Merced Scholars

CHARTER SCHOOL

Achieving Academic Excellence | One Student at a Time

Student & Family Handbook

MERCED COUNTY Office of Education

NURTURE • SERVE • LEAD

Steve M. Tietjen, Ed.D.
County Superintendent of Schools

Accredited by the Western Association of Schools and Colleges -WASC

Updated July 2024

Updated Spring 2026

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Message From The Principal

Dear Students and Families:

On behalf of the **Merced Scholars Charter School** staff, it is our pleasure to welcome you to the **2026/2027** school year. We look forward to working with your students to provide a rewarding educational experience.

The purpose of this handbook is to inform you of our policies, procedures and expectations. You will need to read the information provided in this handbook; all policies are in place to help us to maintain a safe school environment that is conducive to learning.

If you have any questions concerning our school and our expectations, feel free to contact the school office at 209-381-4550. We are more than happy to meet with you.

Have a wonderful year!

Your Leadership Team
Lee Andersen Education Center

Vision, Mission and SLOs

Student Programs Vision

Student Programs is committed to the success of every student.

Student Programs Mission

To lead, inspire, and nurture through innovative and unique experiences in a safe learning environment.

Merced Scholars Charter School Mission

Merced Scholars Charter School will provide a personalized, versatile, agile program that is responsive to evolving community and global needs; thereby preparing students to become successful, responsible and contributing citizens who read, write, communicate and calculate with clarity and accuracy, using current technologies and resources.

Merced Scholars SLOs

Graduates of Merced Scholars Charter School will be

Motivated Academic Achievers Who:

- Demonstrate mastery of curriculum aligned to academic standards
- Speak, read write, and listen reflectively and critically
- Calculate with accuracy and clarity
- Are prepared to successfully pursue post-secondary education
- Access resources that enable them to make informed career choices
- Effectively utilize technology

Socially Responsible Citizens Who Demonstrate:

- Cultural awareness and appreciation of diversity
- Responsibility, integrity and respect for others
- The ability to work as part of a team
- Leadership and service within their community

Critical Thinkers Who:

- Identify and use resources effectively
- Apply innovative solutions to complex problems
- Understand social and work-related systems

Self-Directed Learners Who:

- Develop and monitor personal education and career goals
- Are committed to learning new skills and adapting to change

Communicating with the School

Parent Square
The most effective way to be in contact with our programs is through Parent Square. You can download the app today from the App Store or Google Play.

Email notifications are sent to family contacts after the student is enrolled.

Aeries Parent Portal
It is also crucial that you have an active parent portal.

- Navigate to this page.
- Enter your parent email address. SAVE THIS EMAIL ADDRESS.
- Create and SAVE your password.
- Open the verification email from lflores@mcoe.org.
- Select “Confirm this email address” to go back to the login screen
- Login
- In the dialogue box that opens:
    - Student ID number
    - Primary phone number
    - Verification code (provided by school)

Main Office
Our staff consists of dedicated people who wish to make your learning experience the best it can be. Feel free to call our school if you have any questions or concerns. Should you need to talk to our office staff please call **209-381-4550** during the hours of 7:30-3:30pm. Please call the office if you need to speak to a staff member not listed below. Please note school holidays.

Principal

Marcos Huerta mhuerta@mcoe.org

Administrative Secretary

Lupita Melendez MMelendez@mcoe.org

Registrar

Vanessa Doss vdoss@mcoe.org

School Counselor

Breanna Ayala	bayala@mcoe.org

Administrative Clerk

Kayla Alcazar	kalcazar@mcoe.org

Teaching Staff:

Juan Castro	jcastro@mcoe.org
Senda Chang	sechang@mcoe.org
Adriana Covarrubias	adcovarrubias@mcoe.org
Michelle Freitas	mfreitas@mcoe.org
Canela Fullbright McCoubrey	cfullbright@mcoe.org
Kristyn Lopez	klopez@mcoe.org
Laura Means	lmeans@mcoe.org
Anna Miller	amiller@mcoe.org
Patricia Pullido	ppulido@mcoe.org
Jacqueleen Sandoval	jsandoval@mcoe.org
Maria Villanueva	mvillanueva@mcoe.org
Matthew Ybarra	maybarra@mcoe.org

Instructional Assistant

Dianagelica Gomez	dgomez@mcoe.org
Elizabeth Jimenez	ejimenez@mcoe.org

Campus Liaison

Aaron Townsel	atwonsel@mcoe.org

School Address(s)

Atwater Campus
1800 Matthew Drive
Atwater, CA 95301

Los Banos Campus
715 W. H Street
Los Banos, CA 93635

Visitor Check In/Check Out

To ensure the safety of students and staff plus avoid potential disruptions, all visitors to the campus, except students of the school and staff members, must register immediately with the school office upon entering any school building or grounds when school is in session. Our school has established a visible means of identification for visitors while on school premises (i.e. tag). The principal, designee, or campus supervisor may direct an individual to leave school grounds if he/she is disrupting school activities or defying the valid authority of administration. Law enforcement will be immediately contacted for individuals engaging in threatening conduct, trespassing, and for disturbing the peace.

Merced Scholars Charter School-NCB
2026-2027

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May 2027

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June 2027

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IMPORTANT DATES

Aug 6, 10-11, Oct 26	Staff PD/Teacher Prep Days (No School)
August 12	First Day of School
September 2	Back-to-School Night
May 6	DLA Open House
Oct 27, Feb 23, May 24	MSCS PAC Meetings
Nov 3, Mar 3, May 26	DAC/DELAC Meetings
June 3	Graduation
June 4	Last Day of School

HOLIDAYS AND RECESSES

July 3	Independence Day
September 7	Labor Day
October 26	Staff PD - No School
November 11	Veterans' Day Observed
November 23-27	Thanksgiving Recess
Dec 21-Jan 4	Winter Recess
January 18	Martin Luther King Jr. Day
February 8	Lincoln's Birthday
February 15-19	President's Week Recess
March 26 - April 2	Spring Recess
May 31	Memorial Day
June 18	Juneteenth Holiday

SCHOOL SESSIONS

October 9	End of Quarter 1
December 18	End of Quarter 2 (Semester 1)
March 12	End of Quarter 3
June 4	End of Quarter 4 (Semester 2)

LEGEND

	Holiday
	First/Last Day of School
	Local Recess
	Minimum Days (Staff Collaboration)
	Staff PD - No School
	Graduation

P = 184 Professional Days

I = 180 Instructional Days

Merced Scholars CHARTER SCHOOL

Steve Tietjen, Ed.D.
Merced County Superintendent of Schools

Student & Family Supports

Parent/Guardian Participation
Our parents/guardians are expected to take an active role in their student's learning experience. Parents/guardians are highly encouraged to attend school events and appointments. A parent/guardian should make every effort to provide the student with the necessary assistance and instruction for completing assignments on a daily basis.

Parents/guardians should create a personal learning environment at home that will:

- Establish a routine for daily lessons.
- Provide a quiet, well-lit workspace without distractions.
- Follow a routine that suits the family, but gives priority to the student's education.
- Assure that needed materials are on hand (school supplies, materials for science experiments, etc.).
- Assure that tutoring and/or the school on-site support classes are utilized if needed for the student's academic achievement.
- Set aside time every day to review and correct completed assignments and to plan the next day's school assignments and activities.
- Keep a positive attitude and include enjoyable educational projects and activities that provide the variety needed to keep the student interested and motivated.

School Site Council / Advisory Board
Parents, students, staff, and community members can get involved in the decision making process with the school in several ways. The most common way is to either attend or be a member of what is known as the school's Advisory Board/School Site Council. The Advisory Board/School Site Council consists of parents, students, teachers, administrators and community members. The Advisory Board/School Site Council makes recommendations to the school administration and governing board on curriculum, activities and events, policies and procedures, and the general operations of the school. Members are elected to the Advisory Board/School Site Council during a general election process where electronic nomination forms and ballots are distributed to interested families and staff at the school. Ballots are then counted and new members are announced.

School Outreach
Our staff, including office staff, counselors, teachers and others, may reach out to you to check on the wellbeing of your student. This outreach may include emails, phone calls, messages on ParentSquare and/or home visits.

Back to School Night & Similar Events
Each fall we provide our parents the opportunity to learn more about their school and specifically their student's instructional program. At Back to School Night, teachers will greet families that enter their classrooms and answer any questions they might have.

In addition, MSCS hosts additional events where students and families have the opportunity to meet with vendors that represent local support resources available to them.

Academic Counseling
Your school counselor is here to help you with a variety of opportunities and academic goals. They will guide you through your high school experience as well as get you on the right path to your post-secondary goals whether it be college or a career.

Mental Health Counseling and SEL Support
Our school offers SEL support to all students and mental health counseling on an as-needed basis. Teachers and office staff have more information on how to receive services.

Career Technical Education (CTE)
CTE prepares students for employment or post-secondary education. CTE allows students to acquire broad transferable skills, allowing them increased employment and education flexibility. CTE courses, provided through the Merced County Regional Occupational Program (ROP), are available at our school. For more information on CTE courses offered, contact the school Career Technician or School Counselor.

Free Application for Federal Student Aid (FAFSA)
The FAFSA must be filled out by students in order to qualify for college aid and grants. The window to complete the FAFSA is October 1 through March 2. The school counselor will be scheduling FAFSA Workshops throughout the school year. Please be watching for flyers in our office, on our website and on our FACEBOOK page. Completing a FAFSA, or a FAFSA waiver, is required of all graduating students.

College Connection
The school works closely with local Community Colleges in order to serve our students in the best way possible. High school students are expected to take 1-2 Community College classes if their schedules allow.

Foster Youth Services
The Foster Youth Services Program is designed to assist students who are placed in State Licensed Group Homes and Foster Homes. Foster Youth Services assist Merced County foster students in working with social workers, school staff, and community service agencies to influence their day-to-day routine both during and after school. The goals are to stabilize foster care placement and enhance academic success by assisting in the improvement of academic achievement and reducing disciplinary problems, juvenile delinquency, truancy, and student dropout rate. Services provided are:

- Tutoring, counseling, mentoring
- Transitional services
- Ensure appropriate school placement
- AB 490 advocacy

Meals

As part of the California's Universal Meals Program, which began in the 2022-23 school year, all students receive free breakfast and lunch on the days they attend school.

Clothing & Hygiene Closet / Pantry
Because we know that all families struggle from time to time, our school maintains a stock of common necessities. Please see the office staff or Youth Engagement Specialist for access.

Medication
No medications are allowed at school (including over-the-counter medications). In compliance with Ed. Code Section 49423, no medications will be accepted or administered without **meeting the following requirements**:

- Physician and parent/guardian request forms filled out completely including both physician and parent signature (forms are available at school). No medication will be administered without detailed physician instructions.
- Medication taken to school must be furnished in its pharmacy labeled bottle or in the original pharmacy labeled injectable medication kit.
- Nonprescription medications such as aspirin, Tylenol, etc., will not be administered at school even at parent's request. As a parent/guardian, you have the right to bring medication to the school and administer said medication to your student.

Participation in School Sponsored Activities
Participation in school sponsored activities such as field trips is a privilege and created to enrich the school experience. In order to participate in these school sponsored activities, a student should be in good standing with their coursework and follow all school behavior expectations. While participating in school sponsored activities students are expected to conduct themselves in a way that best represents themselves and the school.

School Dances/Events
Students attending school sponsored dances must abide by the the school Dance Code of Conduct:

- Dress code must be adhered to.
- Students must remain at the dance, once you leave the dance, you will not be allowed to return.
- Any form of dance deemed by a school official to be sexual in nature or inappropriate in any way will not be allowed. This includes, but is not limited to:
    1. No private parts touching at anytime
    2. No lap dancing
    3. No leg lifting and/or wrapping each other
    4. No all-fours or ground positions
    5. No bending over
    6. No making out – overt public display of affection

Please Note: If guests are allowed, they must have a current valid ID and authorized guest pass. (Guest passes must be obtained at the school and signed by the administrator.) The school reserves the right to excuse a student or guest from the dance based on inappropriate behavior and/or actions not listed above. If in violation of any of the above, a student may be removed from dance and no refund given.

Field Trips
Our school periodically offers field trips. Students must have a signed permission slip collected by the staff member coordinating the field trip. When appropriate, parents may be asked to chaperone field trips.

Sports
When possible, the school will participate in a variety of sports with other alternative schools. Information and eligibility for sports will be available in the school office. Sports physicals are required.

Leadership Class
Students have the opportunity to enroll in the Leadership class. Leadership students receive training in the principles of restorative justice, youth advocacy, and public speaking. Students in the program will have the opportunity to develop leadership skills and participate in a variety of activities throughout the school year. Enrollment in this program is by teacher and principal recommendation.

Work permits
Any student who is under 18 years of age and who plans to obtain a job while enrolled in a non-classroom based program must have a work permit from their current school. Work permit applications may be obtained from the school counselor. Students who are failing in school, who are truant, who are not attending or not completing minimum schoolwork will have their permits revoked by the school.

Culmination
Upon successful completion of **12th grade** students in good standing are invited to participate in a commencement ceremony. Details about that ceremony and any other related activities will be shared in advance.

Presence of Law Enforcement
Any school sponsored activity may include the presence of law enforcement such as Merced County Probation or local law enforcement agencies. Attendees of a school sponsored event may be asked to perform a breathalyzer test before entering or anytime during the event.

Violation of behavior and/or attendance requirements may result in loss of privilege to attend future school sponsored activities.

Medical Care at School, at No Cost from Merced County Office of Education and Hazel

No insurance, no co-pay, no cost

Merced County Office of Education and Hazel have a shared goal: To ensure every student has access to quality healthcare, regardless of their financial, insurance or immigration status. Why? Because healthy students learn better.

Hazel connects students to healthcare providers with the touch of a button on an iPad. Students get quality care, without leaving school. Parents don't miss work, and no need for a bus ride to the doctor's office.

Services include:

- Urgent care
- Health screenings
- Patient education
- Provider ordered over-the-counter medication and/or prescriptions
- Referrals to health care professionals, school and community resources

How Hazel Works

Consent

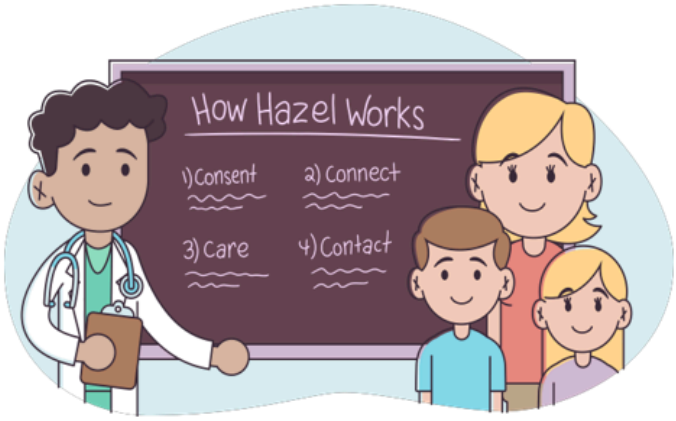
With parent/guardian consent, students can participate in Hazel's healthcare program.

Connect

When a student is sick, they'll visit the on-site Hazel clinic. Using cutting-edge video technology, they'll talk to a licensed healthcare provider.

Care

Care is provided and may include over-the-counter medications given at school and/or prescriptions called in to a local pharmacy.



Contact

Parents/guardians are contacted to explain the visit, medications, diagnosis and recommendations for further care.

Frequently Asked Questions

Q. How much does Hazel cost?
A. Hazel is provided by your School District at no cost to families.

Q. How many visits do students get?
A. There is no limit on the number of visits.

Q. How does this affect insurance?
A. A visit with Hazel will have no impact on your coverage. If you have insurance, please keep it. Any prescriptions or external visits outside of school are not part of the Hazel program and would need to be covered.

Q. What if my child already see a doctor?
A. No problem. Hazel is a complimentary service at school for students and will not affect any other medical care. In fact, Hazel is happy to work with your current doctor and provide any information from a Hazel visit.

Q. How do families sign up for Hazel?
A. Complete the paper form provided by your school.
Or complete the form online at **my.hazel.co/mcoe**

Q. What if I have more questions?

A. Each school has a Hazel initiator who can answer many of your questions. Or you can always contact Hazel directly at 209-210-4333 or visit www.hazel.co



Student Conduct & Discipline

Behavior Conduct Expectations
It is expected that all students will comply with the following behavior expectations:

- Attend school on assigned days (daily and hybrid programs)
- Attend meetings with teachers on time with work completed (IS and NCB programs)
- Actively support and participate in required and voluntary activities such as seminars, workshops, and other sponsored events.
- Accept responsibility for one's education, decisions, and actions.
- Act in a way that best represents the school, community, and self to promote a safe and healthy learning environment.
- Maintain a balance between academics, family, and work.
- Support one's fellow students in their endeavors and activities.
- Respect cultural diversity, individuality, and the choices and rights of others.
- Dress appropriately.

Dress Code for Students
Students are to dress appropriate to the environment and abide by all MCOE policies regarding proper attire. We expect all students to dress appropriately for school in clothing which contributes to a safe and positive learning environment. Included in these expectations are all things worn (for example, socks, belts, hats, shoes, jewelry, hair accessories, etc.)

Appropriate dress and grooming contribute to a productive learning environment. We expect students to give proper attention to personal cleanliness and to wear clothes that are suitable for the school activities in which they participate. Students' clothing must not present a health or safety hazard or a distraction which would interfere with the educational process. (MCOE Policy 5132, MCOE Regulation 5132)

The following guidelines shall apply to all regular, extracurricular or other special school activities:

1. Shoes must be worn at all times. For safety reasons, soled footwear is required at all times. Slippers are not appropriate footwear for school. When participating in PE or gym activities, students MUST wear proper footwear.

2. Clothing, jewelry and personal items (including purses, bags, backpacks, water bottles etc.) shall be free of writing, pictures or any other insignia which are crude, vulgar, profane or sexually suggestive, which bear drug, alcohol or tobacco company advertising, promotions and likenesses, or which advocate racial, ethnic or religious prejudice.

3. Hats and beanies are allowed, but must be dress code appropriate. Hats, caps and other head coverings shall not be worn indoors except for medical and/or IEP requirements. Bandanas of any color are NOT allowed.

4. Clothes shall be sufficient to conceal undergarments at all times. See-through or fish-net fabrics, halter tops, off-the-shoulder or low-cut tops, bare midriffs and skirts or shorts shorter than mid-thigh are prohibited. Strapless tops or tops with straps less than two inches, unless layered under outer clothing, are prohibited.

5. Hair shall be clean and neatly groomed. Hair may not be sprayed by any coloring that would drip when wet.

6. Pointed metal, lengthy chains or sharp studded jewelry are prohibited.

7. RED articles of clothing or accessories are not permitted. This includes shades of red, such as burgundy or maroon.

8. BLUE articles of clothing or accessories are not permitted. This includes shades of blue, such as navy blue or baby blue. (Jean fabric is acceptable.)

9. Professional sports team-related clothing and accessories are not permitted. Local school attire may only be worn IF school colors are within dress code.

10. Any attire advocating, advertising, or denoting gang affiliation or activity (such as, area codes, Nor-Cal, So-Cal), shall not be permitted. This includes, but not limited to, belts with initials or numbers on the buckles, red or blue shoelaces, and bandanas.

11. The prohibition of any article of clothing/accessories or appearance likely to cause a substantial disruption to the educational process, students' health and safety, or campus order is a final decision of the school administrator or designee.

12. Tape to cover inappropriate clothing or accessories is NOT allowed.

13. Bags, purses, and backpacks are allowed on campus, however are subject to search.

14. Blankets are NOT allowed.

15. Pants must be at waist level. When wearing shorts under pants, shorts must be dress code appropriate.

Any article of clothing and accessories and/or appearance likely to cause a disruption to a student's education, campus health and safety, is a final decision of the school administrator or designee. If students do not meet dress code expectations, they will be asked to change their article of clothing and use one of the school's articles of clothing when available.The school

dress code will be regularly reviewed. Students shall be informed about dress and grooming standards at each orientation and whenever these standards are revised. A student who violates these standards shall be subject to appropriate disciplinary action.

Gang-Related Apparel
As stated above, our school prohibits students from wearing “gang-related apparel.” The definition of “gang-related apparel” is any apparel that reasonably could be determined to threaten the health and safety of the school environment if it were worn or displayed on a school campus. (Education Code 32282)

We understand that certain criminal street gangs are operating in and around the school. In light of this fact, our school has determined that the wearing of gang-related clothing on school premises or during school-sponsored activities threatens the health and safety of the students and impairs the school environment accordingly. Students may not wear, possess, use, distribute, or display any clothing, color, jewelry, emblem, badge, symbol, colored bandana, or sash which represents or evidences membership or affiliation with any gang or promotes gang-related activity.

When there is evidence of a gang presence that disrupts or threatens to disrupt school activities, the principal or designee shall take the appropriate actions to protect the health and safety of the school's students.

Public Displays of Affection
Being overly affectionate in school creates an environment that is not conducive to concentration and learning; therefore, students should refrain from inappropriate, intimate behaviors on campus or at school related events and activities. Students are expected to show good taste and conduct themselves respectfully at all times.

Community of Care, PBIS & MTSS
First and foremost, we are dedicated to the growth and development of our students. We will make every effort to ensure our students are seen, heard, known and cared for. Before engaging in punitive practices, we will use natural consequences that focus on repairing harm that has been done and restoring broken relationships. To this end, we have built in school-based reward (PBIS) and support systems (MTSS).

Discipline
Our school believes that learning best occurs when students are in a positive, safe, and welcoming learning environment. The school sets the highest expectations for its students. We provide students access to educational opportunities in an orderly school environment that protects their safety and security, ensures their welfare, and promotes their learning and development.Our school adheres to MCOE discipline policies that specify standards of behavior

for students and the disciplinary procedures for addressing violations of those standards, including suspension and/or expulsion.

We adhere to all policies and regulations regarding the suspension or expulsion of students. No student shall be involuntarily removed by the school for any reason unless the parent or guardian of the student has been provided written notice of intent to remove the student no less than five schooldays before the effective date of the action. [Education Code 47605(b)(5)(J)(iii)]

Teaching self-discipline, good study habits, and a desire for life-long learning is a major goal of the school. Respect is the key to discipline. Regardless of age, all people want to be treated with respect. Further, the right to student privacy is paramount. It is important to respect the student's right to confidentiality. Student behavior is not discussed in front of other students, teachers, parents or community members.

Each school year, staff model and utilize the following behaviors for our students:

- Practice good communication and problem-solving skills in disciplinary cases.
- Deal with issues and observable behaviors, not personalities.
- Avoid putting kids in a "Win/Lose" situation.

The following is what the school considers the characteristics of good discipline:

- It should be immediate.
- It should be handled unemotionally.
- It should be handled unobtrusively.
- It should address observable behaviors.
- It should lay out alternatives.
- It should result in a clearly, mutually understood, plan for future behavior.

Inappropriate behavior, unless severe, is handled first by warning or conferencing with the student. If these measures fail to remedy the behavior problem, the student is then referred to the site administrator for further action.

Discipline Referrals

Only students with major discipline problems are sent to the site administrator. If a situation requires the immediate removal of a student from the school environment, the student is sent to the administration office.

Before referring a student to the site administrator for a disciplinary issue, the teacher must try and resolve the issue with the student using the appropriate strategies to find a resolution.

If the discipline issue cannot be resolved, the teacher or staff member must complete a referral form and submit it to the site supervisor for further action. The referral form must be

filled out completely and accurately identify the violation that occurred and make sure to indicate on the referral the prior actions taken.

Once the site administrator reviews the referral, the site administrator will meet with the student and take appropriate action. The site administrator will ensure that the teacher is notified of the discipline action taken in a timely manner.

Students who continually violate school rules and related laws are subject to, but not limited to:

- Make up lost instructional time
- Loss of privileges
- Parent/Principal Meeting
- Home visits
- Placed on Disciplinary Contract
- Referral to another alternative school program
- Referral to the District Attorney and/or Probation Department
- Work Permit revoke

Suspension and Expulsion
The grounds for suspension and expulsion and the procedures for recommending and/or implementing suspension and expulsion shall be those specified in law and administrative regulation. The school staff enforce the rules concerning suspension and expulsion of students fairly, consistently, and in accordance with MCOE's nondiscrimination policies. A list of offenses that are grounds for which students can be suspended or expelled are stated in MCOE Regulation 5144.1 – Suspension and Expulsion Due Process (see page 51 for a copy of this regulation).

Our school and MCOE shall provide for the fair and equitable treatment of students facing suspension and expulsion by affording them their due process rights under the law. the school shall comply with procedures for notices, hearings, and appeals as specified in regulation and law (Education Code 48911, 48915, 48915.5).

We utilize the Alternative Expulsion Hearing Process described in MCOE Regulation 5144.1. Students and/or their parents/guardians are entitled to file an appeal of an expulsion decision with the County Board. The appeal must be filed within 30 days of the decision to expel, even if the expulsion action is suspended and the student is placed on probation. The student shall submit a written request for a copy of the transcripts and supporting documents from the school simultaneously with the filing of the notice of appeal with the County Board. the school shall provide the student with these documents within 10 school days following the student's written request (Education Code 48919).

MSCS provides its students access to educational opportunities in an orderly school environment that protects their safety and security, ensures their welfare, and promotes their learning and development. MSCS adheres to MCOE discipline policies that specify standards of behavior for students and the disciplinary procedures for addressing violations

of those standards, including suspension and/or expulsion. These MCOE policies are shared with parents through the Student Parent Handbook and are stated in the Comprehensive School Safety Plan. They address all of the requirements set forth in the California Code of Regulations regarding Suspension and Expulsion Procedures for charter schools. Procedures shall, at a minimum, including an explanation of how the charter school will comply with federal and state constitutional procedural and substantive due process requirements consistent with the following:

(i) For suspensions of fewer than 10 days, provide oral or written notice of the charges against the pupil and, if the pupil denies the charges, an explanation of the evidence that supports the charges and an opportunity for the pupil to present the pupil's side of the story.

(ii) For suspensions of 10 days or more and all other expulsions for disciplinary reasons, both of the following:

> (I) Provide timely, written notice of the charges against the pupil and an explanation of the pupil's basic rights.
>
> (II) Provide a hearing adjudicated by a neutral officer within a reasonable number of days at which the pupil has a fair opportunity to present testimony, evidence, and witnesses and confront and cross-examine adverse witnesses, and at which the pupil has the right to bring legal counsel or an advocate.

(iii) No pupil shall be involuntarily removed by the charter school for any reason unless the parent or guardian of the pupil has been provided written notice of intent to remove the pupil no less than five schooldays before the effective date of the action. The written notice shall be in the native language of the pupil or the pupil's parent or guardian, or, if the pupil is a homeless child or youth, or a foster child or youth, in the native language of the homeless or foster child's educational rights holder. In the case of a foster child or youth, the written notice shall also be provided to the foster child's attorney and county social worker. If the pupil is an Indian child, as defined in Section 224.1 of the Welfare and Institutions Code, the written notice shall also be provided to the Indian child's tribal social worker and, if applicable, county social worker. The written notice shall inform the pupil, the pupil's parent or guardian, the homeless child's educational rights holder, the foster child's educational rights holder, attorney, and county social worker, or the Indian child's tribal social worker and, if applicable, county social worker of the right to initiate the procedures specified in clause (ii) before the effective date of the action. If the pupil's parent or guardian, the homeless child's educational rights holder, the foster child's educational rights holder, attorney, or county social worker, or the Indian child's tribal social worker or, if applicable, county social worker initiates the procedures specified in clause (ii), the pupil shall remain enrolled and shall not be removed until the charter school issues a final decision. For

purposes of this clause, “involuntarily removed” includes disenrolled, dismissed, transferred, or terminated, but does not include suspensions specified in clauses (i) and (ii).

(iv) A foster child’s educational rights holder, attorney, and county social worker and an Indian child’s tribal social worker and, if applicable, county social worker shall have the same rights a parent or guardian of a child has to receive a suspension notice, expulsion notice, manifestation determination notice, involuntary transfer notice, and other documents and related information.

MSCS strictly adheres to all policies and regulations regarding the suspension or expulsion of students. Policies and procedures, including MCOE board policies and regulations, and Student Handbook, may periodically be reviewed and updated to address modifications regarding suspension, expulsion, and involuntary removal procedures, and grounds for MSCS to take such action.

Due Process Protections

MSCS ensures that all students are afforded due process in disciplinary actions.

No student shall be involuntarily removed by MSCS for any reason unless the parent or guardian of the student has been provided written notice of intent to remove the student no less than five schooldays before the effective date of the action. The written notice shall be in the native language of the student or the student’s parent or guardian, or, if the student is a homeless child or youth, or a foster child or youth, in the native language of the homeless or foster child’s educational rights holder. In the case of a foster child or youth, the written notice shall also be provided to the foster child’s attorney and county social worker. If the pupil is an Indian child, as defined in Section 224.1 of the Welfare and Institutions Code, the written notice shall also be provided to the Indian child’s tribal social worker and, if applicable, county social worker. The written notice shall inform the pupil, the student’s parent or guardian, the homeless child’s educational rights holder, the foster child’s educational rights holder, attorney, and county social worker, or the Indian child’s tribal social worker and, if applicable, county social worker of the right to initiate the procedures for suspensions of 10 days or more and all other expulsions for disciplinary reasons before the effective date of the action. If the student’s parent or guardian, the homeless child’s educational rights holder, the foster child’s educational rights holder, attorney, or county social worker, or the Indian child’s tribal social worker or, if applicable, county social worker initiates such procedures, the student shall remain enrolled and shall not be removed until the charter school issues a final decision. For purposes of this clause, “involuntarily removed” includes disenrolled, dismissed, transferred, or terminated, but does not include suspensions specified in clauses (i) and (ii) of Education Code section 47605.6(b)(5)(J)(I & ii).

A foster child's educational rights holder, attorney, and county social worker and an Indian child's tribal social worker and, if applicable, county social worker shall have the same rights a parent or guardian of a child has to receive a suspension notice, expulsion notice, manifestation determination notice, involuntary transfer notice, and other documents and related information. [Education Code 47605.6(b)(5)(J)(iii)]

Despite that lack of significant behavioral issues, MSCS always looks to improve the program and practices to benefit all students.

Grounds for Suspension and Expulsion

The grounds for suspension and expulsion and the procedures for recommending and/or implementing suspension and expulsion shall be those specified in law and administrative regulation. MSCS staff enforce the rules concerning suspension and expulsion of students fairly, consistently, and in accordance with MCOE's nondiscrimination policies. A list of offenses that are grounds for which students can be suspended or expelled are stated in MCOE Regulation 5144.1 – Suspension and Expulsion Due Process.

MSCS and MCOE shall provide for the fair and equitable treatment of students facing suspension and expulsion by affording them their due process rights under the law. MSCS shall comply with procedures for notices, hearings, and appeals as specified in regulation and law (Education Code 48911, 48915, 48915.5).

MSCS utilizes the Alternative Expulsion Hearing Process described in MCOE Regulation 5144.1. Students and/or their parents/guardians are entitled to file an appeal of an expulsion decision with the County Board. The appeal must be filed within 30 days of the decision to expel, even if the expulsion action is suspended and the student is placed on probation. The student shall submit a written request for a copy of the transcripts and supporting documents from MSCS simultaneously with the filing of the notice of appeal with the County Board. MSCS shall provide the student with these documents within 10 school days following the student's written request (Education Code 48919).

1. For suspensions fewer than 10 days:

    - Students will receive oral or written notice of the charges.
    - If the student denies the charges, they will be given an explanation of the evidence.
    - Students will have an opportunity to present a rebuttal to the charges.

2. For suspensions of 10 days or more and all expulsions for disciplinary reasons, both of the following:

- The student and their parent/guardian will receive timely written notice of the charges and an explanation of the student's basic rights.
- The student will have the right to a hearing before a neutral officer within a reasonable timeframe, at which the student has a fair opportunity to present testimony, evidence, and witnesses and confront and cross-examine adverse witnesses, and at which the student has the right to bring legal counsel or an advocate.

MSCS implements the following strategies as part of a Rehabilitation Plan for students who have been suspended. Not all strategies will apply to all students, but will vary dependent upon the nature of the student's offense. The Rehabilitation Plan calls for the school administrator or designee to:

- Hold a conference with the student and his or her parent or guardian
- Provide information on behavioral resources offered by government and community agencies
- Schedule a meeting for the student with the school psychologist
- Provide information on after-school programs that address specific behavioral issues or expose pupils to positive activities and behaviors, including, but not limited to, those operated in collaboration with local parent and community groups

MCBE periodically reviews and revises MCOE's Suspension and Expulsion policies to ensure they are comprehensive, inclusive of pertinent offenses that may warrant suspension and/or expulsion, and compliant with California State law.

Admission, Attendance and Tardy Policies

Admissions

Merced Scholars Charter School (MSCS)
MSCS adhere to the California Code of Regulations and California Education Code for non-classroom based charter schools. The school is nonsectarian in its programs, admission policies, and all other operations, and does not charge tuition nor discriminate against any student based upon any of the characteristics listed in Education Code Section 220.

Attendance

Non classroom-Based Program/Independent Studies Program
As a matter of law, ***there are no excused absences*** when you are enrolled in a non-classroom based program. Therefore illness, activities, doctor's appointments, and work are not acceptable reasons to not complete your weekly work. You must still contact your teacher for a makeup day. Students/families should schedule all other appointments and activities around their weekly appointment time. If you miss an appointment and do not reschedule with your teacher, it will be counted as an unexcused absence. **After two unexcused absences, you may be dropped from a non-classroom based program**. It is the parents' responsibility that their student be enrolled and attending school.

Attendance in the non-classroom based program is determined by:

- Student attendance to their personalized learning session (PLS)
- Student work completed
- Student attendance to scheduled on-campus classes and other required activities (i.e., state testing)

Actively enrolled students and their parents/guardians will adhere to the following guidelines when visiting the school during their appointed personalized learning session:

- Students and their parents/guardians must check in with the school secretary or designee.
- Students and parents/guardians will check in using the school's check in system and identify the reason for their visit is to meet with their personalized learning teacher.
- Students and parents/guardians will wait in the lobby until the teacher is available.
- At the completion of the class or personalized learning session, all students must sign out prior to leaving the school.

If a student is staying for another activity on campus (i.e., tutoring, class, etc.), the student must indicate this by signing out and signing in again. This will allow us to better track all students while on campus.

Students attending support classes will follow the same guidelines as if they were attending a personalized learning session. ***Exception: parents are not allowed to attend a support class, tutoring sessions, or workshops with their student unless they have received prior approval from the site administrator***. This restriction is only meant to minimize interruptions and maximize instructional time.

All the school students are required to attend their weekly learning sessions. It is required that the student will arrive on time and attend every session.

Flexibility of scheduled time is only allowed for emergencies and at the discretion of the Personalized Learning Teacher (teacher). Students are required to call in advance when absent for an emergency. If a student misses two consecutive meetings with their teacher due to illness, a doctor's note will be required.

If the student fails to contact the teacher and/or fails to submit completed assignments by his or her scheduled appointment day and time, the student may be considered truant and a warning letter, email, and/or phone call may be sent requiring parents/guardians to contact the school immediately. Truant means a student who is absent from school without a valid excuse three full days in one school year. (*Education Code 48260, MCOE Regulation 5113.1*)

Student School Hours at Home
When students are not at school meeting with their teacher, they are required to be at home, or at an approved work site. Students not at home or at work, between the hours of 8:00 a.m. to 2:00 p.m. on regularly scheduled school days, may be considered truant. Students are not to be on any other school campus during school hours.

Frequency of Appointments
The student will meet weekly with the teacher. Appointments are for the same time each school week. It is the responsibility of the parent(s) to ensure the student attends these appointments. Students may be required to attend more often, or for longer periods of time, as the situation warrants. Taking tests and correcting school work will require the student to come to a non-classroom based program at other times during the school week. Parents will be notified if a student fails to attend the regularly scheduled weekly meeting. All appointments will be held at the school. a non-classroom based program teachers do not go to students' homes.

Work Record
Information on the Student Assignment and Work Record indicates how much work and exactly what the student is expected to accomplish during that assignment period. The finalized version indicates how much work the student completed and the academic quality of that assignment. The hours students are assigned are

equivalent to the amount of schoolwork the student would have been assigned and should have completed in a traditional classroom. A semester has approximately 90 days from start to finish. If a student were to attend class each day, the student would attend each class for 90 hours per semester. Students do not attend regular classes; instead they earn hours and grades by completing the equivalent amount of schoolwork at home and passing assessment measures.

Disenrollment Procedures
There are no excused absences when a student is enrolled in a non-classroom based program. Students should schedule all other appointments and activities around their weekly appointment time. If an appointment is missed, it will be counted as an unexcused absence.

1. First Missed Appointment
    - Call by teacher to makeup/reschedule appointment
    - If no contact,
        - The teacher will submit the attendance intervention
        - A warning letter is served during a home visit (generated by admin)
2. Second Missed Appointment
    - In addition to step 1, student and parent/guardian must meet with the principal to discuss interventions/supports needed
    - If no contact/no show:
        - Student is dropped from a non-classroom based program.
        - A referral back to the District of Residence may be made by the principal/designee if no other options are available.

In addition to missing weekly appointments, students may be also disenrolled for accruing 10 consecutive absences by not completing assigned work or not attending scheduled on-campus classes. (attending enrichment activities, clubs, etc., do not replace academic attendance).

Parent/Guardian wishing to re-enroll in the program must submit another “Intent to Enroll” form and may be subject to availability and a waiting list. Any student who is disenrolled from a non-classroom based program will be required to meet with the principal/designee to determine the best option for the student’s education. A parent/guardian will be required to attend this meeting before re-enrollment occurs.

Student Illness
If a student has a fever, he/she should not come to school. If a student becomes ill during the day, he/she should go to the office. Students may not use their cell phones to contact parents. Staff will contact the parent or person listed on the student’s emergency contact list if the student needs to go home.

Tardy Policy

Tardiness is a disruption to the learning environment and may have adverse consequences on a student's academic success. Your child's one hour weekly appointment is reserved specifically for them. Arriving late will decrease the amount of time the teacher has available for your child. In order for students to obtain a quality education, it is important for students to arrive on time to their scheduled appointment time and any on-campus classes for which they are scheduled. If a student has excessive tardies, the student/parent will be required to meet with the administrator to discuss solutions.

Transportation Expectations

Transportation to and from school is limited to students 5th - 12th grades who attend on-campus classes. It is provided on a first come, first served basis. Transportation is not provided for weekly appointments. There are designated stops throughout Merced and Atwater. If your child rides transportation, please know this is a privilege and may be removed at any time. The School Expectations apply while being transported. In addition to the School Expectations, the following rules apply:

- Students must get on and off the bus at their assigned stop.
- Students must wear their seat belt and remain seated when the bus is in motion.
- Driver instructions must be followed at all times.
- Students are to cross the street in front of the bus, not behind it.

Students who violate the rules will be subject to suspension from the use of transportation up to permanent loss of transportation privileges.

Bus Surveillance Systems

Surveillance systems on school buses are used to help determine misconduct and improve behavior, ensure the safety of students and bus drivers, and prevent vandalism. Therefore, surveillance systems are installed on all buses to monitor student behavior while traveling to and from school and school activities. Surveillance may occur on any school bus. The contents of a recording is considered part of a student record and, as such, may be used in student disciplinary proceedings or referred to local law enforcement as appropriate.

Tiered Re-engagement Process

Students who accumulate an excessive amount of absences are at risk of falling behind and missing out on valuable instructional time. Completing and turning in assignments regularly is essential for students to maintain good standing at the school. As such, the school has implemented the following truancy policy. (EC Section 52060)

1. First missed appointment without contact/reschedule, or the equivalent: Warning letter, email, phone call notifying parent of warning
2. Five days of absence, or the equivalent: Warning letter, email, and phone call along with a home visit.
3. 10 days of absence, or the equivalent: Remediation plan and conference with School Attendance Review Team (SART) and/or a school administrator.

4. More than 10 days of absence or failure to comply with remediation plan: SART and/or school administration will determine next steps for re-engagement. NCB students may be sent a drop letter in which the parents have 5 days to respond or the student will be dropped on the designated date and the district of residence notified.

Technology & Electronics

Acceptable Use Agreement for Students

Our school recognizes that access to technology in school gives students greater opportunities to learn, engage, communicate, and develop skills that will prepare them for work, life, and citizenship. We are committed to helping students develop 21st-century technology and communication skills; therefore, we provide the privilege of access to technologies for student use.

The school may provide the privilege of Internet access, desktop computers, mobile computers or devices, videoconferencing capabilities, online collaboration capabilities, message boards, email and more. This Acceptable Use Agreement applies to both school-owned technology equipment that utilizes the school network, the schools' Internet connection, and/or private networks/Internet connections accessed from school-owned devices at any time. The school employs filtering and other safety and security mechanisms, and attempts to ensure their proper function.

The following Acceptable Use Agreement outlines the guidelines and expectations that all student users are expected to follow when using school technologies.

- All technologies provided by the district are intended for education purposes. All users are expected to use good judgment and to abide by the guidelines outlined in this agreement.
- Our school provides its users the privilege of access to the Internet, including web sites, resources, content and online tools. Access to the Internet will be restricted as required to comply with CIPA regulations and school policies. Web browsing may be monitored and web activity records may be retained indefinitely.
- Users are expected to respect the web filter as a safety precaution, and shall not attempt to circumvent the web filter when browsing the Internet.
- Recognizing the benefits collaboration brings to education, our school may provide users with access to web sites or tools that allow communication, collaboration, sharing and messaging among users. Users are expected to communicate with the same appropriate, safe, mindful and courteous conduct online as offline. Posts, chats, sharing and messaging may be monitored.
- The school may provide users with mobile computers or other devices to promote learning outside of the classroom. Users should abide by the same acceptable use agreement when using school devices off the school network as on the school network. Users are expected to treat these devices with extreme care and caution; these are expensive devices that the school is entrusting to your care. Users should immediately report any loss, damage, or malfunction to the staff member that issued the device. Users may be financially accountable for any damage resulting from negligence or misuse. Use of school-issued mobile devices off the school network may be monitored.

- Users are expected to take reasonable safeguards against the transmission of security threats over the school network. This includes not opening or distributing infected files or programs and not opening files or programs of unknown or untrusted origin. If you believe a device you are using might be infected with a virus, please alert a staff member. Do not attempt to remove the virus yourself or download any programs to help remove the virus.
- Users should not download or attempt to download or run .exe programs over the school network or onto school resources.
- Users should always use the Internet, network resources, and online sites in a courteous and respectful manner. Users should recognize that among the valuable content online there is also unverified, incorrect, or inappropriate content. Users should only use trusted sources when conducting research via the Internet.
- Users should not plagiarize (or use as their own, without citing the original creator) content, including words or images, from the Internet. Users should not take credit for things they did not create themselves, or misrepresent themselves as an author or creator of something found online.
- Users should never share personal information, including phone number, address, social security number, birthday, or financial information, over the Internet without adult permission. Users should never agree to meet in real life someone they meet online without parental permission. If you see a message, comment, image, or anything else online that makes you concerned for your personal safety, bring it to the attention of an adult (teacher or staff if you're at school; parent if you're using the device at home) immediately.
- Cyberbullying will not be tolerated. Harassing, dissing, flaming, denigrating, impersonating, outing, tricking, excluding, and cyberstalking are all examples of cyberbullying. Do not send emails or post comments with the intent of scaring, hurting, or intimidating someone else. Engaging in these behaviors, or any online activities intended to harm (physically or emotionally) another person, will result in disciplinary action and loss of privileges. In some cases, cyberbullying can be a crime. Remember that your activities are monitored and retained.

Examples of Acceptable Use – I will:

- Use school technologies for school-related activities.
- Follow the same guidelines for respectful, responsible behavior online that I am expected to follow offline.
- Treat school resources carefully, and alert staff if there is any problem with their operation.
- Encourage positive, constructive discussion if allowed to use communicative or collaborative technologies.
- Alert a teacher or other staff member if I see threatening, inappropriate, or harmful content (images, messages, and posts) online.

- Use school technologies at appropriate times, in approved places, for educational pursuits.
- Cite sources when using online sites and resources for research.
- Recognize that use of school technologies is a privilege and treat it as such.
- Be cautious to protect the safety of myself and others.
- Help to protect the security of school resources.

This is not intended to be an exhaustive list. Users should use their own good judgment when using school technologies.

Examples of Unacceptable Use – I will NOT:

- Use school technologies in a way that could be personally or physically harmful.
- Attempt to find inappropriate images or content; intent to seek inappropriate images or content is a violation of this Acceptable Use Agreement.
- Create a personal mobile “hot-spot” or utilize a “proxy site” for the purpose of circumventing network safety measures and filtering tools.
- Create, distribute or deploy multi-user servers or gaming software on or within the school network.
- Engage in cyberbullying, harassment, or disrespectful conduct toward others.
- Try to find ways to circumvent the school’s safety measures and filtering tools; intent to circumvent safety measures and filtering tools is a violation of this Acceptable Use Agreement.
- Use school technologies to send spam or chain mail.
- Plagiarize content I find online.
- Post or otherwise disclose personally-identifying information, about myself or others.
- Agree to meet someone I meet online in real life.
- Use language online that would be unacceptable in the classroom.
- Use school technologies for illegal activities or to pursue information on such activities.
- Attempt to hack or access sites, servers, or content that is not intended for my use.

This is not intended to be an exhaustive list. Users should use their own good judgment when using school technologies.

Lost Textbooks or Technology Equipment

Textbooks are the property of the school. The student is solely and totally responsible for the same numbered book, which was issued to him/her and must pay for its loss or damage. The same rule applies to all school items including, but not limited to, athletic equipment, lab equipment, technology items, library materials, etc.

Student Acknowledgement on the Use of Artificial Intelligence (AI)

AI can help me learn better and is important for my future, so I promise to use it the right way and make smart choices.

1. I will use AI tools responsibly and will not use AI in a way that could harm myself or others.
2. I will only use AI to support my learning and will follow my school's rules and teacher's instructions on when and how to use AI on an assignment.
3. I will be honest about when I use AI to help with assignments, and I will not turn in work that is fully created by an AI as my own.
4. If I use AI, I will review its work for mistakes.
5. I will check with my teacher when unsure about what is acceptable.

Yondr Pouches

We understand that cell phones have great utility, but cell phone use has increasingly become a source of distraction, antisocial behavior and conflict both at home and at school.

Our school believes in maintaining a safe and effective educational environment for all of its students. Research shows that the mere presence of cellphones in the classroom can be detrimental to student performance. According to a survey and report from Common Sense Media that involved 1,240 interviews with parents and their 12 to 18-year-old students, 50% of teens feel attached to their mobile devices, and 59% of their parents agree that their kids have a problem putting their devices down (U.S. News & World Report).

The Yondr program employs a simple, easy-to-use case that stores a cell phone and requires an unlocking base to open. When students enter the school, their cell phones must remain out of view. If this expectation is violated, students will be asked to place their phone in a Yondr case which is then locked. Students maintain possession of their phones but will not be able to use them until they are unlocked at the end of their day.

Yondr FAQs

What if I want to reach my student during the school day?

We want our students to be engaged in their learning. Please refrain from contacting your student during the school day unless it is an emergency. Please contact the main office at **209-381-4550** to reach your student.

What if there is an emergency?

In case of an emergency, we direct our students to safety first. School staff will be able to unlock a Yondr case in a matter of seconds for students once they are in a safe and secure location.

Will my student's phone be safe?

Yes, because students are in possession of their phone in the Yondr case so no one else will have access to it.

What if the case gets damaged?

If a student damages or loses their Yondr case, they will be required to submit their phone to a school administrator immediately. The student's parent or guardian will have to retrieve the phone from the office. The Yondr case is the property of the school. Any damage to or loss of school property will result in a replacement charge of $25.00.

E-Discipline (Electronic Related)

Administrators may take appropriate action when information becomes available about student misconduct that originates away from school grounds or school activities that has a direct and detrimental effect on or seriously threatens the discipline, educational environment, safety or general welfare of students, faculty, staff and/or administrators of the District. Student conduct originating away from school grounds (including from a home computer, other non-school computer, cell phone or other electronic device), which may be subject to discipline as provided herein includes but is not limited to electronic acts that result in a substantial disruption to the educational environment, or for which a substantial disruption to the educational environment is reasonably foreseeable under the circumstances.

Student use of any electronic listening or recording device in any classroom or throughout the school grounds during the school day without prior consent of a teacher and/or administrator of the school given to promote an educational purpose, disrupts and impairs the teaching process and discipline in school, and such use is prohibited. (Education Code 51512)

Electronic communication devices may be confiscated by school personnel, and such items may be searched by administration given reasonable suspicion of a rule violation. The school assumes no responsibility for the theft or damage to such items.

High School Electronic Device Expectations

Students will **not be able** to access their phones during class time. Phone messages for students will be taken from parents/guardians only. School provided laptops are the only electronic devices allowed to be used in the classroom. Student phone chargers and Bluetooth speakers are not allowed on campus. Using a cell phone/electronic device during non-authorized times will result in:

- 1st offense: Verbal Warning
- 2nd offense: Student will be sent to designated personnel to put cell phone in a Yondr pouch until the next student break (morning break, lunch, or after school).
- 3rd offense: Student will be sent to designated personnel to put cell phone in a Yondr pouch for the remainder of the day. The Yondr will be unlocked at the end of the school day.

If a student records a fight, their cell phone will be kept in a Yondr pouch if brought to school for one week.

If students choose to refuse the use of the Yondr, the administrator will decide on the consequence, up to and including at-home suspension.

If a student continues to use their cell phone during unauthorized times after three Yondr interventions, the device will be confiscated; a parent will be contacted to pick up device.

Students can listen to music during their designated break times using headphones. Music is not permitted to be played out loud during passing periods, break, or lunch.

Academics, Grades & Graduation Requirements

Achieving Academic Success While Enrolled in NCB/IS

- Work at a time of day when you know you are alert.
- Make sure you have everything that you need before you begin.
- Write down things that are on your mind before you study. Put this list aside, but add it to anything that distracts you as you are studying. Take care of the list later.
- Study at the same time each day. Creating a study schedule can help you insure that you are devoting enough time to studying each subject.
- Study in an area away from distractions such as a library, study lounge, or an empty classroom.
- Work with another person nearby (someone whose work habits you admire and who will not distract you) to encourage yourself to concentrate more fully.
- Set goals for your sessions that are realistic (number of problems to solve, pages to read, etc.) When you have met one of your study goals, reward yourself with a short break.
- Break-up the content of study by alternating between subjects, incorporating a variety of interesting topics, and removing boredom.
- Make studying an active process. Engaging in a variety of different types of studying (such as reading, writing, taking notes, memorizing, making review sheets, making note cards, creating outlines, etc.) can help keep you interested and on task.
- Recognize how what you are studying is relevant to your life. Draw connections between new information and things you already know.
- Try to stop work at a natural breaking point or after some sort of accomplishment, which will make returning to work easier. Write notes to quickly jog your memory when you begin to study again.
- Be sure to get enough sleep, eat well, and regularly exercise. Your mind will be more alert and you will be less likely to fall asleep or daydream.

Individualized Learning Plans (ILP)

For NCB/IS, each student will meet with the counselor to develop the student's Individualized Learning Plan (ILP). The ILP contains specific sections that will help a student obtain their future goals. The school counselor will update this plan with the student twice a year.

Student Work Completion

For NCB/IS, failing to complete assignments in designated courses is equivalent to an unexcused absence. For example, if a student completes assignments for two of their six courses, they will be marked present for two days and absent for three. This will require a truancy letter to be sent home.

Assigned work is due on the day and time of the student's appointment. It is the parent/ guardian's responsibility to ensure assigned work is delivered to the school by the student's assigned day and time.

If the student fails to contact the teacher and fails to submit completed assignments two times during a semester, the student may be considered a habitual truant and may be dropped from the program. Habitual truant means a student who has been reported as a truant three or more times within the same school year and a conscientious effort has been made to hold at least one conference with the student and his/her parent/ guardian. (*Education Code 48262, 48264.5, MCOE Regulation 5113.1*) Once a student is determined to be truant, the parent/guardian will be contacted by the school administration. The student truancy will be documented and attendance conferences with the parent, student, and school staff will be scheduled.

An official drop letter could be sent to the home if the student and parent/guardian fail to attend conferences held with the site administrator or follow the remediation strategy set forth in such conferences. Attendance is crucial for a student's progress and failing to attend could result in a reduction of a student's grade due to the failure to complete assignments on time.

Cheating / Plagiarism

All students are expected to do their own work when assigned individual papers and projects and when taking tests. The definition of plagiarize is "to use and pass off (someone else's ideas, inventions, writings, etc.) as one's own." (Webster's Dictionary) Whether you use someone else's paper, copy something out of a book, or take something off the Internet, you are plagiarizing if you do not cite your source and place quotation marks around anything taken word-for-word from a source. If you are not sure whether something you are doing is plagiarism, you should check with your teacher before you submit the assignment.

Cheating is also passing off someone else's work as your own. It includes plagiarizing, but it also includes any type of fraud such as copying another student's answers on a test or turning in a project as your own when it was really done by your parents or someone else.
When a student is referred to an administrator for a plagiarism/cheating incident, the following will occur:

- First Offense: the student receives a grade of '0' on the assignment; parental contact
- Second offense: the student receives a '0' on the assignment and a grade of 'F' in the course for the quarter; parental contact
- Third offense: the student fails the course for the year; parental contact

Working together on assignments is acceptable, so long as the work turned in is in the student's own handwriting and bears no resemblance to another student's paper. Students who give their work to other students, or give answers to others during tests, are also considered in violation and will receive an "F" grade. For any student whose work is suspect, the teacher will ask the student to explain the assignment

orally. If the student cannot do this satisfactorily, they will be asked to repeat the assignment or test.
Any repetition of cheating will result in an immediate referral to the Principal for discipline and/or suspension.

Grading

Grades serve a valuable instructional purpose by helping students and parents/guardians identify the student's areas of strength and those areas needing improvement. Parents/guardians and students have the right to receive course grades that represent an accurate evaluation of the student's achievement.

A teacher shall base a student's grades on impartial, consistent observation of the quality of the student's work and his/her mastery of course content and standards. Students shall have the opportunity to demonstrate this mastery through a variety of methods such as classroom participation, homework, tests, and portfolios. (*MCOE Policy 5121*)

The teacher of each course shall determine the student's grade. The grade assigned by the teacher shall not be changed except as provided by law, policy or regulation. (*Education Code 49066*) In no event shall student work be graded by another student.

Written report cards displaying students' grades in each subject or course shall be distributed to parents/guardians at the end of each grading period. Parents/guardians shall be offered an opportunity to meet with their student's teacher(s) to discuss the grades and strategies to improve their student's performance. (*MCOE Regulation 5121*)

Whenever it becomes evident to a teacher that a student is in danger of failing a course, the teacher shall arrange a conference with the student's parent/guardian or send the parent/guardian a written report. (*Education Code 49067*)

Dual Enrollment/Concurrent Enrollment/CCAP Classes

The school students may elect to take classes that meet requirements for college entrance. Upon approval of the school administration, the school students may be given high school credit for community college courses. These courses must be transferable to a university.

High school credits will be awarded for each college course as follows:

1 to 2 College Credits	5 High School Credits
3 or more College Credits	10 High School Credits

Prior to taking the college class, the student will meet with the school counselor to develop an academic plan reflecting the college course. Upon completion of the course, the student will present an official transcript to their teacher and to the school secretary and/or registrar.

At that time, credit will be recorded. If no transcript is provided by the assigned due date, the student will receive no credit or grade on his/her school transcript.

School students may access their Educational Enhancement Funds up to the amount available each year, to pay for community college textbooks. If textbooks are purchased with Educational Enhancement Funds, they must be returned to the school at the end of the semester. Students must provide proof of enrollment in college prior to the purchase of books.

For students to enroll in a college course, the following criteria will apply:

1. For students in grades 10 through 12, the school counselor will determine the appropriateness of college courses based on current grades, work habits, strengths, concerns, and benefits of college courses. The counselor will work with the student's teacher to determine all of these factors.
2. For students in grades 8 through 9, the administrator, school counselor, and teacher will be required to approve the student taking a college course. The student's letter grades will be heavily weighted in making this determination.
3. Student must be making successful progress in the school courses, as determined by the school counselor, teacher and the parent/guardian in order to be approved to take courses at the college.
4. The student may take a maximum of 11 college units per semester.
5. The student must be enrolled in a minimum of 4 courses with the school to maintain minimum attendance requirements.
6. Student will complete the Educational Enhancement Activities Form. Students are required to provide the school with a receipt of the purchase from the Merced College bookstore. Used books should be considered first when available.
7. Proof of completion of the course will be required. If the student fails to complete the course, he/she will be required to reimburse the school for the books.

Failure to complete the course followed by failure to reimburse the school for the books may result in withholding of diploma and/or transcript.

Textbook and Significant Educational Materials

We recognize that instructional materials are an expensive resource and that each student is entitled to sufficient instructional materials in accordance with law. The school will provide textbooks, either hardbound or in electronic form, and other instructional materials needed for student success. Instructional materials provided for use by students remain the property of the school.

Each student will be responsible for the maintenance of these materials. It is expected that when a course is completed, the textbooks or other significant educational materials will be returned to the school in good condition. Other significant educational materials will be

defined as materials other than consumable supplies valued at $20.00 or more. For electronic instructional materials, access will stop after completion of the course. However, the device(s) used to access the materials must still be returned in good condition (see MCOE School Equipment Check-Out on the next page).

Damaged or Lost Instructional Materials

When materials are lost or so damaged that they are no longer usable, students or parents/guardians shall be responsible for reparation equal to the current replacement cost of the materials. When materials are damaged but still usable, the school administrator or designee shall determine an appropriate charge. If it can be demonstrated to the school administrator's or designee's satisfaction that the student has taken all reasonable precautions to safeguard instructional materials issued to him/her, the school administrator or designee may excuse the student or parent/guardian from payment of reparation.

MCOE School Equipment Check-Out

If the significant educational material is electronic, the student and parent/guardian are required to sign and complete the "MCOE School Equipment Check-Out Form". The "MCOE School Equipment Check-Out Form" must state the name, the replacement cost, and the ID number (i.e., serial code, bar code, etc.) of the electronic equipment that is being borrowed by the student. The agreement must be signed by both the student and parent/guardian before receiving the electronic equipment.

It is the responsibility of the student and parent/guardian to maintain the borrowed electronic equipment in good condition and working order. Students and parents/guardians are to abide by the district's and school's Acceptable Use Agreement for Students when using such equipment. Electronic equipment owned by the school is to be used strictly for the purposes of educational research. Any violation of this policy or the "Acceptable Use Agreement for Students" will result in the student losing the privilege of using the electronic device.

The student and parent/guardian will be held financially responsible for any loss and/or damage that may occur while the equipment is checked out to me/us. Failure to return textbooks or significant educational materials or to reimburse the school for their loss or damage may result in the withholding of grades, diploma, and official transcripts (EC § 48904).

Request to Change Personalized Learning Teacher (NCB)

MSCS encourages parents to participate in decisions related to the education of their child or the total school program as appropriate. MSCS expects staff, parents, and students to work cooperatively in order to provide the program that best suits the student.
MSCS understands that from time to time, issues or extenuating circumstances may arise that inhibits the efficiency of the learning process. If such issues or extenuating

circumstances are unable to be resolved, the parent may request a change of the PLT. The procedures for parents to request a change of the PLT for their child are as follows:

1. The parent must submit a written request to the site administrator. The written request shall include:
    a. An explanation of why a change would benefit the student.
    b. A description of any additional services the student needs. (i.e., extra support in a given curricular area).
    c. Any extenuating circumstances such as conflicts between existing PLT and the student.
2. The parent must make an appointment with the school secretary to meet with the site administrator:
    a. The reasons for the request will be verbally presented.
    b. The teacher will be present unless the parent objects.

If appropriate, the site administrator will initiate a change based on the following criteria:

1. The availability of another PLT.
    a. If a PLT has the maximum number of students already assigned, that teacher will not be considered.
2. The specific needs of the students as it relates to curricular support.

Middle School Promotion

A certificate of completion from eighth grade shall be awarded to each student who has satisfactorily met the course work requirements. Students are required to meet the following criteria for promotion:

1. Attain a cumulative Grade Point Average (GPA) of at least 2.0 overall.
2. No failing grades are allowed for each semester of Language Arts and mathematics during their middle school enrollment at MSCS.
3. Attend personalized learning sessions on a regular basis.
4. Maintain appropriate behavior at all times.
5. Meet all obligations such as returning all books and paying any accumulated fees.

If a student is not meeting one or more of the criteria above:

1. School personnel will notify students and their parents each grading quarter if the student's grade point average falls below 2.0, or if the student has excessive absences.
2. Students not meeting these requirements may be required to attend additional support instruction (i.e., tutorials) until the student’s grade and/or assessment scores have increased to the appropriate level.
3. At the end of the year, the student may be required to successfully complete an academic summer school program in an accredited program.

Participation in extracurricular activities and the 8th grade promotion ceremony is a privilege and may be revoked at the discretion of administration. Appeals by students and their

parents may be made to the site administrator if the above requirements are not being met and ceremony participation is in jeopardy.

Please note: under no circumstances does the right to appeal imply or guarantee that any decisions based on the criteria above will be modified or revoked. Students are expected to remain in good standing and follow all rules and policies in order to ensure 100% participation in all activities.

Note on Special Education Students: Students enrolled in special education programs are eligible for differential assessment procedures if the Individualized Education Program Team determines the student has not demonstrated evidence of the ability to attain the district's regular competency standards.

High School Graduation Tracks and Requirements

Students come to our school with a variety of goals. As required by law, students who are systems-involved can request to be placed on the 130-credit graduation track. Our standard graduation track is shown below.

	130 Credits For Systems Involved Youth	180 Credits Valley Community Schools & Come Back Charter	220 Credits Merced Scholars Charter Schools	A-G Requirements No D/Fs
English	30 credits • Eng 1-3	30 credits • Eng 1-3	40 Credits • Eng 1-4	40 Credits • College prep English
Math	20 Credits • Alg 1 or Math 1	20 Credits • Alg 1 or Math 1	30 Credits • Alg 1 or Math 1 • Geometry • 3rd year beyond Geometry	30 Credits • Ag 1 & 2 • Geometry Or • Integrated 1-3 • 4th year recommended
Social Sciences	30 Credits • WH • USH • Gov/Econ	30 Credits • WH • USH • Gov/Econ	30 Credits • WH • USH • Gov/Econ	20 Credits • WH/Geog • US or US/Gov
Science	20 Credits • Biological Sci • Physical Sci	20 Credits • Biological Sci • Physical Sci	20 Credits • Biological Sci • Physical Sci	20 Credits • Bio • Chem/Physics • 3rd year recommended
VAPA/FL/ CTE	10 Credits	10 Credits	40 Credits • 20 VAPA/FL • 20 CTE/DE	30 Credits • 2 yrs in the same language • 1 year VAPA
PE	20 Credits	20 Credits	20 Credits	
Electives	0 Credits	50 Credits	40 Credits	10 Credits • College Prep

Transfers Between Programs

Students attending a Valley Community School, or any other school, can transfer to Merced Scholars Charter School and/or Come Back Charter School if there is space in their appropriate grade level. Students can transfer into Valley Community Schools by referral from their district. Students currently enrolled at MSCS can be referred to Valley using the same process as the local districts if Valley is deemed to be proper placement.

When students at Valley Community Schools approach 180 credits they may:

- Graduate with a diploma from Valley Community Schools (seniors),
- Retake classes to replace D/F grades (juniors/seniors)
- Request a screening back to the district of residence
- Request a transfer to an MCOE charter school

Students wishing to transfer back to their district of residence must meet district criteria in order to be considered for a transfer. Please note, the district of residence accepts or declines the transfer.

District requirements for possible transfer:

1. Students have cleared any expulsion requirements (if applicable)
2. Students must have maintained 90% attendance or better and have no unexcused absences or tardies during their time with Valley Community School.
3. Students must have received passing grades in all subjects during their time with Valley Community School.
4. Students shall not be suspended during their time with Valley Community School.
5. Students must be on track for graduation from their district of residence.

High School Commencement Ceremony

To be eligible to participate in the commencement ceremony, students must meet all of the graduation requirements.

Community Service Cord

Prior to graduation, students who wish to participate in a minimum of 200 hours of community service will receive a community service cord for graduation.

- **Community Service forms must be completed and include appropriate signatures within the school year that the volunteer time was completed. The forms may be obtained from the school secretary.**
- Community service is defined as volunteer service for approved non-profit agencies and must be nonsectarian.
- Community service hours will not be given for service performed for a parent/guardian or relative.
- Each student's community service must be described and approved prior to beginning any service.

- Incoming freshmen may perform community service during the summer before entering high school. Students must contact the school prior to performing their services to ensure that the work will be approved.
- Approved service for any nonprofit agencies can be completed during weekends, summer or vacation time.
- Students wishing to perform service at Camp Green Meadows are required to have a minimum 2.0 GPA, good attendance and teacher approval.
- Community service hours will not be given for any club meetings.

The criteria stated above also pertains to receiving the community service cord.

Failure to complete forms and obtain appropriate signatures will result in hours submitted not being accepted.

State Seal of Biliteracy and State Seal of Civic Engagement
Students who meet the five criteria for one or more the state seals will receive recognition for their accomplishment as part of the commencement ceremony.

Request for Records
Requests for transcripts, GPA information for financial aid, or other records must be submitted a minimum of two full school days prior to the date needed. For example, transcript requests must be submitted before noon on Monday if needed by Wednesday afternoon. For any student records excluding transcripts, there may be a charge of $.25 per page. Check with the registrar or school site secretary regarding specific costs prior to requesting records. Failure to adhere to this process may result in delayed copies of transcripts or other records.

Testing & Statewide Accountability

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

California Assessment of Student Performance and Progress

The California Assessment of Student Performance and Progress (CAASPP) tests consist of the following:

- ***Smarter Balanced Assessment Consortium Assessments***
  The Smarter Balanced computer adaptive assessments are aligned with the Common Core State Standards (CCSS). English language arts/literacy (ELA) and mathematics tests are administered in grades three through eight and grade eleven to measure whether students are on track to college and career readiness. In grade eleven, results from the ELA and mathematics assessments can be used as an indicator of college readiness.
- ***California Science Tests (CAST)***
  The computer-based CAST measures students' achievement of the California Next Generation Science Standards (CA NGSS) through the application of their knowledge and skills of the Science and Engineering Practices, Disciplinary Core Ideas, and Crosscutting Concepts. The CAST is administered to all students in grades five and eight and once in high school (i.e., grade ten, eleven, or twelve).
- ***California Alternate Assessments (CAAs)***
  Only eligible students—students whose individualized education program (IEP) identifies the use of alternate assessments—may participate in the administration of the CAAs. Test examiners administer the computer-based CAAs for ELA, mathematics, and science one-on-one to students. Students in grades three through eight and grade eleven will take the CAA for ELA and mathematics. Test items developed for ELA and mathematics are aligned with the CCSS and are based on the Core Content Connectors. Students in grades five and eight and once in high school (i.e., grade ten, eleven, or twelve) will take the CAA for Science. The CAA for Science embedded performance tasks are based on alternate achievement standards derived from the CA NGSS. Students taking the CAA for Science will take three embedded performance tasks in spring 2019.
- ***California Spanish Assessment (CSA) for Reading/Language Arts***
  The optional CSA for Reading/Language Arts in Spanish is aligned with the California Common Core State Standards en Español. This computer-based test allows students to demonstrate their Spanish skills in listening, reading, and writing mechanics.

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

English Language Proficiency Assessments for California

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

Physical Fitness Test

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

Standardized Assessments - Calendar

Assessment Type	Administration Window	Expected % Assessed
CAASPP ELA/Math CAST - Science	March-May	95% Grades 3-8, 11 CAST 95% Grades 5, 8, 11 or 12
CAASPP - Interim	Ongoing, three times a year	95%
Initial ELPAC	All school year (within 30 days of enrollment)	100% new to CA public school based on Home Lang. Survey
Summative ELPAC	February-May	100% current ELs
Physical Fitness Test	February-May	100% Grades 5, 7, 9
STAR 360	Three times a year (Fall, Winter, Spring)	95% All Students
Amira- Reading Screener	Three times a year (Fall, Winter, Spring)	Grades K-2, Mandatory May be given up to grade 8

School Accountability Report Card – SARC

The School Accountability Report Card (SARC) is a report provided to the California Department of Education (CDE) by schools regarding their performance on a variety of indicators. The SARC Reports for Merced Scholars Charter School may be viewed at http://www.sarconline.org/ or a hard copy can be obtained in the school offices. For more

information on the SARC, visit the CDE SARC Web page at http://www.cde.ca.gov/ta/ac/sa/.

School Safety & Emergency Procedures

Safety

Our school is committed to maximizing school safety and to creating a positive learning environment that teaches strategies for violence prevention and emphasizes high expectations for student conduct, responsible behavior, and respect for others. We are fully committed to promoting a safe learning environment and, to the extent possible, eliminating the possession and use of weapons, illegal drugs, and other controlled substances by students on school premises and at school activities. As necessary to protect the health and welfare of students and staff, school officials may search students, their property, and/or MCOE property under their control and may seize illegal, unsafe, or otherwise prohibited items. (See MCOE Policy #5145.12 – Appendix V)

Safety Practices

It is expected that all students will comply with the following safety guidelines:

1. All activities that present a real or potential danger to anyone's personal safety are prohibited.
2. Bullying of any kind is prohibited.
3. No one may obstruct an entrance to the school, or any door or passageway.
4. All our school students, staff, and visitors on campus must participate in all safety drills that are conducted.
5. School students must stay and walk in a group (defined as within sight of the supervising chaperone) on all walking field trips.
6. The school shall be responsible for the proper supervision of students during school hours, while at school-sponsored activities, and while students are using district transportation to and from school and other activities. Except as provided herein, neither the school nor the Merced County Office of Education, nor any officer or employee thereof, shall be liable for the conduct or safety of students outside of school hours or when the student is not on school property.
7. Students shall abide by the directives of MCOE employees at all times.

It is expected that all students will comply with the following safety and behavior rules:

1. Follow school policies for successful learning
2. Respect the rights of others
3. Profanity is prohibited at all times
4. Fighting is prohibited and will not be tolerated
5. Drugs, alcohol, tobacco products including vape pens, weapons, or other illegal contraband are prohibited on school premises including school parking lots and will not be tolerated
6. Public displays of affection or sexual harassment are prohibited on school premises

Failure to comply with these rules may result in an appropriate disciplinary action will be taken based on the severity of the offense.

Graffiti

Writing graffiti on homework or school property of any kind is not acceptable. No graffiti writing on clothes, school related materials, or personal property is allowed. This includes homework, binders, books, backpacks, etc.

Marijuana, Alcohol & Other Drugs

Please be aware of the new law being enforced within the city of Los Banos and MCOE Regulation 5131.6.

Sec. 9-3.3505 Personal use and consumption of marijuana.

(a) Possession, Purchase, transport, or dissemination of marijuana shall be considered unlawful in all areas of the City to the extent it is unlawful under State law. No person shall smoke, ingest, or otherwise consume marijuana or marijuana produces, whether recreational or medical, in the City if Los Banos to the extent it is unlawful under the State law.

Citation Fee:

- 1st offense $100.00
- 2nd offense $200.00
- 3rd offense $500.00

Students will face disciplinary action at the school level as per school and/or district policy. Administration will notify the Los Banos Police Department or School Resource Officer to request a written citation. You will be responsible for paying the monetary fine to the City of Los Banos.

MCOE Regulation 5131.6 – Alcohol and Other Drugs

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

Designated school authorities may search students and school properties for the possession of alcohol, tobacco, and other drugs in accordance with law. We are committed to keeping our schools drug free and safe. Thank you for your support.

Closed Campus

The school operates as a closed campus. Once students arrive on campus (inside the perimeter fencing), they are prohibited from leaving campus without written permission from parents/guardians. All students are to sign in and out through the main office. Students are not permitted to leave campus for lunch. Parent permission does not waive this restriction.

If a parent/guardian wishes to visit a support class during school hours, visits should be arranged with the teacher and site administrator or designee. If a parent/guardian desires a conference, an appointment shall be set with the teacher during non-instructional time.

All Other Visitors

All other visitors are those visitors who are not staff, active students, or the parents/guardians of active students, with school related business must be cleared by the administrator, school secretary, or designee before being allowed to enter. Pre-arranged meetings with staff members will occur during break or non-student times to minimize disruption to instructional time. If no prior arrangements for a school visit have been made with the teacher and site administrator or designee, permission to visit the school beyond the lobby will be given at the time requested if at all possible or within a reasonable period of time following the request.

Once approved, all other visitors will follow the same procedures as active students and their parents/guardians with one exception: all other visitors will be asked for proof of identification before being allowed to enter the school. Failure to provide proof of identification will result in denial to enter the school.

School Safety Plan is available upon request

Policies

Chronic Absence and Truancy

Students Policy 5113.1

Merced County Office of Education (MCOE) believes that absenteeism, whatever the cause, may be an early warning sign of poor academic achievement and may put students at risk of dropping out of school. MCOE desires to ensure that all students attend school in accordance with the state's compulsory education law and take full advantage of educational opportunities provided by MCOE.

(cf. 5113 - Absences and Excuses)
(cf. 5113.11 – Attendance Supervision)

The County Superintendent or designee shall establish a system to accurately track student attendance in order to identify individual students who are chronic absentees and truants, as defined in law and regulation, and to identify patterns of absence throughout the MCOE. He/she may provide the County Superintendent or designee with data on school attendance, chronic absence, and truancy rates, for each school, and disaggregated for each numerically significant student subgroup as defined in Education Code 52052. Such data shall be used in the development of annual goals and specific actions for student attendance and engagement to be included in the MCOE's local control and accountability plan and other applicable school and MCOE plans.

(cf. 0400 - Comprehensive Plans)
(cf. 0420 - School Plans/Site Councils)
(cf. 0450 - Comprehensive Safety Plan)
(cf. 0460 - Local Control and Accountability Plan)
(cf. 0500 - Accountability)

The County Superintendent or designee shall develop strategies that focus on prevention of attendance problems, which may include, but are not limited to, efforts to provide a safe and positive school environment, relevant and engaging learning experiences, and school activities that help develop students' feelings of connectedness with the schools, school-based health services, and incentives and rewards to recognize students who achieve excellent attendance or demonstrate significant improvement in attendance. The County Superintendent or designee also shall develop strategies that enable early outreach to students as soon as they show signs of poor attendance.

(cf. 0410 – Nondiscrimination in MCOE Programs and Activities)
(cf. 5126 – Awards for Achievement)
(cf. 5131 – Conduct)
(cf. 5131.2 – Bullying)
(cf. 5137 – Positive School Climate)
(cf. 5141.6 – School Health Services)
(cf. 5145.3 – Nondiscrimination/Harassment)

The County Superintendent or designee shall work with students and parents/guardians to identify factors contributing to chronic absence and truancy. Interventions for students with serious attendance problems shall be designed to meet the specific needs of the student and may include, but are not limited to, health care referrals, transportation assistance, counseling for mental or emotional difficulties, academic supports, efforts to address school or community safety concerns, discussions with the student and parent/guardian about their attitudes regarding schooling, or other strategies to remove identified barriers

to school attendance. The County Superintendent or designee may collaborate with student welfare services, law enforcement, courts, public health care agencies, other government agencies, and/or medical, mental health, and oral health care providers to make alternative educational programs and support services available for students and families.

(cf. 1400 – Relations Between Other Governmental Agencies and the Schools)
(cf. 5030 – Student Wellness)
(5146 – Married/Pregnant/Parenting Students)
(5147 – Dropout Prevention)
(cf. 6158 – a non-classroom based program)
(cf. 6164.2 – Guidance/Counseling Services)
(cf. 6164.5 – Student Success Teams)
(cf. 6173 – Education for Homeless studentren)
(cf. 6173.1 – Education for Foster Youth)
(cf. 6173.2 – Education of studentren of Military Families)
(cf. 6175 – Migrant Education Program)
(cf. 6179 – Supplement Instruction)
(cf. 6181 – Alternative Schools/Programs of Choice)
(cf. 6183 – Home and Hospital Instruction)
(cf. 6184 – Continuing Education)
(cf. 6185 – Community Day School)

Students who are identified as truants shall be subject to the interventions specified in law and administrative regulation.

(cf. 5113.12 – MCOE School Attendance Review Board)
A student's truancy, tardiness, or other absence from school shall not be the basis for his/her suspension or expulsion. Alternative disciplinary strategies and positive reinforcement for attendance shall be used whenever possible.

(cf. 5144 – Discipline)
(cf. 5144.1 – Suspension and Expulsion/Due Process)

Legal Reference: EDUCATION CODE
1740-1742 Employment of personnel to supervise attendance (county superintendent)
37223 Weekend classes
46000 Records (attendance)
46010-46014 Absences
46110-46119 Attendance in kindergarten and elementary schools
46140-46147 Attendance in junior high and high schools
48200-48208 studentren ages 6-18 (compulsory full-time attendance)
48225.5 Work permits, entertainment and allied industries
48240-48246 Supervisors of attendance
48260-48273 Truants
48290-48297 Failure to comply; complaints against parents
48320-48325 School attendance review boards
48340-48341 Improvement of student attendance
48400-48403 Compulsory continuing education
48900 Suspension and expulsion

49067 Unexcused absences as cause of failing grade
52052 Academic Performance Index; numerically significant student subgroups
60901 Chronic absence
GOVERNMENT CODE
54950-54963 The Ralph M. Brown Act
PENAL CODE
270.1 Chronic truancy; parent/guardian misdemeanor
272 Parent/guardian duty to supervise and control minor student; criminal liability for truancy
830.1 Peace officers
VEHICLE CODE
13202.7 Driving privileges; minors; suspension or delay for habitual truancy
WELFARE AND INSTITUTIONS CODE
256-258 Juvenile hearing officer
601-601.4 Habitually truant minors
11253.5 Compulsory school attendance
CODE OF REGULATIONS, TITLE 5
306 Explanation of absence
420-421 Record of verification of absence due to illness and other causes
COURT DECISIONS
L.A. v. Superior Court of San Diego County, (2012) 209 Cal.App.4th976

Management Resources: CSBA PUBLICATIONS
Attendance Awareness Month, Fact Sheet, September 2014
ATTENDANCE WORKS PUBLICATIONS
Count Us In! Working Together to Show that Every School Day Matters, 2014
The Power of Positive Connections: Reducing Chronic Absence Through PEOPLE: Priority Early Outreach for Positive Linkages and Engagement, 2014
CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS
School Attendance Review Board Handbook: A Road Map for Improved School Attendance and Behavior, 2015
School Attendance Improvement Handbook, 2000
WEB SITES
California Department of Education: http://www.cde.ca.gov
CSBA: http://www.csba.org
Attendance Works: http://www.attendanceworks.org
California Association of Supervisors of student Welfare and Attendance: http://www.cascwa.org
California Healthy Kids Survey: http://chks.wested.org
California School Climate, Health, and Learning Survey System: http://www.cal-schls.wested.org

Policy Adopted: 9/9/2009; MERCED COUNTY OFFICE OF EDUCATION
Revised: 8/24/11, 9/14/16, 1/8/2020 Merced, California

Students Regulation 5113.1
Definitions
Chronic absentee means a student who is absent for any reason on 10 percent or more of the school days in the school year, when the total number of days the student is absent is divided by the total number of days the student is enrolled and school was actually taught in the regular day schools of the Merced County Office of Education (MCOE), exclusive of Saturdays and Sundays. (Education Code 60901)

Truant means a student who is absent from school without a valid excuse three full days in one school year, or tardy or absent for more than any 30-minute period during the school day without a valid excuse on three occasions in one school year, or any combination thereof. (Education Code 48260)

Habitual truant means a student who has been reported as a truant three or more times within the same school year, provided the MCOE has made a conscientious effort to hold at least one conference with the student and his/her parent/guardian. (Education Code 48262, 48264.5)

Chronic truant means a student who has been absent from school without a valid excuse for 10 percent or more of the school days in one school year, from the date of enrollment to the current date, provided the MCOE has met the requirements of Education Code 48260-48263 and 48291. (Education Code 48263.6)

For purposes of classifying a student as a truant, valid excuse includes, but is not limited to, the reasons for which a student shall be excused from school pursuant to Education Code 48205 and 48225.5. A valid excuse also may include other reasons that are within the discretion of school administrators and, based on the facts of the student's circumstances, are deemed to constitute a valid excuse. (Education Code 48260)

(cf. 5113 - Absences and Excuses)
(cf. 5113.2 - Work Permits)

Addressing Chronic Absence
When a student is identified as a chronic absentee, the assigned administrator may communicate with the student and his/her parent/guardian to determine the reason(s) for the excessive absences, ensure the student and parent/guardian are aware of the adverse consequences of poor attendance, and jointly develop a plan for improving the student’s school attendance.

(cf. 5113.11 – Attendance Supervision)
(cf. 6020 – Parent Involvement)

The student may be referred to a school-site attendance review team to assist in evaluating the student’s needs and identifying strategies and programs that may assist him/her.

(cf. 5146 – Married/Pregnant/Parenting Students)
(cf. 5147 – Dropout Prevention)
(cf. 6164.2 – Guidance/Counseling Services)
(cf. 6164.5 – Student Success Teams)
(cf. 6173 – Education for Homeless studentren)
(cf. 6173.1 – Education for Foster Youth)
(cf. 6173.2 – Education of studentren of Military Families)
(cf. 6175 – Migrant Education Program)

A student who is struggling academically may be offered tutoring or other supplemental instruction, extended learning opportunities, and/or alternative educational options as appropriate.

(cf. 6158 – a non-classroom based program)
(cf. 6176 – Weekend/Saturday Classes)

(cf. 6178.1 – Work-Based Learning)
(cf. 6179 – Supplemental Instruction)
(cf. 6181 – Alternative Schools/Programs of Choice)
(cf. 6183 – Home and Hospital Instruction)
(cf. 6184 – Continuation Education)

Whenever chronic absenteeism is linked to a nonschool condition, the assigned administrator may recommend community resources and/or collaborative with community agencies and organizations to address the needs of the student and his/her family.

(cf. 1400 – Relations Between Other Governmental Agencies and the Schools)
(cf. 5141.6 – School Health Services)

Addressing Truancy
An attendance supervisor or designee, peace officer, probation officer, or school administrator or designee may, as applicable, arrest or assume temporary custody, during school hours, of any minor student found away from his/her home who is absent from school without a valid excuse. Any person arresting or assuming temporary custody of a minor student shall deliver the student and make reports in accordance with Education Code 48265 and 48266. (Education Code 48264, 48265, 48266)

(cf. 3515.3 – MCOE Police/Security Department)

The assigned administrator shall investigate a complaint from any person that a parent/guardian has violate the state compulsory education laws contained in Education Code 48200-48341. (Education Code 48290)

When a student has been identified as a truant, as defined above, the following steps shall be implemented based on the number of truancies he/she has committed:

Initial truancy
A student who is initially classified as truant shall be reported to the assigned administrator. (Education Code 48260)
The student's parent/guardian shall be notified by the most cost-effective method possible, which may include email or a telephone call, that: (Education Code 48260.5)
The student is truant.
The parent/guardian is obligated to compel the student to attend school. If the parent/guardian fails to meet this obligation, he/she may be guilty of an infraction of the law and subject to prosecution pursuant to Education Code 48290-48296.
Alternative educational programs are available at MCOE.
The parent/guardian has the right to meet with appropriate school personnel to discuss solutions to the student's truancy.
The student may be subject to arrest or held in temporary custody by a probation officer, a peace officer or, a school administrator or his/her designee under Education Code 48264 if found away from home and absent from school without a valid excuse.
The student may be subject to suspension, restriction or delay of his/her driving privilege pursuant to Vehicle Code 13202.7.
It is recommended that the parent/guardian accompany the student to school and attend classes with the student for one day.

(cf. 5145.6 - Parental Notifications)
The student may be required to attend makeup classes on one day of a weekend pursuant to Education Code 37223. (Education Code 48264.5)
The student and, as appropriate, his/her parent/guardian may be requested to attend a meeting with a school counselor or other school designee to discuss the root cause of the attendance issue and develop a joint plan to improve the student's attendance. (Education Code 48264.5)
The assigned administrator may notify the district attorney and/or probation officer of the student's name and the name and address of the student's parents/guardians. (Education Code 48260.6)

Second truancy
Any student who has once been reported as a truant shall again be reported to the assigned administrator as a truant if he/she is absent from school without valid excuse one or more days or is tardy on one or more days. (Education Code 48261)
The student may be assigned to attend makeup classes on one day of a weekend pursuant to Education Code 37223. (Education Code 48264.5)
The student may be assigned to an after-school or weekend study program within the county. If the student fails to successfully complete this study program, he/she shall be subject to item #3 below. (Education Code 48264.5)
An appropriate MCOE staff member shall make a conscientious effort to hold at least one conference with the student and parent/guardian by communicating with the parent/guardian at least once using the most cost-effective method possible, which may include email or a telephone call. (Education Code 48262)
The student may be given a written warning by a peace officer. A record of that warning may be kept at the school for not less than two years or until the student graduates or transfers from the school. If the student transfers, the record may be forwarded to the new school. (Education Code 48264.5)
The assigned administrator may notify the district attorney and/or probation officer whether the student continues to be classified as a truant after the parents/guardians have been notified in accordance with item #1b above. (Education Code 48260.6)

Third truancy (habitual truancy)
A student who is habitually truant, irregular in school attendance, or habitually insubordinate or disorderly during attendance at school may be referred to, and required to attend, a school attendance review board (SARB) program, a truancy mediation program established by the district attorney or the probation officer, or a comparable program deemed acceptable by the County Superintendent or designee. (Education Code 48263, 48264.5)

(cf. 5113.12 – MCOE School Attendance Review Board)

Upon making a referral to the SARB or the probation department, the assigned administrator shall provide the student and parent/guardian, in writing, the name and address of the probation department and the reason for the referral. This notice shall indicate that the student and parent/guardian shall be required, along with the MCOE staff person making the referral, to meet with the probation officer to consider a proper disposition of the referral. (Education Code 48263)
If the student does not meet with the probation officer or successfully complete the program he/she shall be subject to item #4 below. (Education Code 48264.5)
If the assigned administrator determines that available community services cannot resolve the problem of the truant or insubordinate student or if the student and/or student's parents/guardians have failed to respond to the directives of the MCOE or to services provided, the assigned administrator may so notify the district attorney and/or the probation officer. (Education Code 48263)

Fourth truancy
Upon his/her fourth truancy within the same school year, the student shall be within the jurisdiction of the juvenile court. (Education Code 48264.5; Welfare and Institutions Code 601)
If a student has been adjudged by the county juvenile court to be a habitual truant, the assigned administrator shall notify the juvenile court and the student's probation or parole officer whenever that student is truant or tardy on one or more days without a valid excuse in the same or succeeding school year, or is habitually insubordinate or disorderly at school. The juvenile court and probation or parole officer shall be notified within 10 days of the violation. (Education Code 48267)

Chronic truancy (unexcused absence for 10 percent of school days)
The assigned administrator shall ensure that the student's parents/guardians are offered language-accessible support services to address the student's truancy.
If a chronically truant student is as least age six years and is in any of grades K-8, the attendance supervisor shall notify the parents/guardians that failure to reasonably supervise and encourage the student's school attendance may result in the parent/guardian being found guilty of a misdemeanor pursuant to Penal Code 270.1.

Records
The County Superintendent or designee shall maintain accurate attendance records for students identified as habitual or chronic truants. The County Superintendent or designee also shall document all contacts with a student and his/her parent/guardian regarding the student's attendance, including a summary of all conversations and a record of all intervention efforts.

The MCOE designee shall gather and transmit to the County Superintendent of Schools the number and types of referrals made to the SARB and of requests for petitions made to the juvenile court. (Education Code 48273)

Regulation Adopted: 9/9/2009; MERCED COUNTY OFFICE OF EDUCATION
Revised 3/23/11, 9/14/16, 1/8/2020 Merced, California

Discipline
Students Policy 5144
The County Superintendent is committed to providing a safe, supportive, and positive school environment which is conducive to student learning and to preparing students for responsible citizenship by fostering self-discipline and personal responsibility. The County Superintendent believes that high expectations for student behavior, use of effective classroom management strategies, provision of appropriate intervention and support, and parent involvement can minimize the need for disciplinary measures that exclude students from instruction as a means for correcting student misbehavior.

(cf. 5131 – Conduct)
(cf. 5131.1 – Bus Conduct)
(cf. 5131.2 – Bullying)
(cf. 5137 - Positive School Climate)
(cf. 5145.9 - Hate-Motivated Behavior)
(cf. 6020 - Parent Involvement)

The County Superintendent or designee shall design a complement of effective, age-appropriate strategies for maintaining a positive school climate and correcting student misbehavior at Merced County Office of Education (MCOE) schools. The strategies shall focus on providing students with needed

supports; communicating clear, appropriate, and consistent expectations and consequences for student conduct; and ensuring equity and continuous improvement in the implementation of MCOE discipline policies and practices.

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

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

(cf. 5020 – Parent Rights and Responsibilities)
(cf. 5144.1 – Suspension and Expulsion/Due Process)
(cf. 5144.2 – Suspension and Expulsion/Due Process (Students with Disabilities))
(cf. 6159.4 – Behavioral Interventions for Special Education Students)

At all times, the safety of students and staff and the maintenance of an orderly school environment shall be priorities in determining appropriate discipline. When misconduct occurs, staff shall attempt to identify the causes of the student's behavior and implement appropriate discipline. When choosing between different disciplinary strategies, staff shall consider the effect of each option on the student's health, well-being, and opportunity to learn.

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

(cf. 0410 - Nondiscrimination in MCOE Programs and Activities)
(cf. 5145.3 - Nondiscrimination/Harassment)
(cf. 5145.7 – Sexual Harassment)

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

(cf. 4331 - Staff Development)

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

(cf. 0460 – Local Control and Accountability Plan)
(cf. 3100 – Budget)

Legal Reference: CIVIL CODE
1714.1 Parental liability for student's misconduct
EDUCATION CODE
32280-32288 School safety plans

35146 Closed sessions
35291 Rules
35291.5-35291.7 School-adopted discipline rules
37223 Weekend classes
44807.5 Restriction from recess
48900-48926 Suspension and expulsion
48980-48985 Notification of parents or guardians
49330-49335 Injurious objects
52060-52077 Local control and accountability plan
CODE OF REGULATIONS, TITLE 5
307 Participation in school activities until departure of bus
353 Detention after school

Management Resources: CSBA PUBLICATIONS
Keeping Our studentren Safe: Strategies for Governing Boards to Promote School Safety, 2011
Providing a Safe, Nondiscriminatory School Environment for Transgender and Gender-Nonconforming Students, Policy Brief, February 2014
Safe Schools: Strategies for Governing Boards to Ensure Student Success, 2011
Maximizing Opportunities for Physical Activity during the School Day, Fact Sheet, 2009
CALIFORNIA DEPARTMENT OF EDUCATION PROGRAM ADVISORIES
Classroom Management: A California Resource Guide for Teachers and Administrators of Elementary and Secondary Schools, 2000
STATE BOARD OF EDUCATION POLICIES
01-02 School Safety, Discipline, and Attendance, March 2001
U.S. DEPARTMENT OF EDUCATION, OFFICE FOR CIVIL RIGHTS PUBLICATIONS
Dear Colleague Letter on the Nondiscriminatory Administration of School Discipline, January 2014
WEB SITES
CSBA: http://www.csba.org
California Department of Education: http://www.cde.ca.gov
Public Counsel: http://www.fixschooldiscipline.org
U.S. Department of Education Office for Civil Rights: http://www.ed.gov/about/offices/list/ocr

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Revised: 8/24/11, 4/22/15 Merced, California

Suspension and Expulsion Process
Students Policy 5144.1
The Merced County Office of Education (MCOE) desires to provide MCOE students access to educational opportunities in an orderly school environment that protects their safety and security, ensures their welfare and well-being, and promotes their learning and development. The MCOE shall develop rules and regulations setting the standards of behavior expected of MCOE students and the disciplinary processes and procedures for addressing violations of those standards, including suspension and/or expulsion.

(cf. 5131 – Conduct)
(cf. 5131.1 – Bus Conduct)
(cf. 5131.2 – Bullying)

Refer to Charter petition regarding suspension and expulsion guidelines for students enrolled in the Merced Scholars Charter School.

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

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

While going to or coming from school

During the lunch period, whether on or off the school campus

(cf. 5112.5 – Open/Closed Campus)

During, going to, or coming from a school-sponsored activity

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

(cf. 0410 – Nondiscrimination in MCOE Programs and Activities)

Appropriate Use of Suspension and Expulsion
Except when a student commits an act that violates Education Code 48900(a)-(e) or his/her presence causes a danger to others, suspension shall be used only when other means of correction have failed to bring about proper conduct.

Except when a student commits an act listed in Education Code 48915(c), the County Superintendent or designee shall have the discretion to determine whether to recommend to the County Board that the student be expelled.

(cf. 5131.7 – Weapons and Dangerous Instruments)

To correct the behavior of students who are subject to discipline, the County Superintendent or designee, to the extent allowed by law, shall use alternative disciplinary strategies specified in Regulation 5144 - Discipline. (Education Code 48900.5, 48900.6)

(cf. 1020 – studentren and Youth Services)
(cf. 5144 – Discipline)

Students shall not be suspended or expelled for truancy, tardiness, or absenteeism from assigned school activities.

(cf. 5113 – Absences and Excuses)
(cf. 5113.1 – Chronic Absence and Truancy)

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

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

(cf. 5144.2 - Suspension and Expulsion Process (Individuals with Disabilities))

Supervised Suspension Classroom
The MCOE recognizes that students who are suspended from school often have no supervision or guidance during the school hours when they are off campus and may fall behind in the coursework. The MCOE believes that, in many cases, it would be better to manage the student's behavior by keeping the student at school and providing him/her with supervision that is separated from the regular classroom.

To ensure the proper supervision and ongoing learning of students who are suspended for any of the reasons enumerated in Education Code 48900 and 48900.2, but who pose no imminent danger or threat to anyone at school and for whom an expulsion proceeding have not been initiated, the County Superintendent or designee shall establish a supervised classroom suspension program which meets the requirements of law. The use of such alternatives does not preclude off-campus suspensions.

Decision Not to Enforce Expulsion Order
On a case-by-case basis, the enforcement of an expulsion order may be suspended by the County Board pursuant to the requirements of law and administrative regulation.

Maintenance and Monitoring of Outcome Data
The County Superintendent or designee shall annually review outcome data which the MCOE is required to collect pursuant to Education Code 48900.8 and 48916.1, including the number of students recommended for expulsion, the grounds for each recommended expulsion, the actions taken by the County Board, the types of referral made after each expulsion, and the disposition of the students after the expulsion period.

The report shall be disaggregated by school and by numerically significant student subgroups, including, but not limited to, ethnic subgroups, socioeconomically disadvantaged students, English learners, foster youth, and students with disabilities. The report also shall include information about whether and how the MCOE is meeting its goals for improving school climate as specified in its local control and accountability plan.

(cf. 0460 – Local Control and Accountability Plan)

Legal Reference: EDUCATION CODE
212.5 Sexual harassment
233 Hate violence
1981 Enrollment of students in community school
17292.5 Program for expelled students
32261 Interagency School Safety Demonstration Act of 1985

35145 Open board meetings
35146 Closed sessions (regarding suspensions)
35291 Rules (for government and discipline of schools)
35291.5 Rules and procedures on school discipline
48645.5 Readmission; contact with juvenile justice system
48660-48666 Community day schools
48853.5 Foster youth
48900-48927 Suspension and expulsion
48950 Speech and other communication
48980 Parental notifications
49073-49079 Privacy of student records
52060-52077 Local control and accountability plan
CIVIL CODE
47 Privileged communication
48.8 Defamation liability
CODE OF CIVIL PROCEDURE
1985-1997 Subpoenas; means of production GOVERNMENT CODE
11455.20 Contempt
54950-54963 Ralph M. Brown Act
HEALTH AND SAFETY CODE
11014.5 Drug paraphernalia
11053-11058 Standards and schedules
LABOR CODE
230.7 Discharge or discrimination against employee for taking time off to appear in school on behalf of a student
PENAL CODE
31 Principal of a crime, defined
240 Assault defined
241.2 Assault fines
242 Battery defined
243.2 Battery on school property
243.4 Sexual battery
245 Assault with deadly weapon
245.6 Hazing
261 Rape defined
266c Unlawful sexual intercourse
286 Sodomy defined
288 Lewd or lascivious acts with student under age 14
288a Oral copulation
289 Penetration of genital or anal openings
417.27 Laser pointers
422.55 Hate crime defined
422.6 Interference with exercise of civil rights
422.7 Aggravating factors for punishment
422.75 Enhanced penalties for hate crimes
626.2 Entry upon campus after written notice of suspension or dismissal without permission
626.9 Gun-Free School Zone Act of 1995
626.10 Dirks, daggers, knives, razors or stun guns
868.5 Supporting person; attendance during testimony of witness

WELFARE AND INSTITUTIONS CODE
729.6 Counseling
UNITED STATES CODE, TITLE 18
921 Definitions, firearm
UNITED STATES CODE, TITLE 20
1415(K) Placement in alternative educational setting
7151 Gun free schools
COURT DECISIONS
T.H. v. San Diego Unified School District (2004) 122 Cal. App. 4th 1267
Woodbury v. Dempsey (2003) 108 Cal. App. 4th 421
Board of Education of Sacramento City Unified School District v. Sacramento County Board of Education and Kenneth H., (2001) 85 Cal.App.4th 1321
Garcia v. Los Angeles Board of Education (1991) 123 Cal.App.3d 807
Fremont Union High School District v. Santa Clara County Board (1991) 235 Cal. App. 3d 1182
John A. v. San Bernardino School District (1982) 33 Cal. 3d 301
ATTORNEY GENERAL OPINIONS
84 Ops.Cal.Atty.Gen 146 (2001)
80 Ops.Cal.Atty.Gen 348 (1997)
80 Ops.Cal.Atty.Gen. 91 (1997)
80 Ops.Cal.Atty.Gen. 85 (1997)

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Safe Schools: Strategies for Governing Boards to Ensure Student Success, 2011
U.S. DEPARTMENT OF EDUCATION, OFFICE FOR CIVIL RIGHTS PUBLICATIONS
Dear Colleague Letter on the Nondiscriminatory Administration of School Discipline, January 2014
WEB SITES
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California Attorney General's Office: http://www.oag.ca.gov
California Department of Education: http://www.cde.ca.gov
U.S. Department of Education, Office for Civil Rights:
http://www.ed.gov/about/offices/list/ocr/docs/crdc-2012-data-summary.pdf
U.S. Department of Education, Office of Safe and Drug-Free Schools:
http://www.ed.gov/about/offices/list/osdfs

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Students Regulation 5144.1
Suspension from school means removal of a student from ongoing instruction for adjustment purposes. However, suspension does not mean any of the following: (Education Code 48925)
Reassignment to another education program or class at the same school where the student will receive continuing instruction for the length of day prescribed for students of the same grade level;
Referral to a certificated employee designated by the principal to advise students;
Removal from the class, but without reassignment to another class or program, for the remainder of the class period without sending the student to the principal or designee as provided in Education Code 48910. Removal from a particular class shall not occur more than once every five school days.

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

Day means a calendar day unless otherwise specifically provided. (Education Code 48925)

School day means a day upon which the schools of the Merced County Office of Education (MCOE) are in session or weekdays during the summer recess. (Education Code 48925)

Student includes a student's parent/guardian or legal counsel. (Education Code 48925)

Principal's designee means one or more administrators or, if there is not a second administrator at one school site, a certificated person specifically designated by the principal, in writing, to assist with disciplinary procedures. Only one such person may be designated at any time as the principal's primary designee and only one such person may be designated as secondary designee for the school year. The names of such persons shall be on file in the principal's office. (Education Code 48911)

School property, for the purposes described in Education Code 48900, includes, but is not limited to, electronic files and databases. (Education Code 48900(u))

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

(cf. 5144 - Discipline)
(cf. 5145.6 - Parental Notifications)

Grounds for Suspension and Expulsion
Acts for which a student, including a student with disabilities, may be subject to suspension or expulsion when it is determined that he/she:

(cf. 5144.2 – Suspension and Expulsion/Due Process (Students with Disabilities))

Caused, attempted to cause, or threatened to cause physical injury to another person or willfully used force or violence upon the person of another, except in self-defense; or committed as an aider or abettor, as adjudged by a juvenile court, a crime of physical violence in which the victim suffered great or serious bodily injury. (Education Code 48900(a) and (t))
Possessed, sold, or otherwise furnished any firearm, knife, explosive, or other dangerous object unless, in the case of possession of any object of this type, the student had obtained written permission to possess the item from a certificated school employee, with the principal or designee's concurrence; (Education Code 48900(b))

(cf. 5131 - Conduct)
(cf. 5131.7 - Weapons and Dangerous Instruments)

Unlawfully possessed, used, sold, or otherwise furnished, or was under the influence of, any controlled substance as defined in Health and Safety Code 11053-11058, alcoholic beverage, or intoxicant of any kind; (Education Code 48900(c))
(cf. 5131.6 - Alcohol and Other Drugs)

Unlawfully offered, arranged, or negotiated to sell any controlled substance as defined in Health and Safety Code 11053-11058, alcoholic beverage, or intoxicant of any kind, and then sold, delivered, or otherwise furnished to any person another liquid, substance, or material and represented same as controlled substance, alcoholic beverage, or intoxicant; (Education Code 48900(d))
Committed or attempted to commit robbery or extortion; (Education Code 48900(e))
Caused or attempted to cause damage to school property or private property; (Education Code 48900(f))
Stole or attempted to steal school property or private property; (Education Code 48900(g))
Possessed or used tobacco or any products containing tobacco or nicotine products, including, but not limited to, cigars, cigarettes, miniature cigars, clove cigarettes, smokeless tobacco, snuff, chew packets, and betel, this restriction shall not prohibit a student from using or possessing his/her own prescription products; (Education Code 48900(h))

(cf. 5131.62 – Tobacco)

Committed an obscene act or engaged in habitual profanity or vulgarity; (Education Code 48900(i))
Unlawfully possessed or unlawfully offered, arranged, or negotiated to sell any drug paraphernalia, as defined in Health and Safety Code 11014.5; (Education Code 48900(j))
Disrupted school activities or otherwise willfully defied the valid authority of supervisors, teachers, administrators, other school officials, or other school personnel engaged in the performance of their duties; (Education Code 48900(k))

(cf. 5131.4 – Student Disturbances)

Knowingly received stolen school property or private property; (Education Code 48900(l))
Possessed an imitation firearm; (Education Code 48900(m))
Imitation firearm means a replica of a firearm that is so substantially similar in physical properties to an existing firearm as to lead a reasonable person to conclude that the replica is a firearm. (Education Code 48900(m))
Committed or attempted to commit a sexual assault as defined in Penal Code 261, 266c, 286, 288, 288a, or 289, or committed a sexual battery as defined in Penal Code 243.4; (Education Code 48900(n))
Harassed, threatened, or intimidated a student who is a complaining witness or witness in a school disciplinary proceeding for the purpose of preventing that student from being a witness and/or retaliating against that student for being a witness; (Education Code 48900(o))
Unlawfully offered, arranged to sell, negotiated to sell, or sold the prescription drug Soma; (Education Code 48900(p))
Engaged in, or attempted to engage in, hazing; (Education Code 48900(q))
Hazing means a method of initiation or pre-initiation into a student organization or body, whether or not the organization or body is officially recognized by an educational institution, which is likely to cause serious bodily injury or personal degradation or disgrace resulting in physical or mental harm to a former, current, or prospective student. Hazing does not include athletic events or school-sanctioned events. (Education Code 48900(q))
Engaged in an act of bullying (Education Code 48900(r))
Bullying means any severe or pervasive physical or verbal act or conduct, including communications made in writing or by means of an electronic act, directed toward one or more students that has or can reasonably be predicted to have the effect of placing a reasonable student in fear of harm to himself/herself or his/her property; cause the student to experience a substantially detrimental effect on his/her physical or mental health; or cause the student to experience substantial interferences with his/her

academic performance or ability to participate in or benefit from the services, activities, or privileges provided by a school.
Bullying shall include any act of sexual harassment, hate violence, or harassment, threat, or intimidation, as defined in Education Code 48900.2, 48900.3, or 48900.4 (items #21-23 below), that has any of the effects described above on a reasonable student.
Electronic act means the creation or transmission of a communication originated on or off school site, including, but not limited to, a message, text, sound, image, or post on a social network Internet web site, by means of an electronic device, including, but not limited to, a telephone, wireless telephone, or other wireless communication device, computer, or pager. A post on a social network Internet web site shall include, but is not limited to, the posting or creation of a burn page or the creation of a credible impersonation or false profile for the purpose of causing a reasonable student any of the effects of bullying described above.
Reasonable student means a student, including, but not limited to, a student who has been identified as a student with a disability, who exercises average care, skill, and judgment in conduct for a person or his/her age, or for a person of his/her age with his/her disability. (Education Code 48900(r))

(cf. 1114 – MCOE-Sponsored Social Media)
(cf. 5131.2 – Bullying)
(cf. 6164.4 – Identification and Evaluation of Individuals for Special Education)
(cf. 6164.6 – Identification and Education under Section 504)

Aided or abetted the infliction or attempted infliction of physical injury on another person, as defined in Penal Code 31. (Education Code 48900(t))
Made terrorist threats against school officials and/or school property; (Education Code 48900.7)
A terrorist threat includes any written or oral statement by a person who willfully threatens to commit a crime which will result in death or great bodily injury to another person, or property damage in excess of $1,000, with the specific intent that the statement is to be taken as a threat, even if there is no intent of actually carrying it out. (Education Code 48900.7)

A student in grades 4-12 is also subject to suspension or recommendation for expulsion when it is determined that he/she:
Committed sexual harassment as defined in Education Code 212.5; (Education Code 48900.2)
Sexual harassment means that conduct, when considered from the perspective of a reasonable person of the same gender as the victim, is sufficiently severe or pervasive as to have a negative impact upon the victim's academic performance or to create an intimidating, hostile, or offensive educational environment. (Education Code 212.5, 48900.2)

(cf. 5145.7 - Sexual Harassment)

Caused, attempted to cause, threatened to cause, or participated in an act of hate violence as defined in Education Code 233; (Education Code 48900.3)
Hate violence means any act punishable under Penal Code 422.6, 422.7, or 422.75. Such acts include injuring or intimidating another person, interfering with the exercise of a person's civil rights, or damaging a person's property because of the person's race, ethnicity, religion, nationality, disability, gender, gender identity, gender expression, or sexual orientation; a perception of the presence of any of those characteristics in the person; or the person’s association with a person or group with one or more of those actual or perceived characteristics. (Education Code 233; Penal Code 422.55)

(cf. 5145.9 - Hate-Motivated Behavior)

Intentionally engaged in harassment, threats, or intimidation against MCOE personnel or students that is sufficiently severe or pervasive to have the actual and reasonably expected effect of materially disrupting classwork, creating substantial disorder, and invading the rights of school personnel or students by creating an intimidating or hostile educational environment; (Education Code 48900.4)

(cf. 5145.3 - Nondiscrimination/Harassment)

Engaged in an act of bullying, including, but not limited to, bullying by means of an electronic act, directed toward a student or school personnel. (Education Code 48900(r))
Bullying means one or more acts by a student or group of students that constitutes sexual harassment pursuant to Education Code 48900.2, as defined in item #19 above; hate violence pursuant to Education Code 48900.3, as defined in item #20 above; or harassment, threats, or intimidation pursuant to Education Code 48900.4, as defined in item #21 above. (Education Code 32261)
Electronic act means the transmission of a communication, including, but not limited to, a message, text, sound, image, or post on a social network Internet web site, by means of an electronic device, including, but not limited to, a telephone, wireless telephone, or other wireless communication device, computer, or pager. (Education Code 32261)

(cf. 1114 – MCOE-Sponsored Social Media)
(cf. 5131.2 – Bullying)

Removal from Class by a Teacher/Parental Attendance
A teacher may remove any student from his/her class for the remainder of the day and the following day for any act listed in "Grounds for Suspension and Expulsion" above. (Education Code 48910)

When removing a student from his/her class, the teacher shall immediately report this action to the principal or designee and send the student to the principal or designee for appropriate action. If that action requires the continuing presence of the student at school, he/she shall be appropriately supervised during the class periods from which he/she has been removed. (Education Code 48910)

As soon as possible after the teacher decides to remove the student, he/she shall ask the student's parent/guardian to attend a parent-teacher conference regarding the removal. A counselor or psychologist may attend the conference if it is practicable, and a school administrator shall attend if either the parent/guardian or teacher so requests. (Education Code 48910)

A student removed from class shall not be returned to class during the period of removal without the approval of the teacher of the class and the school administrator. (Education Code 48910)

A student removed from class shall not be placed in another regular class during the period of removal. However, if a student is assigned to more than one class per day, he/she may be placed in any other regular classes except those held at the same time as the class from which the student was removed. (Education Code 48910)

The teacher of any class from which a student is removed may require the student to complete any assignments and tests missed during the removal. (Education Code 48913)
Suspension by County Superintendent, Principal, School Administrator or Designee
The County Superintendent, principal, school administrator, or designee shall immediately suspend any student found at school or at a school activity to be: (Education Code 48915(c))

Possessing, as verified by a MCOE employee, selling, or otherwise furnishing a firearm, unless the student had obtained prior written permission to possess the item from a certificated school employee, with the principal or designee's concurrence;
Brandishing a knife, as defined in Education Code 48915(g);
Unlawfully selling a controlled substance listed in Health and Safety Code 11053-11058;
Committing or attempting to commit a sexual assault or committing a sexual battery as defined in item #14 under "Grounds for Suspension and Expulsion" above;
Possession of an explosive as defined in 18 USC 921.
Explosive means a destructive device and includes, but is not limited to, any explosive, incendiary, or poison gas bomb, grenade, rocket having a propellant charge of more than four ounces, missile having an explosive or incendiary charge of more than one-quarter ounce, mine or similar device. A destructive device includes any other type of weapon (except a shotgun or shotgun shell recognized by the United States Secretary of Army as suitable for sporting purposes) which might be converted to project an explosive. (18 USC 921)

In addition, the County Superintendent, principal, or designee may impose a suspension upon a first offense if he/she determines that the student violated any of items #1-5 listed under “Grounds for Suspension and Expulsion” above or if the student’s presence causes a danger to persons. (Education Code 48900.5)

For all other offenses, a student may be suspended only when the County Superintendent or principal has determined that other means of correction have failed to bring about proper conduct in the student. (Education Code 48900.5)

When other means of correction are implemented prior to imposing suspension or supervised suspension upon a student, the County Superintendent, principal, or designee shall document the other means of correction used and retain them in the student’s record. (Education Code 48900.5)

(cf. 5125 – Student Records)

Length of Suspension
The County Superintendent, principal, or designee may suspend a student from school for not more than five consecutive school days unless the suspension is extended pending expulsion. (Education Code 48911)

A student may be suspended from school for not more than 20 school days in any school year. However, when a student enrolls in or is transferred to another regular school, an opportunity school, or continuation school or class, for the purpose of adjustment, he/she may be suspended for not more than 30 school days in a school year.

The MCOE may count suspensions that occur while a student is enrolled in another school district toward the maximum number of days for which the student may be suspended in any school year. (Education Code 48903, 48911, 48912)

These restrictions on the number of days of suspension shall not apply when the suspension is extended pending an expulsion. (Education Code 48911)
Due Process Procedures for Suspension

Suspensions shall be imposed in accordance with the following procedures:
Informal Conference: Suspension shall be preceded by an informal conference conducted by the County Superintendent, principal, school administrator, or designee with the student and, whenever practicable, the teacher, supervisor, or school employee who referred the student to the school administrator. At the conference, the student shall be informed of the reason for the disciplinary action, presented with the evidence against him/her, and given the opportunity to present his/her version and evidence in support of his/her defense. (Education Code 48911)

This conference may be omitted if the County Superintendent, principal, school administrator, or designee determines that an emergency situation exists. An emergency situation involves a clear and present danger to the lives, safety, or health of students or school personnel. If a student is suspended without this conference, both the parent/guardian and student shall be notified of the student's right to return to school for the purpose of the conference. The conference shall be held within two school days, unless the student waives his/her right to it or is physically unable to attend for any reason. In such case, the conference shall be held as soon as the student is physically able to return to school. (Education Code 48911)

Administrative Actions: All requests for student suspension are to be processed by the school administrator or designee of the school in which the student is enrolled at the time of the misbehavior. A school employee shall report the suspension, including the name of the student and the cause for the suspension, to the County Superintendent or designee. (Education Code 48911)

Notice to Parents/Guardians: At the time of the suspension, a school employee shall make a reasonable effort to contact the parent/guardian by telephone or in person. Whenever a student is suspended, the parent/guardian shall be notified in writing of the suspension. (Education Code 48911)
This notice shall state the specific offense committed by the student. (Education Code 48900.8)

In addition, the notice may state the date and time when the student may return to school. If school officials wish to ask the parent/guardian to confer regarding matters pertinent to the suspension, the notice may add that state law requires the parent/guardian to respond to such requests without delay.

Parent/Guardian Conference: Whenever a student is suspended, school officials may meet with the parent/guardian to discuss the causes and duration of the suspension, the school policy involved, and any other pertinent matter. (Education Code 48914)
While the parent/guardian is required to respond without delay to a request for a conference about a student's behavior, no penalties may be imposed on the student for the failure of the parent/guardian to attend such a conference. The student may not be denied readmission solely because the parent/guardian failed to attend the conference. (Education Code 48911)

Extension of Suspension: If the County Superintendent or school administrator is considering the expulsion of a suspended student from any school or the suspension of a student for the balance of the semester from continuation school, the Assistant Superintendent or designee may, in writing, extend the suspension until a decision has been made. (Education Code 48911)

Any extension of the original period of suspension shall be preceded by notice of such extension with an offer to hold a conference concerning the extension, giving the student an opportunity to be heard. This conference may be held in conjunction with a meeting requested by the student or parent/guardian to challenge the original suspension. Extension of the suspension may be made only if the Assistant Superintendent or designee determines, following a meeting in which the student and the student's

parent/guardian were invited to participate, that the student's presence at the school or at an alternative school would endanger persons or property or threaten to disrupt the instructional process. (Education Code 48911)

If the student involved is a foster youth, the County Superintendent or designee shall notify the district liaison for foster youth of the need to invite the student's attorney and a representative of the appropriate county student welfare agency to attend the meeting. (Education Code 48853.5, 48911, 48918.1)

(cf. 6173.1 – Education for Foster Youth)

In addition to suspending a student, the County Superintendent, principal, or designee may provide services or require the student to participate in an alternative disciplinary program designed to correct his/her behavior and keep him/her in school.

Supervised Suspension Classroom
Students for whom an expulsion action has not been initiated and who pose no imminent danger or threat to the school, students, or staff may be assigned to a supervised suspension classroom in a separate classroom, building, or site for the entire period of suspension. The following conditions shall apply: (Education Code 48911.1)

The supervised suspension classroom shall be staffed in accordance with law.
The student shall have access to appropriate counseling services.
The supervised suspension classroom shall promote completion of schoolwork and tests missed by the student during the suspension.

Each student shall be responsible for contacting his/her teacher(s) to receive assignments to be completed in the supervised suspension classroom. The teacher(s) shall provide all assignments and tests that the student will miss while suspended. If no such work is assigned, the person supervising the suspension classroom shall assign schoolwork.

At the time a student is assigned to a supervised suspension classroom, the site administrator or designee shall notify the student's parent/guardian in person or by telephone. When the assignment is for longer than one class period, this notification shall be made in writing. (Education Code 48911.1)

Authority to Expel
The following process is only applicable to Merced Scholars Charter School (the school). Refer to the the school Charter petition for basic guidelines.

Any student found to have committed any offense listed below under "Mandatory Recommendation and Mandatory Expulsion" may be expelled. (Education Code 48915)

A student may be ordered expelled for any of the acts listed above under "Grounds for Suspension and Expulsion" upon recommendation by the principal, County Superintendent, hearing officer, or administrative panel, based on either or both of the following finding(s): (Education Code 48915(b) and (e))

That other means of correction are not feasible or have repeatedly failed to bring about proper conduct;

That due to the nature of the violation, the presence of the student causes a continuing danger to the physical safety of the student or others.

County Superintendent, Principal, or Designee's Authority to Recommend Expulsion
Unless the County Superintendent, principal or designee determines that expulsion should not be recommended under the circumstances or that an alternative means of correction would address the conduct, he/she shall recommend a student's expulsion for any of the following acts: (Education Code 48915(a))
Causing serious physical injury to another person, except in self-defense;
Possession of any knife as defined in Education Code 48915(g), explosive, or other dangerous object of no reasonable use to the student;
Unlawful possession of any controlled substance, as listed in Health and Safety Code 11053-11058, except for (a) the first offense for the possession of not more than one ounce of marijuana, other than concentrated cannabis or (b) the student's possession of over-the-counter medication for his/her use or other medication prescribed for him/her by a physician;
Robbery or extortion;
Assault or battery, as defined in Penal Code 240 and 242, upon any school employee.

In determining whether or not to recommend the expulsion of a student, the County Superintendent, principal, or designee shall act as quickly as possible to ensure that the student does not lose instructional time. (Education Code 48915)
Mandatory Recommendation and Mandatory Expulsion
The school administrator, County Superintendent or designee shall recommend expulsion of any student found at school or at a school activity to be: (Education Code 48915(c))

Possessing, as verified by a MCOE employee, selling, or otherwise furnishing a firearm, unless the student had obtained prior written permission to possess the firearm from a certificated school employee, with the principal or designee's concurrence;
Brandishing a knife as defined in Education Code 48915(g) at another person;
Unlawfully selling a controlled substance listed in Health and Safety Code 11053-11058;
Committing or attempting to commit a sexual assault as defined in Penal Code 261, 266c, 286, 288, 288a, or 289, or committing a sexual battery as defined in Penal Code 243.4;
Possessing an explosive as defined in 18 USC 921.

Upon finding that the student committed any of the above acts, the student shall be expelled. (Education Code 48915)

Student's Right to Expulsion Hearing
Any student recommended for expulsion shall be entitled to a hearing to determine whether the student should be expelled. The hearing shall be held within 30 school days after the site administrator or County Superintendent or designee determines that one of the acts listed under "Grounds for Suspension and Expulsion" has occurred. (Education Code 48918(a))

The student is entitled to at least one postponement of an expulsion hearing for a period of not more than 30 calendar days. The request for postponement shall be in writing. Any subsequent postponement may be granted at the site administrator, County Superintendent or designee's discretion. (Education Code 48918(a))

If it is impractical during the regular school year to comply with these time requirements for conducting an expulsion hearing, the County Superintendent or designee may, for good cause, extend the time period by an additional five school days. Reasons for the extension shall be included as a part of the record when the expulsion hearing is held. (Education Code 48918(a))

If it is impractical to comply with the time requirements of the expulsion hearing due to a summer recess of more than two weeks, the days during the recess shall not be counted as school days. The days not counted during the recess may not exceed 20 school days, as defined in Education Code 48925. Unless the student requests in writing that the expulsion hearing be postponed, the hearing shall be held not later than 20 calendar days prior to the first day of the next school year. (Education Code 48918(a))

Once the hearing starts, all matters shall be pursued with reasonable diligence and concluded without unnecessary delay. (Education Code 48918(a))

Rights of Complaining Witness
An expulsion hearing involving allegations of sexual assault or sexual battery may be postponed for one school day in order to accommodate the special physical, mental, or emotional needs of a student who is the complaining witness. (Education Code 48918.5)

Whenever the County Superintendent or designee recommends an expulsion hearing that addresses allegations of sexual assault or sexual battery, he/she shall give the complaining witness a copy of the MCOE's suspension and expulsion policy and regulation and shall advise the witness of his/her right to: (Education Code 48918.5)
Receive five days' notice of his/her scheduled testimony at the hearing;
Have up to two adult support persons of his/her choosing present in the hearing at the time he/she testifies;
Have a closed hearing during the time he/she testifies.

Whenever any allegation of sexual assault or sexual battery is made, the County Superintendent or designee shall immediately advise complaining witnesses and accused students to refrain from personal or telephone contact with each other during the time when an expulsion process is pending. (Education Code 48918.5)

Written Notice of the Expulsion Hearing
Written notice of the expulsion hearing shall be forwarded to the student and the student's parent/guardian at least 10 calendar days before the date of the hearing. The notice shall include: (Education Code 48900.8, 48918(b))
The date and place of the hearing;

A statement of the specific facts, charges, and offense upon which the proposed expulsion is based;

A copy of MCOE disciplinary rules which relate to the alleged violation;
Notification of the student's or parent/guardian's obligation, pursuant to Education Code 48915.1, to provide information about the student's status in the district to any other district in which the student seeks enrollment. This obligation applies when a student is expelled for acts other than those described in Education Code 48915(a) or (c).

The opportunity for the student or the student's parent/guardian to appear in person or be represented by legal counsel or by a nonattorney advisor;

Legal counsel means an attorney or lawyer who is admitted to the practice of law in California and is an active member of the State Bar of California.

Nonattorney advisor means an individual who is not an attorney or lawyer, but who is familiar with the facts of the case and has been selected by the student or student's parent/guardian to provide assistance at the hearing.
The right to inspect and obtain copies of all documents to be used at the hearing;
The opportunity to confront and question all witnesses who testify at the hearing;
The opportunity to question all evidence presented and to present oral and documentary evidence on the student's behalf, including witnesses.

Additional Notice of Expulsion Hearing for Foster Youth
At least 10 days prior to a hearing to determine if a student who is a foster youth as defined under Education Code 48853.5 should be expelled for an offense not requiring a mandatory recommendation for expulsion, the County Superintendent or designee shall notify the student's attorney and a representative of an appropriate county student welfare agency. If the hearing is pursuant to an offense requiring a mandatory expulsion recommendation, the County Superintendent or designee may provide the same notification. The notice shall be provided by the most cost-effective method possible, including by email or a telephone call. (Education Code 48918.1)

Conduct of Expulsion Hearing
Closed Session: Notwithstanding the provisions of Government Code 54953 and Education Code 35145, a hearing shall be conducted to consider the expulsion of the student in a session closed to the public unless the student requests in writing at least five days prior to the hearing that the hearing be a public meeting. If such request is made, the meeting shall be public unless another student's privacy rights would be violated. (Education Code 48918(c))

Whether the expulsion hearing is held in closed or public session, the hearing committee may meet in closed session to deliberate and determine whether or not the student should be expelled. If any other person is admitted to this closed session, the parent/guardian, the student, and the counsel of the student shall also be allowed to attend the closed session. (Education Code 48918(c))

If a hearing that involves a charge of sexual assault or sexual battery is to be conducted in public, a complaining witness shall have the right to have his/her testimony heard in closed session when testifying in public would threaten serious psychological harm to the witness and when there are no alternative procedures to avoid the threatened harm, including, but not limited to, videotaped deposition or contemporaneous examination in another place communicated to the hearing room by closed-circuit television. (Education Code 48918(c))
Record of Hearing: A record of the hearing shall be made and may be maintained by any means, including electronic recording, as long as a reasonably accurate and complete written transcription of the proceedings can be made. (Education Code 48918(g))
Subpoenas: Before commencing a student expulsion hearing, subpoenas may be issued, at the request of either the student or the County Superintendent or designee, for the personal appearance at the hearing of any person who actually witnessed the action that gave rise to the recommendation for expulsion. After the hearing has commenced, the hearing officer or administrative panel may issue such subpoenas at the request of the student or the County Superintendent or designee. All subpoenas shall be issued in accordance with the Code of Civil Procedure 1985-1985.2 and enforced in accordance with Government Code 11455.20 (Education Code 48918(i))

Any objection raised by the student or the County Superintendent or designee to the issuance of subpoenas may be considered in closed session, or in open session if so requested by the student, before the meeting. The decision in response to such an objection shall be final and binding. (Education Code 48918(i))

If it is determined, or if the hearing officer or administrative panel finds and submits that a witness would be subject to unreasonable risk of harm by testifying at the hearing, a subpoena shall not be issued to compel the personal attendance of that witness at the hearing. However, that witness may be compelled to testify by means of a sworn declaration as described in item #4 below. (Education Code 48918(i))

Presentation of Evidence: Technical rules of evidence shall not apply to the expulsion hearing, but relevant evidence may be admitted and used as proof only if it is the kind of evidence on which reasonable persons can rely in the conduct of serious affairs. The decision to expel shall be supported by substantial evidence that the student committed any of the acts pursuant to Education Code 48900 and listed in "Grounds for Suspension and Expulsion" above. (Education Code 48918(h))

Findings of fact shall be based solely on the evidence at the hearing. While no finding shall be based solely on hearsay, sworn declarations may be admitted as testimony from witnesses whose disclosure of their identity or testimony at the hearing may subject them to an unreasonable risk of physical or psychological harm. (Education Code 48918(f))
In cases where a search of a student's person or property has occurred, evidence describing the reasonableness of the search shall be included in the hearing record.

Testimony by Complaining Witnesses: The following procedures shall be observed when hearings involve allegations of sexual assault or sexual battery by a student: (Education Code 48918, 48918.5)
Any complaining witness shall be given five days' notice before being called to testify.
Any complaining witness shall be entitled to have up to two adult support persons, including, but not limited to, a parent/guardian or legal counsel, present during his/her testimony.

Before a complaining witness testifies, support persons shall be admonished that the hearing is confidential.
The person presiding over the hearing may remove a support person whom he/she finds is disrupting the hearing.
If one or both support persons are also witnesses, the hearing shall be conducted in accordance with Penal Code 868.5.

Evidence of specific instances of prior sexual conduct of a complaining witness shall be presumed inadmissible and shall not be heard unless the person conducting the hearing determines that extraordinary circumstances require the evidence to be heard. Before such a determination is made, the complaining witness shall be given notice and an opportunity to oppose the introduction of this evidence. In the hearing on the admissibility of this evidence, the complaining witness shall be entitled to be represented by a parent/guardian, legal counsel, or other support person. Reputation or opinion evidence regarding the sexual behavior of a complaining witness shall not be admissible for any purpose.
In order to facilitate a free and accurate statement of the experiences of the complaining witness and to prevent discouragement of complaints, the MCOE shall provide a nonthreatening environment.

The MCOE shall provide a room separate from the hearing room for the use of the complaining witness before and during breaks in testimony.

At the discretion of the person conducting the hearing, the complaining witness shall be allowed reasonable periods of relief from examination and cross-examination during which he/she may leave the hearing room.

The person conducting the hearing may:
Arrange the seating within the hearing room so as to facilitate a less intimidating environment for the complaining witness;
Limit the time for taking the testimony of a complaining witness to the hours he/she is normally in school, if there is no good cause to take the testimony during other hours;
Permit one of the support persons to accompany the complaining witness to the witness stand.

Decision Within 40 School Days: If the hearing committee does not meet on a weekly basis, its decision on whether to expel a student shall be made within 40 school days after the student is removed from his/her school of attendance, unless the student requests in writing that the decision be postponed. (Education Code 48918(a))

Alternative Expulsion Hearing: Hearing Officer or Administrative Panel
Instead of conducting an expulsion hearing itself, the school or program may contract with the county hearing officer or with the Office of Administrative Hearings of the State of California for a hearing officer. Alternatively, an impartial administrative panel composed of three or more certificated personnel, none of whom shall be members of the County Board or on the staff of the school in which the student is enrolled may be appointed. (Education Code 48918(d))

A hearing conducted by the hearing officer or administrative panel shall conform to the same procedures applicable to a hearing conducted as specified above in "Conduct of Expulsion Hearing." (Education Code 48918(d))

The hearing officer or administrative panel shall, within three school days after the hearing, determine whether to recommend expulsion of the student. If expulsion is not recommended, the expulsion proceeding shall be terminated and the student shall be immediately reinstated. The County Superintendent or designee shall place the student in a classroom instructional program, any other instructional program, a rehabilitation program, or any combination of these programs after consulting with MCOE staff, including the student's teachers, and with the student's parent/guardian. The decision to not recommend expulsion shall be final. (Education Code 48918(e))

If expulsion is recommended, findings of fact in support of the recommendation shall be prepared and submitted to the site administrator, County Superintendent or designee. All findings of fact and recommendations shall be based solely on the evidence presented at the hearing. The site administrator, County Superintendent or designee may accept the recommendation based either upon a review of the findings of fact and recommendations submitted or upon the results of any supplementary hearing that may be ordered. (Education Code 48918(f))

In accordance with policy, the hearing officer or administrative panel may recommend suspension of the enforcement of the expulsion for a period of one year. (Education Code 48917, 48918)

The decision about the student's expulsion shall be made within 40 school days after the date of the student's removal from school unless the student requests in writing that the decision be postponed. (Education Code 48918(a))

Final Action
Whether the expulsion hearing is conducted in closed or public session, a hearing officer, or an administrative panel, the final action to expel shall be taken at a public meeting. (Education Code 48918(j))

(cf. 9321.1 - Closed Session Actions and Reports)

If the hearing decision is not to expel, this decision shall be final and the student shall be reinstated immediately.

Upon ordering an expulsion, a date shall be set when the student shall be reviewed for readmission to a school within the MCOE. For a student expelled for an act listed under "Mandatory Recommendation and Mandatory Expulsion" above, this date shall be one year from the date the expulsion occurred, except that an earlier date may be set on a case-by-case basis. For a student expelled for other acts, this date shall be no later than the last day of the semester following the semester in which the expulsion occurred. If an expulsion is ordered during the summer session or the intersession period of a year-round program, a date shall be set when the student shall be reviewed for readmission not later than the last day of the semester following the summer session or intersession period in which the expulsion occurred. (Education Code 48916)

At the time of the expulsion order, a plan shall be recommended for the student's rehabilitation, which may include: (Education Code 48916)
Periodic review, as well as assessment at the time of review, for readmission;
Recommendations for improved academic performance, tutoring, special education assessments, job training, counseling, employment, community service, or other rehabilitative programs.

With parent/guardian consent, students who have been expelled for reasons relating to controlled substances or alcohol may be required to enroll in a county-sponsored drug rehabilitation program before returning to school. (Education Code 48916.5)

Written Notice to Expel
The County Superintendent or designee shall send written notice of the decision to expel to the student or parent/guardian. This notice shall include the following:
The specific offense committed by the student for any of the causes for suspension or expulsion listed in Education Code 48900, 48900.2, 48900.3, 48900.4, 48900.7, or 48915 (Education Code 48900.8);
The fact that a description of readmission procedures will be made available to the student and his/her parent/guardian (Education Code 48916);
Notice of the right to appeal the expulsion to the County Board of Education (Education Code 48918);
Notice of the alternative educational placement to be provided to the student during the time of expulsion (Education Code 48918);
Notice of the student's or parent/guardian's obligation to inform any new district in which the student seeks to enroll of the student's status with the expelling district, pursuant to Education Code 48915.1 (Education Code 48918).

Decision Not to Enforce Expulsion Order
In accordance with policy, when deciding whether to suspend the enforcement of an expulsion, the following criteria shall be considered:
The student's pattern of behavior;
The seriousness of the misconduct;

The student's attitude toward the misconduct and his/her willingness to follow a rehabilitation program.

The suspension of the enforcement of an expulsion shall be governed by the following:
As a condition of the suspension of enforcement, the student may be assigned to a school, class, or program appropriate for the student's rehabilitation. This rehabilitation program may provide for the involvement of the student's parent/guardian in the student's education. However, a parent/guardian's refusal to participate in the rehabilitation program shall not be considered in the determination as to whether the student has satisfactorily completed the rehabilitation program. (Education Code 48917)
During the period when enforcement of the expulsion order is suspended, the student shall be on probationary status. (Education Code 48917)
The suspension of the enforcement of an expulsion order may be revoked if the student commits any of the acts listed under "Grounds for Suspension and Expulsion" above or violates any of the MCOE's rules and regulations governing student conduct. (Education Code 48917)
When the suspension of the enforcement of an expulsion order is revoked, a student may be expelled under the terms of the original expulsion order. (Education Code 48917)
Upon satisfactory completion of the rehabilitation assignment, the student shall be reinstated in a MCOE school. Upon reinstatement, the expunging of any or all records of the expulsion proceedings may be ordered. (Education Code 48917)
The County Superintendent or designee shall send written notice of any decision to suspend the enforcement of an expulsion order during a period of probation to the student or parent/guardian. The notice shall also inform the parent/guardian of the right to appeal the expulsion to the County Board. (Education Code 48918(j))
Suspension of the enforcement of an expulsion order shall not affect the time period and requirements for the filing of an appeal of the expulsion order with the County Board. (Education Code 48917)

Right to Appeal
The student or parent/guardian is entitled to file an appeal of the expulsion decision with the County Board. The appeal must be filed within 30 days of the decision to expel, even if the expulsion action is suspended and the student is placed on probation. (Education Code 48919)

The student shall submit a written request for a copy of the written transcripts and supporting documents from the MCOE school simultaneously with the filing of the notice of appeal with the County Board. The MCOE school shall provide the student with these documents within 10 school days following the student's written request. (Education Code 48919)

Notifications to Law Enforcement Authorities
Prior to the suspension or expulsion of any student, the principal or designee shall notify appropriate city or county law enforcement authorities of any student acts of assault which may have violated Penal Code 245. (Education Code 48902)

The principal or designee also shall notify appropriate city or county law enforcement authorities of any student acts which may involve the possession or sale of narcotics or of a controlled substance or possession of weapons or firearms in violation of Penal Code 626.9 and 626.10. (Education Code 48902)

Within one school day after a student's suspension or expulsion, the principal or designee shall notify appropriate city or county law enforcement authorities, by telephone or other appropriate means, of any student acts which may violate Education Code 48900(c) or (d), relating to the possession, use, offering, or sale of controlled substances, alcohol, or intoxicants of any kind. (Education Code 48902)

Post-Expulsion Placements
Expelled students shall be referred to a program of study that is: (Education Code 48915, 48915.01)
Appropriately prepared to accommodate students who exhibit discipline problems;
Not provided at a comprehensive middle, junior, or senior high school or at any elementary school, unless the program is offered at a community day school established at such a site;
Not housed at the school site attended by the student at the time of suspension.

(cf. 6158 – a non-classroom based program)

When the placement described above is not available, and when the County Superintendent so certifies, students expelled for acts described in items #6-13 and #20-23 under "Grounds for Suspension and Expulsion" above may be instead referred to a program of study that is provided at another comprehensive middle, junior, or senior high school, or at an elementary school. (Education Code 48915)

The program for a student expelled from any of grades K-6 shall not be combined or merged with programs offered to students in any of grades 7-12. (Education Code 48916.1)

Readmission After Expulsion
Readmission procedures shall be as follows:
On the review date set when the expulsion was ordered, the MCOE school shall consider readmission of the student. (Education Code 48916)
The County Superintendent or designee shall hold a conference with the parent/guardian and the student. At the conference the student's rehabilitation plan shall be reviewed and the County Superintendent or designee shall verify that the provisions of this plan have been met. School regulations shall be reviewed and the student and parent/guardian shall be asked to indicate in writing their willingness to comply with these regulations.
The County Superintendent or designee shall transmit to the MCOE school his/her recommendation regarding readmission. The recommendation will be considered in closed session if information would be disclosed in violation of Education Code 49073-49079. If a written request for open session is received from the parent/guardian or adult student, it shall be honored.

If the readmission is granted, the County Superintendent or designee shall notify the student and parent/guardian, by registered mail, of the decision regarding readmission.
Readmission may be denied only if it is determined that the student has not satisfied the conditions of the rehabilitation plan or that the student continues to pose a danger to campus safety or to other MCOE students or employees. (Education Code 48916)
If readmission of a student is denied, the student's placement in the alternative educational program initially selected shall be continued or the student may be placed in another program that serves expelled students, including placement in a county community school. (Education Code 48916)

Written notice shall be provided to the expelled student and parent/guardian describing the reasons for denying readmittance into the regular program. This notice shall indicate the determination of the educational program which has been chosen. The student shall enroll in that program unless the parent/guardian chooses to enroll the student in another school district. (Education Code 48916)

Maintenance of Records
Records shall be maintained of each expulsion, including the specific cause of the expulsion. The expulsion record shall be maintained in the student's mandatory interim record and sent to any school in

which the student subsequently enrolls upon receipt of a written request by the admitting school. (Education Code 48900.8, 48918(k))

The County Superintendent or designee shall, within five working days, honor any other district's request for information about an expulsion from the MCOE. (Education Code 48915.1)

Regulation adopted: 12/9/2009; MERCED COUNTY OFFICE OF EDUCATION
Revised: 12/8/10, 8/8/12, 4/22/15 Merced, California

Bullying
Students Policy 5131.2
The Merced County Office of Education (MCOE) recognizes the harmful effects of bullying on student learning and school attendance and desires to provide safe school environments that protect students from physical and emotional harm. No individual or group shall, through physical, written, verbal, visual, or other means, harass, sexually harass, threaten, intimidate, cyberbully, cause bodily injury to, or commit hate violence against any student or school personnel, or retaliate against them for filing a complaint or participating in the complaint resolution process.

(cf. 5131 - Conduct)
(cf. 5136 - Gangs)
(cf. 5145.3 - Nondiscrimination/Harassment)
(cf. 5145.7 - Sexual Harassment)
(cf. 5145.9 - Hate-Motivated Behavior)

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

(cf. 1400 - Relations Between Other Governmental Agencies and the Schools)
(cf. 6020 - Parent Involvement)

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

(cf. 0420 - School Plans/Site Councils)
(cf. 0450 - Comprehensive Safety Plan)
(cf. 0460 - Local Control and Accountability Plan)

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

(cf. 1312.3 - Uniform Complaint Procedures)

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

(cf. 4118 - Dismissal/Suspension/Disciplinary Action)
(cf. 4119.21/4219.21/4319.21 - Professional Standards)
(cf. 4218 - Dismissal/Suspension/Disciplinary Action)

Legal Reference: EDUCATION CODE
200-262.4 Prohibition of discrimination
32282 Comprehensive safety plan
32283.5 Bullying; online training
35181 Governing board policy on responsibilities of students
35291-35291.5 Rules
48900-48925 Suspension or expulsion
48985 Translation of notices
52060-52077 Local control and accountability plan
PENAL CODE
422.55 Definition of hate crime
647 Use of camera or other instrument to invade person's privacy; misdemeanor
647.7 Use of camera or other instrument to invade person's privacy; punishment
653.2 Electronic communication devices, threats to safety
CODE OF REGULATIONS, TITLE 5
4600-4687 Uniform complaint procedures
UNITED STATES CODE, TITLE 47
254 Universal service discounts (e-rate)
CODE OF FEDERAL REGULATIONS, TITLE 28
35.107 Nondiscrimination on basis of disability; complaints
CODE OF FEDERAL REGULATIONS, TITLE 34
104.7 Designation of responsible employee for Section 504
106.8 Designation of responsible employee for Title IX
110.25 Notification of nondiscrimination on the basis of age
COURT DECISIONS
Wynar v. Douglas County School District, (2013) 728 F.3d 1062
J.C. v. Beverly Hills Unified School District, (2010) 711 F.Supp.2d 1094
Lavine v. Blaine School District, (2002) 279 F.3d 719
Management Resources:
CSBA PUBLICATIONS
Final Guidance: AB 1266, Transgender and Gender Nonconforming Students, Privacy, Programs, Activities & Facilities, Legal Guidance, March 2014
Providing a Safe, Nondiscriminatory School Environment for Transgender and Gender-Nonconforming Students, Policy Brief, February 2014
Addressing the Conditions of studentren: Focus on Bullying, Governance Brief, December 2012
Safe Schools: Strategies for Governing Boards to Ensure Student Success, 2011
Building Healthy Communities: A School Leaders Guide to Collaboration and Community Engagement, 2009
Cyberbullying: Policy Considerations for Boards, Policy Brief, rev. July 2010
CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS
Bullying Module
California's Social and Emotional Learning: Guiding Principles, 2018
Social and Emotional Learning in California: A Guide to Resources, 2018

Health Education Content Standards for California Public Schools: Kindergarten Through Grade Twelve, 2008
Bullying at School, 2003
CALIFORNIA OFFICE OF THE ATTORNEY GENERAL PUBLICATIONS
Promoting a Safe and Secure Learning Environment for All: Guidance and Model Policies to Assist Califonia K-12 Schools in Responding to Immigration Issues, April 2018
U.S. DEPARTMENT OF EDUCATION, OFFICE FOR CIVIL RIGHTS PUBLICATIONS
Guidance to America's Schools: Bullying of Students with Disabilities, October 2014
Dear Colleague Letter: Responding to Bullying of Students with Disabilities, October 2014
Dear Colleague Letter: Guidance on School's Obligations to Protect Students from Student-on-Student Harassment on the Basis of Sex; Race, Color and National Origin; and Disability, October 26, 2010
Dear Colleague Letter: Harassment and Bullying, October 2010
WEB SITES
CSBA: http://www.csba.org
California Department of Education, Safe Schools Office: http://www.cde.ca.gov/ls/ss
California Office of the Attorney General: http://oag.ca.gov
Center on Great Teachers and Leaders: http://gtlcenter.org
Collaborative for Academic Social and Emotional Learning: http://casel.org
Common Sense Media: http://www.commonsensemedia.org
National School Safety Center: http://www.schoolsafety.us
Partnership for studentren and Youth: http://www.partnerforstudentren.org
U.S. Department of Education: http://www.ed.gov

Policy Adopted: 8/8/2012; MERCED COUNTY OFFICE OF EDUCATION
Revised: 10/26/16, 8/22/18, 12/12/19 Merced, California

Nondiscrimination/Harassment
Students Policy 5145.3
The Merced County Office of Education (MCOE) desires to provide a safe school environment that allows all students equal access and opportunities in the MCOE's academic, extracurricular, and other educational support programs, services, and activities. MCOE prohibits, at any MCOE school or school activity, unlawful discrimination, including discriminatory harassment, intimidation, and bullying targeted at any student by anyone, based on the student's actual or perceived race, color, ancestry, national origin, nationality, ethnicity, ethnic group identification, age, religion, marital or parental status, physical or mental disability, sex, sexual orientation, gender, gender identity, or gender expression or association with a person, or group with one or more of these actual or perceived characteristics.

This policy shall apply to all acts related to school activity or to school attendance occurring within a MCOE school, and to acts which occur off campus or outside of school-related or school-sponsored activities but which may have an impact or create a hostile environment at school. (Education Code 234.1)

(cf. 0410 - Nondiscrimination in MCOE Programs and Activities)
(cf. 5131 – Conduct)
(cf. 5131.2 – Bullying)
(cf. 5137 – Positive School Climate)
(cf. 5145.9 - Hate-Motivated Behavior)
(cf. 5146 – Married/Pregnant/Parenting Students)
(cf. 6164.6 - Identification and Education under Section 504)

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

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

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

(cf. 1312.3 - Uniform Complaint Procedures)
(cf. 1330 - Use of Facilities)
(cf. 4331 - Staff Development)
(cf. 6145 - Extracurricular and Cocurricular Activities)

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

The school or program administrator or designee shall develop a plan to provide students with appropriate accommodations when necessary for their protection from threatened or potentially harassing or discriminatory behavior.

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

(cf. 4118 - Suspension/Disciplinary Action)
(cf. 4119.21/4219.21/4319.21 – Professional Standards)

(cf. 4218 - Dismissal/Suspension/Disciplinary Action)
(cf. 5144 - Discipline)
(cf. 5144.1 - Suspension and Expulsion/Due Process)
(cf. 5144.2 - Suspension and Expulsion/Due Process (Students with Disabilities))
(cf. 5145.2 – Freedom of Speech/Expression)

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

(cf. 3580 – MCOE Records)

Legal Reference:
EDUCATION CODE
200-262.4 Prohibition of discrimination
48900.3 Suspension or expulsion for act of hate violence
48900.4 Suspension or expulsion for threats or harassment
48904 Liability of parent/guardian for willful student misconduct
48907 Student exercise of free expression
48950 Freedom of speech
48985 Translation of notices
49020-49023 Athletic programs
51500 Prohibited instruction or activity
51501 Prohibited means of instruction
60044 Prohibited instructional materials
CIVIL CODE
1714.1 Liability of parents/guardians for willful misconduct of minor
PENAL CODE
422.55 Definition of hate crime
422.6 Crime, harassment
CODE OF REGULATIONS, TITLE 5
432 Student record
4600-4687 Uniform complaint procedures
4900-4965 Nondiscrimination in elementary and secondary education programs
UNITED STATES CODE, TITLE 20
1681-1688 Title IX of the Education Amendments of 1972
12101-12213 Title II equal opportunity for individuals with disabilities
UNITED STATES CODE, TITLE 29
794 Section 504 of Rehabilitation Act of 1973
UNITED STATES CODE, TITLE 42
2000d-2000e-17 Title VI & VII Civil Rights Act of 1964 as amended
2000h-2-2000h-6 Title IX, of the Civil Rights Act of 1964
6101-6107 Age Discrimination Act of 1975
CODE OF FEDERAL REGULATIONS, TITLE 28
35.107 Nondiscrimination on basis of disability; complaints
CODE OF FEDERAL REGULATIONS, TITLE 34
99.31 Disclosure of personally identifiable information
100.3 Prohibition of discrimination on basis of race, color or national origin

104.7 Designation of responsible employee for Section 504
106.8 Designation of responsible employee for Title IX
106.9 Notification of nondiscrimination on basis of sex
COURT DECISIONS
Donovan v. Poway Unified School District, (2008) 167 Cal.App.4th 567
Flores v. Morgan Hill Unified School District, (2003) 324 F.3d 1130

Management Resources:
CSBA PUBLICATIONS
Providing a Safe, Nondiscriminatory School Environment for Transgender and Gender-Nonconforming Students, Policy Brief, February 2014
Final Guidance Regarding Transgender Students, Privacy, and Facilities, March 2014
Safe Schools: Strategies for Governing Boards to Ensure Student Success, 2011
FIRST AMENDMENT CENTER PUBLICATIONS
Public Schools and Sexual Orientation: A First Amendment Framework for Finding Common Ground, 2006
NATIONAL SCHOOL BOARDS ASSOCIATION PUBLICATIONS
Dealing with Legal Matters Surrounding Students' Sexual Orientation and Gender Identity, 2004
U.S. DEPARTMENT OF EDUCATION, OFFICE FOR CIVIL RIGHTS PUBLICATIONS
Dear Colleague Letter: Transgender Students, May 2016
Examples of Policies and Emerging Practices for Supporting Transgender Students, May 2016
Dear Colleague Letter: Title IX Coordinators, April 2015
Dear Colleague Letter: Harassment and Bullying, October 2010
Notice of Non-Discrimination, January 1999
WEB SITES
CSBA: http://www.csba.org
California Department of Education: http://www.cde.ca.gov
California Safe Schools Coalition: http://www.casafeschools.org
First Amendment Center: http://www.firstamendmentcenter.org
National School Boards Association: http://www.nsba.org
U.S. Department of Education, Office of Civil Rights: http://www.ed.gov/about/offices/list/ocr

Policy Adopted: 12/9/2009; MERCED COUNTY OFFICE OF EDUCATION
Revised: 8/24/11, 5/11/16, 1/25/17 Merced, California

SEXUAL HARASSMENT INCLUDES MANY FORMS OF OFFENSIVE BEHAVIORS

BEHAVIORS THAT MAY BE SEXUAL HARASSMENT:

1. *Unwanted sexual advances*
2. *Offering employment benefits in exchange for sexual favors*
3. *Leering; gestures; or displaying sexually suggestive objects, pictures, cartoons, or posters*
4. *Derogatory comments, epithets, slurs, or jokes*
5. *Graphic comments, sexually degrading words, or suggestive or obscene messages or invitations*
6. *Physical touching or assault, as well as impeding or blocking movements*

Actual or threatened retaliation for rejecting advances or complaining about harassment is also unlawful.

Employees or job applicants who believe that they have been sexually harassed or retaliated against may file a complaint of discrimination with DFEH within one year of the last act of harassment or retaliation. DFEH serves as a neutral fact-finder and attempts to help the parties voluntarily resolve disputes. If DFEH finds sufficient evidence to establish that discrimination occurred and settlement efforts fail, the Department may file a civil complaint in state or federal court to address the causes of the discrimination and on behalf of the complaining party. DFEH may seek court orders changing the employer's policies and practices, punitive damages, and attorney's fees and costs if it prevails in litigation. Employees can also pursue the matter through a private lawsuit in civil court after a complaint has been filed with DFEH and a Right-to-Sue Notice has been issued.

THE MISSION OF THE DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING IS TO PROTECT THE PEOPLE OF CALIFORNIA FROM UNLAWFUL DISCRIMINATION IN EMPLOYMENT, HOUSING AND PUBLIC ACCOMMODATIONS, AND FROM THE PERPETRATION OF ACTS OF HATE VIOLENCE AND HUMAN TRAFFICKING.

FOR MORE INFORMATION

Department of Fair Employment and Housing
Toll Free: (800) 884-1684
TTY: (800) 700-2320
Online: www.dfeh.ca.gov

Also find us on:

If you have a disability that prevents you from submitting a written pre-complaint form on-line, by mail, or email, the DFEH can assist you by scribing your pre-complaint by phone or, for individuals who are Deaf or Hard of Hearing or have speech disabilities, through the California Relay Service (711), or call us through your VRS at (800) 884-1684 (voice).

To schedule an appointment, contact the Communication Center at (800) 884-1684 (voice or via relay operator 711) or (800) 700-2320 (TTY) or by email at contact.center@dfeh.ca.gov.

The DFEH is committed to providing access to our materials in an alternative format as a reasonable accommodation for people with disabilities when requested.

Contact the DFEH at (800) 884-1684 (voice or via relay operator 711), TTY (800) 700-2320, or contact.center@dfeh.ca.gov to discuss your preferred format to access our materials or webpages.

DFEH-185-ENG / April 2017

DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING

SEXUAL HARASSMENT

THE FACTS

Sexual harassment is a form of discrimination based on sex/gender (including pregnancy, childbirth, or related medical conditions), gender identity, gender expression, or sexual orientation. Individuals of any gender can be the target of sexual harassment. Unlawful sexual harassment does not have to be motivated by sexual desire. Sexual harassment may involve harassment of a person of the same gender as the harasser, regardless of either person's sexual orientation or gender identity.

THERE ARE TWO TYPES OF SEXUAL HARASSMENT

1. *"Quid pro quo"* (Latin for "this for that") sexual harassment is when someone conditions a job, promotion, or other work benefit on your submission to sexual advances or other conduct based on sex.
2. *"Hostile work environment"* sexual harassment occurs when unwelcome comments or conduct based on sex unreasonably interfere with your work performance or create an intimidating, hostile, or offensive work environment. You may experience sexual harassment even if the offensive conduct was not aimed directly at you.

The harassment must be severe or pervasive to be unlawful. That means that it alters the conditions of your employment and creates an abusive work environment. A single act of harassment may be sufficiently severe to be unlawful.

CIVIL REMEDIES:

1. *Damages for emotional distress from each employer or person in violation of the law*
2. *Hiring or reinstatement*
3. *Back pay or promotion*
4. *Changes in the policies or practices of the employer*

EMPLOYER RESPONSIBILITY & LIABILITY

All employers, regardless of the number of employees, are covered by the harassment provisions of California law. Employers are liable for harassment by their supervisors or agents. All harassers, including both supervisory and non-supervisory personnel, may be held personally liable for harassment or for aiding and abetting harassment. The law requires employers to take reasonable steps to prevent harassment. If an employer fails to take such steps, that employer can be held liable for the harassment. In addition, an employer may be liable for the harassment by a non-employee (for example, a client or customer) of an employee, applicant, or person providing services for the employer. An employer will only be liable for this form of harassment if it knew or should have known of the harassment, and failed to take immediate and appropriate corrective action.

Employers have an affirmative duty to take reasonable steps to prevent and promptly correct discriminatory and harassing conduct, and to create a workplace free of harassment.

A program to eliminate sexual harassment from the workplace is not only required by law, but it is the most practical way for an employer to avoid or limit liability if harassment occurs.

ALL EMPLOYERS MUST TAKE THE FOLLOWING ACTIONS TO PREVENT HARASSMENT AND CORRECT IT WHEN IT OCCURS:

① Distribute copies of this brochure or an alternative writing that complies with Government Code 12950. This pamphlet may be duplicated in any quantity.

② Post a copy of the Department's employment poster entitled "California Law Prohibits Workplace Discrimination and Harassment."

③ Develop a harassment, discrimination, and retaliation prevention policy in accordance with 2 CCR 11023. The policy must:

- Be in writing.
- List all protected groups under the FEHA.
- Indicate that the law prohibits coworkers and third parties, as well as supervisors and managers with whom the employee comes into contact, from engaging in prohibited harassment.
- Create a complaint process that ensures confidentiality to the extent possible; a timely response; an impartial and timely investigation by qualified personnel; documentation and tracking for reasonable progress; appropriate options for remedial actions and resolutions; and timely closures.
- Provide a complaint mechanism that does not require an employee to complain directly to their immediate supervisor. That complaint mechanism must include, but is not limited to including: provisions for direct communication, either orally or in writing, with a designated company representative; and/or a complaint hotline; and/or access to an ombudsperson; and/or identification of DFEH and the United States Equal Employment Opportunity Commission as additional avenues for employees to lodge complaints.
- Instruct supervisors to report any complaints of misconduct to a designated company representative, such as a human resources manager, so that the company can try to resolve the claim internally. Employers with 50 or more employees are required to include this as a topic in mandated sexual harassment prevention training (see 2 CCR 11024).
- Indicate that when the employer receives allegations of misconduct, it will conduct a fair, timely, and thorough investigation that provides all parties appropriate due process and reaches reasonable conclusions based on the evidence collected.
- Make clear that employees shall not be retaliated against as a result of making a complaint or participating in an investigation.

④ Distribute its harassment, discrimination, and retaliation prevention policy by doing one or more of the following:

- Printing the policy and providing a copy to employees with an acknowledgement form for employees to sign and return.
- Sending the policy via email with an acknowledgment return form.
- Posting the current version of the policy on a company intranet with a tracking system to ensure all employees have read and acknowledged receipt of the policy.
- Discussing policies upon hire and/or during a new hire orientation session.
- Using any other method that ensures employees received and understand the policy.

⑤ If the employer's workforce at any facility or establishment contains ten percent or more of persons who speak a language other than English as their spoken language, that employer shall translate the harassment, discrimination, and retaliation policy into every language spoken by at least ten percent of the workforce.

⑥ In addition, employers who do business in California and employ 50 or more part-time or full-time employees must provide at least two hours of sexual harassment training every two years to each supervisory employee and to all new supervisory employees within six months of their assumption of a supervisory position.

California Ed Code for Student Discipline

Students who display inappropriate behavior may be subject to suspension as outlined in the California State Education Code 48900 and 48915. A student may be suspended or expelled for acts which are related to school activity or attendance while on the school grounds, while going to or coming from school, during the lunch period whether on or off campus, and during or while going to or coming from a school sponsored activity.

EDUCATION CODE, SECTION 48900:

A student who has committed the following acts is subject to discipline by suspension or expulsion:
(a)(1) Caused, attempted to cause, or threatened to cause physical injury to another person.
(a)(2) Willfully used force or violence upon the person of another, except in self-defense.
(b) Possessed, sold or otherwise furnished any firearm, knife, explosive, or other dangerous object unless, in the case of possession of any such object, the pupil had obtained written permission to possess the item from a certificated school employee, which is concurred in by the principal or the designee of the principal.
(c) Unlawfully possessed, used, sold, or otherwise furnished, or been under the influence of, any controlled substance listed in Chapter 2 (commencing with Section 11053) of Division 10 of the Health and Safety Code, an alcoholic beverage, or an intoxicant of any kind.
(d) Unlawfully offered, arranged, or negotiated to sell any controlled substance listed in Chapter 2 (commencing with Section 11053) of Division 10 of the Health and Safety Code, an alcoholic beverage, or an intoxicant of any kind, and then either sold, delivered, or otherwise furnished to any person another liquid, substance, or material and represented the liquid, substance, or material as a controlled substance, alcoholic beverage, or intoxicant.
(e) Committed or attempted to commit robbery or extortion.
(f) Caused or attempted to cause damage to school property or private property.
(g) Stole or attempted to steal school property or private property.
(h) Possessed or used tobacco, or any products containing tobacco or nicotine products, including, but not limited to, cigarettes, cigars, miniature cigars, clove cigarettes, smokeless tobacco, snuff, chew packets, and betel. However, this section does not prohibit use or possession by a pupil of his or her own prescription products.
(i) Committed an obscene act or engaged in habitual profanity or vulgarity.
(j) Unlawfully possessed or unlawfully offered, arranged, or negotiated to sell any drug paraphernalia, as defined in Section 11014.5 of the Health and Safety Code.
(k) Disrupted school activities or otherwise willfully defied the valid authority of supervisors, teachers, administrators, school officials, or other school personnel engaged in the performance of their duties.
(l) Knowingly received stolen school property or private property.
(m) Possessed an imitation firearm. As used in this section, means a replica of a firearm that is so substantially similar in physical properties to an existing firearm as to lead a reasonable person to conclude that the replica is a firearm.
(n) Committed or attempted to commit a sexual assault as defined in Section 261,266c, 286, 288, 288a, or 289 of the Penal Code or committed a sexual battery as defined in Section 243.4 of the Penal Code.
(o) Harassed, threatened, or intimidated a pupil who is a complaining witness or witness in a school disciplinary proceeding for the purpose of either preventing that pupil from being a witness or retaliating against that pupil for being a witness, or both.
(p) Unlawfully offered, arranged to sell, negotiated to sell, or sold the prescription drug Soma.
(q) Engaged in, or attempted to engage in, hazing as defined in Section 32050.
(r) Engaged in an act of bullying, including, but not limited to, bullying

Committed by means of an electronic act, as defined in subdivisions (f) and (g) of Section 32261, directed specifically toward a pupil or school personnel.
(s) A pupil may not be suspended or expelled for any of the acts enumerated unless that act is related to school activity or school attendance occurring within a school under the jurisdiction of the superintendent or principal or occurring within any other school district. A pupil may be suspended or expelled for acts that are enumerated in this section and related to school activity or attendance that occur at any time, including, but not limited to, any of the following.

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

(t) A pupil who aids or abets, as defined in Sec. 31 of the Penal Code, the infliction or attempted infliction of physical injury to another person may suffer suspension, but not expulsion, pursuant to the provisions of this section, except that a pupil who has been adjudged by a juvenile court to have committed, as an aider and abettor, a crime of physical violence in which the victim suffered great bodily injury or serious bodily injury shall be subject to discipline pursuant to subdivision (a).

EDUCATION CODE 48900.2: SEXUAL HARASSMENT:
In addition to the reasons specified in Section 48900, a pupil may be suspended from school or recommended for expulsion if the superintendent or the principal of the school in which the pupil is enrolled determines that the pupil has committed sexual harassment as defined in Section 212.5. For the purpose of this chapter, the conduct described in Section 212.5 must be considered by a reasonable person of the same gender as the victim to be sufficiently severe or pervasive to have a negative impact upon the individual's academic performance or to create an intimidating, hostile, or offensive education environment. This section shall not apply to pupils enrolled in kindergarten and grades 1 to 3, inclusive. (Add. Stats. 1992, Ch. 909).

EDUCATION CODE 48900.3: HATE VIOLENCE:
In addition to the reasons specified in Sections 48900 and 48900.2 a pupil in any of grades 4 to 12, inclusive, may be suspended from school or recommended for expulsion if the superintendent or the principal of the school in which the pupil is enrolled determines that the pupil has caused, attempted to cause, threatened to cause, or participated in an act of, hate violence.

EDUCATION CODE 48900.4: HARASSMENT, THREATS, OR INTIMIDATION:
In addition to the grounds specified in Sections 48900 and 48900.2, a pupil enrolled in any of grades 4 to 12, inclusive, may be suspended from school or recommended for expulsion if the superintendent or the principal of the school in which the pupil is enrolled determines that the pupil has intentionally engaged in harassment, threats, or intimidation, directed against school district personnel or pupils, that is sufficiently severe or pervasive to have the actual and reasonably expected effect of materially disrupting class-work, creating an intimidating or hostile educational environment.

A pupil may not be suspended or expelled for any of the acts enumerated unless that act is related to school activity or school attendance occurring within a school under the jurisdiction of the superintendent or principal or occurring within any other school district. A pupil may be suspended or expelled for acts that are enumerated in this section and related to school activity or expelled for acts which are enumerated in this section and related to school activity or attendance that occur at any time, including, but not limited to, any of the following:

(1) While on school grounds.
(2) While going to or coming from school.

(3) During lunch period whether on or off the campus.
(4) During, or while going to or coming from, a school sponsored activity.
It is the intent of the Legislature that alternatives to suspensions or expulsion be imposed against any pupil who is truant, tardy, or otherwise absent from school activities.

EDUCATION CODE 48900.5: REQUIRED OTHER MEANS OF CORRECTION/EXCEPTIONS:
"At the very minimum...students who are threatened with removal from school, depriving them of the fundamental right to a publicly financed education, are entitled to notice of the grounds for the removal and an opportunity to be heard." (Goss v. Lopez)
Suspension shall be imposed only when other means of correction fail to bring about proper conduct. However, a pupil, including an individual with exceptional needs as defined in Section 56026, may be suspended for any of the reasons enumerated in Section 48900 upon a first offense, if the principal or superintendent of schools determines that the pupil violated subdivision (a), (b), (c), (d), or (e) of Section 48900 or that the pupil's presence causes a danger to persons or property or threatens to disrupt the instructional process.

EDUCATION CODE 48900.6: DISCIPLINARY ACTION/COMMUNITY SERVICE:
Instead of disciplinary action prescribed by this article, the principal of a school, the principal's designee, or the
superintendent of schools, or the governing board, may require a pupil to perform community service on school grounds during non-school hours. For the purposes of this section "community service" may include, but is not limited to, work performed on school grounds in the areas of outdoor beautification, campus betterment, and teacher or peer assistance programs. This section shall not apply to instance where suspension or expulsion is required by this article. (Add. Stats. 1995, Ch. 972).

EDUCATION CODE 48900.7: SUSPENSION OR EXPULSION FOR TERRORISTIC THREATS:
(a) In addition to the reasons specified in Sections 48900, 48900.2, 48900.3, and 48900.4, a pupil may be suspended from school or recommended for expulsion if the superintendent or the principal of the school in which the pupil is enrolled determines that the pupil has made terroristic threats against school officials or school property, or both.
(b) For the purposes of this section, "terroristic threat" shall include any statement, whether written or oral, by a person who willfully threatens to commit a crime which will result in death, great bodily injury to another person, or property damage in excess of one thousand dollars ($1,000), with the specific intent that the statement is to be taken as a threat, even if there is no intent of actually carrying it out, which, on its face and under the circumstances in which it is made, is so unequivocal, unconditional, immediate, and specific as to convey to the person threatened, a gravity of purpose and an immediate prospect of execution of the threat, and thereby causes that person reasonably to be in sustained fear for his or her own safety or for his or her immediate family's safety, or for the protection of school district property, or the personal property of the person threatened or his or her immediate family. (Add. Stats. 1997, Ch. 405)

EDUCATION CODE 48900.8: SUSPENSION, EXPULSION, PARENT NOTIFICATION AND STATE DEPARTMENT OF EDUCATION REPORT:
For purposes of notification to parents, and for the reporting of expulsion or suspension offenses to the State Department of Education, each school district shall specifically identify, by offense committed, in all appropriate official records of a pupil each suspension or expulsion of that pupil for the commission of any of the offenses set forth in subdivisions (a) to (o), inclusive, of subdivision (a) of, or paragraphs (1) to (4), inclusive of subdivision (c) of, Section 48915. (Add Stats. 1997, Ch637).

EDUCATION CODE SECTION 48915:

(a) Mandatory Recommendations, Permissive Expulsions: Except as provided in subdivisions (c) and (e) the principal or the superintendent of schools shall recommend the expulsion of a pupil for any of the following acts committed at school or at a school activity off school grounds, unless the principal or superintendent finds that expulsion is inappropriate, due to the particular circumstance:
(1) Causing serious physical injury to another person, except in self-defense.
(2) Possession of any knife, explosive, or other dangerous object of no reasonable use to the pupil.
(3) Unlawful possession of any controlled substance listed in Chapter 2 (commencing with Section 1053) of Division 10 of the Health and Safety Code, except for the first offense for the possession of not more than one avoirdupois ounce of marijuana, other than concentrated cannabis. (For second offense, any amount, expulsion recommendation is mandatory. (AR 5131.6)
(4) Robbery or extortion.
(5) Assault or battery, as defined in Sections 240 and 242 of the Penal Code, upon any school employee.
(b) Dual finding required for 48915(a) and 48900(a), (b), (c), (d) and (e): Upon recommendation by the principal, superintendent of schools, or by a hearing officer or administrative panel appointed pursuant to subdivision (d) of
Section 48918, the governing board may order a pupil expelled upon finding that the pupil committed an act listed in subdivision (a) or in subdivision (a), (b), (c), (d), or (e) of section 48900. A decision to expel shall be based on a finding of one or both of the following:
(1) Other means of correction are not feasible or have repeatedly failed to bring about proper conduct.
(2) Due to the nature of the act, the presence of the pupil causes a continuing danger to the physical safety of the pupil or others.
(c) Mandatory Expulsions (one year from date of expulsion): Principal or superintendent of schools shall immediately suspend, pursuant to Section 48911, and shall recommend expulsion of a pupil that he or she determines has committed any of the following acts at school or at a school activity off school grounds:
(1) Possessing, selling, or otherwise furnishing a firearm. This subdivision does not apply to an act of possessing a fire arm if the pupil had obtained prior written permission to possess the firearm from a certificated school employee, which is concurred in by the principal or the designee of the principal. This subdivision applies to an act of possessing a firearm only if the possession is verified by an employee of a school district.
(2) Brandishing a knife at another person. As used in this section, “knife” means any dirk, dagger, or other weapon with a fixed, sharpened blade fitted primarily for stabbing, a weapon with a blade longer than 3 ½ inches, a folding knife with a blade (any size) that locks into place, or a razor with an unguarded blade.
(3) Unlawfully selling a controlled substance listed in Chapter 2 (commencing with Section 11053) of Division 10 of the Health and Safety Code. (any amount)
(4) Committing or attempting to commit a sexual assault as defined in subdivision (n) of Section 48900 or committing a sexual battery as defined in subdivision (n) of Section 48900.
(5) Possession of an explosive.

Laws and Education Code Pertaining to School Attendance
Attendance
California's Compulsory Education Law – California's compulsory education laws require studentren between 6 and 18 years of age to attend school, with a limited number of specified exceptions. Under state law, a pupil who, without a valid excuse, is absent from school for three full days in one school year, or is tardy or absent for more than 30 minutes during the school day on three occasions in one school year, is considered truant. Once a student is designated a truant, state law requires schools, districts, counties, and courts to intervene to ensure that parents and pupils receive certain services to assist them in complying with attendance laws. When these various interventions fail—meaning parents or guardians still do not send a student to school or a student misses an unlawful amount of school—the matter is

referred to the courts. Courts can then use penalties or other measures to seek compliance. Essentially, these various interventions exist to ensure that pupils remain in school and that a pattern is not established that could lead to their dropping out of school later in their educational career.

California Education Code 48200 – Each person between the ages of 6 and 18 years not exempted under the provisions of this chapter or Chapter 3 (commencing with Section 48400) is subject to compulsory full-time education. Each person subject to compulsory full-time education and each person subject to compulsory continuation education not exempted under the provisions of Chapter 3 (commencing with Section 48400) shall attend the public full-time day school or continuation school or classes and for the full time designated as the length of the school day by the governing board of the school district in which the residency of either the parent or legal guardian is located and each parent, guardian, or other person having control or charge of the pupil shall send the pupil to the public full-time day school or continuation school or classes and for the full-time designated as the length of the school day by the governing board of the school district in which the residence of either the parent or legal guardian is located. Unless otherwise provided for in this code, a pupil shall not be enrolled for less than the minimum school day established by law.

Truancy and Habitual Truants
California Education code 48260. (a) – A pupil subject to compulsory full-time education or to compulsory continuation education who is absent from school without a valid excuse three full days in one school year or tardy or absent for more than a 30-minute period during the school day without a valid excuse on three occasions in one school year, or any combination thereof, shall be classified as a truant and shall be reported to the attendance supervisor or to the superintendent of the school district.

California Education Code 48262 – Any pupil is deemed an habitual truant who has been reported as a truant three or more times per school year, provided that no pupil shall be deemed an habitual truant unless an appropriate district officer or employee has made a conscientious effort to hold at least one conference with a parent or guardian of the pupil and the pupil himself, after the filing of either of the reports required by Section 48260 or Section 48261. For purposes of this section, a conscientious effort means attempting to communicate with the parents of the pupil at least once using the most cost-effective method possible, which may include electronic mail or a telephone call.

ACKNOWLEDGMENT PAGE

By signing below, I verify that:

- I have read and understand the content of the school Student-Family Handbook.
- I will abide by the rules and expectations of the school.
- I will follow the dress code.
- I will come to school daily (or at my appointment) and on time.
- I will do my own work in class and complete my homework as assigned.
- I will respect myself, my school, my peers and the staff.
- I will follow the cell phone device policy.

_____

Student – PRINT NAME

_____

Student Signature Date

_____

Parent/Guardian Signature Date

This page will be added to the student's office file