



East Side Union High School District
2023-2024
Student-Parent Handbook
&
Annual Notifications

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East Side Union High School District
830 North Capitol Avenue
San Jose, CA. 95133



www.esuhsd.org

TABLE OF CONTENTS

Board of Trustees1

Parent Student Acknowledgment Form 2

Core Values & Equitable Communities3

Interpretation and Translation Services 4

Instructional Calendar 5

School Accountability Report Cards (SARC) 6

Student Information Release Form 7

Refusal for Photographs, Videos and other - Opt-out Form 8

California College Guidance Initiative (CCGI) - Opt-out Form 9

GPA Submission to CSAC - Opt-out Form 11

CA Healthy Youth ACT (CHYA) 12

District Residency – Board Policy 5111.1 13

Health Services & Requirements 17

Parents’ Guide to Immunizations 20

Attendance 21

Monitor your student’s progress 23

A-G Requirements 25

Spartan East Side Promise 27

Assembly Bill 469 29

Career Services & Magnet Programs..... 32-33

Parent Involvement – Board Policy 6020 34

Student Rights and Responsibilities - Board Policy 5000 38

Parent Rights and Responsibilities - Board Policy 5020 44

Parental Notifications - Board Policy 5145.6 46

Structured English Immersion Program 52

Title I federal funds through the Elementary and Secondary Education Act (ESEA) 53

Alternative Academic Programs 54

Assessments 55

Golden State Seal Merit Diploma & CA State Seal of Biliteracy	58
Discipline - Board Policy 5144	60
Suspension and Expulsion/Due Process - Board Policy 5144.1	66
Conduct - Board Policy 5131	74
District Uniform Behavior Responses	79
Student Records - Board Policy 5125	80
Nondiscrimination/Harassment – Board Policy 5145.3	84
Immigration-Enforcement Actions Brochure	88-89
Pregnant or Parenting?	90
Married/Pregnant/Parenting Students - Board Policy 5146	92
Sexual Harassment - Board Policy 5145.7	99
Title IX Sexual Harassment Complaint Procedures – Administrative Regulation 5145.71	103
Complaints concerning District Employees – Administrative Regulation 1312.1	112-114
Uniform Complaint Procedures - Board Policy 1312.3	115-126
Williams Complaint Procedures - Administrative Regulation 1312.4	127-134
Firearms Safety Memorandum	135
Healthy Schools Act - Annual Notification	137

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Preparing every student to thrive in a global society.

**PARENT/STUDENT ACKNOWLEDGEMENT FORM
PARENT/STUDENT HANDBOOK**

Dear Parent/Guardian:

Education Code 48980 (a) states that School Boards are required by law to notify parents of their rights to services and programs offered by their district school/schools. Parents/Guardians must sign a notification form and return it to their children's schools acknowledging that they have been informed of their rights.

Please sign and return to your child's school the below portion acknowledging receipt of the new Parent/Student Handbook.

Your signature does not constitute consent to take part in any particular program.

RECEIPT OF ANNUAL NOTIFICATION OF PARENT/STUDENT HANDBOOK

I acknowledge, with my signature below, the receipt of the required annual notification of parent/ student rights on behalf of my son/daughter.

Please PRINT the name, birth date and student ID number of your child.

Last Name	Middle Initial	First Name
-----------	----------------	------------

Birthdate	ID#
-----------	-----

Signature of Parent/Guardian	Date	Signature of Student (Grades 9-12)
------------------------------	------	------------------------------------

PLEASE RETURN THIS RECEIPT TO YOUR SCHOOL

CORE VALUES

COMMITMENT TO EXCELLENCE:

We believe in continuous improvement through a culture of openness, inquiry and collaboration. We honor those who take responsibility, demonstrate creativity and take initiative.

DIVERSITY:

We see diversity as a valuable asset that enriches our world-view and strengthens our community.

EQUITY:

We allocate resources, develop practices and cultivate mindsets to ensure that **each** student meets or exceeds standards.

INCLUSIVENESS:

We model personal and professional integrity through processes that are respectful, transparent and proactively engage parents, students, staff and community.

PROFESSIONAL CAPACITY:

We believe in and invest in the development of **each** employee and volunteer in our system

EQUITABLE EAST SIDE COMMUNITIES

As a district we are committed to building capacity amongst all staff members to ensure that equity and inclusion are essential principles of our school system.

Specifically, we will build capacity to attain equitable ESUHSD communities where:

- **ALL** students are **welcomed** as they are
- **strengths** and areas of **growth for all students are known and supported**
- adults **positively respond** to the social-emotional, wellness, and academic needs of every student
- **ALL** students engage with **tasks** that develop the strategic thinking skills for **full participation** in their local communities and the global society.

East Side Union High School District prohibits unlawful discrimination (such as discriminatory harassment, intimidation or bullying) against any person in District programs and activities, based on the person's actual or perceived characteristics of race or ethnicity, color, ancestry, nationality, national origin, ethnic group identification, age, religion, marital or parental status, physical or mental disability, sex (including sexual harassment), sexual orientation, gender, gender identity, gender expression, or genetic information, immigration status, or any other characteristic identified in California Education Code sections 200 or 220, Government Code 11135, or Penal Code 422.55, or based on his/her association with a person or group with one or more of these actual or perceived characteristics. For questions or complaints, contact Clezel Sewell, Director of Equity, Diversity, and Inclusion, at 830 North Capitol Avenue, San Jose, CA 95133, (408) 347-5258, or email at sewellc@esuhsd.org.



INTERPRETATION AND TRANSLATION SERVICES

PARENT & COMMUNITY INVOLVEMENT SPECIALISTS

Andrew Hill HS
408-347-4294

Evergreen Valley HS
408-347-7052

Independence
408-928-9541

James Lick
408-347-4656

Mount Pleasant
408-937-2889

Oak Grove
408-347-6556

Piedmont Hills
408-347-3842

Santa Teresa
408-347-6233

Silver Creek
408-347-5631

WC Overfelt
408-347-5926

Yerba Buena
408-347-4716
408-347-4717

You are an important part of your child's education!

All parents have a right to information about District programs, services and activities in their primary language. East Side Union High School District is committed to providing services and staff assistance to ensure every parent has an opportunity to meaningfully participate in their child's education.

Need In-Person or On-the-Phone Language Assistance?

East Side Union High School District provides in-person or phone interpretation at no cost to assist our families with oral language assistance in their primary languages. We have contracted with Language Lines, Inc., a service with over 4,000 interpreters who speak more than 240 languages, to assist our families by phone. Each site also has site-based interpreters who provide interpretation in Spanish and Vietnamese.

If you require in-person oral language assistance at a school site, speak to, email, or call any staff member on campus and ask for in-person language assistance. The staff member will connect you with an available site interpreter. If no site interpreter is available, the staff member will call Language Lines, Inc., to identify an interpreter to assist you by phone.

If you require over-the-phone language assistance, speak to, email, or call any staff member on campus and ask for an interpreter by phone. The staff member will call Language Lines, Inc., to identify an interpreter to assist you.

Need Document Translation Assistance?

East Side Union High School District has contracted with Document Translation Services to assist our families with written language assistance in their primary languages.

Some examples of documents that are available for translation include:

- Registration and enrollment information
- Student discipline forms
- Documents pertaining to student behavior, such as Behavior Intervention Plans (BIPs)
- Individualized Education Program, and Section 504 plans
- Any form that requires parent signatures

If you have a document that you would like translated, please visit: <http://www.esuhd.org/Students--Parents/Language-Access/index.html> to upload your document.

A Parent & Community Involvement Specialist (PCIS) is also available at every school site to personally assist you with document translation services. Please email, call or speak to the PCIS or Administrator at your school if you have questions about the process.

EAST SIDE UNION HIGH SCHOOL DISTRICT INSTRUCTIONAL CALENDAR 2023-2024 CALENDAR



JULY					AUGUST					SEPTEMBER					OCTOBER					NOVEMBER					DECEMBER				
M	T	W	T	F	M	T	W	T	F	M	T	W	T	F	M	T	W	T	F	M	T	W	T	F	M	T	W	T	F
3	4	5	6	7	1	2	3	4						1	2	3	4	5	6			1	2	3					1
10	11	12	13	14	7	8	9	10	11	4	5	6	7	8	9	10	11	12	13	6	7	8	9	10	4	5	6	7	8
17	18	19	20	21	14	15	16	17	18	11	12	13	14	15	16	17	18	19	20	13	14	15	16	17	11	12	13	14	15
24	25	26	27	28	21	22	23	24	25	18	19	20	21	22	23	24	25	26	27	20	21	22	23	24	18	19	20	21	22
31					28	29	30	31		25	26	27	28	29	30	31				27	28	29	30		25	26	27	28	29
									21					20					17					16					15

JANUARY					FEBRUARY					MARCH					APRIL					MAY					JUNE				
M	T	W	T	F	M	T	W	T	F	M	T	W	T	F	M	T	W	T	F	M	T	W	T	F	M	T	W	T	F
1	2	3	4	5				1	2					1	1	2	3	4	5			1	2	3	3	4	5	6	7
8	9	10	11	12	5	6	7	8	9	4	5	6	7	8	8	9	10	11	12	6	7	8	9	10	10	11	12	13	14
15	16	17	18	19	12	13	14	15	16	11	12	13	14	15	15	16	17	18	19	13	14	15	16	17	17	18	19	20	21
22	23	24	25	26	19	20	21	22	23	18	19	20	21	22	22	23	24	25	26	20	21	22	23	24	24	25	26	27	28
29	30	31			26	27	28	29		25	26	27	28	29	29	30				27	28	29	30	31					
				17					16					20					17					21					

Total 180 Instructional Days (S1: 89/S2:91)

Student/Teacher Calendar	
Teacher Inservice	Aug 2, 2023
First Day of School	Aug 3, 2023
Labor Day	Sep 4, 2023
Fall Break	Oct 2-6, 2023
Veterans Day (Obsv'd)	Nov 10, 2023
Thanksgiving	Nov 20-24, 2023
Holiday Break	Dec 22, 2023-Jan 5, 2024
Martin Luther King, Jr.	Jan 15, 2024
Winter Break	Feb 19-23, 2024
César Chávez (Obsv'd)	Mar 29, 2024
Spring Break	Apr 1-5, 2024
Memorial Day	May 27, 2024
Last Day of School	May 30, 2024
Teacher Inservice	May 31, 2024

Grading Period Ends	Wks
September 15, 2023	7
November 3, 2023	6
December 21, 2023	6
February 16, 2024	6
April 12, 2024	6
May 30, 2024	7

Approved: 11/17/2022 Bd Mtg

School Accountability Report Cards (SARC)

An annual School Accountability Report Card (SARC) is produced for each California school. It provides valuable information for parents, teachers, administrators and the community, including: description of facilities, demographics, curriculum, special programs, academic and test data, teacher/staff information, school safety, fiscal data. **To obtain a free printed copy of your school's SARC, please contact your principal.**

Informe Escolar de Rendición de Cuentas (SARC)

Anualmente en todas las escuelas de California se produce un Informe Escolar de Rendición de Cuentas (SARC). Este informe ofrece informaciones importantes para los padres, los maestros, el personal administrativo y el resto de la comunidad, incluyendo: detalles sobre las instalaciones, la información demográfica actual, los planes de estudio, los programas especiales que se ofrecen, la información académica y los datos relacionados con los exámenes, la información sobre los maestros y el personal, así como también se ofrece la información relacionada con la seguridad escolar y la información fiscal disponible. **Para obtener una copia gratuita por escrito de este informe (SARC) sobre su escuela, favor de comunicarse con el/la Directora(a) de su escuela.**

Các Bản Báo Cáo Tổng Quát của Trường (SARC)

Bản Báo Cáo Tổng Quát Hàng Năm (gọi tắt là SARC) được soạn cho mỗi trường trong tiểu bang California. Nó cung cấp thông tin giá trị cho cha mẹ, giáo viên, quản trị viên và cộng đồng, bao gồm: mô tả cơ sở, sĩ số học sinh, chương trình giáo dục, chương trình đặc biệt, dữ liệu học tập và kiểm tra, thông tin giáo viên / nhân viên, an toàn trường học, dữ liệu tài chính. **Để có được một bản báo cáo SARC miễn phí về trường của con, xin quý vị vui lòng liên lạc với hiệu trưởng trường.**



STUDENT INFORMATION RELEASE FORM

Under Federal and State law, school districts may share student directory information with authorized individuals, organizations and/or officials. Pursuant to California Education Code section 49073, ESUHSU has identified the categories of information listed below as directory information that may be released to the officials and organizations named below. Parents of students 17 years or younger and adult students 18 years or older may request the school principal limit the release of directory information or not release directory information at all. The request to withhold the student directory information is applicable only to the current school year.

Additionally, pursuant to California Education Code Section 69432.9, each grade 12 student will be deemed a Cal Grant applicant, unless the student is opted out. For seniors who have not opted out, school districts are required to submit their grade point averages (GPAs) to the California Student Aid Commission (CSAC) for the purpose of determining Cal Grant eligibility and making appropriate financial aid awards for college. Without the GPA information verified by the school district, CSAC will not be able to determine your child's eligibility. Seniors who are 18 years of age or parents/guardians of seniors under 18 years of age may opt out of being automatically deemed a Cal Grant applicant.

PLEASE READ AND COMPLETE THE INFORMATION RELEASE FORM BELOW AND RETURN IT TO YOUR SCHOOL PRINCIPAL. UNLESS THIS FORM IS RETURNED, YOUR CHILD'S INFORMATION MAY BE RELEASED AS INDICATED.

**EAST SIDE UNION HIGH SCHOOL DISTRICT
 INFORMATION RELEASE FORM
 PARENT/STUDENT HANDBOOK 2020-2021**

SCHOOL NAME: _____ DATE: _____

STUDENT NAME: (Please Print)	Date of Birth:	ID#:
Address:	City:	
Zip Code:	Telephone Number:	

1. I **do not** wish to have **any** directory information released to **any** individual or organization.

OR

2. I request to withhold the directory information according to the box(es) I check below:

	DO NOT RELEASE
1. Name	
2. Address	
3. Date of Birth	
4. Dates of Attendance (e.g. academic year or semester)	
5. Current and most recent previous school(s)	
6. Degrees, honors, and awards received	

3. For 11th and 12th grade students only: I do not wish to release the name, address, and telephone number of the student named above to the agency or agencies I check below.

- ___ United States Armed Forces (Military) Recruiting Agencies
- ___ Colleges, Universities or Other Institutions of Higher Education
- ___ National Student Clearinghouse (to track college attendance)
- ___ College Board (PSAT and SAT Tests)

4. For 12th grade students only:

___ I do not want the GPA of the student named above submitted to the California Student Aid Commission.



REFUSAL FOR PHOTOGRAPHS, VIDEOS, AND OTHER RECORDINGS OPT-OUT REQUEST FORM

It is the policy of the East Side Union High School District to create student photos/images and written information for ID badges, the student information system and yearbook publications which may be transmitted in print and electronic form for school and school district uses. Throughout the school year, staff of the East Side Union High School District or members of the media may come to our classrooms or to school events in order to photograph students for District publications and displays, web site, news stories or similar purposes. If you **OBJECT** to having your child televised, voice recorded, video recorded, or photographed, please sign below and return this form to your school office.

I do not give my permission to the East Side Union High School to photograph, video, or voice record me/my child and to publish or transmit my/my child's image and recordings to any print or electronic media such as newspapers, television, pod cast and/or web sites. I do not give permission to the East Side Union High School District to include my/my child's name along with my images or recordings. I do not consent to the use of my/my child's name, photograph, video, audio, or other recordings, school work, and interview comments for the educational and promotional purposes of the East Side Union High School District. This refusal includes use of such materials in press releases, newsletters, web sites, computer software, slide shows, and audio/video presentations. My likeness/the likeness of my child may not be reproduced or transformed into an electronic format to which the general public may have access.

If you have no objection, you need not return this form.

Student Name _____

School _____

ID Number _____ DOB _____

Student's Signature _____

Parent's Signature _____ Date _____

(if student is under 18 years old)

PLEASE RETURN THIS FORM TO YOUR SCHOOL'S MAIN OFFICE.



Preparing every student to thrive in a global society.

California College Guidance Initiative (CCGI) – Notice and Opt-Out Form

August 2023

Dear Parent/Guardian:

The East Side Union High School District (ESUHSD) is working with the California College Guidance Initiative (CCGI), which operates under the auspices of the Foundation for California Community Colleges (CCGI/Foundation), to provide each student with a free web-based account that will help your child track his or her academic progress and identify college and university opportunities. CCGI manages CaliforniaColleges.edu, the State of California's official college and career planning platform.

Our district will provide CCGI/Foundation with student directory information, transcripts, demographics, and student ID numbers to establish student accounts. Students are also able to store in their CCGI accounts portfolio documents such as letters of recommendation, resumes, and commendations or awards. In addition, CCGI/Foundation supports data-sharing between our district and California higher education institutions (California State Universities, Universities of California, Community Colleges and some private universities) in which students are interested to help smooth the students' school transition from high school to higher education. This effort also will help our district monitor and improve programs that support your child.

Our district has a data sharing and services agreement in place that requires student data shared with CCGI to be stored securely, with all appropriate safeguards provided by federal and state law. CCGI may later release certain data to an individual college or university or scholarship provider that may offer an opportunity for your child, but only if your child is notified of the specific request and permits CCGI to release this information. Additionally, our district may release student data to nonprofit organizations that already provide college access services to the District and its students, but only where the data released relates to the service being provided.

Participation in CCGI is optional and requires your signature to opt-out. If you do not wish your student's information to be shared with CCGI, please fill out the form below and return it to your school's administrator. If you have any questions regarding our district's partnership with CCGI, please contact Martha Guerrero, Director of Instructional Services at 408-347-5060 or at guerrerom@esuhsd.org.

CCGI OPT OUT FORM

I wish to opt-out my student _____ from the CCGI program.
(Name of the Student)

Student Date of Birth: _____ Student ID Number _____

High School _____ Parent/Guardian Name: _____

Signature of Parent/Guardian: _____ Date: _____

Signature of Student (if 18 years of age or older) _____



Preparing every student to thrive in a global society.

Dear Parent/Guardian of an 11th grade student,

You are receiving this letter to notify you that under California Ed. Code all school districts are required to electronically submit a Cal Grant GPA for each 12th grader to the California Student Aid Commission (CSAC) for the purpose of determining a student's eligibility for financial aid unless a student opts out. The Cal Grant GPA is calculated using a student's grade point average for grades earned in 10th and 11th grades and determines if a student can qualify for free financial aid or loans for college, university or other post-high school training or education.

In addition, as part of the State of California's requirement that every graduating senior is connected to the financial resources they may need to pursue their education beyond high school, every grade 12 student will be deemed a Cal Grant applicant, potentially eligible for financial aid, unless the student opts out (CA Ed Code Section 69432.9). Part of this State of California requirement is that school districts must notify 11th graders of their right to opt out of being automatically deemed a Cal Grant applicant in 12th grade. If you decide to do so, please submit the opt out form to your school administration by August 15, 2024

For seniors who do not opt out, school districts are required to first submit their grade point averages (GPAs) to the California Student Aid Commission (CSAC) by the CSAC deadline of October 1st for the purpose of determining Cal Grant eligibility and making appropriate financial aid awards for post-secondary educational options such as college or vocational school/training. Without the GPA information verified by the school district, CSAC will not be able to determine the student's eligibility for financial aid.

If you want to opt out your minor student or if you are a student over 18 years of age and want to opt out of this release of information, please read, complete the form on the reverse side of this letter, and return it to your school administration. If this form is not returned by August 15, 2024, the student's information may be released as indicated above.

If you have questions and/or need assistance completing the opt out form, please reach out to your student's principal or counselor.

Respectfully,
Teresa Marquez
Associate Superintendent of Educational Services



Preparing every student to thrive in a global society.

EAST SIDE UNION HIGH SCHOOL DISTRICT

**OPT OUT FORM FOR
GPA SUBMISSION TO THE STUDENT AID COMMISSION (CSAC)**

This form serves as notification that the GPA information for the student listed below should not be submitted to the California Student Aid Commission (CSAC).

Student Name: _____ Grade: _____

Student ID Number : _____ School: _____

I understand that by submitting this opt out form, the student’s grade point average (GPA) information will not be submitted to the California Student Aid Commission (CSAC) and the student will not be deemed an automatic Cal Grant applicant. I understand that opting out may impact the student’s eligibility for state and federal financial aid.

Student Signature (if over 18 years of age) _____ Date: _____

Parent/Guardian Name (if student is a minor) _____ Date: _____

Parent/Guardian Signature (if student is a minor) _____ Date: _____

PLEASE SUBMIT THIS COMPLETED FORM TO THE SCHOOL ADMINISTRATION

For Office Use Only

Date Opt Out Form was received: _____ Staff initials: _____

Date Opt Out Form information was entered in SIS: _____ Staff initials: _____



Preparing every student to thrive in a global society.

Dear Parent/Guardian of an ESUHSD Student,

The California Healthy Youth Act (CHYA) (California Education Code sections 51930–51939) requires that comprehensive sexual health education and Human Immunodeficiency Virus (HIV) prevention education be taught to students at least once in middle school and once in high school. Instruction and materials must be medically accurate, objective, age appropriate and inclusive of all students, as defined by law. The law requires that instruction and materials must encourage students to communicate with parents, guardians or other trusted adults about human sexuality.

The California Healthy Youth Act has 5 primary purposes:

- To provide pupils with the knowledge and skills necessary to protect their sexual and reproductive health from HIV and other sexually transmitted infections and from unintended pregnancy.
- To provide pupils with the knowledge and skills they need to develop healthy attitudes concerning adolescent growth and development, body image, gender, sexual orientation, relationships, marriage, and family.
- To promote understanding of sexuality as a normal part of human development.
- To ensure pupils receive integrated, comprehensive, accurate, and unbiased sexual health and HIV prevention instruction and provide educators with clear tools and guidance to accomplish that end.
- To provide pupils with the knowledge and skills necessary to have healthy, positive, and safe relationships and behaviors

If your student will receive sexual health education and human immunodeficiency virus (HIV) prevention education during the school year, you will be notified ahead of time to allow you the opportunity to review instructional materials. These instructional materials will be available to parents in the main office of your child's high school.

If you **do not** want your student to participate in comprehensive sexual health and HIV prevention education, please provide a signed, written request to the registrar at your child's school BEFORE the first day of sexual health education and HIV prevention education.

If you have any questions, please contact your school's principal.

Sincerely,

Teresa Márquez
Associate Superintendent of Ed Services

STUDENTS

SUBJECT: District Residency

The Governing Board desires to admit all students who reside within district boundaries or who fulfill the district residency requirements through other means as allowed by law. The Superintendent or designee shall develop procedures to facilitate the receipt and verification of students' proof of residency.

(cf. 5116 - School Attendance Boundaries)

The Superintendent or designee shall annually notify parents/guardians of all existing attendance options available in the district, including, but not limited to, all options for meeting residency requirements for school attendance. *(Education Code 48980)*

(cf. 5116.1 - Intradistrict Open Enrollment)

(cf. 5117 - Interdistrict Attendance)

(cf. 5145.6 - Parental Notifications)

The Superintendent or designee shall require parents/guardians to provide documentation of the student's residency upon admission to a district school. A copy of the document or written statement offered as verification of residency shall be maintained in the student's mandatory permanent record. *(5 CCR 432)*

(cf. 5111 - Admission)

(cf. 5125 - Student Records)

When establishing a student's residency for enrollment purposes, the Superintendent or designee shall not inquire into the citizenship or immigration status of students or their family members.

(cf. 5145.13 - Response to Immigration Enforcement)

A student's enrollment may be denied when the submitted documentation is insufficient to establish district residency. In any such case, the Superintendent or designee shall notify the parent/guardian in writing, including specific reasons for the denial.

Investigation of Residency

The Superintendent or designee may assign a trained district employee to conduct the investigation if specific articulable facts exist supporting the belief that the parent/guardian has provided false or unreliable evidence of residency. The investigation may include the examination of records, including public records, home visits, and/or interviews of persons who may have knowledge of the student's residency.

The investigation shall not include the surreptitious collection of photographic or videographic images of persons or places subject to the investigation. However, the use of technology for the collection of images is not covert if the technology is used in open and public view. (*Education Code 48204.2*)

Any employee or authorized representative engaged in the investigation shall truthfully identify himself/herself as an investigator to individuals contacted or interviewed during the course of the investigation. (*Education Code 48204.2*)

Appeal of Enrollment Denial

If the Superintendent or designee, upon investigation, determines that a student does not meet district residency requirements and denies the student's enrollment in the district, he/she shall provide the student's parent/guardian an opportunity to appeal that determination. (*Education Code 48204.2*)

The Superintendent or designee shall send the student's parent/guardian written notice specifying the basis for the district's determination. This notice shall also inform the parent/guardian that he/she may, within 10 school days, appeal the decision in writing and provide new evidence of residency.

The burden shall be on the parent/guardian to show why the district's determination to deny enrollment should be overruled. (*Education Code 48204.2*)

A student who is currently enrolled in the district shall be allowed to remain in attendance at his/her school pending the results of the appeal. A student who is not currently enrolled in the district shall not be permitted to attend any district school unless his/her appeal is successful.

In an appeal to the Superintendent or designee of a determination that district residency requirements were not met, the Superintendent shall review any evidence provided by the parent/guardian or obtained during the district's investigation and shall make a decision within 10 school days of receipt of the parent/guardian's request for the appeal. The Superintendent's decision shall be final.

Enrollment Not Requiring District Residency

When approved by the Board and the appropriate agency, the district may enroll students from other countries who are in the United States on an F-1 visa or are participating in an international exchange program under the sponsorship of a government-approved agency.

(*cf. 5111.2 - Nonresident Foreign Students*)

(*cf. 6145.6 - International Exchange*)

The district may enroll a nonresident student living in an adjoining state or foreign country in accordance with Education Code 48050-48052.

District residency is not required for enrollment in a regional occupational center or program if there are openings in the program or class. (*Education Code 52317*)

(*cf. 6178.2 - Regional Occupational Center/Program*)

Legal Reference:

EDUCATION CODE

220 Prohibition of discrimination

[234.7](#) *Student protections relating to immigration and citizenship status*

35160.5 Intradistrict open enrollment

35351 Assignment of students to particular schools

46600-46611 Interdistrict attendance permits

48050-48054 Nonresidents

48200-48208 Compulsory education law, especially:

48204 Residency requirements

48204.1-48204.2 Evidence of residency

48300-48316 Student attendance alternatives, school district of choice program

48350-48361 Open Enrollment Act transfers

48852.7 Education of homeless students; immediate enrollment

48853.5 Education of foster youth; immediate enrollment

48980 Notifications at beginning of term

52317 Regional occupational program, admission of persons including nonresidents

FAMILY CODE

6550-6552 Caregivers

GOVERNMENT CODE

6205-6210 Confidentiality of residence for victims of domestic violence

CODE OF REGULATIONS, TITLE 5

432 Retention of student records

UNITED STATES CODE, TITLE 42

11431-11435 McKinney-Vento Homeless Assistance Act

COURT DECISIONS

Katz v. Los Gatos-Saratoga Joint Union High School District, (2004) 117 Cal.App.4th 47

Management Resources:

CSBA PUBLICATIONS

Legal Guidance Regarding International Student Exchange Placement Organizations, April 2014

OFFICE FOR CIVIL RIGHTS, U.S. DEPARTMENT OF EDUCATION PUBLICATIONS

Information on the Rights of All Children to Enroll in School: Questions and Answers for States, School Districts and Parents, 2012

WEB SITES

CSBA: <http://www.csba.org>

California Department of Education: <http://www.cde.ca.gov>

California Secretary of State, Safe at Home Program: <http://www.sos.ca.gov/safeathome>

U.S. Department of Education, Office for Civil Rights: <http://www2.ed.gov/ocr>

HEALTH SERVICES AND REQUIREMENTS

HEALTH SCREENINGS

Districts are required to provide the following screenings: Vision and Hearing. (EC 49452, 49455, 49456)

A parent/guardian may request that their student not participate in these screenings by providing the request in writing to the school principal each year. (EC 49451 and 49455)

IMMUNIZATIONS FOR NEW STUDENTS

A parent/guardian is required to provide proof that their student has received all immunizations required by law for school attendance, including Polio, Tetanus, Diphtheria, Pertussis, Measles, Mumps, Rubella, Varicella, Tdap, and Hepatitis B. (Please refer to the table below for the vaccination schedule.)

Parents must obtain a record of their child’s immunization record and bring it to the school as soon as possible otherwise schedules will be withheld on the first day of school.

If the physical condition or medical circumstances of the child are such that the required immunization(s) is not indicated, the parent or guardian may submit a medical exemption.

Per current law (SB 276 and SB 714), effective January 1, 2021, medical exemptions can only be issued through the California Immunization Registry – Medical Exemption website (CAIR-ME) by physicians licensed in California. A medical exemption may be issued in CAIR-ME no more than 12 months before a child first enters a grade span (grade spans are birth-preschool, TK/K-6th, and 7th-12th).

VACCINATION SCHEDULE

VACCINE	REQUIRED DOSES	SPECIAL CONSIDERATIONS
1. Polio	4 doses at any age, but...	** 3 doses, if at least 1 was given on/or after the 4th birthday
2. Diphtheria, Tetanus, Pertussis (ages 7 years and older pertussis is not required), Td., DT, more (Td) or DTP, DTaP or any combination of these.	5 doses at any age, but...	** 4 doses if at least 1 was given on/or after the 4th birthday ** If the last dose was given before the 2nd birthday, 1 dose is required. ** 3 doses ok if at least one dose was given on or after 7th birthday
3. Hepatitis B	3 doses	
4. Measles, Mumps, Rubella (MMR)	2 doses	Must be given on or after 1st birthday
5. Varicella	2 doses	
6. Tdap Booster, (Tetanus reduced diphtheria, and pertussis)	1 dose	Must be given on/or after 7th birthday

TUBERCULIN SKIN TESTS (TST)

The new Santa Clara County Public Health Department Risk Assessment for School Entry form will be required for school registration effective June 1, 2014 for all children enrolling in kindergarten or transferring, at any grade level, from outside of Santa Clara.

ILLNESS & OUTBREAKS

For the safety and protection of all, students should not attend school with any of the symptoms below and may be sent home if they display any of these symptoms at school:

1. Productive cough and yellow or green nasal discharge
2. Fever of 100°F or higher
3. Eyes that are red, swollen, crusting, or draining
4. Untreated, draining ears and/or earache
5. Diarrhea
6. Severe nausea or vomiting
7. Severe sore throat
8. Untreated head lice and/or nits (eggs) in the hair

If a student is at school with any of these symptoms, a parent/guardian will be called to pick up the student. Students who have been ill with fever need to be fever-free, without the use of medication, for 24 hours before returning to school.

Students experiencing diarrhea or severe nausea and/or vomiting, or if there is a disease outbreak at their school, must be kept at home for 48 hours after they no longer have symptoms.

Protocols for illness and outbreaks may change based on directions from the Public Health Department. Under certain circumstances, parents may be asked to consult a physician and provide a written note from that physician indicating that the student may return to school.

HEALTH PROCEDURES

To maintain the safety, health, and welfare of students, parents/guardians are required to notify the school administration of student health issues every year. It is the responsibility of the parent/guardian to contact the school nurse if their student has a health concern that may impact their participation in school activities or may need to be addressed during the school day.

An Individualized Healthcare Plan (IHP) may be developed, if indicated, by the school nurse in collaboration with the student (if appropriate) and parent. The plan assesses and identifies healthcare needs and accommodations necessary for a student to attend school. It includes parent/guardian consent, physician authorization for healthcare procedures to be performed, and identifies the persons responsible for the implementation of the plan.

MEDICATION POLICY

When necessary, a student may receive medication prescribed by an authorized health care provider during school hours. Written authorization and proper documentation must be completed before any administration. Forms are valid for the current school year only, including summer school. The authorization forms can be found at each school site.

Relevant Forms:

- *School Medication Administration Form*
- *Authorization to Carry and Self-Administer Emergency Medication on Campus*
- *Physician's Authorization for Specialized Physical Health Care Service Procedures Administered*

MEDICATIONS AND PARENT/GUARDIAN RESPONSIBILITY

- It is the responsibility of the parent/guardian to provide and maintain current (non-expired) medications in an original pharmacy-labeled container and provide supplies for individualized healthcare procedures at school.
- Written authorization from both parent/guardian and physician must be provided at the beginning of each school year, or if there are any changes in the: dose, time, and/or method of administration, change in medication, change of authorized health care provider, or discontinuance of medication administration requires a new authorization. (EC 49423)
- All authorizations and proper forms must be clear and complete with required signatures.
- All medication and medical supplies must be picked up by the parent/guardian no later than the last day of the school year. Medications left after the end of the school year will be discarded. (EC 49423)
- Whenever a student transfers between schools within the District or if the student attends summer school, the parent/guardian must transfer the medication to the new site.
- Please be familiar with your child's specific school's policies.

ASSISTANCE WITH MEDICATION

Students who are required to take, during the regular school day, medication prescribed by a physician, may be assisted by the school nurse or other designated school personnel only if the school district receives the completed authorization. These forms can be obtained from each school site. (EC 49423)

The district will require the following:

- Written authorization from a physician detailing the: name of the student, student's date of birth, name of the medication, reason for medication, method of administration, amount or dose, and time schedule by which such medication is to be taken. (EC 49480)
- Written authorization from the parent or guardian of the student indicating the desire and consent for the school district to allow the school nurse or qualified personnel to assist the student in the matters set forth in the physician's statement/order.

SELF-ADMINISTRATION OF EPINEPHRINE OR ASTHMA MEDICATION (EC 49423-49423.1)

Students may carry or self-administer auto-injectable epinephrine or inhaled asthma medication only if the school district obtains a written authorization from the student's doctor with:

- Medication name, amount used, method, and schedule of administration.
- Written confirmation that the student is competent to self-administer with documentation of observed capability.
- Statement or authorization from parent/guardian to release a designated school personnel to consult with the student's health care provider regarding the medication.
- Release of the school district and personnel from civil liability related to any adverse reaction to the self-administered medication.
- Name, address, telephone number, and signature of the California authorized health care provider.
- A student may be subject to disciplinary action if the medication is used in any manner other than prescribed or ordered.

Students are not permitted to carry prescribed or over-the-counter medications on their persons, unless authorized. Policies may change depending on the school site, please refer to your student's specific school's policies.

EPI-PEN

School districts are required to provide emergency epinephrine auto-injectors to school nurses and trained personnel who have volunteered and are authorized to use epinephrine auto-injectors to provide emergency medical aid to individuals who are suffer, or reasonably believed to be suffering, from an anaphylactic reaction (severe allergic reaction) (EC 49414)

HEALTH INSURANCE

The District does not provide medical insurance coverage for school accidents. This means that each family is responsible for their medical bills if a student gets hurt during school activities.

The District is making available a low cost medical/dental insurance program through Pacific Educators, Inc. (EC 49472) More information can be found at: <https://www.esuhdsd.org/Community/Business-Svcs/Student-Insurance/index.html>

An insurance brochure with different coverage options is available at each school site.

The Student Health Care and "High Option" 24-Hour Accident plans are especially recommended for those families with no other insurance because they provide the most help when injuries occur. Student Health Care covers illness as well as injury, 24 hours a day. If your family does have other health coverage, student insurance may also be used to help pay those charges not covered by your family insurance.

A school-based Clinic is located at W. C. Overfelt; this Health Clinic provides primary medical care for students at this school. Hours are from 8am-4:30pm Monday through Friday.

Parents' Guide to Immunizations Required for School Entry



Students Admitted at TK/K-12 Need:

- **Diphtheria, Tetanus, and Pertussis (DTaP, DTP, Tdap, or Td) — 5 doses**
(4 doses OK if one was given on or after 4th birthday.
3 doses OK if one was given on or after 7th birthday.)
For 7th-12th graders, at least 1 dose of pertussis-containing vaccine is required on or after 7th birthday.
- **Polio (OPV or IPV) — 4 doses**
(3 doses OK if one was given on or after 4th birthday)
- **Hepatitis B — 3 doses**
(Not required for 7th grade entry)
- **Measles, Mumps, and Rubella (MMR) — 2 doses**
(Both given on or after 1st birthday)
- **Varicella (Chickenpox) — 2 doses**

These immunization requirements apply to new admissions and transfers for all grades, including transitional kindergarten.

Students Starting 7th Grade Need:

- **Tetanus, Diphtheria, Pertussis (Tdap) — 1 dose**
(Whooping cough booster usually given at 11 years and up)
- **Varicella (Chickenpox) — 2 doses**
(Usually given at ages 12 months and 4-6 years)

In addition, the TK/K-12 immunization requirements apply to 7th graders who are new admissions.

Records:

California schools are required to check immunization records for all new student admissions at TK/Kindergarten through 12th grade and all students advancing to 7th grade before entry. Parents must show their child's Immunization Record as proof of immunization.

ATTENDANCE

Attendance matters! Students shall attend school on time, all day, and every day when school is in session. The Governing Board believes that regular attendance plays an important role in student achievement. The Board recognizes its responsibility under the law to ensure that students attend school regularly. Parents/guardians of children aged 6 to 18 are obligated to send their children to school unless otherwise provided by law. The Board shall abide by all state attendance laws and may use appropriate legal means to correct the problems of excessive absence or truancy.

EXCUSED ABSENCES

Absence from school shall be excused only for health reasons, family emergencies and justifiable personal reasons, as permitted by law, Board policy and administration regulations. (*Education Code 46010, 48216, 48205*)

Inasmuch as class participation is an integral part of students' learning experiences, parents/guardians and students shall be encouraged to schedule medical appointments during nonschool hours.

At the beginning of each academic year, notifications shall be sent to the parents/guardians of all students, and to all students in grades 7 through 12, informing them that school authorities may excuse any student from school to obtain confidential medical services without the consent of the student's parent/guardian. (*Education Code 46010.1*)

DEFINITIONS

A chronic absentee is 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 schools of the District, exclusive of Saturdays and Sundays. (*Education Code 60901*)

A truant is 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*)

A habitual truant is a student who has been reported as a truant three or more times within the same school year, provided the District has made a conscientious effort to hold at least one conference with the student and his/her parents/guardians. (*Education Code 48262, 48264.5*)

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

INITIAL TRUANCY

- a. The student shall be reported to the attendance supervisor. (*Education Code 48260*)
- b. The student's parents/guardians shall be notified by the most cost-effective method possible, which may include email, letter or a telephone call, that: (*Education Code 48260.5*)
 - (1) The student is truant.
 - (2) The parents/guardians are obligated to compel the student to attend school. If the parents/guardians fail to meet this obligation, they may be guilty of an infraction of the law and subject to prosecution pursuant to Education Code 48290-48296.
 - (3) Alternative educational programs are available in the District.
 - (4) The parents/guardians have the right to meet with appropriate school personnel to discuss solutions to the student's truancy.

East Side Union High School District has developed strategies that focus on prevention of attendance issues, which include, but are not limited to, efforts to provide a safe and positive school environment, relevant and engaging learning experiences, school activities that help develop students' feelings of connectedness with the school, school-based health services, and incentives and rewards to recognize students who achieve excellent attendance or demonstrate significant improvement in attendance.

The District shall work with students, parents/guardians, school staff and community agencies and/or medical, mental health, and oral health care providers to ensure that alternative educational programs and nutrition, health care, and other support services are available for students and families and to intervene as necessary when students have serious attendance issues.

NOTIFICATION OF TRUANCY LETTER

An automated truancy letter will be mailed to notify parents/guardians of students between the ages of six and 18 years when their child has accumulated three or more unexcused absences, early leaves and/or tardies of 30 minutes or more in the school

year for which a valid excuse was not provided. Absences that meet this criterion will be counted toward truancy classification. Pursuant to Education Code 48260.5, upon a pupil's initial classification as a truant, the school district shall notify the parents/guardians, by mail or other reasonable means of the following:

- The pupil is truant.
- That the parent or guardian is obligated to compel the attendance of the pupil at school.
- That parents or guardians who fail to meet these obligations may be guilty of an infraction and subject to prosecution.
- That alternative educational programs are available in the District.
- That the parent or guardian has the right to meet with appropriate school personnel to discuss solutions to the pupil's truancy.
- That the pupil may be subject to prosecution.
- That the pupil may be subject to suspension, restriction or delay of the pupil's driving privilege.
- That it is recommended that the parent or guardian accompany the pupil to school and attend classes with the pupil for one day.
-

If you feel absences reported are in an error, please contact the school. Corrections and updates to attendance data and records are not allowed after the attendance period has closed.

ATTENDANCE REVIEW CONFERENCES

Attendance Review Conferences (ARCs) are coordinated by each school site and provide parents and students with an opportunity to build and strengthen relationships directly with key staff (e.g., Associate Principal, Advisor, Social Worker, Parent and Community Involvement Specialist, Academic Counselor, Student Advisor, etc.), as well as discuss individual attendance concerns and site-based services and supports. ARCs are provided to any student that is chronically absent.

SCHOOL ATTENDANCE REVIEW BOARD

The School Attendance Review Board (SARB) is coordinated by the District Office and has the authority to enforce compulsory education laws in an effort to divert students with school attendance or behavior problems from the juvenile justice system. The SARB panel will conduct hearings and issue formal directives in response to the specific facts of each referral. The directives may include specific referrals to community services or agencies, as well as requiring that the student and/or parent or guardian provide satisfactory evidence of participation in the community services or agencies. The SARB may refer cases to the District Attorney or Probation if the pupil or the parents or guardians of the pupil, or both, have failed to respond to directives or to services provided. The SARB may also assign students to a different educational placement.

Any pupil is deemed a "habitual truant" who has been reported as a truant three (3) or more times per school year and an appropriate district officer or employee has made a conscientious effort to hold at least one conference with the parent or guardian of the pupil and the pupil himself/herself [Education Code 48262].

SHORT TERM INDEPENDENT STUDY

Short Term Independent Student (STIS) is an alternative education strategy, not a separate program, for students who are unable to attend school for an extended period of time. The request for STIS must be approved by an Administrator. STIS may be approved for at least 5 days, but not more than 14 days per semester. If approved, its purpose is to allow students to remain current with regular course work while away from school.

MONITOR YOUR STUDENT'S PROGRESS

ANNUAL CHECKLIST

1. Review your student's schedule of classes.
2. Contact teacher(s) and/or counselor regarding any academic or personal concerns.
3. In consultation with your child's counselor, determine at the end of each semester if your student needs to make up credits by enrolling in summer school classes, adult education classes or community college classes.
4. Keep all school information/report cards in one location at home.
5. Review high school graduation requirements to make sure the correct courses and tests are being taken.
6. Check on attendance. Students who attend school regularly have more success in their classes.
7. Expect a progress report or report card in the mail every six weeks. If there are any D's or F's, contact the teacher.
8. Don't wait to hear from the school. Call teachers directly to check, especially if you have concerns. Keep your address and phone numbers up-to-date at the school in case of an emergency.
9. Help to establish a daily routine for homework. Determine when and where studying will take place.
10. Get to know their friends. Encourage them to study with friends and provide places for them to meet.
11. Encourage students to get involved in school activities - sports, drama, music, clubs, etc.
12. Participate in Back-to-School Night and get to know your student's teachers.
13. Make sure both student and parent/guardian are registered for CANVAS, the software tool that teachers use to post grades and homework. There is also a free mobile app for CANVAS.

IMPORTANT STEPS

9TH GRADE

- Students should start 4-year plan to ensure they take all the required courses.
- Parents should review student's schedule of classes for the 10th grade.
- **Parents and students should attend the District's College Night scheduled for September 18th. More information will follow.**
- Students should keep records of community involvement and extracurricular activities for college and/or work applications.
- Parents should review semester report card and if the student has failed any courses explore summer school options. (contact school counselor)
- Parents should check class selections for 10th grade.
- Parents and students should review and update student's 4-year plan and check progress toward meeting graduation requirements and UC A-G or CSU requirements.

Students should have 60 units at the end of 9th grade.

10TH GRADE

- If given, all 10th graders will be given this test free of charge. The PSAT gives students a preview of the types of questions that will appear on the Scholastic Aptitude Test (SAT).
- **Parents and students should attend the District's College Night scheduled for September 18th. More information will follow.**
- Students should keep records of community involvement and extracurricular activities for college and/or work applications.
- Parents should review semester report card and if the student has failed any courses explore summer school options. (contact school counselor)
- Parents should check class selections for 11th grade.
- Parents and students should review and update student's 4-year plan and check progress toward meeting graduation requirements and UC and CSU requirements.

Students should have 120 units at the end of 10th grade.

11TH GRADE

- If given, juniors may take the test for a fee, or they may apply for a fee waiver. The PSAT gives students a preview of the types of questions that will appear on the Scholastic Aptitude Test (SAT). 11th grade scores from this test are used to determine candidates for the National Merit Scholarships.
- Students should utilize computers for college and/or career information.
- Students should begin planning and make appointments with recruiters if they are interested in the military.
- Due to the changes in admission requirements due to COVID-19, juniors may not need to take SAT or the SAT Subject Tests in math, writing and an additional subject area, such as foreign language, science, English literature or social science. Students interested in applying to four-year universities should check the admission requirements of their preferred universities as well as the College Board's website for the most updated testing information.
- **Parents and students should attend the District's College Night scheduled for September 18th. More information will follow.**
- Students and parents should explore financial aid procedures and options, the school's PCIS (Parent Community Involvement Specialist) is a valuable resource for students and parents/guardians.

- Students should begin identifying teachers and community people who can write letters of recommendation for college.
- Students should keep records of community involvement and extracurricular activities for college and/or work applications.
- Parents should review semester report card and if your student has failed any courses explore summer school options (contact school counselor).
- Parents should check class selections for 12th grade.
- Parents and students should review and update student's 4-year plan and check progress toward meeting graduation requirements and UC and CSU requirements.

Student should have 180 units completed at the end of the 11th grade.

12TH GRADE

- Due to the changes in admission requirements due to COVID-19, seniors may not need to take SAT or the SAT Subject Tests in math, writing and an additional subject area, such as foreign language, science, English literature or social science. Students applying to four-year universities should check the admission requirements of their preferred universities as well as the College Board's website for the most updated testing information.
- Students should review their credit status for graduation to ensure that they have taken all the necessary courses. Contact a counselor if there are questions or concerns.
- Parents and students should review and update student's 4-year plan and check progress toward meeting graduation requirements and UC and CSU requirements.
- Students should participate college visitations/activities and start sending in applications for admission to colleges.
- Students and parents should attend school sponsored financial aid workshops.
- **Parents and students should attend the District's College Night scheduled for September 18th. More information will follow.**
- Students should check the deadline for college applications for admission into University of California and California State Universities; it is usually the end of November.
- **Student and parent should fill out the FAFSA or CADAA together before Cal Grant deadline (beginning of March)**
- Seniors should complete paperwork by the middle of May with instructions on where to send their final high school transcripts. The school's counseling department provides forms and information on how to do this at the end of April/beginning of May.
- Students should take advantage of district sponsored visits and orientations for community colleges and colleges.

Students should have a minimum of 220 units completed at the end of the 12th grade

A-G REQUIREMENTS

The UC system labels each subject area or requirement with a letter to easily identify the different course requirements. The chart below shows how the ESUHSD Graduation Requirements align with the A-G requirements.

	ESUHSD Requirements	A-G Requirements
A Social Science	30 Credits	20 Credits
B English	40 Credits	40 Credits
C Mathematics	20 Credits	30 Credits (40 Recommended)
D Lab Sciences	20 Credits	20 Credits (30 Recommended)
E World Language	10 Credits of either World Language or Visual/Performing Arts	20 Credits (30 Recommended)
F Visual and Performing Arts	10 Credits	10 Credits
G Electives	80 Credits	10 Credits
Physical Education	20 Credits	

Each semester of a course with a passing grade is worth 5 credits.

Students who complete the ESUHSD graduation requirements with a “C” or better in Social Science satisfy both the “A” and “G” requirements for UC.

There are variations between UC and CSU A-G Requirements. Students should consult with their counselor about the specific colleges they wish to attend.

Board Resolution

The default placement for all 9th and 10th graders will be a College (A-G) and/or career-preparatory curriculum. Both Individual Education Plan (IEP) and the EL Master Plan will continue to be honored for student placement and success.

Passing Grades

For a course to be counted towards the A-G requirements, UC and CSU require that students earn a grade of C or higher.

Eligibility for College

Parents and students should be aware that completion of the A-G requirements does not guarantee admission to a university. A student’s grade point average and test scores will also be considered. In order to be competitive, students should plan to take higher levels of courses that exceed the A-G requirements. Students should consult their counselor for guidance in this area.

A-G Eligible Courses

This is a sample list of some of the A-G courses that are commonly offered at ESUHSD high schools. Complete A-G course lists for each school are available at <https://doorways/ucop.edu/list>

<p>A (2 years)</p> <p>World History AP World History US History AP US History Government AP Government</p>	<p>B (4 years)</p> <p>Language Arts 3 English 1/1A English 2/2A English 3 English 4 AP English Literature AP English Language Genres of Composition Expository Reading and Writing</p>	<p>C (3 years)</p> <p>Algebra 1 CCSS Math 1 Geometry CCSS Math 2 Algebra 2 CCSS Math 3 Math Analysis AP Calculus AB AP Calculus BC AP Statistics</p>
<p>D (2 years)</p> <p>Biology AP Biology Chemistry AP Chemistry Physics AP Physics Forensic Science Physiology AP Environmental Science</p>	<p>E (2 years)</p> <p>French I-III AP French Language Spanish I-III AP Spanish Language AP Spanish Literature Spanish for Heritage Speakers American Sign Language I-III Vietnamese for Vietnamese Speakers Chinese for Heritage Speakers German Japanese</p>	<p>F (1 year)</p> <p>Band I-IV Art 1 Choir Photography Multimedia Music Appreciation Guitar Piano Drama AP Art History AP Studio Art</p>
<p>G Due to the wide variety of elective courses and the varying range of their availability, please check the A-G course list for specific schools at https://doorways/ucop.edu/list.</p>		

Four-Year Course Planner

Below is a sample course schedule for an ESUHSD student who wishes to fulfill the A-G Requirements. Please note that many courses can be taken as Advanced Placement (AP) courses, and will also fulfill A-G Requirements.

9 th GRADE		10 th GRADE		11 th GRADE		12 th GRADE	
		A	World History	A	US History	A/G	Government/Econ
B	English 1/1A	B	English 2/2A	B	English 3 or AP	B	English 4 or AP
C	CCSS Math 1	C	CCSS Math 2	C	CCSS Math 3	C	AP Calculus
D	Biology	D	Chemistry	D	Physics	D	AP Science
E	World Language 1	E	World Language 2	E	World Language 3	E/F/G	AP Language
	Physical Education		Physical Education	F/G	Art or Elective	F/G	Art or Elective

Spartan East Side Promise

From college exploration,
to college graduation.



About the Program

Within San Jose State University's Student Outreach and Recruitment (SOAR) department, the Spartan East Side Promise Program is designed to support East Side Union High School District students and their families.

Established in 2016, the Spartan East Side Promise (SESP) began as a collaboration between San José State University and East Side Union High School District (ESUHSD) with the goal of offering guaranteed admission to qualified students who graduate from a qualifying school. Through a variety of interactive programming, the SESP provides a pathway to admission at SJSU by clearly specifying the admission requirements and sharing information about resources for academic success with students and families in the district.

In 2019, the Promise began to expand into a program within SOAR that focuses on helping incoming ESUHSD students transition to SJSU, build connections, and navigate the University.

Our Vision is to collaborate with the campus community on interactive, intentional programming to foster academic, personal, and professional development, and a college-going mindset, in ESUHSD students.

To do this, we have three objectives:

1. Help students become part of a larger campus community
2. Serve as a support system for ESUHSD students and their families
3. Decrease the percentage of academic probation and disqualification in a cohort

For More Information

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(408) 924-2554
sjsu.edu/soar/spartaneastsidepromise



For General Inquiries:
eastsidepromise@sjsu.edu

Follow us on Instagram:
[@sjsu_sesp](https://www.instagram.com/sjsu_sesp)



The Admissions Process

A detailed outline of the admission requirements and deadlines can be found at sjsu.edu/soar/admissions/Freshmen-admissions.php

To qualify for admission to SJSU, students must:

- Apply to SJSU at calstate.edu/apply/freshman by November 30 of Senior Year
- Complete the required high school A-G courses with grades of "C-" or better by their high school graduation date
- Meet or exceed the CSU Minimum Eligibility Index (Note: Applicants below the 2.5 GPA minimum requirement will not be considered for admission at SJSU)
- Qualified ESUHSD students with a 2.75 GPA or higher are guaranteed admission to Undeclared if they do not meet the impact criteria for their applied major (Note: Students must still complete A-G requirements with a C- or better and meet all deadlines)



Optional SESP Programming

Our programming aims to prepare students and their families for the college academic expectations, and connect students to campus resources prior to the start of their Freshman year. Parents, guardians, or a supportive adult are encouraged to participate in the process along with their student by attending events and workshops provided by the SESP. Some examples of our programming includes:

- College exploration and admissions requirement workshops
- 1:1 appointments and weekly drop-in pre-admissions counseling hours
- Annual events for prospective and provisionally admitted students
- ESUHSD Spartan Summer Program for newly admitted students, in partnership with the ESUHSD and East Side Education Foundation
- SESP Peer Mentor 1:1 check-ins for their personalized Growth Pledge
- Bi-weekly newsletter for enrolled students

For more information on dates and locations of programming, please visit our website sjsu.edu/soar/spartaneastsidepromise



Navigating the University

ESUHSD Spartan Summer Program

In partnership with the East Side Union High School District and East Side Education Foundation, this hybrid summer program provides incoming ESUHSD Freshmen with academic guidance, connections to campus resources, and an opportunity to build their peer support network. This program resembles a pre-orientation, providing tools to assist with the transition from high school to the University.

SESP Peer Mentors and Growth Pledge

All ESUHSD students enrolled at SJSU have the opportunity to take the SESP Growth Pledge. The Growth Pledge is designed to be a commitment from both the student and the Spartan East Side Promise Program staff to advocate, engage and work towards the student's academic success. This pledge includes opportunities to meet at minimum once a semester with an SESP Peer Mentor to discuss and develop an action plan to work towards students' personal, academic, and professional goals. SESP Peer Mentors are available to meet with students as needed by appointment.

Community Partnerships

The community of support for ESUHSD students continues to grow. Below is a list of partnerships within the community, dedicated to breaking down barriers and encouraging the academic success of ESUHSD graduates.

- Silicon Valley Education Foundation, East Side Alliance - Scholarships, middle school Elevate program (svfoundation.org/east-side-alliance)
- East Side Education Foundation - Scholarships (eastside-fund.org/scholarships)
- Excite Credit Union - College savings plan (eastside-fund.org/savings_program)



Eligible East Side Union High School District Schools

Andrew P. Hill High School
 Evergreen Valley High School
 Independence High School
 James Lick High School
 Mt. Pleasant High School
 Oak Grove High School
 Piedmont Hills High School
 Santa Teresa High School
 Silver Creek High School
 W.C. Overfelt High School
 Yerba Buena High School
 Calero High School
 Foothill High School
 Accel Middle College
 Apollo High School
 Pegasus High School
 Phoenix High School
 College Connection Academy

Watch the video:



For More Information

Amanda Aldama Fernandes
SESP Program Lead

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Follow us on Instagram

@sjsu_sesp





Preparing every student to thrive in a global society.

Dear Parent/Guardian of a 12th grade ESUHSD student,

In an effort to ensure that graduating seniors in the State of California are connected to the financial resources they will need to pursue their education beyond high school, regardless of immigration status, the California State Legislature passed Assembly Bill 469. This bill requires that, starting with the 2022-2023 school year, high school districts must ensure that high school seniors complete and submit the Free Application for Federal Student Aid (FAFSA) or the California Dream Act Application (CADAA). This requirement is now part of our California Education Code Section 51225.7.

Students and their parents/guardians will only need to fill out one of the financial aid applications:

- Free Application for Federal Student Aid (FAFSA)-- The FAFSA is a free application which private and public universities, community colleges, and trade schools use to determine whether the applicant is eligible to receive state, federal and/or school financial aid. In addition, some private financial aid providers, such as institutions that provide scholarships, grants or loans, may use the FAFSA application to determine eligibility. A student is eligible to complete a FAFSA if their US citizenship status is a US citizen, a permanent resident, an eligible non-citizen or a T visa holder.
- California Dream Act Application (CADAA)--The California Dream Act Application allows students interested in attending eligible California community colleges, universities, and career education programs/trade schools to apply for state financial aid. This application is unrelated to the federal Deferred Action for Childhood Arrivals (DACA) program. A student is eligible to complete a CADAA if they are undocumented or have a valid/expired DACA status.

The East Side Union High School District is committed to our vision that all our students will graduate ready for college and career. This commitment includes ensuring that all graduating seniors complete a FAFSA or a CADAA application so that finances are NOT the reason why our students do not continue their education after high school. Although AB 469 does allow for parents of minor students or students 18 years of age or older to opt out of completing a FAFSA or CADAA application, our district staff has created a plan to make certain that our East Side families receive information and help on how to complete and submit a FAFSA or a CADAA.

You will receive information from your student's school site administration and counseling staff on the various informational and hands-on workshops for parents and students to learn about FAFSA and CADAA and to fill out an application. If you have questions and/or need assistance completing one of these applications, please reach out to your student's Associate Principal (APED) or counselor.

Respectfully,

Teresa Marquez
Associate Superintendent of Educational Services



East Side Union High School District Assembly Bill 469 Frequently Asked Questions (FAQs)

What is Assembly Bill 469?

AB 469 is a new legislation recently signed into law that requires school districts to confirm that high school seniors have completed a Free Application for Federal Student Aid (FAFSA) or California Dream Act Application (CADAA). The California Legislature passed this bill because many graduating seniors do not apply for financial aid and millions of dollars in financial aid for education beyond high school go unused. This requirement goes into effect beginning with the 2022-23 school year for the 2023-2024 FAFSA/CADAA application cycle that starts on October 1, 2022.

What is the FAFSA/CADAA?

The Free Application for Federal Student Aid (FAFSA) is the online application that allows a student to apply for many financial aid options (federal and state money including the Pell Grant, Cal Grant, loans and work-study opportunities). Many colleges and universities use it for their aid programs, too. The California Dream Act Application (CADAA) is a similar application that provides a path for some students who do not qualify for federal aid to still apply for state and college/university-funded assistance. Applying for the FAFSA/CADAA could qualify you for free money through federal, state and university grants and scholarships that help cover the cost of your education.

Do I need to have citizenship or DACA to apply for financial aid? No, while you must be a citizen, permanent resident or T visa holder to apply for federal financial aid through the FAFSA, the CADAA is available to any California student that meets what is called "AB 540 criteria" which qualifies them for in-state tuition rates at a University of California or California State University campus, as well as state financial aid like the Cal Grant. Before deciding whether to fill out a CADAA application, you can check <https://www.csac.ca.gov/undocumented-dreamer-students> to understand if you might be eligible for financial aid. A student meets AB 540 criteria if they are undocumented or have valid/expired DACA status AND have attended a California high school for 3 or more years and graduated from a California high school.

Isn't the application too long and difficult to complete? Most applicants complete the FAFSA or CADAA in about 30 minutes. If you have questions, talk to your school counselor. All East Side high schools will offer workshops to help in filling out the FAFSA/CADAA.

If I want to learn a trade (plumbing, electrical, medical/dental fields, etc), can the FAFSA/CADAA still be helpful to me? The FAFSA/CADAA applications are not just for California associate's or bachelor's degree programs! FAFSA applicants can receive need-based Federal Pell grants, federal student loans, and other federal student aid for technical, trade, and vocational programs. CADAA applicants also have state financial aid opportunities at community colleges and at other schools and training programs. Students can check with the school they want to attend or use the federal government's online College Navigator tool to find out which institutions participate in the programs: <https://nces.ed.gov/collegenavigator/>

My family won't qualify to receive financial aid because my parents make too much money, so why should I fill out a FAFSA/CADAA? We encourage all students to fill out the FAFSA/CADAA. Millions of dollars in financial aid goes unused every year by students who didn't apply because they erroneously thought they were ineligible. You really don't know until you apply!

Income and assets are factors in determining your eligibility, but so are things like the number of people in the family who are in college and the age of the parent(s). For students from families that **do** make too much to qualify for need-based grant aid, the FAFSA/CADAA can still be helpful, since it is used to determine eligibility for other federal and state financial aid such as the Middle Class Scholarship, work-study programs, federal student loans (usually at competitive rates and with more borrower protections than private loans, including options for income-based repayment and forgiveness programs for some careers), DREAM loans for CADAA applicants at UC and CSU campuses, and other types of aid.

Your college may offer aid based on your FAFSA/CADAA info too, and your eligibility may be different depending on your school. Additionally, some scholarship programs use information from the FAFSA/CADAA as part of the application process. As most financial aid is awarded in date order based on FAFSA/CADAA filing date, it is a very good idea to complete the application as early as possible. This “place in line” can be used for opportunities that come up later, and also can be used if family financial circumstances suddenly change.

What if I don’t want a student loan? Filling out the application **doesn’t** commit you to anything. You’ll just find out whether you might be eligible for financial aid!

What if I just plan on attending a community college right out of high school? Do I still need to fill out the FAFSA/CADAA? Yes, even if you are planning to attend a community college and take advantage of the free year or two of college most community colleges offer, you still need to fill out the FAFSA/CADAA.

How is the FAFSA/CADAA data protected? I don’t want my information sold, and I don’t want my school to have it.

By law, your Personally Identifiable Information (PII) in the FAFSA/CADAA can only be used to determine whether you qualify for financial aid. Although your high school will know whether you completed the FAFSA/CADAA, no one at your high school or school district will have access to the information that you provide on your FAFSA.

The California Student Aid Commission (CSAC) released a joint statement with the California Department of Education stating, “The information provided via the California Dream Act Application is used solely to determine eligibility for state financial aid and isn’t shared with the federal government or used for immigration enforcement purposes. The CSAC will protect this information to the fullest extent of the law.”

If I choose to file an application, how will I know that my application is complete? Once you submit the FAFSA or the CADAA, you will receive a confirmation of receipt at the email address you provide in the application. This will allow you to demonstrate that you’ve met the requirement of filing an application even if there are circumstances that will need to be addressed with the college/university’s financial aid office later.

After reading all the FAQs about the FAFSA/CADAA, what should I do if I would still like to opt out of completing the FAFSA/CADAA? As a district, we are committed to all students completing the FAFSA/CADAA and we encourage all our graduating seniors to fill one out; however, if a parent of a minor student or student who is 18 or older or a legally emancipated minor would like to opt out of completing the FAFSA/CADAA, please contact your child’s high school counselor. They will go over the opt out form with you before you sign it in case you have any questions. **If you later change your mind, and decide that you or your student would like to fill out the FAFSA/CADAA, please contact your child’s counselor.** Please note that the state priority application deadline is March 2 for all four-year institution-bound students to receive a Cal Grant High School Entitlement award.

If you would like to learn more about the FAFSA or CADAA, you can visit the website for the California Student Aid Commission: <https://www.csac.ca.gov/students>. If you or parents/guardians would prefer to read the information on the website in your home language, you can click on “language” on the top right hand side, and a drop down menu will appear. You will be able to change the language of the website into one of the over 100 languages available.

If you have questions related to the FAFSA or CADAA, please contact your school counselor.

CAREER SERVICES

East Side Union High School District's Career Services Program provides students with exciting and unique educational opportunities as offered through a rich array of college and career readiness pathways. These pathways allow students to pursue their post high school career interests while receiving the latest industry practices in their chosen field. Pathway approaches include partnership academies, Linked Learning, Career-Technical Education, and magnet programs. Pathways are supported through staff collaboration and professional development, systems support and leadership, and robust industry and community partnerships.

CAREER TECHNICAL EDUCATION

A program of study that involves a multi-year sequence of courses that integrates core academic knowledge with technical and occupational knowledge to provide students with a pathway to postsecondary education and careers.

The list below identifies CTE courses with A-G designation:

SCHOOL	COURSE	UC A-G
ANDREW HILL	Digital Photo 1 & 2	F
	Multimedia 1 & 3	F
	Foundations in Health	G
EVERGREEN VALLEY	AP Computer Science	C
	AP Computer Science Principles	D
	Database Design & SQL Programming	G
	Exploring Computer Science	G
INDEPENDENCE	Accounting 1	G
	Aerospace	D
	Engineering AP	C
	Computer Science	G
	AP Psychology	G
	Construction 1, 2, 3	G
	Economics of Business Ownership	G
	Engineering Design & Development	G
	Exploring Computer Science	G
	Introduction to Business	D
	Principles of Engineering	G
Psychology & Education	G	
MT. PLEASANT	Art Animation 1, 2, 3, 4	F
	Multimedia 1, 2, 3, 4	F
W.C. OVERFELT	Child Development & Education	G
	Multimedia 1, 2, 3, 4	F
	Introduction to Engineering	D
	Design Principles of Engineering	D
PIEDMONT HILLS	Computer Graphic Design	F
	Construction 1, 2, 3	G
	Economics of Business Ownership	G
	Technology in Manufacturing	F
	Manufacturing Process 1, 2	G
SANTA TERESA	AP Computer Science	C
	AP Computer Science Principles	D
	Database Design & Programming with SQL	G
	Exploring Computer Science	G
	Multimedia 1, 2, 3	F
	AP Studio Art 2-D Design	F
SILVER CREEK	Accounting 1	G
	Economics of Business Ownership	G
	Introduction to Business	G
YERBA BUENA	Introduction to Engineering & Design	D
	Construction 1,2,3	G

MAGNET PROGRAMS

Students who are incoming 9th graders are eligible to apply for the Magnet Program. Students selected into the Magnet Program through a lottery must participate and meet the requirements of the program in order to attend the selected Magnet school. Any student who drops from the Magnet Program must return to his/her home school.

Arts, Media and Entertainment	
Animation	Mt. Pleasant High School
Media Arts	W.C. Overfelt High School
Visual/Commercial Art	Santa Teresa High School
Building and Construction Trades	
Construction and Architecture	Yerba Buena High School
Business and Finance	
Finance and Business	Independence High School
Finance and Business	Silver Creek High School
Marketing and Entrepreneurship	Piedmont Hills High School
Engineering, Architecture and Related Pathways	
Engineering Design	W.C. Overfelt High School
Engineering Design and Technology	Independence High School
Health Science, Human and Public Services	
Biotechnology	Oak Grove High School
Child Development	W.C. Overfelt High School
Health and Human Services/Medical Magnet	Andrew P. Hill High School
Teaching	Independence High School
Special Programs	
International Baccalaureate (IB)	Andrew P. Hill High School

INSTRUCTION

SUBJECT: Parent Involvement

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

(cf. 0420 - School Plans/Site Councils)
(cf. 1220 - Citizen Advisory Committees)
(cf. 1230 - School-Connected Organizations)
(cf. 1240 - Volunteer Assistance)
(cf. 1250 - Visitors/Outsiders)

Parents/guardians shall be notified of their rights to be informed about and to participate in their children's education and of the opportunities available to them to do so. Such notifications will be provided in a language that Limited English Proficient (LEP) parents/guardians can understand, consistent with AR 5145.6.

(cf. 5020 - Parent Rights and Responsibilities)

The district's local control and accountability plan shall include goals and strategies for parent/guardian involvement, including district efforts to seek parent/guardian input in district and school site decision making and to promote parent/guardian participation in programs for English learners, foster youth, students eligible for free and reduced-price meals, and students with disabilities. (Education Code 42238.02, 52060)

(cf. 0460 - Local Control and Accountability Plan)

The Superintendent or designee shall regularly evaluate and report to the Board on the effectiveness of the district's parent involvement efforts, including, but not limited to, input from parents/guardians and school staff on the adequacy of parent involvement opportunities and barriers that may inhibit parent/guardian participation.

(cf. 0500 - Accountability)

Title I Schools

Each year the Superintendent or designee shall identify specific objectives of the district's

parent involvement program for schools that receive Title I funding. He/she shall ensure that parents/guardians are consulted and participate in the planning, design, implementation, and evaluation of the parent involvement program. (Education Code 11503)

(cf. 6171 - Title I Programs)

The Superintendent or designee shall ensure that the district's parent involvement strategies are jointly developed with and agreed upon by parents/guardians of students participating in Title I programs. Those strategies shall establish expectations for parent involvement and describe how the district will carry out each activity listed in 20 USC 6318. (20 USC 6318)

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

(cf. 3100 - Budget)

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

Expenditures of such funds shall be consistent with the activities specified in this policy and shall include at least one of the following: (20 USC 6318)

1. Support for schools and nonprofit organizations in providing professional development for district and school staff regarding parent/guardian and family engagement strategies, which may be provided jointly to teachers, principals, other school leaders, specialized instructional support personnel, paraprofessionals, early childhood educators, and parents/guardians and family members
2. Support for programs that reach parents/guardians and family members at home, in the community, and at school
3. Dissemination of information on best practices focused on parent/guardian and family engagement, especially best practices for increasing the engagement of economically disadvantaged parents/guardians and family members
4. Collaboration with community-based or other organizations or employers with a record of success in improving and increasing parent and family engagement
5. Any other activities and strategies that the district determines are appropriate and consistent with this policy

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

Non-Title I Schools

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

Legal Reference:

EDUCATION CODE

11500-11506 Programs to encourage parent involvement
48985 Notices in languages other than English
51101 Parent rights and responsibilities
52060-52077 Local control and accountability plan
54444.1-54444.2 Parent advisory councils, services to migrant children
56190-56194 Community advisory committee, special education
64001 Single plan for student achievement

LABOR CODE

230.8 Time off to visit child's school
CODE OF REGULATIONS, TITLE 5
18275 Child care and development programs, parent involvement and education
UNITED STATES CODE, TITLE 20
6311 State plan
6312 Local educational agency plan
6314 Schoolwide programs

6318 Parent and family engagement
6631 Teacher and school leader incentive program, purposes and definitions
CODE OF FEDERAL REGULATIONS, TITLE 28
35.104 Definitions, auxiliary aids and services
35.160 Communications

Management Resources:

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS
Title I School-Level Parental Involvement Policy
Family Engagement Framework: A Tool for California School Districts, 2014
U.S. DEPARTMENT OF EDUCATION PUBLICATIONS
Parental Involvement: Title I, Part A, April 23, 2004
WEB SITES

CSBA: <http://www.csba.org>

*California Department of Education, Family, School, Community Partnerships:
<http://www.cde.ca.gov/ls/pf>*

California Parent Center: <http://parent.sdsu.edu>

California State PTA: <http://www.capta.org>

National Coalition for Parent Involvement in Education: <http://www.ncpie.org>

National PTA: <http://www.pta.org>

Parent Information and Resource Centers: <http://www.pirc-info.net>

Parents as Teachers National Center: <http://www.parentsasteachers.org>

U.S. Department of Education: <http://www.ed.gov>

STUDENTS

SUBJECT: Student Rights and Responsibilities

Preamble

This Statement of Student Rights and Responsibilities, developed cooperatively by students, parents, and staff is adopted by the Board of Trustees in good faith to describe, but not limit, the rights and responsibilities of students. The goal of this statement is to reinforce the basic premise of this free society that neither rights nor responsibilities can exist one without the other.

It is fully understood that anything contained within the enumerated rights and responsibilities is subject to federal and state laws, Board policies, district administrative regulations, California Interscholastic Federation Constitution and By-Laws, student body constitution and by-laws, and local school regulations.

The East Side Union High School District Board of Trustees will print and distribute to all students, parents, staff, and administrators each year and post conspicuously at each campus this Statement of Student Rights and Responsibilities.

Rights

1. Students have the right to an education, which is, and will be, of value to them. This includes learning to function in modern-day society as a responsible citizen. Students have the right to a curriculum that at least partly reflects their concerns and interests.
2. Students have the right to a reasonable expectancy of physical safety and protection of personal property on school grounds during normal school hours and during school-sponsored activities.
3. Students have the right to receive respect and reasonable treatment at all times from school personnel and each other.
4. Students have the right to talk with teachers, counselors, administrators, and other personnel connected with the school.
5. Students have the right to know each of their teachers' grading procedures. They have the right to see their grades in the grade book with an explanation of the grades by the teacher on an individual basis in any class, subject to appointment. Students have the right to have errors on records corrected.

6. Students have the right to participate, through established student organizational structure, in the development and revision of policies, rules, and regulations, including curriculum, to which they are subject. They further have the right to be notified reasonably in advance of formation and enforcement of such policies, rules, and regulations.
7. Students may exercise their constitutionally protected rights of free speech, expression, and assembly.
 - 7.1 Students have the right to wear political buttons, armbands, or any other badges of symbolic expression.
 - 7.2 Students have the right to form political and social organizations, which are open to all students.
 - 7.3 Students have the right to present petitions, distribute political leaflets, newspapers, or other printed matter.
 - 7.4 Students have the right to reasonable use of communication systems including newspapers, public address systems, bulletin boards and school bulletins with prior review and approval of appropriate personnel.
8. Students have the right to participate fully in available curricular and co-curricular programs. Right shall not be denied because of age, sex, race, religion, national origin or for any other reason not related to his/her individual capabilities.
9. Students have the right to organize and create a student government. Students have the right to freely elect or appoint their peers to office.
10. Students 18 years of age or older have the right to sign all official school documents and represent themselves in all school related matters.
11. Students 18 years of age or older have the right to see their own school files. Records of students under age 18 may be reviewed by parents or guardians. Students have the right to insert rebuttals to information and opinions in the files.
12. Students have the right to determine their own attire as long as it is not detrimental to health, safety, the educational process or in violation of common standards of decency.
13. Students have the right to be exempt from disciplinary action off-campus behavior if such behavior is not school-related.
14. Students have the right to present complaints or grievances to school authorities and the right to receive replies within a reasonable time.

15. Students have the right of due process. Students have the right to appeal any action they believe has violated their rights.

Responsibilities

1. Student responsibilities include regular school attendance, conscientious effort in classroom work, and conformance to school rules and regulations. Most of all, students share with the administration and faculty a responsibility to develop climate within the school that is conducive to wholesome learning and living.
2. Students have the responsibility to protect and care for all property and to assist the school staff in operating a safe school for all students. It is also the responsibility of all students to report unusual occurrences and activities, such as vandalism and theft of school and students' property, and drug activities.
3. It is the responsibility of each student to show respect for the rights of teachers, students, administrators, and all others who are involved in the educational process.
4. Students have the responsibility to initiate their request for an appointment to confer with the teacher, counselor, administrator, or any other personnel connected with the school. It shall further be the responsibility of the student to indicate the degree of urgency.
5. Students who believe a mistake in grading has been made by the teacher, have the responsibility to ask the teacher to review the records within a reasonable time.
6. Students serving on committees have the responsibility to represent the student body and to report their progress.
7. Students have the responsibility to refrain from any distribution or display of materials which are obscene, libelous or which advocate the commission of unlawful acts. Students have the responsibility to consult in advance with appropriate school personnel to determine such legal definitions. Students have the responsibility not to interfere with the school program. Students are held accountable for their actions.
8. Students have the responsibility to know and follow the rules and regulations concerning curricular and co-curricular activities.
9. Students have the responsibility to participate in and support student government.
10. Students 18 years or older have the responsibility to inform the school authorities that they are assuming their adult status.

11. Students have the responsibility to follow laws and rules regarding student records.
12. Students have the responsibility to give proper attention to personal cleanliness and neatness of dress and to follow safety and health standards. Footwear shall be worn.
13. Students have the responsibility to initiate due process in their own behalf if they feel they are being disciplined for off-campus behavior and if such behavior is not school-related.
14. Students have the responsibility to present their complaints or grievances and possible solutions, in a clear, brief manner within a reasonable time.
15. Students have the responsibility to know their rights under due process. Students have the responsibility, within a reasonable time, to follow the appeals process. The levels of appeal shall be:
 - 15.1 Staff person whom it is believed has violated the student's rights
 - 15.2 Immediate supervisor of the staff person
 - 15.3 Assistant Principal or Associate Principal
 - 15.4 Principal
 - 15.5 Superintendent or his/her designee
 - 15.6 District Board of Trustees
 - 15.7 County Board of Education

Concepts and Roles

Because the focus of the school system is on the student, it is incumbent upon the Governing Board and district staff to provide for the physical and intellectual welfare of the students in their charge. The school district shall work closely with parents/guardians and the community in order to achieve a harmony of interests in providing for students' needs.

Students are expected to accept personal responsibility for making maximum use of those educational opportunities afforded. It is also expected that as a result of the total school experience, students will come to appreciate the values of self-discipline, responsibility, respect for others, their country and its governmental processes.

The Board will attempt to erase any limitations of facilities and means that stand in the way of all who wish to learn in this school system.

Discrimination among students applying for admission to or attending district schools with respect to color, creed, race, sex, religion, ancestry, handicap, or national origin is prohibited.

(*cf. 5145.3 - Nondiscrimination*)

Role of Governing Board

The Board:

1. Establishes policies to provide the best attainable program of education for the district's students
2. Authorizes the establishment of special classes, programs, or other facilities for students who are in need of special education in keeping with all legal provisions
3. Provides for the physical and mental wellbeing of students
4. Determines policies regarding student behavior and attendance within the limits of the law

Students and Parents as Clients

The Governing Board and Administrative staff (herein called the District) believes that all students can achieve when given an optimum learning environment. The District desires to provide this environment so that each student is able to accomplish his/her goals during high school and after graduation.

Each student shall be treated as an individual client who's educational, social and emotional needs are readily identified by the student, parent/guardian, and staff. The overall school environment shall be characterized as 'respect for the individual with regard to students, staff and parents/guardians.

The District believes that the success of our students depends primarily upon the investment we make in them and their response to this investment. All district employees shall be committed to serving our students more effectively each year and shall be accountable for the success of each student. The District shall provide resources, leadership and guidance to ensure the successful implementation of this policy.

The Superintendent or designee shall implement this policy and use an accountability system which involves all segments of the educational community. District and site administrators shall provide leadership and encouragement to students, parents/guardians, and staff in implementing this policy.

Teachers and classified staff shall demonstrate positive expectations and provide positive reinforcement that all students can and will succeed. Teachers will be active partners in developing and implementing success strategies for all students. Support shall be reflected in the individual attention, courtesy, and respect afforded to students and parents/guardians.

Coaches, athletic directors and support staff of all sports programs shall actively implement and support this policy.

Parents/guardians shall be expected to participate as active partners with the school in identifying the needs and helping to achieve the goals and objectives of their students. Parents shall be expected to provide continuous reinforcement, respect and encouragement to students and staff.

All schools shall exhibit and demonstrate visual indications via school-wide media campaigns or other means that process changes are taking place to bring about the paradigm shift in behavior actions and perceptions.

Students (Clients) shall be responsible for committing time and effort and dedication to achieving academic success. Students shall treat staff and parents/guardians with courtesy and respect.

Students are expected to do the work required in partnership with their teachers to accomplish their goals and to give continuous feedback to the teachers, staff and parents/guardians on his/her progress in meeting his/her goals.

Legal Reference:

EDUCATION CODE

200-261 Prohibition of discrimination on the basis of sex

TITLE IX of the Education Amendments of 1972

35160 Authority of governing boards

35160.1 Broad authority of school districts

35291-35291.5 Rules

STUDENTS

SUBJECT: Parent Rights and Responsibilities

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

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

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

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

(cf. 5022 - Student and Family Privacy Rights)
(cf. 6020 - Parent Involvement)

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

(cf. 4131 - Staff Development)
(cf. 4231 - Staff Development)
(cf. 4331 - Staff Development)

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

(cf. 5145.6 - Parental Notifications)

The Superintendent or designee shall take all reasonable steps to ensure that all parents/guardians who speak a language other than English are properly notified in English, and in a language they can understand of the rights and opportunities available to them pursuant to Education Code 48985 and under Title VI of the Civil Rights Act of 1964 to be provided meaningful communication in a language they can understand and be adequately notified of information about any programs, service, or activities of the school

district that is called to the attention of non-limited English proficient parents/guardians, as described in AR 5145.6. (Education Code 51101.1)

Legal Reference:

EDUCATION CODE

33126 School accountability report card

35291 Disciplinary rules

48070.5 Promotion and retention of students

48985 Notice to parent in language other than English

49091.10-49091.19 Parental review of curriculum and instruction

49602 Confidentiality of pupil information

51100-51102 Parent/guardian rights

51513 Personal beliefs

60510 Disposal of surplus instructional materials

UNITED STATES CODE, TITLE 20

1232g Family Educational Rights and Privacy Act

1232h Protection of pupil rights

Management Resources:

WEB SITES

CSBA: <http://www.csba.org>

CDE: <http://www.cde.ca.gov>

STUDENTS

SUBJECT: Parental Notifications

The Governing Board recognizes that notifications are essential to effective communication between the school and the home and to keeping parents/guardians informed regarding educational programs, school operations, and the legal rights of students and their parents/guardians. The Superintendent or designee shall send students and parents/guardians all notifications required by law and any other notifications he/she believes will promote parental understanding and involvement.

(cf. 5020 - Parent Rights and Responsibilities)

(cf. 5022 - Student and Family Privacy Rights)

(cf. 6020 - Parent Involvement)

Notice of the rights and responsibilities of parents/guardians as specified in Education Code 48980 shall be sent at the beginning of each academic year and may be provided by regular mail, in electronic form when so requested by the parent/guardian, or by any other method normally used by the district for written communication with parents/guardians. (Education Code 48981)

No activity specified in Education Code 48980 shall be undertaken with respect to any particular student unless his/her parent/guardian has been informed of such action through the annual notification or other separate special notification. Such notice shall state the activity that will be undertaken and the approximate date on which the activity will occur. (Education Code 48983-48984)

The annual notification shall include a request that the parent/guardian sign the notice and return it to the school or, if the notice is provided in electronic format, that the parent/guardian submit a signed acknowledgment of receipt of the notice to the school. The parent/guardian's signature is an acknowledgment of receipt of the information but does not indicate that consent to participate in any particular program has been given or withheld. (Education Code 48982)

Whenever a student enrolls in a district school during the school year, his/her parents/guardians shall be given all required parental notifications at that time.

Notifications shall be presented in an understandable and uniform format and, in a language that Limited English Proficient (LEP) parents/guardians can understand as necessary to provide LEP parents/guardians with meaningful communication and to adequately notify such parents of information provided to non-LEP parents/guardians about programs, services, and activities of the district.

Whenever 15 percent or more of the students enrolled in a district school speak a single primary language other than English, as determined from the California Department of

Education census data collected pursuant to Education Code 52164, all notices sent to the parent/guardian of any such student shall, in addition to being written in English, be written in the primary language, and may be responded to either in English or the primary language. (Education Code 48981, 48985) In addition to providing written notices in the primary language of parents/guardians of students who speak a primary language other than English and ~~make-up~~ constitute 15 percent or more of the student enrollment at any district school (pursuant to California Education Code Section 48985), the district shall also provide meaningful written or oral communication with other LEP parents/guardians in a language they can understand (generally, information should be provided using the same means of communication used for English speaking parents/guardians, e.g. written translation for written notices or oral interpretation for information provided orally in English), and will adequately notify LEP parents/guardians of information provided orally or in writing to non-LEP parents/guardians about programs, service, and activities of the district. Where a written notice relevant to parent/guardian participation in programs, meetings, or other activities cannot be provided in a specific language the parent/guardian understands, the district will ensure that the notice states (in a language the parent/guardian can understand, or the parent is otherwise informed) that the parent/guardian may request oral interpretation of the notice by contacting a site staff member or the District Office of Student Services.

Where the information is being provided orally in a program, meeting, or other activity, the district will inform LEP parents/guardians that they may contact their site administrator or any other site staff (or the District Office of Student Services if the meeting or event is at the District Office) to request an oral interpreter for the meeting(s), program(s), or activity(ies). The site staff or Office of Student Services will provide an oral interpreter, or if one is not available, will contact the Language Line or other interpretation service to provide meaningful communication of the relevant information.

Whenever an employee learns that a student's parent/guardian is for any reason unable to understand the district's information about programs, services, or activities, the principal or designee shall work with the parent/guardian to establish other appropriate means of communication.

Legal Reference:

EDUCATION CODE

221.5 Prohibited sex discrimination

231.5 Sexual harassment policy

234.7 Student protections relating to immigration and citizenship status

262.3 Appeals; information re: availability of civil remedies

310 Structured English Immersion Program

313 Reclassification of English learners, parental consultation

313.2 Long-term English learner, notification

440 English language proficiency assessment; instruction in English language development

8483 Before/after school program; enrollment priorities

Adopted: 06/10/02

Amended: 03/11/04; 09/18/08; 06/07/18; 03/04/21

17288 *Students: school buildings*
17611.5-17612 *Notification of pesticide use*
32221.5 *Insurance for athletic team members*
32255-32255.6 *Right to refuse harmful or destructive use of animals*
32390 *Fingerprint program; contracts; funding; consent of parent/guardian*
33479.3 *The Eric Paredes Sudden Cardiac Arrest Prevention Act*
35160.5 *Extracurricular and cocurricular activities*
35178.4 *Notice of accreditation status*
35182.5 *Advertising in the classroom*
35183 *School dress codes; uniforms*
35186 *Complaints concerning deficiencies in instructional materials and facilities*
35211 *Driver training; district insurance, parent/guardian liability*
35256 *School accountability report card*
35258 *School Accountability Report Card*
35291 *Rules*
37616 *Consultation*
39831.5 *School bus rider rules and information*
44050 *Employee codes of conduct, employee interactions with students*
44808.5 *Permission to leave school grounds*
46010.1 *Notice re: excuse to obtain confidential medical services*
46014 *Regulations regarding absences for religious purposes*
46600-46611 *Interdistrict attendance agreements*
48000 *Minimum age of admission*
48070.5 *Promotion or retention of students*
48204 *Residency requirements*
48205 *Absence for personal reasons*
48206.3 *Students with temporary disabilities; individual instruction; definitions*
48207 *Students with temporary disabilities in hospitals outside of school district*
48208 *Students with temporary disabilities in qualifying hospitals*
48213 *Prior notice of exclusion from attendance*
48216 *Immunization*
48260.5 *Notice to parent regarding truancy*
48262 *Need for parent conference regarding truancy*
48263 *Referral to SARB or probation department*
48301 *Interdistrict transfers*
48350-48361 *Open Enrollment Act*
48354 *Option to transfer from school identified under Open Enrollment Act*
48357 *Status of application for transfer from school identified under Open Enrollment Act*
48412 *Certificate of proficiency*
48432.3 *Voluntary enrollment in continuation education*
48432.5 *Involuntary transfers of students*
48850-48859 *Education of foster youth and homeless students*
48900.1 *Parental attendance required after suspension*
48904 *Liability of parent/guardian for willful student misconduct*
48904.3 *Withholding grades, diplomas, or transcripts*
48906 *Notification of release of student to peace officer*

- 48911 Notification in case of suspension*
- 48911.1 Assignment to supervised suspension classroom*
- 48912 Closed sessions; consideration of suspension*
- 48915.1 Expelled individuals: enrollment in another district*
- 48916 Readmission procedures*
- 48918 Rules governing expulsion procedures*
- 48929 Transfer of student convicted of violent felony or misdemeanor*
- 48980 Required notification at beginning of term*
- 48980.3 Notification of pesticide use*
- 48981 Time and means of notification*
- 48982 Signature; return to school; effect of signature*
- 48983 Contents of notice*
- 48984 Activities prohibited unless notice given*
- 48985 Notices to parents in language other than English*
- 48987 Child abuse information*
- 49013 Use of uniform complaint procedures for complaints regarding student fees*
- 49063 Notification of parents of their rights*
- 49067 Regulations regarding student's achievement*
- 49068 Transfer of permanent enrollment and scholarship record*
- 49069 Absolute right to access*
- 49070 Challenging content of records*
- 49073 Release of directory information*
- 49073.6 Student records, social media*
- 49076 Access to student records*
- 49077 Access to information concerning a student in compliance with court order*
- 49403 Cooperation in control of communicable disease and immunization*
- 49423 Administration of prescribed medication for student*
- 49451 Physical examinations: parent's refusal to consent*
- 49452.5 Screening for scoliosis*
- 49452.7 Information on type 2 diabetes*
- 49452.8 Oral health assessment*
- 49456 Results of vision or hearing test*
- 49471-49472 Insurance*
- 49475 Student athletes; concussions and head injuries*
- 49480 Continuing medication regimen for nonepisodic conditions*
- 49510-49520 Duffy-Moscone Family Nutrition Education and Services Act of 1970*
- 49557.5 Child Hunger Prevention and Fair Treatment Act of 2017; notice of negative balance in meal account*
- 51225.1 Exemption from district graduation requirements*
- 51225.2 Course credits; foster youth, homeless youth, former juvenile court school students and military-connected students*
- 51225.3 Graduation requirements; courses that satisfy college entrance criteria*
- 51229 Course of study for grades 7-12*
- 51513 Personal beliefs; privacy*
- 51938 Right of parent/guardian re: notice HIV/AIDS and sexual health instruction*
- 52164 Language census*

52164.1 Census-taking methods; determination of primary language; assessment of language skills
52164.3 Notice of reassessment of language skills
52164.3 Reassessment of English learners; notification of results
54444.2 Migrant education programs; parent involvement
56301 Child-find system; policies regarding written notification rights
56321 Special education: proposed assessment plan
56321.5-56321.6 Notice of parent rights pertaining to special education
56329 Written notice of right to findings; independent assessment
56341.1 Development of individualized education program; right to audio record meeting
56341.5 Individualized education program team meetings
56343.5 IEP meetings
56521.1 Behavioral intervention
58501 Alternative schools: notice required prior to establishment
60615 Exemption from state assessment
60641 Standardized Testing and Reporting Program
69432.9 Submission of grade point average to Cal Grant program
CIVIL CODE
1798.29 District records, breach of security
HEALTH AND SAFETY CODE
1596.857 Right to enter child care facility
104420 Tobacco use prevention
104855 Availability of topical fluoride treatment
116277 Lead testing of school drinking water
120365-120375 Immunizations
120440 Sharing immunization information
124100-124105 Health screening and immunizations
PENAL CODE
626.81 Notice of permission granted to sex offender to volunteer on campus
627.5 Hearing request following denial or revocation of registration
CODE OF REGULATIONS, TITLE 5
852 Exemptions from state assessments
863 Standardized Testing and Reporting Program
3052 Behavioral intervention
4622 Notification of uniform complaint procedures
4631 Uniform complaint procedures; notification of decision and right to appeal
4702 Student transfer from school identified under Open Enrollment Act
4917 Notification of sexual harassment policy
11303 Reclassification of English language learners
11511.5 English language proficiency assessment; test results
11523 Notice of proficiency examinations
18066 Policies and procedures absences for child care
18094-18095 Notice of Action; child care services
18114 Notice of delinquent fees; child care services
18118-18119 Notice of Action; child care services
CODE OF REGULATIONS, TITLE 17
2951 Hearing tests

6040 Time period to obtain needed immunizations

UNITED STATES CODE, TITLE 20

1232g Family Educational and Privacy Rights Act

1232h Privacy rights

1415 Procedural safeguards

6311 State plans

6312 Local education agency plans

6318 Parental involvement

7908 Armed forces recruiter access to students

UNITED STATES CODE, TITLE 42

1758 Child nutrition programs

11431-11435 McKinney-Vento Homeless Assistance Act

CODE OF FEDERAL REGULATIONS, TITLE 7

245.5 Eligibility criteria for free and reduced-price meals

245.6a Verification of eligibility for free and reduced-price meals

CODE OF FEDERAL REGULATIONS, TITLE 34

99.7 Student records, annual notification

99.30 Disclosure of personally identifiable information

99.34 Student records, disclosure to other educational agencies

99.37 Disclosure of directory information

104.32 District responsibility to provide free appropriate public education

104.36 Procedural safeguards

104.8 Nondiscrimination

106.9 Dissemination of policy, nondiscrimination on basis of sex

200.48 Teacher qualifications

300.300 Parent consent for special education evaluation

300.322 Parent participation in IEP team meetings

300.502 Independent educational evaluation of student with disability

300.503 Prior written notice regarding identification, evaluation, or placement of student with disability

300.504 Procedural safeguards notice for students with disabilities

300.508 Due process complaint

300.530 Discipline procedures

CODE OF FEDERAL REGULATIONS, TITLE 40

763.84 Asbestos inspections, response actions and post-response actions

763.93 Management plans



Preparing every student to thrive in a global society.

Dear Parent/Guardian,

The California Education for a Global Economy Initiative provides parents the right to request **language acquisition programs** that offer students access to high-quality, research-based language instruction

This initiative defines **language acquisition programs** as educational programs designed for English learner students

- to ensure English acquisition as rapidly and effectively as possible, and
- to provide instruction to these pupils on the state-adopted academic content and English Language Development (ELD) standards through Integrated and Designated ELD.
 - Designated ELD is defined as instruction provided during a time during the regular school day for focused instruction on the state-adopted ELD standards to assist English learners to develop critical English language skills necessary for academic content learning in English. (*California Code of Regulations, Title 5 [5 CCR] Section 11300[a]*)
 - Integrated ELD is defined as instruction in which the state-adopted ELD standards are used in tandem with the state-adopted academic content standards. Integrated ELD includes specifically designed academic instruction in English. (*5 CCR Section 11300[c]*)

This letter serves as notification that the East Side Union High School District offers a Structured English Immersion Program as the language acquisition program for all English learner students. (Ed Code 305-306; 5 CCR 11309)

In a Structured English Immersion Program (SEI) nearly all classroom instruction is provided in English but with curriculum and a presentation designed for pupils who are learning English. Typically, SEI includes:

- English language development (ELD) appropriate to each student's level of English proficiency, which is typically provided in a Designated ELD classroom setting,
- content instruction utilizing specially designed academic instruction in English (SDAIE) whenever needed for full access to the core curriculum, and
- may include support in the student's home language to check for understanding and provide clarification when needed.

As per Board Policy 6174, at the beginning of each school year, upon a student's enrollment or upon identification of the student as an English learner student based on the results of the ELPAC, the student's parents/guardians shall be provided information on the type of language acquisition program available to students in the district, including a description of the program, and the process to request establishment of a language acquisition program. (Ed Code 310; 5 CCR 11310-11311)

Parents may provide input regarding language acquisition programs during the development of the Local Control Accountability Plan. (Ed Code 305) To the extent possible, any language acquisition program requested by the parents/guardians of 30 or more students at the school or by the parents/guardians of 20 or more students at any grade level shall be offered by the school. Possible language acquisition programs may include, but are not limited to: (Ed Code 305-306)

- A Dual Language Immersion Program that provides integrated language learning and academic instruction for native speakers of English and native speakers of another language with the goals of high academic achievement, first and second language proficiency, and cross-cultural understanding.
- A Transitional or Developmental Program for English learners that provides literacy and academic instruction in English and a student's native language and that enables an English learner to achieve English proficiency and academic mastery of subject matter content and higher order thinking skills, including critical thinking, in order to meet state academic content standards.

If interested in a program different from the Structured English Immersion Program offered in the East Side Union High School District, please contact the principal at your child's school for information on the process to request establishment of a language acquisition program.

Respectfully,
Teresa Marquez,
Associate Superintendent of Educational Services



Preparing every student to thrive in a global society.

To Parents/Guardians:

If your child is attending a school receiving Title I federal funds through the Elementary and Secondary Education Act (ESEA). At the beginning of each school year, local educational agencies receiving Title I funds are required to notify parents whose student(s) attend a Title I school that they may request, and the agency will provide the parents on request (and in a timely manner), information regarding the professional qualifications of the student's classroom teachers, including at a minimum:

1. Whether the student's teacher:

- Has met State qualification and licensing criteria for the grade levels and subject areas in which the teacher provides instruction;
- Is teaching under emergency or other provisional status through which State qualification or licensing criteria have been waived; and
- Is teaching in the field of discipline of the certification of the teacher.

2. Whether the child is provided services by paraprofessionals and, if so, their qualifications.

If you would like this information, please contact Associate Superintendent of Human Resources 408-347-5250

East Side Union High School District prohibits unlawful discrimination (such as discriminatory harassment, intimidation or bullying) against any person in District programs and activities, based on the person's actual or perceived characteristics of race or ethnicity, color, ancestry, nationality, national origin, ethnic group identification, age, religion, marital or parental status, physical or mental disability, sex (including sexual harassment), sexual orientation, gender, gender identity, gender expression, or genetic information, immigration status, or any other characteristic identified in California Education Code sections 200 or 220, Government Code 11135, or Penal Code 422.55, or based on his/her association with a person or group with one or more of these actual or perceived characteristics. For questions or complaints, contact Clezel Sewell, Director of Equity, Diversity, and Inclusion, at 830 North Capitol Avenue, San Jose, CA 95133, (408) 347-5258, or email at sewellc@esuhsd.org.

ALTERNATIVE ACADEMIC PROGRAMS

NOTICE OF ALTERNATIVE SCHOOLS

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

- a) Maximize the opportunity for students to develop the positive values of self-reliance, initiative, kindness, spontaneity, resourcefulness, courage, creativity, responsibility and joy.
- b) Recognize that the best learning takes place when the student learns because of his/her desire to learn.
- c) Maintain a learning situation maximizing student self-motivation and encouraging the student in his/her own time to follow his/her own interests. These interests may be conceived by him/her totally and independently or may result in whole or in part from a presentation by his/her teachers of choices of learning projects.
- d) Maximize the opportunity for teachers, parents and students to cooperatively develop the learning process and its subject matter. This opportunity shall be a continuous, permanent process.
- e) Maximize the opportunity for the students, teachers, and parents to continuously react to the changing world, including but not limited to the community in which the school is located.

In the event any parent, pupil or teacher is interested in further information concerning alternative schools, the county superintendent of schools, the administrative office of this district, and the principal's office at each school has copies of the law available for your information. This law particularly authorizes interested persons to request the governing board of the District to establish alternative school programs in each district. (Education Code Section 58501)

INDEPENDENT STUDY OPTION

East Side Union High School District's Independent Study Option, established in 1981, provides contract Independent Study for students who desire a high school education but are not able to attend a traditional high school. The students stay enrolled in their home school. Young parents without child care, full time working students, students with unique physical or educational conditions and others are receiving a quality education through Independent Study.

STUDENT OPTIONS AND RESPONSIBILITIES

Independent Study students are subject to the same standards of behavior and are eligible for the same services as the comprehensive students. Many use the high school libraries, participate on interscholastic teams, attend SVCTE, are on work experience, and attend social and cultural events sponsored by the comprehensive school.

PRE-REQUISITES

1. Students need to be referred by their home school.

INDIVIDUALIZED HOME AND HOSPITAL INSTRUCTION

A student who is temporarily disabled and will be unable to attend school for a period in excess of two weeks may receive individualized instruction at home up to one hour per school day. Please call the school for a full description of the program and criteria for receiving such instruction. A student who is placed in a hospital or other residential health facility will be provided educational services by the school district in whose attendance area the facility is located. Parents are responsible for notifying the appropriate school district of the need for such educational services. (Education Code Section 48206.3)

ASSESSMENTS

CALIFORNIA ASSESSMENT OF STUDENT PERFORMANCE AND PROGRESS (CAASPP)

The CAASPP system is based on the state’s California Common Core State Standards (CA CCSS) for English Language Arts (ELA) and mathematics, and the Next Generation Science Standards (NGSS). The primary goal of this statewide testing program is to better prepare all students for college and careers in the twenty- first century. Computer-based assessments, developed through the Smarter Balanced Assessment Consortium, form the cornerstone for CAASPP. All eleventh grade students take these exams. Any twelfth grade student who has not taken the science test will also be required to take that exam only. For students with disabilities who qualify for an alternative exam based on their IEP, the CAA is available.

The CAASPP assessments in 11th grade offer many benefits to students in California.

- The 11th grade English Language Arts and Math assessments are part of the California State University (CSU) Early Assessment Program (EAP) and help with college placement in English and Math at the CSUs. Students who score a 4 on the Math and English 11th grade CAASPP tests are considered “college ready” and may enter directly into college level Math and English upon college admission to a CSU. Students whose CAASPP test scores show they may need supported instruction will be placed in courses that may include labs, tutoring, workshops, and stretch courses (courses extended over terms) that are connected to credit bearing college-level courses. Many other universities and junior colleges also accept EAP scores as evidence of college readiness.
- CAASPP English Language Arts test scores are also a requirement for qualifying for the California State Seal of Biliteracy (SSB).
- CAASPP Math and Science scores are optional measures used in qualifying students for the Golden State Seal Merit Diploma.
- CAASPP ELA scores are used in the qualifications for English Language Learner students to reclassify to English proficient.

California Education Code states that parents/guardians can submit a written request to the principal of their student’s school if they do not wish to have their student take any or all parts of the state’s CAASPP tests. However ,the benefits stated above should be considered carefully prior to opting students out of the test. We encourage parents to contact their child’s teacher or principal with any concerns they may have about the tests before they request that their student be excluded from taking the test(s).

PHYSICAL FITNESS TEST

The physical fitness test is required to be administered to all 9th grade students. The test was altered in 2021-22 eliminating one component of the test. Because of this change students do not receive a pass/fail determination of student performance.

ENGLISH LANGUAGE PROFICIENCY ASSESSMENT FOR CALIFORNIA (ELPAC)

Beginning in February each year all English Language Learner students are required by the state to take the Summative ELPAC assessment. This test assesses students’ English proficiency. The scores from this assessment are one of the required components used to reclassify students as English proficient.

READING ASSESSMENT

The District administers the Degrees of Reading Power (DRP) assessment. All students in entry-level English classes as well as all English Language learners and many students with disabilities take the Degrees of Reading Power (DRP) test in the fall and spring. Results inform teacher instruction and IEP goals and are used in the reclassification process of English Language learners.

SAT ASSESSMENT

Some colleges and universities use the SAT (Scholastic Aptitude Test) for admission purposes; however, the University of California system(UC) and California State University system(CSU) are no longer using the SAT for admissions.

CSU: The CSU system allows students to submit SAT test scores after admission which can be used in English and Math placement decisions.

https://www.calstate.edu/apply/freshman/getting_into_the_csu

UC: UC will not consider SAT or ACT test scores when making admissions decisions or awarding scholarships. If you choose to submit test scores as part of your application, they may be used as an alternative method of fulfilling minimum requirements for eligibility or for course placement after you enroll. For more information, please visit this link:

<https://admission.universityofcalifornia.edu/admission-requirements/freshman-requirements/>

Because the SAT can be used by the UC and CSU systems as a metric for placement in English and Math after admission and because some other private schools may still require the SAT for admissions, the East Side Union High School District will offer the SAT to all 11th grade students free of charge who sign up to take the test. The SAT will be offered in the Spring of 2024 and the exact dates will be announced at a later date. For more information about the SAT please visit

<https://collegereadiness.collegeboard.org/sat>

PSAT PRELIMINARY SCHOLASTIC APTITUDE TEST

The East Side Union High School District no longer offers the PSAT. The main purpose of the PSAT is to prepare students for the SAT which has limited use in the college application process. The [Khan Academy](#) offers a free SAT prep program that students can access online.

If you are interested in having your student take the PSAT, you can visit this website to search for schools across the state that do offer the PSAT and inquire directly to those schools about taking the exam.

<https://ordering.collegeboard.org/testordering/publicSearch>

COLLEGE BOARD STUDENT SEARCH SERVICES

The college board offers this program to students and can be joined at any time by students by logging into their CB account and signing up.

[From the CB website](#) "We share information that you provide to College Board, such as when you register for and take College Board assessments and when you create a college list on College Board's college planning website. Participating organizations can also run searches using score ranges on the PSAT 10, PSAT/NMSQT, SAT and AP exams. College Board does not share disability or health information, social security numbers, self-reported financial information or phone numbers. If you opt-in to Student Search Service, we may share information that you provided prior to and after opting-in Student Search Service, but we will not share any information until you opt-in, and you can opt-out at any time."

ADVANCED PLACEMENT EXAMS

Students who submit paperwork that demonstrates they meet the income eligibility thresholds for reduced fee exams for Advanced Placement and International Baccalaureate program exams will pay an exam fee of \$5 instead of the full exam fee. Please see your school counselor or administrator for more information.

2023-24 Exam Schedule <https://apcentral.collegeboard.org/exam-administration-ordering-scores/exam-dates/2023-exam-dates>

ADVANCED PLACEMENT Week 1			
Week 1	Morning 8 AM	Afternoon 12 PM	2 PM
Monday, May 6, 2024	US Govt & Politics	Art History	
		Chemistry	
Tuesday, May 7, 2024	Human Geography	Seminar	
	Microeconomics	Statistics	
Wednesday, May 8, 2024	English Literature & Composition	Comparative Govt & Politics	
		Computer Science A	
Thursday, May 9, 2024	Chinese Language and Culture	Psychology	
	Environmental Science		
Friday, May 10, 2024	European History	Microeconomics	
	United States History	Spanish Literature and Culture	
<p>Art and Design: Friday, May 10, 2024 (8 p.m. ET), is the deadline for AP Art and Design students to submit their three portfolio components as final in the AP Digital Portfolio.</p>			
ADVANCED PLACEMENT Week 2			
Week 2	Morning 8 AM	Afternoon 12 PM	2 PM
Monday, May 13, 2024	Calculus AB	Italian Language and Culture	
	Calculus BC	Precalculus	
Tuesday, May 14, 2024	English Language & Composition	African American Studies	Physics C: Electricity & Magnetism
		Physics C: Mechanics	
Wednesday, May 15, 2024	French Language & Comp	Computer Science Principles	
	World History: Modern	Music Theory	
Thursday, May 16, 2024	Spanish Language and Culture	Biology	
		Japanese Language and Culture	
Friday, May 17, 2024	German Language and Culture	Latin	
	Physics 1: Algebra-Based	Physics 2: Algebra-Based	

GOLDEN STATE SEAL MERIT DIPLOMA

The Golden State Seal Merit Diploma (GSSMD) insignia is awarded jointly by the California State Board of Education and the State Superintendent of Public Instruction to recognize students who have demonstrated mastery of the high school curriculum in at least six subject areas.

Each local educational agency that confers high school diplomas is required by state law to identify students who qualify and to affix the GSSMD insignia to the diploma and note it on the transcript of each qualifying graduate.

Students must meet the eligibility requirements in the following subjects:

- English Language Arts
- Mathematics
- Science
- U.S. History
- Two subject matter areas selected by the student

For a complete list of the criteria please visit this website: <https://www.cde.ca.gov/ta/tg/ca/gssmdeligibility.asp>

CALIFORNIA STATE SEAL OF BILITERACY

The State Seal of Biliteracy (SSB) is a recognition by the State Superintendent of Public Instruction for high school graduates who have attained a high level of proficiency in speaking, reading, and writing in English and in one or more additional languages. The State Seal of Biliteracy is marked by a gold seal affixed to the diploma and is noted on the transcript. The East Side Union High School District has 600-700 graduates a year who qualify for this distinguished honor.

REQUIREMENTS FOR THE STATE SEAL OF BILITERACY

ENGLISH: Both English requirements must be met in order to qualify for the SSB.

- Completing all English language arts graduation requirements with a 2.0 grade point average (GPA) or above.
- Passing the ELA SBAC California Assessment of Student Performance and Progress (CAASPP) at the "Standard Met" or "Standard Exceeded" level.

ADDITIONAL LANGUAGE(S): There are two options to meet the requirements for additional languages.

- **Option 1: Testing** (only one qualifying test score is required)
 - Passing an Advanced Placement (AP) exam with a score of three or above
 - Passing an International Baccalaureate (IB) exam with a score of four or above
 - If taken prior to the College Board discontinuing this assessment, passing an SAT II foreign language exam with a score of 600 or above.
 - Passing a locally approved assessment that meets the rigor of an AP exam and tests all modalities of communication in the language.

OR

- **Option 2: Coursework**
 - Completing a four-year high school course of study in the language with a 3.0 GPA or above **AND** demonstrating oral proficiency in the language

STUDENTS WHO ARE CURRENTLY DESIGNATED AS ENGLISH LEARNERS:

These students must also demonstrate English proficiency on the English Language Proficiency Assessments for California (ELPAC) by earning a score of 4.

FOR MORE INFORMATION:

- State Seal of Biliteracy Poster: <https://www.cde.ca.gov/sp/el/er/documents/ssbposter2021.pdf>
- California Department of Education State Seal of Biliteracy: <https://www.cde.ca.gov/sp/el/er/sealofbiliteracy.asp>



THE CALIFORNIA STATE SEAL OF BILITERACY

What is the State Seal of Biliteracy?

The State Seal of Biliteracy is a recognition by the State Superintendent of Public Instruction for graduating high school students who have attained a high level of proficiency in speaking, reading, and writing in one or more languages in addition to English. The State Seal of Biliteracy is marked by a gold seal affixed to the diploma or transcript.

Where can I find more information about the State Seal of Biliteracy?

More information about the State Seal of Biliteracy is available on the California Department of Education State Seal of Biliteracy web page at <https://www.cde.ca.gov/sp/el/er/sealofbiliteracy.asp> or scan the QR code at the bottom of this poster.



Follow us on Twitter: @MultilingualCA

What are the requirements for earning the California State Seal of Biliteracy?

English proficiency, demonstrated by:



Second-language proficiency, demonstrated by:



and



Completing all English language arts (ELA) graduation requirements with a 2.0 grade point average (GPA) or above.

Passing the ELA California Assessment of Student Performance and Progress at the "standard met" level or above.

Assessment (choose one)

or

Coursework



Passing an Advanced Placement (AP) exam with a three or above.



and



Completing a four-year high school course of study in the language with a 3.0 GPA or above.

Demonstrating oral proficiency in the language.



Passing an International Baccalaureate (IB) exam with a four or above.



Passing an SAT II foreign language exam with a 600 or above.

Or passing a locally approved assessment that meets the rigor of an AP exam and tests all modalities of communication in the language.

If the student is currently designated as an English learner, also:



Demonstrating English proficiency on the English Language Proficiency Assessments for California (ELPAC) and meeting all other requirements.

Scan for more information:



STUDENTS

SUBJECT: Discipline

The Governing Board 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 Board believes that high expectations for student behavior, use of effective school and 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. 5113.1 - Chronic Absence and Truancy)

(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 Superintendent or designee shall design a complement of effective, age-appropriate strategies for maintaining a positive school climate and correcting student misbehavior at district 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 district discipline policies and practices.

The District's goal is to establish and sustain healthy and safe school cultures through relationship-centered practices to keep students engaged in their learning environment. The District is committed to nondiscrimination in administering behavior intervention strategies (including discipline), and to treating all students fairly and impartially in the administration of discipline, without regard to a student's actual or perceived race, color, ancestry, national origin, nationality, immigration status, ethnicity, ethnic group identification, age, religion, marital or parental status, pregnancy, physical or mental disability, medical condition, sex, sexual orientation, gender, gender identity, gender expression, genetic information, or any other legally protected status or association with a person or group with one or more of these actual or perceived characteristics.

Maintaining the safety of students and staff and keeping students in the classroom learning shall be District priorities in determining appropriate discipline. When misconduct occurs, staff shall attempt to identify the causes of the student's behavior and implement appropriate interventions and behavior responses. To the maximum extent possible, the District will adopt and implement student discipline policies and procedures that: provide other means of correction (including, but not limited to: counselor, psychologist, and social worker referrals; parent and/or guardian conferences; restorative justice; and positive behavior supports with tiered interventions) and use

exclusionary discipline only when it has been documented that other means of correction have been attempted and failed to bring about proper conduct and it is the only means of stopping student misbehavior from substantially interfering with the delivery of educational instruction to others or where it is necessary due to the student's presence causing an continuing danger to students or staff, and it is consistent with federal and state law. 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.

The District is committed to working with students who exhibit inappropriate behavior to maximize student engagement in the District's educational program and ensure access to every opportunity to reach their educational potential.

(cf. 5138 - Conflict Resolution/Peer Mediation)

(cf. 6164.2 - Guidance/Counseling Services)

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

Behavior intervention measures that may result in loss of instructional time or cause students to be disengaged from school, such as, suspension, involuntary discipline transfer, 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)

(cf. 6164.5 - Student Success Teams)

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

(cf. 3550 - Food Service/Child Nutrition Program)

(cf. 3551 - Food Service Operations/Cafeteria Fund)

(cf. 3553 - Free and Reduced Price Meals)

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

(cf. 5131.41 - Use of Seclusion and Restraint)

The Superintendent or designee shall create a model uniform behavior response matrix that lists violations and the consequences for each as allowed by law.

The administrative staff at each school may develop disciplinary rules to meet the school's particular needs consistent with law, Board policy, and district regulations. The Board, at an open meeting, shall review the approved school uniform behavior response rules for consistency with Board policy and state law. Site-level uniform behavior response rules shall be included in the district's comprehensive safety plan. (*Education Code 35291.5, 32282*)

The uniform behavior response matrix and site-specific rules shall:

1. include a list of minor inappropriate behaviors for which suspension or expulsion should never be used, and a list of minor and inappropriate behaviors that warrant instructional interventions rather than exclusionary consequences;
2. eliminate, to the maximum extent possible, vague, subjective, and redundant misbehavior categories, including by clearly defining terms like willful defiance, disruption, and disrespect;
3. include definitions of misconduct that are clearly defined, uniform, and objective to the maximum extent possible and that clearly distinguish between similar acts, (e.g., fighting and physical aggression);
4. describe a menu of tiered interventions and consequences that are aligned with the seriousness of the inappropriate behavior and that may be imposed for each infraction, as well as objective criteria for staff to use when selecting a particular response/consequence from the menu and when applying progressive behavior responses
5. adopt an ongoing district and site review process to ensure more consistent implementation of, and nondiscrimination in, student discipline; and
6. provide clear, objective criteria for the use of involuntary and administrative discipline transfers that incorporate appropriate due process, and delineate the process, objective criteria, and timelines for transferred students to return to their home school.

The Superintendent or designee shall develop a process that seeks to successfully reintegrate students within the School community who have been suspended, expelled, transferred, or excluded, or who return from alternative disciplinary placements, including through the provision of counseling, tutoring or other additional educational services to permit the student to make up lost classroom time. The process shall include clear, objective criteria for the return of such students to their home school or to another comprehensive school in the district.

(cf. 0450 - Comprehensive Safety Plan)

(cf. 9320 - Meetings and Notices)

School sites will implement the use of positive and proactive behavior strategies (e.g., actively teaching and reteaching expectations, student reinforcement for demonstrating expected behaviors, and school-wide recognition systems specifically for following school expectations) on all school campuses, including alternate placement settings. Personnel at each campus within the district will teach or revisit district and campus-wide expectations with students and staff at least annually. The district shall annually provide trainings on social emotional learning and/or positive proactive behavior strategies for newly hired employees who have assigned contact time with students.

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

(cf. 0410 - Nondiscrimination in District Programs and Activities)

(cf. 0415 - Equity)

(cf. 5145.3 - Nondiscrimination/Harassment)

(cf. 5145.7 - Sexual Harassment)

The Superintendent or designee shall provide professional development as necessary to assist staff in developing the skills needed to effectively implement the behavior intervention strategies adopted for district 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. 4131 - Staff Development)

(cf. 4231 - Staff Development)

(cf. 4331 - Staff Development)

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

(cf. 0460 - Local Control and Accountability Plan)

(cf. 3100 - Budget)

At the beginning of each school year, the Superintendent or designee shall report to the Board regarding behavior intervention strategies used in district schools in the immediately preceding school year and their effect on student learning and the opportunity/achievement gap. This report shall include discipline data and the number of days of lost instruction due to discipline removals, disaggregated by race, national origin, gender, disability, free or reduced lunch, attendance, grade point average, credits earned and English Language Learner (ELL) status. The district will also publicly report online, such disaggregated discipline data while protecting the privacy in individual student data.

The district is committed to identifying strengths and addressing improvements in the operations of our school through the continuous use of data, including discipline data, as an effort to honor each component of our mission. In addition to the annual reporting described above, the district and each school site will also review on an ongoing and at least monthly basis, its discipline data disaggregated by race/national origin, gender, disability, free or reduced price lunch, foster youth, average grade point average (GPA), attendance, credits earned, and ELL status to help assess whether the district is implementing its student behavior intervention policies, practices and procedures in a nondiscriminatory, equitable manner. Each site Administrative Team and/or the designee will also convene each site principal and multidisciplinary site team at the conclusion of each semester to discuss the data referenced herein, assist the site team with understanding, analyzing and using the data, and assess their school's progress toward ensuring

nondiscriminatory equal treatment in behavior responses. At the end of each semester, the principal and multidisciplinary site team at each school in the district will also meet with the administrators, teachers, and school aides, school security officers, and any other District or site staff who supervise students, make behavior referrals, and/or impose behavior consequences at their school to provide a training on the District's UBR and non-discrimination obligations, and discuss the data gathered and analyzed, and the school's progress with respect to ensuring nondiscriminatory equal treatment in behavior intervention strategies, including areas of strength and areas of needed improvement. Each semester, each site team shall identify at least one goal specific to enhancing equitable school behavior intervention strategies.

Legal Reference:

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 parent/guardian

49005-49006.4 Seclusion and restraint

49330-49335 Injurious objects

49550-49564.5 Meals for needy students

52060-52077 Local control and accountability plan

CIVIL CODE

1714.1 Parental liability for child's misconduct

CODE OF REGULATIONS, TITLE 5

307 Participation in school activities until departure of bus

353 Detention after school

UNITED STATES CODE, TITLE 20

1400-1482 Individuals with Disabilities Education Act

UNITED STATES CODE, TITLE 29

794 Section 504 of the Rehabilitation Act of 1973

UNITED STATES CODE, TITLE 42

1751-1769j School Lunch Program

1773 School Breakfast Program

Management Resources:

CSBA PUBLICATIONS

Recent Legislation on Discipline: AB 240, Fact Sheet, March 2015

The Case for Reducing Out-of-School Suspensions and Expulsions, Fact Sheet, April 2014

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

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>

STUDENTS

SUBJECT: Suspension and Expulsion/Due Process

The Governing Board desires to provide district students access to educational opportunities in an orderly school environment that protects their safety and security, ensures their welfare and well-being, and promotes their learning and development. The Board shall develop rules and regulations setting the standards of behavior expected of district students and the processes and procedures for addressing student behavior, including suspension and/or expulsion. The district recognizes that providing appropriate due process for students in administering behavior responses including suspension and expulsion is an important mechanism to help ensure nondiscrimination equal treatment of all students.

The district's goal is to establish and sustain healthy and safe school cultures through relationship-centered practices to keep students engaged in their learning environment. The district is committed to nondiscrimination in administering behavior intervention strategies (including discipline), and to treating all students fairly and impartially in the administration of discipline, without regard to a student's actual or perceived race, color, ancestry, national origin, nationality, immigration status, ethnicity, ethnic group identification, age, religion, marital or parental status, pregnancy, physical or mental disability, medical condition, sex, sexual orientation, gender, gender identity, gender expression, genetic information, or any other legally protected status or association with a person or group with one or more of these actual or perceived characteristics.

Maintaining the safety of students and staff and keeping students in the classroom learning shall be District priorities in determining appropriate discipline. When misconduct occurs, staff shall attempt to identify the causes of the student's behavior and implement appropriate interventions and behavior responses. To the maximum extent possible, the District will adopt and implement student discipline policies and procedures that: use exclusionary discipline only when it has been documented that other means of correction have been attempted and failed to bring about proper conduct and it is the only means of stopping student misbehavior from substantially interfering with the delivery of educational instruction to others or where it is necessary due to the student's presence causing a continuing danger to students or staff, and it is consistent with federal and state law. 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.

The district is committed to working with students who exhibit inappropriate behavior to ensure that students remain engaged in the district's educational program and ensure access to every opportunity to reach their educational potential. The district will develop and annually update a School-Based Supports Plan (Plan) to identify students who are at-risk and who engage in repeated or serious behavior incidents, assess their academic and behavioral needs, and provide appropriate supports, to prevent further behavior incidents, such as through the use of tiered interventions, functional behavioral or similar assessments, and positive behavior interventions. The district will present this Plan to the Board annually.

(cf. 5131 - Conduct)

(cf. 5131.1 - Bus Conduct)

(cf. 5131.2 - Bullying)

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

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

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

(cf. 5112.5 - Open/Closed Campus)

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

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

The district will provide annual discipline training to all district teachers, administrators, and school aides, school security officers, and any other district or site staff who supervise students, make discipline referrals, and/or impose discipline sanctions to help ensure a consistent, fair and nondiscriminatory approach to student behavior. The training will include:

1. the district's goals to a) keep students in the classroom, learning; b) ensure fair, consistent, and equitable implementation of research-based alternatives to exclusion; and c) use exclusionary discipline only when it has been documented that other means of correction have been attempted and failed to bring about proper conduct and it is the only means of stopping student misbehavior from substantially interfering with the delivery of educational instruction to others or where it is necessary due to the student's presence causing a continuing danger to students or staff, and it is consistent with federal and state law;
2. detailed explanations of the discipline policy; the interventions and supports to be documented and that have been attempted and have not been successful prior to exclusionary discipline; the specific manner in which progressive disciplinary consequences will be employed if applicable; and the documentation that must be developed and maintained by all staff who make disciplinary referrals or impose disciplinary sanctions;
3. the district's system for collecting, maintaining and analyzing data on student discipline;

4. how to administer discipline fairly and equally, to ensure nondiscrimination in discipline by eliminating any bias (explicit or implicit) in discipline decision-making;
5. the value of recognizing and reinforcing positive student behavior, and the importance of addressing misbehavior in a manner that, to the maximum extent possible, does not remove students from the class and educational program; and,
6. policies and procedures for identifying students with LEP parents/guardians, and providing oral interpretation and written translation of discipline information.

(cf. 0410 - Nondiscrimination in District Programs and Activities)

Appropriate Use of Suspension Authority

Except when a student's act violates Education Code 48900(a)-(e), as listed in items #1-5 under "Grounds for Suspension and Expulsion: Grades K-12" of the accompanying administrative regulation, suspension shall be used only when it has been documented that other means of correction have been attempted and have failed to bring about proper conduct and the student's presence causes a continuing danger to students or staff, or when it is the only means of stopping student misbehavior from substantially interfering with the delivery of educational instruction to others. *(Education Code 48900.5, 48900.6)*

(cf. 1020 - Youth Services)

(cf. 5138 - Conflict Resolution/Peer Mediation)

(cf. 5144 - Discipline)

(cf. 6142.4 - Service Learning/Community Service Classes)

(cf. 6164.2 - Guidance/Counseling Services)

(cf. 6164.5 - Student Success Teams)

A student's parents/guardians shall be notified as soon as possible when there is an escalating pattern of misbehavior to discuss district and community resources available to support the student.

Students shall not be suspended or expelled for truancy, tardiness, or absenteeism from assigned school activities, including for missing detention or other consequences for tardiness or truancy.

(cf. 5113 - Absences and Excuses)

(cf. 5113.1 - Chronic Absence and Truancy)

The Superintendent or designee shall develop a process that seeks to successfully reintegrate students within the School community who have been suspended, expelled, transferred, or excluded, or who return from alternative disciplinary placements, including through the provision of counseling, tutoring or other additional educational services to permit the student to make up lost classroom time.

On-Campus Suspension

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

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

Authority to Expel

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

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

1. Possessing a firearm, which is not an imitation firearm, as verified by a certificated employee, unless the student had obtained prior written permission to possess the item from a certificated school employee, with the principal or designee's concurrence

(*cf. 5131.7 - Weapons and Dangerous Instruments*)

2. Selling or otherwise furnishing a firearm
3. Brandishing a knife at another person
4. Unlawfully selling a controlled substance listed in Health and Safety Code 11053-11058
5. Committing or attempting to commit a sexual assault as defined in Penal Code 261, 266c, 286, 288, 288a, or 289, or committing a sexual battery as defined in Penal Code 243.4
6. Possessing an explosive as defined in 18 USC 921

For all other violations listed in the accompanying administrative regulation under "Grounds for Suspension and Expulsion: Grades K-12" and "Additional Grounds for Suspension and Expulsion: Grades 4-12," the Superintendent or principal shall have the discretion to recommend expulsion of a student. In such cases, the Superintendent or Principal shall only recommend expulsion when it has been documented that other means of correction have been attempted, documented, and have failed to bring about proper conduct and it is the only means of stopping student misbehavior from substantially interfering with the delivery of educational instruction to others, or where it is necessary because the student's presence causes a continuing danger to

students or staff, and it is consistent with federal and state law. If expulsion is recommended, the Board shall order the student expelled only if it makes a finding of either or both of the following: (Education Code 48915(b) and (e))

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

A vote to expel a student shall be taken in a public session.

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

No student shall be suspended or expelled for disruption or willful defiance. (*Education Code 48900*)

Due Process

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

(*cf. 5119 - Students Expelled from Other Districts*)

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

Maintenance and Monitoring of Outcome Data

The Superintendent or designee shall annually present to the Board a report of the outcome data which the district 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 Board, the types of referral made after each expulsion, and the disposition of the students after the expulsion period. Consistent with BP 5144, this report shall also include the number of days of lost instruction due to expulsions, disaggregated as described above.

The report shall be disaggregated by school and by numerically significant student subgroups, including, but not limited to, racial/ethnic subgroups, socioeconomically disadvantaged students, English learners, foster youth, and students with disabilities. The report also shall include information about whether and how the district is meeting its goals for improving school climate as specified in its local control and accountability plan. The district will publicly report online, such disaggregated data while protecting the privacy in individual student data.

(cf. 0460 - Local Control and Accountability Plan)

Legal Reference:

EDUCATION CODE

212.5 Sexual harassment

233 Hate violence

1981-1981.5 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 child

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 child 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

UNITED STATES CODE, TITLE 42

11432-11435 Education of homeless children and youths

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)

Management Resources:

CSBA PUBLICATIONS

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

CSBA: <http://www.csba.org>

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>

STUDENTS

SUBJECT: Conduct

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

(cf. 0450 - Comprehensive Safety Plan)

(cf. 5131.1 - Bus Conduct)

(cf. 5137 - Positive School Climate)

(cf. 6145.2 - Athletic Competition)

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

Prohibited student conduct includes, but is not limited to:

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

(cf. 5131.7 - Weapons and Dangerous Instruments)

(cf. 5142 - Safety)

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

(cf. 5131.2 - Bullying)

(cf. 5145.3 - Nondiscrimination/Harassment)

(cf. 5145.7 - Sexual Harassment)

(cf. 5145.9 - Hate-Motivated Behavior)

3. Conduct that disrupts the orderly classroom or school environment

(cf. 5131.4 - Student Disturbances)

4. Willful defiance of staff's authority

Adopted: 09/24/59

Amended: 08/64; 10/65; 03/67; 07/68; 08/69; 10/69; 08/72; 07/74; 05/75; 07/76; 06/77; 12/77; 07/78; 06/06/79; 07/20/80; 10/01/80; 07/22/81; 01/12/83; 02/15/84; 05/02/84; 07/17/85; 07/17/88; 05/19/88; 11/16/89; 06/06/91; 05/22/96; 08/06/98, 03/11/04; 01/13/05; 06/28/07; 09/18/08; 06/21/12; 11/16/07

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

(cf. 3515.4 - Recovery for Property Loss or Damage)

(cf. 5131.5 - Vandalism and Graffiti)

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

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

(cf. 5145.2 - Freedom of Speech/Expression)

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

(cf. 5131.6 - Alcohol and Other Drugs)

(cf. 5131.62 - Tobacco)

(cf. 5131.63 - Steroids)

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

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

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

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

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

10. Plagiarism or dishonesty on school work or tests

(cf. 5131.9 - Academic Honesty)

Adopted: 09/24/59

Amended: 08/64; 10/65; 03/67; 07/68; 08/69; 10/69; 08/72; 07/74; 05/75; 07/76; 06/77; 12/77; 07/78; 06/06/79; 07/20/80; 10/01/80; 07/22/81; 01/12/83; 02/15/84; 05/02/84; 07/17/85; 07/17/88; 05/19/88; 11/16/89; 06/06/91; 05/22/96; 08/06/98, 03/11/04; 01/13/05; 06/28/07; 09/18/08; 06/21/12; 11/16/07

(cf. 6162.54 - Test Integrity/Test Preparation)

(cf. 6162.6 - Use of Copyrighted Materials)

11. Inappropriate attire

(cf. 5132 - Dress and Grooming)

12. Tardiness or unexcused absence from school

(cf. 5113 - Absences and Excuses)

(cf. 5113.1 - Chronic Absence and Truancy)

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

(cf. 5112.5 - Open/Closed Campus)

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

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

(cf. 5145.12 - Search and Seizure)

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

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

(cf. 1020 - Youth Services)

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

(cf. 5020 - Parent Rights and Responsibilities)

(cf. 5127 - Graduation Ceremonies and Activities)

(cf. 5138 - Conflict Resolution/Peer Mediation)

Adopted: 09/24/59

Amended: 08/64; 10/65; 03/67; 07/68; 08/69; 10/69; 08/72; 07/74; 05/75; 07/76; 06/77; 12/77; 07/78; 06/06/79; 07/20/80; 10/01/80; 07/22/81; 01/12/83; 02/15/84; 05/02/84; 07/17/85; 07/17/88; 05/19/88; 11/16/89; 06/06/91; 05/22/96; 08/06/98, 03/11/04; 01/13/05; 06/28/07; 09/18/08; 06/21/12; 11/16/07

(cf. 5144 - Discipline)
(cf. 5144.1 - Suspension and Expulsion/Due Process)
(cf. 5144.2 - Suspension and Expulsion/Due Process (Students with Disabilities))
(cf. 6020 - Parent Involvement)
(cf. 6145 - Extracurricular and Cocurricular Activities)
(cf. 6159.4 - Behavioral Interventions for Special Education Students)
(cf. 6164.2 - Guidance/Counseling Services)
(cf. 6164.5 - Student Success Teams)
(cf. 6184 - Continuation Education)
(cf. 6185 - Community Day School)

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

Legal Reference:

EDUCATION CODE

200-262.4 Prohibition of discrimination

32280-32289 Comprehensive safety plan

35181 Governing board authority to set policy on responsibilities of students

35291-35291.5 Rules

44807 Duty concerning conduct of students

48900-48925 Suspension and expulsion

51512 Prohibition against electronic listening or recording device in classroom without permission

CIVIL CODE

1714.1 Liability of parents and guardians for willful misconduct of minor

PENAL CODE

288.2 Harmful matter with intent to seduce

313 Harmful matter

417.25-417.27 Laser scope or laser pointer

647 Use of camera or other instrument to invade person's privacy; misdemeanor

653.2 Electronic communication devices, threats to safety

VEHICLE CODE

23123-23124 Prohibitions against use of electronic devices while driving

CODE OF REGULATIONS, TITLE 5

300-307 Duties of students

UNITED STATES CODE, TITLE 42

2000h-2000h6 Title IX, 1972 Education Act Amendments

COURT DECISIONS

J.C. v. Beverly Hills Unified School District, (2010) 711 F.Supp.2d 1094

Adopted: 09/24/59

Amended: 08/64; 10/65; 03/67; 07/68; 08/69; 10/69; 08/72; 07/74; 05/75; 07/76; 06/77; 12/77; 07/78; 06/06/79; 07/20/80; 10/01/80; 07/22/81; 01/12/83; 02/15/84; 05/02/84; 07/17/85; 07/17/88; 05/19/88; 11/16/89; 06/06/91; 05/22/96; 08/06/98, 03/11/04; 01/13/05; 06/28/07; 09/18/08; 06/21/12; 11/16/07

LaVine v. Blaine School District, (2000, 9th Cir.) 257 F.3d 981

Emmett v. Kent School District No. 415, (2000) 92 F.Supp. 1088

Bethel School District No. 403 v. Fraser, (1986) 478 U.S. 675

New Jersey v. T.L.O., (1985) 469 U.S. 325

Tinker v. Des Moines Independent Community School District, (1969) 393 U.S. 503

Management Resources:

CSBA PUBLICATIONS

Safe Schools: Strategies for Governing Boards to Ensure Student Success, 2011

Providing a Safe, Nondiscriminatory School Environment for All Students, Policy Brief, April 2010

Cyberbullying: Policy Considerations for Boards, Policy Brief, July 2007

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

Bullying at School, 2003

WEB SITES

CSBA: <http://www.csba.org>

California Department of Education, Safe Schools Office: <http://www.cde.ca.gov/ls/ss>

Center for Safe and Responsible Internet Use: <http://cyberbully.org>

National School Boards Association: <http://www.nsba.org>

National School Safety Center: <http://www.schoolsafety.us>

U.S. Department of Education: <http://www.ed.gov>



EAST SIDE UNION HIGH SCHOOL DISTRICT District Uniform Behaviors Responses

Board Adopted June 3rd, 2021

- Proactive, Preventative, Prosocial
- Build Relationships with Students, Staff, & Families
- Teach Behavioral Expectations for Staff and Students
- Reinforce Positive Behavior
- Problem Solve with Student(s) and Restore Relationships
- Elicit Parent/Guardian/Family Support

The District's goal is to establish and sustain healthy school climates and cultures through restorative, relationship-centered practices aligned with MTSS to keep students engaged in their learning environment.

Administrators and staff determine the appropriate behavioral responses based on the behavior category. The behavior response list is not exhaustive, progressive responses should occur whenever possible. Communication with families regarding behavior by staff and administrators must occur.

District-wide responses support maximizing instructional minutes, keeping students in class, and continued academic progress and social-emotional development for all East Side Students.

BEHAVIOR CATEGORIES

Category A, B, & C

- Behaviors disruptive to the school environment, self and/or others. Primarily addressed by classroom teacher through progressive classroom interventions, supports and consequences

Category D

- Classroom managed behaviors that are so disruptive they prevent instruction from being provided throughout the classroom or administrative managed behaviors that occur in the classroom or classroom managed behaviors in which progressive interventions, supports & consequences have not been successful. Office Referral Submitted.

Category E

- Behaviors targeted at others, interfering with safety or destruction of property.

Suspension & Expulsion Recommendation

- Behaviors identified as suspendible offenses and cause physical safety concerns or suspendible offenses in which other interventions, supports and consequences have not been successful.

Start with the lowest appropriate category response while considering a student's IEP, IST, and 504, age and understanding, past history of similar offenses, and severity of incident.

STAFF & CLASSROOM MANAGED (MINORS)

Classroom Managed Behaviors

- Behavior that Distracts and Impedes Others from Learning
- Cheating/Copying Others Work
- Continuously Speaking Out Of Turn or Disrupting Others
- Cursing/Profanity Directed at Another Person
- Inappropriate Hallway Behavior
- Indirect Cursing/Profanity
- Intentionally Refusing to Follow Direction After Several Opportunities are Provided
- Misusing Property
- Rough Play
- Tardiness/Late to Class
- Use of Technology/Electronics During Class Without Permission
- Work Refusal

Classroom Managed Process

1. Select Responses That Teach a Skill, Are Least Restrictive and Progressive
2. Review and Consider Students IEP, 504, Instructional Support Team, and Unique Needs
3. Use a Few Strategies from Multiple Categories as Appropriate
4. Communicate With Parent/Guardian Regularly about Consistent Negative Behaviors and Interventions Tried, Along With Any Improvement Thus Far
5. All Students Are Welcomed As They Are, Each Day Is A New Day
6. Account For The Behavioral Growth and Progress of Students
7. Continue to Use Lower Category Responses As You Move Up to Category B and C

Category A Response

- Relationship & Community Building Strategies
- Reminder of Appropriate Behavior
- Re-teach Classroom Procedures, Routines and Expectations
- Reflection and Agreements
- Oral Apology to Those Harmed
- 1-1 Private Check-in with Student
- Request for Support (Student Advisor)

Category B Response

- Reflection Review and Agreements
- Quick Individual Skills Coaching
 - "Who Was Harmed?"
 - "How Can We Repair?"
- Seat Change
- Loss of Classroom Privileges
- Item Temporarily Taken Away
- Written Apology to Those Harmed
- Referral to Mental Health & Wellness Staff
- Referral to Counselor

Category C Response

- Reflective Essay on Behavior and How to Improve
- Set Up a Daily Report for Each Class Based on Needed Behavior and Skill
- Break or Lunch with Teacher
- Refer to IST, IEP, 504 Teams, if appropriate

Office Referral

- Referral Only
- Referral w/ call to Student Support Line
- Referral w/ Classroom Suspension (1-2 class periods)
 - Family Offered a Parent/Conference

For Your Information (FYI) Behavior Reports May be Submitted at Anytime

ADMINISTRATIVE MANAGED (MAJORS)

Administrator Managed Process

1. Select Responses That Teach a Skill, Are Least Restrictive and Progressive
2. Review Previous Referrals for Supports Made on Behalf of the Student
3. Review and Consider a Student's IEP, IST, 504 Plan, and Unique Circumstances
4. Communicate with Parents/Guardians about Behaviors and Interventions.
5. Continue to Use Lower Category Responses as You Progress Through Category Responses

Category D Response

- Guided Conversations Using Restorative Question
- Conduct a Restorative Circle
- Community Service
- Create a Restorative Plan to Return to Class
- Family Conference
- Small Group Skills Instruction
 - Emotion Management
 - Conflict Resolutions
 - Social Skills
 - Check-In Group
- Referral to Mental Health & Wellness Staff
- Referral to Counselor
- Referral to Academic Support including Homework Center
- Request for Support (Student Advisor)

Category E Responses

- Take Away/ Confiscate Item
- Loss of privilege
- Revocation of Parking Permit
- Restitution
- Reflective Project/Assignment
- Restorative Conference w/ Student & Staff
- Weekly or Bi-weekly Check-in Meetings
- Referral to Community-Based Agency
- After School Intervention
- Saturday School Intervention
- Referral to Instructional Support Team
- Suspension from Extra-Curricular Activities (Sports/ASB/et.)
- Change of Schedule to Mitigate Safety Concerns

Administrator Managed Behaviors

- Assisting or Encouraging Someone to Commit a Behavior Considered Administrator Managed
- Bringing a Fake or Look-a-like Weapon to School
- Bullying (including social media or other electronic means)
- Bullying, Threatening, Fighting, or Harassing a Person Based on their Race, Nationality, Gender, Sexual Orientation, Religion or Other Protected Class
- Cutting Class
- Fighting With or Without Injury
- Harassing or Intimidating a Witness to an Incident Being Investigated by School Personnel
- Harassment, Threats, and Intimidation of Another Person
- Hazing
- Intentionally Causing a Physical Injury to Another Person
- Knowingly Received Stolen Property
- Major Disruption to Campus (pulling fire alarm, etc.)
- Offer/Arrange/Negotiate the Sale of Drugs/Alcohol
- Physically Attacking or Making a Direct Threat to a Staff Member
- Possession/Arrange/Sale of Items Used for Drugs (vape pen/grinder, swishers, etc)
- Possession/Use/Sale of Alcohol or Drugs at School (including prescription)
- Possession or Use of Tobacco Products
- Possession of a Weapon at School (knives, other dangerous objects)
- Purposefully Destroying/Breaking School Property/Vandalism
- Selling Fake or Look-a-like Substances Representing Drugs or Alcohol
- Obscene Acts/Severe & Repetitive Cursing / Vulgarity that is Directed at a Staff or Student
- Sexual Harassment
- Stealing
- Stealing with Force (robbery)
- Threatening to Commit Violence to Another Person or Significant Property Damage (terroristic threat)
- Threatening or Attempting to Cause Injury to Another Person

Suspension & Expulsion Recommendation

- Classroom Suspension
- In School Suspension
- Out of School Suspension with Re-Entry Circle
- Transfer Revoked (If Applicable)
- Recommend for Involuntary Transfer to Another School
- Recommend for Expulsion

Mandatory - Report to Director of Equity, Diversity & Inclusion for Uniform Complaint Procedures & Title IX Complaint Review Prior to School Site Investigation

- Any Forms of Discrimination, Harassment, Intimidation and/or Bullying Against a Protected Class and/or District Program
 - Complaints Involving Student Fees
 - Sexual Assault/Sexual Harassment
- Staff, Student & Family May Make a Report

Mandatory - Immediate Suspension & Recommendation for Expulsion.

- Brandishing a Knife
 - Firearm
 - Possession of an Explosive
 - Selling a Controlled Substance
 - Sexual Assault/Battery
- All will be reported to Law Enforcement

Required to Recommend for Suspension or Expulsion for Discretionary Violations.

- Continuing Danger to Physical Safety of Self/Others
- Other Means of Correction Not Feasible or Failed

STUDENTS

SUBJECT: Student Records

The Governing Board recognizes the importance of keeping accurate, comprehensive student records as required by law.

The Superintendent or designee shall establish regulations governing the identification, collection, retention and security of student records. These regulations shall ensure the rights of authorized persons to have timely access to student records while maintaining the confidentiality of student records consistent with state and federal law.

(cf. 3580 - District Records)

(cf. 4040 - Employee Use of Technology)

(cf. 5125.1 - Release of Directory Information)

(cf. 5125.3 - Challenging Student Records)

The Superintendent or designee shall designate a certificated employee to serve as custodian of records; with responsibility for student records at the district level. At each school, the principal or a certificated designee shall act as custodian of records for students enrolled at that school. The custodian of records shall be responsible for implementing Board Policy and Administrative Regulation regarding student records. *(5 CCR 431)*

All appropriate personnel shall receive training regarding district policies and procedures for gathering and handling sensitive student information.

(cf. 4131 - Staff Development)

(cf. 4231 - Staff Development)

(cf. 4331 - Staff Development)

The district shall not collect or solicit social security numbers or the last four digits of social security numbers of students or their parents/guardians, unless otherwise required to do so by state or federal law. *(Education Code 49076.7)*

No information or documents regarding the citizenship or immigration status of students or their family members shall be collected, except as required by state or federal law or as required to administer a state or federally supported educational program. The Superintendent or designee shall not disclose student records to a person, agency, or organization for immigration enforcement purposes without parental consent, a court order, or a judicial subpoena. If a district employee receives such a request, he/she shall immediately report the request to the Superintendent. The Superintendent shall report the request to the Board in a timely manner that ensures the confidentiality and privacy of any potentially identifying information. *(Education Code 234.7)*

(cf. 5145.13 - Response to Immigration Enforcement)

The Superintendent or designee shall not compile a list, registry, or database based on students' national origin, ethnicity, or religious belief, practice, or affiliation, nor shall he/she disclose student information to federal government authorities for the purpose of compiling such a list, registry, or database for purposes of immigration enforcement. Such information may only be compiled or exchanged with other local, state, or federal agencies if the information is aggregated and is not personally identifiable. (*Government Code 8310.3*)

Contract for Digital Storage, Management, and Retrieval of Student Records

The district may enter into a contract with a third party for the digital storage, management, and retrieval of student records and/or to authorize a third party provider of digital software to access, store, and use student records, provided that the contract meets the requirements of Education Code 49073.1 and other applicable state and federal laws.

(cf. 3312 - Contracts)

Legal Reference:

EDUCATION CODE

234.7 Student protections relating to immigration and citizenship status

17604 Contracts

48201 Student records for transfer students who have been suspended/expelled

48853.5 Foster youth; placement, immunizations

48902 Notification of law enforcement of specified violations

48904-48904.3 Withholding grades, diplomas, or transcripts of pupils causing property damage or injury; transfer of pupils to new school districts; notice to rescind decision to withhold

48918 Rules governing expulsion procedures

48980 Parental notification

48985 Notices in parent/guardian's primary language

49060-49079 Pupil records

49091.14 Parental review of curriculum

51747 Independent study

56041.5 Rights of students with disabilities

56050 Surrogate parents

56055 Foster parents

69432.9 Cal Grant program; notification of grade point average

BUSINESS AND PROFESSIONS CODE

22580-22582 Digital privacy

22584-22585 Student Online Personal Information Protection Act

22586-22587 Early Learning Personal Information Protection Act

CODE OF CIVIL PROCEDURE

1985.3 Subpoena duces tecum

FAMILY CODE

3025 Access to records by noncustodial parents

6552 Caregiver's authorization affidavit

GOVERNMENT CODE

6252-6260 Inspection of public records

HEALTH AND SAFETY CODE

120440 Immunizations; disclosure of information

PENAL CODE

245 Assault with deadly weapon

WELFARE AND INSTITUTIONS CODE

681 Truancy petitions

701 Juvenile court law

16010 Health and education records of a minor

CODE OF REGULATIONS, TITLE 5

430-438 Individual pupil records

16020-16027 Destruction of records of school districts

UNITED STATES CODE, TITLE 20

1232g Family Educational Rights and Privacy Act

CODE OF FEDERAL REGULATIONS, TITLE 34

99.1-99.67 Family Educational Rights and Privacy

300.500 Definition of "personally identifiable"

300.501 Opportunity to examine records for parents of student with disability

300.573 Destruction of information

COURT DECISIONS

Falvo v. Owasso Independent School District, 220 F.3d. 1200 (10th Cir. 2000)

Management Resources:

CSBA PUBLICATIONS

Legal Guidance on Providing All Children Equal Access to Education, Regardless of Immigration Status, February 2017

CALIFORNIA OFFICE OF THE ATTORNEY GENERAL PUBLICATIONS

Promoting a Safe and Secure Learning Environment for All: Guidance and Model Policies to Assist California's K-12 Schools in Responding to Immigration Issues, April 2018

FEDERAL REGISTER

Final Rule and Analysis of Comments and Changes, Family Educational Rights and Privacy, December 9, 2008, Vol. 73, No. 237, pages 74806-74855

NATIONAL SCHOOL BOARDS ASSOCIATION PUBLICATIONS

Data in the Cloud: A Legal and Policy Guide for School Boards on Student Data Privacy in the Cloud Computing Era, April 2014

U.S. DEPARTMENT OF EDUCATION PUBLICATIONS

IDEA and FERPA Confidentiality Provisions, 2014

Joint Guidance on the Application of FERPA and HIPAA to Student Health Records,

November 2008

Balancing Student Privacy and School Safety: A Guide to the Family Educational Rights and Privacy Act for Elementary and Secondary Schools, October 2007

WEB SITES

CSBA: <http://www.csba.org>

California Department of Education: <http://www.cde.ca.gov>

National School Boards Association: <http://www.nsba.org>

U.S. Department of Education, Family Policy Compliance Office: <http://www.ed.gov/offices/OM/fpco/>

STUDENTS

SUBJECT: Nondiscrimination / Harassment

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

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

(cf. 0410 - Nondiscrimination in District Programs and Activities)

(cf. 5131 - Conduct)

(cf. 5131.2 - Bullying)

(cf. 5137 - Positive School Climate)

(cf. 5145.7 - Sexual Harassment)

(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 that is so severe, persistent, or pervasive that it affects a student's ability to participate in or benefit from an educational program or activity; creates an intimidating, threatening, hostile, or offensive educational environment; has the effect of substantially or unreasonably interfering with a student's academic performance; or otherwise adversely affects a student's educational opportunities.

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

Unlawful discrimination also includes not providing meaningful communication with limited English proficient parents in a language they can understand and adequately

notifying limited English proficient parents of information about any programs, service, or activities of a school district that is called to the attention of non-LEP parents, as described in AR 5145.6.

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

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

(cf. 1312.3 - Uniform Complaint Procedures)
(cf. 1330 - Use of Facilities)
(cf. 4131 - Staff Development)
(cf. 4231 - Staff Development)
(cf. 4331 - Staff Development)
(cf. 6145 - Extracurricular and Cocurricular Activities)
(cf. 6145.2 - Athletic Competition)
(cf. 6164.2 - Guidance/Counseling Services)

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

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

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

(cf. 3580 - District 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

CODE OF REGULATIONS, TITLE 5

432 Student record
4600-4687 Uniform complaint procedures
4900-4965 Nondiscrimination in elementary and secondary education programs

PENAL CODE

422.55 Definition of hate crime
422.6 Crimes, harassment

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 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

CODE OF FEDERAL REGULATIONS, TITLE 34

Adopted: 03/11/04

Amended: 09/18/08; 01/19/17; 06/21/18; 03/04/21

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 OF 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/offices/OCR>

RESOURCES

The following resources are available to immigrant families responding to detentions or deportations:

- The Immigration and Customs Enforcement (ICE) detainee locator: <https://locator.ice.gov/odls/homePage.do>. **Please Note:** This site is intended *only* for locating individuals who are already detained, and not for general immigration status inquiries.
- Immigration lawyers in private practice, accredited representatives (who assist immigrants in immigration proceedings), or legal-aid organizations:
 - State Bar of California Attorney Search: <http://www.calbar.ca.gov/Attorneys>
 - California organizations accredited by Board of Immigration Appeals (BIA) to represent immigrants before the Department of Homeland Security (DHS) and Executive Office of Immigration Review (EOIR): <https://www.justice.gov/eoir/page/file/942306/download#CALIFORNIA>.
 - California Courts Self-Help Centers: <http://www.courts.ca.gov/selfhelp-selfhelpcenters.htm>.
 - Legal-aid offices and lawyer-referral services: <http://www.courts.ca.gov/1001.htm>.
 - The consulate or embassy of the parent's or guardian's country of origin.



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

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

This Publication can be downloaded at:
<http://www.oag.ca.gov>

Immigration-Enforcement Actions at California Schools

Guide for Students and Families



Xavier Becerra
California Attorney General
April 2018

KNOW YOUR EDUCATIONAL RIGHTS

Your Child has the Right to a Free Public Education

- All children have a right to equal access to free public education, regardless of their or their parents'/guardians' immigration status.
- All children in California:
 - Have the right to a free public education.
 - Must be enrolled in school if they are between 6 and 18 years old.
 - Have the right to attend safe, secure, and peaceful schools.
 - Have a right to be in a public school learning environment free from discrimination, harassment, bullying, violence, and intimidation.
 - Have equal opportunity to participate in any program or activity offered by the school without discrimination.

Information Required for School Enrollment

- Schools must accept a variety of documents from the student's parent or guardian to demonstrate proof of child's age or residency.
- Information about citizenship/immigration status is never needed for school enrollment. A Social Security number is never needed for school enrollment.

Confidentiality of Personal Information

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

refuse release of your child's information.

Family Safety Plans if You Are Detained or Deported

- You can update your child's emergency contact information, including secondary contacts, to identify a trusted adult guardian who can care for your child if you are detained or deported.
- You can complete a Caregiver's Authorization Affidavit or a Petition for Appointment of Temporary Guardian of the Person to give a trusted adult the authority to make educational and medical decisions for your child.

Right to File a Complaint

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

CHECKLIST FOR IMMIGRANT STUDENTS AND FAMILIES ATTENDING PUBLIC SCHOOLS

1. You do not have to share the following information with school officials:

- You do not have to share information, including passports or visas, regarding the immigration status of students, parents, guardians, or other family members.
- You do not have to provide Social Security numbers (SSN) or cards.
 - When completing the "Free and Reduced-Price Meals" form, only provide the last four digits of the SSN of the adult household member who signs the application.
 - If the family meets the income eligibility requirements and no adult household member has a SSN, your child still qualifies. Check the "No SSN" box on

forms where applicable, to ensure that applications are complete.

- If any household member participates in CalFresh, CalWORKs (California Work Opportunity and Responsibility for Kids), or FDPIR (Food Distribution Program on Indian Reservations), no adult household member needs to provide the last four digits of his or her SSN to qualify the student for free or reduced-price meals at school.
 - When providing information for proof of a student's residency or age, you do not have to use documents that could reveal information related to immigration status.
- ### 2. Take steps to protect student information:
- Ask for the school's written privacy policies regarding student information.
 - Review the school's policy for "directory information"—which allows for public release of basic student information—and consider whether to opt out of releasing of that information.

3. Take steps to prepare for situations where one or more parents or guardians are detained or deported:

- Develop and keep in a safe place a "Family Safety Plan" (example: https://www.lirs.org/assets/2474/bna_beinformed_safetyplanningtoolkit.pdf) that includes the following information:
 - Name of a trusted adult to care for your child if no parent or guardian can.
 - Emergency phone numbers and instructions on where to find important documents (birth certificates, passports, Social Security cards, doctor contact information, etc.)
- Make sure that your child's school always has current emergency contact information, including alternative contacts if no parent or guardian is available.

PREGNANT OR PARENTING?

TITLE IX PROTECTS YOU FROM DISCRIMINATION AT SCHOOL

HERE ARE SOME THINGS YOU SHOULD KNOW ABOUT YOUR RIGHTS:

CLASSES AND SCHOOL ACTIVITIES – YOUR SCHOOL MUST:

- Allow you to continue participating in classes and extracurricular activities even though you are pregnant. This means that you can still participate in advanced placement and honors classes, school clubs, sports, honor societies, student leadership opportunities, and other activities, like after-school programs operated at the school.
 - Allow you to choose whether you want to participate in special instructional programs or classes for pregnant students. You can participate if you want to, but your school cannot pressure you to do so. The alternative program must provide the same types of academic, extracurricular and enrichment opportunities as your school's regular program.
- Allow you to participate in classes and extracurricular activities even though you are pregnant and not require you to submit a doctor's note unless your school requires a doctor's note from all students who have a physical or emotional condition requiring treatment by a doctor. Your school also must not require a doctor's note from you after you have been hospitalized for childbirth unless it requires a doctor's note from all students who have been hospitalized for other conditions.
- Provide you with reasonable adjustments, like a larger desk, elevator access, or allowing you to make frequent trips to the restroom, when necessary because of your pregnancy.

EXCUSED ABSENCES AND MEDICAL LEAVE – YOUR SCHOOL MUST:

- Excuse absences due to pregnancy or childbirth for as long as your doctor says it is necessary.
- Allow you to return to the same academic and extracurricular status as before your medical leave began, which should include giving you the opportunity to make up any work missed while you were out.
- Ensure that teachers understand the Title IX requirements related to excused absences/medical leave. Your teacher may not refuse to allow you to submit work after a deadline you missed because of pregnancy or childbirth. If your teacher's grading is based in part on class participation or attendance and you missed class because of pregnancy or childbirth, you should be allowed to make up the participation or attendance credits you didn't have the chance to earn.
- Provide pregnant students with the same special services it provides to students with temporary medical conditions. This includes homebound instruction/at-home tutoring/independent study.

HARASSMENT – YOUR SCHOOL MUST:

- Protect you from harassment based on sex, including harassment because of pregnancy or related conditions. Comments that could constitute prohibited harassment include making sexual comments or jokes about your pregnancy, calling you sexually charged names, spreading rumors about your sexual activity, and making sexual propositions or gestures, if the comments are sufficiently serious that it interferes with your ability to benefit from or participate in your school's program.

POLICIES AND PROCEDURES – YOUR SCHOOL MUST:

- Have and distribute a policy against sex discrimination. It is recommended that the policy make clear that prohibited sex discrimination covers discrimination against pregnant and parenting students.
- Adopt and publish grievance procedures for students to file complaints of sex discrimination, including discrimination related to pregnancy or parental status.
- Identify at least one employee in the school or school district to carry out its responsibilities under Title IX (sometimes called a "Title IX Coordinator") and notify all students and employees of the name, title, and contact information of its Title IX Coordinator. These responsibilities include overseeing complaints of discrimination against pregnant and parenting students.

HELPFUL TIPS FOR PREGNANT AND PARENTING STUDENTS:

- Ask your school for help—meet with your school's Title IX Coordinator or counselor regarding what your school can do to support you in continuing your education.
- Keep notes about your pregnancy-related absences, any instances of harassment and your interactions with school officials about your pregnancy, and immediately report problems to your school's Title IX Coordinator, counselor, or other staff.
- If you feel your school is discriminating against you because you are pregnant or parenting you may file a complaint:

- Using your school's internal Title IX grievance procedures.
- With the U.S. Department of Education, Office for Civil Rights (OCR), even if you have not filed a complaint with your school. If you file with OCR, make sure you do so within 180 days of when the discrimination took place.
- In court, even if you have not filed a complaint with your school or with OCR.
- Contact OCR if you have any questions. We are here to help make sure all students, including pregnant and parenting students, have equal educational opportunities!

If you want to learn more about your rights, or if you believe that a school district, college, or university is violating Federal law, you may contact the U.S. Department of Education, Office for Civil Rights, at (800) 421-3481 or ocr@ed.gov. If you wish to fill out a complaint form online, you may do so at: <http://www.ed.gov/ocr/complaintintro.html>.

STUDENTS

SUBJECT: Married/Pregnant/Parenting Students

The Governing Board recognizes that early marriage, pregnancy or parenting and related responsibilities may disrupt a student's education and increase the chance of a student dropping out of school. The Board therefore desires to support married, pregnant, and parenting students to continue their education, attain strong academic and parenting skills and to promote the healthy development of their children.

(cf. 5113.1 – Chronic Absence and Truancy)

(cf. 5147 - Dropout Prevention)

(cf. 6011 - Academic Standards)

(cf. 6164.5 - Student Success Teams)

The District shall not exclude or deny any student from any educational program or activity, including any class or extracurricular activity, solely on the basis of the student's, pregnancy, childbirth, false pregnancy, termination of pregnancy, or related recovery. In addition, the district shall not adopt any rule concerning a student's actual or potential parental, family, or marital status that treats students differently on the basis of sex. *(Education Code 221.51, 230; 5 CCR 4950; 34 CFR 106.40)*

(cf. 0410 - Nondiscrimination in District Programs and Activities)

The Superintendent or designee shall annually notify parents/guardians at the beginning of the school year of the rights and options available to pregnant and parenting students under the law. In addition, pregnant and parenting students shall be notified of the rights and options available to them under the law through annual school year welcome packets and through independent study packets. *(Education Code 222.5, 48980)*

(cf. 5145.6 - Parental Notifications)

For school-related purposes, a student under the age of 18 years who enters into a valid marriage shall have all the rights and privileges of students who are 18 years old, even if the marriage has been dissolved. *(Family Code 7002)*

Education and Support Services for Pregnant and Parenting Students

Pregnant and parenting students shall retain the right to participate in any comprehensive school or educational alternative programs. The classroom setting shall be the preferred instructional strategy unless an alternative is necessary to meet the needs of the student and/or his/her child.

(cf. 6158 - Independent Study)

(cf. 6181 - Alternative Schools/Programs of Choice)

(cf. 6184 - Continuation Education)

(cf. 6200 - Adult Education)

Any alternative education program, activity, or course that is offered separately to pregnant students, including any class or extracurricular activity, shall be equal to that offered to other district students. A student's participation in such programs shall be voluntary.

(Education Code 221.51; 5 CCR 4950)

If required for students with any other temporary disabling condition, the Superintendent or designee may require a student, based on pregnancy, childbirth, false pregnancy, termination of pregnancy, or related recovery, to obtain certification from a physician or nurse practitioner indicating that the student is physically and emotionally able to continue participation in the regular education program or activity. *(Education Code 221.51; 5 CCR 4950; 34 CFR 106.40)*

(cf. 6142.7 - Physical Education and Activity)

(cf. 6145 - Extracurricular and Cocurricular Activities)

(cf. 6183 - Home and Hospital Instruction)

To the extent feasible, educational and related support services shall be provided, either through the District or in collaboration with community agencies and organizations, to meet the needs of pregnant and parenting students and their children. Such services may include, but are not limited to:

1. Child care and development services for the children of parenting students on or near school site(s) during the school day and during school-sponsored activities

(cf. 5148 - Child Care and Development)

2. Parenting education and life skills instruction

3. Special school nutrition supplements for pregnant and lactating students pursuant to Education Code 49553, 42 USC 1786, and 7 CFR 246.1-246.28

(cf. 3550 - Food Service/Child Nutrition Program)

(cf. 5030 - Student Wellness)

4. Health care services, including prenatal care

(cf. 5141.6 - School Health Services)

5. Tobacco, alcohol, and/or drug prevention and intervention services

(cf. 5131.6 - Alcohol and Other Drugs)

(cf. 5131.62 - Tobacco)

6. Academic and personal counseling

(cf. 6164.2 - Guidance/Counseling Services)

7. Supplemental instruction to assist students in achieving grade-level academic standards and progressing toward graduation

(cf. 6179 - Supplemental Instruction)

As appropriate, teachers, administrators, and/or other personnel who work with pregnant and parenting students shall receive related professional development.

(cf. 4131 - Staff Development)

(cf. 4231 - Staff Development)

(cf. 4331 - Staff Development)

Absences

Pregnant or parenting students may be excused for absences related to medical appointments and other purposes specified in BP/AR 5113 - Absences and Excuses.

A student shall be excused for absences to care for a sick child for whom the student is the custodial parent. A note from a physician shall not be required for such an absence. (Education Code 48205)

(cf. 5113 - Absences and Excuses)

Parental Leave

A pregnant or parenting student shall be entitled to eight weeks of parental leave in order to protect the health of the student who gives or expects to give birth and the infant, and to allow the pregnant or parenting student to care for and bond with the infant. Such leave may be taken before the birth of the student's infant if there is a medical necessity and after childbirth during the school year in which the birth takes place, inclusive of any mandatory summer instruction. The Superintendent or designee may grant parental leave beyond eight weeks if deemed medically necessary by the student's physician. (Education Code 46015; 34 CFR 106.40)

The student, if age 18 years or older, or the student's parent/guardian shall notify the school of the student's intent to take parental leave. No student shall be required to take all or part of the parental leave. (Education Code 46015)

When a student takes parental leave, the attendance supervisor shall ensure that absences from the regular school program are excused until the student is able to return to the regular school program or an alternative education program. A pregnant or parenting student shall not be required to complete academic work or other school requirements during the period of the parental leave. (Education Code 46015)

(cf. 5113.11 - Attendance Supervision)

Following the leave, a pregnant or parenting student may elect to return to the school and the course of study in which the student was enrolled before taking parental leave or to an alternative education option provided by the district. Upon return to school, a pregnant or parenting student shall have opportunities to make up work missed during the leave, including, but not limited to, makeup work plans and reenrollment in courses. (Education Code 46015)

When necessary to complete high school graduation requirements, the student may remain enrolled in school for a fifth year of instruction, unless the Superintendent or designee makes a finding that the student is reasonably able to complete district graduation requirements in time to graduate by the end of the fourth year of high school. (Education Code 46015)

(cf. 6146.1 - High School Graduation Requirements)

(cf. 6146.11 - Alternative Credits Toward Graduation)

(cf. 6146.2 - Certificate of Proficiency/High School Equivalency)

Accommodations

When necessary, the District shall provide reasonable accommodations to pregnant and parenting students to enable them to access the educational program.

A pregnant student shall have access to any services available to other students with temporary disabilities or medical conditions. *(34 CFR 106.40)*

The school shall provide reasonable accommodations to any lactating student to express breast milk, breastfeed an infant child, or address other needs related to breastfeeding. A student shall not incur an academic penalty for using any of these reasonable accommodations, and shall be provided the opportunity to make up any work missed due to such use. Reasonable accommodations include, but are not limited to: *(Education Code 222)*

1. Access to a private and secure room, other than a restroom, to express breast milk or breastfeed an infant child
2. Permission to bring onto a school campus a breast pump and any other equipment used to express breast milk

3. Access to a power source for a breast pump or any other equipment used to express breast milk
4. Access to a place to store expressed breast milk safely
5. A reasonable amount of time to accommodate the student's need to express breast milk or breastfeed an infant child

Complaints

Any complaint alleging discrimination on the basis of pregnancy or marital or parental status, district noncompliance with the requirements of Education Code 46015, or district noncompliance with the requirement to provide reasonable accommodations for lactating students shall be addressed through the district's uniform complaint procedures in accordance with 5 CCR 4600-4670 and BP/AR 1312.3 - Uniform Complaint Procedures. A complainant who is not satisfied with the district's decision may appeal the decision to the California Department of Education (CDE). If the district or CDE finds merit in an appeal, the district shall provide a remedy to the affected student. (Education Code 222, 46015; 5 CCR 4600- 4670)

(cf. 1312.3 - Uniform Complaint Procedures)

Program Evaluation

The Superintendent or designee shall periodically report to the Board regarding the effectiveness of district strategies to support married, pregnant, and parenting students, which may include data on participation rates in district programs and services, academic achievement, school attendance, graduation rate, and/or student feedback on district programs and services.

(cf. 0500 - Accountability)

(cf. 6162.5 - Student Assessment)

(cf. 6190 - Evaluation of the Instructional Program)

Legal Reference:

EDUCATION CODE

221.51 *Nondiscrimination; married, pregnant, and parenting students*

222 *Reasonable accommodations; lactating students*

222.5 *Pregnant and parenting students, notification of rights*

230 *Sex discrimination*

8200-8498 *Child Care and Development Services Act*

46015 *Parental leave*

48205 *Excused absences*

48206.3 *Temporary disability, definition*

48220 *Compulsory education requirement*
48410 *Persons exempted from continuation classes*
48980 *Parental notifications*
49553 *Nutrition supplements for pregnant/lactating students*
51220.5 *Parenting skills and education*
51745 *Independent study*
52610.5 *Enrollment of pregnant and parenting students in adult education*
CIVIL CODE
51 *Unruh Civil Rights Act*
FAMILY CODE
7002 *Description of emancipated minor*
HEALTH AND SAFETY CODE
104460 *Tobacco prevention services for pregnant and parenting students*
CODE OF REGULATIONS, TITLE 5
4600-4687 *Uniform complaint procedures*
4950 *Nondiscrimination, marital and parental status*
CODE OF REGULATIONS, TITLE 22
101151-101239.2 *General licensing requirements for child care centers*
101351-101439.1 *Infant care centers*
UNITED STATES CODE, TITLE 20
1681-1688 *Title IX, Education Act Amendments*
UNITED STATES CODE, TITLE 42
1786 *Special supplemental nutrition program for women, infants, and children*
CODE OF FEDERAL REGULATIONS, TITLE 7
246.1-246.28 *Special supplemental nutrition program for women, infants, and children*
CODE OF FEDERAL REGULATIONS, TITLE 34
106.40 *Marital or parental status*
ATTORNEY GENERAL OPINIONS
87 *Ops.Cal.Atty.Gen. 168 (2004)*
COURT DECISIONS
American Academy of Pediatrics et al v. Lungren et al (1997) 16 Cal.4th 307

Management Resources:

CALIFORNIA WOMEN'S LAW CENTER PUBLICATIONS
Pregnant Students and Confidential Medical Services, 2013
Educational Rights of Pregnant and Parenting Teens: Title IX and California State Law Requirements
The Civil Rights of Pregnant and Parenting Teens in California Schools, 2002
U.S. DEPARTMENT OF EDUCATION PUBLICATIONS
Supporting the Academic Success of Pregnant and Parenting Students under Title IX of the Education Amendments of 1972, rev. June 2013
WEB SITES
California Department of Education: <http://www.cde.ca.gov>
California Women's Law Center: <http://www.cwlc.org/resources>
U.S. Department of Agriculture, Women, Infants, and Children Program:

<http://www.fns.usda.gov/wic>

U.S. Department of Education: <http://www.ed.gov>

STUDENTS

SUBJECT: Sexual Harassment

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

(cf. 0410 - Nondiscrimination in District Programs and Activities)

(cf. 5131 - Conduct)

(cf. 5131.2 - Bullying)

(cf. 5137 - Positive School Climate)

(cf. 5145.3 - Nondiscrimination/Harassment)

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

Once notified, the Title IX Coordinator shall ensure the complaint is addressed through Title IX complaint procedures or uniform complaint procedures, as applicable, and shall offer supportive measures to the complainant.

(cf. 1312.1 - Complaints Concerning District Employees)

(cf. 1312.3 - Uniform Complaint Procedures)

(cf. 5141.4 - Child Abuse Prevention and Reporting)

(cf. 5145.71 - Title IX Sexual Harassment Complaint Procedures)

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

Instruction/Information

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

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

2. A clear message that students do not have to endure sexual harassment under any circumstance
3. Encouragement to report observed incidents of sexual harassment, even where the alleged victim of the harassment has not complained
4. A clear message that student safety is the District's primary concern, and that any separate rule violation involving an alleged victim or any other person reporting a sexual harassment incident will be addressed separately and will not affect the manner in which the sexual harassment complaint will be received, investigated, or resolved
5. A clear message that, regardless of a complainant's noncompliance with the writing, timeline, or other formal filing requirements, every sexual harassment allegation that involves a student, whether as the complainant, respondent, or victim of the harassment, shall be investigated and prompt action shall be taken to stop any harassment, prevent recurrence, and address any continuing effect on students
6. Information about the District's procedures for investigating complaints and the person(s) to whom a report of sexual harassment should be made
7. Information about the rights of students and parents/guardians to file a civil or criminal complaint, as applicable, including the right to file a civil or criminal complaint while the District investigation of a sexual harassment complaint continues
8. A clear message that, when needed, the District will implement supportive measures to ensure a safe school environment for a student who is the complainant or victim of sexual harassment and/or other students during an investigation.

Disciplinary Actions

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

(cf. 5144 - Discipline)

(cf. 5144.1 - Suspension and Expulsion/Due Process)

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

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

(cf. 4117.7/4317.7 - Employment Status Report)

(cf. 4118 - Dismissal/Suspension/Disciplinary Action)
(cf. 4119.11/4219.11/4319.11 - Sexual Harassment)

Record-Keeping

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

(cf. 3580 - District Records)

Legal Reference:

EDUCATION CODE

200-262.4 Prohibition of discrimination on the basis of sex

48900 Grounds for suspension or expulsion

48900.2 Additional grounds for suspension or expulsion; sexual harassment

48904 Liability of parent/guardian for willful student misconduct

48980 Notice at beginning of term

48985 Notices, report, statements and records in primary language

CIVIL CODE

51.9 Liability for sexual harassment; business, service and professional relationships

1714.1 Liability of parents/guardians for willful misconduct of minor

GOVERNMENT CODE

12950.1 Sexual harassment training

CODE OF REGULATIONS, TITLE 5

4600-4687 Uniform complaint procedures

4900-4965 Nondiscrimination in elementary and secondary education programs

UNITED STATES CODE, TITLE 20

1092 Definition of sexual assault

1221 Application of laws

1232g Family Educational Rights and Privacy Act

1681-1688 Title IX, Discrimination

CODE OF FEDERAL REGULATIONS, TITLE 34

12291 Definition of dating violence, domestic violence, and stalking

UNITED STATES CODE, TITLE 42

1983 Civil action for deprivation of rights

2000d-2000d-7 Title VI, Civil Rights Act of 1964

2000e-2000e-17 Title VII, Civil Rights Act of 1964 as amended

COURT DECISIONS

Donovan v. Poway Unified School District, (2008) 167 Cal.App.4th 567

Flores v. Morgan Hill Unified School District, (2003, 9th Cir.) 324 F.3d 1130

Reese v. Jefferson School District, (2001, 9th Cir.) 208 F.3d 736

Davis v. Monroe County Board of Education, (1999) 526 U.S. 629

Gebser v. Lago Vista Independent School District, (1998) 524 U.S. 274

Doe v. Petaluma City School District, (1995, 9th Cir.) 54 F.3d 1447

Oona by Kate S. v. McCaffrey, (1998, 9th Cir.) 143 F.3d 473

Management Resources:

CSBA PUBLICATIONS

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

U.S. DEPARTMENT OF EDUCATION, OFFICE FOR CIVIL RIGHTS' PUBLICATIONS

Q&A on Campus Sexual Misconduct, September 2017

Examples of Policies and Emerging Practices for Supporting Transgender Students, May 2016

Dear Colleague Letter: Title IX Coordinators, April 2015

Sexual Harassment: It's Not Academic, September 2008

Revised Sexual Harassment Guidance: Harassment of Students by School Employees, Other Students, or Third Parties, January 2001

WEB SITES

CSBA: <http://www.csba.org>

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>

STUDENTS

SUBJECT: Title IX Sexual Harassment Complaint Procedures

The complaint procedures described in this administrative regulation shall be used to address any complaint governed by Title IX of the Education Amendments of 1972 alleging that a student was subjected to one or more of the following forms of sexual harassment: (34 CFR 106.30)

1. A district employee conditioning the provision of a district aid, benefit, or service on the student's participation in unwelcome sexual conduct
2. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a student equal access to the district's education program or activity
3. Sexual assault, dating violence, domestic violence, or stalking as defined in 20 USC 1092 or 34 USC 12291

All other sexual harassment complaints shall be investigated and responded to pursuant to AR 1312.3 - Uniform Complaint Procedures.

(cf. 1312.3 - Uniform Complaint Procedures)

A report of sexual harassment shall be submitted directly to or forwarded to the district's Title IX Coordinator using the contact information listed in AR 5145.7 - Sexual Harassment.

(cf. 5145.7 - Sexual Harassment)

Upon receiving such a report, the Title IX Coordinator shall inform the complainant of the process for filing a formal complaint.

Even if the alleged victim chooses not to file a formal complaint, the Title IX Coordinator shall file a formal complaint in situations in which a safety threat exists. In addition, the Title IX Coordinator may file a formal complaint in other situations as permitted under the Title IX regulations. In such cases, the alleged victim is not a party to the case, but will receive notices as required by the Title IX regulations at specific points in the complaint process.

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

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

Supportive Measures

Upon receipt of a report of Title IX sexual harassment, even if a formal complaint is not filed, the Title IX Coordinator shall promptly contact the complainant to discuss the availability of supportive measures which are nondisciplinary, nonpunitive, and do not unreasonably burden the other party. Such measures may include, but are not limited to, counseling, course-related adjustments, modifications of class schedules, mutual restrictions on contact, increased security, and monitoring of certain areas of the campus. The Title IX Coordinator shall consider the complainant's wishes with respect to supportive measures. (34 CFR 106.30, 106.44)

Emergency Removal from School

On an emergency basis, the district may remove a student from the district's education program or activity, provided that the district conducts an individualized safety and risk analysis, determines that removal is justified due to an immediate threat to the physical health or safety of any student or other individual arising from the allegations, and provides the student with notice and an opportunity to challenge the decision immediately following the removal. This authority to remove a student does not modify a student's rights under the Individuals with Disabilities Education Act or Section 504 of the Rehabilitation Act of 1973. (34 CFR 106.44)

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

Dismissal of Complaint

The Title IX Coordinator shall dismiss a formal complaint if the alleged conduct would not constitute sexual harassment as defined in 34 CFR 106.30 even if proved. The Title IX Coordinator shall also dismiss any complaint that did not occur in the district's education program or activity or did not occur against a person in the United States, and may dismiss a formal complaint if the complainant notifies the district in writing that the complainant would like to withdraw the complaint or any allegations in the complaint, the respondent is no longer enrolled or employed by the district, or sufficient circumstances prevent the district from gathering evidence sufficient to reach a determination with regard to the complaint. (34 CFR 106.45)

Upon dismissal, the Title IX Coordinator shall promptly, and simultaneously to the parties, send written notice of the dismissal and the reasons for the dismissal. (34 CFR 106.45)

If a complaint is dismissed on the grounds that the alleged conduct does not constitute sexual harassment as defined in 34 CFR 106.30, the conduct may still be addressed pursuant to BP/AR 1312.3 - Uniform Complaint Procedures as applicable.

Informal Resolution Process

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

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

1. Provides the parties with written notice disclosing the allegations, the requirements of the informal resolution process, the right to withdraw from the informal process and resume the formal complaint process, and any consequences resulting from participating in the informal resolution process, including that records will be maintained or could be shared.
2. Obtains the parties' voluntary, written consent to the informal resolution process
3. Does not offer or facilitate an informal resolution process to resolve allegations that an employee sexually harassed a student

Formal Complaint Process

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

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

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

3. A statement that the respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the complaint process
4. The opportunity for the parties to have an advisor of their choice who may be, but is not required to be, an attorney, and the ability to inspect and review evidence
5. The prohibition against knowingly making false statements or knowingly submitting false information during the complaint process

The above notice shall also include the name of the investigator, facilitator of an informal process, and decision-maker and shall provide either party with no less than three calendar days to raise concerns of conflict of interest or bias regarding any of these persons.

During the investigation process, the district shall: (34 CFR 106.45)

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

2. Not restrict the ability of either party to discuss the allegations under investigation or to gather and present relevant evidence
3. Provide the parties with the same opportunities to have others present during any grievance proceeding, including the opportunity to be accompanied to any related meeting or proceeding by the advisor of their choice, who may be, but is not required to be, an attorney
4. Not limit the choice or presence of an advisor for either the complainant or respondent in any meeting or grievance proceeding, although the district may establish restrictions regarding the extent to which the advisor may participate in the proceedings as long as the restrictions apply equally to both parties
5. Provide, to a party whose participation is invited or expected, written notice of the date, time, location, participants, and purpose of all investigative interviews or other meetings, with sufficient time for the party to prepare to participate
6. Send in an electronic format or hard copy to both parties and their advisors, if any, the evidence that is directly related to the allegations raised in the complaint, and provide the parties at least 10 days to submit a written response for the investigator to consider prior to the completion of the investigative report
7. Objectively evaluate all relevant evidence, including both inculpatory and exculpatory evidence, and determine credibility in a manner that is not based on a person's status as a complainant, respondent, or witness
8. Create an investigative report that fairly summarizes relevant evidence and, at least 10 days prior to the determination of responsibility, send to the parties and their advisors, if any, the investigative report in an electronic format or a hard copy, for their review and written response
9. After sending the investigative report to the parties and before reaching a determination regarding responsibility, afford each party the opportunity to submit written, relevant questions that the party wants asked of any party or witness, provide each party with the answers, and allow for additional, limited follow-up questions from each party

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

Privacy rights of all parties to the complaint shall be maintained in accordance with applicable state and federal laws.

If the complaint is against an employee, rights conferred under an applicable collective bargaining agreement shall be applied to the extent they do not conflict with the Title IX requirements.

Written Decision

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

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

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

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

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

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

1. Identification of the allegations potentially constituting sexual harassment as defined in 34 CFR 106.30
2. A description of the procedural steps taken from receipt of the formal complaint through the written decision, including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, and hearings held if the district includes hearings as part of the grievance process
3. Findings of fact supporting the determination
4. Conclusions regarding the application of the district's code of conduct to the facts
5. A statement of, and rationale for, the result as to each allegation, including a decision regarding responsibility, any disciplinary sanctions the district imposes on the respondent, and whether remedies designed to restore or preserve equal access to the district's educational program or activity will be provided by the district to the complainant
6. The district's procedures and permissible bases for the complainant and respondent to appeal

Appeals

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

1. Notify the other party in writing when an appeal is filed and implement appeal procedures equally for both parties
2. Ensure that the decision-maker(s) for the appeal is trained in accordance with 34 CFR 106.45 and is not the same decision-maker(s) who reached the determination regarding responsibility or dismissal, the investigator(s), or the Title IX Coordinator
3. Give both parties a reasonable, equal opportunity to submit a written statement in support of, or challenging, the outcome
4. Issue a written decision describing the result of the appeal and the rationale for the result
5. Provide the written decision simultaneously to both parties

An appeal must be filed in writing within 10 calendar days of receiving the determination, stating the grounds for the appeal and including any relevant documentation in support of the appeal. Appeals submitted after this deadline are not timely and shall not be considered. Either party has the right to file a complaint with the U.S. Department of Education's Office for Civil Rights.

A written decision shall be provided to the parties within 20 calendar days from the receipt of the appeal.

Remedies

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

Corrective/Disciplinary Actions

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

For students in grades 9-12, discipline for sexual harassment may include suspension and/or expulsion. After the completion of the complaint procedure, if it is determined that a student at any grade level has committed sexual assault or sexual battery at school or at a school activity off school grounds, the principal or Superintendent shall immediately suspend the student and shall recommend expulsion. (Education Code 48900.2, 48915)

(cf. 5144 - Discipline)

(cf. 5144.1 - Suspension and Expulsion/Due Process)

Other actions that may be taken with a student who is determined to be responsible for sexual

harassment include, but are not limited to:

1. Transfer from a class or school as permitted by law
2. Parent/guardian conference
3. Education of the student regarding the impact of the conduct on others
4. Positive behavior support
5. Referral of the student to a student success team

(cf. 6164.5 - Student Success Teams)

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

(cf. 6145 - Extracurricular and Cocurricular Activities)

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

(cf. 4117.7/4317.7 - Employment Status Report)
(cf. 4118 - Dismissal/Suspension/Disciplinary Action)
(cf. 4119.11/4219.11/4319.11 - Sexual Harassment)
(cf. 4218 - Dismissal/Suspension/Disciplinary Action)

Record-Keeping

The Superintendent or designee shall maintain for a period of seven years a record of all reported cases and Title IX investigations of sexual harassment, any determinations of responsibility, any audio or audiovisual recording and transcript if applicable, any disciplinary sanctions imposed, any remedies provided to the complainant, any appeal or informal resolution and the results therefrom, and responses made pursuant to 34 CFR 106.44. (34 CFR 106.45)

The Superintendent or designee shall also maintain for a period of seven years all materials used to train the Title IX Coordinator, investigator(s), decision-maker(s), and any person who facilitates an informal resolution process. The district shall make such training materials publicly available on its web site, or if the district does not maintain a web site, available upon request by members of the public. (34 CFR 106.45)

(cf. 3580 - District Records)

Legal Reference:

EDUCATION CODE

200-262.4 Prohibition of discrimination on the basis of sex
48900 Grounds for suspension or expulsion
48900.2 Additional grounds for suspension or expulsion; sexual harassment
48985 Notices, report, statements and records in primary language

CIVIL CODE

51.9 Liability for sexual harassment; business, service and professional relationships
1714.1 Liability of parents/guardians for willful misconduct of minor

GOVERNMENT CODE

12950.1 Sexual harassment training
CODE OF REGULATIONS, TITLE 5
4600-4670 Uniform complaint procedures
4900-4965 Nondiscrimination in elementary and secondary education programs

UNITED STATES CODE, TITLE 20

1092 Definition of sexual assault
1221 Application of laws
1232g Family Educational Rights and Privacy Act
1681-1688 Title IX of the Education Amendments of 1972

UNITED STATES CODE, TITLE 34

12291 Definition of dating violence, domestic violence, and stalking

UNITED STATES CODE, TITLE 42

1983 Civil action for deprivation of rights
2000d-2000d-7 Title VI, Civil Rights Act of 1964
2000e-2000e-17 Title VII, Civil Rights Act of 1964 as amended

CODE OF FEDERAL REGULATIONS, TITLE 34

99.1-99.67 Family Educational Rights and Privacy
106.1-106.82 Nondiscrimination on the basis of sex in education programs

COURT DECISIONS

Donovan v. Poway Unified School District, (2008) 167 Cal.App.4th 567
Flores v. Morgan Hill Unified School District, (2003, 9th Cir.) 324 F.3d 1130
Reese v. Jefferson School District, (2000, 9th Cir.) 208 F.3d 736
Davis v. Monroe County Board of Education, (1999) 526 U.S. 629
Gebser v. Lago Vista Independent School District, (1998) 524 U.S. 274
Oona by Kate S. v. McCaffrey, (1998, 9th Cir.) 143 F.3d 473
Doe v. Petaluma City School District, (1995, 9th Cir.) 54 F.3d 1447

Management Resources:

CSBA PUBLICATIONS

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

U.S. DEPARTMENT OF EDUCATION, OFFICE FOR CIVIL RIGHTS PUBLICATIONS

Q&A on Campus Sexual Misconduct, September 2017

Examples of Policies and Emerging Practices for Supporting Transgender Students, May 2016

Dear Colleague Letter: Title IX Coordinators, April 2015

Sexual Harassment: It's Not Academic, September 2008

Revised Sexual Harassment Guidance: Harassment of Students by School Employees, Other Students, or Third Parties, January 2001

WEB SITES

CSBA: <http://www.csba.org>

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>

7/20

COMMUNITY RELATIONS

SUBJECT: Complaints concerning District Employees

The Superintendent or designee shall determine whether a complaint should be considered a complaint against the district and/or an individual employee, and whether it should be resolved by the district's process for complaints concerning personnel and/or other district procedures.

(cf. 1312.2 - Complaints Concerning Instructional Materials)

(cf. 1312.3 - Uniform Complaint Procedures)

(cf. 4144/4244/4344 - Complaints)

To promote prompt and fair resolution of the complaint, the following procedures shall govern the resolution of complaints against district employees:

1. Every effort should be made to resolve a complaint at the earliest possible stage. Whenever possible, the complainant should communicate directly to the employee in order to resolve concerns.
2. If a complainant is unable or unwilling to resolve the complaint directly with the employee, he/she may submit an oral or written complaint to the employee's immediate supervisor or the principal.
3. All complaints related to district personnel other than administrators shall be submitted in writing to the principal or immediate supervisor. If the complainant is unable to prepare the complaint in writing, administrative staff shall help him/her to do so. Complaints related to a principal or central office administrator shall be initially filed in writing with the Superintendent or designee. Complaints related to the Superintendent shall be initially filed in writing with the Board.
4. When a written complaint is received, the employee shall be notified within five days or in accordance with collective bargaining agreements.
5. A written complaint shall include:
 - a. The full name of each employee involved
 - b. A brief but specific summary of the complaint and the facts surrounding it
 - c. A specific description of any prior attempt to discuss the complaint with the employee and the failure to resolve the matter
6. Staff responsible for investigating complaints shall attempt to resolve the complaint to the satisfaction of the parties involved within 30 days.

7. Both the complainant and the employee against whom the complaint was made may appeal a decision by the principal or immediate supervisor to the Superintendent or designee, who shall attempt to resolve the complaint to the satisfaction of the person involved within 30 days. Parties should consider and accept the Superintendent or designee's decision as final. However, the complainant, the employee, or the Superintendent or designee may ask to address the Board regarding the complaint.
8. Before any Board consideration of a complaint, the Superintendent or designee shall submit to the Board a written report concerning the complaint, including but not limited to:
 - a. The full name of each employee involved
 - b. A brief but specific summary of the complaint and the facts surrounding it, sufficient to inform the Board and the parties as to the precise nature of the complaint and to allow the parties to prepare a response
 - c. A copy of the signed original complaint
 - d. A summary of the action taken by the Superintendent or designee, together with his/her specific finding that the problem has not been resolved and the reasons
9. The Board may uphold the Superintendent's decision without hearing the complaint.
10. All parties to a complaint may be asked to attend a Board meeting in order to clarify the issue and present all available evidence.
11. A closed session may be held to hear the complaint in accordance with law.
(cf. 9321 - Closed Session Purposes and Agendas)
(cf. 9323 - Meeting Conduct)
12. The decision of the Board shall be final.

Any complaint of child abuse or neglect alleged against a district employee shall be reported to the appropriate local agencies in accordance with law, Board policy and administrative regulation.

(cf. 5141.4 - Child Abuse Prevention and Reporting)

EAST SIDE UNION HIGH SCHOOL DISTRICT
Formal Public Complaint Against a District Employee

Date: _____

To: _____
Principal/Immediate Supervisor

Location

From: _____
Name

Address

Phone Number

Name of person(s) against whom this complaint is being filed:

Nature of the complaint:

**This should be a description in your own words of the grounds of your complaint, including all names, dates, and places necessary for a complete understanding of your concern. Please feel free to use additional pages, as necessary, to fully describe your concern(s).

I certify that the above information is true and accurate to the best of my knowledge.

Signature of Originator

Signature of Originator

Copies are distributed to: Principal or Immediate Supervisor, Staff Member, Originator

COMMUNITY RELATIONS

SUBJECT: Uniform Complaint Procedures

The Governing Board recognizes that the district has the primary responsibility to ensure compliance with applicable state and federal laws and regulations governing educational programs. The Board encourages the early, informal resolution of complaints whenever possible and appropriate. To resolve complaints which cannot be resolved through such informal process, the Board adopts the uniform system of complaint processes specified in 5 CCR 4600-4670 and the accompanying administrative regulation.

Complaints Subject to UCP

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

1. Accommodation for pregnant and parenting students (Education Code 46015)
2. Adult education programs (Education Code 8500-8538, 52334.7, 52500-52617)
3. After School Education and Safety programs (Education Code 8482-8484.65)
4. Agricultural career technical education (Education Code 52460-52462)
5. Career technical education and training programs and regional occupational centers and programs (Education Code 52300-52462)
6. Child Care and Development Programs (Education Code 8200-8498)
7. Compensatory education (Education Code 54400)
8. Consolidated Categorical Aid Programs (Education Code 33315)
9. Course periods without educational content (Education Code 51228.1-51228.3)
10. Any complaint brought by students, parents/guardians, or other members of the school district community alleging the occurrence of unlawful discrimination (such as discriminatory harassment, sexual harassment, intimidation, or bullying) against any person in district programs and activities, including, but not limited to school related law enforcement referral, search, citation, arrest or other contact in those programs or activities funded directly by or that receive or benefit from any state

Adopted 11/06/85

Amended: 07/18/91; 09/17/92; 07/22/93; 01/18/01; 03/11/04; 11/19/09; 08/23/12; 01/17/13; 06/19/14; 06/18/15; 10/20/16; 05/18/17; 11/03/22; 04/20/23

- financial assistance, based on the person's actual or perceived characteristics of race or ethnicity, color, ancestry, nationality, national origin, immigration status, ethnic group identification, age, religion, marital or parental status, pregnancy, physical or mental disability, medical condition, sex, sexual orientation, gender, gender identity, gender expression, or genetic information, or any other characteristic identified in Education Code 200 or 220, Government Code 11135, or Penal Code 422.55, or based on his/her association with a person or group with one or more of these actual or perceived characteristics (5 CCR 4610)
11. Educational and graduation requirements for students in foster care, homeless students, students from military families, and students formerly in a juvenile court school (Education Code 48645.7, 48853, 48853.5, 49069.5, 51225.1, 51225.2)
 12. Every Student Succeeds Act (Education Code 52059.5; 20 USC 6301 et seq.)
 13. Local control and accountability plan (Education Code 52075)
 14. Migrant Education (Education Code 54440-54445)
 15. Physical education instructional minutes. (Education Code 51210, 51222, 51223)
 16. Students to pay fees, deposits, or other charges for participation in educational activities (5 CCR 4610)
 17. Reasonable accommodations to a lactating student on school campus to express breast milk, breastfeed an infant child, or other breastfeeding-related needs of the student (*Education Code 222*)
 18. Regional occupational centers and programs (Education Code 52300-52334.7)
 19. School plans for student achievement as required for consolidated application for specified federal and/or state categorical funding (Education Code 64001)
 20. School safety plans (Education Code 32280-32289)
 21. School site councils as required for the consolidated application for specified federal and/or state categorical funding (Education Code 65000)
 22. State preschool programs (Education Code 8207-8225)
 23. State preschool health and safety issues in license-exempt programs (Education Code 8212)
 24. Any complaint alleging retaliation against a complainant or other participant in the

complaint process or anyone who has acted to uncover or report a violation subject to this policy

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

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

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

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

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

The Superintendent or designee shall maintain records of all UCP complaints and the investigations of those complaints. All such records shall be destroyed in accordance with applicable state law and district policy.

Non-UCP Complaints

The following complaints shall not be subject to the district's UCP but shall be referred to the specified agency: (5 CCR 4611)

1. Any complaint alleging child abuse or neglect shall be referred to the County Department of Social Services, the County Protective Services Division, and the appropriate law enforcement agency.

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2. Any complaint alleging health and safety violations by a child development program shall, for licensed facilities, be referred to Department of Social Services and shall, for licensing-exempt facilities, be referred to the appropriate Child Development regional administrator.
3. Any complaint alleging that a student, while in an education program or activity in which the district exercises substantial control over the context and respondent, was subjected to sexual harassment as defined in 34 CFR 106.30 shall be addressed through the federal Title IX complaint procedures adopted pursuant to 34 CFR 106.44-106.45, as specified in AR 5145.71 - Title IX Sexual Harassment Complaint Procedures.
4. Any complaint alleging employment discrimination shall be investigated and resolved by the District in accordance with the procedures specified in AR 4030 – Nondiscrimination in Employment, including the right to file the complaint with California Department of Fair Employment and Housing.
5. Any complaint alleging a violation of a state or federal law or regulation related to special education, a settlement agreement related to the provision of a free appropriate public education, or a due process hearing order shall be submitted to the California Department of Education (CDE) in accordance with AR 6159.1 – Procedural Safeguards and Complaints for Special Education. (5 CCR 3200-3205)
6. Any complaint alleging noncompliance of the district’s food service program with laws regarding meal counting and claiming, reimbursable meals, eligibility of children or adults, or use of cafeteria funds and allowable expenses shall be filed with or referred to CDE in accordance with BP 3555 – Nutrition Program Compliance. (5 CCR 15580-15584)
7. Any allegation of discrimination based on race, color, national origin, sex, age or disability in the district’s food service program shall be filed with or referred to the U.S. Department of Agriculture in accordance with BP 3555 – Nutrition Program Compliance.
8. Any complaint related to sufficiency of textbooks or instructional materials, emergency or urgent facilities conditions that pose a threat to the health or safety of students or staff, or teacher vacancies and misassignments shall be investigated and resolved in accordance with AR 1312.4 - Williams Uniform Complaint Procedures. (Education Code 35186)

References:

State	Description
2 CCR 11023	Harassment and discrimination prevention and correction
5 CCR 15580-15584	Child nutrition programs complaint procedures
5 CCR 3200-3205	Special education compliance complaints
5 CCR 4600-4670	Uniform complaint procedures
5 CCR 4680-4687	Williams uniform complaint procedures
5 CCR 4690-4694	Complaints regarding health and safety issues in license-exempt preschool programs
5 CCR 4900-4965	Nondiscrimination in elementary and secondary educational programs receiving state or federal financial assistance
Ed. Code 18100-18203	School libraries
Ed. Code 200-262.4	Prohibition of discrimination
Ed. Code 32280-32289.5	School safety plans
Ed. Code 35186	Williams uniform complaint procedures
Ed. Code 46015	Parental leave for students
Ed. Code 48645.7	Juvenile court schools
Ed. Code 48853-48853.5	Foster youth
Ed. Code 48985	Notices to parents in language other than English
Ed. Code 49010-49013	Student fees
Ed. Code 49060-49079	Student records
Ed. Code 49069.5	Records of foster youth
Ed. Code 49490-49590	Child nutrition programs
Ed. Code 49701	Provisions of the Interstate Compact on Educational Opportunities for Military Children
Ed. Code 51210	Course of study for grades 1-6
Ed. Code 51222	Physical education
Ed. Code 51223	Physical education; elementary schools
Ed. Code 51225.1-51225.2	Foster youth, homeless children, former juvenile court school students; course credits; graduation requirements
Ed. Code 51226-51226.1	Career technical education
Ed. Code 51228.1-51228.3	Course periods without educational content
Ed. Code 52059.5	Statewide system of support
Ed. Code 52060-52077	Local control and accountability plan
Ed. Code 52075	Complaint for lack of compliance with local control and accountability plan requirements
Ed. Code 52300-52462	Career technical education
Ed. Code 52500-52617	Adult schools
Ed. Code 54400-54425	Compensatory education programs
Ed. Code 54440-54445	Migrant education
Ed. Code 54460-54529	Compensatory education programs
Ed. Code 59000-59300	Special schools and centers

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Amended: 07/18/91; 09/17/92; 07/22/93; 01/18/01; 03/11/04; 11/19/09; 08/23/12; 01/17/13; 06/19/14; 06/18/15; 10/20/16; 05/18/17; 11/03/22; 04/20/23

Ed. Code 64000-64001	Consolidated application process; school plan for student achievement
Ed. Code 65000-65001	School site councils
Ed. Code 8200-8488	Child care and development programs
Ed. Code 8500-8538	Adult basic education
Gov. Code 11135	Prohibition of discrimination
Gov. Code 12900-12996	Fair Employment and Housing Act
H&S Code 1596.792	California Child Day Care Act; general provisions and definitions
H&S Code 1596.7925	California Child Day Care Act; health and safety regulations
Pen. Code 422.55	Definition of hate crime
Pen. Code 422.6	Crimes; harassment

Federal

Description

20 USC 1221	Application of laws
20 USC 1232g	Family Educational Rights and Privacy Act (FERPA) of 1974
20 USC 1681-1688	Title IX of the Education Amendments of 1972; discrimination based on sex
20 USC 6301-6576	Title I Improving the Academic Achievement of the Disadvantaged
20 USC 6801-7014	Title III language instruction for limited English proficient and immigrant students
28 CFR 35.107	Nondiscrimination on basis of disability; complaints
29 USC 794	Rehabilitation Act of 1973; Section 504
34 CFR 100.3	Prohibition of discrimination on basis of race, color or national origin
34 CFR 104.7	Section 504; Designation of responsible employee and adoption of grievances procedures
34 CFR 106.1-106.82	Nondiscrimination on the basis of sex in education programs
34 CFR 106.30	Discrimination on the basis of sex in education programs and activities; definitions
34 CFR 106.44	Recipient's response to sexual harassment
34 CFR 106.45	Grievance process for formal complaints of sexual harassment
34 CFR 106.8	Designation of coordinator; dissemination of policy, and adoption of grievance procedures
34 CFR 110.25	Notification of nondiscrimination on the basis of age
34 CFR 99.1-99.67	Family Educational Rights and Privacy
42 USC 11431-11435	McKinney-Vento Homeless Assistance Act
42 USC 12101-12213	Americans with Disabilities Act
42 USC 2000d-2000e-17	Title VI and Title VII Civil Rights Act of 1964, as amended
42 USC 2000h-2-2000h-6	Title IX of the Civil Rights Act of 1964
42 USC 6101-6107	Age Discrimination Act of 1975

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Cross References	Description
410 BP	Nondiscrimination In District Programs And Activities
420 BP	School Plans/Site Councils
420 AR	School Plans/Site Councils
420.41	Charter School Oversight
0420.41-E(1)	Charter School Oversight
430 BP	Comprehensive Local Plan For Special Education
430 AR	Comprehensive Local Plan For Special Education
450 BP	Comprehensive Safety Plan
450 AR	Comprehensive Safety Plan
460 BP	Local Control And Accountability Plan
460 AR	Local Control And Accountability Plan
470 BP	COVID-19 Mitigation Plan
1100 BP	Communication With The Public
1113 BP	District And School Web Sites
1113 AR	District And School Web Sites
1113-E(1)	District And School Web Sites
1114 BP	District-Sponsored Social Media
1114 AR	District-Sponsored Social Media
1220 BP	Citizen Advisory Committees
1220 AR	Citizen Advisory Committees
1250 BP	Visitors/Outsiders
1250 AR	Visitors/Outsiders
1312.1 BP	Complaints Concerning District Employees
1312.1 AR	Complaints Concerning District Employees
1312.2 BP	Complaints Concerning Instructional Materials
1312.2 AR	Complaints Concerning Instructional Materials
1312.2-E(1)	Complaints Concerning Instructional Materials
1312.4 AR	Williams Uniform Complaint Procedures
1312.4-E(1)	Williams Uniform Complaint Procedures
1312.4-E(2)	Williams Uniform Complaint Procedures
1313 BP	Civility
1340 BP	Access To District Records
1340 AR	Access To District Records
3260 BP	Fees And Charges
3260 AR	Fees And Charges
3555 BP	Nutrition Program Compliance
3555-E(1)	Nutrition Program Compliance
3580 BP	District Records
3580 AR	District Records
4030 BP	Nondiscrimination In Employment
4030 AR	Nondiscrimination In Employment

Adopted 11/06/85

Amended: 07/18/91; 09/17/92; 07/22/93; 01/18/01; 03/11/04; 11/19/09; 08/23/12; 01/17/13; 06/19/14; 06/18/15;
10/20/16; 05/18/17; 11/03/22; 04/20/23

4112.23 AR	Special Education Staff
4112.9 BP	Employee Notifications
4112.9-E(1)	Employee Notifications
4118 BP	Dismissal/Suspension/Disciplinary Action
4118 AR	Dismissal/Suspension/Disciplinary Action
4119.1 BP	Civil And Legal Rights
4119.11 BP	Sexual Harassment
4119.11 AR	Sexual Harassment
4119.23 BP	Unauthorized Release Of Confidential/Privileged Information
4131 BP	Staff Development
4212.9 BP	Employee Notifications
4212.9-E(1)	Employee Notifications
4218 BP	Dismissal/Suspension/Disciplinary Action
4218 AR	Dismissal/Suspension/Disciplinary Action
4219.1 BP	Civil And Legal Rights
4219.11 BP	Sexual Harassment
4219.11 AR	Sexual Harassment
4219.23 BP	Unauthorized Release Of Confidential/Privileged Information
4231 BP	Staff Development
4244 BP	Complaints
4244 AR	Complaints
4312.9 BP	Employee Notifications
4312.9-E(1)	Employee Notifications
4319.1 BP	Civil And Legal Rights
4319.11 BP	Sexual Harassment
4319.11 AR	Sexual Harassment
4319.23 BP	Unauthorized Release Of Confidential/Privileged Information
4331 BP	Staff Development
4344 BP	Complaints
4344 AR	Complaints
5116.1 BP	Intradistrict Open Enrollment
5116.1 AR	Intradistrict Open Enrollment
5117 BP	Interdistrict Attendance
5117 AR	Interdistrict Attendance
5125 BP	Student Records
5125 AR	Student Records
5131.62 BP	Tobacco
5131.62 AR	Tobacco
5137 BP	Positive School Climate
5141.22 BP	Infectious Diseases
5141.22 AR	Infectious Diseases
5141.4 BP	Child Abuse Prevention And Reporting
5141.4 AR	Child Abuse Prevention And Reporting

Adopted 11/06/85

Amended: 07/18/91; 09/17/92; 07/22/93; 01/18/01; 03/11/04; 11/19/09; 08/23/12; 01/17/13; 06/19/14; 06/18/15;
10/20/16; 05/18/17; 11/03/22; 04/20/23

5144 BP	Discipline
5144 AR	Discipline
5144.1 BP	Suspension And Expulsion/Due Process
5144.1 AR	Suspension And Expulsion/Due Process
5145.3 BP	Nondiscrimination/Harassment
5145.3 AR	Nondiscrimination/Harassment
5145.6 BP	Parent/Guardian Notifications
5145.6-E(1)	Parent/Guardian Notifications
5145.7 BP	Sexual Harassment
5145.7 AR	Sexual Harassment
5145.71 AR	Title IX Sexual Harassment Complaint Procedures
5145.71-E(1)	Title IX Sexual Harassment Complaint Procedures
5145.9 BP	Hate-Motivated Behavior
5146 BP	Married/Pregnant/Parenting Students
5148 BP	Child Care And Development
5148 AR	Child Care And Development
5148.2 BP	Before/After School Programs
5148.2 AR	Before/After School Programs
5148.3 BP	Preschool/Early Childhood Education
5148.3 AR	Preschool/Early Childhood Education
6142.1 BP	Sexual Health And HIV/AIDS Prevention Instruction
6142.1 AR	Sexual Health And HIV/AIDS Prevention Instruction
6142.7 BP	Physical Education And Activity
6142.7 AR	Physical Education And Activity
6145 BP	Extracurricular And Cocurricular Activities
6145 AR	Extracurricular And Cocurricular Activities
6145.2 BP	Athletic Competition
6145.2 AR	Athletic Competition
6146.1 BP	High School Graduation Requirements
6152 BP	Class Assignment
6159 BP	Individualized Education Program
6159 AR	Individualized Education Program
6159.1 BP	Procedural Safeguards And Complaints For Special Education
6159.1 AR	Procedural Safeguards And Complaints For Special Education
6159.2 BP	Nonpublic, Nonsectarian School And Agency Services For Special Education
6159.2 AR	Nonpublic, Nonsectarian School And Agency Services For Special Education
6159.3 BP	Appointment Of Surrogate Parent For Special Education Students

Adopted 11/06/85

Amended: 07/18/91; 09/17/92; 07/22/93; 01/18/01; 03/11/04; 11/19/09; 08/23/12; 01/17/13; 06/19/14; 06/18/15; 10/20/16; 05/18/17; 11/03/22; 04/20/23

6159.3 AR	Appointment Of Surrogate Parent For Special Education Students
6164.2 BP	Guidance/Counseling Services
6164.4 BP	Identification And Evaluation Of Individuals For Special Education
6164.4 AR	Identification And Evaluation Of Individuals For Special Education
6164.5 BP	Student Success Teams
6164.5 AR	Student Success Teams
6171 BP	Title I Programs
6171 AR	Title I Programs
6173 BP	Education For Homeless Children
6173 AR	Education For Homeless Children
6173-E(1)	Education For Homeless Children
6173-E(2)	Education For Homeless Children
6173.1 BP	Education For Foster Youth
6173.1 AR	Education For Foster Youth
6173.2 BP	Education Of Children Of Military Families
6173.2 AR	Education Of Children Of Military Families
6173.3 AR	Education For Juvenile Court School Students
6175 BP	Migrant Education Program
6175 AR	Migrant Education Program
6178 BP	Career Technical Education
6178 AR	Career Technical Education
6178.1 BP	Work-Based Learning
6178.1 AR	Work-Based Learning
6178.2 BP	Regional Occupational Center/Program
6200 BP	Adult Education
6200 AR	Adult Education
9000 BB	Role Of The Board
9011 BB	Disclosure Of Confidential/Privileged Information
9012 BB	Board Member Electronic Communications
9124 BB	Attorney
9200 BB	Limits Of Board Member Authority
9321 BB	Closed Session
9321-E(1) BB	Closed Session
9321-E(2) BB	Closed Session
9322 BB	Agenda/Meeting Materials



UNIFORM COMPLAINT PROCEDURES

The Uniform Complaint Procedure (UCP) is used for complaints alleging non-compliance with state and federal laws and regulations governing discrimination and/or educational programs.

Last Name: _____ First Name: _____

Student Name (if applicable) _____ Grade _____ Date of Birth _____

Cell Phone: _____ Work Phone: _____ Home Phone: _____

Mailing Address: _____ City/Zip Code: _____

Please check: Parent/Guardian Student District Employee Other _____

Subject of complaint (please check all that apply):

- Any forms of discrimination (if the alleged harasser/discriminator is a School District employee, school-based or other law enforcement with which the district has a contract or agreement, or student)
- Prohibition against requiring students to pay fees, deposits or other charges for participation in education activities
- Requirements for development and adoption of a school safety plan
- Adult Education After School Education and Safety Career Technical Education/Training
- Child Care and Development Tobacco Use Prevention Course Periods without Educational Content
- Consolidated Categorical Aid Programs Reasonable Accommodations to a Lactating Student
- Education of Homeless, Foster Care, former Juvenile Court, and Students of Military Families
- Local Control Accountability Plan (LCAP) Physical Education Minutes Every Student Succeeds Act (ESSA)/NCLB (Titles I-VII)
- Other areas: Bilingual Education/Compensatory Education/Migrant Education Regional Occupational Programs
- Retaliation against Complainant or other Participant in the UCP Process

Date of Alleged Violation: _____ Location of Alleged Violation: _____

For complaints of discrimination, harassment, intimidation and/or bullying (employee-to-student, student-to-student, and third party to student, including law enforcement interactions related to school activity/attendance), please check the protected classes (actual or perceived) upon which the alleged conduct was based:

- Actual or Perceived Sex Sexual Orientation Gender Age
- Gender Identity Gender Expression Ancestry
- Ethnic Group Identification Race or Ethnicity Religion
- Nationality National Origin Immigration Status
- Color Mental or Physical Disability Lactating Student
- Association with a person or group with one or more of the actual or perceived categories listed above

For bullying complaints not based on protected groups and other complaints not listed on this form, contact your school Site Administrator and/or you may click on the link provided to complete the Public Complaint Form.

Complaints regarding instructional materials, facility conditions that pose an emergency or urgent threat to the health or safety of students or staff, restroom maintenance, or complaints concerning teacher vacancy or misassignments should be filed using the Williams Compliant Form available at all school sites.

Please describe the facts of your complaint in detail, with names, names of witnesses (if any), and explain everything that happened and when. Please give as much detail as possible, including dates, and locations. You may attach additional pages if necessary.

For Office use Only

COMPLAINT RECEIVED BY: _____ DATE & TIME: _____

COMMUNITY RELATIONS

SUBJECT: Williams Complaint Procedures

Types of Complaints

The district shall use the procedures described in this administrative regulation only to investigate and resolve the following:

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

(*cf. 6161.1 - Selection and Evaluation of Instructional Materials*)

2. Complaints regarding teacher vacancy or misassignment, including any complaint alleging that: (*Education Code 35186; 5 CCR 4682*)
 - a. A semester begins and a teacher vacancy exists.
 - b. A teacher who lacks credentials or training to teach English learners is assigned to teach a class with more than 20 percent English learner in the class.

(*cf. 4112.22 - Staff Teaching English Learners*)

- c. A teacher is assigned to teach a class for which the teacher lacks subject matter competency.

Teacher vacancy means a position to which a single designated certificated

employee has not been assigned at the beginning of the year for an entire year or, if the position is for a one-semester course, a position to which a single designated certificated employee has not been assigned at the beginning of the semester for an entire semester. (*Education Code 35186; 5 CCR 4600*)

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

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

(*cf. 4112.2 - Certification*)

(*cf. 4113 - Assignment*)

3. Complaints regarding the condition of school facilities, including any complaint alleging that: (*Education Code 35186; 5 CCR 4683*)
 - a. A condition poses an emergency or urgent threat to the health or safety of students or staff.

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

- b. A school restroom has not been cleaned, maintained, or kept open in accordance with Education Code 35292.5.

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

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

repairs. (*Education Code 35292.5*)

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

(*cf. 3514 - Environmental Safety*)

(*cf. 3517 - Facilities Inspection*)

Forms and Notices

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

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

The Superintendent or designee shall ensure that a notice is posted in each classroom in each school containing the components specified in Education Code 35186. (*Education Code 35186*)

Filing of Complaint

A complaint alleging any condition(s) specified in the section "Types of Complaints" above shall be filed with the principal or designee at the school in which the complaint arises. The principal or designee shall forward a complaint about problems beyond his/her authority to the Superintendent or designee in a timely manner, but not to exceed 10 working days. (*Education Code 35186; 5 CCR 4680*)

Investigation and Response

The principal or designee of the Superintendent shall make all reasonable efforts to investigate any problem within the principal's or designee's authority. (*Education Code 35186; 5 CCR 4685*)

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

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

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

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

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

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

(*cf. 1340 - Access to District Records*)

Reports

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

Legal Reference:

EDUCATION CODE

234.1 Prohibition of discrimination, harassment, intimidation, and bullying

1240 County superintendent of schools, duties

17592.72 Urgent or emergency repairs, School Facility Emergency Repair Account

33126 School accountability report card

35186 Williams uniform complaint procedure

35292.5 Restrooms, maintenance and cleanliness

48985 Notice to parents in language other than English

60119 Hearing on sufficiency of instructional materials

CODE OF REGULATIONS, TITLE 5

4600-4670 Uniform complaint procedures

4680-4687 Williams uniform complaint procedures

UNITED STATES CODE, TITLE 20

6314 Title I schoolwide program

Management Resources:

WEB SITES

CSBA: <http://www.csba.org>

California County Superintendents Educational Services Association:

<http://www.ccsesa.org>

California Department of Education, Williams case: <http://www.cde.ca.gov/eo/ce/wc>

State Allocation Board, Office of Public School Construction:

<http://www.opsc.dgs.ca.gov>

COMMUNITY RELATIONS

SUBJECT: Williams Complaint Procedures

Exhibit 1

**NOTICE TO PARENTS/GUARDIANS, STUDENTS, AND TEACHERS:
K-12 COMPLAINT RIGHTS**

Parents/Guardians, Students, and Teachers:

Pursuant to Education Code 35186, you are hereby notified that:

1. There should be sufficient textbooks and instructional materials. That means each student, including an English learner, must have a textbook or instructional materials, or both, to use in class and to take home.
2. School facilities must be clean, safe, and maintained in good repair.
3. There should be no teacher vacancies or misassignments. There should be a teacher assigned to each class and not a series of substitutes or other temporary teachers. The teacher should have the proper credential to teach the class, including the certification required to teach English learners, if present.

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

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

If you choose to file a complaint alleging that any of the above conditions is not being met, your complaint will be addressed through the district's Williams uniform complaint procedures as required by law. A complaint form may be obtained at the school office or district office, or downloaded from the school or district web site. You may also download a copy of the California Department of Education complaint form from the following web site: <http://www.cde.ca.gov/re/cp/uc>. However, a complaint need not be filed using either the district's complaint form or the complaint form from the California Department of Education.

WILLIAMS COMPLAINT FORM

(Williams Uniform Complaint Procedures for California Education Code Section 35186)

Education Code 35186 creates a procedure for the filing of complaints concerning deficiencies related to instructional materials, conditions of facilities that are not maintained in a clean or safe manner or in good repair, or teacher vacancy or misassignment. The complaint and response are public documents as provided by law. Complaints may be filed anonymously. However, if you wish to receive a response to your complaint, you must provide the contact information below. After completing this form, file it with the School Principal.

Do you want to receive a written response describing how the problem was fixed?

Response Requested? ___Yes, I request a written response. ___No, I do not request a written response. I am filing this complaint anonymously.

Contact information: (if response is requested)

Name: _____ Phone Number (optional): _____

Address: _____ City, State, and Zip Code: _____

Email: _____

Date problem was observed: _____

Location of the problem that is the subject of this complaint:

School name/address: _____

Course title/grade level and teacher name: _____

Room number/name of room/location of facility: _____

Only the following issues may be the subject of this complaint process. If you wish to complain about an issue not specified below, please contact the school or district for the appropriate district complaint procedure.

Specific issue(s) of the complaint: (Please check all that apply. A complaint may contain more than one allegation.)

I. Textbooks and Instructional Materials: (Education Code 35186; 5 CCR 4681)

- A student, including an English learner, does not have standards-aligned textbooks or instructional materials or state- or district-adopted textbooks or other required instructional materials to use in class.
- A student does not have access to textbooks or instructional materials to use at home or after school. This does not require two sets of textbooks or instructional materials for each student.
- Textbooks or instructional materials are in poor or unusable condition, are missing pages, or are unreadable due to damage.
- A student was provided photocopied sheets from only a portion of a textbook or instructional materials to address a shortage of textbooks or instructional materials

Description of the problem: *include (1) the names of the textbook(s)/materials that are missing or damaged, (2) the course/grade level and (3) the teacher's name.* _____

II. Teacher Vacancy or Misassignment: (Education Code 35186; 5 CCR 4682)

- A semester begins and a teacher vacancy exists. A teacher vacancy is a position to which a single designated certificated employee has not been assigned at the beginning of the school year for an entire year or, if the position is for a one-semester course, a position to which a single designated certificated employee has not been assigned at the beginning of a semester for an entire semester.
- A teacher who lacks credentials or training to teach English learners is assigned to teach a class with more than 20 percent English learners in the class.
- A teacher is assigned to teach a class for which the teacher lacks subject matter competency

Description of the problem: *include (1) the course or grade level and (2) the teacher's full name.* _____

III. Facility Conditions: (Education Code 17592.72, 35186, 35292.5, 35292.6; 5 CCR 4683)

- A condition exists that poses an emergency or urgent threat to the health or safety of students or staff including gas leaks; nonfunctioning heating, ventilation, fire sprinklers, or air-conditioning systems; electrical power failure; major sewer line stoppage; major pest or vermin infestation; broken windows or exterior doors or gates that will not lock and that pose a security risk; abatement of hazardous materials previously undiscovered that pose an immediate threat to students or staff; structural damage creating a hazardous or uninhabitable condition; and any other condition deemed appropriate by the district.

- A school restroom has not been cleaned or maintained regularly, is not fully operational, or has not been stocked at all times with toilet paper, soap, or paper towels or functional hand dryers.
- For a school that serves students in any of grades 6-12 with 40 percent or more of its students from low-income families, as defined, the school has not stocked at least half of its restrooms with feminine products at all times and made those products available to students at no cost.
- The school has not kept all restrooms open during school hours when students are not in classes and has not kept a sufficient number of restrooms open during school hours when students are in classes. This does not apply when temporary closing of the restroom is necessary for student safety or to make repairs

Description of the problem: *include (1) the condition, (2) where it is located, and (3) how it poses a threat to health or safety.*

Please describe the issue of your complaint in detail. You may attach additional pages and include as much text as necessary to fully describe the situation. For complaints regarding facilities conditions, please describe the emergency or urgent facilities condition and how that condition poses a threat to the health or safety of students or staff.

After completing this form, file it with the School Principal.

Please provide a signature below. If you wish to remain anonymous, a signature is not required. However, all complaints, even anonymous ones, should be dated.

(Signature)

Date



Preparing every student to thrive in a global society.

Firearms Safety Memorandum

To: Parents and Guardians of Students in the East Side Union High School District

From: Glenn Vander Zee, Superintendent

Subject: California Law Regarding Safe Storage of Firearms

The purpose of this memorandum is to inform and to remind parents and legal guardians of all students in the East Side Union High School District of their responsibilities for keeping firearms out of the hands of children as required by California law. There have been many news reports of children bringing firearms to school. In many instances, the child obtained the firearm(s) from his or her home. **These incidents can be easily prevented by storing firearms in a safe and secure manner, including keeping them locked up when not in use and storing them separately from ammunition.**

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

- With very limited exceptions, California makes a person criminally liable for keeping any firearm, loaded or unloaded, within any premises that are under their custody and control where that person knows or reasonably should know that a child is likely to gain access to the firearm without the permission of the child's parent or legal guardian, and the child obtains access to the firearm and thereby (1) causes death or injury to the child or any other person; (2) carries the firearm off the premises or to a public place, including to any preschool or school grades kindergarten through twelfth grade, or to any school-sponsored event, activity, or performance; **or** (3) unlawfully brandishes the firearm to others.¹
 - **Note:** The criminal penalty may be significantly greater if someone dies or suffers great bodily injury as a result of the child gaining access to the firearm.
- With very limited exceptions, California also makes it a crime for a person to negligently store or leave any firearm, loaded or unloaded, on their premises in a location where the person knows or reasonably should know that a child is likely to gain access to it without the permission of the child's parent or legal guardian, unless reasonable action is taken to secure

¹ See California Penal Code sections 25100 through 25125 and 25200 through 25220.

the firearm against access by the child, even where a minor **never** actually accesses the firearm.²

- In addition to potential fines and terms of imprisonment, as of January 1, 2020, a gun owner found criminally liable under these California laws faces prohibitions from possessing, controlling, owning, receiving, or purchasing a firearm for 10 years.³
- Finally, a parent or guardian may also be civilly liable for damages resulting from the discharge of a firearm by that person's child or ward.⁴

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

Sincerely,



Glenn Vander Zee, Superintendent

Date published: 08/31/23

California Department of Education

² See California Penal Code section 25100(c).

³ See California Civil Code Section 29805.

⁴ See California Civil Code Section 1714.3.

HEALTHY SCHOOLS ACT - ANNUAL NOTIFICATION

To Parents, Guardians and ESUHSD Staff Members,

In compliance with the Healthy Schools Act (AB 2260) and Education Code 48980.3, the following information is being provided.

In order to control pests (such as ants, fleas, and stinging wasps) and weeds in the school environment, pesticides and herbicides are used on an as needed basis.

Except in emergency situations, warning signs will be posted when herbicides or pesticides are used. The warning signs will be posted 24 hours prior to application and will remain up for 72 hours after the application.

Parents will be notified annually of the anticipated chemicals that may be used. The following is a list of the anticipated or expected pesticides and herbicides that may be used at school sites.

Product Name	Primary Active Ingredient	Expected Use
Gopher Getter	Diphacinone	Gopher Control
Olive Stop	Naphthaleneacetic Acid, Ammonium Salt	Fruit Inhibitor
Ranger Pro	Glyphosate	Weed Control
Raid Concentrated Deep Reach Fogger	Cypermethrin	Insect Control
Rozol Gopher Bait	Chlorophacinone	Gopher Control
Surflan	Oryzalin	Herbicide
Turflon	Triclopyr	Herbicide
Wasp-Freeze	d-Trans Allethrin, Phenothrin	Wasp Control
Wilco Ground Squirrel Bait	Diphacinone	Ground Squirrel Control
Gopher Getter	Diphacinone	Gopher Control

The complete SDS (Safety Data Sheets) containing information for each chemical may be obtained from the Facilities Department at 408.347.5100. For additional information on these pesticides and pesticide use reduction, go to the Department of Pesticide Regulation's website: <http://www.cdpr.ca.gov>.

You may sign up to receive advance notifications of pesticide applications where we will contact you at least 72 hours before the scheduled application. To request notification, please contact the Matt Sidlauskas at sidlauskasm@esuhsd.org.

