anónima una queja en relación con los pagos que realizan los alumnos o sobre el LCAP, es decir, sin una firma de identificación, si el reclamante proporciona prueba o información que conduce a la evidencia que respalda una alegación de incumplimiento.

Responsabilidades de FUSD

Publicaremos una notificación estandarizada, además de esta notificación, con los requisitos educativos y de graduación para los alumnos en acogida temporal, alumnos sin vivienda, alumnos que provienen de familias militares, alumnos que estuvieron previamente en el tribunal de menores y actualmente están inscritos en el distrito escolar.

Informamos a los reclamantes sobre la posibilidad de apelar un Informe de Investigación de quejas sobre programas dentro del alcance del UCP ante el Departamento de Educación (Department of Education [CDE], por sus siglas en inglés).

Informamos a los reclamantes sobre los recursos conforme al Derecho Civil, que incluyen mandatos judiciales, órdenes de restricción u otras soluciones y órdenes que pueden estar disponibles bajo las leyes estatales o federales de discriminación, hostigamiento, intimidación o acoso escolar, si corresponden.

Las copias de nuestros procedimientos UCP estarán disponibles gratuitamente.

En cuanto a quejas conforme al UCP relacionadas con problemas de la salud y la seguridad en establecimientos preescolares públicos estatales, de acuerdo con la Sección 1596.7925 del Código de Salud y Seguridad de California (*California Health and Safety Code* [HSC], por sus siglas en inglés)

Con el fin de identificar temas apropiados sobre la salud y la seguridad en establecimientos preescolares públicos estatales de conformidad con la Sección 1596.7925 del *Código de Salud y Seguridad de California* (*California Health and Safety Code* [HSC], por sus siglas en inglés), se colocará un aviso en cada salón de clases de los programas preescolares estatales de California en cada escuela de nuestra agencia.

El aviso es adicional a esta notificación anual sobre el UCP e informa a los padres, tutores, alumnos y maestros sobre (1) los requisitos de salud y seguridad bajo el Título 5 del *Código Procesal de California* (*California Code of Regulations* [5 CCR], por sus siglas en inglés) que se aplican a los programas preescolares públicos del Estado de California, de conformidad con la Sección 1596.7925 del HSC; y (2) la ubicación en la que se puede obtener un formulario para presentar una queja.

Información del contacto

Las quejas dentro del ámbito del UCP deben presentarse ante la persona responsable de procesar las quejas:

Cumplimiento de Equidad
Superintendente Asociado, Servicios Estudiantiles
Certificados
9680 Citrus Avenue
Fontana, CA 92335
(909) 357-5000, ext. 29194
TITLEIX@fUSD.net

Oficina de Título IX
Directora Ejecutiva, Recursos Humanos
9680 Citrus Avenue
Fontana, CA 92335
(909) 357-5000, ext. 29045
TITLEIX@fUSD.net

El contacto anterior conoce las leyes y los programas que se le asignan para investigar en el Distrito Escolar Unificado de Fontana.

Copias de las políticas y procedimientos del UCP del Distrito están disponibles, sin costo alguno, en las oficinas administrativas del Distrito o en el sitio web del Distrito: www.fUSD.net.

Policy 5145.7: Sexual Harassment

Status: ADOPTED

Original Adopted Date: 05/19/1993 | Last Revised Date: 10/21/2020 | Last Reviewed Date: 10/21/2020

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 is addressed through Title IX complaint procedures or uniform complaint procedures, as applicable, and shall offer supportive measures to the complainant.

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

Instruction/Information

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

1. 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 instances 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 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.

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, 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.

Política 5145.7: Acoso sexual

Fecha de adopción original: 19/05/1993 | Fecha última revisión: 21/10/2020 | Fecha de última revisión: 21/10/2020

La Mesa Directiva está comprometida a mantener un ambiente escolar seguro que esté libre de acoso y discriminación. La Junta prohíbe, en la escuela o en actividades patrocinadas por la escuela o relacionadas con la escuela, el acoso sexual dirigido a cualquier estudiante por cualquier persona. La Junta también prohíbe el comportamiento o la acción de represalia contra cualquier persona que denuncie, presente una queja o testifique, o de otra manera apoye a un denunciante en alegaciones de acoso sexual.

El distrito alienta enfáticamente a los estudiantes que sienten que están siendo o han sido acosados sexualmente en los terrenos de la escuela o en una actividad patrocinada o relacionada con la escuela por parte de otro estudiante o un adulto, o que han sufrido acoso sexual fuera del campus que tiene un efecto continuo. efecto en el campus, para comunicarse inmediatamente con su maestro, el director, el Coordinador del Título IX del distrito o cualquier otro empleado escolar disponible. Cualquier empleado que reciba un informe u observe un incidente de acoso sexual deberá notificar al Coordinador del Título IX.

Una vez notificado, el Coordinador del Título IX se asegurará de que la denuncia se aborde a través de los procedimientos de denuncia del Título IX o los procedimientos de denuncia uniforme, según corresponda, y ofrecerá medidas de apoyo al denunciante.

El Superintendente o la persona designada informará a los estudiantes y padres/tutores sobre la política de acoso sexual del distrito difundiendo la a través de notificaciones para padres/tutores, publicándola en el sitio web del distrito e incluyéndola en los manuales para estudiantes y personal. Todo el personal del distrito deberá recibir capacitación sobre la política.

Instrucción/Información

El Superintendente o la persona designada se asegurará de que todos los estudiantes del distrito reciban información apropiada para su edad sobre el acoso sexual. Dicha instrucción e información incluirán:

1. Qué actos y comportamientos constituyen acoso sexual, incluido el hecho de que el acoso sexual podría ocurrir entre personas del mismo sexo y podría implicar violencia sexual
2. Un mensaje claro de que los estudiantes no tienen que soportar el acoso sexual bajo ninguna circunstancia
3. Estímulo para denunciar los casos observados de acoso sexual, incluso cuando la presunta víctima del acoso no se haya quejado.
4. Un mensaje claro de que la seguridad de los estudiantes es la principal preocupación del distrito, y que cualquier violación de la regla por separado que involucre a una presunta víctima o a cualquier otra persona que denuncie un incidente de acoso sexual se abordará por separado y no afectará la forma en que se recibirá la denuncia de acoso sexual. , investigado o resuelto
5. Un mensaje claro de que, independientemente del incumplimiento por parte del denunciante de la escritura, el cronograma u otros requisitos formales de presentación, toda acusación de acoso sexual que involucre a un estudiante, ya sea como denunciante, demandado o víctima del acoso, se investigará y se tomarán medidas. tomarse para responder al acoso, prevenir la recurrencia y abordar cualquier efecto continuo en los estudiantes
6. Información sobre los procedimientos del distrito para investigar quejas y la(s) persona(s) a quien(es) se debe hacer un informe de acoso sexual
7. Información sobre los derechos de los estudiantes y padres/tutores presentar una denuncia civil penal, según corresponda, incluido el derecho a presentar una denuncia civil penal mientras continúa la investigación del distrito sobre una denuncia de acoso sexual.
8. Un mensaje claro de que, cuando sea necesario, el distrito implementará medidas de apoyo para garantizar un ambiente escolar seguro para un estudiante que es denunciante o víctima de acoso sexual y/u otros estudiantes durante una investigación.

Acciones Disciplinarias

Una vez completada la investigación de una denuncia de acoso sexual, cualquier estudiante que se descubra que ha participado en acoso sexual o violencia sexual en violación de esta política estará sujeto a medidas disciplinarias. Para los estudiantes en los grados 4-12, la acción disciplinaria puede incluir suspensión y/o expulsión, siempre que, al imponer tal disciplina, se tengan en cuenta todas las circunstancias del incidente.

Tras la investigación de una denuncia de acoso sexual, cualquier empleado que se descubra que ha participado en acoso sexual o violencia sexual hacia cualquier estudiante estará sujeto a medidas disciplinarias, que pueden incluir el despido, de conformidad con la ley y el convenio colectivo aplicable.

Mantenimiento de registros

De acuerdo con la ley, el Superintendente o su designado mantendrán un registro de todos los casos denunciados de acoso sexual para permitir que el distrito controle, aborde y prevenga el comportamiento de acoso repetitivo en las escuelas del distrito.

Regulation 5145.71: Title IX Sexual Harassment Complaint Procedures

Status: ADOPTED

Original Adopted Date: 08/16/2022 | Last Reviewed Date: 08/16/2022

Administrative Regulation

Title IX Sexual Harassment Complaint Procedures

AR 5145.71

Students

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

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

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

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

Reporting Allegations/Filing a Formal Complaint

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

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

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

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

The Title IX Coordinator, investigator, decision-maker, or 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 right 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 all parties to present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence
2. Not restrict the ability of either party to discuss the allegations under investigation or to gather and present relevant evidence

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

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

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

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

Written Decision

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

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

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

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

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

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

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

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

Appeals

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

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

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

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

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

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

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

Remedies

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

Corrective/Disciplinary Actions

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

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

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

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

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

Record-Keeping

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

1. A record of all reported cases and Title IX investigations of sexual harassment, any determinations of responsibility, any audio or audiovisual recording and transcript if applicable, any disciplinary sanctions imposed, any remedies provided to the complainant, and any appeal or informal resolution and the results therefrom
 2. A record of any actions, including supportive measures, taken in response to a report or formal complaint of sexual harassment, including the district's basis for its conclusion that its response was not deliberately indifferent, the measures taken that were designed to restore or preserve equal access to the education program or activity, and, if no supportive measures were provided to the complainant, the reasons that such a response was not unreasonable in light of the known circumstances
 3. All materials used to train the Title IX Coordinator, investigator(s), decision-maker(s), and any person who facilitates an informal resolution process. The district shall make such training materials publicly available on its web site, or if the district does not maintain a web site, available upon request by members of the public.
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Reglamento Administrativo**Título IX Procedimientos de Quejas de Acoso Sexual****AR 5145.71****Estudiantes**

Los procedimientos de quejas descritos en este reglamento administrativo se utilizarán para abordar cualquier queja regida por el Título IX de las Enmiendas Educativas de 1972 alegando que un estudiante, mientras se encuentra en un programa educativo o actividad en la cual una escuela del distrito ejerce un control sustancial sobre el contexto y el encuestado, fue objeto de una o más de las siguientes formas de acoso sexual: (34 CFR 106.30, 106.44)

1. Un empleado del distrito que condiciona la provisión de una ayuda, beneficio o servicio del distrito a la participación del estudiante en una conducta sexual no deseada
2. Conducta no deseada determinada por una persona razonable como tan grave, generalizada y objetivamente ofensiva que niega efectivamente a un estudiante el acceso equitativo al programa o actividad educativa del distrito.
3. Agresión sexual, violencia en el noviazgo, violencia doméstica o acoso según se define en 20 USC 1092 o 34 USC 12291

Todas las demás quejas o alegaciones de acoso sexual presentadas por o en nombre de los estudiantes se investigarán y resolverán de acuerdo con BP/AR 1312.3 –Procedimientos Uniformes de Quejas. La determinación de si las alegaciones cumplen con la definición de acoso sexual bajo el Título IX será hecha por el Coordinador del Título IX del distrito.

Debido a que el denunciante tiene derecho a presentar una denuncia conforme a BP/AR 1312.3 por cualquier alegación que se desestime o niegue conforme al procedimiento de denuncia del Título IX, el Coordinador del Título IX se asegurará de que todos los requisitos y plazos para BP/AR 1312.3 se cumplan simultáneamente mientras implementa el procedimiento del Título IX.

Informe de denuncias/Presentación de una queja formal

Un estudiante que es la presunta víctima de acoso sexual o el padre/tutor del estudiante puede presentar un informe de acoso sexual al Coordinador del Título IX del distrito utilizando la información de contacto que figura en AR 5145.7 - Acoso sexual o a cualquier otro empleado escolar disponible, quien deberá enviar el informe al Coordinador del Título IX dentro de un día de haber recibido el informe.

Al recibir dicho informe, el Coordinador del Título IX informará al denunciante sobre el derecho a presentar una denuncia formal y el proceso para presentar una denuncia formal. (34 CFR 106.44)

Se puede presentar una queja formal, con la firma física o digital del denunciante, ante el Coordinador del Título IX en persona, por correo, por correo electrónico o por cualquier otro método autorizado por el distrito. (34 CFR 106.30)

Incluso si la presunta víctima elige no presentar una denuncia formal, el Coordinador del Título IX presentará una denuncia formal en situaciones en las que exista una amenaza a la seguridad. Además, el Coordinador del Título IX puede presentar una queja formal en otras situaciones según lo permitido por las reglamentaciones del Título IX, incluso como parte de la obligación del distrito de no ser deliberadamente indiferente a las denuncias conocidas de acoso sexual. En tales casos, el Coordinador del Título IX deberá proporcionar a la presunta víctima avisos según lo exigen las reglamentaciones del Título IX en puntos específicos del proceso de denuncia.

El Coordinador del Título IX, el investigador, el responsable de la toma de decisiones o el facilitador de un proceso de resolución informal no deberá tener un conflicto de intereses o parcialidad a favor o en contra de los denunciantes o demandados en general o de un denunciante o demandado individual. Dichas personas deberán recibir capacitación de acuerdo con 34 CFR 106.45. (34 CFR 106.45)

Medidas de apoyo

Al recibir un informe de acoso sexual del Título IX, el Coordinador del Título IX se comunicará de inmediato con el denunciante para analizar la disponibilidad de medidas de apoyo y considerará los deseos del denunciante con respecto a las medidas de apoyo implementadas. Se ofrecerán medidas de apoyo según corresponda, según estén razonablemente disponibles y sin cargo para el denunciante o el demandado antes o después de la presentación de una denuncia formal o cuando no se haya presentado ninguna denuncia formal. Dichas medidas serán no disciplinarias, no punitivas y diseñadas para restaurar o preservar la igualdad de acceso al programa o actividad educativa del distrito sin sobrecargar injustificadamente a la otra parte, incluidas las medidas diseñadas para proteger la seguridad de todas las partes o el entorno educativo del distrito o para disuadir el acoso sexual. Las medidas de apoyo pueden incluir, entre otras, asesoramiento, ajustes relacionados con el curso, modificaciones de los horarios de clases, restricciones mutuas de contacto, mayor seguridad y vigilancia de ciertas áreas del campus. (34 CFR 106.30, 106.44)

El distrito mantendrá confidencial cualquier medida de apoyo brindada al denunciante o al demandado, en la medida en que mantener dicha confidencialidad no perjudique la capacidad del distrito para proporcionar las medidas de apoyo. (34 CFR 106.30)

Retiro de emergencia de la escuela

Un estudiante no será disciplinado por presunto acoso sexual bajo el Título IX hasta que se haya completado la investigación. Sin embargo, en caso de emergencia, el distrito puede retirar a un estudiante del programa o actividad educativa del distrito, siempre que el distrito realice un análisis individualizado de seguridad y riesgo, determine que la remoción está justificada debido a una amenaza inmediata a la salud o seguridad física de cualquier estudiante u otra persona que surja de las alegaciones, y proporciona al estudiante un aviso y la oportunidad de impugnar la decisión

inmediatamente después de la expulsión. Esta autoridad para remover a un estudiante no modifica el derecho del estudiante bajo la Ley de Educación para Individuos con Discapacidades o la Sección 504 de la Ley de Rehabilitación de 1973. (34 CFR 106.44)

Si un empleado del distrito es el demandado, el empleado puede ser puesto en licencia administrativa durante la tramitación del proceso de queja formal. (34 CFR 106.44)

Desestimación de la denuncia

El Coordinador del Título IX desestimará una queja formal si la supuesta conducta no constituiría acoso sexual según se define en 34 CFR 106.30, incluso si se prueba. El Coordinador del Título IX también deberá desestimar cualquier queja en la que la supuesta conducta no ocurrió en el programa o actividad educativa del distrito o no ocurrió contra una persona en los Estados Unidos, y puede desestimar una queja formal si el denunciante notifica al distrito por escrito que al denunciante le gustaría retirar la denuncia o cualquier alegato en la denuncia, el demandado ya no está inscrito o empleado por el distrito, o circunstancias suficientes impiden que el distrito reúna pruebas suficientes para llegar a una determinación con respecto a la denuncia. (34 CFR 106.45)

Al momento de la desestimación, el Coordinador del Título IX enviará de inmediato notificación por escrito de la desestimación y las razones de la desestimación simultáneamente a las partes, y les informará de su derecho a apelar la desestimación de una denuncia formal o cualquier alegato en la denuncia de conformidad con los procedimientos de apelación descritos en la sección "Apelaciones" a continuación. (34 CFR 106.45)

Si se desestima una queja, la conducta aún puede abordarse de conformidad con BP/AR 1312.3 - Procedimientos Uniformes de Quejas, según corresponda.

Proceso de resolución informal

Cuando se presenta una denuncia formal de acoso sexual, el distrito puede ofrecer un proceso de resolución informal, como la mediación, en cualquier momento antes de llegar a una determinación con respecto a la responsabilidad. El distrito no requerirá que una parte participe en el proceso de resolución informal o que renuncie al derecho a una investigación y adjudicación de una queja formal. (34 CFR 106.45)

El distrito puede facilitar un proceso de resolución informal siempre que el distrito: (34 CFR 106.45)

1. Proporciona a las partes un aviso por escrito que revela las alegaciones, los requisitos del proceso de resolución informal, el derecho a retirarse del proceso informal y reanudar el proceso de queja formal, y cualquier consecuencia que resulte de participar en el proceso de resolución informal, incluido que los registros serán mantenidos o podría ser compartido.
2. Obtiene el consentimiento voluntario por escrito de las partes para el proceso de resolución informal

3. No ofrece ni facilita un proceso de resolución informal para resolver acusaciones de que un empleado acosó sexualmente a un estudiante

Aviso por escrito

Si se presenta una queja formal, el Coordinador del Título IX proporcionará a las partes conocidas un aviso por escrito de lo siguiente: (34 CFR 106.45)

1. El proceso de quejas del distrito, incluido cualquier proceso de resolución informal
2. Las acusaciones que potencialmente constituyen acoso sexual con suficientes detalles conocidos en ese momento, incluida la identidad de las partes involucradas en el incidente, si se conocen, la conducta que supuestamente constituye acoso sexual y la fecha y el lugar del presunto incidente, si se conocen. Dicha notificación se proporcionará con tiempo suficiente para que las partes preparen una respuesta antes de cualquier entrevista inicial.

Si, durante el curso de la investigación, surgen nuevas alegaciones del Título IX sobre el denunciante o el demandado que no están incluidas en el aviso inicial, el Coordinador del Título IX notificará las alegaciones adicionales a las partes.

3. Una declaración de que se presume que el demandado no es responsable de la conducta alegada y que se toma una determinación con respecto a la responsabilidad al concluir el proceso de denuncia.
4. La oportunidad para las partes de tener un asesor de su elección que puede ser, pero no está obligado a ser, un abogado, y la capacidad de inspeccionar y revisar la evidencia.
5. La prohibición de hacer declaraciones falsas a sabiendas o presentar información falsa a sabiendas durante el proceso de queja

El aviso anterior también incluirá el nombre del investigador, facilitador de un proceso informal y responsable de la toma de decisiones, y deberá informar a las partes que, si en algún momento una de las partes tiene inquietudes sobre un conflicto de intereses o parcialidad con respecto a cualquiera de estas personas, la parte debe notificar inmediatamente al Coordinador del título IX.

Procedimientos de investigación

Durante el proceso de investigación, el investigador designado por el distrito deberá: (34 CFR 106.45)

1. Proporcionar igualdad de oportunidades para que todas las partes presenten testigos, incluidos testigos de hechos y expertos, y otras pruebas inculpatorias y exculpatorias.
2. No restringir la capacidad de cualquiera de las partes para discutir las acusaciones bajo investigación o para recopilar y presentar evidencia relevante
3. Brindar a las partes las mismas oportunidades de tener a otros presentes durante cualquier procedimiento de queja, incluida la oportunidad de estar acompañados a cualquier reunión o procedimiento relacionado por el asesor de su elección, que puede ser, pero no está obligado a ser, un abogado.
4. No limitar la elección o presencia de un asesor para el denunciante o el demandado en cualquier reunión o procedimiento de queja, aunque el distrito puede establecer restricciones con respecto a la medida en que el asesor puede participar en los procedimientos, siempre que las restricciones se apliquen por igual a ambas partes.
5. Proporcionar, a una parte cuya participación se invita o se espera, notificación por escrito de la fecha, hora, lugar, participantes y propósito de todas las entrevistas de investigación u otras reuniones, con tiempo suficiente para que la parte se prepare para participar.
6. Enviar en formato electrónico o en papel a ambas partes y a sus asesores, si los hubiere, las pruebas obtenidas como parte de la investigación que tengan relación directa con los alegatos planteados en la denuncia, y otorgar a las partes por lo menos 10 días para que presenten un escrito. respuesta para que el investigador la considere antes de completar el informe de investigación

7. Evaluar objetivamente todas las pruebas pertinentes, incluidas las pruebas inculpatorias y exculpatorias, y determinar la credibilidad de una manera que no se base en el estado de una persona como denunciante, demandado o testigo.
8. Crear un informe de investigación que resuma de manera justa la evidencia relevante y, por lo menos 10 días antes de la determinación de la responsabilidad, enviar a las partes y sus asesores, si los hubiere, el informe de investigación en formato electrónico o en copia impresa, para su revisión y por escrito. respuesta

Las preguntas y las pruebas sobre la predisposición sexual o el comportamiento sexual anterior del denunciante no son pertinentes, a menos que dichas preguntas y pruebas se ofrezcan para probar que alguien que no es el demandado cometió la conducta alegada por el denunciante o si las preguntas y las pruebas se refieren a incidentes específicos de la conducta del denunciante. comportamiento sexual previo con respecto al encuestado y se ofrecen para probar el consentimiento. (34 CFR 106.45)

Los derechos de privacidad de todas las partes de la queja se mantendrán de acuerdo con las leyes estatales y federales aplicables.

Si la denuncia es contra un empleado, se aplicarán los derechos conferidos en virtud de un convenio colectivo aplicable en la medida en que no entren en conflicto con los requisitos del Título IX.

Decisión escrita

El Superintendente designará a un empleado como responsable de la toma de decisiones para determinar la responsabilidad por la supuesta conducta, que no podrá ser el Coordinador del Título IX ni una persona involucrada en la investigación del asunto. (34 CFR 106.45)

Después de que se haya enviado el informe de investigación a las partes, pero antes de llegar a una determinación con respecto a la responsabilidad, la persona que toma la decisión le dará a cada parte la oportunidad de presentar por escrito las preguntas pertinentes que la parte quiera que se le hagan a cualquier parte o testigo. proporcionar a cada parte las respuestas y permitir preguntas de seguimiento adicionales y limitadas de cada parte.

La persona que toma la decisión deberá emitir, y proporcionar simultáneamente a ambas partes, una decisión por escrito sobre si el demandado es responsable de la conducta alegada. (34 CFR 106.45)

La decisión por escrito se emitirá dentro de los 60 días naturales siguientes a la recepción de la denuncia.

El plazo puede extenderse temporalmente por una buena causa con notificación por escrito al denunciante y al demandado de la extensión y las razones de la acción. (34 CFR 106.45)

Al tomar esta determinación, quien toma la decisión deberá usar el estándar de "preponderancia de la evidencia" para todas las denuncias formales de acoso sexual. Se utilizará el mismo estándar de evidencia para las quejas formales contra los estudiantes que para las quejas contra los empleados. (34 CFR 106.45)

La decisión escrita deberá incluir lo siguiente: (34 CFR 106.45)

1. Identificación de las acusaciones que potencialmente constituyen acoso sexual según se define en 34 CFR 106.30
2. Una descripción de los pasos procesales tomados desde la recepción de la queja formal hasta la decisión por escrito, incluidas las notificaciones a las partes, las entrevistas con las partes y los testigos, las visitas al sitio, los métodos utilizados para recopilar otras pruebas y las audiencias celebradas si el distrito incluye audiencias como parte del proceso de queja
3. Hallazgos de hecho que respaldan la determinación
4. Conclusiones sobre la aplicación del código de conducta o políticas del distrito a los hechos
5. Una declaración y justificación del resultado de cada alegación, incluida una decisión con respecto a la responsabilidad, cualquier sanción disciplinaria que el distrito imponga al demandado y si se aplicarán remedios diseñados para restaurar o preservar la igualdad de acceso al programa o actividad educativa del distrito. proporcionado por el distrito al denunciante
6. Los procedimientos del distrito y las bases permitidas para que el denunciante y el demandado apelen

Apelaciones

Cualquiera de las partes puede apelar la decisión del distrito o la desestimación de una queja formal o cualquier alegato en la queja, si la parte cree que una irregularidad procesal afectó el resultado, hay nueva evidencia disponible que podría afectar el resultado, o un conflicto de interés o parcialidad. por el Coordinador del Título IX, los investigadores o los responsables de la toma de decisiones afectaron el resultado. Si se presenta una apelación, el distrito deberá: (34 CFR 106.45)

1. Notificar a la otra parte por escrito cuando se presenta una apelación e implementar procedimientos de apelación por igual para ambas partes
2. Asegúrese de que las personas encargadas de tomar decisiones para la apelación estén capacitadas de acuerdo con 34 CFR 106.45 y no sean las mismas personas que tomaron decisiones que llegaron a la determinación con respecto a la responsabilidad o el despido, los investigadores o el Título IX. Coordinador
3. Brinde a ambas partes una oportunidad razonable e igualitaria para presentar una declaración por escrito en apoyo o impugnación del resultado.
4. Emitir una decisión por escrito que describa el resultado de la apelación y la justificación del resultado
5. Proporcionar la decisión por escrito simultáneamente a ambas partes.

El recurso debe interponerse por escrito dentro de los 10 días naturales siguientes a la recepción de la notificación de la decisión o desestimación, expresando los motivos del recurso e incluyendo cualquier documentación pertinente que sustente el recurso. Las apelaciones presentadas después de este plazo no son oportunas y no serán consideradas.

Se proporcionará una decisión por escrito a las partes dentro de los 20 días calendario a partir de la recepción de la apelación.

La decisión del distrito puede apelarse ante el Departamento de Educación de California dentro de los 30 días posteriores a la decisión por escrito de acuerdo con BP/AR 1312.3.

Cualquiera de las partes tiene derecho a presentar una queja ante la Oficina de Derechos Civiles del Departamento de Educación de EE. UU. dentro de los 180 días posteriores a la fecha de la supuesta mala conducta más reciente.

Se informará al denunciante sobre cualquier recurso de derecho civil, incluidos, entre otros, interdictos, órdenes de restricción u otros recursos u órdenes que puedan estar disponibles en virtud de las leyes antidiscriminatorias estatales o federales, si corresponde.

Remedios

Cuando se haya hecho una determinación de responsabilidad por acoso sexual contra el demandado, el distrito proporcionará remedios al denunciante. Dichos recursos pueden incluir los mismos servicios individualizados descritos anteriormente en la sección "Medidas de apoyo", pero no es necesario que no sean disciplinarios ni punitivos, y no es necesario que eviten una carga para el demandado. (34 CFR 106.45)

Acciones correctivas/disciplinarias

El distrito no impondrá sanciones disciplinarias u otras acciones contra un demandado, aparte de las medidas de apoyo descritas anteriormente en la Sección "Medidas de apoyo", hasta que se haya completado el procedimiento de queja y se haya hecho una determinación de responsabilidad. (34 CFR 106.44)

Para estudiantes en los grados 4-12, la disciplina por acoso sexual puede incluir suspensión y/o expulsión. Después de completar el procedimiento de denuncia, si se determina que un estudiante en cualquier nivel de grado ha cometido agresión sexual o agresión sexual en la escuela o en una actividad escolar fuera de la escuela, el director o el superintendente suspenderá inmediatamente al estudiante y recomendará la expulsión. (Código de Educación 48900.2, 48915)

Otras acciones que se pueden tomar con un estudiante que se determina que es responsable de acoso sexual incluyen, pero no se limitan a:

1. Transferencia de una clase o escuela según lo permita la ley
2. Conferencia de padres/tutores
3. Educación del estudiante sobre el impacto de la conducta en los demás.
4. Apoyo al comportamiento positivo
5. Remisión del estudiante a un equipo de éxito estudiantil
6. Denegación de participación en actividades extracurriculares o cocurriculares u otros privilegios permitidos por la ley

Cuando se determina que un empleado ha cometido acoso sexual o represalias, el distrito tomará las medidas disciplinarias correspondientes, que pueden incluir el despido, de conformidad con la ley aplicable y el convenio colectivo de trabajo.

Mantenimiento de Registros

El Superintendente o su designado deberá mantener, por un período de siete años: (34 CFR 106.45)

1. Un registro de todos los casos denunciados e investigaciones del Título IX de acoso sexual, cualquier determinación de responsabilidad, cualquier grabación y transcripción de audio o audiovisual, si corresponde, cualquier sanción disciplinaria impuesta, cualquier recurso proporcionado al denunciante, y cualquier apelación o resolución informal y los resultados de eso
2. Un registro de cualquier acción, incluidas las medidas de apoyo, tomadas en respuesta a un informe o queja formal de acoso sexual, incluida la base del distrito para su conclusión de que su respuesta no fue deliberadamente indiferente, las medidas tomadas que fueron diseñadas para restaurar o preservar la igualdad de acceso al programa o actividad educativa y, si no se proporcionaron medidas de apoyo al denunciante, las razones por las que tal respuesta no fue irrazonable a la luz de las circunstancias conocidas
3. Todos los materiales utilizados para capacitar al Coordinador del Título IX, a los investigadores, a los responsables de la toma de decisiones y a cualquier persona que facilite un proceso de resolución informal. El distrito pondrá dichos materiales de capacitación a disposición del público en su sitio web o, si el distrito no mantiene un sitio web, estará disponible a pedido de los miembros del público.

Descargo de responsabilidad de referencia de política:

Estas referencias no pretenden ser parte de la política en sí, ni indican la base o la autoridad para que la junta promulgue esta política. En cambio, se proporcionan como recursos adicionales para aquellos interesados en el tema de la política.

Estado	Descripción
5 CCR 4600-4670	<u>Procedimientos uniformes de denuncia</u>
5 CCR 4900-4965	<u>No discriminación en los programas educativos de primaria y secundaria que reciben asistencia financiera estatal o federal</u>
civ. Código 1714.1	<u>Responsabilidad del padre o tutor por acto doloso de un menor</u>
civ. Código 51.9	<u>Responsabilidad por acoso sexual; relaciones comerciales, de servicio y profesionales</u>
ed. Código 200-262.4	<u>Prohibición de la discriminación por razón de sexo</u>
ed. Código 200-262.4	<u>Prohibición de la discriminación</u>
ed. Código 48900	<u>Motivos de suspensión o expulsión</u>
	Descripción
ed. Código 48900.2	<u>Motivos adicionales para suspensión o expulsión; Acoso sexual</u>
ed. Código 48985	<u>Avisos a los padres en un idioma que no sea inglés</u>
Código de Gobierno 12950.1	<u>Capacitación sobre acoso sexual</u>

Federal

Descripción

20 USC 1092

Definición de agresión sexual

20 USC 1221

Aplicación de leyes

20 USC 1232g

Ley de Privacidad y Derechos Educativos de la Familia (FERPA) de 1974

20 USC 1681-1688

Título IX de las Enmiendas Educativas de 1972; discriminación basada en el sexo

34 CFR 106.1-106.82

No discriminación por razón de sexo en los programas educativos

34 CFR 99.1-99.67

Privacidad y derechos educativos de la familia

34 USC 12291

Definición de violencia en el noviazgo, violencia doméstica y acoso

42 USC 1983

Acción civil por privación de derechos

42 USC 2000d-2000d-7

Título VI, Ley de Derechos Civiles de 1964

42 USC 2000e-2000e-17

Título VII, Ley de Derechos Civiles de 1964, según enmendada

Recursos de gestión

Descripción

Decision de la Corte

Davis contra la Junta de Educación del Condado de Monroe, (1999) 526 US 629

Decision de la Corte

Doe v. Distrito Escolar de la Ciudad de Petaluma, (1995, 9th Cir.) 54 F.3d 1447

Recursos de gestión	Descripción
Decision de la Corte	<u>Gebser v. Distrito Escolar Independiente de Lago Vista, (1998) 524 US 274</u>
Decision de la Corte	<u>Oona por Kate S. v. McCaffrey, (1998, 9th Cir.) 143 F.3d 473</u>
Decision de la Corte	<u>Reese v. Distrito Escolar de Jefferson, (2001, 9th Cir.) 208 F.3d 736</u>
Decision de la Corte	<u>Donovan v. Distrito Escolar Unificado de Poway, (2008) 167 Cal.App.4th 567</u>
Decision de la Corte	<u>Flores v. Distrito Escolar Unificado de Morgan Hill, (2003, 9th Cir.) 324 F.3d 1130</u>
Publicación de CSBA	<u>Brindar un entorno escolar seguro y no discriminatorio para estudiantes transgénero y no conformes con el género. Resumen de políticas, febrero de 2014</u>
Publicación de CSBA	<u>Escuelas Seguras: Estrategias para las Juntas Directivas para Asegurar el Éxito Estudiantil, 2011</u>
registro Federal	<u>No discriminación por motivos de sexo en programas educativos o actividades que reciben asistencia financiera federal, 19 de mayo de 2020, vol. 85, n°97, páginas 30026-30579</u>
DOE de EE. UU., Publicación de la Oficina de Derechos Civiles	<u>Acoso sexual: no es académico, septiembre de 2008</u>
DOE de EE. UU., Publicación de la Oficina de Derechos Civiles	<u>Preguntas y respuestas sobre conducta sexual inapropiada en el campus, septiembre de 2017</u>
DOE de EE. UU., Publicación de la Oficina de Derechos Civiles	<u>Guía revisada sobre acoso sexual: acoso de estudiantes</u>

Recursos de gestión

Descripción

DOE de EE. UU., Publicación de la Oficina de Derechos Civiles	<u>por parte de empleados escolares, otros estudiantes o terceros, enero de 2001</u>
DOE de EE. UU., Publicación de la Oficina de Derechos Civiles	<u>Carta a los queridos colegas: Coordinadores del Título IX, abril de 2015</u>
Sitio web	<u>Ejemplos de políticas y prácticas emergentes para apoyar a estudiantes transgénero, mayo de 2016</u>
Sitio web	<u>Servicios Legales de la Oficina de Educación del Distrito y del Condado de CSBA</u>
Sitio web	<u>Departamento de Educación de California</u>
Sitio web	<u>CSBA</u>
Sitio web	<u>Departamento de Educación de EE. UU., Oficina de Derechos Civiles</u>

Referencias cruzadas

Código	Descripción
0410	<u>No Discriminación en Programas y Actividades del Distrito</u>
1312.3	<u>Procedimientos Uniformes de Quejas</u>
1312.3	<u>Procedimientos Uniformes de Quejas</u>
3552	<u>Programa de comidas de verano</u>
3552	<u>Programa de comidas de verano</u>
3580	<u>Registros del distrito</u>
3580	<u>Registros del distrito</u>
4117.7	<u>Informes de estado de empleo</u>
4118	<u>Despido/Suspensión/Acción Disciplinaria</u>

Código	Descripción
4118	<u>Despido/Suspensión/Acción Disciplinaria</u>
4119.11	<u>Acoso sexual</u>
4119.11	<u>Acoso sexual</u>
4131	<u>Personal de desarrollo</u>
4218	<u>Despido/Suspensión/Acción Disciplinaria</u>
4219.11	<u>Acoso sexual</u>
4219.11	<u>Acoso sexual</u>
4317.7	<u>Informes de estado de empleo</u>
4319.11	<u>Acoso sexual</u>
4319.11	<u>Acoso sexual</u>
5030	<u>Bienestar Estudiantil</u>
5141.4	<u>Prevención y denuncia del abuso infantil</u>
5141.4	<u>Prevención y denuncia del abuso infantil</u>
5141.52	<u>Prevención del Suicidio</u>
5141.52	<u>Prevención del Suicidio</u>
5144	<u>Disciplina</u>
5144	<u>Disciplina</u>
5144.1	<u>Suspensión y Expulsión/Debido Proceso</u>
5144.1	<u>Suspensión y Expulsión/Debido Proceso</u>
5145.3	<u>No discriminación/Acoso</u>
5145.3	<u>No discriminación/Acoso</u>
5145.7	<u>Acoso sexual</u>
5145.7	<u>Acoso sexual</u>
5145.9	<u>Comportamiento motivado por el odio</u>
6145	<u>Actividades extracurriculares y cocurriculares</u>

Código**Descripción**

6145	<u>Actividades extracurriculares y cocurriculares</u>
6159	<u>Programa de Educación Individualizado</u>
6159	<u>Programa de Educación Individualizado</u>
6164.6	<u>Identificación y educación bajo la Sección 504</u>
6164.6	<u>Identificación y educación bajo la Sección 504</u>

**NOTICE OF PROCEDURAL RIGHTS AND SAFEGUARDS FOR PARENT AND STUDENT RIGHTS
UNDER SECTION 504, THE REHABILITATION ACT OF 1973**

The Rehabilitation Act of 1973, commonly referred to as “Section 504,” is a nondiscrimination statute enacted by the United States Congress. The purpose of the Act is to prohibit discrimination and to assure that disabled students have educational opportunities and benefits equal to those provided to non-disabled students.

An eligible student under Section 504 is a student who (a) has, (b) has a record of having, or (c) is regarded as having, a physical or mental impairment which substantially limits a major life activity such as learning, self-care, walking, seeing, hearing, speaking, breathing, working, and performing manual tasks.

Dual Eligibility: Many students will be eligible for educational services under both Section 504 and the Individuals with Disabilities Act (IDEA). Students who are eligible under the IDEA have many specific rights that are not available to students who are eligible solely under Section 504. It is the purpose of this Notice form to set out the rights assured by Section 504 to those disabled students who do not qualify under the IDEA.

The enabling regulations for Section 504 as set out in 34 CFR Part 104 provides parents and/or students with the following rights:

1. You have a right to be informed by the school district of your rights under Section 504. (The purpose of this Notice form is to advise you of those rights) 34 CFR 104.32.
2. Your child has the right to an appropriate education designed to meet his/her individual educational needs as adequately as the needs of no disabled students are met. 34 CFR 104.33
3. Your child has the right to free educational services except for those fees that are imposed on non-disabled students or their parents. Insurers and similar third parties are not relieved from an otherwise valid obligation to provide or pay for services provided to a disabled student. 34 CFR 104.33.
4. Your child has a right to placement in the least restrictive environment. 34 CFR 104.34.
5. Your child has a right to facilities, services, and activities that are comparable to those provided for non-disabled students. 34 CFR 104.34.
6. Your child has a right to an evaluation prior to an initial Section 504 placement and any subsequent significant change in placement. 34 CFR 104.35.
7. Testing and other evaluation procedures must conform with the requirements of 34 CFR 104.35 as to validation, administration, areas of evaluation, etc., The district shall consider information from a variety of sources, including aptitude and achievement tests, teacher recommendations, physical condition, social and cultural background, adaptive behavior, physical or medical reports, student grades, progress reports, parent observations, anecdotal reports, and MAPS/CAASPP scores. 34 CFR 104.35.

8. Placement decisions must be made by a group of persons (i.e., the Section 504 Committee), including persons knowledgeable about your child, the meaning of the evaluation data, the placement options, and the legal requirements for least restrictive environment and comparable facilities. 34 CFR 104.35.
9. If eligible under Section 504, your child has a right to periodic reevaluations, generally every three years. 34 CFR 104.35.
10. You have the right to notice prior to any action by the district regarding the identification, evaluation, or placement of your child. 34 CFR 104.36.
11. You have the right to examine relevant records. 34 CFR 104.36.
12. You have the right to an impartial hearing with respect to the district's actions regarding your child's identification, evaluation, or educational placement, with opportunity for parental participation in the hearing and representation by an attorney. 34 CFR 104.36.
13. If you wish to challenge the actions of the district's Section 504 Committee regarding your child's identification, evaluation, or educational placement, you should file a written Notice of Appeal with the district's Section 504 Coordinator (Coordinator of Alternative Education, 9680 Citrus Avenue, Building B, Fontana, CA (909) 357-5000 Ext. 29077) within ten (10) calendar days from the time you received written notice of the Section 504 Committee's action(s). A hearing will be scheduled before an impartial hearing officer and you will be notified in writing of the date, time, and place for the hearing.
14. If you disagree with the decision of the impartial hearing officer, you have a right to a review of that decision by a court of competent jurisdiction. 34 CFR 104.36.
15. On Section 504 matters other than your child's identification, evaluation, and placement, you have a right to file a complaint with the district's Section 504 Coordinator (or designee), who will investigate the allegations to the extent warranted by the nature of the complaint to reach a prompt and equitable resolution.
16. You also have a right to file a complaint with the Office of Civil Rights. The address of the Regional Office which covers California is:

United States Department of Education

Office for Civil Rights, Region IX Old Federal Building

50 United Nations Plaza, Room 239 San Francisco, California 94102

**AVISO SOBRE LOS DERECHOS Y GARANTÍAS PROCESALES DE LOS PADRES Y LOS DERECHOS DEL
ESTUDIANTE BAJO LA SECCIÓN 504, LA LEY DE REHABILITACIÓN DE 1973**

La Ley de Rehabilitación de 1973, comúnmente conocida como la "Sección 504", es un estatuto de no discriminación promulgado por el Congreso de los Estados Unidos. El propósito de la ley es prohibir la discriminación y asegurar que los estudiantes con discapacidades tengan oportunidades y beneficios educativos como los que se les proporcionan a los estudiantes sin discapacidad.

Un estudiante que califica bajo la Sección 504 es un estudiante que (a) tiene, (b) tiene un historial de o (c) se le considera que tiene, un impedimento físico o mental el cual limita considerablemente una actividad importante de la vida diaria como el aprendizaje, cuidado personal, caminar, ver, escuchar, hablar, respirar, trabajar y el poder hacer tareas manuales.

Doble elegibilidad: Varios estudiantes calificarán para los servicios educativos bajo ambas categorías, la Sección 504 y la Ley para Personas con Discapacidad (IDEA). Los estudiantes que califican bajo la ley IDEA tienen varios derechos específicos que no están disponibles para los estudiantes que solamente califican bajo la Sección 504. El propósito de este aviso es presentar los derechos que la Sección 504 garantiza para aquellos estudiantes con discapacidad que no califican bajo la ley IDEA.

Los reglamentos habilitantes de la Sección 504 tal y como se presentan en 34 CFR parte 104, le proporcionan a los padres y/o a los estudiantes los siguientes derechos:

1. Usted tiene el derecho a que el distrito escolar le informe sobre sus derechos bajo la Sección 504. (El propósito de este aviso es informarle de esos derechos) 34 CFR 104.32.
2. Su hijo tiene el derecho a una educación apropiada diseñada para el cumplimiento de sus necesidades educativas individuales de manera adecuada tal y como se cumplen las necesidades de estudiantes sin discapacidad. 34 CFR 104.33
3. Su hijo tiene el derecho a servicios educativos gratuitos, salvo aquellos gastos que se les imponen a los estudiantes sin discapacidad o a sus padres. Las aseguradoras y terceras partes semejantes no están exentas de obligaciones que de otra manera sean válidas para proporcionar o pagar por servicios que se le proporcionen a un estudiante con discapacidad. 34 CFR 104.33.
4. Su hijo tiene el derecho a una colocación dentro del entorno menos restrictivo. 34 CFR 104.34.
5. Su hijo tiene el derecho a instalaciones, servicios y actividades que sean comparables a las que se les proporcionan a los estudiantes sin discapacidad. 34 CFR 104.34.
6. Su hijo tiene el derecho a una evaluación antes de una colocación inicial de la Sección 504 o cualquier cambio subsiguiente significativo en la colocación. 34 CFR 104.35.
7. Los exámenes y otros procedimientos de evaluación deben cumplir con los requisitos de 34 CFR 104.35 en cuanto a la autenticación, administración, áreas de evaluación, etc., El distrito deberá considerar información proveniente de diversas fuentes, incluyendo exámenes de aptitud y rendimiento, recomendaciones de los maestros, estado físico, antecedentes sociales y culturales, comportamiento adaptativo, informes físicos o médicos, calificaciones del estudiante, informes de progreso, observaciones del padre de familia, informes anecdóticos y resultados de las pruebas MAPS/CAASPP. 34 CFR 104.35.

8. Las decisiones con respecto a la colocación se deben tomar por un grupo de personas (i.e., el Comité de la Sección 504), que incluya personas con conocimiento de su hijo, del significado de los datos de las evaluaciones, de las opciones en cuanto a las colocaciones y de los requisitos legales con respecto a los entornos menos restrictivos e instalaciones comparables. 34 CFR 104.35.
9. Si su hijo califica bajo la Sección 504, él o ella tiene el derecho a reevaluaciones periódicas, por lo general cada tres años. 34 CFR 104.35.
10. Usted tiene el derecho a tener un aviso antes de que el distrito tome cualquier acción con respecto a la identificación, evaluación o colocación de su hijo. 34 CFR 104.36.
11. Usted tiene el derecho a revisar los registros relevantes. 34 CFR 104.36.
12. Usted tiene el derecho a una audiencia imparcial con respecto a las acciones del distrito con relación a la identificación, evaluación o colocación educativa de su hijo, con la oportunidad para la participación de los padres en la audiencia y de ser representado por un abogado. 34 CFR 104.36.
13. Si usted desea impugnar las acciones del Comité de la Sección 504 del distrito con relación a la identificación, evaluación o colocación educativa de su hijo, deberá presentar una apelación por escrito con el coordinador de la Sección 504 del distrito (coordinador de Educación Alternativa, 9680 Citrus Avenue, Edificio B, Fontana, CA (909) 357-5000 Ext. 29077) dentro de un plazo de diez (10) días calendario después de haber recibido su notificación por escrito sobre la(s) acción(es) del Comité de la Sección 504. Se programará una audiencia ante un funcionario de audiencias imparcial y se le notificará por escrito la fecha, hora y lugar en que se celebrará la audiencia.
14. Si usted no está de acuerdo con la decisión del funcionario de audiencias imparcial, usted tiene el derecho a que esa decisión se revise por un tribunal con jurisdicción competente. 34 CFR 104.36.
15. Con respecto a asuntos de la Sección 504 aparte de la identificación, evaluación y colocación de su hijo, usted tiene el derecho a presentar una queja con el coordinador de la Sección 504 del distrito (o persona designada), que investigará las acusaciones hasta donde se le permite de acuerdo a la índole de la queja para lograr una resolución rápida y equitativa.
16. Usted también tiene el derecho a presentar una queja con la Oficina de Derechos Civiles. La dirección de la oficina regional a cargo de California es:

United States Department of Education

Office for Civil Rights, Region IX Old Federal Building

50 United Nations Plaza, Room 239 San Francisco, California 94102