MORGAN HILL UNIFIED SCHOOL DISTRICT

RIGHTS AND RESPONSIBILITIES HANDBOOK FOR PARENTS and STUDENTS 2025-2026

Morgan Hill Unified Mission Statement:

The Morgan Hill Unified School District's central purpose is to educate students. In partnership with parents and the community, we create learning environments where all students learn and are empowered to achieve their unique potential. We model and nurture civility, respect, compassion, personal responsibility, curiosity and integrity in an environment of diversity, equity and service.

Dear MHUSD Parents and Guardians,

Welcome to a new school year in the Morgan Hill Unified School District!

Enclosed in this handbook, you will find information that is important to the ongoing safety and success of your student in our schools. It contains policies and laws, school rules, and responsibilities that you and your student should be familiar with - some of which are important to know and understand from the first day of school while others will become more relevant moving forward. You will be notified if the policies referred to in this booklet change due to public health department requirements or other circumstances.

As this document is provided to you and your student, we ask that you read it together and to emphasize the importance of knowing and understanding school rules and student responsibilities. As a suggestion, you will find the *Table of Contents* to be a good overview of the many topics covered below as well as a starting point for you and your student before reading the material in greater detail. Further, as you skim through the handbook, be sure to note any sections you'd like to read more in depth that might have an immediate impact on your student. Please discuss these sections with them.

As always, a safe, secure, and healthy learning environment for all students and staff is a top priority for MHUSD, and these behavior expectations and school rules will help us deliver an educational environment that is optimal for learning. Furthermore, your expectations of regular school attendance are essential to the academic success of your student during this school year and beyond - we appreciate your support in ensuring your student attends school every day.

Additionally, we ask you to pay particular attention to pages 77-105 that outline expectations for student behavior and our belief in supporting students with positive behavior strategies and interventions as well as important student rights regarding suspension, notification, due process, among other information. Also, please review pages 122-125 as they summarize our attendance policies.

The following form must be signed as part of the data confirmation process:

1. Receipt of Rights and Responsibilities Handbook page 162

   Additional forms for your signature can be found on pages 152-162

2. Withhold Authorization to Video/Photograph Minors for Publication
3. Animals in the Classroom
4. Parent/Guardian Notice Release of Directory Information
5. Student-Technology Acceptable Use Agreement

Please save this handbook for future reference-it is a valuable tool and resource for you and your student.

We look forward to working alongside you and your student to make their time in our schools a positive, engaging, and enriching educational experience for all.

Dr. Carmen Garcia
Superintendent

TABLE OF CONTENTS ** **Page**

Nondiscrimination Statement (BP 0410) 2
Parents Rights & Responsibilities (BP/AR 5020) 3
Parent Involvement (BP/AR/E 6020) 7
Notice of Rights of Parents and Children Regarding Special Education 16
Uniform Complaint Procedures (BP/AR/E 1312.3) 19
Notice of Parent & Student Rights Under Section 504, The Rehabilitation Act of 1973 35
Sexual Harassment (BP/AR 5145.7) 36
NonDiscrimination/Harassment (BP/AR 5145.3) 41
Conduct (BP/AR 5131 series) 54
Maintaining Appropriate Adult Student Interaction (BP 4119.24, 4219.24, 4319.24) 72
School Rules & Behavior Standards 77
Discipline (BP/AR 5144 series) 79
Exclusion From Attendance (AR 5112.2) 106
Grades/Evaluations of Student Achievement (BP/AR 5121) 107
Promotion, Acceleration & Retention (BP/AR 5123) 112
Standardized Testing 115
High School Graduation Requirements (BP/AR 6146.1) 118
Differential Graduation & Competency Standards for Students with Disabilities (BP 6146.4) 118
Intradistrict Open Enrollment (BP/AR 5116.1) 119
Attendance Policies and Procedures 122
Admission (Students) (BP/AR/E 5111 series) 126
Student Use of Technology (BP 6163.4) 136
Communication with Public (BP 1100) 138
Additional Rights 140
Attendance Practice Update 143
School Calendar 146
Career Technical Education (CTE) Annual Notification 147

Forms

Withhold Authorization to Video/Photograph Minors for Publication 152
Animals in the Classroom 153
Parent/Guardian Notice Release of Directory Information 154
Student-Technology Acceptable Use Agreement 160
Receipt of Rights and Responsibility Materials 162

**** All policies are subject to updates throughout the year. Please refer to the MHUSD website for the most current adoptions.**

Philosophy, Goals, Objectives, and Comprehensive Plans BP 0410

NONDISCRIMINATION IN DISTRICT PROGRAMS AND ACTIVITIES

The Governing Board is committed to providing equal opportunity for all individuals in district programs and activities. District 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.

All individuals shall be treated equitably in the receipt of district and school services. Personally identifiable information collected in the implementation of any district program, including, but not limited to, student and family information for the free and reduced-price lunch program, transportation, or any other educational program, shall be used only for the purposes of the program, except when the Superintendent or designee authorizes its use for another purpose in accordance with law. Resources and data collected by the district shall not be used, directly or by others, to compile a list, registry, or database of individuals based on race, gender, sexual orientation, religion, ethnicity, national origin, or immigration status or any other category identified above.

District programs and activities shall be free of any racially derogatory or discriminatory school or athletic team names, mascots, or nicknames.

Annually, the Superintendent or designee shall review district programs and activities to ensure the removal of any derogatory or discriminatory name, image, practice, or other
barrier that may unlawfully prevent an individual or group in any of the protected categories stated above from accessing district programs and activities. He/she shall take prompt, reasonable actions to remove any identified barrier. The Superintendent or designee shall report his/her findings and recommendations to the Board after each review.

All allegations of unlawful discrimination in district programs and activities shall be investigated and resolved in accordance with the procedures specified in AR 1312.3 - Uniform Complaint Procedures.

Pursuant to 34 CFR 104.8 and 34 CFR 106.9, the Superintendent or designee shall notify students, parents/guardians, employees, employee organizations, applicants for admission
and employment, and sources of referral for applicants about the district's policy on nondiscrimination and related complaint procedures. Such notification shall be included in
the annual parental notification distributed pursuant to Education Code 48980 and, as applicable, in announcements, bulletins, catalogs, handbooks, application forms, or other materials distributed by the district. The notification shall also be posted on the district's web site and, social media and in district schools and offices, including staff lounges, student government meeting rooms, and other prominent locations as appropriate.

In addition, the annual parental notification shall inform parents/guardians of their children's right to a free public education regardless of immigration status or religious beliefs, including information on educational rights issued by the California Attorney General. Alternatively, such information may be provided through any other cost-effective means determined by the Superintendent or designee. *(Education Code 234.7)*

The district's nondiscrimination policy and related informational materials shall be published in a format that parents/guardians can understand. In addition, when 15 percent or more of a school's students speak a single primary language other than English, those materials shall be translated into that other language.

Access for Individuals with Disabilities

District 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. When structural changes to existing district facilities are needed to provide individuals with disabilities access to programs, services, activities, or facilities, the Superintendent or designee shall develop a transition plan that sets forth the steps for completing the changes.

The Superintendent or designee shall ensure that the district 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.

Individuals with disabilities shall notify the Superintendent or principal if they have a disability that requires special assistance or services. Reasonable notification should be given prior to the school-sponsored function, program, or meeting.

The individual identified in *AR 1312.3* - Uniform Complaint Procedures as the employee responsible for coordinating the district's response to complaints and for complying with state and federal civil rights laws is hereby designated as the district's ADA coordinator. He/she shall receive and address requests for accommodation submitted by individuals with disabilities, and shall investigate and resolve complaints regarding their access to district programs, services, activities, or facilities.

Assistant Superintendent Human Resources
15600 Concord Circle, Morgan Hill, CA 95037
408-201-6018

Policy **MORGAN HILL UNIFIED SCHOOL DISTRICT**
adopted: June 19, 2018 Morgan Hill, California

Students BP 5020

PARENT RIGHTS AND RESPONSIBILITIES

The Governing Board recognizes that parents/guardians of district students have certain rights as well as responsibilities related to the education of their children.

The Board believes that the education of the district's students is a shared responsibility. The Superintendent or designee shall work with parents/guardians, including parents/guardians of English learners, to determine appropriate roles and responsibilities of parents/guardians, school staff and students for continuing the intellectual, physical, emotional and social development and well-being of students at each school site, including the means by which the schools and parents/guardians can help students achieve academic and other standards of the school.

Within this framework, the school's primary responsibility shall be to provide a high-quality curriculum and instructional program in a supportive and effective learning environment that enables all students to meet the academic expectations of the school.

Parents/guardians shall have the opportunity to work with schools in a mutually supportive and respectful partnership and to help their children succeed in school. *(Education Code 51100)*

The Superintendent or designee shall ensure that district staff understand the rights of parents/guardians afforded by law and Board policy and follow acceptable practices that respect those rights.

The Superintendent or designee shall ensure that parents/guardians receive notification regarding their rights in accordance with law.

The Superintendent or designee shall take all reasonable steps to ensure that all parents/guardians who speak a language other than English are properly notified in English, and in their home language of the rights and opportunities available to them pursuant to *Education Code 48985. (Education Code 51101.1)*

Policy **MORGAN HILL UNIFIED SCHOOL DISTRICT**
adopted: November 13, 2012 Morgan Hill, California

Students AR 5020

PARENT RIGHTS AND RESPONSIBILITIES

Parent/Guardian Rights

The rights of parents/guardians of district students include, but are not limited to, the following:

1. To observe, within a reasonable period of time after making the request, the classroom(s) in which their child is enrolled or for the purpose of selecting the school in which their child will be enrolled *(Education Code 51101)*

   Parents/guardians may observe instructional and other school activities that involve their child in accordance with Board policy and administrative regulations adopted to ensure the safety of students and staff, prevent undue interference with instruction or harassment of school staff, and provide reasonable accommodation to parents/guardians. Upon written request by a parent/guardian, the Superintendent or designee shall arrange for parental observation of a class or activity in a reasonable time frame and in accordance with Board policy and administrative regulations. *(Education Code 49091.10)*

2. To meet, within a reasonable time of their request, with their child's teacher(s) and the principal *(Education Code 51101)*

3. Under the supervision of district employees, to volunteer their time and resources for the improvement of school facilities and school programs, including, but not limited to, providing assistance in the classroom with the approval, and under the direct supervision, of the teacher *(Education Code 51101)*

4. To be notified on a timely basis if their child is absent from school without permission *(Education Code 51101)*

5. To receive the results of their child's performance and the school's performance on standardized tests and statewide tests *(Education Code 51101)*

   For parents/guardians of English learners, this right shall include the right to receive the results of their child's performance on the English language development test. *(Education Code 51101.1)*

6. To request a particular school for their child and to receive a response from the district *(Education Code 51101)*

7. To have a school environment for their child that is safe and supportive of learning *(Education Code 51101)*

8. To examine the curriculum materials of the class(es) in which their child is enrolled *(Education Code 51101; 20 USC 1232h)*

   Parents/guardians may inspect, in a reasonable time frame, all primary supplemental instructional materials and assessments stored by the classroom teacher, including textbooks, teacher's manuals, films, audio and video recordings, and software. *(Education Code 49091.10)*

   Each school site shall make available to parents/guardians and others, upon request, a copy of the prospectus for each course, including the titles, descriptions and instructional aims of the course. *(Education Code 49091.14)*

   The school may charge an amount not to exceed the cost of duplication. *(Education Code 49091.14)*

9. To be informed of their child's progress in school and of the appropriate school personnel whom they should contact if problems arise with their child *(Education Code 51101)*

10. For parents/guardians of English learners, to support their child's advancement toward literacy *(Education Code 51101.1)*

    The Superintendent or designee may make available, to the extent possible, surplus or undistributed instructional materials to parents/guardians pursuant to *Education Code 60510. (Education Code 51101.1)*

11. For parents/guardians of English learners, to be informed, through the school accountability report card, about statewide and local academic standards, testing programs, accountability measures and school improvement efforts (*Education Code 51101.1)*

12. To have access to the school records of their child *(Education Code 51101)*

13. To receive information concerning the academic performance standards, proficiencies or skills their child is expected to accomplish *(Education Code 51101)*

14. To be informed in advance about school rules, including disciplinary rules and procedures in accordance with *Education Code 48980,* attendance policies, dress codes and procedures for visiting the school *(Education Code 51101)*

15. To be notified, as early in the school year as practicable pursuant to *Education Code 48070.5,* if their child is identified as being at risk of retention and of their right to consult with school personnel responsible for a decision to promote or retain their child and to appeal such a decision *(Education Code 51101)*

16. To receive information about any psychological testing the school does involving their child and to deny permission to give the test *(Education Code 51101)*

17. To refuse to submit or to participate in any assessment, analysis, evaluation or monitoring of the quality or character of the student's home life, any form of parental screening or testing, any nonacademic home-based counseling program, parent training, or any prescribed family education service plan and to inspect any survey collecting personal information *(Education Code 49091.18; 20 USC 1232h)*

18. To participate as a member of a parent advisory committee, school site council or site-based management leadership team in accordance with any rules and regulations governing membership in these organizations *(Education Code 51101)*

    For parents/guardians of English learners, this right shall include the right to participate in school and district advisory bodies in accordance with federal and state law and regulations. *(Education Code 51101.1)*

19. To question anything in their child's record that the parent/guardian feels is inaccurate or misleading or is an invasion of privacy and to receive a response from the school *(Education Code 51101)*

20. To provide informed, written parental consent before their child is tested for a behavioral, mental or emotional evaluation. A general consent, including medical consent used to approve admission to or involvement in a special education or remedial program or regular school activity, shall not constitute written consent for these purposes. *(Education Code 49091.12)*

Parent Responsibilities

Parents/guardians may support the learning environment of their child by: *(Education Code 51101)*

1. Monitoring attendance of their child
2. Ensuring that homework is completed and turned in on time
3. Encouraging their child to participate in extracurricular and cocurricular activities
4. Monitoring and regulating the television viewed by their child
5. Working with their child at home in learning activities that extend the classroom learning
6. Volunteering in their child's classroom(s) or for other school activities

7. Participating in decisions related to the education of their own child or the total school program as appropriate

Regulation **MORGAN HILL UNIFIED SCHOOL DISTRICT**
approved: June 23, 2015 Morgan Hill, California

Instruction BP 6020

PARENT INVOLVEMENT

The Governing Board recognizes that parents/guardians are their children's first and most influential teachers and that continued parental involvement in the education of children contributes greatly to student achievement and a positive school environment. The Superintendent or designee shall work with staff and parents/guardians to develop meaningful opportunities at all grade levels for parents/guardians to be involved in district and school activities; advisory, decision making, and advocacy roles; and activities to support learning at home.

Parents/guardians shall be notified of their rights to be informed about and to participate in their children's education and of the opportunities to them to do so.

In order to engage parents/guardians positively in their children's education, the Superintendent or designee shall ensure that staff members at each school:

1. Help parents/guardians develop parenting skills and provide home environments that support their children's academic efforts and their development as responsible members of society

2. Inform parents/guardians that they can directly affect the success of their children's learning and provide them techniques and strategies that they may use to improve their children's academic success and help their children in learning at home

3. Initiate consistent and effective two-way communication between the home and school so that parents/guardians may know when and how to help their children in support of classroom learning activities

4. Receive training that fosters effective and culturally sensitive communication with the home, including training on how to communicate with non-English speakers and how to give parents/guardians opportunities to assist in the instructional process both at school and at home

5. Encourage parents/guardians to serve as volunteers in the schools, attend student performances and school meetings, and participate in site councils, advisory councils and other activities in which they may undertake governance, advisory and advocacy roles

School plans shall delineate specific measures that shall be taken to increase parental involvement with their children's education, including measures designed to involve parents/guardians with cultural, language or other barriers which may inhibit such participation.

Title I Schools

Each year the Superintendent or designee shall identify specific objectives of the district's parent involvement program for schools that receive Title I funding. He/she shall ensure that parents/guardians are consulted and participate in the planning, design, implementation, and evaluation of the parent involvement program. *(Education Code 11503)*

The Superintendent or designee shall ensure that the district's parent involvement strategies are jointly developed with and agreed upon by parents/guardians of students participating in Title I programs. Those strategies shall establish expectations for parent involvement and describe how the district will carry out each activity.

The Superintendent or designee shall consult with parents/guardians of participating students in the planning and implementation of parent involvement programs, activities, and regulations. He/she also shall involve parents/guardians of participating students in decisions regarding how the district's Title I funds will be allotted for parent involvement activities. (20 USC 6318)

The Superintendent or designee shall ensure that each school receiving Title I funds develops a school-level parent involvement policy in accordance with 20 USC 6318.

Non-Title I Schools

The Superintendent or designee shall develop and implement strategies applicable to each school that does not receive federal Title I funds to encourage the involvement and support of parents/guardians in the education of their children, including, but not limited to, strategies describing how the district and schools will address the purposes and goals described in *Education Code 11502. (Education Code 11504)*

Policy adopted: July 26, 2001

MORGAN HILL UNIFIED SCHOOL DISTRICT
Morgan Hill, California

Instruction AR 6020

PARENT INVOLVEMENT

District Strategies for Title I Schools

To ensure that parents/guardians of students participating in Title I programs are provided with opportunities to be involved in their children's education, the Superintendent or designee shall:

1. Involve parents/guardians of participating students in the joint development of the Title I local educational agency (LEA) plan pursuant to 20 USC 6312 and the process of school review and improvement pursuant to 20 USC 6316 (20 USC 6318)

   The Superintendent or designee may:

   a. Establish a district-level committee including parent/guardian representatives from each school site to review and comment on the LEA plan in accordance with the review schedule established by the Governing Board

b. Invite input on the LEA plan from other district committees and school site councils

c. Communicate with parents/guardians through the district newsletter, web site, or other methods regarding the LEA plan and the opportunity to provide input

d. Provide copies of working drafts of the LEA plan to parents/guardians in an understandable and uniform format and, to the extent practicable, in a language the parents/guardians can understand

e. Ensure that there is an opportunity at a public Board meeting for public comment on the LEA plan prior to the Board's approval of the plan or revisions to the plan

f. Ensure that school-level policies on parent involvement address the role of school site councils and other parents/guardians as appropriate in the development and review of school plans

2. Provide coordination, technical assistance, and other support necessary to assist Title I schools in planning and implementing effective parent involvement activities to improve student academic achievement and school performance (20 USC 6318)

The Superintendent or designee may:

a. Assign person(s) in the district office to serve as a liaison to the schools regarding Title I parent involvement issues

b. Provide training for the principal or designee of each participating school regarding Title I requirements for parent involvement, leadership strategies, and communication skills to assist him/her in facilitating the planning and implementation of parent involvement activities

c. Provide ongoing district-level workshops to assist school site staff and parents/guardians in planning and implementing improvement strategies, and seek input from parents/guardians in developing the workshops

d. Provide information to schools about the indicators and assessment tools that will be used to monitor progress

3. Build the capacity of schools and parents/guardians for strong parent involvement (20 USC 6318)

The Superintendent or designee shall: (20 USC 6318)

a. Assist parents/guardians in understanding such topics as the state's academic content standards and academic achievement standards, state and local academic assessments, the requirements of Title I, and how to monitor a child's progress and work with educators to improve the achievement of their children

b. Provide materials and training to help parents/guardians work with their children to improve their children's achievement, such as literacy training and using technology, as appropriate, to foster parent involvement

c. Educate teachers, student services personnel, principals, and other staff, with the assistance of parents/guardians, in the value and utility of parent/guardian contributions and in how to reach out to, communicate with, and work with parents/guardians as equal partners,

implement and coordinate parent/guardian programs, and build ties between parents/guardians and the schools

d. To the extent feasible and appropriate, coordinate and integrate parent involvement programs and activities and conduct other activities, such as parent resource centers, that encourage and support parents/guardians in more fully participating in their children's education

e. Ensure that information related to school and parent/guardian programs, meetings, and other activities is sent to the parents/guardians of participating students in a format and, to the extent practicable, in a language the parents/guardians can understand

f. Provide other such reasonable support for parent involvement activities as parents/guardians may request

g. Inform parents/guardians and parent organizations of the existence and purpose of parent information and resource centers in the state that provide training, information, and support to parents/guardians of participating students

In addition, the Superintendent or designee may:

a. Provide necessary literacy training, using Title I funds if the district has exhausted all other reasonably available sources of funding for such training

b. Pay reasonable and necessary expenses associated with parent involvement activities, including transportation and child care costs, to enable parents/guardians to participate in school-related meetings and training sessions

c. Train parents/guardians to enhance the involvement of other parents/guardians

d. Adopt and implement model approaches to improving parent involvement

e. Develop appropriate roles for community-based organizations and businesses in parent involvement activities

f. Make referrals to community agencies and organizations that offer literacy training, parent education programs, and/or other services that help to improve the conditions of parents/guardians and families

g. Provide a master calendar of district activities and district meetings

h. Provide information about opportunities for parent involvement through the district newsletter, web site, or other written or electronic means

i. Engage parent-teacher organizations to actively seek out and involve parents/guardians through regular communication updates and information sessions

j. To the extent practicable, provide translation services at school sites and at meetings involving parents/guardians as needed

k. Provide training and information to members of district and school site councils and advisory committees to help them fulfill their functions

4. Conduct, with involvement of parents/guardians, an annual evaluation of the content and effectiveness of the parent involvement policy in improving the academic quality of the schools served by Title I (20 USC 6318)

The Superintendent or designee shall:

a. Ensure that the evaluation include the identification of barriers to greater participation in parent involvement activities, with particular attention to parents/guardians who are economically disadvantaged, are disabled, have limited English proficiency, have limited literacy, or are of any racial or ethnic minority background (20 USC 6318)

b. Use the evaluation results to design strategies for more effective parent involvement and, if necessary, to recommend changes in the parent involvement policy (20 USC 6318)

c. Assess the district's progress in meeting annual objectives for the parent involvement program, notify parents/guardians of this review and assessment through regular school communications mechanisms, and provide a copy to parents/guardians upon their request (Education Code 11503)

The Superintendent or designee may:

a. Use a variety of methods, such as focus groups, surveys, and workshops, to evaluate the satisfaction of parents/guardians and staff with the quality and frequency of district communications

b. Recommend to the Board measures to evaluate the impact of the district's parent involvement efforts on student achievement

5. Involve parents/guardians in the activities of schools served by Title I (20 USC 6318)

The Superintendent or designee may:

a. Include information about school activities in district communications to parents/guardians

b. To the extent practicable, assist schools with translation services or other accommodations needed to encourage participation of parents/guardians with special needs

c. Establish processes to encourage parent/guardian input regarding their expectations and concerns for their children

The district's Board policy and administrative regulation containing parent involvement strategies shall be incorporated into the LEA plan and distributed to parents/guardians of students participating in Title I programs. (20 USC 6318)

School-Level Policies for Title I Schools

At each school receiving Title I funds, a written policy on parent involvement shall be developed jointly with and agreed upon by parents/guardians of participating students. Such policy shall describe the means by which the school will: (20 USC 6318)

1. Convene an annual meeting, at a convenient time, to which all parents/guardians of participating students shall be invited and encouraged to attend, in order to inform parents/guardians of their

school's participation in Title I and to explain Title I requirements and the right of parents/guardians to be involved

2. Offer a flexible number of meetings, such as meetings in the morning or evening, for which related transportation, child care, and/or home visits may be provided as such services relate to parent involvement

3. Involve parents/guardians in an organized, ongoing, and timely way in the planning, review, and improvement of Title I programs, including the planning, review, and improvement of the school's parent involvement policy and, if applicable, the joint development of the plan for schoolwide programs pursuant to 20 USC 6314

   The school may use an existing process for involving parents/guardians in the joint planning and design of the school's programs provided that the process includes adequate representation of parents/guardians of participating students.

4. Provide the parents/guardians of participating students all of the following:

   a. Timely information about Title I programs

   b. A description and explanation of the school's curriculum, forms of academic assessment used to measure student progress, and the proficiency levels students are expected to meet

   c. If requested by parents/guardians, opportunities for regular meetings to formulate suggestions and to participate, as appropriate, in decisions related to their children's education, and, as soon as practicably possible, responses to the suggestions of parents/guardians

5. If the schoolwide program plan is not satisfactory to the parents/guardians of participating students, submit any parent/guardian comments when the school makes the plan available to the district

6. Jointly develop with the parents/guardians of participating students a school-parent compact that outlines how parents/guardians, the entire school staff, and students will share responsibility for improved student academic achievement and the means by which the school and parents/guardians will build a partnership to help students achieve state standards

   This compact shall address:

   a. The school's responsibility to provide high-quality curriculum and instruction in a supportive and effective learning environment that enables participating students to achieve the state's student academic achievement standards

   b. Ways in which parents/guardians will be responsible for supporting their children's learning, such as monitoring attendance and homework completion; volunteering in the classroom; and participating, as appropriate, in decisions related to their children's education and the positive use of extracurricular time

   c. The importance of communication between teachers and parents/guardians on an ongoing basis through, at a minimum:

      (1) Parent-teacher conferences in elementary schools, at least annually, during which the compact shall be discussed as it relates to the student's achievement
      (2) Frequent reports to parents/guardians on their children's progress

(3) Reasonable access to staff, opportunities to volunteer and participate in their child's classroom, and observation of classroom activities

7. Build the capacity of the school and parents/guardians for strong parent involvement by implementing the activities described in items #3a-f in the section "District Strategies for Title I Schools" above

8. To the extent practicable, provide full opportunities for the participation of parents/guardians with limited English proficiency, parents/guardians with disabilities, and parents/guardians of migrant children, including providing information and school reports required under 20 USC 6311(h) in a format and language such parents/guardians can understand

If the school has a parent involvement policy that applies to all parents/guardians, it may amend that policy to meet the above requirements. (20 USC 6318)

Each school's parent involvement policy shall be made available to the local community and distributed to parents/guardians of participating students in an understandable and uniform format and, to the extent practicable, provided in a language the parents/guardians can understand. (20 USC 6318)

District Strategies for Non-Title I Schools

For each school that does not receive federal Title I funds, the Superintendent or designee shall, at a minimum:

1. Engage parents/guardians positively in their children's education by helping them develop skills to use at home that support their children's academic efforts at school and their children's development as responsible members of society *(Education Code 11502, 11504)*

   The Superintendent or designee may:

   a. Provide or make referrals to literacy training and/or parent education programs designed to improve the skills of parents/guardians and enhance their ability to support their children's education
   b. Provide information, in parent handbooks and through other appropriate means**,** regarding academic expectations and resources to assist with the subject matter
   c. Provide parents/guardians with information about students' class assignments and homework assignments

2. Inform parents/guardians that they can directly affect the success of their children's learning, by providing them with techniques and strategies that they may use to improve their children's academic success and to assist their children in learning at home *(Education Code 11502, 11504)*

   The Superintendent or designee may:

   a. Provide parents/guardians with information regarding ways to create an effective study environment at home and to encourage good study habits
   b. Encourage parents/guardians to monitor their children's school attendance and homework completion
   c. Encourage parents/guardians to volunteer in their child's classroom and to participate in school advisory committees

3. Build consistent and effective communication between the home and school so that parents/guardians may know when and how to assist their children in support of classroom learning activities *(Education Code 11502, 11504)*

   The Superintendent or designee may:

   a. Ensure that teachers provide frequent reports to parents/guardians on their children's progress and hold parent-teacher conferences at least once per year with parents/guardians of elementary school students
   b. Provide opportunities for parents/guardians to observe classroom activities and to volunteer in their child's classroom
   c. Provide information about parent involvement opportunities through district, school, and/or class newsletters, the district's web site, and other written or electronic communications
   d. To the extent practicable, provide notices and information to parents/guardians in a format and language they can understand
   e. Develop mechanisms to encourage parent/guardian input on district and school issues
   f. Encourage greater parent/guardian participation by adjusting meeting schedules to accommodate parent/guardian needs and, to the extent practicable, by providing translation or interpreter services, transportation, and/or child care

4. Train teachers and administrators to communicate effectively with parents/guardians *(Education Code 11502, 11504)*

   The Superintendent or designee may:

   a. Provide staff development to assist staff in strengthening two-way communications with parents/guardians, including parents/guardians who have limited English proficiency or limited literacy

5. Integrate parent involvement programs into school plans for academic accountability

   The Superintendent or designee may:

   a. Include parent involvement strategies in school reform or school improvement initiatives
   b. Involve parents/guardians in school planning processes

PARENT INVOLVEMENT

Parent/Guardian Involvement

It is the policy of the Governing Board that all schools have parent/guardian involvement programs which create school environments that make parents/guardians feel welcome, needed and actively involved as informed partners in the education of their children. It is our belief that parents/guardians should be:

1. Engaged positively in their children's education by helping to develop skills to use at home that support the school program.

2. Informed so that they may directly affect the success of their children's learning.

3. Provided with home activities, learning strategies, discipline techniques and skills to build healthy relationships with children and positive attitudes toward learning.

4. Provided techniques they may use to improve academic success and assist their children at home.

Schools will:

1. Establish ongoing, effective communication between home and school so that parents/guardians know when and how to assist their children in support of classroom learning activities.

2. In concert with parents/guardians establish the schedule of, frequency of and the format/t/content of parent/guardian school communications.

3. Train teachers and parents/guardians to communicate effectively with each other and to integrate parent/guardian involvement into the school-based coordinated plan.

4. Involve parents/guardians, with appropriate training, in instructional and support roles at the school.

5. Support parents/guardians as decision makers and develop their leadership in governance, advisory and advocacy roles.

6. Establish two-way communication between the school and the home regarding school programs and children's progress, including those families of diverse backgrounds whose English is limited.

7. Respond positively and innovatively to the needs of nontraditional situations.

8. Provide ongoing training for all staff to enable them to effectively communicate with all parents/guardians.

As part of the school-based coordinated plan process, parents/ guardians will be invited to fully participate in the planning, design, implementation, and evaluation of the full school-based coordinated plan. Parents/guardians will participate in the annual review and assessment of the program's progress in meeting the school's plans.

As part of the ongoing administrative training programs, all site administrators will receive training in effective communication with parents/guardians.

Procedures will be developed for assessing the district's parent/guardian involvement program.

Notice of Rights of Parents and Children Regarding Special Education

Overview:
Parents have several protections under Procedural Safeguards. The notice of Parental Rights and Procedural Safeguards will be given to parents upon: 1) initial referral for evaluation of their child for special education service, 2) each notification of an IEP meeting, 3) reevaluation of their child, and 4) registration of a complaint or request for a due process hearing. This document will be provided upon the initial referral, upon the registration of a complaint or a request for a due process hearing, and at any time a parent requests one. Parents can obtain assistance in understanding their rights and procedural safeguards from the Special Education Director of their child's district of attendance, the SELPA Director at 408-453-6566, or the California Department of Education in Sacramento.

Local education agencies (LEA) and other public agencies have an obligation to seek out children with disabilities between birth and age 21. A child with a disability is one who has been identified by an individualized education program (IEP) team as having one of thirteen disabling conditions which are defined in federal regulation, who because of the disability needs special education and related services to benefit from education and who meets state eligibility criteria. A child with a disability has a right to participate in a free, appropriate public education. Children with disabilities are offered programs that provide for maximum interaction with children who are not disabled in a manner that is appropriate to the needs of both. When a child no longer requires special education services to benefit from education, an assessment and IEP team meeting will be conducted prior to discontinuing special education services.

No child is required to participate in special education and related services unless the parent is first informed in writing of the facts making participation necessary or desirable and of the contents of the individualized education program (IEP) and gives written approval for all or part of the IEP.

Parent Consent:
Written parental consent is required before the child is assessed, placed in a special education program, and for the implementation of all or part of the individualized education program (IEP). A LEA may not require parental consent as a condition of any benefit to the parent or child except for the service or activity for which consent is required. The LEA can file for a due process hearing to override a parent's refusal to consent to the assessment or placement of their child for special education and related service.

Individualized Education Program (IEP):
The public education agency initiates and conducts meetings for the purpose of developing, reviewing, and revising the individualized education program of each child with a disability. The IEP documents the child's eligibility for special education services and parents receive a copy of each IEP for their child. These meetings are conducted by the Individualized Education Program (IEP) team.

Disciplinary Action:
The parents have the right to be notified on the day that the decision to take disciplinary action is made of that disciplinary action if it involves a change of placement for more than ten (10) days. The school district ensures that special education and disciplinary records of the child are transmitted to the person(s) making the final decision about the disciplinary action. The school district will report any crime committed by a child with a disability to the appropriate authorities and transmit copies of special education and disciplinary records to such authorities.

Suspension:

Children with disabilities may be suspended or placed in other alternative interim settings or other settings to the same extent these options would be used for children without disabilities. A child with a disability can be suspended for not more than ten (10) consecutive days for violation of school conduct codes using the same procedures as a child without a disability. For a suspension of ten (10) days or under, educational services do not need to be provided. If the suspension is for more than ten (10) days in a school year, certain procedural safeguards must be followed. They include a meeting of the IEP team not later than ten (10) days after deciding to take disciplinary action to review the child's behavior intervention plan; if there is none, complete a functional assessment and develop a behavioral intervention plan; determine if the misconduct is a manifestation of the disability; determine appropriate action based on the outcome of the manifestation determination. For suspensions over ten (10) days, the setting can be appropriate interim educational setting or another setting.

Expulsion:
A child with a disability can be expelled for violation of school conduct codes only when certain procedural safeguards are followed. Within ten (10) days of the school's decision to propose a specific disciplinary action that includes a change in placement of more than ten (10) days, the IEP team must meet to review the behavior intervention plan if there is one; determine if the misconduct is a manifestation of the disability; determine an appropriate interim alternative setting for the child's educational placement; develop a functional behavioral assessment plan if no behavioral intervention plan exists; consider a need for change, by the end of the planned placement in alternative educational setting, from the placement the child was in at the time of the misconduct. If the parents disagree with the IEP team's findings that the expulsion process can precede because the behavior subject to the disciplinary action was not a manifestation of the child's disability, they can file for a due process hearing. Even if the district can and does expel the child, they must provide a free, appropriate public education during the time of expulsion. Additionally, the pupil is entitled to a hearing by the school board. If the school board agrees with the decision to expel the pupil, the pupil or parent or guardian may file an appeal with the county board of education.

Payment for Education of Children Enrolled in Private Schools Without Consent or Referral by the School District:

1. Students enrolled in private school where a free, appropriate public education (FAPE) is not at issue:

   School districts have the responsibility to offer a free, appropriate public education to students with disabilities whose parents have chosen to enroll them in private schools, but that responsibility is significantly limited. Federal law limits the amount that school districts may spend for these services to a proportionate share of federal Individuals With Disability Education Act (IDEA) funds. The school district must seek input from representatives of private school students, but the school district determines which services will be provided.

   A child with a disability enrolled in a private school does not have an individual right to receive some or all of the special education and related services that he/she would receive if enrolled in a public school.

   Due process procedures are unavailable to private school parents for resolving concerns about services provided. Parents may, however, file a complaint.

2. Students enrolled in private school where the provision of FAPE is at issue:
   Parents may be entitled to reimbursement for costs associated with having unilaterally withdrawn their child from the public school and placed them in a private school only if a court or hearing

officer determines that the public agency had not made a free, appropriate public education (FAPE) available to the child.

Parents seeking reimbursement for unilaterally paced private school students based on the allegation that the public school failed to provide free, appropriate public education may have those reimbursements reduced or denied if they do not provide the school district at the most recent IEP meeting with information describing the nature of their concerns relating to the public placement and a proposed resolution to the problem; their intent to reject the public school placement and enroll their child in a private school at public expense. Parents must be written notice to the school district containing the above information at least the (10) business days prior to the child's removal from public school placement; they must make their child available if the LEA notifies of their intent to evaluate the student. Reimbursement for private school placement by a parent may also be denied or reduced if a judge finds the parent's actions unreasonable.

Exceptions to this are: 1) parent cannot write English; 2) compliance is likely to result in physical or serious emotional harm to the child; 3) the school district prevented the parent from providing such notice; and 4) the parents did not receive the notice informing them of the required contents of the parent's notice to the school district; namely, the name and residence of the child, the name of the school the child is attending, a description of the nature of the problem relating to the proposed initiation or change, including facts relating to such problems, and the proposed resolution of the problem to the extent known and available to the parents at the time.

Award of Attorney Fees:

If either party to a due process hearing intends to be represented by an attorney, a notice of that intent shall be given to the other party at least 10 days prior to the hearing. Failure to notify the other party may delay the start of the hearing until the agency can obtain an attorney.

Attorney fees are not allowed to parents if they are related to an IEP meeting unless the meeting is convened as a result of any administrative hearing, or judicial action, or at the discretion of the State Attorney fees may be reduced if the parents' attorney fails to give the district notice of the nature of the problem and proposed solutions.

In any action or proceeding brought under Part B of the Individuals with Disabilities Education Act, the court may award reasonable attorney fees to the parents or guardians of a child with disabilities who is the prevailing party.

No attorney fees may be awarded and related costs may not be reimbursed subsequent to the time of a written offer of settlement is made to a parent if offer is made more than ten (10) days prior to start of the proceedings; if the offer is not accepted within ten (10) days; and if the court hearing officer finds that relief obtained by parents is not more favorable than the offer. Attorney fees and related costs may be awarded to parents who prevail and substantially justified in rejecting settlement offer.

Attorney fees will be reduced if the parent unreasonably protracted final resolution during the course of the action or proceeding; if fees unreasonable exceed prevailing hourly rate in the community; the time spent and legal services were excessive; and the parent's attorney did not provide the school district the appropriate information (name and address of the child, name of the school the child attends, a description of the nature of the problem, including facts related to the problem, and a proposed resolution of the problem to the extent known and available to the parents at the time). Attorney fees will not be reduced if the state or local educational agency unreasonably protracted the resolution or proceeding or violated due process procedures.

Complaints:
Any individual, LEA, or organization may file a written complaint with the superintendent of a local education agency or with the State Superintendent of Public Instruction alleging a violation of federal, or state law, or regulation governing special education, or related services for an individual student.

To file a state complaint, contact the California Department of Education, Special Education Division, Procedural Safeguards Referral Service, 515 L Street, Suite 270, Sacramento, CA 95814.

An immediate decision upon receipt will be made by the state superintendent of Public Instruction whether the state or the local agency has jurisdiction over the complaint.
If the state has jurisdiction, an investigation and written decision will be completed within sixty (60) calendar days of the receipt of the complaint and both parties will receive a copy of the decision shortly thereafter.

If the local educational agency has jurisdiction, the superintendent of that agency shall: (1) Investigate the complaint and prepare a written report. (2) Provide the complainant with a copy of the report.

Parents may appeal the local decision to the State Superintendent with fifteen (15) calendar days of the receipt of the local decision; while waiting for the State Department reconsideration, the local decision remains in effect.

The State Superintendent of Public Instruction/designee will review and write reasoned findings of any state decision appealed by the parent or LEA within thirty (30) calendar days. Both parties will receive copies of the review shortly thereafter.

To obtain more information about dispute resolution, including how to file a complaint, contact your director of special education, your district superintendent of schools, the California State Department of Public Instruction, or the California Department of Education - Special Education Division Procedural Safeguards Referral Service (800-926-0648) or FAX 916-327-3704 or contact the department's web site at Special Education Division - Organization (CA Dept of Education)

Community Relations BP 1312.3

UNIFORM COMPLAINT PROCEDURES
The Governing Board recognizes that the district has the primary responsibility to ensure compliance with applicable state and federal laws and regulations governing educational programs. The Board encourages the early resolution of complaints whenever possible. To resolve complaints which may require a more formal process, the Board adopts the uniform system of complaint processes specified in 5 CCR 4600-4670 and the accompanying administrative regulation.

Complaints Subject to UCP

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

1. Accommodations for pregnant and parenting students *(Education Code 46015)*

2. Adult education programs *(Education Code 8500-8538, 52334.7, 52500-52617)*

3. After School Education and Safety programs *(Education Code 8482-8484.65)*

4. Agricultural career technical education *(Education Code 52460-52462)*

5. Career technical and technical education and career technical and technical training programs *(Education Code 52300-52462)*

6. Child care and development programs *(Education Code 8200-8488)*

7. Compensatory education *(Education Code 54400)*

8. Consolidated categorical aid programs *(Education Code 33315; 34 CFR 299.10-299.12)*

9. Course periods without educational content *(Education Code 51228.1-51228.3)*

10. Discrimination, harassment, intimidation, or bullying in district programs and activities, including in those programs or activities funded directly by or that receive or benefit from any state financial assistance, based on a person's actual or perceived characteristics of race or ethnicity, color, ancestry, nationality, national origin, immigration status, ethnic group identification, age, religion, marital status, pregnancy, parental status, physical or mental disability, medical condition, sex, sexual orientation, gender, gender identity, gender expression, or genetic information, or any other characteristic identified in *Education Code 200 or 220, Government Code 11135, or Penal Code 422.55,* or based on the person's association with a person or group with one or more of these actual or perceived characteristics *(5 CCR 4610)*

11. Educational and graduation requirements for students in foster care, homeless students, students from military families, and students formerly in a juvenile court school *(Education Code 48645.7, 48853, 48853.5, 49069.5, 51225.1, 51225.2)*

12. Every Student Succeeds Act *(Education Code 52059.5; 20 USC 6301 et seq.)*

13. Local control and accountability plan *(Education Code 52075)*

14. Migrant education *(Education Code 54440-54445)*

15. Physical education instructional minutes *(Education Code 51210, 51222, 51223)*

16. Student fees *(Education Code 49010-49013)*

17. Reasonable accommodations to a lactating student *(Education Code 222)*

18. Regional occupational centers and programs *(Education Code 52300-52334.7)*

19. School plans for student achievement as required for the consolidated application for specified federal and/or state categorical funding *(Education Code 64001)*

20. School safety plans *(Education Code 32280-32289)*

21. School site councils as required for the consolidated application for specified federal and/or state categorical funding *(Education Code 65000)*

22. State preschool programs *(Education Code 8207-8225)*

23. State preschool health and safety issues in license-exempt programs *(Education Code 8212)*

24. Any complaint alleging retaliation against a complainant or other participant in the complaint process or anyone who has acted to uncover or report a violation subject to this policy

25. Any other state or federal educational program the Superintendent of Public Instruction or designee deems appropriate

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

The district shall protect all complainants from retaliation. In investigating complaints, the confidentiality of the parties involved shall be protected as required by law. For any complaint alleging retaliation or unlawful discrimination (such as discriminatory harassment, intimidation, or bullying), the Superintendent or designee shall keep the identity of the complainant, and/or the subject of the complaint if different from the complainant, confidential when appropriate and as long as the integrity of the complaint process is maintained.

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

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

The Superintendent or designee shall maintain a record of each complaint and subsequent related actions, including steps taken during the investigation and all information required for compliance with 5 CCR 4631 and 4633.

Non-UCP Complaints

The following complaints shall not be subject to the district's UCP but shall be investigated and resolved by the specified agency or through an alternative process:

1. Any complaint alleging child abuse or neglect shall be referred to the County Department of Social Services Protective Services Division or the appropriate law enforcement agency. (5 CCR 4611)

2. Any complaint alleging health and safety violations by a child development program shall, for licensed facilities, be referred to the Department of Social Services. (5 CCR 4611)

3. Any complaint alleging that a student, while in an education program or activity in which the district exercises substantial control over the context and respondent, was subjected to sexual harassment as defined in 34 CFR 106.30 shall be addressed through the federal Title IX complaint procedures adopted pursuant to 34 CFR 106.44-106.45, as specified in AR 5145.71 - Title IX Sexual Harassment Complaint Procedures.

4. Any complaint alleging employment discrimination or harassment shall be investigated and resolved by the district in accordance with the procedures specified in AR 4030 - Nondiscrimination in Employment, including the right to file the complaint with the California Department of Fair Employment and Housing.

5. Any complaint alleging a violation of a state or federal law or regulation related to special education, a settlement agreement related to the provision of a free appropriate public education (FAPE), failure or refusal to implement a due process hearing order to which the district is subject, or a physical safety concern that interferes with the district's provision of FAPE shall be submitted to the California Department of Education (CDE) in accordance with AR 6159.1 - Procedural Safeguards and Complaints for Special Education. (5 CCR 3200-3205)

6. Any complaint alleging noncompliance of the district's food service program with laws regarding meal counting and claiming, reimbursable meals, eligibility of children or adults, or use of cafeteria funds and allowable expenses shall be filed with or referred to CDE in accordance with BP 3555 - Nutrition Program Compliance. (5 CCR 15580-15584)

7. Any allegation of discrimination based on race, color, national origin, sex, age, or disability in the district's food service program shall be filed with or referred to the U.S. Department of Agriculture in accordance with BP 3555 - Nutrition Program Compliance. (5 CCR 15582)

8. Any complaint related to sufficiency of textbooks or instructional materials, emergency or urgent facilities conditions that pose a threat to the health or safety of students or staff, or teacher vacancies and misassignments shall be investigated and resolved in accordance with AR 1312.4 - Williams Uniform Complaint Procedures. (Education Code 35186)

Original Adopted Date: 04/23/2019 | Last Revised Date: 11/15/2022
Last Reviewed Date: 11/15/2022

Morgan Hill, California

Community Relations **AR 1312.3**

Uniform Complaint Procedures

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

Compliance Officers

The district designates the individual(s), position(s), or unit(s) identified below as responsible for coordinating the district's response to complaints and for complying with state and federal civil rights laws. The individual(s), position(s), or unit(s) also serve as the compliance officer(s) specified in AR 5145.3 - Nondiscrimination/Harassment responsible for handling complaints regarding unlawful discrimination (such as discriminatory harassment, intimidation, or bullying). The compliance officer(s) shall receive and coordinate the investigation of complaints and shall ensure district compliance with law.

Assistant Superintendent of Human Resources
15600 Concord Circle
Morgan Hill, CA 95037
(408) 201-6015

The compliance officer who receives a complaint may assign another compliance officer to investigate and resolve the complaint. The compliance officer shall promptly notify the complainant and respondent, if applicable, if another compliance officer is assigned to the complaint.

In no instance shall a compliance officer be assigned to a complaint in which the compliance officer has a bias or conflict of interest that would prohibit the fair investigation or resolution of the complaint. Any complaint against a compliance officer or that raises a concern about the compliance officer's ability to investigate the complaint fairly and without bias shall be filed with the Superintendent or designee who shall determine how the complaint will be investigated.

The Superintendent or designee shall ensure that employees assigned to investigate and resolve complaints receive training and are knowledgeable about the laws and programs at issue in the complaints to which they are assigned. Training provided to such employees shall cover current state and federal laws and regulations governing the program, applicable processes for investigating and resolving complaints, including those alleging unlawful discrimination (such as discriminatory harassment, intimidation, or bullying), applicable standards for reaching decisions on complaints, and appropriate corrective measures. Assigned employees may have access to legal counsel as determined by the Superintendent or designee.

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

Notifications

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

In addition, the Superintendent or designee shall annually provide written notification of the district's UCP to students, employees, parents/guardians of district students, district advisory committee members, school advisory committee members, appropriate private school officials or representatives, and other interested parties. (5 CCR 4622)

The notice shall include:

1. A statement that the district is primarily responsible for compliance with federal and state laws and regulations, including those related to prohibition of unlawful discrimination, harassment, intimidation, or bullying against any protected group and all programs and activities that are subject to UCP as identified in the section "Complaints Subject to UCP" in the accompanying Board policy

2. A statement that a complaint regarding student fees or the local control and accountability plan (LCAP) may be filed anonymously if the complainant provides evidence or information leading to evidence to support the complaint

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

4. A statement that a complaint regarding student fees must be filed no later than one year from the date the alleged violation occurred

5. A statement that the district will post a standardized notice of the educational rights of foster youth, homeless students, former juvenile court school students now enrolled in the district, children of military families, migrant students, and immigrant students enrolled in a newcomer program, as specified in *Education Code 48853, 48853.5, 49069.5, 51225.1, and 51225.2,* and the complaint process

6. Identification of the responsible staff member(s), position(s), or unit(s) designated to receive complaints

7. A statement that complaints will be investigated in accordance with the district's UCP and a written decision will be sent to the complainant within 60 days from the receipt of the complaint, unless this time period is extended by written agreement of the complainant

8. A statement that the complainant has a right to appeal the district's decision to CDE by filing a written appeal, including a copy of the original complaint and the district's decision, within 15 days of receiving the district's decision

9. A statement advising the complainant of any civil law remedies, including, but not limited to, injunctions, restraining orders, or other remedies or orders that may be available under state or federal antidiscrimination laws, if applicable

10. A statement that copies of the district's UCP are available free of charge

The annual notification, 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 web site and may be provided through district-supported social media, if available.

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

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

Filing of Complaints

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

All complaints shall be filed in writing and signed by the complainant. If a complainant is unable to put a complaint in writing due to conditions such as a disability or illiteracy, district staff shall assist in the filing of the complaint. (5 CCR 4600)

Complaints shall also be filed in accordance with the following rules, as applicable:

1. A complaint alleging district violation of applicable state or federal law or regulations governing the programs specified in the accompanying Board policy (item #1 of the section "Complaints Subject to UCP") may be filed by any individual, public agency, or organization. (5 CCR 4630)

2. Any complaint alleging noncompliance with law regarding the prohibition against student fees, deposits, and charges or any requirement related to the LCAP may be filed anonymously if the complaint provides evidence, or information leading to evidence, to support an allegation of noncompliance. A complaint about a violation of the prohibition against the charging of unlawful student fees may be filed with the principal of the school or with the Superintendent or designee. However, any such complaint shall be filed no later than one year from the date the alleged violation occurred. *(Education Code 49013, 52075; 5 CCR 4630)*

3. A complaint alleging unlawful discrimination (such as discriminatory harassment, intimidation, or bullying) may be filed only by persons who allege that they have personally suffered unlawful

discrimination or who believe that an individual or any specific class of individuals has been subjected to unlawful discrimination. The complaint shall be initiated no later than six months from the date that the alleged unlawful discrimination occurred, or six months from the date that the complainant first obtained knowledge of the facts of the alleged unlawful discrimination. The time for filing may be extended for up to 90 days by the Superintendent or designee for good cause upon written request by the complainant setting forth the reasons for the extension. *(5 CCR 4630)*

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

5. When the complainant of unlawful discrimination (such as discriminatory harassment, intimidation, or bullying) or the alleged victim, when not the complainant, requests confidentiality, the compliance officer shall inform the complainant or victim that the request may limit the district's ability to investigate the conduct or take other necessary action. When honoring a request for confidentiality, the district shall nevertheless take all reasonable steps to investigate and resolve/respond to the complaint consistent with the request.

Mediation

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

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

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

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

Investigation of Complaint

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

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

In conducting the investigation, the compliance officer shall collect all available documents and review all available records, notes, or statements related to the complaint, including any additional evidence or information received from the parties during the course of the investigation. The compliance officer shall individually interview all available witnesses with information pertinent to the complaint, and may visit any reasonably accessible location where the relevant actions are alleged to have taken place. At appropriate intervals, the compliance officer shall inform both parties of the status of the investigation.

To investigate a complaint alleging retaliation or unlawful discrimination (such as discriminatory harassment, intimidation, or bullying), the compliance officer shall interview the alleged victim(s), any alleged offenders, and other relevant witnesses privately, separately, and in a confidential manner. As necessary, additional staff or legal counsel may conduct or support the investigation.

A complainant's refusal to provide the district's investigator with documents or other evidence related to the allegations in the complaint, failure or refusal to cooperate in the investigation, or engagement in any other obstruction of the investigation may result in the dismissal of the complaint because of a lack of evidence to support the allegation. Similarly, a respondent's refusal to provide the district's investigator with documents or other evidence related to the allegations in the complaint, failure or refusal to cooperate in the investigation, or engagement in any other obstruction of the investigation may result in a finding, based on evidence collected, that a violation has occurred and in the imposition of a remedy in favor of the complainant. (5 CCR 4631)

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

Timeline for Final Decision

Unless extended by written agreement with the complainant, the compliance officer shall prepare and send to the complainant a written report, as described in the section "Final Written Decision" below, within 60 calendar days of the district's receipt of the complaint. (5 CCR 4631)

For any complaint alleging unlawful discrimination (such as discriminatory harassment, intimidation, and bullying), the respondent shall be informed of any extension of the timeline agreed to by the complainant. The respondent also shall be sent the district's final written decision at the same time it is provided to the complainant.

Final Written Decision

For all complaints, the district's final written decision shall include: (5 CCR 4631)

1. The findings of fact based on the evidence gathered. In reaching a factual determination, the following factors may be taken into account:

a. Statements made by any witnesses
b. The relative credibility of the individuals involved
c. How the complaining individual reacted to the incident
d. Any documentary or other evidence relating to the alleged conduct
e. Past instances of similar conduct by any alleged offenders
f. Past false allegations made by the complainant

2. The conclusion(s) of law

3. Disposition of the complaint

4. Rationale for such disposition

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

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

a. The manner in which the misconduct affected one or more students' education
b. The type, frequency, and duration of the misconduct
c. The relationship between the alleged victim(s) and offender(s)
d. The number of persons engaged in the conduct and at whom the conduct was directed
e. The size of the school, location of the incidents, and context in which they occurred
f. Other incidents at the school involving different individuals

5. Corrective action(s), including any actions that have been taken or will be taken to address the allegations in the complaint and including, with respect to a student fees complaint, a remedy that comports with *Education Code 49013* and *5 CCR 4600*

For complaints of unlawful discrimination (such as discriminatory harassment, intimidation, or bullying), the decision may, as required by law, include:

a. The corrective actions imposed on the respondent
b. Individual remedies offered or provided to the complainant or another person who was the subject of the complaint, but this information should not be shared with the respondent.
c. Systemic measures the school has taken to eliminate a hostile environment and prevent recurrence

6. Notice of the complainant's and respondent's right to appeal the district's decision to CDE within 15 calendar days, and procedures to be followed for initiating such an appeal. The decision may also include follow-up procedures to prevent recurrence or retaliation and for reporting any subsequent problems.

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

protected. In a complaint alleging unlawful discrimination (such as discriminatory harassment, intimidation, and bullying), notice of the district's decision to the alleged victim shall include information about any sanction to be imposed upon the respondent that relates directly to the alleged victim.

If the complaint involves a limited-English-proficient student or parent/guardian and the student involved is enrolled in a school at which 15 percent or more of the students speak a single primary language other than English, then the decision shall also be translated into that language pursuant to *Education Code 48985*. In all other instances, the district shall ensure meaningful access to all relevant information for parents/guardians with limited English proficiency.

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

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

Corrective Actions

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

For complaints involving retaliation or unlawful discrimination (such as discriminatory harassment, intimidation, or bullying), appropriate remedies that may be offered to the victim but not communicated to the respondent may include, but are not limited to, the following:

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

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

1. Transfer from a class or school as permitted by law

2. Parent/guardian conference
3. Education regarding the impact of the conduct on others
4. Positive behavior support
5. Referral to a student success team (cf. 6164.5 - Student Success Teams)
6. Denial of participation in extracurricular or co curricular activities or other privileges as permitted by law
7. Disciplinary action, such as suspension or expulsion, as permitted by law

When an employee is found to have committed retaliation or unlawful discrimination (such as discriminatory harassment, intimidation, or bullying), the district shall take appropriate disciplinary action, up to and including dismissal, in accordance with applicable law and collective bargaining agreement.

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

When a complaint is found to have merit, an appropriate remedy shall be provided to the complainant or other affected person.

However, if a complaint alleging noncompliance with the laws regarding student fees, deposits, and other charges, physical education instructional minutes for students in elementary schools, or any requirement related to the LCAP is found to have merit, the district shall provide a remedy to all affected students and parents/guardians subject to procedures established by regulation of the State Board of Education. *(Education Code 49013, 51223, 52075)*

For complaints alleging noncompliance with the laws regarding student fees, the district shall attempt in good faith, by engaging in reasonable efforts, to identify and fully reimburse all affected students and parents/guardians who paid the unlawful student fees within one year prior to the filing of the complaint. *(Education Code 49013; 5 CCR 4600)*

Appeals to the California Department of Education

Any complainant who is dissatisfied with the district's final written decision on a complaint regarding any specified federal or state educational program subject to UCP may file an appeal in writing with CDE within 15 calendar days of receiving the district's decision. *(5 CCR 4632)*

The complainant shall specify the basis for the appeal of the decision and how the facts of the district's decision are incorrect and/or the law has been misapplied. The appeal shall be sent to CDE with a copy of the original locally filed complaint and a copy of the district's decision in that complaint. (5 CCR 4632)

When a respondent in any complaint alleging unlawful discrimination (such as discriminatory harassment, intimidation, and bullying) is dissatisfied with the district's final written decision, the respondent, in the same manner as the complainant, may file an appeal with CDE.

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

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

Regulation
approved: March 29, 2019

MORGAN HILL UNIFIED SCHOOL DISTRICT
Morgan Hill, California

MORGAN HILL UNIFIED SCHOOL DISTRICT
15600 Concord Circle
Morgan Hill, CA 95037
(408) 201-6023

UNIFORM COMPLAINT FORM

Form to be used regarding complaints of discrimination and/or failure to comply with state or federal law regarding adult education, consolidated categorical programs, migrant education, vocational education, child care and development programs, child nutrition programs and special education programs.)

Today's Date: _____

Check Type(s) of Discrimination Alleged: Age ___, Physical or mental Disability ___,

National Origin _____, Race/Ethnicity _____, Religion _____, Gender Identity _____,

Sexual (actual or perceived) _____, Sexual Orientation (actual or perceived) _____.

Name of person filing complaint: _____

Address: _____

_____

Phone Number/Cell Number: _____

Email Address: _____

Person(s) Against Whom Complaint is filed: _____

_____

Date and Time of Incident (if applicable):_____

Description of Complaint: (Please use back side of form if necessary.)

_____

_____

_____

Proposed Resolution(s): _____

_____

For Office Use Only

Date Received: _____ Date of Employee Conference: _____

Date of Response to Complainant: _____

Revised: 05/07/07 (Renumbered replacing 1502A – English)
Reviewed: November 13, 2012

Uniform Complaint Procedures (UCP)
Annual Notice for 2025-2026

Morgan Hill Unified School District

For students, employees, parents/guardians, school and district advisory committee members, private school officials, and other interested parties

The Morgan Hill Unified School District annually notifies our students, employees, parents or guardians of its students, the district advisory committee, school advisory committees, appropriate private school officials, and other interested parties of the Uniform Complaint Procedures (UCP) process.

The Morgan Hill Unified School District is primarily responsible for compliance with federal and state laws and regulations, including those related to unlawful discrimination, harassment, intimidation or bullying against any protected group, and all programs and activities that are subject to the UCP in:

Adult Education	Economic Impact Aid
After School Education and Safety	Education of Pupils in Foster Care, Pupils who are Homeless, and former Juvenile Court Pupils now enrolled in a school district
Agricultural Vocational Education	English Learner Programs
American Indian Education Centers and Early Childhood Education Program Assessments	Every Student Succeeds Act / No Child Left Behind (Titles I–VII)
Bilingual Education	Local Control and Accountability Plans (LCAP)
California Peer Assistance and Review Programs for Teachers	Migrant Education
Career Technical and Technical Education; Career Technical; Technical Training	Physical Education Instructional Minutes (for grades one through six)
Career Technical Education	Pupil Fees
Child Care and Development	Reasonable Accommodations to a Lactating Pupil
Child Nutrition	Regional Occupational Centers and Programs
Compensatory Education	School Safety Plans
Consolidated Categorical Aid	Special Education
Course Periods without Educational Content (for grades nine through twelve)	State Preschool
	Tobacco-Use Prevention Education

A pupil fee includes, but is not limited to, all of the following:

1. A fee charged to a pupil as a condition for registering for school or classes, or as a condition for participation in a class or an extracurricular activity, regardless of whether the class or activity is elective or compulsory, or is for credit.
2. A security deposit, or other payment, that a pupil is required to make to obtain a lock, locker, book, class apparatus, musical instrument, clothes, or other materials or equipment.
3. A 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 our superintendent or his or her designee. A pupil fees and/or an LCAP complaint may be filed anonymously, however, the complainant must provide evidence or information leading to evidence to support the complaint.

A pupil enrolled in a school in our district shall not be required to pay a pupil fee for participation in an educational activity.

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

We shall post a standardized notice of the educational rights of pupils in foster care, pupils who are homeless, and former juvenile court pupils now enrolled in a school district as specified in EC Sections 48853, 48853.5, 49069.5, 51225.1, and 51225.2. This notice shall include complaint process information, as applicable.

The staff member, position, or unit responsible to receive UCP complaints in our agency is:

Name or title: **Designee Asst. Superintendent of Human Resources**

Unit or office: **Human Resources**

Address: **15600 Concord Circle, Morgan Hill, CA 95037**

Phone: **408-201-6000**

e-mail address:

Complaints will be investigated and a written report with a Decision will be sent to the complainant within sixty (60) days from the receipt of the complaint. This time period may be extended by written agreement of the complainant. The person responsible for investigating the complaint shall conduct and complete the investigation in accordance with our UCP policies and procedures.

The complainant has a right to appeal our Decision of complaints regarding specific programs and activities subject to the UCP, pupil fees and the LCAP to the California Department of Education (CDE) by filing a written appeal within 15 days of receiving our Decision. The appeal must be accompanied by a copy of the originally-filed complaint and a copy of our Decision.

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

Copies of our Uniform Complaint Procedures process shall be available free of charge.

NOTICE OF PARENT AND STUDENT RIGHTS UNDER SECTION 504, THE REHABILITATION ACT OF 1973

General Rights:

- Eligibility
- The right to be informed of all rights under Section 504. (This notice will serve to advise all interested parties concerning these rights.
- The right to an appropriate education designed to meet the student's educational needs as adequately as the needs of non-disabled students are met.
- The right to placement in the least restrictive environment.
- The right to be notified in writing of all District decisions concerning identification, evaluation, or educational placement.
- The right for the parent, guardian or a qualified handicapped student to review relevant records at the school site or at the District Office.
- For students who are served in special education programs in the school district, their procedural rights fall within the Individuals with Disabilities Education Act (IDEA). As such, the Section 504 rights do not apply to those students served under IDEA.

Appeal and Due Process Rights:

- If parents are dissatisfied with the district's written response to their complaint, within 30 days they may request in writing a hearing on the matter.
- The right for the district to select an impartial hearing officer within 15 days of their request for a hearing.
- The right to a hearing within 20 days of receipt of a complaint and waiving of informal resolution.
- The right for the district to conduct the hearing within 45 days by the hearing officer.
- The right to have the appeal heard by an impartial hearing officer.
- The right to be accompanied and advised by counsel and by individuals with special knowledge or training relating to the problems of students who are qualified with the meaning of Section 504.
- The right to present evidence, documentation and testimony.
- The right to question and cross-examine witnesses.
- The right to written findings of fact, conclusions of law and decisions prepared by the hearing officer 40 calendar days after the hearing.
- The right to continued appeal through a court of competent jurisdiction.

Definition of Section 504 of the Rehabilitation Act of 1973: Any person who has a physical or mental impairment which substantially limits one or more major life activities, has a record of such impairment, or is regarded as having such impairment.

If you have any questions or wish to file an appeal, contact the Director of Student Services, 15600 Concord Circle, Morgan Hill, CA 95037.

Students BP 5145.7

SEXUAL HARASSMENT

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

The district strongly encourages 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.

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

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

Instruction/Information

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

1. What acts and behavior constitute sexual harassment, including the fact that sexual harassment could occur between people of the same sex and could involve sexual violence

2. A clear message that students do not have to endure sexual harassment under any circumstance

3. Encouragement to report observed incidents of sexual harassment even where the alleged victim of the harassment has not complained

4. A clear message that student safety is the district's primary concern, and that any separate rule violation involving an alleged victim or any other person reporting a sexual harassment incident will be addressed separately and will not affect the manner in which the sexual harassment complaint will be received, investigated, or resolved

5. 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

Complaint Process and Disciplinary Actions

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

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 4-12, disciplinary action may include suspension and/or expulsion, provided that, in imposing such discipline, the entire circumstances of the incident(s) shall be taken into account.

Upon investigation of a sexual harassment complaint, any employee found to have engaged in sexual harassment or sexual violence toward any student shall have his/her employment terminated in accordance with law and the applicable collective bargaining agreement~~s~~.

Record-Keeping

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

Policy **MORGAN HILL UNIFIED SCHOOL DISTRICT**
Board Approval September 5, 2017 Morgan Hill, California

Students AR 5145.7

SEXUAL HARASSMENT

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

Assistant Superintendent, Title IX Coordinator and Equity Officer
15600 Concord Circle
Morgan Hill, CA 95037
(408) 201-6040

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

1. Submission to the conduct is explicitly or implicitly made a term or condition of a student's academic status or progress.

2. Submission to or rejection of the conduct by a student is used as the basis for academic decisions affecting the student.

3. The conduct has the purpose or effect of having a negative impact on the student's academic performance or of creating an intimidating, hostile, or offensive educational environment.

4. Submission to or rejection of the conduct by the student is used as the basis for any decision affecting the student regarding benefits and services, honors, programs, or activities available at or through any district program or activity.

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

1. Unwelcome leering, sexual flirtations, or propositions

2. Unwelcome sexual slurs, epithets, threats, verbal abuse, derogatory comments, or sexually degrading descriptions

3. Graphic verbal comments about an individual's body or overly personal conversation

4. Sexual jokes, derogatory posters, notes, stories, cartoons, drawings, pictures, obscene gestures, or computer-generated images of a sexual nature

5. Spreading sexual rumors

6. Teasing or sexual remarks about students enrolled in a predominantly single-sex class

7. Massaging, grabbing, fondling, stroking, or brushing the body

8. Touching an individual's body or clothes in a sexual way

9. Impeding or blocking movements or any physical interference with school activities when directed at an individual on the basis of sex

10. Displaying sexually suggestive objects

11. Sexual assault, sexual battery, or sexual coercion

12. Electronic communications containing comments, words, or images described above

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

Reporting Process and Complaint Investigation and Resolution

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

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

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

When a verbal or informal report of sexual harassment is submitted, the principal or compliance officer shall inform the student or parent/guardian of the right to file a formal written complaint in accordance with the district's uniform complaint procedures. Regardless of whether a formal complaint is filed, the principal or compliance officer shall take steps to investigate the allegations and, if sexual harassment is found, shall take prompt action to stop it, prevent recurrence, and address any continuing effects.

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

In investigating a sexual harassment complaint, evidence of past sexual relationships of the victim shall not be considered, except to the extent that such evidence may relate to the victim's prior relationship with the respondent.

Confidentiality

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

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

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

Response Pending Investigation

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

Notifications

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

1. Be included in the notifications that are sent to parents/guardians at the beginning of each school year
2. Be displayed in a prominent location in the main administrative building or other area where notices of district rules, regulations, procedures, and standards of conduct are posted, including school websites
3. Be provided as part of any orientation program conducted for new students at the beginning of each quarter, semester, or summer session
4. Appear in any school or district publication that sets forth the school's or district's comprehensive rules, regulations, procedures, and standards of conduct
5. Be included in the student handbook

6. Be provided to employees and employee organizations

Regulation **MORGAN HILL UNIFIED SCHOOL DISTRICT**
approved: December 13, 2017 Morgan Hill, California

Students BP 5145.3

NONDISCRIMINATION/HARASSMENT

The Governing Board 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, 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, 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 discrimination. Retaliation complaints shall be investigated and resolved in the same manner as a discrimination complaint.

The Superintendent or designee shall facilitate students' access to the educational program by publicizing the district's nondiscrimination policy and related complaint procedures to students, parents/guardians, and employees. He/she shall provide training and information on
the scope and use of the policy and complaint procedures and take other measures designed
to increase the school community's understanding of the requirements of law related to discrimination. The Superintendent or designee shall regularly review the implementation of the district's nondiscrimination policies and practices and, as necessary, shall take action to remove any identified

barrier to student access to or participation in the educational program. He/she shall report his/her findings and recommendations to the Board after each review.

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

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

Record-Keeping

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

Policy **MORGAN HILL UNIFIED SCHOOL DISTRICT**
adopted: June 19, 2018 Morgan Hill, California

Students AR 5145.3

NONDISCRIMINATION/HARASSMENT

The district designates the individual(s) identified below as the employee(s) responsible for coordinating the district's efforts to comply with applicable state and federal civil rights laws, including Title IX of the Education Amendments of 1972, Section 504 of the Rehabilitation Act of 1973, Title II of the Americans with Disabilities Act, and the Age Discrimination Act of 1975, and to answer inquiries regarding the district's nondiscrimination policies. The individual(s) shall also serve as the compliance officer(s) specified in AR 1312.3 - Uniform Complaint Procedures as the responsible employee to handle complaints alleging unlawful discrimination targeting a student, including discriminatory harassment, intimidation, or bullying, based on the student's actual or perceived race, color, ancestry, national origin, nationality, ethnicity, ethnic group identification, age, religion, marital or parental status, pregnancy, physical or mental disability, sex, sexual orientation, gender, gender identity, gender expression, or any other legally protected status; or association with a person or group with one or more of these actual or perceived characteristics. The coordinator/compliance officer(s) may be contacted at: *(Education Code 234.1; 5 CCR 4621)*

Assistant Superintendent of Human Resources
15600 Concord Circle
Morgan Hill, CA 95037
(408) 201-6000

MHUSD Civil and Human Rights

The Morgan Hill Unified School District Shall take reasonable steps to provide a school environment without unlawful harassment, including sexual harassment, and shall maintain an environment in which all students and adults model this behavior and are treated with dignity and respect. Therefore, no student or adult shall be subjected to sexual overtures or conduct, either verbal, visual, physical or perceived, which are intimidating, hostile, offensive, or unwelcome. Such conduct is unacceptable and will not be tolerated. Sexual and other unlawful harassment violates state and federal law, and District policy.

Physical or verbal harassment, physical abuse, profanity, slurs, and any other actions or words, actual or perceived, are not permitted. Harassment based on sexual orientation, gender identity, race, national origin, ethnicity, religion, age, physical or mental disability, or any other basis protected by federal, state, or local law, ordinance or regulation to the extent protected by law is prohibited. Violators of this rule will be subject to disciplinary action, which may range from guardian conference, counseling, suspension, expulsion, and referral to the appropriate law enforcement agency.

Anti-Harassment Policy

Everyone at Morgan Hill Unified School District has a right to feel respected and safe. Consequently, we want students to know about our policy to prevent sexual harassment, and harassment based on gender identity, race, national origin, ethnicity, religion, sexual orientation, or disability.

A harasser may be a student or an adult. Harassment may include the following when related to sexual orientation, gender identity, race, national origin, ethnicity, religion, or disability:

- ♦ Name calling, teasing, derogatory comments, slurs
- ♦ Remarks or rumors about an individual's sexual activities, sexual jokes, catcalls or whistles
- ♦Leering, winking, sexual gestures, pinching, patting, intentional rubbing against another individual's body
- ♦ Graffiti, offensive or graphic posters or book covers
- ♦ Derogatory notes or cartoons
- ♦ Unwelcome touching of a person or clothing, grabbing, fondling
- ♦ Violent acts or threats

If any words or actions make a student feel uncomfortable or fearful, you need to tell a teacher, counselor, assistant principal, the principal or the District's Compliance Officer at 408-201-6030. If a student believes that they or someone else has been the victim of harassment, they should report the alleged acts to a teacher, counselor, principal or the District's Compliance Officer. The report may be verbal or written.

Sexual Orientation/Gender Identity Harassment

The Board prohibits sexual harassment of students at school or at school-sponsored or school related activities. The Board also prohibits retaliatory behavior or action against any person who files a complaint, testifies, or otherwise participates in district complaint processes.

If a student believes that they or someone else has been the victim of harassment based upon real or alleged sexual orientation or gender identity, they should report the alleged acts to a Compliance Coordinator.

A student may also make a complaint to any teacher, counselor, or other staff member. The report may be verbal or written.

A student's right to privacy will be respected consistent with the District's legal obligations and the need to investigate harassment allegations and take remedial and corrective action. Morgan Hill Unified School District takes seriously all reports of sexual harassment, and harassment based upon sexual orientation, gender identity, race, national origin, ethnicity, religion, or disability and will take all appropriate action to

investigate such claims, to eliminate the harassment, and to discipline any persons found to have engaged in such conduct.
The District will also take action if anyone tries to intimidate a student or take action to harm them because they made such a report.

This is a summary of this District's policy against sexual harassment, and harassment based on gender, race, national origin, ethnicity, religion, sexual orientation, or disability. A complete copy of the policy is available at the School office upon request.

Bullying
Bullying is intentional harmful behavior initiated by one or more students and directed toward another student. Bullying exists when a student with more social and/or physical power deliberately dominates and harasses another who has less power. Bullying happens in several different forms including:

- Physical bullying involves harmful actions against another person's body. Physical bullying also involves the interference with another person's property.
- Verbal bullying involves speaking to a person or about a person in an unkind or hurtful way.
- Emotional bullying involves behaviors that upset, exclude, or embarrass a person.
- Sexual bullying singles out a person because of gender and demonstrates unwarranted or unwelcome sexual behavior.
- Racial bullying involves rejection or isolation of a person because of ethnicity.
- Cyber bullying is a form of indirect or social bullying that uses technological communications to humiliate, harass, embarrass, tease, intimidate, threaten, or slander another person. Cyber bullying is the act of being cruel to others by possessing or sending or posting harmful material or compromising photographs online or via any electronic device.

Hazing
Hazing violates the MHUSD School Code of Conduct. This may be directed toward an act which ridicules, humiliates or embarrasses.
Examples include, but are not limited to:

- Identifying students by demeaning names
- Intentional isolation
- Scaring students with what may happen at initiation
- Requiring students to wear ridiculous costumes or perform ridiculous activities · Stunt or skit nights/events with demeaning and/or crude skits and/or poems · Requiring students to perform personal service to students such as carrying books, running errands, performing maid duties, etc.
- Forced alcohol consumption
- Forced ingestion of vile substances
- Gang initiation
- Assault including paddling, beating
- Birthday bashing

The commission of any of the above acts will garner disciplinary consequences which may include suspension and/or an arrest by MHPD.

MHUSD Special Education
The Individuals with Disabilities Education Act (IDEA) is a federal law that mandates a "free and appropriate public education" to children with disabilities. Morgan Hill Unified School District follows the education code for special education to be in compliance with the IDEA. Students become eligible for special education services through a formalized process of evaluation. Anyone who suspects that a student

is disabled may request an evaluation in writing. Requests will receive response from the school site within 15 days. Usually a Student Study Team is asked to determine whether an assessment is necessary. If recommended, assessments will take place within 60 days of the initial request. If an assessment is not recommended, the Study Team will explain their reasoning in writing. Once a student has been assessed, an Individualized Education Plan (IEP) meeting is held to determine a student's eligibility for services.

MHUSD Non-discrimination

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

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

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

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

MHUSD Notice of Compliance

The California Department of Education sets policies and procedures that districts must follow to ensure compliance with state and federal regulations. We are required to provide notice of the information below to all guardians and students in grades kindergarten through twelve regarding pregnant, lactating and parenting students.

The LEA provides reasonable accommodations to a lactating pupil on a school campus to express breast milk, breast-feed an infant child, or address other needs related to breast-feeding. A school shall be required to provide the reasonable accommodations specified only if there is at least one lactating pupil on the school campus.

(a) Reasonable accommodations under this section include, but are not limited to, all of the following: (1) Access to a private and secure room, other than a restroom, to express breast milk or breast-feed an infant child.

(2) Permission to bring onto a school campus a breast pump and any other equipment used to express breast milk.

(3) Access to a power source for a breast pump or any other equipment used to express breast milk.

(4) Access to a place to store expressed breast milk safely.

(b) The district provides a lactating pupil on a school campus with a reasonable amount of time to accommodate her need to express breast milk or breast-feed an infant child.

(c) The district ensures that a pupil does not incur an academic penalty as a result of her use, during the school day, of the reasonable accommodations specified in this section, and pupils are provided the opportunity to make up any work missed due to such use.

EC § 222(a), (b), (e)

Safe Firearm Storage: Parent/Guardian Responsibilities in California

Effective January 1, 2026, California law (Senate Bill 53) requires all firearms in a residence to be securely stored when not being carried or readily controlled by the owner or another authorized user. Secure storage means the firearm is maintained within, locked by, or disabled using a California Department of Justice-certified firearm safety device or a secure gun safe. All California school districts are required to inform and remind parents and legal guardians of their legal responsibilities regarding the safe storage of firearms, ensuring they're kept out of the hands of children. Families should actively evaluate their practices to ensure compliance with state law.

California law outlines criminal liability for individuals who keep firearms, whether loaded or unloaded, in premises under their control where they know or reasonably should know a child is likely to gain access without permission. If a child then obtains the firearm and:

- Causes death or injury to themselves or another person, or
- Carries the firearm off the premises or to a public place (including any preschool, K-12 school, or school-sponsored event), or
- Unlawfully brandishes the firearm, the responsible person can face criminal charges. It's important to note that the criminal penalty can be significantly higher if someone dies or suffers great bodily injury as a result of the child accessing the firearm.

Furthermore, California law also makes it a crime to negligently store or leave any firearm on premises where the person knows or reasonably should know a child is likely to gain access without permission, unless reasonable action is taken to secure it. This applies even if a minor never actually accesses the firearm.

Beyond potential fines and imprisonment, a gun owner found criminally liable under these California laws faces a 10-year prohibition from possessing, controlling, owning, receiving, or purchasing a firearm, effective January 1, 2020. Additionally, parents or guardians may also be held civilly liable for damages resulting from the discharge of a firearm by their child or ward.

For the full memo regarding Safe Gun Storage, please visit: https://shorturl.at/VPlCi

Measures to Prevent Discrimination

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

1. Publicize the district's nondiscrimination policy and related complaint procedures to students, parents/guardians, employees, volunteers, and the general public by posting them on the district's

web site and other prominent locations that are easily accessible to students. *(Education Code 234.1)*

2. Post in a prominent and conspicuous location on the district and school web sites information regarding Title IX prohibitions against discrimination based on a student's sex, gender, gender identity, pregnancy, and parental status, including the following: *(Education code 221.61)*

   a. The name and contact information of the district's Title IX coordinator, including the phone number and email address
   b. The rights of students and the public and the responsibilities of the district under Title IX, including a list of rights as specified in *Education Code 221.8* and web links to information about those rights and responsibilities located on the web sites of the Office for Equal Opportunity and the U.S. Department of Education's Office for Civil Rights (OCR)
   c. A description of how to file a complaint of noncompliance with Title IX in accordance with *AR 1312.3* – Uniform Complaint Procedures, which shall include:

      (1) An explanation of the statute of limitations within which a complaint must be filed after an alleged incident of discrimination has occurred and how a complaint may be filed beyond the statute of limitations
      (2) An explanation of how the complaint will be investigated and how the complainant may further pursue the complaint, including web links to this information on the OCR's web site
      (3) A web link to the OCR complaints form and the contact information for the office, including the phone number and email address for the office

3. Provide to students a handbook that contains age-appropriate information that clearly describes the district's nondiscrimination policy, procedures for filing a complaint, and resources available to students who feel that they have been the victim of any such behavior. *(Education Code 234.1)*

4. Annually notify all students and parents/guardians of the district's nondiscrimination policy, including its responsibility to provide a safe, nondiscriminatory school environment for all students, including transgender and gender-nonconforming students. The notice shall inform students and parents/guardians request to meet with the compliance officer to determine how best to accommodate or resolve concerns that may arise from the district's implementation of its nondiscrimination policies. The notice shall also inform all students and parents/guardians that, to the extent possible, the district will address any individual student's interests and concerns in private.

5. The Superintendent or designee shall ensure that students and parents/guardians, including those with limited English proficiency, are notified of how to access the relevant information provided in the district's nondiscrimination policy and related complaint procedures, notices, and forms in a language they can understand.

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

6. Provide to students, employees, volunteers, and parents/guardians age-appropriate training and information regarding the district's nondiscrimination policy; what constitutes prohibited discrimination, including discriminatory harassment, intimidation, retaliation, or bullying; how and to whom a report of an incident should be made; and how to guard against segregating or stereotyping students when providing instruction, guidance, supervision, or other services to them. Such training and information shall include details of guidelines the district may use to provide a discrimination-free environment for all district students, including transgender and gender-nonconforming students.

7. At the beginning of each school year, inform school employees that any employee who witnesses any act of unlawful discrimination, including discriminatory harassment, intimidation, or bullying, against a student is required to intervene if it is safe to do so. *(Education Code 234.1)*

8. At the beginning of each school year, inform each principal or designee of the district's responsibility to provide appropriate assistance or resources to protect students' privacy rights and ensure their safety from threatened or potentially discriminatory behavior.

Enforcement of District Policy

The Superintendent or designee shall take appropriate actions to reinforce BP 5145.3 - Nondiscrimination/Harassment. As needed, these actions may include any of the following:

1. Removing vulgar or offending graffiti

2. Providing training to students, staff, and parents/guardians about how to recognize unlawful discrimination and how to respond

3. Disseminating and/or summarizing the district's policy and regulation regarding unlawful discrimination

4. Consistent with the laws regarding the confidentiality of student and personnel records, communicating the school's response to students, parents/guardians, and the community

5. Taking appropriate disciplinary action against perpetrators and anyone determined to have engaged in wrongdoing, including any student who is found to have made a complaint of discrimination that he/she knew was not true

Process for Initiating and Responding to Complaints

Any student who feels that he/she has been subjected to unlawful discrimination described above or in district policy is strongly encouraged to immediately contact the compliance officer, principal, or any other staff member. In addition, any student who observes any such incident is strongly encouraged to report the incident to the compliance officer or principal, whether or not the alleged victim files a complaint.

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

Any school employee who witnesses an incident of unlawful discrimination, including discriminatory harassment, intimidation, retaliation, or bullying, shall immediately intervene to stop the incident when it is safe to do so. *(Education Code 234.1)*

When any report of unlawful discrimination, including discriminatory harassment, intimidation, retaliation, or bullying, is submitted to or received by the principal or compliance officer, he/she shall inform the student or parent/guardian of the right to file a formal complaint pursuant to the provisions in AR 1312.3 - Uniform Complaint Procedures. Any report of unlawful discrimination involving the principal, compliance officer, or any other person to whom the complaint would ordinarily be reported or filed shall instead be submitted to the Superintendent or designee. Even if the student chooses not to file a formal complaint, the principal or compliance officer shall implement immediate measures necessary to stop the discrimination and to ensure all students have access to the educational program and a safe school environment.

Upon receiving a complaint of discrimination, the compliance officer shall immediately investigate the complaint in accordance with the district's uniform complaint procedures specified in AR 1312.3.

Transgender and Gender-Nonconforming Students

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

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

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

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

Transgender student means a student whose gender identity or gender expression is different from that traditionally associated with the assigned sex at birth.

Acts of verbal, nonverbal, or physical aggression, intimidation, or hostility that are based on sex, gender identity, or gender expression, regardless of whether they are sexual in nature, where the act has the purpose or effect of having a negative impact on the student's academic performance or of creating an intimidating, hostile, or offensive educational environment are prohibited under state and federal law. Examples of the types of conduct which are prohibited in the district and which may constitute gender-based harassment include, but are not limited to:

1. Refusing to address a student by a name and the pronouns consistent with his/her gender identity
2. Disciplining or disparaging a transgender student because his/her mannerisms, hairstyle, or style of dress correspond to his/her gender identity, or a non-transgender student because his/her mannerisms, hairstyle, or style of dress do not conform to stereotypes for his/her gender or are perceived as indicative of the other sex
3. Blocking a student's entry to the bathroom that corresponds to his/her gender identity because the student is transgender or gender-nonconforming

4. Taunting a student because he/she participates in an athletic activity more typically favored by a student of the other sex
5. Revealing a student's transgender status to individuals who do not have a legitimate need for the information
6. Use of gender-specific slurs
7. Physical assault of a student motivated by hostility toward him/her because of his/her gender, gender identity, or gender expression

The district's uniform complaint procedures (AR 1312.3) shall be used to report and resolve complaints alleging discrimination against transgender and gender-nonconforming students.

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

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

1. Right to privacy: A student's transgender or gender-nonconforming status is his/her private information and the district will only disclose the information to others with the student's prior written consent, except when the disclosure is otherwise required by law or when the district has compelling evidence that disclosure is necessary to preserve the student's physical or mental well-being. In the latter instance, the district shall limit disclosure to individuals reasonably believed to be able to protect the student's well-being. Any district employee to whom a student discloses his/her transgender or gender-nonconforming status shall seek the student's permission to notify the compliance officer. If the student refuses to give permission, the employee shall keep the student's information confidential, unless he/she is required to disclose or report the student's information pursuant to this administrative regulation, and shall inform the student that honoring the student's request may limit the district's ability to meet the student's needs related to his/her status as a transgender or gender-nonconforming student. If the student permits the employee to notify the compliance officer, the employee shall do so within three school days.

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

2. Determining a Student's Gender Identity: The compliance officer shall accept the student's assertion of his/her gender identity unless district personnel present a credible and supportable basis for believing that the student's assertion is for an improper purpose.

3. Addressing a Student's Transition Needs: The compliance officer shall arrange a meeting with the student and, if appropriate, his/her parents/guardians to identify and to develop strategies for ensuring that the student's access to education programs and activities is maintained. The meeting shall discuss the transgender or gender-nonconforming student's rights and how those rights may affect and be affected by the rights of other students and shall address specific subjects related to

the student's access to facilities and to academic or educational support programs, services, or activities, including, but not limited to, sports and other competitive endeavors. In addition, the compliance officer shall identify specific school site employee(s) to whom the student may report any problem related to his/her status as a transgender or gender-nonconforming individual, so that prompt action could be taken to address it. Alternatively, if appropriate and desired by the student, the school may form a support team for the student that will meet periodically to assess whether the arrangements for the student are meeting his/her educational needs and providing equal access to programs and activities, educate appropriate staff about the student's transition, and serve as a resource to the student to better protect the student from gender-based discrimination.

4. Accessibility to Sex-Segregated Facilities, Programs, and Activities: When the district maintains sex-segregated facilities, such as restrooms and locker rooms, and sex-segregated programs and activities, such as physical education classes, intramural sports, and interscholastic athletic programs, students shall be permitted to access facilities and participate in programs and activities consistent with their gender identity. To address any student's privacy concerns in using sex-segregated facilities, the district shall offer available options such as a gender-neutral or single-use restroom or changing area, a bathroom stall with a door, an area in the locker room separated by a curtain or screen, access to a staff member's office, or use of the locker room before or after the other students. However, the district shall not require a student to utilize these options because he/she is transgender or gender-nonconforming. In addition, a student shall be permitted to participate in accordance with his/her gender identity in other circumstances where students are separated by gender, such as for class discussions, yearbook pictures, and field trips. A student's right to participate in a sex-segregated activity in accordance with his/her gender identity shall not render invalid or inapplicable any other eligibility rule established for participation in the activity.

5. Student Records: A student's legal name or gender as entered on the mandatory student record required pursuant to 5 CCR 432 shall only be changed pursuant to a court order. However, at the written request of a student or, if appropriate, his/her parents/guardians, the district shall use the student's preferred name and pronouns consistent with his/her gender identity on all other district-related documents. Such preferred name may be added to the student's record and official documents as permitted by law.

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

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

Regulation approved: June 19, 2018

MORGAN HILL UNIFIED SCHOOL DISTRICT
Morgan Hill, California

MORGAN HILL UNIFIED SCHOOL DISTRICT
SEXUAL ORIENTATION/GENDER IDENTITY HARASSMENT
INCIDENT REPORT FORM

(To be completed by Compliance Coordinator within 15 days of oral or written complaint)

The Morgan Hill Unified School District is committed to providing a workplace and educational environment free of sexual orientation/gender identity harassment. It is the policy of the District that sexual orientation/gender identity harassment by or of any employee, student, applicant, or other individual is unacceptable conduct and will not be tolerated. District policy and applicable law prohibits retaliation against any employee, student or other person for reporting an incident of sexual orientation/gender identity harassment, filing a sexual orientation/gender identity harassment complaint or participating in an investigation, hearing, or other legal proceeding. The District will use the information provided below to investigate allegations, determine what occurred and, if warranted, take steps intended to end any unlawful sexual orientation harassment and prevent similar future conduct. The information provided herein, and all subsequent information obtained by the District, shall be kept confidential to the greatest extent possible during the investigation process.

Name of Complainant: _____

Relationship to the District (Circle one): Employee Student Volunteer Other (Specify):

If Student: Grade:___ Age:___ Parent's Names: _____

Department/School: _____

Home Address: _____

_____

Home Phone: _____ Work Phone: _____

Date(s) of alleged incident(s): _____Location(s) of alleged incident(s): _____

Nature of the allegation:

Name(s) of the person(s) who were harassed (if different from complainant):

_____

Name(s) of the person(s) alleged to have harassed the victim: _____

_____

_____

Relationship of harasser to the District (Circle one): Employee Student Volunteer Other (Specify): ___

_____

Provide the names or physical description of any witnesses and/or other individuals who were present at the scene(s) of the incident(s). (Attach additional pages if necessary):

Statements: Using the space provided or additional pages, the Compliance Coordinator is to provide a detailed narrative of the incident(s). Describe the incident(s) as completely as possible, including information such as: (1) any verbal statements (i.e., threats, requests, demands, etc.); (2) any conduct or physical contact (3) victim's response to the harasser's statements or conduct; (4) any documents regarding the harassment (notes, letters, etc. from harasser); (5) any other individuals who have knowledge of the alleged harassment; (6) all the facts regarding who, what, when, where, how, and why; and (7) victim's statement of proposed resolution to the complaint (What would resolve this complaint to the victim's satisfaction?).

Statement of Complainant:

I hereby certify that the information I have provided in this report and any attachments is true, correct, and complete to the best of my knowledge and belief.

_____

Complainant's Name and Signature Date

Statement of alleged perpetrator (if known):

I hereby certify that the information I have provided in this report and any attachments is true, correct, and complete to the best of my knowledge and belief.

_____

Alleged perpetrator Name and Signature Date

Witness statement(s):

I hereby certify that the information I have provided in this report and any attachments is true, correct, and complete to the best of my knowledge and belief.

_____

Witness Name and Signature Date

_____

Complaint Received By **[Name & Title or Position]** Date

Outcome of investigation:

Signature of Compliance Coordinator_____ Date_____

Action taken by Morgan Hill Unified School District:

Compliance Coordinator's Initials: _____

Attach copies of any documents supplied to the district or created during the investigation or complaint process.

CONDUCT

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

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

Prohibited student conduct includes, but is not limited to:

1. Conduct that endangers students, staff, or others, including, but not limited to, physical violence, possession of a firearm or other weapon, and terrorist threats

2. Discrimination, harassment, intimidation, or bullying of students or staff, including sexual harassment, hate-motivated behavior, cyberbullying, hazing or initiation activity, extortion, or any other verbal, written, or physical conduct that causes or threatens to cause violence, bodily harm, or substantial disruption

3. Conduct that disrupts the orderly classroom or school environment

4. Willful defiance of staff's authority

5. Damage to or theft of property belonging to students, staff, or the district

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

6. Obscene acts or use of profane, vulgar, or abusive language

7. Possession, use, or being under the influence of tobacco, alcohol, or other prohibited drugs

8. Possession or use of a laser pointer, unless for a valid instructional or other school-related purpose (Penal Code 417.27)

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

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

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

No student shall be prohibited from possessing or using an electronic signaling device
that is determined by a licensed physician or surgeon to be essential for the student's health and the use of which is limited to purposes related to the student's health. (Education Code 48901.5)

10. Plagiarism or dishonesty on school work or tests

11. Inappropriate attire

12. Tardiness or unexcused absence from school

13. Failure to remain on school premises in accordance with school rules

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

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

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

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

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

Policy adopted: November 13, 2012

MORGAN HILL UNIFIED SCHOOL DISTRICT
Morgan Hill, California

Bus Conduct BP 5131.1

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

The Superintendent or designee shall establish regulations related to student conduct on buses, bus driver authority, and the suspension of riding privileges. He/she shall make these rules available to parents/guardians, students, and other interested parties. (5 CCR 14103)

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

The Superintendent or designee may deny a student the privilege of using school transportation upon the student's continued disorderly conduct or his/her persistent refusal to submit to the authority of the driver. (5 CCR 14103)

Bus Surveillance Systems

The Board believes that the use of surveillance systems on school buses will help to deter misconduct and improve discipline, ensure the safety of students and bus drivers, and prevent vandalism. Therefore, surveillance systems may be installed and used on school buses to monitor student behavior while traveling to and from school and school activities.

The Superintendent or designee shall notify students, parents/guardians, and staff that surveillance may occur on any school bus and that the contents of a recording may be a student record and, as such, may be used in student disciplinary proceedings or referred to local law enforcement, as appropriate. In addition, a prominent notice shall be placed in each bus stating that the bus is equipped with a surveillance monitoring system.

Policy **MORGAN HILL UNIFIED SCHOOL DISTRICT**
adopted: November 13, 2012 Morgan Hill, California

Bus Conduct AR 5131.1

Bus Rider Rules

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

1. Riders shall follow the instructions and directions of the bus driver at all times.
2. Riders should arrive at their designated bus stop prior to departure time and stand in a safe place at least 12 feet in front of where the bus stops and wait quietly for the bus.
3. Riders shall enter the bus in an orderly manner and go directly to their seats.
4. Riders shall sit down and fasten any passenger restraint systems. Riders shall remain seated while the bus is in motion.
5. Riders shall not block the aisle or emergency exit with their body or personal belongings. Riders may bring large or bulky items, such as class projects or musical instruments, on the bus only if the item does not displace any other rider or obstruct the driver's vision.
6. Riders should be courteous and respectful to the driver and to fellow passengers. Vulgarity, rude, or abusive behavior is prohibited.
7. Any noise or behavior that could distract the driver, such as loud talking, scuffling or fighting, throwing objects, or standing or changing seats, is prohibited and may lead to suspension of riding privileges.
8. Riders shall not use tobacco products, eat, or drink while riding the bus.

9. Riders may bring electronic devices onto the bus only if such devices are permitted at school. If the use of cellular telephones or similar devices disrupts the safe operation of the school bus, the bus driver may direct the student to no longer use the device on the bus.

10. Riders shall not put any part of the body out of the window nor throw any item from the bus.

11. Riders shall help keep the bus and the area around the bus stop clean. Riders shall not damage or deface the bus or tamper with bus equipment.

12. Service animals are permitted on school transportation services; all other animals are prohibited. *(Education Code 39839; 13 CCR 1216)*

13. Upon reaching their destination, riders shall remain seated until the bus comes to a complete stop and unfasten any restraint system, enter the aisle, and go directly to the exit.

14. Riders should be alert for traffic when leaving the bus and shall follow the district's transportation safety plan when exiting the bus and crossing the road.

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

Bus Surveillance Systems

The Superintendent or designee shall monitor the use and maintenance of the district's bus surveillance system. Students are prohibited from tampering with the bus surveillance system. Any student found tampering with the system shall be subject to discipline and shall be responsible for the costs of any necessary repairs or replacement.

Regulation **MORGAN HILL UNIFIED SCHOOL DISTRICT**
approved: November 13, 2012 Morgan Hill, California

Students BP 5131.2

BULLYING

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

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

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

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

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

Examples of Prohibited Conduct

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

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

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

1. Physical bullying: An act that inflicts harm upon a person's body or possessions, such as hitting, kicking, pinching, spitting, tripping, pushing, taking or breaking someone's possessions, or making cruel or rude hand gestures

2. Verbal bullying: An act that includes saying or writing hurtful things, such as teasing, name-calling, inappropriate sexual comments, taunting, or threats to cause harm

3. Social/relational bullying: An act that harms a person's reputation or relationships, such as leaving a person out of an activity on purpose, influencing others not to be friends with someone, spreading rumors, or embarrassing someone in public

4. Cyberbullying: An act such as sending demeaning or hateful text messages or emails, spreading rumors by email or by posting on social networking sites, or posting or sharing embarrassing photos, videos, web site, or fake profiles

Measures to Prevent Bullying

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

1. Ensuring that each school establishes clear rules for student conduct and implements strategies to promote a positive, collaborative school climate

2. Providing information to students, through student handbooks, district and school web sites and social media, and other age-appropriate means, about district and school rules related to bullying, mechanisms available for reporting incidents or threats, and the consequences for engaging in bullying

3. Encouraging students to notify school staff when they are being bullied or when they suspect that another student is being bullied, and providing means by which students may report threats or incidents confidentially and anonymously

4. Conducting an assessment of bullying incidents at each school and, if necessary, increasing supervision and security in areas where bullying most often occurs, such as playgrounds, hallways, restrooms, and cafeterias

5. Annually notifying district employees that, pursuant to *Education Code 234.1*, any school staff who witnesses an act of bullying against a student has a responsibility to immediately intervene to stop the incident when it is safe to do so

Staff Development

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

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

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

Information and Resources

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

1. The district's policy on student suicide prevention, including a reference to the policy's age appropriateness for students in grades K-6

2. The definition of sex discrimination and harassment as described in *Education Code 230,* including the rights set forth in *Education Code 221.8*

3. Title IX information included on the district's web site pursuant to *Education Code 221.6*1, and a link to the Title IX information included on CDE's web site pursuant to *Education Code 221.6*

4. District policies on student sexual harassment, prevention and response to hate violence, discrimination, harassment, intimidation, bullying, and cyberbullying

5. A section on social media bullying that includes all of the references described in *Education Code 234.6* as possible forums for social media

6. A link to statewide resources, including community-based organizations, compiled by CDE pursuant to *Education Code 234.5.*

7. Any additional information the Superintendent or designee deems important for preventing bullying and harassment

Student Instruction

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

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

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

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

Reporting and Filing of Complaints

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

When a report of bullying is submitted, the principal or a district compliance officer shall accept the complaint and/or inform the student or parent/guardian of the right to file a formal written complaint in accordance with *AR 1312.3* - Uniform Complaint Procedures. The student who is the alleged victim of the

bullying shall be given an opportunity to describe the incident, identify witnesses who may have relevant information, and provide other evidence of bullying.

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

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

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

Discipline/Corrective Actions

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

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

Support Services

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

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

Regulation MORGAN HILL UNIFIED SCHOOL DISTRICT
approved: January 17, 2020 Morgan Hill, California

Student Disturbances BP 5131.4

The Governing Board desires to provide orderly campuses that create a positive school environment and are conducive to learning. When students initiate or are involved in a campus disturbance that has the

potential to threaten the safety of students or staff, the Superintendent or designee may request law enforcement assistance.

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

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

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

Policy **MORGAN HILL UNIFIED SCHOOL DISTRICT**
adopted: November 13, 2012 Morgan Hill, California

Student Disturbances AR5131.4
Prohibited Activities

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

1. Disturbing the peace, including, but not limited to, causing or attempting to cause a riot, burning or destroying property, fighting, challenging another to fight, or using offensive words likely to provoke a fight
2. Disrupting school operations, including, but not limited to, exercising free expression which is obscene, libelous, or slanderous or so incites students as to create a clear and present danger of the commission of unlawful acts on school premises or the violation of lawful school regulations, or substantially disrupting the orderly operation of the school *(Education Code 48907)*

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

   a. Organizing or participating in unauthorized assemblies on school premises
   b. Participating in sit-ins or stand-ins which deny students or employees normal access to school premises
   c. Interfering with or unauthorized use of the district's computer system

3. Refusing to disperse, including, but not limited to, assembling for the purpose of causing a disruption and refusing to disperse upon the direction of school personnel

4. Boycotting school, including, but not limited to, participating in any protest that involves nonattendance where attendance is required at school, class, or at a school activity

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

Extension of Class Period and/or Dismissal of School

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

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

Regulation **MORGAN HILL UNIFIED SCHOOL DISTRICT**
approved: November 13, 2012 Morgan Hill, California

AR 5131.41 Use Of Seclusion And Restraint

District staff shall enforce standards of appropriate student conduct in order to provide a safe and secure environment for students and staff on campus, but are prohibited from using seclusion and behavioral restraint to control student behavior except to the limited extent authorized by law.

Definitions

Behavioral restraint includes mechanical restraint or physical restraint used as an intervention when a student presents an immediate danger to self or to others. Behavioral restraint does not include postural restraints or devices used to improve a student's mobility and independent functioning rather than to restrict movement. *(Education Code 49005.1)*

Mechanical restraint means the use of a device or equipment to restrict a student's freedom of movement. Mechanical restraint does not include the use of devices as prescribed by an appropriate medical or related services professional, including, but not limited to, adaptive devices or mechanical supports used to achieve proper body position, balance, or alignment; vehicle safety restraints during the transport of a student; restraints for medical immobilization; or orthopedically prescribed devices which permit a student to participate in activities without risk of harm. Mechanical restraint also does not include the use of devices by peace officers or security personnel for detention or for public safety purposes. *(Education Code 49005.1)*

Physical restraint means a personal restriction that immobilizes or reduces the ability of a student to move the torso, arms, legs, or head freely. Physical restraint does not include a physical escort in which a staff member temporarily touches or holds the student's hand, wrist, arm, shoulder, or back for the purpose of inducing a student who is acting out to walk to a safe location. Physical restraint also does not include the

use of force by peace officers or security personnel for detention or for public safety purposes. *(Education Code 49005.1)*

Prone restraint means the application of a behavioral restraint on a student in a facedown position. *(Education Code 49005.1)*

Seclusion means the involuntary confinement of a student alone in a room or an area from which the student is physically prevented from leaving. Seclusion does not include a timeout involving the monitored separation of the student in an unlocked setting, which is implemented for the purpose of calming the student. *(Education Code 49005.1)*

Prohibitions

Seclusion and behavioral restraint of students shall not be used in any form as a means of coercion, discipline, convenience, or retaliation. *(Education Code 49005.8)*

In addition, staff shall not take any of the following actions: *(Education Code 49005.2, 49005.8)*

1. Administer a drug that is not a standard treatment for a student's medical or psychiatric condition in order to control the student's behavior or restrict the student's freedom of movement

2. Use locked seclusion, unless it is in a facility otherwise licensed or permitted by state law to use as a locked room

3. Use a physical restraint technique that obstructs a student's respiratory airway or impairs a student's breathing or respiratory capacity, including a technique in which a staff member places pressure on the student's back or places his/her body weight against the student's torso or back

4. Use a behavioral restraint technique that restricts breathing, including, but not limited to, the use of a pillow, blanket, carpet, mat, or other item to cover a student's face

5. Place a student in a facedown position with the student's hands held or restrained behind the student's back

6. Use a behavioral restraint for longer than is necessary to contain the behavior that poses a clear and present danger of serious physical harm to the student or others

Limited Use of Seclusion or Restraint

Staff shall avoid the use of seclusion and behavioral restraint of students whenever possible. Seclusion or behavioral restraint may be used only to control student behavior that poses a clear and present danger of serious physical harm to the student or others, which cannot be prevented by a response that is less restrictive. *(Education Code 49005.4, 49005.6, 49005.8)*

If a student is put in seclusion, the student shall be under constant, direct observation of a staff member. Such observation may be through a window or another barrier through which the staff member is able to make direct eye contact with the student, but shall not be made through indirect means such as a security camera or closed-circuit television. *(Education Code 49005.8)*

If a student is restrained, staff shall afford the student the least restrictive alternative and the maximum freedom of movement, and shall use the least number of restraint points, while ensuring the physical safety of the student and others. *(Education Code 49005.8)*

If a prone restraint technique is used on a student, a staff member shall observe the student for any signs of physical distress throughout the use of the restraint. Whenever possible, the staff member monitoring the student shall not be involved in restraining the student. *(Education Code 49005.8)*

Reports

The Superintendent or designee shall annually collect data on the number of times that seclusion, mechanical restraint, and physical restraint were used on students and the number of students subjected to such techniques. The data shall be disaggregated by race/ethnicity and gender, and reported for students with a Section 504 plan, students with an individualized education program, and all other students. This report shall be submitted to the California Department of Education no later than three months after the end of each school year, and shall be available as a public record pursuant to *Government Code 6250-6270. (Education Code 49006)*

Regulation **MORGAN HILL UNIFIED SCHOOL DISTRICT**
approved: March 29, 2019 Morgan Hill, California

Alcohol and Other Drugs BP 5131.6

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

The Superintendent or designee may develop, implement and evaluate a comprehensive prevention and intervention program that is coordinated with other school and community-based services and programs. The district's program shall be scientifically based and designed to prevent or reduce alcohol or other drug use and the possession and distribution of illegal drugs. It shall include primary prevention activities such as decision-making skills and conflict management, instruction, referral to a rehabilitation program, enforcement/discipline, activities that promote the involvement of parents/guardians and coordination with appropriate community agencies and organizations.

The Board and Superintendent shall agree upon performance measures that will be used to monitor and determine the effectiveness of the district's program in reducing drug and alcohol use. The Superintendent or designee shall develop and implement an evaluation process that includes ongoing assessment and analysis of objective data regarding the incidence of drug and alcohol use among district students, including discipline problems, and the prevalence of risk factors.

The Superintendent or designee shall consult with principals, teachers, other school personnel, students and parents/guardians when developing the district's program.

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

campuses or at school activities. Information about program needs and goals shall be widely distributed in the community.

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

The district's drug education program shall augment county drug education services, if any. District staff shall take every opportunity to cooperate with county and county office of education staff in planning and implementing collaborative alcohol and drug prevention programs.

Instruction

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

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

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

Intervention, Referral and Student Assistance Programs

School staff, students and parents/guardians shall be informed about early warning signs which may indicate alcohol and other drug use and about appropriate agencies offering intervention programs, counseling, referral and other student assistance programs.
The Board strongly encourages any student who is using alcohol or drugs to discuss the matter with his/her parent/guardian or with any staff member. Students who disclose their use of alcohol or other drugs when seeking help from an intervention or recovery program shall not be disciplined for such use.

Enforcement/Discipline

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

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

Policy **MORGAN HILL UNIFIED SCHOOL DISTRICT**
adopted: November 13, 2012 Morgan Hill, California

Alcohol And Other Drugs AR 5131.6

Instruction

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

In grades 1-6, instruction on drug education should be provided in conjunction with courses health required conjunction with by *Education Code 51210. (Education Code 51260)*

In grades 7-12, instruction on drug education shall be conducted in conjunction with health courses and in any other appropriate area of study required by *Education Code 51220. (Education Code 51260)*

Secondary school instruction shall also include a study of the effects of alcohol and other drugs upon prenatal development. *(Education Code 51203)*

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

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

Intervention

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

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

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

Regulation **MORGAN HILL UNIFIED SCHOOL DISTRICT**
approved: November 13, 2012 Morgan Hill, California

Tobacco BP 5131.62

Prohibition Against Tobacco Use

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

Students' possession or use of electronic cigarettes, electronic hookahs, and other vapor-emitting devices, with or without nicotine content, that mimic the use of tobacco products is also prohibited.

These prohibitions do not apply to a student's possession or use of his/her own prescription products. However, student possession or use of prescription products in school shall be subject to the district's policy and regulation for addressing the administration of medications on campus. *(Education Code 48900)*

Prevention Instruction

The district shall provide developmentally appropriate tobacco-use prevention instruction for students at selected grade levels from K-12 pursuant to *Education Code 51202.* Such instruction shall be aligned with state content standards and the state curriculum framework for health education and with any requirements of state and/or federal grant programs in which the district participates.

Policy **MORGAN HILL UNIFIED SCHOOL DISTRICT**
adopted: June 23, 2015 Morgan Hill, California

Steroids BP 5131.63

The Governing Board recognizes that the use of steroids and other performance-enhancing supplements presents a serious health and safety hazard. As part of the district's drug prevention and intervention efforts, the Superintendent or designee and staff shall make every reasonable effort to prevent students from using steroids or other performance-enhancing supplements.

Students in grades 7-12 shall receive a lesson on the effects of steroids as part of their health, physical education, or drug education program.

Students participating in interscholastic athletics are prohibited from using steroids and dietary supplements banned by the U.S. Anti-Doping Agency as well as the substance synephrine. *(Education Code 49030)*

Before participating in interscholastic athletics, a student athlete and his/her parent/guardian shall sign a statement that the student athlete pledges not to use androgenic/anabolic steroids and dietary supplements banned by the U.S. Anti-Doping Agency and the substance synephrine, unless the student has a written prescription from a licensed health care practitioner to treat a medical condition.

A student who is found to have violated the agreement or this policy shall be restricted from participating in athletics and shall be subject to disciplinary procedures including, but not limited to, suspension or expulsion in accordance with law, Board policy, and administrative regulation.

Coaches shall educate students about the district's prohibition and the dangers of using steroids and other performance-enhancing supplements.

The Superintendent or designee shall ensure that district schools do not accept sponsorships or donations from supplement manufacturers that offer muscle-building supplements to students.

Policy **MORGAN HILL UNIFIED SCHOOL DISTRICT**
adopted: November 13, 2012 Morgan Hill, California

Steroids AR 5131.63

The district shall not accept a sponsorship from any manufacturer or distributor whose name appears on the label of a dietary supplement that contains substances banned by the U.S. Anti-Doping Agency and the substance synephrine. Such supplements shall not be sold, distributed, or marketed at a school-related event. (*Education Code 49031)*

Marketing includes, but is not limited to, direct product advertising, provision of educational materials, product promotion by a district employee or volunteer, product placement, clothing or equipment giveaways, or scholarships. Marketing shall not include the inadvertent display of a product name or advertising by a person who is not a manufacturer or distributor. *(Education Code 49031)*

School personnel and coaches may provide only nonmuscle-building nutritional supplements to student athletes for the purpose of providing additional calories and electrolytes, provided that they do not contain any dietary supplements prohibited by the U.S. Anti-Doping Agency and the substance synephrine. Permissible nonmuscle-building nutritional supplements are identified according to the following classes: carbohydrate/electrolyte drinks, energy bars, carbohydrate boosters, and vitamins and minerals.

School personnel, including coaches, shall follow the manufacturer's recommendations when discussing the use of any drug or food supplement with a student athlete. In order to minimize the health and safety risks to student athletes, school personnel shall not supply or recommend any drug, medication, or food supplement to enhance an athlete's performance.

Notice

The principal or designee shall ensure that the following warning, reproduced in 10-point bold type, is posted in every locker room of schools with classes in grades 7-12 and contained in any contracts for the lease or rental of the school's athletic facilities: *(Civil Code 1812.97)*

Warning: Use of steroids to increase strength or growth can cause serious health problems. Steroids can keep teenagers from growing to their full height; they can also cause heart disease, stroke, and damaged liver function.

Men and women using steroids may develop fertility problems, personality changes, and acne. Men can also experience premature balding and development of breast tissue. These health hazards are in addition to the civil and criminal penalties for unauthorized sale, use, or exchange of anabolic steroids.

Regulation **MORGAN HILL UNIFIED SCHOOL DISTRICT**
approved: November 13, 2012 Morgan Hill, California

Weapons And Dangerous Instruments BP 5131.7

The Governing Board recognizes that students and staff have the right to a safe and secure campus free from physical and psychological harm and desires to protect them from the dangers presented by firearms and other weapons.

Possession of Weapons

The Board prohibits any student from possessing weapons, imitation firearms, or other dangerous instruments, as defined in law and administrative regulation, in school buildings, on school grounds or buses, at school-related or school-sponsored activities away from school, or while going to or coming from school.

Under the power granted to the Board to protect the safety of students, staff, and others on district property and to maintain order and discipline in the schools, any school employee is authorized to confiscate any prohibited weapon, imitation firearm, or dangerous instrument from any student on school grounds.

Unless he/she has obtained prior written permission as specified below, a student possessing or threatening others with any weapon, dangerous instrument, or imitation firearm shall be subject to suspension and/or expulsion in accordance with law, Board policy, and administrative regulations.

The principal or designee shall notify law enforcement authorities when any student possesses a firearm, explosive, or other prohibited weapon or dangerous instrument without permission, sells or furnishes a firearm, or commits any act of assault with a firearm or other weapon. *(Education Code 48902; Penal Code 245, 626.9, 626.10; 20 USC 7151)*

Possession of Pepper Spray

To prevent potential misuse that may harm students or staff, students are prohibited from carrying tear gas or tear gas weapons such as pepper spray on campus or at school activities.

Reporting of Dangerous Objects

The Board encourages students to promptly report the presence of weapons, injurious objects, or other suspicious activity to school authorities. The identity of a student who reports such activity shall remain confidential to the extent permitted by law.

The Superintendent or designee shall develop strategies designed to facilitate student reporting of the presence of injurious objects on school grounds, such as tip hotlines, electronic transmissions, or other methods that preserve the student's anonymity. Incident reports and records shall not identify the student who reported the possession. The Superintendent or designee also shall inform staff, students, and parents/guardians that students who report the presence of injurious objects on school campuses are to be protected and their identity shielded.

Policy **MORGAN HILL UNIFIED SCHOOL DISTRICT**
Adopted: November 13, 2012 Morgan Hill, California

Weapons And Dangerous Instruments AR 5131.7

Prohibited weapons and dangerous instruments include, but are not limited to: *(Education Code 48915, 49330; Penal Code 626.10, 16100-17350, 30310)*

1. Firearms: pistols, revolvers, shotguns, rifles, "zip guns," "stun guns," tasers, and any other device capable of propelling a projectile by the force of an explosion or other form of combustion

2. Ammunition or reloaded ammunition

3. Knives, razor blades, and box cutters: any dirks, daggers, ice picks, or other weapons with a fixed, sharpened blade fitted primarily for stabbing, weapons with a blade fitted primarily for stabbing, weapons with a blade longer than 2-1/2 inches, folding knives with a blade that locks into place, and razors with an unguarded blade

4. Explosive and/or incendiary devices: pipe bombs, time bombs, cap guns, containers of inflammable fluids, and other hazardous devices

5. Any instrument that expels a metallic projectile, such as a BB or a pellet, through the force of air pressure, carbon dioxide pressure, or spring action, or any spot marker gun

6. Any other dangerous device, instrument, or weapon, including those defined in Penal Code 12020, including a blackjack, slingshot, billy, nunchaku, sandclub, sandbag, metal knuckles, or any metal plate with three or more radiating points with one or more sharp edges designed for use as a weapon

7. Any imitation firearm, defined as a replica of a firearm that is so substantially similar in physical properties to an existing firearm as to lead a reasonable person to conclude that the replica is a firearm

Any employee may take any weapon or dangerous instrument from the personal possession of a student while the student is on school premises or under the authority of the district. *(Education Code 49331, 49332)*

In determining whether to take possession of the weapon or dangerous instrument, the employee shall use his/her own judgment as to the dangerousness of the situation and, based upon this analysis, shall take one of the following actions:

1. Confiscate the object and deliver it to the principal immediately
2. Immediately notify the principal, who shall take appropriate action
3. Immediately notify the local law enforcement agency and the principal

When informing the principal about the possession of a weapon or dangerous instrument, the employee shall report the name(s) of persons involved, witnesses, location, and the circumstances of the possession.

The principal shall report any possession of a weapon or dangerous instrument to the student's parents/guardians by telephone or in person, and shall follow this notification with a letter.

The employee shall retain possession of the instrument until the risk of its use as a weapon has dissipated or, upon the request of the student's parent/guardian, until the parent/guardian appears and personally takes possession. *(Education Code 49331, 49332)*

Regulation **MORGAN HILL UNIFIED SCHOOL DISTRICT**
approved: November 13, 2012 Morgan Hill, California

Academic Honesty BP 5131.9

The Governing Board believes that academic honesty and personal integrity are fundamental components of a student's education and character development. The Board expects that students will not cheat, lie, plagiarize or commit other acts of academic dishonesty.

Students, parents/guardians, staff and administrators shall be responsible for creating and maintaining a positive school climate that encourages honesty. Students found to have committed an act of academic dishonesty shall be subject to district and school-site discipline rules.

The Superintendent or designee may establish a committee comprised of students, parents/guardians, staff, administrators and members of the public to develop standards of academic honesty, measures of preventing dishonesty, and specific consequences for acts of dishonesty. Any recommendations for discipline shall be incorporated into the school's site level discipline rules.

Policy **MORGAN HILL UNIFIED SCHOOL DISTRICT**
adopted: November 13, 2012 Morgan Hill, California

Maintaining Appropriate Adult-Student Interaction BP 4119.24

The Governing Board desires to provide a positive school environment that protects the safety and well-being of district students. The Board expects all adults with whom students may interact at school or in school-related activities, including employees, independent contractors, and volunteers, to maintain the highest professional and ethical standards in their interactions with students both within and outside the educational setting. Such adults shall not engage in unlawful or inappropriate interactions with students and shall avoid boundary-blurring behaviors that undermine trust in the adult-student relationship and lead to the appearance of impropriety.

Employees are prohibited from entering into or attempting to form a romantic or sexual relationship with any student or engaging in sexual harassment of a student, including sexual advances, flirtations, requests for sexual favors, inappropriate comments about a student's body or appearance, or other verbal, visual, or physical conduct of a sexual nature.

Adults shall not intrude on a student's physical or emotional boundaries unless necessary in an emergency or to serve a legitimate purpose related to instruction, counseling, student health, or student or staff safety.

Any employee who observes or has knowledge of another employee's violation of this policy shall report the information to the Superintendent or designee or appropriate agency for investigation pursuant to the applicable complaint procedures. Other adults with knowledge of any violation of this policy are encouraged to report the violation to the Superintendent or designee. The Superintendent or designee shall protect anyone who reports a violation from retaliation. Immediate intervention shall be implemented when necessary to protect student safety or the integrity of the investigation.

Employees who engage in any conduct in violation of this policy, including retaliation against a person who reports the violation or participates in the complaint process, shall be subject to discipline, up to and including dismissal. Any other adult who violates this policy may be barred from school grounds and activities in accordance with law. The Superintendent or designee may also notify law enforcement as appropriate.

The district's employee code of conduct addressing interactions with students shall be provided to parents/guardians at the beginning of each school year and shall be posted on school and/or district web sites. *(Education Code 44050)*

Inappropriate Conduct

Employees shall remain vigilant of their position of authority and not abuse it when relating with students. Examples of employee conduct that can undermine professional adult-student interactions or create the appearance of impropriety. Adult behaviors, sometimes referred to as "grooming," may include but are not limited to:

1. Initiating inappropriate physical contact

2. Being alone with a student outside of the view of others

3. Visiting a student's home or inviting a student to visit the employee's home without parent/guardian consent

4. Maintaining personal contact with a student that has no legitimate educational purpose, by phone, letter, electronic communications, or other means, without including the student's parent/guardian or the principal

   When communicating electronically with students, employees shall use district equipment or technological resources when available. Employees shall not communicate with students through any medium that is designed to eliminate records of the communications. The Superintendent or designee may monitor employee usage of district technology at any time without advance notice or consent

5. Creating or participating in social networking sites for communication with students, other than those created by the district, without the prior written approval of the principal or designee

6. Inviting or accepting requests from students, or former students who are minors, to connect on personal social networking sites (e.g., "friending" or "following" on social media), unless the site is dedicated to school business

7. Singling out a particular student for personal attention and friendship, including giving or receiving gifts and/or nicknames to individual students

8. Socializing or spending time with students outside of school-sponsored events, except as participants in community activities

9. Sending or accompanying students on personal errands unrelated to any legitimate educational purpose

10. Transporting a student in a personal vehicle without prior authorization

11. Encouraging students to confide their personal or family problems and/or relationships

12. Disclosing personal, family, or other private matters to students or sharing personal secrets with students

Policy **MORGAN HILL UNIFIED SCHOOL DISTRICT**
adopted: October 1, 2019 Morgan Hill, California

Maintaining Appropriate Adult-Student Interaction BP 4219.24

The Governing Board desires to provide a positive school environment that protects the safety and well-being of district students. The Board expects all adults with whom students may interact at school or in school-related activities, including employees, independent contractors, and volunteers, to maintain the highest professional and ethical standards in their interactions with students both within and outside the educational setting. Such adults shall not engage in unlawful or inappropriate interactions with students and shall avoid boundary-blurring behaviors that undermine trust in the adult-student relationship and lead to the appearance of impropriety.

Employees are prohibited from entering into or attempting to form a romantic or sexual relationship with any student or engaging in sexual harassment of a student, including sexual advances, flirtations, requests for sexual favors, inappropriate comments about a student's body or appearance, or other verbal, visual, or physical conduct of a sexual nature.

Adults shall not intrude on a student's physical or emotional boundaries unless necessary in an emergency or to serve a legitimate purpose related to instruction, counseling, student health, or student or staff safety.

Any employee who observes or has knowledge of another employee's violation of this policy shall report the information to the Superintendent or designee or appropriate agency for investigation pursuant to the applicable complaint procedures. Other adults with knowledge of any violation of this policy are encouraged to report the violation to the Superintendent or designee. The Superintendent or designee shall protect anyone who reports a violation from retaliation. Immediate intervention shall be implemented when necessary to protect student safety or the integrity of the investigation.

Employees who engage in any conduct in violation of this policy, including retaliation against a person who reports the violation or participates in the complaint process, shall be subject to discipline, up to and including dismissal. Any other adult who violates this policy may be barred from school grounds and activities in accordance with law. The Superintendent or designee may also notify law enforcement as appropriate.

The district's employee code of conduct addressing interactions with students shall be provided to parents/guardians at the beginning of each school year and shall be posted on school and/or district web sites. *(Education Code 44050)*

Inappropriate Conduct

Employees shall remain vigilant of their position of authority and not abuse it when relating with students. Examples of employee conduct that can undermine professional adult-student interactions or create the

appearance of impropriety. Adult behaviors, sometimes referred to as "grooming," may include but are not limited to:

1. Initiating inappropriate physical contact
2. Being alone with a student outside of the view of others
3. Visiting a student's home or inviting a student to visit the employee's home without parent/guardian consent
4. Maintaining personal contact with a student that has no legitimate educational purpose, by phone, letter, electronic communications, or other means, without including the student's parent/guardian or the principal

   When communicating electronically with students, employees shall use district equipment or technological resources when available. Employees shall not communicate with students through any medium that is designed to eliminate records of the communications. The Superintendent or designee may monitor employee usage of district technology at any time without advance notice or consent

5. Creating or participating in social networking sites for communication with students, other than those created by the district, without the prior written approval of the principal or designee
6. Inviting or accepting requests from students, or former students who are minors, to connect on personal social networking sites (e.g., "friending" or "following" on social media), unless the site is dedicated to school business
7. Singling out a particular student for personal attention and friendship, including giving or receiving gifts and/or nicknames to individual students
8. Socializing or spending time with students outside of school-sponsored events, except as participants in community activities
9. Sending or accompanying students on personal errands unrelated to any legitimate educational purpose
10. Transporting a student in a personal vehicle without prior authorization
11. Encouraging students to confide their personal or family problems and/or relationships
12. Disclosing personal, family, or other private matters to students or sharing personal secrets with students

Policy **MORGAN HILL UNIFIED SCHOOL DISTRICT**
adopted: October 1, 2019 Morgan Hill, California

Maintaining Appropriate Adult-Student Interaction BP 4319.24

The Governing Board desires to provide a positive school environment that protects the safety and well-being of district students. The Board expects all adults with whom students may interact at school or in school-related activities, including employees, independent contractors, and volunteers, to maintain the

highest professional and ethical standards in their interactions with students both within and outside the educational setting. Such adults shall not engage in unlawful or inappropriate interactions with students and shall avoid boundary-blurring behaviors that undermine trust in the adult-student relationship and lead to the appearance of impropriety.

Employees are prohibited from entering into or attempting to form a romantic or sexual relationship with any student or engaging in sexual harassment of a student, including sexual advances, flirtations, requests for sexual favors, inappropriate comments about a student's body or appearance, or other verbal, visual, or physical conduct of a sexual nature.

Adults shall not intrude on a student's physical or emotional boundaries unless necessary in an emergency or to serve a legitimate purpose related to instruction, counseling, student health, or student or staff safety.

Any employee who observes or has knowledge of another employee's violation of this policy shall report the information to the Superintendent or designee or appropriate agency for investigation pursuant to the applicable complaint procedures. Other adults with knowledge of any violation of this policy are encouraged to report the violation to the Superintendent or designee. The Superintendent or designee shall protect anyone who reports a violation from retaliation. Immediate intervention shall be implemented when necessary to protect student safety or the integrity of the investigation.

Employees who engage in any conduct in violation of this policy, including retaliation against a person who reports the violation or participates in the complaint process, shall be subject to discipline, up to and including dismissal. Any other adult who violates this policy may be barred from school grounds and activities in accordance with law. The Superintendent or designee may also notify law enforcement as appropriate.

The district's employee code of conduct addressing interactions with students shall be provided to parents/guardians at the beginning of each school year and shall be posted on school and/or district web sites. *(Education Code 44050)*

Inappropriate Conduct

Employees shall remain vigilant of their position of authority and not abuse it when relating with students. Examples of employee conduct that can undermine professional adult-student interactions or create the appearance of impropriety. Adult behaviors, sometimes referred to as "grooming," may include but are not limited to:

1. Initiating inappropriate physical contact

2. Being alone with a student outside of the view of others

3. Visiting a student's home or inviting a student to visit the employee's home without parent/guardian consent

4. Maintaining personal contact with a student that has no legitimate educational purpose, by phone, letter, electronic communications, or other means, without including the student's parent/guardian or the principal

   When communicating electronically with students, employees shall use district equipment or technological resources when available. Employees shall not communicate with students through

any medium that is designed to eliminate records of the communications. The Superintendent or designee may monitor employee usage of district technology at any time without advance notice or consent

5. Creating or participating in social networking sites for communication with students, other than those created by the district, without the prior written approval of the principal or designee
6. Inviting or accepting requests from students, or former students who are minors, to connect on personal social networking sites (e.g., "friending" or "following" on social media), unless the site is dedicated to school business
7. Singling out a particular student for personal attention and friendship, including giving or receiving gifts and/or nicknames to individual students
8. Socializing or spending time with students outside of school-sponsored events, except as participants in community activities
9. Sending or accompanying students on personal errands unrelated to any legitimate educational purpose
10. Transporting a student in a personal vehicle without prior authorization
11. Encouraging students to confide their personal or family problems and/or relationships
12. Disclosing personal, family, or other private matters to students or sharing personal secrets with students

Policy adopted: October 1, 2019

MORGAN HILL UNIFIED SCHOOL DISTRICT
Morgan Hill, California

SCHOOL RULES AND BEHAVIOR STANDARDS

The following Rules and Behavior standards apply to all school campuses:

I. General Behavior Standards

- Students may not interfere with a teacher's responsibility to teach and a student's right to learn.
- Failure of students to report safety issues shall be considered as defiance. Willful defiance of school authority and disruptive behavior will not be tolerated.
- Students are to work, play and conduct themselves on the school grounds and in the classrooms in a harmonious manner with other students. Fighting, pushing, "horseplay", biting, shoving, kicking, or throwing of objects, at any time are considered poor behavior and will not be tolerated.
- Students must treat other students with courtesy and respect. Name-calling and slurs (i.e., racial, ethnic, or personally demeaning comments) will not be tolerated.
- It is the student's responsibility to arrive to class on time, to be in the appropriate attire for the class or activity, to have appropriate books and/or materials, and to be ready to work.
- Students are allowed in the building only under appropriate adult supervision. There is to be no loitering or loud noises in the halls, corridors, courtyards, or cafeterias. Students are only allowed in designated areas.

- Food items may be consumed only at brunch or lunch, in designated areas. Eating food or drinking beverages is not allowed in the classrooms or buildings.
- Students should observe traffic laws to and from school and at bus stops. Students should cross streets at marked crosswalks, remain in designated bus stop areas and respect the property of others. If the school allows students to ride bikes to school, students must walk their bikes while on campus.
- Students should wait to be picked up in designated areas and not cross in front of or between school buses or waiting vehicles.

II. School and Personal Property

- Students must treat school properly and the personal property of others with respect. Students/parents will be held responsible for any necessary financial reimbursement.
- Students are responsible for all textbooks and materials assigned to them. Lost, damaged, or stolen items must be paid for, and students/parents will be billed for the replacement cost.
- Personal belongings not related to classroom activities (e.g., radios, tape players, cameras, toys, pets, etc.) may not be brought to school unless specific permission from a staff member has been given.
- Clothing, accessories, insignia (such as bandanas/handkerchiefs, earrings, hair designs), or actions which indicate gang affiliation, create a safety hazard, or disrupt school activities will not be tolerated. Such actions or the wearing and/or possession of these items may be cause for suspension.
- Hats, T-shirts, belt buckles, or other insignia items which advertise or promote tobacco, alcohol or drug use, which include profanity, or which promote any other inappropriate behavior are prohibited.
- The sale of any items on campus is prohibited without the specific approval of the school administration.

III. Prohibited Items

- Possession or use of a firearm on the school grounds, or on the way to and from school, is prohibited and will result in expulsion.
- Possession or use of knives or weapons of any kind on the school grounds, or on the way to and from school, is prohibited and is cause for suspension or expulsion.
- Possession or use of firecrackers, caps, matches, or other types of explosive material is not permitted on the school grounds and is cause for suspension or expulsion.
- Dangerous, potentially harmful, or disruptive objects (e.g., skateboards, pocket knives) are not permitted. This rule also applies to objects, which mimic dangerous items (e.g., switchblade combs, toy syringes, etc.).
- Possession, use, sale, buying or arranging to buy or sell drugs, alcohol, and other controlled substances (or items represented to be a controlled substance) is prohibited and will result in suspension or expulsion.
- Possession, use, sale, buying or arranging to buy or sell tobacco is prohibited and is cause for suspension.

- State law prohibits students from bringing any electronic signaling devices (beepers) on to the school campus. If brought to school, these devices will be confiscated.

IV. Prohibited Activities

- The school is a closed campus. Once students arrive at school they may not leave until they have been officially dismissed or they have received specific permission.
- Students are allowed in the building only under appropriate adult supervision. There is to be no loitering or loud noises in the halls, courtyard area and cafeteria. Students are only allowed in designated areas.
- Any actions or words, which may be defined or interpreted as sexual harassment will not be tolerated.
- Profane, vulgar or obscene language or action will not be tolerated.
- Gambling of any sort will not be tolerated and may result in suspension.
- Extortion, arson and theft will not be tolerated and may result in suspension and/or expulsion.
- Cyber bullying/cyber harassment shall be subject to discipline by school authorities.

DISCIPLINE BP 5144

The Governing Board is committed to providing a safe, supportive, and positive school environment conducive to student learning and achievement. The Governing Board desires to prepare students for responsible citizenship by fostering self- discipline and personal responsibility. The Board believes that high expectations for student behavior, use of effective school and classroom management strategies, provision of appropriate intervention and support, and parent/guardian involvement can minimize the need for disciplinary measures that exclude students from instruction as a means for correcting student misbehavior.

The Superintendent or designee shall develop effective, age- appropriate strategies for maintaining a positive school climate and correcting student misbehavior at district schools. The Multi-Tiered Systems of Support (MTSS) and other research proven practices shall be used to implement our focus on providing students with needed supports; communicating clear, appropriate, and consistent expectations and consequences for student conduct; and ensuring equity and continuous improvement in the implementation of district discipline policies and practices.

In addition, the Superintendent or designee's strategies for correcting student misconduct shall reflect the Board's preference for the use of positive interventions and alternative disciplinary measures over exclusionary discipline measures.

Disciplinary measures that may result in loss of instructional time or cause students to be disengaged from school, such as detention, suspension, and expulsion, shall be imposed only when required or permitted by law or when other means of correction have been documented to have failed. *(Education Code 48900.5)*

School personnel and volunteers shall not allow any disciplinary action taken against a student to result in the denial or delay of a school meal. *(Education Code 49557.5)*

Seclusion and behavioral restraint are prohibited as a means of discipline and shall not be used to correct student behavior except as permitted pursuant to *Education Code 49005.4* and in accordance with district regulations. *(Education Code 49005.2)*

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

The Superintendent or designee shall provide professional development as necessary to assist staff in developing the skills needed to effectively and equitably implement the disciplinary strategies adopted for district schools, including, but not limited to, knowledge of school and classroom management skills and their consistent application, effective accountability and positive intervention techniques, and the tools to form strong, cooperative relationships with parents/guardians.

District goals for improving school climate, based on suspension and expulsion rates, surveys of students, staff, and parents/guardians regarding their sense of school safety and connectedness to the school community, and other local measures, shall be included in the district's local control and accountability plan, as required by law.

Policy **MORGAN HILL UNIFIED SCHOOL DISTRICT**
adopted: March 19, 2019 Morgan Hill, California

DISCIPLINE AR 5144

Site-Level Rules

Site-level rules shall be consistent with state law and Board policies and administrative regulations. In developing site-level disciplinary rules, the principal or designee shall solicit the participation, views, and advice of one representative selected by each of the following groups: *(Education Code 35291.5)*

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

Annually, site-level discipline rules shall be reviewed and, if necessary, updated to align with any changes in state law, district discipline policies and regulations, and/or goals for school safety and climate as specified in the district's local control and accountability plan. A copy of the rules shall be filed with the Superintendent or designee for inclusion in the comprehensive safety plan.

School rules shall be communicated to students clearly and in an age-appropriate manner.

It shall be the duty of each employee of the school to enforce the school rules on student discipline. *(Education Code 35291.5)*

Disciplinary Strategies

To the extent possible, staff shall use disciplinary strategies that keep students in school and participating in the instructional program. Except when students' presence causes a danger to themselves or others or they commit a single act of a grave nature or an offense for which suspension or expulsion is required by law, suspension or expulsion shall be used only when other means of correction have failed to bring about proper conduct. Disciplinary strategies may include, but are not limited to:

1. Discussion or conference between school staff and the student and parents/guardians
2. Referral of the student to the school counselor or other school support service personnel for case management and counseling
3. Convening of a study team, guidance team, resource panel, or other intervention-related team to assess the behavior and develop and implement an individual plan to address the behavior in partnership with the student and parents/guardians
4. Enrollment in a program for teaching prosocial behavior or anger management
5. Participation in a restorative justice program
6. A positive behavior support approach with tiered interventions that occur during the school day on campus
7. Participation in a social and emotional learning program that teaches students the ability to understand and manage emotions, develop caring and concern for others, make responsible decisions, establish positive relationships, and handle challenging situations capably
8. Participation in a program that is sensitive to the traumas experienced by students, focuses on students' behavioral health needs, and addresses those needs in a proactive manner
9. After-school programs that address specific behavioral issues or expose students to positive activities and behaviors, including, but not limited to, those operated in collaboration with local parent and community groups
10. Recess restriction as provided in the section below entitled "Recess Restriction"
11. Detention after school hours as provided in the section below entitled "Detention After School"
12. Community service as provided in the section below entitled "Community Service"
13. In accordance with Board policy and administrative regulation, restriction or disqualification from participation in extracurricular activities
14. Reassignment to an alternative educational environment
15. Suspension and expulsion in accordance with law, Board policy, and administrative regulation

When, by law or district policy, other means of correction are required to be implemented before a student could be suspended or expelled, any other means of correction implemented shall be documented and retained in the student's records. *(Education Code 48900.5)*

Recess Restriction

Teachers may restrict a student's recess time only when they believe that this action is the most effective way to bring about improved behavior. When recess restriction involves the withholding of physical activity from a student, teachers shall try other disciplinary measures before imposing the restriction. Recess restriction shall be subject to the following conditions:

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

Detention After School

Students may be detained for disciplinary reasons for up to one hour after the close of the maximum school day, or until the departure of the school bus to which they have been assigned if applicable. (5 CCR 307, 353)

The student shall not be detained unless the principal or designee notifies the parent/guardian.

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

Community Service

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

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

Notice to Parents/Guardians and Students

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

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

Regulation **MORGAN HILL UNIFIED SCHOOL DISTRICT**
approved: March 29, 2019 Morgan Hill, California

SUSPENSION AND EXPULSION/DUE PROCESS

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

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

Except when otherwise permitted by law, a student may be suspended or expelled only when his/her behavior is related to a school activity or school attendance occurring within any district school or another school district, regardless of when it occurs, including, but not limited to, the following: *(Education Code 48900(s))*

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

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

Appropriate Use of Suspension Authority

Except when a student's act violates *Education Code 48900(a)-(e)*, as listed in items #1-5 under "Grounds for Suspension and Expulsion: Grades K-12" of the accompanying administrative regulation, or when his/her presence causes a danger to others, suspension shall be used only when other means of correction have failed to bring about proper conduct. *(Education Code 48900.5, 48900.6)*

A student's parents/guardians shall be notified as soon as possible when there is an escalating pattern of misbehavior that could lead to classroom or school removal. Students shall not be suspended or expelled for truancy, tardiness, or absenteeism from assigned school activities.

District staff shall not suspend any student for disruption or willful defiance, unless the suspension is warranted by documented repetitive behavior of the student or the disruption or willful defiance occurred in conjunction with another violation for which the student may be suspended.

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

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

Authority to Expel

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

As required by law, the Superintendent or principal shall recommend expulsion and the Board shall expel any student found to have committed any of the following "mandatory recommendation and mandatory expulsion" acts at school or at a school activity off school grounds: *(Education Code 48915)*

1. Possessing a firearm which is not an imitation firearm, as verified by a certificated employee, unless the student had obtained prior written permission to possess the item from a certificated school employee, with the principal or designee's concurrence
2. Selling or otherwise furnishing a firearm
3. Brandishing a knife at another person
4. Unlawfully selling a controlled substance listed in Health and Safety Code 11053-11058
5. Committing or attempting to commit a sexual assault as defined in Penal *Code 261, 266c, 286, 288, 288a, or 289, or committing a sexual battery as defined in Penal Code 243.4*
6. Possessing an explosive as defined in *18 USC 921*

For all other violations listed in the accompanying administrative regulation under "Grounds for Suspension and Expulsion: Grades K-12" and "Additional Grounds for Suspension and Expulsion: Grades 4-12," the Superintendent or principal shall have the discretion to recommend expulsion of a student. If expulsion is recommended, the Board shall order the student expelled only if it makes a finding of either or both of the following: *(Education Code 48915(b) and (e))*

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

A vote to expel a student shall be taken in an open session of a Board meeting.

The Board may vote to suspend the enforcement of the expulsion order pursuant to the requirements of law and the accompanying administrative regulation. *(Education Code 48917)*

Due Process

The Board shall provide for the fair and equitable treatment of students facing suspension and/or expulsion by affording them their due process rights under the law. The Superintendent or designee shall comply with procedures for notices, hearings, and appeals as specified in law and administrative regulation. *(Education Code 48911, 48915, 48915.5, 48918)*

Maintenance and Monitoring of Outcome Data

The Superintendent or designee shall maintain outcome data related to student suspensions and expulsions in accordance with *Education Code 48900.8 and 48916.1,* including, but not limited to, the number of students recommended for expulsion, the grounds for each recommended expulsion, the actions taken by the Board, the types of referral made after each expulsion, and the disposition of the students after the expulsion period. For any expulsion that involves the possession of a firearm, such data shall include the name of the school and the type of firearm involved, as required pursuant to 20 USC 7961. Suspension and expulsion data shall be reported to the Board annually and to the California Department of Education when so required.

The report to the Board, the Superintendent or designee shall disaggregate data on suspensions and expulsions by school and by numerically significant student subgroups, including, but not limited to, ethnic subgroups, socioeconomically disadvantaged students, English learners, students with disabilities, foster youth, and homeless students. Based on the data, the Board shall address any identified disparities in the imposition of student discipline and shall determine whether and how the district is meeting its goals for improving school climate as specified in its local control and accountability plan.

Policy **MORGAN HILL UNIFIED SCHOOL DISTRICT**
adopted: November 5, 2019 Morgan Hill, California

SUSPENSION AND EXPULSION/DUE PROCESS AR 5144.1

Definitions

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

1. Reassignment to another education program or class at the same school where the student will receive continuing instruction for the length of day prescribed by the Governing Board for students of the same grade level
2. Referral to a certificated employee designated by the principal to advise students
3. Removal from the class, but without reassignment to another class or program, for the remainder of the class period without sending the student to the principal or designee as provided in *Education Code 48910*

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

Notice of Regulations

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

Grounds for Suspension and Expulsion: Grades K-12

Acts for which a student, including a student with disabilities, may be suspended or expelled shall be only those specified as follows:

1. Caused, attempted to cause, or threatened to cause physical injury to another person; willfully used force or violence upon another person, except in self-defense; or committed as an aider or abettor, as adjudged by a juvenile court, a crime of physical violence in which the victim suffered great or serious bodily injury *(Education Code 48900(a) and (t))*

2. Possessed, sold, or otherwise furnished any firearm, knife, explosive, or other dangerous object, unless, in the case of possession of any object of this type, the student had obtained written permission to possess the item from a certificated school employee, with the principal or designee's concurrence (*Education Code 48900(b))*

3. Unlawfully possessed, used, sold, otherwise furnished, or was under the influence of any controlled substance as defined in Health and Safety Code 11053-11058, alcoholic beverage, or intoxicant of any kind *(Education Code 48900(c))*

4. Unlawfully offered, arranged, or negotiated to sell any controlled substance as defined in Health and Safety Code 11053-11058, alcoholic beverage, or intoxicant of any kind, and then sold, delivered, or otherwise furnished to any person another liquid, substance, or material and represented same as such controlled substance, alcoholic beverage, or intoxicant (*Education Code 48900(d))*

5. Committed or attempted to commit robbery or extortion *(Education Code 48900(e))*

6. Caused or attempted to cause damage to school property or private property *(Education Code 48900(f))*

7. Stole or attempted to steal school property or private property *(Education Code 48900(g))*

8. Possessed or used tobacco or products containing tobacco or nicotine products, including, but not limited to, cigars, cigarettes, miniature cigars, clove cigarettes, smokeless tobacco, snuff, chew packets, and betel, except that this restriction shall not prohibit a student from using or possessing his/her own prescription products *(Education Code 48900(h))*

9. Committed an obscene act or engaged in habitual profanity or vulgarity *(Education Code 48900(i))*

10. Unlawfully possessed, offered, arranged, or negotiated to sell any drug paraphernalia, as defined in *Health and Safety Code 11014.5 (Education Code 48900(j))*

11. Disrupted school activities or otherwise willfully defied the valid authority of supervisors, teachers, administrators, other school officials, or other school personnel engaged in the performance of their duties *(Education Code 48900(k)) Pursuant to Education Code 48900(k),* except as otherwise provided in *Education Code 48910*, students in grades K-3 must not be

suspended for disruption of school activities or willful defiance of school authority, and students in grades K-12 must not be expelled on these grounds.

12. Knowingly received stolen school property or private property *(Education Code 48900(l))*

13. Possessed an imitation firearm (*Education Code 48900(m))*

    Imitation firearm means a replica of a firearm that is so substantially similar in physical properties to an existing firearm as to lead a reasonable person to conclude that the replica is a firearm. *(Education Code 48900(m))*

14. Committed or attempted to commit a sexual assault as defined in Penal *Code 261, 266c, 286, 288, 288a, or 289,* or committed a sexual battery as defined in Penal *Code 243.4 (Education Code 48900(n))*

15. Harassed, threatened, or intimidated a student who is a complaining witness or witness in a school disciplinary proceeding for the purpose of preventing that student from being a witness and/or retaliating against that student for being a witness *(Education Code 48900(o))*

16. Unlawfully offered, arranged to sell, negotiated to sell, or sold the prescription drug Soma *(Education Code 48900(p))*

17. Engaged in, or attempted to engage in, hazing (*Education Code 48900(q))*

    Hazing means a method of initiation or pre-initiation into a student organization or body, whether or not the organization or body is officially recognized by an educational institution, which is likely to cause serious bodily injury or personal degradation or disgrace resulting in physical or mental harm to a former, current, or prospective student. Hazing does not include athletic events or school-sanctioned events. *(Education Code 48900(q))*

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

    Bullying means any severe or pervasive physical or verbal act or conduct, including communications made in writing or by means of an electronic act, directed toward one or more students that has or can reasonably be predicted to have the effect of placing a reasonable student in fear of harm to himself/herself or his/her property; cause the student to experience a substantially detrimental effect on his/her physical or mental health; or cause the student to experience substantial interferences with his/her academic performance or ability to participate in or benefit from the services, activities, or privileges provided by a school. *(Education Code 48900(r))*

    Bullying includes any act of sexual harassment, hate violence, or harassment, threat, or intimidation, as defined in *Education Code 48900.2, 48900.3, or 48900.4* and below in items #1-3 of "Additional Grounds for Suspension and Expulsion: Grades 4-12," that has any of the effects described above on a reasonable student.

    Bullying also includes an act of cyber sexual bullying by a student through the dissemination of, or the solicitation or incitement to disseminate, a photograph or other visual recording that depicts a nude, semi-nude, or sexually explicit photograph or other visual recording of an identifiable

minor, when such dissemination is to another student or to school personnel by means of an electronic act and has or can be reasonably predicted to have one or more of the effects of bullying described above. Cyber sexual bullying does not include a depiction, portrayal, or image that has any serious literary, artistic, educational, political, or scientific value or that involves athletic events or school-sanctioned activities.

Electronic act means the creation or transmission originated on or off the school site by means of an electronic device, including, but not limited to, a telephone, wireless telephone, or other wireless communication device, computer, or pager, of a communication including, but not limited to: *(Education Code 48900(r))*

a. A message, text, sound, video, or image

b. A post on a social network Internet web site, including, but not limited to, posting to or creating a burn page or creating a credible impersonation or false profile for the purpose of causing a reasonable student any of the effects of bullying described above.

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

19. Aided or abetted the infliction or attempted infliction of physical injury on another person, as defined in *Penal Code 31 (Education Code 48900(t))*

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

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

Additional Grounds for Suspension and Expulsion: Grades 4-12

Any student in grades 4-12 may be suspended, but not expelled, for disrupting school activities or otherwise willfully defying the valid authority of supervisors, teachers, administrators, other school officials, or other school personnel engaged in the performance of their duties. *(Education Code 48900(k))*

A student in grades 4-12 shall be subject to suspension or recommendation for expulsion when it is determined that he/she:

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

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

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

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

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

Suspension from Class by a Teacher

A teacher may suspend a student, including a grade K-3 student, from class for the remainder of the day and the following day for disruption, willful defiance, or any of the other acts specified i*n Education Code 48900* and listed as items #1-18 under "Grounds for Suspension and Expulsion: Grades K-12" above. *(Education Code 48910)*

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

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

A student suspended from class shall not be returned to class during the period of the suspension without the approval of the teacher of the class and the principal or designee. *(Education Code 48910)*

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

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

Suspension by Superintendent, Principal or Principal's Designee

To implement disciplinary procedures at a school site, the principal may, in writing, designate as the principal's designee another administrator or, if the principal is the only administrator at the school site, a certificated employee. As necessary, the principal may, in writing, also designate another administrator or certificated employee as the secondary designee to assist with disciplinary procedures when the principal and the principal's primary designee are absent from the school site.

The Superintendent, principal, or designee shall immediately suspend any student found at school or at a school activity to have committed any of the acts listed in the Board policy under "Authority to Expel" and for which he/she is required to recommend expulsion. *(Education Code 48915(c))*

The Superintendent, principal, or designee may impose a suspension for a first offense if he/she determines that the student violated any of items #1-5 listed under "Grounds for Suspension and Expulsion: Grades K-12" above or if the student's presence causes a danger to persons. *(Education Code 48900.5)*

For all other offenses, a student may be suspended only when the Superintendent or principal has determined that other means of correction have failed to bring about proper conduct. *(Education Code 48900.5)*

When other means of correction are implemented prior to imposing suspension or supervised suspension upon a student, the Superintendent, principal, or designee shall document the other means of correction used and retain the documentation in the student's record. *(Education Code 48900.5)*

Length of Suspension

The Superintendent, principal, or designee may suspend a student from school for not more than five consecutive school days. *(Education Code 48911)*

A student may be suspended from school for not more than 20 school days in any school year. However, if a student enrolls in or is transferred to another regular school, an opportunity school, or continuation school or class for the purpose of adjustment, he/she may be suspended for not more than 30 school days in a school year. The district may count suspensions that occur while a student is enrolled in another school district toward the maximum number of days for which the student may be suspended in any school year. *(Education Code 48903, 48911, 48912)*

These restrictions on the number of days of suspension shall not apply when the suspension is extended pending an expulsion. *(Education Code 48911)*

Due Process Procedures for Suspension

Suspensions shall be imposed in accordance with the following procedures:

1. Informal Conference: Suspension shall be preceded by an informal conference conducted by the Superintendent, principal, or designee with the student and, whenever practicable, the teacher, supervisor, or school employee who referred the student to the principal. At the conference, the student shall be informed of the reason for the disciplinary action, including the other means of correction that were attempted before the suspension as required pursuant to *Education Code 48900.5*, and the evidence against him/her, and shall be given the opportunity to present his/her version and evidence in support of his/her defense. *(Education Code 48911)*

   This conference may be omitted if the Superintendent, principal, or designee determines that an emergency situation exists involving a clear and present danger to the lives, safety, or health of students or school personnel. If a student is suspended without this conference, both the parent/guardian and student shall be notified of the student's right to return to school for the purpose of the conference and the conference shall be held within two school days, unless the

student waives his/her right to it or is physically unable to attend for any reason. In such a case, the conference shall be held as soon as the student is physically able to return to school. *(Education Code 48911)*

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

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

   In addition, the notice may state the date and time when the student may return to school.

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

   If school officials request to meet with the parent/guardian, the notice may state that the law requires the parent/guardian to respond to such requests without delay. However, no penalties may be imposed on the student for the failure of the parent/guardian to attend such a conference. The student may not be denied reinstatement solely because the parent/guardian failed to attend the conference. *(Education Code 48911)*

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

   (a). The extension of the original period of suspension is preceded by notice of such extension with an offer to hold a conference concerning the extension, giving the student an opportunity to be heard. This conference may be held in conjunction with a meeting requested by the student or parent/guardian to challenge the original suspension.

   (b) The Superintendent or designee determines, following a meeting in which the student and the student's parent/guardian were invited to participate, that the student's presence at the school or at an alternative school would endanger persons or property or threaten to disrupt the instructional process. *(Education Code 48911)*
   (c) If the student involved is a foster youth, the Superintendent or designee shall notify the district liaison for foster youth of the need to invite the student's attorney and a representative of the appropriate county child welfare agency to attend the meeting. *(Education Code 48853.5, 48911, 48918.1)*
   (d) If the student involved is a homeless child or youth, the Superintendent or designee shall notify the district liaison for homeless students. *(Education Code 48918.1)*

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

Suspension by the Board

The Board may suspend a student for any of the acts listed under "Grounds for Suspension and Expulsion: Grades K-12" and "Additional Grounds for Suspension and Expulsion: Grades 4-12" above and within the limits specified under "Suspension by Superintendent, Principal, or Designee" above. *(Education Code 48912)*

The Board may suspend a student enrolled in a continuation school or class for a period not longer than the remainder of the semester. The suspension shall meet the requirements of *Education Code 48915. (Education Code 48912.5)*

When the Board is considering a suspension, disciplinary action, or any other action (except expulsion) against any student, it shall hold a closed session if a public hearing would lead to disclosure of information that would violate a student's right to privacy under *Education Code 49073-49079. (Education Code 35146, 48912)*

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

On-Campus Suspension

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

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

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

Superintendent or Principal's Authority to Recommend Expulsion

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

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

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

Student's Right to Expulsion Hearing

Any student recommended for expulsion shall be entitled to a hearing to determine whether he/she should be expelled. The hearing shall be held within 30 school days after the Superintendent, principal, or designee determines that the student has committed the act(s) that form the basis for the expulsion recommendation. *(Education Code 48918(a))*

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

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

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

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

Stipulated Expulsion

After a determination that a student has committed an expellable offense, the Superintendent, principal, or designee shall offer the student and his/her parent/guardian the option to waive a hearing and stipulate to

the expulsion or to a suspension of the expulsion under certain conditions. The offer shall be made only after the student or his/her parent/guardian has been given written notice of the expulsion hearing pursuant to Education Code 48918.

The stipulation agreement shall be in writing and shall be signed by the student and his/her parent/guardian. The stipulation agreement shall include notice of all the rights that the student is waiving, including the waiving of his/her right to have a full hearing, to appeal the expulsion to the County Board of Education, and to consult legal counsel.

A stipulated expulsion agreed to by the student and his/her parent/guardian shall be effective upon approval by the Board.

Rights of Complaining Witness

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

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

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

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

Written Notice of the Expulsion Hearing

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

1. The date and place of the hearing
2. A statement of the specific facts, charges, and offense upon which the proposed expulsion is based
3. A copy of district disciplinary rules which relate to the alleged violation
4. Notification of the student's or parent/guardian's obligation, pursuant to Education Code 48915.1, to provide information about the student's status in the district to any other district in which the student seeks enrollment

This obligation applies when a student is expelled for acts other than those described in Education Code 48915(a) or (c).

5. The opportunity for the student or the student's parent/guardian to appear in person or be represented by legal counsel or by a non attorney adviser

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

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

6. The right to inspect and obtain copies of all documents to be used at the hearing

7. The opportunity to confront and question all witnesses who testify at the hearing

8. The opportunity to question all evidence presented and to present oral and documentary evidence on the student's behalf, including witnesses

Additional Notice of Expulsion Hearing for Foster Youth and Homeless Students

If the student facing expulsion is a foster student, the Superintendent or designee shall also send notice of the hearing to the student's attorney and a representative of an appropriate child welfare agency at least 10 days prior to the hearing. *(Education Code 48918.1)*

If the student facing expulsion is a homeless student, the Superintendent or designee shall also send notice of the hearing to the district liaison for homeless students at least 10 days prior to the hearing. *(Education Code 48918.1)*

Any notice for these purposes may be provided by the most cost-effective method possible, including by email or a telephone call. *(Education Code 48918.1)*

Alternative Expulsion Hearing:

Administrative Panel

The Board may appoint an impartial administrative panel composed of three or more certificated personnel, none of whom shall be members of the Board or on the staff of the school in which the student is enrolled. (Education Code 48918)

A hearing conducted by administrative panel are as specified below in "Conduct of Expulsion Hearing," including the requirement to issue a decision within 40 school days of the student's removal from school, unless the student requests that the decision be postponed. (Education Code 48918(a) and (d))

Conduct of Expulsion Hearing

1. Record of Hearing: A record of the hearing shall be made and may be maintained by any means, including electronic recording, as long as a reasonably accurate and complete written transcription of the proceedings can be made. (Education Code 48918(g))

2. Subpoenas: Before commencing a student expulsion hearing, the Administrative Panel may issue subpoenas, at the request of either the student or the Superintendent or designee, for the personal appearance at the hearing of any person who actually witnessed the action that gave rise to the recommendation for expulsion. After the hearing has commenced, the Administrative Panel may issue such subpoenas at the request of the student or the County Superintendent of Schools or designee. All subpoenas shall be issued in accordance with Code of Civil Procedure 1985-1985.2 and enforced in accordance with Government Code 11455.20. *(Education Code 48918(i))*

   Any objection raised by the student or the Superintendent or designee to the issuance of subpoenas may be considered by the Administrative Panel. The Administrative Panel's decision in response to such an objection shall be final and binding. (Education Code 48918(i))

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

3. Presentation of Evidence: Technical rules of evidence shall not apply to the expulsion hearing, but relevant evidence may be admitted and used as proof only if it is the kind of evidence on which reasonable persons can rely in the conduct of serious affairs. The decision of the Administrative Panel to expel shall be supported by substantial evidence that the student committed any of the acts pursuant to Education Code 48900 and listed in "Grounds for Suspension and Expulsion" above.: Grades K-12" and "Additional Grounds for Suspension and Expulsion: Grades 4-12" above. *(Education Code 48918(h))*

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

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

4. Testimony by Complaining Witnesses: The following procedures shall be observed when a hearing involves allegations of sexual assault or sexual battery by a student: *(Education Code 48918, 48918.5)*

   a. Any complaining witness shall be given five days' notice before being called to testify.

   b. Any complaining witness shall be entitled to have up to two adult support persons, including, but not limited to, a parent/guardian or legal counsel, present during his/her testimony.

   c. Before a complaining witness testifies, support persons shall be admonished that the hearing is confidential.

d. The person presiding over the hearing may remove a support person whom he/she finds is disrupting the hearing.

e. If one or both support persons are also witnesses, the hearing shall be conducted in accordance with Penal Code 868.5.

f. Evidence of specific instances of prior sexual conduct of a complaining witness shall be presumed inadmissible and shall not be heard unless the person conducting the hearing determines that extraordinary circumstances require the evidence to be heard. Before such a determination is made, the complaining witness shall be given notice and an opportunity to oppose the introduction of this evidence. In the hearing on the admissibility of this evidence, the complaining witness shall be entitled to be represented by a parent/guardian, legal counsel, or other support person. Reputation or opinion evidence regarding the sexual behavior of a complaining witness shall not be admissible for any purpose.

g. In order to facilitate a free and accurate statement of the experiences of the complaining witness and to prevent discouragement of complaints, the district shall provide a non-threatening environment.

1. The district shall provide a room separate from the hearing room for the use of the complaining witness before and during breaks in testimony.
2. At the discretion of the person conducting the hearing, the complaining witness shall be allowed reasonable periods of relief from examination and cross-examination during which he/she may leave the hearing room.
3. The person conducting the hearing may:
   (a) Arrange the seating within the hearing room so as to facilitate a less intimidating environment for the complaining witness
   (b) Limit the time for taking the testimony of a complaining witness to the hours he/she is normally in school, if there is no good cause to take the testimony during other hours
   (c) Permit one of the support persons to accompany the complaining witness to the witness stand

The Administrative Panel shall, within three school days after the hearing, determine whether to recommend expulsion of the student to the Board. If expulsion is not recommended, the expulsion proceeding shall be terminated and the student shall be immediately reinstated and permitted to return to the classroom instructional program from which the referral was made, unless another placement is requested in writing by the student's parent/guardian. Before the student's placement decision is made by his/her parent/guardian, the Superintendent or designee shall consult with the parent/guardian and district staff, including the student's teachers, regarding other placement options for the student in addition to the option to return to the classroom instructional program from which the student's expulsion referral was made. The decision to not recommend expulsion shall be final. *(Education Code 48918(e))*

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

In accordance with Board policy, the Administrative Panel may recommend that the Board suspend the enforcement of the expulsion. If the Administrative Panel recommends that the Board expel a student but suspend the enforcement of the expulsion, the student shall not be reinstated and permitted to return to the classroom instructional program from which the referral was made until the Board has ruled on the recommendation. *(Education Code 48917, 48918)*

Final Action by the Board

Whether the expulsion hearing is conducted in an administrative panel hearing or is waived through the signing of a stipulated expulsion agreement, the final action to expel shall be taken by the Board in public. *(Education Code 48918(j))*

The Board's decision is final. If the decision is to not expel, the student shall be reinstated immediately. If the decision is to suspend the enforcement of the expulsion, the student shall be reinstated under the conditions of the suspended expulsion.

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

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

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

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

Written Notice to Expel

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

1. The specific offense committed by the student for any of the causes for suspension or expulsion listed above under "Grounds for Suspension and Expulsion: Grades K-12" or "Additional Grounds for Suspension and Expulsion: Grades 4-12" *(Education Code 48900.8)*
2. The fact that a description of readmission procedures will be made available to the student and his/her parent/guardian *(Education Code 48916)*
3. Notice of the right to appeal the expulsion to the County Board *(Education Code 48918)*

4. Notice of the alternative educational placement to be provided to the student during the time of expulsion *(Education Code 48918)*
5. Notice of the student's or parent/guardian's obligation to inform any new district in which the student seeks to enroll of the student's status with the expelling district, pursuant to Education Code 48915.1 *(Education Code 48918)*

Decision to Suspend Expulsion Order

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

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

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

1. The Board may, as a condition of the suspension of enforcement, assign the student to a school, class, or program appropriate for the student's rehabilitation. This rehabilitation program may provide for the involvement of the student's parent/guardian in the student's education. However, a parent/guardian's refusal to participate in the rehabilitation program shall not be considered in the Board's determination as to whether the student has satisfactorily completed the rehabilitation program. (*Education Code 48917)*
2. During the period when enforcement of the expulsion order is suspended, the student shall be on probationary status. *(Education Code 48917)*
3. The suspension of the enforcement of an expulsion order may be revoked by the Board if the student commits any of the acts listed under "Grounds for Suspension and Expulsion: Grades K-12" or "Additional Grounds for Suspension and Expulsion: Grades 4-12" above or violates any of the district's rules and regulations governing student conduct. *(Education Code 48917)*
4. When the suspension of enforcement of an expulsion order is revoked, a student may be expelled under the terms of the original expulsion order. *(Education Code 48917)*
5. Upon satisfactory completion of the rehabilitation assignment, the Board shall reinstate the student in a district school. Upon reinstatement, the Board may order the expunging of any or all records of the expulsion proceedings. *(Education Code 48917)*
6. The Superintendent or designee shall send written notice of any decision to suspend the enforcement of an expulsion order during a period of probation to the student or parent/guardian. The notice shall inform the parent/guardian of the right to appeal the expulsion to the County Board, the alternative educational placement to be provided to the student during the period of expulsion, and the student's or parent/guardian's obligation to inform any new district in which the student seeks to enroll of his/her status with the expelling district, pursuant to Education Code 48915.1(b). *(Education Code 48918(j))*
7. Suspension of the enforcement of an expulsion order shall not affect the time period and requirements for the filing of an appeal of the expulsion order with the County Board. *(Education Code 48917)*

Appeal

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

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

Notification to Law Enforcement Authorities

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

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

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

Placement During Expulsion

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

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

When the placement described above is not available and when the County Superintendent so certifies, students expelled for only acts described in items #6-12 under "Grounds for Suspension and Expulsion: Grades K-12" and items #1-3 under "Additional Grounds for Suspension and Expulsion: Grades 4-12" above may be referred to a program of study that is provided at another comprehensive middle, junior, or senior high school or at an elementary school. *(Education Code 48915)*

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

Readmission After Expulsion

Prior to the date set by the Board for the student's readmission:

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

No student shall be denied readmission into the district based solely on the student's arrest, adjudication by a juvenile court, formal or informal supervision by a probation officer, detention in a juvenile facility, enrollment in a juvenile court school, or other such contact with the juvenile justice system. *(Education Code 48645.5)*

Maintenance of Records

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

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

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

Regulation approved: March 29, 2019

MORGAN HILL UNIFIED SCHOOL DISTRICT
Morgan Hill, California

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

Suspension

The Superintendent or designee may suspend a student with a disability for up to 10 consecutive school days for a single incident of misconduct, and for up to 20 school days in a school year, as long as the suspension(s) does not constitute a change in placement pursuant to 34 CFR 300.536. *(Education Code 48903; 34 CFR 300.530)*

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

The Superintendent or designee shall determine, on a case-by-case basis, whether a pattern of removals of a student from his/her current educational placement for disciplinary reasons constitutes a change of placement. A change of placement shall be deemed to have occurred under either of the following circumstances: (34 CFR 300.536)

1. The removal is for more than 10 consecutive school days.

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

If a student's removal is determined to be a change of placement as specified in items #1-2 above, or the student is suspended for more than 10 school days in the same school year, the student's IEP team shall determine the appropriate educational services. Such services shall be designed to enable the student to continue to participate in the general education curriculum in another setting, to progress toward meeting the goals set out in his/her IEP, and to address the student's behavior violation so that it does not recur. (20 USC 1412(a)(1)(A); 34 CFR 300.530)

If the IEP of a student with a disability requires the district to provide the student with transportation, the district shall provide the student with an alternative form of transportation at no cost to him/her or to his/her parent/guardian when he/she is to be excluded from school bus transportation. *(Education Code 48915.5)*

Interim Alternative Educational Placement Due to Dangerous Behavior

The district may unilaterally place a student with a disability in an appropriate interim alternative educational setting for up to 45 school days, without regard to whether the behavior is a manifestation of the student's disability, when the student commits one of the following acts while at school, going to or from school, or at a school-related function: (20 USC 1415(k)(1)(G); 34 CFR 300.530)

1. Carries or possesses a weapon, as defined in 18 USC 930
2. Knowingly possesses or uses illegal drugs
3. Sells or solicits the sale of a controlled substance as identified in 21 USC 812(c), Schedules I-V

4. Inflicts serious bodily injury upon another person as defined in 18 USC 1365

The student's interim alternative educational setting shall be determined by his/her IEP team. (20 USC 1415(k)(1)(G); 34 CFR 300.531)

On the date the decision to take disciplinary action is made, the student's parent/guardian shall be notified of the decision and provided the procedural safeguards notice pursuant to 34 CFR 300.504. (20 USC 1415(k)(1)(H); 34 CFR 300.530)

A student who has been removed from his/her current placement because of dangerous behavior shall receive services, although in another setting, to the extent necessary to allow him/her to participate in the general education curriculum and to progress toward meeting the goals set out in his/her IEP. As appropriate, the student shall also receive a functional behavioral assessment and behavioral intervention services and modifications that are designed to address the behavior violation so that it does not recur. (20 USC 1415(k)(1)(D); 34 CFR 300.530)

Manifestation Determination

The following procedural safeguards shall apply when a student with a disability is suspended for more than 10 consecutive school days, when a series of removals of a student constitutes a pattern, or when a change of placement of a student is contemplated due to a violation of the district's code of conduct:

1. Notice: On the date the decision to take disciplinary action is made, the student's parent/guardian shall be notified of the decision and provided the procedural safeguards notice pursuant to 34 CFR 300.504. (20 USC 1415(k)(1)(H); 34 CFR 300.530)

2. Manifestation Determination Review: Immediately if possible, but in no case later than 10 school days after the date the decision to take disciplinary action is made, a manifestation determination review shall be made of the relationship between the student's disability and the behavior subject to the disciplinary action. (20 USC 1415(k)(1)(E); 34 CFR 300.530)

At the manifestation determination review, the district, the student's parent/guardian, and relevant members of the IEP team (as determined by the district and parent/guardian) shall review all relevant information in the student's file, including the student's IEP, any teacher observations, and any relevant information provided by the parents/guardians, to determine whether the conduct in question was either of the following: (20 USC 1415(k)(1)(E); 34 CFR 300.530)

a. Caused by or had a direct and substantial relationship to the student's disability
b. A direct result of the district's failure to implement the student's IEP, in which case the district shall take immediate steps to remedy those deficiencies

If the manifestation review team determines that either of the above conditions applies, the student's conduct shall then be determined to be a manifestation of his/her disability. (20 USC 1415(k)(1)(E); 34 CFR 300.530)

3. Determination that Behavior is a Manifestation of the Student's Disability: When the student's conduct has been determined to be a manifestation of his/her disability, the IEP team shall conduct a functional behavioral assessment, unless one had been conducted before the occurrence of the behavior that resulted in the change of placement, and shall implement a behavioral intervention plan for the student. If a behavioral intervention plan has already been developed, the IEP team shall review the behavioral intervention plan and modify it as necessary to address the behavior. (20 USC 1415(k)(1)(F); 34 CFR 300.530)

The student shall be returned to the placement from which he/she was removed, unless the parent/guardian and Superintendent or designee agree to a change of placement as part of the modification of the behavioral intervention plan. (20 USC 1415(k)(1)(F); 34 CFR 300.530)

4. Determination that Behavior is Not a Manifestation of the Student's Disability: When it has been determined that the student's conduct was not a manifestation of his/her disability, the student may be disciplined in accordance with the procedures for students without disabilities. However, the student's IEP team shall determine services necessary to enable him/her to participate in the general education curriculum in another setting and to allow him/her to progress toward meeting the goals set out in his/her IEP. (20 USC 1415(k)(1)(D); 34 CFR 300.530)

As appropriate, the student also shall receive a functional behavioral assessment and behavioral intervention services and modifications that are designed to address the behavior violation so that it does not recur. (20 USC 1415(k)(1)(D); 34 CFR 300.530)

Due Process Appeals

If the parent/guardian disagrees with any district decision regarding placement under 34 CFR 300.530 (suspension and removal for dangerous circumstances) or 34 CFR 300.531 (interim alternative placement), or the manifestation determination under 34 CFR 300.530(e), he/she may appeal the decision by requesting a hearing. The district may request a hearing if the district believes that maintaining the student's current placement is substantially likely to result in injury to the student or others. In order to request a due process hearing, the requesting party shall file a complaint pursuant to 34 CFR 300.507 and 300.508(a) and (b). (20 USC 1415(k)(3); 34 CFR 300.532)

Whenever a hearing is requested as specified above, the parent/guardian or the district shall have an opportunity for an expedited due process hearing consistent with requirements specified in 34 CFR 300.507, 300.508 (a)-(c), and 300.510-300.514.

If the student's parent/guardian or the district has initiated a due process hearing under 34 CFR 300.532 as detailed above, the student shall remain in the interim alternative educational setting pending the decision of the hearing officer or until the expiration of the 45-day time period, whichever occurs first, unless the parent/guardian and district agree otherwise. (20 USC 1415(k)(4); 34 CFR 300.533)

Readmission

Readmission procedures for students with disabilities shall be the same as those adopted for students without disabilities. Upon readmission of a student with disabilities, an IEP team meeting shall be convened to review and, as necessary, modify the student's IEP.

Decision Not to Enforce Expulsion Order

The Governing Board's criteria for suspending the enforcement of an expulsion order shall be applied to students with disabilities in the same manner as they are applied to all other students. *(Education Code 48917)*

Notification to Law Enforcement Authorities

Law enforcement notification requirements involving students with disabilities shall be the same as those specified for all students in AR 5144.1 - Suspension and Expulsion/Due Process.

When giving any required notification concerning a student with disabilities to any law enforcement official, the principal or designee shall require the law enforcement official to certify in writing that he/she will not disclose the student's information or records to any other person without the prior written consent of the student's parent/guardian. *(Education Code 49076)*

Report to County Superintendent of Schools

The Superintendent or designee shall report to the County Superintendent of Schools when any special education student has been expelled or suspended for more than 10 school days. The report shall include the student's name, last known address, and the reason for the action. *(Education Code 48203)*

Procedures for Students Not Yet Eligible for Special Education Services

A student who has not been determined to be eligible for special education and related services and who has violated the district's code of student conduct may nevertheless assert any of the protections under IDEA, if the district had knowledge of the student's disability. (20 USC 1415(k)(5); 34 CFR 300.534)

Knowledge means that, before the occurrence of the behavior that precipitated the disciplinary action, one of the following occurred: (20 USC 1415(k)(5); 34 CFR 300.534)

1. The parent/guardian, in writing, has expressed concern to district supervisory or administrative personnel, or to a teacher of the student, that the student is in need of special education or related services.

2. The parent/guardian has requested an evaluation of the student for special education pursuant to 20 USC 1414(a)(1)(B) or 34 CFR 300.300-300.311.

3. The teacher of the student or other district personnel has expressed specific concerns directly to the district's director of special education or other supervisory district personnel about a pattern of behavior demonstrated by the student.

However, the district shall not be deemed to have knowledge of a student's disability if the student's parent/guardian has not allowed him/her to be evaluated for special education services or has refused services or, after evaluating the student pursuant to 34 CFR 300.300-300.311, the district determined that he/she was not an individual with a disability.

When the district is deemed to not have knowledge of a student's disability, the student shall be disciplined in accordance with procedures established for students without disabilities who engage in comparable behavior. (20 USC 1415(k)(5); 34 CFR 300.534)

If a request is made for an evaluation of a student during the time period in which the student is subject to disciplinary measures pursuant to 34 CFR 300.530, the evaluation shall be conducted in an expedited manner. Until the evaluation is completed, the student shall remain in the educational placement determined by school authorities. (20 USC 1415(k)(5); 34 CFR 300.534)

Students AR 5112.2

EXCLUSIONS FROM ATTENDANCE

The Superintendent or designee shall ensure that each child entering a district school at any grade level adheres to district admission requirements and enrollment procedures.

Mandatory Exclusions

The Superintendent or designee shall not unconditionally admit any student to an elementary or secondary school, preschool, or child care and development program for the first time, nor after July 1, 2016, admit or advance any student to grade 7 unless the student has been fully immunized in accordance with Health and Safety Code 120335 and BP/AR 5141.31 – Immunizations or is exempted by law.

If a conditionally admitted student has not received required immunizations within 10 days after his/her parent/guardian has been notified of the need to do so, the student shall be excluded until he/she provides written evidence that he/she has received the vaccines due at that time. *(Education Code 48216; Health and Safety Code 120335, 120370; 17 CCR 6055)*

The Superintendent or designee shall not admit a student who is reasonably suspected of having active tuberculosis. He/she shall be denied admission until the local health officer or licensed medical practitioner informs the district, in writing, that the student is no longer at risk of developing or transmitting the disease. (Health and Safety Code 121485, 121495, 121505)

The Superintendent or designee shall exclude a student who is infected with any contagious or infectious disease. The student shall be permitted to return to school when a medical provider informs the Superintendent or designee in writing that he/she is satisfied that the contagious or infectious disease no longer exists. *(Education Code 49451; 5 CCR 202)*

The Superintendent or designee shall exclude a student who resides where any contagious, infectious, or communicable disease subject to quarantine exists or has recently existed and who is subject to strict isolation or quarantine of contacts, unless written permission of the health officer is provide. (Health and Safety Code 120230)

Permissive Exclusions

A student may be excluded from attendance at a district school under either of the following circumstances:

1. If there is good cause to believe that the student has been exposed to any disease stated in Health and Safety Code 120335 and his/her documentation of immunization does not show proof of immunization against that disease, the student may be temporarily excluded from the school until the local health officers is satisfied that the student is no longer at risk of developing or transmitting the disease. (Health and Safety Code 120335, 120370)

2. If the student has not had the health screening specified in Health and Safety Code 124040 before or within the first the first 90 days of attending first grade, he/she may be excluded for up to five

days unless the parent/guardian has presented a waiver or the district has exempted the student from this requirement in accordance with law. (Health and Safety Code 12410)

Notifications to Parents/Guardians

The Superintendent or designee may exclude a student without prior notice to the parent/guardian if the student is excluded for any of the following reasons: *(Education Code 48213)*

1. He/she resides in an area subject to quarantine pursuant to Health and Safety Code 120230
2. He/she is exempt from a medical examination but suffers from a contagious or infectious disease pursuant to Education Code 49451.
3. The Superintendent or designee determines that the presence of the student would constitute a clear and present danger to the safety or health of other students or school personnel.

However, in such cases, the Superintendent or designee shall send a notice as soon as reasonably possible after the exclusion. *(Education Code 48213)*

In all other cases, the Superintendent or designee shall send a notice to the student's parent/guardian stating the facts leading to the exclusion, prior to excluding the student from attendance.

Appeals from Exclusion

Upon exclusion of his/her child, a parent/guardian may meet with the Superintendent or designee to discuss the exclusion. If the parent/guardian disagrees with the decision of the Superintendent or designee to exclude his/her child, he/she may appeal the decision to the Governing Board.

The parent/guardian shall have an opportunity to inspect all documents upon which the district is basing its decision, to challenge any evidence and question any witness presented by the district, to present oral and documentary evidence on the student's behalf, and to have one or more representatives present at the meeting.

Regulation **MORGAN HILL UNIFIED SCHOOL DISTRICT**
approved: September 5, 2017 Morgan Hill, California

Students BP 5121

GRADES/EVALUATION OF STUDENT ACHIEVEMENT

The Governing Board believes that grades serve a valuable instructional purpose by helping students and parents/guardians understand performance expectations and identifying the student's areas of strength and those areas needing improvement. Parents/guardians and students have the right to receive course grades that represent an accurate evaluation of the student's academic performance.

The Superintendent or designee shall establish a uniform grading system that shall be applied to all students in that course and grade level. Principals and teachers shall ensure that student grades conform to this system. Teachers shall inform students and parents/guardians how academic performance will be evaluated in the classroom.

A teacher shall base a student's grades on the quality of the student's academic work and his/her mastery of standard based course content. Students shall have the opportunity to demonstrate this mastery through a variety of methods including, but not limited to, classroom participation, coursework, tests, and portfolios.

A teacher may assign a failing grade to a student who has 8 or more unexcused absences during the grading period.

A grade assigned by the teacher shall not be changed by the Board or the Superintendent except as provided by law, Board policy, or administrative regulation. *(Education Code 49066)*

Students in grades K-3 shall receive standards based progress reports at the end of each grading period rather than letter grades.

When reporting student performance to parents/guardians, teachers may add narrative descriptions, observational notes, and/or samples of classroom work in order to better describe student progress in specific skills and subcategories of achievement.

A report card for a student with a disability may contain information about his/her disability, including whether that student received special education or related services, provided that the report card informs parents/guardians about their child's progress or level of achievement in specific classes, course content, or curriculum. However, transcripts that may be used to inform postsecondary institutions or prospective employers of the student's academic achievements shall not contain information disclosing the student's disability.

Effect of Absences on Grades

If a student misses class without an excuse and does not subsequently turn in homework, take a test, or fulfill another class requirement which he/she missed, the teacher may lower the student's grade for nonperformance.

The Board believes that eight unexcused absences per semester grading period constitute excessive unexcused absences. Students with excessive unexcused absences may receive a failing grade and not receive credit for the class(es).

Grade Point Average

The Superintendent or designee shall determine the methodology to be used in calculating students' grade point averages (GPA), including the courses to be included within the GPA and whether extra grade weighting shall be applied to Advanced Placement, honors, and/or concurrent postsecondary courses.

Policy **MORGAN HILL UNIFIED SCHOOL DISTRICT**
Board Approval September 5, 2017 Morgan Hill, California

Students AR 5121

GRADES/EVALUATION OF STUDENT ACHIEVEMENT

Report cards displaying students' grades in each subject or course shall be distributed to parents/guardians at the end of each grading period. Parents/guardians shall be offered an opportunity to meet with their child's teacher(s) to discuss the grades and strategies to improve their child's performance levels.
For each student in grades 9-12, the Superintendent or designee shall maintain a transcript recording the courses taken, the term that each course was taken, credits earned, final grades, and date of graduation.

Grades for Academic Achievement K-5

In grades K-5, teachers shall use content standards based report cards to indicate the student's level of achievement. Report cards are issued each trimester to indicate the student's level of achievement.

In grades 4-5 criteria for determining grades for achievement may include but are not limited to:

1. Preparation of assignments, including accuracy, legibility and promptness
2. Contribution to classroom discussions
3. Demonstrated understanding of concepts in tests and other assessments
4. Application of skills and principles to new situations
5. Organization and presentation of written and oral reports
6. Originality and reasoning ability when working through problems

Academic achievement in grades 4-5 shall be reported each trimester and shall reflect achievement of the grade level content standards.

A	(90-100%)	Outstanding achievement of standards	4.0 grade points
B	(80-89%)	Proficient achievement of standards	3.0 grade points
C	(70-79%)	Satisfactory achievement of standards	2.0 grade points
N	(69% or below)	Minimal to non-achievement of standards	0 grade points

Grades for Achievement 6-12

Grades 6-8

In grades 6-8, report cards are issued each semester to indicate the student's level of achievement.

In grades 6-8 criteria for determining grades for achievement may include but are not limited to:

1. Preparation of assignments, including accuracy, legibility and promptness
2. Contribution to classroom discussions
3. Demonstrated understanding of concepts in tests and other assessments
4. Application of skills and principles to new situations
5. Organization and presentation of written and oral reports
6. Originality and reasoning ability when working through problems

Academic achievement in grades 6-8 shall be reported each semester and shall reflect course content standards.

A	(90-100%)	Outstanding achievement of standards	4.0 grade points
B	(80-89%)	Proficient achievement of standards	3.0 grade points
C	(70-79%)	Satisfactory achievement of standards	2.0 grade points
D	(60-69%)	Minimal achievement of standards	1.0 grade points
F	(0-59%)	Non-achievement of standards	0 grade points
I		Incomplete	0

Grades 9-12

Academic achievement in grades 9-12 shall be reported each semester and shall reflect students' demonstration of course content standards achievement. Teachers in grades 9-12 may, in their best professional judgment, assign plus and minus signs to grades.

A	(90-100%)	Outstanding achievement of standards	4.0 grade points
B	(80-89%)	Proficient achievement of standards	3.0 grade points
C	(70-79%)	Satisfactory achievement of standards	2.0 grade points
D	(60-69%)	Minimal achievement of standards	1.0 grade points
F	(59 and below)	Non-achievement of standards	0 grade points
I		Incomplete	0 grade points
NC		No credit	
NCA		No credit due to excessive absences	
NM		No mark	
NR		No record	
P		Pass	
W		Withdrawn	
W/F		Withdraw/Fail	

Whenever it becomes evident to a teacher that a student is in danger of failing a course, the teacher shall arrange a conference with the student's parent/guardian or a written report will be provided to the parent, by U.S. Mail, e-mail, or access to online grade reporting. (Education Code 49067). This may include, but is not limited to, mid-quarter progress reports and alerting parents to online grade reporting.

No grade of a student participating in a physical education class may be adversely affected due to the fact that the student, because of circumstances beyond his/her control, does not wear standardized physical education apparel. *(Education Code 49066)*

A teacher may, in his or her best professional judgment, assign grades which reflect, not completion of course work, but the student's demonstration of achievement of course content standards. Teachers are encouraged to allow for trends in the quality of student work. For example, when a student finishes a grading period doing high quality work, which requires skills acquired throughout the grading period, low grades at the beginning of the grading period need not diminish the appropriate evaluation of the student's achievement. Similarly, high grades at the beginning need not compensate for a downward trend in achievement.

Student performance in high school physical education courses shall be based upon evaluation of the student's individual progress, attainment of goals in each instructional area, tests designed to determine skill and knowledge, and physical performance tests. (5 CCR 10060)

Participation in Extra/Co-Curricular Activities (Grades 6-12)

To encourage and support academic excellence, the Board requires students in grades 6 through 12 to maintain academic eligibility in the previous grading period in order to participate in extra/co-curricular activities. See Board Policy 6145. *(Education Code 35160.5)*

Honor Roll (Grades 6-12)

Each secondary school shall post an Honor Roll. All courses except Pass/Fail shall be counted in computing eligibility for the Honor Roll. To qualify for the Honor Roll, a student must receive no current grade below a C and have a grade point average of 3.0~~5~~ or better.

Superintendents Honor Roll	4.0+
Principals Honor Roll	3.5+
Honor Roll	3.0+

Advanced Placement/Honors Courses (Grades 9-12)

The district wishes to encourage students to take advanced placement (AP) and honors courses. AP courses are developed by the College Board and approved by the University of California system. Honors courses are developed by the district and approved by the University of California. Because of the extra work involved, the evaluation system shall be weighted to reflect the more rigorous nature of these courses. Grades received in these courses will be counted on a weighted scale. All students who take an advanced placement (AP) course are expected to take the related College Board Advanced Placement Exam to receive the weighted grade point. Families can check with their school site administrators to find out about the annual availability of state funds to cover the cost of advanced placement examination fees. The advanced placement course will be noted on the student's transcript.

Following is the weighted scale for honors courses and advanced placement courses for which a student takes the related advanced placement exam:

A	=	5 grade points
B	=	4 grade points
C	=	3 grade points
D	=	1 grade point
F	=	0 grade points

Pass/Fail Grading (Grades 9-12)

With parental approval, a student may elect to earn a *Pass* or *Fail* grade instead of an A-F grade in all courses taken in the Special Education Program.

Students who receive a *Pass* grade will acquire the appropriate semester units of credit for the course, and the grade will not be counted in determining class rank or grade point average and co-curricular eligibility. Students who receive a *Fail* grade will not receive credit for taking the course.

Repeated Classes (Grades 9-12)

With the prior approval of the principal or designee, a student may repeat a course in order to raise his/her grade. The student shall receive credit only for taking the course once.

Both grades received will be entered on the student's transcript with the highest grade receiving the credit. It should be noted that the University of California/California State University system will not accept repeat course grades if the student initially received a C or better. *(California Code of Regulations Title V, section 58161)*

Withdrawal from Classes (Grades 9-12)

A student who submits a *Request for Withdrawal Form* during the first two weeks of the semester may do so without any entry on his/her permanent record card. A student who drops a course after the first two weeks of the semester shall receive a W/F grade on his/her permanent record, unless otherwise decided by the principal or designee because of extenuating circumstances.

Unexcused Absences (Grades 9-12)

The student and parent/guardian shall be notified and informed of the district's policy regarding excessive unexcused absences. The student and parent/guardian shall have a reasonable opportunity to explain absences. *(Education Code 49067)*

If an absence is not verified as excusable within three days, it shall be recorded as unexcused. The person receiving any explanation of the absence by the parent/guardian shall make a record of this explanation and the date when it was given.

Students with excessive unexcused absences (eight absences per semester grading period) may be given a failing grade and not receive credit for the course(s). Teachers may, in their best professional judgment, assign a failing grade to a student with excessive unexcused absences. The student or the student's parent/guardian shall be provided with an opportunity to explain the absences. The district shall notify the student's parent/guardian of this unexcused absence policy through an annual notice or through the teacher.

If a student receives a failing grade because of unexcused absences, school records shall specify that the grade was given because of excessive unexcused absences. *(Education Code 49067)*

Grades for a student in foster care shall not be lowered if the student is absent from school due to either of the following circumstances: *(Education Code 49069.5)*

1. A decision by a court or placement agency to change the student's placement, in which case the student's grades and credits shall be calculated as of the date the student left school
2. A verified court appearance or related court-ordered activity

Regulation **MORGAN HILL UNIFIED SCHOOL DISTRICT**
approved: September 5, 2017 Morgan Hill, California

Students BP 5123

PROMOTION/ACCELERATION/RETENTION

The Governing Board expects students to progress through each grade level within one school year. Toward this end, instruction shall be designed to accommodate the variety of ways that students learn and provide strategies for addressing academic deficiencies as needed.

Students shall progress through the grade levels by demonstrating growth in learning and meeting grade-level standards of expected student achievement.

When high academic achievement is evident, the teacher may recommend a student for acceleration to a higher grade level. The student's social, emotional, physical, and academic readiness may be taken into consideration in making a determination to accelerate a student.

Teachers shall identify students who may be retained or who are at risk of being retained at their current grade level as early as possible in the school year and as early in their school careers as practicable. Such students may be identified at the following grade levels: *(Education Code 48070.5)*

Students shall be identified for retention on the basis of failure to meet minimum levels of proficiency, as indicated by grades, attendance, classroom observations, and other assessments.

Students between grades 2 and 3 and grades 3 and 4 shall be identified primarily on the basis of their level of proficiency in reading. Proficiency in reading, English language arts, and mathematics shall be the

basis for identifying students between grades 4 and 5, between intermediate and middle school grades, and between middle school grades and high school grades. *(Education Code 48070.5)*

If a student does not have a single regular classroom teacher, the Superintendent or designee shall specify the teacher(s) responsible for the decision to promote or retain the student. *(Education Code 48070.5)*

The teacher's decision to promote or retain a student may be appealed in accordance with AR 5123 - Promotion/Acceleration/Retention.

When any student in grades 2-9 is recommended for retention or is identified as being at risk for retention, the Superintendent or designee may offer an appropriate program of remedial instruction to assist the student in meeting grade-level expectations. *(Education Code 48070.5)*

Policy adopted: November 5, 2019

MORGAN HILL UNIFIED SCHOOL DISTRICT
Morgan Hill, California

Students AR 5123

PROMOTION/ACCELERATION/RETENTION

Acceleration from Kindergarten to First Grade

Any student who meets the age eligibility requirement and has completed one year of kindergarten shall be admitted to first grade unless the parent/guardian and the Superintendent or designee agree that the student shall continue in kindergarten. *(Education Code 48010, 48011)*

A student who does not meet the age eligibility requirement may be admitted to first grade at the discretion of the Superintendent or designee and with the consent of the parent/guardian upon determination that the student is ready for first-grade work, subject to the following minimum criteria: *(Education Code 48011; 5 CCR 200)*

1. The student is at least five years of age.
2. The student has attended a public school kindergarten for a long enough time to enable school personnel to evaluate his/her ability.
3. The student is in the upper five percent of his/her age group in terms of general mental ability.
4. The physical development and social maturity of the student are consistent with his/her advanced mental ability.
5. The parent/guardian of the student has filed a written statement with the district approving the placement in first grade.

Continuation in Kindergarten

Whenever the Superintendent or designee and the parents/guardians agree that a student shall continue in kindergarten for an additional year, the Superintendent or designee shall secure an agreement, signed by the parent/guardian, stating that the student shall continue in kindergarten for not more than one additional school year. *(Education Code 46300, 48011)*

Retention at Other Grade Levels

If a student is identified as performing below the minimum standard for promotion to the next grade level based on the indicators specified in Board policy, the student shall be retained in his/her current grade

level unless the student's regular classroom teacher determines, in writing, that retention is not the appropriate intervention for the student's academic deficiencies. This determination shall specify the reasons that retention is not appropriate for the student and shall include recommendations for interventions other than retention that, in the opinion of the teacher, are necessary to assist the student in attaining acceptable levels of academic achievement. *(Education Code 48070.5)*

If the teacher's recommendation to promote is contingent on the student's participation in a summer school or interim session remediation program, the student's academic performance shall be reassessed at the end of the remediation program, and the decision to retain or promote the student shall be reevaluated at that time. The teacher's evaluation shall be provided to and discussed with the student's parents/guardians and the principal before any final determination of retention or promotion. *(Education Code 48070.5)*

When a student is identified as being at risk of retention, the Superintendent or designee shall so notify the student's parent/guardian as early in the school year as practicable. The student's parent/guardian shall be provided an opportunity to consult with the teacher(s) responsible for the decision to promote or retain the student. *(Education Code 48070.5)*

Appeal Process

Whenever a student's parent/guardian appeals the teacher's decision to promote or retain a student, the burden shall be on the parent/guardian to show why the teacher's decision should be overruled. *(Education Code 48070.5)*

To appeal a teacher's decision, the parent/guardian shall submit a written request to the Superintendent or designee specifying the reasons that the teacher's decision should be overruled. The appeal must be initiated within 10 school days of the determination of retention or promotion.

The teacher shall be provided an opportunity to state orally and/or in writing the criteria on which his/her decision was based.

Within 30 days of receiving the request, the Superintendent or designee shall determine whether or not to overrule the teacher's decision. Prior to making this determination, the Superintendent or designee may meet with the parent/guardian and the teacher. If the Superintendent or designee determines that the parent/guardian has overwhelmingly proven that the teacher's decision should be overruled, he/she shall overrule the teacher's decision.

The Superintendent or designee's determination may be appealed by submitting a written appeal to the Governing Board within 15 school days. Within 30 days of receipt of a written appeal, the Board shall meet in closed session to decide the appeal. The Board's decision may be made on the basis of documentation prepared as part of the appeal process or, at the discretion of the Board, the Board may also meet with the parent/guardian, the teacher, and the Superintendent or designee to decide the appeal. The decision of the Board shall be final.

If the final decision is unfavorable to the parent/guardian, he/she shall have the right to submit a written statement of objections which shall become part of the student's record.

Regulation MORGAN HILL UNIFIED SCHOOL DISTRICT
approved: February 7, 2017 Morgan Hill Unified School District

STANDARDIZED TESTING

The Smarter Balanced assessments are an academic check-up, designed to give teachers the feedback they need to improve instruction. The tests measure critical thinking, analytical writing, problem solving, and subject area knowledge, providing teachers with multiple sources of actionable information about student strengths and areas where students need additional support. Parents will receive a report of their child's scores. But no student, parent or teacher should be discouraged by these scores, which will not be used to determine whether a student moves on to the next grade. Rather, the scores will represent an opportunity to focus on the needs of students and support teachers and schools in their work to achieve college and career readiness. In some rare cases, student participation in such assessments may not be advisable and parents may opt out of participating in CAASPP in writing to their school site principal.

HIGH SCHOOL GRADUATION REQUIREMENTS

The Governing Board desires to prepare all students to obtain a high school diploma so that they can take advantage of opportunities for postsecondary education and employment.

Course Requirements

Education Code 51225.3 specifies the courses that a student is required to complete in order to graduate from high school Pursuant to Education Code 66204, each district that maintains a high school also is required to develop a process for submitting courses to the University of California to ensure that they align with the "a-g" course requirements for college admission.

To obtain a high school diploma in the State of California, students must complete at least the following courses in grades 9-12, with each course being one year unless otherwise specified. All graduation pathways in the Morgan Hill Unified School District meet or exceed this requirement, please see Administrative Regulation 6146.1 for specific pathway requirements:

1. Three courses in English *(Education Code 51225.3)*

   All graduation pathways in the Morgan Hill Unified School District meet or exceed this requirement, please see Administrative Regulation 6146.1 for all specific pathway requirements.

2. Two courses in mathematics *(Education Code 51225.3)*

   At least one mathematics course, or a combination of the two mathematics courses, shall meet or exceed state academic content standards. Completion of such coursework prior to grade 9 shall satisfy Integrated Mathematics I requirement, but shall not exempt a student from the requirement to complete two mathematics courses in grades 9-12. (*Education Code 51224.5)*

   All graduation pathways in the Morgan Hill Unified School District meet or exceed this requirement, please see Administrative Regulation 6146.1 for all specific pathway requirements.

   Students may be awarded up to one mathematics course credit for successful completion of an approved computer science course that is classified as a "category c" course based on the "a-g" course requirements for college admission. (*Education Code 51225.3, 51225.35)*

3. Two courses in science, including biological and physical sciences *(Education Code 51225.3)*

   All graduation pathways in the Morgan Hill Unified School District meet or exceed this requirement, please see Administrative Regulation 6146.1 for all specific pathway requirements.

4. Three courses in social studies, including United States history and geography; world history, culture, and geography; a one-semester course in American government and civics; and a one-semester course in economics *(Education Code 51225.3)*

   All graduation pathways in the Morgan Hill Unified School District meet or exceed this requirement, please see Administrative Regulation 6146.1 for all specific pathway requirements.

5. One course in visual or performing arts; foreign language, including American Sign Language; or career technical education (CTE) (*Education Code 51225.3)*

   To be counted towards meeting graduation requirements, a CTE course shall be aligned to the CTE model curriculum standards and framework adopted by the State Board of Education.

   All graduation pathways in the Morgan Hill Unified School District meet or exceed this requirement, please see Administrative Regulation 6146.1 for all specific pathway requirements.

6. Two courses in physical education, unless the student has been otherwise exempted pursuant to other sections of the Education Code (*Education Code 51225.3)*

All graduation pathways in the Morgan Hill Unified School District meet or exceed this requirement, please see Administrative Regulation 6146.1 for all specific pathway requirements.

Because the prescribed course of study may not accommodate the needs of some students, the Board shall provide alternative means for the completion of prescribed courses in accordance with law. All graduation pathways in the Morgan Hill Unified School District meet or exceed this requirement, please see Administrative Regulation 6146.1 for all specific pathway requirements.

Exemptions and Waivers

A foster youth, homeless student, former juvenile court school student, child of a military family, migrant student, or newly arrived immigrant student participating in a newcomer program who transfers into the district any time after completing the second year of high school shall be required to complete all graduation requirements specified in Education Code 51225.3 but shall be exempt from any additional district-adopted graduation requirements, unless the Superintendent or designee makes a finding that the student is reasonably able to complete the requirements in time to graduate by the end of the fourth year of high school. Within 30 days of the transfer, any such student shall be notified of the availability of the exemption and whether the student qualifies for it. *(Education Code 51225.1)*

Retroactive Diplomas

Any student who completed grade 12 in the 2003-04 through 2014-15 school year and met all applicable graduation requirements other than the passage of the high school exit examination shall be granted a high school diploma. (*Education Code 51413)*

In addition, the district may retroactively grant high school diplomas to: (Education Code 48204.4, 51430, 51440)

1. Persons who departed California against their will while in grade 12 and did not receive a diploma because the departure interrupted their education, provided that they were in good academic standing at the time of the departure

   Persons may be considered to have departed California against their will if they were in custody of a government agency and were transferred to another state, were subject to a lawful order from a court or government agency that authorized their removal from California, were subject to a lawful order and were permitted to depart California before being removed from California pursuant to the lawful order, were removed or were permitted to depart voluntarily pursuant to the federal Immigration and Nationality Act, or departed due to other circumstances determined by the district that are consistent with the purposes of Education Code 48204.4.

   In determining whether to award a diploma under these circumstances, the Superintendent or designee shall consider any coursework that may have been completed outside of the United States or through online or virtual courses.

2. Former students who were interned by order of the federal government during World War II or who are honorably discharged veterans of World War II, the Korean War, or the Vietnam War, provided that they were enrolled in a district school immediately preceding the internment or military service and did not receive a diploma because their education was interrupted due to the internment or military service in those wars

   Deceased former students who satisfied these conditions may be granted a retroactive diploma to be received by their next of kin.

3. Veterans who entered the military service of the United States while in grade 12 and who had satisfactorily completed the first half of the work required for grade 12 in a district school

Honorary Diplomas

The Board may grant honorary high school diplomas to: *(Education Code 51225.5)*

1. An international exchange student who has not completed the course of study ordinarily required for graduation, and who is returning to the home country following the completion of one academic school year in the district
2. A student who is terminally ill

The honorary diploma shall be clearly distinguishable from the regular diploma of graduation awarded by the district. (*Education Code 51225.5)*

HIGH SCHOOL GRADUATION REQUIREMENTS

Notifications

Requirements for graduation and specified alternative means for completing the prescribed course of study shall be made available to students, parents/guardians, and the public. *(Education Code 51225.3)*

Regulation **MORGAN HILL UNIFIED SCHOOL DISTRICT**
approved: November 13, 2012 Morgan Hill, California

Instruction BP 6146.4

DIFFERENTIAL GRADUATION AND COMPETENCY STANDARDS FOR STUDENTS WITH DISABILITIES

The Governing Board recognizes that students with disabilities are entitled to a course of study that provides them with a free appropriate public education (FAPE) and that modifications to the district's regular course may be needed on an individualized basis to provide FAPE. In accordance with law, each student's individualized education program (IEP) team shall determine the appropriate goals, as well as any appropriate individual accommodations necessary for measuring the academic achievement and functional performance of the student on state and districtwide assessments.

Certificate of Educational Achievement or Completion

Instead of a high school diploma, a student with disabilities may be awarded a certificate or document of educational achievement or completion if the student has met one of the following requirements: *(Education Code 56390)*

1. Satisfactorily completed a prescribed alternative course of study approved by the board of the district in which the student attended school or the district with jurisdiction over the student as identified in his/her IEP
2. Satisfactorily met his/her IEP goals and objectives during high school as determined by the IEP team
3. Satisfactorily attended high school, participated in the instruction as prescribed in his/her IEP, and met the objectives of the statement of transition services

A student with disabilities who meets any of the criteria specified above shall be eligible to participate in any graduation ceremony and any school activity related to graduation in which a graduating student of similar age without disabilities would be eligible to participate. *(Education Code 56391)*

Policy **MORGAN HILL UNIFIED SCHOOL DISTRICT**
adopted: November 13, 2012 Morgan Hill, California

INTRADISTRICT OPEN ENROLLMENT

The Governing Board desires to provide enrollment options that meet the diverse needs and interests of district students and parents/guardians, while also maximizing the efficient use of district facilities and resources. The Superintendent or designee shall establish procedures for the selection and transfer of students among district schools in accordance with law, Board policy, and administrative regulation.

The parents/guardians of any student who resides within district boundaries may apply to enroll their child in any district school, regardless of the location of their residence within the district. *(Education Code 35160.5)*

The Board shall annually review this policy.

Enrollment Priorities

No student currently residing within a school's attendance area shall be displaced by another student transferring from outside the attendance area.

The Superintendent or designee may grant priority for the enrollment of a student in a district school outside of the student's attendance area, if the student:

1. Is enrolled in a district school designated by the California Department of Education (CDE) as "persistently dangerous"
2. Is a victim of a violent crime while on school grounds
3. Is a victim of an act of bullying committed by another district student, as determined through an investigation following the parent/guardian's submission of a written complaint with the school, district, or local law enforcement agency pursuant to Education Code 234.1

   If the district school requested by the student is at maximum capacity, the Superintendent or designee may consider an intradistrict transfer request for another district school.

4. Is experiencing special circumstances that might be harmful or dangerous to the student in the current attendance area, including, but not limited to, threats of bodily harm or threats to the emotional stability of the student. Any such student may transfer to a district school that is at capacity and otherwise closed to transfers. To grant priority under these circumstances, the Superintendent or designee may consider the following:

   a. A written statement from a representative of an appropriate state or local agency, including, but not necessarily limited to, a law enforcement official or a social worker, or a properly licensed or registered professional, including, but not necessarily limited to, a psychiatrist, psychologist, marriage and family therapist, clinical social worker, or professional clinical counselor

b. A court order, including a temporary restraining order and injunction

5. Is a sibling of another student already attending that school

6. Has a parent/guardian whose primary place of employment is that school

Application and Selection Process

In order to ensure that priorities for enrollment in district schools are implemented in accordance with law and Board policy, applications for intradistrict open enrollment shall be submitted during the posted annual open enrollment period.

The Superintendent or designee shall calculate each school's capacity in a nonarbitrary manner using student enrollment and available space.

Except for the enrollment priorities listed above, the Superintendent or designee shall use a random, unbiased selection process to determine which students shall be admitted whenever a district school receives admission requests that are in excess of the school's capacity. *(Education Code 35160.5)*

Enrollment decisions shall not be based on a student's academic or athletic performance. However, existing entrance criteria may be used for enrolling students in specialized schools or programs, provided that the criteria are uniformly applied to all applicants. In addition, academic performance may be used to determine eligibility for, or placement in, programs for gifted and talented students.

For additional information regarding the transfer request process, visit the Enrollment Center webpage: mhusd.org/enrollment.

Transportation

In general, the district shall not be obligated to provide transportation for students who attend school outside their attendance area.

However, upon parent/guardian request, the district shall provide transportation assistance to any student who is eligible for free or reduced-price meals and whose enrollment in a district school outside the student's attendance area is a result of being a victim of bullying. *(Education Code 46600)*

Policy **MORGAN HILL UNIFIED SCHOOL DISTRICT**
adopted: November 17, 2020 Morgan Hill, California

Students AR 5116.1

INTRADISTRICT OPEN ENROLLMENT

Transfers for Victims of a Violent Criminal Offense

Within a reasonable amount of time, not to exceed 14 days, after it has been determined that a student has been the victim of a violent criminal offense while on school grounds, the student's parents/guardians shall be offered an option to transfer their child to an eligible school identified by the Superintendent or designee. In making the determination that a student has been a victim of a violent criminal offense, the Superintendent or designee shall consider the specific circumstances of the incident and consult with local law enforcement as appropriate. Examples of violent criminal offenses include, but are not limited to, attempted murder, battery with serious bodily injury, assault with a deadly weapon, rape, sexual battery, robbery, extortion, or hate crimes.

The Superintendent or designee shall consider the needs and preferences of the affected student and his/her parent/guardian in making the offer. If the parent/guardian elects to transfer his/her child, the transfer shall be completed as soon as practicable.

Transfers from a "Persistently Dangerous" School

Upon receipt of notification from the California Department of Education (CDE) that a district school has been designated as "persistently dangerous," the Superintendent or designee shall provide parents/guardians of students attending the school with the following notifications:

1. Within 10 days of receipt of the notification from CDE, notice of the school's designation
2. Within 20 days of receipt of the notification from CDE, notice of the option to transfer their child

Parents/guardians who desire to transfer their child out of a "persistently dangerous" school shall provide a written request to the Superintendent or designee and shall rank-order their preferences from among all schools identified by the Superintendent or designee as eligible to receive transfer students. The Superintendent or designee may establish a reasonable timeline, not to exceed seven school days, for the submission of parent/guardian requests.

The Superintendent or designee shall consider the needs and preferences of students and parents/guardians before making an assignment, but is not obligated to accept the parent/guardian's preference if the assignment is not feasible due to space constraints or other considerations. For students whose parents/guardians accept the offer, the transfer shall generally be made within 30 school days of receiving the notice of the school's designation from the CDE. If parents/guardians decline the assigned school, the student may remain in his/her current school.

The transfer shall remain in effect as long as the student's school of origin is identified as "persistently dangerous." The Superintendent or designee may choose to make the transfer permanent based on the educational needs of the student, parent/guardian preferences, and other factors affecting the student's ability to succeed if returned to the school of origin.

The Superintendent or designee shall cooperate with neighboring districts to develop an interdistrict transfer program in the event that space is not available in a district school.

Other Intradistrict Open Enrollment

Except for transfers for victims of a violent crime and from a "persistently dangerous school," the following procedures shall apply to intradistrict open enrollment:

1. The Superintendent or designee shall identify those schools which may have space available for additional students. A list of those schools and open enrollment applications shall be available at each school site, the district office, and on the district's web site.
2. After the enrollment priorities have been applied in accordance with Board policy, if there are more requests for a particular school than there are spaces available, a random drawing shall be held from the applicant pool. A waiting list shall be established to indicate the order in which applicants may be accepted if openings occur during the year. Late applicants shall not be added to the waiting list for the current year but shall instead wait for a subsequent lottery.
3. The Superintendent or designee shall provide written notification to applicants as to whether their applications have been approved, denied, or placed on a waiting list. If the application is denied, the reasons for denial shall be stated.
4. Approved applicants must confirm their enrollment within 10 school days.

Any student who, prior to the 2016-17 school year, was granted a transfer out of a Title I school that had been identified for program improvement, shall be allowed to remain in the school of enrollment until he/she completes the highest grade offered at that school.

Once enrolled, a student shall not be required to reapply for readmission. However, the student may be subject to displacement due to excessive enrollment.

Any complaints regarding the open enrollment process shall be submitted in accordance with the applicable complaint procedure.

Notifications

Notifications shall be sent to parents/guardians at the beginning of each school year describing all current statutory attendance options and local attendance options available in the district. Such notification shall include: *(Education Code 35160.5, 48980)*

1. All options for meeting residency requirements for school attendance
2. Program options offered within local attendance areas
3. A description of any special program options available on both an interdistrict and intradistrict basis
4. A description of the procedure for application for alternative attendance areas or programs and the appeals process available, if any, when a change of attendance is denied
5. A district application form for requesting a change of attendance
6. The explanation of attendance options under California law as provided by the CDE

ATTENDANCE POLICIES AND PROCEDURES

Attendance is critical to the academic success of all students. Appointments should be made for after school hours, whenever possible. If a student is absent, it is his/her responsibility to contact the Attendance Office to clear the absence and to contact teachers for class work missed.

Clearing Absences

All absences should be cleared the day of the absences or upon return to school. Absences can be cleared in the following manner:

- Parent phone call to Attendance Office
- Parent note to Attendance Office

*Please include the following information when clearing absences:

- First and last name of student
- Date(s) of absence
- Reason for absence
- Signature or Identification of parent and relation to student
- Doctor's note (if appropriate)

Excused Absences

Education Code 48980 (h) Article 6 California School Information Services – Pupil Attendance Options and Transfer Forms

The notification shall advise the parent or guardian of all existing statutory attendance options and local attendance options available in the school district. This notification component shall include all options for meeting residency requirements for school attendance, programmatic options offered within the local attendance areas, and any special programmatic options available on both an interdistrict and intradistrict basis. This notification component also shall include a description of all options, a description of the procedure for application for alternative attendance areas or programs, an application form from the district for requesting a change of attendance, and a description of the appeals process available, if any, for a parent or guardian denied a change of attendance. The notification component also shall include an explanation of the existing statutory attendance options including, but not limited to, those available under Section 35160.5, Chapter 5 (commencing with Section 46600) of Part 26, and subdivision (b) of Section 48204. The department shall produce this portion of the notification and shall distribute it to all school districts.

Education Code 48980 (j) Article 6 California School Information Services – No Grade Reduction Due to Excused Absences

The notification shall advise the parent or guardian that a pupil shall not have his or her grade reduced or lose academic credit for any absence or absences excused pursuant to Section 48205 if missed assignments and tests that can reasonably be provided are satisfactorily completed within a reasonable period of time, and shall include the full text of Section 48205.

Education Code 48205 – Excused Absences

(a) Notwithstanding Section 48200, a pupil shall be excused from school when the absence is:

(1) Due to the pupil's illness, including an absence for the benefit of the pupil's mental or behavioral health.
(2) Due to quarantine under the direction of a county or city health officer.
(3) For purposes of having medical, dental, optometrical, or chiropractic services rendered.
(4) For purposes of attending the funeral services or grieving the death of either a member of the pupil's immediate family, or of a person that is determined by the pupil's parent or guardian to be in such close association with the pupil as to be considered the pupil's immediate family, so long as the absence is not more than five days per incident.
(5) For purposes of jury duty in the manner provided for by law.

(6) Due to the illness or medical appointment during school hours of a child of whom the pupil is the custodial parent, including absences to care for a sick child, for which the school shall not require a note from a doctor.

(7) For justifiable personal reasons, including, but not limited to, an attendance or appearance in court, attendance at a funeral service, observance of a holiday or ceremony of the pupil's religion, attendance at a religious retreat, attendance at an employment conference, or attendance at an educational conference on the legislative or judicial process offered by a nonprofit organization, when the pupil's absence is requested in writing by the parent or guardian and approved by the principal or a designated representative pursuant to uniform standards established by the governing board of the school district.

(8) For purposes of serving as a member of a precinct board for an election pursuant to Section 12302 of the Elections Code.

(9) For purposes of spending time with a member of the pupil's immediate family who is an active duty member of the uniformed services, as defined in Section 49701, and has been called to duty for, is on leave from, or has immediately returned from, deployment. Absences granted pursuant to this paragraph shall be granted for a period of time to be determined at the discretion of the superintendent of the school district.

(10) For purposes of attending the pupil's naturalization ceremony to become a United States citizen.

(11) For purposes of participating in a cultural ceremony or event.

(12) (A) For purposes of a middle school or high school pupil engaging in a civic or political event, as provided in subparagraph (B), provided that the pupil notifies the school ahead of the absence.

(B) (i) A middle school or high school pupil who is absent pursuant to subparagraph (A) is required to be excused for only one school day-long absence per school year.

(ii) A middle school or high school pupil who is absent pursuant to subparagraph (A) may be permitted additional excused absences in the discretion of a school administrator, as described in subdivision (c) of Section 48260.

(13) (A) For any of the purposes described in clauses (i) to (iii), inclusive, if an immediate family member of the pupil, or a person that is determined by the pupil's parent or guardian to be in such close association with the pupil as to be considered the pupil's immediate family, has died, so long as the absence is not more than three days per incident.

(i) To access services from a victim services organization or agency.

(ii) To access grief support services.

(iii) To participate in safety planning or to take other actions to increase the safety of the pupil or an immediate family member of the pupil, or a person that is determined by the pupil's parent or guardian to be in such close association with the pupil as to be considered the pupil's immediate family, including, but not limited to, temporary or permanent relocation.

(B) Any absences beyond three days for the reasons described in subparagraph (A) shall be subject to the discretion of the school administrator, or their designee, pursuant to Section 48260.

(14) Due to the pupil's participation in military entrance processing.

(15) Authorized at the discretion of a school administrator, as described in subdivision (c) of Section 48260.

(b) A pupil absent from school pursuant to this section shall be allowed to complete all assignments and tests missed during the absence that can be reasonably provided and, upon satisfactory completion within a reasonable period of time, shall be given full credit for those assignments and tests. The teacher of the class from which a pupil is absent shall determine which tests and assignments shall be reasonably equivalent to, but not necessarily identical to, the tests and assignments that the pupil missed during the absence.

(c) For purposes of this section, attendance at religious retreats shall not exceed one school day per semester.

(d) Absences pursuant to this section are deemed to be absences in computing average daily attendance and shall not generate state apportionment payments.

(e) For purposes of this section, the following definitions apply:

(1) A "civic or political event" includes, but is not limited to, voting, poll working, strikes, public commenting, candidate speeches, political or civic forums, and town halls.

(2) "Cultural" means relating to the practices, habits, beliefs, and traditions of a certain group of people.

(3) "Immediate family" means the parent or guardian, brother or sister, grandparent, or any other relative living in the household of the pupil.

(4) "Victim services organization or agency" has the same meaning as defined in subdivision (j) of Section 12945.8 of the Government Code.

Unexcused Absences

Absences for reasons other than those listed above are considered Unexcused.

After 3 days, absences for reasons unknown to our Attendance Office are considered Unexcused.

In addition, the Governing Board has determined that upon prior written request from a parent or guardian and approval of the principal or designee, a student's absence may be excused for justifiable personal reasons, including, but not limited to:

- Court appearance
- Religious holiday or ceremony
- Religious retreat not to exceed four hours per semester
- Employment interview or conference for student
- Appearance at Student Attendance Review Board or Student Attendance Review meetings
- Appearance at a funeral of someone other than a member of the immediate family

Leaving Campus

In order for a student to leave campus during the school day a student must check out through the Attendance Office by having a parent call or bringing a note from a parent upon return to school, the student must check in at the Attendance Office, and bring the note signed by the medical provider (if the student was at a medical appointment) or parent.

Family Trips, Personal Appointments and Business

Although strongly discouraged, missing school for a family trip is sometimes unavoidable. These absences are considered Unexcused according to the State Education Code. Students missing school should contact his/her teachers as soon as possible to request make-up work.

Regulation **MORGAN HILL UNIFIED SCHOOL DISTRICT**
adopted: September 5, 2017 Morgan Hill, California

Students BP 5111

ADMISSION

The Governing Board encourages the enrollment and appropriate placement of all children who are eligible for enrollment in school. The Superintendent or designee shall inform parents/guardians of children seeking admission to a district school about admission requirements and shall assist them with enrollment procedures.

The Superintendent or designee shall announce and publicize the timeline and process for registration of students at district schools. Applications for intradistrict or interdistrict enrollment shall be subject to the timelines specified in applicable Board policies and administrative regulations.

All appropriate staff shall receive training on district admission policies and procedures, including information regarding the types of documentation that can and cannot be requested.

Verification of Admission Eligibility

Before enrolling any child in a district school, the Superintendent or designee shall verify the child's age, residence within the district, immunization, and other applicable eligibility criteria specified in law, the accompanying administrative regulation, or other applicable Board policy or administrative regulation.

The district shall not inquire into or request documentation of a student's social security number or the last four digits of the social security number or the citizenship or immigration status of the student or the student's family members. (Education Code 234.7, 49076.7)

However, such information may be collected when required by state or federal law or to comply with requirements for special state or federal programs. In any such situation, the information shall be collected separately from the school enrollment process and the Superintendent or designee shall explain the limited purpose for which the information is collected. Enrollment in a district school shall not be denied on the basis of any such information of the student or the student's parents/guardians obtained by the district, or the student's or parent/guardian's refusal to provide such information to the district.

School registration information shall list all possible means of documenting a child's age for entry into grades K-1 as authorized by Education Code 48002 or otherwise prescribed by the Board. Any alternative document allowed by the district shall be one that all persons can obtain regardless of immigration status, citizenship status, or national origin and shall not reveal information related to citizenship or immigrant status.

The Superintendent or designee shall immediately enroll a homeless student, foster youth, student who has had contact with the juvenile justice system, or a child of a military family regardless of outstanding fees or fines owed to the student's last school, lack of clothing normally required by the school, such as school uniforms, or an inability to produce previous academic, medical, or other records normally required for enrollment. (Education Code 48645.5, 48850, 48852.7, 48853.5, 49701; 42 USC 11432)

Policy **MORGAN HILL UNIFIED SCHOOL DISTRICT**
adopted: June 19, 2018
Last Revised Date: 11/15/2022 | Last Reviewed Date: 11/15/2022 Morgan Hill, California

Students AR 5111

ADMISSION

Age of Admittance to Kindergarten and First Grade
At the beginning of each school year, the Superintendent or designee shall enroll any otherwise eligible child who will have his/her fifth or sixth birthday on or before September 1 of that year into kindergarten or first grade, as applicable (Ed Code 48000, 48010).

Any child who will have his/her fifth birthday from September 2 through December 2 of the school year shall be offered a transitional kindergarten (TK) program in accordance with law and Board policy. *(Education Code 48000)*. The District at its sole discretion may extend this date to include child with a birthdate through December 31.

A half-year TK program may be offered for students who have late birthdays, if the district has capacity and there is sufficient interest and funding for the program.

Staff may assess any enrolled kindergarten or TK student for placement in either grade if the parent appeals to the Education Services Department. Assessments will be completed after 20 days of school and placement changes made based on program availability, and the child's academic and social-emotional readiness.

Regulation **MORGAN HILL UNIFIED SCHOOL DISTRICT**
approved: March 29, 2019 Morgan Hill, California

District Residency **BP 5111.1 Students**

The Governing Board desires to admit all students who reside within district boundaries or who fulfill the district residency requirements through other means as allowed by law. The Superintendent or designee shall develop procedures to facilitate the receipt and verification of students' proof of residency.

The Superintendent or designee shall annually notify parents/guardians of all existing attendance options available in the district, including, but not limited to, all options for meeting residency requirements for school attendance. *(Education Code 48980)*

The Superintendent or designee shall require parents/guardians to provide documentation of the student's residency upon admission to a district school. A copy of the document or written statement offered as verification of residency shall be maintained in the student's mandatory permanent record. (5 CCR 432)

When establishing a student's residency for enrollment purposes, the Superintendent or designee shall not inquire into a student's citizenship or immigration status.

A student's enrollment may be denied when the submitted documentation is insufficient to establish district residency. In any such case, the Superintendent or designee shall notify the parent/guardian in writing, including specific reasons for the denial.

Investigation of Residency

When the Superintendent or designee reasonably believes that a student's parent/guardian has provided false or unreliable evidence of residency, he/she may make reasonable efforts to determine that the student meets district residency requirements. An investigation may be initiated when the Superintendent or designee is able to identify specific, articulable facts supporting the belief that the parent/guardian has provided false or unreliable evidence of residency. *(Education Code 48204.1, 48204.2)*

The Superintendent or designee may assign a trained district employee to conduct the investigation. The investigation may include the examination of records, including public records, and/or interviews of persons who may have knowledge of the student's residency.

If necessary, the Superintendent or designee may employ the services of a private investigator to conduct the investigation. Before hiring a private investigator, the Superintendent or designee shall make other reasonable efforts to determine whether the student resides in the district. *(Education Code 48204.2)*

The investigation shall not include the surreptitious collection of photographic or videographic images of persons or places subject to the investigation. However, the use of technology is not prohibited if done in open and public view. *(Education Code 48204.2)*

Any employee or contractor engaged in the investigation shall truthfully identify himself/herself as an investigator to individuals contacted or interviewed during the course of the investigation. *(Education Code 48204.2)*

Appeal of Enrollment Denial

If the Superintendent or designee, upon investigation, determines that a student does not meet district residency requirements and denies the student's enrollment in the district, he/she shall provide the student's parent/guardian an opportunity to appeal that determination. *(Education Code 48204.2)*

The Superintendent or designee shall send the student's parent/guardian written notice specifying the basis for the district's determination. This notice shall also inform the parent/guardian that he/she may, within 10 school days, appeal the decision and provide new evidence of residency.

The burden shall be on the parent/guardian to show why the district's determination to deny enrollment should be overruled. *(Education Code 48204.2)*

A student who is currently enrolled in the district shall be allowed to remain in attendance at his/her school pending the results of the appeal. A student who is not currently enrolled in the district shall not be permitted to attend any district school unless his/her appeal is successful.

In an appeal to the Superintendent of a determination that district residency requirements were not met, the Superintendent shall review any evidence provided by the parent/guardian or obtained during the district's investigation and shall make a decision within 10 school days of receipt of the parent/guardian's request for the appeal. The Superintendent's decision shall be final.

Enrollment Not Requiring District Residency

When approved by the Board and the appropriate agency, the district may enroll students from other countries who are in the United States on an F-1 visa or are participating in an international exchange program under the sponsorship of a government-approved agency.

The district may enroll a nonresident student living in an adjoining state or foreign country in accordance with *Education Code 48050-48052.*

District residency is not required for enrollment in a regional occupational center or program if there are openings in the program or class. (*Education Code 52317)*

Policy MORGAN HILL UNIFIED SCHOOL DISTRICT
adopted: December 19, 2017 Morgan Hill, California

District Residency AR 5111.1 Students

Criteria for Residency

A student shall be deemed to have complied with district residency requirements for enrollment in a district school if he/she meets any of the following criteria:

1. The student's parent/guardian resides within district boundaries. *(Education Code 48200)*
2. The student is placed within district boundaries in a regularly established licensed children's institution, a licensed foster home, or a family home pursuant to a court-ordered commitment or placement. *(Education Code 48204)*
3. The student has been admitted through an interdistrict attendance option, *(Education Code 46600, 48204, 48301, 48356)*
4. The student is an emancipated minor residing within district boundaries. *(Education Code 48204)*
5. The student lives with a caregiving adult within district boundaries and the caregiving adult submits an affidavit to that effect. *(Education Code 48204)*

   A Caregiver's Authorization Affidavit constitutes a sufficient basis for determination of residency of a minor, without the requirement of a guardianship or other custody order, unless the school district determines from actual facts that the minor is not living with the caregiver.

   The school district may require additional reasonable evidence of the caregiver's residence address.
6. The student resides in a state hospital located within district boundaries. *(Education Code 48204)*

7. The student is confined to a hospital or other residential health facility within district boundaries for treatment of a temporary disability. (*Education Code 48207, 48204)*

8. The student's parent/guardian resides outside district boundaries but is employed within district boundaries and lives with the student for a minimum of three days during the school week. *(Education Code 48204)*

9. The student's parent/guardian, while on active military duty pursuant to an official military order, is transferred or is pending transfer to a military installation within the state *(Education Code 48204.3)*

   (cf. 6173.2 - Education of Children of Military Families)

10. A pupil complies with the residency requirements for school attendance in a school district if he or she is a pupil whose parent or parents were residents of this state and have departed California against their will and if the pupil seeks admission to a school of a school district, shall be admitted by the governing board of the school district regardless of his or her current residency, if that pupil meets both of the following requirements:

    (1) The pupil has a parent or guardian who departed California against his or her will. The pupil shall provide official documentation evidencing the departure of his or her parent or guardian.

    (2) The pupil moved outside of California as a result of his or her parent or guardian departing California against his or her will and the pupil lived in California immediately before moving outside of California. The pupil shall provide information and evidence demonstrating that the pupil was enrolled in a public school in California immediately before moving outside of California. *(Education Code 48204.4)*

Proof of Residency

The Superintendent or designee shall annually verify each student's district residency status and retain a copy of the document or written statement offered as verification in the student's mandatory permanent record. *(5 CCR 432)*

The district shall not solicit or collect information or documents regarding the citizenship or immigration status of students or their family members for the purpose of determining residency within the district. *(Education Code 234.7)*

Evidence of residency may be established by documentation showing the name and address of the parent/guardian within the district, including, but not limited to, any of the following: *(Education Code 48204.1)*

1. Property tax payment receipt

2. Rental property contract, lease, or payment receipt

3. Utility service contract, statement, or payment receipt

4. Pay stub

5. Voter registration

6. Correspondence from a government agency
7. Declaration of residency executed by the student's parent/guardian
8. If the student is an unaccompanied youth as defined in 42 USC 11434a, a declaration of residency executed by the student.

The Superintendent or designee shall make a reasonable effort to secure evidence that a homeless or foster youth resides within the district, including, but not limited to, a utility bill, letter from a homeless shelter, hotel/motel receipt, or affidavit from the student's parent/guardian or other qualified adult relative.

However, a homeless or foster youth shall not be required to provide proof of residency as a condition of enrollment in district schools. *(Education Code 48852.7, 48853.5; 42 USC 11432)*

Any homeless or foster youth or student cannot be denied enrollment in school solely on the basis that he or she has had contact with the juvenile justice system even if he/she is unable to provide proof of residency. *(Education Code 48645.5, 48852.7, 48853.5; 42 USC 11432)*

9. If the student is residing in the home of a caregiving adult within district boundaries, an affidavit executed by the caregiving adult in accordance with Family Code 6552

A parent/guardian who is transferred or pending transfer into a military installation within the state shall provide proof of residence in the district within 10 days after the published arrival date provided on official documentation. For this purpose, he/she may use as his/her address a temporary on-base billeting facility, a purchased or leased home or apartment, or federal government or public-private venture off-base military housing. *(Education Code 48204.3)*

A student whose parent/guardian's departure from the state occurred against his/her will pursuant to item #10 in the section "Criteria for Residency" above shall be in compliance with district residency requirements if he/she provides official documentation of the parent/guardian's departure and evidence demonstrating that the student was enrolled in a public school in California immediately before moving outside the state. *(Education Code 48204.4)*

Failure to Verify Residency

When the Superintendent or designee reasonably believes that a student's parent/guardian has provided false or unreliable evidence of residency, he/she may make reasonable efforts to determine that the student meets district residency requirements. (*Education Code 48204.1)*

If the Superintendent or designee, upon investigation, determines that a student's enrollment or attempted enrollment is based on false or unreliable evidence of residency, he/she shall deny or revoke the student's enrollment. Before any such denial or revocation is final, the parent/guardian shall be sent written notice of the facts leading to the decision. This notice also shall inform the parent/guardian that he/she may provide new material evidence of residency, in writing, to the Superintendent or designee within 10 school days. The Superintendent or designee shall review any new evidence and make a final decision within 10 school days.

Safe at Home/Confidential Address Program

When a student or parent/guardian participating in the Safe at Home program requests that the district use the substitute address designated by the Secretary of State, the Superintendent or designee shall use the substitute address for all future communications and correspondence and shall not include the actual address in the student's file or any other public record. The Superintendent or designee may request the actual residence address for the purpose of establishing residency within district boundaries. (Government Code 6206, 6207)

Regulation approved: June 19, 2018

MORGAN HILL UNIFIED SCHOOL DISTRICT
Morgan Hill, California

District Residency E 5111.1

Caregiver's Authorization Affidavit

The Caregiver's Authorization Affidavit declaration does not affect the rights of the minor's parents/guardians regarding the care, custody, and control of the minor, and does not mean that the caregiver has legal custody of the minor.

A person who relies on this affidavit has no obligations to make any further inquiry or investigation.

This affidavit is not valid for more than one year after the date on which it is executed.

The caregiver is required to sign an affidavit under penalty of perjury.

Use of this affidavit is authorized by Part 1.5 (commencing with Section 6550) of Division 11 of the California Family Code.

Instructions: Completion of items 1-4 and the signing of the affidavit is sufficient to authorize enrollment of a minor in school and authorize school-related medical care. Completion of items 5-8 is additionally required to authorize any other medical care. This affidavit is not valid for more than one year after the date on which it is executed. Print Clearly.

The minor named below lives in my home and I am 18 years of age or older.

1. Name of Minor: _____
2. Minor's Date of Birth: _____
3. My name (adult giving authorization): _____
4. My home address: _____

5. ☐ I am a grandparent, aunt, uncle, or other qualified relative of the minor (see below of this form for a definition of "qualified relative").

Check one or both (for example, if one parent was advised and the other cannot be located):

☐ I have advised the parent(s) or other person(s) having legal custody of the minor of my intent to authorize medical care, and have received no objection.

☐ I am unable to contact the parent(s) or other person(s) having legal custody of the minor at this time, to notify them of my intended authorization.

My date of birth: _____

My California Driver's License or Identification Card Number: _____

Warning: Do not sign this form if any of the statements above are incorrect, or you will be committing a crime punishable by a fine, imprisonment, or both.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: _____ Signed: _____

Notices:

1. This declaration does not affect the rights of the minor's parents or legal guardian regarding the care, custody, and control of the minor, and does not mean that the caregiver has legal custody of the minor.
2. A person who relies on this affidavit has no obligation to make any further inquiry or investigation.
3. This affidavit is not valid for more than one year after the date on which it is executed.
4. The caregiver is required to sign affidavit under penalty of perjury.

Additional Information:

To Caregivers:

1. "Qualified relative", for purposes of item 5, means a spouse, parent, stepparent, brother, sister, stepbrother, stepsister, half-brother, half-sister, uncle, aunt, niece, nephew, first cousin, or any person denoted by the prefix "grand" or "great", or the spouse of any of the persons specified in this definition, even after the marriage has been terminated by death or dissolution.

2. The law may require you, if you are not a relative or a currently licensed foster parent, to obtain a foster home license in order to care for a minor. If you have any questions, please contact your local department of social services.

3. If the minor stops living with you, you are required to notify any school, health care provider, or health care service plan to which you have given this affidavit.

4. If you do not have the information requested in item 8 (California driver's license or I.D.), provide another form of identification such as your social security number or Med-Cal number.

To School Officials:

1. Section 48204 of the Education Code provides that this affidavit constitutes a sufficient basis for determination of residency of the minor, without the requirement of a guardianship or other custody order, unless the school district determines from actual facts that the minor is not living with the caregiver.

2. The school district may require additional reasonable evidence that the caregiver lives at the address provided in item 4.

To Health Care Provider and Health Care Service Plans:

1. No person who acts in good faith, reliance upon a caregiver's authorization affidavit to provide medical or dental care, without actual knowledge of facts contrary to those stated on the affidavit, is subject to criminal liability or to civil liability to any person, or is subject to professional disciplinary action, for such reliance if the applicable portions of the form are completed.

2. This affidavit does not confer dependency for health care coverage purposes.

Exhibit **MORGAN HILL UNIFIED SCHOOL DISTRICT**
version: August 13, 2001 Morgan Hill, California
reviewed: November 13, 2012

Residency Based On Parent/Guardian Employment AR 5111.12

Applications for Admission into District Schools

For purposes of determining eligibility for enrollment in a district school, district residency status may be granted to a student if at least one of his/her parents/guardians is physically employed within district boundaries for a minimum of 10 hours during the school week. (*Education Code 48204)*

When applying for admission, the parent/guardian shall submit proof of the employment to the Superintendent or designee. This evidence may include, but not be limited to, a paycheck stub or letter from his/her employer listing an actual address within district boundaries. Documentation listing only a post office box as an address shall not be accepted.

Such evidence shall also indicate the number of hours per school week that the parent/guardian is employed at that location.

The Superintendent or designee may deny enrollment based on parent/guardian employment if any of the following circumstances exists:

1. The additional cost of educating the student would exceed the amount of additional state aid received as a result of the transfer. *(Education Code 48204)*

2. Enrollment of the student would adversely affect the district's court-ordered or voluntary desegregation plan. (*Education Code 48204)*

3. The school facilities are overcrowded at the relevant grade level.

4. Other circumstances exist that are not arbitrary. *(Education Code 48204)*

Students enrolled in the district on the basis of parent/guardian employment shall not be required to reapply for enrollment in subsequent school years. Such students may continue to attend school in the district through the highest grade offered by the district, if the parent/guardian so chooses and if at least one of the student's parents/guardians continues to be physically employed within district boundaries, subject to the restrictions specified in items #1-4 above. *(Education Code 48204)*

The Superintendent or designee shall annually request the student's parent/guardian to provide evidence of the employment in order to determine the student's continuing eligibility for enrollment.

Requests for Transfers out of District Schools

When a student requests a transfer out of the district on the grounds that his/her parent/guardian is employed within the boundaries of another district, the Superintendent or designee may disallow the transfer for either of the following reasons: *(Education Code 48204)*

1. The difference between the number of students entering and exiting the district on the basis of parent/guardian employment exceeds the limits prescribed in *Education Code 48204.*

2. The transfer would negatively impact the district's court-ordered or voluntary desegregation plan.

Notifications

Whenever a student's application for a transfer into or out of the district is denied, the Superintendent or designee shall notify the parent/guardian in writing, including specific reasons for the denial.

Regulation **MORGAN HILL UNIFIED SCHOOL DISTRICT**
approved: November 13, 2012 Morgan Hill, California

Nonresident Foreign Students AR 5111.2

Definitions

F-1 Visa Students: An F-1 visa student is a nonimmigrant visa category intended for use by nonresident aliens whose primary purpose for visiting the United States is to study at an academic school. (8 USC 1184)

J-1 Visa Students: A J-1 visa student is a nonimmigrant exchange student who has come to the United States to study for a specific period of time under the sponsorship of a government approved agency. (8 USC 1184)

Nonimmigrant foreign students may be admitted to the United States for a temporary stay for the purpose of study.

F-1 Visa Students

On a case-by-case basis, students with or seeking an F-1 visa designation shall be accepted for admission to district schools in grades 9-12.

In determining whether to admit the student, the Superintendent or designee shall consider whether the following conditions exist: (8 CFR 214.3, 22 CFR 41.61)

1. A suitable program exists at the school the student has selected
2. The student's English proficiency is sufficient for successful study at that school
3. Space is available
4. The student has provided proof of financial responsibility

In addition, the student shall also submit evidence that he/she has been fully immunized in accordance with California law.

A student shall be admitted for a maximum of one year. In addition, a student granted admission under this program shall pay the district the full, unsubsidized per-student cost of attendance at the secondary school. (8 USC 1184)

Regulation **MORGAN HILL UNIFIED SCHOOL DISTRICT**
adopted: February 7, 2017 Morgan Hill, California

Instruction BP 6163.4
STUDENT USE OF TECHNOLOGY

Student Use of Technology

The Governing Board intends that technological resources provided by the district be used in a safe, responsible, and proper manner in support of the instructional program and for the advancement of student learning. All students using these resources shall receive instruction in their proper and appropriate use.

The Superintendent of designee shall notify students and parents/guardians about authorized uses of district technology, user obligations and responsibilities, and consequences for unauthorized use and/or unlawful activities in accordance with district regulations and the district's Acceptable use Agreement.

District technology includes any equipment or device that stores or communicates data or information by any technology means.

Before a student is authorized to use the district's technological resources, the student and his/her parent/guardian shall sign and return the Morgan Hill Unified School District's Computer/Internet/Email Acceptable Use Agreement specifying user obligations and responsibilities. In that agreement, the student and his/her parent/guardian shall agree not to hold the district or any district staff responsible for the failure of any technology protection measures, materials acquired by the student on the system, violations of copyright restrictions, or user mistakes or negligence. They shall also agree to indemnify and hold harmless the district and district personnel for any damages or costs incurred.

The Superintendent or designee shall regularly review and update this policy, the accompanying administrative regulation, and other relevant procedures to enhance the safety and security of students using the district's technological resources and to help ensure that the district adapts to changing technologies and circumstances. These shall ensure that users have no expectation of privacy and understand that district staff may monitor or examine all system activities to ensure proper use of the system. In addition, because the Internet contains an unregulated collection of resources, the district cannot guarantee the accuracy of the information or the appropriateness of any material that a student may encounter.

The district reserves the right to monitor student use of technology within the jurisdiction of the district without advance notice or consent. Students shall be informed that their use of district technology, including, but not limited to, computer files, email, text messages, instant messaging, and other electronic communications, is not private and may be accessed by the district for the purpose of ensuring proper use. Students have no reasonable expectation of privacy in use of the district technology. Students' personally owned devices shall not be searched except in cases where there is a reasonable suspicion, based on specific and objective facts, that the search will uncover evidence of a violation of law, district policy, or school rules.

The Superintendent or designee may gather and maintain information pertaining directly to school safety or student safety from the social media activity of any district student in accordance with Education Code 49073.6 and BP/AR 515 – Student Records.

Whenever a student is found to have violated Board policy or the district's Acceptable Use Agreement, the principal or designee may cancel or limit a student's user privileges or increase supervision of the student's use of the district's equipment and other technological resources, as appropriate. Inappropriate use also may result in disciplinary action and/or legal action in accordance with law and Board policy.

Use of District Computers for Online Services/Internet Access

The Superintendent or designee shall ensure that all district computers with Internet access have a technology protection measure that blocks or filters Internet access to visual depictions that are obscene, child pornography, or harmful to minors and that the operation of such measures is enforced. (20 USC 6777, 47 USC 254)

Teachers, administrators, and/or library media specialists are expected to review the technological resources and online sites that will be used in the classroom or assigned to students in order to ensure that they are appropriate for the intended purpose and the age of the students.

To reinforce these measures, the Superintendent or designee shall implement rules and procedures designed to restrict students' access to harmful or inappropriate matter on the Internet and to ensure that students do not engage in unauthorized or unlawful online activities. Staff shall supervise students while they are using online services and may have teacher aides, student aides, and volunteers assist in this supervision.

The Superintendent or designee also shall establish regulations to address the safety and security of students and student information when using email, chat rooms, and other forms of direct electronic communication.

The district's Acceptable Use Agreement shall establish expectations for appropriate student conduct when using the Internet or other forms of electronic communication, including, but not limited to, prohibitions against:

1. Accessing, posting, submitting, publishing, or displaying harmful or inappropriate matter that is threatening, obscene, disruptive, or sexually explicit, or that could be construed as harassment or disparagement of others based on their race/ethnicity, national origin, sex, gender, sexual orientation, age, disability, religion, or political beliefs
2. Intentionally uploading, downloading, or creating computer viruses and/or maliciously attempting to harm or destroy district equipment or materials or manipulate the data of any other user, including so-called "hacking"
3. Distributing personal identification information, including the name, address, telephone number, Social Security number, or other personally identifiable information, of another student, staff member, or other person with the intent to threaten, intimidate, harass, or ridicule that person

The Superintendent or designee shall provide age-appropriate instruction regarding safe and appropriate behavior on social networking sites, chat rooms, and other internet services. Such instruction shall include, but not be limited to, the dangers of posting personal information online, misrepresentation by online predators, how to report inappropriate or offensive content or threats, behaviors that constitute cyberbullying, and how to respond when subjected to cyberbullying.

Policy **MORGAN HILL UNIFIED SCHOOL DISTRICT**
Approved: September 5, 2017 Morgan Hill, California

Community Relations BP 1100

COMMUNICATION WITH THE PUBLIC

The Governing Board recognizes the district's responsibility to keep the public informed regarding the goals, programs, achievements, and needs of the schools and district and to be responsive to the concerns and interests of the community. The Superintendent or designee shall establish strategies for effective two-way communications between the district and the public and shall consult with the Board regarding the role of Board members as advocates for the district's students, programs, and policies.

The Superintendent or designee shall provide the Board and staff with communications protocols and procedures to assist the district in presenting a consistent, unified message on district issues. Such protocols and procedures may include, but are not limited to, identification of the spokesperson(s) authorized to speak to the media on behalf of the district, strategies for coordinating communications efforts and activities, and legal requirements pertaining to confidentiality as well as the public's right to access records.

The Superintendent or designee shall utilize a variety of methods to provide information to the public with access to information. Such methods may include, but are not limited to, district and school newsletters, web sites, social media, electronic communications, mailings, notices sent home with students, recorded telephone messages for parent/guardian information, community forums and public events, news releases, meetings with education reporters and editorial boards, presentations at parent organization meetings, and meetings with representatives of local governments, community organizations, and businesses.

In developing communications strategies, the Superintendent or designee shall take into account the needs of all members of the public, including individuals with disabilities and those whose primary language is not English.

The Superintendent or designee may provide staff members with professional development to assist them in effectively responding to requests for information or assistance by parents/guardians or members of the public.

The Superintendent or designee shall provide multiple avenues and opportunities for members of the public to give input on district and school issues and operations. Community members are encouraged to become involved in school activities, participate on district and school committees, provide input at Board meetings, submit suggestions to district staff, and use the district's complaint procedures as appropriate.

Mass Mailings at Public Expense

Newsletters or mass mailings regarding ballot measures, candidates, legislative activities, or any other campaign activities shall be sent and distributed in accordance with law and Board policy.

A mass mailing is prohibited if all of the following criteria are met: (Government Code 89001-89002)

1. The mailing involves sending a tangible item, such as a videotape, record, button, or written document, which is delivered by any means to recipients at their residence, place of employment or business, or post office box.
2. The item features a Board member or includes the name, office, photograph, or other reference to a Board member and is prepared or sent in cooperation, consultation, coordination, or concert with the Board member.
3. The costs of distribution, or any costs of design, production, and printing exceeding $50, are paid with district funds.
4. More than 200 substantially similar items, as defined in Government Code 89002, are sent in a single calendar month.

The above prohibition does not apply to the types of mass mailings specified in Government Code 89002(b), including, but not limited to: (Government Code 89002)

1. An item in which the Board member's name appears only in a roster containing the names of all Board members or in the letterhead or logotype of the stationery, forms, and envelopes of the district, a district committee, or the Board member
2. An announcement including only a single mention of the Board member's name which concerns a public meeting related to the Board member's duties or any official district event(s) for which the district is providing the use of its facilities, staff, or other financial support
3. A business card that contains only one mention of the Board member's name and no photograph of the Board member

However, any of the excepted mailings listed in items #1-3 above that meets the criteria for prohibited mass mailings shall not be sent within 60 days preceding an election in which a Board member to whom the mailing relates will appear on the ballot as a candidate. (Government Code 89003)

As appropriate for each issue, target audiences may include parents/guardians, the media, local governmental agencies, businesses, community organizations and civic groups, postsecondary

institutions, health care professionals, child care providers, community leaders, state or federal legislators or agencies, and/or other segments of the public.

The plan shall incorporate strategies for effective communications during a crisis or other emergency situation that may arise.

The Superintendent or designee shall periodically evaluate the implementation and effectiveness of the district's communications plan and recommend to the Board whether the goals and key issues identified in the plan need to be revised to meet changing circumstances or priorities.

Policy **MORGAN HILL UNIFIED SCHOOL DISTRICT**
adopted: March 19, 2019 Morgan Hill, California

ADDITIONAL RIGHTS

REVIEW OF CURRICULUM MATERIALS

MHUSD engages in a thorough process to select curricular materials that align with state and local content standards and support academic achievement. Parents and guardians can review MHUSD curricular materials through our website, course syllabi for high schools, and through your child's elementary teacher or site administrator. If you have any concerns about any MHUSD curricular materials, including concerns related to personal religious beliefs, please contact the Director of Elementary Education so they can address your concerns.

COURSE OFFERINGS

Sex education, sexually transmitted disease, and family life education courses are those in which reproductive organs and their function are described, illustrated, or discussed. If such a course is offered, you will be notified of your right to inspect and review pertinent written or audiovisual materials prior to the holding of the course. Written consent is not required, but written objection shall be honored if you do not want your child to attend such a class. This section does not apply to pictures in any science, hygiene or health textbook. A teaching credential may be revoked for violation of this section. *(E.C. 51550 & 51820)*

Excuse from instruction in the areas of health, family life, sex education and sexually transmitted diseases due to religious beliefs (including personal moral convictions) of the parent shall be permitted, upon written request, for the parts in conflict with the beliefs. *(E.C. 51240)*

All courses are available to all students regardless of race, ethnic background, sex, handicap or English proficiencies. Parents are encouraged to participate with the school guidance personnel in the career guidance and course selection for their student. *(E.C. Sec. 40)*

DRUG EDUCATION COURSES

Instruction shall be given in the elementary and secondary schools on drug education and the effects of the use of tobacco, alcohol, narcotics, dangerous drugs, and other dangerous substances. *(E.C. 51260)*

FINGERPRINTING

School districts may offer a fingerprinting program upon a student's first enrollment in public school and may charge a fee for such service. *(E.C. 32390(b))*

MEDICAL REGULATIONS

Immunization for communicable disease must be consented to, in writing, by a parent for a licensed physician (or registered nurse acting under the direction of a supervising physician) to administer an immunizing agent. *(E.C. 49403)*

Administration of medication prescribed by a physician for a child during the school day may be done by a nurse, or teacher if designated, under detailed instructions but only upon written parental request. *(E.C. 49423)*

Physical examination may not be given a child whose parent has filed an objection annually. However, the child may be sent home if, for good reason, he/she is believed to be suffering from a recognized contagious or infectious disease. *(E.C. 49451)*

Medical and hospital services for pupils injured at school or school-sponsored events or while being transported may be covered by insurance at district or parent expense. *(E.C. 49472)*

Parents are to inform the school nurse or other certificated school employee of medication given to a pupil on a continuing basis for a non-episodic condition. With the consent of the parent, the nurse may communicate with the student's physician and may counsel school personnel on the possible effects of the drug and signs of side effects, omission or overdose. *(E.C. 49480)*

MEDICAL SERVICES INFORMATION

School authorities may excuse any student in grades 7-12 from the school for the purpose of obtaining confidential medical services without the consent of the pupil's parent or guardian. *(E.C. 46010.1)*

PARENT/GUARDIAN LIABILITY

Parents or guardians are liable for any willful conduct of their minor children which results in injury to another pupil or to school personnel, or for any willful cutting or defacing of any school property belonging to a school district or to a school district employee, or for any property belonging to the school district and loaned to the minor student and willfully not returned. Such liability shall not exceed $7,500. Following due process procedures, the school district may withhold the grades, diplomas or transcripts of the pupil responsible until such damages are paid or until completion of a voluntary work program in lieu of payment of monetary damages. *(E.C. 48904)*

P.E. REQUIREMENT

The State of California states that every school child is required to take physical education unless legally exempt under E.C. 51241 or E. C. 51246. When there is a legitimate reason for a student to be excused from physical education for one week or less, please send a note with the student to the school office. Any time an excuse will exceed one week, a note stating why this student should not participate in the regular physical education program must be completed and signed by a physician and submitted to the school office. *(E.C. 51222)*

REVIEW OF PUPIL RECORDS AND DIRECTORY INFORMATION

The Family Educational Rights and Privacy Act of 1974 require that schools inform you of your rights regarding student records. The rights apply to the parents of miners and to students' age 16 or older or who have completed the 12th grade. *(P.L. 93-380)*

You may request an opportunity to inspect any and all official school records, files and data related to your child (or yourself if you are 16 or older). The school has five days to respond to your request. If information in the file is inaccurate, misleading, or inappropriate, a custodial parent may request removal of the information or include a statement disputing the material, which you challenge. *(E.C. 49063, 49069 & 49070)*

School districts are required to retain enrollment and scholarship records of students indefinitely. Certain records not classified as mandatory permanent records, however, may be destroyed subsequent to the time a student leaves a school district. Contact the district office for specific information about the policy for destroying student records.

There are limitations to the people who have access to the information in student records. School personnel with legitimate educational interests, schools of intended enrollment, specified federal and state educational administrators, or those who provide financial or student aid are entitled to access without your consent. Certain groups are permitted directory information without prior consent, as well. Directory information may include the student's name, birthdate, birthplace, address, telephone number, major course of study, dates of attendance, awards, and previous school attendance. *(E.C. 49068 or 49073)*

Upon written request from the parent of a student age 17 or younger, the district will withhold directory information. A student who is 18 or older or enrolled in a post-secondary institution may also make such a written request. Contact your district office for more specific information.

SCREENING FOR SCOLIOSIS

All female students in grade 7 and all male students in grade 8 shall be given examinations for lateral curvature of the spine, a condition known as Scoliosis. Parents who do not wish to have their children screened for scoliosis may file with the principal of the school in which the student is enrolled refusing the examination of the student. *(E.C. 49452.5)*

SPECIAL PROGRAMS

Private nonsectarian school services may be received by any handicapped pupil with exceptional needs for whom a public special education placement is unavailable or inappropriate. Contact the director of special education. *(E.C. 56365)*

Alternative schools are provided by school districts as a school or separate class group within a school which is operated in a manner designed to: (a) maximize the opportunity for students to develop positive attitudes; (b) recognize that the best learning takes place when the student learns because of his/her desire to learn; (c) maintain a learning situation maximizing the student's self-motivation; (d) maximize the opportunity for teachers, parents, and students to collectively develop the learning process and its subject matter (this opportunity shall be a continuous, and permanent process); (e) maximize the opportunity for students, teachers and parents to continuously react to the changing world. *(E.C. 58501)*

A pupil with a temporary disability, which makes attendance in regular day classes or alternative education programs impossible or inadvisable, shall receive individual instruction by the resident district. *(E.C. 48206.3)*

A pupil may be entitled to assistance in a school meal program as determined by the Family Nutrition Act. *(E.C. 49510)*

TESTS ON PERSONAL BELIEFS

Tests, questionnaires, or examinations containing questions about the pupil's personal beliefs or practices or her parents' beliefs or practices in sex, family life, morality, and religion, may not be given to pupils unless the parent or guardian is notified in writing and gives written permission. *(E.C. 60650)*

You have the rights as a parent to:

1. To apply for enrollment of your child in a district in which you are employed; however, the district has the right to deny the application under certain conditions *(Ed. Code 48204(f)).*
2. To request a copy of the School Accountability Report Card which is issued annually for each school in the district *(Ed. Code 35256)*.

Please Note:
The District adheres to the Americans with Disabilities Act. Should you require special accommodations, or more information about accessibility, please contact the site principal or district office receptionist at 201-6000 at least two days before the meeting date. All efforts will be made for reasonable accommodations.

HEARING AND VISION SCREENING

All students participate in state-mandated hearing and vision screenings *(Ed. Code 49450)*. Each year the following schedule is followed:

Vision: All students in grades K, 1, 3, 6 and 8.
Hearing: All students in grades K, 1, 2, 5, 8, and 10.

A parent or guardian may file annually with the principal a written notification stating that he/she does not consent to having his/her child participate in vision and/or hearing screening.

ATTENDANCE PRACTICES UPDATE

To ensure that all students have access to and a right to their education, as supported by the District and outlined in ARTICLE 5. Truants [48260 - 48273] (Article 5 enacted by Stats. 1976, Ch. 1010), we are implementing the following attendance policy:

Attendance Verification Requirement

Chronic Absenteeism: A student is classified as a chronic absentee if absent on 10 percent or more of the school days in a school year. This is defined in California Education Code (EC) Section 60901(c)(1). This translates to an attendance rate falling below 90%.

Truancy: According to EC 48260(a), a pupil subject to compulsory full-time education or to compulsory continuation education who is absent from school without a valid excuse for three full days in one school year or tardy or absent for more than 30 minutes during the school day without a valid excuse on three occasions in one school year, or any combination thereof, shall be classified as a truant and will be reported to the attendance supervisor or superintendent of the school district.

1. **Attendance Below 90%**: Once a student's attendance rate falls below 90%, the student will be considered "Chronically Absent" and must verify all subsequent absences.
2. **Verification of Absences**: Absences can be verified through a doctor's note or other means necessary to prove the reason for the student's absence. All verified absences will be excused and

will not count towards truancy.

3. **Chronic Illness**: If your child suffers from an ongoing illness known as a Chronic Illness, please contact the school to discuss options and solutions to support your child's education.

We aim to be as flexible and understanding as possible while ensuring all students receive their full education. Thank you for your cooperation and understanding.

Attachments:

1. School Calendar
2. Career Technical Education (CTE) Annual Notification
3. Request to Withhold Authorization to Film/Photograph Minors for Publication
4. Animals in the Classroom
5. Parent/Guardian Notice Release of Directory Information
6. Computer Systems/Internet/Email Acceptable Use Agreement
7. Student-Technology Acceptable Use Agreement
8. Receipt of Rights and Responsibilities Material (required)

MORGAN HILL UNIFIED SCHOOL DISTRICT
2025- 2026 TRADITIONAL CALENDAR

LEGEND

H - Legal Holiday

N - School Closed

M - Elementary Minimum Days

SN - Secondary Non-School Day Semester Day

EN - Elementary Non-School Day Conference Day

Non-School Day - Prof. Dev. for Teachers

★ First and last days of School

Q1 - Qtr 1 Ends
Q3 - Qtr 3 Ends

T1 - Trimester Ends
T2 - Trimester Ends

S1 - Semester 1 Ends

CAASP Testing X/XX - X/XX

T1 = 59 Days
T2 = 63 Days
T3 = 58 Days

Sem 1 = 83 Days
Sem 2 = 97 Days

JULY 2025

S	M	T	W	T	F	S
		1	2	3	4 H	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30	31		

AUGUST

S	M	T	W	T	F	S
					1	2
3	4	5	6	7	8	9
10	11 PD	12 PD	13	14 ★	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30
31						

SEPTEMBER

S	M	T	W	T	F	S
	1 H	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30				

OCTOBER

S	M	T	W	T	F	S
			1	2	3 PD	4
5	6	7	8	9	10 Q1	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	

NOVEMBER

S	M	T	W	T	F	S
						1
2	3	4	5	6 T1	7 EN	8
9	10 M	11 H	12 M	13 M	14 M	15
16	17	18	19	20	21	22
23	24 N	25 N	26 N	27 H	28 H	29
30						

DECEMBER

S	M	T	W	T	F	S
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18 S1	19 SN	20
21	22 N	23 N	24 H	25 H	26 N	27
28	29 N	30 N	31 N			

JANUARY 2026

S	M	T	W	T	F	S
				1 H	2 N	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19 H	20	21	22	23	24
25	26	27	28	29	30	31

FEBRUARY

S	M	T	W	T	F	S
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16 H	17 H	18 N	19 N	20 N	21
22	23	24	25	26	27	28

MARCH

S	M	T	W	T	F	S
1	2	3	4	5	6 T2	7
8	9	10	11	12	13	14
15	16	17	18	19	20 Q3	21
22	23	24	25	26	27	28
29	30 H	31 N				

APRIL

S	M	T	W	T	F	S
			1 N	2 N	3 H	4
5	6 N	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30		

MAY

S	M	T	W	T	F	S
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25 H	26	27	28	29	30
31						

JUNE

S	M	T	W	T	F	S
	1	2	3	4	5 ★	6
7	8	9	10	11	12	13
14	15	16	17	18	19 H	20
21	22	23	24	25	26	27
28	29	30				

Approved by Board of Education: 6/6/23
Subject to budget cuts and future negotiations.

CAREER TECHNICAL EDUCATION
CTE ANNUAL NOTIFICATION

Prior to the beginning of each school year, the Morgan Hill Unified School District informs students, parents, employees and general public that all Career Technical Education (CTE) opportunities are offered to all students.

Pursuant to Board Policy 0410, you are hereby notified that:

The Morgan Hill Unified School District is committed to ensuring equal, fair, and meaningful access to various educational programs, including career technical education (CTE). The District is committed to providing equal opportunity to all individuals in district programs and activities. District programs, activities and practices shall be free from unlawful discrimination, including discrimination against an individual or group based on race, color, national origin, sex, disability, actual or perceived ethnicity, gender, gender identity, gender expression, immigration status, sexual orientation, or association with a person or a group with one of more of these actual or perceived characteristics.

In addition, Board Policy 6178 also states that the Board of Education desires to provide a comprehensive career technical education (CTE) program in the secondary grades which integrates core academic instruction with technical and occupational instruction in order to increase student achievement, graduation rates, and readiness for postsecondary education and employment. The district's CTE program shall be designed to help students develop the academic, career, and technical skills needed to succeed in a knowledge- and skills-based economy. The program shall include a rigorous academic component and provide students with a strong experience and understanding of all aspects of an industry.

All career technical education (CTE) courses are offered without regard to actual or perceived characteristics protected from discrimination by law. The District ensures that the lack of English language skills will not be a barrier to admission and participation in the CTE program. (20 USC 2354; 34 CFR 100 Appendix B, 104.8, 106.9).

(cf.0410 – Nondiscrimination in District Programs and Activities)
(cf. 1312.3 – Uniform Complaint Procedures)

The Morgan Hill Unified School District currently offers career technical education (CTE) programs as follows:

SCHOOL	CTE PATHWAY/INDUSTRY SECTOR	DESCRIPTION
Ann Sobrato High School	Agriculture and Natural Resources	The Agriculture and Natural Resources sector is designed to provide a foundation in agriculture for all agriculture students in California. Students engage in an instructional program that integrates academic and technical preparation and focuses on career awareness, career exploration, and skill preparation in seven pathways. The pathways emphasize real-world, occupationally relevant experiences of significant scope and depth in Agricultural Business, Agricultural Mechanics, Agriscience, Animal Science, Forestry and Natural Resources, Ornamental Horticulture, and Plant

		and Soil Science. Integral components of classroom and laboratory instruction, supervised agricultural experience projects, and leadership and interpersonal skills development prepare students for continued training, advanced educational opportunities, or entry to a career.
Ann Sobrato High School	Arts, Media, and Entertainment	Of all the career industries, the Arts, Media, and Entertainment sector requires perhaps the greatest cross-disciplinary interaction because the work in this sector has a propensity to be largely project-based, requiring both independent work and interdependent management skills for career success. New technologies are also constantly reshaping the boundaries and skill sets of many arts career pathways. Consequently, core arts-sector occupations demand constantly varying combinations of artistic imagination, metaphoric representation, symbolic connections, and technical skills. Successful career preparation involves both broad and in-depth academic and technical preparation as well as the cultivation of twenty-first-century skill assets, such as flexibility, problem-solving abilities, and interpersonal skills. Careers in the Arts, Media, and Entertainment sector fall into four general pathways: Design, Visual, and Media Arts; Performing Arts; Production and Managerial Arts; and Game Design and Integration. The anchor and pathway standards make explicit the appropriate knowledge, skills, and practical experience students should have in order to pursue their chosen profession, whether that profession requires postsecondary education, graduate training, or apprenticeship. Learning the skills and knowledge for creating, refining, and sharing work in the Arts, Media, and Entertainment industry sector promotes teamwork, communication, creative thinking, and decision-making abilities—traits that are necessary to function successfully in the competitive and media-rich twenty-first century. Through the manipulation of sight, sound, and motion, those choosing a pathway from this sector reach out in unique ways to enhance the quality of life for those around them.
Ann Sobrato High School	Health Science and Medical Tech - Patient Care	The standards in this sector represent the academic and technical skills and knowledge students need to pursue a full range of career opportunities in health science and medical technology, from entry level to management as well as technical and professional career specialties. The standards describe what workers need to know and be able to do to contribute to the delivery of safe and effective health care. The six career pathways are grouped into functions that have a common purpose and require similar attributes. The pathways are Biotechnology, Patient Care, Health Care Administrative Services, Health Care Operational Support Services, Public and Community Health, and Mental and Behavioral Health. Standards for each career path build on and continue the anchor standards with more complexity, rigor, and career specificity.
Ann Sobrato High School	Information and Communication	Information and Communication Technologies (ICT)

	Tech	have expanded the need for employees who can understand, manage, and support all rapidly emerging, evolving, and converging computer, software, networking, telecommunications, Internet, programming, and information systems. Essential skills for careers in the ICT sector include understanding systems that support the management and flow of data, the ability to work well and communicate clearly with people, and the ability to manage projects efficiently. The ICT sector meets national criteria for high demand, high wages, and high skills and provides students with excellent opportunities for interesting work and good pay.
Central Continuation High School	Arts, Media, and Entertainment	Of all the career industries, the Arts, Media, and Entertainment sector requires perhaps the greatest cross-disciplinary interaction because the work in this sector has a propensity to be largely project-based, requiring both independent work and interdependent management skills for career success. New technologies are also constantly reshaping the boundaries and skill sets of many arts career pathways. Consequently, core arts-sector occupations demand constantly varying combinations of artistic imagination, metaphoric representation, symbolic connections, and technical skills. Successful career preparation involves both broad and in-depth academic and technical preparation as well as the cultivation of twenty-first-century skill assets, such as flexibility, problem-solving abilities, and interpersonal skills. Careers in the Arts, Media, and Entertainment sector fall into four general pathways: Design, Visual, and Media Arts; Performing Arts; Production and Managerial Arts; and Game Design and Integration. The anchor and pathway standards make explicit the appropriate knowledge, skills, and practical experience students should have in order to pursue their chosen profession, whether that profession requires postsecondary education, graduate training, or apprenticeship. Learning the skills and knowledge for creating, refining, and sharing work in the Arts, Media, and Entertainment industry sector promotes teamwork, communication, creative thinking, and decision-making abilities—traits that are necessary to function successfully in the competitive and media-rich twenty-first century. Through the manipulation of sight, sound, and motion, those choosing a pathway from this sector reach out in unique ways to enhance the quality of life for those around them.
Live Oak High School	Agriculture and Natural Resources	The Agriculture and Natural Resources sector is designed to provide a foundation in agriculture for all agriculture students in California. Students engage in an instructional program that integrates academic and technical preparation and focuses on career awareness, career exploration, and skill preparation in seven pathways. The pathways emphasize real-world, occupationally relevant experiences of significant scope and depth in Agricultural Business, Agricultural Mechanics, Agriscience, Animal Science, Forestry and Natural Resources, Ornamental Horticulture, and Plant and Soil Science. Integral components of classroom and

		laboratory instruction, supervised agricultural experience projects, and leadership and interpersonal skills development prepare students for continued training, advanced educational opportunities, or entry to a career.
Live Oak High School	Arts, Media, and Entertainment	Of all the career industries, the Arts, Media, and Entertainment sector requires perhaps the greatest cross-disciplinary interaction because the work in this sector has a propensity to be largely project-based, requiring both independent work and interdependent management skills for career success. New technologies are also constantly reshaping the boundaries and skill sets of many arts career pathways. Consequently, core arts-sector occupations demand constantly varying combinations of artistic imagination, metaphoric representation, symbolic connections, and technical skills. Successful career preparation involves both broad and in-depth academic and technical preparation as well as the cultivation of twenty-first-century skill assets, such as flexibility, problem-solving abilities, and interpersonal skills. Careers in the Arts, Media, and Entertainment sector fall into four general pathways: Design, Visual, and Media Arts; Performing Arts; Production and Managerial Arts; and Game Design and Integration. The anchor and pathway standards make explicit the appropriate knowledge, skills, and practical experience students should have in order to pursue their chosen profession, whether that profession requires postsecondary education, graduate training, or apprenticeship. Learning the skills and knowledge for creating, refining, and sharing work in the Arts, Media, and Entertainment industry sector promotes teamwork, communication, creative thinking, and decision-making abilities—traits that are necessary to function successfully in the competitive and media-rich twenty-first century. Through the manipulation of sight, sound, and motion, those choosing a pathway from this sector reach out in unique ways to enhance the quality of life for those around them.
Live Oak High School	Building and Construction Trades	This sector provides a foundation in the Building and Construction Trades industry for secondary students in California. Students engage in an instructional program that integrates academic and technical preparation and focuses on career awareness, career exploration, and skill preparation in the Building and Construction Trades industry. The sector encompasses four career pathways: Cabinetry, Millwork, and Woodworking; Engineering and Heavy Construction; Mechanical Systems Installation and Repair; and Residential and Commercial Construction. These pathways emphasize processes, systems, and the way in which structures are built. The knowledge and skills are acquired in a sequential, standards-based pathway program that integrates hands-on, project-based, and work-based instruction. Standards included in the Building and Construction Trades sector are designed to prepare students for technical training, postsecondary education, and entry to a career.

Live Oak High School	Hospitality, Tourism, and Recreation	The Hospitality, Tourism, and Recreation sector provides students with the academic and technical preparation necessary to pursue high-skill, high-demand careers in these related and growing industries. The sector encompasses three distinct, yet interrelated, career pathways: Food Science, Dietetics, and Nutrition; Food Service and Hospitality; and Hospitality, Tourism, and Recreation. The standards are designed to integrate academic and career technical concepts. The anchor standards include Consumer and Family Studies comprehensive technical knowledge and skills that prepare students for learning in the pathways. The knowledge and skills are acquired within a sequential, standards-based pathway program that integrates hands-on projects, work-based instruction, and leadership development such as that offered through Family, Career and Community Leaders of America (FCCLA). Standards in this sector are designed to prepare students for technical training, postsecondary education, and entry to a career.
Live Oak High School	Information and Communication Tech	Information and Communication Technologies (ICT) have expanded the need for employees who can understand, manage, and support all rapidly emerging, evolving, and converging computer, software, networking, telecommunications, Internet, programming, and information systems. Essential skills for careers in the ICT sector include understanding systems that support the management and flow of data, the ability to work well and communicate clearly with people, and the ability to manage projects efficiently. The ICT sector meets national criteria for high demand, high wages, and high skills and provides students with excellent opportunities for interesting work and good pay.

For inquiries regarding CTE pathways, contact:

Dr. Diana M. Jiménez, Assistant Superintendent of Educational Services,CTE Director, 15600 Concord Circle, Morgan Hill, California 95037, (408) 201-6070

For inquiries regarding Title II Funds contact:

Corina Sapien, Director of Family and Community Engagement, Title II Coordinator, 80 W. Central Ave, Morgan Hill, CA 95037, (408) 201-6173

For inquiries regarding 504 Compliance, contact:

Jessie Swift, Director of Student Services/Enrollment, Section 504 Coordinator, 15600 Concord Circle, Morgan Hill, California 95037, (408) 201-6030

For inquiries regarding Title IX Compliance, contact:

Assistant Superintendent of Human Resource Designee, Title IX Coordinator, 15600 Concord Circle, Morgan Hill, CA 95037, (408) 201-6015

WITHHOLD AUTHORIZATION TO VIDEO/PHOTOGRAPH MINORS FOR PUBLICATION
and/or
PUBLISH PHOTOGRAPHS, NAME, WRITTEN WORK OR ARTWORK OF MINORS ON A DISTRICT MAINTAINED WEB PAGE
2025 - 26 Academic Year

Video/Photograph Minors for Publication
The Morgan Hill Unified School District attempts to control media access to campus according to law. Media representatives who may lawfully be on school campuses of the Morgan Hill Unified School District may occasionally photograph or video students.

Parents and guardians should use this form to withhold authorization for media representatives to publish and/or broadcast photographs or video individually identifying their child or children.

The District will use its best efforts to so inform all media representatives who follow District requirements to register prior to coming on campus. However, the District cannot guarantee that the media representative will comply with parental preference as indicated on this form. Additionally, in the event of spontaneous, unplanned, or unauthorized media presence on campus, the District may not be able to inform the media representatives of a parent's preference.

Publish Photographs, Name, Written Work or Artwork of Minors on a District Maintained Web Page

The Morgan Hill Unified School District maintains a central web site (*www.mhu.k12.ca.us*), as well as individual school web pages. The purpose of these pages is to inform the community about our district and to share work created by students and staff. These web pages are located on the World Wide Web (www) and can be seen throughout the world by people with access to the Internet.

Parents and guardians should use this form to withhold authorization from the District to publish photographs individually identifying their child, or to publish their child's name, written work or artwork on any web site maintained by the Morgan Hill Unified School District. **Note: By initialing option (a) below, parents may prohibit publication of photographs EXCEPT for the school yearbook and school newspaper.**

As Defined in Civil Code Section 3344:

"A photograph means any photograph or photographic reproduction, still or moving, or any videotape or live television transmission, or any person, such that the person is readily identifiable. A person shall be deemed to be readily identifiable from a photograph when one who views the photograph with the naked eye can reasonably determine that the person depicted in the photograph is the same person who is complaining of its unauthorized use. Use of a name, voice, signature, photograph, or likeness in connection with any news, public affairs, or sports broadcast or account, or any political campaign, shall not constitute a use for which consent is required."

_____ Initials (a) I **DO NOT** authorize the Morgan Hill Unified School District or media representatives to publish and/or broadcast photographs and/or film individually identifying my child, **EXCEPT for the school year book and school newspaper.**

_____ Initials (b) I **DO NOT** authorize the Morgan Hill Unified School District or media representatives to publish and/or broadcast photographs and/or film individually identifying my child (**INCLUDING** the school year book and school newspaper).

_____ Initials (c) I **DO NOT** authorize the Morgan Hill Unified School District to publish photographs individually identifying my child, or to publish my child's name, written work or artwork **on any web site** maintained by the Morgan Hill Unified School District.

_____ Child's Name

_____ School

_____ Signature of Parent or Guardian

_____ Date

Morgan Hill Unified School District
15600 Concord Circle
Morgan Hill, CA 95037
408-201-6023

Dear Parents/Guardians:

Animals are used occasionally in the classrooms as part of the educational program with the approval of the principal. The school's science program may provide the opportunity for children to observe, handle and take care of animals. From time to time parents express concern about possible dangers to their children, e.g., injuries or allergies. Usually, the advantage of contact with the animals outweighs the hazards; however, parents and legal guardians in the Morgan Hill Unified School District make the decision in this matter. The only pupils who are not allowed to handle the mice, rats, rabbits, etc. that are in the classroom, are pupils whose parents have opted them out of participation.

Under no circumstances may an animal be transported on a school bus. All animals must have appropriate containers or cages. Venomous or poisonous reptiles and amphibians are not allowed on school grounds.

If you DO NOT wish your child to handle animals or certain animals, please complete and return the slip below to your child's classroom teacher.

TO: _____ Teacher

My son/daughter _____ DOES NOT have my permission to handle the animals, which may be part of the regular classroom instructional program.

Comments:_____

_____

_____

_____

_____

Parent/Guardian Name (Please print)

_____ _____

Parent/Guardian Signature **Date**

MORGAN HILL UNIFIED SCHOOL DISTRICT

PARENT/GUARDIAN NOTICE
RELEASE OF DIRECTORY INFORMATION

The Family Educational Rights and Privacy Act (FERPA), a federal law, requires that the Morgan Hill Unified School District, with certain exceptions, obtain your written consent prior to the disclosure of personally identifiable information from your child's education records. However, the district may disclose appropriately designated "directory information" without written consent, unless you have advised the district to the contrary in accordance with district procedures (Board Policy/Administrative Regulation 5341). The primary purpose of directory information is to allow the district to include this type of information from your child's education records in certain school and/or district publications. Examples include:

- A playbill, showing your child's role in a drama production
- The annual yearbook
- Honor roll or other recognition lists
- Graduation programs, and
- Sports activity sheets, such as for wrestling, showing weight and height of team members

Directory information, which is information that is generally not considered harmful or an invasion of privacy if released, can also be disclosed to outside organizations without a parent/guardian's prior written consent. Outside organizations include, but are not limited to, companies that manufacture class rings or publish yearbooks. In addition, two federal laws require districts receiving assistance under the Elementary and Secondary Education Act of 1965 (ESEA) to provide military recruiters, upon request, with three directory information categories – names, addresses and telephone listings – unless parents/guardians have advised the district that they do not want their child's information disclosed without their prior written consent.

REQUEST TO WITHHOLD DIRECTORY INFORMATION FORM

I _____, parent/guardian to _____do **not** want the district to disclose directory information from my child's education records without my prior written consent.

_____(Signature)

_____(Date signed)

* Please refer to Board Policy/Administrative Regulation 5125.1 for details of the district's policies regarding release of directory information.

MORGAN HILL UNIFIED SCHOOL DISTRICT

STUDENT-TECHNOLOGY ACCEPTABLE USE AGREEMENT

The purpose of this Acceptable Use Agreement ("Agreement") is to ensure a safe and appropriate environment for all students. This Agreement notifies parents and students about the acceptable ways in which District Technology may be used. The District ("District") recognizes and supports advances in technology and provides an array of technology resources for students to use to enhance learning and education. While these technologies provide a valuable resource to students, it is important that students' use of technology be appropriate for school purposes.

Pursuant to Board Policy 6163.4, only Users of District Technology who submit a signature acknowledging receipt and agreement to the terms of use outlined in this Agreement are authorized to use District Technology.

Terms of Use

Acceptable Use: District students are only permitted to use District Technology for purposes which are safe (pose no risk to students, employees or assets), legal, ethical, do not conflict with the mission of the District, and are compliant with all other District policies, including relevant academic dishonesty policies pursuant to Board Policies 5131 and 5131.9. Usage that meets these requirements is deemed "proper" and "acceptable" unless specifically excluded by this policy or other District policies. The District reserves the right to restrict online destinations through software or other means.

Additionally, the District expressly prohibits:

1. Using District Technology for commercial gain;
2. Accessing District Technology for the purpose of gaming or engaging in any illegal activity;
3. Transmission of confidential information to unauthorized recipients;
4. Inappropriate and unprofessional behavior online such as use of threats, intimidation, bullying or "flaming";
5. Viewing, downloading, or transmission of pornographic material;
6. Using District Technology for the creation or distribution of chain emails, any disruptive or offensive messages, offensive comments about race, gender, disabilities, age, sexual orientation, religious beliefs/practices, political beliefs, or material that is in violation of workplace harassment or workplace violence laws or policies;
7. Significant consumption of District Technology for non-school related activities (such as video, audio or downloading large files) or excessive time spent using District Technology for non-school purposes (e.g. shopping, personal social networking, or sports related sites);
8. Knowingly or carelessly performing an act that will interfere with or disrupt the normal operation of computers, terminals, peripherals, or networks, whether

within or outside of District Technology (e.g., deleting programs or changing icon names) is prohibited;

9. Infringing on copyright, license, trademark, patent, or other intellectual property rights;
10. Disabling any and all antivirus software running on District Technology or "hacking" with District Technology; or
11. Unless expressly permitted by the assigning teacher, use of artificial intelligence to complete assignments or exams. Doing so is a form of academic dishonesty which may result in disciplinary action and/ or the revocation of a user's access to District technology..

Accountability: Users are prohibited from anonymous usage of District Technology. In practice, this means users must sign in with their uniquely assigned District User ID before accessing/ using District Technology. Similarly, "spoofing" or otherwise modifying or obscuring a user's IP Address, or any other user's IP Address, is prohibited. Circumventing user authentication or security of any host, network, or account is also prohibited.

Disclaimer: The District cannot be held accountable for the information that is retrieved via the network. The District will not be responsible for any damages you may suffer, including loss of data resulting from delays, non-deliveries, or service interruptions caused by the District Systems, System Administrators or your own errors or omissions. Use of any information obtained is at your own risk. The District makes no warranties (expressed or implied) with respect to: (a) the content of any advice or information received by a student, or any costs or charges incurred as a result of seeing or accepting any information; or (b) any costs, liability, or damages caused by the way the student chooses to use his or her access to the network.

Password Policy: Passwords must not be shared with anyone and must be treated as confidential information. Passwords must be changed as often as required by the District's IT department. All Users are responsible for managing their use of District Technology and are accountable for their actions relating to security. Allowing the use of your account by another user is also strictly prohibited. All passwords created for or used on any District Technology are the sole property of the District. The creation or use of a password by a student on District Technology does not create a reasonable expectation of privacy.

Responsibility: Users are responsible for their own use of District Technology and are advised to exercise common sense and follow this Agreement in regards to what constitutes appropriate use of District Technology in the absence of specific guidance.

Revocation of Authorized Possession: The District reserves the right, at any time, for any reason or no reason, to revoke a User's permission to access, use, or possess District Technology.

Restriction of Use: The District reserves the right, at any time, for any reason or no reason, to limit the manner in which a User may use District Technology in addition to the terms and restrictions already contained in this Agreement.

Third-Party Technology: Connecting unauthorized equipment to the District Technology, including the unauthorized installation of any software (including shareware and freeware), is prohibited.

Personally Owned Devices: If a student uses a personally owned device to access District Technology or conduct District business, he/she shall abide by all applicable Board policies, administrative regulations, and this Agreement. Any such use of a personally owned device may subject the contents of the device and any communications sent or received on the device to disclosure pursuant to a lawful subpoena or public records request.

Reporting: If a student becomes aware of any security problem (such as any compromise of the confidentiality of any login or account information) or misuse of District Technology, he/she shall immediately report such information to the Superintendent or designee.

Consequences for Violation: Violations of the law, Board policy, or this Agreement may result in revocation of a student's access to District Technology and/or restriction of his/her use of District Technology and/or discipline, up to and including suspension or expulsion. In addition, violations of the law, Board policy, or this Agreement may be reported to law enforcement agencies as deemed appropriate.

Enforcement

Record of Activity: User activity with District Technology may be logged by System Administrators. Usage may be monitored or researched in the event of suspected improper District Technology usage or policy violations.

Blocked or Restricted Access: User access to specific Internet resources, or categories of Internet resources, deemed inappropriate or non-compliant with this policy may be blocked or restricted. A particular website that is deemed "Acceptable" for use may still be judged a risk to the District (e.g. it could be hosting malware), in which case it may also be subject to blocking or restriction.

No Expectation of Privacy: Users have no expectation of privacy regarding their use of District Technology. Log files, audit trails and other data about user activities with District Technology may be used for forensic training or research purposes, or as evidence in a legal or disciplinary matter. Users are on notice that District Technology is subject to search and seizure in order to facilitate maintenance, inspections, updates, upgrades, and audits, all of which necessarily occur both frequently and without notice so that the District can maintain the integrity of District Technology. All data viewed or stored is subject to audit, review, disclosure and discovery. Such data may be subject to disclosure pursuant to the Public Records Act (California Government Code section 7920 et seq.). Pursuant to the Electronic Communications Privacy Act of 1986 (18 USC 2510 et seq.), notice is hereby given that there are no facilities provided by District Technology for sending or receiving private or confidential electronic communications. System Administrators have access to all email and will monitor messages. Messages relating to or in support of illegal or inappropriate activities will be reported to the appropriate authorities and/or District personnel.

The District reserves the right to monitor and record all use of District Technology, including, but not limited to, access to the Internet or social media, communications sent or received from District Technology, or other uses within the jurisdiction of the District. Such monitoring/recording may occur at any time without prior notice for any legal purposes including, but not limited to, record retention and distribution and/or investigation of improper, illegal, or prohibited activity. Students should be aware that, in most instances, their use of District Technology (such as web searches or emails) cannot be erased or deleted. The District reserves the right to review any usage and make a case-by-case determination whether the User's duties require access to and/or use of District Technology which may not conform to the terms of this policy.

Specific Consent to Search and Seizure of District Technology: The undersigned consents to the search and seizure of any District Technology in the undersigned's possession by the District, the District's authorized representative, a System Administrator, or any Peace Officer at any time of the day or night and by any means. This consent is unlimited and shall apply to any District Technology that is in the possession of the undersigned, whenever the possession occurs, and regardless of whether the possession is authorized. The undersigned waives any rights that may apply to searches of District Technology under SB 178 as set forth in Penal Code sections 1546 through 1546.4.

Definitions

Blogging
An online journal that is frequently updated and intended for general public consumption.

E-mail
The electronic transmission of information through a mail protocol such as SMTP or IMAP. Typical e-mail clients include Microsoft Outlook.

Chain e-mail
E-mail sent to successive people. Typically, the body of the note has directions to the reader to send out multiple copies of the note so that good luck or money will follow.

Flaming
The use of abusive, threatening, intimidating, or overly aggressive language in an Internet communication.

Hacking
Gaining or attempting to gain unauthorized access to any computer systems, or gaining or attempting to gain unauthorized access to District Technology.

District Technology
All technology owned or provided by the District to authorized users, including Internet/Intranet/Extranet-related systems, computer hardware, software, Wi-Fi, electronic devices such as tablet computers, USB drives, cameras, smart phones and cell phones, telephone

and data networks (including intranet and Internet access), operating systems, storage media, wireless access points (routers), wearable technology, PDA's, network accounts, web browsing, blogging, social networking, and file transfer protocols, email systems, electronically stored data, websites, web applications or mobile applications, any wireless communication device including emergency radios, and/or future technological innovations, whether accessed on or off site or through District-owned or personally owned equipment or devices.

Instant Messaging
A type of communications service that enables the creation of a kind of private chat room with another individual in order to communicate in real time over the Internet.

Internet Resources
Websites, instant messaging applications, file transfer, file sharing, and any and all other Internet applications and activities using either standard or proprietary network protocols. Examples of websites that pose a risk to the District, or are counter to its mission, are malware repositories, sites advocating violence against civil society or against persons based on race, religion, ethnicity, sex, sexual orientation, color, creed or any other protected categories, sites offering gambling activities or that are pornographic in nature.

IP Address
Unique network address assigned to each computing device connected to a network to allow it to communicate with other devices on the network or Internet.

Malware
Malware is any software, application, program, email or other data or executable code which is designed to cause harm to a network or computer or violate any law, statute, policy or regulation in any way. Examples of harmful activity or intent are theft of personal information or intellectual property by phishing or other means, hacking, violation of copyright law (distributing or copying written material without proper authorization), propagation of Spam e-mails, harassment, extortion, denial of service and facilitating access to illegal content (pornography, gambling, etc.). Accessing or storing malware is expressly prohibited unless authorized for research or forensic purposes by appropriately authorized and designated employees.

Network
Any and all network and telecommunications equipment, whether wired or wireless, controlled or owned by the District which facilitate connecting to the Internet.

Phishing
Attempting to fraudulently acquire sensitive information by masquerading as a trusted entity in an electronic communication.

Sensitive information
Classified as Protected Health Information (PHI), Confidential Information or Internal Information.

Spam

Spam is unsolicited nuisance Internet E-mail which sometimes contains malicious attachments or links to websites with harmful or objectionable content.

Spoofing
IP Address spoofing is the act of replacing IP address information in an IP packet with falsified network address information. Each IP packet contains the originating and destination IP addresses. By replacing the true originating IP address with a falsified address a hacker can obscure their network address and hence, the source of a network attack, making traceability of illegal or illegitimate internet activity extremely difficult.

System Administrator
District employees whose responsibilities include District Technology, site, or network administration. System Administrators perform functions including, but not limited to, installing hardware and software, managing a computer or network, auditing District Technology, and keeping District Technology operational.

Unauthorized Disclosure
The intentional or unintentional act of revealing restricted information to people, both inside and/or outside the District, who do not have a need to know that information.

User or Users
Individual(s) whether students or employees, full or part-time, active or inactive, including interns, contractors, consultants, vendors, etc. who have used District Technology, with or without the District's permission.

User ID
Uniquely assigned Username or other identifier used by a student to access the District network and systems.

Student Acknowledgment

I have received, read, understand, and agree to abide by this Agreement and other applicable laws and District policies and regulations governing the use of District Technology. I understand that there is no expectation of privacy when using District Technology. I hereby release the District and its personnel from any and all claims and damages arising from my use of District Technology or from the failure of any technology protection measures employed by the District. I further understand that any violation may result in loss of user privileges, disciplinary action, and/or appropriate legal action.

Name (Please print) _____ Grade: _____

School: _____

Signature: _____ Date: _____

Parent or Legal Guardian Acknowledgment

If the student is under 18 years of age, a parent/guardian must also read and sign the Agreement.

As the parent/guardian of the above-named student, I have read, understand, and agree that my child shall comply with the terms of the Agreement. By signing this Agreement, I give permission for my child to use District Technology and/or to access the school's computer network and the Internet. I understand that, despite the District's best efforts, it is impossible for the school to restrict access to all offensive and controversial materials. I agree to release from liability, indemnify, and hold harmless the school, District, and District personnel against all claims, damages, and costs that may result from my child's use of District Technology or the failure of any technology protection measures used by the District. Further, I accept full responsibility for supervision of my child's use of his/her access account if and when such access is not in the school setting.

Name: (Please print) _____ Date: _____

Signature: _____

Disclaimer: As the information contained herein is necessarily general, its application to a particular set of facts and circumstances may vary. For this reason, this document does not constitute legal advice. We recommend that you consult with your counsel prior to acting on the information contained herein.

Copyright © 2023 Lozano Smith - All rights reserved. No portion of this work may be copied, or sold or used for any commercial advantage or private gain, nor any derivative work prepared there from, without the express prior written permission of Lozano Smith through its Managing Partner. The Managing Partner of Lozano Smith hereby grants permission to any client of Lozano Smith to whom Lozano Smith provides a copy to use such copy intact and solely for the internal purposes of such client. – Rev. August 17. 2023

Morgan Hill Unified School District
15600 Concord Circle
Morgan Hill, CA 95037
408-201-6023

Dear Parent(s)/Guardian(s):

The California Education Code requires that parents be notified yearly regarding their general rights and responsibilities in the education process. Many of these important rights and responsibilities are detailed in this booklet. Please read this information and keep the booklet in a convenient place so you may refer to it during the year if necessary. Additionally, School Accountability Report Cards are published yearly on February 1 and are available at school offices or on line at:

School and District Accountability - Morgan Hill Unified School District

Several forms are required for school records, and require your review and signature:

1. Receipt of Rights and Responsibilities Handbook

Additionally there are optional forms, attached to this booklet:

2. Withhold Authorization to Film/Photograph Minors for Publication
3. Animals in the Classroom
4. Parent/Guardian Notice Release of Directory Information
5. Student-Technology Acceptable Use Agreement

Please sign and return the bottom portion of this letter indicating receipt of this handbook.

I have received and reviewed a copy of the school and district's 2025-2026 Rights and Responsibilities Handbook.

Child's Name:_____ Grade:_____

School: _____

_____

_____

Parent's Signature:_____ Date:_____