

# Shelly Baird School

PARENT/GUARDIAN & STUDENT HANDBOOK

2025-2026



Shelly Baird School  
959 Katie Hammond Way  
Hanford, CA 93230  
<https://www.kingscoe.org/Page/338>  
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## ***Welcome to School Year 2025 - 2026***

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Amber Jennings, Program Manager; Shelly Baird

Kim Paz, Program Manager; Shelly Baird

Caitlyn Smith, Program Manager; Shelly Baird

Dr. Michelle Bailey, Program Manager; SELPA

### **Shelly Baird Office Staff**

Heather Cripe, Analyst

Brandi Miranda, Special Education Technician

Sonia Gomez, Secretary

Johanna Panduro, Secretary

Patricia Hernandez, Substitute Caller

## **PARENTS/GUARDIANS:**

Please keep this Parent/Guardian & Student Notification and Information Handbook in a convenient location for future reference. If an additional copy of this handbook is needed, contact the Shelly Baird Office or visit the Shelly Baird website at <https://www.kingscoe.org/Page/338> This handbook is available in Spanish.

Este manual está disponible en español. Para obtener una copia, favor de comunicarse con la oficina de Shelly Baird.

Pursuant to EDC 48980, each school district must notify parents and guardians of their legal rights and obligations relating to specified programs or activities at the beginning of the first semester or quarter of the regular school term. The following outline summarizes those programs and activities.

## **PARENT & STUDENT HANDBOOK ANNUAL NOTIFICATIONS**

This is the annual notice to parents/guardians of students enrolled in schools and programs operated by the Kings County Office of Education (hereinafter referred to as KCOE). This notice, which is required by Educational Code 48980, provides important information about federal and state laws, as well as adopted policies and procedures relating to the rights and responsibilities of KCOE students and their parents/guardians.

Please review this information carefully as it applies directly to you and your child's participation in our educational programs and activities. If you have any questions, or if you would like to review specific documents mentioned in the notice, please contact your school administrator, who will be able to give you more detailed information and assist you in obtaining copies of any materials you wish to review.

Please complete the "Acknowledgment of Receipt and Review" tear-off form on the back cover and return it to your child's school.

The Annual Notification includes information on the following:

- Immunizations (Health Code, Title 17, Chapter 4, Section 6000)
- Administration of Medication at School
- Student Insurance
- Harassment/Bullying
- Access to Student Records (EC 49063)
- Student and Parent Privacy Rights
- Uniform Complaint Procedures
- Special Education Procedural Safeguards

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Procedures for Filing Complaints; Complaints Concerning School Personnel (BP/AR 1312.1); Uniform Complaint Procedures (UCP) (BP/AR 1312.3); Bullying, Sexual Harassment, Title IX Notification, Safe Storage of Fire Arms (EDC: 48986, 49013); Williams Uniform Complaint Procedures (BP 1312.4), Child Abuse Reporting Guidelines and Procedures.

### **VISION STATEMENT**

The vision of Shelly Baird School is to provide each student with the opportunity to reach his/her full potential for a rich and productive future and turn challenges into accomplishments by providing each student with an individual program of instruction, which promotes maximum development.

### **MISSION STATEMENT**

The mission of Shelly Baird School is to have a comprehensive program of such quality as to be recognized by the State of California as exemplary.

- Goal 1: Students will be as self-sufficient as possible in their home, school, workplace and community.
- Goal 2: There will be improved communication and involvement among regular education, special education, parents, students, administrators, and community agency personnel.
- Goal 3: There will be a positive, supportive environment in which students and staff can work and learn on a daily basis.

### **FUNDAMENTAL VALUES AND BELIEFS**

- Respect is the cornerstone of all our interactions and behaviors. We acknowledge the dignity and worth of one another and strive never to diminish another by our conduct or our attitudes.
- School should be student-centered
- Educational programs should be individualized
- Community based instruction should occur within the student's community
- Parental/Family involvement is essential to facilitate student progress
- School should provide a variety of educational opportunities in a variety of settings
- School staff should have a positive attitude, make allowances for differences, and encourage individuality and creativity

## 2025-2026 SCHOOL CALENDAR AND SCHEDULES



# 2025 -2026 SB PARENT ACADEMIC CALENDAR



M: MONDAY, T: TUESDAY, W: WEDNESDAY, TH: THURSDAY, F: FRIDAY

EO: EARLY OUT ALL STUDENTS DISMISSED BETWEEN 12:00PM-12:15PM

AUGUST		SEPTEMBER		OCTOBER		NOVEMBER		DECEMBER	
01	F	01	M NO SCHOOL- LABOR DAY	01	W EARLY OUT	03	M	01	M
04	M	02	T	02	TH	04	T	02	T SEE'S CANDY MONEY DUE-FUNRAISER
05	T	03	W EARLY OUT	03	F	05	W EARLY OUT	03	W EARLY OUT
06	W	04	TH	06	M	06	TH	04	TH
07	TH	05	F	07	T	07	F	05	F SEE'S CANDY VIRTUAL SOTRE CLOSSES
08	F	08	M	08	W EARLY OUT	10	M	08	M
11	M	09	T	09	TH	11	T NO SCHOOL- VETERANS' DAY	09	T
12	T	10	W EARLY OUT	10	F END OF THE 1 <sup>ST</sup> QUARTER	12	W EARLY OUT	10	W EARLY OUT
13	W SHELLY BAIRD 1 <sup>ST</sup> DAY OF SCHOOL. EO	11	TH	13	M	13	TH	11	TH
14	TH	12	F	14	T	14	F HIGH SCHOOL WINTER FORMAL	12	F
15	F	15	M	15	W EARLY OUT	17	M	15	M
18	M	16	T	16	TH	18	T	16	T
19	T	17	W EARLY OUT	17	F	19	W EARLY OUT CAC MEETING 5PM-6PM	17	W EARLY OUT
20	W EARLY OUT	18	TH BACK TO SCHOOL NIGHT	20	M	20	TH	18	TH
21	TH	19	F	21	T	21	F 1-HOUR EARLY DISMISSAL	19	F EARLY DISMISSAL. END OF 2 <sup>ND</sup> QUARTER
22	F	22	M	22	W EARLY OUT	24	M NO SCHOOL THANKSGIVING BREAK	22	M NO SCHOOL-WINTER BREAK
25	M	23	T	23	TH	25	T NO SCHOOL THANKSGIVING BREAK	23	T NO SCHOOL-WINTER BREAK
26	T	24	W EARLY OUT CAC MEETING 5PM-6PM	24	F	26	W NO SCHOOL THANKSGIVING BREAK	24	W NO SCHOOL-WINTER BREAK
27	W EARLY OUT	25	TH	27	M	27	TH NO SCHOOL THANKSGIVING BREAK	25	TH NO SCHOOL-WINTER BREAK
28	TH	26	F	28	T	28	F NO SCHOOL THANKSGIVING BREAK AND CHRISTMAS PARADE	26	F NO SCHOOL-WINTER BREAK
29	F	29	M	29	W EARLY OUT AND FALL FESTIVAL			29	M NO SCHOOL-WINTER BREAK
		30	T	30	TH			30	T NO SCHOOL-WINTER BREAK
				31	F			31	W NO SCHOOL-WINTER BREAK

\*\*SUBJECT TO CHANGE

## 2025-2026 SCHOOL CALENDAR AND SCHEDULES



# 2025 -2026 SB PARENT ACADEMIC CALENDAR

M: MONDAY, T: TUESDAY, W: WEDNESDAY, TH: THURSDAY, F: FRIDAY

EO: EARLY OUT ALL STUDENTS DISMISSED BETWEEN 12:00PM-12:15PM



JANUARY		FEBRUARY		MARCH		APRIL		MAY		JUNE	
01	TH NO SCHOOL-WINTER BREAK	02	M	02	M	01	W NO SCHOOL - SPRING BREAK	01	F	01	M
02	F NO SCHOOL-WINTER BREAK	03	T	03	T	02	TH NO SCHOOL - SPRING BREAK	04	M	02	T
05	M NO SCHOOL-WINTER BREAK	04	W EARLY OUT	04	W EARLY OUT	03	F NO SCHOOL - SPRING BREAK	05	T	03	W EARLY OUT
06	T NO SCHOOL-WINTER BREAK	05	TH	05	TH	06	M NO SCHOOL - SPRING BREAK	06	W EARLY OUT	04	TH
07	W NO SCHOOL-WINTER BREAK	06	F	06	F	07	T	07	TH	05	F LAST DAY OF SCHOOL
08	TH NO SCHOOL-WINTER BREAK	09	M NO SCHOOL--LINCOLN'S BIRTHDAY	09	M NO SCHOOL PROFESSIONAL DAY	08	W EARLY OUT	08	F FAMILY PROM		
09	F NO SCHOOL-WINTER BREAK	10	T	10	T	09	TH	11	M		
12	M	11	W EARLY OUT	11	W EARLY OUT	10	F	12	T		
13	T	12	TH	12	TH	13	M	13	W EARLY OUT CAC MEETING 5PM-6PM		
14	W EARLY OUT	13	F	13	F END OF 3 <sup>RD</sup> QUARTER	14	T	14	TH		
15	TH	16	M NO SCHOOL-PRESIDENTS' DAY	16	M	15	W EARLY OUT	15	F		
16	F	17	T	17	T	16	TH	18	M		
19	M NO SCHOOL--MLK DAY	18	W CAC MEETING 5PM-6PM	18	W EARLY OUT	17	F	19	T		
20	T	19	TH	19	TH	20	M	20	W EARLY OUT		
21	W EARLY OUT	20	F	20	F	21	T	21	TH		
22	TH	23	M	23	M	22	W EARLY OUT	22	F		
23	F	24	T	24	T	23	TH	25	M NO SCHOOL-MEMORIAL DAY		
26	M	25	W EARLY OUT	25	W EARLY OUT	24	F	26	T		
27	T	26	TH	26	TH	27	M	27	W EARLY OUT AND GRADUATION		
28	W EARLY OUT	27	F	27	F 1-HOUR EARLY DISMISSAL	28	T	28	TH		
29	TH			30	M NO SCHOOL-SPRING BREAK	29	W EARLY OUT	29	F		
30	F 100 <sup>TH</sup> DAY OF SCHOOL			31	T NO SCHOOL-SPRING BREAK	30	TH				

\*\*SUBJECT TO CHANGE

## **SCHOOL SCHEDULES**

**Shelly Baird School:** Students should not arrive at school before 8:15 a.m. Once a student arrives on campus, he/she may not leave campus without following the proper check out procedure in office.

**Early Learning Center:** Students should not arrive at school before 7:55 a.m. as school begins at 8:00 a.m.

**Lemoore College ATP Class:** Students can arrive no earlier than 7:50 a.m.

**Satellite Classrooms:** Satellite campus classrooms align as closely as possible with the daily schedule of the host campus. Classroom teachers for those classrooms will notify students and parents of the campus policy. Students should be dropped off at Satellite Campuses before the start of the school day, but no sooner than 15 minutes prior to the start of the school day. Once the school day starts, parents will need to go through the school office. The school office staff will contact the teacher and if needed, a staff member will go to the office to get the student.

## **SCHOOL HOURS**

Shelly Baird School Main Campus: School will start at 8:30 am and dismissal will be at 2:00 pm for Kindergarten – 3<sup>rd</sup> grade students and at 3:00 pm for students in 4<sup>th</sup> grade and above.

The Adult Transition Program (ATP) starts at 8:00 a.m. and is dismissed at 3:00p.m.

ATP Locations:

- Lemoore College, Room 275
- Bullpup Learning Center on Douty St.

Satellite Campuses: Please see the individualized schedule for your campus classroom provided by the teacher.

## **EARLY DISMISSALS**

***Every Wednesday is an early dismissal day.***

The purpose of Early Dismissal is to provide ongoing professional development for all staff as well as time to collaborate with instructional aides and service providers such as; speech therapists, physical therapists, school psychologists, educational specialists, adapted physical education teachers, and integration teachers.

All Shelly Baird campus and satellite classrooms will be dismissed between 12:00pm-12:15pm. Please contact your child's teacher for dismissal time.

### IEP MEETINGS and PARENT CONFERENCES

Annual IEP (Individualized Education Program) meetings are scheduled throughout the school year based on the date of the student's previous year's IEP meeting. Parents will be contacted by your child's teacher/IEP case manager no fewer than 10 days in advance to schedule the meeting. Amendment IEP meetings will be held as needed between annual IEP meetings. In preparation for any IEP meeting, or to monitor progress throughout the year, a representative from your child's district of residence may come into the class to observe your child in order to be prepared to participate in the IEP meeting and make an offer of a Free and Appropriate Public Education for your child. Other conferences may be scheduled on an "as needed" basis throughout the year by contacting your child's classroom teacher/IEP case manager.

### KINGS COUNTY OFFICE OF EDUCATION SUPPORT SERVICES

Students identified as requiring supplemental services are provided services according to the agreed upon Individualized Education Program. These services may take the form of direct designated instructional services (DIS) or as consultation services.

- **Adaptive PE Specialist** – Adapt instruction in physical education.
- **Assistive Technology** – Evaluate and consult on assistive technology devices or needs.
- **Board Certified Behavior Analyst** – Provide support and guidance to instructional staff.
- **Occupational Therapist** – Evaluate, consult with teachers, work with students requiring occupational therapy.
- **Physical Therapist** – Evaluate, consult with teachers, work with students requiring physical therapy.
- **Program Specialists** - Consult with and assist special education teachers with program planning, materials, resources, and IEPs.
- **School Nurses** - General health monitoring, Medication administration, and other specialized health care.
- **School Psychologists** - Administer initial and triennial evaluations and develop behavior plans.
- **Speech/Language Therapist** - Evaluate, consult with teachers, work with students who have speech/language disorders.
- **Vision/Hearing Specialist** - Consult with staff, evaluate and work directly with students who are visually and/or hearing impaired.

## ATTENDANCE PROCEDURES

### ABSENCES

*IN ORDER FOR STUDENT TO HAVE THE BEST OPPORTUNITY TO ACHIEVE ACADEMIC SUCCESS, IT IS IMPERATIVE THAT THEY ATTEND SCHOOL DAILY.*

California State education law requires that all children attend school regularly. Making sure that they are present each day is the parent/ guardian's responsibility. However, the importance of school attendance goes beyond meeting the letter of the law. In order for our students to make meaningful progress towards their IEP goals, they need to be participating in school every day.

**Per Education Code 48205, and Kings County Office of Education Board Policy 5113, absences for the following reasons are the only excused absences:**

1. Personal illness.
2. Quarantine directed by a county or city health officer.
3. Medical, dental, optometrical, or chiropractic appointments.
4. Attendance at a funeral service of a member of the student's immediate family member.
  - a. Immediate family includes: parent/guardian, grandparent, spouse, sibling, child, including in-laws, or any relative residing in the student's home.
  - b. 1 day in California, 3 days out-of-state.
5. Illness or medical appointment during school hours of a child of whom the student is the custodial parent.
6. Jury duty.
7. Participation in religious instruction or exercises (up to four days per month, with minimum school day attendance required.)
8. Justifiable personal reasons with prior written request and principal approval, including but not limited to:
  - a. Appearance in court
  - b. Attendance at a funeral of a non-immediate family member
  - c. Religious holidays or ceremonies
  - d. Religious retreats (max 4 hours per semester)
  - e. Employment interview or conference
  - f. Educational conference by a nonprofit on the legislative or judicial process
9. Service as a member of a precinct board for an election.
10. Time with an immediate family member who is an active-duty member of the armed services who is on leave, has returned from, or is being deployed to a combat zone (duration determined by administration).
11. Attendance at a naturalization ceremony for U.S. citizenship.
12. Work in the entertainment industry (with a valid work permit, up to 5 consecutive days, max of 5 per year).

13. Participation in a performance with a nonprofit performing arts organization for a public school audience (up to 5 per year with parent/guardian note).

14. Other reasons at the discretion of school administration, based on specific circumstances.

### **METHOD OF VERIFICATION**

A student's absence must be verified by a parent/guardian, or the student if 18 or older. The school must receive either:

- A phone call, voicemail, written note, email, or fax by 8:00am on the day of the absence, or
- A written note submitted within 5 school days of the student's return that includes:
  - Student's name
  - Dates/Reason for absence
  - Parent/guardian signature
  - Request for homework, if needed

Absences not verified within 5 days will be marked as unexcused. After 10 absences due to illness without medical documentation, further illness-related absences require verification by a physician.

For confidential medical services, staff may confirm appointment time with a provider but cannot ask the purpose of the visit.

*If your child has a fever of 100.4 degrees Fahrenheit or higher, they will need to stay home for at least 24 hours fever-free without medication before returning back to school.*

### **CHRONIC ABSENCE AND TRUANCY**

STUDENTS WHO ARE ABSENT REPEATEDLY WILL BE REFERRED TO THE SCHOOL ADMINISTRATION, WHICH MAY RESULT IN A REFERRAL TO THE SCHOOL ATTENDANCE REVIEW BOARD (SARB).

A student who is absent from school without a valid excuse for three days, or who is tardy in excess of 30 minutes on each of more than three days in one school year, is truant and will be reported to the office for a referral to the School Attendance Review Board.

In California, the law requires that children between the ages of six and 18 attend school or classes full-time. Students are expected to attend school regularly and be on time. It also mandates that parents or guardians send the child to school.

An **initial truancy** is defined as three (3) unexcused absences from a full-time or continuation school within a single school year, and/or tardy for more than a 30 minute period without excuse; or any combination thereof. **(Education Code 48260).**

The **School Attendance Review Board (SARB)** is a group that may include parents, educators, and representatives from probation, human services, law enforcement and the community. This board becomes involved after the school has made a maximum effort to resolve a student's school attendance (truancy) problem.

SARB is a collaborative panel that may include representatives from KCOE, social services, law enforcement, and community agencies. Its purpose is to:

- Identify barriers in attendance
- Develop a binding attendance plan, and
- Ensure that families receive support and accountability.

### **Legal Consequences**

Failure to attend a scheduled SARB meeting or comply with a SARB attendance plan result in referral to the District Attorney for legal action. Under California law:

- Parents/guardians may face fines and/or be required to attend parenting and/or counseling programs.
- Students may face additional educational interventions or be referred to the juvenile justice system in extreme cases of non-compliance.

### **EXCUSE FROM INSTRUCTION ON RELIGIOUS (MORAL) GROUNDS**

Per law, if any part of the school's instruction in health conflicts with the religious training and beliefs of a parent/guardian of a student, the student, upon written request of the parent/guardian, shall be excused from the part of the instruction that conflicts with the religious training and beliefs. For purposes of this section, "religious training and beliefs" includes personal moral convictions.

### **INDEPENDENT STUDY**

Kings County Office of Education Board Policy 6158, outlines that students with exceptional needs *may* participate in traditional and course-based independent study *if* their individualized education programs (IEP) specifically provide for such instruction. If an eligible student requests independent study, an IEP team must convene and make an individualized determination regarding whether the eligible student can receive a free appropriate public education (FAPE) through independent study.

- Students learn at home using Google Classroom or online programs
- No paper packers are given, unless a student needs extra help
- Students must complete and turn in their work by the due date and meet with their teacher during scheduled check-in times.
- If students turn in their work and meet with their teacher, they get credit for both academics and attendance.
- Missing work or teacher check-ins without a valid excuse can count as an absence.

The student will be subject to truancy issues. Upon signing this contract, the parent/guardian agrees and accepts responsibility and understands that the parent/student will be subject to the Student Attendance Review Board (SARB) if absences accumulate.

Should your student not make sufficient progress and/or is absent, the following re-engagement strategies will be conducted:

#### **Tier 1 - First Support**

- TK-3 & 4-ATP: After 2 missed check-ins or assignments, the teacher will make contact via call home, ParentSquare or emails, to talk about the Independent Study agreement and document the call in AERIES under Visitation.

#### **Tier 2- More Help**

- After 3 missed check-ins or assignments, the school nurse (LVN) will make contact with family, via call home, ParentSquare, or emails to talk about what is going on with students and remind them of the agreement and Independent Study agreement.
- The LVN may send the Independent Study agreement and attendance policy again.
- A truancy letter might be sent home.
- All of this will be documented in AERIES within the attendance section notes.

### Tier 3-Team Meeting

- If there are more missed check-ins or work after Tiers 1 and 2, the school will hold an IEP meeting to see if Independent Study is still the best fit.
- A school administrator will call the family to schedule the meeting.
- The family will be reminded about the SARB process and the rules in the agreement.

### Tier 4- Re-engagement and Support

- After IEP meeting, team may need to address: Social- Emotional and Mental Health Support, Academic Support and/or Community Resources should these be needed to help support the student be successful.

## **EARLY DISMISSALS-CHECKING YOUR CHILD OUT OF SCHOOL**

If you find it necessary to check your child out of school during school hours, you must report to the office to sign him/her out. This should only be done if the child is sick/injured, has a medical appointment, or a family emergency. The student will ONLY be released to those adults whose names appear on the Emergency Contact Card as authorized by parents. Those adults need to be prepared to present a form of identification such as a Driver's License.

Please note: If you are bringing or picking up your child it is imperative that you sign in and indicate this on the roster. Identification may be required if office staff is unfamiliar with parents/guardians. This is for your student's protection.

## **HEALTH**

The school requires the parent to update the student's medical information and emergency contact information every school year and throughout the school year if there are any changes. It is important to provide current contact information for the parent, as well as for the emergency contacts. Emergency contacts will be used if the parent cannot be reached, students can only be released to people on the list.

It is important that the parent notifies the office if their child has a known health condition that requires attention while at school. Injuries occurring on the school grounds or a school-sponsored event shall be reported to the office. A student infected with any contagious disease or running a fever may not remain in school. When a student is injured or becomes ill after arriving at school, the student will be escorted to the nurse by a staff member. Parents are to report to the front office when coming to pick up a student who is ill or injured. A student returning to school with stitches, staples, Ace bandage (elastic bandage), cast, splint, crutches, cane, walker, or a wheelchair may need a healthcare provider's written recommendation on restrictions related to school.

## **IMMUNIZATIONS AND COMMUNICABLE DISEASE ([www.shotsforschool.org](http://www.shotsforschool.org))**

Health and Safety Code section 120325, et. Seq., CCR Section 6075, and EDC 48216 requires that every child entering a California School be immunized against diphtheria, tetanus, pertussis, polio, rubella, mumps, measles, Hepatitis B, varicella, and any other disease designated by the CDPH. Up to date requirements can be found at [www.shotsforschool.org](http://www.shotsforschool.org). A written immunization record of each required vaccine, including date and provider, must be presented at school entry. If an enrolled student who was previously believed to be in compliance with immunization requirements is subsequently discovered to not be in compliance, the parent/guardian will be notified by the school and the student will be excluded from school 10 days after the parent/guardian receives notification. In the event that the school district should participate in an immunization program for the purposes of prevention and control of communicable diseases, your child will not participate unless you have provided specific written consent. Starting January 1, 2016, parents or guardians of students in any school or child-care facility, whether public or private, will no longer be allowed to submit a personal beliefs exemption to a currently-required vaccine.

To enter or transfer into schools (**grades kindergarten through 12**), students under age 18 years must have:

- Polio - **4 doses**.....or 3 doses are enough if at least one was given on or after:
  - o the 4<sup>th</sup> birthday for children aged 4-6 years
  - o the 2<sup>nd</sup> birthday for children aged 7 years and older
- Diphtheria, Tetanus, and Pertussis - **5 doses** (4 doses are enough for children aged 4-6 years if at least one dose was given on or after the 4<sup>th</sup> birthday. After the 7<sup>th</sup> birthday, 4 doses at any age, but 3 doses are enough if at least one dose was given on or after the 2<sup>nd</sup> birthday)
- Measles, Rubella, Mumps - **2 doses** on or after 1<sup>st</sup> birthday, Hepatitis B - **3 doses**, Varicella – **1 dose** (2 doses are needed if immunized on or after the 13<sup>th</sup> birthday)

**Preschool aged students must have:**

- Polio – 3 doses,
- DTP – 4 doses,
- Hepatitis B – 3 doses, Hib – 2 doses given on or after 1<sup>st</sup> birthday (required only for children up to age 4 years, 6 months),
- MMR – 1 dose given on or after 1<sup>st</sup> birthday;
- Varicella - 1st dose given on or after 15 months, and Tuberculosis - Mantoux Test (PPD) given and read upon enrollment to any California school within the past 6 months.

**1<sup>st</sup> grade students must have:**

- 1<sup>st</sup> grade physical,
- Polio - 4 doses, DTP – 5 doses,
- MMR – 2 doses, and Hep B – 3 doses,
- Varicella - 2 doses

**7<sup>th</sup> grade students must have:**

- 3 doses of Hepatitis, 2 MMR,
- Tdap - 1 dose on or after 7th birthday,
- Varicella - 2 doses

These are roughly the minimum acceptable doses required by state law. Please check with your physician or Health Department. Students who do not meet these requirements will be referred to their physicians or local health department to bring their immunizations up to date and may not be allowed to attend school until they show proof of immunizations.

**ADMINISTRATION OF MEDICATION AT SCHOOL**

The Kings County Board of Education (“Board”) and the Kings County Superintendent of Schools (“Superintendent”) believe that regular school attendance is critical to student learning and that students who need to take medication prescribed or ordered for them by their authorized health care providers should be able to participate in the educational program. To facilitate participation, the Board and Superintendent recognize that certain students may need to take prescribed medication during the school day.

Medication must be administered in accordance with a written health care provider statement and parental consent. The school nurse, or other persons designated by the Superintendent or designee, shall assist such students in taking their medication. The following statements are required before such assistance is given:

1. A written statement from the student's physician detailing the method, amount and time schedules for taking of the medication.
2. A written statement from the student's parent/guardian requesting the County Schools Office to assist the student in taking the prescribed medication.

Upon written request by the parent/guardian and with the approval of the student's physician, a student with an existing medical condition that requires frequent monitoring, testing or treatment may be allowed to self administer this service. The student shall observe universal precautions in the handling of blood and bodily fluids.

Any medication prescribed for a student with a disability who is qualified to receive services under the Individuals with Disabilities Education Act or Section 504 of the Rehabilitation Act of 1973 shall be administered in accordance with the student's individualized education program or Section 504 services plan, as applicable.

For the administration of medication to other students during school or school-related activities, the Superintendent or designee shall develop protocols which shall include options for allowing parents/guardians to administer medication to their child at school, designate other individuals to do so on their behalf, and, with the student's authorized health care provider's approval, request the district's permission for the student to self-administer a medication or self-monitor and/or self-test for a medical condition. Such processes shall be implemented in a manner that preserves campus security, minimizes instructional interruptions, and promotes student safety and privacy.

The parent/guardian of a student on a continuing medication regimen from a nonepisodic

condition shall inform the school nurse, or other designated certificated employee, of the medication being taken, the current dosage and the name of the supervising physician.

The school nurse, with the parent/guardian's consent, may communicate with the student's physician regarding the medication and its effects. The school nurse may also counsel with school personnel regarding the possible effects of the drug on the student's physical, intellectual and social behavior, as well as possible behavioral signs and symptoms of adverse side effects, omission, or overdose. The Superintendent or his designee shall inform the parent/guardian of every student of the above requirement.

When allowed by law, medication prescribed to a student by an authorized health care provider may be administered by a school nurse or, when a school nurse or other medically licensed person is unavailable and the physician has authorized administration of medication by unlicensed personnel for a particular student, by other designated school personnel with appropriate training. School nurses and other designated school personnel shall administer medications to students in accordance with law, Board policy, administrative regulation, and, as applicable, the written statement provided by the student's parent/guardian and authorized health care provider. Such personnel shall be afforded appropriate liability protection. The Superintendent or designee shall ensure that school personnel designated to administer any medication receive appropriate training and, as necessary, retraining from qualified medical personnel before any medication is administered. At a minimum, the training shall cover how and when such medication should be administered, the recognition of symptoms and treatment, emergency follow-up procedures, and the proper documentation and storage of medication. Such trained, unlicensed designated school personnel shall be supervised by, and provided with immediate communication access to, a school nurse, physician, or other appropriate individual.

The Superintendent or designee shall maintain documentation of the training and ongoing supervision, as well as annual written verification of competency of other designated school Personnel.

#### Anaphylaxis Treatment

(For use in for persons without individual physician written orders)

The Board and the Superintendent recognizes that increasing numbers of children and adults are experiencing life-threatening severe allergic reactions (anaphylaxis) which require an immediate administration of an epinephrine auto-injector in order to sustain life. This emergency reaction may occur in individuals with previously identified allergies as well as individuals who have no known history of anaphylaxis.

The Board recognizes that increasing numbers of children and adults are experiencing life-threatening severe allergic reactions (anaphylaxis), which require an immediate administration of an epinephrine auto-injector in order to sustain life. This emergency reaction may occur in individuals with previously identified allergies as well as individuals who have no known history of anaphylaxis.

The Board recognizes that the County Office of Education shall provide emergency epinephrine auto-injectors to school nurses and trained personnel who have volunteered and school nurses or trained personnel may use epinephrine auto-injectors to provide emergency medical aid to persons suffering, or reasonably believed to be suffering from an anaphylactic

reaction.

The Superintendent or designee shall make epinephrine auto-injectors available at each school for providing emergency medical aid to any person suffering, or reasonably believed to be suffering, from an anaphylactic reaction. (Education Code 49414)

#### Opioid Overdose

The Superintendent or designee shall make naloxone hydrochloride or another opioid antagonist available for emergency medical aid to any person suffering, or reasonably believed to be suffering, from an opioid overdose. (Education Code 49414.3)

### **MEDICATION AT SCHOOL**

#### **Parent and Guardian Responsibilities:**

1. Talk to your student's doctor about making a medicine schedule so that your child does not have to take medicine while at school.
2. If your child is regularly taking medicine for an ongoing health problem, even if he or she only takes the medicine at home, **give a written note to the school nurse or other designated school employee at the beginning of each school year.** You must list the medicine being taken, the current amount taken, and the name of the doctor who prescribed it (EC Section 49480).
3. If your child must take medicine while at school, provide the school nurse a written note from your student's doctor or other health care provider licensed in the State of California. The physician's written authorization must include the student's name, when, how, and amount of medication to be given. This includes such items as over-the-counter medications, liquid nutritional supplements, and ointments. Without the written medication note signed from a doctor and a parent, and the matching medication labeled container; the school cannot allow the student to take the medication. Parents are welcome to come to school to administer medications as necessary.
4. As the parent or guardian, you must supply the school with all medicine your child must take during the school day. You or another **adult** must deliver the medicine to school.
5. All medication must be counted with health staff, and recorded on a medicine log when delivered to the school. You or another adult who delivered the medicine should verify the count by signing the medicine log.
6. Each medicine your child is to be given at school must be in a separate container labeled by a pharmacist licensed in the United States. The container must list your student's name, doctor's name, name of the medicine, and instructions for when to take the medicine, and how much to take. **The medication authorization and the prescription label must match.**
7. Pick up all discontinued, outdated, and/or unused medicine before the end of the school year. Medication cannot be transported on the school bus without the written physician's authorization allowing the student to carry medication such as an inhaler. Any medication not picked up at the end of the school year will be discarded.
8. If possible, ensure that medication brought to school will not expire during the school year. Expired medication cannot be used.
9. A new medication order is needed at the beginning of each school year. Orders are good only for the school year and ESY in which they were signed and dated by a physician.

### **CONTINUING USE OF MEDICATION**

The parent or legal guardian of any public school pupil on a continuing medication regimen for a nonepisodic condition, shall inform the school nurse or other designated certificated school employee of the medication being taken, the current dosage, and the name of the supervising physician. With the consent of the parent or legal guardian of the pupil, the school nurse may communicate with the physician and may counsel with the school personnel regarding the possible effects of the drug on the child's physical, intellectual, and social behavior, as well as possible behavioral signs and symptoms of adverse side effects, omission, or overdose (EDC 49480).

### **EPINEPHRINE AUTO INJECTORS**

The school has epinephrine auto injectors available that may be used to provide emergency medical aid to any person suffering, or reasonably believed to be suffering, from potentially life-threatening symptoms of anaphylaxis (severe allergic

reaction). If your child has a history of anaphylaxis and has an epinephrine auto injector, you should continue to provide the epinephrine auto injector and the authorization form to the school for your child's use. Stock epinephrine auto injectors should not be relied upon if your child has a known history of anaphylaxis. The stock epinephrine auto injector will not be available on field trips, and there is always a possibility that the stock epinephrine auto injector was used and not yet replaced by the time that your child may need it. (EC 49414)

### **EXEMPTION FROM PHYSICAL EXAMINATIONS**

Upon receipt of a written request, the parent can exempt a child from all physical examinations. However, the child may be sent home if there is a good reason to believe that the child is suffering from a recognized contagious or infectious disease (EDC 49451). The written request must be submitted to the health office each school year.

### **PERSONAL HYGIENE**

Parents/guardians need to supply diapers, wipes, and other necessary personal care items and bibs. If necessary, parents are encouraged to send an extra set of clothes with their child, should the child need to change at school.

### **Menstruation Products**

In accordance with AB 230 and Education Code 35292.6, Shelly Baird School provides free menstrual products to students in grades 3 through 12. Menstrual products include both sanitary napkins (pads) and tampons,

Products are available at no cost and may be obtained from the nurse's office during the school day. Students may take what they need without charge.

Parents/guardians are encouraged to talk with their student about the appropriate use of menstrual products. Please note that tampons may be associated with certain health risks, and proper use is important.

### **MEDICAL AND HOSPITAL SERVICES FOR PUPILS**

A school district may provide medical or hospital service, or accident or liability insurance policies, for student injuries occurring while in or on the property of the district. No student shall be compelled to accept such service without his/her consent, or a minor without the consent of his/her parent or guardian (EDC 49472).

### **LICE**

In accordance with Board Policy 5141.33, if a student is found with active, adult head lice, he/she shall be allowed to stay in school until the end of the school day. The parent/guardian of any such student shall be given information about the treatment of head lice and encouraged to begin treatment of the student immediately and to check all members of the family. The parent/guardian also shall be informed that the student shall be checked upon return to school the next day and allowed to remain in school if no active head lice are detected.

Upon the student's return to school, the school nurse or designee shall check the student for active head lice. If it is determined that the student remains infected with head lice, the school nurse or designee shall contact the student's parent/guardian to discuss treatment. As needed, he/she may provide additional resources and/or referral to the local health department, health care providers, or other agencies. If a student is found consistently infested with head lice, he/she may be referred to a multidisciplinary team, which may consist of the school nurse, representatives from the local health department and social services, and other appropriate individuals, to determine the best approach for identifying and resolving problems contributing to the student's head lice infestations.

### **CALIFORNIA HEALTHY YOUTH ACT**

Students in grades 7–12 will receive comprehensive sexual health education and HIV/AIDS prevention education at least once in junior high/middle school and once in high school, taught by trained instructors.

This instruction is based on medically accurate, factual information and is designed to help students make healthy choices, reduce high-risk behaviors, and develop respect for themselves and others.

Parents/guardians will be notified at the beginning of each school year, or upon enrollment, about planned instruction. The notice will include:

- That all written and audiovisual materials are available for inspection.
- That parents/guardians may request in writing that their child be excused from this instruction. Students excused will be provided with an alternative activity and will not face any academic or disciplinary penalty.
- That parents/guardians may request a copy of Education Code sections 51930–51939.

Whether instruction will be provided by school staff or outside consultants.

If outside consultants or guest speakers are scheduled after the start of the school year, parents/guardians will receive written notice at least 14 days before the instruction. This notice will include the date of the instruction and the name or affiliation of the speaker/organization.

This section does not apply to basic descriptions or illustrations of human reproductive organs that may appear in textbooks adopted for science, health, or hygiene courses.

### **WELLNESS**

Our school participates in the American Lung Association's school-based education and notification program on air pollution. We monitor the condition daily and keep our staff apprised of poor air quality days.

Green = good quality, Yellow = moderate, Orange = unhealthy for sensitive groups of people, Red = unhealthy

On days when the air quality is predicted to be unhealthy, alternative plans are made for students to spend recess time indoors. No rigorous outdoor activity is allowed.

### **Medi-Cal / LEA**

On February 14, 2013, the California Department posted regulations that change the requirements in 34 CFR 300.154(d) related to parental consent to access public benefits or insurance (Medi-Cal). These regulations will make it easier for school districts to access public benefits while still protecting family rights.

The Kings County Office of Education, in cooperation with the California Department of Health Services and Education, is asking to allow the District to be reimbursed with federal Medicaid dollars for selected health services (such as hearing and vision screenings, health assessments) provided to eligible students at school.

If your child is eligible or may become eligible for public benefits (Medi-Cal reimbursed with federal Medicaid dollars for selected health services such as hearing and vision screenings, health assessments), you will be asked to authorize the District to access your student's Medi-Cal health insurance benefits for applicable services. In making the request for funding of services, the District may submit your student's name, date of birth, and primary disability (as determined in the IEP) to Leader Services, Inc. for them to submit to the state Medi-Cal program. In accessing the insurance benefits, there will be no cost to you/your family, and you have the right to withdraw your consent to disclose your student's personal information at any time without it affecting the services at school that your child receives. Parents will not be billed for any services provided at school including any co-pay or share of cost.

## **STUDENT RECORDS**

### **PUPIL RECORDS; RIGHT TO ACCESS**

Student means any individual who is or has been in attendance at the district and regarding whom the district maintains student records. Attendance includes, but is not limited to, attendance in person or by paper correspondence, videoconference, satellite, Internet, or other electronic information and telecommunication technologies for students who are not physically present in the classroom, and the period during which a person is working under a work-study Program.

Student records are any items of information (in handwriting, print, tape, film, computer, or other medium) gathered within or outside the district that are directly related to an identifiable student and maintained by the district, required to be maintained by an employee in the performance of his/her duties, or maintained by a party acting for the district. Any information maintained for the purpose of second-party review is considered a student record. Student records include the student's health record.

Student records do not include:

1. Directory information
2. Informal notes compiled by a school officer or employee which remain in the sole possession of the maker, are used only as a personal memory aid, and are not accessible or revealed to any other person except a substitute employee
3. Records of the law enforcement unit of the district, subject to 34 CFR 99.8
4. Records created or received by the district after an individual is no longer a student and that are not directly related to the individual's attendance as a student
5. Grades on peer-graded papers before they are collected and recorded by a teacher

Mandatory permanent student records are those records which are maintained in perpetuity and which schools have been directed to compile by state law, regulation, or administrative directive.

### **DIRECTORY INFORMATION**

Parents or guardians shall be given the right to allow the district to release "directory information" on pupils or former pupils of the district to officials, organizations or individuals according to district policy. The district has classified the following as directory information: student's name, address, telephone number, electronic mail address, photograph, date and place of birth, major field of study, dates of attendance, degrees and awards received, and most recent previous school attended. No information shall be released when a parent has notified the district not to release such information (EDC 49073.).

**STUDENT AND FAMILY PRIVACY RIGHTS**

The County Office of Education believes that personal information concerning district students and their families should be kept private in accordance with law. The Board prohibits district staff from administering or distributing to students survey instruments that are designed for the purpose of collecting personal information for marketing or for selling that information.

**CHANGE OF ADDRESS**

Please notify the Shelly Baird School office of any change of address, telephone number, or plans to withdraw from school. It is very important that we have a telephone number where parents may be reached in the event of an emergency. If you are moving, please give the office your new address and new school so we can forward your student's school records.

## **CHILD NUTRITION**

### **SCHOOL LUNCH PROGRAM**

Lunch and breakfast are available every school day to students at the Shelly Baird main campus in conjunction with the Hanford Elementary School District/Agency, via the National School Lunch Program. Students in satellite classrooms may also participate in the food service program with the host satellite campus. Students will not be ordered a school lunch if they have not arrived by 8:55 am. If your child will be late please call the office by 8:30 am to notify them that your student will be late and to order them lunch.

There will be no need for you to submit a meal application annually. However, under the Local Control Funding Formula (LCFF), a portion of state funding will be determined based on the demographics of student population, with higher funding on a per student basis for districts and county office programs that have large concentrations of low income, English learners, and foster youth populations. Therefore, the school district is required to establish and confirm the number of students that represent these categories by having families complete an Income Survey. The Income Survey was made available to you in July through the Data Confirmation process. By completing this information, you are taking part in a process that provides thousands of dollars in funds to the school your student attends. The goal is to ensure that Shelly Baird students receive the maximum amount of funds that we are eligible to receive by encouraging our families to complete the Income Survey. To receive the maximum amount, we must have 100% of eligible students/families complete the survey.

### **Snack**

We encourage you to send your child to school with a nutritious snack for the morning recess break. Please do not send candy, gum or sodas.

We have several students with life threatening allergies to peanuts. Even the smell of peanuts or peanut residue on a slide or swing can cause a serious reaction. We request that you consider options other than peanuts or products containing peanuts (such as peanut butter) as a snack or for lunch. This is one of the effective ways that we can work together to keep our children safe.

### **Nondiscrimination statement:**

In accordance with Federal civil rights law and U.S. Department of Agriculture (USDA) civil rights regulations and policies, the USDA, its agencies, offices, and employees, and institutions participating in or administering USDA programs are prohibited from discriminating based on race, color, national origin, sex, disability, age, or reprisal or retaliation for prior civil rights activity in any program or activity conducted or funded by USDA. Persons with disabilities who require alternative means of communication for program information (e.g. Braille, large print, audiotope, American Sign Language, etc.), should contact the Agency (State or local) where they applied for benefits. Individuals who are deaf, hard of hearing or have speech disabilities may contact USDA through the Federal Relay Service at (800) 877-8339. Additionally, program information may be made available in languages other than English. To file a program complaint of discrimination, complete the USDA Program Discrimination Complaint Form, (AD-3027) found online at: [http://www.ascr.usda.gov/complaint\\_filing\\_cust.html](http://www.ascr.usda.gov/complaint_filing_cust.html), and at any USDA office, or write a letter addressed to USDA and provide in the letter all of the information requested in the form.

To request a copy of the complaint form, call (866) 632-9992. Submit your completed form or letter to USDA by: (1) mail: U.S. Department of Agriculture Office of the Assistant Secretary for Civil Rights 1400 Independence Avenue, SW Washington, D.C. 20250-9410; (2) fax: (202) 690-7442; or (3) email: [program.intake@usda.gov](mailto:program.intake@usda.gov).

This institution is an equal opportunity provider.

#### DUFFY - MOSCONE FAMILY NUTRITION EDUCATION AND SERVICES ACT

Eligible students may receive meal supplementation while attending school. In accordance with law, the district shall provide free and reduced price meals for students whose families meet federal eligibility criteria. (EDC 49510, et seq)

In accordance with Federal civil rights law and U.S. Department of Agriculture (USDA) civil rights regulations and policies, the USDA, its agencies, offices, and employees, and institutions participating in or administering USDA programs are prohibited from discriminating based on race, color, national origin, sex, disability, age, or reprisal or retaliation for prior civil rights activity in any program or activity conducted or funded by USDA.

Persons with disabilities who require alternative means of communication for program information (e.g. Braille, large print, audiotape, American Sign Language, etc.), should contact the Agency (State or local) where they applied for benefits. Individuals who are deaf, hard of hearing or have speech disabilities may contact USDA through the Federal Relay Service at (800) 877-8339.

Additionally, program information may be made available in languages other than English.

To file a program complaint of discrimination, complete the [USDA Program Discrimination Complaint Form](#), (AD-3027) found online at: [http://www.ascr.usda.gov/complaint\\_filing\\_cust.html](http://www.ascr.usda.gov/complaint_filing_cust.html), and at any USDA office, or write a letter addressed to USDA and provide in the letter all of the information requested in the form. To request a copy of the complaint form, call (866) 632-9992. Submit your completed form or letter to USDA by:

mail:

U.S. Department of Agriculture  
Office of the Assistant Secretary  
for Civil Rights 1400  
Independence Avenue, SW  
Washington, D.C. 20250-9410;  
fax: (202) 690-7442; or  
email: [program.intake@usda.gov](mailto:program.intake@usda.gov).

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## **SCHOOL SAFETY**

### **ASBESTOS MANAGEMENT PLAN**

An updated management plan for asbestos-containing material in school buildings is available at the Kings County Office of Education. (40 C.F.R 763.93).

### **PESTICIDE NOTIFICATION**

Enclosed with this Notice is a notification of the name and active ingredients of all pesticide products expected to be applied at schools during the upcoming year. Parents may register with the school if they wish to receive notification of individual pesticide applications at the school facility (EDC 17612).

### **CLOSED CAMPUS**

In order to keep students in a supervised, safe and orderly environment, the Governing Board established a closed campus for Shelly Baird, Shelly Baird Satellite classrooms and the Early Learning Center. Students shall not leave the school grounds at any time during the school day without written permission of their parents/guardians and school authorities. Students who leave school without authorization shall be classified truant and subject to disciplinary action.

### **VISITORS & VOLUNTEERS**

Students who attend a Shelly Baird class have unique needs and all receive special education services. Due to student confidentiality and services they received, volunteers and observations by outside agencies are not allowed. Parents are encouraged to communicate frequently with their child's teacher regarding their child's progress. Teachers' will inform parents at the beginning of the school year with contact information and how parents can receive updates.

All outside service providers will be approved on a case -by-case basis and must be approved by site administration at least two weeks prior to coming onto campus.

If a student needs to be picked up before dismissal times, main campus students will need to be signed out at the front office. Satellite students will be signed out with the classroom teacher.

To ensure the safety of students and staff and minimize interruption of the instructional program, the Kings County Office of Education or designee shall establish procedures which facilitate visits during regular school days. Visits during school hours should be arranged with the principal or designee. When a visit involves a conference with a teacher or the principal, an appointment should be scheduled during non instructional time.

The principal or designee may provide a visible means of identification for all individuals who are not students or staff members while on school premises.

No electronic listening or recording device may be used by any person in a classroom without the teacher's and principal's permission. (Education Code 51512)

The County Board encourages all individuals to assist in maintaining a safe and secure school environment by behaving in an orderly manner while on school grounds and by utilizing the County Offices' complaint processes if they have concerns with any County Office program or employee. In accordance with Penal Code 626.7, the principal or designee may request that any individual who is causing a disruption, including exhibiting volatile, hostile, aggressive, or offensive behavior, immediately leave school grounds.

### **TELEPHONE CALLS**

To avoid interruption of instruction, messages will be taken for classroom staff who will return the phone calls during their next break or at the end of the school day. Students may not use the telephone in the office for personal calls, except in cases of emergency.

### **DISASTER DRILLS**

All campuses have a comprehensive Safe Schools Plan, which involves many different types of disaster drills throughout the school year. It is important to practice these emergency plans so that all school personnel, staff, and students are thoroughly familiar with them. It is our goal to minimize potential injuries in the event of a major disaster.

### **EARTHQUAKES**

Implement the DROP, COVER & HOLD action.

Students and staff who are inside should immediately drop to the floor, get under a desk, table, or some other type of cover if possible- and avoid windows.

When outside, students and staff should immediately move away from trees, buildings or other structures which might topple over on top of them, then drop to the ground, face down and cover their head with their arms.

Hold position until the EVACUATION signal is given, then proceed with EVACUATION procedures.

### **EMERGENCY RESPONSE**

Schools are among the safest places to be during an emergency. By law, California public schools are built to a higher standard than other buildings; therefore, schools will generally not sustain the same damage as other buildings during an event such as an earthquake.

In general, schools will respond to emergencies by moving students to the safest possible location. During fires or earthquakes, students will be moved out of the classrooms to a safe assembly area, usually the school field or play yard.

During an emergency, parents who want to pick up their children may be asked to go to the Release Gate located on the school's perimeter. This is a specific location that schools will use to release students. Please remember that students will only be released to a person whose name is listed on the emergency card. Parents must make sure that the emergency card is current and correct. Please notify your child's school any time the emergency contact information changes.

### **LOCKDOWNS**

If there is an intruder incident, the school will be locked down and students will be sheltered in secure locations. IT IS CRITICAL THAT PARENTS/GUARDIANS STAY AWAY FROM THE SCHOOL UNTIL NOTIFIED. During this type of emergency when the campus must be protected, parents will not be able to pick up their children until the school campus is declared to be safe by law enforcement. Parents need to understand that the students are being sheltered in secure locations for their safety and will be released only when it is safe to do so. THE UNTIMELY ARRIVAL OF PARENTS/GUARDIANS COULD COMPROMISE LAW ENFORCEMENT'S EFFORTS TO GAIN CONTROL OF THE SITUATION.

Shelly Baird must be prepared to conduct a school "lockdown" under certain conditions which may involve a life-threatening emergency that requires specific action in order to ensure the safety of staff and students. During a lockdown, students are asked to seek cover and remain quiet until advised the school is now safe. Teachers are asked to lock doors and await instructions. In the event of a lockdown, students shall be released to their parents or guardians in a controlled manner. We ask that parents not contact students via cell phone as a precaution measure to ensure silence is maintained. Parents shall be notified and given instructions for any lockdowns through the telephone messaging system. It is vital for parents to keep all contact information up to date.

### **STUDENT CELL PHONE USE**

Students are not permitted to use personal cell phones on campus during the instructional day. Students enrolled in the Behavior Zone Academy will be required to turn their cell phones into the office at the beginning of the day. The cellphones will be securely locked. Students will be given back their cell phones at the end of the school day. If parents/guardians need to get in touch with their student, please call the main office at (559) 584-5546.

## DISCIPLINE

Research shows that involved and supportive parents positively affect student behavior and learning. Administrators and teachers make every attempt to solicit the support and cooperation of parents at the first signs of inappropriate behavior patterns.

### STUDENT CONDUCT

The foundation for our plan comes from PBIS (Positive Behavioral Interventions and Supports) It is designed to help students achieve the following school goals:

- Every student has the right to feel safe at school.
- Behavior problems must not interfere with students' right to learn.
- Parents and school staff will work together to teach students to make good choices and to take responsibility for their actions.

Under the PBIS foundation, each classroom employs a system of progressive rewards and consequences. Positive and negative consequences are selected to change behavior – and to meet the criteria of being reasonable, respectful, and related to the student's behavior.

Any behavior that may create a safety concern, distract from the educational process, or cause a disturbance in the school learning environment will not be allowed.

School rules apply at school, going to and from school, on the bus, and at any event where Shelly Baird School is represented (regardless of location).

School administrators reserve the right to determine and enforce appropriate behavior at school. Students not demonstrating responsible behavior will be guided and supported to correct the behavior. Consequences may be assigned to assist in this process.

Some consequences used may be:

Verbal warning/counseling, Time out to reflect, Phone call or communication note to parent on classroom behavior concern, Verbal or written apology, Loss of privileges which may include participation in activities and/or classroom privileges, Special tasks assigned to help rectify a problem created by student's behavior (ie., clean up the mess made), Parent conference with teacher and student.

Students may be suspended only when other means of correction fail to improve conduct. Pupils may be suspended upon first offense for the following (E.C. 48900):

- (a) Caused, attempted to cause, or threatened to cause physical injury to another person or willfully used force or violence upon the person of another, except in self-defense.
- (b) Possessed, sold, or otherwise furnished a firearm, knife, explosive, or other dangerous object, unless, in the case of possession of an 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, a 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 a 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 either sold, delivered, or otherwise furnished to a 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) Caused or attempted to cause damage to school property or private property.
- (g) Stole or attempted to steal school property or private property.
- (h) Possessed or used tobacco, or products containing tobacco or nicotine products, including, but not limited to, cigarettes, cigars, miniature cigars, clove cigarettes, smokeless tobacco, snuff, chew packets, and betel. However, this section does not prohibit the use or possession by a pupil of his or her own prescription products.
- (i) Committed an obscene act or engaged in habitual profanity or vulgarity.
- (j) Unlawfully possessed or unlawfully offered, arranged, or 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 (Except as provided in Section 48910, a pupil enrolled in kindergarten or any of grades 1 to 3, inclusive, shall not be suspended for any of the acts enumerated in this subdivision, and this subdivision shall not constitute grounds for a pupil enrolled in kindergarten or any of grades 1 to 12, inclusive, to be recommended for expulsion).
- (l) Knowingly received stolen school property or private property.
- (m) Possessed an imitation firearm. As used in this section, "imitation firearm" means a replica of a firearm that is so substantially similar in physical properties to an existing firearm as to lead a reasonable person to conclude that the replica is a firearm.
- (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 a witness in a school disciplinary proceeding for purposes of either preventing that 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. For purposes of this subdivision, "hazing" means a method of initiation or preinitiation into a pupil organization or body, whether or not the organization or body is officially recognized by an educational institution, that is likely to cause serious bodily injury or personal degradation or disgrace resulting in physical or mental harm to a former, current, or prospective pupil. For purposes of this subdivision, "hazing" does not include athletic events or school-sanctioned events.
- (r) Engaged in an act of bullying  
Upon recommendation by the Program Director or Principal, the Superintendent may order a student expelled upon committing any of the above offenses and either of the following:
1. That other means of correction are not feasible or have repeatedly failed to bring about proper conduct.
  2. That due to the nature of the violation, the presence of the pupil causes a continuing danger to the

physical safety of the pupil or others.

It is the policy of the Kings County Office of Education to require payment from parents whose children intentionally or carelessly damage or destroy school property. Students who are apprehended in an act of vandalism that does not cause permanent damage will be expected to perform acts of restitution appropriate to the offense.

### DRESS CODE

The following apparel shall **not** be allowed at school:

1. Head coverings may be worn for outside activities if needed for sun protection.
2. Shoes must be worn at all times.
3. Sunglasses shall not be worn inside buildings, unless required by a doctor.
4. Clothing and jewelry with lettering, drawings, and insignias that are crude, vulgar, profane or sexually suggestive or which advocate racial, ethnic or religious prejudice, gang activities, or the use of drugs, alcohol, or tobacco, shall not be worn.
5. Underwear-type clothing, tube tops, halter tops, bare midriffs, off -the -shoulder tops, see-through or fish-net tops and clothing deemed immodest by school personnel are prohibited.
6. Pants and shorts must be fitted at the waist; no more than one size too large or too small and must cover underwear. Pants must be hemmed to be worn at least one inch off of the ground when a student is standing. Pants may not have holes, rips or tears. Pants which are intentionally manufactured to be overly large or excessively tight are not permitted, regardless of the waist size.
7. Dresses, skirts and shorts must be no shorter than mid-thigh.
8. Attire which may be used as a weapon may not be worn (i.e. heavy chains, items with spikes or studs).
9. Gang related symbols, insignias, or apparel are not allowed at school.

All students attending a satellite classroom on a district campus are required to follow the dress code of that campus. A copy of the district dress code will be provided by your child's classroom teacher.

The Administrative Staff shall have the discretion to prohibit any student from wearing any attire that is disruptive/distracting to the classroom, school, or the safety of the students (Education Code 35183.5). Any violation of the dress code will result in:

1. A warning to the student. Parents will be contacted. This may mean parents will have to bring appropriate attire to school or that the student may need to borrow appropriate attire from the school for the day.
2. Continual infractions will be dealt with following our progressive discipline system.

## TRANSPORTATION

The Kings Schools Transportation Authority provides curb to curb transportation due to the special needs of our students. Close cooperation is necessary in order for this system to be successful. It is important that your child is ready at least 15 minutes before his/her scheduled bus arrival. The bus will wait **three minutes only** in order to be on time for other students.

**Please notify MV Transportation if your child will not be riding the bus at 585-1570** (between 6:00 a.m. and 4:00 p.m.). If the bus stops at your designated pick-up for three consecutive days without your child boarding, transportation will be discontinued until you notify MV Transportation to arrange for them to begin picking up your child again. **Transportation requires a 48 hour notice for changes.**

Mobile Seating Devices: AR 3541.2 (b)

***“Mobile seating devices shall be equipped with brakes and restraining belts properly maintained by the owner of the devices”*** (Code of Regulations, Title 13, Section 1293). Transportation will be discontinued unless the owner properly maintains these devices. It is the parent/guardian’s responsibility to assure that the wheelchair meets all standards set forth concerning all safety mechanisms required by law, all individual safety adaptations required by the student, and all safety policies required by the Kings County of Education.

Transportation by school bus cannot be provided if these requirements are not met:

1. Students shall be transported in their individual mobile seating device only.
2. While being loaded, unloaded and transported, the student must be secured in the mobile seating device by restraints meeting the specifications of the law.
3. Seat belts must be equipped with metal to metal connectors and push button or lift cover releases. (Velcro held restraints utilized for additional support might be used in addition to, but not in place of restraints described above. It is the parent’s responsibility to provide a seat belt, which meets the minimum safety requirements.
4. Individual safety adaptations deemed necessary for additional safety and support shall be required for transportation by school bus. (Individual safety adaptation information shall be provided to the Transportation Department, as it becomes available.)
5. The mobile seating device must be secured within the bus by the use of restraints (such as tie downs) to prevent the device from rotating, to prevent the device wheels from leaving the floor area in case of sudden movement, and to support the device in the event the vehicle overturns. Brakes must be locked in the “on” position while being transported.
6. Tie downs shall contact the mobile wheel device on all four (4) points, spaced for most effective securement.
7. Electric mobile wheel device shall be capable of being locked in gear or shall have an independent braking system capable of holding the device in place when transported on a school bus.
8. Batteries used to propel the electric mobile wheel device shall be both leak and spill resistant and shall be placed in a leak resistant container. Batteries shall be secured to the mobile wheel device frame in such a manner as to prevent separation in the event of an accident.
9. Mobile seating device brakes shall hold firmly, with no wheel movement when placed in an “on” position.

10. Routine inspection of mobile seating device will be conducted regularly by staff, supervisors and drivers.
11. Any mobile seating device, which does not meet minimum safety standards, shall not be transported.
12. Each child must wear a seat belt. If any child continually unfastens the restraint, the student will be subject to student Bus Report procedures.

The Kings Schools Transportation Authority contracts with MV Transportation to provide transportation for students attending classes operated by the Kings County Office of Education. Students must adhere to certain rules and responsibilities to protect the safety of all students and the drivers while being transported. While a minor rule infraction, such as standing up or throwing things out the window may result in a bus citation, a major rule infraction which presents a clear and present danger to a student or others (including the bus driver in the performance of his/her duty), or a habitual refusal to comply with these rules of conduct may result in a loss of privilege.

(BP/SP 5131.1)

Shelly Baird School and the Early Learning Center contracts with MV Transportation for student transportation. For students attending both facilities, transportation is a service provided by the IEP and is an IEP team decision. If the student has transportation services on their IEP, MV Transportation will pick up and drop off the student at the address on file with the school.

Video cameras may be used on school buses to monitor student behavior while traveling to and from school and school activities. The Board and Superintendent believe that such monitoring will deter misconduct and help to ensure the safety of students and staff. Students found to be in violation of the district's bus conduct rules shall be subject to discipline in accordance with Kings County Office of Education (KCOE) policy and regulations. At the discretion of the Superintendent or designee, school bus video recordings also may be used to resolve complaints by students and/or parents/guardians and to help employees maintain discipline. Due to confidentiality of all students, parents/guardians will not be allowed to view video from the buses or campus.

When considering the removal of a student from a school bus, every effort should be made to determine if the inappropriate bus behavior is a direct result of the student's disability. Goals and objectives for bus behavior will be included in the IEP when appropriate.

### **TRANSPORTATION - FOGGY DAY PLAN**

In the winter months each year, the San Joaquin Valley is susceptible to intense fog conditions. During these months, the Special Education Department implements a foggy day schedule on a day-to-day basis, depending on conditions. Due to the vast area of Kings County, it may be clear in some areas, while others within the county are completely "fogged-in". On foggy or rainy days the bus may run late due to conditions. Please be patient, the schools will be notified of the late arrival. Foggy day schedules will be announced on the following television stations by 5:30 a.m. and updated by 8:00 am if necessary:

**KSEE 24**

**The announcement will state: "Shelly Baird School."**

- 2 hour delay. Buses will run in the morning and the afternoon.
- Canceled Buses will be canceled for the entire day, classes start on time. Buses will not be available to take students home. Cancellation should be called no later than 7:00am.

As previously stated, classes will start on time, allowing parents to bring their children to school if they prefer.. **If you have any questions, please feel free to call 585-1570 after 6:00 a.m.**

### **REPORT CARDS/PROGRESS REPORTS**

Student progress reporting occurs four times per year. Progress reports based on student IEP goals are sent home three (3) times a year and are also provided at your child's annual IEP meeting. For students in the Behavior Zone Academy, Report Cards are sent home four (4) times per year. Please sign the report and return it to your child's teacher to verify you have received the information. Progress Reporting periods for the 2025-2026 school year are:

Quarter 1 8/13/25 - 10/10/25

Quarter 2 10/13/25 - 12/19/25

Quarter 3 1/12/26 - 3/13/26

Quarter 4 3/16/26 - 6/5/26

### **EXTENDED SCHOOL YEAR PROGRAM (ESY)**

An extended school year program is offered each summer in accordance with CA Education Code and individual student IEPs. This will be discussed during the IEP.

## REQUIRED ANNUAL NOTIFICATIONS

### Notice of Procedural Safeguards Special Education Rights of Parents and Children Under the Individuals with Disabilities Education Act, Part B, and the California Education Code. Revised June, 2022

Note: The term school district is used throughout this document to describe any public education agency responsible for providing your child’s special education program. The term assessment is used to mean evaluation or testing. Federal and state laws are cited throughout this notice using English abbreviations, which are explained in a glossary at the end of this notification.

What is the Notice of Procedural Safeguards?

This information provides you as parents, legal guardians, and surrogate parents of children with disabilities from 3 years of age through age 21 and students who have reached age 18, the age of majority, with an overview of your educational rights or procedural safeguards.

The Notice of Procedural Safeguards is required under the Individuals with Disabilities Education Act (IDEA) and must be provided to you:

- When you ask for a copy
- The first time your child is referred for a special education assessment
- Each time you are given an assessment plan to evaluate your child
- Upon receipt of the first state or due process complaint in a school year, and
- When the decision is made to make a removal that constitutes a change of placement

(20 *United States Code* [USC] Section 1415[d]; 34 *Code of Federal Regulations* [CFR] Section 300.504; California *Education Code* [EC] Section 56301[d] [2], EC Section 56321, and EC Section 56341.1[g] [1])

#### What is the IDEA?

IDEA is a federal law that requires school districts to provide a “free appropriate public education” (FAPE) to eligible children with disabilities. A free appropriate public education means that special education and related services are to be provided as described in an individualized education program (IEP) and under public supervision to your child at no cost to you.

#### May I participate in decisions about my child’s education?

You must be given the opportunity to participate in any decision-making meeting regarding your child’s special education program. You have the right to participate in IEP team meetings about the identification (eligibility), assessment, or educational placement of your child and other matters relating to your child’s FAPE. (20 *USC* Section 1414[d] [1]B–[d][1][D]; 34 *CFR* Section 300.321; EC Section 56341[b], and EC Section 56343[c])

The parent or guardian, and the local educational agency (LEA), has the right to participate in the development of the IEP and to initiate their intent to electronically audiotape the proceedings of the IEP

team meetings. At least 24 hours prior to the meeting, the parent or guardian shall notify the members of the IEP team of their intent to record a meeting. If the parent or guardian does not consent to the LEA audio tape recording an IEP meeting, the meeting shall not be recorded on an audiotape recorder.

Your rights include information about the availability of FAPE, including all program options, and all available alternative programs, both public and nonpublic. (20 USC sections 1401[3], and 1412[a][3]; 34 CFR Section 300.111; EC sections 56301,

56341.1[g][1], and 56506)

### Where can I get more help?

When you have a concern about your child's education, it is important that you contact your child's teacher or administrator to talk about your child and any problems you see. Staff in your school district or special education local plan area (SELPA) may answer questions about your child's education, your rights, and procedural safeguards. Also, when you have a concern, this informal conversation often solves the problem and helps to maintain open communication.

You may also want to contact one of the California parent organizations such as the Family Empowerment Centers on Disability (FECs) or the Parent Training and Information Centers (PTICs) located across the state. These organizations were established to increase collaboration between parents and educators to improve the educational system and provide information, training, and additional resources for families of students and young adults with disabilities. Contact information for these organizations is found on the California Department of Education (CDE) Special

Education California Parent Organizations web page at <https://www.cde.ca.gov/sp/se/qa/caprntorg.asp>.

Additional resources are listed at the end of this document to help you understand the procedural safeguards.

### What if my child is deaf, hard of hearing, blind, visually impaired, or deaf-blind?

The State Special Schools provide services to students who are deaf, hard of hearing, blind, visually impaired, or deaf-blind at each of its three facilities: the California Schools for the Deaf in Fremont and Riverside and at the California School for the Blind in Fremont. Residential and day school programs are offered to students from infancy to age 21 at both State Schools for the Deaf. Such programs are offered to students aged 5 through 21 at the California School for the Blind. The State Special Schools also offer assessment services and technical assistance. For more information about the State Special Schools, please visit the CDE, State Special Schools web page at <https://www.cde.ca.gov/sp/ss/index.asp>, or ask for more information from the members of your child's IEP team.

### Notice, Consent, Assessment, Surrogate Parent Appointment, and Access to Records

#### When is a notice needed?

The school district must inform you about proposed evaluations of your child in notice or an assessment plan within 15 days of your written request for evaluation. The notice must be understandable and in your native

language or other mode of communication, unless it is clearly not feasible to do so. (34 *CFR* Section 300.304; EC Section 56321

What will the notice tell me?

The prior written notice must include the following:

1. A description of the actions proposed or refused by the school district
2. An explanation of why the action was proposed or refused
3. A description of each assessment procedure, record, or report the agency used as a basis for the action proposed or refused
4. A statement that parents of a child with a disability have protection under the procedural safeguards
5. Sources for parents to contact to obtain assistance in understanding the provisions of this part
6. A description of other options that the IEP team considered and the reasons those options were rejected; and
7. A description of any other factors relevant to the action proposed or refused. (20 *USC* sections 1415[b][3] and [4], 1415[c][1], and 1414[b][1]; 34 *CFR* Section 300.503)

Parental Consent

When is my approval required for assessment?

You have the right to refer your child for special education services. You must give informed, written consent before your child's first special education assessment can proceed. The parent has at least 15 days from the receipt of the proposed assessment plan to arrive at a decision. The assessment may begin immediately upon receipt of the consent and must be completed and an IEP developed within 60 days of your consent.

When is my approval required for services?

You must give informed, written consent before your school district can provide your child with special education and related services.

What are the procedures when a parent does not provide consent?

If you do not provide consent for an initial assessment or fail to respond to a request to provide the consent, the school district may pursue the initial assessment by utilizing due process procedures.

If you refuse to consent to the initiation of services, the school district must not provide special education and related services and shall not seek to provide services through due process procedures.

If you consent in writing to the special education and related services for your child but do not consent to

all of the components of the IEP, those components of the program to which you have consented must be implemented without delay.

If the school district determines that the proposed special education program component to which you do not consent is necessary to provide a FAPE to your child, a due process hearing must be initiated. If a due process hearing is held, the hearing decision shall be final and binding.

In the case of reevaluations, the school district must document reasonable measures to obtain your consent. If you fail to respond, the school district may proceed with the reevaluation without your consent. (20 *USC* sections 1414[a][1][D] and 1414[c]; 34 *CFR* Section 300.300; *EC* sections 56506[e], 56321[c] and [d], and 56346).

### When may I revoke consent?

If at any time subsequent to the initial provision of special education and related services, the parent of a child revokes consent in writing for the continued provision of special education and related services, the public agency:

1. May not continue to provide special education and related services to the child, but must provide prior written notice in accordance with 34 *CFR* Section 300.503 before ceasing such services
2. May not use the procedures in subpart E of Part 300 34 *CFR* (including the mediation procedures under 34 *CFR* Section 300.506 or the due process procedures under 34 *CFR* Sections 300.507 through 300.516) in order to obtain agreement or a ruling that the services may be provided to the child
3. Will not be considered to be in violation of the requirement to make a FAPE available to the child because of the failure to provide the child with further special education and related services.
4. Is not required to convene an IEP team meeting or develop an IEP under 34 *CFR* sections 300.320 and 300.324 for the child for further provision of special education and related services

Please note, in accordance with 34 *CFR* Section 300.9 (c)(3), that if the parents revoke consent in writing for their child's receipt of special education services after the child is initially provided special education and related services, the public agency is not required to amend the child's education records to remove any references to the child's receipt of special education and related services because of the revocation of consent.

### Surrogate Parent Appointment

#### What if a parent cannot be identified or located?

School districts must ensure that an individual is assigned to act as a surrogate parent for the parents of a child with a disability when a parent cannot be identified and the school district cannot discover the whereabouts of a parent.

A surrogate parent may also be appointed if the child is an unaccompanied homeless youth, an adjudicated dependent or ward of the court under the state Welfare and Institution Code, and is referred to special education or already has an IEP. (20 *USC* Section 1415[b][2]; 34 *CFR* Section 300.519; *EC* Section 56050; *Government Code* Section 7579.5 and 7579.6)

## Nondiscriminatory Assessment

### How is my child assessed for special education services?

You have the right to have your child assessed in all areas of suspected disability. Materials and procedures used for assessment and placement must not be racially, culturally, or sexually discriminatory.

Assessment materials must be provided and the test administered in your child's native language or mode of communication and in the form most likely to yield accurate information on what the child knows and can do academically, developmentally, and functionally, unless it is clearly not feasible to so provide or administer.

No single procedure can be the sole criterion for determining eligibility and developing FAPE for your child. (20 USC sections 1414[b][1]–[3], 1412[a][6][B]; 34 CFR Section 300.304; EC sections 56001[j] and 56320)

## Independent Educational Assessments

### May my child be tested independently at the district's expense?

If you disagree with the results of the assessment conducted by the school district, you have the right to ask for and obtain an independent educational assessment for your child from a person qualified to conduct the assessment at public expense.

The parent is entitled to only one independent educational evaluation at public expense each time the public agency conducts an evaluation with which the parent disagrees.

The school district must respond to your request for an independent educational assessment and provide you information about where to obtain an independent educational assessment.

If the school district believes that the district's assessment is appropriate and disagrees that an independent assessment is necessary, the school district must request a due process hearing to prove that its assessment was appropriate. If the district prevails, you still have the right to an independent assessment but not at public expense. The IEP team must consider independent assessments.

District assessment procedures allow in-class observation of students. If the school district observes your child in his or her classroom during an assessment, or if the school district would have been allowed to observe your child, an individual conducting an independent educational assessment must also be allowed to observe your child in the classroom.

If the school district proposes a new school setting for your child and an independent educational assessment is being conducted, the independent assessor must be allowed to first observe the proposed new setting. (20 USC sections 1415[b][1] and [d][2][A]; 34 CFR Section 300.502; EC Section 56329[b] and [c])

## Access to Educational Records

### May I examine my child's educational records?

You have a right to inspect and review all of your child's education records without unnecessary delay,

including prior to a meeting about your child's IEP or before a due process hearing. The school district must provide you access to records and copies, if requested, within five **business** days after the request has been made orally or in writing. (*EC* sections 49060, 56043[n], 56501[b][3], and 56504)

## How Disputes Are Resolved

### Due Process Hearing

When is a due process hearing available?

You have the right to request an impartial due process hearing regarding the identification, assessment, and educational placement of your child or the provision of FAPE. The request for a due process hearing must be filed within two years from the date you knew or should have known about the alleged action that forms the basis of the due process complaint. (20 *USC* Section 1415[b][6]; 34 *CFR* Section 300.507; *EC* sections 56501 and 56505[1])

### Mediation and Alternative Dispute Resolution

May I request mediation or an alternative way to resolve the dispute?

A request for mediation may be made either before or after a request for a due process hearing is made.

You may ask the school district to resolve disputes through mediation or alternative dispute resolution (ADR), which is less adversarial than a due process hearing. The ADR and mediation are voluntary methods of resolving a dispute and may not be used to delay your right to a due process hearing.

What is a pre-hearing mediation conference?

You may seek resolution through mediation prior to filing a request for a due process hearing. The conference is an informal proceeding conducted in a non-adversarial manner to resolve issues relating to the identification, assessment, or educational placement of a child or to a FAPE.

At the prehearing mediation conference, the parent or the school district may be accompanied and advised by non-attorney representatives and may consult with an attorney prior to or following the conference. However, requesting or participating in a prehearing mediation conference is not a prerequisite to requesting a due process hearing.

All requests for a prehearing mediation conference shall be filed with the Superintendent of the Office of Administrative Hearings (OAH). The party initiating a prehearing mediation conference by filing a written request with the Superintendent of the OAH shall provide the other party to the mediation with a copy of the request at the same time the request is filed.

The prehearing mediation conference shall be scheduled within 15 days of receipt by the Superintendent of the OAH of the request for mediation and shall be completed within 30 days after receipt of the request for mediation unless both parties agree to extend the time. If a resolution is reached, the parties shall execute a legally binding written agreement that sets forth the resolution. All discussions during the

mediation process shall be confidential. All prehearing mediation conferences shall be scheduled in a timely manner and held at a time and place reasonably convenient to the parties. If the issues fail to be resolved to the satisfaction of all parties, the party who requested the mediation conference has the option of filing for a due process hearing. (*EC* sections 56500.3 and 56503)

### Due Process Rights

What are my due process rights?

You have a right to:

1. Have a fair and impartial administrative hearing at the state level before a person who is knowledgeable of the laws governing special education and administrative hearings (20 *USC* sections 1415[f][1][A], and 1415[f][3][A]-[D]; 34 *CFR* Section 300.511; *EC* Section 56501[b][4])
2. Be accompanied and advised by an attorney and/or individuals who have knowledge about children with disabilities (*EC* Section 56505 [e][1])
3. Present evidence, written arguments, and oral arguments (*EC* Section 56505[e][2])
4. Confront, cross-examine, and require witnesses to be present (*EC* Section 56505[e][3])
5. Receive a written or, at the option of the parent, an electronic verbatim record of the hearing, including findings of fact and decisions (*EC* Section 56505[e][4])
6. Have your child present at the hearing (*EC* Section 56501[c][1])
7. Have the hearing be open or closed to the public (*EC* Section 56501[c][2])
8. Receive a copy of all documents, including assessments completed by that date and recommendations, and a list of witnesses and their general area of testimony within five (5) business days before a hearing (*EC* sections 56505[e][7] and 56043[v])
9. Be informed by the other parties of the issues and their proposed resolution of the issues at least ten (10) calendar days prior to the hearing (*EC* Section 56505[e][6])
10. Have an interpreter provided (*California Code of Regulations*, Title 5 (5 *CCR*) Section 3082[d])
11. Request an extension of the hearing timeline (*EC* Section 56505[f][3])
12. Have a mediation conference at any point during the due process hearing (*EC* Section 56501[b][2]), and
13. Receive notice from the other party at least ten days prior to the hearing that the other party intends to be represented by an attorney (*EC* Section 56507[a]). (20 *USC* Section 1415[e]; 34 *CFR* sections 300.506, 300.508, 300.512 and 300.515)

Filing a Written Due Process Complaint How do I request a due process hearing?

You need to file a written request for a due process hearing. You or your representative needs to submit the following information in your request:

1. Name of the child
2. Address of the residence of the child
3. Name of the school the child is attending
4. In the case of a homeless child, available contact information for the child and the name of the school the child is attending, and
5. A description of the nature of the problem, including facts relating to the problem(s) and a proposed resolution of the problem(s)

Federal and state laws require that either party filing for a due process hearing must provide a copy of the written request to the other party. (20 *USC* sections 1415[b][7], and 1415[c][2]; 34 *CFR* Section 300.508; *EC* Section 56502[c][1])

Prior to filing for a due process hearing, the school district shall be provided the opportunity to resolve the matter by convening a resolution session, which is a meeting between the parents and the relevant members of the IEP team who have specific knowledge of the facts identified in the due process hearing request. (20 *USC* Section 1415[f][1][B]; 34 *CFR* Section 300.510)

What does a resolution session include?

Resolution sessions shall be convened within 15 days of receiving notice of the parents' due process hearing request. The sessions shall include a representative of the school district who has decision-making authority and not include an attorney of the school district unless the parent is accompanied by an attorney. The parent of the child may discuss the due process hearing issue and the facts that form the basis of the due process hearing request.

The resolution session is not required if the parent and the school district agree in writing to waive the meeting. If the school district has not resolved the due process hearing issue within 30 days, the due process hearing may occur. If a resolution is reached, the parties shall execute a legally binding agreement. (20 *USC* Section 1415[f][1][B]; 34 *CFR* Section 300.510)

Does my child's placement change during the proceedings?

The child involved in any administrative or judicial proceeding must remain in the current educational placement unless you and the school district agree on another arrangement. If you are applying for initial admission of your child to a public school, your child will be placed in a public school program with your consent until all proceedings are completed. (20 *USC* Section 1415[j]; 34 *CFR* Section 300.518; *EC* Section 56505[d])

May the decision be appealed?

The hearing decision is final and binding on both parties. Either party may appeal the hearing decision by filing a civil action in state or federal court within 90 days of the final decision. (20 *USC* sections 1415[i][2]

and [3][A], and 1415[l]; 34 *CFR* Section 300.516; *EC* Section 56505[h] and [k], *EC* Section 56043[w])

Who pays for my attorneys' fees?

In any action or proceeding regarding the due process hearing, the court, in its discretion, may award reasonable attorneys' fees as part of the costs to you as parent of a child with a disability if you are the prevailing party in the hearing. Reasonable attorneys' fees may also be made following the conclusion of the administrative hearing, with the agreement of the parties. (20 *USC* Section 1415[i][3][B]–[G]; 34 *CFR* Section 300.517; *EC* Section 56507[b])

Fees may be reduced if any of the following conditions prevail:

1. The court finds that you unreasonably delayed the final resolution of the controversy
2. The attorneys' hourly fees exceed the prevailing rate in the community for similar services by attorneys of reasonably comparable skill, reputation, and experience
3. The time spent and legal services provided were excessive, or
4. Your attorney did not provide to the school district the appropriate information in the due process request notice.

Attorneys' fees will not be reduced, however, if the court finds that the State or the school district unreasonably delayed the final resolution of the action or proceeding or that there was a violation of this section of law. (20 *USC* Section 1415[i][3][B]–[G]; 34 *CFR* Section 300.517)

Attorneys' fees relating to any meeting of the IEP team may not be awarded unless an IEP team meeting is convened as a result of a due process hearing proceeding or judicial action. Attorneys' fees may also be denied if you reject a reasonable settlement offer made by the district/public agency 10 days before the hearing begins and the hearing decision is not more favorable than the offer of settlement. (20 *USC* Section 1415[i][3][B]–[G]; 34 *CFR* Section 300.517)

To obtain more information or to file for mediation or a due process hearing, contact:

Office of Administrative Hearings

Attention: Special Education Division 2349

Gateway Oaks Dr. Ste 200 Sacramento, CA 95833-4231

Phone: 916-263-0880

Fax: 916-263-0890

The OAH can also be contacted by email using the Secure e-File Transmission (SFT) system. The SFT may be found on OAH's website at <https://www.applications.dgs.ca.gov/OAH/oahSFTWeb>

School Discipline and Placement Procedures for Students with Disabilities

### School Discipline and Alternative Interim Educational Settings

May my child be suspended or expelled?

School personnel may consider any unique circumstances on a case-by-case basis when determining whether a change in placement is appropriate for a child with a disability who violates a code of student conduct from his or her setting to:

- An appropriate interim alternative education setting, another setting, or suspension for not more than 10 consecutive school days
- Additional removals of not more than 10 consecutive school days in the same school year for separate incidents of misconduct

What occurs after a removal of more than 10 days?

After a child with a disability has been removed from his or her current placement for 10 school days in the same school year, during any subsequent days of removal the public agency must provide services to enable the child to continue to participate in the general education curriculum and progress toward meeting the goals set out in the child's IEP. Also, a child will receive, as appropriate, a functional behavioral assessment and behavioral intervention services and modifications, which are designed to address the behavior violation so that it does not recur.

If a child exceeds 10 days in such a placement, an IEP team meeting must be held to determine whether the child's misconduct is caused by the disability. This IEP team meeting must take place immediately, if possible, or within 10 days of the school district's decision to take this type of disciplinary action.

As a parent you will be invited to participate as a member of this IEP team. The school district may be required to develop an assessment plan to address the misconduct or, if your child has a behavior intervention plan, review and modify the plan as necessary.

What happens if the IEP team determines that the misconduct is not caused by the disability?

If the IEP team concludes that the misconduct was not a manifestation of the child's disability, the school district may take disciplinary action, such as expulsion, in the same manner as it would for a child without a disability. (20 *USC* Section 1415[k][1] and [7]; 34 *CFR* Section 300.530)

If you disagree with the IEP team's decision, you may request an expedited due process hearing, which must occur within 20 school days of the date on which you requested the hearing. (20 *USC* Section 1415[k][2]; 34 *CFR* Section 300.531[c])

Regardless of the setting the school district must continue to provide FAPE for your child. Alternative educational settings must allow the child to continue to participate in the general curriculum and ensure continuation of services and modifications detailed in the IEP. (34 *CFR* Section 300.530; *EC* Section 48915.5[b])

## State Complaint Procedures

When may I file a state compliance complaint?

You may file a state compliance complaint when you believe that a school district has violated federal or state special education laws or regulations. Your written complaint must specify at least one alleged violation of federal and state special education laws. The violation must have occurred not more than one year prior to the date the complaint is received by the CDE. When filing a complaint, you must forward a copy of the complaint to the school district at the same time you file a state compliance complaint with the CDE. (34 *CFR* Section 300.151–153; 5 *CCR* Section 4600)

Complaints alleging violations of federal and state special education laws or regulations may be mailed to:

California Department of Education Special  
Education Division Complaint Support Unit

1430 N Street, Suite 2401 Sacramento, CA 95814

You may also email your complaint to [speceducation@cde.ca.gov](mailto:speceducation@cde.ca.gov)

For complaints involving issues not covered by federal or state special education laws or regulations, consult your district's uniform complaint procedures.

To obtain more information about dispute resolution, including how to file a complaint, contact the CDE, Special Education Division, Complaint Support Unit, by telephone at 800-926-0648; by fax at 916-327-3704; or by visiting the CDE, Special Education web page at <https://www.cde.ca.gov/sp/se/index.asp>.

## Senate Bill 511, Family Empowerment Centers

### Background

The Family Empowerment Centers (FECs) were established in 2001 by enactment of Chapter 690 of the Statutes of 2001 (Senate Bill 511, Alpert), enacted as *Education Code (EC)* 56400-56415. The FECs provide services to families with children with disabilities ages three to twenty-two. The intent of the legislature is to ensure that parents, guardians, and families of children and young adults with disabilities have access to accurate information, specialized training, and peer-to-peer support.

### FEC Contact and Service Information

Organization	Counties Served	Website
Exceptional Parents Unlimited (EPU)	Fresno, Kings	<a href="https://epuchildren.org">https://epuchildren.org</a>

### **UNIFORM COMPLAINT PROCEDURES (UCP) BP/SP 1312.3**

This document contains rules and instructions about the filing, investigation and resolution of a Uniform Complaint Procedures (UCP) complaint regarding an alleged violation by the Kings County Office of Education of federal or state laws or regulations governing educational programs.

This document presents information about how we process UCP complaints concerning particular programs or activities that are subject to the UCP.

A UCP complaint is a written and signed statement by a complainant alleging a violation of federal or state laws or regulations, which may include an allegation of unlawful discrimination, harassment, intimidation, bullying. A signature may be handwritten, typed (including in an email) or electronically generated. Complaints may be filed anonymously. A UCP complaint filed on behalf of an individual student may only be filed by that student or that student's duly authorized representative.

A complainant is any individual, including a person's duly authorized representative or an interested third party, public agency, or organization who files a written complaint alleging violation of federal or state laws or regulations, including allegations of unlawful discrimination, harassment, intimidation, bullying in programs and activities funded directly by the state or receiving any financial assistance from the state.

If the complainant is unable to put the complaint in writing, due to a disability or illiteracy, we shall assist the complainant in the filing of the complaint.

The Kings County Office of Education developed the Uniform Complaint Procedures (UCP) process with policies and procedures adopted by the board.

According to state and federal codes and regulations, the programs and activities subject to UCP are:

- Accommodations for Pregnant and Parenting Pupils
- Adult Education
- After School Education and Safety
- Agricultural Career Technical Education
- Career Technical and technical education and career technical and technical training programs
- Child Care and Development
- BP/SP 1312.3
- Uniform Complaint Procedures
- Kings County Office of Education
- Compensatory Education
- Consolidated Categorical Aid Programs
- Course Periods without Educational Content
- Discrimination, harassment, intimidation, or bullying against any protected group as identified under Education Code (EC) sections 200 and 220 and Government Code Section 11135, including any actual or perceived characteristic 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 an educational institution, as defined in EC Section 210.3, that is funded directly by, or that receives or benefits from, any state financial assistance.
- Education and graduation requirements of Pupils in Foster Care, Pupils who are Homeless, Pupils from Military Families, and Pupils Formerly in Juvenile Court Pupils now enrolled in a School District

- Every Student Succeeds Act
- Local Control Accountability Plans (LCAP)
- Migrant Education
- Physical Education Instructional Minutes
- 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

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

The following complaints shall be referred to the specified agencies for appropriate resolution and are not subject to our UCP complaint procedures set forth in this document:

(a) Allegations of child abuse shall be referred to the applicable County Department of Social Services (DSS), Protective Services Division or appropriate law enforcement agency.

(b) Health and safety complaints regarding licensed facilities operating a Child Development Program shall be referred to DSS.

(c) Employment discrimination complaints shall be sent to the State Department of Fair Employment and Housing (DFEH). The complainant shall be notified in writing in a timely manner of any DFEH transferal.

#### The Responsibilities of the Kings County Office of Education

We shall have the primary responsibility to ensure compliance with applicable state and federal laws and regulations. We shall investigate and seek to resolve, in accordance with our approved UCP process, complaints alleging failure to comply with applicable state and federal laws and regulations including, but not limited to, allegations of discrimination, harassment, intimidation, or bullying or noncompliance with laws relating to all programs and activities we implement that are subject to the UCP.

#### The UCP Annual Notice

We disseminate on an annual basis the UCP Annual Notice which is a written notice of our UCP complaint procedures.

This notice may be made available on our website and shall include the following:

Addresses all our students, employees, parents or guardians of its students, school and district advisory committee members, appropriate private school officials or representatives, and other interested parties;  
 Information regarding allegations about discrimination, harassment, intimidation, or bullying;  
 the list of all federal and state programs within the scope of the UCP; the title of the position whose occupant is responsible for processing complaints, and the identity(ies) of the person(s) currently occupying that position, if known;  
 a statement that the occupant responsible for processing complaints is knowledgeable about the laws and programs that they are assigned to investigate;  
 a statement that in order to identify appropriate subjects of state preschool health and safety issues pursuant to Section 1596.7925 of the Health and Safety Code (HSC) a notice, separate from the UCP Annual Notice, shall be posted in each

California state preschool program classroom in each school in the local educational agency notifying Title 5 of the California Code of Regulations (5 CCR) apply to California state preschool programs pursuant to HSC Section 1596.7925, and (2) the location at which to obtain a form to file complaint.

#### Filing UCP Complaints

All UCP complaints shall be filed no later than one year from the date the alleged violation occurred. Complaints within the scope of the UCP are to be filed with the person responsible for processing complaints.

Name: Lisa Horne, Assistant Superintendent  
 Office: Human Resources  
 Address: Kings County Office of Education  
 1144 W. Lacey Blvd.  
 Hanford, California 93230  
 Phone: 559-584-1441  
 Electronic mail address: [lisa.horne@kingscoe.org](mailto:lisa.horne@kingscoe.org)

A pupil fee includes the purchase that a pupil is required to make to obtain materials, supplies, equipment, or clothes associated with an educational activity. A pupil fees complaint may be filed with the principal of a school or with our superintendent or their designee. A pupil fees complaint may be filed anonymously, that is, without an identifying signature, if the complaint provides evidence or information leading to evidence to support an allegation of noncompliance.

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 is adopted. An LCAP complaint may be filed anonymously, that is, without an identifying signature, if the complaint provides evidence or information leading to evidence to support an allegation of noncompliance. We advise complainants of the right to pursue civil law remedies that may be available under state or federal discrimination, harassment, intimidation or bullying laws, including, but not limited to, injunctions, restraining orders, or other remedies or orders that may also be available to complainants.

#### Investigating UCP Complaints

The UCP complaint investigation is our administrative process for the purpose of gathering data regarding the complaint. We provide an opportunity for complainants and/or representatives to present evidence or information. Refusal by the complainant to provide the investigator with documents or other evidence related to the allegations in the complaint, or to otherwise fail or refuse to cooperate in the investigation or engage in any other obstruction of the investigation, may result in the dismissal of the complaint because of a lack of evidence to support the allegations.

Refusal by the Kings County Office of Education to provide the investigator with access to records and/or other important information related to the allegation in the complaint, or to otherwise fail or refuse to cooperate in the investigation or engage in any other obstruction of the investigation, may result in a finding based on evidence collected that a violation has occurred and may result in the imposition of a remedy in favor of the complainant.

We ensure that complainants are protected from retaliation.

We investigate all allegations of unlawful discrimination, harassment, intimidation or bullying against any protected group. Unlawful discrimination, harassment, intimidation or bullying complaints shall be filed no later than six months from the date the alleged complainant first obtained knowledge of the facts of the alleged discrimination, harassment, intimidation or bullying.

#### UCP Complaint Resolution

We will thoroughly investigate the UCP complaint and issue a written Investigation Report to the complainant within 60 calendar days from the date of the receipt of the complaint, unless the complainant agrees in writing to an extension of time.

This Investigation Report will contain the following elements:

- the findings of fact based on the evidence gathered;
- a conclusion that provides a clear determination for each allegation as to whether we are compliance with the relevant law;
- corrective actions if we find merit in a complaint;

-including complaints of Pupil Fees; LCAP, Physical Education Instructional Minutes, or Course Periods without Educational Content, the remedy shall go to all affected pupils, parents, and guardians,

-for all other complaints within the scope of the Uniform Complaint Procedures the remedy shall to to the affected pupil,

-With respect to a pupil fees complaint, corrective actions shall include a remedy where in good faith, by engaging in reasonable efforts, an attempt to identify and fully reimburse all pupils, parents and guardian who paid a pupil fee within one year prior to the filing of the complaint;

- a notice of the complainant's right to appeal our Investigation Report to the Department of Education (CDE); and
- the procedures to be followed for initiating an appeal to the CDE.

#### UCP Complaint Appeal Process

An appeal is a written and signed request by the complainant to the CDE seeking review of an LEA Investigation Report that was issued in response to a properly-filed complaint. A signature may be handwritten, typed (including in an email) or electronically-generated.

The complainant may appeal our Investigation Report of a UCP complaint to the CDE by filing a written appeal within 30 calendar days of the date. In order to request an appeal, the complainant must specify and explain the basis for the appeal, including at least one of the following:

- the Kings County Office of Education failed to follow its complaint procedures, and/or
- the Investigation Report lacks material findings of fact necessary to reach a conclusion of law, and/or
- the material findings of fact in the Investigation Report are not supported by substantial evidence, and/or
- the legal conclusion in the Investigation Report is inconsistent with the law, and/or
- in a case in which we were found in noncompliance, the corrective actions fail to provide a proper remedy.

The appeal shall be sent to with:

- A copy of the original locally filed complaint; and
- A copy of the LEA Investigation Report.

UCP Requirements Regarding State Preschool Health and Safety Issues pursuant to HSC Section 1596.7925:

When Filing a UCP Complaint Regarding State Preschool Health and Safety Issues

To file a UCP complaint regarding a state preschool health and safety issue pursuant to HSC Section 1596.7925 the complainant must file with the preschool program administrator or their designee in the Kings County Office of Education.

A state preschool health and safety issues complaint about problems beyond the authority of the preschool program administrator shall be forwarded in a timely manner, but not to exceed 10 working days to our official for resolution.

A state preschool health and safety issues complaint may be filed anonymously. A complainant who identifies themselves is entitled to a response if they indicate that a response is requested. A complaint form shall include a space to mark to indicate whether a response is requested. If EC section 48985 is otherwise applicable, the response, if requested, and our Investigation Report shall be written in English and the primary language in which the complaint was filed.

A complaint form for a state preschool health and safety issue shall specify the location for filing a complaint. A complainant may add as much text to explain the complaint as they wish.

When investigating a UCP state preschool health and safety issue the preschool program administrator or the designee of the county superintendent shall

(1) make all reasonable efforts to investigate any problem with his or her authority. Investigations shall begin within 10 days of the receipt of the complaint and

(2) remedy a valid complaint within a reasonable time period, but not to exceed 30 working days from the date the complaint was received and report to the complainant the resolution of the complaint within 45 working days of the initial filing. If the preschool program administrator makes this report, he or she shall also report the same information in the same timeframe to the designee of the County Superintendent.

Filing an Appeal Regarding UCP State Preschool Health and Safety Issues

When filing an appeal regarding a UCP State Preschool Health and Safety Issues in our agency a complainant not satisfied with the resolution of the LEA's preschool program administrator or designee of the County Superintendent has the right to describe the complaint at a regularly scheduled hearing of our board.

A complainant who is not satisfied with the resolution proffered by the preschool program administrator or the designee of our superintendent has the right to file an appeal to the State Superintendent of Public Instruction (SSPI) within 30 calendar days of the date of the Investigation Report.

The complainant shall comply with the same appeal requirements of 5 CCR section 4632 as in the section above 'UCP Complaint Appeal Process.'

A written appeal to the CDE shall be within 30 days of the date of the Investigation Report and accompanied by a copy of the locally filed complaint and a copy of the Investigation Report. The complainant shall specify

and explain the basis for the appeal, including at least one of the following:  
 the preschool program administrator or the designee of our superintendent failed to follow its complaint procedures, and/or the Investigation Report lacks material findings of fact necessary to reach a conclusion of law, and/or material findings of fact in the Investigation Report are not supported by substantial evidence, and/or the legal conclusion in the Investigation Report is inconsistent with the law, and/or  
 if the preschool program is found noncompliant, the corrective actions fail to provide a proper remedy.  
 The SSPI or their designee shall comply with the requirements of 5 CCR section 4633 and shall provide the written Investigation Report to the State Board of Education describing the basis for the complaint, our response to the UCP state preschool health and safety issues complaint and its remedy or proposed remedy and, as appropriate, a proposed remedy for the issue described in the complaint, if different from our remedy.

We shall report summarized data on the nature and resolution of all UCP state preschool health and safety issues on a quarterly basis to the County Superintendent of schools and our board. The summaries shall be publicly reported on a quarterly basis at a regularly scheduled meeting of our board. The report shall include the number of complaints by general subject area with the number of resolved and unresolved complaints. All complaints and responses are public records.

Legal References:

20 United States Code

6301

34 Code of Federal Regulations

106.8, 34 CFR 299.10-11

BP/SP 1312.3

Uniform Complaint Procedures

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Kings County Office of Education

California Education Code

200, 201, 210.1, 210.3, 220, 221.1, 222, 234.1, 260, 3031, 8200-8498, 8235.5-8239.1, 8261, 8482-8484.65, 8500-8538, 17002(d), 17592.72, 32280-32289; 33126(b)(5)(A), 33126(b)(5)(B), 33315; 35161, 35186, 46015, 48645.7, 48853, 48853.5, 48987, 49010-49013, 49069.5, 49531, 49556, 51210, 51222, 51223, 51225.1-3 51228.1-51228.3, 52059, 52075, 52300-52462, 52334.7, 52355, 52451, 52460-52462, 52500-52617, 54440-54445, 56100(a), 56100(j), 60010, 64001, 65000.

California Government Code

11135, 11136, 12960

California Penal Code

422.55, 11166

California Code of Regulations

4600-4640, 4690-4694

Adopted by Board: April 2, 2003

Reviewed by Board: December 10, 2003

Reviewed by Board: May 2, 2007

Revised by Board: October 3, 2012

Adopted by Board: June 12, 2013

Revised by Board: June 25, 2014

Revised by Board: February 1, 2017

Revised by Board: December 18, 2019

Revised by Board: September 9, 2020

Revised by Board: January 13, 2021

## **COMPLAINTS**

The Superintendent encourages the early, informal resolution of complaints at the site level whenever possible. Complaints not resolved through communication with your child's teacher shall be appealed to the school principal. Further appeals may be made, if necessary, to the Director of the program then if it is still not resolved, appeals may be made to the Assistant Superintendent of Special Education.

## **COMPLAINTS CONCERNING SCHOOL PERSONNEL**

The County Office recognizes its accountability to the public for the quality of its educational program and the performance of district employees. The district shall provide a process by which a complaint submitted by any person regarding an employee can be resolved impartially, expeditiously, and with minimal disruption to district operations and the educational program.

When a concern regarding an employee is presented during a Board meeting or to an individual Board member or employee outside of a Board meeting, the complainant shall be informed of the appropriate complaint procedure.

Any complaint regarding the Superintendent shall be initially filed in writing with the Board. The Board shall consult with legal counsel or appoint an appropriate agent to conduct the investigation.

The Superintendent or designee shall determine whether a complaint against any other employee should be considered a complaint against the district and/or an individual employee, and whether it should be resolved by the district's process for complaints concerning personnel and/or other district procedures. Any complaint of child abuse or neglect alleged against a district employee shall be reported to the appropriate local agencies in accordance with law and BP/SP 5141.4 - Child Abuse Prevention and Reporting. Any complaint alleging that an employee engaged in unlawful discrimination (such as discriminatory harassment, intimidation, or bullying) in district programs and activities shall be filed in accordance with BP/AR 1312.3 - Uniform Complaint Procedures. Any complaint by an employee, job applicant, volunteer, intern, or independent contractor alleging unlawful discrimination or harassment by an employee shall be filed in accordance with AR 4030 - Nondiscrimination in Employment.

Any complaint subject to this policy and the accompanying administrative regulation shall be investigated by the principal, the employee's immediate supervisor, the Superintendent or designee, legal counsel, agent of the Board, and/or other appropriate person who is not the subject of the complaint or subordinate to the employee charged in the complaint. The complainant and the employee shall have an opportunity to present information relevant to the complaint.

A complaint that is filed anonymously may be investigated by the Superintendent or designee depending on the specificity and reliability of the information.

If a complainant requests confidentiality, the Superintendent or designee shall inform the complainant that the request may limit the district's ability to investigate the employee's conduct or take other

necessary action. However, the Superintendent or designee shall take all reasonable steps to investigate and resolve the complaint without divulging the complainant's identity.

The Board prohibits retaliation against complainants.

### **NONDISCRIMINATION/HARASSMENT**

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

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

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

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

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

#### **Investigation of Complaint**

The Superintendent recognizes the need for providing employees with a complaint process. The Superintendent expects that employees and supervisors will make every effort to resolve employee complaints and disagreements informally before resorting to formal complaint procedures.

The Superintendent prohibits retaliation against complainants. The Superintendent or designee may keep a complainant's identity confidential, except to the extent necessary to investigate the complaint.

The Superintendent or designee shall establish complaint procedures which allow employees an appeal process.

Legal Reference:

EDUCATION CODE

200-262.4 Prohibition of discrimination on the basis of sex

35186 Williams uniform complaint procedures

44110-44114 Reporting by school employees of improper governmental activity

GOVERNMENT CODE

3543 Public school employees' rights

3543.1 Rights of employee organizations

53296-53299 Disclosure of confidential information; whistleblower

54957 Closed session; personnel matters

LABOR CODE

1102.5-1106 Whistleblower protections

CODE OF REGULATIONS, TITLE 5

4900-4965 Nondiscrimination in district programs and activities

## **BULLYING**

The County Board of Education is committed to providing equal opportunity for all individuals in county office of education (COE) programs and activities. COE programs, activities, and practices shall be free from unlawful discrimination, including discrimination against an individual or group based on race, color, ancestry, nationality, national origin, immigration status, ethnic group identification, ethnicity, age, religion, marital status, pregnancy, parental status, physical or mental disability, sex, sexual orientation, gender, gender identity, gender expression, or genetic information; a perception of one or more of such characteristics; or association with a person or group with one or more of these actual or perceived characteristics.

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

COE programs and facilities, viewed in their entirety, shall be in compliance with the Americans with Disabilities Act (ADA) and any implementing standards and/or regulations. The County Superintendent has designated the following ADA Coordinator to receive requests for accommodation and to receive and investigate complaints regarding access to COE facilities, programs, services and activities: (28 CFR 35.107)

Assistant Superintendent, Human Resources, Title IX Coordinator

1144 W. Lacey Blvd, Hanford, CA 93230

(559) 584-1441

[lisa.horne@kingscoe.org](mailto:lisa.horne@kingscoe.org)

The COE shall ensure that it provides appropriate auxiliary aids and services when necessary to afford individuals with disabilities equal opportunity to participate in or enjoy the benefits of a service, program, or activity. These aids and services may include, but are not limited to, qualified interpreters or readers,

assistive listening devices, notetakers, written materials, taped text, and Braille or large-print materials. (28 CFR 35.130, 35.160, 36.303). The COE shall develop and update transition plans when necessary to address structural changes that are needed to provide accessibility to COE facilities, activities, services, and programs. (28 CFR 35.150)

The COE shall develop a complaint procedure consistent with the Americans with Disabilities Act and with Section 504 of the Rehabilitation Act. Individuals with disabilities shall notify the ADA Coordinator if they have a disability that requires special assistance or services. Reasonable notification should be given prior to a county office and school-sponsored functions, programs, or meetings.

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

Students are encouraged to notify school staff when they are being bullied or suspect that another student is being victimized. In addition, the Superintendent or designee shall develop means for students to report threats or incidents confidentially and anonymously. School staff who witness bullying shall immediately intervene to stop the incident when it is safe to do so. (Education Code 234.1)

Students may submit to a teacher or administrator a verbal or written complaint of conduct they consider to be bullying. Complaints of bullying shall be investigated and resolved in accordance with site-level grievance procedures specified in AR 5145.7-Sexual Harassment.

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

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

If the student is using a social networking site or service that has terms of use that prohibit posting of harmful material, the Superintendent or designee also may file a complaint with the Internet site or service to have the material removed. (BS/SP 5131.2)

To the extent possible, Kings County Office of Education's strategies shall focus on prevention of bullying by establishing clear rules for student conduct and strategies to establish a positive, collaborative school climate. Students shall be informed, through student handbooks and other appropriate means, of County Office and school rules related to bullying, mechanisms available for reporting incidents or threats, and the consequences for perpetrators of bullying.

## **RACISM/DISCRIMINATION**

The Kings County Office of Education is committed to providing educational programs, activities and services that are free from unlawful discrimination based on actual or perceived legally protected characteristics, or association with a person or group with one or more of such characteristics, including sex, sexual orientation, gender, gender identity, and gender expression, as required by Title IX of the Education Amendments of 1972. The District's general nondiscrimination/harassment policy is found at Board Policy 0410.

### **SEXUAL HARASSMENT (EDC 212.5 AND 231.5)**

The County Office of Education is committed to maintaining a safe school environment that is free from harassment and discrimination. The Superintendent prohibits at school or at school-sponsored or school-related activities, sexual harassment targeted at any student by anyone. The Superintendent 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 school strongly encourages any student who feels that he/she is being or has been sexually harassed on school grounds or at a school-sponsored or school-related activity by another student or an adult who has experienced off-campus sexual harassment that has a continuing effect on campus to immediately contact his/her teacher, the principal, or any other available school employee. Any employee who receives a report or observes an incident of sexual harassment shall notify the principal or a district compliance officer. Once notified, the principal or compliance officer shall take the steps to investigate and address the allegation, as specified in the accompanying administrative regulation.

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

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

1. What acts and behavior constitute sexual harassment, including the fact that sexual harassment could occur between people of the same sex and could involve sexual violence
2. A clear message that students do not have to endure sexual harassment under any circumstance
3. Encouragement to report observed incidents of sexual harassment even where the alleged victim of the harassment has not complained
4. A clear message that student safety is the district's primary concern, and that any separate rule violation involving an alleged victim or any other person reporting a sexual harassment incident will be addressed separately and will not affect the manner in which the sexual harassment complaint will be received, investigated, or resolved
5. 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 prompt action shall be taken to stop any harassment, prevent recurrence, and address any continuing effect on students
6. Information about the district's procedure 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 take interim 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 and that, to the extent possible, when such interim measures are taken, they shall not disadvantage the complainant or victim of the alleged harassment

Sexual harassment complaints by and against students shall be investigated and resolved in accordance with law and district procedures, including the Uniform Complaint Procedures. Upon investigation of a sexual harassment complaint, any student found to have engaged in sexual harassment or sexual violence in violation of this policy shall be subject to disciplinary action. For students in grades 4-8, 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 have his/her employment terminated in accordance with law and the applicable collective bargaining agreements.

### **Title IX**

The annual notification and complete contact information of the compliance officer(s) and information related to Title IX as required pursuant to Education Code 221.61 shall be posted on the district website and may be provided through district-supported social media, if available.

<https://www.kingscoe.org/Page/353>

### **Student Rights under Title IX**

Federal Title IX of the Education Amendments of 1972 ("Title IX"), implemented at 34 C.F.R. § 106.31, subdivision (a), provides that no person shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any academic, extracurricular, research, occupational training, or other education program or activity operated by a recipient which receives federal financial assistance. Relevant here, Title IX requires school districts to take immediate and appropriate action to investigate when it knows or reasonably should know of a possible Title IX violation.

### **Title IX Coordinator**

The Title IX Coordinator for the Kings County Office of Education is the Assistant Superintendent of Human Resources, Lisa Horne. Contact information- email: [lisa.horne@kingscoe.org](mailto:lisa.horne@kingscoe.org) or phone: (559) 584-1441.

Your teacher, school principal, or other trusted adult can assist you with making a report and/or filing a formal complaint so that the school can take immediate action to find out what happened, make it stop, and keep it from happening again.

Student Rights Pursuant to Education Code Section 221.8

Education Code section 221.8 provides as follows:

The following list of rights, which are based on the relevant provisions of the federal regulations implementing Title IX of the Education Amendments of 1972 (20 U.S.C § 1681 et seq.), may be used by the department for purposes of Section 221.6:

- a. You have the right to fair and equitable treatment and you shall not be discriminated against based on your sex.
- b. You have the right to be provided with an equitable opportunity to participate in all academic extracurricular activities, including athletics.
- c. You have the right to inquire of the athletic director of your school as to the athletic opportunities offered by the school.
- d. You have the right to apply for athletic scholarships.
- e. You have the right to receive equitable treatment and benefits in the provision of all of the following:
  1. Equipment and supplies
  2. Scheduling of games and practices
  3. Transportation and daily allowances
  4. Access to tutoring
  5. Coaching
  6. Locker rooms
  7. Practice and competitive facilities
  8. Medical and training facilities and services
  9. Publicity
- f. You have the right to have access to the Title IX coordinator to answer questions regarding gender equity laws.
- g. You have the right to contact the State Department of Education and California Interscholastic Federation to access information on gender equity laws.
- h. You have the right to file a confidential discrimination complaint with the United States Office of Civil Rights or the State Department of Education if you believe you have been discriminated against or if you believe you have received unequal treatment on the basis of your sex/gender.
- i. You have the right to pursue civil remedies if you have been discriminated against.
- j. You have the right to be protected against retaliation if you file a discrimination complaint.

Filing a Title IX Complaint with the Kings County Office of Education

The County Office of Education's full Title IX policy can be found at [www.kingsco.org/Page/353](http://www.kingsco.org/Page/353)

### **SAFE STORAGE OF FIREARMS (EC 48986, 49013)**

The County Office is required to provide parents notice of California's child access prevention laws and laws relating to the safe storage of firearms.

The Kings County Office of Education would like to inform and remind parents and legal guardians of students enrolled in Shelly Baird or COE run programs of their responsibilities for keeping firearms out of the hands of children as required by California law. There have been many news reports throughout our state of children bringing firearms to school. In many instances, the child obtained the firearm(s) from his or her home. These incidents can be easily prevented by storing firearms in a safe and secure manner, including

keeping them locked up when not in use and storing them separately from ammunition.

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

- With very limited exceptions, California makes a person criminally liable for keeping any firearm, loaded or unloaded, within any premises that are under their custody and control where that person knows or reasonably should know that a child is likely to gain access to the firearm without the permission of the child's parent or legal guardian, and the child obtains access to the firearm and thereby (1) causes death or injury to the child or any other person; (2) carries the firearm off the premises or to a public place, including to any preschool or school grades kindergarten through twelfth grade, or to any school-sponsored event, activity, or performance; or (3) unlawfully brandishes the firearm to others.

- Note: The criminal penalty may be significantly greater if someone dies or suffers great bodily injury as a result of the child gaining access to the firearm.

With very limited exceptions, California also makes it a crime for a person to negligently store or leave any firearm, loaded or unloaded, on their premises in a location where the person knows or reasonably should know that a child is likely to gain access to it without the permission of the child's parent or legal guardian, unless reasonable action is taken to secure the firearm against access by the child, even where a minor never actually accesses the firearm.

- In addition to potential fines and terms of imprisonment, as of January 1, 2020, a gun owner found criminally liable under these California laws faces prohibitions from possessing, controlling, owning, receiving, or purchasing a firearm for 10 years.

- Finally, a parent or guardian may also be civilly liable for damages resulting from the discharge of a firearm by that person's child or ward.

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

## **WILLIAMS UNIFORM COMPLAINT PROCEDURES**

### **Types of Complaints**

The County Office of Education shall use the procedures described in this administrative regulation only to investigate and resolve the following:

1. Complaints regarding insufficiency of textbooks and instructional materials, including any complaint alleging that: (Education Code 35186; 5 CCR 4681)
  - a. A student, including an English learner, does not have standards-aligned textbooks or instructional materials or state- or district-adopted textbooks or other required instructional materials to use in class.
  - b. A student does not have access to textbooks or instructional materials to use at home or after school. This does not require two sets of textbooks or instructional materials for each student.
  - c. Textbooks or instructional materials are in poor or unusable condition, have missing pages, or are unreadable due to damage.
  - d. A student was provided photocopied sheets from only a portion of a textbook or instructional

materials to address a shortage of textbooks or instructional materials.

2. Complaints regarding teacher vacancy or misassignment, including any complaint alleging that (Education Code 35186; 5 CCR 4682):

- a. A semester begins and a teacher vacancy exists.
  - b. A teacher who lacks credentials or training to teach English learners is assigned to teach a class with more than 20 percent English learners in the class.
  - c. A teacher is assigned to teach a class for which the teacher lacks subject matter competency.
- Teacher vacancy means a position to which a single designated certificated employee has not been assigned at the beginning of the year for an entire year or, if the position is for a one-semester course, a position to which a single designated certificated employee has not been assigned at the beginning of the semester for an entire semester (Education Code 35186; 5 CCR 4600).

Beginning of the year or semester means the first day classes necessary to serve all the students enrolled are established with a single designated certificated employee assigned for the duration of the class, but not later than 20 working days after the first day students attend classes for that semester (5 CCR 4600).

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

3. Complaints regarding the condition of school facilities, including any complaints alleging that: (Education Code 35186; 5 CCR 4683)

- a. A condition poses an emergency or urgent threat to the health or safety of students or staff. Emergency or urgent threat means structures or systems that are in a condition that poses a threat to the health and safety of students or staff while at school, including, but not limited to, gas leaks; nonfunctioning heating, ventilation, fire sprinklers, or air-conditioning systems; electrical power failure; major sewer line stoppage; major pest or vermin infestation; broken windows or exterior doors or gates that will not lock and that pose a security risk; abatement of hazardous materials previously undiscovered that pose an immediate threat to students or staff; or structural damage creating a hazardous or uninhabitable condition; or any other condition deemed appropriate. (Education Code 17592.72)
- b. A school restroom has not been cleaned, maintained, or kept open in accordance with Education Code 35292.5.

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

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

In any district school serving any of grades 6-12 in which 40 percent or more of the students in the school or school attendance area are from low-income families, as defined in 20 USC 6314, a complaint may be filed alleging noncompliance with the requirement of Education Code 35292.6 to stock, at all times, at least half of the restrooms in the school with feminine hygiene products and to not charge students for

the use of such products.

4. Complaints regarding the noncompliance of a license-exempt California State Preschool Program (CSPP) with health and safety standards specified in Health and Safety Code 1596.7925 and related state regulations, including any complaint alleging that: (Education Code 8235.5; Health and Safety Code 1596.7925)
  - a. The preschool does not have outdoor shade that is safe and in good repair.
  - b. Drinking water is not accessible and/or readily available throughout the day.
  - c. The preschool does not provide safe and sanitary restroom facilities with one toilet and handwashing fixture for every 15 children.
  - d. Restroom facilities are not available only for preschoolers and kindergartners.
  - e. The preschool program does not provide visual supervision of children at all times.
  - f. Indoor or outdoor space is not properly contained or fenced or does not provide sufficient space for the number of children using the space at any given time.
  - g. Playground equipment is not safe, in good repair, or age appropriate.

#### Forms and Notices

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

The Superintendent or designee shall ensure that the district's complaint form specifies the location for filing a complaint and contains a space to indicate whether the complainant desires a response to the complaint. A complainant may add as much text to explain the complaint as desired. (Education Code 8235.5, 35186; 5 CCR 4680)

The Superintendent or designee shall post in each K-12 classroom in each school a notice containing the components specified in Education Code 35186. In each license-exempt CSPP classroom, a notice containing the components specified in Education Code 8235.5 shall be posted. (Education Code 8235.5, 35186)

#### Filing of Complaint

A complaint alleging any condition(s) specified in the section "Types of Complaints" above shall be filed with the principal or designee, or the preschool administrator or designee as appropriate, at the school in which the complaint arises. A complaint about problems beyond the authority of the principal or preschool administrator shall be forwarded to the Superintendent or designee in a timely manner, but not to exceed 10 working days. Complaints may be filed anonymously. (Education Code 8235.5, 35186; 5 CCR 4680)

#### Investigation and Response

The principal/preschool administrator or designee of the Superintendent shall make all reasonable efforts to investigate any problem within their authority. (Education Code 8235.5, 35186; 5 CCR 4685)

Investigation of a complaint regarding preschool health or safety issues shall begin within 10 calendar days of receipt of the complaint. (Education Code 8235.5)

The principal/preschool administrator or Superintendent's designee shall remedy a valid complaint within a reasonable time period not to exceed 30 working days from the date the complaint was received. (Education Code 8235.5, 35186; 5 CCR 4685)

If the complainant has indicated on the complaint form a desire to receive a response to the complaint, the principal/preschool administrator or Superintendent's designee shall report the resolution of the complaint to the complainant within 45 working days of the initial filing of the complaint. If the principal/preschool administrator makes this report, the information shall be reported at the same time to the Superintendent or designee. (Education Code 8235.5, 35186; 5 CCR 4680, 4685)

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

If a complainant is not satisfied with the resolution of a complaint, the complainant has the right to describe the complaint to the Governing Board at a regularly scheduled meeting. (Education Code 8235.5, 35186; 5 CCR 4686)

For any complaint concerning a facilities condition that poses an emergency or urgent threat to the health or safety of students or staff as described in item #3a or #4 in the section "Types of Complaints" above, a complainant who is not satisfied with the resolution proffered by the principal/preschool administrator or Superintendent or designee may file an appeal to the Superintendent of Public Instruction within 15 days of receiving the district's response. The complainant shall comply with the appeal requirements specified in 5 CCR 4632 (Education Code 8235.5, 35186; 5 CCR 4687).

All complaints and written responses shall be public records (Education Code 8235.5, 35186; 5 CCR 4686). Reports

On a quarterly basis, the Superintendent or designee shall report, to the Board at a regularly scheduled public Board meeting and to the County Superintendent of Schools, summarized data on the nature and resolution of all complaints. The report shall include the number of complaints by general subject area with the number of resolved and unresolved complaints (Education Code 8235.5, 35186; 5 CCR 4686).

### **CHILD ABUSE REPORTING GUIDELINES AND PROCEDURES**

The following information will assist parents and guardians in determining whether or not child abuse has occurred and, if so, how to file a complaint of child abuse with local law enforcement. This information has been taken from the California Child Abuse and Neglect Reporting Act in the California Penal Code and from sections of the California Education Code.

Child Abuse Can Be Any of the Following:

1. A physical injury which is inflicted on a child by another person other than by accidental

means.

2. The sexual abuse, assault, or exploitation of a child, such as:
  - a. The negligent treatment or maltreatment of a child by a person responsible for the child's welfare under circumstances indicating harm or threatened harm to the child's health or welfare, whether the harm or threatened harm is from acts or omissions on the part of the responsible person;
  - b. The willful infliction upon a child of any cruel or inhumane corporal punishment or any injury resulting in a traumatic condition; or
  - c. The willful harming or injuring of a child or endangering of the person or the health of a child where the person responsible for the child's welfare is a licensee, administrator, or employee of any facility licensed to care for children or an administrator or employee of a public or private school or other institution or agency.

Child Abuse Does Not Include:

1. A mutual fight between minors;
2. An injury that is caused by the actions of a peace officer using reasonable and necessary force within the scope of his or her employment; or
3. An injury caused by any force that is reasonable and necessary for a person employed by or engaged in a school:
  - a. To stop a disturbance threatening physical injury to people or damage to property;
  - b. For purposes of self-defense;
  - c. To obtain possession of weapons or other dangerous objects within control of a pupil; or
  - d. To exercise the degree of control reasonably necessary to maintain order, protect property, protect the health and safety of pupils, and maintain proper and appropriate conditions conducive to learning.

How to File a Complaint of Child Abuse Committed at a School Site

Parents and guardians of pupils have the right to file a complaint against a school employee or other person that they suspect has engaged in abuse of a child at a school site. To file a complaint, the parent or guardian must file a formal report with an appropriate local law enforcement agency. An appropriate law enforcement agency may be one of the following:

1. A Police or Sheriff's Department (not including a school district police department or school security department)
2. A County Probation Department if designated by the county to receive child abuse reports, or
3. A County Welfare Department/County Child Protective Services.

The complaint may be filed over the telephone, in person, or in writing. A complaint may also be filed at the same time with your school district or county office of education. School districts and county offices of education, however, do not investigate child abuse allegations.

The local law enforcement agency is required to investigate all complaints.

In addition, if the child is disabled and enrolled in special education, a separate complaint may be filed by the parent or guardian with the California Department of Education (CDE) according to Title 5 of the California Code of Regulations section 4650(a)(7)(C). The CDE does not, however, investigate allegations of child abuse but rather investigates the conditions that may involve immediate physical danger or threaten the health, safety, or welfare of the child or children or which may result in denial of a free and appropriate public education.

If the complaint of child abuse is “substantiated” or confirmed by the local law enforcement agency, meaning that the report of child abuse or neglect, as determined by the law enforcement investigator who conducted the investigation, is, based upon the evidence, more likely to have occurred than not, then a report of the investigation will be transmitted by the law enforcement agency to the governing board of the local school district or County Office of Education. A confirmed report of child abuse or neglect received by a governing board of a school district or County Office of Education will be subject to the provisions of California Education Code section 44031, which gives school employees certain rights regarding personnel information and records.

In addition, a confirmed report shall be forwarded by the law enforcement agency that investigated the complaint to the California Department of Justice according to California Penal Code section 11169 and notice will be provided to the alleged child abuser that he or she has been reported to the Child Abuse Central Index, as maintained by the Department of Justice.

This guidance is mandatory only to the extent that it cites a specific statutory and/or regulatory requirement. Any portion of this guidance that is not supported by a specific statutory and/or regulatory requirement is not prescriptive pursuant to California Education Code section 33308.5.