Tracy Unified School District

K-8 STUDENT HANDBOOK

2026-2027

TUSD

K-5



Bohn



Central



Hirsch



Jacobson



McKinley



South/West



Villalovoz

K-8



Art Freiler



G. Kelly



North



Poet-Christian

MIDDLE SCHOOLS





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ACADEMICS

Academic Standards
(BP 6011)

The Governing Board of the Tracy Unified School District recognizes that district-wide desired learnings, benchmarks and performance standards are necessary to clarify for students, parents/guardians and staff what students are expected to know and be able to do at each grade level and in each area of study. The Board shall adopt high standards in student achievement that challenge all students to reach their full potential and ensure consistency of expectations among the district's schools and classrooms.

District standards shall be developed through a process that involves staff, students, parents/guardians and community members. Standards shall be based on an assessment of the skills that students will need in order to be successful in higher education and the workplace, including basic skills, problem-solving abilities and conceptual thinking. Special care shall be taken to ensure the proper articulation of standards among district schools.

District standards shall guide Board and staff decisions regarding the curriculum to be adopted, the sequential courses of study to be offered, and the assessments to be given. Staff shall continually assess students' progress toward meeting the standards and shall offer remedial assistance as needed. The standards shall also provide a basis for evaluating the instructional program and as required by law, for evaluating teacher performance.

While desiring district standards to be specific and comprehensive, the Board does not intend that these standards be so extensive as to describe everything that will be taught in the classroom. Staff shall have enough time and flexibility to determine the best instructional methods to use in preparing students to meet the standards. The Superintendent or designee shall ensure that district standards are regularly reviewed and updated as necessary in order to reflect changes in skills that will be needed by students and to ensure continuing support for the standards.

Aeries Parent Portal Information

The Aeries Parent Portal is a system by which parents can keep track of their student's grades and attendance at school. To sign up, parents need the following items: an email account, your student's name, home phone number, and permanent ID number. Follow this link: https://sisweb.tusd.net/ParentPortal and sign up for access to the information system.

Parent Square

The K-8 schools (Teachers and Administrators) will send out communication through Parent Square.

Academic Honesty

All work submitted by students should be a true reflection of their effort and ability. If it is not, then the student has demonstrated unacceptable behavior. The following instances are considered cheating:

- Claiming credit for work that is not the product of one's own honest effort. (including using AI)
- Providing unwarranted access to materials or information so that others may dishonestly claim credit.
- Submitting work done entirely or in part by another person. (including using AI)

- Giving test answers to another student or getting test answers from another student.
- Representation of another person's words or ideas as your own by not properly citing the source and giving the author credit. (including using AI)
- Copying from the internet. (including using AI)
- Knowledge and tolerating of the foregoing circumstances.

Promotion/Retention
(BP 5123)

The Governing Board desires to see students' progress with their peers through the school system's grade levels. To accomplish this, instruction will accommodate the varying interests and growth patterns of individual children and include strategies for addressing academic deficiencies.

Students will normally progress annually from grade to grade, or level to level. Exceptions may be made when, in the judgment of the certificated staff, such exceptions are in the best interest of the students involved. Exceptions will always be made after prior notification and explanation to each student's parents or guardian, but the final decision shall rest with the school authorities.

Promotion

Students shall progress through the school system's grade levels by demonstrating growth and meeting grade- level standards of expected student achievement.

<u>Sixth and Seventh Grade Earned Promotion</u>

1. Middle school students who have been retained in the 6th or 7th grades may be considered for an earned promotion at the beginning of the third quarter of their retained year if they maintain at least a 3.0 GPA, with no F's each quarter during both the first and second quarters.
2. Those students who can maintain a 3.0 GPA over two quarters will earn a promotion to the next grade for the second semester. This will negate the retention at middle school.
3. Students who have been retained in the 8th grade are not eligible for an earned promotion to high school.
4. Students who accumulate 5 or more Fs in one academic year will be excluded from not only the 8th grade promotion ceremony, but all other promotion activities.

Retention

As early as possible in the school year and in the student's school career, certificated staff shall identify students who should be retained and who are at risk of being retained in accordance with law, board policy, administrative regulation, and established district criteria.

Such students shall be identified between grades 2 and 3, 3 and 4, 4 and 5, between intermediate grades and the beginning of middle school and between the end of middle school and the beginning of high school grades.

The district has established district promotional standards for promotion and retention in grades 8-9. Students may be retained at other grade levels by using the district prescribed processes.

When a student is recommended for retention or is identified as being at risk for retention, the student will be provided opportunities for remedial instruction and an SST should be held prior to retaining. During the school year, the student may attend after school remediation classes to meet district promotional standards. Students may also attend summer school to meet district promotional standards. Attendance standards and satisfactory coursework must be maintained to receive credits.

Before promoting a student due to special considerations, students, parents, and staff shall make every effort for the student to have no more than four (4) failing grades in an academic year and meet the district promotional standards.

A student study team will review retentions and promotions from grades 6 to 7 and 7 to 8. The student's parent/guardian shall be invited to participate on the student study team.

When an appealing party has a disagreement on promotion or retention of students in grade 8, after following prescribed procedures, the principal will refer the matter to the District Placement Appeal Team. The District Placement Appeal Team's decision shall be final.

Homework/Make-Up Work
(BP 6154)

The Governing Board believes that through homework, students can reinforce academic skills taught in school, learn how to conduct research effectively, develop ideas creatively and become life-long learners.

The Board believes that homework is the responsibility of the student. It is the student's job to develop regular study habits and to do most assignments independently. The Board encourages teachers at all grade levels to use the parent as a contributing resource and to structure homework assignments to involve the parent to help oversee homework without diminishing the student's sense of responsibility. To be effective, homework assignments should not place an undue burden on students and families. Homework should reinforce learning objectives and state standards.

Homework reinforces student learning to meet state and district standards.

- Homework is planned, systematic, selectively checked and graded.
- Homework is clear, specific and relevant.
- Homework is a combination of skill reinforcement and exploration.
- Long-term homework assignments will have checkpoints for completion and while students may work on them over holidays and weekends, ample time will be allowed to complete them during the week and prior to holidays.
- Homework will be reviewed in class and returned in a timely fashion.
- K-5 students will not be required to complete homework on holidays and intercessions. K-5 students will not typically be given homework on weekends. 6-8 students will not be required to complete homework on intercessions. 6-8 students may be given limited homework on holidays and weekends.
- Unfinished classroom work may be sent home to be completed but should not be required in addition to homework. Unfinished classroom work can be worked on outside of classroom time.
- Regular reading at home on a nightly basis is encouraged but not required in addition to the assigned homework.

Homework Tips for Parents

- When there is a specific assignment, the best way for parents to help a child learn is by offering support when it is requested. At the same time, limits need to be set so that children learn to work independently. Even when children do not have specific assignments due, parents can be helpful by listening when children talk about school and by expressing interest in class work and school activities.
- Talk with teachers if assignments seem to be causing students continuing problems.
- Share thoughts and ideas with children on many topics of interest.
- Read to your child.
- In helping students with homework, parents should:

  - ➢ Show interest in the student's work.
  - ➢ Encourage the child to work independently most of the time.
  - ➢ Provide a suitable place for study, free from distraction, and if possible, reserved for that student alone.
  - ➢ Check to see the homework assignments are completed, and reasonably neat and correct.
  - ➢ Assist in balancing schoolwork with other activities.

  If you feel that your student's teacher is not following Board Policy 6154: Homework, please take the following steps: 1) Contact your student's teacher and discuss his/her homework practices, if it is not resolved then; 2) Contact your school principal, if it is not resolved, then 3) Jason Noll, Director of Student Services at 830-3280.

Make-up Work

- Students shall be given the opportunity to make-up work missed because of an excused absence and shall receive full credit if the work is turned in according to a reasonable make-up schedule. Typically, each day of excused absence merits a make-up day.
- No student may have a grade reduced or lose academic credit for any excused absence when missed assignments and tests are satisfactorily completed within a reasonable time.
- Teachers must provide work to any student who has been suspended for two or more school days upon the request from the student, parent, or legal guardian. Work must be returned to the teacher by the student either upon the students return to school or within the time frame originally prescribed by the teacher, whichever is later.
- Students who miss schoolwork because of unexcused absences may or may not be given the opportunity to make-up missed work for full or reduced credit. Teachers may assign such make-up work as necessary to ensure academic progress, not as a punitive measure.
- Teachers need at least twenty-four hours to supply make-up work.
- Teacher's procedures and processes for make-up work should be clearly explained to both students and parents in the individual class syllabus.

Physical Education (PE) Medical Excuse Policy

Physical Education is a required course under California Education Code, and students are expected to participate unless medically unable to do so.

Students may be excused from PE participation for short-term illness or injury with a parent/guardian note for up to three (3) class periods per semester. After three parent-excused absences from PE, any additional requests to be excused must be supported by a written medical note from a licensed healthcare provider.

Medical notes should include:

- **The reason for the restriction**
- **Specific activity limitations, if applicable**
- **The duration of the restriction**
- **Any recommendations for modified activity or return to participation**

Whenever possible, students may be assigned modified or alternative activities rather than being fully excused from participation.

The school reserves the right to request updated medical documentation for extended or recurring medical exemptions. Students who fail to provide required documentation may be expected to resume participation in PE activities.

Students with long-term medical conditions or disabilities may be referred for additional support through a Section 504 Plan or Individualized Education Program (IEP), if appropriate.

Scholastic Eligibility for Extra and Co-Curricular Activities

All incoming 6th graders are academically eligible to participate in extra/co-curricular activities. At the end of the first grading period, 6th graders must have earned a "C" average (2.0 on a 4-point scale) and have no course failures.

Participation in extra-curricular activities is a privilege. It is presumed that students who are representing their school in various activities are maximizing the educational opportunities that are available to them. Students who intend to participate in extra-curricular activities outside of classtime such as, but not limited to, sports teams, student governments, class office and yearbook staff, will be held to the Scholastic Eligibility standards. This includes maintaining a 2.0 GPA and no F's.

Assessments

The Governing Board believes that the primary purpose of assessment is to help students, parents/guardians and teachers identify individual students' academic strengths, weaknesses and progress in order to inform instructional practices to increase learning. Assessment should also be an important component of the district's program evaluation process.

The Governing Board recognizes that a variety of evaluation measures are needed in order to reach the above goals. To have validity, tests must correspond to the material being taught and measure the extent to which students meet clearly specified standards of achievement.
In addition to teacher created assessments, the District administers mandatory student assessments as provided by the State Board of Education.

California students take several mandated statewide tests. These tests provide parents/guardians, teachers, and educators with information about how well students are learning and becoming college and career ready. The test results may be used for local, state, and federal accountability purposes.

California Assessment of Student Performance and Progress (CAASPP)
The California Assessment of Student Performance and Progress (CAASPP) System was established in 2014. The CAASPP System includes the following:

- **Smarter Balanced Assessment Consortium Assessments**

The Smarter Balanced computer adaptive assessments are aligned with the Common Core State Standards (CCSS). English language arts/literacy (ELA) and mathematics tests are administered in grades three through eight and grade eleven to measure whether students are on track to college and career readiness. In grade eleven, results from the ELA and mathematics assessments can be used as an indicator of college readiness.

- **California Science Tests (CAST)**

The computer-based CAST measures students' achievement of the California Next Generation Science Standards (CA NGSS) through the application of their knowledge and skills of the Science and Engineering Practices, Disciplinary Core Ideas, and Crosscutting Concepts. The CAST is administered to all students in grades five and eight and once in high school (i.e., grade ten, eleven, or twelve).

- **California Alternate Assessments (CAAs)**

Only eligible students—students whose individualized education program (IEP) identifies the use of alternate assessments—may participate in the administration of the CAAs. Test examiners administer the computer based CAAs for ELA, mathematics, and science one-on-one to students. Students in grades three through eight and grade eleven will take the CAA for ELA and mathematics. Test items developed for ELA and mathematics are aligned with the CCSS and are based on the Core Content Connectors.
Students in grades five and eight and once in high school (i.e., grade ten, eleven, or twelve) will take the CAA for Science. The CAA for Science embedded performance tasks are based on alternate achievement standards derived from the CA NGSS. Students taking the CAA for Science will take three embedded performance tasks in spring 2019.

- **California Spanish Assessment (CSA) for Reading/Language Arts**

The optional CSA for Reading/Language Arts in Spanish is aligned with the California Common Core State Standards en Español. This computer-based test allows students to demonstrate their Spanish skills in listening, reading, and writing mechanics.

Pursuant to California Education Code Section 60615, parents/guardians may annually submit to the school a written request to excuse their child from any or all the CAASPP assessments.

The English Language Proficiency Assessments for California (ELPAC)
The ELPAC is aligned with the 2012 California English Language Development Standards. It consists of two separate English Language Proficiency (ELP) assessments: one for the initial identification of students as English learners and the other for the annual summative assessment to identify students' English language proficiency level and to measure their progress in learning English.

Physical Fitness Test (PFT)

The physical fitness test for students in California schools is the FitnessGram®. The main goal of the test is to help students in starting lifelong habits of regular physical activity. Students in grades five, seven, and nine take the fitness test.

California Department of Education | August 2018

For more information on these assessments, visit the California Department of Education website at: https://www.cde.ca.gov/ta/tg/ca/

English Language Proficiency Assessment for California (ELPAC) https://www.cde.ca.gov/ta/tg/ep/

Physical Fitness Test (PFT) http://www.cde.ca.gov/ta/tg/pft

The California Department of Education has a parent page that can be used to search for assessment data about schools and districts at https://dq.cde.ca.gov/dataquest/

ATTENDANCE

Attendance Procedures

Students should not be dropped off any earlier than 5 minutes prior to the opening of the school's breakfast program. Students should be picked up from school no later than 15 minutes after the dismissal bell. Inter/Intra- district transfers may be revoked due to violations of these times. Students who are not participating in approved after-school extra-curricular or athletic programs must leave the campus within 15 minutes of dismissal. Continuous violation of this policy may result in the student being transported to Tracy Police Department for supervision and parent notification.

Absence Procedures

Please call or e-mail the school on the date of the absence. If unable to do so, students should bring a note to school to clear the absence when they first return to school. It is the student and parent/guardian's responsibility to verify an absence, and they must do so within 48 hours upon returning to school. An auto dialer will notify parents/guardian when a student is absent from school for a portion of the day.

1. Parents are responsible for notifying the school whenever their student is absent. Parents may call the attendance office and/or send a note with the student upon his/her return to school. All notes must contain the following information:
   - Name of student
   - Date(s) of absence
   - Specific reason for absence
   - Daytime phone number where a parent may be reached
   - Parent's signature

2. To clear an absence, a student must bring a note from a parent or doctor, or the student's parent may call the attendance office. Students have only 48 hours upon their return to school in order to clear an absence. NOTE: Students are not permitted to use office telephones to clear an absence. If the absence is not cleared within 48 hours, the absence becomes a truant.

3. A student returning to school without a call or a note from a parent or a note from a doctor will be considered truant. If a student does not bring in a note when first returning to school, but does bring in a note within 48 hours, he/she must take the note to the Office.

Excused Absences

(BP/AR 5113)

Examples of excused absences will be granted for the following reasons:

1. Personal illness; a doctor's note is required if over 5 days.
2. Quarantine under the direction of a county or city health officer.
3. Medical, dental, optometrist or chiropractic services. Students are strongly encouraged to schedule appointments during non-school hours.
4. Attending funeral services of an immediate family member. (Grandparents, parents, sibling)
5. Exclusion for not having been properly immunized; these absences will not be excused for more than 5 days.
6. Approved travel study.
7. Religious instruction.
   - Participation in religious exercises or to receive moral and religious instruction in accordance

with district policy (Education Code 46014)
- In such instances, the student shall attend at least the minimum school day.
- The student shall be excused for this purpose on no more than four days per school month.

8. Any pupil who is a dependent of military personnel shall be granted up to 5 days of excused absence or independent study in order to spend time with the parent when the parent is either deployed or returning from a deployment.

Excessive Absences for Illness

When a student has had 5 or more absent days in a row a physician's note will be required to excuse the missed days. When a student has 18 or more excused absences in a given year a physician's note will be required to clear absences for one calendar year.

Unexcused Absences

Listed below are the most common reasons given for absences that will be considered unexcused:

a. Family vacations and extended weekend trips.
b. Oversleeping
c. Ditching
d. Car trouble
e. Any absence considered excused which is not cleared by a parental or doctor's note within 48 hours of returning to school.

This list is not all-inclusive. If you have specific questions regarding unexcused absences, please contact the Attendance Secretary at your child's school.

Travel Study

Travel Study is a program available to students who must leave school for 5 or more days. This program provides students with the opportunity to maintain their grades and credits in their classes. Students who fit the above criteria and who wish to utilize the Travel Study program should contact the Attendance Office more than 5 school days prior to leaving school to obtain and complete the appropriate forms. The program requires a study contract approved by the Principal or his/her designee. The Principal's signature is required PRIOR to beginning Travel Study. Students not completing travel study forms and receiving approval in advance will not receive credit and will be considered unexcused. Upon returning to school, the homework should be attached to the travel study sheets and turned in immediately to the teachers to grade. When the work is graded, a bottom portion of the form is forwarded to Attendance and the absences are excused. An incomplete (I) is assigned if a student has outstanding work that was due during the grading period while on travel study. All (I) grades must be cleared by the end of the third week of the next grading period or they automatically become an "F." For purposes of eligibility, an "I" counts as an "F."

No Travel Study will be allowed during the first three weeks of the school year and all Travel Study must be completed before the last three weeks of the school year.

Tardy Policy for Unexcused Classroom Tardies

Students are tardy to class if they are not in their seat and quiet when the final bell rings.
Arrival to class more than 30 minutes after the bell will constitute a truant.
The State of California and the Tracy Unified School District expect children to be in school unless they are ill. Tardy students disrupt the learning of an entire classroom. Students, who are excessively absent or tardy, will be referred to the School Attendance Review Board (SARB).

The tardy consequences start at zero at the beginning of each grading period. Aeries keeps record of all tardies and absences for the school year.

Grades 1-3 Tardy Consequences	
Tardies 1-4	Teacher determination which can include; teacher detention, natural consequences/grade impact, conference, and other options as approved by site administration. Parent notification by teacher.
Tardies 5-9	Teacher Referral to Administration. Parent contact from Administration.
Tardy 10+	Teacher Referral to Administration. Parent contact from Administration for Attendance Contract.

Grades 4-8 Tardy Consequences	
Tardies 1-4	Teacher determination which can include; teacher detention, natural consequences/grade impact, conference, and other options as approved by site administration. Parent notification by teacher.
Tardy 5	Parent contact from Administration.
Tardies 6-9	Administrative detention and parent contact from Administration.
Tardy 10	Parent Conference with Administration for Attendance Contract.
Tardies 11+	Administrative discretion and action.

Activity Restriction

When a student reaches 15 cumulative tardies in one (trimester/ quarter) they lose the privilege of participating in extracurricular activities including but not limited to athletics, dances, clubs, extracurricular fieldtrips, etc. This will reset each quarter. For athletes, this restriction includes games.

Parent Access to Attendance Information

Parents who have concerns regarding a student's attendance habits may request an attendance printout from the attendance office, check ABI Parent Portal, and/or request a conference with an assistant principal.

Truancy

A student who is absent from school without a valid excuse three full days in one school year, or tardy or absent for more than any 30-minute period during the school day without a valid excuse on three occasions in one school year, or any combination thereof, is considered a truant and shall be reported to the attendance supervisor or to the Superintendent of the school district. (Education Code 48260)

School Attendance Review Team (SART)

A School Attendance Review Team may be convened after a student has been declared truant. During this meeting a plan may be developed to correct a student's attendance.

A student who has been reported as a truant three or more times within the same school year, provided the district has made a conscientious effort to hold at least one conference with the student and his/her parent/guardian after either of the two previous reports is considered a habitual truant. (Education Code 48262, 48264.5)

A habitual truant will be referred to the School Attendance Review Board (SARB.)

Pre-SARB Process

Number of Unexcused Absences	**Consequence**
3 days/24 periods of unexcused absences	Initial Truancy Letter sent home
6 days/48 periods of unexcused absences	Second Truancy letter. Parent meets with the site administrator, sign SART contract
9 days/66 periods of unexcused absences	Third Truancy letter. Parents meet with the site administrator and referral to SARB, sign SART contract

School Attendance Review Board (SARB)

School Attendance Review Board (SARB) is a panel comprised of teachers, administrators, counselors, law enforcement officials, and community representatives that utilize school/community services to help students resolve problems dealing with irregular school attendance or habitual truancy. SARB is a strategy that utilizes school and community resources to help students improve their attendance and deal with barriers to school attendance. At the SARB hearing, the panel will decide which interventions they would like to implement in order to help resolve the students' attendance issues. The School Attendance Review Board also has the authority to refer habitually truant students, as well as their parents, to the District Attorney for appropriate legal action.

A student who has been absent from school without a valid excuse for 10 percent or more of the school days in one school year, from the date of enrollment to the current date, provided the district has met the requirements above, is considered a chronic truant. (Education Code 48263.6) A chronic truant may be referred to the jurisdiction of the juvenile court. (Education Code 48264.5; Welfare and Institutions Code 601)

BEHAVIOR EXPECTATIONS

INTERVENTIONS

DISCIPLINE

DISCIPLINE PHILOSOPHY

It is important that everyone develop sound social judgment and be allowed frequent opportunities to exercise this judgment and the self-discipline which must accompany it.
Students and teachers are entitled to an environment in which maximum learning and teaching can take place. In order to guide students to become responsible, self-disciplined individuals who are free to pursue academic studies, an appropriate amount of external discipline might be necessary.

All societies have rules. All students are expected to follow all classroom and school rules. Our aim is to improve the learning environment through positive reinforcement of good behavior and consistently applied consequences for inappropriate behavior. With the cooperation of parents, parent volunteers, students, and school personnel, we can maintain schools where teachers teach, and children learn.

FOR MORE EFFECTIVE COMMUNICATION…

WHEN YOU HAVE A QUESTION OR CONCERN REGARDING YOUR CHILD, PLEASE…

1. Discuss matters with your child's ……. … if question or concerns remain,	TEACHER(S)
2. Discuss matters with your child's ……. … if question or concerns remain,	ASSISTANT PRINCIPAL
3. Discuss matters with the…… …then, if you wish,	PRINCIPAL
4. Discuss matters with the…… …and then, if you wish,	DIRECTOR OF STUDENT SERVICES
5 Request to discuss with……	THE SUPERINTENDENT

RIGHTS & RESPONSIBILITIES

Student Rights and Responsibilities

- Be taught the required curriculum in a professional manner.
- Have a positive learning environment maintained in the classroom.
- Be treated respectfully.
- Attend school without harassment by other students.
- Discuss grades, assignments, and discipline with the teacher in private, provided such a discussion is conducted with courtesy and consideration.
- Fair treatment and due process.

All students will be informed of their teacher's individual classroom rules and expectations. These will be discussed thoroughly at the beginning of the school year. If students break these classroom rules, each teacher will have the option to handle the situation according to his/her professional judgment, which may include after-school detention. In serious cases and/or repeated offenses, the consequences can include a disciplinary referral to the office.

The Principal/Designee will talk with the pupil about the problem and, if the problem is serious enough, the pupil's parent will be contacted. Occasionally a pupil will be suspended from school if other means of discipline fail to improve conduct. Most of the students at the Middle Schools rarely have any serious problems, but if they feel that they might have trouble, it is much better to see the Principal/Designee BEFORE problems occur, rather than wait until they are in trouble. Additionally:

- Students are responsible to all authorized school employees, and are expected to f o l l o w instructions quickly, quietly, and courteously, the first time.
- Students will follow all classroom and school rules.
- Students will treat others with courtesy and respect. This includes keeping hands, feet and objects to oneself. No vulgarity.
- Dishonesty, teasing, or put-downs including but not limited to race, religion, ethnic origin, size, or differently abled are not allowed.
- Students will attend school daily unless ill or legally excused.
- Students will come to class prepared to work and will remain until dismissed by the teacher.
- Each student will have a pencil and/or pen, paper and binder as required by the individual teacher.
- Students will remain seated until the bell rings and the teacher dismisses the class.
- Since tardies affect academic pursuits, a student will be considered tardy if he/she is not in his/her seat and prepared to work when the tardy bell rings.
- Students will complete all assignments and meet deadlines.
- No gum, food, candy, or drinks will be allowed in class without prior permission.

Parent Rights and Responsibilities

- Be treated respectfully.
- Expect his/her child to attend a school which emphasizes learning and growing in an environment free of detrimental influences.
- Be informed of concerns, problems, disciplinary actions.
- Due process for his/her child.
- Visit the school and observe programs when prior arrangements have been made.
- Be provided with a qualified translator.
- Be provided with translated parent notifications when 15% of the students in the school speak that language.

- Be aware that he/she is legally obligated to share responsibility with the school for the behavior of his/her child while he/she is in transit or at school.
- Understand and support local school behavior standards.
- Help the child understand, accept, and respect all school rules.
- Cooperate with school officials in carrying out appropriate restorative or disciplinary actions and seek out

appropriate community agencies for assistance when necessary.

- Bring all issues, problems, or concerns happening at school regarding other students to the site administration and NOT confront or address issues, problems, or concerns with other students.
- Reinforce educational achievement of his/her child and communicate achievements at home to school staff for reinforcement at school.
- Ensure regular and prompt attendance and notify the school in the event of an absence or tardiness.
- Read all communications which come from school and respond when requested.
- Be financially responsible for their children losing school materials/equipment and/or causing damage to school property or personal property of any school employee.
- Send children to school clean, rested, well-nourished, appropriately dressed, and ready to learn.

Teacher Rights and Responsibilities

- Be treated respectfully.
- Assign seats.
- Require detention for up to one hour after school.
- Give grades he/she considers appropriate.
- Require compliance with classroom and school rules.
- Expect students to follow directions.
- Expect work to be completed on time.
- Suspend a student from class for violations of Ed Code 48900 (a) – (r) for up to two class periods (day of infraction plus one additional day). (Ed Code 48900.1)
- Provide a safe, secure, positive learning environment.
- Review and enforce with students the district discipline policies and school rules.
- Communicate regularly with students, parents, and appropriate school personnel regarding behavior concerns and proposed solutions, and/or academic progress, as well as outstanding student achievements.
- Inform parents of rules and policies related to behavior and consequences.
- Exhibit fair, consistent treatment of all students.

Administrator Rights and Responsibilities

- Be treated respectfully.
- Expect students, parents, and teachers to cooperate with the administration of state laws, district policies, and school rules which govern the operation of the school.
- Expect parents to communicate their concerns, questions, and suggestions first with the teacher and then the school administrator.
- Give consequences for violation of the education code, state and federal laws.
- Investigate violations and question students without parental consent.
- Search and seizure with reasonable suspicion without parental consent.
- Inform law enforcement agencies and ask for assistance/collaboration regarding student violation of state and federal law.
- Release pupil directory information (Education Code 49076.)

- Create a safe, secure, positive teaching-learning environment by properly exercising authority assigned

by the School Board, the Superintendent, and state laws.
- Communicate to parents, staff, and students the state laws, district policies, and school rules which govern behavior expectations.
- Assist students, parents, and staff in seeking solutions to problems.
- Establish procedures for encouraging and recognizing positive behavior.
- Be fair, firm, and consistent in enforcing district policies and school rules, and **any** decisions affecting students, parents, and teachers.
- Maintain open lines of communication between school and home.

School Board Rights and Responsibilities

- Be respected as the policy formulating body of the school district.
- Expect students, parents, teachers, and administrators to comply with state laws, and district policies as established by the Governing Board.
- Expect parents to communicate their concerns, questions, and suggestions first with the teacher, then the administration, then the Director of Student Services, and finally with the Governing Board.

- Establish policies and procedures which create a safe, secure, positive teaching-learning environment at each of the district's schools.
- Assist students, parents, and staff in seeking solutions to problems by directing them to the appropriate administrative office.
- Ensure that administrators are fair, firm, and consistent in enforcing district policies and school rules, and in decisions affecting students, parents, and teachers.
- Establish policies and procedures for encouraging and recognizing positive student behavior.
- Establish policies and procedures which maintain open lines of communication between school and home.

STUDENT CONDUCT

Students are expected to follow all school rules, display excellent citizenship and realize rules are established for everyone's help and protection. This document outlines behavior expectations for students and gives examples of restorative practices or possible consequences should rules be broken. Parents and the school are partners in good discipline. The school will notify parents, whenever possible, if their student is having a behavior problem at school. We enjoy and anticipate parent support for our plan to improve behavior. State law and positive parenting require parents to respond to all school requests for parent conferences. School site personnel can notify parents by telephone, email, or written notification.

This document provides an indication of the types of behavior violations and potential consequences that may apply to students whose behavior is related to school activity or attendance which occur at any time, including but not limited to the following:

1) While on school grounds.
2) While coming to or going from school.
3) During the lunch period, whether on or off the campus.
4) During the period that school is in session when the student is truant from school.
5) During, or while going to or coming from, a school sponsored activity.

A student transferring from one school to another within the Tracy School District during a school year will be held accountable for his/her behavior record at the original school (i.e., the behavior record transfers to the new school and stays on the student's discipline record).

All behavior violations shall be cumulative, although they may pertain to different offenses. Also, in rare instances, the consequences outlined in this document may be MODIFIED due to unusual circumstances. Serious violations or violations of different sections of the Education Code can lead to maximum consequences on the first offense.

Alcohol and Other Drugs
(BP/AR 5131.6)

Students are prohibited from using any drugs or consuming any alcohol or being under the influence of any drugs or alcohol or intoxicant of any kind while on school property, during school-sponsored activities and under school jurisdiction. Possession of drugs and/or alcohol or intoxicant of any kind, either actual or constructive, by students on school property, during school-sponsored activities, or under school jurisdiction is also expressly prohibited. Possession of drugs, alcohol or intoxicant of any kind includes, but is not limited to, actual physical possession or control of such substances, possession of such substances in a student's car, locker, desk, backpack or other container or being in close proximity to such substances with the intent to use or possess such substances.

Tobacco/e-Cigarette Use
(BP/AR 5131.62)

The presence of smoke and/or other intoxicants are not allowed on school grounds. Smoking, e-cigarettes, vaping, or other tobacco products are prohibited in all District buildings, outside on District property, and during activities such as concerts and sporting events on District property. Student possession or use of tobacco, e-cigarettes, vape pens, or tobacco products on school premises or at school- sponsored events is a violation of law and Board Policy and is not permitted. Students violating this policy shall be subject to disciplinary procedures.

Bullying
(BP/AR 5131.2)

All students have a right to a safe and healthy school environment. The Tracy Unified School District recognizes the harmful effects of bullying on student learning and school attendance and desires to provide safe school environments that protect students from physical and emotional harm. Bullying of any student is not tolerated and no student or group of students shall, through physical, written, verbal, or other means, harass, sexually harass, threaten, intimidate, cyber-bully, cause bodily injury to, or commit hate violence against any other student or school personnel.

Complaints of bullying will be investigated and any student who engages in bullying on school premises, or off campus in a manner that causes or is likely to cause a substantial disruption of a school activity or school attendance, shall be subject to discipline, which may include suspension or expulsion, in accordance with district policies and regulations. Bullying which may also constitute sexual and/or gender-based harassment will be investigated and addressed using the complaint procedures set forth in BP/AR 5145.7-Sexual and Gender-Based Harassment.

Cell Phones/Electronic Devices

Students may possess on school campus personal electronic signaling devices as long as they are turned off and in their backpacks which include, but not limited to, cellular/ digital telephones, as well as other mobile communication devices including, but not limited to, digital media players, compact disc players, portable game consoles, air pods, **smart watches**, and **personal** laptop/computers, provided that such devices are not used for illegal or unethical activities such as cheating on assignments or tests. (Education Code 48901.5) Cellphones and electronic devices are allowed on the school campus or school sponsored events under the following conditions:

1. District/ School is NOT responsible for lost, stolen, or damaged personal electronic devices. (watches, cellphones, air pods, tablets, etc.)
2. During school hours, the cell phone and electronic devices must be powered off and in the student's backpack.
3. Cell phones may not be used for any reason (including talking, listening, ringing, text messaging, checking the time, taking pictures, etc.) and must be powered off except with a classroom teacher's expressed permission per BP/AR 6163.4.

Students displaying or using cell phones or electronic devises in the classroom or inappropriately will be subject to disciplinary measures and be considered in defiance. **The use of any electronic listening or recording device in any classroom without the prior consent of the teacher and the principal of the school disrupts and impairs the teaching process and such use is prohibited by law. (BP 5131; Education Codes 48901.5)**

Confiscated Items

Confiscated items must be picked up on or before the last day of school. Confiscated items not picked up will be discarded.

Electronic confiscation

- First offense: Student pick-up. (Warning)
- Second offense: Student pick-up (Warning)
- Third offense: Parent pick-up (15 min.)
- Fourth offense: Parent pick-up (Admin. Discretion, detention)

Smart Glasses and Recording Device Policy

To protect student privacy, maintain a safe learning environment, and minimize disruptions to instruction, students are prohibited from using or wearing smart glasses or any eyewear capable of recording audio, video, photographs, livestreaming, or transmitting data while on school campus or during school-sponsored activities.

This includes, but is not limited to:

- **Meta/Ray-Ban smart glasses**
- **Recording-enabled sunglasses or eyewear**
- **Glasses with cameras, microphones, or livestream capabilities**

- **Any wearable technology designed to capture or transmit images, audio, or video**

Students may possess such devices while traveling to and from school; however, the devices must remain powered off and stored in a backpack or other personal storage during the school day.

Any student found using recording-enabled eyewear without authorization may be subject to disciplinary action, including confiscation of the device, parent/guardian contact, and additional school consequences in accordance with the student discipline policy.

Delivery of Items to School

Personal items related to school business (such as lunch (from home) or student work) may be accepted at the main office and students will be notified during passing periods. Students will not be called out of class to receive these items. To ensure the safety of students and staff and minimize interruption of our instructional programs, food deliveries from a delivery service will be denied by the office and security personnel. (i.e., DoorDash, Uber Eats, GrubHub, PostMates, etc.). We understand the importance of recognizing a special day or event for our students but receiving gifts at the school to be sent to students disrupts the academic process. Should flowers, balloons, etc., be received at school for delivery to a student, they will not be accepted for delivery.

Dress Standards Philosophy

(BP/AR 5132)

Tracy Unified School District expects that all students will dress in a way that is appropriate for the school day or for any school sponsored event. Student dress choices should respect the District's intent to sustain a community that is inclusive of a diverse range of identities. Any restrictions to the way a student dresses must be necessary to support the overall educational goals of the school and must be explained within this dress code.

1. **Basic Principle**: Specific areas of the body must always be covered for all students.

Clothes must be worn in a way such that genitals, buttocks, chest, torso, and abdomen are covered with opaque fabric. Students are expected to wear clothing that remains appropriate at all times, including while walking, sitting, or moving without the need for constant adjustments. All items listed in the "must wear" and "may wear" categories below must meet this basic principle.

2. **Students Must Wear***, while following the basic principle of Section 1 above:
   - A Shirt (with fabric in the front, back, and on the sides under the arms), AND
   - Pants/jeans or the equivalent (for example, a skirt, sweatpants, leggings, a dress or shorts), AND
   - Shoes.

*Courses that include attire as part of the curriculum (for example, JROTC or FFA) may include assignment-specific dress but should not focus on covering bodies in a way or promoting culturally specific attire. Activity- specific shoes requirements are permitted (for example, athletic shoes for PE).

3. **Students May Wear**, if these items do not violate Section 1 above:

- Hats. They must allow the face to be visible to staff, and not interfere with the line of sight of any student or staff (if in the classroom, teacher must give permission to wear hats)
- Religious headwear
- Hoodie sweatshirts (wearing the hood overhead is allowed, but the face and ears must be visible to school staff).
- Fitted pants, including opaque leggings, yoga pants and "skinny jeans"
- Pajamas
- Ripped jeans, if underwear and buttocks are not exposed.
- Tank tops, (with two straps; one on each side of neck)
- Athletic attire
- Visible waistbands on undergarments or visible straps on undergarments worn under other clothing (if this is done in a way that does not violate Section 1 above).
- Tattoos. However, they must not violate any of the violations outlined in Section 4, otherwise be always covered .

4. **Students Cannot Wear**:

- Violent language or images.
- Crude or vulgar lettering or images of weapons, occult messages, drugs, tobacco, alcoholic beverages, racial/ethnic slurs, unauthorized group affiliation, sexually suggestive graphics, on shirts, sweatshirts and other apparel are not acceptable.
- Bullet proof vest, body armor, tactical gear, or facsimile.
- Hate speech, profanity, pornography.
- Sunglasses, hoodies, and hats are not to be worn in the classroom, unless permitted by the teacher and/or staff member.
- Images or language that creates a hostile or intimidating environment based on any protected class or consistently marginalized groups.
- Any clothing, apparel, or attire that fails to provide adequate coverage of the body. (e.g. strapless shirts; sagging pants).
- Any clothing that reveals visible undergarments (visible waistbands and visible straps are allowed)
- Swimsuits (except as required in class or athletic practice).
- Accessories that could be considered dangerous or could be used as a weapon.
- Any item that obscures the face or ears (except as a religious observance and/or health guideline such as face masks).

Dress Code Enforcement

To ensure effective and equitable enforcement of this dress code, school staff shall enforce the dress code consistently using the requirements below. School administration and staff shall not have discretion to vary the requirements in ways that lead to discriminatory enforcement.

- Students will only be removed from spaces, hallways, or classrooms as a result of a dress code violation as outlined in Sections 1 and 4 above. Students in violation of Section 1 and/or 4 will be

provided three (3) options to be dressed more to code during the school day:
    - Students will be asked to put on their own alternative clothing, if already available at school, to be dressed more to code for the remainder of the day.
    - Students will be provided with temporary school clothing to be dressed more to code for the remainder of the day.
    - If necessary, students' parents may be called during the school day to bring alternative clothing for the student to wear for the remainder of the day.
- No student should be affected by dress code enforcement because of racial identity, sex assigned at birth, gender identity or expression, sexual orientation, ethnicity, cultural or religious identity, household income, body size/type, or body maturity.
- School staff shall not enforce the school's dress code more strictly against transgender and gender nonconforming students than other students.
- Students should not be shamed or required to display their body in front of others (students, parents, or staff) in school. "Shaming" includes, but is not limited to:
    - kneeling or bending over to check attire fit;
    - measuring straps or skirt length;
    - asking students to account for their attire in the classroom or in hallways in front of others;
- Calling out students in spaces, in hallways, or in classrooms about perceived dress code violations in front of others; in particular, directing students to correct sagged pants that do not expose the entire undergarment, or confronting students about visible bra straps, since visible waistbands and straps on undergarments are permitted;

These dress code guidelines shall apply to regular school days and summer school days, as well as any school- related events and activities, such as graduation ceremonies, dances and prom.

Eighth Grade Promotion Activities Behavior Standards

Eighth grade students will be denied participation in eighth grade promotion activities as a result of inappropriate behavior in accordance with school standards. Behavior standards are as follows:

1. One (1) suspension during the year will cause a warning letter to be sent home about promotion activities.
2. Two (2) suspensions, or five (5) total days of suspension during the year will exclude a student from the eighth-grade trip.
3. Three (3) suspensions, or seven (7) total days of suspension during the year will exclude a student from the eighth-grade promotion dance.
4. Four (4) suspensions, or eight (8) total days of suspension during the year will exclude a student from not only the eighth-grade promotion ceremony but also all other promotion activities.
5. Administration may exclude a student from 8th grade activities for excessive disciplinary infractions.

Significant improvement in behavior, as determined by the Promotion Review Committee and Principal, may be considered as grounds for the reinstatement of a Promotion privilege. A maximum of one privilege may be

reinstated and that privilege will be the last privilege lost. Students who are suspended for serious offenses, which cause a danger to persons or property or threaten to disrupt the operation of the school or a school activity, after the Promotion Review Committee has met, may be excluded from any of the promotion activities.

- Any student excluded from the eighth-grade trip, which is truant from school and goes to eighth grade trip that day, will lose the next activity.
- Expulsion of an eighth-grade student may result in a loss of one or more Promotion activities, including the right to participate in the eighth-grade promotion ceremony.

Eighth Grade Promotion Assembly Dress Policy

The following guidelines shall be observed in determining appropriate school attire for the eighth-grade promotion ceremony:

1. All students participating in the eighth-grade promotion will wear the school adopted attire during the entire assembly. Students must wear the attire in their original condition and without modification. Students not conforming to this requirement will not be allowed to participate in the eighth-grade promotion activities.
2. The regular school dress code will also be in effect throughout the eighth-grade promotion activities.

Hats/Sunglasses/Protective Headwear

Students are welcome to wear hats and sunglasses on campus but must maintain a classroom environment that is free of distractions and reflects an academic atmosphere. Sunglasses, hats and other head coverings are not to be worn inside the classrooms and/or at any indoor function except for religious or medical reasons unless permitted by the teacher and/or staff member

Lost or Damaged School Property and Fines

The district expects that students will keep district property that has been loaned to them such as textbooks, library books, or laptop computers in good condition and to return the property at the end of the school year without damage. Normal wear and tear are expected. Please note that students owing fines may not be allowed to participate in school sponsored after-school activities and extra-curricular events until the matter is resolved.

When a minor student willfully cuts, defaces, or otherwise injures real or personal property of the district or willfully does not return district property that has been loaned to the student, the student's parents/guardians may be required to pay the costs of all damages within the limits established pursuant to Education Code 48904. The Superintendent or designee may withhold the student's grades, diploma, and/or transcripts until the student's parents/guardians have paid for the damages or the student has completed voluntary work or other nonmonetary alternative offered by the district in lieu of monetary damages. (Education Code 48904, 49014)

Before withholding a student's grades, diploma, and/or transcripts, the Superintendent or designee shall inform the student's parents/guardians in writing of the student's alleged misconduct and the student shall be afforded due process consistent with procedures established for the expulsion of students (Education

Code 48904; 48900(f)).

When the minor and parent are unable to pay for the damages, or to return the property, the school shall provide a program of voluntary work for the minor in lieu of the payment of monetary damages. Upon completion of the voluntary work, the grades, diploma, and transcripts of the pupil shall be released. Please note that students owing fines may not be allowed to participate in school sponsored after-school activities and extra-curricular events until the matter is resolved.

Unless a student is exempt or has completed voluntary work in restitution for lost or damaged property, the student and his/her parents must compensate the district for damaged and/or lost laptops, library books, or textbooks as follows:

Description of Property Damage or Loss	Fee
Any Book Damaged Beyond Use	Replacement cost
District Laptop/Accessories	Replacement cost (refer to specific costs in forms section)
Bar Code Missing or damaged/marked	$5.00
Missing Pages in books (maximum of five pages)	$5.00 per page
Missing/Torn page in books	Starts at $2.00 per page
Missing/Torn Pages in books (more than five pages)	Replacement cost of book
Water Damage to property	Begins at $10.00
Cover Damage	Begins at $5.00
Marks/Scribbles to property	$3.00 per page
Minimal Spine and/or Cover Damage to books	$5.00
Abandoned During Textbook Check-in	$10.00
Severe Spine and/or Cover Damage to books	Replacement cost of property
Stolen/Lost property	Replacement cost of property

After receiving a textbook, the student must carefully inspect its condition. The student has five (5) school days after receiving a textbook to report damage to the library. After this grace period, the student and parent/guardian are liable for all damages.

It is required that all library books and/or textbooks be returned either at the end of the school year or at the time a student checks out of school during a school year. If a textbook **is lost or** stolen, the student will be charged the replacement cost of the book. If the book is found within one year from the date the book was marked lost, a student may get a refund if found in good condition minus any late fees. **All books not returned by the last day of school, or at the time a student checks out of school, will have an overdue**

charge of $5.00 per book. Students who change courses are responsible for returning the textbook/novel at the time of transfer. Students enrolled in semester-long courses must return their textbooks at the end of the semester and class novels must be returned on the scheduled return date for that class: failure to do either will result in a $5.00 late fee. Failure to do so will result in a $5.00 late fee. Students expelled or suspended from school may return their textbooks or library books to the District Instructional Media Center located at 1975 W. Lowell Ave., Tracy, CA. Failure to do so may result in the book being marked lost or having a late fee assigned.

The district cannot accept textbooks or library books purchased from outside sources, e.g., Amazon, Barnes and Noble.

A student's high school diploma and transcripts will be held from students and parents/guardians until the lost or damaged property is either returned or the fee is paid. Upon return of the property in good condition or payment of the fee, the student's diploma will be released. If property is misplaced and then found later, the student may return it for release of the diploma only within one year's time (June of the following year). After a year, the student may receive his/her diploma only by paying the replacement cost of the property plus all fees. (Education Code 48904(b))

Nondiscrimination/Harassment

(BP 5145.3)

Members of the school community are expected to treat each other with dignity and mutual respect and to accept the rich diversity that makes up the community. Disrespect among members of the school community is unacceptable behavior which is disruptive to the learning environment and potentially damaging to self-esteem.

Discrimination is prohibited at any district school or school activity. Unlawful discrimination, including discriminatory harassment, includes 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.

Complaints of discrimination and/or observed unlawful discrimination, including bullying, will be investigated as described in the Uniform Complaint Procedures (BP/AR 1312.3; Bullying Investigation Procedures AR 5131.2; and/or Sexual and Gender-Based Harassment BP/AR 5145.7)

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.

Student Property Search and Seizure

(BP 5145.12)

As necessary to protect the health, safety and welfare of students and staff, school officials may search students, their property and/or District property under their control and may seize illegal, unsafe, and

prohibited items. School officials may search individual students and their property when there is reasonable suspicion that the search will uncover evidence that the student is violating the law or rules of the district or school. The Governing Board requires that discretion, good judgment, and common sense be exercised in all cases of search and seizure. (Education Code 49050)

To ensure student safety, non-aggressive canines, breathalyzers, vape sensors, and metal detectors may be used. Non-aggressive canines may be used to keep campuses free of dangerous devices (including, but not limited to firearms and explosives) and illegal substances. Non-aggressive canines will not sniff students or staff. Breathalyzers will be used, including but not limited to, on campus and at school sponsored activities. Students will be subject to being searched or asked to use the breathalyzers when reasonable suspicion exists. In the event of school events that call for a higher need to ensure safety, all students participating in the event may be asked to use the breathalyzer or go through a metal detector search. These added safety precautions will heighten student safety and keep schools and school events safer for all students.

Student Technology Guidelines

(BP/AR 6163.4)

The Tracy Unified School District intends that the technological resources it provides be used in a safe, responsible, and proper manner in support of its instructional programs and for the advancement of student learning. Before a student is authorized to use the district's technological resources, the student and his/her parent/guardian shall sign and return the Acceptable Use Agreement specifying user obligations and responsibilities.

Whenever a student is found to have violated Board policy, regulations, or the 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.

Surveillance Cameras on Campus

(BP/AR 3515)

Cameras are installed at the school sites for safety and security, and information will be shared with the Tracy Police Department for any violations of the law. Camera footage where multiple students appear will not be shared with parents or guardians, as it is a violation of confidentiality.

Unauthorized Group-Related Conduct/Activity

(BP/AR 5136)

Unauthorized Group-related Conduct/Activity on all school campuses and/or adjacent to the campus during all school sponsored events is a threat to the safety of others and is <u>STRICTLY PROHIBITED</u>.

Jewelry, accessory, notebook or manner of grooming (including haircuts) which by virtue of its color, arrangement, trademark or any other attribute denotes membership in an unauthorized group or group is prohibited.

- Clothing or articles of clothing (including but not limited to gloves, bandannas, shoestrings,

wristbands, belts, jewelry) related to unauthorized groups that may provoke others to acts of violence are prohibited.
- No belt buckles with initials, or red, blue, or brown web belts or belts hanging out of pants.
- No red, blue or other colored shoelaces.
- No bandanas of any type of color, either worn in hair or displayed in clothing.
- No Gloves, towels, suspenders or other items hanging from rear pants pockets or from belt.
- Excessive clothing items (more than 2) of predominately one color are prohibited.
- Old English style writing on clothing or notebooks is prohibited.
- Any gang related drawings, tags, or monikers in possession of/or on student.

Because unauthorized group-related symbols are constantly changing, definitions of unauthorized group-related apparel may be reviewed and updated whenever related information is received by administrators and/or school safety committee. If a student is determined to have violated the dress code by wearing unauthorized group colors, he/she will be banned from wearing specific colors or any unauthorized group related apparel.

Vapes – Tobacco/THC/Essential Oils/Flavored Liquids

Any electronic vape device that delivers nicotine or other vaporized liquids to the person inhaling from the device, including, but not limited to an electronic cigarette, cigar, pipe, or hooka is strictly prohibited. For possession, use, or distribution of such products, the school may suspend or expel.

INTERVENTIONS TO DISCIPLINE

Restorative Discipline Practice

Tracy Unified School District believes in restorative and alternative discipline practice as a system of formal and informal processes that build and sustain a culture of kindness, respect, and responsibility. This is achieved through emphasizing the importance of trusting relationships as central to building community and repairing relationships. The premise of restorative and alternative practice is that people are happier, more cooperative, more productive in learning, and more likely to make positive changes in life. Restorative or alternative discipline methods cultivate a culture in which everyone feels like they belong. They build a sense of community in which every member of a school (students, teachers, support staff, parent volunteers, etc.), feel respected. Restorative or alternative practices promote inclusiveness, relationship-building and problem-solving, through alternative measures such as: Student Success Teams (SST), one-on-one or group counseling, alternative placement, Discipline and Attendance Review Team (DART), conflict-resolution, campus beautification, detention, in-house intervention, and community service. In all these alternative methods, students are encouraged to reflect on and take responsibility for their actions, coming up with solutions that lead to positive outcomes.

The Student Conduct Code includes but is not limited to:

- Students are to resolve their disputes without resorting to violence.
- Students, especially those trained in conflict resolution and peer mediation, are encouraged to help

fellow students resolve problems peacefully.

- Students can rely on staff trained in conflict resolution and peer mediation strategies to intervene in any dispute likely to result in violence
- Students needing help in resolving a disagreement, or students observing conflict may go to the office to contact an adult, or to set up an appointment with peer mediators.
- Students involved in a dispute will be referred to a conflict resolution or peer mediation session with trained adult peer mediators. Staff and mediators will keep the discussions confidential.
- Conflict resolution procedures shall not supplant the authority of staff to act to prevent violence, ensure campus safety, maintain order, and discipline students.

Conflict Resolution

The Tracy Unified School District believes that all students have a right to a safe and healthy school environment. Part of a healthy environment is the freedom to openly disagree. With this freedom comes the responsibility to discuss and resolve disagreements with respect for the rights and opinions of others.

To prevent a conflict, each school within the School District will incorporate conflict resolution education and problem-solving techniques into the curriculum and campus programs. This is an important step in promoting respect and acceptance, developing new ways of communicating, understanding, and accepting differing values and cultures within the school community and helps ensure a safe and healthy learning environment.

The School District will provide training to develop the knowledge, attitudes, and skills that students will need to choose alternatives to self-destructive, violent behavior and dissolve interpersonal and intergroup conflict. The District has adopted a Student Code of Conduct to be followed by every student while on school grounds, when traveling to and from school or at a school-sponsored activity, and during lunch period, whether on or off the campus.

Alternatives to Discipline

Students and parents can request social-emotional counseling from their school site at any time during the school year. Tracy Unified School District has invested in our youth by providing mental health counseling at all school sites. Social-emotional counseling can help with a broad range of life and social skills to help a student with life, social, or academic struggles.

Alternatives to suspension may include:

- A conference between school personnel, the pupil's parent or guardian, and the pupil.

- Referrals to the school counselor, psychologist, social worker, child welfare attendance personnel, or other school support service personnel for case management and counseling.

- Study teams, guidance teams, resource panel teams, or other intervention-related teams that assess the behavior and develop and implement individualized plans to address the behavior in partnership with the pupil and his or her parents.

- Referral for a comprehensive psychosocial or psychoeducational assessment when appropriate.

- Intervention through the Prevention Services Department.

- Participation in a restorative justice program.

- A positive behavior support approach with tiered interventions that occur during the school day on campus.

- Attending an after-school program that addresses specific behavioral issues or exposes students to positive activities and behaviors, including, but not limited to, those operated in collaboration with local parent and community groups. (Education Code 48900.5)

- Community service. (Education Code 49800.6)

Community Service

As part of or instead of disciplinary action ,the principal or designee of a school may require a pupil to perform community service on school grounds or, with written permission of the parent/guardian of the pupil, off school grounds, during the pupil's non-school hours. "Community service" may include, but is not limited to, work performed in the community or on school grounds in the areas of outdoor beautification, community or campus betterment, and teacher, peer, or youth assistance programs. This section does not apply if a pupil has been suspended, pending expulsion, pursuant to Section 48915. However, this section applies if the recommended expulsion is not implemented or is, itself, suspended by stipulation or other administrative action. (Education Code 48900.6)

Alternate Placement

The Alternate Placement program provides the staff at the Middle Schools with an alternative to student suspension from school, thus allowing designated students to spend more days at school. Alternate Placement may include detention, Administrative Detention, or assignment to another classroom or office. Students assigned to Alternate Placement must bring an appropriate amount of assigned class work from their regular classes. Violation of Alternate Placement rules and regulations will result in an immediate referral to the office for appropriate disciplinary action.

Student Success Team (SST)

A Student Success Team (SST) meeting may be held in conjunction with other conduct or behavior related meeting to discuss the appropriate alternatives or interventions for a student that are aimed at improving student's academic and behavioral functioning.

Discipline and Attendance Review Team (DART)

At 10 days of suspension, a school site DART is utilized to develop a plan regarding student's discipline and behavior.

Classroom Discipline

If a student is disruptive or violates school rules, the teacher may take the following action:

- Parent phone call or email.
- Warning, detention, or referral (teacher will contact the parents the same day on referrals).
- Automatic referral to the office for severe disruptions.
- Suspension from class for the day of the incident and the day following (Education Code 48910.)

Detention is to be served **within 5 school days**. For extension of time, students must bring a note from a parent. If a student does not serve the detention, the teacher will contact the parent and double the detention time. A student who continues to not serve detention ("no show") will receive a disciplinary referral.

Administrative Detention

Administrative Detention is determined by the Principal or his/her designee. It is defined as, but not limited to:

- Alternate Placement
- Community Service
- Campus Beautification
- Before or After School Detention
- Incident Reflection
- Counselling
- In-House Intervention

SUSPENSION AND EXPULSION

Restorative or Alternative discipline practice does not mean that students will not be held accountable for acts which create unsafe learning environments. The Tracy Unified School District does support school-wide safety and safe school communities. The Tracy Unified School District does not tolerate discrimination, harassment, bullying, physical injury, drugs, or any kind of dangerous objects or weapons in our schools. Therefore, students will be subject to suspension and expulsion if safety of themselves or others is compromised.

Definition and Length of Suspension

Suspension means removal of a student from on-going instruction for purposes of adjustment.

- **At Home Suspension**- One to five days home suspension, not to exceed 5 consecutive days per incident or 20 cumulative days per school year. A student with a disability may not be suspended more than 10 consecutive days. Teachers may allow students to make up schoolwork.
- **Teacher Suspension**- Removal from the suspending teacher's classroom/period for the day of the suspension and possibly the following day. Students are given work by the teacher and given credit for completed work. Teachers are to contact the parent.

Definition and Length of Expulsion

Expulsion means the removal of a student from the immediate supervision and control, or the general supervision of school personnel for more. The expulsion shall remain in effect until the governing board orders the re-admission of the student. At the time of the expulsion, the governing board shall set a date, not

later than the last day of the semester following the semester in which the expulsion occurred unless expulsion is based on the most serious violations, including possessing or selling a firearm, brandishing a knife at another person, selling drugs or committing or attempting to commit a sexual assault or battery. (Education Code 48915c), which may include a full year expulsion, before the student may apply for re-admission to school.

Due Process

Students facing major disciplinary action (such as suspension, expulsion, or transfer to another school) have a right to due process. The process requires that procedures be established to guarantee that penalties which deny access to educational opportunity are administered for a good and just cause.

Due process procedures entitle students to: 1) oral or written notification of the charges; 2) explanation of the evidence; 3) opportunity to present his/her side of the story; and 4) a right to appeal decisions resulting in major disciplinary action to the next higher authority.

Recommendations for expulsion provide further due process including a fair hearing before a Discipline Review Board, the right to be represented and to call witnesses. Students and their parent/guardian will have these rights explained to them at a pre-expulsion meeting.

Except for the more serious violations described below, the District will seek to correct the student's conduct through alternative means prior to recommending suspension or expulsion.

It is hoped that students will never place themselves in a situation requiring the protection of due process. However, if a student does become involved in a situation in which a suspension, expulsion or transfer might result, both the student and his/her parents will be given a more detailed description of the due process procedures.

Grounds for suspension and expulsion

The following chart identifies the alternatives to suspensions and/or consequences for violations of *California Education Code* 48900. The chart has been developed in accordance with Tracy Unified School District Board Policy 5144 (Discipline).

1. Acts of Violence [*EC* 48900(a)]	**Alternative to Suspension**	**Suspension**	**Expulsion**
(1) Caused, attempted to cause, or threatened to cause physical injury to another person.	**X**	**X**	**X**
(2) Willfully used force or violence upon another person.		**X**	**X**
2. Weapons and Dangerous Objects [*EC* 48900(b)]	**Alternative to Suspension**	**Suspension**	**Expulsion**
(1) Possession, sale, or furnishing of weapons (knife, gun, sharp object, club, or an object that could inflict injury) or explosive.		**X**	**X**
(2) Explosives, use or possession.		**X**	**X**
3. Drugs and Alcohol [*EC* 48900(c)]	**Alternative to Suspension**	**Suspension**	**Expulsion**

(1) Possession, use, sale, or furnishing, or otherwise being under the influence of alcohol, controlled substances, or an intoxicant.		**X**	**X**
4. Sale of "Look-Alike" Controlled Substance or Alcohol [*EC* 48900(d)]	**Alternative to Suspension**	**Suspension**	**Expulsion**
Offering, arranging, or negotiating to sell drugs, alcohol or any intoxicant and then substituting a look-alike substance intended to represent drugs, alcohol, or an intoxicant.		**X**	**X**
5. Robbery or Extortion [*EC* 48900(e)]	**Alternative to Suspension**	**Suspension**	**Expulsion**
Committed or attempted to commit robbery or extortion.		**X**	**X**
6. Damage to Property [*EC* 48900(f)]	**Alternative to Suspension**	**Suspension**	**Expulsion**
Caused, or attempted to cause damage to school or private property.	**X**	**X**	**X**
7. Theft or Stealing [*EC* 48900(g)]	**Alternative to Suspension**	**Suspension**	**Expulsion**
Stealing, or attempting to steal school or private property.	**X**	**X**	**X**

8. Tobacco [*EC* 48900(h)]	**Alternative to Suspension**	**Suspension**	**Expulsion**
Possessed or used tobacco or nicotine products.	**X**	**X**	
9. Profanity, Obscene Acts, Vulgarity [*EC* 48900(i)]	**Alternative to Suspension**	**Suspension**	**Expulsion**
(1) Directed at peers.	**X**	**X**	**X**
(2) Directed at school personnel.	**X**	**X**	**X**
10. Drug Paraphernalia [*EC* 48900(j)]	**Alternative to Suspension**	**Suspension**	**Expulsion**
Possessed, offered, arranged, or negotiated to sell any drug paraphernalia.	**X**	**X**	**X**
11. Willful Defiance or Disruption of School Activities	**Alternative to Suspension**	**Suspension**	**Expulsion**
Note: With the exception of classroom suspensions imposed by a teacher under *Education Code* 48910, no student enrolled in kindergarten through grade eight may be suspended for violation of *Education Code* 48900(k)(1). Additionally, no student enrolled in kindergarten through grade twelve, regardless of age, may be recommended for expulsion for violation of *Education Code* 48900(k)(1) [*EC* 48900(k)(2)]			
(1) Disrupting school activities.	**X**		
(2) Refusing to follow the valid authority of school personnel, including supervisors, teachers, school officials or other school staff performing their duties.	**X**		
(3) Failure to follow school rules.	**X**		
(4) Failure to follow directive or instruction of staff or teachers.	**X**		
(5) Failure to follow conduct code for school bus passengers.	**X**		
12. Possession of Stolen Property [*EC* 48900(l)]	**Alternative to Suspension**	**Suspension**	**Expulsion**
Knowingly received stolen school property or private property.	**X**	**X**	**X**
13. Imitation Firearm [*EC* 48900(m)]	**Alternative to Suspension**	**Suspension**	**Expulsion**
Possession of an imitation firearm that is substantially similar in physical properties to an existing firearm as to lead a reasonable person to conclude the replica is a firearm.		**X**	**X**
14. Sexual Assault or Sexual Battery [*EC* 48900(n)]	**Alternative to Suspension**	**Suspension**	**Expulsion**
Committed or attempted to commit a sexual assault or battery.		**X**	**X**
15. Harassment of a Student Wit- ness [*EC* 48900(o)]	**Alternative to Suspension**	**Suspension**	**Expulsion**
Harassed, threatened, or intimidated a pupil who is a witness in a school disciplinary proceeding for the purpose of intimidation or retaliation.	**X**	**X**	**X**
16. Prescription Drug Soma [*EC* 48900(p)]	**Alternative to Suspension**	**Suspension**	**Expulsion**

Unlawfully offered, arranged to sell, negotiated to sell, or sold the prescription drug Soma.	**X**	**X**	**X**
17. Hazing [*EC* 48900(q)]	**Alternative to Suspension**	**Suspension**	**Expulsion**
Engaged or attempted to engage in hazing.	**X**	**X**	**X**
18. Bullying and Bullying by Electronic Act [*EC* 48900(r)]	**Alternative to Suspension**	**Suspension**	**Expulsion**
Engaged in an act of bullying, including, but not limited to, bullying com- mitted by means of an electronic act, directed specifically toward a pupil.	**X**	**X**	**X**
19. Aided or Abetted to Inflict Physical Injury [*EC* 48900(t)]	**Alternative to Suspension**	**Suspension**	**Expulsion**
Aided or abetted in the infliction or attempted infliction of physical injury to another student.	**X**	**X**	**X**
20. Sexual Harassment [*EC* 48900.2]	**Alternative to Suspension**	**Suspension**	**Expulsion**
Prohibited sexual harassment includes, but is not limited to, unwelcome sexual advances, requests for sexual favors, and other verbal, visual, or physical conduct of a sexual nature. Applies to grades 4-12.	**X**	**X**	**X**
21. Acts of Hate Violence [*EC*	**Alternative to Suspension**	**Suspension**	**Expulsion**
Students in grades 4-12 may be suspended or recommended for expulsion for causing, threatening, or attempting to cause, or participating in an act of hate violence defined as willfully interfering with or threatening another person's person or property rights because of race, ethnicity, national origin, religion, disability, or sexual orientation. Speech that threatens violence, when the perpetrator has the apparent ability to carry out the threat, may be considered an act of hate violence.	**X**	**X**	**X**
22. Other Harassment [*EC* 48900.4]	**Alternative to Suspension**	**Suspension**	**Expulsion**
Students in grades 4-12 may be suspended or recommended for expulsion for intentionally engaging in harassment, threats, or intimidation against a student or group of students when the harassment is severe and pervasive and disrupts classes or creates disorder or an intimidating or hostile educational environment.	**X**	**X**	**X**
23. Terrorist Threats [*EC* 48900.7]	**Alternative to Suspension**	**Suspension**	**Expulsion**
Making terrorist threats against school officials and/or property.	**X**	**X**	**X**

Suspension

Teacher Suspension of a Student from Class

A teacher may suspend, for any of the reasons contained in Education Code 48900, any student from his/her class for the day of the suspension and the following day.

1. When a teacher suspends a student for any of the reasons above, the teacher shall immediately report the suspension to the Principal/Designee for appropriate action.
2. As soon as possible, the teacher shall ask the student's parent/guardian to attend a parent/teacher conference regarding the suspension. A counselor should attend the conference if it is practicable, and a school administrator may attend if either the parent/guardian or teacher so requests.
3. A suspended student shall not be returned to class during the period of suspension without the approval of the teacher of the class and the Principal/Designee.

Principal/Designee Suspension of a Student

The Principal/Designee may suspend and/or place a student on probation for any of the reasons contained in Education Code Sections 48900 and/or 48915. Except for teacher suspensions from class, students in Kindergarten through grade eight may not be suspended for disruption or defiance under Section 48900(k). A suspension may not exceed five (5) consecutive school days per offense.

1. Suspension shall be preceded by an informal conference between the student, a certificated school employee and whenever practicable, the teacher or supervisor who referred the student to the Principal/Designee. At the conference the student shall be informed of the reason(s) for the disciplinary action 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. The conference may be omitted if the Principal/Designee determines that an emergency exists, in that there is a clear and present danger to the lives, safety or health of students or school personnel. If the pre-suspension conference is not held, then a meeting shall be held as soon as practicable, but not later than two (2) school days from the day the suspension is ordered unless the student is physically unable to attend due to hospitalization, incarceration, etc., in which case the conference will be held as soon as the student is physically able to return to school unless the student waives the right to the conference.

2. At the time of suspension, a school employee shall make a reasonable effort to contact the student's parent/guardian in person or by telephone. A school employee shall also report the suspension of the student to the Director of Student Services.

3. A notice of the suspension shall be mailed by a school employee to the parent/ guardian in the primary language of the parent/guardian; if practicable, containing each of the following:
    a. A statement of the facts leading to the decision to suspend.
    b. The day and time the student will be allowed to return to school.
    c. A statement of the parent's or the student's right to have access to the student's record,
    d. A request that the parent/guardian attend a conference with school officials regarding the student's behavior, including notice that State law requires parents or guardians to respond to such request without delay.

4. While parents or guardians are required to respond without delay to a request for a conference regarding their child's behavior, no penalties may be imposed on the student for the failure of the parent/ guardian

to attend such conference. In addition, the student's re-admission shall not be contingent on the attendance of the parents or guardian at such conference.

5. The pupil is in the complete custody and jurisdiction of his/her parents or legal guardian during the entire period of suspension.

6. The pupil is not to loiter on or near any school grounds at any time, or attend any school activities, no matter where such activities may be taking place.

7. The teacher of any class from which a student is suspended may require the suspended student to complete any assignments and tests missed during the suspension. In addition, teachers must provide work to any student who has been suspended for two or more school days upon the request from the student, parent, or legal guardian. Work must be returned to the teacher by the student either upon the students return to school or within the time frame originally prescribed by the teacher, whichever is later. (Education Code 48913.)

8. Completion of Assignments: The teacher of any class from which a pupil is suspended may require the suspended pupil to complete any assignments and tests missed during the suspension (Education Code 48913).

In-House Intervention

A pupil suspended from a school for any of the reasons enumerated in Sections 48900 and 48900.2 may be assigned, by the principal or the principal's designee, to a supervised suspension classroom for the entire period of suspension if the pupil poses no imminent danger or threat to the campus, pupils, or staff, or if an action to expel the pupil has not been initiated. Teachers shall provide all assignments and tests that the pupil will miss while serving in our In-House Intervention (Education Code 48911.1).

Appealing a Suspension and/or Other Disciplinary Action

The student or the student's parent/guardian may appeal the suspension and/or conditions of probation imposed by the Assistant Principal to the Principal of the school. This appeal must occur within ten school days of the incident. If the appeal is not resolved at the school site by the Principal, then the student or the student's parent/guardian may appeal the suspension and/or conditions of probation to the Superintendent or the Superintendent's designee. A meeting, if requested, must be held within three (3) school days of the time that the Superintendent or the Superintendent's designee receives the request for an appeal.

The District has established the following procedures for appealing a suspension taken by the school:

1. The student or student's parent/guardian may appeal a suspension. The appeal shall be filed within ten (10) school days of the time that the suspension and/or other disciplinary action took place. A meeting, if requested, must be held within three (3) school days of the time that the Principal received the request for the appeal. The Principal shall decide regarding the appeal within two (2) school days.

2. If the appeal is not resolved at the school site by the Principal, then the student or the student's parent/guardian may appeal the suspension to the Superintendent or the Superintendent's designee. The appeal shall be filed within ten (10) school days of the time that the Principal renders his/her decision. A

meeting, if requested, must be held within three (3) school days of the receipt of the Superintendent or the Superintendent's designee. The procedure shall be as follows:

a. The Superintendent or Superintendent's designee shall determine if there was enough evidence to find that the alleged violation occurred, and whether the penalty was appropriate for the violation.
b. The student may designate a representative to be present with him/her at the meeting, but the representative shall not serve as legal counsel unless the district has a legal counsel present to represent the school district.
c. At the meeting the Superintendent or Superintendent's designee shall review all written documents in the case; and the student's parents or guardian and/or representative address the Superintendent or Superintendent's designee on the evidence or the appropriateness of the penalty.
d. The Superintendent or Superintendent's designee shall decide within five (5) school days. If the Superintendent or Superintendent's designee determines that no violation occurred, all record and documentation regarding the disciplinary proceedings and suspension shall be immediately destroyed and no information regarding the meeting shall be placed in the student's permanent record file. If the Superintendent or Superintendent's designee determines that the penalty imposed was inappropriate for the violation, all records and documentation concerning the suspension and/or other disciplinary action shall be revised to indicate only the facts leading to the penalty imposed by the Superintendent or the Superintendent's designee.

Social Probation

A student will be placed on social probation for dances after a one to five-day suspension. The social probation will prohibit the student from attending any dance that falls within three (3) weeks of the suspension. After a student has three suspensions or a total of seven days of suspension, the student will be excluded from all dances, athletic teams, and athletic team events for the remainder of the school year. Students may be excluded from assemblies and field trips if their presence would be disruptive. If social probation occurs during the last weeks of school for an eighth grader, it will include restriction from all activities except those which fall under the Promotion Behavior Standards. Certain severe violations of the school discipline policy will also result in social probation

Expulsion from Tracy Unified School District

The governing board may expel students for any of the reasons contained in Education Code 48900, except for Section 48900(k) and/or Section 48915. Such action, except for single acts of a serious nature, is usually reserved for application where there is a history of misconduct and where other forms of discipline, including suspension, have failed.

The Principal is <u>required</u> to recommend expulsion for more serious acts listed in Education Code 48915 (c) as follows:
The principal or superintendent of schools shall immediately suspend, pursuant to Section 48911, and shall recommend expulsion of a pupil that he or she determines has committed any of the following acts at school or at a school activity off school grounds:

(1) Possessing, selling, or otherwise furnishing a firearm. This subdivision does not apply to an act of possessing a firearm if the pupil had obtained prior written permission to possess the firearm from a

certificated school employee, which is concurred in by the principal or the designee of the principal. This subdivision applies to an act of possessing a firearm only if the possession is verified by an employee of a school district. The act of possessing an imitation firearm, as defined in subdivision (m) of Section 48900, is not an offense for which suspension or expulsion is mandatory pursuant to this subdivision and subdivision (d), but it is an offense for which suspension, or expulsion pursuant to subdivision (e), may be imposed.

(2) Brandishing a knife at another person.

(3) Unlawfully selling a controlled substance listed in Chapter 2 (commencing with Section 11053) of Division 10 of the Health and Safety Code.

(4) Committing or attempting to commit a sexual assault as defined in subdivision (n) of Section 48900 or committing a sexual battery as defined in subdivision (n) of Section 48900.

(5) Possession of an explosive.

The Principal is also required to recommend expulsion for the following serious acts listed in Education Code 48915(a), unless he/she determines that, under the circumstances, the student should not be expelled or that an alternative means of correction would address the conduct:

(a) (1) Except as provided in subdivisions (c) and (e), the principal or the superintendent of schools shall recommend the expulsion of a pupil for any of the following acts committed at school or at a school activity off school grounds, unless the principal or superintendent determines that expulsion should not be recommended under the circumstances or that an alternative means of correction would address the conduct:

(A) Causing serious physical injury to another person, except in self-defense.

(B) Possession of any knife or other dangerous object of no reasonable use to the pupil.

(C) Unlawful possession of any controlled substance listed in Chapter 2 (commencing with Section 11053) of Division 10 of the Health and Safety Code, except for either of the following:

(i) The first offense for the possession of not more than one avoirdupois ounce of marijuana, other than concentrated cannabis.
(ii) The possession of over-the-counter medication for use by the pupil for medical purposes or medication prescribed for the pupil by a physician.

(D) Robbery or extortion.

(E) Assault or battery, as defined in Sections 240 and 242 of the Penal Code, upon any school employee.

(2) If the principal or the superintendent of schools decides as described in paragraph (1), he or she is encouraged to do so as quickly as possible to ensure that the pupil does not lose instructional time.

The Principal may recommend expulsion for violation of all other acts listed in Education Code Section 48900 and 48900.2, 48900.3, or 48900.4 based on the required additional findings as set forth in Education Code 48915(b) and (e) as follows:

(b) Upon recommendation by the principal or the superintendent of schools, or by a hearing officer or administrative panel appointed pursuant to subdivision (d) of Section 48918, the governing board of a school district may order a pupil expelled upon finding that the pupil committed an act listed in paragraph (1) of subdivision (a) or in subdivision (a), (b), (c), (d), or (e) of Section 48900. A decision to expel a pupil for any of those acts shall be based on a finding of one or both of the following:

(A) Other means of correction are not feasible or have repeatedly failed to bring about proper conduct.
(B) Due to the nature of the act, the presence of the pupil causes a continuing danger to the physical safety of the pupil or others.

(e) Upon recommendation by the principal or the superintendent of schools, or by a hearing officer or administrative panel appointed pursuant to subdivision (d) of Section 48918, the governing board of a school district may order a pupil expelled upon finding that the pupil, at school or at a school activity off of school grounds violated subdivision (f), (g), (h), (i), (j), (k), (l), or (m) of Section 48900, or Section 48900.2, 48900.3, or 48900.4, and either of the following:

(1) That other means of correction are not feasible or have repeatedly failed to bring about proper conduct.

(2) That due to the nature of the violation, the presence of the pupil causes a continuing danger to the physical safety of the pupil or others.

Section 48900 (k) may not constitute grounds for recommending the expulsion of students in Kindergarten through grade 12.

District Disciplinary Review Board (DRB)

Rather than conducting an expulsion hearing itself, the governing board may appoint an impartial hearing panel composed of three (3) or more certificated personnel of the district, none of whom shall be on the staff of the school in which the student is enrolled. Tracy Unified School District has elected to establish the District Disciplinary Review Board to serve as a hearing panel on expulsion referrals and to serve as a review board on requests for reinstatement.

Procedures for Expulsion

Expulsion Recommendation by Principal/Assistant Principal:

When the principal or the assistant principal determines that a student should be recommended for expulsion, the student will be suspended utilizing the regular suspension procedures. The principal or the assistant principal will then prepare a report of the case to include:

a. The student's academic/attendance records;
b. A chronological account of the development of the case and a statement of the conduct which

led to the decision to recommend expulsion;

c. A description of actions taken by the school to correct the student's previous misbehavior when the expulsion recommendation is based on violation of subdivision (f), (g), (h), or (k) of Section 48900;
d. Any record of contacts with other agencies and the results of such contacts.

Pre-Expulsion Meeting

The student and the student's parent or guardian will be given an opportunity to meet with the superintendent or the superintendent's designee prior to the expulsion hearing to discuss the facts and charges upon which the recommended expulsion is based and review required expulsion procedures and due process regulations.

The superintendent or the superintendent's designee may also extend the suspension until the governing board has made a decision regarding the recommended expulsion if he/she determines that the presence of the student at school would cause a danger to persons or property or a threat of disrupting the instructional process.

Written Notice of Hearing

The student and the student's parent or guardian shall be entitled to a hearing before the District Disciplinary Review Board to determine whether the student should be expelled.

Written notice of the hearing shall be forwarded by certified mail to the student at least ten (10) calendar days prior to the date of the hearing. The notice shall include:

1. The date, time and place of the hearing;
2. A statement of the specific facts and charges upon which the proposed expulsion is based;
3. A copy of the disciplinary rules of the district and Student Conduct Code which relate to the alleged violation;
4. The opportunity of the student or the student's parent or guardian to;
    a) Appear in person or to employ and be represented by counsel,
    b) Inspect and obtain copies of all documents to be used at the hearing,
    c) Confront and question all witnesses who testify at the hearing, and
    d) Question all evidence presented, and present oral and documentary evidence on the student's behalf, including witnesses.

Decision to Expel

If the District Disciplinary Review Board decides not to recommend expulsion, the expulsion proceedings shall be terminated, and the student shall be immediately permitted to return to school. The decision not to recommend expulsion shall be final.

If the District Disciplinary Review Board recommends expulsion, findings of fact in support of the recommendation shall be prepared and submitted to the governing board. If the governing board accepts the recommendation for expulsion, acceptance shall be based either upon a review of the findings of facts and recommendations, or upon the results of any supplementary hearing that the governing board may order. The decision of the governing board to expel a student shall be based upon substantial evidence relevant to the charges given at the expulsion hearing or hearings. The final action to expel a student shall be taken only by the governing board in a public session.

Appealing an Expulsion Action

If a student is expelled from school, the student or the student's parent or guardian may file an appeal with the County Board of Education within thirty (30) days of the board's decision to expel.

HEALTH AND SAFETY

HEALTH

Health Examinations (BP 5141.3)

To determine the health status of students, facilitate the removal of handicaps to learning, and determine whether special adaptations of the school program may be necessary, the District requires that periodic examinations be conducted which include tests for vision, and hearing. All personnel employed to examine students shall exercise proper care of each student being examined and shall ensure that the examination results are kept confidential.

The principal of each school shall notify parents/guardians of the rights of students and parents/guardians relating to health examination.

A parent/guardian may annually file a statement with the principal withholding consent to any physical examination of his/her child. The child shall be exempt but shall be subject to exclusion due to a suspected contagious or infectious disease.

Vision and Hearing

Students must have their vision and hearing tested by qualified personnel authorized by the district upon first enrollment in elementary school. Further examination will take place every three years until the student has completed 8th grade (screenings will be done in grades K, 2, 5 & 8.)

The results of the vision and hearing exam will be entered into the student's health record. All students shall be tested for visual acuity and hearing. Color vision will be tested once and only in male students. External observations of the student's eyes, visual performance and perception will l be done by the school nurse and the classroom teacher.

Visual and hearing defects will be reported to the parent/guardian with a request that remedial action be taken to correct or cure the defect. The written report will not include a referral to any private practitioner. The student may be referred to a public clinic, or diagnostic and treatment center operated by a public hospital or by the state, or county department of public health.

Interscholastic Athletic Competition

(BP 6145.2)

All students who participate as cheerleaders, song leaders, or athletes in interscholastic sports are required to file a current medical examination. Compliance with the medical examination requirement is not necessary for participants in a play day or a field day activity occurring occasionally during a school year in which students of one or more grade levels from two or more schools in the district participate in athletic contests.

If a student sustains an injury or serious illness, the student may be required by school personnel to have another examination prior to further interscholastic competition.

A student who has been excused from the physical education program because of a medical reason may not participate in any interscholastic athletic competition.

All students engaging in interscholastic athletic competition are required to meet accident insurance requirements prescribed by law.

Child Health and Disability Prevention Program

When parents/guardians enroll their children in kindergarten, the district shall inform them about their obligation to obtain or waive a health screening for their children before they enter first grade. The district shall also inform them about the availability of free health screening for low-income children, as provided under the Child Health and Disability Prevention Program, and about the evaluation services and other benefits provided under Division 106, Part 2, Chapter 3, Article 6 of the Health and Safety Code. The district encourages parents/guardians to arrange for their children to obtain their health screening prior to or during their kindergarten year.

Oral Health Assessment for Grades K-1

California Law requires students to have had an oral health assessment (dental check-up) in either Kindergarten or first grade, whichever is his/her first year in public school. Assessments within the 12 months before a child enters school will meet this requirement. The assessment must be done by a licensed dentist or other licensed or registered dental health professional. (Education Code 49452.8)

Immunizations

All students registering for Kindergarten must have up to date immunization records. Students enrolling for the first time in a district elementary or secondary school, preschool, or childcare program must present an immunization record from any authorized private or public health care provider certifying that he/she has received all required immunizations in accordance with law. Upon registration, parents/guardians are provided a written notification summarizing the state immunization requirements. Students shall be excluded from school or exempted from immunization requirements only as allowed by law.

Effective July 1, 2019, California state regulations immunization requirements for students entering TK/Kinder, 7th grade advancement and TKJ/Kinder-12th grade new admission or transfers in public and private schools. Starting in the 2019-2020 school year, the regulations require, but are not limited to:

- Two (rather than 1) doses of chickenpox (varicella) vaccine at TK/Kinder entry, 7th grade advancement and TK/Kinder through 12th grade new admissions or transfers
- Two MMR doses and 3 Hepatitis B vaccine doses at admission or transfer throughout TK/K-12 (age restrictions are removed)
- Medical exemptions for new admissions may be signed only by a California-licensed medical doctor (MD) or Doctor of Osteopathic Medicine (DO)
- Temporary medical exemptions may be issued for no more than 12 months.

For questions, please call your primary care physician today or the San Joaquin County Public Health Services Immunization Program at (209) 468-3481.

Immunization for Pertussis

All students entering 7th through12th grades in the coming school year must have proof of a Tdap booster shot. Documentation must state the shot was given on or after their 7th birthday.

Schools will turn away students who do not have up to date pertussis immunizations.

All students entering 7th grade in the coming school year must have proof of a Tdap booster shot.

Documentation must state the shot was given on or after their 7th birthday. **This means that ALL current 6th graders must get up to date before entering 7th grade.**

Remember to ask your physician about other vaccines your child may need and bring your child's yellow immunization card to the visit. Please return a copy of ALL up to date immunizations to your child's school.

For questions, please call your primary physician today or call the San Joaquin County Public Health Services Immunization Program at (209) 468-3481.

No students will be allowed to attend school, without up to date immunizations. Regional Immunization Data Exchange (RIDE)

The District is an authorized user of RIDE. RIDE is a computer-based program that helps the District to keep track of your child's shots and contacts you when shots are due.

The information in RIDE is confidential. Your information will only be shared with authorized users such as (a) Doctor, clinic, or hospitals (b) School or Day Care centers (c) WIC (d) Health Care Plans (e) California Department of Public Health Immunization Branch.

As the parent/legal guardian of your child, you do have the right to refuse to participate in this program. For more information, please call your healthcare provider.

RIDE Immunization Registry is a program of San Joaquin County Public Health Services at (209) 468-2292 or www.izride.com

Administration of Medications

(BP/AR 5141.21)

Any student who is required to take medication (prescribed or non-prescribed) during the school day may be assisted by the school nurse or other designated school personnel if the district receives a written statement from the student's doctor detailing the method, amount and time schedules by which such medication is to be taken, and a written statement of your desire that your child be so assisted by school personnel on the approved district form available in doctors' offices and at the school sites. (BP/AR 5141.21)

Epilepsy Medication

A parent or guardian of a pupil with epilepsy who has been prescribed an emergency antiseizure medication by the pupil's health care provider may request the pupil's school to have one or more of its employees receive voluntary training, as specified, in order to administer the antiseizure medication, as defined, in the event that the pupil suffers a seizure when a nurse is not available.

Anaphylaxis Treatment

California Education Code 49414 authorizes school districts to provide epinephrine auto-injectors (epi-pens)

trained personnel to provide emergency medical aid to persons suffering from an anaphylactic reaction. Anaphylaxis is a rapid, severe allergic response triggered by insect stings, foods, medications, latex materials, exercise, or, in rare cases, by unknown causes. This is a life-threatening allergic condition requiring immediate treatment. Administering an epinephrine to students during a medical emergency may help to ensure the student's health and safety at school. Therefore, Tracy Unified School District has adopted AR 5141.21 and BP
5141.21 for standing orders to provide life-saving epinephrine to students who need such treatment effective January 1, 2015.

AR 5141.21 and BP 5141.21 state that a credentialed, licensed school nurse (District Nurse), licensed nurse (LVN), or trained, unlicensed school staff under direct supervision of the credentialed school nurse may administer epinephrine in the form of an epi-pen during a severe, life-threatening allergic reaction. The epi-pen rapidly delivers a pre-measured, sterile, single dose of epinephrine by direct injection through the skin.

Medical Care Consent for Minors

A minor who is 12 years of age or older and who may have come into contact with an infectious, contagious, or communicable disease may consent to medical care related to the diagnosis or treatment, if the disease or condition is one that is required by law or regulation adopted pursuant to law to be reported to the local health officer, or is a related sexually transmitted disease, as may be determined by the State Public Health Officer.

A minor who is 12 years or older may consent to medical care related to the prevention of a sexually transmitted disease. The minor's parents or guardian are not liable for payment for medical care provided pursuant. (Family Code Section 6926)

The District provides the following information for parents/guardians of incoming seventh grade students. (Education Code 49452.7)

The California Department of Education developed this type 2 diabetes information in collaboration with the California Department of Public Health, American Diabetes Association, California School Nurses Organization, and Children's Hospital of Orange County. Also see available translations of this information.

<u>Type 2 diabetes is the most common form of diabetes in adults.</u>

Until a few years ago, type 2 diabetes was rare in children, but it is becoming more common, especially for overweight teens.

According to the U.S. Centers for Disease Control and Prevention (CDC), one in three American children born after 2000 will develop type 2 diabetes in their lifetime.

<u>Type 2 diabetes affects the way the body can use sugar (glucose) for energy</u>**.**

The body turns the carbohydrates in food into glucose, the basic fuel for the body's cells. The pancreas makes insulin, a hormone that moves glucose from the blood to the cells. In type 2 diabetes, the body's cells resist the effects of insulin, and blood glucose levels rise. Over time, glucose reaches dangerously high levels in the blood, which is called hyperglycemia. Hyperglycemia can lead to health problems like heart disease,

blindness, and kidney failure.

Risk Factors Associated with Type 2 Diabetes

It is recommended that students displaying or possibly experiencing the risk factors and warning signs associated with type 2 diabetes be screened (tested) for the disease.

Risk Factors

Researchers do not completely understand why some people develop type 2 diabetes and others do not; however, the following risk factors are associated with an increased risk of type 2 diabetes in children:

Being overweight. The single greatest risk factor for type 2 diabetes in children is excess weight. In the U.S., almost one out of every five children are overweight. The chances are more than double that an overweight child will develop diabetes.

Family history of diabetes. Many affected children and youth have at least one parent with diabetes or have a significant family history of the disease.

Inactivity. Being inactive further reduces the body's ability to respond to insulin.

Specific racial/ethnic groups. Native Americans, African Americans, Hispanics/Latinos, or Asian/Pacific Islanders are more prone than other ethnic groups to develop type 2 diabetes.

Puberty. Young people in puberty are more likely to develop Type 2 diabetes than younger children; this is probably because of the normal rises in hormone levels that can cause insulin resistance during this stage of rapid growth and development.

Warning Signs and Symptoms

Warning signs and symptoms of type 2 diabetes in children develop slowly, and initially there may be no symptoms. However, not everyone with insulin resistance of type 2 diabetes develops these warning signs, and not everyone who has these symptoms necessarily has type 2 diabetes.

- Increased hunger, even after eating
  Unexplained weight loss
- Increased thirst, dry mouth, and frequent urination
  Feeling very tired
- Blurred vision
- Slow healing of sores or cuts
- Dark velvety or rigid patches of skin, especially on the back of the neck or under the arms
  Irregular periods, no periods, and/or excess facial and body hair growth in girls
- High blood pressure or abnormal blood fat level

Type 2 Diabetes Prevention Methods and Treatments

Healthy lifestyle choices can help prevent and treat type 2 diabetes. Even with a family history of diabetes, eating healthy foods in the correct amounts and exercising regularly can help children achieve or maintain a normal weight and normal blood glucose levels.

Eat healthy foods. Make wise food choices. Eat foods low in fat and calories.
Get more physical activity. Increase physical activity to at least 60 minutes every day.
Take medication. If diet and exercise are not enough to control the disease, it may be necessary to treat type 2 diabetes with medication.

The first step in treating type 2 diabetes is to visit a doctor. A doctor can determine if a child is overweight based on the child's age, weight, and height. A doctor can also request tests of a child's blood glucose to see if the child has diabetes or pre-diabetes (condition which may lead to type 2 diabetes).

Types of Diabetes Screening Tests That Are Available

Glycated hemoglobin (A1C) test. A blood test measures the average blood sugar level over two to three months. An A1C level of 6.5 percent or higher on two separate tests indicates diabetes.
Random (non-fasting) blood sugar test. A blood sample is taken at a random time. A random blood sugar level of 200 milligrams per deciliter (mg/dL) or higher suggests diabetes. This test must be confirmed with a fasting blood glucose test.

Fasting blood sugar test. A blood sample is taken after an overnight fast. A fasting blood sugar level less than 100 mg/dL is normal. A level of 100 to 125 mg/dL is considered pre-diabetes. A level of 126 mg/dL or higher on two separate tests indicates diabetes.

Oral glucose tolerance test. A test measuring the fasting blood sugar level after an overnight fast with periodic testing for the next several hours after drinking a sugary liquid. A reading of more than 200 mg/dL after two hours indicates diabetes.

Type 2 diabetes in children is a preventable/treatable disease and the guidance provided in this information sheet is intended to raise awareness about this disease. Contact your student's school nurse, school administrator, or health care provider if you have questions.

Head Injury/Concussion/Cardiac Arrest
(BP/AR 6145.2)

District middle schools offer athletic programs that are not part of a physical education course and is held beyond the regular school day.

An athlete who is suspected of sustaining a concussion or head injury in an athletic activity shall be immediately removed from the activity for the remainder of the day, and shall not be permitted to return to the activity until he or she is evaluated by a licensed health care provider, trained in the management of concussions, acting within the scope of his or her practice. The athlete shall not be permitted to return to the activity until he or she receives written clearance to return to the activity from that licensed health care provider. (Education Code 49475)

On a yearly basis, a concussion and head injury information sheet shall be signed and returned by the athlete and the athlete's parent or guardian before the athlete's initiating practice or competition.

The district will also distribute the California Interscholastic Federation (CIF) information sheet on sudden cardiac arrest to all student athletes who will be participating in a CIF-governed athletic activity and to their parents/guardians. The student and parent/guardian shall sign and return the information sheet prior to the student's participation in the athletic activity. If an athletic activity is not covered by the CIF, the student and his/her parent/guardian shall, prior to participating in the athletic activity, sign and return an acknowledgement that they have received and reviewed the sudden cardiac arrest information posted on the California Department of Education's web site. (Education Code 33479.2, 33479.3)

California Healthy Kids Survey

The District will administer the California Healthy Kids Survey bi-annually to students in grades 5, 7, 9 and 11. In accordance with California Education Code 51937-51938, students in grade 5 must have an active parental consent in order to participate. For grades 7, 9, 11 and other secondary grade levels, the survey must be administered using a passive consent. The California Healthy Kids Survey is sponsored by the California Department of Education this school year. The anonymous survey will help promote better health and well-being among our youth, improve the school learning environment and combat problems such as drug abuse and violence by gathering information. Your adolescent does not have to take the survey as it is completely voluntary. If you do not want your adolescent to complete the survey, you must notify your adolescent's school in writing excusing them from the survey/evaluation.

Suicide Awareness, Prevention & Intervention

(BP/AR 5141.52)

Pursuant to AB 2246 and Board Policy 5142.52 AR & 5142.52 BP Suicide Prevention, Tracy Unified School District will be providing Suicide Prevention Awareness instruction to students in grades 8 and 10 during the National Suicide Awareness week. This is a voluntary lesson and parents/guardians can opt out their child, by providing a written note to their child's school front office. The instructions to opt out of the suicide prevention training may be found on all school site and District websites.

Sexual Health and HIV Prevention Instruction

(BP/AR 6142.1)

In accordance with AB 329 and the California Healthy Youth Act of 2016, the Tracy Unified School District will be providing Sexual Health and HIV Prevention instruction to students in grades 7 and 9. This is a voluntary curriculum and parents/guardians may opt-out their child, by providing a written note to their child's school front office. The instructions to opt out of the sexual health and HIV curriculum may be found on all school site and District websites.

SAFETY PLAN AND EMERGENCY PROCEDURE

Every precaution is taken to ensure the safety of all TUSD students during normal school hours. Throughout the year, emergency drills take place. In the event of an emergency, students will be released from the school ONLY to an adult whose name is on the emergency contacts. Please refer to your Aeries data confirmation page to update your emergency contacts.

CONTRACTS

AGREEMENTS

Tracy Unified School District

MIDDLE SCHOOL FIGHT CONTRACT

Student's Name _____ DOB _____

School: _____ Grade _____ SASI ID# _____ Parent's Primary Language _____

The student named on this Fight Contract recently engaged in a fight with another student while under the school's jurisdiction. The action of fighting is a violation of Education Code 48900 (a)(1) and/or (a)(2) and the Middle Schools' Student Conduct Code.

These rules regarding student conduct state:

When a student has been involved in one fight in any year of his/her Middle school career, the administration shall initiate significant interventions by REQUIRING parent and student to attend a meeting at school to review and sign a Fight Contract and a refer the student to conflict management and /or a school counselor upon student's return to school from suspension. Additionally, a student suspended for fighting shall be placed on social probation for 15 school days.

Students, who are involved in three (3) fights in any academic year of Middle School and for whom a Fight Contract has been executed, shall be recommended for expulsion unless the principal finds that expulsion is inappropriate due to the particular circumstances.

As the student named on this Fight Contract, I have been informed by the school's administration:

- **That fighting is prohibited while on school grounds; while going to or coming from school; during the lunch period whether on or off the campus; and during, or while going to or coming from, a school-sponsored activity.**
- **That there are decisions I can make to avoid fighting, including, but not limited to, refusing to engage in verbal or non-verbal conduct that may lead to fighting; walking away from a situation; going to an administrator, counselor, or other school official for assistance; refusing to go to a fight/conflict and refusing to associated with students who engage in verbally or physically aggressive behavior toward others.**
- **That if I am involved in another fight this school year, I will be recommended for expulsion.**

Student's Signature _____ Date _____

As the parent/guardian of the student named on this Fight Contract, I have been informed by the school's administration that my child will be recommended for expulsion if he/she is involved in another fight this school year. I also agree to discuss with my child the importance of following all school rules and treating others with respect.

Parent's Signature _____ Date _____

As a District interpreter, I explained this Fight Contract to the parent in his/her primary language.

District/Site interpreter's Signature _____ Date _____

As the Administrator implementing this Fight Contract, I have reviewed its contents with this student and his/her parent/guardian.

Administrator's Signature _____ Date _____

Note: Parent refused to sign this contract._____ /_____

Administrator's Signature Witness

Note: Student refused to sign this contract. _____ /_____

Administrator's Signature Witness

THIS CONTRACT IS IN EFFECT REGARDLESS OF THE PARENT OR STUDENT REFUSING TO SIGN.

TRACY UNIFIED SCHOOL DISTRICT ACCEPTABLE

NETWORK AND COMPUTER RELATED RESOURCES USE AGREEMENT (AUA)

(BP/AR 4040 and BP/AR 6163.4)

In exchange for the use of the Tracy Unified School District ("district") district technology, including, computer systems, and data communication networks, either locally attached or through remote connection on or near school property, in school vehicles and buses, and at school-sponsored activities, the following Acceptable Use Agreement will apply. This is a legally binding agreement when signed. **Please read this document carefully**.

Each student who is authorized to use district technology and his/her parent/guardian shall sign this Acceptable Use Agreement as an indication that they have read and understand the agreement. The guardian/parent must sign when the user is under 18 years of age. The district authorizes students to use technology owned or otherwise provided by the district as necessary for instructional purposes. The use of district technology is a privilege permitted at the district's discretion and is subject to the conditions and restrictions set forth in applicable district Board policies, administrative regulations, and this Acceptable Use Agreement. The district reserves the right to suspend access at any time, without notice, for any reason. The district expects all students to use district technology responsibly and appropriately consistent with district Board policies and regulations, California Education Code, and other local, state and federal laws and regulations governing the applicable matter in order to avoid potential problems and liability.

Definitions

District technology includes, but is not limited to, computers, the district's computer network including servers and wireless computer networking technology (wi-fi), the Internet, email, USB drives, wireless access points (routers), tablet computers, smartphones and smart devices, telephones, cellular telephones, personal digital assistants, pagers, MP3 players, wearable technology, 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.

Student Obligations and Responsibilities

The district's network/computer system ("district system") is shared and available to all registered users. The district system may not be used in a way as to disrupt or interfere with its use by others.

Students are expected to use district technology safely, responsibly, and for educational purposes only. Student users will ONLY use authorized accounts they have been personally issued. The student in whose name district technology is issued is responsible for its proper use at all times. All student users must keep their account passwords confidential. Students shall not share their assigned online services account information, passwords, or other information used for identification and authorization purposes, and shall use the system only under the account to which they have been assigned.

Students are prohibited from using district technology for improper purposes, including, but not limited to,

use of district technology to:

1. Access, post, submit, publish, display, or otherwise use harmful or inappropriate material that is discriminatory, libelous, defamatory, obscene, sexually explicit, disruptive, harassing, or that could be construed as harassment or disparagement of others based on their race/ethnicity, national origin, sex, gender, gender identify, gender expression, sexual orientation, age, disability, religion, or political beliefs.

2. Bully/cyberbully, harass, intimidate, or threaten other students, staff, or other individuals.

3. Disclose, use, or disseminate personal identification information (such as name, address, telephone number, Social Security number, or other personal information) of yourself, or another student, staff member, or other person with the intent to threaten, intimidate, harass, or ridicule that person.

4. Infringe on copyright, license, trademark, patent, or other intellectual property rights.

5. Intentionally disrupt or harm district technology or other district operations (such as destroying district equipment, placing a virus on district computers, adding or removing a computer program without permission from the teacher or other district personnel, changing settings on shared computers).

6. "Hack" into the district system to manipulate data of the district or other users.

7. Steal services, including connection of unauthorized network/computer equipment to the system.

8. Install non-approved software/programs, and/or the download and install software/programs on district computers and/or network communication systems.

9. Use district technology to communicate unlawful information or to transmit computer viruses.

10. Use of the district system for anonymous access or communication of information.

11. To send “junk”, “mass”, or “spam” email.

12. Engage in other conduct deemed objectionable by the Tracy Unified School District.

13. Engage in or promote any practice that is unethical or violates any classroom rules, school conduct code, or any law or Board policy, administrative regulation, or district practice, including any communication advocating, encouraging or supporting illegal activities.

14. Access, delete, move, or alter anyone else’s files and/or data.

15. Communicate using inappropriate language, including swearing and use of vulgarities.

Privacy

Since the use of district technology is intended for educational purposes, students shall not have any expectation of privacy in any use of district technology.
The district reserves the right to monitor and record all use of district technology, including, but not limited to, computer files, access to the Internet or social media, email, text messages, instant messaging, and other electronic communications sent or received from district technology, or through the use of district technology. 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 and emails) cannot be erased or deleted.
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.

Personally, Owned Devices

If a student uses a personally owned device to access district technology, he/she shall abide by all applicable Board policies, administrative regulations, and this Acceptable Use Agreement. Access to district technology from personal technology is limited to wireless access points on the school campuses. Access to the district technology from personal technology is not available via hardwire connections. The district assumes no liability for personally owned devices, including computers and smart phones, if such devices are damaged, lost, or stolen. The student and parent/guardian shall indemnify and hold the district harmless from any losses sustained as the result of use or misuse of the district's technology by the student, and/or the loss or damage of personally owned devices.

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 teacher or other district personnel.

Consequences for Violation

Violations of the law, district Board policies and regulations governing the use of district technology, or this Acceptable Use Agreement may result in revocation of a student's access to district technology and/or discipline, up to and including suspension or expulsion. In addition, violations of the law, Board policy/regulation, or this Acceptable Use Agreement may be reported to law enforcement agencies as appropriate.

TRACY UNIFIED SCHOOL DISTRICT ACCEPTABLE USE AGREEMENT (AUA)

NETWORK AND COMPUTER RELATED RESOURCES

(BP/AR 6163.4)

The Tracy Unified School District computer system is intended for the exclusive use of its registered users who are responsible for their password and their accounts. Any problems, which arise from the use of the account, are the responsibility of the account holder. Any misuse of the account or system will result in disciplinary action and/or the suspension or cancellation of privileges. Use of the account by someone other than the registered user will be grounds for cancellation and/or may result in disciplinary action. Students shall report any misuse of district technology to their teacher or principal.

The district shall not be held responsible for any damages suffered by the user of district technology, including those arising from non-deliveries, mis-deliveries, service interruptions, unauthorized use, loss of data and exposure to potentially harmful or inappropriate material sustained or incurred in connection with the use, operation, or inability to use district technology. The district specifically denies any responsibility for the accuracy or quality of information obtained electronically.

The following two sections are for students and their parents and REQUIRE SIGNATURES.

STUDENT AGREEMENT

I have received, read, understand, and agree to abide by this **ACCEPTABLE USE 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 accept responsibility for the appropriate use of district technology and further understand that any violation may result in loss of user privileges, disciplinary action, and/or appropriate legal action.

Student (PRINT NAME)	Student ID #	School Site	Signature	Date

If the student is under 18 years of age, a parent/guardian must also read and sign the Agreement.

PARENT/GUARDIAN AGREEMENT

As a parent/guardian of the above-named student, I have read, understand, and agree that my child shall comply with the terms of this **ACCEPTABLE USE 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 district/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.

Parent/Guardian (PRINT NAME)	Signature	Date

BOARD POLICIES AND ADMINISTRATIVE REGULATIONS

UNIFORM COMPLAINT PROCEDURES - BP 1312.3

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. Childcare 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 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. 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.

4. 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)

5. 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)

6. 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) 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)

Legal References:

State	Description
2 CCR 11023	Harassment and discrimination prevention and correction
5 CCR 15580-15584	Child nutrition programs complaint procedures
5 CCR 3200-3205	Special education compliance complaints
5 CCR 4600-4670	Uniform complaint procedures
5 CCR 4680-4687	Williams uniform complaint procedures
5 CCR 4690-4694	Complaints regarding health and safety issues in license-exempt preschool programs
5 CCR 4900-4965	Nondiscrimination in elementary and secondary educational programs receiving state or federal financial assistance
Ed. Code 200-262.4	Prohibition of discrimination
Ed. Code 18100-18203	School libraries
Ed. Code 32280-32289.5	School safety plans
Ed. Code 35186	Williams uniform complaint procedures
Ed. Code 46015	Parental leave for students
Ed. Code 48645.7	Juvenile court schools
Ed. Code 48853-48853.5	Foster youth
Ed. Code 48985	Notices to parents in language other than English
Ed. Code 49010-49014	Student fees
Ed. code 49060-49079	Student records
Ed. Code 49069.5	Records of foster youth
Ed. Code 49490-49590	Child nutrition programs
Ed. Code 49701	Interstate Compact on Educational Opportunity for Military Children
Ed. Code 51210	Course of study for grades 1-6
Ed. Code 51222	Physical education
Ed. Code 51223	Physical education, elementary schools
Ed. Code 51225.1-51225.2	Foster youth, homeless children, former juvenile court school students; course credits; graduation requirements
Ed. Code 51226-51226.1	Career technical education
Ed. Code 51228.1-51228.3	Course periods without educational content
Ed. Code 52059.5	Statewide system of support
Ed. Code 52060-52077	Local control and accountability plan
Ed. Code 52075	Complaint for lack of compliance with local control and accountability plan requirements
Ed. Code 52300-52462	Career technical education
Ed. Code 52500-52617	Adult schools
Ed. Code 54400-54425	Compensatory education programs
Ed. Code 54440-54445	Migrant education
Ed. Code 54460-54529	Compensatory education programs
Ed. Code 59000-59300	Special schools and centers
Ed. Code 64000-64001	Consolidated application process; school plan for student achievement
Ed. Code 65000-65001	School site councils
Ed. Code 8200-8488	Child care and development programs

Ed. Code 8500-8538	Adult basic education
Gov. Code 11135	Discrimination
Gov. Code 12900-12996	Fair Employment and Housing Act
H&S Code 1596.792	California Child Day Care Act; general provisions and definitions
H&S Code 1596.7925	California Child Day Care Act; health and safety regulations
Pen. Code 422.55	Definition of hate crime
Pen. Code 422.6	Crimes, harassment
Federal	**Description**
20 USC 1221	Application of laws
20 USC 1232g	Family Educational Rights and Privacy Act (FERPA) of 1974
20 USC 1681-1688	Discrimination based on sex or blindness, Title IX
20 USC 6301-6576	Title I Improving the Academic Achievement of the Disadvantaged
20 USC 6801-7014	Title III language instruction for limited English proficient and immigrant students
28 CFR 35.107	Nondiscrimination on basis of disability; complaints
29 USC 794	Rehabilitation Act of 1973, Section 504
34 CFR 100.3	Prohibition of discrimination on basis of race, color or national origin
34 CFR 104.7	Designation of responsible employee for Section 504
34 CFR 106.1-106.82	Nondiscrimination on the basis of sex in education programs
34 CFR 106.30	Discrimination on the basis of sex in education programs and activities; definitions
34 CFR 106.44	Recipient's response to sexual harassment
34 CFR 106.45	Grievance process for formal complaints of sexual harassment
34 CFR 106.8	Designation of responsible employee and adoption of grievance procedures
34 CFR 110.25	Notification of nondiscrimination on the basis of age
34 CFR 99.1-99.67	Family Educational Rights and Privacy
42 USC 11431-11435	McKinney-Vento Homeless Assistance Act
42 USC 12101-12213	Equal opportunity for individuals with disabilities
42 USC 2000d-2000e-17	Title VI and Title VII Civil Rights Act of 1964, as amended
42 USC 2000h-2-2000h-6	Title IX of the Civil Rights Act of 1964
42 USC 6101-6107	Age Discrimination Act of 1975
Management Resources	**Description**
California Department of Education Publication	Uniform Complaint Procedure 2021-22 Program Instrument
California Department of Education Publication	Sample UCP Board Policies and Procedures
U.S. DOE, Office for Civil Rights Publication	Part 1: Questions and Answers Regarding the Department's Title IX Regulations, January 2021
U.S. DOE, Office for Civil Rights Publication	Questions and Answers on the Title IX Regulations on Sexual Harassment, July 2021
U.S. DOE, Office for Civil Rights Publication	Dear Colleague Letter: Responding to Bullying of Students with Disabilities, October 2014
U.S. DOJ Publication	Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons, 2007
Website	Student Privacy Policy Office
Website	U.S. Department of Agriculture
Website	California Department of Social Services
Website	U.S. Department of Justice

Website	California Department of Education
Website	CSBA
Website	U.S. Department of Education, Office for Civil Rights
Website	California Department of Fair Employment and Housing

Policy Adopted: TUSD: 06.11.13
Revised: TUSD 09.12.17/ TUSD 06.26.18/ **TUSD 05. 24 .22**

UNIFORM COMPLAINT PROCEDURES - AR 1312.3

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.

(Complaints Concerning District Employees)
(Complaints Concerning Instructional Materials)
(Williams Uniform Complaint Procedures)
(Nondiscrimination in Employment)

Compliance Officers

The district designates the individual(s), position(s), or unit(s) identified below as responsible for receiving, coordinating, and investigating 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, harassment, intimidation, or bullying and in AR 5145.7 - Sexual Harassment for handling complaints regarding sexual harassment.

Director of Student Services and Curriculum (209) 830-3280
Or Director of Continuous Improvement, State & Federal Programs (209) 830-3210
Associate Superintendent for Education Services (209) 830-3202

1875 W. Lowell Avenue, Tracy, CA 95376

jnoll@tusd.net
mpetty@tusd.net
jstocking@tusd.net

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 another compliance officer is assigned to the complaint, if applicable.

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, 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, an appropriate administrator shall determine whether interim measures are necessary during an investigation and while the result is pending. 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 a list of all programs and activities that are subject to UCP as identified in the section "Complaints Subject to UCP" in the accompanying Board policy.

2. The title of the position responsible for processing complaints, the identity of the person(s) currently occupying that position if known, and a statement that such persons will be knowledgeable about the laws and programs that they are assigned to investigate

3. A statement that a UCP complaint, except a complaint alleging unlawful discrimination, harassment, intimidation, or bullying, must be filed no later than one year from the date the alleged violation occurred

4. A statement that a UCP complaint alleging unlawful discrimination, harassment, intimidation, or bullying must be filed no later than six months from the date of the alleged conduct or the date the complainant first obtained knowledge of the facts of the alleged conduct

5. 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

6. 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

7. A statement that the district will post a standardized notice of the educational and graduation requirements of foster youth, homeless students, children of military families, and former juvenile court school students now enrolled in the district, as specified in Education Code 48645.7, 48853, 48853.5, 49069.5, 51225.1, and 51225.2, and the complaint process

8. 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

9. A statement that, for programs within the scope of the UCP as specified in the accompanying Board policy, the complainant has a right to appeal the district's investigation report to the California Department of Education (CDE) by filing a written appeal, including a copy of the original complaint and the district's decision, within 30 calendar days of receiving the district's decision

10. 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 laws prohibiting discrimination, harassment, intimidation, or bullying, if applicable

11. 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 221.6 shall be posted on the district and district school web sites 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 UCP policy, regulation, forms, and notices 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. If a site administrator not designated as a compliance officer receives a complaint, the site administrator shall notify the compliance officer.

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 may be filed by any individual, public agency, or organization. (5 CCR 4600)
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.
3. A UCP complaint, except for a UCP complaint alleging unlawful discrimination, harassment, intimidation, or bullying, shall be filed no later than one year from the date the alleged violation occurred. For complaints related to the LCAP, the date of the alleged violation is the date when the County Superintendent of Schools approves the LCAP that was adopted by the Governing Board. (5 CCR 4630)
4. A complaint alleging unlawful discrimination, harassment, intimidation, or bullying may be filed only by a person who alleges having personally suffered unlawful discrimination, a person who believes that any specific class of individuals has been subjected to unlawful discrimination, or a duly authorized representative who alleges that an individual student has been subjected to discrimination, harassment, intimidation, or bullying. (5 CCR 4630)

5. A complaint alleging unlawful discrimination, harassment, intimidation, or bullying 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)

6. When a complaint alleging unlawful discrimination, 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.
7. When a complainant of unlawful discrimination, 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 to resolve the complaint. 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,

harassment, intimidation, or bullying, the compliance officer shall ensure that all parties agree to permit the mediator access to all 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 the parties of the status of the investigation.

To investigate a complaint alleging retaliation or unlawful discrimination, harassment, intimidation, or bullying, the compliance officer shall interview the alleged victim(s), any alleged offender(s), 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 any other obstruction of the investigation may result in the dismissal of the complaint because of a lack of evidence to support the allegation. Refusal by the district to provide the investigator with access to records and/or information related to the allegations in the complaint, failure or refusal to cooperate in the investigation, or 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)

Timeline for Investigation Report

Unless extended by written agreement with the complainant, the investigation report shall be sent to the

complainant within 60 calendar days of the district's receipt of the complaint.

Within 30 calendar days of receiving the complaint, the compliance officer shall prepare and send to the complainant a written report, as described in the section "Investigation Report" below. If the complainant is dissatisfied with the compliance officer's decision, the complainant may, within five business days, file the complaint in writing with the Board.

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

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

For any complaint alleging unlawful discrimination, harassment, intimidation, and bullying, the respondent shall be informed of any extension of the timeline agreed to by the complainant, and, in the same manner as the complainant, may file a complaint with the Board if dissatisfied with the decision.

Investigation Report
For all complaints, the district's investigation report shall include: (5 CCR 4631)

1. The findings of fact based on the evidence gathered

2. A conclusion providing a clear determination for each allegation as to whether the district is in compliance with the relevant law

3. Corrective action(s) whenever the district finds merit in the complaint, including, when required by law, a remedy to all affected students and parents/guardians and, for a student fees complaint, a remedy that complies with Education Code 49013 and 5 CCR 4600

4. Notice of the complainant's right to appeal the district's investigation report to CDE, except when the district has used the UCP to address a complaint not specified in 5 CCR 4610

5. Procedures to be followed for initiating an appeal to CDE

The investigation report 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 an investigation report may be communicated to a victim who is not the complainant and to other parties who may be involved in implementing the investigation report or are affected by the complaint, as long as the privacy of the parties is protected. In a complaint alleging unlawful discrimination, harassment, intimidation, and bullying, notice of the investigation report 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 (LEP) student or parent/guardian, then the district's

response, if requested by the complainant, and the investigation report shall be written in English and the primary language in which the complaint was filed.

For complaints alleging unlawful discrimination, harassment, intimidation, and bullying based on state law, the investigation report 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, but not limited to, injunctions, restraining orders or other remedies or orders, 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, 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 of retaliation or unlawful discrimination, harassment, intimidation, or bullying involving a student as the respondent, appropriate corrective actions that may be provided to the student include,

but are not limited to, the following:

1. Transfer from a class or school as permitted by law
2. Parent/guardian conference
3. Education regarding the impact of the conduct on others
4. Positive behavior support
5. Referral to a student success team
6. Denial of participation in extracurricular or cocurricular 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, 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, 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 law regarding student fees, deposits, and other charges, physical education instructional minutes, courses without educational content, 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, 51222, 51223, 51228.3, 52075)

For complaints alleging noncompliance with the law regarding student fees, the district, by engaging in reasonable efforts, shall attempt in good faith 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 investigation report on a complaint regarding any specified federal or state educational program subject to UCP may file an appeal in writing with CDE within 30 calendar days of receiving the district's investigation report. (5 CCR 4632)

The appeal shall be sent to CDE with a copy of the original locally filed complaint and a copy of the district's investigation report for that complaint. The complainant shall specify and explain the basis for the appeal, including at least one of the following: (5 CCR 4632)

1. The district failed to follow its complaint procedures.

2. Relative to the allegations of the complaint, the district's investigation report lacks material findings of fact necessary to reach a conclusion of law.

3. The material findings of fact in the district's investigation report are not supported by substantial evidence.

4. The legal conclusion in the district's investigation report is inconsistent with the law.

5. In a case in which the district found noncompliance, the corrective actions fail to provide a proper remedy.

Upon notification by CDE that the district's investigation report has been appealed, the Superintendent or designee shall forward the following documents to CDE within 10 days of the date of notification: (5 CCR 4633)

1. A copy of the original complaint

2. A copy of the district's investigation report

3. 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

4. A report of any action taken to resolve the complaint

5. A copy of the district's UCP

6. Other relevant information requested by CDE If notified by CDE that the district's investigation report failed to address allegation(s) raised by the complaint, the district shall, within 20 days of the notification, provide CDE and the appellant with an amended investigation report that addresses the allegation(s) that were not addressed in the original investigation report. The amended report shall also inform the appellant of the right to separately appeal the amended report with respect to the allegation(s) that were not addressed in the original report. (5 CCR 4632)

Health and Safety Complaints in License-Exempt Preschool Programs

Any complaint regarding health or safety issues in a license-exempt California State Preschool Program (CSPP) shall be addressed through the procedures described in 5 CCR 4690-4694.

In order to identify appropriate subjects of CSPP health and safety issues pursuant to Health and Safety Code 1596.7925, a notice shall be posted in each license-exempt CSPP classroom in the district notifying parents/guardians, students, and teachers of the health and safety requirements of Title 5 regulations that apply to CSPP programs pursuant to Health and Safety Code 1596.7925 and the location at which to obtain a form to file any complaint alleging noncompliance with those requirements. For this purpose, the Superintendent or designee may download and post a notice available from the CDE web

site. (Education Code 8212; 5 CCR 4691)

The district's annual UCP notification distributed pursuant to 5 CCR 4622 shall clearly indicate which of its CSPP programs are operating as exempt from licensing and which CSPP programs are operating pursuant to requirements under Title 22 of the Code of Regulations. (5 CCR 4691)

Any complaint regarding specified health or safety issues in a license exempt CSPP program shall be filed with the preschool program administrator or designee, and may be filed anonymously. The complaint form shall specify the location for filing the complaint, contain a space to indicate whether the complainant desires a response to the complaint, and allow a complainant to add as much text as desired to explain the complaint. (Education Code 8212; 5 CCR 4690)

If it is determined that the complaint is beyond the authority of the preschool program administrator, the matter shall be forwarded to the Superintendent or designee in a timely manner, not to exceed 10 working days, for resolution. The preschool administrator or the Superintendent or designee shall make all reasonable efforts to investigate any complaint within their authority. (Education Code 8212; 5 CCR 4692)

Investigation of a complaint regarding health or safety issues in a license-exempt CSPP program shall begin within 10 days of receipt of the complaint. (Education Code 8212; 5 CCR 4692)

The preschool administrator or designee shall remedy a valid complaint within a reasonable time period not to exceed 30 working days from the date the complaint was received. If the complainant has indicated on the complaint form a desire to receive a response to the complaint, the preschool administrator or Superintendent's designee shall, within 45 working days of the initial filing of the complaint, report the resolution of the complaint to the complainant and CDE's assigned field consultant. If the preschool administrator makes this report, the information shall be reported at the same time to the Superintendent or designee. (Education Code 8212; 5 CCR 4692)

If a complaint regarding health or safety issues in a license-exempt CSPP program involves an LEP student or parent/guardian, then the district's response, if requested by the complainant, and the investigation report shall be written in English and the primary language in which the complaint was filed.

If a complainant is not satisfied with the resolution of a complaint, the complainant has the right to describe the complaint to the Board at a regularly scheduled hearing and, within 30 days of the date of the written report, may file a written appeal of the district's decision to the Superintendent of Public Instruction in accordance with 5 CCR 4632. (Education Code 8212; 5 CCR 4693, 4694)

All complaints and responses are public records. (5 CCR 4690)

On a quarterly basis, the Superintendent or designee shall report summarized data on the nature and resolution of all CSPP health and safety complaints, including the number of complaints by general subject area with the number of resolved and unresolved complaints, to the Board at a regularly scheduled Board meeting and to the County Superintendent. (5 CCR 4693)

Regulation Approved: 06.11.13
Revised: 09.12.17/ 08.11.20/ 05. 24.22

BULLYING PREVENTION POLICY - BP 5131.2

The Governing Board recognizes the harmful effects of bullying on student learning and school attendance and desires to provide a safe school environment that protects students from physical and emotional harm. District employees shall establish student safety as a high priority and shall not tolerate bullying of any student.

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

Cyberbullying includes the electronic creation or transmission of harassing communications, direct threats, or other harmful texts, sounds, or images as defined in Education Code 48900. Cyberbullying also includes breaking into another person's electronic account and assuming that person's identity in order to damage that person's reputation.

Strategies for addressing bullying in district schools shall be developed with involvement of key stakeholders, including students, parents/guardians, and staff, and may be incorporated into the local control and accountability plan, and other applicable district and school plans.

As appropriate, the Superintendent or designee may collaborate with law enforcement, courts, social services, mental health services, other agencies, and community organizations in the development and implementation of joint strategies to promote safety in schools and the community and to provide services for alleged victims and perpetrators of bullying.

Bullying Prevention

To the extent possible, district schools shall focus on the prevention of bullying by establishing clear rules for student conduct and implementing strategies to promote a positive, collaborative school climate. Students shall be informed, through student handbooks and other appropriate means, of district and school rules related to bullying, mechanisms available for reporting incidents or threats, and the consequences for engaging in bullying.

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/values education, respect for cultural and individual differences, self-esteem development, assertiveness skills, and appropriate online behavior.

Such instruction 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.

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

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

2. Discuss bullying prevention strategies with students, and teach students to recognize the behavior and characteristics of bullying perpetrators and victims

3. Identify the signs of bullying or harassing behavior

4. Take immediate corrective action when bullying is observed

5. Report incidents to the appropriate authorities, including law enforcement in instances of criminal behavior

Based on an assessment of bullying incidents at school, the Superintendent or designee may increase supervision and security in areas where bullying most often occurs, such as classrooms, playgrounds, hallways, restrooms, cafeterias.

Intervention

Students are encouraged to notify school staff when they are being bullied or suspect that another student is being victimized. In addition, the Superintendent or designee shall develop means for students to report threats or incidents confidentially and anonymously.

School staff who witness an act of bullying shall immediately intervene to stop the incident when it is safe to do so. (Education Code 234.1)

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.

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)

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. 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 his/her 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 - Uniform Complaint Procedures.

When the circumstances involve cyber-bullying, 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.

When a report of bullying is submitted, the principal or a district compliance officer shall inform the student or parent/guardian of the right to file a formal written complaint in accordance with AR 1312.3. 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.

Investigation and Resolution of Complaints

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.

Discipline

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.

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

Legal Reference:
EDUCATION CODE
200-262.4 Prohibition of discrimination
32282 Comprehensive safety plan
32283.5 Bullying; online training
35181 Governing board policy on responsibilities of students
35291-35291.5 Rules

48900-48925 Suspension or expulsion
48985 Translation of notices
PENAL CODE
422.55 Definition of hate crime
647 Use of camera or other instrument to invade person's privacy; misdemeanor
647.7 Use of camera or other instrument to invade person's privacy; punishment
653.2 Electronic communication devices, threats to safety

CODE OF REGULATIONS, TITLE 5
4600-4687 Uniform complaint procedures
UNITED STATES CODE, TITLE 47
254 Universal service discounts (e-rate)
CODE OF FEDERAL REGULATIONS, TITLE 28
35.107 Nondiscrimination on basis of disability; complaints
CODE OF FEDERAL REGULATIONS, TITLE 34
104.7 Designation of responsible employee for Section 504
106.8 Designation of responsible employee for Title IX
110.25 Notification of nondiscrimination on the basis of age

COURT DECISIONS
Wynar v. Douglas County School District, (2013) 728 F.3d 1062
J.C. v. Beverly Hills Unified School District, (2010) 711 F.Supp.2d 1094
Lavine v. Blaine School District, (2002) 279 F.3d 719

Management Resources: CSBA PUBLICATIONS
Final Guidance: AB 1266, Transgender and Gender Nonconforming Students, Privacy, Programs, Activities & Facilities, Legal Guidance, March 2014
Providing a Safe, Nondiscriminatory School Environment for Transgender and Gender-Nonconforming Students, Policy Brief, February 2014
Addressing the Conditions of Children: Focus on Bullying, Governance Brief, December 2012

Safe Schools: Strategies for Governing Boards to Ensure Student Success, 2011
Building Healthy Communities: A School Leaders Guide to Collaboration and Community Engagement, 2009
Cyber bullying: Policy Considerations for Boards, Policy Brief, July 2007

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS
California's Social and Emotional Learning: Guiding Principles, 2018
Health Education Content Standards for California Public Schools: Kindergarten Through Grade Twelve, 2008
Bullying at School, 2003
CALIFORNIA OFFICE OF THE ATTORNEY GENERAL PUBLICATIONS
Promoting a Safe and Secure Learning Environment for All: Guidance and Model Policies to Assist California K-12 Schools in Responding to Immigration Issues, April 2018

U.S. DEPARTMENT OF EDUCATION, OFFICE FOR CIVIL RIGHTS PUBLICATIONS
Guidance to Schools: Bullying of Students with Disabilities, October 2014
Dear Colleague Letter: Bullying of Students with Disabilities, August 2013
Dear Colleague Letter: Guidance on Schools' Obligations to Protect Students from Student-on-Student Harassment on the Basis of Sex; Race, Color and National Origin; and Disability, October 26, 2010
Dear Colleague Letter: Harassment and Bullying, October 2010

WEB SITES
CSBA: http://www.csba.org
California Department of Education, Safe Schools Office: http://www.cde.ca.gov/ls/ss
California Office of the Attorney General: http://oag.ca.gov
Center on Great Teachers and Leaders: http://gtlcenter.org
Collaborative for Academic Social and Emotional Learning: http://casel.org
Common Sense Media: http://www.commonsensemedia.org
National School Safety Center: http://www.schoolsafety.us
Partnership for Children and Youth: http://www.partnerforchildren.org
U.S. Department of Education: http://www.ed.gov

Adopted 02.13.13
Revised 06.26.18

BULLYING INVESTIGATION PROCEDURES - AR 5131.2

Bullying Investigation Procedures

A. Purpose and Scope

To provide guidance and direction for all District employees regarding Bullying / Harassment, including cyberspace and tech bullying.

B. Definition

Bullying means any severe or pervasive physical or verbal act or conduct, including communications made in writing or be means of an electronic act, and including one or more acts committed by a pupil or group of pupils as defined in Education Code 48900.2, 48900.3, or 48900.4, directed toward one or more pupils that has or can be reasonably predicted to have the effect of one or more of the following:

1. Placing a reasonable pupil or pupils in fear of harm to that pupil's or those pupil's person or property.

2. Causing a reasonable pupil to experience a substantially detrimental effect on his or her physical or mental health.

3. Causing a reasonable pupil to experience substantial interference with his or her academic performance.

4. Causing a reasonable pupil to experience substantial interference with his or her ability to participate in or benefit from the services, activities, or privileges provided by a school.

"Electronic act" means the transmission, 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, any of the following:

(i) A message, text, sound, or image.

(ii) A post on a social network Internet Web site, including, but not limited to:

(I) Posting to or creating a burn page. "Burn page" means an Internet Web site created for the purpose of having one or more of the effects listed in paragraph (1).

(II) Creating a credible impersonation of another actual pupil for the purpose of having one or more of the effects listed in paragraph (1). "Credible impersonation" means to knowingly and without consent impersonate a pupil for the purpose of bullying the pupil and such that another pupil would reasonably believe, or has reasonably believed, that the pupil

was or is the pupil who was impersonated.

(III) Creating a false profile for the purpose of having one or more of the effects listed in paragraph

(1). "False profile" means a profile of a fictitious pupil or a profile using the likeness or attributes of an actual pupil other than the pupil who created the false profile.

(2). Notwithstanding paragraph (1) and subparagraph (A), an electronic act shall not constitute pervasive conduct solely on the basis that it has been transmitted on the Internet or is currently posted on the Internet.

(3). "Reasonable pupil" means a pupil, including, but not limited to, an exceptional needs pupil, who exercises average care, skill, and judgment in conduct for a person of his or her age, or for a person of his or her age with his or her exceptional needs

When bullying acts or conduct are based on the actual or perceived characteristics of gender, gender identity, gender expression or sexual orientation, or association with a person or group with one or more of these actual or perceived characteristics, staff members should address and refer complaints about such acts for consideration and investigation under the District's Sexual Harassment Policy (BP 5145.7).

When bullying acts or conduct are based on the actual or perceived characteristics of disability, nationality, race or ethnicity or religion or association with a person or group with one or more of these actual or perceived characteristics, staff members should address such acts and refer complaints about such acts for consideration and investigation under the District's Nondiscrimination/ Harassment Policy (BP 5145.3).

C. Forms Used and Additional References

Bullying /Harassment Claim Interview Sheet

Bullying /Harassment (Informal versus Formal Complaint –Summary of Procedures

D. Procedures

The Tracy Unified School District expects students and/or staff to immediately report incidents of Bullying / Harassment to the principal or designee. Staff members are expected to immediately intervene when they see a bullying incident occur. Each complaint of Bullying / Harassment shall be promptly investigated. This policy applies to students whose behavior is related to school activity, students on school grounds, while traveling to and from school or a school- sponsored activity, during the lunch period, whether on or off campus, and during a school-sponsored activity

General Procedures - Students

Any student who feels he or she is being bullied or harassed should immediately report such conduct to his or her teacher, the principal, or any other school administrator, without fear of reprisal. The student need not first report the Bullying/Harassment to his or her teacher, especially if the student believes the teacher engaged in or knowingly tolerated any Bullying/Harassment of the student. The student may make this report alone or with his or her parent/guardian.

An employee who receives a report of Bullying/Harassment of a student or who witnesses the Bullying/Harassment of a student shall immediately report the incident first to the site administrator or site designee then to the Assistant Superintendent for Educational Services and Human Resources (if alleged Bullying/Harassment is by an employee). Administrators, upon receiving a report of Bullying/Harassment from a student, shall provide the student with a copy of the Bullying/Harassment policy as well as the Administrative Regulation which contains procedures for filing complaints regarding Bullying/Harassment, parents/guardians of the student (victim) shall be contacted.

Each complaint of Bullying / Harassment shall be promptly investigated in a way that attempts to respect the privacy of all parties concerned. If the student requests that his or her name not be disclosed to the alleged harasser, an informal investigation of the allegations shall be conducted to the extent possible without disclosing the complainant's name. In order to file a formal complaint of Bullying/Harassment, the student must be willing to disclose his or her name to the alleged harasser. Parent or legal guardian shall be informed of the investigation.

General Procedures - Any Other Persons

Any person who alleges Bullying / Harassment by any employee or student in the District may file a complaint under the complaint procedures contained in Administrative Regulation 4119.11; 4219.11; and 5145.7.

E. Formal Complaint Procedures

The Board designates the following compliance officers to receive and investigate complaints and ensure compliance with law:

Superintendent or designee email
830-3200 ext. 1004 or email: rpecot@tusd.net

Associate Superintendent of Human Resources
830-3260 ext. 1304, or email: tjalique@tusd.net

Associate Superintendent of Educational Services
830-3202, or email: jstocking@tusd.net

Director of Student Services and Curriculum
830-3280 ext. 1601, or email: jnoll@tusd.net

Principal or site designee please calls site number, for e-mail please see site:
https://www.tracy.k12.ca.us/schools

All complaints can be mailed to:

Tracy Unified School District, 1875

W. Lowell Ave.

Tracy, CA. 95376

It is desirable that complaints of Bullying / Harassment be resolved in a prompt and appropriate manner. If possible, such complaints should be resolved in an informal manner. If the complaint cannot be resolved informally, the following procedures shall be followed for filing a formal complaint of Bullying / Harassment.

Step 1: Filing of Complaint
Any individual, public agency or organization may file a written complaint of alleged Bullying/Harassment.

The complaint shall be presented to the Superintendent or designee, who will then give it to the appropriate compliance officer.

The Superintendent or designee will maintain a log of complaints received, providing each with a code number and a date stamp.

All complaints of Bullying / Harassment must be initiated, in writing within sixty (60) calendar days of the date the alleged violation occurred.
If a complainant is unable to put a complaint in writing due to conditions such as illiteracy or other disabilities, superintendent or designee shall help him/her to file the complaint.

Step 2: Investigation of Complaint
Within sixty (60) school days of receiving the complaint, excluding summer session, when the alleged violation occurred during the regular school year, the Superintendent or designee shall complete the investigation of the complaint. This time period may be extended by written agreement of the complainant.

Step 3: Response

Within sixty (60) days of receiving the complaint, the compliance officer shall prepare and send to the complainant a written report of the District's investigation and decision, as described in Step 4 below. If the complainant is dissatisfied with the compliance officer's decision, he/she may, within fifteen (15) calendar days, file his/her complaint, in writing, with the Board. The Board may consider the matter at its next regular Board meeting or at a special Board meeting.

The Board may decide not to hear the complaint, in which case the compliance officer's decision is final. If the Board hears the complaint, the compliance officer shall send the Board's decision to the complainant within seven (7) calendar days or within the time period that has been specified in a written agreement with the complainant.

Step 4: Final Written Decision

The report of the District's decision shall be written in English and in the language of the complainant whenever feasible or required by law. If it is not feasible to write this report in the complainant's primary language, the District will arrange a meeting at which a community member will interpret it for the complainant.

This report shall include:

* The findings and disposition of the complaint.
* Notice of the complainant's right to appeal the decision to the Tracy Unified School District Board of Trustees and procedures to be followed for initiating such an appeal.

If an employee or student is disciplined as a result of the complaint, this report shall simply state that appropriate action was taken and that the employee or student was informed of the District's Bullying Policy. The report shall not give any further information as to the nature of the corrective or disciplinary action. However, when a student is expelled as a result of a substantiated charge of bullying, the expulsion record shall be a non-privileged, disclose-able public record.

The Tracy Unified School District board decision is the final decision.

F. Corrective action

A substantiated complaint of Bullying / Harassment may subject the offending employee or student to corrective action, up to and including suspension and discharge/expulsion. Such corrective action shall be consistent with the California Education Code and any collective bargaining agreement or student discipline code, if applicable.

In the event of harassment by an individual who is not an employee or student of the District, the District will take whatever legal corrective action is reasonable and appropriate under the circumstances.

Even if the reported conduct is not considered Bullying / Harassment under this policy, it may be in violation of other rules and standards of conduct of the District. The District may discipline an employee or student for any inappropriate conduct discovered in investigating reports made under this policy, regardless of whether the conduct amounts to a violation of law or even a violation of this policy. Supervisors may be held personally liable under the law for acts of harassment.

G. Retaliation and confidentiality

The District forbids retaliation against anyone for reporting Bullying / Harassment, filing a complaint pursuant to this policy, assisting in making a Bullying / Harassment complaint, or cooperating in a Bullying / Harassment investigation. Anyone experiencing or witnessing any conduct that believe to be retaliatory

are to immediately follow the procedures outlined above. In an investigation and in imposing discipline, the District will attempt to preserve confidentiality to the extent the circumstances permit.

H. Notification – Students and Parents

A copy of the Bullying / Harassment Policy and Administrative Regulation shall be displayed in a prominent location in the main administrative building located at 1875 W. Lowell Ave., Tracy, CA and in a prominent location near each school principal's office.

Notice of the Bullying / Harassment Policy and the Administrative Regulation which contains the complaint procedures will be distributed to all students of the District at the beginning of the first trimester or semester of the school year, and to any new student at the time that the new student is enrolled. A copy of the Bullying / Harassment Policy and Administrative Regulation shall also appear in any publication of the District that sets forth the comprehensive rules, regulations, procedures, and standards of conduct for the institution

Notification – Students

A copy of the Bullying / Harassment Policy and Administrative Regulation shall be displayed in a prominent location in the main administrative building located at 1875 W. Lowell Ave., Tracy, CA and in a prominent location near each school principal's office.

Notice of the Bullying / Harassment Policy and Administrative Regulation which contain the complaint procedures will be sent to all students and parents or guardians upon enrollment and annually thereafter. A copy of the Bullying Policy and Administrative Regulation shall be provided as part of any orientation program conducted for new students at the beginning of each trimester, semester, or summer session, as applicable. Teachers shall discuss this policy with their students in age-appropriate ways and should assure them that they need not endure any form of Bullying / Harassment.

Students may also file a separate claim of Bullying / Harassment with the Office of Civil Rights (OCR). The address and telephone number of the OCR is listed under the notifications section for employees.

I. Record Retention Student and Personnel file when appropriate.

J. Record Retention Student and Personnel file when appropriate.

K. Responsible Administrative Units Human Resources Student Services

L. Approved By:

Assistant Superintendent of Educational Services and Human Resources
Director of Student Services & Curriculum
Approved:02/12/13

UNAUTHORIZED GROUPS - BP 5136 (a)

The Governing Board desires to keep district schools and students free from the threats or harmful influence of any unauthorized groups which advocate drug use, or disruptive behavior, such as but not limited to violence, intimidation, threats, coercion, congregating in mass. The principal or designee shall maintain continual, visible supervision of school premises so as to deter unauthorized group intimidation of students and confrontations between members of different unauthorized groups.
The Superintendent or designee shall establish open lines of communication with local law enforcement authorities so as to share information and provide mutual support in this effort.

The Superintendent or designee shall in cooperation with law enforcement provide in-service training which helps staff to identify various symbols, recognize early manifestations of disruptive activities, and respond to inappropriate behavior. Staff and selected students shall be trained in the use of conflict management techniques and alerted to intervention measures and community resources, which may help our students.

The Board realizes that many students become involved in unauthorized groups without understanding the consequences of unauthorized group association. Early intervention is a key component of efforts to break the cycle of unauthorized group association. Therefore, Violence prevention education in the schools may start with enrollment in TUSD.

The Board prohibits the presence of any apparel, jewelry, accessory, notebook, tattoos or manner of grooming which, by virtue of its color, **or** combination of color, arrangements, trademark, or any other attribute, denotes membership in any unauthorized group, which advocates disruptive behavior such as but not limited to violence, intimidation, threats, coercion and congregation in mass. This policy shall be applied as the need for it arises at individual school sites.
If a student exhibits signs of unauthorized group affiliation, staff shall so inform the parent/guardian.

Legal Reference:

EDUCATION CODE	
32239.*5*	School Violence Prevention and Response Act of 1999
32282	School Safety Plans
35183	Gang-related apparel
35294.10 – 35294.15	School Safety and Violence Prevention Strategy Program
48907	Student exercise of free expression
51264	Educational in-service training; CDE guidelines

UNAUTHORIZED GROUPS - BP 5136 (b)

51265	Gang violence and drug and alcohol abuse prevention in-service training
51266-51266.5	Model gang and substance abuse prevention curriculum
41511	Gang Risk Intervention Programs

PENAL CODE

186.22	Participation in criminal street gang
13826-13826.7	Gang violence suppression

UNITED STATES CODE, TITLE 20

7101-7143	Safe and Drug-Free Schools and Communities Act of 1994

Management Resources:

On Alert:
Gang Prevention in School and Inservice Guidelines, January 1994 CDE PUBLICATIONS
Protecting Our Schools: Governing Board Strategies to Combat School Violence, 1996
CSBA PUBLICATIONS

UNAUTHORIZED GROUPS - AR 5136

Adopted: 06/9/98
Revised: 05/13/08

Purpose and Scope
The Governing Board desires to give school sites and district guidelines that keep schools free from threats and harmful influence of any unauthorized group activity which advocate drug use, disruptive behavior, such as, but not limited to violence, intimidation, threats, coercion, congregating in mass.

Prevention and Intervention Measures
In order to discourage the influence of unauthorized groups, school staff shall take the following measures:

1. Any student displaying behavior, gestures, apparel or paraphernalia indicative of unauthorized group affiliation shall be referred to the principal or designee.
    a. The student's parent/guardian shall be contacted and may be asked to meet with school staff.
    b. The student may be sent home to change clothes if necessary.

2. Staff members shall be provided with the names of known unauthorized group members.

3. Students who seek help in rejecting unauthorized group associations may be referred to community-based unauthorized group suppression and prevention organizations.

4. Any unauthorized group graffiti on school premises shall be removed, washed down or painted over as soon as discovered.
    a. Daily checks for graffiti shall be made throughout the campus.
    b. Graffiti shall be photographed before it is removed. These photographs shall be shared with local law enforcement authorities and used in future disciplinary or criminal action against the offenders.

5. Classroom and after-school programs at each school shall be designed to enhance individual self-esteem, provide positive reinforcement for acceptable behavior, and foster interest in a variety of constructive activities. These programs shall also:
    a. Explain the dangers of unauthorized group membership
    b. Provide counseling for targeted at-risk students
    c. Include lessons or role-playing workshops in unauthorized group avoidance skills and nonviolent conflict resolution, including communication skills, anger management, ethnic/cultural tolerance, and mediation skills

    d. Assign individual unauthorized group members to cooperative learning groups in which they may work toward common goals with students who are not members of their

unauthorized group

e. Provide school-to-career instruction

f. Provide positive interaction with local law enforcement staff

Unauthorized group prevention lessons may be taught jointly by teachers and law enforcement staff.

6. Staff shall actively promote membership in authorized student organizations which can provide students companionship, safety, and a sense of purpose and belonging, including:
    a. Positive sports and cultural activities and affiliations with the local community
    b. Structured, goal-oriented community service projects Community Outreach Unauthorized group prevention classes or counseling offered for parents/guardians shall address the following topics:
        1. The dangers of unauthorized group membership
        2. Warning signs which may indicate that children are at risk of becoming involved with unauthorized groups
        3. The nature of local unauthorized group apparel and graffiti
        4. Effective parenting techniques
        5. Conflict resolution techniques

B. Discipline Process

Staff will use the following techniques and procedures to discourage the influence of unauthorized groups:

1. Upon a first offense, when a student causes, attempts to cause or threatens to cause physical injury to another student as a part of any unauthorized group activity, the following shall result:
    a. Parent/guardian contact.
    b. A five (5) day suspension and recommendation for an expulsion for a minimum period of nine (9) weeks.
    c. A requirement that the student must apply for readmission to school after he/she has served the minimum expulsion period.
    d. A recommendation for a rehabilitation program that is subject to review at a time of application for readmission. The plan shall include, but is not limited to:
        (i) Community Service minimum of 20 hours - maximum of 80 hours, to be recommended by the District Discipline Review Board based upon the seriousness of the violation of the Education Code.
        (ii) A minimum of eight (8) weeks of counseling.
        (iii) Prohibited from violating any of the sub-sections (a) through (q) contained in Education Code 48900 associated with school attendance.
        (iv) Prohibited from participating in unauthorized group related activities, flying colors, or displaying unauthorized group paraphernalia.
    e. A recommendation for an extension of the suspension to the expulsion hearing date.
    f. Unauthorized Group Contract

2. Upon a first offense, when a student causes, attempts to cause physical injury to classified or certificated staff member as part of any unauthorized group activity, the following shall result:

a. Parent/guardian contact.
b. A five (5) day suspension and recommendation for an expulsion for a minimum period of the balance of the semester in which the violation occurred plus one additional semester.
c. A requirement that the student must apply for readmission to school after he/she has served the minimum expulsion period.
d. A recommendation for a rehabilitation program that is subject to review at the time of application for readmission. The plan shall include, but is not limited to:

(i) Community Service minimum of 20 hours - maximum of 80 hours, to be recommended by the District Discipline Review Board based upon the seriousness of the violation of the Education Code.
(ii) A minimum of eight (8) weeks of counseling.
(iii) Prohibited from violating any one of the sub-sections (a) through (q) contained in Education Code 48900 associated with school attendance.
(iv) Unauthorized Group Contract and Law Enforcement Contact.

e. Contact with law enforcement agency.

3. Upon a first offense, when a student wears or carries any apparel, jewelry, accessory, notebook, or makes gestures that symbolize unauthorized group membership, the following shall result:
   a. Referral to the principal or designee.
   b. Student sent home to change clothes or provided with alternative clothing.
   c. Confiscation of unauthorized group related jewelry, accessory, notebook, etc.
   d. Parent/guardian contact.
   e. Documented counseling with a "No Unauthorized Group Contract" and Law Enforcement contact.

4. A second offense of #3 above will result in the following:
   a. Parent/guardian conference.
   b. One to five day suspension.

5. A third offense will result in the following:
   a. Parent/guardian contact.
   b. A minimum five day suspension.
   c. Contact with law enforcement agency.
   d. Possible recommendation for expulsion.

6. A fourth and subsequent offenses will result in the following:
   a. Parent/guardian contact.
   b. A minimum five day suspension and recommendation for expulsion
   c. Contact with law enforcement agency.
   d. Possible recommendation for expulsion.

7. Any unauthorized group graffiti on school premises shall be removed, washed down or painted over as soon as discovered.
   a. Daily checks for graffiti shall be made throughout the campus, including restroom walls and doors.
   b. Graffiti shall be photographed before it is removed. These photographs will be shared with

local law enforcement authorities and used in future disciplinary or criminal action against the offenders.

8. Classroom and after-school programs at each school shall be designed to enhance individual self-esteem, provide positive reinforcement for acceptable behavior, and foster interest in a variety of positive activities.

9. Staff shall actively promote membership in authorized student organizations which can provide students companionship, safety, and a sense of purpose and belonging.

10. Each school within the Districts shall develop an action plan that includes but is not limited to the following.
    a. Inservice for all staff on signs and symptoms of unauthorized group activity.
    b. Techniques and procedures to discourage the influence of unauthorized groups.
    c. Campus safety and supervision.
    d. Unauthorized group prevention education.
    e. Outreach program for students identified as unauthorized group-oriented students as well as actual members of existing unauthorized groups.
    f. Parent support program. Unauthorized Group Prevention Education

1. Explain the dangers of unauthorized group membership

2. Include lessons or role-playing workshops in nonviolent conflict resolution and unauthorized group avoidance skills.

3. Promote constructive activities available in the community.

4. Involve students in structured, goal-oriented community service projects.

5. Encourage positive school behavior.

Unauthorized group prevention lessons may be taught jointly by teachers, law enforcement staff, and contracted organizations.

Community Outreach

Unauthorized group prevention classes or counseling offered for parents/guardians shall address the following topics:

1. The dangers of unauthorized group membership.

2. The nature of local unauthorized group apparel and graffiti.

3. Ways to deal effectively with one's children.

4. Warning signs which may indicate that children are at risk of becoming involved with. an unauthorized group.

5. Resources available to them for further assistance.

Community programs offered for staff, parents/guardians, churches, city officials, business leaders and the media shall address:

1. The scope and nature of local unauthorized group problems.
2. Ways that each segment of the community can help to alleviate these problems.

Intervention Measures

Staff shall make every effort to engage unauthorized group-oriented students into the academic, extra-curricular and social mainstream and into work experience programs. To this end:

1. Staff members shall be provided with updated information regarding unauthorized group activities which advocate drug use, disruptive behavior, such as but not limited to violence, intimidation, threats, coercion, congregating in mass.
2. Classroom teachers shall refer individual unauthorized group oriented students for individual and/or group counseling.
3. Students who seek help in rejecting unauthorized group associations may be referred to community-based unauthorized group suppression and prevention organizations.

D. Forms Used and Other References
None

E. Procedure
Outlined in school discipline handbooks and consistent with Board Policy.

F. Reports Required
Suspension Documents Expulsion Documents

G. Record Retention
Expulsion Documents

H. Responsible Administrative Unit
Student Services

I. Approved by the Administrator of the Division
Educational Services

Adopted: 06/09/98
Revised: 05/13/08

SEXUAL HARASSMENT - BP 5145.7

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

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

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

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

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

Instruction/Information

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

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

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

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

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

5. A clear message that, regardless of a complainant's noncompliance with the writing, timeline, or other formal filing requirements, every sexual harassment allegation that involves a student, whether as the complainant, respondent, or victim of the harassment, shall be investigated and action shall be taken to respond to harassment, prevent recurrence, and address any continuing effect on students

6. Information about the district's procedures for investigating complaints and the person(s) to whom a report of sexual harassment should be made

7. Information about the rights of students and parents/guardians to file a civil or criminal complaint, as applicable, including the right to file a civil or criminal complaint while the district investigation of a sexual harassment complaint continues

8. A clear message that, when needed, the district will implement supportive measures to ensure a safe school environment for a student who is the complainant or victim of sexual harassment and/or other students during an investigation

Disciplinary Actions

Upon completion of an investigation of a sexual harassment complaint, any student found to have engaged in sexual harassment or sexual violence in violation of this policy shall be subject to disciplinary action. For students in grades 4-12, disciplinary action may include suspension and/or expulsion, provided that, in imposing such discipline, the entire circumstances of the incident(s) shall be taken into account.

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

Record-Keeping

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

Legal References:

State	Description
5 CCR 4600-4670	Uniform complaint procedures
5 CCR 4900-4965	Nondiscrimination in elementary and secondary educational programs receiving state or federal financial assistance
Civ. Code 1714.1	Liability of parent or guardian for act of willful misconduct by a minor
Civ. Code 51.9	Liability for sexual harassment; business, service and professional relationships
Ed. Code 200-262.4	Prohibition of discrimination
Ed. Code 48900	Grounds for suspension or expulsion
Ed. Code 48900.2	Additional grounds for suspension or expulsion; sexual harassment
Ed. Code 48904	Liability of parent/guardian for willful student misconduct
Ed. Code 48980	Parent/Guardian notifications
Ed. Code 48985	Notices to parents in language other than English
Gov. Code 12950.1	Sexual harassment training
Federal	**Description**
20 USC 1092	Definition of sexual assault
20 USC 1221	Application of laws
20 USC 1232g	Family Educational Rights and Privacy Act (FERPA) of 1974
20 USC 1681-1688	Discrimination based on sex or blindness, Title IX
34 CFR 106.1-106.82	Nondiscrimination on the basis of sex in education programs
34 CFR 99.1-99.67	Family Educational Rights and Privacy
34 USC 12291	Definition of dating violence, domestic violence, and stalking
42 USC 1983	Civil action for deprivation of rights
42 USC 2000d-2000d-7	Title VI, Civil Rights Act of 1964
42 USC 2000e-2000e-17	Title VII, Civil Rights Act of 1964, as amended
Management Resources	**Description**
Court Decision	Gebser v. Lago Vista Independent School District, (1998) 524 U.S. 274
Court Decision	Oona by Kate S. v. McCaffrey, (1998, 9th Cir.) 143 F.3d 473
Court Decision	Reese v. Jefferson School District, (2001, 9th Cir.) 208 F.3d 736
Court Decision	Davis v. Monroe County Board of Education, (1999) 526 U.S. 629
Court Decision	Doe v. Petaluma City School District, (1995, 9th Cir.) 54 F.3d 1447
Court Decision	Donovan v. Poway Unified School District, (2008) 167 Cal.App.4th 567
Court Decision	Flores v. Morgan Hill Unified School District, (2003, 9th Cir.) 324 F.3d 1130
CSBA Publication	Safe Schools: Strategies for Governing Boards to Ensure Student Success, 2011
CSBA Publication	Providing a Safe, Nondiscriminatory School Environment for Transgender and Gender-Nonconforming Students, Policy Brief, February 2014
U.S. DOE, Office For Civil Rights Publication	Dear Colleague Letter: Title IX Coordinators, April 2015

U.S. DOE, Office for Civil Rights Publication	Q&A on Campus Sexual Misconduct, September 2017
U.S. DOE, Office for Civil Rights Publication	Sexual Harassment: It's Not Academic, September 2008
U.S. DOE, Office for Civil Rights Publication	Revised Sexual Harassment Guidance: Harassment of Students by School Employees, Other Students, or Third Parties, January 2001
U.S. DOE, Office for Civil Rights Publication	Examples of Policies and Emerging Practices for Supporting Transgender Students, May 2016
Website	California Department of Education
Website	CSBA
Website	U.S. Department of Education, Office for Civil Rights

Policy Adopted:	TUSD 03.24.15
Revised:	TUSD 05.24 .22

SEXUAL HARASSMENT - AR 5145.7

Definitions
Sexual harassment includes, but is not limited to, unwelcome sexual advances, unwanted requests for sexual favors, or other unwanted verbal, visual, or physical conduct of a sexual nature made against another person of the same or opposite sex in the educational setting, under any of the following conditions: (Education Code 212.5; 5 CCR 4916)
Submission to the conduct is explicitly or implicitly made a term or condition of a student's academic status or progress.

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

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.

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

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

For purposes of applying the complaint procedures specified in Title IX of the Education Amendments of 1972, sexual harassment is defined as any of the following forms of conduct that occurs in an education program or activity in which a district school exercises substantial control over the context and respondent: (34 CFR 106.30, 106.44)

1. A district employee conditioning the provision of a district aid, benefit, or service on the student's participation in unwelcome sexual conduct

2. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a student equal access to the district's education program or activity

3. Sexual assault, dating violence, domestic violence, or stalking as defined in 20 USC 1092 or 34 USC 12291

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

1. Unwelcome leering, sexual flirtations, or propositions

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

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

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

5. Spreading sexual rumors

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

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

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

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

10. Displaying sexually suggestive objects

11. Sexual assault, sexual battery, or sexual coercion

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

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

Jason Noll
Title IX Officer
Director of Student Services
1875 W. Lowell Ave, Tracy, Ca 95376
(209) 830-3280

Notifications

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

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

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

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

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

3. Be summarized on a poster which shall be prominently and conspicuously displayed in each bathroom and locker room at each school. The poster may be displayed in public areas that are accessible to and frequented by students, including, but not limited to, classrooms, hallways, gymnasiums, auditoriums, and cafeterias. The poster shall display the rules and procedures for reporting a charge of sexual harassment; the name, phone number, and email address of an appropriate school employee to contact to report a charge of sexual harassment; the rights of the reporting student, the complainant, and the respondent; and the responsibilities of the school. (Education Code 231.6)

4. Be posted, along with the name or title and contact information of the Title IX Coordinator, in a prominent location on the district's web site in a manner that is easily accessible to parents/guardians and students. (Education Code 234.6; 34 CFR 106.8)

5. Be provided as part of any orientation program conducted for new and continuing students at the beginning of each quarter, semester, or summer session (Education Code 231.5)

6. Appear in any school or district publication that sets forth the school's or district's comprehensive rules, regulations, procedures, and standards of conduct (Education Code 231.5)

7. Be included, along with the name or title and contact information of the Title IX Coordinator, in any handbook provided to students or parents/guardians (34 CFR 106.8)

The Superintendent or designee shall also post the definition of sex discrimination and harassment as described in Education Code 230, including the rights set forth in Education Code 221.8, in a prominent location on the district's web site in a manner that is easily accessible to parents/guardians and students. (Education Code 234.6)

Reporting Complaints

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

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

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

Complaint Procedures

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

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

AR Approved: TUSD 03.24.15
Revised: TUSD 05.24.22

TITLE IX SEXUAL HARASSMENT COMPLAINT PROCEDURES - AR 5145.71

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

Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a student equal access to the district's education program or activity

Sexual assault, dating violence, domestic violence, or stalking as defined in 20 USC 1092 or 34 USC 12291
All other sexual harassment complaints or allegations brought by or on behalf of students shall be investigated and resolved in accordance with BP/AR 1312.3 - Uniform Complaint Procedures. The determination of whether the allegations meet the definition of sexual harassment under Title IX shall be made by the district's Title IX Coordinator.

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

Reporting Allegations/Filing a Formal Complaint

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

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

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

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

regulations at specific points in the complaint process.

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

Supportive Measures

Upon receipt of a report of Title IX sexual harassment, the Title IX Coordinator shall promptly contact the complainant to discuss the availability of supportive measures and shall consider the complainant's wishes with respect to the supportive measures implemented. Supportive measures shall be offered as appropriate, as reasonably available, and without charge to the complainant or the respondent before or after the filing of a formal complaint or where no formal complaint has been filed. Such measures shall be non-disciplinary, nonpunitive, and designed to restore or preserve equal access to the district's education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the district's educational environment or to deter sexual harassment. Supportive measures may include, but are not limited to, counseling, course-related adjustments, modifications of class schedules, mutual restrictions on contact, increased security, and monitoring of certain areas of the campus. (34 CFR 106.30, 106.44)

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

Emergency Removal from School

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

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

Dismissal of Complaint

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

district, or sufficient circumstances prevent the district from gathering evidence sufficient to reach a determination with regard to the complaint. (34 CFR 106.45)

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

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

Informal Resolution Process

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

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

1. Provides the parties with written notice disclosing the allegations, the requirements of the informal resolution process, the right to withdraw from the informal process and resume the formal complaint process, and any consequences resulting from participating in the informal resolution process, including that records will be maintained or could be shared.

2. Obtains the parties' voluntary, written consent to the informal resolution process

3. Does not offer or facilitate an informal resolution process to resolve allegations that an employee sexually harassed a student

Written Notice

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

1. The district's complaint process, including any informal resolution process

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

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

3. A statement that the respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the complaint process

4. The opportunity for the parties to have an advisor of their choice who may be, but is not required to be, an attorney, and the ability to inspect and review evidence

5. The prohibition against knowingly making false statements or knowingly submitting false information during the complaint process

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

Investigation Procedures

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

1. Provide an equal opportunity for the parties to present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence

2. Not restrict the ability of either party to discuss the allegations under investigation or to gather and present relevant evidence

3. Provide the parties with the same opportunities to have others present during any grievance proceeding, including the opportunity to be accompanied to any related meeting or proceeding by the advisor of their choice, who may be, but is not required to be, an attorney

4. Not limit the choice or presence of an advisor for either the complainant or respondent in any meeting or grievance proceeding, although the district may establish restrictions regarding the extent to which the advisor may participate in the proceedings as long as the restrictions apply equally to both parties

5. Provide, to a party whose participation is invited or expected, written notice of the date, time, location, participants, and purpose of all investigative interviews or other meetings, with sufficient time for the party to prepare to participate

6. Send in an electronic format or hard copy to both parties and their advisors, if any, the evidence obtained as part of the investigation that is directly related to the allegations raised in the complaint, and provide the parties at least 10 days to submit a written response for the investigator to consider prior to the completion of the investigative report

7. Objectively evaluate all relevant evidence, including both inculpatory and exculpatory evidence, and determine credibility in a manner that is not based on a person's status as a complainant, respondent, or witness

8. Create an investigative report that fairly summarizes relevant evidence and, at least 10 days prior to the determination of responsibility, send to the parties and their advisors, if any, the investigative report in an electronic format or a hard copy, for their review and written response

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

Privacy rights of all parties to the complaint shall be maintained in accordance with applicable state and federal laws.
If the complaint is against an employee, rights conferred under an applicable collective bargaining agreement shall be applied to the extent they do not conflict with the Title IX requirements.

Written Decision

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

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

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

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

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

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

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

1. Identification of the allegations potentially constituting sexual harassment as defined in 34 CFR 106.30

2. A description of the procedural steps taken from receipt of the formal complaint through the written decision, including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, and hearings held if the district includes hearings as part of the

grievance process

3. Findings of fact supporting the determination

4. Conclusions regarding the application of the district's code of conduct or policies to the facts

5. A statement of, and rationale for, the result as to each allegation, including a decision regarding responsibility, any disciplinary sanctions the district imposes on the respondent, and whether remedies designed to restore or preserve equal access to the district's educational program or activity will be provided by the district to the complainant

6. The district's procedures and permissible bases for the complainant and respondent to appeal

Appeals

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

1. Notify the other party in writing when an appeal is filed and implement appeal procedures equally for both parties

2. Ensure that the decision-maker(s) for the appeal is trained in accordance with 34 CFR 106.45 and is not the same decision-maker(s) who reached the determination regarding responsibility or dismissal, the investigator(s), or the Title IX Coordinator

3. Give both parties a reasonable, equal opportunity to submit a written statement in support of, or challenging, the outcome

4. Issue a written decision describing the result of the appeal and the rationale for the result

5. Provide the written decision simultaneously to both parties

An appeal must be filed in writing within 10 calendar days of receiving the notice of the decision or dismissal, stating the grounds for the appeal and including any relevant documentation in support of the appeal. Appeals submitted after this deadline are not timely and shall not be considered.
A written decision shall be provided to the parties within 20 calendar days from the receipt of the appeal.

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

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

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

antidiscrimination laws, if applicable.

Remedies

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

Corrective/Disciplinary Actions

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

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

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

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

2. Parent/guardian conference

3. Education of the student regarding the impact of the conduct on others

4. Positive behavior support

5. Referral of the student to a student success team

6. Denial of participation in extracurricular or cocurricular activities or other privileges as permitted by law

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

Record-Keeping

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

1. A record of all reported cases and Title IX investigations of sexual harassment, any determinations of responsibility, any audio or audiovisual recording and transcript if applicable, any disciplinary sanctions

imposed, any remedies provided to the complainant, and any appeal or informal resolution and the results therefrom

2. A record of any actions, including supportive measures, taken in response to a report or formal complaint of sexual harassment, including the district's basis for its conclusion that its response was not deliberately indifferent, the measures taken that were designed to restore or preserve equal access to the education program or activity, and, if no supportive measures were provided to the complainant, the reasons that such a response was not unreasonable in light of the known circumstances

3. All materials used to train the Title IX Coordinator, investigator(s), decision-maker(s), and any person who facilitates an informal resolution process. The district shall make such training materials publicly available on its web site, or if the district does not maintain a web site, available upon request by members of the public.

Acknowledged: 03/24/15

NONDISCRIMINATION/ HARASSMENT - BP 5145.3

The Governing Board desires to provide a safe school environment that allows all students equal access to and opportunities in the district's academic, extracurricular, and other educational support programs, services, and activities. The Board prohibits, at any district school or school activity, unlawful discrimination, including discriminatory harassment, intimidation, 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, medical condition, 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 occurs when prohibited conduct is so severe, persistent, or pervasive that it affects a student's ability to participate in or benefit from an educational program or activity; creates an intimidating, threatening, hostile, or offensive educational environment; has the effect of substantially or unreasonably interfering with a student's academic performance; or otherwise adversely affects a student's educational opportunities. Unlawful discrimination also includes disparate treatment of students based on one of the categories above with respect to the provision of opportunities to participate in school programs or activities or the provision or receipt of educational benefits or services.

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

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

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

including discriminatory harassment, intimidation, or bullying, shall be investigated and prompt action taken to stop the discrimination, prevent recurrence, and address any continuing effect on students. Complaints of sexual harassment that meet the federal Title IX definition shall be investigated and resolved in accordance with AR 5145.71 - Title IX Sexual Harassment Complaint Procedures. 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.

Legal Reference:
EDUCATION CODE
200-262.4 Prohibition of discrimination on the basis of sex, especially:
48900.3 Suspension or expulsion for act of hate violence
48900.4 Suspension or expulsion for threats or harassment
48904 Liability of parent/guardian for willful student misconduct
48907 Student exercise of free expression
48950 Freedom of speech
48985 Translation of notices
49020-49023 Athletic programs
51500 Prohibited instruction or activity
51501 Prohibited means of instruction
60044 Prohibited instructional materials
CIVIL CODE
1714.1 Liability of parents/guardians for willful misconduct of minor
GOVERNMENT CODE
11135 Nondiscrimination in programs or activities funded by state
PENAL CODE
422.55 Definition of hate crime
422.6 Crimes, harassment
CODE OF REGULATIONS, TITLE 5
432 Student record
4600-4670 Uniform complaint procedures
4900-4965 Nondiscrimination in elementary and secondary education programs
UNITED STATES CODE, TITLE 20
1681-1688 Title IX of the Education Amendments of 1972
12101-12213 Title II equal opportunity for individuals with disabilities
UNITED STATES CODE, TITLE 29
794 Section 504 of Rehabilitation Act of 1973
UNITED STATES CODE, TITLE 42
2000d-2000e-17 Title VI & VII Civil Rights Act of 1964 as amended
2000h-2-2000h-6 Title IX, 1972 Education Act Amendments

CODE OF FEDERAL REGULATIONS, TITLE 28
35.107 Nondiscrimination on basis of disability; complaints
CODE OF FEDERAL REGULATIONS, TITLE 34
99.31 Disclosure of personally identifiable information
100.3 Prohibition of discrimination on basis of race, color or national origin
104.7 Designation of responsible employee for Section 504
106.8 Designation of responsible employee for Title IX
106.9 Notification of nondiscrimination on basis of sex
106.30 Discrimination on the basis of sex in education programs
106.44 District response to sexual harassment
106.45 Grievance process for formal complaints of sexual harassment
110.25 Prohibition of discrimination based on age

COURT DECISIONS
Donovan v. Poway Unified School District, (2008) 167 Cal.App.4th 567
Flores v. Morgan Hill Unified School District, (2003) 324 F.3d 1130

Management Resources:
CSBA PUBLICATIONS
Updated Legal Guidance: Protecting Transgender and Gender Nonconforming Students Against Sex Discrimination, July 2016
CALIFORNIA OFFICE OF THE ATTORNEY GENERAL PUBLICATIONS Promoting a Safe and Secure Learning Environment for All: Guidance and Model Policies to Assist California's K-12 Schools in Responding to Immigration Issues, April 2018

FIRST AMENDMENT CENTER PUBLICATIONS
Public Schools and Sexual Orientation: A First Amendment Framework for Finding Common Ground, 2006

U.S. DEPARTMENT OF EDUCATION, OFFICE OF CIVIL RIGHTS PUBLICATIONS
Examples of Policies and Emerging Practices for Supporting Transgender Students, May 2016
Dear Colleague Letter: Title IX Coordinators, April 2015
Dear Colleague Letter: Harassment and Bullying, October 2010
Notice of Non-Discrimination, Fact Sheet, August 2010

WEB SITES
CSBA: http://www.csba.org
California Department of Education: http://www.cde.ca.gov
California Safe Schools Coalition: http://www.casafeschools.org
California Office of the Attorney General: http://oag.ca.gov
First Amendment Center: http://www.firstamendmentcenter.org
National School Boards Association: http://www.nsba.org
U.S. Department of Education, Office of Civil Rights: http://www.ed.gov/offices/OCR
Policy Adopted: 08.27.13
Revised 6.26.18, 05.24.22

NONDISCRIMINATION/ HARASSMENT - AR 5145.3

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

Mr. Jason Noll

1875 W. Lowell Ave, Tracy, CA 95376

209-830-3280

jnoll@tusd.net

Measures to Prevent Discrimination

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

1. Publicize the district's nondiscrimination policy and related complaint procedures, including the coordinator/compliance officer's contact information, to students, parents/guardians, employees, volunteers, and the general public by posting them in prominent locations and providing easy access to them through district-supported communications

2. Post the district's policies and procedures prohibiting discrimination, harassment, student sexual harassment, intimidation, bullying, and cyberbullying, including a section on social media bullying that includes all of the references described in Education Code 234.6 as possible forums for social media, in a prominent location on the district's web site in a manner that is easily accessible to parents/guardians and students (Education Code 234.6)

3. Post the definition of sex discrimination and harassment as described in Education Code 230, including the rights set forth in Education Code 221.8, in a prominent location on the district's web site in a manner that is easily accessible to parents/guardians and students (Education Code 234.6)

4. Post in a prominent location on the district web site in a manner that is easily accessible to parents/guardians and students information regarding Title IX prohibitions against discrimination based on a student's sex, gender, gender identity, pregnancy, and parental status, including the following: (Education Code 221.6, 221.61, 234.6)

    a. The name and contact information of the district's Title IX Coordinator, including the phone number and email address

    b. The rights of students and the public and the responsibilities of the district under Title IX, including a list of rights as specified in Education Code 221.8 and web links to information about those rights and responsibilities located on the 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 under Title IX, which shall include:

        i. An explanation of the statute of limitations within which a complaint must be filed after an alleged incident of discrimination has occurred and how a complaint may be filed beyond the statute of limitations

        ii. An explanation of how the complaint will be investigated and how the complainant may further pursue the complaint, including web links to this information on the OCR's web site

        iii. A web link to the OCR complaints form and the contact information for the office, including the phone number and email address for the office

    d. A link to the Title IX information included on the California Department of Education's (CDE) web site

5. Post a link to statewide CDE-compiled resources, including community-based organizations, that provide support to youth who have been subjected to school-based discrimination, harassment, intimidation, or bullying and to their families. Such resources shall be posted in a prominent location on the district's web site in a manner that is easily accessible to parents/guardians and students. (Education Code 234.5, 234.6)

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

7. Annually notify all students and parents/guardians of the district's nondiscrimination policy, including its responsibility to provide a safe, nondiscriminatory school environment for all students. The notice shall inform students and parents/guardians that they may request to meet with the compliance officer to determine how best to accommodate or resolve concerns that may arise from the district's implementation of its nondiscrimination policies. The notice shall also inform all students and parents/guardians that, to the extent possible, the district will

address any individual student's interests and concerns in private.

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

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

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

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

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

Enforcement of District Policy

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

1. Removing vulgar or offending graffiti

2. Providing training to students, staff, and parents/guardians about how to recognize unlawful discrimination, how to report it or file a complaint, and how to respond

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

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

5. Taking appropriate disciplinary action against students, employees, and anyone determined to have engaged in wrongdoing in violation of district policy, including any student who is found to have filed a complaint of discrimination that the student knew was not true

Process for Initiating and Responding to Complaints

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1. Refusing to address a student by a name and the pronouns consistent with the student's gender identity

2. Disciplining or disparaging a student or excluding the student from participating in activities, for behavior or appearance that is consistent with the student's gender identity or that does not conform to stereotypical notions of masculinity or femininity, as applicable

3. Blocking a student's entry to the restroom that corresponds to the student's gender identity

4. Taunting a student because the student participates in an athletic activity more typically favored by a student of the other sex

5. Revealing a student's gender identity to individuals who do not have a legitimate need for the information, without the student's consent

6. Using gender-specific slurs

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

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

Examples of bases for complaints include, but are not limited to, the above list, as well as improper rejection by the district of a student's asserted gender identity, denial of access to facilities that

correspond with a student's gender identity, improper disclosure of a student's gender identity, discriminatory enforcement of a dress code, and other instances of gender-based harassment.
To ensure that intersex, nonbinary, transgender, and gender-nonconforming students are afforded the same rights, benefits, and protections provided to all students by law and Board policy, the district shall address each situation on a case-by-case basis, in accordance with the following guidelines:

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

   The district shall only disclose the information to others with the student's prior written consent, except when the disclosure is otherwise required by law or when the district has compelling evidence that disclosure is necessary to preserve the student's physical or mental well-being. In any case, the district shall only allow disclosure of a student's personally identifiable information to employees with a legitimate educational interest as determined by the district pursuant to 34 CFR 99.31. Any district employee to whom a student's intersex, nonbinary, transgender, or gender-nonconforming status is disclosed shall keep the student's information confidential. When disclosure of a student's gender identity is made to a district employee by a student, the employee shall seek the student's permission to notify the compliance officer. If the student refuses to give permission, the employee shall keep the student's information confidential, unless the employee is required to disclose or report the student's information pursuant to this administrative regulation, and shall inform the student that honoring the student's request may limit the district's ability to meet the student's needs related to the student's status as an intersex, nonbinary, transgender, or gender-nonconforming student. If the student permits the employee to notify the compliance officer, the employee shall do so within three school days.

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

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

3. Addressing a Student's Transition Needs: The compliance officer shall arrange a meeting with the student and, if appropriate, the student's parents/guardians to identify and develop strategies for ensuring that the student's access to educational programs and activities is maintained. The meeting shall discuss the intersex, nonbinary, transgender, or gender-

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

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

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

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

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

6. Names and Pronouns: If a student so chooses, district personnel shall be required to address the student by a name and the pronoun(s) consistent with the student's gender identity, without the necessity of a court order or a change to the student's official district record. However, inadvertent slips or honest mistakes by district personnel in the use of the student's

name and/or consistent pronouns will, in general, not constitute a violation of this administrative regulation or the accompanying district policy.

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

Regulation Approved:

TUSD 5. 24 .22

The Board Policies (BP) and Administrative Regulations (AR) cited throughout this handbook can be found on the Tracy Unified School District's website under the Board of Education tab or can be requested from your school site.

KNOW YOUR EDUCATIONAL RIGHTS

EDUCATIONAL RIGHTS

Your Child has the Right to a Free Public Education

All children in the United States have a Constitutional right to equal access to free public education, regardless of immigration status and regardless of the immigration status of the students' parents or guardians.

- In California:
  - ❖ All children have the right to a free public education.
  - ❖ All children ages 6 to 18 years must be enrolled in school.
  - ❖ All students and staff have the right to attend safe, secure, and peaceful schools.
  - ❖ All students have a right to be in a public-school learning environment free from discrimination, harassment, bullying, violence, and intimidation.
  - ❖ All students have equal opportunity to participate in any program or activity offered by the school, and cannot be discriminated against based on their race, nationality, gender, religion, or immigration status, among other characteristics.

Information Required for School Enrollment

- When enrolling a child, schools must accept a variety of documents from the student's parent or guardian to demonstrate proof of child's age or residency.
- You never have to provide information about citizenship/immigration status to have your child enrolled in school. Also, you never have to provide a Social Security number to have your child enrolled in school.

Confidentiality of Personal Information

- Federal and state laws protect student education records and personal information. These laws generally require that schools get written consent from parents or guardians before releasing student information, unless the release of information is for educational purposes, is already public, or is in response to a court order or subpoena.
- Some schools collect and provide publicly basic student "directory information." If they do, then each year, your child's school district must provide parents/guardians with written notice of the school's directory information policy, and let you know of your option to refuse release of your child's information in the directory.

Family Safety Plans if You Are Detained or Deported

- You have the option to provide your child's school with emergency contact information, including the information of secondary contacts, to identify a trusted adult guardian who can care for your child in the event you are detained or deported.
- You have the option to complete a Caregiver's Authorization Affidavit or a Petition for Appointment of Temporary Guardian of the Person, which may enable a trusted adult the authority to make educational and medical decisions for your child.

Right to File a Complaint

- Your child has the right to report a hate crime or file a complaint to the school district if he or she is discriminated against, harassed, intimidated, or bullied on the basis of his or her actual or perceived nationality, ethnicity, or immigration status.