Parent Handbook

2026-2027

Information in this Handbook represents the rights and responsibilities for students and parents. It has been prepared and distributed as required by Education Code Section 48980. A copy is provided to all students and their parents in the Evergreen School District. This Handbook is also available online at www.eesd.org.

District Office
3188 Quimby Road
San Jose, CA 95148
Phone: 408-270-6800
Fax: 408-274-3894
www.eesd.org

Superintendent: Dr Antoine Hawkins
Board of Trustees: Jim Zito
Dr. Stan Rose
Patti Andrade
Jeremy Barousse
Mary Pollett

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EVERGREEN SCHOOL DISTRICT
SAN JOSE, CALIFORNIA

CHAPTER 1: DISTRICT OVERVIEW

A Message from the Superintendent

Dr. Antoine Hawkins
Superintendent

3188 Quimby Road
San Jose, CA 95148
Phone: (408)270-6800
Fax: (408)274–3894
ahawkins@eesd.org

Welcome to the 2026–27 School Year!

Dear Families,

On Monday, August 17, 2026, we will open our doors to welcome nearly 8,800 students back to school. Whether your child is walking into kindergarten for the very first time or starting their final year of 8th grade, the first day of school marks an exciting new chapter. No matter where your child is on their learning journey, our promise to you is simple: to provide a school environment that is safe, supportive, challenging, and inspiring.

At Evergreen, education isn't one-size-fits-all. Our teachers and staff pride themselves on getting to know every student by name, truly investing in their personal growth and happiness. We are incredibly proud of our academic programs, but we know that true student success only happens when schools and families work closely together as partners.

As one of the top-ranked districts in Santa Clara County, Evergreen offers a unique balance. We have the robust resources and opportunities of a large district, yet we've managed to keep the close-knit, welcoming feel of a small neighborhood community. Our status as California Distinguished Schools is a direct reflection of the hard work and heart our teachers, support staff, and administrators put into their jobs every day.

We take great pride in what we've accomplished together, but we aren't standing still. We are constantly listening, adjusting, and finding new ways to better serve and prepare our students for the future.

I am incredibly excited to work alongside you this year to ensure every student feels supported and empowered to reach their full potential.

In community,

Dr. Antoine Hawkins

Superintendent

Board of Trustees

Jim Zito, President

Board Member since December 2010
Term expires 2026

jimzito@eesd.org

Dr. Stan Rose, President Pro-Tem

Board Member since December 2022
Term expires 2026

stanrose@eesd.org

Patti Andrade, Clerk

Board Member since December 2020
Term expires 2028

pattieandrade@eesd.org

Jeremy Barousse, Trustee

Board Member since December 2022
Term expires 2028

jeremybarousse@eesd.org

Mary Hien Pollett, Trustee

Board Member since December 2022
Term expires 2026

marypollett@eesd.org

VISION STATEMENT

Evergreen Elementary School District, in partnership with the community, will be a place where teachers, staff, and students are partners in developing each student's unique potential.

MISSION STATEMENT

Evergreen Elementary School District, in partnership with the community, provides all responsibility and a commitment to academic and civic excellence.

BOARD OF TRUSTEES - GOALS

- To promote achievements for all students in a rigorous and innovative 21st century learning environment of collaboration, communication, critical thinking and creativity.
- To provide equitable resources and facilities. Achieve financial stability and sustainability. Attract and retain teachers and staff, especially those with specialized credentials.
- To enhance the social-emotional well- being of students, teachers, and staff.

The Evergreen School District Parent Handbook and Annual Parent Acknowledgement and Consent Form are available in English, Spanish, and Vietnamese at your school site upon request.

Quyển sổ tay của học khu Evergreen dành cho phụ huynh và sự tường tận hằng năm của phụ huynh và giấy chấp thuận đã có bằng tiếng Anh, Tây Ban Nha, và tiếng Việt tại trường của quý vị theo sự yêu cầu

El Manual de Padres del Distrito Escolar de Evergreen y Reconocimiento Anual de Padres y Forma de Consentimiento están disponibles en Inglés, Español y Vietnamita en su escuela a la solicitud.

Cadwallader Elementary
3799 Cadwallader Ave. | San Jose, CA 95121
Phone: 408-270-4950
Fax: 408-223-4839
Report Absences: 408-270-4951
Principal: Jennifer Diehl

Cedar Grove Elementary
2702 Sugarplum Dr. | San Jose, CA 95148
Phone: 408-270-4958
Fax: 408-223-4852
Report Absences: 408-270-4958
Principal: Lea Peery

Chaboya Middle School
3276 Cortona Dr. | San Jose, CA 95135
Phone: 408-270-6900
Fax: 408-270-6916
Report Absences: 408-270-6900
Principal: Michal Nozik

Carolyn Clark Elementary
3701 Rue Mirassou | San Jose, CA 95148
Phone: 408-223-4560
Fax: 408-223-4567
Report Absences: 408-223-4590
Principal: Loan Dinh

Evergreen Elementary
3010 Fowler Road | San Jose, CA 95135
Phone: 408-270-4966
Fax: 408-270-4968
Report Absences: 408-270-4966
Principal: Diana Nakano

Holly Oak Elementary
2995 Rossmore Way | San Jose, CA 95148
Phone: 408-270-4976
Fax: 408-223-4513
Report Absences: 408-270-4975
Principal: Armando Lara

James F. Smith Elementary
2200 Woodbury Lane | San Jose, CA 95121
Phone: 408-532-2150
Fax: 408-532-2165
Report Absences: 408-532-2150
Principal: Alexis Rouse

Katherine R. Smith Elementary
2025 Clarice Dr. | San Jose, CA 95122
Phone: 408-270-6751
Fax: 408-270-6877
Report Absences: 408-270-6751
Principal: Doris Malmin

LeyVa Middle School
1865 Monrovia Drive | San Jose, CA 95122
Phone: 408-270-4992
Fax: 408-532-7214
Report Absences: 408-270-6710
Principal: Jim Grassi

Tom Matsumoto Elementary
4121 Mackin Woods Ln. | San Jose, CA 95135
Phone: 408-223-4873
Fax: 408-223-4883
Report Absences: tmabsence@eesd.org
Principal: Gokcen Ceran

Millbrook Elementary
3200 Millbrook Dr. | San Jose, CA 95148
Phone: 408-270-6767
Fax: 408-270-4887
Report Absences: 408-270-6767
Principal: Steve Sweeney

John J. Montgomery Elementary
2010 Daniel Maloney Dr. | San Jose, CA 95121
Phone: 408-270-6718
Fax: 408-223-4848
Report Absences: 408-270-6718
Principal: Jaime Hammond

Norwood Creek Elementary
3241 Remington Way | San Jose, CA 95148
Phone: 408-270-6727
Fax: 408-223-9266
Report Absences: 408-270-6727
Principal: Tonya Bailey

Quimby Oak Middle School
3190 Quimby Road | San Jose, CA 95148
Phone: 408-270-6735
Fax: 408-223-4523
Report Absences: 408-270-6735
Principal: Ginger Gaeta

Silver Oak Elementary
5000 Farnsworth Dr. | San Jose, CA 95138
Phone: 408-223-4515
Fax: 408-23-4540
Report Absences: 408-223-4515
Principal: Celestina Pakel

O. B. Whaley Elementary
2655 Alvin Ave. | San Jose, CA 95121
Phone: 408-270-6759
Fax: 408-223-4537
Report Absences: 408-270-6759
Principal: Gina Ornellas

EVERGREEN SCHOOL DISTRICT *Profile Of A Learner*

We engage our students in authentic learning that prepares them with the skills to be global minded citizens.

Parents want to know that their child is on the right path for success in life. Educators want to ensure that our students learn the skills today needed to open doors to the future. Together we recognize that we have an important role in establishing the foundation for our children to grow.

In their elementary years, children must develop basic academic literacy. A strong academic core in reading, writing, science and math enables students with the basic tools for success. While these basic tools are critical, we also know that college, career and the ever-changing work force demand much more than simply foundational skills. When our children demonstrate open-ended innovative thought, respect divergent thinking, engage others in thoughtful discussion, actively and creatively solve problems, develop a personal voice and have a strong academic core, our children will be prepared for their life's journey.

In service of these hopes and desires, our teacher leaders, school site leadership, and Instruction Department have been engaging in intentional work to draft and develop our profile of a learner. This work has resulted in the creating of six outcomes we want for all students: Learner, Advocate, Collaborator, Communicator, Critical Thinker, and Innovator.

Learner	Communicator	Collaborator	Critical Thinker	Innovator	Advocate
Be academically literate. (Reading, Writing, Math, Science and Social Studies)	Respectfully relates to others on an emotional level in order to integrate multiple perspectives.	Works interdependently and inclusively to promote learning, increase productivity, and achieve shared goals.	Demonstrates open-ended thought to enhance the design/build process.	Engages in problem solving, inquiry, and design of innovative solutions to overcome obstacles to improve outcomes.	Creates inclusive conditions for all.
Be self-directed.	Employs active listening strategies to advance understanding.	Expresses and recognizes multiple viewpoints in order to engage with others in thoughtful discussion.	Evaluates ideas and information sources for validity, relevance, and impact.	Builds resilience through risk-taking and setbacks.	Engages in healthy and positive practices to promote physical and mental well-being.
Perseveres in difficult tasks and to overcome academic and personal barriers to meet goals.	Speaks in a purposeful manner to inform, influence, motivate, or entertain listeners.	Is receptive to feedback to improve ideas and implement decisions.	Reasons through and weighs evidence to reach conclusions.	Creates new ideas/products with value and meaning.	Voices the value of diversity and the interdependence of all people.
Uses time and resources wisely to set goals, complete tasks, and manage projects.	Incorporates effective writing skills for various purposes and audiences to convey understanding and concepts.		Challenges assumptions.	Demonstrates open-ended and innovative thought to enhance the design/build process.	Engages in reflection for self-improvement and advocacy.
Communicates effectively to make meaningful connections.	Uses technological skills and contemporary digital tools to explore and exchange ideas.		Has the ability to suspend judgements.	Uses information in novel and creative ways to strengthen comprehension and deepen awareness.	Acknowledges, understands, and takes action when considering local, national, and world issues.
Demonstrates empathy, compassion, and respect for others.	Expresses thought, ideas, and emotions meaningfully and creatively.		Applies skills to acquire knowledge and broaden perspectives.		Contributes to solutions that benefit the community.
Acts responsibly and ethically to build trust and lead.			Constructs arguments.		Promotes environmental stewardship.

Pupil-Free Staff Development Day and Minimum Day Schedule

A copy of the District's pupil-free staff development day and minimum day schedules is attached for reference. Thursdays have been designated as minimum days for students in grades TK-8. A pupil's parent or guardian will be notified during the school year of any additional minimum days. (Ed. Code, § 48980(c)).

EVERGREEN SCHOOL DISTRICT
EST. 1860
SAN JOSE, CALIFORNIA

2026-2027
Academic Calendar: Revised

JULY				
M	T	W	TH	F
		1	2	3
6	7	8	9	10
13	14	15	16	17
20	21	22	23	24
27	28	29	30	31

AUGUST					
M	T	W	TH	F	
3	4	5	6	7	
10	11	12	13	14	
★	18	19	20	21	
24	25	26	27	28	
31					11

SEPTEMBER					
M	T	W	TH	F	
	1	2	3	4	
7	8	9	10	11	
14	15	16	17	18	
21	22	23	24	25	
28	29	30			21

OCTOBER					
M	T	W	TH	F	
			1	2	
5	6	7	8	9	
12	13	14	15	16	
19	20	21	22	23	
26	27	28	29	30	21

NOVEMBER					
M	T	W	TH	F	
2	3	4	5	6	
9	10	11	12	13	
16	17	18	19	20	
23	24	25	26	27	
30					12

DECEMBER					
M	T	W	TH	F	
	1	2	3	4	
7	8	9	10	11	
14	15	16	17	18	
21	22	23	24	25	
28	29	30	31		14

JANUARY					
M	T	W	TH	F	
				1	
4	5	6	7	8	
11	12	13	14	15	
18	19	20	21	22	
25	26	27	28	29	18

FEBRUARY					
M	T	W	TH	F	
1	2	3	4	5	
8	9	10	11	12	
15	16	17	18	19	
22	23	24	25	26	
					15

MARCH					
M	T	W	TH	F	
1	2	3	4	5	
8	9	10	11	12	
15	16	17	18	19	
22	23	24	25	26	
29	30	31			19

APRIL					
M	T	W	TH	F	
			1	2	
5	6	7	8	9	
12	13	14	15	16	
19	20	21	22	23	
26	27	28	29	30	20

MAY					
M	T	W	TH	F	
3	4	5	6	7	
10	11	12	13	14	
17	18	19	20	21	
24	25	26	27	28	
31					20

JUNE					
M	T	W	TH	F	
	1	2	3	4	
7	8	9	10	★	
14	15	16	17	18	
21	22	23	24	25	
28	29	30			9

KEY	
First and Last Day of Instruction	★
No Minimum Day *(Thursday)*	
Minimum Day *(Friday)*	
Classified Staff Holiday	
Holiday or No School	
Summer Break	
Staff Development Day or Conference *(no students)*	△

Total Instructional Days: 180

STAFF HOLIDAYS (17)	
Independence Day *(Observed)*	Jul 3
Labor Day	Sept 7
Veteran's Day	Nov 11
Thanksgiving	Nov 25, 26, 27
Winter Holiday	Dec 24 & 25
New Years Holiday	Dec 31 & Jan 1
MLK Day	Jan 18
President's Birthdays	Feb 15 & 16
Spring Holiday	Mar 26 & Mar 29
Memorial Day	May 31
Juneteenth *(Observed)*	Jun 18

IMPORTANT DATES	
All Teachers Inservice Day	Aug 13 & 14
First Day of Instruction	Aug 17
First Minimum Day	Aug 20
Staff Development Day	Oct 8 & Jan 14
Diwali Observance	Nov 9
No School	Nov 10
Conference Day *(Middle School)*	Nov 4
Conference Day *(Elementary)*	Nov 18
Thanksgiving Break	Nov 23 to 27
No Minimum Day *(Thursday)*	Dec 17
Minimum Day *(Friday)*	Dec 18
Winter Break	Dec 21 to Jan 1
President's Break	Feb 15 to 19
Farmworkers Day	Mar 31
Spring Break	Mar 26 to Apr 2
Last Day of Instruction	Jun 11

Board Approved: March 12, 2026

Board Approved (revision): March 25, 2026

CHAPTER 2: IMPORTANT NOTICES AND PARENT RIGHTS

Parent Notice of Rights and Responsibilities

Evergreen School District Board Policy

Board Policy 5020: Parent Rights and Responsibilities
Administrative Regulation 5020: Parent Rights and Responsibilities

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

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

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

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

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

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

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

Parent/Guardian Rights

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

17. To refuse to submit or to participate in any assessment, analysis, evaluation or monitoring of the quality or character of the student's home life, any form of parental screening or testing, any nonacademic

home-based counseling program, parent training, or any prescribed family education service plan and to inspect any survey collecting personal information (Education Code 49091.18; 20 USC 1232h).

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

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

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

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

Parent Responsibilities

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

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

Notification of Rights Under FERPA for Elementary and Secondary Schools

The Family Educational Rights and Privacy Act (FERPA) affords parents and students over 18 years of age ('eligible students') certain rights with respect to the student's education records.

These rights are:

- The right to inspect and review the student's education records within 45 days of the day the School receives a request for access.
- Parents or eligible students should submit to the school principal a written request that identifies the record(s) they wish to inspect. The school official will make arrangements for access and notify the parent or eligible student of the time and place where the records may be inspected.
- The right to request amendment of the student's education records that the parent or eligible student believes are inaccurate, misleading, or otherwise in violation of the student's privacy rights under FERPA.
- Parents or eligible students may ask the school to amend a record that they believe is inaccurate or misleading. They should submit a written request to the school principal, clearly identify the part of the record they want changed, and specify why it is inaccurate or misleading.
- If the school decides not to amend the record as requested by the parent or eligible student, the school will notify the parent or eligible student of the decision and advise the parent or eligible student of the right to a hearing regarding the request for amendment. Additional information regarding the hearing procedures will be provided to the parent or eligible student when notified of the right to a hearing.
- The right to consent to disclosures of personally identifiable information contained in the student's education records, except to the extent that FERPA authorizes disclosure without consent.
- One exception, which permits disclosure without consent, is disclosure to school officials with legitimate educational interests. A school official is a person employed by the school as an administrator, supervisor, instructor, or support staff member (including health or medical staff and law enforcement unit personnel); a person serving on the Board of Trustees; a person or company with whom the school has contracted to perform a special task (such as an attorney, auditor, medical consultant, or therapist); or a parent or student serving on an official committee, such as a disciplinary or grievance committee, or assisting another school official in performing his or her tasks.
- A school official has a legitimate educational interest if the official needs to review an education record in order to fulfill his or her professional responsibility.
- Upon request, the school discloses education records, without prior consent, to officials of another school district in which a student seeks or intends to enroll.

- The right to file a complaint with the U.S. Department of Education concerning alleged failures by the school to comply with the requirements of FERPA.

Family Educational Rights and Privacy Act

Parents have certain rights regarding student information and records which are guaranteed under federal law. A handout notifying parents of these rights is attached.

Inspection of Student Records

State law requires that the District notify parents of the following rights which pertain to student records (Ed. Code, §§ 49063, 49069, 34 C.F.R. § 99.7).

- A parent or guardian has the right to inspect and review student records relating directly to his or her child during school hours or obtain a copy of such records within five (5) business days of his/her request.
- Any parent who wishes to review the types of student records and information contained therein may do so by contacting the principal at his/her child's school. The principal of each school is ultimately responsible for maintenance of student records.
- A parent with legal custody has a right to challenge information contained in his/her child's records. Any determination to expunge a student's record is made after a review of said record(s) by site administrators and certificated staff. Following an inspection and review of student records, the parent may challenge the content of the student's record. The right to challenge becomes the sole right of the student when the student becomes eighteen (18) years of age.
- A parent may file a written request with the Superintendent of the District to remove any information recorded in the written records concerning the child which is alleged to be:
    - Inaccurate.
    - An unsubstantiated personal conclusion or inference.
    - A conclusion or inference outside of the observer's area of competence.
    - Not based on the personal observation of a named person with the time and place of the observation noted.
    - Misleading.
    - In violation of the privacy or other rights of the pupil.

Within thirty (30) days, the Superintendent or designee shall meet with the parent/guardian and the certificated employee who recorded the information, if any, and if the person is still employed with the District, and sustain or deny the allegations. If the allegations are sustained, the Superintendent shall order the correction, removal or destruction of the information. If the Superintendent denies the allegations, the parent may appeal the decision to the Board of Trustees within thirty (30) days. The Board shall determine whether or not to sustain or deny the allegations. The Board shall determine whether or not to sustain or deny the allegations. If the Board sustains the allegations, it shall order the Superintendent to immediately correct, remove or destroy the information from the written records of the student (Ed. Code, § 49070).

If the final decision of the Board is unfavorable to the parents, or if the parent accepts an unfavorable decision by the District Superintendent, the parent shall have the right to submit a written statement of objections to the information. This statement shall become a part of the student's school record until such time as the information objected to is removed. Both the Superintendent and the Board have the option of appointing a hearing panel in accordance with Education Code sections 49070-49071 to assist in the decision making. The decision as to whether a hearing panel is to be used shall be made at the discretion of the Superintendent or the Board and not of the challenging party.

- A Student Records Log is maintained for each student. The Student Records Log lists persons, agencies or organizations requesting and/or receiving information from the records to the extent required by law. Student Records Logs are located at each school and are open to inspection by parents or guardians (Ed. Code, § 49064).
- School officials and employees having a legitimate educational interest, as well as persons identified in Education Code sections 49076 and 49076.5 and in the Family Educational Rights and Privacy Act, may access student records without first obtaining parental consent. 'School officials and employees' are persons employed by the District as an administrator, supervisor, instructor, or support staff member (including health or medical staff and District-employed law enforcement personnel), a Board member, a person or company with whom the District has contracted to perform a special service (such as an attorney, auditor, medical consultant, or therapist), or a parent, student, foster family agency, short term residential treatment staff or caregiver whose access to student records is legally authorized. whose access to student records is legally authorized. A 'legitimate educational interest' is one held by a school official or employee whose duties and responsibilities create a reasonable need for access (Ed. Code, §§ 49063(d), 49076, 49076.5, 20 U.S.C. § 1232g).
- Parents and guardians have the right to authorize the release of student records to themselves. Only parents and guardians with legal custody can authorize the release of student records to others.
- Parents and guardians will be charged ten (10) cents per page for the reproduction of student records.
- Parents have a right to file a complaint with the U.S. Department of Education for alleged violations of parent rights related to student records (20 U.S.C. § 1232g(g)).

Parents may obtain a copy of the District's complete student records policy by contacting the Superintendent.

Release of Student Information

The District does not release information or records concerning a child to noneducational organizations or individuals without parent consent except by court order, receipt of a lawfully issued subpoena, or when otherwise allowed by law. The following categories of directory information may be made available to various persons, agencies or institutions unless the parent or guardian notifies the District in writing not to release such information: Name, address, telephone, date of birth, email address, major field of study, participation in officially recognized activities and sports, weight and height of members of athletic teams, dates of attendance, diplomas and awards received, and most recent previous educational institution attended (Ed. Code, §§ 49060 et seq., 49073, 20 U.S.C. § 1232g, 34 C.F.R. § 99.7). In accordance with state and federal law, the District may also make available photographs, videos, and class rosters. Directory information will not be released regarding a pupil identified as a homeless child or youth unless a parent, or pupil accorded parental rights, has provided written consent that directory information may be released (Ed. Code, § 49073(c), 20 U.S.C. § 1232g, 42 U.S.C. § 11434a(2)).

Release of Directory Information

Evergreen School District Board
Board Policy 5125.1: Release of Directory Information
Administrative Regulation 5125.1 - Release of Directory Information

The Board of Trustees recognizes the importance of maintaining the confidentiality of directory information and therefore authorizes the release of such information only in accordance with law, Board policy, and administrative regulation.

The Superintendent or designee may release student directory information to representatives of the news media or nonprofit organizations in accordance with Board policy and administrative regulation.

The Superintendent or designee may limit or deny the release of specific categories of directory information to any public or private nonprofit organization based on his/her determination of the best interests of district students (Education Code 49073).

Colleges and prospective employers, including military recruiters, shall not have access to directory information (10 USC 503; Education Code 49603).

Under no circumstances shall directory information be disclosed to a private profit-making entity, except for representatives of the news media and prospective employers, in accordance with Board policy. Private schools and colleges may be given the names and addresses of 12th-grade students and students who are no longer enrolled provided that they use this information only for purposes directly related to the institution's academic or professional goals (Education Code 49073).

Definition

Directory information means information contained in a student record that would not generally be considered harmful or an invasion of privacy if disclosed. Such student information includes: (Education Code 49061; 20 USC 1232g; 34 CFR 99.3)

1. Name
2. Address
3. Telephone number
4. Email address
5. Date of birth
6. Date of attendance
7. Most recent previous school attended

Directory information does not include a student's social security number or student identification number. However, for purposes of accessing or communicating in electronic systems, directory information may include a student identification number, user identification, or other personal identifier used by the student provided that the identifier cannot be used to gain access to education records except when used in conjunction with a personal identification number, password, or other factor known or possessed only by the authorized user (34 CFR 99.3).

Directory information also does not include a student's citizenship status, immigration status, place of birth, or any other information indicating national origin.

Notification to Parents/Guardians

At the beginning of each school year, all parents/guardians shall be notified as to the categories of directory information the district plans to release and the recipients of the information. The notification shall also inform parents/guardians of their right to refuse to let the district designate any or all types of information as directory information, how to refuse release, and the period of time within which a parent/guardian must notify the district in writing that he/she does not want a certain category of information designated as directory information (Education Code 49063, 49073; 20 USC 1232g; 34 CFR 99.37).

In addition, the annual parental notification shall include a statement that directory information does not include citizenship status, immigration status, place of birth, or any other information indicating national origin and that the district will not release such information without parental consent or a court order.

The Superintendent or designee shall notify parents/guardians that they may request that the district not release the name, address, and telephone number of their child to military recruiters, employers, or institutions of higher education without prior written consent (20 USC 7908).

Parent/Guardian Consent

No directory information of a student identified as a homeless child or youth as defined in 42 USC 11434a shall be released, unless the parent/guardian, or the student if he/she is 18 years or older, has provided written consent that directory information may be released. For any other student, directory information shall not be released if his/her parent/guardian notifies the district in writing that such information not be disclosed without the parent/guardian's prior consent (Education Code 49073; 20 USC 1232g, 7908).

For a former student, the district shall continue to honor any valid request to opt out of the disclosure of directory information made while the student was in attendance at the district, unless the opt-out request has been rescinded (34 CFR 99.37)[1].

[1] Policy Reference Disclaimer: These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the Governing Board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State: Ed. Code 234.7; Ed. Code 48985; Ed. Code 49061; Ed. Code 49063; Ed. Code 49073; Ed. Code 49073.2; Ed. Code 49073.5; Ed. Code 49603; **Federal:** 10 USC 503; 20 USC 1232g; 20 USC 7908; 34 CFR 99.1-99.67; 42 USC 11434a

Review of Curriculum

A prospectus of curriculum, including titles, descriptions, and instructional aims of every course offered by each public school, is available at the school site for parent review upon request. Copies are available upon request for a reasonable fee not to exceed the actual copying cost (Ed. Code, §§ 49063, 49091.14).

Immigration Enforcement - Know Your 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 student's 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 the 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.

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.

For more information on resources for responding to immigration enforcement activities at California schools, or to file a complaint, please contact:

Bureau of Children's Justice
California Attorney General's Office
P.O. Box 944255 Sacramento, CA 94244-2550
Phone: (800) 952-5225
Email: BCJ@doj.ca.gov
https://oag.ca.gov/bcj/complaint

The Attorney General's publications can be downloaded at: https://www.oag.ca.gov/bcj

CHAPTER 3: ATTENDANCE AND ENROLLMENT

Student Residency

A student may be enrolled in the District if

1. the student's parent, legal guardian or other person having control and charge of the student resides in the District (Ed. Code, §48200);

2. the District has approved interdistrict attendance (Ed. Code, § 46600;

3. the student is placed in a regularly established children's institution, licensed foster home, or family home;

4. the student is a foster child who remains in his or her school of origin pursuant to Education Code Section 48853.5(f) and (g);

5. the student is emancipated and lives within the District;

6. the student lives in the home of an adult who has submitted a caregiver affidavit;

7. the student resides in a state hospital within the District; or

8. the student's parent or legal guardian resides outside of the boundaries of the school district but is employed and lives with the student at the place of his/her employment within the school district boundaries for a minimum of three days during the school week (Ed. Code, § 48204).

The law allows, but does not require, a district to accept a student for enrollment where at least one parent or legal guardian of the student is physically employed within the district's boundaries for a minimum of 10 hours during the school week (Ed. Code, §48204).

A student also complies with the residency requirements for school attendance in a school district if he or she is a student whose parent is transferred or pending transfer to a military installation within the boundaries of the state while on active duty pursuant to an official military order. However, the parent must provide proof of residence in the school district within ten days after the published arrival date provided on official documentation (Ed. Code, §48204.3).

A student also complies with the residency requirement if the student's parent/guardians were residents of the state but departed California against their will if the student provides official documentation evidencing the departure of her/his parent/guardians against their will; and that the student lived and was enrolled in school in California immediately before moving outside of California (Ed. Code, §48204.4).

Attendance Options

All districts must inform parents at the beginning of the school year how to enroll in a school within the district that is different from the one assigned. Students who attend schools other than those assigned by the district are referred to as 'transfer students' throughout this notification. There is one process for choosing a school within the district in which the parent lives (intradistrict transfer), and separate processes for selecting schools in other districts (interdistrict transfer) (Ed. Code, § 48980(h)) (Ed. Code, § 48350 et eq.). Attached is a copy of the District's Policy of Interdistrict and Intradistrict Transfers (School Choice). Parents interested in interdistrict or intradistrict transfers should contact Evergreen School District Office, (408) 270-6800. The general requirements and limitations of each process are described as follows: Choosing a School Within the District in Which Parent Lives : Education Code section 35160.5(b) requires the school board of each district to establish a policy that allows parents to choose the schools their children will attend, regardless of where the parent lives in the district. The law limits choice within school district as follows:

- Students who live in the attendance area of a school must be given priority to attend that school over students who do not live in the school's attendance area.
- In cases in which there are more requests to attend a school than there are openings, the selection process must be 'random and unbiased,' which generally means students must be selected through a lottery process rather than on a first-come, first-served basis. A district cannot use a student's academic or athletic performance as a reason to accept or reject a transfer. However, a district may consider special circumstances that might be harmful or dangerous to a particular pupil in the current attendance area of the pupil, including physical threats of bodily harm or threats to the emotional stability of the pupil documented by a state or local agency, licensed or registered professional, or court order.
- Each district must decide the number of openings at each school which can be filled by transfer students. Each district also has the authority to keep appropriate racial and ethnic balances among its schools, meaning that a district can deny a transfer request if it would upset this balance or would leave the district out of compliance with a court-ordered or voluntary desegregation program.
- A district is not required to provide transportation assistance to a student that transfers to another school in the district under these provisions.
- If a transfer is denied, a parent does not have an automatic right to appeal the decision. Choosing a School Outside the District in Which Parent Lives:
- Parents have two different options for choosing a school outside the district in which they live. The two options are: Interdistrict Transfers (Ed. Code, §§ 46600–46611): The law allows two or more districts to enter into an agreement for the transfer of one or more students for a period of up to five years. New agreements may be entered into for additional periods of up to five years each. The agreement must specify the terms and conditions under which transfers are permitted. The law on interdistrict transfers also provides for the following:

- Once a pupil is enrolled in a school pursuant to an interdistrict transfer agreement, the pupil must be allowed to continue to attend the school in which he or she is enrolled without reapplying, unless revocation of the interdistrict transfer is a term and condition of the agreement between the districts; however, a district must not rescind existing transfer permits for pupils entering grade 11 or 12 in the subsequent school year.

- Upon request, a pupil determined to be the victim of an act of bullying by a pupil of the district of residence must be given priority for interdistrict attendance under any existing interdistrict attendance agreement or additional consideration for the creation of an interdistrict attendance agreement (Ed. Code, §§ 46600(b), 48900(r)).

- If either district denies a transfer request, a parent may appeal that decision to the county board of education. There are specified timelines in the law for filing an appeal and for the county board of education to make a decision.

- A school district of residence shall not prohibit the transfer of a student who is a homeless child or youth, a current or former migratory child, a foster youth, the victim of an act of bullying, or a child of an active military duty parent to a school district of proposed enrollment if the school district of proposed enrollment approves the transfer application. A school district that elects to accept an interdistrict transfer pursuant to this subdivision shall accept all pupils who apply to transfer under this subdivision until the school district is at maximum capacity and shall ensure that pupils admitted under this subdivision are selected through an unbiased process that prohibits an inquiry into or evaluation or consideration of whether or not a pupil should be enrolled based on his or her academic, performance, athletic performance, physical condition, proficiency in English, family income, actual or perceived characteristics, such as disability (mental and physical), gender (includes gender identity, gender expression, and gender-related appearance and behavior whether or not stereotypically associated with the person's assigned sex at birth), actual or potential parental, family, or marital status, pregnancy (including childbirth, false pregnancy, termination of pregnancy, or recovery therefrom), nationality (includes citizenship, country of origin and national origin), immigration status, race or ethnicity (includes ancestry, color, ethnic group identification and ethnic background), religion (includes all aspects of religious belief, observance and practice, including agnosticism and atheism), sexual orientation (heterosexuality, homosexuality or bisexuality), or association with a person or group with one or more of these actual or perceived characteristics. Upon request of the parent on behalf of a pupil eligible for transfer pursuant to this subdivision, a school district of enrollment will provide transportation assistance to a pupil who is eligible for free or reduced-price meals. A school district of enrollment may provide transportation assistance to any pupil admitted under this subdivision (Ed. Code, § 46600(d)).

Intradistrict Open Enrollment

Evergreen School District Board
Board Policy 5116.1: Intradistrict Open Enrollment
Administration Regulation 5116.1 - Intradistrict Open Enrollment

The Board of Trustees desires to provide enrollment options that meet the diverse needs and interests of district students and parents/guardians, while also maximizing the efficient use of district facilities and resources. The Superintendent or designee shall establish procedures for the selection and transfer of students among district schools in accordance with law, Board policy, and administrative regulation.

The parents/guardians of any student who resides within district boundaries may apply to enroll their child in any district school, regardless of the location of their residence within the district (Education Code 35160.5).

The Board shall annually review this policy (Education Code 35160.5, 48980).

Enrollment Priorities

No student currently residing within a school's attendance area shall be displaced by another student transferring from outside the attendance area (Education Code 35160.5).

The Superintendent or designee shall grant priority for the enrollment of a student in a district school outside of the student's attendance area, if the student:

1. Is enrolled in a district school designated by the California Department of Education (CDE) as "persistently dangerous" (20 USC 7912; 5 CCR 11992).

2. Is a victim of a violent crime while on school grounds (20 USC 7912).

3. Is a victim of an act of bullying committed by another district student, as determined through an investigation following the parent/guardian's submission of a written complaint with the school, district, or local law enforcement agency pursuant to Education Code 234.1 (Education Code 46600).

   If the district school requested by the student is at maximum capacity, the Superintendent or designee shall accept an intradistrict transfer request for another district school (Education Code 46600).

4. Is currently enrolled in a district school identified by CDE for comprehensive support and improvement, with priority given to the lowest academically achieving students from low-income families as determined pursuant to 20 USC 6313(a)(3) (20 USC 6311).

5. Is experiencing special circumstances that might be harmful or dangerous to the student in the current attendance area, including, but not limited to, threats of bodily harm or threats to the emotional stability of the student. Any such student may transfer to a district school that is at capacity and otherwise closed

to transfers. To grant priority under these circumstances, the Superintendent or designee must have received either: (Education Code 35160.5)

a. A written statement from a representative of an appropriate state or local agency, including, but not necessarily limited to, a law enforcement official or a social worker, or a properly licensed or registered professional, including, but not necessarily limited to, a psychiatrist, psychologist, marriage and family therapist, clinical social worker, or professional clinical counselor

b. A court order, including a temporary restraining order and injunction

6. Is a sibling of another student already attending that school

7. Has a parent/guardian whose primary place of employment is that school

Application and Selection Process

In order to ensure that priorities for enrollment in district schools are implemented in accordance with law and Board policy, applications for intradistrict open enrollment shall be submitted

The Superintendent or designee shall calculate each school's capacity in a nonarbitrary manner using student enrollment and available space (Education Code 35160.5).

Except for the enrollment priorities listed above, the Superintendent or designee shall use a random, unbiased selection process to determine which students shall be admitted whenever a district school receives admission requests that are in excess of the school's capacity (Education Code 35160.5).

Enrollment decisions shall not be based on a student's academic or athletic performance. However, existing entrance criteria may be used for enrolling students in specialized schools or programs, provided that the criteria are uniformly applied to all applicants. In addition, academic performance may be used to determine eligibility for, or placement in, programs for gifted and talented students (Education Code 35160.5).

Transportation

In general, the district shall not be obligated to provide transportation for students who attend school outside their attendance area.

However, upon parent/guardian request, the district shall provide transportation assistance to any student who is eligible for free or reduced-price meals and whose enrollment in a district school outside the student's attendance area is a result of being a victim of bullying (Education Code 46600).

Transfers for Victims of a Violent Criminal Offense

Within a reasonable amount of time, not to exceed 14 calendar days, after it has been determined that a student has been the victim of a violent criminal offense while on school grounds, the student's parents/guardians shall be offered an option to transfer their child to an eligible school identified by the Superintendent or designee. In making the determination that a student has been a victim of a violent criminal offense, the Superintendent or designee shall consider the specific circumstances of the incident and consult with local law enforcement as appropriate. Examples of violent criminal offenses include, but are not limited to, attempted murder, battery with serious bodily injury, assault with a deadly weapon, rape, sexual battery, robbery, extortion, or hate crimes.

The Superintendent or designee shall consider the needs and preferences of the affected student and parent/guardian in making the offer. If the parent/guardian elects to transfer the student, the transfer shall be completed as soon as practicable.

Transfers from a "Persistently Dangerous" School

Upon receipt of notification from the California Department of Education (CDE) that a district school has been designated as "persistently dangerous," intradistrict transfers shall be granted as follows:

1. Within 10 days of receipt of the notification from CDE, the Superintendent or designee shall provide parents/guardians of students attending the school with notice of the school's designation. Along with this notification, or at least 14 calendar days before the start of the school year, the Superintendent or designee shall provide a list of other district schools to which any student of the school that is designated as persistently dangerous may transfer.

2. Parents/guardians who desire to transfer their child out of the school shall provide a written response to the Superintendent or designee and shall rank-order their preferences from among all schools identified by the Superintendent or designee as eligible to receive transfer students.

3. The Superintendent or designee shall consider the needs and preferences of students and parents/guardians before making an assignment, but is not obligated to accept the parent/guardian's preference if the assignment is not feasible due to space constraints or other considerations. The Superintendent or designee shall notify the parents/guardians of the assigned school.

4. For students whose parents/guardians accept the offer, the transfer shall be made as quickly as possible. If the parents/guardians decline the assigned school, the student may remain in the current school.

The transfer shall remain in effect as long as the student's school of origin is identified as "persistently dangerous." The Superintendent or designee may choose to make the transfer permanent based on the educational needs of the student, parent/guardian preferences, and other factors affecting the student's ability to succeed if returned to the school of origin.

The Superintendent or designee shall cooperate with neighboring districts to develop an interdistrict transfer program in the event that space is not available in a district school.

Other Intradistrict Open Enrollment

Except for transfers for victims of a violent crime and from a "persistently dangerous school," the following procedures shall apply to intradistrict open enrollment:

1. The Superintendent or designee shall identify those schools which may have space available for additional students. A list of those schools and open enrollment applications shall be available at each school site, the district office, and on the district's website.

2. After the enrollment priorities have been applied in accordance with Board policy, if there are more requests for a particular school than there are spaces available, a random drawing shall be held from the applicant pool. A waiting list shall be established to indicate the order in which applicants may be accepted if openings occur during the year. Late applicants shall not be added to the waiting list for the current year but shall instead wait for a subsequent lottery.

3. The Superintendent or designee shall provide written notification to applicants as to whether their applications have been approved, denied, or placed on a waiting list. If the application is denied, the reasons for denial shall be stated.

4. Approved applicants must confirm their enrollment within 10 school days.

Any student who is granted a transfer out of a school that had been identified by CDE for comprehensive support and improvement shall be allowed to remain in the school of enrollment until completing the highest grade offered at that school (20 USC 6311).

A student granted intradistrict enrollment under other circumstances shall not be required to reapply for readmission but may be subject to displacement due to excessive enrollment.

Any complaints regarding the open enrollment process shall be submitted in accordance with the applicable complaint procedure.

Bulldog Tech at LeyVa Middle School <u>and</u>
Lobo School of Innovation (LSI) at Quimby Oak Middle School

In an effort to provide a variety of educational options, Evergreen School District offers families the choice of a project based learning environment for their 7th and 8th grade students. These programs shall first be made available to students residing within the school attendance boundaries. Should there be more applicants than

space allows a lottery system will determine the order in which students will be admitted. All additional space will be made available via the intradistrict transfer process.

Dual Language Academy at Holly Oak Elementary School

Enrollment for the Dual Language Academy at Holly Oak Elementary School will be processed at the Evergreen School District office. Registration forms and enrollment information can be obtained from either the school office or the Evergreen School District Office.

As part of the Dual Immersion focus of the school, as much as is possible, an enrollment percentage of no more than 2/3 English language learners and 1/3 English only students, with a goal of having 1/3 English only students, 1/3 Bilingual (English and Spanish) students and 1/3 Spanish will be maintained to allow for appropriate modeling for Spanish and English.

Students wishing to enroll after the second semester of first grade will be assessed to determine the student's ability to participate successfully in a dual immersion curriculum. Assessment results will determine eligibility for the dual immersion program.

The program shall first be made available to students residing within the school attendance boundaries. A priority and lottery system will determine the order in which students will be admitted to Dual Language Academy at Holly Oak Elementary School if there are more applicants than space available.

Visual and Performing Arts (VAPA) Magnet Program at O.B. Whaley Elementary School

In an effort to provide a variety of educational options, Evergreen School District offers families the choice of a visual and performing arts (VAPA) program for their TK through 6th grade students. The VAPA program allows students to explore dance and other artistic disciplines, fostering creativity, self-expression, and confidence.

Enrollment for O.B. Whaley Elementary School will be processed at the Evergreen School District office. Enrollment information can be obtained from either the school office or the Evergreen School District Office. The program shall first be made available to students residing within the school attendance boundaries.

Notifications

Notifications shall be sent to parents/guardians at the beginning of each school year describing all current statutory attendance options and local attendance options available in the district. Such notification shall include: (Education Code 35160.5, 48980)

1. All options for meeting residency requirements for school attendance
2. Program options offered within local attendance areas

3. A description of any special program options available on both an interdistrict and intradistrict basis
4. A description of the procedure for application for alternative attendance areas or programs and the appeals process available, if any, when a change of attendance is denied
5. A district application form for requesting a change of attendance
6. The explanation of attendance options under California law as provided by CDE[2]

Interdistrict Attendance

Evergreen School District Board
Board Policy 5117: Interdistrict Attendance
Administrative Regulation 5117: Interdistrict Attendance

The Board of Trustees recognizes that parents/guardians of students who reside within the geographic boundaries of one district may, for a variety of reasons, desire to enroll their children in a school in another district.

Interdistrict Attendance Agreements and Permits

The Board may enter into an agreement with any other school district, for a term not to exceed five school years, for the interdistrict attendance of students who are residents of the districts. (Education Code 46600)

The agreement shall specify the terms and conditions under which interdistrict attendance shall be permitted or denied. It also may contain standards agreed upon by both districts for reapplication and/or revocation of the student's permit (Education Code 46600).

Upon receiving a permit for transfer into the district that has been approved by the student's district of residence, or upon receiving a written request from the parent/guardian of a district student who wishes to enroll in another district, the Superintendent or designee shall review the request and may approve or deny the permit subject to the terms and conditions of the interdistrict attendance agreement.

[2] Policy Reference Disclaimer: These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the Governing Board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State: 5 CCR 11992-11994; Ed. Code 200; Ed. Code 35160.5; Ed. Code 35291-35291.5; Ed. Code 35351; Ed. Code 46600-46611; Ed. Code 48200; Ed. Code 48204; Ed. Code 48300-48316; Ed. Code 48980; **Federal:** 20 USC 6311; 20 USC 6313; 20 USC 7912

Transportation

The district shall not provide transportation beyond any school attendance area.

Upon parent/guardian request, the district shall provide transportation assistance to a student receiving an interdistrict transfer who is eligible for free and reduced-price meals and is the child of an active duty military parent/guardian or a victim of bullying, as defined in Education Code 46600 (Education Code 46600).

Interdistrict Attendance Agreements and Permits

In accordance with an agreement between the Board of Trustees and the board of another district, a permit authorizing a student of either district to enroll in the other district may be issued upon approval of both districts.

The district shall post on its website the procedures and timelines for requesting an interdistrict transfer permit, including a link to BP 5117 - Interdistrict Attendance. The posted information shall include, but is not limited to (Education Code 46600.1, 46600.2):

1. The date upon which the district will begin accepting and processing interdistrict transfer requests for the following school year
2. The reasons for which the district may approve or deny a request, and any information or documents that must be submitted as supporting evidence
3. If applicable, the process and timelines by which a denial of a request may be appealed within the district before the district renders a final decision
4. A statement that failure of a parent/guardian to meet any timelines established by the district shall be deemed an abandonment of the request
5. Applicable timelines for processing a request, including the following statements:
    a. For an interdistrict transfer request received by the district 15 or fewer calendar days before the commencement of instruction in the school year for which the transfer is sought, the district will notify the parent/guardian of its final decision within 30 calendar days from the date the request was received.
    b. For an interdistrict transfer request received by the district more than 15 days before the commencement of instruction in the school year for which the interdistrict transfer is sought, the district will notify the parent/guardian of its final decision as soon as possible, but no later than 14 calendar days after the commencement of instruction in the school year for which transfer is sought.

6. The conditions under which an existing interdistrict transfer permit may be revoked or rescinded

Priority for interdistrict attendance shall be given to a student who has been determined, through an investigation by either the district of residence or district of proposed enrollment, to be a victim of an act of bullying, as defined in Education Code 48900(r), committed by a student of the district of residence (Education Code 46600).

Until the district is at maximum capacity, the district shall accept any student whose interdistrict transfer application is based on being the victim of an act of bullying or a child of an active duty military parent/guardian. The district shall ensure that such students are admitted through an unbiased process that prohibits an inquiry into or evaluation or consideration of whether or not a student should be enrolled based on academic or athletic performance, physical condition, proficiency in English, family income, or any of the individual characteristics set forth in Education Code 220, including, but not limited to, race or ethnicity, gender, gender identity, gender expression, and immigration status (Education Code 46600).

In addition, the Superintendent or designee may approve an interdistrict attendance permit for a student for any of the following reasons when stipulated in the agreement:

1. To meet the child care needs of the student, only as long as the student's child care provider remains within district boundaries
2. To meet the student's special mental or physical health needs as certified by a physician, school psychologist, or other appropriate school personnel
3. When the student has a sibling attending school in the receiving district, to avoid splitting the family's attendance
4. To allow the student to complete a school year when the student's parents/guardians have moved out of the district during that year
5. To allow the student to remain with a class promoting that year from an elementary or middle school.
6. When the parent/guardian provides written evidence that the family will be moving into the district in the immediate future and would like the student to start the school year in the district
7. When the student will be living out of the district for one year or less
8. When recommended by the school attendance review board or by county child welfare, probation, or social service agency staff in documented cases of serious home or community problems which make it inadvisable for the student to attend the school of residence
9. When there is valid interest in a particular educational program not offered in the district of residence
10. To provide a change in school environment for reasons of personal and social adjustment

The Superintendent or designee may deny initial requests for interdistrict attendance permits due to limited district resources, overcrowding of school facilities at the relevant grade level, or other considerations that are not arbitrary. However, once a student is admitted, the district shall not deny continued attendance because of overcrowded facilities at the relevant grade level.

If the transfer request is for a school year that begins within 15 calendar days of the receipt of the request, the Superintendent or designee shall notify the parent/guardian of the final decision within 30 calendar days of receiving the request. If the transfer request is for a school year that begins more than 15 calendar days after the receipt of the request, the parent/guardian shall be notified of the final decision as soon as possible, but no later than 14 calendar days after the commencement of instruction during that school year (Education Code 46600.2).

If a student's interdistrict transfer request is denied, the Superintendent or designee shall, in writing, notify the parents/guardians of their right to appeal to the County Board of Education within 30 calendar days from the date of the final denial (Education Code 46600.2).

All notices to parents/guardians regarding the district's decision on any request for interdistrict transfer shall conform to the translation requirements of Education Code 48985, and may be provided by regular mail, electronic format if the parent/guardian provides an email address, or by any other method normally used to communicate with parents/guardians in writing (Education Code 46600.2).

Pending a decision by the two districts or by the County Board on appeal, the Superintendent or designee may provisionally admit a student who resides in another district for a period not to exceed two school months, provided the district is the district of proposed enrollment. If the decision has not been rendered by the conclusion of two school months and the districts or County Board is still operating within the prescribed timelines, the student shall not be allowed to continue attending the district school to which the student was provisionally admitted (Education Code 46603).

Students who are under consideration for expulsion or who have been expelled may not appeal interdistrict attendance denials or rescissions while expulsion proceedings are pending or during the term of the expulsion (Education Code 46601).

Once a student is admitted to a school on the basis of an interdistrict attendance permit, the student shall not be required to reapply for an interdistrict transfer and shall be allowed to continue to attend the school of enrollment, unless reapplication standards are otherwise specified in the interdistrict attendance agreement.

Transfers Out of the District

A student whose parent/guardian is in active military duty shall not be prohibited from transferring out of the district, provided the school district of proposed enrollment approves the application for transfer (Education Code 46600, 48307).

If the district is unable to provide an intradistrict transfer to a student who is a victim of an act of bullying, as defined in Education Code 46600, the district shall not prohibit the student from transferring out of the district if the district of proposed enrollment approves the application for transfer. (Education Code 46600)

The district may limit transfers out of the district to a school district of choice under any of the following circumstances: (Education Code 48307)

1. The number of student transfers out of the district to a school district of choice has reached the limit specified in Education Code 48307 based on the district's average daily attendance.

2. The County Superintendent of Schools has given the district a negative budget certification or has determined that the district will not meet the state's standards and criteria for fiscal stability in the subsequent fiscal year exclusively as a result of student transfers from this district to a school district of choice.[3]

'Allen Bill' Transfers

(Ed. Code, § 48204(b)): The law allows, but does not require, each school district to adopt a policy whereby the student may be considered a resident of the school district in which his/her parents (or legal guardian(s)) physically work for a minimum of 10 hours during the school week if that is different from the school district in which the student resides. This code section does not require that a school district accept a student requesting a transfer on this basis, but a student may not be rejected on the basis of race/ethnicity, sex, parental income, academic achievement, or any other 'arbitrary' consideration. Other provisions of Education Code section 48204(b) include:

- Either the district in which the parent (or legal guardian) lives or the district in which the parent (or legal guardian) physically works may prohibit the student's transfer if it is determined that there would be a negative impact on the district's desegregation plan.
- The district in which the parent (or legal guardian) physically works may reject a transfer if it determines that the cost of educating the student would be more than the amount of state funds the district would receive for educating the student.

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[3] Policy Reference Disclaimer: These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the Governing Board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State: CA Constitution Article 1, Section 31; Ed. Code 41020; Ed. Code 46600-46611; Ed. Code 48204; Ed. Code 48300-48317; Ed. Code 48900; Ed. Code 48915; Ed. Code 48915.1; Ed. Code 48918; Ed. Code 48980; Ed. Code 48985; Ed. Code 52317; Ed. Code 8151

- There are set limits (based on total enrollment) on the net numbers of students that may transfer out of a district under this law, unless the district approves a greater number of transfers.

- There is no required appeal process for a transfer that is denied. However, the district that declines to admit a student is encouraged to provide in writing to the parent the specific reasons for denying the transfer.

- Applying to Attend a School under the Open Enrollment Act: The Open Enrollment Act allows the parent of a pupil enrolled in a 'low- achieving school' to submit an application, during the Open Enrollment window, for the pupil to transfer to another public school served by the school district of residence or another school district (Ed. Code, § 48350 et seq.). The parent must submit an application requesting a transfer to the school district in which the parent does not reside, but in which the parent intends to enroll the pupil. With some exceptions, the application must be submitted prior to January 1 of the school year before the school year for which the pupil is requesting a transfer. Both of the school districts from which and to which the parent has applied to transfer may prohibit or limit pupil transfers if the transfer would negatively impact a court-ordered or voluntary desegregation plan or the racial/ethnic balance of the district. Additionally, the school district in which the parent does not reside, but in which the parent intends to enroll the pupil may adopt specific, written standards for acceptance and rejection of applications pursuant to the Open Enrollment Ac (Ed. Code, § 48356).

- Transferring a Student Convicted of a Felony/Misdemeanor: Education Code section 48929 authorizes the governing board of a school district to transfer a student enrolled in the district who has been convicted of a violent felony as defined in Penal Code section 667.5 or misdemeanor listed in Penal Code section 29805 to another school within the district when the student and victim of the crime are enrolled in the same school. The governing board must first adopt a policy at a regular meeting and provide notice of the policy to parents or guardians as part of the annual parent notifications under Education Code section 48980. The policy must: 1) require notice to the student and student's parent or guardian of the right to request to meet with the principal or designee of the school or school district; 2) require the school to first attempt to resolve the conflict before transfer by using restorative justice, counseling, or other services; 3) include whether the transfer decision is subject to periodic review and include the procedure to conduct the review; and 4) provide the process the board will use to consider and approve or disapprove the recommendation of the school principal or other school or school district designee to transfer the student.

CHAPTER 4: ATTENDANCE AND ABSENCES

No Academic Penalty for Excused Absence

No pupil may have his or her grade reduced or lose academic credit for any absence or absences which are excused for the reasons specified below when missed assignments and tests that can reasonably be provided are satisfactorily completed within a reasonable period of time (Ed. Code, §§ 48205, 48980(j)).

A pupil shall be excused from school when the absence is:

- Due to the pupil's illness.
- Due to quarantine under the direction of a county or city health officer.
- For the purpose of having medical, dental, optometric, or chiropractic services rendered.
- For the purpose of attending the funeral services of a member of the pupil's immediate family, so long as the absence is not more than one day if the service is conducted in California and not more than three days if the service is conducted outside California.
- For the purpose of jury duty in the manner provided for by law.
- Due to the illness or medical appointment during school hours of a child of whom the pupil is the custodial parent.
- For justifiable personal reasons, including but not limited to, an appearance in court, attendance at a funeral service, observance of a holiday or ceremony of the pupil's religion, attendance at religious retreats, attendance at an employment conference, or attendance at an educational conference on the legislative or judicial process offered by a nonprofit organization, when the pupil's absence is requested in writing by the parent or guardian and approved by the principal or a designated representative pursuant to uniform standards established by the governing board.
- For the purpose of serving as a member of a precinct board for an election pursuant to section 12302 of the Elections Code.
- For the purpose of spending time with a member of the pupil's immediate family, who is an active duty member of the uniformed services, as defined in Section 49701, and has been called to duty for, is on leave from, or has immediately returned from, deployment to a combat zone or combat support position. Absences granted pursuant to this paragraph shall be granted for a period of time to be determined at the discretion of the superintendent of the school district.
- For the purpose of attending the pupil's naturalization ceremony to become a United States citizen.
- Authorized at the discretion of a school administrator based on the facts of the pupil's circumstances, which are deemed to constitute a valid excuse, including, but not limited to, working for a period of not more than five consecutive days in the entertainment or allied industries or participate with a

not-for-profit performing arts organization in a performance for a public school pupil audience for a maximum of up to five days per school year provided the pupil's parent or guardian provides a written note to the school authorities explaining the reason for the pupil's absence (Ed. Code, §§ 48260, 48205, 48225.5).

A pupil absent from school under this section shall be allowed to complete all assignments and tests missed during the absence that can be reasonably provided and, upon satisfactory completion within a reasonable period of time, shall be given full credit therefore. The teacher of the class from which a pupil is absent shall determine which tests and assignments shall be reasonably equivalent to, but not necessarily identical to, the tests and assignments that the pupil missed during the absence. For purposes of this section, attendance at religious retreats shall not exceed four hours per semester. Absences pursuant to this section are deemed to be absences in computing average daily attendance and shall not generate state apportionment payments. 'Immediate family,' as used in this section refers to mother, father, grandmother, grandfather, or a grandchild of the pupil or of the spouse of the pupil, and the spouse, son, son-in-law, daughter, daughter-in-law, brother, or sister of the pupil, or any relative living in the immediate household of the pupil (Ed. Code, § 48205).

Absence for Religious Reasons

Pupils may be excused, with written permission from a parent or guardian, in order to participate in religious exercises or receive moral and religious instruction away from school property. Every pupil so excused must attend at least the minimum school day. No pupil shall be excused from school for such purpose on more than four days per school month (Ed. Code, § 46014).

CHAPTER 5: HEALTH, SAFETY, AND STUDENT WELLNESS

Administration of Medication

Medication prescribed by a physician for a child may be administered during the school day by a registered nurse or other designated school personnel, or self-administered by the child if the medication is prescription auto-injectable epinephrine or prescription inhaled asthma medication, but only if the parent consents in writing and provides detailed written instructions from a physician, or a physician assistant as specified by law. Forms for administering medication may be obtained from the school secretary (Ed. Code, §§ 49423, 49423.1, 49423.5, 49480).

Students on Medication

Parents are to notify the principal if their child is on a continuing medication regimen. This notification shall include the name of the medication being taken, the dosage, and the name of the supervising physician. With parental consent, the principal or school nurse may confer with the physician regarding possible effects of the drug, including symptoms of adverse side effects, omission or overdose and counsel with school personnel as deemed appropriate (Ed. Code, § 49480).

Immunizations

The District shall exclude from school any pupil who has not been immunized properly, unless the pupil is exempted from the immunization requirement pursuant to Health and Safety Code section 120370. The immunization exemption based on personal beliefs has been eliminated (Health & Saf Code § 120325). A student who, prior to January 1, 2016, submitted a letter or affidavit on file at the District, stating beliefs opposed to immunization, is permitted to enroll in that institution until the student enrolls in the next grade span. Grade span means: 1) birth to preschool; 2) kindergarten and grades 1 through 6, inclusive, including transitional kindergarten; and 3) grades 7 through 12, inclusive. On or after July 1, 2016, the District shall exclude from school for the first time or deny admittance or deny advancement to any student to the 7th grade unless the student has been immunized for his or her age as required by law (Health & Saf. Code 120335). A student may still be exempted from the immunization requirement based on medical condition or circumstances. A parent or guardian must file with the District a statement from a licensed physician saying that the immunization is not considered safe and is not recommended based upon the nature or duration of the medical condition or circumstances, including, but not limited to, the family medical history (Health & Saf. Code, § 120370) A parent or guardian may consent in writing for a physician, surgeon, or health care practitioner acting under the direction of a supervising physician and surgeon to administer an immunizing agent to a pupil at school (Ed. Code, §§ 48216, 48980(a), 49403, Health & Saf. Code, §§ 120325, 120335).

Physical Exams and Testing

The District is required to conduct certain physical examinations and vision, hearing and scoliosis testing of students unless the parent has a current written objection on file. However, the child may be sent home if he or she is believed to be suffering from a recognized contagious or infectious disease (Ed. Code, §§ 49451,

49452, 49452.5 and 49455, Health & Saf. Code, § 124085).

Confidential Medical Services

For students in grades 7 through 12, the District may release a student for the purpose of obtaining confidential medical services without obtaining the consent of the student's parent or guardian (Ed. Code, § 46010.1).

Medical Coverage for Injuries

Medical and hospital services for pupils injured at school or school-sponsored events, or while being transported, may be insured at parent's expense. No pupil shall be compelled to accept such services without his or her consent or, if the pupil is a minor, without the consent of a parent or guardian (Ed. Code, § 49472).

Medical and Hospital Services Not Provided

The District does not provide medical and hospital services for students injured while participating in athletic activities. However, all members of school athletic teams must have accidental injury insurance that covers medical and hospital expenses (Ed. Code, §§ 32221.5, 49471).

Mental Health Services

The District shall notify pupils and parents or guardians no less than twice each school year of the steps to initiate access to available pupil mental health services on campus and/or in the community. (Ed. Code, § 49428) The mental health services available include group counseling and/or Individual counseling. To initiate services, a parent or student may request a conference with the school social worker, school psychologist, school counselor, site principal or assistant principal.

Temporary Disability

A temporary disability which makes it impossible or inadvisable for a student to attend class may entitle the student to receive individualized instruction. It is the responsibility of the pupil's parent or guardian to notify the school district in which the pupil is deemed to reside of the pupil's need for individualized instruction. A student with a temporary disability who is in a hospital or other residential health facility, other than a state hospital, which is located outside the student's school district of residence shall be deemed to comply with the residency requirements of the school district in which the hospital is located (Ed. Code, §§ 48206.3, 48207, 48208, 48980(b)).

Home, Hospital, or Health Facility Instruction Instruction

The district in which the student resides is to provide individual instruction if the student is receiving the instruction in his or her home. Individual instruction in a pupil's home pursuant to section 48206.3 shall commence no later than five working days after a school district has determined that the pupil shall receive this instruction.

The school district in which the hospital or other residential health facility, excluding a state hospital, is located must provide individual instruction to a student with a temporary disability. Within five working days of receipt of the notification, the district must determine whether the pupil will be able to receive individual instruction, and, if so, when the individual instruction will begin. A student with a temporary disability who is in a hospital or other residential health facility, other than a state hospital, which is located outside the student's school district of residence shall be deemed to comply with the residency requirements of the school district in which the hospital is located. A school district may continue to enroll a pupil with a temporary disability who is receiving individual instruction in a hospital or residential health facility to facilitate the timely reentry of the pupil after the hospitalization has ended, or in order to provide a partial week of instruction. On days in which the student is not receiving individual instruction in a hospital or other residential health facility, he or she may attend school in his or her district of residence if well enough to do so. A pupil receiving individual instruction who is well enough to return to a school shall be allowed to return to the school, including a charter school, that he or she attended immediately before receiving individual instruction, if returning during the same school year (Ed. Code, §§ 48206.3, 48207, 48207.3, 48207.5, 48208, 48980(b)).

Pregnancy, childbirth, false pregnancy, termination of pregnancy, and recovery therefrom shall be treated in the same manner and under the same policies as any other temporary disabling condition (Ed. Code, § 221.51).

Tobacco-Free Schools

Evergreen School District Board
Board Policy 3513.3: Tobacco-Free Schools
Administrative Regulation 3513.3: Tobacco-Free Schools

The Board of Trustees recognizes that smoking and other uses of tobacco and nicotine products constitute a serious public health hazard and are inconsistent with district goals to provide a healthy environment for students and staff.

The Board prohibits smoking and/or the use of tobacco products at any time in district-owned or leased buildings, on district property, and in district vehicles (Health and Safety Code 104420, 104559).

These prohibitions apply to all employees, students, and visitors at any school-sponsored instructional program, activity, or athletic event held on or off district property. Any written joint use agreement governing community use of district facilities or grounds shall include notice of the district's tobacco-free schools policy and consequences for violations of the policy.

Smoking means inhaling, exhaling, burning, or carrying of any lighted or heated cigar, cigarette, pipe, tobacco, or plant product intended for inhalation, whether natural or synthetic, in any manner or form, and includes the use of an electronic smoking device that creates aerosol or vapor or of any oral smoking device for the purpose of circumventing the prohibition of smoking (Business and Professions Code 22950.5; Education Code 48901).

Tobacco products include: (Business and Professions Code 22950.5; Education Code 48901)

1. Any product containing, made, or derived from tobacco or nicotine that is intended for human consumption, whether smoked, heated, chewed, absorbed, dissolved, inhaled, snorted, sniffed, or ingested by any other means, including, but not limited to, cigarettes, cigars, little cigars, chewing tobacco, pipe tobacco, or snuff

2. An electronic 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 hookah

3. Any component, part, or accessory of a tobacco product, whether or not sold separately

This policy does not prohibit the use or possession of prescription products and other cessation aids that have been approved by the U.S. Department of Health and Human Services, Food and Drug Administration, such as nicotine patch or gum.

Smoking or use of any tobacco-related product or disposal of any tobacco-related waste is prohibited within 25 feet of any playground, except on a public sidewalk located within 25 feet of the playground. In addition, any

form of intimidation, threat, or retaliation against a person for attempting to enforce this policy is prohibited (Health and Safety Code 104495).

Notifications

Information about the district's tobacco-free schools policy and enforcement procedures shall be communicated clearly to employees, parents/guardians, students, and the community (Health and Safety Code 104420).

The Superintendent or designee may disseminate this information through annual written notifications, district and school web sites, student and parent handbooks, and/or other appropriate methods of communication.

The Superintendent or designee shall ensure that signs stating "Tobacco use is prohibited" are prominently displayed at all entrances to school property (Health and Safety Code 104420, 104559).

Enforcement/Discipline

Any employee or student who violates the district's tobacco-free schools policy shall be asked to refrain from smoking and shall be subject to disciplinary action as appropriate.

Any other person who violates the district's policy on tobacco-free schools shall be informed of the district's policy and asked to refrain from smoking. If the person fails to comply with this request, the Superintendent or designee may:

1. Direct the person to leave school property
2. Request local law enforcement assistance in removing the person from school premises
3. If the person repeatedly violates the tobacco-free schools policy, prohibit him/her from entering district property for a specified period of time

The Superintendent or designee shall not be required to physically eject a nonemployee who is smoking or to request that the nonemployee refrain from smoking under circumstances involving a risk of physical harm to the district or any employee (Labor Code 6404.5)[4].

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[4] Policy Reference Disclaimer: These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the Governing Board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State: Bus. Code 22950.5; Ed. Code 48900; Ed. Code 48901; H&S Code 104350-104495; H&S Code 104495; H&S Code 104559; H&S Code 119405; H&S Code 39002; Lab. Code 3300; Lab. Code 6304; Lab. Code 6404.5; **Federal:** 20 USC 6083; 20 USC 7111-7122; 21 CFR 1140.1-1140.34

Healthy Schools Act of 2000

Notice to all students, parents/guardians and employees of the Evergreen School District:

Assembly Bill 2260 went into effect on January 1, 2001. This legislation enacted Education Code sections 17608 et seq. which require, among other things, that school districts notify parents and staff about the use of pesticides at school. The purpose of this legislation is to reduce exposure to toxic pesticides through information and application of an integrated pest management system at schools. Towards this end, and pursuant to the requirements of this legislation, please be advised of the following:

The Evergreen School District expects to use the following pesticides at its campuses during the upcoming year:

Pesticide/Herbicide	E.P.A. Reg. Number	Active Ingredient(s)
Round Up	524-475	Glyphosate
Turflon	17545-8	Triclopyr
Surflan	70506-44	Olyzalin &Dipropysulfanilamide
Termidor	7969-210	Fipronil
Tenguard		Permethrin
Suspend		Deltamethrin
Eco Excempt	N/A	Rosemary Oil, Peppermint Oil
Tempo	432-1377	Cufluthrine
Gentrol IGR Concentrate	2724-351	Hydroprene
Maxforce Ant Bait		Fipronil
Eco Exempt G	N/A	Clove Oil, Thyme Oil
Avert	499-294	Abamectin B1
DuPont Advion Ant Gel	352-746	Indoxcarb
DuPont Advion Roach Bait	352-652	Inoxacarb
CB-80 Extra	9444-175	Pyrethrins
EcoExempt Jet		2-Phenethyl Proplonate, Rosemary Oil
Gentrol Point Source	2724-469	Hydroprene
Wasp-Freeze	499-362	d-trans Allethrin, Phenothrin
Talpirid	12455-101	Bromethalin

For questions, parents/guardians of the Evergreen School District may contact:

Director of Operations
3188 Quimby Rd. San Jose, CA 95148
(408) 270-6800 |

Pesticide Products

All schools are required to provide parents or guardians with annual written notice of expected pesticide use at schools. The table below provides the name of each pesticide product and the active ingredient(s). You can find more information regarding these pesticides/herbicides and pesticide use reduction at the Department of Pesticide Regulation's website at http://www.cdpr.ca.gov. Parents or guardians may request prior notice of individual pesticide applications at the school. If a parent wishes to be notified every time a pesticide is going to be applied, he or she must complete the attached form and return it to his or her child's school. A copy of the integrated pest management plan for the school site or District may be provided on the school website or viewed at the school office (Ed. Code, §§ 48980.3, 17612).

Asbestos Management Plan

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

Child Abuse Reporting Guidelines and Procedures

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

Child Abuse Can Be Any of the Following:

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

Child Abuse Does *Not* Include:

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

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

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

- A Police or Sheriff's Department (not including a school district police department or school security department)
- A County Probation Department if designated by the county to receive child abuse reports, or
- A County Welfare Department/County Child Protective Services. The complaint may be filed over the telephone, in person, or in writing. A complaint may also be filed at the same time with your school district or county office of education. School districts and county offices of education, however, do not investigate child abuse allegations.

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

If the complaint of child abuse is "substantiated"; or confirmed by the local law enforcement agency, meaning that the report of child abuse or neglect, as determined by the law enforcement investigator who conducted the investigation, is, based upon the evidence, more likely to have occurred than not, then a report of the investigation will be transmitted by the law enforcement agency to the governing board of the local school district or County Office of Education. A confirmed report of child abuse or neglect received by a governing board of a school district or County Office of Education will be subject to the provisions of California Education Code section 44031, which gives school employees certain rights regarding personnel information and records. In addition, a confirmed report shall be forwarded by the law enforcement agency that investigated the complaint to the California Department of Justice according to California Penal Code Section 11169 and notice will be provided to the alleged child abuser that he or she has been reported to the Child Abuse Central Index, as maintained by the Department of Justice.

CHAPTER 6: STUDENT PROGRAMS AND INSTRUCTION

Transitional Kindergarten

A school district or charter school may admit a child, who will have his/her fifth birthday after September 2, to a transitional kindergarten at the beginning of or at any time during the school year with parental/guardian approval if: a) the governing board or body determines that the admittance is in the best interests of the child, and b) the parent/guardian is given information on the advantages and disadvantages and any other explanatory information on the effects of early admittance (Ed. Code, § 48000).

Language Acquisition Program

If a school district implements a language acquisition program pursuant to Education Code section 310, it must to the following: 1) comply with the kindergarten and grades 1-3, inclusive, class size requirements specified in Education Code section 42238.02 and (2) provide the parent or legal guardian of a minor pupil annually, or upon the pupil's enrollment, with information on the types of language programs available to pupils enrolled in the school district, including, but not limited to, a description of each program.

PE Instructional Minutes

The adopted course of study for grades 1 through 6 and instruction in grades 1through 8 in an elementary school must include physical education for not less than 200 minutes each ten school days, exclusive of recesses and the lunch period (Ed. Code, §§ 51210, 51223). A complaint of noncompliance may be filed under the District's Uniform Complaint Procedures and Title 5 of the California Code of Regulations.

Comprehensive Sexual Health Education and HIV/AIDS Prevention Education

A parent or guardian has the right to excuse their child from comprehensive sexual health education and HIV prevention education. A parent or guardian who wishes to exercise this right must state their request in writing (Ed. Code, § 51938). A parent or guardian may inspect the written and audio visual educational materials used in comprehensive sexual health education and HIV/AIDS prevention education. Parents have a right to request that the District provide them with a copy of the California Healthy Youth Act (Ed. Code, § 51930 et. seq).

Parents or guardians shall be notified in writing if the District plans to administer an anonymous, voluntary, and confidential test, questionnaire, or survey containing age -appropriate questions about the pupils' attitudes concerning or practices related to sex in grades 7 to 12 and given the opportunity to review the test, questionnaire or survey. A parent or guardian has the right to excuse their child from the test, questionnaire, or survey by stating their request in writing (Ed. Code, § 51938).

Every child's parent will be notified prior to the commencement of any comprehensive sexual health education and HIV/AIDS prevention education instruction as to the date of such instruction and whether the instruction will be taught by District personnel or by outside consultants. If outside consultants are used, the name of the organization of each guest speaker will be identified.

Excuse from Instruction in Health

Upon written request of a parent, a pupil may be excused from any part of instruction in health which conflicts with the parent(s)' religious training or beliefs (including personal moral convictions) (Ed. Code, § 51240).

Sex Equity in Career Planning

Parents shall be notified in advance of career counseling and course selection commencing with course selection in Grade 7, to promote sex equity and allow parents to participate in counseling sessions and decisions (Ed. Code,§ 221.5(d)).

Every Student Succeeds Act (ESSA)

The Every Student Succeeds Act (ESSA) took full effect in 2018 to replace the No Child Left Behind Act in modifying the Elementary and Secondary Education Act of 1965 (ESEA). If updates are provided by the California Department of Education, the following parent notice requirements may change and new notice requirements may be added.

- **Information Regarding Professional Qualifications of Teachers, Paraprofessionals, and Aides**: Upon request, parents have a right to information regarding the professional qualifications of their student's classroom teachers, paraprofessionals, and aides. This includes whether the teacher meets the state qualifications and licensing criteria for the grades and subjects he/she teachers, whether the teacher is teaching under an emergency permit or other provisional status because of special circumstances, the major or field of discipline for any degrees or certifications held by the teacher, and whether any instructional aides or paraprofessionals provide services to the parents' child and, if so, their qualifications. In addition, parents have a right to notice when the parent's child has been taught for four or more weeks by a teacher who is not highly qualified. (ESEA § 1111(h)(6) (as amended by ESSA))

- **Information Regarding Individual Student Reports on Statewide Assessments:** Upon request, parents have a right to information on the level of achievement of their student on every State academic assessment administered to the student (ESEA § 1111(h)(6) (as amended by ESSA)).

- **School Identified for School Improvement:** The Act requires notice be given to parents of limited English proficient students regarding limited English proficiency programs, not later than 30 days after the beginning of the school year (or, for students identified later in the school year, within two weeks). Notice includes: the reasons for the identification of the student as limited English proficient; the need for placement in a language instruction educational program; the student's level of English proficiency and how such level was assessed; the status of the student's academic achievement; the methods of instruction used in the available programs; how the recommended program will meet the student's needs; the exit requirements for the program; how the program meets the objectives of the student's IEP, if applicable, and; parent options for removing a student from a program and/or declining initial enrollment (Section 1112(e)(3)(A) of the ESEA, as amended by ESSA).

- **Limited English Proficient Students**: The Act requires notice be given to parents of limited English proficient students regarding limited English proficiency programs, not later than 30 days after the beginning of the school year (or, for students identified later in the school year, within two weeks). Notice includes: the reasons for the identification of the student as limited English proficient; the need for placement in a language instruction educational program; the student's level of English proficiency and how such level was assessed; the status of the student's academic achievement; the methods of instruction used in the available programs (including content, instructional goals, and the use of English and native language); how the recommended program will meet the student's educational strengths and needs; how the program will specifically help the student learn English and meet age-appropriate academic achievement standards; the exit requirements for the program; how the program meets the objectives of the student's IEP, if applicable; and, parent options for removing a student from a program, declining initial enrollment and/or choosing another program (ESEA § 1112(g)(1)(A) (as amended by ESSA)). In addition, the notice shall include whether the student is a long- term English learner or English learner at risk of becoming a long-term English Learner and the manner in which the program will meet the needs of a child identified as either a long-term English learner or English learner at risk of becoming a long-term English Learner (Ed. Code, § 313.2). The information provided above is available upon request from each child's school or the district office. Additional notices that may be required under the No Child Left Behind Act shall be sent separately (20 U.S.C. §§ 6301 et seq.).

School Accountability Report

Parents/guardians may request a hard copy of the School Accountability Report Card which is issued annually for each school of the District (Ed. Code, § 35256).

Assistance to Cover Costs of Advanced Placement Examination Fees

The District may help pay for all or part of the costs of one or more advanced placement examinations that are charged to economically disadvantaged students (Ed. Code, §§ 48980(k) and 52242).

Regional Occupational Centers and Programs/County Offices of Education Programs/Adult Education Programs

A regional occupational center or program, county office of education program, or adult education program must meet specified requirements for certification by the Superintendent of Public Instruction in order to provide an employment training program for adults or to authorize an education program beyond secondary education that leads to a degree or certificate (Ed. Code, § 52334.7). A complaint alleging that a local agency violated federal or state laws or regulations governing adult education programs under Education Complaint Procedures and Title 5 of the California Code of Regulations. A complaint alleging that a county office of education violated federal or state laws or regulations governing the county office's participation in any student financial assistance program authorized by Title IV may also be filed under the Uniform Complaint Procedures and Title 5 of the California Code of Regulations.

CHAPTER 7: SPECIAL PROGRAMS AND STUDENT SUPPORT

Services for Students with Exceptional Needs or a Disability

State and federal law require that a free and appropriate public education (FAPE) in the least restrictive environment be offered to qualified pupils with disabilities ages 3 through 21 years. Students classified as individuals with exceptional needs for whom a special education placement is unavailable or inappropriate may receive services in a private nonsectarian school. Please contact the Principal of your school (Ed. Code, § 56040 et seq.). In addition, services are available for students who have a disability which interferes with their equal access to educational opportunities (Section 504 of the Rehabilitation Act of 1973, 34 C.F.R. §104.32). The District official listed below is responsible for handling requests for services under Section 504 and may be reached at the following address and telephone:

Dr. Michelle Herriage
Director, Educational Services
3188 Quimby Road San Jose, CA 95148
408-270-6800 | mherriage@eesd.org

Special Education (E.C. 56040 et seq.)

School specialists are available to assess children with disabilities or children suspected of having a disability. If you suspect, or know of a child with a possible developmental delay or learning disability, who is not in school, or is not receiving assistance, please call the Director of Pupil Services at (408) 270- 6800. If a child is an 'individual with exceptional needs,' special education is available at no cost to the parent.

Special Education – Due Process

A parent, or an educational agency, may initiate a due process hearing on any decision regarding the pupil's identification, evaluation, educational placement, or the provision of a free, appropriate public education. A request for a hearing must be filed, in writing, to the State Superintendent of Public Instruction and to the Evergreen School District. Additional information regarding this process may be obtained by contacting the Director of Special Education at (408) 270-6800.

Child Find System: Policies and Procedures

Any parent suspecting that a child has exceptional needs may request an assessment for eligibility for special education services through the school principal. Policy and procedures shall include written notification to all parents of their rights pursuant to Education Code section 56300 et seq. (Ed. Code, § 56301. 34 C.F.R. § 104.32(b)).

Complaints (Special Education)

Parents may file a complaint concerning violations of federal or state law or regulations governing special education related services (Cal. Code Regs., tit. 5, § 4630). To file a complaint, write a description of the

manner in which the parent believes special education programs for handicapped do not comply with state or federal law or regulations and file with the District official listed below at the following address and telephone:

Special Education - Complaints
Jennifer Anderson-Chaffee
Director, Special Education
3188 Quimby Road, San Jose, CA 95148
(408) 270-6800 | jandersonchaffee@eesd.org

Section 504 Rehabilitation Act

Certain students, with medical or physical conditions, may qualify for services under Section 504 of 1973 Rehabilitation Act. Information regarding those qualifications may be obtained from the District 504 Coordinator, Director of Pupil Services, at (408) 270-6800.

Notice of Alternative Schools

California state law authorizes all school districts to provide for alternative schools. Section 58500 of the Education Code defines alternative school as a school or separate class group within a school which is operated in a manner designed to:

- Maximize the opportunity for students to develop the positive values of self-reliance, initiative, kindness, spontaneity, resourcefulness, courage, creativity, responsibility, and joy.
- Recognize that the best learning takes place when the student learns because of the student's desire to learn.
- Maintain a learning situation maximizing student self-motivation and encouraging the student in his or her own time to follow his or her own interests. These interests may be conceived by the student totally and independently or may result in whole or in part from a presentation by the student's teachers of choices of learning projects.
- Maximize the opportunity for teachers, parents and students to cooperatively develop the learning process and its subject matter. This opportunity shall be a continuous permanent process.
- Maximize the opportunity for the students, teachers, and parents to continuously react to the changing world, including but not limited to the community in which the school is located. In the event any parent, pupil, or teacher is interested in further information concerning alternative schools, the county superintendent of schools, the administrative office of this district, and the principal's office in each attendance unit have copies of the law available for parent information. This law particularly authorizes interested persons to request the governing board of the district to establish alternative school programs in each district (Ed. Code, § 58501).

Children In Homeless / Foster Care Situations and Former Juvenile Court School Students, Migrant Students, and Newcomers

Each local district shall designate a staff person as a liaison for homeless children who shall ensure the dissemination of public notice of the educational rights of students in homeless situations (Ed. Code, § 48852.5, 42 U.S.C. §11432(g)(1)(J)(ii)). A district serving a homeless child must allow the child to continue his/her education in the school of origin through the duration of homelessness at the point of any change or any subsequent change in residence once a child becomes a homeless child. If the child's status changes before the end of the academic year so that he/she is not homeless, the district must allow a child in high school to continue his/her education in the school of origin through graduation. For a child in grades K through 8, the district must allow the formerly homeless child to continue his/her education in the school of origin until the end of the academic school year. A homeless child transitioning between school grade levels must be allowed to continue in the school district of origin in the same attendance area. If a homeless child is transitioning to a middle or high school where the school designated for matriculation is in another school district, the homeless child must be allowed to continue to the school designated for matriculation in that school district. The new school is required to enroll the child immediately regardless of any outstanding fees, fines, textbooks or other items or money due to the school last attended or if the child is unable to produce clothing or records normally required for enrollment, including medical records, proof of immunization history, and proof of residency (Ed. Code,§ 48852.7).

Each local district shall also designate a staff person as the educational liaison for foster children. The educational liaison shall disseminate a standardized notice to foster children that has been developed by the State Department of Education and includes complaint process information (Ed. Code, § 48853.5). The district serving the foster child shall allow the foster child to continue his/her education in the school of origin under specified circumstances. If it is determined that it is in the best interests of the foster child to transfer to a school other than the school of origin, the foster child shall immediately be enrolled in the new school, regardless of any outstanding fees, fines, textbooks, or other items or moneys owed to the school last attended or if the child is unable to produce clothing or records normally required for enrollment, including immunization history. The last school attended must provide all records to the new school within two business days of receiving the request (Ed. Code, §§ 48853, 48853.5). The district receiving a transfer request or notification of a student in foster care shall, within two business days, transfer the student out of school and deliver the educational information and records to the next educational placement. Grades and credits will be calculated as of the day the student left school and no lowering of grades will occur as a result of the student's absence due to the decision to change placement or for a verified court appearance or related court activity (Ed. Code, §§ 51225.1, 51225.2).

The district shall exempt from local graduation requirements a student who is in foster care, a homeless child or youth, a child of a military family, or a former juvenile court school student, a migratory child, or a pupil participating in a newcomer program for recently arrived immigrant pupils and who transfers between schools under certain circumstances (Ed. Code, §51225.1). A district shall accept coursework done by a student who is in foster care, a homeless child or youth, a child of a military family, or a former juvenile court school student

while attending another school. The district is prohibited from requiring those students to retake courses or partial courses they have satisfactorily completed elsewhere (Ed. Code, § 51225.2). A complaint of noncompliance alleging violations of these sections, except for Education Code section 48852.7, may be filed under the District's Uniform Complaint Procedures and Title 5 of the California Code of Regulations.

Continued Education Options for Juvenile Court School Students

A Juvenile court school student, or the person holding the right to make educational decisions for the student, may voluntarily defer or decline issuance of their diploma until after the student is released from the juvenile detention facility, thereby allowing the student to take additional coursework at a local education agency. The county office of education will notify the student, the person holding to right to make educational decisions for the student, and the student's social worker or probation officer of all of the following:

A. The student's right to a diploma;

B. How taking coursework and meeting other educational requirements will affect the student's ability to gain admission to a post-secondary educational institution;

C. Information about transfer opportunities available through the California Community Colleges; and

D. The option to defer or decline the diploma and take additional coursework (Ed. Code, §§ 48645.3(a), 48645.7).

CHAPTER 8: STUDENT BEHAVIOR, DISCIPLINE, AND TECHNOLOGY

Student Discipline

District and School rules pertaining to student discipline are available to parents or guardians of district students in the school office (Ed. Code, § 35291). Students may be subject to discipline for off –campus misconduct if the misconduct is related to school activity or attendance and causes or is reasonably likely to cause a substantial disruption to school activity. For example, a student using technology such as a home computer, cellular phone, or other electronic device may be disciplined for bullying, engaging in unlawful harassment, or making threats against students, staff, or district property even if such misconduct occurred off-campus and during nonschool hours (Ed. Code, § 48900(r)).

Dissection of Animals

If a student has a moral objection to dissecting (or otherwise harming or destroying) animals, or any part of an animal, the pupil must notify the teacher regarding such objection, and the objection must be substantiated with a note from the pupil's parent or guardian. If the pupil chooses to refrain from participating in such a project or test, and if the teacher believes that an adequate alternative education project or test is possible, then the teacher may work with the pupil to develop and agree upon an alternate education project or test for the purpose of providing the pupil an alternate avenue for obtaining the knowledge, information or experience required by the course of study (Ed. Code, §§ 32255-32255.6).

Sexual Harassment

Evergreen School District Board
Board Policy 5144.7: Sexual Harassment
Administrative Regulation 5154.7: Sexual Harassment

The Board of Trustees is committed to maintaining a welcoming, safe, and supportive school environment that is free from discrimination and harassment. The Board prohibits at school or at school-sponsored or school-related activities, sex discrimination and sex-based harassment, as defined in the accompanying administrative regulation, targeted at any student, based on the student's actual or perceived sex; sex stereotypes; sex characteristics; sexual orientation; gender; gender identity; gender expression; pregnancy, childbirth, termination of pregnancy or lactation, including related medical conditions or recovery; and, parental, marital, and family status.

Additionally, the Board prohibits retaliatory behavior or action against any person who complains or testifies about conduct that reasonably may constitute sex discrimination, including sex-based harassment, reports such conduct, or otherwise participates or refuses to participate in the complaint process established for the purpose of this policy (Education Code 220.1; 34 CFR 106.71).

The district strongly encourages students who feel that they are being or have experienced sex discrimination, including sex-based harassment, on school grounds or at a school-sponsored or school-related activity, or off-campus when the conduct 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 sex discrimination, including sex-based harassment, by or against a student in a district education program or activity shall report the incident to the Title IX Coordinator within one workday.

Once notified, the Title IX Coordinator shall ensure the complaint or allegation is addressed through Administrative Regulation 5145.71 - Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures.

The Title IX Coordinator shall offer and coordinate supportive measures to be provided to the complainant and, if the district has begun grievance procedures or offered an informal resolution process to the respondent, offer and coordinate supportive measures to be provided to the respondent as deemed appropriate under the circumstances.

The Superintendent or designee shall ensure that all district staff are trained regarding the district's sex discrimination and sex-based harassment policy, and that all employees receive training related to their duties under Title IX as specified in Administrative Regulation 4119.11/4219.11/4319.11 - Sex Discrimination and Sex-Based Harassment (34 CFR 106.8).

Instruction/Information

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

1. What acts and behavior constitute sex discrimination and sex-based harassment, including the fact that sex discrimination and sex-based 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 sex discrimination or sex-based harassment under any circumstance

3. Encouragement to report observed incidents of sex discrimination and sex-based harassment even when the alleged victim of the discrimination or 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 sex discrimination or sex-based harassment incident will be addressed separately and will not affect the manner in which the sex discrimination or sex-based 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 sex discrimination and sex-based harassment allegation that involves a student, whether as the complainant, respondent, or victim of the discrimination or 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 sex discrimination and/or sex-based 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 sex discrimination or sex-based 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 sex discrimination or sex-based harassment and/or other students during an investigation

Disciplinary Actions

Upon completion of an investigation of sex discrimination and/or sex-based harassment, any student found to have engaged in sex discrimination, and/or sex-based 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 sex discrimination and/or sex-based harassment, any employee found to have engaged in sex discrimination against, and/or sex-based 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

The Superintendent or designee shall maintain records in accordance with law, including in accordance with 34 CFR 106.8 as specified in Administrative Regulation 5145.71 - Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures, and district policies and regulations, of all reported cases of sex-based harassment to enable the district to monitor, address, and prevent repetitive harassing behavior in district schools.

The district does not discriminate on the basis of sex in any of its programs or activities and complies with Title IX of the Education Amendments of 1972 and its implementing regulations. Sex discrimination, including sex-based harassment, is prohibited in district education programs and activities.

Definitions

Sex discrimination includes treating a student differently with respect to the provision of opportunities to participate in school programs or activities or the provision or receipt of educational benefits or services based on the student's sex, sex stereotypes; sex characteristics; sexual orientation; gender; gender identity; gender expression; pregnancy, childbirth, termination of pregnancy, or lactation, including related medical conditions and recovery; parental, family, or marital status; or the student's association with a person or group with one or more of these actual or perceived characteristics.

Sex discrimination, including sex-based harassment, intimidation, or bullying, may result from physical, verbal, nonverbal, or written conduct and 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.

Sex-based harassment is a form of sex discrimination and means sexual harassment and other harassment on the basis of sex, sex stereotypes, sex characteristics, or other bases specified above. Conduct will constitute sex-based harassment when it takes the form of: (34 CFR 106.2, 106.11)

1. Quid pro quo harassment: A district employee, agent, or other individual authorized by the district to provide an aid, benefit, or service in the district's education program or activity conditioning the provision of district aid, benefit, or service on a student's participation in unwelcome sexual conduct

2. Hostile environment harassment: Unwelcome sex-based conduct that, based on the totality of the circumstances, is subjectively and objectively offensive and is so severe or pervasive that it limits or denies a person's ability to participate in or benefit from the district's education 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 sex-based harassment in violation of district policy if it has a continuing effect on a student's ability to participate in or benefit from district educational programs or activities.

3. Sexual assault, dating violence, domestic violence, or stalking as defined in 34 CFR 106.2

Sexual harassment includes, but is not limited to, unwelcome sexual advances, unwanted requests for sexual favors, or other unwanted verbal, visual, or physical conduct of a sexual nature made against another person of the same or opposite sex in the educational setting, under any of the following conditions: (Education Code 212.5; 5 CCR 4916)

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

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

Examples of Sex Discrimination and Sex-Based Harassment

Examples of types of conduct which are prohibited in the district and which may constitute sex- based 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 sex-based 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. Sex-based jokes, derogatory posters, notes, stories, cartoons, drawings, pictures, obscene gestures, or computer-generated images of a sexual nature
5. Spreading sex-based 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. The individual(s) shall also serve as the Compliance Officer(s) specified in Administrative Regulation 1312.3 - Uniform Complaint Procedures and Administrative Regulation 5145.3 - Nondiscrimination/Harassment as the responsible employee(s) to handle student complaints alleging unlawful discrimination, as permitted by law. The Title IX Coordinator(s) may be contacted at:

Sam Bass
Assistant Superintendent, Human Resources
3188 Quimby Rd. San Jose, CA 95148
(408) 270-6800 | sbass@eesd.org

Notifications

To prevent unlawful sex discrimination and sex-based harassment in district programs and activities, the Superintendent or designee shall provide notifications and implement measures to prevent discrimination and harassment as specified in Administrative Regulation 5145.3 - Nondiscrimination/Harassment.

In addition to the measures to prevent discrimination specified in Administrative Regulation 5145.3 - Nondiscrimination/Harassment, the Superintendent or designee shall ensure that a copy of the district's sex discrimination and sex-based harassment policy and regulation:

1. Is 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)

2. Is 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 sexual harassment; the rights of the reporting student, the complainant, and the respondent; and the responsibilities of the school (Education Code 231.6).

3. Is provided as part of any orientation program conducted for new and continuing students at the time the student is enrolled or at the beginning of each quarter, semester, or summer session (Education Code 231.5).

4. Appears 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).

Reports and Complaints

A student or a student's parent(s)/guardian(s) who believes that the student has been subjected to sex discrimination, including sex-based harassment, in a district program or activity or who has witnessed sex discrimination, including sex-based harassment, is strongly encouraged to report the incident to the district's Title IX Coordinator, a teacher, the principal, or any other available school employee. Within one workday of 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 sex discrimination or sex-based harassment shall, within one workday, report the observation to the Title IX Coordinator as specified in the accompanying board policy. The report shall be made regardless of whether the alleged victim files a formal complaint or requests confidentiality.

When a report or complaint of sex discrimination or sex-based 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.

Complaint Procedures

All complaints and allegations of sex discrimination and sex-based harassment shall be investigated and resolved in accordance with 34 CFR 106.44 and 106.45 and Administrative Regulation 5145.71 - Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures.

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, regardless of whether 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 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, sex stereotypes, sex characteristics, sexual orientation, 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 that are prohibited in the district and which may constitute sex-based hostile environment 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. Assaulting a student because of the student's gender, sex characteristic, sexual orientation, gender identity, or gender expression

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 (Education Code 220.3, 220.5; 34 CFR 99.31, 99.36).

The district shall only allow disclosure of a student's personally identifiable information to employees in accordance with law. 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 request 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.

   Beginning July 1, 2026, each school shall provide and maintain at least one all-gender restroom for student use that meets the requirements of Education Code 35292.5.

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 board 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[5]

[5] Policy Reference Disclaimer: These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the Governing Board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State: 5 CCR 432; 5 CCR 4600-4670; 5 CCR 4900-4965; Civ. Code 1714.1; Civ. Code 51.9; Ed. Code 200-262.4; Ed. Code 220.1; Ed. Code 220.3; Ed. Code 220.5; Ed. Code 35292.5; Ed. Code 48900; Ed. Code 48900.2; Ed. Code 48904; Ed. Code 48980; Ed. Code 48985; Ed. Code 49060-49079; Gov. Code 11135; Gov. Code 12950.1; **Federal:** 20 USC 1092; 20 USC 1221; 20 USC 1232g; 20 USC 1681-1688; 34 CFR 106.1-106.82; 34 CFR 99.1-99.67; 34 USC 12291; 42 USC 1983; 42 USC 2000d-2000d-7; 42 USC 2000e-2000e-17

Student Use of Technology

Evergreen School District Board
Board Policy 6163.4: Student Use of Technology

The Board of Trustees believes that effective use of technology is integral to the education and development of students. In order to promote digital citizenship, the Board recognizes that students must have access to the latest digital tools and receive instruction that allows students to positively engage with technology in ways that respect human rights and avoids Internet dangers. Technological resources provided to students, including technology based on artificial intelligence (AI), shall be aligned to district goals, objectives, and academic standards. The use of technology shall augment the use of Board adopted instructional materials.

The Board intends that technological resources provided by the district be used in a safe and responsible manner in support of the instructional program and for the advancement of student learning. Students shall be allowed to use such technology, including AI technology, in accordance with district policies, including, but not limited to, policies on academic honesty, data privacy, nondiscrimination, and copyright protections. All students using these resources shall receive instruction in the proper and appropriate use of technology. Such instruction shall incorporate students' responsibilities regarding academic honesty, honoring copyright provisions, assessing the reliability and accuracy of information, protecting personal data, and the potential for biases and errors in artificially generated content.

District technology includes, but is not limited to, computer hardware, software, or software as a service provided or paid for by the district, whether accessed on or off site or through district-owned or personally owned equipment or devices, including tablets and laptops; computer servers, wireless access points (routers), and wireless computer networking technology (wi-fi); the Internet; email; applications (apps), including AI apps; telephones, cellular telephones, smartphones, smart devices, and wearable technology; or any wireless communication device, including radios.

Teachers, administrators, and/or library media specialists are expected to review the technological resources and online sites that will be used in the classroom or assigned to students in order to ensure that they are appropriate for the intended purpose and the age of the students.

The Superintendent or designee shall notify students and parents/guardians about authorized uses of district technology, user obligations and responsibilities, and consequences for unauthorized use and/or unlawful activities in accordance with this board policy and the district's Acceptable Use Agreement.

Before a student is authorized to use district technology, the student and the student's parent/guardian shall sign and return the Acceptable Use Agreement. In that agreement, the student and parent/guardian shall agree not to hold the district or any district staff responsible for the failure of any technology protection measures or user mistakes or negligence and shall agree to indemnify and hold harmless the district and district staff for any damages or costs incurred.

The district reserves the right to monitor student use of technology within the jurisdiction of the district without advance notice or consent. Students shall be informed that the use of district technology, as defined above, is not private and may be accessed by the district for the purpose of ensuring proper use. Students have no reasonable expectation of privacy in the use of district technology. Students' personally owned devices shall not be searched except in cases where there is a reasonable suspicion, based on specific and objective facts, that the search will uncover evidence of a violation of law, district policy, or school rules.

The Superintendent or designee may gather and maintain information pertaining directly to school safety or student safety from the social media activity of any district student in accordance with Education Code 49073.6 and Board Policy/Administrative Regulation 5125 - Student Records.

Whenever a student is found to have violated board policy or the district's Acceptable Use Agreement, the principal or designee may cancel or limit a student's user privileges or increase supervision of the student's use of the district's equipment and other technological resources, as appropriate. Inappropriate use also may result in disciplinary action and/or legal action in accordance with law and board policy.

The Superintendent or designee, with input from students and appropriate staff, shall regularly review and update procedures to enhance the safety and security of students using district technology and to help ensure that the district adapts to changing technologies and circumstances.

Internet Safety

The Superintendent or designee shall ensure that all district computers with Internet access have a technology protection measure that protects against access to visual depictions that are obscene, child pornography, or harmful to minors and that the operation of such measures is enforced (20 USC 7131; 47 USC 254; 47 CFR 54.520).

To reinforce these measures, the Superintendent or designee shall implement rules and procedures designed to restrict students' access to harmful or inappropriate matter on the Internet and to ensure that students do not engage in unauthorized or unlawful online activities.

Harmful matter includes matter, taken as a whole, which to the average person, applying contemporary statewide standards, appeals to the prurient interest and is matter which depicts or describes, in a patently offensive way, sexual conduct and which lacks serious literary, artistic, political, or scientific value for minors (Penal Code 313).

The district's Acceptable Use Agreement shall establish expectations for appropriate student conduct when using the Internet or other forms of electronic communication, including, but not limited to, prohibitions against:

1. Accessing, posting, submitting, publishing, or displaying harmful or inappropriate matter that is threatening, obscene, disruptive, or sexually explicit, or that could be construed as harassment or disparagement of others based on their race/ethnicity, national origin, sex, gender, sexual orientation, age, disability, religion, or political beliefs

2. Intentionally uploading, downloading, or creating computer viruses and/or maliciously attempting to harm or destroy district equipment or materials or manipulate the data of any other user, including so-called "hacking"

3. Distributing personal identification information, including the name, address, telephone number, Social Security number, or other personally identifiable information, of another student, staff member, or other person with the intent to threaten, intimidate, harass, or ridicule that person

The Superintendent or designee shall regularly review current guidance regarding cybersecurity, data privacy, and digital media awareness and incorporate recommended practices into the district's processes and procedures related to the protection of the district's network infrastructure, the monitoring and response to cyberattacks, ensuring data privacy, and monitoring suspicious and/or threatening digital media content, in accordance with Board Policy 5125 - Student Records.

The Superintendent or designee shall provide age-appropriate instruction regarding safe and appropriate behavior on social networking sites, chat rooms, and other Internet services. Such instruction shall include, but not be limited to, the dangers of posting one's own personal identification information online, misrepresentation by online predators, how to report inappropriate or offensive content or threats, behaviors that constitute cyberbullying, and how to respond when subjected to cyberbullying.[6]

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[6] Policy Reference Disclaimer: These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the Governing Board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State: Civ. Code 3120-3123; Ed. Code 49073.6; Ed. Code 51006; Ed. Code 51007; Ed. Code 60044; Pen. Code 313; Pen. Code 502; Pen. Code 632; Pen. Code 653.2; **Federal:** 15 USC 6501-6506; 16 CFR 312.1-312.12; 20 USC 7101-7122; 20 USC 7131; 47 CFR 54.520; 47 USC 254

CHAPTER 9: EQUITY, NON-DISCRIMINATION, AND COMPLAINTS

Equal Opportunity

Equal opportunities for both sexes in all educational programs and activities run by the District is a commitment made by the District to all students. (Title IX of the Education Amendments of 1972.) Inquiries on all matters, including complaints, regarding the implementation of Title IX in the District may be referred to the District official listed below at the following address and telephone:

Complaints
Sam Bass
Assistant Superintendent, Human Resources
3188 Quimby Rd. San Jose, CA 95148
(408) 270-6800 | sbass@eesd.org

Parents may file a complaint concerning violations of federal or state law or regulations governing special education related services (Cal. Code Regs., tit. 5, § 4630). To file a complaint, write a description of the manner in which the parent believes special education programs for handicapped do not comply with state or federal law or regulations and file with the District official listed below at the following address and telephone:

Special Education - Complaints
Jennifer Anderson-Chaffee
Director, Special Education
3188 Quimby Road San Jose, CA 95148
(408) 270-6800 | jandersonchaffee@eesd.org

Nondiscrimination in District Programs and Activities

The Board of Trustees is committed to equal opportunity for all individuals in education. District programs, activities, and practices shall be free from discrimination based on race, color, ancestry, national origin, ethnic group identification, age, religion, marital or parental status, physical or mental disability, sex, sexual orientation, gender, gender identity or expression, or genetic information; the perception of one or more of such characteristics; or association with a person or group with one or more of these actual or perceived characteristics.

Uniform Complaint Procedures

Complaints Alleging Discrimination, Harassment, Intimidation, and Bullying:

State and federal law prohibit discrimination in education programs and activities. The District is primarily responsible for compliance with federal and state laws and regulations. (Cal. Code Regs., tit. 5, § 4620.)

Under state law, all pupils have the right to attend classes on school campuses that are safe, secure, and peaceful. (Ed. Code, § 32261.) State law requires school districts to afford all pupils equal rights and opportunities in education, regardless of their actual or perceived characteristics, such as disability (mental and physical), gender (includes gender identity, gender expression, and gender-related appearance and behavior whether or not stereotypically associated with the person's assigned sex at birth), actual or potential parental, family, or marital status, pregnancy (including childbirth, false pregnancy, termination of pregnancy, or recovery therefrom), nationality (includes citizenship, country of origin and national origin), race or ethnicity (includes ancestry, color, ethnic group identification and ethnic background), religion (includes all aspects of religious belief, observance and practice, including agnosticism and atheism), sexual orientation (heterosexuality, homosexuality or bisexuality), or association with a person or group with one or more of these actual or perceived characteristics. (Ed. Code, §§ 210-214, 220 et seq., 234 et seq. Cal. Code Regs., tit. 5, § 4900 et seq., 20 U.S.C. § 1681 et seq., 29 U.S.C. § 794, 42 U.S.C. § 2000d et seq., 42 U.S.C. § 12101 et seq., 34 C.F.R. § 106.9) The District prohibits discrimination, harassment, intimidation, bullying, and retaliation in all acts related to school activity or attendance. In addition to being the subject of a complaint, a pupil engaging in an act of bullying as defined by Education Code section 48900(r) may be suspended from school or recommended for expulsion.

The District's Uniform Complaint Procedure may be used in cases where individuals or a group have suffered discrimination, harassment, intimidation, or bullying. (Cal. Code Regs., tit. 5, §§ 4610, 4630, 4650, Ed. Code, § 234 et seq., 48900(r).)

- Any individual, public agency or organization has the right to file a written complaint alleging that he/she has personally suffered unlawful discrimination or that an individual or specific class of individuals has been subjected to unlawful discrimination. (Cal. Code Regs., tit. 5, § 4630(b)(1))

- Copies of the District's complaint procedures are available free of charge. (Cal. Code Regs., tit. 5, § 4622)

- Complaints must usually be filed with the (superintendent or designee of the District)

- Discrimination complaints must be filed within six (6) months of the date the alleged discrimination occurred, or within six (6) months of the date the complainant first obtained knowledge of the facts of the alleged discrimination. Within that six (6) month period, the complainant may file a written request with the district superintendent or designee for an extension of up to ninety (90) days following the six (6) month time period. Extensions will not be automatically granted, but may be granted for good cause. (Cal. Code Regs., tit. 5, § 4630(b))

<u>Complaints Other Than Discrimination, Harassment, Intimidation, and Bullying:</u>

The District has a written complaint procedure which may be used in cases where any individual, public agency or organization alleges violations of state or federal law, other than those relating to discrimination, harassment, intimidation, and bullying. Written complaints may be made regarding:

- Adult Basic Education

- After School Education and Safety
- Agricultural, Career Technical and/or Vocational Education
- American Indian Education Centers and American Indian Early Childhood Education
- Bilingual Education
- California Poor Assistance and Review Programs for Teachers
- Consolidated Categorical Aid Programs
- Migrant Child Education Programs
- Every Students Succeeds Act, (formerly No Child Left Behind)
- Career Technical and Technical Education and Technical Training Programs
- Child Care and Development
- Child Nutrition
- Compensatory Education
- Consolidated Categorical Aid
- Economic Impact Aid
- Special Education
- 'Williams Complaints'
- Pupil Fees
- Instructional Minutes for Physical Education
- Local Control Funding Formula (LCFF) and Local Control and Accountability Plan (LCAP)
- Pregnant and Parenting Pupils, including parental leave
- Student Parent Lactation Accommodations
- Course Assignments already Completed or without Educational Content
- Course Assignments
- Physical Education Instructional Minutes

- Foster Youth, Homeless, former Juvenile Court School Student Services, Migrant Youth and Pupils of Military Families
- Regional Occupational Centers and Programs
- Continued Education Options for Former Juvenile Court School Students
- School Safety Plan
- School Plan for Student Achievement (SPSA)
- Tobacco-Use Prevention Education
- Health and Safety in a California State Preschool Program
- Any other district-implemented state categorical program that is not funded through the local control funding formula pursuant to Education Code section 64000[7]

Within 60 days from the date of receipt of the complaint, the District's responsible officer or his/her designee shall conduct and complete an investigation of the complaint in accordance with local procedures adopted pursuant to California Code of Regulations title 5, section 4621 and prepare a written decision.

The time period may be extended by mutual written agreement of the parties. Williams Complaints: Complaints including anonymous complaints, may be made and addressed on a shortened timeline for the following areas: (Ed. Code, §§ 8235.5, 35186)

1. Insufficient textbooks and instructional materials;
2. Emergency or urgent school facilities conditions that pose a threat to the health and safety of pupils; or
3. Noncompliance with the requirement of Education Code section 35292.6 to stock, at all times, at least half of the restrooms in the school with feminine hygiene products and to not charge students for the use of such products;
4. Teacher vacancy or misassignment.
5. Noncompliance of a license-exempt California State Preschool Program (CSPP) with health and safety standards specified in Health and Safety Code section 1596.7925 and related state regulations.

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[7] (Cal. Code Regs., tit. 5, §§ 4610(b), 4622, 4630, Ed. Code, §§ 222, 4845.7, 8200-8498, 8500-8538, 32289, 33315, 33380-33384, 35186, 41500-41513, 46015, 47606.5, 47607.3, 48853.5, 49013, 49069.5, 49490-49590, 49701, 51210, 51223, 51225.1, 51225.2, 51226-51226.1, 51228.1, 51228.2, 51228.3, 52060-52075, 52160-52178, 52300-52490, 52334.7, 52500-52616.24, 52800-52870, 54000-54029, 54400-54425, 54440-54445, 54460- 54529, 56000- 56867, 59000 -59300, and 64001, 20 U.S.C. §§ 1400, 4600, 6601, 6801, 7101, 7201, 7301 et. seq., Health and Saf. Code, §§ 1596.792, 1596.7925, 104420)

Any individual, public agency or organization has the right to file a written complaint alleging that the District has violated a federal or state law or regulation governing any program listed above (Cal. Code Regs. tit. 5, § 4630 (b)(1)) Copies of the District's complaint procedure are available free of charge. (Cal. Code Regs. tit. 5, § 4622)
Complaints must usually be filed with the superintendent or designee of the District under the timelines established by District policy. (Cal. Code Regs., tit. 5, § 4630 (b)).

A complaint or noncompliance with Education Code section 35186 may be filed with the school principal or designee under the Uniform Complaint Procedures. A complainant not satisfied with the resolution of a Williams Complaint has the right to bring the complaint to the district governing board at a regularly scheduled hearing. In the case of a complaint regarding emergency or urgent school facilities conditions, a complainant has the right to appeal to the State Superintendent of Public Instruction.

- Pupil Fees Complaints: A pupil enrolled in our district shall not be required to pay a pupil fee for participation in an educational activity, including curricular and extracurricular activities.

- A pupil fee includes, but is not limited to, all of the following: a fee charged to a pupil as a condition for registering for school or classes, as a condition for participation in a class or an extracurricular activity, as a security deposit to obtain materials or equipment, or a purchase that a pupil is required to make to obtain materials or equipment for an educational activity.

- A complaint of noncompliance with Education Code section 49010 et seq. may be filed with the school principal under the Uniform Complaint Procedures. A complaint shall be filed no later than one calendar year from the date the alleged violation occurred. A complaint may be filed anonymously if the complaint provides evidence or information leading to evidence to support an allegation of noncompliance.

- Foster, homeless, former juvenile court pupils and pupils in military families: the District will post a standardized notice of the educational rights of pupils in foster care, pupils who are homeless, former juvenile court pupils now enrolled in a school district, and pupils in military families as specified in Education Code sections 48645.7, 48853, 48853.5, 49069.5, 51225.1, and 51225.2. This notice shall include complaint process information, as applicable. Responsible Official: The District official responsible for processing complaints is listed below at the following address:

Tonya Trim, Assistant Superintendent - Educational Services
3188 Quimby Rd. San Jose, CA 95148
(408) 270-6800 | ttrim@eesd.org

Complaints Made Directly to the State Superintendent:

- Complaints alleging that the District failed to comply with the complaint procedures described herein, including failure or refusal to cooperate with the investigation.

- Complaints regarding Child Development and Child Nutrition programs not administered by the District.

- Complaints requesting anonymity, but only where the complainant also provides clear and convincing evidence that complainant would be in danger of retaliation if filing complaint at District level.

- Complaints alleging that the District failed or refused to implement a final decision regarding a complaint originally filed with the District.

- Complaints alleging that the District took no action within sixty (60) days regarding a complaint originally filed with the District.
- Complaints alleging immediate and irreparable harm as a result of applying a district-wide policy in conflict with state or federal law and that complaining at the local level would be futile ●
- Complaints relating to Special Education, but only if:
    - District unlawfully refuses to provide a free appropriate public education to handicapped students; or o District refuses to comply with due process procedures or fails to implement due process hearing order; or
    - Children may be in immediate physical danger, or their health, safety or welfare is threatened; or
    - A handicapped pupil is not receiving the services specified in his/her Individual Educational Program (IEP); or
    - The complaint involves a violation of federal law.
- The District refuses to respond to the State Superintendent's request for information regarding a complaint originally filed with the District. (Cal. Code Regs., tit. 5, §§ 4630, 4650)

Appeals:

- Except for Williams Complaints, a complainant may appeal the District's decision to the California Department of Education. (Ed. Code, § 262.3(a), Cal. Code Regs., tit. 5, § 4632)
    - Appeals must be filed within fifteen (15) days of receiving the District decision.
    - Appeals must specify the reason(s) for appealing the District decision, including whether the facts are incorrect and/or the law has been misapplied.
    - Appeals must include a copy of the original complaint and a copy of the District decision.
    - Pupil fee complaints appealed to the California Department of Education will receive a written appeal decision within 60 days of the department's receipt of the appeal.
    - If the school/District finds merit in a complaint, or the California Department of Education finds merit in an appeal, the school/District must provide a remedy to all affected pupils, parents, and guardians. For pupil fee complaints, this includes reasonable efforts by the school to ensure full reimbursement to all pupils, parents, and guardians, subject to procedures established through regulations adopted by the state board.
- If a complaint is denied, in full or in part, by the Department of Education, the complainant may request reconsider Public Instruction. (Cal. Code Regs., tit. 5, § 4665)
    - Reconsideration must be requested within thirty-five (35) days of receiving the Department of Education report.
    - The original decision denying the complaint will remain in effect and enforceable unless and until the State Superintendent of Public Instruction modifies that decision.

Civil Law Remedies:

In addition to the above-described complaint procedure, or upon completion of that procedure, complainants may have civil law remedies under state or federal discrimination harassment, intimidation, or bullying laws. These civil law remedies can include, but are not limited to, injunctions and restraining orders. These civil law remedies are granted by a court of law and may be used, in part, to prevent the District from acting in an unlawful manner. Delay in pursuing civil law remedies before a court of law may result in loss of rights to those remedies. Any questions regarding civil law remedies should be directed to an attorney. (Ed. Code, § 262.3(b), Cal. Code Regs., tit. 5, § 4622)

Williams Compliance

California Department of Education Williams Complaint Classroom Notice
July 2025
Evergreen Elementary School District

Notice to Parents, Guardians, Pupils, and Teachers 2026 - 2027

1. There should be sufficient textbooks and instructional materials. That means each pupil, including English learners, must have a textbook or instructional materials, or both, to use in class and to take home.

2. School facilities must be clean, safe, and maintained in good repair.

3. There should be no teacher vacancies or misassignments. There should be a teacher assigned to each class and not a series of substitutes or other temporary teachers. The teacher should have the proper credential to teach the class, including the certification required to teach English learners if present.

   Teacher vacancy means a position to which a single designated certificated employee has not been assigned at the beginning of the year for an entire year or, if the position is for a one-semester course, a position to which a single designated certificated employee has not been assigned at the beginning of a semester for an entire semester.

   Misassignment means the placement of a certificated employee in a teaching or services position for which the employee does not hold a legally recognized certificate or credential or the placement of a certificated employee in a teaching or services position that the employee is not otherwise authorized by statute to hold.

4. A complaint form may be obtained at the school office, district office, or downloaded from the school's website.

   You may also download a copy of the Sample Williams Complaint Form in English and in other languages from the California Department of Education Website.

Departamento de Educación de California Aviso para el salón de clases sobre los reclamos de Williams
Julio de 2025
Distrito de Educación Primaria Evergreen

Aviso para padres de familia, tutores, alumnos y maestros 2026 - 2027

1. Debe haber suficientes libros de textos y materiales educativos. Eso significa que todos los alumnos, incluyendo a los estudiantes de inglés, deben tener un libro de texto o materiales educativos, o ambos, para usar en la clase y llevar a casa.

2. Las instalaciones de la escuela deben estar limpias, ser seguras y mantenidas en buenas condiciones.

3. No debe haber puestos vacantes de maestros ni asignaciones inapropiadas. Debe haber un maestro asignado a cada clase y no una serie de sustitutos o maestros temporales. El maestro debe tener las credenciales apropiadas para enseñar a la clase, incluyendo la certificación requerida para enseñar a estudiantes de inglés, si hubiera alguno.

   Los puestos vacantes de maestros son puestos a los que no se ha asignado un empleado certificado para todo el año al comienzo del año, o si el puesto corresponde a un curso de un semestre, un puesto al que no se ha asignado un empleado certificado para todo el semestre al comienzo del semestre.

   Las asignaciones inapropiadas con aquellas en las que se asigna a un empleado certificado a un puesto docente o de servicio para el cual no tiene las certificaciones o credenciales legales, o la asignación de un empleado certificado a un puesto de docencia o de servicio que no está autorizado por ley a ocupar.

4. Puede solicitar un formulario de reclamo en la oficina de la escuela, la oficina del distrito o puede descargarlo del sitio web de la escuela.

   También puede descargar una copia del formulario de ejemplo de los reclamos de Williams en inglés y otros idiomas desde el sitio web del Departamento de Educación de California.

Sở Giáo Dục California Thông Báo Khiếu Nại Williams
Tháng 7 năm 2025
Khu Học Chánh Tiểu Học Evergreen

Thông báo đến Phụ huynh, Người giám hộ, Học sinh và Giáo viên Năm học 2026 – 2027

1. Mỗi học sinh phải có đầy đủ sách giáo khoa và tài liệu giảng dạy. Điều này có nghĩa là mỗi em học sinh, bao gồm cả học sinh Anh ngữ (*English learners*), phải có sách hoặc tài liệu học tập để sử dụng trong lớp và mang về nhà.

2. Cơ sở vật chất của trường phải được giữ gìn sạch sẽ, an toàn và được bảo trì đầy đủ.

3. Không được có tình trạng thiếu giáo viên hoặc giáo viên bị phân công sai. Mỗi lớp học phải có một giáo viên chính thức được phân công, không phải là giáo viên tạm thời liên tục. Giáo viên phải có bằng cấp và chứng chỉ phù hợp với môn học đang giảng dạy, bao gồm chứng chỉ dạy học sinh Anh ngữ nếu có.

   Thiếu giáo viên có nghĩa là vị trí chưa có giáo viên được chứng nhận đảm nhiệm từ đầu năm học cho đến hết năm, hoặc nếu là môn học một học kỳ thì vị trí đó chưa có người đảm nhiệm từ đầu học kỳ cho đến hết học kỳ.

   Phân công sai có nghĩa là giáo viên được giao giảng dạy hoặc cung cấp dịch vụ không đúng với chứng chỉ, bằng cấp hợp pháp, hoặc không được pháp luật cho phép đảm nhiệm vị trí đó.

4. Mẫu đơn khiếu nại có thể được lấy tại văn phòng trường, văn phòng học khu, hoặc tải xuống từ trang web của trường.

   Bạn cũng có thể tải mẫu Đơn Khiếu Nại Williams (bản tiếng Anh và các ngôn ngữ khác) từ trang web của Sở Giáo Dục California.

Pupil Fees

A pupil enrolled in a public school must not be required to pay a pupil fee for participation in an educational activity. (Ed. Code, § 49011)

- The following requirements apply to prohibited pupil fees:
    - All supplies, materials, and equipment needed to participate in educational activities must be provided to pupils free of charge.
    - A fee waiver policy shall not make a pupil fee permissible.
    - School districts and schools shall not establish a two-tier educational system by requiring a minimal educational standard and also offering a second, higher educational standard that pupils may only obtain through payment of a fee or purchase of additional supplies that the school district or school does not provide.
    - A school district or school shall not offer course credit or privileges related to educational activities in exchange for money or donations of goods or services from a pupil or a pupil's parents or guardians, and a school district or school shall not remove course credit or privileges related to educational activities, or otherwise discriminate against a pupil, because the pupil or the pupil's parents or guardians did not or will not provide money or donations of goods or services to the school district or school.
    - Solicitation of voluntary donations of funds or property and voluntary participation in fundraising activities are not prohibited. School districts, schools, and other entities are not prohibited from providing pupils prizes or other recognition for voluntarily participating in fundraising activities. (Ed. Code, § 49010 et seq.)

A complaint of noncompliance may be filed under the District's Uniform Complaint Procedures and Title 5 of the California Code of Regulations. (Ed. Code, § 49013)

Sexual Harassment

Evergreen School District Board
Board Policy 5144.7: Sexual Harassment
Administrative Regulation 5154.7: Sexual Harassment

The Board of Trustees is committed to maintaining a welcoming, safe, and supportive school environment that is free from discrimination and harassment. The Board prohibits at school or at school-sponsored or school-related activities, sex discrimination and sex-based harassment, as defined in the accompanying administrative regulation, targeted at any student, based on the student's actual or perceived sex; sex stereotypes; sex characteristics; sexual orientation; gender; gender identity; gender expression; pregnancy, childbirth, termination of pregnancy or lactation, including related medical conditions or recovery; and, parental, marital, and family status.

Additionally, the Board prohibits retaliatory behavior or action against any person who complains or testifies about conduct that reasonably may constitute sex discrimination, including sex-based harassment, reports such conduct, or otherwise participates or refuses to participate in the complaint process established for the purpose of this policy. (Education Code 220.1; 34 CFR 106.71)

The district strongly encourages students who feel that they are being or have experienced sex discrimination, including sex-based harassment, on school grounds or at a school-sponsored or school-related activity, or off-campus when the conduct 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 sex discrimination, including sex-based harassment, by or against a student in a district education program or activity shall report the incident to the Title IX Coordinator within one workday.

Once notified, the Title IX Coordinator shall ensure the complaint or allegation is addressed through Administrative Regulation 5145.71 - Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures.

The Title IX Coordinator shall offer and coordinate supportive measures to be provided to the complainant and, if the district has begun grievance procedures or offered an informal resolution process to the respondent, offer and coordinate supportive measures to be provided to the respondent as deemed appropriate under the circumstances.

The Superintendent or designee shall ensure that all district staff are trained regarding the district's sex discrimination and sex-based harassment policy, and that all employees receive training related to their duties under Title IX as specified in Administrative Regulation 4119.11/4219.11/4319.11 - Sex Discrimination and Sex-Based Harassment. (34 CFR 106.8)

Instruction/Information

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

1. What acts and behavior constitute sex discrimination and sex-based harassment, including the fact that sex discrimination and sex-based 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 sex discrimination or sex-based harassment under any circumstance

3. Encouragement to report observed incidents of sex discrimination and sex-based harassment even when the alleged victim of the discrimination or 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 sex discrimination or sex-based harassment incident will be addressed separately and will not affect the manner in which the sex discrimination or sex-based 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 sex discrimination and sex-based harassment allegation that involves a student, whether as the complainant, respondent, or victim of the discrimination or 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 sex discrimination and/or sex-based 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 sex discrimination or sex-based 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 sex discrimination or sex-based harassment and/or other students during an investigation

Disciplinary Actions

Upon completion of an investigation of sex discrimination and/or sex-based harassment, any student found to have engaged in sex discrimination, and/or sex-based 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 sex discrimination and/or sex-based harassment, any employee found to have engaged in sex discrimination against, and/or sex-based 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

The Superintendent or designee shall maintain records in accordance with law, including in accordance with 34 CFR 106.8 as specified in Administrative Regulation 5145.71 - Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures, and district policies and regulations, of all reported cases of sex-based harassment to enable the district to monitor, address, and prevent repetitive harassing behavior in district schools.

The district does not discriminate on the basis of sex in any of its programs or activities and complies with Title IX of the Education Amendments of 1972 and its implementing regulations. Sex discrimination, including sex-based harassment, is prohibited in district education programs and activities.

Definitions

Sex discrimination includes treating a student differently with respect to the provision of opportunities to participate in school programs or activities or the provision or receipt of educational benefits or services based on the student's sex, sex stereotypes; sex characteristics; sexual orientation; gender; gender identity; gender expression; pregnancy, childbirth, termination of pregnancy, or lactation, including related medical conditions and recovery; parental, family, or marital status; or the student's association with a person or group with one or more of these actual or perceived characteristics.

Sex discrimination, including sex-based harassment, intimidation, or bullying, may result from physical, verbal, nonverbal, or written conduct and 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.

Sex-based harassment is a form of sex discrimination and means sexual harassment and other harassment on the basis of sex, sex stereotypes, sex characteristics, or other bases specified above. Conduct will constitute sex-based harassment when it takes the form of: (34 CFR 106.2, 106.11)

1. Quid pro quo harassment: A district employee, agent, or other individual authorized by the district to provide an aid, benefit, or service in the district's education program or activity conditioning the provision of district aid, benefit, or service on a student's participation in unwelcome sexual conduct

2. Hostile environment harassment: Unwelcome sex-based conduct that, based on the totality of the circumstances, is subjectively and objectively offensive and is so severe or pervasive that it limits or denies a person's ability to participate in or benefit from the district's education 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 sex-based harassment in violation of district policy if it has a continuing effect on a student's ability to participate in or benefit from district educational programs or activities.

3. Sexual assault, dating violence, domestic violence, or stalking as defined in 34 CFR 106.2

Sexual harassment includes, but is not limited to, unwelcome sexual advances, unwanted requests for sexual favors, or other unwanted verbal, visual, or physical conduct of a sexual nature made against another person of the same or opposite sex in the educational setting, under any of the following conditions: (Education Code 212.5; 5 CCR 4916)

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

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

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

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

Examples of Sex Discrimination and Sex-Based Harassment

Examples of types of conduct which are prohibited in the district and which may constitute sex- based 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 sex-based 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. Sex-based jokes, derogatory posters, notes, stories, cartoons, drawings, pictures, obscene gestures, or computer-generated images of a sexual nature
5. Spreading sex-based 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. The individual(s) shall also serve as the Compliance Officer(s) specified in Administrative Regulation 1312.3 - Uniform Complaint Procedures and Administrative Regulation 5145.3 - Nondiscrimination/Harassment as the responsible employee(s) to handle student complaints alleging unlawful discrimination, as permitted by law. The Title IX Coordinator(s) may be contacted at:

Sam Bass
Assistant Superintendent, Human Resources
3188 Quimby Rd. San Jose, CA 95148
(408) 270-6800 | sbass@eesd.org

Notifications

To prevent unlawful sex discrimination and sex-based harassment in district programs and activities, the Superintendent or designee shall provide notifications and implement measures to prevent discrimination and harassment as specified in Administrative Regulation 5145.3 - Nondiscrimination/Harassment.

In addition to the measures to prevent discrimination specified in Administrative Regulation 5145.3 - Nondiscrimination/Harassment, the Superintendent or designee shall ensure that a copy of the district's sex discrimination and sex-based harassment policy and regulation:

5. Is 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)

6. Is 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 sexual harassment; the rights of the reporting student, the complainant, and the respondent; and the responsibilities of the school. (Education Code 231.6)

7. Is provided as part of any orientation program conducted for new and continuing students at the time the student is enrolled or at the beginning of each quarter, semester, or summer session (Education Code 231.5)

8. Appears 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)

Reports and Complaints

A student or a student's parent(s)/guardian(s) who believes that the student has been subjected to sex discrimination, including sex-based harassment, in a district program or activity or who has witnessed sex discrimination, including sex-based harassment, is strongly encouraged to report the incident to the district's Title IX Coordinator, a teacher, the principal, or any other available school employee. Within one workday of 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 sex discrimination or sex-based harassment shall, within one workday, report the observation to the Title IX Coordinator as specified in the accompanying board policy. The report shall be made regardless of whether the alleged victim files a formal complaint or requests confidentiality.

When a report or complaint of sex discrimination or sex-based 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.

Complaint Procedures

All complaints and allegations of sex discrimination and sex-based harassment shall be investigated and resolved in accordance with 34 CFR 106.44 and 106.45 and Administrative Regulation 5145.71 - Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures.

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, regardless of whether 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 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, sex stereotypes, sex characteristics, sexual orientation, 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 that are prohibited in the district and which may constitute sex-based hostile environment 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. Assaulting a student because of the student's gender, sex characteristic, sexual orientation, gender identity, or gender expression

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. (Education Code 220.3, 220.5; 34 CFR 99.31, 99.36)

   The district shall only allow disclosure of a student's personally identifiable information to employees in accordance with law. 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 request 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, intramural sports, and interscholastic athletic programs, students shall be permitted to access facilities and participate in programs and activities consistent with their gender identity

   To address any student's privacy concerns in using sex-segregated facilities, the district shall offer available options such as a gender-neutral or single-use restroom or changing area, a bathroom stall with a door, an area in the locker room separated by a curtain or screen, 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.

Beginning July 1, 2026, each school shall provide and maintain at least one all-gender restroom for student use that meets the requirements of Education Code 35292.5.

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 board 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[8]

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[8] Policy Reference Disclaimer: These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the Governing Board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State: 5 CCR 432; 5 CCR 4600-4670; 5 CCR 4900-4965; Civ. Code 1714.1; Civ. Code 51.9; Ed. Code 200-262.4; Ed. Code 220.1; Ed. Code 220.3; Ed. Code 220.5; Ed. Code 35292.5; Ed. Code 48900; Ed. Code 48900.2; Ed. Code 48904; Ed. Code 48980; Ed. Code 48985; Ed. Code 49060-49079; Gov. Code 11135; Gov. Code 12950.1; **Federal:** 20 USC 1092; 20 USC 1221; 20 USC 1232g; 20 USC 1681-1688; 34 CFR 106.1-106.82; 34 CFR 99.1-99.67; 34 USC 12291; 42 USC 1983; 42 USC 2000d-2000d-7; 42 USC 2000e-2000e-17

CHAPTER 10: NUTRITION, INSURANCE, AND FEDERAL PROGRAMS

Nutrition Program

The State Department of Education has established a statewide program to provide nutritious meals and milk at school for pupils, and to provide free meals to the neediest children. In some instances, nominal cash payments may be required (Ed. Code, § 49510 et seq.).

Child Nutrition Services

EVERGREEN SCHOOL DISTRICT
Child Nutrition Services

California Universal Meals Beginning in School Year (SY) 2022-23, California became the first state to implement a statewide Universal Meals Program. Evergreen School District students will continue be able to receive a free breakfast and free lunch each school day, regardless of your income.

We applaud California's effort to lessen food insecurity, reduce financial burdens on families, eliminate the stigma of the meal program, and ensure students have the necessary nutrition for their academic success. Evergreen School District participates in the federal program called Provision 2 Special Assistance Program available to schools as part of the National School Lunch Program and School Breakfast Provision 2 operates on a four year cycle. The first year, or base year, sets federal and state meal program reimbursement based on the percentages of free, reduced, and paid meals served during SY 2022-23. Child Nutrition Services will not make any new free or reduced price meal eligibility determinations in subsequent cycle years. As a result, households experience a reduction in burden as families will not be asked to complete a Free & Reduced Meal Application in non-base years. Evergreen School District however, may request that new or incoming transfer students complete an Education Benefit form. Education Benefit forms will not affect your student's ability to receive two free meals a day. Completing the Education Benefit form is critical for the District to obtain the socio-economic data used to secure essential school funding in lieu of the Free & Reduced Price Meal Application. It may also make families eligible for discounted utilities and internet, college application fees, after-school programs and more. Learn more about Child Nutrition Services, the school meal program, Provision 2, and more at: https://www.eesd.org/departments/child-nutrition

Meal Charging Policy

It is the full intent of the Evergreen School District that all households are made aware of the Meal Charging Policy. This, and more information about the meal program, can also be found on our website. Meals are FREE

for all students during the school year. To obtain free meals, the student must take the minimum amount required of a “reimbursable meal” under the Offer vs. Serve meal pattern of the National School Lunch and National School Breakfast Program. If a student takes less than the minimum amount, they will be charged a la carte for the items they have taken. Payment for a la carte purchases and adult meals will still be required. Evergreen School District strongly encourages families to pay for al la carte purchases in advance. Pre-paying before meal service provides a simple way for you to manage your student's account and also helps lunch lines move more quickly, giving children more time to enjoy their meal. Households can pay for meals by: Paying Online: Visit www.myschoolbucks.com to make payments, set up low balance alert emails, and track transactions safely and securely anytime. Paying at your child’s school: Students may pay cash or check when they are in the cafeteria. Prepayments can also be left at the school office during normal business hours. Checks should be made payable to CNS and please include the student’s full name and room # when sending in a payment.

Meals on Credit

No charges will be placed on a student’s account if they choose a reimbursable meal at service time. Due to program limitations, our staff cannot force your student to take a reimbursable meal, however we will encourage them to take what is necessary to make it complete. No a la carte items can be purchased on credit. Please review menus in advance with your child so you can ensure they will be able to choose and eat the minimum reimbursable meal components. If not, it is the parent’s responsibility to make sure that money is in the account or a home prepared meal is sent to the school with their child. Any monies received from students with a negative account balance must first be used to satisfy the negative balance. No change will be given back to students with negative account balances and any extra monies will be deposited into the student’s account.

Repayment for Returned Checks

If a check is returned due to insufficient funds, a letter will be sent to the household. Returned checks will result in an additional $25/check fee and checks will not be accepted from the household until the balance is paid.

End of the Year Balances

At the end of the school year, any positive funds left in a student’s account will be carried over to the following school year. Students graduating out of Evergreen School District will be notified by mail with the balance amount. Parents have the option to request a refund, donate, or transfer the balance to a younger sibling. Instructions will be included. Federal guidelines prohibit the Food and Nutrition operation from writing off bad debts as a result of charged meals. If the student has graduated or moved out of the district with a negative lunch account balance, the unpaid meal charges will be considered bad debt and a file containing students' names and amounts owed will be turned over to the district's business office by June 30 of each school year. To protect family confidentiality, account balance information will only be monitored and dispersed by the Child Nutrition Services Department. Debt collection procedures will also only be initiated by Child Nutrition Services staff.

Debt thresholds and delinquent payment definitions will be reviewed annually by the CBO and CNS Supervisor to ensure the purpose of the meal charging policy is not jeopardized by the diversions of staff time and effort to collect payment.

Refunds and Balance Transfers

If your child is graduating or moving out of Evergreen School District with excess funds on their school lunch account, you can request a refund, transfer it to a younger sibling, or donate the balance to the Child Nutrition Services Department. Please be aware that balances DO NOT carry over to the high school level. If you are unsure of your student's balance, please login to your MySchoolBucks account at myschoolbucks.com or contact Child Nutrition Services at (408) 223-4500. Refunds typically take up to 30 days to be processed and a check mailed to the address provided in your request. Due to the high volume of requests at the end of the school year, please be patient in receiving your refund. You can also complete a request form at https://www.eesd.org/departments/child-nutrition/payments or send a request by mail to 2828 Corda Drive, San Jose, CA 95122. Include in your request: your name, address, phone number, student name, school attended, and student ID number (if known). Please include sibling information if you are requesting a transfer of funds. If at any time households have questions about their student's lunch account, current account balance, or are facing a financial hardship, they should contact Child Nutrition Services at (408) 223-4500.

Availability of Insurance

Insurance underwritten by the National Union Fire Insurance Company is available to all students. More information about the benefits and the application form can be accessed via the Internet at www.studentinsuranceusa.com. On the left hand column of the home page, click on 'K12 Plans,' and then 'Benefits.' Claim forms can also be accessed from this site. You may also request a copy of the information from your school office. If you have questions about the various plans, a Student Insurance representative is available at (800) 367-5830. The application is mailed directly to Student Insurance at 11661 San Vicente Boulevard, Suite 200, Los Angeles, CA 90049.

Healthy Families is low cost insurance for children and teens. It provides health, dental and vision coverage to children who do not have insurance and do not qualify for free Medi-Cal. Eligibility for the program is determined by family income, number of people in the family, and age of children. For more information visit http://www.healthyfamilies.ca.gov.

U.S. Department of Education Programs

The following applies only to programs directly funded by the U.S. Department of Education:

- All instructional materials, including teacher's manuals, films, tapes, or other supplementary material which will be used in connection with any survey, analysis, or evaluation shall be available for inspection by the parents or guardians of the children.
- No student shall be required, as part of any applicable U.S. Department of Education funded program, to submit to a survey, analysis, or evaluation that reveals information concerning:

- political affiliations or beliefs of the student or student's parents: mental and psychological problems of the student or his/her family; sex behavior or attitudes;
- illegal, anti-social, self-incriminating or demeaning behavior;
- critical appraisals of other individuals with whom respondents have close family relationships;
- legally recognized privileged or analogous relationships, such as those of lawyers, physicians, and ministers;
- religious practices, affiliations, or beliefs of the student or student's parent; or
- income (other than that required by law to determine eligibility for participation in a program or for receiving financial assistance under such program) without the prior consent of the student (if the student is an adult or emancipated minor), or in the case of an unemancipated minor, without the prior written consent of the parent. (Section 20 U.S.C. § 1232h)

Notification of Rights Under the Protection of Pupil Rights amendment (PPRA)

PPRA affords parents certain rights regarding our conduct of surveys, collection and use of information for marketing purposes, and certain physical exams. These include the right to:

1. Consent before students are required to submit a survey that concerns one or more of the following protected areas ('protected information survey') if the survey is funded in whole or in part by a program of the U.S. Department of Education (ED)--
    - Political affiliations or beliefs of the student or student's parent;
    - Mental or psychological problems of the student or student's family;
    - Sex behavior or attitudes;
    - Illegal, anti-social, self-incriminating, or demeaning behavior;
    - Critical appraisals of others with whom respondents have close family relationships;
    - Legally recognized privileged relationships, such as with lawyers, doctors, or ministers;
    - Religious practices, affiliations, or beliefs of the student or parents; or
    - Income, other than as required by law to determine program eligibility.
2. Receive notice and an opportunity to opt a student out of:
    - Any other protected information survey, regardless of funding;

- Any non-emergency, invasive physical exam or screening required as a condition of attendance, administered by the school or its agent, and not necessary to protect the immediate health and safety of a student, except for hearing, vision, or scoliosis screening, or any physical exam or screening permitted or required under State law; and
- Activities involving collection, disclosure, or use of personal information obtained from students for marketing or to sell or otherwise distribute the information to others.

3. Inspect, upon request and before administration or use --
    - Protected information surveys of students;
    - Instruments used to collect personal information from students for any of the above marketing, sales, or other distribution purposes; and
    - Instructional material used as part of the education curriculum.
    - These rights transfer from the parents to a student who is 18 years old or an emancipated minor under State law. Evergreen School District has developed and adopted policies, in consultation with parents, regarding these rights, as well as arrangements to protect student privacy in the administration of protected surveys and the collection, disclosure, or use of personal information for marketing, sales, or other distribution purposes. Evergreen School District will directly notify parents of these policies at least annually at the start of each school year and after any substantive changes. Evergreen School District will also directly notify, such as through U.S. Mail or email, parents of students who are scheduled to participate in the specific activities or surveys noted below and will provide an opportunity for the parent to opt his or her child out of participation in the specific activity or survey. Evergreen School District will make this notification to parents at the beginning of the school year if the District has identified the specific or approximate dates of the activities or surveys at that time. For surveys and activities scheduled after the school year starts, parents will be provided reasonable notification of the planned activities and surveys listed below and be provided an opportunity to opt their child out of such activities and surveys. Parents will also be provided an opportunity to review any pertinent surveys. Following is a list of the specific activities and surveys covered under this requirement:
    - Collection, disclosure, or use of personal information for marketing, sales or other distribution.
    - Administration of any unprotected information survey not funded in whole or in part by the Department of Education.
    - Any non-emergency, invasive physical examination or screening as described above.
    - Parents/eligible students who believe their rights have been violated may file a complaint with:

Family Policy Compliance Office
U.S. Department of Education 400
Maryland Avenue, SW Washington, D.C. 20202-5920