

# **Board Policy**

## **Parent Rights And Responsibilities**

BP 5020

### **Students**

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 their home language of the rights and opportunities available to them pursuant to Education Code 48985. (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 STATE 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>

Policy CLOVERDALE UNIFIED SCHOOL DISTRICT  
adopted: November 19, 2003 Cloverdale, California

# Administrative Regulation

## Parent Rights And Responsibilities

AR 5020

### Students

#### Parent/Guardian Rights

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

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

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

(cf. 3515.2 - Disruptions)

(cf. 6116 - Classroom Interruptions)

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

3. Under the supervision of district employees, to volunteer their time and resources for the

improvement of school facilities and school programs, including, but not limited to, providing assistance in the classroom with the approval, and under the direct supervision, of the teacher (Education Code 51101)

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

(cf. 5113 - Absences and Excuses)

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

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

(cf. 0500 - Accountability)

(cf. 0510 - School Accountability Report Card)

(cf. 6162.51 - Standardized Testing and Reporting Program)

(cf. 6162.52 - High School Exit Examination)

(cf. 6174 - Education for English Language Learners)

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

(cf. 5116.1 - Intradistrict Open Enrollment)

(cf. 5117 - Interdistrict Attendance)

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

(cf. 0450 - Comprehensive Safety Plan)

(cf. 3515 - Campus Security)

(cf. 5131 - Conduct)

(cf. 5137 - Positive School Climate)

(cf. 5142 - Safety)

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

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

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

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

(cf. 1312.2 - Complaints Concerning Instructional Materials)

(cf. 6141 - Curriculum Development and Evaluation)

(cf. 6142.1 - Family Life/Sex Education)

(cf. 6142.2 - AIDS Prevention Instruction)

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

(cf. 6161.11 - Supplementary Instructional Materials)

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

(cf. 5121 - Grades/Evaluation of Student Achievement)

(cf. 5124 - Communication with Parents/Guardians)

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

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

(cf. 3270 - Sale and Disposal of Books, Equipment and Supplies)

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

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

(cf. 5125 - Student Records)

(cf. 5125.1 - Release of Directory Information)

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

(cf. 6011 - Academic Standards)

(cf. 6146.1 - High School Graduation Requirements)

(cf. 6146.4 - Differential Graduation and Competency Standards for Students with Disabilities)

(cf. 6146.5 - Elementary/Middle School Graduation Requirements)

14. To be informed in advance about school rules, including disciplinary rules and procedures pursuant to Education Code 35291, attendance, retention and promotion policies pursuant to Education Code 48070.5, dress codes and procedures for visiting the school (Education Code 51101)

(cf. 1250 - Visitors/Outsiders)

(cf. 5123 - Promotion/Acceleration/Retention)

(cf. 5132 - Dress and Grooming)

(cf. 5144 - Discipline)

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

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

(cf. 5022 - Student and Family Privacy Rights)

(cf. 6164.2 - Guidance/Counseling Services)

(cf. 6164.4 - Identification of Individuals for Special Education)

(cf. 6164.6 - Identification and Education Under Section 504)

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

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

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

(cf. 0420 - School Plans/Site Councils)

(cf. 0420.3 - School-Based Student Motivation and Maintenance Program)

(cf. 0420.5 - School-Based Decision Making)

(cf. 1220 - Citizen Advisory Committees)

(cf. 6171 - Title I Programs)

(cf. 6175 - Migrant Education Program)

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

(cf. 5125.3 - Challenging Student Records)

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

(cf. 5131.6 - Alcohol and Other Drugs)

(cf. 5141.3 - Health Examinations)

### Parent Responsibilities

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

1. Monitoring attendance of their children
2. Ensuring that homework is completed and turned in on time

(cf. 6154 - Homework/Makeup Work)



3. Encouraging their children to participate in extracurricular and cocurricular activities

(cf. 6145 - Extracurricular and Cocurricular Activities)

4. Monitoring and regulating the television viewed by their children

5. Working with their children at home in learning activities that extend the classroom learning

6. Volunteering in their children's classroom(s) or for other school activities

(cf. 1240 - Volunteer Assistance)

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

Regulation CLOVERDALE UNIFIED SCHOOL DISTRICT

approved: November 19, 2003 Cloverdale, California

# **Board Policy**

## **Noncustodial Parents**

BP 5021

### **Students**

Noncustodial parents generally retain the same rights as custodial parents unless a court order restricts the rights of the noncustodial parent. These rights include but are not limited to accessing his/her child's student records, participating in school activities and visiting the child at school. If a completed or pending legal action curtails the noncustodial parent's rights, the parent/guardian with custody shall provide evidence of this action to the Superintendent or designee.

(cf. 5125 - Student Records)

(cf. 5142 - Safety)

(cf. 6020 - Parent Involvement)

Upon request, the district shall provide noncustodial parents with announcements and notices that are sent to the custodial parent.

While both parents can visit the child at school, only the custodial parent has the right to remove the child from school property. Only a verified note or an emergency card from the custodial parent will be cause for exception to this provision.

(cf. 5141 - Health Care and Emergencies)

In the event of an attempted violation of a court order that restricts access to a student, staff shall contact the custodial parent and local law enforcement officials and shall make the student available only after one or both of these parties consent.

Legal Reference:

EDUCATION CODE

49061 Definitions

49069 Absolute right to access

FAMILY CODE

3025 Parental access to records

Policy CLOVERDALE UNIFIED SCHOOL DISTRICT

adopted: November 19, 2003 Cloverdale, California

# **Board Policy**

## **Student And Family Privacy Rights**

BP 5022

### **Students**

The Governing Board believes that personal information concerning district students and their families should be kept private in accordance with law.

(cf. 0000 - Vision)

(cf. 0100 - Philosophy)

(cf. 0200 - Goals for the School District)

(cf. 5020 - Parent Rights and Responsibilities)

(cf. 5021 - Noncustodial Parents)

(cf. 5125 - Student Records)

(cf. 5125.1 - Release of Directory Information)

(cf. 6000 - Concepts and Roles)

(cf. 6162.8 - Research)

The Superintendent or designee shall consult with parents/guardians regarding the development and adoption of this policy.

### **Collection of Personal Information for Marketing Purposes**

The Board prohibits district staff from administering or distributing to students survey instruments that are designed for the purpose of collecting personal information for marketing or for selling that information.

Legal Reference:

EDUCATION CODE

49450-49457 Physical examinations

49602 Confidentiality of pupil information

51513 Personal beliefs

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>

USDOE, Family Policy Compliance Office: <http://www.ed.gov/offices/OM/fpco/>

Policy CLOVERDALE UNIFIED SCHOOL DISTRICT

adopted: November 19, 2003 Cloverdale, California

# **Administrative Regulation**

## **Student And Family Privacy Rights**

AR 5022

### **Students**

#### Definition

Personal information means individually identifiable information including a student's or parent/guardian's first and last name, a home or other physical address (including street name and the name of the city or town), a telephone number, or a social security identification number. (20 USC 1232h)

#### Surveys Requesting Information about Beliefs and Practices

A student's parent/guardian shall provide prior written consent before the student submits to a survey containing one or more of the following items: (20 USC 1232h; Education Code 51513)

1. Political affiliations or beliefs of the student or his/her family
2. Mental or psychological problems of the student or his/her family
3. Sexual behavior or attitudes or personal beliefs and practices in family life or morality
4. Illegal, anti-social, self-incriminating or demeaning behavior
5. Critical appraisals of other individuals with whom students have close family relationships

6. Legally recognized privileged or analogous relationships, such as those of lawyers, physicians or ministers
7. Religious practices, affiliations or beliefs of the student or his/her parent/guardian
8. Income, except to the extent that income is required to be disclosed by law for participation in a program or for receiving financial assistance under such a program

If a student participates in a survey regarding information about beliefs and practices as identified above, school officials and staff members shall not request or disclose the student's identity.

(cf. 6162.51 - Standardized Testing and Reporting Program)

(cf. 6162.8 - Research)

#### Exceptions to Collection of Personal Information

Any district restriction regarding collection of personal information shall not apply to the collection, disclosure, or use of personal information collected from students for the purpose of developing, evaluating or providing educational products or services for, or to, students or educational institutions, such as the following: (20 USC 1232h)

1. College or other postsecondary education recruitment or military recruitment
2. Book clubs, magazines, and programs providing access to low-cost literary products
3. Curriculum and instructional materials used by elementary and secondary schools
4. Tests and assessments to provide cognitive, evaluative, diagnostic, clinical, aptitude, or achievement information about students (or to generate other statistically useful data for the purpose of securing such tests and assessments) and the subsequent analysis and public release of the aggregate

data from such tests and assessments

5. The sale by students of products or services to raise funds for school-related or education-related activities

(cf. 1321 - Solicitation of Funds from and by Students)

6. Student recognition programs

(cf. 5126 - Awards for Achievement)

#### Parent/Guardian Access to Surveys and Instructional Materials

Before school staff administers a survey or evaluation containing personal information as identified above or distributes an instrument to a student for the purpose of collecting personal information for marketing, the student's parent/guardian may: (20 USC 1232h)

1. Upon request, inspect that survey or instrument before it is administered or distributed to his/her child or any instructional material used as part of his/her child's educational curriculum

(cf. 5020 - Parent Rights and Responsibilities)

Within a reasonable period of time of receiving a request, the principal or designee shall permit a parent/guardian to view a survey, instrument or instructional material. A parent/guardian may view the document any time during normal business hours.

2. Refuse to allow his/her child to participate in the activity

Students whose parents/guardians exercise this option shall not be penalized by the district. (20 USC 1232h)



## Health Examinations

No school official or staff member shall subject a student to a non-emergency, invasive physical examination as a condition for school attendance, except as permitted or required under California law. (20 USC 1232h)

Invasive physical examination means any medical examination that involves the exposure of private body parts or any act during such examination that includes incision, insertion or injection into the body, but does not include a properly authorized hearing, vision or scoliosis screening. (20 USC 1232h)

(cf. 5131.61 - Drug Testing)

(cf. 5141.3 - Health Examinations)

## Notifications

At the beginning of the school year, the Superintendent or designee shall notify parents/guardians of:  
(20 USC 1232h)

1. The district's policy regarding student privacy
2. The process to opt their children out of participation in any activity described in this policy and administrative regulation
3. The specific or approximate dates during the school year when the following activities are scheduled:
  - a. Survey requesting personal information
  - b. Physical exams or screenings

Parents/guardians shall also be notified of any substantive change in this policy and administrative

regulation within a reasonable period of time after adoption of the change. (20 USC 1232h)

(cf. 5145.6 - Parental Notifications)

Regulation CLOVERDALE UNIFIED SCHOOL DISTRICT

approved: November 19, 2003 Cloverdale, California

# **Board Policy**

## **Student Wellness**

BP 5030

### **Students**

The Governing Board recognizes the link between student health and learning and desires to provide a comprehensive program promoting healthy eating and physical activity for district students. The Superintendent or designee shall build a coordinated school health system that supports and reinforces health literacy through health education, physical education, health services, nutrition services, psychological and counseling services, health promotion for staff, a safe and healthy school environment, and parent/guardian and community involvement.

(cf. 0000 - Vision)

(cf. 0200 - Goals for District)

(cf. 3513.3 - Tobacco Free School)

### **School Health Council/Committee**

The school health council or committee, consisting of at least parents, students, school food service professionals, school administrators, Board representatives and members of the public shall assist with policy development and advise the district on health-related issues, activities, policies, and programs.

(cf. 1220 - Citizen Advisory Committee)

(cf. 9140 - Board Representative)

### **Nutrition Education and Physical Activity Goals**

## Philosophy

This section deals with rings of a target for good student health.

1. The center target is the daily nutritional meals for students, both breakfast and lunch, provided by the Cloverdale School District's Food Services Department.
2. The second ring is describing competitive foods sold to students during breaks.
3. The third ring is nutritional education to assure students are provided curriculum and information to help them make wise nutritional choices.
4. The fourth ring is a program to provide a sound physical activity program for all K-12 students in the district.
5. The fifth ring is a parent educational component whereby the parents can be informed about nutritional foods and snacks.

The district's nutrition education and physical programs shall be based on research, consistent with the expectation established in the states curriculum frameworks, and designed to build the skills and knowledge that all students need to maintain a healthy lifestyle.

The entire target represents a goal to provide programs that enable student to make educated decisions to maximize a lifetime of good nutrition, and physical activity.

## Daily Food Service

Daily food service will provide each student access to delicious, enjoyable and nutritious meals at both breakfast and lunch, ensuring that no student need go hungry. Health and nutritious meals play an important role in learning and cognitive development enabling students to learn to their fullest potential.

To ensure that all qualified children become eligible for free meals, the district will develop a comprehensive, outreach and promotional plan for the school meal program and will coordinate with other agencies to identify eligible students.

Meals prepared by the district will maintain nutrient-based planning (as set forth under USDA guidelines) and will allow student flexibility in selection, the opportunity to experience culturally diverse foods and will accommodate students with dietary needs. (Education Code 49431 and 49432)

The Board believes that foods and beverages available to students at district schools should support the health curriculum and promote optimal health. Nutrition standards adopted by the district for all foods and beverages sold to student, including foods and beverages provided through the district's food service program, student stores, vending machines, fundraiser, or other venues, shall meet or exceed state and federal nutritional standards.

#### Competitive Foods Available

Vending machines containing beverage items not meeting requirements shall not be available to students until after the end of the last period. No carbonated beverages shall be sold from one-half hour before the start of the school and one half hour after the end of the school day.

The sale of food items on school premises that do not comply with these standards as fundraising events are permissible provided: (1) that the sale occurs during a school-sponsored student activity after the end of the school day and or (2) the sale takes place one-half hour after the end of the school day.

The Superintendent or designee shall encourage school organizations to use healthy food items or non-food items for fundraising purposes. He/she also shall encourage school staff to avoid the use of non-nutritious foods as a reward for students' academic performance, accomplishments, or classroom behavior.

School staff shall encourage parents/guardians or other volunteers to support the district's nutrition educational program by considering nutritional quality when selecting any snacks, which they may donate for occasional class parties and by limiting foods, or beverages that do not meet nutritional standard to no more than one food or beverage per party. Class parties or celebrations shall be held after the lunch period when possible.

The Board prohibits the marketing and advertising of non-nutritious foods and beverages through signage, vending machine fronts, logos, scoreboards, school supplies, advertisements in school publications, coupon or incentive programs, or other means.

### Nutrition Education

The district is committed to a comprehensive K-12 nutrition program supported by current curriculum materials and grade level appropriate instructional strategies. The district will explore partnerships with parents, outside agencies, local farmers and businesses for opportunities to enhance the nutrition education curriculum. Curriculum materials and strategies will be aligned with district Health Education Standards derived from the California Nutrition Competencies and integrated throughout the curriculum: math, science, social studies and language arts.

### Physical Education

The Board recognizes the positive benefits of physical activity for student health and academic achievement, and encourages each student to take advantage of various opportunities for physical activity offered by the district.

All students in grades K-12 shall be provided opportunities to be physically active on a regular basis. Opportunities for moderate to vigorous physical activity shall be provided through physical education, recess, school athletic programs, extracurricular programs, before-and after-school programs, and other structured and unstructured activities.

The Board desires to provide a physical education program that combines nutritional goals along with building interest and proficiency in movement skills and encourages students' lifelong fitness through physical activity. Besides promoting high levels of personal achievement and a positive self-image, physical education activities should teach students how to cooperate in the achievement of common goals along with good eating habits.

The Board approved components of the physical education program are to be considered as part of the Wellness Policy.

(cf. 6142.7 - Physical Education)

Physical education staff shall take special care to ensure that excessive physical exertion is not required of students who have informed staff of a heart or respiratory condition or other physical disability that may restrict such activity. An appropriate alternative shall be provided for these students.

Professional development shall include instructional strategies that assess health knowledge and skills and promote healthy behaviors

The Superintendent or designee shall encourage staff to serve as positive role models. He/she shall promote and provide opportunities for regular activity among employees.

#### Parent Education

To encourage consistent health messages between the home and school environment, the Superintendent or designee may disseminate health information to parents/guardians through district or school newsletters, handouts, parent/guardian meetings, the district or school web site, and other communications. Outreach to parents/guardians shall emphasize the relationship between student health and academic performance.

#### Program Implementation and Evaluation

The Board shall establish a plan for measuring implementation of the policy. The Superintendent shall designate at least one person within the district and at least two at each school who are charged with operational responsibility for ensuring that the school sites implement the district's wellness policy. (42 USC 1751 Note)

The Superintendent or designee shall recommend for Board approval specific quality indicators that will be used to measure the implementation of the policy district wide and at each district school. These measures shall include, but not be limited to, an analysis of the nutritional content of meals served; student participation rates in school meal programs; any sales of non-nutritious foods and beverages in fundraisers or other venues outside the district's meal programs; and feedback from food service personnel, school administrators, the school health council, parents/guardians, students, and other appropriate persons.

The Superintendent or designee shall report to the Board at least every two years on the implementation of this policy and any other Board policies related to nutrition and physical activity.

## Posting Requirements

Each school shall post the district's policies and regulations on nutrition and physical activity in public view within all school cafeterias or in other central eating areas. (Education Code 49432)

## Legal Reference:

### EDUCATION CODE

49430-49436 Pupil Nutrition, Health, and Achievement Act of 2001

49490-49493 School breakfast and lunch programs

49500-49505 School meals

49510-49520 Nutrition

49530-49536 Child Nutrition Act

49540-49546 Child care food program

49547-49548.3 Comprehensive nutrition services

49550-49560 Meals for needy students

49565-49565.8 California Fresh Start pilot program

49570 National School Lunch Act

51222 Physical education

51223 Physical education, elementary schools

### CODE OF REGULATIONS, TITLE 5

15500-15501 Food sales by student organizations

15510 Mandatory meals for needy students

15530-15535 Nutrition education

15550-15565 School lunch and breakfast programs

### UNITED STATES CODE, TITLE 42



1751-1769 National School Lunch Program, especially:

1751 Note Local wellness policy

1771-1791 Child Nutrition Act, including:

1773 School Breakfast Program

1779 Rules and regulations, Child Nutrition Act

CODE OF FEDERAL REGULATIONS, TITLE 7

210.1-210.31 National School Lunch Program

220.1-220.21 National School Breakfast Program

Management Resources:

CSBA POLICY BRIEFS

The New Nutrition Standards: Implications for Student Wellness Policies, November 2005

CSBA PUBLICATIONS

Student Wellness: A Healthy Food and Physical Activity Policy Resource Guide, rev. 2005

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

Healthy Children Ready to Learn, January 2005

Health Framework for California Public Schools, Kindergarten Through Grade Twelve, 2003

Physical Education Framework for California Public Schools, Kindergarten Through Grade 12, 1994

CENTERS FOR DISEASE CONTROL PUBLICATIONS

School Health Index for Physical Activity and Healthy Eating: A Self-Assessment and Planning Guide for Elementary and Middle/High Schools, 2004

NATIONAL ASSOCIATION OF STATE BOARDS OF EDUCATION (NASBE) PUBLICATIONS

Fit, Healthy and Ready to Learn, 2000

U.S. DEPARTMENT OF AGRICULTURE PUBLICATIONS

Dietary Guidelines for Americans, 2005

Team Nutrition, Food and Nutrition Services, Changing the Scene, Improving the School Nutrition Environment: A Guide to Local Action, 2000

WEB SITES

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

California Department of Education, Nutrition Services Division: <http://www.cde.ca.gov/ls/nu>

California Department of Health Services: <http://www.dhs.ca.gov>

California Healthy Kids Resource Center: <http://www.californiahealthykids.org>

California Project LEAN (Leaders Encouraging Activity and Nutrition):  
<http://www.californiaprojectlean.org>

Centers for Disease Control and Prevention (CDC): <http://www.cdc.gov>

Dairy Council of California: <http://www.dairycouncilofca.org>

National Alliance for Nutrition and Activity: <http://www.cspinet.org/nutritionpolicy/nana.html>

National Association of State Boards of Education: <http://www.nasbe.org>

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

School Nutrition Association: <http://www.schoolnutrition.org>

Society for Nutrition Education: <http://www.sne.org>

U.S. Department of Agriculture: [http://www.fns.usda.gov/tn/Healthy/wellnesspolicy\\_steps.html](http://www.fns.usda.gov/tn/Healthy/wellnesspolicy_steps.html)

Policy CLOVERDALE UNIFIED SCHOOL DISTRICT

Adopted: June 30, 2006      Cloverdale, California

# **Administrative Regulation**

## **Student Wellness**

AR 5030

### **Students**

#### School Health Council/Committee

At the discretion of the Superintendent or designee, the council's charges may include planning and implementing activities to promote health within the school or community. The committee shall hold at least one public hearing per year.

#### Nutrition Education

School sites should integrate into the nutrition curriculum, material, examples and demonstrations that foster good manners and respect for fellow students during school mealtime. School staffs will work to provide a pleasant environment, with sufficient time for eating, adequate cafeteria seating and appealing décor.

#### Physical Education

1. All students in grades K-12 shall be provided opportunities to be physically active on a regular basis. Opportunities for moderate to vigorous physical activity shall be provided through physical education, recess, school athletic programs, extracurricular programs, before- and after-school programs, and other structured and unstructured activities.
2. Student involvement in physical education shall meet the state requirements:

200 minutes each 10 school days in grades 1 through 6.

400 minutes each 10 school days in grades 7 through 12.

3. District schools/teachers are encouraged to develop specific game areas and to teach new games for break and lunch recess.
4. The schools' staff are encouraged to expand opportunities for lunch time and after school physical activities.
5. Students shall be encouraged to walk, bike or otherwise actively commute to and from school.

(cf. 6142.7 - Physical Education)

#### Parent Education

The principal at each school will be responsible to disseminate health information at least four times per year through newsletters or other parent letters. This information may include but not limited to: information about healthy snacks, nutrition data and physical exercises for students.

#### Program Evaluation

1. The following indicators will be used to evaluate the implementation of the Wellness Policy:
  - a. An analysis of the content of the meals being served will be done by the Culinary Arts Class two times a year.
  - b. Student participation will be recorded at each school and the results will be compared on a semester basis.
  - c. A list of "non-nutritional fund raisers well be kept in each school and evaluated on an annual basis.

d. Physical Education:

(1) During the month of February, April or May, students in grades 5, 7, and 9 shall undergo the physical performance testing designated by the State Board of Education. Students with physical disability and students who are physically unable to take all of the test shall undergo as much of the test as their physical condition will permit. (Education Code 60800)

(2) A quarterly check list shall be developed at each elementary school (K-6) that will indicate:

(a) Time that was devoted to physical education.

(b) Time that was devoted to recess and any after school participation of students. (The after school activity should include the number of students and the amount of time.)

(cf. AR 6142.7 - Physical Education)

e. Parent Education

A parent questionnaire will be developed by the school site council that will indicate any changes that have been instigated in eating habits or physical activities as a result of the information distributed by the schools.

The evaluation of this Wellness Policy shall be presented to the School Board at the end of each school year.

Comparisons will be made and changes may be indicated by the Superintendent.



# **Administrative Regulation**

## **Admission**

AR 5111

## **Students**

### Age of Admission

Proof of age shall be required of all enrolling students. The legal evidences of age, in order of desirability, are a birth certificate, baptismal certificate, passport, immigration certificate, Bible record, or affidavit from the parent/guardian.

A child who will reach the age of five on or before December 2 of the school year shall be eligible for enrollment in kindergarten at the beginning of that school year or at any later time in the same year. (Education Code 48000)

A child who will reach the age of five on or before December 2 of the school year shall be eligible for enrollment in the district pre-kindergarten summer program. (Education Code 48000)

A child who will have reached the age of six years on or before December 2 of the current school year shall be eligible for enrollment in the first grade. (Education Code 48010)

Regulation CLOVERDALE UNIFIED SCHOOL DISTRICT

approved: November 19, 2003 Cloverdale, California

# **Administrative Regulation**

## **District Residency**

AR 5111.1

### **Students**

#### Criteria for Residency

Prior to admission in district schools, students shall provide proof of residency.

(cf. 5111 - Admission)

A student shall be deemed to have complied with residency requirements if he/she meets any of the following criteria:

1. The student's parents/guardians reside within district boundaries. (Education Code 48200)

(cf. 5111.13 - Residency for Homeless Children)

2. The student is placed within district boundaries in a regularly established licensed children's institution, a licensed foster home or a family home pursuant to a court-ordered commitment or placement. (Education Code 48204)

3. The student has been admitted through the district's interdistrict attendance program. (Education Code 48204)

(cf. 5117 - Interdistrict Attendance)



4. The student is an emancipated minor residing within district boundaries. (Education Code 48204)

5. The student lives with a caregiving adult within district boundaries. (Education Code 48204)

(cf. 5111.11 - Residency of Students with Caregiver)

6. The student resides in a state hospital located within district boundaries. (Education Code 48204)

7. The student is an elementary school student whose parent/guardian is employed within district boundaries. However, the district is not required to admit students for this reason. (Education Code 48204)

(cf. 5111.12 - Residency Based on Parent/Guardian Employment)

8. The student is confined to a hospital or other residential health facility within district boundaries for treatment of a temporary disability. (Education Code 48207)

(cf. 6183 - Home and Hospital Instruction)

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)

#### Proof of Residency

The Superintendent or designee shall retain a copy of the document or written verification offered as proof of residency. In addition, the Superintendent or designee shall annually verify the student's residency and retain a copy of the document or written statement offered as verification. (5 CCR 432)

When presented with a substitute address designated by the Secretary of State for victims of domestic violence or stalking residing within district boundaries, the Superintendent or designee shall accept and use the substitute address for all future communication and correspondence and in all public records. (Government Code 6207)

(cf. 3580 - District Records)

(cf. 5125 - Student Records)

If any district employee reasonably believes that the parent/guardian of a student has provided false or unreliable evidence of residency, the Superintendent or designee shall make reasonable efforts to determine whether the student meets legal residency requirements.

#### Revocation of Enrollment

If the Superintendent or designee, upon investigation, determines that a student's enrollment is based on false evidence of residency, he/she shall revoke the student's enrollment. Before any such revocation, the parent/guardian shall be sent written notice of the facts leading to the decision. This notice shall state the parent/guardian's right, within 10 school days, to schedule a meeting with a hearing officer to inspect supporting documents, rebut district evidence, question any district witnesses, and present oral and/or documentary evidence, including witnesses, on the student's behalf. For good cause, the hearing officer may extend the meeting date for an additional 10 days to permit the parent/guardian to obtain required documentation.

If the parent/guardian fails to schedule the above meeting, the student's enrollment shall be revoked 11 school days after the date of the notice.

If the above meeting is held, the hearing officer shall prepare a written decision describing his/her findings. If this decision upholds the revocation, the parent/guardian shall be informed of his/her right to appeal to the Board within 10 days. The hearing officer's decision shall be final unless appealed.

A parent/guardian who appeals to the Board shall have the right to have a representative present and to rebut district evidence, question any district witnesses, and present oral and/or documentary evidence, including witnesses, on the student's behalf. Except in cases where good cause is shown, the Board shall not reopen the record to consider evidence or argument which was not presented to the hearing officer. The student may continue to attend school during the period of the appeal. The Board's decision shall be final.

Legal Reference:

EDUCATION CODE

35351 Assignment of students to particular schools

48050-48053 Nonresidents

48200-48204 Persons included (compulsory education law)

48204.5 Districts adjacent to international border

48204.6 Evidence of residency

48206.3-48208 Students with temporary disability

48980 Notification of parent or guardian

52317 Admission of persons including nonresidents to attendance area

FAMILY CODE

6550-6552 Caregivers

GOVERNMENT CODE

6205-6211 Confidentiality of residence for victims of domestic violence

CODE OF REGULATIONS, TITLE 5

432 Varieties of student records

CODE OF REGULATIONS, TITLE 22

87001 Definitions

Management Resources:

CDE LEGAL ADVISORIES

0303.95 Verification of residency, LO: 1-95

1115.88 Application of residency requirements for homeless children and youth, LO:5-88

SECRETARY OF STATE

Letter re: California Confidential Address Program Implementation (SB 489)

WEB SITES

California Secretary of State: <http://www.ss.ca.gov>

Regulation CLOVERDALE UNIFIED SCHOOL DISTRICT

approved: November 19, 2003 Cloverdale, California

# **Administrative Regulation**

## **Residency Of Students With Caregiver**

AR 5111.11

### **Students**

Students shall qualify as district residents if placed within the district in a regularly established licensed children's institution, a licensed foster home, or a family home pursuant to a commitment or placement under Welfare and Institutions Code 200-987. The agency placing a student in such a home or institution shall provide evidence to the school that the placement or commitment is pursuant to law. (Education Code 48204)

Students shall qualify as district residents if they reside in the home of a care-giving adult within district boundaries. (Education Code 48204)

Upon enrollment, the care-giving adult shall execute, under penalty of perjury, the affidavit specified in Family Code 6552.

When their whereabouts is known, parents/guardians of students living with a caregiver or in foster care shall receive all parental notifications required by law. They shall be contacted for all major educational decisions concerning enrollment, discipline and final grades.

(cf. 5145.6 - Parental Notifications)

Caregivers and foster parents who have filed the affidavit specified in Family Code 6552 may authorize school-related medical care.

(cf. 5141- Health Care and Emergencies)

Caregivers and foster parents shall receive a copy of all school notices.

(cf. 5111.1 - District Residency)

(cf. 6159.3 - Appointment of Surrogate Parent for Special Education Students)

Legal Reference:

EDUCATION CODE

35351 Assignment of students to particular schools

42920-42925 Educational services

48200-48204 Persons included (compulsory education law)

56028 Parent

56050 Surrogate parent

FAMILY CODE

6550-6552 Caregivers

GOVERNMENT CODE

7579.5 Surrogate parent

CODE OF REGULATIONS, TITLE 22

87001 Definitions

CODE OF FEDERAL REGULATIONS, TITLE 34

300.517 Surrogate Parent

Management Resources:

CDE MANAGEMENT ADVISORIES

0912.94 New Law on Establishing Residence 94-09

Regulation CLOVERDALE UNIFIED SCHOOL DISTRICT

approved: November 19, 2003 Cloverdale, California

# Exhibit

## Residency Of Students With Caregiver

E 5111.11

### Students

#### Caregiver's Authorization Affidavit

Use of this affidavit is authorized by Part 1.5 (commencing with Section 6550) of Division 11 of the California Family Code.

Instructions: Completion of items 1-4 and the signing of the affidavit is sufficient to authorize enrollment of a minor in school and authorize school-related medical care. Completion of items 5-8 is additionally required to authorize any other medical care. Print clearly.

The minor named below lives in my home and I am 18 years of age or older.

1. Name of minor: \_\_\_\_\_
  
2. Minor's birth date: \_\_\_\_\_
  
3. My name (adult giving authorization): \_\_\_\_\_
  
4. My home address: \_\_\_\_\_



5. I am a grandparent, aunt, uncle, or other qualified relative of the minor (see next page for a definition of "qualified relative").

6. Check one or both (for example, if one parent was advised and the other cannot be located):

? I have advised the parent(s) or other person(s) having legal custody of the minor of my intent to authorize medical care, and have received no objection.

? I am unable to contact the parent(s) or other person(s) having legal custody of the minor at this time, to notify them of my intended authorization.

7. My date of birth: \_\_\_\_\_

8. My California's driver license or identification card number: \_\_\_\_\_

Warning: Do not sign this form if any of the statements above are incorrect, or you will be committing a crime punishable by a fine, imprisonment, or both.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Dated: \_\_\_\_\_ Signed: \_\_\_\_\_

Notices:

1. This declaration does not affect the rights of the minor's parents or legal guardian regarding the care, custody, and control of the minor, and does not mean that the caregiver has legal custody of the minor.

2. A person who relies on this affidavit has no obligation to make any further inquiry or investigation.

3. This affidavit is not valid for more than one year after the date on which it is executed.

Additional information:

TO CAREGIVERS:

1. "Qualified relative," for purposes of item 5, means a spouse, parent, stepparent, brother, sister, stepbrother, stepsister, half-brother, half-sister, uncle, aunt, niece, nephew, first cousin, or any person denoted by the prefix "grand" or "great" or the spouse of any of the persons specified in this definition, even after the marriage has been terminated by death or dissolution.

2. The law may require you, if you are not a relative or a currently licensed foster parent, to obtain a foster home license in order to care for a minor. If you have any questions, please contact your local department of social services.

3. If the minor stops living with you, you are required to notify any school, health care provider, or health care service plan to which you have given this affidavit.

4. If you do not have the information requested in item 8 (California driver's license or I.D.), provide another form of identification such as your social security number or Medi-Cal number.

TO SCHOOL OFFICIALS:

1. Section 48204 of the Education Code provides that this affidavit constitutes a sufficient basis for a determination of residency of the minor, without the requirement of a guardianship or other custody order, unless the school district determines from actual facts that the minor is not living with the caregiver.

2. The school district may require additional reasonable evidence that the caregiver lives at the

address provided in item 4.

TO HEALTH CARE PROVIDERS AND HEALTH CARE SERVICE PLANS:

1. No person who acts in good faith reliance upon a caregiver's authorization affidavit to provide medical or dental care, without actual knowledge of facts contrary to those stated on the affidavit, is subject to criminal liability or to civil liability to any person, or is subject to professional disciplinary action, for such reliance if the applicable portions of the form are completed.
  
2. This affidavit does not confer dependency for health care coverage purposes.

Exhibit CLOVERDALE UNIFIED SCHOOL DISTRICT

version: November 19, 2003 Cloverdale, California

# **Administrative Regulation**

## **Residency Based On Parent/Guardian Employment**

AR 5111.12

### **Students**

District residency status may be granted to an elementary grade student if the student's parent/guardian works within the district boundaries. (Education Code 48204)

(cf. 5111.1 - District Residency)

(cf. 5117 - Interdistrict Attendance)

(cf. 5117.1 - Interdistrict Attendance Agreements)

### **Applications for Admission**

When applying for his/her child's admission to a district school based on employment, the parent/guardian shall provide proof of employment within district boundaries, such as a paycheck stub or letter from the employer.

The Governing Board may deny enrollment based on parent/guardian employment if any of the following circumstances exists:

1. The additional cost of educating the student would exceed the amount of additional state aid received as a result of the transfer. (Education Code 48204)
2. Enrollment of the student would adversely affect the district's court-ordered or voluntary desegregation plan. (Education Code 48204)

3. The school facilities are overcrowded at the relevant grade level.

The student's parent/guardian shall be notified in writing of the Board's decision to deny admission. The notice shall include specific reasons for the denial. (Education Code 48204)

(cf. 5145.6 - Parental Notifications)

Students enrolled in the district on the basis of parent/guardian employment shall not be required to reapply for enrollment the next school year. They may continue to attend school in the district through the 12th grade, or the highest grade provided by the district, if the parent/guardian so chooses, subject only to restrictions specified in law related to excess costs and negative impact on desegregation plans. (Education Code 48204)

If a parent/guardian whose child has been admitted based on employment subsequently ceases to be employed within district boundaries, the Superintendent or designee may then deny that student's enrollment.

Transfers out of the District

If the percentage of district students admitted to other districts on the basis of parent/guardian employment exceeds the limits prescribed in Education Code 48204, the Board may deny any further transfers out of the district on this basis. (Education Code 48204)

The student's parent/guardian shall be notified in writing of the Board's decision to deny the transfer. The notice shall include specific reasons for the denial. (Education Code 48204)

Legal Reference:

EDUCATION CODE

48200-48204 Compulsory education law

ATTORNEY GENERAL OPINIONS

84 Ops.Cal.Atty.Gen. 198 (2001)

Regulation CLOVERDALE UNIFIED SCHOOL DISTRICT

approved: November 19, 2003 Cloverdale, California

# **Administrative Regulation**

## **Residency For Homeless Children**

AR 5111.13

### **Students**

Homeless students living in the district shall be admitted to district schools upon presentation of any of the following:

1. Hotel or motel receipts
2. A letter from a social service agency or homeless shelter verifying that the student lives within the district
3. An affidavit from the parent/guardian stating that the family lives within the district

A reasonable effort shall be made to secure an address, phone number and medical release from the parent/guardian when a student is placed in a classroom.

(cf. 5125 - Student Records)

(cf. 5141.31 - Immunizations)

(cf. 6173 - Education for Homeless Children)

Legal Reference:

EDUCATION CODE

1980-1986 County community schools

2558.2 Use of revenue limits to determine average daily attendance of homeless children

39807.5 Payment of transportation costs by parents

UNITED STATES CODE, TITLE 42

11431-11435 McKinney-Vento Homeless Assistance Act

Management Resources:

CDE PUBLICATIONS

Enrolling Students in Homeless Situations, 1999

FEDERAL REGISTER

U.S. Department of Education: Notice of school enrollment guidelines, 67 Fed. Reg. 10698

WEB SITES

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

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

National Law Center on Homelessness and Poverty: <http://www.nlchp.org>

Regulation CLOVERDALE UNIFIED SCHOOL DISTRICT

approved: November 19, 2003 Cloverdale, California



# **Administrative Regulation**

## **Nonresident Foreign Students**

AR 5111.2

### **Students**

#### Definitions

**F-1 Visa Students:** An F-1 visa student is a nonimmigrant visa category intended for use by nonresident aliens whose primary purpose for visiting the United States is to study at an academic school. (8 USC 1184)

**J-1 Visa Students:** A J-1 visa student is a nonimmigrant exchange student who has come to the United States to study for a specific period of time under the sponsorship of a government approved agency. (8 USC 1184)

(cf. 6145.6 - International Exchange)

Nonimmigrant foreign students may be admitted to the United States for a temporary stay for the purpose of study.

(cf. 5111.1 - District Residency)

#### F-1 Visa Students

On a case-by-case basis, students with or seeking an F-1 visa designation shall be accepted for admission to district schools in grades 9-12.

(cf. 6200 - Adult Education)

In determining whether to admit the student, the Superintendent or designee shall consider whether the following conditions exist: (8 CFR 214.3, 22 CFR 41.61)

1. A suitable program exists at the school the student has selected
2. The student's English proficiency is sufficient for successful study at that school
3. Space is available
4. The student has provided proof of financial responsibility

In addition, the student shall also submit evidence that he/she has been fully immunized in accordance with California law.

(cf. 5141.31 - Immunizations)

A student shall be admitted for a maximum of one year. In addition, a student granted admission under this program shall pay the district the full, unsubsidized per-student cost of attendance at the secondary school. (8 USC 1184)

Legal Reference:

EDUCATION CODE

8050-48054 Nonresidents

UNITED STATES CODE, TITLE 8

1184 Foreign students

CODE OF FEDERAL REGULATIONS, TITLE 8

214.3 Petition for school approval

214.4 Withdrawal of school approval

CODE OF FEDERAL REGULATIONS, TITLE 22

41.61 Students; academic and nonacademic

Management Resources:

CDE LEGAL ADVISORIES

0319.97 Amendments to F-1 Student Visa Requirements, LO: 1-97

Regulation CLOVERDALE UNIFIED SCHOOL DISTRICT

approved: November 19, 2003 Cloverdale, California

# Administrative Regulation

## Exemptions From Attendance

AR 5112.1

### Students

Requests for exemption from compulsory full-time attendance shall include satisfactory evidence of conditions upon which an exemption can be legally justified.

Students may be exempted from full-time attendance in the district's regular education program if they:

1. Are being instructed in a private full-time school and the attendance supervisor or designee verifies that the private school has filed an affidavit pursuant to Education Code 33190 (Education Code 48222, 48223)
2. Are being instructed by a private tutor who holds a valid state credential for the grade taught, provided that the instruction consists of study and recitation for at least three hours a day for 175 days of each calendar year (Education Code 48224)
3. Hold work permits to work temporarily in the entertainment or allied industry (Education Code 48225)

(cf. 5113.2 - Work Permits)

4. Hold work permits and attend part-time classes (Education Code 48230)
5. Are between the ages of 12 and 18 and enter a school attendance area from another state within 10 days of the end of the school term, with the exemption applicable for the remainder of the term (Education Code 48231)

6. Are at least 15 years old and taking a leave of absence for up to one semester for the purpose of supervised travel and study (Education Code 48232)

(cf. 5112.3 - Student Leave of Absence)

Students may be exempted from full-time attendance in the district's continuation education program if they: (Education Code 48410)

1. Have graduated from a public or private high school maintaining a four-year course above the eighth grade

2. Have successfully demonstrated proficiency equal or greater than standards established by the California Department of Education and have verified approval submitted by their parent/guardian

3. Are attending adult school for not less than four hours per week

(cf. 6200 - Adult Education)

4. Are attending a regional occupation program or center pursuant to Education Code 48432

5. Are disqualified because of their physical or mental condition or because of personal services that must be rendered to their dependents

(cf. 5141.22 - Infectious Diseases)

(cf. 5146 - Married/Pregnant/Parenting Students)

(cf. 6158 - Independent Study)

(cf. 6183 - Home and Hospital Instruction)

(cf. 6184 - Continuation Education)

Regulation CLOVERDALE UNIFIED SCHOOL DISTRICT

approved: November 19, 2003 Cloverdale, California

# Administrative Regulation

## Exclusions From Attendance

AR 5112.2

### Students

Students may be excluded from attendance at district schools if they:

1. Are under the legal age of attendance, except as otherwise provided by law. (Education Code 48210)

(cf. 5111 - Admission)

2. Do not present evidence of immunization from certain infectious diseases as required by law. Such a student shall not be excluded, however, if the parent/guardian, in writing, requests exemption from the immunization requirement on the basis of the student's physical condition or a conflict with the parent/guardian's religious beliefs. (Health and Safety Code 120335, 120365)

(cf. 5141.31 - Immunizations)

3. Are reasonably suspected of having active tuberculosis. (Health and Safety Code 121485, 121495 and 121505)

(cf. 5141.26 - Tuberculosis Testing)

4. Reside where any contagious, infectious, or communicable disease subject to quarantine exists or has recently existed, unless written permission of the health officer is provided. (Health and Safety Code 120230)

5. Have not had a health screening before or within the first 90 days of attending first grade. Such students may be excluded for up to five days unless the parent/guardian has presented an appropriate waiver or the district has exempted the student from this requirement in accordance with law. (Health and Safety Code 124105)

(cf. 5141.32 - Child Health and Disability Prevention Program)

6. Have filthy or vicious habits, or suffer from contagious or infectious diseases. (Education Code 48211; 5 CCR 202)

The Governing Board shall periodically review its decisions to exclude students of filthy or vicious habits or suffering from contagious or infectious diseases. (Education Code 48214)

(cf. 5141.22 - Infectious Diseases)

(cf. 5141.33 - Head Lice)

Before excluding any such student, the Superintendent or designee shall send a notice to the parent/guardian of the student. This notice shall state the facts leading to a decision to propose exclusion and shall further state that: (Education Code 48213)

a. The parent/guardian has a right to meet with the Board to discuss the proposed exclusion.

b. At this meeting, the parent/guardian shall have an opportunity to:

(1) Inspect all documents upon which the district is basing its decision to propose exclusion

(2) Challenge any evidence and question any witness presented by the Board

(3) Present oral and documentary evidence on the student's behalf



(4) Have one or more representatives present at the meeting

c. The decision to exclude the child is subject to periodic review and the procedures for such periodic review.

The Superintendent or designee is not required to send prior notice of exclusion to the parent/guardian if the student is excluded because: (Education Code 48213)

a. He/she resides in an area subject to quarantine.

b. He/she is exempt from a medical examination but suffers from a contagious or infectious disease.

c. It is determined that the presence of the student would constitute a clear and present danger to the life, safety, or health of students or school personnel.

However, the Superintendent or designee shall send a notice as soon as reasonably possible after the exclusion. (Education Code 48213)

Legal Reference:

EDUCATION CODE

48210-48214 Persons excluded

49076 Access to records by persons without written consent or under judicial order

49408 Information of use in emergencies

49451 Parent's refusal to consent

HEALTH AND SAFETY CODE

120230 Exclusion of persons from school

120325-120380 Educational and child care facility immunization requirements

121475-121520 Tuberculosis tests for students

124025-124110 Child Health and Disability Prevention Program

CODE OF REGULATIONS, TITLE 5

202 Exclusion of students with a contagious disease

Regulation CLOVERDALE UNIFIED SCHOOL DISTRICT

approved: November 19, 2003 Cloverdale, California

# **Board Policy**

## **Open/Closed Campus**

BP 5112.5

### **Students**

In order to keep students in a supervised, safe and orderly environment, the Governing Board establishes a closed campus at all district elementary schools, middle schools and 9th and 10th grades at the high school.

Students shall not leave the school grounds at any time during the school day without written permission of their parents/guardians and school authorities. Students who leave school without authorization shall be classified truant and subject to disciplinary action.

(cf. 5113 - Absences and Excuses)

Student handbooks shall fully explain all rules and disciplinary procedures involved in the maintenance of the closed campus.

(cf. 5144 - Discipline)

Legal Reference:

EDUCATION CODE

35160 Authority of the Board

35160.1 Broad authority of school district

44808.5 Permission for pupils to leave school grounds; notice

Policy CLOVERDALE UNIFIED SCHOOL DISTRICT

adopted: November 19, 2003 Cloverdale, California

# **Board Policy**

## **Absences And Excuses**

BP 5113

### **Students**

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.

(cf. 5112.1 - Exemptions from Attendance)

(cf. 5112.2 - Exclusions from Attendance)

(cf. 5113.1 - 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)

(cf. 5145.6 - Parental Notifications)

Student absence for religious instruction or participation in religious exercises away from school property may be considered excused subject to law and administrative regulations. (Education Code 46014)

A student's grades may be affected by excessive unexcused absences in accordance with Board policy.

(cf. 5121 - Grades/Evaluation of Student Achievement)

(cf. 6154 - Homework/Makeup Work)

Legal Reference:

EDUCATION CODE

1740 Employment of personnel to supervise attendance (county superintendent)

2550-2558.6 Computation of revenue limits

37201 School month

37223 Weekend classes

41601 Reports of average daily attendance

42238-42250.1 Apportionments

46000 Records (attendance)

46010-46014 Absences

46100-46119 Attendance in kindergarten and elementary schools

46140-46147 Attendance in junior high and high schools

48200-48208 Children ages 6-18 (compulsory full-time attendance)

48210-48216 Exclusions from attendance

48240-48246 Supervisors of attendance

48260-48273 Truants

48292 Filing complaint against parent

48320-48324 School attendance review boards

48340-48341 Improvement of student attendance

49067 Unexcused absences as cause of failing grade

#### ELECTIONS CODE

12302 Student participation on precinct boards

#### FAMILY CODE

6920-6929 Consent by minor

#### VEHICLE CODE

13202.7 Driving privileges; minors; suspension or delay for habitual truancy

#### WELFARE AND INSTITUTIONS CODE

601-601.4 Habitually truant minors

11253.5 Compulsory school attendance

#### CODE OF REGULATIONS, TITLE 5

306 Explanation of absence

420-421 Record of verification of absence due to illness and other causes

#### ATTORNEY GENERAL OPINIONS

66 Ops.Cal.Atty.Gen. 245, 249 (1983)

#### COURT DECISIONS

American Academy of Pediatrics et al v. Lungren et al (1997) 16 Cal.4th 307

#### Management Resources:

#### CDE MANAGEMENT ADVISORIES

0114.98 School Attendance and CalWORKS, Management Bulletin 98-01

#### CSBA ADVISORIES

0520.97 Welfare Reform and Requirements for School Attendance

#### WEB SITES

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

Policy CLOVERDALE UNIFIED SCHOOL DISTRICT

adopted: November 19, 2003 Cloverdale, California



# Administrative Regulation

## Absences And Excuses

AR 5113

### Students

#### Excused Absences

A student's absence shall be excused for the following reasons:

1. Personal illness (Education Code 48205)
2. Quarantine under the direction of a county or city health officer (Education Code 48205)
3. Medical, dental, optometrical, or chiropractic appointments (Education Code 48205)
4. Attendance at funeral services for a member of the immediate family (Education Code 48205)
  - a. Excused absence in this instance shall be limited to one day if the service is conducted in California or three days if the service is conducted out of state. (Education Code 48205)
  - b. "Immediate family" shall be defined as mother, father, grandmother, grandfather, spouse, son/son-in-law, daughter/daughter-in-law, brother, sister or any relative living in the student's immediate household. (Education Code 45194, 48205)
5. Jury duty in the manner provided by law (Education Code 48205)

6. The illness or medical appointment during school hours of a child to whom the student is the custodial parent (Education Code 48205)
  
7. Upon advance written request by the parent/guardian and the approval of the principal or designee, justifiable personal reasons including but not limited to: (Education Code 48205)
  - a. Appearance in court
  
  - b. Attendance at a funeral service
  
  - c. Observation of a holiday or ceremony of his/her religion
  
  - d. Attendance at religious retreats not to exceed four hours per semester
  
  - e. Attendance at an employment conference
  
8. Service as a member of a precinct board for an election pursuant to Elections Code 12302 (Education Code 48205)
  
9. Participation in religious instruction or exercises in accordance with district policy: (Education Code 46014)
  - a. In such instances, the student shall attend at least the minimum school day
  
  - b. The student shall be excused for this purpose on no more than four days per school month

#### Method of Verification

When students who have been absent return to school, they shall present a satisfactory explanation verifying the reason for the absence. The following methods may be used to verify student absences:

1. Written note from parent/guardian, parent representative, or student if 18 or older. (Education Code 46012)
  
2. Conversation, in person or by telephone, between the verifying employee and the student's parent/guardian or parent representative. The employee shall subsequently record the following:
  - a. Name of student
  
  - b. Name of parent/guardian or parent representative
  
  - c. Name of verifying employee
  
  - d. Date(s) of absence
  
  - e. Reason for absence
  
3. Visit to the student's home by the verifying employee, or any other reasonable method which establishes the fact that the student was absent for the reasons stated. A written recording shall be made, including information outlined above.
  
4. Physician's verification
  - a. When excusing students for confidential medical services or verifying such appointments, district staff shall not ask the purpose of such appointments but may contact a medical office to confirm the time of the appointment.
  
  - b. When a student has had 7 absences in a semester for illness verified by methods listed in #1-3 above, he/she must have any further absences for illness verified by a physician.

Regulation CLOVERDALE UNIFIED SCHOOL DISTRICT

approved: November 19, 2003 Cloverdale, California

revised: August 16, 2006

# **Administrative Regulation**

## **Truancy**

AR 5113.1

### **Students**

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

(cf. 3515.3 - District Police/Security Department)

(cf. 5113 - Absences and Excuses)

Upon receiving a complaint from any person that a parent/guardian has violated the state compulsory education laws contained in Education Code 48200-48341, the Governing Board or district attendance supervisor shall make a full and impartial investigation of all charges. If it appears upon investigation that the parent/guardian has violated these laws, the Superintendent or designee shall refer such parent/guardian to the school attendance review board. (Education Code 48290, 48291, 48292)

### Strategies for Addressing Truancy

The following steps shall be implemented based on the number of truancies committed by the student:

1. Students shall be classified as truant if 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. Such students shall be reported to the Superintendent or designee. (Education Code 48260)

The parent/guardian of a student classified as a truant shall be notified of the following: (Education Code 48260.5)

- a. The student is truant.
- b. The parent/guardian is obligated to compel the student to attend school.
- c. The parent/guardian who fails to meet this obligation may be guilty of an infraction of the law and subject to prosecution pursuant to Education Code 48290-48296.
- d. Alternative educational programs are available in the district.

(cf. 6181 - Alternative Schools)

(cf. 6182 - Opportunity School/Class/Program)

(cf. 6184 - Continuation Education)

e. The parent/guardian has the right to meet with appropriate school personnel to discuss solutions to the student's truancy.

f. The student may be subject to arrest by a probation officer, a peace officer, a school administrator, an attendance supervisor or his/her designee under Education Code 48264 if found away from home and absent from school without a valid excuse.

g. The student may be subject to suspension, restriction or delay of his/her driving privilege pursuant to Vehicle Code 13202.7.

h. It is recommended that the parent/guardian accompany the student to school and attend classes with the student for one day.

(cf. 5145.6 - Parental Notifications)

Upon his/her first truancy, a student may be given a written warning by a peace officer. A record of this warning may be kept at school for not less than two years or until the student graduates or transfers from the school. If the student transfers, the record may be forwarded to the new school. (Education Code 48264.5)

(cf. 5125 - Student Records)

Upon a student's first truancy, the student may be required to attend makeup classes on one day of a weekend pursuant to Education Code 37223. (Education Code 48264.5)

2. Any student who has once been reported as a truant shall again be reported to the Superintendent or designee as a truant if he/she is absent from school without valid excuse one or more days or is tardy on one or more days. (Education Code 48261)

Upon his/her second truancy within the same school year, a student may be assigned to an after-school or weekend study program within the county. If the student fails to successfully complete this study program, he/she shall be subject to item #3 below. (Education Code 48264.5)

(cf. 6176 - Weekend/Saturday Classes)

In addition, an appropriate district staff member shall make every effort to hold at least one conference with the student and parent/guardian and may discuss resources available for achieving regular school attendance.

(cf. 1020 - Youth Services)

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

(cf. 6158 - Independent Study)

(cf. 6164.2 - Guidance/Counseling Services)

(cf. 6164.5 - Student Study Teams)

(cf. 6178.1 - Work Experience Education)

3. Upon his/her third truancy within the same school year, a student shall be classified as a habitual

truant. (Education Code 48262, 48264.5)

Students who are habitual truants, irregular in school attendance, or habitually insubordinate or disorderly during attendance at school may be referred to, and required to attend, a school attendance review board, a truancy mediation program established by the district attorney or the probation officer, or a comparable program deemed acceptable by the district's attendance supervisor. (Education Code 48263, 48264.5)

Upon making a referral to a school attendance review board or the probation department, the Superintendent or designee shall provide the student and parent/guardian, in writing, the name and address of the school attendance review board or probation department and the reason for the referral. This notice shall indicate that the student and parent/guardian shall be required, along with the district staff person making the referral, to meet with the school attendance review board or probation officer to consider a proper disposition of the referral. (Education Code 48263)

If the student does not successfully complete the truancy mediation program or other similar program, he/she shall be subject to item #4 below. (Education Code 48264.5)

If the Superintendent or designee determines that available community services cannot resolve the problem of the truant or insubordinate student or if the student and/or student's parents/guardians have failed to respond to the directives of the district or to services provided, the Superintendent or designee may so notify the county district attorney and/or the probation officer, if the district attorney or probation officer has elected to participate in a truancy mediation program. (Education Code 48263)

4. Upon his/her fourth truancy within the same school year, the student shall be within the jurisdiction of the juvenile court. (Education Code 48264.5; Welfare and Institutions Code 601)

If a student has been judged by the county juvenile court to be a habitual truant, the Superintendent or designee shall inform the juvenile court and the student's probation or parole officer whenever that student is truant one or more days or tardy on one or more days without a valid excuse in the same or succeeding school year, or is habitually insubordinate or disorderly at school. The juvenile court and probation or parole officer shall be so notified within 10 days of the violation. (Education Code 48267)

Reports



The Superintendent or designee shall gather and transmit to the County Superintendent of Schools the number of referrals and types of referrals made to the school attendance review board and the number of requests for petitions made to the juvenile court. (Education Code 48273)

Regulation CLOVERDALE UNIFIED SCHOOL DISTRICT

approved: November 19, 2003 Cloverdale, California

# Board Policy

## Work Permits

BP 5113.2

### Students

The Governing Board recognizes that part-time jobs can give students needed supplementary income, valuable work experience, and enhanced self-esteem. However, the Board also believes that outside employment should not interfere with students' educational progress nor impair their health. In accordance with law, students must obtain work permits from school authorities before accepting employment.

The Superintendent or designee shall issue work permits only as allowed by law and only to the extent that outside employment does not significantly interfere with the student's schoolwork. Students granted work permits must demonstrate and maintain satisfactory grades.

Students 16 or 17 years of age shall be granted approval to work more than 20 hours a week only when justified by unusual circumstances which shall be stated on the work permit.

Legal Reference:

#### EDUCATION CODE

48231 Entrance into attendance area within 10 school days of end of term

49110-49119 Permits to work

49130-49135 Permits to work full time

49140-49141 Exceptions

49164 Inspection; cancellation or revocation

#### LABOR CODE

1285-1312 Employment of minors

1391-1394 Working hours for minors

Management Resources:

CDE MANAGEMENT ADVISORIES

1016.89 Local work permit policies

Policy CLOVERDALE UNIFIED SCHOOL DISTRICT

adopted: November 19, 2003 Cloverdale, California

# **Administrative Regulation**

## **Work Permits**

AR 5113.2

### **Students**

#### Approval/Revocation of Work Permits

1. No work permit shall be issued until the student's parent/guardian, foster parent or residential shelter services provider has filed a written request with the district. (Education Code 49110)
  
2. To help in determining the extent to which outside employment may be approved, the Superintendent or designee shall:
  - a. Inspect the student's records for evidence of satisfactory grades and attendance
  
  - b. Confer with at least one of the student's teachers to determine whether the student appears to have the time, stamina, motivation and maturity to maintain academic progress while working
  
3. After issuing a work permit, the Superintendent or designee shall periodically inspect the student's scholastic and attendance records.
  
4. The Superintendent or designee shall revoke a student's work permit whenever he/she determines that employment is impairing the student's health or education. (Education Code 49164)

#### Permits to Work Part Time When School Is in Session

1. A student 16 or 17 years of age who has completed the seventh grade may receive a permit to work outside of school hours for no more than four hours on any day on which the student is required by law to attend school. (Education Code 49112) The following exceptions shall apply:

a. The four-hour limit may be exceeded for students 16 or 17 years of age who are employed in a school-approved work experience or cooperative vocational education program or in personnel attendance occupations as defined in Industrial Welfare Commission Minimum Wage Order #15. (Education Code 49116)

b. A student 16 or 17 years of age may receive a permit to work outside of school hours for no more than eight hours on any day on which the student is required by law to attend school, provided it is a day which immediately precedes a nonschool day. (Education Code 49112)

2. While school is in session, a student 14 or 15 years of age who has completed the seventh grade may receive a permit to work outside of school hours for no more than three hours on any school day and no more than 18 hours in any week. (Education Code 49112, 49116)

If enrolled in and employed pursuant to a school-supervised and school-administered work experience and career exploration program, a student 14 or 15 years of age may be employed for up to 23 hours a week, any portion of which may occur during school hours. (Education Code 49116)

3. With the consent of the Superintendent or designee, a student who is 13 years old and has completed the sixth grade may receive a permit to work for no more than two hours on any given day, up to a maximum of four hours each week, provided that: (Education Code 49112)

a. The student has been identified by the district as a potential dropout, and

b. The student is participating in an employment program that is conducted on school premises and sponsored by one or more school districts to foster student appreciation of the importance of education in preparing for future employment and education.

#### Permits to Work Full Time When School Is In Session, Students 14 or 15 Years of Age

A permit to work full time may be issued to a minor 14 or 15 years of age who holds an elementary

school diploma, provided that the permit expires no later than the end of the current school year, and provided that one of the following circumstances exists: (Education Code 49130)

1. The parent/guardian presents a sworn statement that the parent/guardian is incapacitated for labor through illness or injury, or that through the death or desertion of the father or mother, the family is in need of the minor's earnings and that sufficient aid cannot be secured in any other manner.
2. The minor is unable to reside with his/her family and needs his/her earnings for his/her support.
3. The minor is residing with a foster care provider, or a guardian receiving foster care funds for the minor, provided that:
  - a. The provider or guardian obtains written authorization from the minor's social worker, probation officer or child protective services worker acting as an officer of the court, and
  - b. The minor's case plan documents that the purpose of the employment is to further the goal of emancipation pursuant to law, or to enable the minor to learn necessary skills, habits and responsibilities related to maintaining employment.

The Superintendent or designee shall sign a statement that he/she has investigated the conditions under which the work permit application has been made and has judged that the minor's earnings are necessary for the minor's support and that sufficient aid cannot be secured in another manner. If issuing a work permit subject to circumstance #3 above, the Superintendent or designee shall sign a statement that he/she has received authorization from the minor's social worker, probation officer or child protective services worker. (Education Code 49130)

A minor who applies for a full-time work permit pursuant to the above circumstances shall be duly enrolled in a work experience education program. (Education Code 49130)

(cf. 6178.1 - Work Experience Education)

Permits to Work Full Time When School Is in Session, Students 16 or 17 Years of Age

A permit to work full time may be granted to a student 16 or 17 years of age when the Superintendent or designee has received and approved the following documents: (Education Code 49133)

1. The student's school record, including age, grade, and attendance for the current term, signed by the principal or teacher
2. Evidence of sufficient age, such as a birth certificate, passport or affidavit of the student's age, signed by the parent/guardian
3. A written statement from the prospective employer stating that work is waiting for the student and describing the nature of the work

The Superintendent or designee shall give the name of the student and his/her employer to the continuation school. The student shall then enroll in the continuation school. (Education Code 49135)

#### Permits to Work When School Is Not in Session

Students 12 through 17 years of age may receive a permit to work on a regular school holiday, during a regular or specified occasional public school vacation, and when the student is exempt from compulsory school attendance because he/she arrived from another state within 10 days before the end of the school term. (Education Code 49111)

Regulation CLOVERDALE UNIFIED SCHOOL DISTRICT

approved: November 19, 2003 Cloverdale, California

# Cloverdale USD

## Board Policy

BP 5144

### Students

#### Discipline

The Governing Board desires to prepare students for responsible citizenship by fostering self-discipline and personal responsibility. The Board believes that high expectations for student behavior, effective classroom management and parent involvement can minimize the need for discipline. Staff shall use preventative measures and positive conflict resolution techniques whenever possible.

(cf. 5020 - Parent Rights and Responsibilities)

(cf. 5137 - Positive School Climate)

(cf. 5145.3 - Nondiscrimination/Harassment)

(cf. 5145.9 - Hate-Motivated Behavior)

(cf. 6020 - Parent Involvement)

Board policies and regulations shall delineate acceptable student conduct and provide the basis for sound disciplinary practices. Each school shall develop disciplinary rules to meet the school's individual needs.

(cf. 5131 - Conduct)

(cf. 5131.1 - Bus Conduct)

When misconduct occurs, staff shall implement appropriate discipline and attempt to identify and address the causes of the student's behavior. Continually disruptive students may be assigned to alternative programs or removed from school in accordance with law, Board policy and administrative regulation. At all times, the safety of students and staff and the maintenance of an orderly school



environment shall be priorities in determining appropriate discipline.

(cf. 0450 - Comprehensive Safety Plan)

(cf. 3515 - Campus Security)

(cf. 3515.3 - District Police/Security Department)

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

(cf. 4158/4258/4358 - Employee Security)

(cf. 5136 - Gangs)

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

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

(cf. 6164.5 - Student Study Teams)

(cf. 6159.4 - Behavioral Interventions for Special Education Students)

(cf. 6182 - Opportunity School/Class/Program)

(cf. 6184 - Continuation Education)

(cf. 6185 - Community Day School)

Staff shall enforce disciplinary rules fairly, consistently and without discrimination.

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

(cf. 5145.3 - Nondiscrimination/Harassment)

The Superintendent or designee shall provide professional development as necessary to assist staff in developing classroom management skills and implementing effective disciplinary techniques.

(cf. 4131 - Staff Development)

(cf. 4231 - Staff Development)

(cf. 4331 - Staff Development)

Legal Reference:

CIVIL CODE

1714.1 Parental liability for child's misconduct

EDUCATION CODE

35146 Closed sessions

35291 Rules

35291.5-35291.7 School-adopted discipline rules

35294-35294.9 School safety plans

37223 Weekend classes

44807.5 Restriction from recess

48630-48644.5 Opportunity schools

48900-48926 Suspension and expulsion

48980-48985 Notification of parents or guardians

49000-49001 Prohibition of corporal punishment

49330-49335 Injurious objects

CODE OF REGULATIONS, TITLE 5

307 Participation in school activities until departure of bus

353 Detention after school

Management Resources:

CSBA PUBLICATIONS

Protecting Our Schools: Governing Board Strategies to Combat School Violence, 1999

CDE PROGRAM ADVISORIES

1010.89 Physical Exercise as Corporal Punishment, CIL 89/9-3

1223.88 Corporal Punishment, CIL: 88/9-5

WEB SITES

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

USDOE: <http://www.ed.gov>

Policy CLOVERDALE UNIFIED SCHOOL DISTRICT

adopted: November 19, 2003 Cloverdale, California

# Cloverdale USD

## Board Policy

BP 5144.1

Students

Discipline

### STUDENT DISCIPLINE POLICY

#### I. SUSPENSION FROM SCHOOL

##### A. Suspension: Definitions (Education Code Section 48925)

1. Suspension from school means removal of a student from ongoing instruction for adjustment purposes.
2. Day means a calendar day unless otherwise specifically provided.
3. Schoolday means a day upon which the schools of the district are in session or weekdays during the summer recess.
4. Student includes a student's parent or guardian or legal counsel.
5. Student with Previously Identified Exceptional Needs means a student who meets the requirements of Education Code Section 56026 and who was enrolled, with parent/guardian consent, in a placement that included special education and/or related services when the alleged misconduct occurred or a student about whom the District had a basis of knowledge of the student's disability before the behavior

precipitating consideration of disciplinary action occurred. (34 CFR Section 300.534)

6. Principal's Designee means one or more administrators at a school site specifically designated by the principal, in writing, to assist with disciplinary procedures.

In the event there is not an administrator beside the principal at a school site, the principal may specifically designate, in writing, a certificated employee at the school site to assist with disciplinary procedures. Only one such certificated employee at a time may be designated as the principal's primary designee for the school year.

An additional certificated person may be designated by the principal, in writing, to assist with disciplinary procedures when both the principal and principal's primary designee are absent from the school site. The name of the additional person and the person(s) designated as "principal's designee", shall be on file in the principal's office. (Education Code Section 48911(h))

7. Habitual means a frequent repetition.
8. Terroristic Threat shall include any statement, whether written or oral, by a person who willfully threatens to commit a crime which will result in death, great bodily injury to another person, or property damage in excess of one thousand dollars (\$1,000), with the specific intent that the statement is to be taken as a threat, even if there is no intent of actually carrying it out, which, on its face and under the circumstances in which it is made, is so unequivocal, unconditional, immediate, and specific as to convey to the person threatened, a gravity of purpose and an immediate prospect of execution of the threat, and thereby causes that person reasonably to be in sustained fear for his or her own safety or for his or her immediate family's safety, or for the protection of school district property, or the personal property of the person threatened or his or her immediate family. (Education Code Section 48900.7(b))
9. Hazing includes any method of initiation or preinitiation into a student organization or student body or any pastime or amusement engaged in with respect to these organizations which causes, or is likely to cause, bodily danger, physical harm, or personal degradation or disgrace resulting in physical or mental harm, to any student or other person attending any school, community college,

college, university, or other educational institution in this state. The term “hazing” does not include customary athletic events or other similar contests or competitions.

10. Electronic Signaling Device includes any electronic signaling device that operates through the transmission or receipt of radio waves, including, but not limited to, paging and signaling equipment. The governing board or its designee may regulate the possession or use of such devices by students of the school district while on campus, while attending any school-sponsored activity, or while under the supervision and control of any district employee; however, no student shall be prohibited from possessing or using an electronic signaling device that is determined by a licensed physician and surgeon to be essential to the health of the student and the use of which is limited to purposes related to the health of the student. (Education Code Section 48901.5)

11. School Property includes, but is not limited to, electronic files and databases.

B. Suspension: Authority to Suspend

Suspension shall be imposed only when other means of correction fail to bring about proper conduct. However, a student, including a student with previously identified exceptional needs, may be suspended for any of the reasons in Education Code Section 48900 upon a first offense, if the principal or superintendent determines the student has committed any of the acts enumerated in Education Code Section 48900 (a)-(e) (see paragraph I.C.2 (a)-(e)) or that the student's presence causes a danger to persons or property or threatens to disrupt the instructional process. (Education Code Section 48900.5)

C. Suspension: Grounds for Suspension

1. Subject to paragraph I.C.2, below, a student may be suspended for any of the acts specified in the Education Code including Education Code Section 48900, subdivisions (a)-(r), Education Code Section 48900.2, 48900.3, 48900.4, or 48900.7.

Education Code Section 48900:

- a. (1) Caused, attempted to cause, or threatened to cause physical injury to another person  
  
(2) Willfully used force or violence upon the person of another, except in self-defense.
- b. Possessed, sold, or otherwise furnished any firearm, knife, explosive, or other dangerous object unless, in the case of possession of any object of this type, the student had obtained written permission from a certificated school employee, which is concurred in by the principal or the principal's designee.
- c. Unlawfully possessed, used, sold, or otherwise furnished, or been under the influence of, any controlled substance listed in Chapter 2 (commencing with Section 11053) of Division 10 of the Health and Safety Code, an alcoholic beverage, or an intoxicant of any kind.
- d. Unlawfully offered or arranged or negotiated to sell any controlled substance listed in Chapter 2 (commencing with Section 11053) of Division 10 of the Health and Safety Code, an alcoholic beverage, or an intoxicant of any kind, and then either sold, delivered, or otherwise furnished to any person another liquid, substance, or material and represented the liquid, substance, or material as a controlled substance, alcoholic beverage, or intoxicant.
- e. Committed or attempted to commit robbery or extortion.
- f. Caused or attempted to cause damage to school property or private property. "School property" includes, but is not limited to, electronic files and data bases.
- g. Stolen or attempted to steal school property or private property. "School property" includes, but is not limited to, electronic files and data bases.

- h. Possessed or used tobacco, or any products containing tobacco or nicotine products, including, but not limited to, cigarettes, cigars, miniature cigars, clove cigarettes, smokeless tobacco, snuff, chew packets, and betel. However, this does not prohibit use or possession by a student of his or her own prescription products.
- i. Committed an obscene act or engaged in habitual profanity or vulgarity.
- j. Unlawfully possessed or unlawfully offered, arranged, or negotiated to sell any drug paraphernalia, as defined in Section 11014.5 of the Health and Safety Code.
- k. Disrupted school activities or otherwise willfully defied the valid authority of supervisors, teachers, administrators, school officials, or other school personnel engaged in the performance of their duties.
- l. Knowingly received stolen school property or private property. "School property" includes, but is not limited to, electronic files and data bases.
- m. Possessed an imitation firearm. As used in this section, "imitation firearm" means a replica of a firearm that is so substantially similar in physical properties to an existing firearm as to lead a reasonable person to conclude that the replica is a firearm.
- n. Committed or attempted to commit a sexual assault as defined in Section 261, 266c, 286, 288, 288a, or 289 of the Penal Code or committed a sexual battery as defined in Section 243.4 of the Penal Code.
- o. Harassed, threatened, or intimidated a student who is a complaining witness or witness in a school disciplinary proceeding for the purpose of either preventing that student from being a witness or retaliating against that student for being a witness, or both.
- p. Unlawfully offered, arranged to sell, or sold the prescription drug Soma.



- q. Engaged in, or attempted to engage in, hazing. For purposes of this subdivision, “hazing” means a method of initiation or preinitiation into a student organization or body, whether or not the organization or body is officially recognized by an educational institution which is likely to cause serious bodily injury or personal degradation or disgrace resulting in physical or mental harm to a former, current, or prospective student. For purposes of this subdivision, “hazing” does not include athletic events or school-sanctioned events.
  
- r. Engaged in an act of bullying, including, but not limited to, bullying committed by means of an electronic act, as defined in subdivisions (f) and (g) of Section 32261, directed specifically toward a student or school personnel.

Education Code Section 48900.2

Committed sexual harassment as defined in Education Code Section 212.5. This conduct must be considered by a reasonable person of the same gender as the victim to be sufficiently severe or pervasive to have a negative impact upon the individual's academic performance or to create an intimidating, hostile, or offensive educational environment. This sub-section applies to students enrolled in any of grades 4 to 12, inclusive.

Education Code Section 48900.3

Caused, attempted to cause, threatened to cause, or participated in an act of hate violence as defined in subdivision (e) of Education Code Section 233. This sub-section applies to students enrolled in any of grades 4 to 12, inclusive.

Education Code Section 48900.4

Intentionally engaged in harassment, threats, or intimidation, directed against school district personnel or students that is sufficiently severe or pervasive to have the actual and reasonably expected effect of materially disrupting class work, creating substantial disorder, and invading the rights of either school

personnel or students by creating an intimidating or hostile education environment. This sub-section applies to students enrolled in any of grades 4 to 12, inclusive.

Education Code Section 48900.7

Making terroristic threats, as defined, against school officials or school property, or both.

2. A student shall be subject to suspension for any act enumerated in I.C.1, above, only if the act is related to school activity or school attendance occurring within a school under the jurisdiction of the superintendent or the principal or occurring within any other school district(s), including but not limited to the following circumstances:
    - a. While on school grounds.
    - b. While going to or coming from school.
    - c. During the lunch period, whether on or off the school campus.
    - d. During, or going to or coming from, a school-sponsored/school-related activity.
- D. Alternatives to Suspension/Additional Disciplinary Actions
1. Alternatives to suspension or expulsion will be imposed when a student is truant, tardy, or otherwise absent from assigned school activities.
  2. A superintendent or principal may use his/her discretion to provide alternatives to suspension or expulsion, including, but not limited to, counseling and an anger management program.

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

E. Suspension: Procedures

1. Suspension by Teacher (Education Code Section 48910)
  - a. A teacher may suspend any student from his/her class, for any of the acts enumerated in Education Code Section 48900 for the day of the suspension and the day following.
  - b. The teacher shall immediately report the suspension to the principal of the school and send the student to the principal or designee for appropriate action.
  - c. As soon as possible, the teacher shall telephone or write to the parent or guardian of the student requesting the parents' attendance at a conference with the teacher. Whenever practicable, a school counselor or a school psychologist shall attend the conference. A school administrator shall attend the conference if the teacher or the parent or guardian so requests.
  - d. The student shall not be returned to the class from which he/she was suspended, during the period of the suspension, without the concurrence of the teacher and the principal.
  - e. A student suspended from a class shall not be placed in another regular class during the period of suspension. However, if the student is assigned to more

than one class per day, this paragraph shall apply only to other regular classes scheduled at the same time as the class from which the student was suspended.

- f. A teacher may also refer a student, for any of the acts enumerated in Education Code Sections 48900, 48900.2, 48900.3, 48900.4, and 48900.7 , to the principal for consideration of a suspension from the school.
- g. A teacher may require the parent or guardian of a student suspended by the teacher for violating sub-section (i) or (k) of Education Code Section 48900 to attend a portion of a school day in his or her child's or ward's classroom in accordance with Board Policy. (Education Code Section 48900.1)

2. Suspension by Superintendent, Principal or Principal's Designee

(Education Code Section 48911)

- a. The principal of the school, the principal's designee, or the superintendent may suspend a student from the school for any of the acts enumerated in Education Code Sections 48900, 48900.2, 48900.3, 48900.4, and 48900.7 and pursuant to Education Code Section 48900.5 (see Paragraph I.B.), for not more than five consecutive school days.

b. Pre-suspension Conference

Suspension shall be preceded by an informal conference conducted by the principal or his designee or the superintendent between the student, and whenever practicable, the teacher or supervisor or school employee who referred the student to the principal or his designee or the superintendent. At the conference, the student shall be informed of the reason for the disciplinary action and the evidence against him/her and shall be given the opportunity to present his/her version and evidence in support of his/her defense. (Education Code Section 48911(b))

Exception: Emergency Situation

The pre-suspension conference may be omitted only if the principal or principal's designee or superintendent determines that an emergency situation exists. "Emergency situation" means a situation determined by the

principal, the principal's designee, or the superintendent to constitute a clear and present danger to the lives, safety or health of students or school personnel. If the pre-suspension conference is not held, both the parent/guardian and student shall be notified of the student's right to return to school for the purpose of a conference. The conference shall be held within two school days, unless waived by the student or the student is physically unable to attend for any reason; in the latter case the conference shall then be held as soon as the student is physically able to return to school. (Education Code Section 48911(c))

c. Notice to Parents

- (1) At the time of the suspension, a school employee shall make a reasonable effort to contact the student's parent/guardian in person or by telephone.
- (2) A notice of the suspension shall be mailed to the parent/guardian of the suspended student. The notice shall be in the primary language of the parent/guardian insofar as practicable and to the extent required by law. (Education Code Section 48985) The notice shall include the following:
  - (a) A statement of the facts leading to the decision to suspend.
  - (b) The date and time when the student will be allowed to return to school.
  - (c) A statement of the right of the student or parent/guardian to request a meeting with the superintendent or superintendent's designee pursuant to policy Section I(D)(2)(e).
  - (d) A statement of the parent/guardian's or the student's right to have access to the student's record as provided by Education Code Section 49069.
  - (e) A request that the parent/guardian attend the informal conference with school officials regarding the student's behavior, including notice that state law requires that the parent/guardian respond to such request without delay.

- (3) While the parent/guardian is required to respond without delay to a request for a conference regarding his/her child's behavior, no penalties may be imposed on the student for the failure of the parent/guardian to attend such conference, nor may the readmission of the student be contingent on the attendance by the student's parent/guardian at such conference. (Education Code Section 48911(f))
- (4) A school employee shall report the suspension of the student, including the cause therefore, to the district superintendent. (Education Code Section 48911(e))
- (5) Notice to Parents Upon Release of Minor Student to Peace Officer

When a principal or other school official releases a student to a peace officer in order to remove the minor from the school premises, with the exception of cases involving suspected child abuse, the school official shall take immediate steps to notify the parent/guardian or responsible relative of the student that the student has been released to the officer, and the place to which the student is reportedly being taken. In cases involving suspected child abuse, the school official shall provide the peace officer with the address and telephone number of the student's parent or guardian. (Education Code Section 48906)

d. Notice to Law Enforcement Authorities

The principal of a school or the principal's designee shall, prior to the suspension or expulsion of any student, notify the appropriate law enforcement authorities of the county or city in which the school is situated, of any acts of the student that may violate Section 245 of the Penal Code, relating to assault with a deadly weapon or force likely to produce great bodily harm. (Education Code Section 48902(a))

The principal of a school or the principal's designee shall within one school day of the suspension or expulsion of any student by telephone or other appropriate method chosen by the school, notify the appropriate law enforcement authorities of the county or city in which the school is situated,

of any acts of the students that may violate subdivision (c) or (d) of Education Code Section 48900. (Education Code Section 48902(b))

The principal or the principal's designee shall notify the appropriate law enforcement authorities of the county or city in which the school is located of any acts of the student which may involve the possession or sale of a controlled substance or a violation of Section 626.9 or 626.10 of the Penal Code relating to bringing or possessing on school grounds a firearm, a knife having a fixed blade longer than 2-1/2 inches, folding knife with a blade that locks into place, a razor with an unguarded blade, a taser, a stun gun or any instrument that expels a metallic projectile such as a BB or pellet, through the force of air pressure, CO<sub>2</sub> pressure, or spring action, or any spot marker gun. (Education Code Section 48902(c))

The principal or the principal's designee reporting a criminal act committed by a school age student with exceptional needs, as defined in Education Code Section 56026, shall ensure that copies of the special education and disciplinary records of the student are transmitted, as described in subparagraph (6)(B) of subsection (k) of Section 1415 of Title 20 of the United States Code, for consideration by the appropriate authorities to whom the principal reported the criminal act. Any copies of the student's special education and disciplinary records may be transmitted only to the extent permissible under the federal Family Education Rights and Privacy Act (20 U.S.C. Sec. 1232g *et seq.*; 34 C.F.R. 300.536; Education Code Section 48902(f)).

e. Meeting with Superintendent or Superintendent's Designee

(Education Code Section 48914)

If suspension is ordered by a principal or a principal's designee, the student or the student's parent/guardian shall have the right to request a meeting with the superintendent or superintendent's designee to discuss the causes, the duration, the policy involved and other matters pertinent to the suspension.

If, after the meeting, the superintendent or superintendent's designee determines that no violation occurred, all records and documentation regarding disciplinary proceedings and suspension shall be destroyed immediately, and no information regarding the meeting shall be placed in the student's permanent record file or communicated to any person not directly involved in the disciplinary proceedings. If the determination is that the

penalty imposed was inappropriate for the violation, the records and documentation concerning the suspension shall be revised to indicate only the facts leading to any other disciplinary action imposed by the superintendent or the superintendent's designee. (Education Code Section 48914)

3. Suspension from Continuation School or Class

In accordance with the requirements of Education Code section 48915, the governing board may suspend a student enrolled in a continuation school or class for a period not longer than the remainder of the semester. (Education Code Section 48912.5)

4 Governing Board Meetings to Consider Student Discipline Other than Expulsion

- a. If the governing board is considering a suspension, disciplinary action, or any other action, except expulsion, against any student, it shall hold a closed session if a public hearing would lead to disclosure of information which would violate a student's right to privacy under Education Code Section 49073 *et. seq.* The parent / guardian or student may request, however, a public meeting and the request shall be granted if made in writing and served upon the clerk or secretary of the governing board within 48 hours after receipt of the board's notice of closed session, except any discussion at the meeting that may be in conflict with any other student's right to privacy, shall be in closed session. (Education Code Section 48912(b)-(c))
- b. Before calling a closed session to consider suspension of, disciplinary action against, or any other action against a student except expulsion, the governing board shall, in writing, by registered or certified mail or by personal service, notify the student and the student's parent or guardian of the intent of the governing board to call and hold a closed session. (Education Code Section 48912(c))

F. Suspension: Limitations on Suspensions



1. The superintendent, principal or principal's designee may suspend a student for no more than five consecutive school days for any of the reasons enumerated above under grounds for suspension. (Education Code Section 48911(a)) A student shall be suspended for no more than twenty school days in a school year, unless (a) for purpose of adjustment a student is enrolled or transferred to another regular school, an opportunity school or class, or a continuation education school or class, in which case suspension shall not exceed thirty school days of suspension in one school year (Education Code Section 48903(a)), or (b) the rules applicable to the student as a child with previously identified exceptional needs otherwise provide . (See I.F.6., below.)
  
2. The governing board may suspend a student for any number of consecutive school days not to exceed twenty school days in a school year, unless (a) for purposes of adjustment a student enrolls in or is transferred to another regular school, an opportunity school or class, or continuation education school or class, in which case suspension by the governing board shall not exceed thirty consecutive school days in any school year (Education Code Section 48903(a)), or (b) the rules applicable to the student as a child with previously identified exceptional needs otherwise provide . (See I.F.6., below.)
  
3. In accordance with the requirements of Education Code section 48915, the governing board may suspend a student enrolled in a continuation school or class for a period not longer than the remainder of the semester. (Ed. Code section 48912.5)
  
4. Suspensions that occur while a student is enrolled in another school district shall not be counted in calculating the maximum number of days of suspension in any school year. (Education Code Sections 48903(b))
  
5. Notwithstanding paragraphs I.F.1. and 2, above, if an expulsion of the suspended student is being processed by the governing board, the suspension may be extended by the superintendent, or a person designated by the superintendent, in writing, until such time as the governing board has rendered a decision. (Education Code Section(48911(g))

Before acting to extend the suspension, the superintendent or superintendent's designee shall notify the student and the student's parent/guardian of the proposed extension with an offer to hold a conference concerning the extension to give the student and the student's parent/guardian an opportunity to be heard on the extension. Following the meeting in which the student and the student's

parent/guardian are invited to participate, the superintendent, or designee, may extend the suspension only after determining that the presence of the student at the school or in an alternative school placement would cause a danger to persons or property or a threat of disrupting the instructional process.

If the student or the student's parent/guardian requested a meeting to challenge the original suspension by a principal or principal's designee pursuant to paragraph I.E.2.e., that meeting may be held to decide both the merits of the suspension and the extension of the suspension order under this paragraph I.F.5. (Education Code Section 48911(g))

6. Suspensions of Students with Previously Identified Exceptional Needs

a. Maximum Suspension Period Before “Change in Placement” Occurs

To the extent suspension would be applied to a student who does not have exceptional needs, a student with previously identified exceptional needs may be suspended for up to five consecutive school days by the superintendent, principal or principal’s designee or up to 10 consecutive school days by the governing board. (Ed. Code sec. 48903; 48911; 48912; 34 C.F.R. 300.530 and 300.536.)

b. Suspensions Resulting in a “Change in Placement”

- (1) Definition. A “change in placement” occurs (a) when a student is removed from his/her educational placement for more than 10 consecutive days or (b) when a student has been subjected to a series of removals that constitute a “pattern” because they total more than 10 school days, the student’s behavior is substantially similar to behavior in previous incidents that resulted in the series of removals, and such additional factors as the length of each removal, the total amount of time of removal, and the proximity of

the removals to one another. (Ed. Code sec. 48915.5; 34 C.F.R. 300.536)

- (2) Notice of Procedural Safeguards. On the date on which the decision is made to implement a suspension that constitutes a “change in placement,” the parent of the student shall be notified of the decision and provided a notice of procedural safeguards. (34 C.F.R. 300.530(h))
  
- (3) IEP Meeting/Manifestation Determination (MD). Within 10 school days of any decision to implement a suspension that constitutes a “change in placement,” an IEP team meeting shall be convened in accordance with 34 CFR 300.530(e) to determine:
  - (a) Whether the conduct in question was caused by, or had a direct and substantial relationship to, the child’s disability; or
  
  - (b) Whether the conduct in question was the direct result of a failure to implement the IEP.
  
- (4) Behavior was Manifestation of Disability If either condition in 3(a) or 3(b), above, has been met, the student shall not be disciplined and the suspension shall be vacated. The IEP team shall conduct a Functional Behavioral Assessment (FBA) (unless the District conducted an FBA prior to the occurrence of the behavior that resulted in the change in placement) and either implement a Behavioral Support Plan (BSP) or review the existing BSP and modify it as necessary to address the behavior. (20 USC 1415(k)(1)(D); 34 C.F.R. 300.530(e) and (f))
  
- (5) Behavior was *not* a Manifestation of Disability If neither condition 3(a) nor 3(b), above, has been met, the behavior was not a manifestation of the student’s disability, and the student may be subject to suspension in accordance with the procedures applicable to students without exceptional needs. (20 USC 1415(k)(1)(D); 34 C.F.R. 300.530)

c. Provide Services after 10 Days of Suspension

After the tenth day of suspension, the student shall be provided services to the extent necessary to enable the student to continue to participate in general education, although in another setting, and to progress toward meeting the goals in the student's IEP. (Ed. Code sec. 48915.5; 34 C.F.R. 300.530(d))

G. Suspension: Supervised Suspension Classroom

1. A student suspended from a school may be assigned, by the principal or the principal's designee, to a supervised suspension classroom for the entire period of suspension if the student poses no imminent danger or threat to the campus, students or staff, or if an action to expel the student has not been initiated.
2. Students assigned to a supervised classroom shall be separated from other students at the school site for the period of suspension in a separate classroom, building, or site for students under suspension.
3. Each student in the supervised suspension classroom is responsible for contacting his or her teacher or teachers to receive assignments to be completed while the student is assigned to the classroom. The teacher shall provide all assignments and tests that the student will miss while suspended. If no classroom work is assigned, the person supervising the suspension classroom shall assign schoolwork.
4. At the time a student is assigned to a supervised suspension classroom, a school employee shall notify, in person or by telephone, the student's parent or guardian. Whenever a student is assigned to a supervised suspension classroom for longer than one class period, a school employee shall notify the student's parent or guardian in writing. (Education Code Section 48911.1)

II. EXPULSION

A. Expulsion: Definitions

Expulsion means removal of a student from the immediate supervision and control, or the general supervision, of school personnel, as those terms are used in Education Code Section 46300.

Explosive means a “destructive device” as described in Section 921 of Title 18 of the United States Code, and includes, but is not limited to: (A) any explosive, incendiary, or poison gas (i) bomb, (ii) grenade, (iii) rocket having a propellant charge of more than four ounces, (iv) missile having an explosive or incendiary charge of more than one-quarter ounce, (v) mine, or (vi) similar device; (B) any type of weapon by whatever name known which will, or which may be readily converted to, expel a projectile by the action of an explosive or other propellant, and which has any barrel with a bore of more than one-half inch in diameter; and (C) any combination of parts either designed or intended for use in converting any device into any destructive device. (Refer to Title 18, Section 921 for specific exclusions).

Firearm means any device, designed to be used as a weapon, from which is expelled through a barrel a projectile by the force of any explosion or other form of combustion. (Penal Code Section 12001)

Knife means any dirk, dagger, or other weapon with a fixed, sharpened blade fitted primarily for stabbing, a weapon with a blade fitted primarily for stabbing, a weapon with a blade longer than 3 1/2 inches, a folding knife with a blade that locks into place, or a razor with an unguarded blade.

Assault is an unlawful attempt, coupled with a present ability, to commit a violent injury on the person of another (Penal Code Section 240).

Battery is any willful and unlawful use of force or violence upon the person of another (Penal Code Section 242).

Terroristic Threat shall include any statement, whether written or oral, by a person who willfully threatens to commit a crime which will result in death, great bodily injury to another person, or property damage in excess of one thousand dollars (\$1,000), with the specific intent that the statement is to be taken as a threat, even if there is no intent of actually carrying it out, which, on its face and under the circumstances in which it is

made, is so unequivocal, unconditional, immediate, and specific as to convey to the person threatened, a gravity of purpose and an immediate prospect of execution of the threat, and thereby causes that person reasonably to be in sustained fear for his or her own safety or for his or her immediate family's safety, or for the protection of school district property, or the personal property of the person threatened or his or her immediate family. (Education Code section 48900.7(b))

Legal Counsel means an attorney or lawyer who is admitted to the practice of law in California and is an active member of the State Bar of California. (Education Code section 48918(b)(5)(A))

Non-attorney Advisor means an individual who is not an attorney or lawyer, but who is familiar with the facts of the case and has been selected by the student or the student's parent or guardian to provide assistance at the hearing. (Education Code section 48918(b)(5)(B))

Dangerous Weapon means a weapon, device, instrument, material, or substance, animate or inanimate, that is used for, or is readily capable of, causing death or serious bodily injury, except that such term does not include a pocket knife with a blade of less than 2 ½ inches in length. (18 USC 930(g)(2))

Explosive means a “destructive device as described in Section 921 of Title 18 of the United States Code.

B. Expulsion: Authority to Expel

A student may be expelled only by the governing board.

C. Expulsion: Grounds for Expulsion

A student is subject to expulsion for any act specified in Education Code Sections 48900, Education Code Section 48900.2, 48900.3, 48900.4, or 48900.7, if the act is related to school activity or school attendance occurring within a school under the jurisdiction of the superintendent or the principal or occurring within any other school district(s), including but not limited to the following circumstances:

- a. While on school grounds.
  - b. While going to or coming from school.
  - c. During the lunch period, whether on or off the school campus.
  - d. During, or going to or coming from, a school-sponsored/school-related activity.
1. The principal or superintendent may recommend expulsion, and the governing board may order a student expelled, upon finding:
    - a. that the student committed any act specified in Education Code Section 48900, or Section II.C.2, below, and
    - b. that either other means of correction are not feasible or have repeatedly failed to bring about proper conduct, or 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.

(Education Code Section 48915(b) and (e))

Except as provided below, upon ordering the student expelled, the governing board shall refer the student to a program of study that meets the following conditions:

- a. Is appropriately prepared to accommodate students who exhibit discipline problems.
- b. Is not provided at a comprehensive middle, junior or senior high school, or at any elementary school.

- c. Is not housed at the school site attended by the student at the time of the suspension.

For students expelled for violation of Education Code section 48900, subdivision (f), (g), (h), (i), (j), (k), (l), (m), if the county superintendent certifies that an alternative program is not available at a site other than a comprehensive school site, the student may be referred to a program on a comprehensive school site.

2. The principal or the superintendent of schools shall recommend the expulsion of a student for any of the following acts, unless the principal or superintendent finds that expulsion is inappropriate due to the particular circumstance:
  - a. Causing serious physical injury to another person, except in self defense;
  - b. Possession of any knife or other dangerous object of no reasonable use to the student.
  - c. Unlawful possession of any controlled substance listed in Chapter 2 (commencing with Section 11053) of Division 10 of the Health and Safety Code, except for the first offense for the possession of not more than one avoirdupois ounce of marijuana, other than concentrated cannabis.
  - d. Robbery or extortion.
  - e. Assault or battery, as defined in Sections 240 and 242 of the Penal Code, upon any school employee.

Before ordering the student expelled, the governing board must also find either that other means of correction are not feasible or have repeatedly failed to bring about proper conduct, or 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.



(Education Code Section 48915(a))

Upon ordering the student expelled, the governing board shall refer the student to a program of study that meets the following conditions:

- a. Is appropriately prepared to accommodate students who exhibit discipline problems.
  - b. Is not provided at a comprehensive middle, junior or senior high school, or at any elementary school.
  - c. Is not housed at the school site attended by the student at the time of the suspension.
3. The principal or the superintendent of schools shall immediately suspend pursuant to Education Code Section 48911 and shall recommend to the governing board the expulsion of a student upon determining the student has committed any of the following acts:
- a. Possessing, selling, or otherwise furnishing a firearm except with prior written permission to possess the firearm from a certificated employee, concurred in by the principal or the designee of the principal. This subdivision applies to an act of possessing a firearm only if the possession is verified by an employee of the district.
  - b. Brandishing a knife at another person.
  - c. Unlawfully selling a controlled substance listed in Chapter 2 (commencing with Section 11053) of Division 10 of the Health and Safety Code.
  - d. Committing or attempting to commit a sexual assault as defined in subdivision (n) of Section 48900 or committing a sexual battery as defined in subdivision (n) of Section 48900.

- e. Possession of an explosive.

Upon finding that the student committed any of the foregoing acts the governing board shall order the student expelled for one year from the date of expulsion or lesser term as determined by the governing board on a case-by-case basis, and shall refer the student to a program of study that meets all the following conditions:

- a. Is appropriately prepared to accommodate students who exhibit discipline problems.
- b. Is not provided at a comprehensive middle, junior or senior high school, or at any elementary school.
- c. Is not housed at the school site attended by the student at the time of the suspension.

(Education Code Section 48915(c))

D. Expulsion: Students with Previously Identified Exceptional Needs

(Education Code Section 48915.5)

(1) Expulsion is a “Change in Placement”

A “change in placement” occurs (a) when a student is removed from his/her educational placement for more than 10 consecutive days or (b) when a student has been subjected to a series of removals that constitute a “pattern” because they total more than 10 school days, the student’s behavior is substantially similar to behavior in previous incidents that resulted in the series of removals, and such additional factors as the length of each removal, the total amount of time of removal, and the proximity of the removals to one another. (Ed. Code sec. 48915.5; 34 C.F.R. 300.536)

- (2) Notice of Procedural Safeguards. On the date on which the decision to remove the student from his/her current educational placement by suspension or expulsion is made, the parent of the student shall be informed of the decision and provided a notice of procedural safeguards. (34 C.F.R. 300.530(h))
  
- (3) IEP Meeting/Manifestation Determination (MD). Within 10 school days of the decision to remove a student by suspension and/or expulsion, an IEP team meeting shall be convened in accordance with 34 CFR 300.530(e) to determine:
  - (a) Whether the conduct in question was caused by, or had a direct and substantial relationship to, the student's disability; or
  
  - (b) Whether the conduct in question was the direct result of a failure to implement the IEP. (34 C.F.R. 300.530(e))
  
- (4) Behavior was Manifestation of Disability. If either condition in 3(a) or 3(b), above, has been met, the behavior was a manifestation of the student's disability, and the student shall not be expelled. The IEP team shall conduct a Functional Behavioral Assessment (FBA) (unless the District conducted an FBA prior to the occurrence of the behavior that resulted in the decision to expel) and either implement a Behavioral Support Plan (BSP) or review the existing BSP and modify it as necessary to address the behavior. T (20 USC 1415(k)(1)(D); 34 C.F.R. 300.530(e) and (f))
  
- (5) Behavior was *not* a Manifestation of Disability. If neither condition 3(a) nor 3(b), above, has been met, the behavior was not a manifestation of the student's disability, and the student may be subject to expulsion in accordance with the procedures applicable to students who do not have exceptional needs. (20 U.S.C. 1415(k)(1)(D); 34 C.F.R. 300.530)
  
- (6) Provide Services after 10 Days of Removal.

After the tenth day of student's removal from his/her current educational placement by suspension and/or expulsion, the student shall be provided services to the extent necessary to enable the student to continue to participate in the

general education, although in another setting, and to progress toward meeting the goals in the student's IEP. (Ed. Code sec. 48915.5; 34 C.F.R. 300.530(d))

(7) Special Circumstances – Interim Alternative Educational Setting.

Without regard to whether the student's conduct was a manifestation of his or her disability, student may be removed to an interim alternative educational setting for up to 45 school days if the student:

- (a) Carried a weapon to or possessed a weapon at school, on school premises, or to or at a school function;
- (b) Knowingly possess or uses illegal drugs, or sells or solicits the sale of a controlled substance, while at school, on school premises, or at a school function; or
- (c) Inflicted serious bodily injury upon another person while at school, on school premises, or at a school function. (34 C.F.R. 300.530(g).)

“Controlled substance means a drug or other substance identified under schedules I, II, III, IV, or V in section 202(c) of the Controlled Substances Act (21 U.S.C. 812(c)). (34 C.F.R. 300.530(i)(1).)

“Illegal drug” means a controlled substance but does not include a controlled substance that is legally possessed or used under the supervision of a licensed health-care professional or that is legally possessed or used under any other authority under that Act or under any other provision of federal law. (21 U.S.C. 812(c)). (34 C.F.R. 300.530(i)(2).)

“Serious bodily injury” means bodily injury which involves a substantial risk of death; extreme physical pain; protracted and obvious disfigurement; or protracted loss or impairment of the function of a bodily member, organ, or mental faculty. (34 C.F.R. 300.530(i)(3);. 18 U.S.C. 1365(h)(3).)

“Weapon” means a weapon, device, instrument, material, or substance, animate or inanimate, that is used for, or is readily capable of, causing death or serious bodily

injury, except that such term does not include a pocket knife with a blade of less than 2 1/2 inches in length. (34 C.F.R. 300.530(i)(4);. 18 U.S.C. 930(g)(2).)

E. Expulsion: Procedures

1. Recommendation to Governing Board

- a. When the principal or superintendent recommends to the governing board the expulsion of a student, he/she will prepare a report of the case to include:
- (1) The student's academic and attendance records.
  - (2) A chronological account of the development of the case and a statement of the conduct and recitation of the facts leading to the decision to recommend expulsion.
  - (3) A description of actions taken by the school to correct the student's previous misbehavior and the effect the corrective action has had on the student.
  - (4) A record of contacts with other agencies and the results of such contacts.
  - (5) A description of contacts with the parents or guardian made by school personnel, including the purpose of the contacts, apparent reaction of parents or guardians, and effect on the student's behavior.
  - (6) A copy of the summary of the final parent-student-principal conference, if any.
  - (7) A recommendation as to the time when the case should be reviewed, and the conditions, if any, which should be met before the student's return to school.

- (8) For students with previously identified exceptional needs, a copy of the student's special education and disciplinary records. (34 C.F.R. 300.535)
- b. This report may be used in determining disciplinary action should it find that the student committed any of the acts enumerated in Section II.C.
- c. A copy of the report shall be provided to the student and student's parent/guardian.

2. Student's Right to Hearing

- a. An expulsion hearing shall be held within thirty schooldays after the date the principal or the superintendent of schools determines the student has committed any of the acts enumerated in Education Code Section 48900 et seq.
- b. The student may request in writing a postponement of the hearing not to exceed thirty calendar days of an expulsion hearing. Any additional postponement may be granted at the discretion of the governing board. (Education Code Section 48918(a))
- c. The Superintendent or the Superintendent's designee may, for good cause, extend the time period for the expulsion hearing for an additional five school days, in the event that compliance by the governing board with the time requirements is impracticable. Reasons for the extension of the time for the hearing shall be included as part of the record at the time the expulsion hearing is conducted. Once the hearing begins, it shall be conducted with reasonable diligence and concluded without unnecessary delay. (Education Code Section 48918(a))

3. Written Notice of the Hearing (Education Code Section 48918(b))

Written notice of the hearing shall be forwarded to the student and the student's parent/guardian at least ten calendar days prior to the date of the hearing. Such notice shall include:

- a. The date and place of the hearing.

- b. A statement of the specific facts and charges upon which the proposed expulsion is based.
- c. A copy of disciplinary rules that relate to the alleged violation.
- d. A notice of the parent, guardian or student's obligation pursuant to subdivision (b) of Section 48915.1 to notify any other school district in which the student attempts to enroll of the student's suspension for an offense listed in Section 48915.
- e. The opportunity of the student or the student's parent/guardian to:
  - (1) appear in person or to employ and be represented by legal counsel or by a nonattorney adviser.
  - (2) inspect and obtain copies of all documents to be used at the hearing.
  - (3) confront and question all witnesses who testify at the hearing.
  - (4) question all evidence presented, and present oral documentary evidence on the student's behalf, including witnesses.
- f. In a hearing in which a student is alleged to have committed or attempted to commit a sexual assault as specified in subdivision (n) of Section 48900 or committing a sexual battery as defined in subdivision (n) of Section 48900, a complaining witness shall be given five days' notice prior to being called to testify, and shall be entitled to have up to two adult support persons, including, but not limited to, a parent, guardian, or legal counsel, present during their testimony. Prior to a complaining witness testifying, support persons shall be admonished that the hearing is confidential. Nothing in this subdivision shall preclude the person presiding over an expulsion hearing from removing a support person whom the presiding person finds is disrupting the hearing. If one or both of the support persons is also a witness, the provisions of Section 868.5 of the Penal Code shall be followed for the hearing.

4. Conduct of Hearing

- a. Closed Session: Notwithstanding the provisions of Government Code Section 54953 and Education Code Section 35145, the governing board shall conduct a hearing to consider the expulsion of the student in a session closed to the public, unless the student requests in writing at least five days prior to the hearing, that the hearing be conducted at a public meeting. If such request is made of the governing board, the meeting shall be public. Whether the expulsion hearing is held in closed or public session, the board may meet in closed session to deliberate and determine whether the student should be expelled. The parent/guardian of the student, the student, and the counsel of the student, shall be allowed to attend the closed session if the governing board admits any other person to the closed session. (Education Code Section 48918(c))
  
- b. Public Meeting , Rights of Complaining Witness. If the hearing is to be conducted at a public meeting, and there is a charge of committing or attempting to commit a sexual assault as defined in subdivision (n) of Section 48900 or committing a sexual battery as defined in subdivision (n) of Section 48900, a complaining witness shall have the right to have his or her testimony heard in a session closed to the public when testifying at a public meeting would threaten serious psychological harm to the complaining witness and there are no alternative procedures to avoid the threatened harm, including, but not limited to, videotaped deposition or contemporaneous examination in another place communicated to the hearing room by means of closed-circuit television. [Education Code Section 48918(c)].
  
- c. Record of Hearing: A record of the hearing shall be made. Such record may be maintained by any means, including electronic recording, so long as a reasonably accurate written and complete transcription of the proceedings can be made. (Education Code Section 48918(c))
  
- d. Failure to Make Objections: If the student, parent, guardian or attorney fails to object at the hearing that these rules are not being properly followed, or that any other law or requirement of due process is not being followed, the objections shall be deemed waived.



- e. Presentation of Evidence: Upon a finding that good cause exists, the governing board or hearing officer/administrative panel appointed under Paragraph II.F., may determine that either the identity of a witness or the testimony of the witness at the hearing, or both may subject the witness to an unreasonable risk of psychological or physical harm. Upon this determination, the testimony of the witness may be presented at the hearing in the form of sworn declarations which shall be examined only by the governing board or the hearing officer/administrative panel appointed under Paragraph II.F. Copies of these sworn declarations, which are edited to delete the name and identity of the witness, shall be made available to the student. (Education Code Section 48918(f))
- f. Technical Rules of Evidence Do Not Apply: Technical rules of evidence shall not apply to the hearing except that relevant evidence may be admitted and used as proof only if it is the kind of evidence which reasonable persons are accustomed to rely on in the conduct of serious affairs. Hearsay evidence may be used for the purpose of supplementing or explaining other evidence but shall not be sufficient in itself to support a finding except as provided in Paragraph II.E.4.e., above, or when it would be admissible over objection in a civil action. The decision of the governing board to expel shall be based upon the substantial evidence showing that the student committed any of the acts enumerated in Paragraph II.C. (Education Code Section 48918(h))
- g. Hearings Which Include Section 48900(n) Allegations. In hearings which include an allegation of committing or attempting to commit a sexual assault or committing a sexual battery, as defined in subdivision (n) of Section 48900, evidence of specific instances of a complaining witness' prior sexual conduct is to be presumed inadmissible and shall not be heard absent a determination by the person(s) conducting the hearing that extraordinary circumstances exist requiring that the evidence be heard. Before the person conducting the hearing makes the determination of extraordinary circumstances, the complaining witness shall be provided notice and an opportunity to present opposition to the introduction of the evidence. In the hearing on the admissibility of the evidence, the complaining witness shall be entitled to be represented by a parent, guardian, legal counsel, or other support person. Reputation or opinion evidence regarding the sexual behavior of the complaining witness is not admissible for any purpose.
- h. Subpoenas:
- (1) Before the hearing has commenced, the governing board may issue subpoenas at the request of the either the superintendent or the

superintendent's designee or the student. Subpoenas shall only be issued for the personal appearance of percipient witnesses at the hearing. After the hearing has commenced, the governing board, hearing officer or administrative panel may issue subpoenas at the request of the superintendent, superintendent's designee or the student. All subpoenas shall be issued in accordance with Sections 1985, 1985.1, and 1985.2 of the Code of Civil Procedure. Enforcement of subpoenas shall be done in accordance with Section 11525 of the Government Code.

- (2) Any objection raised by the superintendent or the superintendent's designee or the student to the issuance of subpoenas may be considered by the governing board in closed session, or in open session, if so requested by the student before the meeting. Any decision by the governing board in response to an objection to the issuance of subpoenas shall be final and binding.
  - (3) If the governing board, hearing officer, or administrative panel determines, in accordance with subdivision (f) of Section 48918, that a percipient witness would be subject to an unreasonable risk of harm by testifying at the hearing, a subpoena shall not be issued to compel the personal attendance of that witness at the hearing. However, that witness may be compelled to testify by means of a sworn declaration as provided for in subdivision (f).
  - (4) Service of process shall be extended to all parts of the state and shall be served in accordance with Section 1987 of the Code of Civil Procedure. All witnesses appearing pursuant to subpoena, other than the parties or officers or employees of the state or any political subdivision thereof, shall receive fees, and all witnesses appearing pursuant to subpoena, except the parties, shall receive mileage in the same amount and under the same circumstances as prescribed for witnesses in civil actions in a superior court. Fees and mileage shall be paid by the party at whose request the witness is subpoenaed.
- i. Final Action By Governing Board: Whether the student expulsion hearing is conducted in closed or public session, by the governing board or by a hearing officer/administrative panel appointed under paragraph II.F., the final action to expel shall be taken by the governing board at a public session. (Education Code Section 48918(i))

- j. Time of Decision: The decision of the governing board, if it conducts the expulsion hearing, whether to expel a student shall be made within 10 schooldays following the conclusion of the hearing, unless the student requests in writing the decision be postponed.

If the governing board does not conduct the hearing or if the governing board does not meet on a weekly basis, the decision of the governing board whether to expel a student shall be made within 40 schooldays after the date of the student's removal from his or her school of attendance for the incident on which the expulsion is based, unless the student requests in writing that the decision be postponed. (Education Code 48918(a))

- k. Maintenance of Records: The governing board will maintain a record of each expulsion, including the cause therefore, in the form of an ongoing log of student expulsions. The log shall contain the following information: the school attended by the expelled student, the date of the expulsion hearing, the cause for expulsion, and the date set for applying for readmission. However, the log shall not identify the expelled student by name. The log shall be made available to the public in the District's administration office. The expulsion order shall be maintained in the student's mandatory interim record and sent to any school in which the student subsequently enrolls upon a request by the admitting school for the student's school record. (Education Code Section 48918(j))

5. Written Notice to Expel

Written notice of the decision to expel or to suspend the enforcement of an expulsion order shall be sent to the student or student's parent/guardian by the superintendent or the superintendent's designee. Such notice shall include notice of the right to appeal such expulsion to the county board of education, a notice of the alternative educational placement to be provided to the student during the time of expulsion and of the parent, guardian or student's obligation pursuant to subdivision (b) of Section 48915.1, upon the student's enrollment in a new school district, to inform that school district of the student's expulsion. The student and student's parent/guardian shall be notified at the time the expulsion order is entered of the procedure for filing and processing a request for readmission, and the process for the required review of all expelled students for readmission. (See paragraph II.G.2). Notwithstanding the completion of the readmission process, the governing board may deny readmission. (Education Code Sections 48916, 48918(j))

6. Special Rules and Regulations For Hearings Involving Allegations Pursuant to Section 48900(n).
- a. At the time that the expulsion hearing is recommended, the complaining witness shall be provided with a copy of the applicable disciplinary rules and advised of his or her right to: (1) receive five days' notice of the complaining witness's scheduled testimony at the hearing, (2) have up to two adult support persons of his or her choosing, present in the hearing at the time he or she testifies; and (3) to have the hearing closed during the time they testify pursuant to subdivision (c) of Section 48918.
  - b. An expulsion hearing may be postponed for one school day in order to accommodate the special physical, mental, or emotional needs of a student who is the complaining witness where the allegations arise under subdivision (n) of Section 48900.
  - c. A non-threatening environment shall be provided for complaining witnesses in order to better enable them to speak freely and accurately of the experiences that are the subject of the expulsion hearing, and to prevent discouragement of complaints. A room separate from the hearing room shall be provided for use by complaining witnesses prior to and during breaks in testimony. In the discretion of the person conducting the hearing, the complaining witness shall be allowed reasonable periods of relief from examination and cross-examination during which he or she may leave the hearing room. The person conducting the hearing may arrange the seating within the hearing room of those present in order to facilitate a less intimidating environment for the complaining witness. The person conducting the hearing may limit the time for taking the testimony of a complaining witness to the hours he or she is normally in school, if there is no good cause to take the testimony during other hours. The person conducting the hearing may permit one of the complaining witness's support persons to accompany him or her to the witness stand.
  - d. Whenever any allegation is made of conduct violative of subdivision (n) of Section 48900, complaining witnesses and accused students are to be advised immediately to refrain from personal or telephonic contact with each other during the pendency of any expulsion process.

F. Alternative Hearing By Hearing Officer or Panel

1. In lieu of conducting an expulsion hearing itself, the governing board may contract with the county hearing officer, or with the Office of Administrative Hearings of the State of California for a hearing officer to conduct the hearing. Alternatively, the board may appoint an impartial administrative panel composed of three or more certificated personnel, none of whom shall be members of the Governing Board or employed on the staff of the school in which the student is enrolled. (Education Code Section 48918(d) and (f))
2. Within three school days following the hearing, the hearing officer or administrative panel shall determine whether to recommend the expulsion of the student to the governing board. If the hearing officer or administrative panel decides not to recommend expulsion, the expulsion proceedings shall be terminated and the student shall immediately be reinstated, or permitted to return to a classroom instructional program, any other instructional program, a rehabilitation program, or any combination of these programs. Placement in one or more of these programs shall be made by the superintendent or the superintendent's designee after consultation with school district personnel, including the student's teachers, and the student's parent or guardian. The decision not to recommend expulsion shall be final. (Education Code Section 48918(e))
3. If the hearing officer or administrative panel recommends expulsion, findings of fact in support of the recommendation shall be prepared and submitted to the governing board. All findings of fact and recommendations shall be based solely on the evidence adduced at the hearing. If the governing board accepts the recommendation calling for expulsion, acceptance shall be based either upon a review of the findings of fact and recommendations submitted by the hearing officer or panel or upon the results of any supplementary hearing conducted pursuant to paragraph II.E.4. that the governing board may order. (Education Code Section 48918(f))
4. A hearing conducted by the hearing officer or administrative panel shall be conducted in accordance with paragraph II.E.4. (Education Code Section 48918(d))

G. Expulsion: Readmission; Rehabilitation Plan (Education Code Sections 48916, 48918(e))

1. Upon the hearing officer's or administrative panel's recommendation against expulsion, or following the governing board's own decision after the hearing not to expel, the student shall be reinstated immediately to a classroom instructional program, rehabilitation program or any combination of such programs by the superintendent or superintendent's designee after consultation with district personnel including the student's teacher(s) and the parent/guardian of the student. (Education Code Section 48918(e))
  
2. An expulsion order shall remain in effect until the governing board orders the readmission of the student. At the time the governing board orders expulsion of a student for an act other than those described in subdivision (c) of Section 48915 ( Paragraph II.C.3), the governing board shall set a date not later than the last day of the semester following the semester in which the expulsion occurred, when the student shall be reviewed for readmission to a school maintained by the district or to the school the student last attended. If an expulsion is ordered during summer session or the intersession period of a year-round program, the governing board is to set a date, not later than the last day of the semester following the summer session or intersession period in which the expulsion occurred, when the student shall be reviewed for readmission to a school maintained by the district or to the school the student last attended. For students expelled pursuant to 48915(c) the earliest date for readmission shall be one year from the date the expulsion occurred, except that the governing board may set an earlier readmission date on a case-by-case basis. At the time of the expulsion order the governing board shall recommend a plan for rehabilitation for the student, which may include, but is not limited to:
  - a. Periodic review and assessment at the time of review for readmission.
  
  - b. Recommendations for improved academic performance, tutoring, special education assessments, job training, counseling, employment, community service and/or other rehabilitation programs.
  
  - c. With parental/guardian consent, enrollment in a county-supported drug rehabilitation program if the offense was related to controlled substances as defined in Sections 11054 to 11058, inclusive of the Health and Safety Code, or alcohol. (Education Code Section 48916.5)
  
3. A written request for review of expulsion action and request for readmission shall be submitted by the parent/guardian to the superintendent or the superintendent's designee.

4. The superintendent or the superintendent's designee will hold a conference with the parent/guardian and the student. At the conference the conditions for readmission will be reviewed and verification obtained that the conditions have been met. School regulations will be reviewed and the student and the student's parent/guardian will be asked to indicate in writing their willingness to comply with the regulations.
5. The superintendent will transmit the request to the governing board for consideration together with the superintendent's recommendation. The governing board may consider the request in closed session, however, the consideration will be in open session if a written request for open session is received from the student or the student's parent/guardian. The governing board shall readmit the student, unless the governing board makes a finding that the student has not met the conditions of the rehabilitation plan or continues to pose a danger to campus safety or to other students or employees of the district.
6. If the governing board denies the readmission of an expelled student pursuant to Paragraph II.G.5, above, the governing board shall make a determination either to continue the placement of the student in the alternative educational program initially selected for the student, or to place the student in another program that may include, but need not be limited to, serving expelled students, including placement in county community school.
7. The superintendent will notify the student or the student's parent/guardian, by registered or certified mail, or by personal delivery, of the decision regarding readmission of the student in school. If readmission is denied, the written notice shall include the reasons for denying readmittance and the determination of the educational program placement made by the governing board. The expelled student shall enroll in that program unless the parent or guardian of the student elects to enroll the student in another school district.

H. Expulsion: Suspension of Expulsion (Education Code Section 48917)

1. Suspension of the Expulsion: The governing board, upon voting to expel a student, may suspend the enforcement of the expulsion order for not more than one calendar year. The governing board's criteria for suspending the enforcement of an expulsion order shall be applied equally to all students including individuals with exceptional needs.
2. Conditions of Suspension of Expulsion Order

- a. As a condition of the suspension of the expulsion order, the governing board may assign the student to a school, class or program which it deems appropriate for the student's rehabilitation. The rehabilitation program may provide for the involvement of the student's parent or guardian in his or her child's education in ways that are specified in the program. Refusal by the parent or guardian to participate in the rehabilitation program shall not be considered in the governing board's determination as to whether the student has satisfactorily completed the program.
  - b. During this period of suspension of the expulsion order, the student shall be on probationary status.
  - c. The suspension of the expulsion order may be revoked by the governing board upon the student's commission of any of the acts enumerated in paragraph II.C. above, or for any violation of the rules and regulations governing student conduct.
3. Revocation of Expulsion Order: Upon revocation of the suspension of an expulsion order, a student may be expelled under the terms of the original expulsion order.
  4. Readmission of Student: Upon satisfactory completion of the rehabilitation assignment of a student, the governing board shall reinstate the student in a school or the district and may order the expungement of any or all records of the expulsion proceedings.

#### I. Expulsion: Right to Appeal

The student or the student's parent/guardian is entitled to file an appeal of the decision of the governing board to the county board of education.

The appeal must be filed within thirty days following the decision of the governing board to expel, even if the expulsion order is suspended and the student is placed on probationary status.  
(Education Code Sections 48917 and 48919)



J. Enrollment of Expelled Students (Education Code Section 48915.1, 48915.2)

1. Students Expelled Based on Offenses Other than Acts Listed in Education Code Section 48915(a) or (c).
  - a. If the governing board receives a request from an individual who has been expelled from another school district for an act other than those described in subdivision (a) or (c) of Section 48915, for enrollment in a school maintained by the school district, the board shall hold a hearing to determine whether that individual poses a continuing danger either to the students or employees of the school district. The hearing and notice shall be conducted in accordance with the rules and regulations governing procedures for the expulsion of students as described in Section 48918 and this policy. The school district may request information from another school district regarding a recommendation for expulsion or the expulsion of an applicant for enrollment. The school district receiving the request shall respond to the request with all deliberate speed but shall respond no later than five working days from the date of the receipt of the request.
  - b. If a student has been expelled from his or her previous school for offenses other than those listed in subdivision (a) or (c) of Section 48915, the parent, guardian, or student, if the student is emancipated or otherwise legally of age, shall, upon enrollment, inform the school district of his or her status with the previous school district. If this information is not provided as required and the school district otherwise learns the student was expelled from the previous school, the lack of compliance shall be recorded and discussed in the hearing required pursuant to Paragraph II.J.A., above.
  - c. The governing board may make a determination to deny enrollment to an individual who has been expelled from another school district for an act other than those described in subdivision (a) or (c) of Section 48915, for the remainder of the expulsion period after a determination has been made, pursuant to a hearing, that the individual poses a potential danger to either the students or employees of the school district.
  - d. The governing board, when making its determination whether to enroll an individual who has been expelled from another school district for acts other than

those described in subdivision (a) or (c) of Section 48915, may consider the following options:

1. Deny enrollment.
  2. Permit enrollment.
  3. Permit conditional enrollment in a regular school program or another educational program.
- e. Notwithstanding any other provision of law, the governing board, after a determination has been made, pursuant to a hearing, that an individual expelled from another school district for an act other than those described in subdivision (a) or (c) of Section 48915 does not pose a danger to either the students or employees of the school district, shall permit the individual to enroll in a school in the school district during the term of the expulsion, provided that he or she, subsequent to the expulsion, either has established legal residence in the school district, pursuant to Section 48200, or has enrolled in the school pursuant to an interdistrict agreement executed between the affected school districts pursuant to Chapter 5 of the Education Code (commencing with Section 46600). (Education Code Section 48915.1).
2. Students Expelled Based on Offenses Listed in Education Code Section 48915(a) or (c).
- a. A student expelled from school for any of the offenses listed in subdivision (a) or (c) of Section 48915, shall not be permitted to enroll in any other school or school district during the period of expulsion unless it is a community school pursuant to subdivision (c) of Section 1981, a juvenile court school, as described in Section 48645.1, or a community day school pursuant to Sections 48660 et seq. (Education Code Section 48915.2)
  - b. After a determination has been made, pursuant to a hearing, that an individual expelled from another school district for any act described in subdivision (a) or (c) of Section 48915 does not pose a danger to either the students or employees of the school district, the governing board may permit the individual to enroll in a school in the school district after the term of the expulsion, subject to the following conditions:

1. He or she has established legal residence in the school district, pursuant to Section 48200.
  
2. He or she has enrolled in the school pursuant to an interdistrict agreement executed between the affected school districts pursuant to Chapter 5 of the Education Code (commencing with Section 46600).

(Education Code Section 48915.1, 48915.2)

Legal References: Education Code Sections 33032.5, 35145, 35146, 35291, 46300, 48900-48925, 49069, 56026, and 56340; Government Code Sections 54950 and 54953; Health and Safety Code (commencing with Section 11053) of Division 10, Chapter 2, and 11014.5; Penal Code Sections 245, 422.6, 422.7, 422.75, 626.9 and 626.10; and Section 921 of Title 18 of the United States Code; and Section 1415 of Title 20 of United States Code; and Sections 104.35 and 300.530-300.537 of Title 34 of the Code of Federal Regulations.

Policy

CLOVERDALE UNIFIED SCHOOL DISTRICT

Adopted: May 20, 2009

Cloverdale, California

# **Board Policy**

BP 5117

## **Students**

### **Interdistrict Attendance**

The Governing Board recognizes that students who reside in one district may choose to attend school in another district and that such choices are made for a variety of reasons. Before approval of each choice, the Board desires that communication be made with the parents/guardians and students regarding the educational programs and services that are available in the District.

(cf. 5116.1 - Intradistrict Open Enrollment)

(cf. 5117.1 - Interdistrict Attendance Agreements)

(cf. 5117.2 - Alternative Interdistrict Attendance Program)

(cf. 5145.6 - Parental Notifications)

The Board recognizes that the District may be capable of serving additional students. Therefore, the Superintendent or designee may approve interdistrict attendance agreements with other districts.

### **Interdistrict Attendance Permits**

Upon request by students' parents/guardians, the Superintendent or designee will request verification of the student's residency. The request then may be considered for approval of an interdistrict attendance permit with other districts on a case-by-case basis. The Superintendent or designee will take into consideration the needs of the individual student while at the same time considering the impact on the District when making the decision to approve or deny the request.

The Superintendent or designee shall ensure that interdistrict permits specify the terms and conditions agreed to by both districts for the granting, denial or revocation of the permit as well as the standards for reapplication.

The Superintendent or designee may deny the granting of an interdistrict attendance permit request to transfer into the District because of overcrowding within the District school or limited District resources.

### **Transportation**

The District shall not provide transportation outside any school attendance area. However, upon request, the Superintendent or designee may authorize transportation for students living outside an attendance area to and from designated bus stops within the attendance area if space is available and if District transportation is being provided.

Priority for such transportation shall be based on demonstrated financial needs.

### **Limits on Student Transfers out of the District to a School District of Choice**

The Superintendent or designee may limit the number of student transfers out of the District to a school district of choice based on the percentages of average daily attendance specified in Education Code 48307.

In addition, transfers out of the District to a district of choice may be limited by the Superintendent or designee during a fiscal year when the County Superintendent of School has given the District a negative budget certification.

Transfers out of the District to a district of choice may be limited if the County Superintendent has determined that the District will not meet the state's standards and criteria for fiscal stability pursuant to Education Code section 421131 exclusively as a result of student transfers from this District to a school district of choice. If such a determination is made, the District may limit the number of transfers up to the number the County Superintendent has identified. (Ed. Code 48307)

(cf. 3100 – Budget)

(cf. 3460 – Financial Reports and Accountability)

The District may deny a transfer of a student out of the District to a school district of choice if the Board determines that the transfer would negatively impact a court-ordered voluntary desegregation plan of the District or a court-ordered desegregation plan of the District. (Ed. Code 483011)

Legal Reference:

EDUCATION CODE

46600-46611 Interdistrict attendance agreements

48204 Residency requirements for school attendance

48209-48209.17 Student attendance alternatives

48915 Expulsion; particular circumstances

48915.1 Expelled individuals: enrollment in another district

48918 Rules governing expulsion procedures

48980 Notice at beginning of term

52317 Enrollment of students, inter district attendance

ATTORNEY GENERAL OPINIONS

87 Ops.Cal.Atty.Gen. 132 (2004)

Policy CLOVERDALE UNIFIED SCHOOL DISTRICT

Adopted: November 19, 2003          Cloverdale, California

Revised: April 17, 2013

# Administrative Regulation

AR 5117.1

## Students

### Interdistrict Attendance Agreements

#### Protocol for making a request for an Interdistrict Transfer

##### Initial Request:

1. The parent will start the interdistrict transfer process at the district of residence.
2. The district of residence is given the first opportunity to approve or deny a transfer permit.
3. The district of desired attendance may not approve a transfer permit or enroll a student until the family has first applied for the permit to the district of residence.

The Superintendent or designee may approve interdistrict attendance agreements for the following reasons:

1. To meet the child care needs of the student. Such a student may be allowed to continue to attend the District schools only as long as he/she continues to use a child care provider within District boundaries.
2. To meet a child's special mental or physical health needs, as certified by a physician, school psychologist or other appropriate school personnel

(cf. 6159 - Individualized Education Program)

3. When the student has brother(s) or sister(s) attending school in a receiving district, to avoid splitting the family's attendance



4. To complete a school year when parents/guardians have moved out of the District during that year
5. To allow students to remain with a class graduating that year from an elementary, junior or senior high school
6. To let high school seniors attend the same school they attended as juniors, even if their families moved out of the District during the junior year
7. When the parent/guardian provides written evidence that the family will be moving to the receiving district in the immediate future and would like the student to start the year in that district
8. When the student will be living out of the District only for one year or less
9. When recommended by the School Attendance Review Board or by county child welfare, probation or social service agency staff in documented cases of serious home or community problems which make it inadvisable for the student to attend the school of residence

(cf. 5113.1 - Truancy)

10. When there is valid interest in a particular educational program not offered in the district of residency

Students applying to enter the District for the purpose of entering the gifted or advanced programs, must meet the enrollment standards that are established by the District.

11. To provide a change in school environment for reasons of personal and social adjustment
12. When the student has been determined by personnel of either the district of residence or the district of desired attendance to have been a victim of an act of bullying, as defined by Education Code 48900(r), shall be given, at the request of the parent or legal guardian, priority for interdistrict attendance under any existing interdistrict attendance agreement or, in the absence of an agreement, be given additional consideration for the creation of an interdistrict attendance agreement.

Interdistrict attendance agreements or applications shall not be required for students enrolling in a Regional Occupation Center or Program. (Education Code 52317)

A student's interdistrict agreement may be revoked because of excessive truancy or continual disruption of the educational program, actions which constitute an expellable offense under Education Code sections 48900 et seq. , or lack of significant academic progress.

(cf. 5144 - Discipline)

(cf. 3250 - Transportation Fees)

#### Renewal of Interdistrict Transfer Agreement

1. The District requires annual renewal of interdistrict permits. The District will notify all K-10 permit holders in January of the District's policies and procedures for permit renewal. Permit holders will be encouraged to apply for subsequent year permits by May.
2. The District will notify parents of their timelines for reviewing and approving or denying transfer requests.
3. All interdistrict permit approvals or denials for subsequent year enrollment will be made by June 1 of each year so that appeals can be concluded before school starts.
4. The District will use best efforts to communicate with the district of desired attendance within 10 school days about the identities of students requesting new permits and the districts' timelines for decisions.
5. If the District accepts a student, the District will accept the student for a minimum of 3 years, unless the student commits an expellable offense or the permit is revoked for other reasons set forth herein.

(cf. 51144- Discipline)

#### Denial or Revocation of Interdistrict Transfer Agreement

The Superintendent of designee may deny requests for interdistrict attendance agreements if the school's facilities are overcrowded at the relevant grade level, if there are limited District resources, or for other considerations that are not arbitrary. However, once a student is admitted in the District, the student's attendance may not be denied because of overcrowding at the relevant grade level.

Within 30 days of a request for an interdistrict permit the Superintendent or designee shall provide parents/guardians of a student, who is denied interdistrict attendance, notice regarding the process for appeal to the County Board of Education in accordance with law. (Education Code 46601)

(cf. 5145.6 - Parental Notifications)

Pending a decision by the two school districts or an appeal by the County Board, the Superintendent or designee may provisionally admit a student who resides in another district for a period not to exceed two school months. (Education Code 46603)

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

(cf. 5119 - Students Expelled from Other Districts)

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

Legal Reference:

EDUCATION CODE

48204 Residency requirements for school attendance

46600-46611 Interdistrict attendance agreements

ATTORNEY GENERAL OPINIONS

84 Ops.Cal.Atty.Gen. 198 (2001)

Regulation CLOVERDALE UNIFIED SCHOOL DISTRICT

Approved: November 19, 2003 Cloverdale, California

Revised: April 17, 2013

# **Board Policy**

## **Students Expelled From Other Districts**

BP 5119

### **Students**

The Governing Board may admit students expelled from other districts upon request as long as their admission is consistent with providing a safe, secure and positive school environment for all district students and staff.

In order to prohibit the enrollment of a potentially dangerous student, the Board shall hold a hearing before admitting any student who has been expelled from another district. If the student has been expelled for certain serious reasons specified in Education Code 48915(a) or (c), his/her enrollment may occur only after the term of expulsion, and only if he/she has established legal residence in the district or is enrolled pursuant to an interdistrict attendance agreement.

(cf. 5111 - Admission)

(cf. 5111.1 - District Residency)

(cf. 5117 - Interdistrict Attendance Agreements)

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

Legal Reference:

#### **EDUCATION CODE**

46600 Agreements for interdistrict attendance

46601 Failure to approve interdistrict attendance; expulsion prohibiting appeal

48660-48666 Community day schools

48915 Expulsion; particular circumstances

48915.1 Expelled individuals: enrollment in another district

48915.2 Expelled student; enrollment during and after period of expulsion

48918 Rules governing expulsion procedures

Policy CLOVERDALE UNIFIED SCHOOL DISTRICT

adopted: November 19, 2003 Cloverdale, California

# **Administrative Regulation**

## **Students Expelled From Other Districts**

AR 5119

### **Students**

Hearings and notices related to the enrollment of students expelled from other districts shall be conducted in accordance with expulsion procedures consistent with Education Code 48918. (Education Code 48915.1, 48915.2)

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

No student shall be enrolled until after the term of his/her expulsion if he/she was expelled for any of the following acts: (Education Code 48915, 48915.2)

1. Possessing, as verified by a district employee, or selling or otherwise furnishing a firearm, unless the student had obtained prior written permission to possess the item from a certificated school employee, with the principal or designee's concurrence
2. Brandishing a knife at another person
3. Unlawfully selling a controlled substance listed in Health and Safety Code 11053-11058
4. Committing or attempting to commit a sexual assault or committing a sexual battery as defined in Education Code 48900(n)
5. Causing serious physical injury to another person, except in self-defense

6. Possessing any knife, explosive or other dangerous object of no reasonable use to the student
7. Unlawfully possessing any controlled substance, as listed in Chapter 2 (commencing with Section 11053) of Division 10 of the Health and Safety Code, except for the first offense for possessing not more than one ounce of marijuana, other than concentrated cannabis
8. Robbery or extortion
9. Assault or battery upon a school employee as defined in Penal Code 240 and 242.

#### Enrollment During the Term of Expulsion

If a student has been expelled for an act other than those specified in Education Code 48915(a) or (c), the parent/guardian shall, upon enrollment, inform the receiving district of the student's status with the previous district. (Education Code 48915.1)

A student expelled for acts other than those specified in Education Code 48915 (a) or (c) may be admitted or conditionally admitted during the term of expulsion when the Governing Board determines at a hearing that the student does not pose a potential danger to district students or employees. The student shall be admitted provided that, subsequent to the expulsion, he/she either has established legal residence in the district or has enrolled as part of an interdistrict agreement. However, if such a student is found to pose a potential danger, the Board may deny enrollment for the remainder of the expulsion period. (Education Code 48915.1)

If the student or parent/guardian neglects to inform the district that the student was expelled from his/her previous district for an act other than those listed in Education Code 48915(a) or (c), the Board shall record and discuss this lack of compliance during the hearing. (Education Code 48915.1)

Regulation CLOVERDALE UNIFIED SCHOOL DISTRICT

approved: November 19, 2003 Cloverdale, California

# Administrative Regulation

## Grades/Evaluation Of Student Achievement

AR 5121

### Students

#### Grades for Achievement

Grades for achievement shall be reported for each marking period as follows:

A	(90-100%)	Outstanding Achievement	4.0 grade points
B	(80-89%)	Above Average Achievement	3.0 grade points
C	(70-79%)	Average Achievement	2.0 grade points
D	(60-69%)	Below Average Achievement	1.0 grade points
F	(0-59%)	Little or No Achievement	0 grade points
I		Incomplete	0 grade points

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

(cf. 5123 - Promotion/Acceleration/Retention)

(cf. 5124 - Communication with Parents/Guardians)

An Incomplete is given only when a student's work is not finished because of illness or other excused absence. If not made up within six weeks, the Incomplete shall become an F.



No grade of a student participating in a physical education class may be adversely affected due to the fact that the student, because of circumstances beyond his/her control, does not wear standardized physical education apparel. (Education Code 49066)

When reporting student grades to parents/guardians, teachers may add narrative descriptions, observational notes and/or samples of classroom work in order to better describe student progress in specific skills and subcategories of achievement.

#### Grades for Citizenship and Effort

Grades for citizenship and effort shall be reported each marking period as follows:

- O Outstanding
- S Satisfactory
- N Needs Improvement

#### Pass/Fail Grading

The Superintendent or designee may identify courses or programs for which students may, with parent/guardian permission, elect to earn a Pass or Fail grade instead of an A-F grade.

Students who receive a Pass grade shall acquire the appropriate semester units of credit for the course. The grade shall not be counted in determining class rank, honors list, or membership in the California Scholarship Federation. Students who receive a Fail grade shall not receive credit for taking the

#### Peer Grading

At their discretion, teachers may use peer grading of student tests, papers and assignments as appropriate to reinforce lessons.

(cf. 5125 - Student Records)

## Grade Weighting for Advanced Placement/Honors Courses

When calculating a student's grade point average, extra grade weighting shall not be assigned to a course that covers a subject required for admission to the University of California or the California State University unless the Superintendent or designee has submitted the course curriculum to the President of the University of California and received confirmation that the university approves the course for extra grade weighting and includes the course on its list of honors courses. Application of this requirement shall follow a four-year implementation schedule beginning with ninth-grade students in the 2005-06 school year. (Education Code 51220.3)

(cf. 6141.5 - Advanced Placement)

## Repeating Classes

With the approval of the principal or designee, a student may repeat a course in order to raise his/her grade. Both grades received shall be entered on the student's transcript, but the student shall receive credit only once for taking the course.

OPTION 1: The highest grade received shall be used in determining the student's overall grade point average.

OPTION 2: The two grades shall be averaged in determining the student's overall grade point average.

## Withdrawal from Classes

A student who drops a course during the first six weeks of the semester may do so without any entry on his/her permanent record card. A student who drops a course after the first six weeks of the semester shall receive an F grade on his/her permanent record, unless otherwise decided by the principal or designee because of extenuating circumstances.

## Unexcused Absences

Teachers who withhold class credit because of excessive unexcused absences shall so inform the class and parents/guardians at the beginning of the semester.

When an unexcused absence occurs, the student and parent/guardian shall again be notified of the district's policy regarding excessive unexcused absences.

(cf. 5113 - Absences and Excuses)

The student and parent/guardian shall have a reasonable opportunity to explain the absences. (Education Code 49067)

If a student receives a failing grade because of unexcused absences, the student's record shall specify that the grade was assigned because of excessive unexcused absences. (Education Code 49067)

(cf. 5125 - Student Records)

Regulation CLOVERDALE UNIFIED SCHOOL DISTRICT

approved: November 19, 2003 Cloverdale, California

# **Board Policy**

## **Promotion/Acceleration/Retention**

BP 5123

### **Students**

The Governing Board expects students to progress through each grade level within one school year. To accomplish this, instruction should accommodate the variety of ways that children learn and include strategies for addressing academic deficiencies when needed.

Students shall progress through the grade levels by demonstrating growth in learning and meeting grade-level standards of expected student achievement.

(cf. 6011 - Academic Standards)

(cf. 6146.5 - Elementary/Middle School Graduation Requirements)

Progress toward high school graduation shall be based on students' ability to pass the courses necessary to earn the required number of credits and, beginning in the 2003-04 school year, on their ability to pass the state high school exit examination.

(cf. 6146.1 - High School Graduation Requirements)

When high academic achievement is evident, the Superintendent or designee may recommend a student for acceleration into a higher grade level. The student's maturity level shall be taken into consideration in making a determination to accelerate a student.

As early as possible in the school year, the Superintendent or designee shall identify students who should be retained and who are at risk of being retained in accordance with law, Board policy, administrative regulation and the following criteria.

Students shall be identified on the basis of grades. The following other indicators of academic achievement shall also be used:

Include district-created standard tests, portfolios and attendance, as attendance is determined to be one of the most critical factors in academic achievement.

(cf. 5121 - Grades/Evaluation of Student Achievement)

(cf. 5149 - At-Risk Students)

When a student in grades 2 through 9 is retained or recommended for retention, the Superintendent or designee shall offer programs of direct, systematic and intensive supplemental instruction in accordance with Education Code 37252.2.

(cf. 6179 - Supplemental Instruction)

Legal Reference:

EDUCATION CODE

37252-37254.1 Supplemental instruction

46300 Method of computing ADA

48011 Admission on completing kindergarten; grade placement of pupils coming from other districts

48070-48070.5 Promotion and retention

48431.6 Required systematic review of students and grading

56345 Elements of individualized education plan

60641-60648 Standardized Testing and Reporting Program

60850-60856 Exit examination

CODE OF REGULATIONS, TITLE 5

200-202 Admission and exclusion of students

Management Resources:

CDE MANAGEMENT ADVISORIES

0900.90 Changes in Law Concerning Eligibility for Admission to Kindergarten 90-10

LEGISLATIVE COUNSEL'S OPINION

Promotion and Retention #21610

CSBA POLICY ADVISORIES

0901.99 Social Promotion/Retention Policy Briefing: Considerations for English Language Learners

1112.98 Student Promotion/Retention Advisory

WEB SITES

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

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

Policy CLOVERDALE UNIFIED SCHOOL DISTRICT

adopted: November 19, 2003 Cloverdale, California

# **Administrative Regulation**

## **Promotion/Acceleration/Retention**

AR 5123

### **Students**

#### Acceleration from Kindergarten to First Grade

A student enrolled in kindergarten may be admitted to the first grade at the discretion of the Superintendent or designee and with the consent of the parent/guardian, upon determination that the child is ready for first-grade work. (Education Code 48011)

Admission shall be subject to the following minimum criteria: (5 CCR 200)

1. The student is at least five years of age.
2. The student has attended a public school kindergarten for a long enough time to enable school personnel to evaluate his/her ability.
3. The student is in the upper five percent of his/her age group in terms of general mental ability.
4. The physical development and social maturity of the student are consistent with his/her advanced mental ability.
5. The parent/guardian of the student has filed a written statement with the school district approving the placement in first grade.

## Continuation in Kindergarten

Students who have completed one year of kindergarten shall be admitted to first grade unless the parent/guardian and the Superintendent or designee agree that the student shall continue in kindergarten for not more than one additional school year. (Education Code 48011)

Whenever a student continues in kindergarten for an additional year, the Superintendent or designee shall secure an agreement, signed by the parent/guardian, stating that the student shall continue in kindergarten for not more than one additional school year. (Education Code 46300)

## Retention at Other Grade Levels

The Superintendent or designee shall identify students who should be retained or who are at risk of being retained at the following grade levels: (Education Code 48070.5)

1. Between grades 2 and 3
2. Between grades 3 and 4
3. Between grades 4 and 5
4. Between the end of the intermediate grades and the beginning of the middle school grades
5. Between the end of the middle school grades and the beginning of the high school grades

Students between grades 2 and 3 and grades 3 and 4 shall be identified primarily on the basis of their level of proficiency in reading. Proficiency in reading, English language arts and mathematics shall be the basis for identifying students between grades 4 and 5, between intermediate and middle school grades, and between middle school grades and high school grades. (Education Code 48070.5)

(cf. 6142.91 - Reading/Language Arts Instruction)



(cf. 6142.92 - Mathematics Instruction)

Students shall be identified on the basis of either statewide assessment results or grades and other indicators of academic achievement, as established by Board policy.

(cf. 5121 - Grades/Evaluation of Student Achievement)

(cf. 6162.5 - Student Assessment)

If a student is identified as performing below the minimum standard for promotion, the student shall be retained in his/her current grade level unless the student's regular classroom teacher determines, in writing, that retention is not the appropriate intervention for the student's academic deficiencies. This determination shall specify the reasons that retention is not appropriate for the student and shall include recommendations for interventions other than retention that, in the opinion of the teacher, are necessary to assist the student in attaining acceptable levels of academic achievement. (Education Code 48070.5)

If the teacher's recommendation to promote is contingent on the student's participation in a summer school or interim session remediation program, the student's academic performance shall be reassessed at the end of the remediation program, and the decision to retain or promote the student shall be reevaluated at that time. The teacher's evaluation shall be provided to and discussed with the student's parents/guardians and the principal before any final determination of retention or promotion. (Education Code 48070.5)

(cf. 6177 - Summer School)

(cf. 6179 - Supplemental Instruction)

If the student does not have a single regular classroom teacher, the principal or designee shall specify the teacher(s) responsible for the decision to promote or retain the student. (Education Code 48070.5)

When a student is identified as being at risk of retention, the Superintendent or designee shall so notify the student's parent/guardian as early in the school year as practicable. The student's parent/guardian shall be provided an opportunity to consult with the teacher(s) responsible for the decision to promote or retain the student. (Education Code 48070.5)

(cf. 5145.6 - Parental Notifications)

The Superintendent or designee shall also provide a copy of the district's promotion/retention policy and administrative regulation to those parents/guardians who have been notified that their child is at risk of retention.

The teacher's decision to promote or retain a student may be appealed consistent with Governing Board policy, administrative regulation and law.

The burden shall be on the appealing party to show why the teacher's decision should be overruled. (Education Code 48070.5)

To appeal a teacher's decision, the appealing party shall submit a written request to the Superintendent or designee specifying the reasons that the teacher's decision should be overruled. The appeal must be initiated within 10 school days of the determination of retention or promotion.

The teacher shall be provided an opportunity to state orally and/or in writing the criteria on which his/her decision was based.

Within 30 days of receiving the request, the Superintendent or designee shall determine whether or not to overrule the teacher's decision. Prior to making this determination, the Superintendent or designee may meet with the appealing party and the teacher. If the Superintendent or designee determines that the appealing party has overwhelmingly proven that the teacher's decision should be overruled, he/she shall overrule the teacher's decision.

The Superintendent or designee's determination may be appealed by submitting a written appeal to the Board within 15 school days. Within 30 days of receipt of a written appeal, the Board shall meet in closed session to decide the appeal. The Board's decision may be made on the basis of documentation prepared as part of the appeal process or, at the discretion of the Board, the Board may also meet with the appealing party, the teacher and the Superintendent/designee to decide the appeal. The decision of the Board shall be final.

(cf. 9321 - Closed Session Purposes and Agendas)

(cf. 9321.1 - Closed Session Actions and Reports)

If the decision of the Board is unfavorable to the appealing party, he/she shall have the right to submit a written statement of objections which shall become part of the student's record.

(cf. 1312 - Complaints Against the Schools)

(cf. 5125 - Student Records)

(cf. 5125.3 - Challenging Student Records)

Regulation CLOVERDALE UNIFIED SCHOOL DISTRICT

approved: November 19, 2003 Cloverdale, California

# **Board Policy**

## **Student Records**

BP 5125

### **Students**

The Governing Board recognizes the importance of keeping accurate, comprehensive student records as required by law. Procedures for maintaining the confidentiality of student records shall be consistent with state and federal law.

The Superintendent or designee shall establish regulations governing the identification, description and security of student records, as well as timely access for authorized persons. These regulations shall ensure parental rights to review, inspect and copy student records and shall protect the student and the student's family from invasion of privacy.

(cf. 3580 - District Records)

(cf. 4040 - Employee Use of Technology)

(cf. 5125.1 - Release of Directory Information)

(cf. 5125.2 - Withholding Grades, Diploma or Transcripts)

(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)

Legal Reference:

## EDUCATION CODE

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

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

49060-49079 Pupil records

49091.14 Parental review of curriculum

51747 Independent study programs

56050 Surrogate parents

56055 Foster parents

## CODE OF CIVIL PROCEDURE

1985.3 Subpoena duces tecum

## FAMILY CODE

3025 Access to records by noncustodial parents

## GOVERNMENT CODE

6252-6260 Inspection of public records

## HEALTH AND SAFETY CODE

120440 Immunizations; disclosure of information

## WELFARE AND INSTITUTIONS CODE

681 Truancy petitions

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:

#### WEB SITES

U.S. Department of Education, Family Policy Compliance Office:

<http://www.ed.gov/policy/gen/guid/fpco/index.html>

Policy CLOVERDALE UNIFIED SCHOOL DISTRICT

adopted: November 19, 2003 Cloverdale, California

# **Administrative Regulation**

## **Student Records**

AR 5125

### **Students**

#### Definitions

Student record is any item of information other than directory information, gathered within or outside the district, that is directly related to an identifiable student and maintained by the district or required to be maintained by an employee in the performance of his/her duties. Any information maintained for the purpose of second-party review is considered a student record. A student record may be recorded in handwriting, print, computer media, video or audio tape, film, microfilm, microfiche or by other means. Student records include the student's health record. (Education Code 49061, 49062; 5 CCR 430; 34 CFR 99.3)

(cf. 5125.1 - Release of Directory Information)

Student records do not include: (Education Code 49061, 49062; 5 CCR 430; 34 CFR 99.3)

1. Informal notes compiled by a school officer or employee which remain in the sole possession of the maker, are used only as a personal memory aid, and are not accessible or revealed to any other person except a substitute
2. Records of the law enforcement unit of the district, subject to the provisions of 34 CFR 99.8

(cf. 3515.3 - District Police/Security Department)

Mandatory permanent student records are those records which are maintained in perpetuity and which

schools have been directed to compile by state law, regulation or administrative directive. (5 CCR 430)

Mandatory interim student records are those records which the schools are directed to compile and maintain for stipulated periods of time and are then destroyed in accordance with state law, regulation or administrative directive. (5 CCR 430)

Permitted student records are those records having clear importance only to the current educational process of the student. (5 CCR 430)

Access means a personal inspection and review of a record, an accurate copy of a record or receipt of an accurate copy of a record, an oral description or communication of a record, and a request to release a copy of any record. (Education Code 49061)

Disclosure means to permit access to or the release, transfer, or other communication of personally identifiable information contained in education records, to any party, by any means including oral, written or electronic means. (34 CFR 99.3)

Personally identifiable information includes but is not limited to the student's name, the name of the student's parent/guardian or other family member, the address of the student or student's family, a personal identifier such as the student's social security number or student number, and a list of personal characteristics or other information that would make the student's identity easily traceable. (34 CFR 99.3)

Adult student is a person who is or was enrolled in school and who is at least 18 years of age. (5 CCR 430)

School officials and employees are officials or employees whose duties and responsibilities to the district, whether routine or as a result of special circumstances, require that they have access to student records.

A legitimate educational interest is one held by officials or employees whose duties and responsibilities to the district, whether routine or as a result of special circumstances, require that they have access to student records.



## Changes to Student Records

No additions except routine updating shall be made to a student's record after high school graduation or permanent departure without prior consent of the parent/guardian or adult student. (5 CCR 437)

Only a parent/guardian having legal custody of the student may challenge the content of a record or offer a written response to a record. (Education Code 49061)

(cf. 5125.3 - Challenging Student Records)

## Retention and Destruction of Student Records

The following mandatory permanent student records shall be kept indefinitely: (5 CCR 432, 437)

1. Legal name of student
2. Date and place of birth, and method of verifying birth date

(cf. 5111 - Admission)

3. Gender of student
4. Name and address of parent/guardian of minor student
  - a. Address of minor student if different from the above
  - b. Annual verification of parent/guardian's name and address and student's residence

(cf. 5111.1 - District Residency)

(cf. 5111.11 - Residency of Students with Caregiver)

(cf. 5111.12 - Residency Based on Parent/Guardian Employment)

(cf. 5111.13 - Residency for Homeless Children)

5. Entrance and departure date of each school year and for any summer session or other extra session

6. Subjects taken during each year, half-year, summer session or quarter, and marks or credits given

(cf. 5121 - Grades/Evaluation of Student Achievement)

7. Verification of or exemption from required immunizations

(cf. 5141.31 - Immunizations)

8. Date of high school graduation or equivalent

Unless forwarded to another district, mandatory interim student records shall be maintained subject to destruction during the third school year following a determination that their usefulness has ceased or the student has left the district. These records include: (Education Code 48918; 5 CCR 432, 437, 16027)

1. Expulsion orders and the causes therefore

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

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

2. A log identifying persons or agencies who request or receive information from the student record

3. Health information, including Child Health and Disability Prevention Program verification or

waiver

(cf. 5141.32 - Child Health and Disability Prevention Program)

4. Information on participation in special education programs, including required tests, case studies, authorizations, and evidence of eligibility for admission or discharge

(cf. 6159 - Individualized Education Program)

(cf. 6164.4 - Identification of Individuals for Special Education)

5. Language training records

(cf. 6174 - Education for English Language Learners)

6. Progress slips/notices required by Education Code 49066 and 49067

7. Parental restrictions/stipulations regarding access to directory information

8. Parent/guardian or adult student rejoinders to challenged records and to disciplinary action

9. Parent/guardian authorization or denial of student participation in specific programs

10. Results of standardized tests administered within the past three years

(cf. 6162.5 - Student Assessment)

Permitted student records may be destroyed six months after the student completes or withdraws from the educational program, including: (5 CCR 432, 437)

1. Objective counselor/teacher ratings
2. Standardized test results older than three years
3. Routine disciplinary data

(cf. 5144 - Discipline)

4. Verified reports of relevant behavioral patterns
5. All disciplinary notices
6. Supplementary attendance records

Records shall be destroyed in a way that assures they will not be available to possible public inspection in the process of destruction. (5 CCR 437)

#### Persons with Access to Student Records

Persons, agencies or organizations specifically granted access rights pursuant to state law shall have access without written parental consent or judicial order. In addition, parental consent is not required when information is shared with other persons within educational institutions, agencies or organizations obtaining access, as long as those persons have a legitimate educational interest in the information. (Education Code 49076)

The following persons or agencies shall have absolute access to any and all student records in accordance with state law:

1. Natural parents, adoptive parents, or legal guardians of students younger than age 18 (Education Code 49069)

Access to student records and information shall not be denied to a parent because he/she is not the child's custodial parent. (Family Code 3025)

2. Adult students age 18 or older or students under the age of 18 who attend a postsecondary institution, in which case the student shall alone exercise rights related to his/her student records and grant consent for the release of records (Education Code 49061; 34 CFR 99.5)

3. Those so authorized in compliance with a court order or lawfully issued subpoena (Education Code 49077)

In addition, the following persons or agencies shall have access to those particular records that are relevant to the legitimate educational interests of the requester: (Education Code 49076)

1. Natural parents, adoptive parents or legal guardians of a dependent student age 18 or older

2. Students 16 or older or who have completed the 10th grade

3. School officials and district employees

4. Members of a school attendance review board, and any volunteer aide age 18 or older who has been investigated, selected and trained by such a board to provide follow-up services to a referred student

(cf. 5113.1 - Truancy)

5. Officials and employees of other public schools or school systems where the student intends or is directed to enroll, including local, county or state correctional facilities where educational programs leading to high school graduation are provided

6. Federal, state and local officials, as needed for program audits or compliance with law

7. Any district attorney who is participating in or conducting a truancy mediation program or participating in the presentation of evidence in a truancy petition
8. A prosecuting agency for consideration against a parent/guardian for failure to comply with compulsory education laws
9. Any probation officer or district attorney for the purposes of conducting a criminal investigation or an investigation in regards to declaring a person a ward of the court or involving a violation of a condition of probation
10. Any judge or probation officer for the purpose of conducting a truancy mediation program for a student, or for purposes of presenting evidence in a truancy petition pursuant to Welfare and Institutions Code 681

County child welfare services workers responsible for the case plan of a minor who is being placed in foster care shall have access to the student's school records. (Welfare and Institutions Code 16010)

Foster family agencies with jurisdiction over currently enrolled or former students may access those students' records of grades and transcripts, and any Individualized Education Program (IEPs) developed and maintained by the district with respect to such students. (Education Code 49069.3)

(cf. 6159 - Individualized Education Program)

The Superintendent or designee may release a student's immunization record information to local health departments operating countywide immunization information and reminder systems and the State Department of Health Services. The following information may be released: the name of the student and the student's parent/guardian; types and dates of immunizations received by the student; manufacturer and lot number of the immunization received; adverse reaction to the immunization; other non-medical information necessary to establish the student's unique identity and record; current address and telephone number of the student and his/her parent/guardian; the student's gender; and the student's place of birth. (Health and Safety Code 120440)

When authorized by law to assist law enforcement in investigations of suspected kidnapping, the Superintendent or designee shall provide information about the identity and location of the student as it relates to the transfer of that student's records to another district or private school within the state. The

information shall be released only to designated peace officers, federal criminal investigators and federal law enforcement officers whose names have been submitted in writing by their law enforcement agency. (Education Code 49076.5)

The Superintendent or designee may release information from student records to the following: (Education Code 49076)

1. Appropriate persons in an emergency if the health and safety of a student or other persons are at stake
2. Agencies or organizations in connection with a student's application for or receipt of financial aid
3. Accrediting associations
4. Under the conditions specified in Education Code 49076, organizations conducting studies on behalf of educational institutions or agencies for the purpose of developing, validating or administering predictive tests, administering student aid programs or improving instruction
5. Officials and employees of private schools or school systems where the student is enrolled or intends to enroll
6. County elections officials for the purpose of identifying students eligible to register to vote and offering such students an opportunity to register

Persons, agencies or organizations not afforded access rights pursuant to state law may be granted access only through written permission of the parent/guardian or adult student, or by judicial order. (Education Code 49075)

Only a parent/guardian having legal custody of the student may consent to the release of records to others. Either parent may grant consent if both parents notify the district, in writing, that such an agreement has been made. (Education Code 49061)

(cf. 5021 - Noncustodial Parents)

Any person or agency granted access is prohibited from releasing information to another person or agency without written permission from the parent/guardian or adult student. (Education Code 49076)

#### Procedures for Access

Student records shall be maintained in a central file at the school attended by the student or, when records are maintained in different locations, a notation shall be placed in the central file indicating where other records may be found. Parents/guardians shall be notified of the location of student records if not centrally located. (Education Code 49060; 5 CCR 433)

To inspect, review or obtain copies of student records, authorized persons shall submit a request to the custodian of records.

Authorized persons from outside the school whose access requires consent from the parent/guardian or adult student shall submit their request, together with any required authorization, to the Superintendent or designee or the custodian of records. (5 CCR 435)

Within five days following the date of request, an authorized person shall be granted access to inspect, review and obtain copies of student records during regular school hours. (Education Code 49069; 5 CCR 431)

Qualified certificated personnel shall be available to interpret records when requested. (Education Code 49069)

The custodian of records shall be responsible for the security of student records and shall assure that access is limited to authorized persons. (5 CCR 433)

The custodian of records or the Superintendent or designee shall prevent the alteration, damage or loss of records during inspection. (5 CCR 435)



Prior to disclosing a record pursuant to a court order, the Superintendent or designee shall, unless otherwise instructed by the order, give the parent/guardian or adult student at least three days' notice of the name of the requesting agency and the specific record requested if lawfully possible within the requirements of the judicial order. (5 CCR 435)

When the district discloses personally identifiable information to officials of another school, school system or postsecondary institution where the student seeks or intends to enroll, the Superintendent or designee shall make a reasonable attempt to notify the parent/guardian or adult student at his/her last known address, provide a copy of the record that was disclosed, and give him/her an opportunity for a hearing to challenge the record. (34 CFR 99.34)

Upon releasing student information to a judge or probation officer for the purpose of conducting a truancy mediation program or presenting evidence in a truancy petition, the Superintendent or designee shall inform, or provide written notification to, the student's parent/guardian within 24 hours. (Education Code 49076)

If the district is planning to release a student's immunization information to the county health department or state Department of Health Services, the Superintendent or designee shall inform the student's parents/guardians of the following: (Health and Safety Code 120440)

1. The type of information that will be shared
2. The name and address of the agency with which the district will share the information
3. That any shared information shall be treated as confidential and shall be used to share only with each other and, upon request, with health care providers, child care facilities, family child care homes, service providers for the Women, Infants and Children (WIC) food program, county welfare departments, and health care plans
4. That the information may be used only to provide immunization service; to provide or facilitate third-party payer payments for immunizations; to compile and disseminate statistical information on immunization status on groups of people, without identifying the student
5. That the parent/guardian has the right to examine any immunization-related information shared in this manner and to correct any errors

6. That the parent/guardian may refuse to allow this information to be shared

### Duplication of Student Records

To provide copies of any student record, the district shall charge a reasonable fee not to exceed the actual cost of furnishing the copies. No charge shall be made for providing up to two transcripts or up to two verifications of various records for any former student. No charge shall be made to locate or retrieve any student record. (Education Code 49065)

The Superintendent or designee shall set a fee and update the amount periodically if actual costs change.

(cf. 3260 - Fees and Charges)

### Access Log

A log shall be maintained for each student's record which lists all persons, agencies or organizations requesting or receiving information from the records and the legitimate educational interest of the requester. (Education Code 49064)

In every instance of inspection by persons who do not have assigned educational responsibility, the school custodian of records shall make an entry in the log indicating the record inspected, the name of the person granted access, the reason access was granted, and the time and circumstances of inspection. (5 CCR 435)

The log does not need to include: (Education Code 49064)

1. Parents/guardians or adult students
2. Students 16 years of age or older who have completed the 10th grade

3. Parties obtaining district-approved directory information

(cf. 5125.1 - Release of Directory Information)

4. Parties who provide written parental consent, in which case the consent notice shall be filed with the record pursuant to Education Code 49075

5. School officials or employees who have legitimate educational interest

The log shall be accessible only to the parent/guardian, adult student, dependent adult student, student age 16 years or older or who has completed the 10th grade, custodian of records, and certain state/federal officials. (Education Code 49064; 5 CCR 432)

#### Transfer of Student Records

If a student transfers into this district from any other school district or a private school, the Superintendent or designee shall inform the parent/guardian of his/her rights regarding student records, including the right to review, challenge and receive a copy of student records. (Education Code 49068; 5 CCR 438)

When a student transfers into this district from another, the Superintendent or designee shall request that the student's previous district provide any records, either maintained by that district in the ordinary course of business or received from a law enforcement agency, regarding acts committed by the transferring student that resulted in his/her suspension or expulsion. (Education Code 48201)

(cf. 4158/4258/4358 - Employee Security)

When a student transfers from this district to another school district or to a private school, the Superintendent or designee shall forward a copy of the student's mandatory permanent records as requested by the other district or private school. The original record or a copy shall be retained permanently by this district. If the transfer is to another California public school, the student's entire mandatory interim record shall be forwarded. If the transfer is out of state or to a private school, the mandatory interim record may be forwarded. Permitted student records may be forwarded to any other district or private school. (5 CCR 438)

(cf. 5118 - Transfers)

When informed that a district student in foster care is transferring to another local educational agency, the Superintendent or designee shall cooperate to ensure that the student's health and education records are transferred to the receiving district. The district shall transfer the records within five working days of receiving notification regarding the student's new educational placement. (Education Code 49069.5)

All student records shall be updated before they are transferred. (5 CCR 438)

Student records shall not be withheld from the requesting district because of any charges or fees owed by the student or parent/guardian. (5 CCR 438)

If the district is withholding grades, diploma or transcripts from the student because of his/her damage or loss of school property, this information shall be sent to the requesting district along with the student's records.

(cf. 5125.2 - Withholding Grades, Diploma or Transcripts)

#### Notification of Parents/Guardians

Upon students' initial enrollment and at the beginning of each year thereafter, the Superintendent or designee shall notify parents/guardians and eligible students, in writing, of their rights related to student records. Insofar as practicable, the district shall provide these notices in the student's home language and shall effectively notify parents/guardians or eligible students who are disabled. (Education Code 49063; 34 CFR 99.7)

(cf. 5145.6 - Parental Notifications)

The notice shall include information about: (Education Code 49063; 34 CFR 99.7, 99.34)

1. The types of student records kept by the district and the information contained therein

2. The titles of the officials responsible for maintaining each type of record
3. The location of the log identifying those who request information from the records
4. District criteria for defining "school officials and employees" and for determining "legitimate educational interest"
5. District policies for reviewing and expunging student records
6. The right to inspect and review student records, and the procedures for doing so
7. The right to challenge and the procedures for challenging the content of a student record that the parent/guardian or student believes to be inaccurate, misleading or otherwise in violation of the student's privacy rights

(cf. 5125.3 - Challenging Student Records)

8. The cost, if any, charged for duplicating copies of records
9. The categories of information defined as directory information pursuant to Education Code 49073
10. The right to consent to disclosures of personally identifiable information contained in the student's records except when disclosure without consent is authorized by law
11. The availability of the curriculum prospectus developed pursuant to Education Code 49091.14 containing the titles, descriptions and instructional aims of every course offered by the school

(cf. 5020 - Parent Rights and Responsibilities)

12. Any other rights and requirements set forth in Education Code 49060-49078, and the right of parents/guardians to file a complaint with the United States Department of Health, Education, and Welfare concerning an alleged failure by the district to comply with 20 USC 1232g

13. The notification shall also include a statement that the district forwards education records to other agencies or institutions that have requested the records and in which the student seeks or intends to enroll.

Regulation CLOVERDALE UNIFIED SCHOOL DISTRICT

approved: November 19, 2003 Cloverdale, California

# **Board Policy**

## **Release Of Directory Information**

BP 5125.1

### **Students**

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

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

(cf. 1112 - Media Relations)

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

Employers and prospective employers, including military services representatives, shall have access to directory information. (20 USC 7908; 10 USC 503)

(cf. 6164.2 - Guidance/Counseling Services)

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

(cf. 1113 - District and School Web Sites)

Legal Reference:

EDUCATION CODE

49061 Definitions

49063 Notification of parents of their rights

49073 Release of directory information

49073.5 Directory information; military representatives; telephone numbers

49603 Public high schools; military recruiting

UNITED STATES CODE, TITLE 10

503 Military recruiter access to directory information

UNITED STATES CODE, TITLE 20

1232g Family Educational Rights and Privacy Act

7908 Armed forces recruiter access to students and student recruiting information

CODE OF FEDERAL REGULATIONS, TITLE 34

99.1-99.67 Family Educational Rights and Privacy

Management Resources:

U.S. DEPARTMENT OF EDUCATION GUIDANCE

Access to High School Students and Information on Students by Military Recruiters, 2002

WEB SITES

United States Department of Education: <http://www.ed.gov>



adopted: November 19, 2003 Cloverdale, California

# **Administrative Regulation**

## **Release Of Directory Information**

AR 5125.1

### **Students**

#### Definition

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

1. Name
2. Address
3. Telephone number
4. Electronic mail address
5. Photograph
6. Date and place of birth
7. Major field of study

8. Participation in officially recognized activities and sports
9. Weight and height of athletic team members
10. Dates of attendance
11. Degrees and awards received
12. Most recent previous school attended

#### Notification to Parents/Guardians

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

(cf. 5125 - Student Records)

(cf. 5145.6 - Parental Notifications)

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

#### Parent/Guardian Consent

Directory information shall not be released regarding any student whose parent/guardian notifies the district in writing that such information may not be disclosed without the parent/guardian's prior consent. (Education Code 49073; 20 USC 1232g)

Military recruiters, employers or colleges shall not have access to a student's name, address and telephone number if the parent/guardian has notified the district in writing that such information shall not be released without his/her prior written consent. (P.L. 107-110, Section 9528)

Regulation CLOVERDALE UNIFIED SCHOOL DISTRICT

approved: November 19, 2003 Cloverdale, California

# **Administrative Regulation**

## **Withholding Grades, Diploma Or Transcripts**

AR 5125.2

### **Students**

When school property has been willfully damaged or not returned upon demand, the principal or designee shall inform the parent/guardian in writing of the responsible student's alleged misconduct and the reparation that may be due.

This notice shall include a statement that the district may withhold grades, diploma or transcripts from the student and parent/guardian until reparation is made.

(cf. 5131.5 - Vandalism, Theft and Graffiti)

(cf. 6161.2 - Damaged or Lost Instructional Materials)

If reparation is not made, the district shall afford the student his/her due process rights in conformance with Education Code expulsion procedures and may withhold the student's grades, diploma or transcripts.

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

If the student and parent/guardian are unable to pay for the damages or return the property, the principal or designee shall provide a program of voluntary work for the student to do. When this voluntary work is completed, the student's grades, diploma or transcripts shall be released. (Education Code 48904)

When a student from whom the district is withholding grades, diploma or transcripts transfers to another district, this information shall be sent to the new district with the student's records and a request that these items continue to be withheld until the new district receives notification that the debt has been

cleared.

The Superintendent or designee shall notify the parent/guardian in writing that this district's decision to withhold grades, diploma or transcript will be enforced by the new district. (Education Code 48904.3)

The district shall withhold grades, diploma or transcripts from any student transferring into the district whose misconduct caused a previous district to withhold them. When informed by the previous district that its decision has been rescinded, the district shall release these documents. (Education Code 48904.3)

(cf. 5125 - Student Records)

Legal Reference:

EDUCATION CODE

48904 Liability of parent

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

48911 Suspension by principal, designee or superintendent

49069 Absolute right to access

Regulation CLOVERDALE UNIFIED SCHOOL DISTRICT

approved: November 19, 2003 Cloverdale, California

# **Administrative Regulation**

## **Challenging Student Records**

AR 5125.3

### **Students**

The custodial parent/guardian of any student may submit to the Superintendent or designee a written request to correct or remove from his/her child's records any information concerning the child which he/she alleges to be any of the following: (Education Code 49070)

1. Inaccurate
2. An unsubstantiated personal conclusion or inference
3. A conclusion or inference outside of the observer's area of competence
4. Not based on the personal observation of a named person with the time and place of the observation noted
5. Misleading
6. In violation of the privacy or other rights of the student

(cf. 5121 - Grades/Evaluation of Student Achievement)

(cf. 5125 - Student Records)

When a student grade is challenged, the teacher who gave the grade shall be given an opportunity to

state orally, in writing, or both, the reasons for which the grade was given. Insofar as practicable, he/she shall be included in all discussions related to any grade change. In the absence of clerical or mechanical error, fraud, bad faith or incompetency, the student's grade as determined by the teacher shall be final. (Education Code 49066)

Within 30 days of receiving a request to correct or remove information from a record, the Superintendent or designee shall meet with the parent/guardian and with the employee (if still employed) who recorded the information in question. The Superintendent shall then sustain or deny the allegations. (Education Code 49070)

If the parent/guardian's allegations are sustained, the Superintendent shall order the correction or removal and destruction of the information. (Education Code 49070)

If the Superintendent denies the allegations, the parent/guardian may write within 30 days to appeal the decision to the Governing Board. Within 30 days of receiving the written appeal, the Board shall meet in closed session with the parent/guardian and the employee (if still employed) who recorded the information in question. The Board shall then decide whether or not to sustain or deny the allegations. If it sustains any or all of the allegations, the Superintendent shall immediately correct or remove and destroy the information from the student's records. (Education Code 49070)

The decision of the Board shall be final. If the decision of the Superintendent or Board is unfavorable to the parent/guardian, the parent/guardian shall have the right to submit a written statement of objections. This statement shall become a part of the student's record. (Education Code 49070)

Both the Superintendent and the Board have the option of appointing a hearing panel to assist in making the decision. The hearing panel may be used at the discretion of the Superintendent or the Board provided that the parent/guardian consents to releasing record information to panel members. (Education Code 49070, 49071)

The right to challenge a record becomes the sole right of the student when the student becomes 18 or attends a postsecondary institution. (Education Code 49061)

At the beginning of each school year, parents/guardians shall be notified of the availability of the above procedures for challenging student records. (Education Code 49063)



(cf. 1312 - Complaints Concerning the Schools)

(cf. 5145.6 - Parental Notifications)

Legal Reference:

EDUCATION CODE

49061 Definitions

49063 Notification of parents of their rights

49066 Grades; change of grade; physical education grade

49070 Challenging content of records

49071 Hearing panel

UNITED STATES CODE, TITLE 20

1232g Family Educational and Privacy Rights Act of 1974

Regulation CLOVERDALE UNIFIED SCHOOL DISTRICT

approved: November 19, 2003 Cloverdale, California

# **Administrative Regulation**

## **Awards For Achievement**

AR 5126

### **Students**

The Superintendent or designee may appoint an awards committee at each school to consider student accomplishments. This committee may consist of school administrators, teachers, parents and/or community members.

The committee shall submit recommendations for student awards to the Superintendent or designee for approval.

Individual awards in excess of \$200 must be expressly approved by the Board. (Education Code 44015)

### **Merit Diplomas**

To be eligible to receive the Golden State Seal Merit Diploma upon graduation, students shall complete all requirements for a high school diploma and shall demonstrate a mastery of at least six subject areas, four of which shall be mathematics, English language arts, science and United States history, with the remaining two subject areas selected by the student. (Education Code 51451)

(cf. 6143 - Courses of Study)

(cf. 6146.1 - High School Graduation Requirements/Standards of Proficiency)

To demonstrate mastery of these subject areas, students shall achieve the standards or achievement levels established by the State Board of Education for Golden State Examinations and other designated subject matter examinations. (Education Code 51452)

(cf. 6162.5 - Student Assessment)

The Superintendent or designee shall affix an insignia to the diploma and transcript of each student awarded the honors diploma. (Education Code 51454)

### Scholarship and Loan Fund

The district's scholarship and loan fund shall be administered by a committee composed of Board members, the Superintendent and other community, faculty, administrative and/or student representatives determined by the Board. (Education Code 35310)

Members of this committee shall be appointed by the Superintendent or designee and shall serve one-year terms.

The Superintendent shall serve as chairperson of the committee and chief executive officer of the fund. (Education Code 35311)

The committee shall meet at least once each fiscal year and at other such times as it may be called into session by the Superintendent. (Education Code 35312)

Scholarship and loan funds shall be deposited, administered and audited in accordance with Education Code 35314 and 35318.

The committee may accept gifts, donations and bequests made for the purposes of the fund. The committee also may prescribe conditions or restrictions on these gifts and bequests. The committee shall review any conditions imposed by the donor and make a recommendation to the Board as to the compatibility of such conditions with the intent and purpose of the fund. The Board may prohibit the committee from accepting any donation under conditions it finds incompatible with the fund's intent and purpose. (Education Code 35313)

(cf. 1260 - Educational Foundation)

(cf. 3290 - Gifts, Grants and Bequests)

The committee shall clearly identify all money in the fund and its separate trusts, if any, and all donors and recipients. (Education Code 35314)

The Superintendent or designee shall establish regulations governing applications for loans from the fund. Eligibility shall not be limited on account of race, creed, or country of origin. (Education Code 35316)

(cf. 1321 - Solicitation of Funds from and by Students)

The Superintendent or designee shall make periodic reports to the Board, at least annually, regarding the status and activity of the fund. (Education Code 35319)

Regulation CLOVERDALE UNIFIED SCHOOL DISTRICT

approved: November 19, 2003 Cloverdale, California

# **Board Policy**

## **Graduation Ceremonies And Activities**

BP 5127

### **Students**

High school graduation ceremonies shall be held to recognize those students who have earned a diploma by successfully completing the required course of study, satisfying district standards, and passing any required assessments. The Governing Board believes that these students deserve a public celebration that recognizes the significance of their achievement and encourages them to continue the pursuit of learning throughout their lives.

(cf. 3260 - Fees and Charges)

(cf. 6011 - Academic Standards)

(cf. 6143 - Courses of Study)

(cf. 6146.1 - High School Graduation Requirements)

(cf. 6162.52 - High School Exit Examination)

(cf. 6146.4 - Differential Graduation and Competency Standards for Students with Disabilities)

At the discretion of the Superintendent or designee, a student who will complete graduation requirements during the summer may participate in graduation exercises without receiving his/her diploma. When the requirements have been satisfied, a diploma shall be sent to the student.

The school or district shall not direct invocations, prayers or benedictions at graduation ceremonies.

(cf. 1330 - Use of School Facilities)

(cf. 5145.2 - Freedom of Speech/Expression)

## Disciplinary Considerations

In order to encourage high standards of student conduct and behavior, the principal may deny a student the privilege of participating in graduation ceremonies and/or activities in accordance with school rules. School rules shall ensure that prior to denial of the privilege(s), the student, and where practicable his/her parent/guardian, is made aware of the grounds for such denial and that the student is given an opportunity to respond to the proposed denial. If privilege(s) are to be denied, the student and parent/guardian shall receive written notice of the denied privilege and the means whereby he/she may appeal this decision.

(cf. 5125.2 - Withholding Grades, Diploma or Transcripts)

(cf. 5144 - Discipline)

(cf. 6161.2 - Damaged or Lost Instructional Materials)

## Honors and Awards

To honor superior academic achievement, graduation ceremonies shall include recognition of valedictorian(s) and salutatorian(s). The Superintendent or designee shall establish procedures that ensure a fair determination of the valedictorian(s) and salutatorian(s).

(cf. 5121 - Grades/Evaluation of Student Achievement)

The Superintendent or designee shall identify other school-sponsored awards which may be given during graduation exercises. A separate awards program may be held to recognize graduating students receiving other school and nonschool awards.

(cf. 5126 - Awards for Achievement)

Foreign exchange students may receive honorary diplomas during the graduation ceremony. (Education Code 51225.5)

(cf. 6145.6 - International Exchange)

## Elementary/Middle School Promotion Exercises

The Board desires that each elementary and middle school provide age-appropriate promotion exercises to recognize students who have completed the school's course of study.

### Legal Reference:

#### EDUCATION CODE

38119 Lease of personal property; caps and gowns

48904 Liability of parent or guardian; withholding of grades, diplomas, transcripts

51225.5 Honorary diplomas; foreign exchange students

51400-51403 Elementary school diploma

51410-51412 Diplomas

#### COURT DECISIONS

Cole v. Oroville Union High School District, (2000, 9th Cir.) 228 F.3d 1092

Santa Fe Independent School District v. Doe, (2000) 530 U.S. 290

Lee v. Weisman, (1992) 112 S.Ct. 2649

Sands v. Morongo Unified School District, (1991) 53 Cal. 3d 863

Lemon v. Kurtzman, (1971) 403 U.S. 602

### Management Resources:

#### CDE PROGRAM ADVISORIES

0615.89 Granting credit for passing GED, SPB:88/89-11

#### WEB SITES

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

Policy CLOVERDALE UNIFIED SCHOOL DISTRICT

adopted: November 19, 2003 Cloverdale, California



# Board Policy

## Conduct

BP 5131

## Students

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

Behavior is considered appropriate when students are diligent in study, careful with school property, courteous, and respectful towards their teachers, other staff, students and volunteers.

(cf. 5131.1 - Bus Conduct)

(cf. 5137 - Positive School Climate)

The Superintendent or designee shall ensure that each school site develops standards of conduct and discipline consistent with district policies and administrative regulations.

Students and parents/guardians shall be notified of district and school rules related to conduct and shall receive regular instruction regarding these rules. In addition, parents/guardians and students may be provided information about early warning signs of harassing/intimidating behaviors as well as prevention and intervention strategies.

Prohibited student conduct includes but is not limited to:

1. Behavior that endangers staff and/or students

(cf. 0450 - Comprehensive Safety Plan)

(cf. 5131.7 - Weapons and Dangerous Instruments)

(cf. 5136 - Gangs)

(cf. 5142 - Safety)

2. Behavior that disrupts the orderly classroom or school environment

(cf. 5131.4 - Campus Disturbances)

3. Harassment or bullying of students or staff; including, but not limited to, cyberbullying, intimidation, 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, in accordance with the section entitled "Bullying/Cyberbullying" below

Cyberbullying includes the transmission of communications, posting of harassing messages, direct threats, or other harmful texts, sounds, or images on the Internet, social networking sites, or other digital technologies using a telephone, computer, or any wireless communication device. Cyberbullying also includes breaking into another person's electronic account and assuming that person's identity or actions that create a hostile environment and/or transmission of obscene words or images.

(cf. 5145.3 - Nondiscrimination/Harassment)

(cf. 5145.7 - Sexual Harassment)

(cf. 5145.9 - Hate-Motivated Behavior)

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

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

(cf. 5131.5 - Vandalism, Theft and Graffiti)

5. Possession or use of laser pointers, unless used for a valid instructional or other school-related purpose, including employment (Penal Code 417.27)

Prior to bringing a laser pointer on school premises, students shall first obtain permission from the principal or designee. The principal or designee shall determine whether the requested use of the laser pointer is for a valid instructional or other school-related purpose.

6. Profane, vulgar or abusive language

(cf. 5145.2 - Freedom of Speech/Expression)

7. Plagiarism or dishonesty in school work or on tests

(cf. 5131.9 - Academic Honesty)

(cf. 6162.54 - Test Integrity/Test Preparation)

(cf. 6162.6 - Use of Copyrighted Materials)

(cf. 6163.4 - Student Use of Technology)

8. Inappropriate dress

(cf. 5132 - Dress and Grooming)

9. Tardiness and unexcused absence from school

(cf. 5113 - Absences and Excuses)

(cf. 5113.1 - Truancy)

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

(cf. 5112.5 - Open/Closed Campus)

11. Possession, use, or being under the influence of tobacco, alcohol, or other prohibited drugs, such as steroids

(cf 5131.6 Alcohol and Other Drugs)

(cf. 5131.62- Tobacco)

(cf 5131.63 Steroids)

12. Possession of Cellular Phones and Other Electronic Signaling Devices

Students may possess or use electronic signaling devices, including but not limited to pagers, beepers and cellular/digital telephones, as well as other mobile communications

devices including, but not limited to, digital media players, personal digital assistants (PDAs), compact disc players, portable game consoles, cameras, digital scanners, and laptop computers, provided that such devices do not disrupt the educational program or school activity. Electronic signaling devices

shall be turned off during class time and at any other time directed by a district employee. If disruption occurs, the employee may direct the student to turn off the device and/or confiscate the device until the end of the class period, school day or activity.

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 health-related purposes. (Education Code 48901.5)

In accordance with BP/AR 5145.12 Search and Seizure, a school official may search a student's mobile communications device, including, but not limited to, reviewing Messages or viewing pictures.

(cf. 5145.12- Search and Seizure)

Students shall not use mobile communications devices, even in hands-free mode, while driving on school grounds or to and from a school-related activity.

A student who violates this policy may be prohibited from possessing a mobile communications device at school or school-related events and/or may be subject to further discipline in accordance with Board policy and administrative regulation.

### Bullying/Cyberbullying

The Board desires to prevent bullying by establishing a positive, collaborative school climate and clear rules.

(cf. 5137 Positive School Climate)

(cf. 5138 Conflict Resolution/Peer Mediation)

(cf. 6164.2 Guidance/Counseling Services)

The district shall provide students with instruction, in the classroom or other educational settings, that promotes communication, social skills, and assertiveness skills and educates students about appropriate online behavior and strategies to prevent and respond to bullying and cyberbullying.

(cf. 1220 Citizen Advisory Committees)

(cf. 6163.4 Student Use of Technology)

School staff shall receive related professional development, including information about early warning signs of harassing/intimidating behaviors and effective prevention and intervention strategies.

Parents/guardians, students, and community members also may be provided with similar information.

(cf. 4131 Staff Development)

(cf. 4231 Staff Development)

(cf. 4331 Staff Development)

(cf.5136-Gangs)

Students may submit a verbal or written complaint of conduct they consider to be bullying to a teacher or administrator. Complaints of bullying shall be investigated and resolved in accordance with site-level grievance procedures specified in AR 5145.7 Sexual Harassment.

When a student is suspected of or reported to be using electronic or digital communications to engage in

cyberbullying against other students or staff; or to threaten district property, the investigation shall include documentation of the activity, identification of the source, and specific facts or circumstances that explain the impact or potential impact on school activity, school attendance, or the targeted students' educational performance. Students shall be encouraged to save and print any messages sent to them that they feel constitute cyberbullying and to notify a teacher, the principal, or other employee so that the matter may be investigated.

Any student who engages in cyberbullying on school premises, or off campus in a manner that causes or is likely to cause a substantial disruption of a school activity or school attendance, shall be subject to discipline in accordance with district policies and regulations. If the student is using a social networking site or service that has terms of use that prohibit posting of harmful material, the Superintendent or designee also may file a complaint with the Internet site or service to have the material removed.

### Enforcement of Standards

Employees are expected to provide appropriate supervision to enforce standards of conduct and, if they observe or become aware 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 administrator for further investigation.

Students who violate district or school rules and regulations may be subject to discipline, including but not limited to suspension, expulsion or transfer to alternative programs in accordance with Board policy and administrative regulation. In addition, when the conduct involves intimidation, harassment, or other endangerment of a student or employee, the Superintendent or designee shall provide appropriate assistance as necessary for the victim and the offender or make appropriate referrals for such assistance.

(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)

(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. 6164.2 - Guidance/Counseling Services)

(cf. 6182 - Opportunity School/Class/Program)

(cf. 6184 - Continuation Education)

(cf. 6185 - Community Day School)

Legal Reference:

## EDUCATION CODE

200-262.4 Prohibition of discrimination

3226.1 Bullying

3518.1 Governing board policy on responsibilities of students

3529.1-35291.5 Rules

4480.7 Duty concerning conduct of students

4890-4892.5 Suspension or expulsion, especially:

4890.8 Duties of students

5151.2 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

245.6 Hazing

288.2 Harmful matter with intent to seduce

313 Harmful matter

417.25-417.27 Laser scope

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

647.7 Use of camera or other instrument to invade person's privacy; punishment

653.2 Electronic communication devices, threats to safety

## VEHICLE CODE

23124 Use of cellular phones provisional license holders

## CODE OF REGULATIONS, TITLE 5

300-307 Duties of pupils

## UNITED STATES CODE, TITLE 42

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

## UNITED STATES CODE, TITLE 47

254 Universal service discounts (c-rate)

## COURT DECISIONS

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

LaVine v. Blaine School District, (2000, 9th Cir.) 257 R3d 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

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

Management Resources:

## CSBA PUBLICATIONS

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

## CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

Bullying at School, 2003

## NATIONAL SCHOOL BOARDS ASSOCIATION PUBLICATIONS

Digital Discipline: Off-Campus Student Conduct, the First Amendment and Web Sites, School Law in Review, 2001

## NATIONAL SCHOOL SAFETY CENTER PUBLICATIONS

Bullying in School: Fighting the Bullying Battle, 2006

## WEB SITES

CDE, Safe Schools and Violence Prevention Office: <http://www.cde.ca.gov/spbranch/safety>

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

California Cybersafety for Children: <http://www.cybersafety.ca.gov>

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

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>

Policy CLOVERDALE UNIFIED SCHOOL DISTRICT

adopted: November 19, 2003

revised: June 27, 2012

Cloverdale, California

# **Administrative Regulation**

## **Bus Conduct**

AR 5131.1

### **Students**

Because school bus passengers' behavior can directly affect their safety and the safety of others, the following regulations apply at all times when students are riding a school bus, including school activity trips.

1. Riders shall follow the instructions and directions of the bus driver at all times.

(cf. 3542 - School Bus Drivers)

2. Riders should arrive at the bus stop on time and stand in a safe place to wait quietly for the bus.
3. Riders shall enter the bus in an orderly manner and go directly to their seats.
4. Riders shall remain seated while the bus is in motion and shall not obstruct the aisle with their legs, feet, or other objects. When reaching their destination, riders shall remain seated until the bus stops and only then enter the aisle and go directly to the exit.
5. Riders should be courteous to the driver and to fellow passengers.
6. Because serious safety hazards can result from noise or behavior that distracts the driver, loud talking, laughing, yelling, singing, whistling, scuffling, throwing objects, smoking, eating, drinking, standing and changing seats are prohibited actions which may lead to suspension of riding privileges.
7. No part of the body, hands, arms or head should be put out of the window. Nothing should be thrown from the bus.

8. Riders shall help keep the bus and the area around the bus stop clean. Riders shall not damage or deface the bus or tamper with bus equipment.
9. No animals shall be allowed on the bus without express permission from the principal or designee.
10. Riders should be alert for traffic when leaving the bus.

Riders who fail to comply with the above rules shall be reported to the school principal, who shall determine the severity of the misconduct and take action accordingly. In all instances of misconduct, the rider and his/her parent/guardian shall be given notice and warning. In the case of a severe violation or repeated offenses, the rider may be denied transportation for a period of time determined by the principal, up to the remainder of the school year.

Bus drivers shall not deny transportation except as directed by the principal.

Regulation CLOVERDALE UNIFIED SCHOOL DISTRICT

approved: November 19, 2003 Cloverdale, California



# **Board Policy**

## **Bullying**

BP 5131.2

### **Students**

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

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

(cf. 5131 - Conduct)

(cf. 5136 - Gangs)

(cf. 5145.3 - Nondiscrimination/Harassment)

(cf. 5145.7 - Sexual Harassment)

(cf. 5145.9 - Hate-Motivated Behavior)

Cyberbullying includes the transmission of harassing communications, direct threats, or other harmful texts, sounds, or images on the Internet, social media, or other technologies using a telephone, computer, or any wireless communication device. Cyberbullying also includes breaking into another person's electronic account and assuming that person's identity in order to damage that person's reputation.

(cf. 5145.2 - Freedom of Speech/Expression)

### **Bullying Prevention**

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

(cf. 5137 - Positive School Climate)

(cf. 6164.2 - Guidance/Counseling Services)

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

(cf. 6163.4 - Student Use of Technology)

(cf. 6142.8 - Comprehensive Health Education)

(cf. 6142.94 - History-Social Science Instruction)

School staff shall receive related professional development, including information about early warning signs of harassing/intimidating behaviors and effective prevention and intervention strategies.

(cf. 4131 - Staff Development)

(cf. 4231 - Staff Development)

(cf. 4331 - Staff Development)

#### Intervention

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

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

As appropriate, the Superintendent or designee shall notify the parents/guardians of victims and perpetrators. He/she also may involve school counselors, mental health counselors, and/or law enforcement.

#### Complaints and Investigation

Students may submit to a teacher or administrator a verbal or written complaint of conduct they consider to be bullying. Complaints of bullying shall be investigated and resolved in accordance with site-level grievance procedures specified in AR 5145.7 - Sexual Harassment.

When a student is reported to be engaging in bullying off campus, the Superintendent or designee shall investigate and document the activity and shall identify specific facts or circumstances that explain the impact or potential impact on school activity, school attendance, or the targeted student's educational performance.

When the circumstances involve cyberbullying, individuals with information about the activity shall be encouraged to save and print any electronic or digital messages sent to them that they feel constitute cyberbullying and to notify a teacher, the principal, or other employee so that the matter may be investigated.

If the student is using a social networking site or service that has terms of use that prohibit posting of harmful material, the Superintendent or designee also may file a complaint with the Internet site or service to have the material removed.

#### Discipline

Any student who engages in bullying on school premises, or off campus in a manner that causes or is likely to cause a substantial disruption of a school activity or school attendance, shall be subject to discipline, which may include suspension or expulsion, in accordance with district policies and regulations.

(cf. 5138 - Conflict Resolution/Peer Mediation)

(cf. 5144 - Discipline)

(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)

Legal Reference:

EDUCATION CODE

200-262.4 Prohibition of discrimination

32282 Comprehensive safety plan

35181 Governing board policy on responsibilities of students

35291-35291.5 Rules

48900-48925 Suspension or expulsion

48985 Translation of notices

PENAL CODE

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

647.7 Use of camera or other instrument to invade person's privacy; punishment

653.2 Electronic communication devices, threats to safety

UNITED STATES CODE, TITLE 47

254 Universal service discounts (e-rate)

COURT DECISIONS

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

Lavine v. Blaine School District, (2002) 279 F.3d 719

Management Resources:

CSBA PUBLICATIONS

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

Health Education Content Standards for California Public Schools: Kindergarten Through Grade Twelve, 2008

Bullying at School, 2003

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

Dear Colleague Letter: Harassment and Bullying, October 2010

WEB SITES

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

California Cybersafety for Children: <http://www.cybersafety.ca.gov>

California Department of Education, Safe Schools Office: <http://www.cde.ca.gov/lr/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, Office for Civil Rights: <http://www.ed.gov/about/offices/list/ocr>

Policy  
adopted: June 26, 2013

CLOVERDALE UNIFIED SCHOOL DISTRICT  
Cloverdale, California

# **Administrative Regulation**

## **Campus Disturbances**

AR 5131.4

### **Students**

All school staff shall respond to campus disturbances in accordance with the school's response plan. Response plans shall describe:

1. The means which will be used to signal an emergency situation and maintain communication among staff and with the Superintendent or designee.
2. Each staff member's specific duties during a disturbance.
3. Procedures for ensuring the safety of students and staff.
4. Conditions, as prearranged with law enforcement authorities, under which the principal or designee shall:
  - a. Inform the police
  - b. Secure police assistance
  - c. Give the police responsibility for a specific crisis situation
5. Procedures for the orderly dismissal of school when authorized by the principal or designee.

All media inquiries during crisis situations shall be routed to the Superintendent or designee.

(cf. 1112 - Media Relations)

#### Extension of Class Period

During any disturbance in which additional students might become involved while changing classes, the principal or designee may notify all staff that the present class period will be extended until further notice. Upon receiving this notification:

1. Teachers shall ensure that all students in their charge remain in one location under their supervision.
2. Teachers shall ask any students who are in the halls to return to their classes at once.

#### Prohibited Activities

1. Disturbing the Peace

It is a misdemeanor to intentionally cause or attempt to cause a riot by engaging in conduct which urges a riot or urges others to act forcefully or violently, or to burn or destroy property under circumstances which produce a clear, present, and immediate danger of such acts occurring. (Penal Code 404.6)

Anyone who, in a public place, fights, challenges another to fight, or uses offensive words likely to provoke a fight is guilty of a misdemeanor. (Penal Code 415)

2. Disruption of School Operations

Students shall be subject to disciplinary action for any exercise of free expression which so incites students as to create a clear and present danger of the commission of unlawful acts on school

premises or the violation of lawful school regulations, or the substantial disruption of the orderly operation of the school, such as may occur when students:

- a. Organize or participate in unauthorized assemblies on school premises.
- b. Participate in sit-ins or stand-ins which deny students or employees normal access to school premises.

3. Refusal to Disperse

Persons who assemble for the purpose of disturbing the public peace or committing any unlawful act are severally guilty of a misdemeanor if they do not disperse when desired or commanded to do so by a public officer. (Penal Code 416)

Persons who remain present at the place of any riot, rout or unlawful assembly after being lawfully warned to disperse are guilty of a misdemeanor. (Penal Code 409)

4. Boycotts

Students participating in any protest that involves nonattendance at school or at a school activity where attendance is required shall be identified as truant, regardless of any parental approval of their act.

Regulation CLOVERDALE UNIFIED SCHOOL DISTRICT

approved: November 19, 2003 Cloverdale, California

# **Board Policy**

## **Vandalism, Theft And Graffiti**

BP 5131.5

### **Students**

The Governing Board considers vandalism a very serious matter. Vandalism includes the negligent, willful, or unlawful damaging or theft of any district-owned real or personal property, including the writing of graffiti.

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

Any district student who commits an act of vandalism shall be subject to disciplinary action by the district and also may be prosecuted through other legal means. If reparation of damages is not made, the district also may withhold the student's grades, diploma and/or transcripts in accordance with law.

(cf. 5125.2 - Withholding Grades, Diploma or Transcripts)

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

Legal Reference:

#### **EDUCATION CODE**

48900 Grounds for suspension or expulsion

48904 Willful misconduct, limit of liability of parent or guardian

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

#### **CIVIL CODE**



1714.1 Liability of parent or guardian for act of willful misconduct by a minor

GOVERNMENT CODE

53069.5 Reward for information concerning person causing death, injury, or property damage; liability for reward

PENAL CODE

594 Vandalism

640.5 Graffiti; facilities or vehicles of governmental entity

640.6 Graffiti

CODE OF REGULATIONS, TITLE 5

305 Pupil responsible for care of property

Policy CLOVERDALE UNIFIED SCHOOL DISTRICT

adopted: November 19, 2003 Cloverdale, California

# **Administrative Regulation**

## **Alcohol And Other Drugs**

AR 5131.6

### **Students**

#### Instruction

Students shall receive instruction by appropriately trained instructors about the nature and effects of alcohol and other drugs, including dangerous drugs defined by Health and Safety Code 11032. (Education Code 51260)

Site administrators shall determine that drug education instructors possess: (Education Code 51260)

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

At all grade levels, instruction shall include a study of the effects of alcohol and other drugs upon the human system, as determined by science. Instruction shall be sequential in nature and suited to meet the needs of students at their respective grade level. (Education Code 51203, 51260)

In grades 1 through 6, instruction in drug education should be given in health courses required by Education Code 51210. (Education Code 51260)

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

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

(cf. 6143 - Courses of Study)

The district drug education program shall augment county drug education services, if any. District staff shall take every opportunity to cooperate with county office of education staff in planning and implementing collaborative alcohol and drug prevention programs. (Education Code 51260, 51268)

#### Intervention

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

If the principal or designee knows, observes or suspects that a student may be under the influence of alcohol or drugs, he/she may notify the parent/guardian. (Education Code 44049)

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

(cf. 5022 - Student and Family Privacy Rights)

In cases of medical emergency, the principal is authorized to call an ambulance to remove the student to a hospital. Parents/guardians will be notified of this action and shall be responsible for the incurred

expenses.

(cf. 5141 - Health Care and Emergencies)

#### Enforcement/Discipline

Staff shall notify the principal or designee immediately upon suspecting a student is selling, providing or using alcohol or other drugs.

When any student uses, possesses or sells alcohol or illegal drugs at school or while under school jurisdiction, the following shall result:

1. Parent/guardian contact
2. Suspension or expulsion in accordance with law or Board policy

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

3. Contact with law enforcement authority within one school day of the suspension (Education Code 48902)

In addition, the following actions may be taken:

1. Referral to an appropriate counseling program
2. Transfer/alternative placement
3. Restriction from all extracurricular activities, including athletics, for the length of the semester

(cf. 6145 - Extracurricular and Cocurricular Activities)

Regulation CLOVERDALE UNIFIED SCHOOL DISTRICT

approved: November 19, 2003 Cloverdale, California

# **Administrative Regulation**

## **Tobacco**

AR 5131.62

## **Students**

### Tobacco Use Prevention Education

Instruction for students in grades 4 through 8 shall address the following topics: (Health and Safety Code 104420)

1. Immediate and long-term undesirable physiologic, cosmetic and social consequences of tobacco use
2. Reasons that adolescents say they smoke or use tobacco
3. Peer norms and social influences that promote tobacco use
4. Refusal skills for resisting social influences that promote tobacco use

The district's program for grades 9 through 12 shall:

1. Target current smokers and students who are most at risk for beginning to use tobacco, including young women, low-achieving students, students from families whose members include tobacco users, and students who associate with peers who use tobacco
2. Offer or refer students to precessation readiness classes or cessation classes for current smokers

3. Utilize existing antismoking resources

(cf. 6142.8 - Comprehensive Health Education)

(cf. 6143 - Courses of Study)

Regulation CLOVERDALE UNIFIED SCHOOL DISTRICT

approved: November 19, 2003 Cloverdale, California

# **Board Policy**

## **Anabolic Steroids**

BP 5131.63

### **Students**

The Governing Board recognizes that the use of anabolic steroids presents a serious health and safety hazard. As part of the district's drug prevention and intervention efforts, the Superintendent or designee and staff shall make every effort to ensure that students do not begin or continue the use of anabolic steroids.

(cf. 5131.6 - Alcohol and Other Drugs)

(cf. 5131.61 - Drug Testing)

Students participating in athletics are prohibited from using anabolic steroids or any other performance-enhancing drugs. Coaches shall inform students about this prohibition and the dangers of using such drugs or supplements (such as creatine and ephedra).

(cf. 6145.2 - Athletic Competition)

The Superintendent or designee shall ensure that students in grades 7-12 receive a lesson on the effects of anabolic steroids as part of their science, health, physical education or drug education program.

The Superintendent or designee shall provide teachers and coaching staff with training in the symptoms and dangers of the use of performance-enhancing substances and strategies for helping students terminate the use of such substances.

(cf. 4131 - Staff Development)

(cf. 4231 - Staff Development)



Legal Reference:

EDUCATION CODE

51262 Use of anabolic steroids; legislative finding and declaration

CIVIL CODE

1812.97 Warning statement; posting in athletic facilities

Policy CLOVERDALE UNIFIED SCHOOL DISTRICT

adopted: November 19, 2003 Cloverdale, California

# **Administrative Regulation**

## **Anabolic Steroids**

AR 5131.63

### **Students**

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

**Warning: Use of steroids to increase strength or growth can cause serious health problems. Steroids can keep teenagers from growing to their full height; they can also cause heart disease, stroke, and damaged liver function. Men and women using steroids may develop fertility problems, personality changes, and acne. Men can also experience premature balding and development of breast tissue. These health hazards are in addition to the civil and criminal penalties for unauthorized sale, use, or exchange of anabolic steroids.**

Regulation CLOVERDALE UNIFIED SCHOOL DISTRICT

approved: November 19, 2003 Cloverdale, California

# **Board Policy**

## **Weapons And Dangerous Instruments**

BP 5131.7

### **Students**

The Governing Board desires students and staff to be free from the fear and danger presented by firearms and other weapons. The Board therefore prohibits any person other than authorized law enforcement or security personnel from possessing weapons, imitation firearms, or dangerous instruments of any kind in school buildings, on school grounds or buses, or at a school-related or school-sponsored activity away from school.

(cf. 3515.3 - District Police/Security Department)

### **Possession of Weapons**

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

(cf. 0450 - Comprehensive Safety Plan)

(cf. 4158/4258/4358 - Employee Security)

Students possessing without permission or threatening others with a weapon, dangerous instrument or imitation firearm are subject to suspension and/or expulsion in accordance with law, Board policy and administrative regulations. The district requires expulsion for not less than a year of any student in possession of a firearm at school.

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

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

The principal or designee shall notify law enforcement authorities when any student possesses a weapon or commits any act of assault with a firearm or other weapon. (20 USC 7151; Education Code 48902; Penal Code 245, 626.9, 626.10)

Upon written permission of the principal or designee, a student may possess a weapon on school grounds when necessary for a school-sponsored activity or class. The principal or designee shall inspect the weapon to ensure that necessary safety precautions have been taken.

The Board recognizes that students age 16 or older may legally possess tear gas or tear gas weapons such as pepper spray for the purpose of self-defense. However, to prevent potential misuse that may harm students or staff, students are prohibited from carrying such items on campus or at school activities.

#### Reporting of Injurious Objects

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

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

(cf. 5138 - Conflict Resolution/Peer Mediation)

Legal Reference:

EDUCATION CODE

35291 Governing board to prescribe rules for discipline of the schools

48900 Grounds for suspension/expulsion

48902 Notification of law enforcement authorities

48915 Required recommendation for expulsions

48916 Readmission

49330-49335 Injurious objects

#### PENAL CODE

245 Assault with deadly weapon

417.4 Imitation firearm; drawing or exhibiting

626.9 Gun-Free School Zone Act of 1995

626.10 Dirks, daggers, knives, razor or stun gun; bringing or possessing in school or on school grounds; exception

653k Soliciting a minor to commit certain felonies

12001 Control of deadly weapons

12020-12036 Unlawful carrying and possession of concealed weapons

12220 Unauthorized possession of a machinegun

12401 Tear gas

12402 Tear gas weapon

12403.7 Weapons approved for self defense

12403.8 Minors 16 or over; tear gas and tear gas weapons

12555 Imitation firearms

#### UNITED STATES CODE, TITLE 20

6301-7941 No Child Left Behind Act; especially:

7151 Gun-Free Schools Act

Management Resources:

#### CDE COMMUNICATIONS

0401.01 Protecting Student Identification in Reporting Injurious Objects

## CSBA PUBLICATIONS

911: A Manual for Schools and the Media During a Campus Crisis, 2001

Protecting Our Schools: Governing Board Strategies to Combat School Violence, 1999

## WEB SITES

California Attorney General's Crime and Violence Prevention Center: <http://www.safestate.org>

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

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

National Alliance for Safe Schools: <http://www.safeschools.org>

National School Safety Center: <http://www.nssc1.org>

U.S. Department of Education, Safe Schools: <http://www.ed.gov/about/offices/list/osers/osep/gtss.html>

Policy CLOVERDALE UNIFIED SCHOOL DISTRICT

adopted: November 19, 2003 Cloverdale, California

revised: March 21, 2007

# Administrative Regulation

## Weapons And Dangerous Instruments

AR 5131.7

### Students

Weapons and dangerous instruments include, but are not limited to:

1. Firearms: pistols, revolvers, shotguns, rifles, "zip guns," "stun guns," tasers, and any other device capable of propelling a projectile by the force of an explosion or other form of combustion
2. Knives: any dirks, daggers or other weapons with a fixed, sharpened blade fitted primarily for stabbing, weapons with a blade fitted primarily for stabbing, weapons with a blade longer than 3-1/2 inches, folding knives with a blade that locks into place, and razors with an unguarded blade (Education Code 48915)
3. Explosive and/or incendiary devices: pipe bombs, time bombs, cap guns, containers of inflammable fluids, and other hazardous devices
4. Any instrument that expels a metallic projectile, such as a BB or a pellet, through the force of air pressure, carbon dioxide pressure or spring action, or any spot marker gun (Penal Code 626.10)
5. Any other dangerous device, instrument or weapon, especially those defined in Penal Code 12020, including a blackjack, slingshot, billy, nunchaku, sandclub, sandbag, metal knuckles, or any metal plate with three or more radiating points with one or more sharp edges designed for use as a weapon
6. Any imitation firearm, defined as a replica of a firearm that is so substantially similar in physical properties to an existing firearm as to lead a reasonable person to conclude that the replica is a firearm (Education Code 48900)

If an employee knows that a student possesses any of the above devices, he/she shall use his/her own judgment as to the dangerousness of the situation and, based upon this analysis, shall do one of the following:

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

(cf. 4158/4258/4358 - Employee Security)

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

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

Regulation CLOVERDALE UNIFIED SCHOOL DISTRICT

approved: November 19, 2003 Cloverdale, California



# **Board Policy**

## **Academic Honesty**

BP 5131.9

### **Students**

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

(cf. 5131 - Conduct)

(cf. 6162.6 - Use of Copyrighted Materials)

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

(cf. 5137 - Positive School Climate)

(cf. 5144 - Discipline)

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

(cf. 1220 - Citizen Advisory Committee)

Legal Reference:

EDUCATION CODE

35291-35291.5 Rules

Policy CLOVERDALE UNIFIED SCHOOL DISTRICT

adopted: November 19, 2003 Cloverdale, California

# **Board Policy**

## **Dress And Grooming**

BP 5132

### **Students**

The Governing Board believes that appropriate dress and grooming contribute to a productive learning environment. The Board expects students to give proper attention to personal cleanliness and to wear clothes that are suitable for the school activities in which they participate. Students' clothing must not present a health or safety hazard or a distraction which would interfere with the educational process.

(cf. 4119.22 - Dress and Grooming)

(cf. 5145.2 - Freedom of Speech/Expression)

Students and parents/guardians shall be informed about dress and grooming standards at the beginning of the school year and whenever these standards are revised. A student who violates these standards shall be subject to appropriate disciplinary action.

(cf. 5144 - Discipline)

### **Gang-Related Apparel**

The principal, staff and parents/guardians at a school may establish a reasonable dress code that prohibits students from wearing gang-related apparel when there is evidence of a gang presence that disrupts or threatens to disrupt the school's activities. Such a dress code may be included as part of the school safety plan and must be presented to the Board for approval. The Board shall approve the plan upon determining that it is necessary to protect the health and safety of the school's students.

(cf. 0450 - Comprehensive Safety Plan)

(cf. 5136 - Gangs)

## Uniforms

In order to promote student safety and discourage theft, peer rivalry and/or gang activity, the principal, staff and parents/guardians at a school may establish a reasonable dress code requiring students to wear uniforms. Such a dress code may be included as part of the school safety plan and must be presented to the Board for approval. The Board shall approve the plan upon determining that it is necessary to protect the health and safety of the school's students.

If a school's plan to require uniforms is adopted, the Superintendent or designee shall establish procedures whereby parents/guardians may choose to have their children exempted from the school uniform policy. Students shall not be penalized academically, otherwise discriminated against or denied attendance to school if their parents/guardians so decide. (Education Code 35183)

The Superintendent or designee shall ensure that resources are identified to assist economically disadvantaged students in obtaining uniforms.

## Legal Reference:

### EDUCATION CODE

35183 School dress codes; uniforms

35183.5 Sun-protective clothing

32281 School safety plans

48907 Student exercise of free expression

49066 Grades; effect of physical education class apparel

### CODE OF REGULATIONS, TITLE 5

302 Pupils to be neat and clean on entering school

### COURT DECISIONS

Marvin H. Jeglin et al v. San Jacinto Unified School District et al, (C.D. Cal. 1993)

827 F.Supp. 1459

Arcadia Unified School District v. California Department of Education, (1992) 2 Cal. 4th 251

Hartzell v. Connell, (1984) 35 Cal. 3d 899

Policy CLOVERDALE UNIFIED SCHOOL DISTRICT

adopted: November 19, 2003 Cloverdale, California

# **Administrative Regulation**

## **Dress And Grooming**

AR 5132

### **Students**

In cooperation with teachers, students and parents/guardians, the principal or designee shall establish school rules governing student dress and grooming which are consistent with law, Governing Board policy and administrative regulations. These school dress codes shall be regularly reviewed.

(cf. 0420 - School Plans/Site Councils)

Each school shall allow students to wear sun-protective clothing, including but not limited to hats, for outdoor use during the school day. (Education Code 35183.5)

In addition, the following guidelines shall apply to all regular school activities:

1. Shoes must be worn at all times. No open toed shoes K-8.
2. Clothing, jewelry and personal items (backpacks, fanny packs, gym bags, water bottles etc.) shall be free of writing, pictures or any other insignia which are crude, vulgar, profane or sexually suggestive, which bear drug, alcohol or tobacco company advertising, promotions and likenesses, or which advocate racial, ethnic or religious prejudice.
3. Hats, caps and other head coverings shall not be worn indoors.
4. Clothes shall be sufficient to conceal undergarments at all times. No see-through or fish-net fabrics, halter tops, off-the-shoulder or low-cut tops, bare midriffs and skirts or shorts shorter than mid-thigh are permitted.

5. Gym shorts may not be worn in classes other than physical education.
  
6. Hair shall be clean and neatly groomed. Hair may not be sprayed by any coloring that would drip when wet. No hair nets are permitted.

Coaches and teachers may impose more stringent dress requirements to accommodate the special needs of certain sports and/or classes.

(cf. 3260 - Fees and Charges)

No grade of a student participating in a physical education class shall be adversely affected if the student does not wear standardized physical education apparel because of circumstances beyond the student's control. (Education Code 49066)

(cf. 5121 - Grades/Evaluation of Student Achievement)

The principal, staff, students and parent/guardians at each school may establish reasonable dress and grooming regulations for times when students are engaged in extracurricular or other special school activities.

#### Gang-Related Apparel

At individual schools that have a dress code prohibiting gang-related apparel at school or school activities, the principal, staff and parents/guardians participating in the development of the school safety plan shall define "gang-related apparel" and shall limit this definition to apparel that reasonably could be determined to threaten the health and safety of the school environment if it were worn or displayed on a school campus. (Education Code 32281)

Because gang-related symbols are constantly changing, definitions of gang-related apparel shall be reviewed at least once each semester and updated whenever related information is received.

## Uniforms

In schools where a schoolwide uniform is required, the principal, staff and parents/guardians of the individual school shall jointly select the specific uniform to be worn. (Education Code 35183)

At least six months before a school uniform policy is implemented, the principal or designee shall notify parents/guardians of this policy. (Education Code 35183)

Parents/guardians shall also be informed of their right to have their child exempted.

The principal or designee shall also repeat this notification at the end of the school year so that parents/guardians are reminded before school clothes are likely to be purchased.

The Superintendent or designee shall establish criteria for determining student eligibility for financial assistance when purchasing uniforms.

The Superintendent or designee shall establish a method for recycling or exchanging uniforms as students grow out of them.

Students who participate in a nationally recognized youth organization shall be allowed to wear organization uniforms on days when the organization has a scheduled meeting. (Education Code 35183)

Regulation CLOVERDALE UNIFIED SCHOOL DISTRICT

approved: November 19, 2003 Cloverdale, California

revised: December 10, 2010



# **Board Policy**

## **Gifts To School Personnel**

BP 5133

### **Students**

The Governing Board recognizes that students and parents/guardians may wish to express feelings of appreciation through personal gifts. District staff accepting gifts from students or parents/guardians should be sensitive to the feelings of other students and use discretion if gifts are opened in front of others.

(cf. 3452 - Student Activity Funds)

Policy CLOVERDALE UNIFIED SCHOOL DISTRICT

adopted: November 19, 2003 Cloverdale, California

# **Board Policy**

## **Gangs**

BP 5136

### **Students**

The Governing Board desires to keep district schools free from the threats or harmful influence of any groups or gangs which exhibit drug use, violence or disruptive behavior. The Superintendent or designee shall take steps to deter gang intimidation of students and staff and confrontations between members of different gangs. He/she shall exchange information and establish mutually supportive efforts with local law enforcement authorities.

(cf. 3515.1 - Crime Data Reporting)

(cf. 5131.4 - Campus Disturbances)

(cf. 5131.7 - Weapons and Dangerous Instruments)

The Superintendent or designee shall provide inservice training which helps staff to identify gangs and gang symbols, recognize early manifestations of disruptive activities, and respond appropriately to gang behavior. Staff shall be informed about conflict management techniques and alerted to intervention measures and community resources.

The Board realizes that students become involved in gangs for many reasons, such as peer pressure, the need for a sense of belonging, and lack of refusal skills. Age-appropriate gang violence prevention education shall start with students in the early elementary grades and may start in kindergarten.

To further discourage the influence of gangs, the Superintendent or designee shall ensure that school rules of conduct and any school dress code prohibiting gang-related apparel are enforced consistently. If a student exhibits signs of gang affiliation, staff shall so inform the parent/guardian.

(cf. 0450 - Comprehensive Safety Plan)

(cf. 5132 - Dress and Grooming)

(cf. 6164.2 - Guidance/Counseling Services)

Legal Reference:

EDUCATION CODE

35183 Gang-related apparel

32281 School safety plans

48907 Student exercise of free expression

51264 Educational inservice training; CDE guidelines

51265 Gang violence and drug and alcohol abuse prevention inservice training

51266-51266.5 Model gang and substance abuse prevention curriculum

58730-58736 Gang Risk Intervention Programs

PENAL CODE

186.22 Participation in criminal street gang

13826-13826.7 Gang violence suppression

UNITED STATES CODE, TITLE 20

7101-7184 Safe and Drug-Free Schools and Communities Act

Management Resources:

CDE PUBLICATIONS

On Alert: Gang Prevention in School and Inservice Guidelines, January 1994

CSBA PUBLICATIONS

Protecting Our Schools: Governing Board Strategies to Combat School Violence, 1995

adopted: November 19, 2003 Cloverdale, California

# **Administrative Regulation**

## **Gangs**

AR 5136

## **Students**

### Prevention and Intervention Measures

In order to discourage the influence of gangs, school staff shall take the following measures:

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

(cf. 5132 - Dress and Grooming)

2. Staff members shall be provided with the names of known gang members.
3. Students who seek help in rejecting gang associations may be referred to community-based gang suppression and prevention organizations.

(cf. 1020 - Youth Services)

4. Any gang graffiti on school premises shall be removed, washed down or painted over as soon as discovered.

a. Daily checks for graffiti shall be made throughout the campus.

b. Graffiti shall be photographed before it is removed. These photographs shall be shared with local law enforcement authorities and used in future disciplinary or criminal action against the offenders.

(cf. 3515 - Campus Security)

(cf. 5131.5 - Vandalism, Theft and Graffiti)

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

a. Explain the dangers of gang membership

b. Provide counseling for targeted at-risk students

c. Include lessons or role-playing workshops in gang avoidance skills and nonviolent conflict resolution, including communication skills, anger management, ethnic/cultural tolerance, and mediation skills

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

e. Provide school-to-career instruction

(cf. 6030 - Integrated Academic and Vocational Instruction)

f. Provide positive interaction with local law enforcement staff

(cf. 5137 - Positive School Climate)

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

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

a. Positive sports and cultural activities and affiliations with the local community

(cf. 6145 - Extracurricular and Cocurricular Activities)

(cf. 6145.2 - Athletic Competition)

b. Structured, goal-oriented community service projects

(cf. 6142.4 - Learning through Community Service)

### Community Outreach

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

1. The dangers of gang membership
2. Warning signs which may indicate that children are at risk of becoming involved with gangs
3. The nature of local gang apparel and graffiti
4. Effective parenting techniques

5. Conflict resolution techniques

Community programs shall address:

1. The scope and nature of local gang problems
2. Strategies by which each segment of the community may alleviate gang problems

Regulation CLOVERDALE UNIFIED SCHOOL DISTRICT

approved: November 19, 2003 Cloverdale, California



# **Board Policy**

## **Positive School Climate**

BP 5137

### **Students**

The Governing Board desires to provide an orderly, caring and nondiscriminatory learning environment in which all students can feel comfortable and take pride in their school and their achievements.

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

(cf. 5132 - Dress and Grooming)

(cf. 5144 - Discipline)

(cf. 5145.2 - Freedom of Speech/Expression)

(cf. 5145.3 - Nondiscrimination/Harassment)

(cf. 5145.7 - Sexual Harassment)

The Board encourages staff to teach students the meaning of equality, human dignity, and mutual respect, and to employ cooperative learning strategies that foster positive interactions in the classroom among students from diverse backgrounds. The district shall provide instruction and counseling designed to promote positive racial and ethnic identity, help students understand diverse cultures, teach them to think critically about racial bias and show them how to deal with discriminatory behavior in appropriate ways.

(cf. 6141 - Curriculum Development and Evaluation)

(cf. 6141.6 - Multicultural Education)

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

Students shall have opportunities to voice their concerns about school policies and practices and to share

responsibility for solving problems that affect their school. The Superintendent or designee may initiate student courts, campus beautification projects, buddy systems, vandalism prevention campaigns and other similar programs. Staff shall encourage and reward success and achievement, participation in community projects and positive student conduct.

(cf. 5126 - Awards for Achievement)

(cf. 5131.4 - Campus Disturbances)

(cf. 5136 - Gangs)

(cf. 6142.4 - Learning through Community Service)

The schools shall promote nonviolent conflict resolution techniques in order to encourage attitudes and behaviors that foster harmonious relations. As part of this effort, students shall be taught the skills necessary to reduce violence, including communication skills, anger management, bias reduction and mediation skills. Staff shall receive training that implements and supports conflict resolution techniques, and training in conflict resolution techniques shall be available to parents/guardians and volunteers.

Legal Reference:

EDUCATION CODE

233.5 Duty concerning instruction of students

32230-32239 School violence reduction program

35160 Authority of governing boards

35160.1 Broad authority of school districts

Policy CLOVERDALE UNIFIED SCHOOL DISTRICT

adopted: November 19, 2003 Cloverdale, California

# **Board Policy**

## **Conflict Resolution/Peer Mediation**

BP 5138

### **Students**

To promote student safety and contribute to the maintenance of a positive school climate, the Governing Board encourages the development of school-based conflict resolution programs designed to help students learn constructive ways of handling conflict. The Board believes that such programs can reduce violence and promote communication, personal responsibility and problem-solving skills among students.

Conflict resolution strategies shall be considered as part of each school's comprehensive safety plan and incorporated into other district discipline procedures as appropriate. Conflict resolution programs shall not supplant the authority of staff to take appropriate action as necessary to prevent violence, ensure student safety, maintain order in the school, and institute disciplinary measures.

(cf. 0450 - Comprehensive Safety Plan)

(cf. 5137 - Positive School Climate)

(cf. 5144 - Discipline)

(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)

Schoolwide programs may include curriculum in conflict resolution, including, but not limited to, instruction in effective communication and listening, critical thinking, problem-solving processes and the use of negotiation to find mutually acceptable solutions. In addition, the curriculum may address students' ethical and social development, respect for diversity, and interpersonal and behavioral skills.

(cf. 6141 - Curriculum Development and Evaluation)

(cf. 6141.6 - Multicultural Education)

Conflict resolution programs may incorporate peer mediation strategies in which selected students are specially trained to work with their peers in resolving conflicts.

Students' participation in any peer mediation program shall be voluntary and kept confidential by all parties involved.

(cf. 4119.23/4219.23/4319.23 - Unauthorized Release of Confidential/Privileged Information)

(cf. 5125 - Student Records)

In developing a conflict resolution and/or peer mediation program, school-site teams shall address, as appropriate:

1. The grade levels and courses in which the conflict resolution curriculum shall be delivered

(cf. 6143 - Courses of Study)

2. Staff development related to the implementation of the curriculum and modeling of appropriate behaviors and communication skills

(cf. 4131 - Staff Development)

3. The selection of peer mediators involving, to the extent possible, a cross-section of students in terms of grade, gender, race, ethnicity, and socioeconomic status, and including some students who exhibit negative leadership among peers

4. Training and support for peer mediators, including training in mediation processes and in the skills related to understanding conflict, communicating effectively and listening

5. The process for identifying and referring students to the peer mediation program

6. The types of conflicts suitable for peer mediation

(cf. 5131 - Conduct)

(cf. 5131.1 - Bus Conduct)

(cf. 5131.4 - Campus Disturbances)

(cf. 5136 - Gangs)

(cf. 5145.3 - Nondiscrimination/Harassment)

(cf. 5145.9 - Hate-Motivated Behavior)

(cf. 5145.7 - Sexual Harassment)

7. Scheduling and location of peer mediation sessions

8. Methods of obtaining and recording agreement from all disputants

9. The appropriate involvement of parents/guardians, the community and staff, including counseling/guidance and security staff

(cf. 1020 - Youth Services)

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

(cf. 3515.3 - District Police/Security Department)

(cf. 6020 - Parent Involvement)

(cf. 6164.2 - Guidance/Counseling Services)

10. Communications to students, parents/guardians and staff regarding the availability of the program

11. Methods of following up with students to determine the effectiveness of the process

12. Development of assessment tools to periodically evaluate the success of the program including, but not limited to, measurements of whether there has been a reduction in violence at the school and whether the school's suspension rates have fallen since the program has been introduced

Legal Reference:

EDUCATION CODE

32230-32239 School violence reduction programs

32295.5 Teen court programs

35291-35291.5 Rules

35294-35294.9 School safety plans

44807 Duty concerning conduct of students

CALIFORNIA CONSTITUTION

Article 1, Section 28(c) Right to safe schools

Management Resources:

CSBA PUBLICATIONS

Protecting Our Children: Governing Board Strategies to Combat School Violence, revised 1999

CDE PUBLICATIONS

Safe Schools: A Planning Guide for Action, 1995

USDE PUBLICATIONS

Creating Safe and Drug-Free Schools: An Action Guide, 1996

WEB SITES

U.S. Department of Education, Safe and Drug-Free Schools Program:

<http://www.ed.gov/offices/OESE/SDFS/>

California Department of Education, Safe Schools and Violence Prevention Office:

<http://www.cde.ca.gov/spbranch/safety/>

Policy CLOVERDALE UNIFIED SCHOOL DISTRICT

adopted: November 19, 2003 Cloverdale, California

# **Board Policy**

## **Health Care And Emergencies**

BP 5141

### **Students**

The Governing Board recognizes the importance of taking appropriate action whenever an emergency threatens the safety, health or welfare of a student at school or during school-sponsored activities. The Superintendent or designee shall ask parents/guardians to provide emergency information in order to facilitate immediate contact with parents/guardians if an accident or illness occurs.

(cf. 5141.1 - Accidents)

### **Resuscitation Orders**

The Board believes that staff members should not be placed in the position of determining whether or not to follow any parental or medical "do not resuscitate" orders. Staff shall not accept or follow any such orders unless they have been informed by the Superintendent or designee that the request to accept such an order has been submitted to the Superintendent or designee, signed by the parent/guardian, and supported by a written statement from the student's physician and an order from an appropriate court.

The Superintendent or designee shall ensure that all parents/guardians are informed of this policy.

Legal Reference:

EDUCATION CODE

49407 Liability for treatment

49408 Information for use in emergencies



FAMILY CODE

6550-6552 Caregivers

Policy CLOVERDALE UNIFIED SCHOOL DISTRICT

adopted: November 19, 2003 Cloverdale, California

# **Administrative Regulation**

## **Health Care And Emergencies**

AR 5141

### **Students**

#### Emergency Information

Parents/guardians shall furnish the schools with the current information specified below:

1. Home address and telephone number
2. Parent/guardian's business address and telephone number
3. Name, address and telephone number of a relative or friend who is authorized by the parent/guardian to care for the student in cases of emergency when the parent/guardian cannot be reached
4. Local physician to call in case of emergency

Under Education Code 49407, no school district shall be held liable for the reasonable treatment of a student without the consent of the parent/guardian when the student requires medical treatment and the parent/guardian cannot be reached, unless a written objection to medical treatment has been filed with the school district.

Consent by Caregiver

Persons 18 years of age and older who file with the district a completed caregiver's authorization affidavit shall have the right to consent to or refuse school-related medical care for a district student. The caregiver's authorization shall be valid for one year after the date on which it is executed. The caregiver's decision shall be superseded by any contravening decision of the parent or other person having legal custody of the student, provided that this contravening decision does not jeopardize the student's life, health or safety. (Family Code 6550)

School-related medical care is medical care that is required by state or local governmental authority as a condition for school enrollment, including immunizations, physical examinations, and medical examinations conducted in schools for students. (Family Code 6550)

(cf. 5111.11 - Residency of Students with Caregiver)

Regulation CLOVERDALE UNIFIED SCHOOL DISTRICT

approved: November 19, 2003 Cloverdale, California

# **Board Policy**

## **Accidents**

BP 5141.1

## **Students**

Although the district makes every reasonable effort to prevent student accidents and injuries, accidents occur. The Superintendent or designee shall develop procedures to ensure that first aid and/or medical attention is provided as quickly as possible and that parents/guardians are notified of accidents.

Universal precautions shall be observed whenever it is possible that students, employees or others may have contact with blood or body fluids as a result of the accident.

(cf. 4119.43/4219.43/4319.43 - Universal Precautions)

District staff shall appropriately report and document student accidents.

(cf. 3530 - Risk Management/Insurance)

(cf. 4119.42/4219.42/4319.42 - Exposure Control Plan for Bloodborne Pathogens)

(cf. 5142 - Safety)

(cf. 5143 - Insurance)

Legal Reference:

EDUCATION CODE

32040-32044 First aid equipment

49300-49307 School safety patrols

49408 Emergency information

49409 Athletic events; physicians and surgeons; emergency medical care; immunity

49470 Medical and hospital services for athletic program

49471 Medical and hospital services not provided or available

49472 Medical and hospital services for pupils

49474 Ambulance services

51202 Instruction in personal and public health and safety

CODE OF REGULATIONS, TITLE 8

5193 California Bloodborne Pathogens Standard

Policy CLOVERDALE UNIFIED SCHOOL DISTRICT

adopted: November 19, 2003 Cloverdale, California

# **Board Policy**

## **Administering Medication And Monitoring Health Conditions**

BP 5141.21

### **Students**

The Governing Board recognizes that students may need to take prescribed medication during the school day in order to be able to attend school without jeopardizing their health.

When the district has received written statements from the student's physician and parent/guardian, designated personnel shall assist the student in taking the medication. In addition, upon written request, designated personnel may assist the student in monitoring, testing or other treatment of an existing medical condition. (Education Code 49423)

(cf. 3530 - Risk Management/Insurance)

(cf. 5141.24 - Specialized Health Care Services)

Upon written request by the parent/guardian and with the approval of the student's physician, a student with an existing medical condition that requires frequent monitoring, testing or treatment may be allowed to self administer this service. The student shall observe universal precautions in the handling of blood and bodily fluids.

(cf. 4119.43/4219.43/4319.43 - Universal Precautions)

(cf. 5141.23 - Infectious Disease Prevention)

### **Anaphylactic Injections**

The Board recognizes that some students have allergies of such severity that they may require an emergency anaphylactic injection during the course of the school day. Parents/guardians who are aware

of this foreseeable need may ask the district to provide such injections in accordance with administrative regulations.

School staff who may be required to administer anaphylactic injections shall receive training from qualified medical personnel. They will be authorized to administer the injections in accordance with administrative regulations and will be afforded appropriate liability protection.

(cf. 5141 - Health Care and Emergencies)

Legal Reference:

EDUCATION CODE

49407 Liability for treatment

49408 Emergency information

49423 Administration of prescribed medication for student

49423.5 Specialized health care services

49426 School nurses

49480 Continuing medication regimen; notice

BUSINESS AND PROFESSIONS CODE

2700-2837 Nursing, especially:

2726 Authority not conferred

2727 Exceptions in general

Policy CLOVERDALE UNIFIED SCHOOL DISTRICT

adopted: November 19, 2003 Cloverdale, California

# **Administrative Regulation**

## **Administering Medication And Monitoring Health Conditions**

AR 5141.21

### **Students**

Before a designated employee assists in the administration of any prescribed medication to any student during school hours, the district shall have: (Education Code 49423)

1. A written statement from the student's physician detailing the method, amount and time schedules by which the medication is to be taken
2. A written statement from the student's parent/guardian requesting the district to assist the student in taking the medication as prescribed by the physician

Parents/guardians shall be asked to provide a properly labeled pharmacy bottle containing the name and telephone number of the pharmacy, the student's identification, name of the physician, and dosage of the medication to be given.

The designated employee shall:

1. Be responsible for the medication at school and administer it in accordance with the physician's indicated instructions
2. Maintain a list of students needing medication during school hours, including the type of medication, times, and dosage
3. Maintain a log recording the student's name and the time and date when medications were given



4. Keep all medication in a locked drawer or cabinet

Parents/guardians who request that a student be allowed to self administer, monitor or treat his/her existing medical condition must make this request in writing and provide written approval by the student's physician.

#### Notifications

The Superintendent or designee shall inform all parents/guardian of the following requirements: (Education Code 49480)

1. The parent/guardian of a student on a continuing medication regimen from a nonepisodic condition shall inform the school nurse or other designated certificated employee of the medication being taken, the current dosage and the name of the supervising physician.
2. With the parent/guardian's consent, the school nurse may communicate with the student's physician regarding the medication and its effects and may counsel school personnel regarding the possible effects of the drug on the student's physical, intellectual and social behavior, as well as possible behavioral signs and symptoms of adverse side effects, omission or overdose.

#### Anaphylactic Injections

1. Parents/guardians of students who may require emergency anaphylactic injections shall provide written permission for authorized staff to administer these injections.
2. Each year, school employees designated by the principal shall receive training in administering anaphylactic injections. Qualified medical personnel shall provide this training.
3. The principal or designee shall schedule inservice meetings to:
  - a. Familiarize authorized staff with the prescribed medications and their location

- b. Ensure that authorized staff are competent to administer anaphylactic injections
- c. Train all school personnel to recognize the symptoms of anaphylactic reactions

Physicians and parents/guardians of students who may require anaphylactic injections may be invited to attend these meetings.

- 4. The principal or designee shall prepare a list naming the students who may need emergency anaphylactic injections. This list shall be given to all concerned staff and updated annually.
- 5. All medication for injections shall be labeled with the student's name, type of medicine and expiration date.
- 6. The parents/guardians of students who carry their own kits for the purpose of anaphylactic injections shall so inform the principal or designee, who shall prepare a list naming these students, give it to concerned staff and update the list annually.
- 7. The principal or designee shall post in the school health office a list of symptoms usually associated with anaphylactic reactions and a clear, specific procedure for administering injections in case of emergency. If authorized staff are not available at the time of an emergency, this written procedure will be followed by anyone who must administer the injection in order to save a life.

Regulation CLOVERDALE UNIFIED SCHOOL DISTRICT

approved: November 19, 2003 Cloverdale, California

# Exhibit

## Administering Medication And Monitoring Health Conditions

E 5141.21

### Students

#### Physician's Recommendations For Medication

This form is to be filled in and signed by a licensed physician. The form should then be signed by the parents/guardians and returned to the school.

---

Student's Last Name   First   Middle   Age   Birth Date   Month   Day   Year

---

Name of School   Name of Principal   Name of Teacher   Type of Class   Grade

The law allows any person to assist in carrying out a physician's recommendation. The school recognizes the desirability of following physician's recommendations as nearly as possible at school, just as does a parent at home or any other person (not necessarily a nurse) if the physician requests his/her assistance. The fact that this is a service or accommodation which the school is not legally required to perform is recognized by all parties signing this form, and in so signing they agree to hold the district, its officers, employees or agents, harmless from all liability, suits, claims of whatever nature or kind which might arise out of these arrangements.

Do you wish this child to receive medication at school?   YES   NO

If yes, please fill in the following blanks:

Form	Observed or Assisted
(tablet, pill, capsule, etc.)	Number to be Taken
Name of Medication	Approximate Time of Day
	by Whom (self, teacher, nurse, etc.)

#1. \_\_\_\_\_

#2. \_\_\_\_\_

Precautions, if any \_\_\_\_\_

How is medicine to be brought to school:

By whom (student, parent, etc.)? \_\_\_\_\_

How often (daily, weekly, etc.)? \_\_\_\_\_

In what kind of container (envelope, bottle, plastic container)?

Does the physician wish to be able to talk briefly by telephone with someone (teacher, nurse, principal, psychologist) at intervals (weekly, monthly, quarterly) to see how this child is faring? If so, indicate:

Person(s) \_\_\_\_\_ and intervals \_\_\_\_\_, and \_\_\_\_\_

you will be notified as to numbers and times at which the person(s) may usually be reached at school by telephone.

IMPORTANT: Please discontinue this request as of the following date. \_\_\_\_\_ .

Month Day Year

After this date, changes or continuance of these arrangements must be secured by filling out a newly dated copy of this form.

Signature \_\_\_\_\_ Address \_\_\_\_\_ Telephone No. \_\_\_\_\_ Date \_\_\_\_\_

License \_\_\_\_\_

MD. No. \_\_\_\_\_

Physician \_\_\_\_\_ Mo/Day/Yr \_\_\_\_\_

---

Parents' or Guardians' Full Name

Mo/Day/Yr

---

Parents' or Guardians' Full Name

Mo/Day/Yr

Background Information

## LEGAL PROVISIONS

The purpose of allowing medication to be given to students by authorized school personnel is to help provide for their general welfare by following the instructions of their physicians. This position is clarified by the intent seen in the following sections from the Nursing Practice Act (Chapter 6 commencing at Section 2700) Division 2 of the Business and Professions Code):

## NURSING OR MINISTRATIONS NOT PROHIBITED BY CHAPTER

"The performance by any person of such duties as required in the physical care of a patient and/or carrying out medical orders prescribed by a licensed physician: provided, such person shall not in any way assume to practice as a professional, registered, graduate or trained nurse." (Business and Professions Code Section 2727 (e)).

## PRACTICES UNAUTHORIZED

"This chapter confers no authority to practice medicine or surgery." (Business and Professions Code 2726)

## SUGGESTIONS FOR SCHOOL PROCEDURES

The procedures covering medication brought to school to be taken by students according to the provisions listed on the preceding form will be expedited if the following procedures are used:

1. Two copies of the form are supplied: one for the school files and one for the person authorized to administer the medication.
2. Only medication prescribed by the student's physician as being necessary to be taken by the student in the manner listed on this form should be brought to school.
3. Such medication should be taken by the student in accordance with instructions from the physician listed on this form.
4. Medication brought to school to be given to the student according to the provisions listed on this form should be in containers which are clearly marked with the name of the student; the name of the prescribing physician; an identification number or name of the medication; the druggist who dispensed the medication or the manufacturer; and the amount of medication to be taken at specified times or in specific situations.

5. All medications should be kept in a secure place. Any special instructions for storage or security measures of any medication should be written by the physician and given to school personnel so that such instructions can be followed.

Exhibit CLOVERDALE UNIFIED SCHOOL DISTRICT

version: November 19, 2003 Cloverdale, California

# **Board Policy**

## **Infectious Diseases**

BP 5141.22

### **Students**

The Governing Board desires to protect students from risks posed by exposure to infectious diseases while providing an appropriate education for all students.

The Superintendent or designee shall determine whether to admit a student with an infectious disease, and shall exclude students only in accordance with law. In making this determination, he/she shall consult the student's parents/guardians, the student's physician and/or the county health department, in accordance with law and consistent with confidentiality provisions. Because bloodborne pathogens such as hepatitis B virus, hepatitis C virus and human immunodeficiency virus (HIV) are not casually transmitted, the sole presence of bloodborne pathogens is not sufficient reason to exclude students from attending school.

(cf. 5112.2 - Exclusions from Attendance)

(cf. 5141.26 - Tuberculosis Testing)

(cf. 5141.3 - Health Examinations)

(cf. 6158 - Independent Study)

(cf. 6159 - Individualized Education Program)

(cf. 6183 - Home/Hospital Instruction)

Parents/guardians are encouraged to inform the Superintendent or designee if their child has an infectious disease so that school staff may work cooperatively with the student's parents/guardians to minimize the child's exposure to other diseases in the school setting. The Superintendent or designee shall ensure that student confidentiality rights are strictly observed in accordance with law. No district employee shall release medical information, including knowledge of a bloodborne pathogen infection, without written consent from the parent/guardian or adult student. Such information shall be shared only with those persons specifically named in the written permission.



(cf. 5125 - Student Records)

(cf. 5022 - Student and Family Privacy Rights)

The Board requires students and staff to routinely observe universal precautions to prevent exposure to bloodborne pathogens and to prevent the spread of all infectious disease.

(cf. 4119.42/4219.42/4319.42 - Exposure Control Plan for Bloodborne Pathogens)

(cf. 4119.43/4219.43/4319.43 - Universal Precautions)

(cf. 5141.23 - Infectious Disease Prevention)

The Superintendent or designee shall ensure that the district's health education program provides information about the nature of bloodborne pathogens and their transmission.

(cf. 5141.6 - Student Health and Social Services)

(cf. 6142.2 - AIDS Prevention Instruction)

(cf. 6142.8 - Comprehensive Health Education)

Legal Reference:

#### EDUCATION CODE

48210-48214 Persons excluded

49073-49075 Privacy of pupil records

49076 Access to records by persons without written consent or under judicial order

49403 Cooperation in control of communicable disease and immunization of students

49405 Smallpox control

49406 Examination for tuberculosis (employees)

49408 Information of use in emergencies

49450 Rules to insure proper care and secrecy

49451 Parent's refusal to consent to medical exam

49602 Confidentiality of student information

## CALIFORNIA CONSTITUTION

Article 1, Section 1 Right to Privacy

## CIVIL CODE

56-56.37 Confidentiality of Medical Information Act

1798-1798.76 Information Practices Act

## HEALTH AND SAFETY CODE

120230 Exclusion for communicable disease

120325-120380 Immunization against communicable diseases

120875-120895 AIDS information

120975-121020 Mandated blood testing and confidentiality to protect public health

120980 Unauthorized disclosures

121010 Disclosure to certain persons without written consent

121475-121520 Tuberculosis tests for pupils

## CALIFORNIA CODE OF REGULATIONS, TITLE 8

5193 Bloodborne pathogen standards

## UNITED STATES CODE, TITLE 20

1232g Family Educational and Privacy Rights Act

1400-1487 Individuals with Disabilities Education Act

## UNITED STATES CODE, TITLE 29

794 Section 504 of the Rehabilitation Act of 1973

## COURT DECISIONS

Phipps v. Saddleback Valley Unified School District, (1988) 204 Cal. App. 3d 1110

Doe v. Belleville Public School District, (1987) 672 F.Supp. 342

Thomas v. Atascadero Unified School District, (1987) 662 F.Supp. 376

Management Resources:

## WEB SITES

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

California Department of Health Services: <http://www.dhs.ca.gov>

Centers for Disease Control and Prevention: <http://www.cdc.gov>

NSBA, School Health Programs: <http://www.nsba.org/schoolhealth/>

Policy CLOVERDALE UNIFIED SCHOOL DISTRICT

adopted: November 19, 2003 Cloverdale, California

# **Administrative Regulation**

## **Infectious Diseases**

AR 5141.22

### **Students**

#### Review Team

The parents/guardians of a student with an infectious disease may ask the Superintendent or designee to convene a review panel to make recommendations regarding appropriate programs and services for their child. The review panel may refer the decision to an individualized education program or 504 team as appropriate.

(cf. 5141.21 - Administering Medication and Monitoring Health Conditions)

(cf. 6159 - Individualized Education Program)

(cf. 6164.4 - Identification of Individuals for Special Education)

(cf. 6164.6 - Identification and Education Under Section 504)

Regulation CLOVERDALE UNIFIED SCHOOL DISTRICT

approved: November 19, 2003 Cloverdale, California

# **Board Policy**

## **Infectious Disease Prevention**

BP 5141.23

### **Students**

The Governing Board encourages the Superintendent or designee to work with parents/guardians and local health agencies and organizations to develop a comprehensive approach to disease prevention.

(cf. 1020 - Youth Services)

(cf. 5141.31 - Immunizations)

(cf. 5141.6 - Student Health and Social Services)

(cf. 6142.2 - AIDS Prevention Instruction)

(cf. 6142.8 - Comprehensive Health Education)

The Superintendent or designee shall regularly review resources available from health experts to ensure that district programs are based on the most up-to-date information about healthful practices.

To protect students from contact with potentially infectious blood or other body fluids and prevent the spread of infectious disease, universal precautions shall be observed throughout the school environment.

(cf. 4119.42/4219.42/4319.42 - Exposure Control Plan for Bloodborne Pathogens)

(cf. 4119.43/4219.43/4319.43 - Universal Precautions)

(cf. 5141.22 - Infectious Diseases)

The Superintendent or designee shall inform students of the precautions to be used in cases of exposure to blood or other body fluids through injury, accident or classroom instruction.

(cf. 5141.1 - Accidents)

(cf. 6145.2 - Athletic Competition)

Legal Reference:

EDUCATION CODE

49403 Cooperation in control of communicable disease and immunization of pupils

51202 Instruction in personal and public health and safety

CODE OF REGULATIONS, TITLE 8

5193 California bloodborne pathogens standard

CODE OF REGULATIONS, TITLE 17

2500-2508 Communicable disease reporting requirements

Management Resources:

CDE PROGRAM ADVISORIES

1016.89 Guidelines for Informing School Employees about Preventing the Spread of Infectious Diseases, including Hepatitis B and AIDS/HIV Infections and Policies for Dealing with HIV-Infected Persons in School Settings

WEB SITES

Centers for Disease Control and Prevention: <http://www.cdc.gov>

Policy CLOVERDALE UNIFIED SCHOOL DISTRICT

adopted: November 19, 2003 Cloverdale, California

# **Administrative Regulation**

## **Infectious Disease Prevention**

AR 5141.23

### **Students**

#### Exposure to Blood During Classroom Instruction

Before students work with blood, blood products or other body fluids, the teacher shall explain the potentially hazardous nature of blood and body fluids in the transmission of various agents from one person to another, and the specific procedures and safety precautions to be used in the lesson.

The following precautions shall be used when students are working with blood or other body fluids:

1. Before and after exposure to blood or other body fluids, students shall wash their hands with soap and water, and cover any existing cut, wound or open sore with a sterile dressing.
2. Students shall wear gloves or other personal protective equipment as appropriate.
3. Blood typing or similar experiments may be conducted by teacher demonstrations. When being performed individually, students shall work with their own blood or use prepackaged ABO/Rh blood cell kits that have vials of blood previously tested for transmissible agents.
  - a. Students shall use individual sterile lancets for finger punctures and shall not reuse them.
  - b. Before the finger is punctured, it shall be wiped with a piece of cotton that has been immersed in alcohol.

c. If bleeding persists after the finger is punctured, the student shall apply a sterile bandage using moderate pressure.

4. Lancets and any other materials contaminated with blood or body fluids shall be discarded into a solution consisting of one part bleach to 10 parts water (1:10), made fresh daily.

5. At the end of the class, surfaces shall be wiped with alcohol or a solution of one part bleach to 10 parts water.

(cf. 4119.42/4219.42/4319.42 - Exposure Control Plan for Bloodborne Pathogens)

(cf. 4119.43/4219.43/4319.43 - Universal Precautions)

(cf. 6142.2 - AIDS Prevention Instruction)

(cf. 6142.8 - Comprehensive Health Education)

(cf. 6142.93 - Science Instruction)

(cf. 6143 - Courses of Study)

Regulation CLOVERDALE UNIFIED SCHOOL DISTRICT

approved: November 19, 2003 Cloverdale, California



# Administrative Regulation

## Specialized Health Care Services

AR 5141.24

### Students

The parent/guardian of students who require specialized physical health care services during the school day shall provide a written request for the needed physical health care service. (5 CCR 3051.12(b)(3)(E)) This request shall include:

1. The student's name, address and phone number
2. The physician's name, address and phone number
3. The needed health care procedure
4. Statement authorizing qualified school personnel to perform the procedure, as approved by the physician (5 CCR 3051.12(b)(3)(E))
5. Statement agreeing to notify the school immediately of any change in the child's regimen or the authorizing physician
6. Statement agreeing to provide all supplies needed for the procedure

The student's physician shall submit a written statement authorizing the administration of the specified physical health care service (5 CCR 3051.12(b)(3)(E)) This statement shall indicate:

1. The student's name and address
2. Condition for which treatment is to be given
3. Specific procedure to be given (5 CCR 3051.12)
4. Time schedules for the procedure (5 CCR 3051.12)
5. Precautions, possible untoward reactions and recommended intervention

(cf. 5125 - Student Records)

The program administrator shall name the qualified school personnel who will perform the service in accordance with standardized procedures.

A qualified school nurse, public health nurse or licensed physician and surgeon shall supervise physical health care services in the school setting in accordance with law. (Education Code 49423.5; 5 CCR 3051.12)

Qualified personnel shall be trained in accordance with law. They shall possess a current valid certificate from an approved program in cardiopulmonary resuscitation and shall be able to demonstrate current knowledge of community emergency medical resources and skill in the use of equipment and the performance of techniques necessary to provide specialized health care services. (Education Code 49423.5; 5 CCR 3051.12(b)(1)(C))

Schools shall provide appropriate accommodations for safety and necessary physical care services. The student's personal privacy and dignity shall be assured. (5 CCR 3051.12)

Staff designated to perform the specialized service shall maintain and sign a daily record of these services on a district form. (5 CCR 3051.12(b)(1)(E)) This form shall be kept either in the student's classroom or in the school health office, depending on the health services being provided.

Regulation CLOVERDALE UNIFIED SCHOOL DISTRICT

approved: November 19, 2003 Cloverdale, California

# **Board Policy**

## **Health Examinations**

BP 5141.3

### **Students**

The Governing Board recognizes that periodic health examinations of students may lead to the detection and treatment of conditions that impact learning. Health examinations also may help in determining whether special adaptations of the school program are necessary.

In addition to verifying that students have complied with legal requirements for health examinations and immunizations before enrolling in school, the district shall administer tests for vision, hearing and scoliosis as required by law.

(cf. 5141.26 - Tuberculosis Testing)

(cf. 5141.31 - Immunizations)

(cf. 5141.32 - Child Health and Disability Prevention Program)

(cf. 5141.6 - Student Health and Social Services)

All students who participate as cheerleaders, song leaders, or athletes in organized competitive sports shall first undergo and file with the district a current medical examination. Upon sustaining an injury or serious illness, a student may be required to have another examination before participating further. This requirement does not apply to participants in occasional play day or field day activities.

(cf. 5143 - Insurance)

(cf. 6145.2 - Athletic Competition)

The Superintendent or designee shall ensure that staff employed to examine students exercise proper care of each student and that examination results are kept confidential. Records related to these

examinations shall be available only in accordance with law.

(cf. 5125 - Student Records)

Reports to the Board regarding the number of students found to have physical problems and the effort made to correct them shall in no way reveal the identity of students.

Legal Reference:

EDUCATION CODE

44871-44879 Employment qualifications

49400-49413 General powers-school boards (re pupil health)

49422 Supervision of health and physical development

49450-49457 Physical examinations (of pupils)

49460-49466 Development of standardized health assessments

HEALTH AND SAFETY CODE

120325-120380 Immunization against communicable diseases

121475-121520 Tuberculosis tests for pupils

CODE OF REGULATIONS, TITLE 5

590-596 Vision screening

3027 Hearing and vision screening for special education

3028 Audiological screening

Policy CLOVERDALE UNIFIED SCHOOL DISTRICT

adopted: November 19, 2003 Cloverdale, California

# **Administrative Regulation**

## **Health Examinations**

AR 5141.3

### **Students**

The principal at each school shall notify parents/guardians of the rights of students and parents/guardians related to health examinations. (Education Code 48980)

(cf. 5145.6 - Parental Notifications)

A parent/guardian may annually file a written statement with the principal withholding consent to the physical examination of his/her child. The child shall be exempt from any physical examination but shall be subject to exclusion from attendance when contagious or infectious disease is reasonably suspected. (Education Code 49451)

(cf. 5112.2 - Exclusions from Attendance)

(cf. 5141.22 - Infectious Diseases)

### **Vision and Hearing Tests**

Students shall have their vision and hearing tested by qualified personnel authorized by the district. (Education Code 49452, 49454)

All students shall be tested for visual acuity when they first enroll in elementary school and every three years thereafter until the student completes grade 8. External observations of the student's eyes, visual performance and perception shall be made by the school nurse and the classroom teacher. (Education Code 49455)

For male students, color vision shall be tested one time, after the student reaches grade 1. Results of the test shall be entered into the student's health record. (Education Code 49455)

Evaluation of a student's vision may be waived at the parent/guardian's request if the parent/guardian presents a certificate from either a medical doctor or an optometrist specifying the results of an examination of the student's vision including visual acuity, and, in male students, color vision. (Education Code 49455)

Visual defects or any other defects found as a result of the vision examination shall be reported to the parent/guardian with a request that remedial action be taken to correct or cure the defect. If made in writing, such reports shall not include a referral to any private practitioner, and the report of a visual defect shall be made on a form prescribed by the Superintendent of Public Instruction. (Education Code 49456)

The student may be referred to a public clinic or diagnostic and treatment center operated by a public hospital or by the state, county or city department of public health. (Education Code 49456)

### Scoliosis Screening

Each female student in grade 7 and each male student in grade 8 shall be screened for scoliosis. This screening shall comply with California Department of Education standards and shall be performed by qualified personnel as specified in law. (Education Code 49452.5)

Persons performing the screening shall not solicit, encourage or advise treatment of the student for scoliosis or any other condition discovered in the course of the screening. (Education Code 49452.5)

The parent/guardian of any student suspected of having scoliosis shall receive a notice which includes an explanation of scoliosis and describes the significance of treatment at an early age. This notice shall also describe the public services available for treatment and include a referral to appropriate community resources. (Education Code 49452.5)

approved: November 19, 2003

Cloverdale, California



# **Board Policy**

## **Immunizations**

BP 5141.31

### **Students**

To protect the health of all students and staff and to curtail the spread of infectious diseases, the Governing Board desires to cooperate with state and local health agencies to encourage immunization of all district students against preventable diseases.

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

(cf. 5141.22 - Infectious Diseases)

(cf. 5141.23 - Infectious Disease Prevention)

Students entering a district school or child care and development program, or transferring between school campuses, shall present an immunization record which shows at least the month and year of each immunization in accordance with law. Students shall be excluded from school or exempted from immunization requirements only as allowed by law.

(cf. 5112.1 - Exemptions from Attendance)

(cf. 5112.2 - Exclusions from Attendance)

(cf. 5148 - Child Care and Development)

A transfer student may be conditionally admitted for up to 30 school days while his/her immunization records are being transferred from the previous school. If these records do not arrive within 30 school days, the student shall present written documentation by a physician, nurse or clinic, showing that the required immunizations were received. If such documentation is not presented, the student shall be excluded from school until immunization requirements are met.

The Superintendent or designee may arrange for qualified medical personnel to administer immunizations at school to any student whose parent/guardian has consented in writing. (Education Code 49403)

(cf. 5141.3 - Health Examinations)

(cf. 5141.6 - Student Health and Social Services)

(cf. 5145.6 - Parental Notifications)

Legal Reference:

#### EDUCATION CODE

46010 Total days of attendance

48216 Immunization

48980 Required notification of rights

49403 Cooperation in control of communicable disease and immunizations

#### HEALTH AND SAFETY CODE

120325-120380 Immunization against communicable disease especially:

120335 Immunization requirement for admission

120440 Disclosure of immunization information

#### CODE OF REGULATIONS, TITLE 17

6000-6075 School attendance immunization requirements

Management Resources:

#### DEPARTMENT OF HEALTH SERVICES

Commonly Asked Questions About the New School Immunization Requirements, March 1999

#### WEB SITES

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

California Department of Health Services: <http://www.dhs.ca.gov>

Centers for Disease Control and Prevention: <http://www.cdc.gov>

Policy CLOVERDALE UNIFIED SCHOOL DISTRICT

adopted: November 19, 2003 Cloverdale, California

# **Administrative Regulation**

## **Immunizations**

AR 5141.31

### **Students**

The Superintendent or designee shall not unconditionally admit any student to a district school or child care and development program unless that student has presented documentation of full immunization. (Health and Safety Code 120335)

(cf. 5141.22 - Infectious Diseases)

(cf. 5141.23 - Infectious Disease Prevention)

(cf. 5148 - Child Care and Development)

At the beginning of the school year, the Superintendent or designee shall notify parents/guardians of the rights of students and parents/guardians relating to immunizations under Education Code 49403. (Education Code 48980)

(cf. 5145.6 - Parental Notifications)

### **Immunizations for Grades K-12**

Students entering the district in grades kindergarten through 12 shall have received the following immunizations: (Health and Safety Code 120335; 17 CCR 6020)

1. Measles, mumps and rubella (MMR) vaccine

a. Students entering at the kindergarten level shall have received two doses on or after the first birthday, except one dose may be a measles-only vaccine.

b. Mumps vaccine shall not be required for students age seven or older.

c. Students entering or advancing to seventh grade shall be required to have a second dose of measles-containing vaccine if they have not previously obtained a second dose.

2. Diphtheria, tetanus and pertussis (whooping cough) vaccine (DTP or DTaP)

a. Five doses shall be required for students ages four through six. However, four doses shall meet the requirement if at least one dose was given on or after the fourth birthday.

b. Four doses shall be required for students age seven or older. However, three doses shall meet the requirement if at least one dose was given on or after the second birthday.

c. Pertussis immunization shall not be required for students age seven or older.

d. A tetanus and diphtheria (Td) shot is recommended but not required for seventh-grade students who have not had a booster within the past five years.

3. Poliomyelitis (polio) vaccine

Four doses shall be required at any age. However, three doses shall meet the requirement for ages four through six if at least one dose was given on or after the fourth birthday, and three doses shall meet the requirement for ages seven to seventeen if at least one dose was given on or after the second birthday.

4. Hepatitis B vaccine

a. Three doses shall be required for entry into kindergarten.

Students admitted at the kindergarten level or below before August 1, 1997, shall be exempt from this requirement.

b. Students shall not be unconditionally admitted or advanced to seventh grade unless they have been fully immunized against hepatitis B. A student who has previously had three doses of hepatitis B vaccine at any age before seventh grade shall not be required to receive any additional shots.

5. Varicella (chickenpox) vaccine

Any student admitted at the kindergarten level or above before July 1, 2001, shall be exempt from this requirement for school entry.

Students who skipped kindergarten shall meet immunization requirements for hepatitis B and a second measles dose prior to entering first grade.

Students transferring into the district at a grade other than kindergarten or seventh grade shall be exempt from the requirement for a second measles dose or hepatitis B immunization.

#### Immunizations Below Kindergarten Level

Children younger than age four years, six months shall have received haemophilus influenza type b (Hib meningitis) vaccine. (Health and Safety Code 120335)

Other immunization requirements for children below kindergarten level depend on the child's age as specified in 17 CCR 6020.

#### Exemptions

Exemption from immunization requirements is allowed when: (Health and Safety Code 120365, 120370, 120375; 17 CCR 6051)

1. The student's parent/guardian states in writing that immunization is contrary to his/her beliefs.

(cf. 6141.2 - Recognition of Religious Beliefs and Customs)

2. The student's parent/guardian provides a written statement by a licensed physician that the physical condition or medical circumstances of the student are such that immunization is unsafe or is permanently not indicated.

However, if there is good cause to believe that the student has been exposed to one of the communicable diseases listed above, the student may be temporarily excluded from school until the local health officer is satisfied that the student is no longer at risk of developing the disease. (Health and Safety Code 120365)

#### Exclusions Due to Lack of Immunizations

Any student without the required evidence of immunization may be excluded from school until the immunization is obtained or until the student presents a letter or affidavit of exemption from his/her parent/guardian or physician.

(cf. 5112.2 - Exclusions from Attendance)

(cf. 6183 - Home and Hospital Instruction)

Before a student is excluded from school attendance because of lack of immunization, the Superintendent or designee shall notify the parent/guardian that he/she has 10 school days in which to supply evidence of proper immunization or an appropriate letter of exemption. This notice shall refer the parent/guardian to the child's usual source of medical care. (Education Code 48216; 17 CCR 6040)

If no usual source of medical care exists, the parent/guardian shall be referred to the county health department. (Education Code 48216)

The Superintendent or designee shall exclude from further attendance any student who fails to obtain the

required immunization within 10 school days following receipt of the parent/guardian notice specified above, unless the student is exempt from immunization for medical reasons or personal beliefs. The student shall remain excluded from school until he/she has received another dose of each required vaccine due at that time. The student shall also be reported to the attendance supervisor or principal. (17 CCR 6055)

### Conditional Enrollment

The Superintendent or designee may conditionally admit a student with documentation from a physician that: (Health and Safety Code 120340; 17 CCR 6000, 6035)

1. He/she has received some but not all required immunizations and is not due for any vaccine dose at the time of admission
2. He/she has a temporary exemption from immunization for medical reasons

The Superintendent or designee shall notify the student's parents/guardians of the date by which the student must complete all the remaining doses when they become due as specified in 17 CCR 6035.

The Superintendent or designee shall review the immunization record of each student admitted conditionally every 30 days until that student has received all the required immunizations. If the student does not receive the required immunizations within the specified time limits, he/she shall be excluded from further attendance until the immunizations are received. (Health and Safety Code 120375; 17 CCR 6070)

### Records

The Superintendent or designee shall record each new entrant's immunizations in the mandatory permanent student record. District staff shall maintain the confidentiality of immunization records and may disclose such information to state and local health departments only in accordance with law. (Health and Safety Code 120375, 120440; 17 CCR 6070)

(cf. 5125 - Student Records)



Regulation CLOVERDALE UNIFIED SCHOOL DISTRICT

approved: November 19, 2003 Cloverdale, California

# **Board Policy**

## **Head Lice**

BP 5141.33

### **Students**

To prevent the spread of head lice infestations, school employees shall report all suspected cases of head lice to the school nurse or designee as soon as possible. The nurse or designee shall examine the student and any siblings of affected students or members of the same household. If nits or lice are found, the student shall be excluded from attendance and parents/guardians informed about recommended treatment procedures and sources of further information.

(cf. 5141.3 - Health Examinations)

(cf. 5141.6 - Student Health and Social Services)

The Superintendent or designee shall send home the notification required by law for excluded students. (Education Code 48213)

(cf. 5112.2 - Exclusions from Attendance)

(cf. 5145.6 - Parental Notifications)

If there are two or more students affected in any class, all students in the class shall be examined, and information about head lice shall be sent home to all parents/guardians of those students.

Staff shall maintain the privacy of students identified as having head lice and excluded from attendance.

(cf. 4119.23/4219.23/4319.23 - Unauthorized Release of Confidential/Privileged Information)

Excluded students may return to school when (1) they bring a note from the parent/guardian verifying treatment, and (2) reexamination by the nurse or designee shows that all nits and lice have been removed.

Legal Reference:

EDUCATION CODE

48210-48214 Persons excluded

49451 Physical examinations: parent's refusal to consent

Policy CLOVERDALE UNIFIED SCHOOL DISTRICT

adopted: November 19, 2003 Cloverdale, California

# **Administrative Regulation**

## **Child Abuse Reporting Procedures**

AR 5141.4

### **Students**

#### Definitions

Child abuse or neglect includes the following: (Penal Code 11165.5, 11165.6)

1. A physical injury inflicted by other than accidental means on a child by another person
2. Sexual abuse of a child as defined in Penal Code 11165.1
3. Neglect as defined in Penal Code 11165.2
4. Willful cruelty or unjustifiable punishment of a child as defined in Penal Code 11165.3
5. Unlawful corporal punishment or injury resulting in a traumatic condition as defined in Penal Code 11165.4

Child abuse or neglect does not include:

1. A mutual affray between minors (Penal Code 11165.6)
2. An injury caused by reasonable and necessary force used by a peace officer acting within the

course and scope of his/her employment (Penal Code 11165.6)

(cf. 3515.3 - District Police/Security Department)

3. The exercise by a teacher, vice principal, principal or other certificated employee of the same degree of physical control over a student that a parent/guardian would be privileged to exercise, not exceeding the amount of physical control reasonably necessary to maintain order, protect property, protect the health and safety of students, or maintain proper and appropriate conditions conducive to learning (Education Code 44807)

4. An amount of force that is reasonable and necessary for a school employee to quell a disturbance threatening physical injury to persons or damage to property, to protect himself/herself, or to obtain weapons or other dangerous objects within the control of the student (Education Code 49001)

5. Physical pain or discomfort caused by athletic competition or other such recreational activity voluntarily engaged in by the student (Education Code 49001)

Mandated reporters include but are not limited to teachers; instructional aides; teacher's aides or assistants; classified employees; certificated pupil personnel employees; administrative officers or supervisors of child attendance; administrators and employees of a licensed day care facility; Head Start teachers; district police or security officers; and administrators, presenters or counselors of a child abuse prevention program. (Penal Code 11165.7)

(cf. 5141.41 - Child Abuse Prevention)

Reasonable suspicion means that it is objectively reasonable for a person to entertain a suspicion, based upon facts that could cause a reasonable person in a like position, drawing when appropriate on his/her training and experience, to suspect child abuse or neglect. (Penal Code 11166)

### Reportable Offenses

A mandated reporter shall make a report using the procedures provided below whenever, in his/her professional capacity or within the scope of his/her employment, he/she has knowledge of or observes a child whom the mandated reporter knows or reasonably suspects has been the victim of child abuse or

neglect. (Penal Code 11166)

Any mandated reporter who has knowledge of or who reasonably suspects that mental suffering has been inflicted upon a child, or that the child's emotional well-being is endangered in any other way, may report the known or suspected instance of child abuse or neglect to the appropriate agency designated below. (Penal Code 11166.05)

Instances that indicate that the emotional well-being of a child might be endangered include, but are not limited to, evidence that the child is suffering from emotional damage, such as severe anxiety, depression, withdrawal, or untoward aggressive behavior towards self or others.

Any person shall notify a peace officer if he/she reasonably believes that he/she has observed the commission of a murder, rape, or lewd or lascivious act by use of force, violence, duress, menace, or fear of immediate and unlawful bodily injury, where the victim is a child under age 14. (Penal Code 152.3, 288)

### Responsibility for Reporting

The reporting duties are individual and cannot be delegated to another person. (Penal Code 11166)

When two or more mandated reporters jointly have knowledge of a known or suspected instance of child abuse or neglect, and when there is agreement among them, the report may be made by a member of the team selected by mutual agreement and a single report may be made and signed by the selected member of the reporting team. Any member who has knowledge that the member designated to report has failed to do so shall thereafter make the report. (Penal Code 11166)

No supervisor or administrator shall impede or inhibit a mandated reporter from making a report. (Penal Code 11166)

Any person not identified as a mandated reporter who has knowledge of or observes a child whom he/she knows or reasonably suspects has been a victim of child abuse or neglect may report the known or suspected instance of child abuse or neglect to the appropriate agency. (Penal Code 11166)

### Reporting Procedures

1. Initial Telephone Report

Immediately or as soon as practicably possible after knowing or observing suspected child abuse or neglect, a mandated reporter shall make a report by telephone to any police department (excluding a school district police/security department), sheriff's department, county probation department if designated by the county to receive such reports, or the county welfare department. (Penal Code 11166)

---

(Name of Appropriate Agency)

---

(Address and Phone Number)

When the telephone report is made, the mandated reporter shall note the name of the official contacted, the date and time contacted, and any instructions or advice received.

2. Written Report

Within 36 hours of receiving the information concerning the incident, the mandated reporter shall prepare and send to the appropriate agency a written report which includes a completed Department of Justice form. (Penal Code 11166, 11168)

Mandated reporters may obtain copies of the above form from either the district or the appropriate agency.

Reports of suspected child abuse or neglect shall include, if known: (Penal Code 11167)

a. The name, business address and telephone number of the person making the report and the capacity that makes the person a mandated reporter

b. The child's name and address, present location and, where applicable, school, grade and class

- c. The names, addresses and telephone numbers of the child's parents/guardians
- d. The information that gave rise to the reasonable suspicion of child abuse or neglect and the source(s) of that information
- e. The name, address, telephone number and other relevant personal information about the person(s) who might have abused or neglected the child

The mandated reporter shall make a report even if some of this information is not known or is uncertain to him/her. (Penal Code 11167)

Information relevant to the incident of child abuse or neglect may also be given to an investigator from an agency that is investigating the case. (Penal Code 11167)

### 3. Internal Reporting

Employees reporting child abuse or neglect to the appropriate agency are encouraged, but not required, to notify the principal or designee as soon as possible after the initial telephone report to an appropriate agency. When so notified, the principal shall inform the Superintendent or designee.

The principal or designee so notified shall provide the mandated reporter with any assistance necessary to ensure that reporting procedures are carried out in accordance with law, Governing Board policy and administrative regulation. At the mandated reporter's request, the principal may assist in completing and filing these forms.

The mandated reporter shall not be required to disclose his/her identity to the principal. (Penal Code 11166)

He/she may provide or mail a copy of the written report to the principal, Superintendent or designee without his/her signature or name.



Reporting the information to an employer, supervisor, school principal, school counselor, co-worker, or other person shall not be a substitute for making a mandated report to the appropriate agency. (Penal Code 11166)

## Training

Training of mandated reporters shall include child abuse identification and reporting. All employees receiving such training shall receive written notice of state reporting requirements and employees' confidentiality rights. (Penal Code 11165.7)

Training shall also include guidance in the appropriate discipline of students, physical contact with students, and maintenance of ethical relationships with students to avoid actions that may be misinterpreted as child abuse.

(cf. 5144 - Discipline)

(cf. 5145.7 - Sexual Harassment)

## Victim Interviews

Upon request, a representative of an agency investigating suspected child abuse or neglect may interview a suspected victim during school hours, on school premises, concerning a report of suspected child abuse or neglect that occurred within the child's home or out-of-home care facility. The child shall be given the choice of being interviewed in private or in the presence of any adult school employee or volunteer aide selected by the child. (Penal Code 11174.3)

A staff member or volunteer aide selected by a child may decline to be present at the interview. If the selected person accepts, the principal or designee shall inform him/her, before the interview takes place, of the following requirements: (Penal Code 11174.3)

1. The purpose of the selected person's presence at the interview is to lend support to the child and enable him/her to be as comfortable as possible.
2. The selected person shall not participate in the interview.

3. The selected person shall not discuss the facts or circumstances of the case with the child.
4. The selected person is subject to the confidentiality requirements of the Child Abuse and Neglect Reporting Act, a violation of which is punishable as specified in Penal Code 11167.5.

If a staff member agrees to be present, the interview shall be held at a time during school hours when it does not involve an expense to the school. (Penal Code 11174.3)

#### Release of Child to Peace Officer

When a child is released to a peace officer and taken into custody as a victim of suspected child abuse or neglect, the Superintendent or designee and/or principal shall not notify the parent/guardian as required in other instances of removal of a child from school, but rather shall provide the peace officer with the address and telephone number of the child's parent/guardian. It is the responsibility of the peace officer or agent to notify the parent/guardian of the situation. (Education Code 48906)

Peace officers shall be asked to sign an appropriate release or acceptance of responsibility form.

(cf. 5145.11 - Questioning and Apprehension)

#### Parent/Guardian Complaints

Upon request, the Superintendent or designee shall provide parents/guardians with procedures whereby they can report suspected child abuse occurring at a school site to appropriate agencies. Such procedures shall be in the primary language of the parent/guardian and, when communicating orally regarding those procedures, an interpreter shall be provided for parents/guardians whose primary language is other than English. (Education Code 48987)

To file a complaint against a district employee or other person suspected of child abuse or neglect at a school site, parents/guardians may file a report by telephone, in person or in writing with any appropriate agency identified above under "Reporting Procedures."

(cf. 4117.4 - Dismissal)

(cf. 4118 - Suspension/Disciplinary Action)

(cf. 4218 - Dismissal/Suspension/Disciplinary Action)

If a parent/guardian makes a complaint to any district employee, that employee shall notify the parent/guardian of procedures for filing a complaint with the appropriate agency and also is obligated pursuant to Penal Code 11166 to file a report himself/herself using the procedures described above for mandated reporters.

(cf. 1312.1 - Complaints Concerning District Employees)

In addition, if the child is enrolled in special education, a separate complaint may be filed with the California Department of Education pursuant to 5 CCR 4650(a)(viii)(C).

(cf. 1312.3 - Uniform Complaint Procedures)

#### Notifications

The Superintendent or designee shall give persons hired by the district a statement informing them that they are mandated by law to report suspected child abuse and neglect, inform them of their reporting obligations under Penal Code 11166, and provide a copy of Penal Code 11165.7 and 11166. Before beginning employment, employees shall sign the statement indicating that they have knowledge of the reporting obligations under Penal Code 11166 and that they will comply with those provisions. The signed statements shall be retained by the Superintendent or designee. (Penal Code 11166.5)

(cf. 4112.9/4212.9/4312.9 - Employee Notifications)

Employees who work with dependent adults shall be notified of legal responsibilities and reporting procedures pursuant to Welfare and Institutions Code 15630-15637.

The Superintendent or designee shall also notify all employees that:

1. A mandated reporter who reports a known or suspected instance of child abuse or neglect shall not be held civilly or criminally liable for making a report. Any other person making a report shall not incur civil or criminal liability unless it can be proven that he/she knowingly made a false report or made a report with reckless disregard of the truth or falsity of the report. (Penal Code 11172)
  
2. If a mandated reporter fails to report an incident of known or reasonably suspected child abuse or neglect, he/she is guilty of a misdemeanor punishable by a fine and/or imprisonment. (Penal Code 11166)
  
3. No employee shall be subject to any sanction by the district for making a report. (Penal Code 11166)

Regulation CLOVERDALE UNIFIED SCHOOL DISTRICT

approved: November 19, 2003 Cloverdale, California

# **Board Policy**

## **Suicide Prevention**

BP 5141.52

### **Students**

The Governing Board recognizes that suicide is a major cause of death among youth and that all suicide threats must be taken seriously. The Superintendent or designee shall establish procedures to be followed when a suicide attempt, threat or disclosure is reported. The district shall also provide students, parents/guardians and staff with education that helps them recognize the warning signs of severe emotional distress and take preventive measures to help potentially suicidal students.

The Superintendent or designee shall incorporate suicide prevention instruction into the curriculum.

The Superintendent or designee shall also offer parent education or information which describes the severity of the youth suicide problem and the district's suicide prevention curriculum. This information shall be designed to help parents/guardians recognize warning signs of suicide, learn basic steps for helping suicidal youth and identify community resources that can help youth in crisis.

Suicide prevention training for certificated and classified staff shall be designed to help staff recognize sudden changes in students' appearance, personality or behavior which may indicate suicidal intentions, help students of all ages develop a positive self-image and a realistic attitude towards potential accomplishments, identify helpful community resources, and follow procedures established by the Superintendent or designee for intervening when a student attempts, threatens or discloses the desire to commit suicide. The training shall be offered under the direction of a trained district counselor/psychologist or in cooperation with one or more community mental health agencies.

(cf. 1020 - Youth Services)

(cf. 4131 - Staff Development)

(cf. 4231 - Staff Development)

(cf. 4331 - Staff Development)

(cf. 6164.2 - Guidance/Counseling Services)

Staff shall promptly report suicidal threats or statements to the principal or mental health counselor, who shall promptly report the threats or statements to the student's parents/guardians. These statements shall otherwise be kept confidential.

(cf. 5141 - Health Care and Emergencies)

The Board endorses the use of peer counselors who can provide an effective support system for students who may be uncomfortable communicating with adults. Peer counselors shall first complete the suicide prevention curriculum and demonstrate that they are able to identify the warning signs of suicidal behavior and rapidly refer a suicidal student to appropriate adults.

Legal Reference:

EDUCATION CODE

49602 Confidentiality of student information

49604 Suicide prevention training for school counselors

WELFARE AND INSTITUTIONS CODE

5698 Emotionally disturbed youth; legislative intent

Management Resources:

CDE PUBLICATIONS

Suicide Prevention Program for California Schools, 1987

Health Framework for California Public Schools, 1994

Policy CLOVERDALE UNIFIED SCHOOL DISTRICT

adopted: November 19, 2003 Cloverdale, California

# **Administrative Regulation**

## **Suicide Prevention**

AR 5141.52

### **Students**

#### Curriculum

The district's suicide prevention instruction shall be designed to help students:

1. Understand how feelings of depression and despair can lead to suicide
2. Identify alternatives to suicide and develop new coping skills
3. Recognize the warning signs of suicidal intentions in others
4. Learn to listen, be honest, share feelings and get help when communicating with friends who show signs of suicidal intent
5. Identify community crisis intervention resources where youth can get help

#### Crisis Intervention Procedures

District procedures to be followed when a suicide attempt, threat or disclosure is reported shall:

1. Ensure the student's short-term physical safety by one of the following, as appropriate:

- a. Securing immediate medical treatment if a suicide attempt has occurred
  - b. Securing police and/or other emergency assistance if a suicidal act is being actively threatened
  - c. When a suicidal act is less actively threatened but is a serious possibility, keeping the student under continuous adult supervision until the parent/guardian can be contacted and has the opportunity to intervene
  - d. If an unsuccessful suicide attempt has been reported or threatened, monitoring the student's actions until the parent/guardian can be contacted and has the opportunity to intervene
2. Designate specific individuals to be promptly contacted, including:
    - a. The school counselor, psychologist, nurse and/or principal
    - b. The student's parent/guardian
    - c. As necessary, local police or counseling agencies
  3. Set forth one or more plans by which the school can transfer responsibility for the student's welfare to the parent/guardian and/or the appropriate support agent or agency
  4. Provide for the timely follow-up by designated school staff regarding the parent/guardian and student's contact with an appropriate support agent or agency

Regulation CLOVERDALE UNIFIED SCHOOL DISTRICT

approved: November 19, 2003 Cloverdale, California



# **Administrative Regulation**

## **Student Health And Social Services**

AR 5141.6

### **Students**

The following services may be provided to students by the district: (22 CCR 51360)

1. Health and mental health evaluation and education, including:
  - a. Nutritional assessment and nutrition education, consisting of assessments and nonclassroom nutrition education based on the outcome of the nutritional health assessment (diet, feeding, laboratory values and growth)
  - b. Vision assessment, consisting of examination of visual acuity at the far point conducted by means of the Snellen Test
  - c. Hearing assessment, consisting of testing for auditory impairment using at-risk criteria and appropriate screening techniques as defined in 17 CCR 2951(c)
  - d. Developmental assessment, consisting of examination of the developmental level by review of developmental achievement in comparison with expected norms for age and background
  - e. Assessment of psychosocial status, consisting of appraisal of cognitive, emotional, social and behavioral functioning and self-concept through tests, interviews and behavioral evaluations
  - f. Health education and anticipatory guidance appropriate to age and health status, consisting of nonclassroom health education and anticipatory guidance based on age and developmentally appropriate health education

(cf. 5141.3 - Health Examinations)

2. Physical therapy, which consists of services as set out in 22 CCR 51309(b) when provided by a local educational agency (LEA) practitioner to an LEA eligible beneficiary
3. Occupational therapy services as set out in 22 CCR 51309(c) when provided by a LEA practitioner to an LEA eligible beneficiary
4. Speech pathology services as defined in 22 CCR 51096 and audiology services as defined in 22 CCR 51098 when provided by a LEA practitioner to an LEA eligible beneficiary
5. Psychology and counseling services consisting of diagnosis and psychological counseling of identified mental health, substance abuse, behavioral adjustment or social problems

(cf. 5131.6 - Alcohol and Other Drugs)

6. Preventive and medically necessary nursing services rendered at the school site and services for accompanying the student off campus for health services specified as medically necessary in the individual's Individualized Education Program (IEP), as defined in Education Code 56340, Individualized Family Service Plan (IFSP), as set forth in Government Code 95020 or Individualized Health and Support Plan (IHSP), as set forth in 22 CCR 51535.5

(cf. 5141.26 - Tuberculosis Testing)

(cf. 5141.31 - Immunizations)

(cf. 6159 - Individualized Education Program)

7. School health aide services consisting of the direct provision of specialized physical health care services at the school site and services for accompanying the student off campus for health services specified as medically necessary in the individual's IEP, IFSP or IHSP

Health care aides who provide specialized physical health care services pursuant to Education

Code 49423.5 shall be under the supervision of a licensed physician and surgeon, a registered credentialed school nurse or a certified public health nurse. All other individuals performing health and social services shall provide documented evidence of being licensed, certified, registered or otherwise credentialed to practice in California. They shall provide only those services which are within their appropriate scope of practice. (22 CCR 51190.3, 51270, 51491)

(cf. 5141.24 - Specialized Health Care Services)

8. Medical transportation and associated mileage only on those days when the student receives a Medi-Cal eligible service described in 22 CCR 51323(a) and 51360(b)

9. Targeted case management services for children with an IEP, an IFSP or an IHSP

10. Referral to the Medi-Cal for Children Program or Healthy Families Program as described in 10 CCR 2699.6500-2699.6815.

11. Other services which may not be funded by Medi-Cal.

(cf. 5141.32 - Child Health and Disability Prevention Program)

Regulation CLOVERDALE UNIFIED SCHOOL DISTRICT

approved: November 19, 2003 Cloverdale, California

# **Exhibit**

## **Student Health And Social Services**

E 5141.6

### **Students**

#### Sample Resolution Student Health And Learning

WHEREAS on July 1, 1998, California's new Healthy Families program joined forces with Medi-Cal for Children to provide low-cost and no-cost comprehensive health, dental and vision care coverage to the state's most vulnerable population - low income, uninsured children under 19 years of age. This effort is funded in a part by a federal allocation of state grants known as the Children's Health Insurance Program.

WHEREAS, the Governing Board of the Cloverdale Unified School District recognizes that good health is a prerequisite to optimal learning and that schools can help students achieve academic success by participating in efforts that promote good health, including access to regular medical care.

WHEREAS, health is defined in a broad sense as a state of complete physical, mental and social well-being and not merely the absence of disease or infirmity.

WHEREAS, California schools have already demonstrated their commitment to students' health through the institution of such programs as Healthy Start and after-school programs, early care and education programs, school-based/school-linked health services, child nutrition services, counseling services, and immunization programs.

WHEREAS, of California's over 9 million children, nearly one in five has no health care coverage. In addition, nearly one in five children without health care coverage do not receive necessary medical treatment for a chronic illness that was serious enough to keep the child from functioning in school.

WHEREAS, absenteeism among students is clearly associated with school failure. Research shows that students who miss more than 10 days of school in a 90-day semester have trouble remaining at their grade level.

WHEREAS, health services is one of the important elements of a comprehensive approach to promoting health and preventing disease and disability in children and youth.

WHEREAS, the Board acknowledges the value of health insurance in keeping children healthy through access to regular medical care.

WHEREAS, children without health insurance are less likely to: have a family doctor; receive timely preventive care; receive medical treatment; learn in school; and grow up to be healthy, productive adults.

WHEREAS, the Board acknowledges that while our schools play a critical role in helping children access health care services, it is essential to achieve this in collaboration with local agencies and community-based organizations. It is only through the shared responsibility and collective action of schools, local agencies and/or community-based organizations that we can ensure positive outcomes for our children and youth.

THEREFORE BE IT RESOLVED that the Board of the Cloverdale Unified School District will work to improve children's health, thereby improving their academic performance, by helping to ensure that all children have health insurance. To this end, the district will participate in outreach and enrollment efforts related to California's low-cost Healthy Families Program, no-cost Medi-Cal for Children, and other affordable health programs. This will help assure optimal learning for every child by addressing children's health problems and maximizing school attendance.

PASSED AND ADOPTED THIS \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_ at a regular meeting, by the following vote:

AYES: \_\_\_\_\_ NOES: \_\_\_\_\_ ABSENT: \_\_\_\_\_

Attest:

---

Secretary      President

Exhibit CLOVERDALE UNIFIED SCHOOL DISTRICT

version: November 19, 2003 Cloverdale, California

# Administrative Regulation

## Safety

AR 5142

## Students

### Release of Student to Adult

Students shall be released during the school day in the custody of an adult only if:

1. The adult is the student's parent/guardian with custody.

(cf. 5021 - Noncustodial Parents)

2. The adult has been authorized on the student's emergency card as someone to whom the student may be released when the parent/guardian cannot be reached, and the principal or designee verifies the individual's identification.

(cf. 5141 - Health Care and Emergencies)

(cf. 5141.1 - Accidents)

3. The adult is a properly authorized law officer acting in accordance with law.

(cf. 5145.11 - Questioning and Apprehension)

4. The adult is taking the student to emergency medical care at the request of the principal or designee.

(cf. 5141.4 - Child Abuse Reporting Procedures)

## Supervision of Students

Teachers shall be present at their respective rooms and shall open them to admit students not less than 30 minutes before the time when school starts. (5 CCR 5570)

(cf. 6112 - School Day)

Every teacher shall hold students to a strict account for their conduct on the way to and from school, on the playgrounds and during recess. (Education Code 44807)

Where playground supervision is not otherwise provided, the principal of each school shall provide for certificated employees to supervise the conduct and safety, and direct the play, of students who are on school grounds before and after school and during recess and other intermissions. (5 CCR 5552)

The principal or designee shall:

1. Clearly identify supervision zones on the playground and require that all individuals supervising students remain outside at a location from which they can observe their entire zone of supervision
2. Require that all supervisors remain alert in spotting dangerous conditions, promptly report any such conditions to the principal or designee, and file a written report on such conditions as appropriate
3. Establish emergency procedures that ensure swift response to accidents, fighting and situations that could become dangerous, such as overcrowding or unusual gatherings of students

When determining the ratio of playground supervisors to students, the Superintendent or designee shall consider the size of the playground area, the number of areas that are not immediately visible, and the age of the students.



The Superintendent or designee shall ensure that teachers, teacher aides, yard aides and volunteers who supervise students receive training in safety practices and in supervisory techniques that will help them to forestall problems and resolve conflicts. Such training shall be documented and kept on file.

## Playground Safety

The Superintendent or designee shall ensure that playgrounds comply with 22 CCR 65700-65750 pertaining to the design, installation, inspection and maintenance of playgrounds and playground equipment.

New playground equipment shall be either: (22 CCR 65730)

1. Assembled and installed by or under the direct supervision of an individual authorized by the manufacturer
2. Inspected by a certified playground safety inspector prior to its first use

The Superintendent or designee shall ensure that district personnel have read and understood the requirements in 22 CCR 65700-65750 before participating in the design, installation or maintenance of a playground. (22 CCR 65740)

## Activities with Safety Risks

Because of concerns about the risk to student safety, the principal or designee shall not permit the following activities on campus or during school-sponsored events unless the activity is properly supervised, students wear protective gear as appropriate, and each participant has insurance coverage:

1. Trampolining
2. Scuba diving

3. Skateboarding or use of nonmotorized scooters
4. In-line or roller skating
5. Hang gliding
6. Sailing
7. Water skiing
8. Snow trips
9. Motorcycling
10. Target shooting
11. Horseback riding
12. Rodeo
13. Other activities determined by the school principal to have a high risk to student safety

(cf. 6145 - Extracurricular and Cocurricular Activities)

The cost of insurance coverage for such activities shall be borne by the student and/or student body consistent with law and Governing Board policy.

(cf. 3260 - Fees and Charges)

(cf. 3530 - Risk Management/Insurance)

(cf. 5143 - Insurance)

Students who operate or ride as a passenger on a bicycle, nonmotorized scooter or skateboard upon a street, bikeway or any other public bicycle path or trail shall wear a properly fitted and fastened bicycle helmet that meets the standards of law. Students also shall be required to wear such helmets while wearing in-line or roller skates. (Vehicle Code 21212)

### Laboratory Safety

The principal of each school offering laboratory work to students shall designate a trained certificated employee to review, update and carry out the school's procedures for laboratory safety.

### Hearing Protection

The Superintendent or designee shall monitor students' exposure to excessive noise in classrooms and provide protection as necessary. The Superintendent or designee also may provide hearing conservation education to teach students ways to protect their hearing.

### Eye Safety Devices

The Superintendent or designee shall provide schools with eye safety devices for use whenever students are engaged in or observing an activity or using hazardous substances likely to cause injury to the eyes. (Education Code 32030, 32031)

(cf. 4157/4257/4357 - Employee Safety)

Eye safety devices may be sold to students for an amount not to exceed their actual cost to the district. (Education Code 32033)

(cf. 3260 - Fees and Charges)

## Sun Safety

The Superintendent or designee shall recommend appropriate practices to protect students from overexposure to ultraviolet radiation.

(cf. 5132 - Dress and Grooming)

Students shall be allowed to use sunscreen during the school day without a physician's note or prescription. (Education Code 35183.5)

The Superintendent or designee may incorporate sun safety into the curriculum in order to increase students' understanding of the health risks associated with overexposure to ultraviolet radiation and to encourage students to engage in preventative practices.

## Protection Against Insect Bites

To help protect students against insect bites or stings that may spread disease or cause allergic reactions, students shall be allowed to apply insect repellent, under the supervision of school personnel and in accordance with the manufacturer's directions, when engaging in outdoor activities.

Regulation CLOVERDALE UNIFIED SCHOOL DISTRICT

approved: November 19, 2003 Cloverdale, California

# **Board Policy**

## **Identification And Reporting Of Missing Children**

BP 5142.1

### **Students**

In order to facilitate the location and identification of missing children, the Governing Board shall offer a voluntary fingerprinting program for all entering kindergarten students and for all students newly enrolled in the district. The Superintendent or designee shall encourage student participation and ensure student privacy.

(cf. 0450 - Comprehensive Safety Plan)

(cf. 5142 - Safety)

(cf. 5022 - Student and Family Privacy Rights)

The Board may contract with any public or private agency, including any appropriate civic or community organization, to perform the fingerprinting. (Education Code 32390)

(cf. 3312 - Contracts)

District personnel, including but not limited to teachers, administrators, school aides, school playground workers and school bus drivers, are encouraged to report missing children to a law enforcement agency in a timely manner in order to provide those children a necessary level of protection.

Legal Reference:

EDUCATION CODE

32390 Voluntary program for fingerprinting students

38139 Posting of information about missing children

48980 Parental notification of district programs, rights and responsibilities

49068.5-49068.6 Missing children; transfers

49370 Legislative intent re: reporting of missing children

CODE OF REGULATIONS, TITLE 5

640-641 Student fingerprinting program

Management Resources:

WEB SITES

Department of Justice/Attorney General's Office: <http://www.caag.state.ca.us/app>

Policy CLOVERDALE UNIFIED SCHOOL DISTRICT

adopted: November 19, 2003 Cloverdale, California

# **Administrative Regulation**

## **Identification And Reporting Of Missing Children**

AR 5142.1

### **Students**

#### Notices About Missing Children

Every school shall post in an appropriate area information provided by the Department of Justice on missing children. For elementary schools, such information shall be posted in an area restricted to adults. (Education Code 38139)

Elementary school principals are urged to review missing children's pictures whenever a new student enrolls or transfers into the school. (Education Code 49068.5)

(cf. 5111 - Admission)

(cf. 5118 - Transfers)

If a school receives notice from a law enforcement agency that a child enrolled in that school has been reported missing, the principal or designee shall place a notice that the child has been reported missing on the front of the child's school record. If a school receives a record inquiry or request from any person or entity regarding a missing child about whom the school has been notified, the principal or designee shall immediately notify the law enforcement authorities who informed the school of the missing child's status. (Education Code 49068.6)

(cf. 5125 - Student Records)

Fingerprinting Program

At the time of students' enrollment in the district, the Superintendent or designee shall notify the parents/guardians of the availability of the voluntary fingerprinting program and ask them to declare, in writing, whether or not they want their child to participate. At the same time, the Superintendent or designee shall notify parents/guardians in writing that they may reverse their declaration on fingerprinting in writing at any time. (Education Code 32390)

(cf. 5145.6 - Parental Notifications)

Parents/guardians of students who consent to the fingerprinting shall be charged a fee calculated to reimburse the district only for actual costs associated with the program. (Education Code 32390)

(cf. 3260 - Fees and Charges)

Fingerprint services shall be provided in accordance with law and standards developed by the California Department of Education. (5 CCR 641)

Any report or document containing a student's fingerprints shall be given to the parents/guardians. It may be given with the child's report card or any other document routinely mailed to parents/guardians, or may be given in person at any parent-teacher conference. No report or document containing a student's fingerprints shall be kept by the district or given to any other private or public entity. (Education Code 32390)

Regulation CLOVERDALE UNIFIED SCHOOL DISTRICT

approved: November 19, 2003 Cloverdale, California



# **Board Policy**

## **Crossing Guards**

BP 5142.2

### **Students**

The Governing Board is concerned about the safety of students as they walk to and from school. The Board desires that crossing guards be provided to help elementary children cross busy streets.

The Superintendent or designee shall periodically examine traffic patterns within elementary school attendance areas in order to identify locations where crossing assistance may be needed.

The Superintendent or designee shall seek reimbursement for the cost of these guards from the city, county, or other sources. If reimbursement is not forthcoming, the cost of providing crossing guards may be included in the district budget.

(cf. 3100 - Budget)

Legal Reference:

#### **EDUCATION CODE**

45450 Guards at pedestrian crossings; employment

45451 School crossing guards; reimbursement of districts

49300-49307 School Safety Patrols

#### **VEHICLE CODE**

21100 Rules and regulation: subject matter

42200 Fines and forfeitures, disposition by cities

42201 Fines and forfeitures, disposition by counties

CODE OF REGULATIONS, TITLE 5

570-576 School safety patrols

Policy CLOVERDALE UNIFIED SCHOOL DISTRICT

adopted: November 19, 2003 Cloverdale, California

# **Board Policy**

## **Insurance**

BP 5143

## **Students**

To ensure that injured students receive needed health care services, the Governing Board may make medical and/or hospital service available to district students through nonprofit membership corporations and/or group, blanket or individual policies from an authorized insurer or a district self-insurance program.

The Superintendent or designee shall provide or make available:

1. Medical or hospital service or insurance protection against injuries to students while participating in any excursion or field trip under the jurisdiction of, or sponsored by or controlled by, the district. (Education Code 35331)

The costs of the medical or hospital service or insurance protection for such students may be paid by either the district, the student, or the student's parent/guardian. (Education Code 35331)

(cf. 3260 - Fees and Charges)

(cf. 6153 - School-Sponsored Trips)

2. Insurance protection for medical and hospital expenses resulting from accidental bodily injury to each member of a school athletic team as defined in law and administrative regulation. (Education Code 32221)

The costs of insurance protection for athletic team members shall be paid by either the district, student body organization or any other persons on behalf of the individual team members or students covered by

the insurance. If a parent/guardian of an athletic team member is financially unable to pay the costs of insurance protection, the costs shall be paid by the district and/or student body organization. (Education Code 32221)

(cf. 3452 - Student Activity Funds)

The insurance shall not be required of athletic team members who have insurance or a reasonable equivalent of health benefits provided through other means, including but not limited to purchase by the student or his/her parent/guardian. (Education Code 32221)

(cf. 6145 - Extracurricular and Cocurricular Activities)

(cf. 6145.2 - Athletic Competition)

In addition, the Superintendent or designee may provide or make available:

1. Medical and/or hospital service for students who are injured on school grounds during the school day, at any other place that a school-sponsored activity is being held, or while being transported by the district to and from school, another place of instruction or a school activity

The costs of the medical and/or hospital service for such students may be paid by either the district, the student, or the student's parent/guardian. (Education Code 49472)

(cf. 3530 - Risk Management/Insurance)

(cf. 3540 - Transportation)

(cf. 3541.1 - Transportation for School-Related Trips)

(cf. 3543 - Transportation Safety and Emergencies)

(cf. 5141.1 - Accidents)

(cf. 5141.6 - Student Health and Social Services)

2. Insurance protection for medical and hospital expenses resulting from accidental bodily injury to members of an organized rooting section and student spectators at athletic events

3. Insurance protection for medical and hospital expenses resulting from accidental bodily injury to participants in occasional playday or field day activities in which students from two or more district schools participate in athletic contests

4. Medical and/or hospital service to students participating in other athletic activities sponsored or controlled by or under the jurisdiction of the district

(cf. 6142.7 - Physical Education)

5. Liability insurance to students enrolled in work experience or vocational education programs at locations off school grounds approved by the Board, for the total or a portion of the total costs as determined by the Board

(cf. 6178 - Vocational Education)

(cf. 6178.1 - Work Experience Education)

6. Liability insurance to students enrolled in the district's nursing program or related programs in the healing arts

(cf. 6200 - Adult Education)

The Superintendent or designee may distribute printed matter furnished by the insurer or membership corporation to students and their parents/guardians.

Legal Reference:

EDUCATION CODE

32220-32224 Insurance for athletic teams

33353.5 Interscholastic federation; insurance program; nontransaction of insurance

35331 Insurance for field trips and excursions

48980 Parental notifications

49470-49474 District medical services and insurance

51760 Insurance, work experience programs

52530 Insurance for healing arts program students

INSURANCE CODE

10493 Benefit and relief association

Policy CLOVERDALE UNIFIED SCHOOL DISTRICT

adopted: November 19, 2003 Cloverdale, California

# **Board Policy**

## **Discipline**

BP 5144

### **Students**

The Governing Board desires to prepare students for responsible citizenship by fostering self-discipline and personal responsibility. The Board believes that high expectations for student behavior, effective classroom management and parent involvement can minimize the need for discipline. Staff shall use preventative measures and positive conflict resolution techniques whenever possible.

(cf. 5020 - Parent Rights and Responsibilities)

(cf. 5137 - Positive School Climate)

(cf. 5145.3 - Nondiscrimination/Harassment)

(cf. 5145.9 - Hate-Motivated Behavior)

(cf. 6020 - Parent Involvement)

Board policies and regulations shall delineate acceptable student conduct and provide the basis for sound disciplinary practices. Each school shall develop disciplinary rules to meet the school's individual needs.

(cf. 5131 - Conduct)

(cf. 5131.1 - Bus Conduct)

When misconduct occurs, staff shall implement appropriate discipline and attempt to identify and address the causes of the student's behavior. Continually disruptive students may be assigned to alternative programs or removed from school in accordance with law, Board policy and administrative regulation. At all times, the safety of students and staff and the maintenance of an orderly school environment shall be priorities in determining appropriate discipline.

- (cf. 0450 - Comprehensive Safety Plan)
- (cf. 3515 - Campus Security)
- (cf. 3515.3 - District Police/Security Department)
- (cf. 3515.4 - Recovery for Property Loss or Damage)
- (cf. 4158/4258/4358 - Employee Security)
- (cf. 5136 - Gangs)
- (cf. 5144.1 - Suspension and Expulsion/Due Process)
- (cf. 5144.2 - Suspension and Expulsion/Due Process (Students with Disabilities))
- (cf. 6164.5 - Student Study Teams)
- (cf. 6159.4 - Behavioral Interventions for Special Education Students)
- (cf. 6182 - Opportunity School/Class/Program)
- (cf. 6184 - Continuation Education)
- (cf. 6185 - Community Day School)

Staff shall enforce disciplinary rules fairly, consistently and without discrimination.

- (cf. 0410 - Nondiscrimination in District Programs and Activities)
- (cf. 5145.3 - Nondiscrimination/Harassment)

The Superintendent or designee shall provide professional development as necessary to assist staff in developing classroom management skills and implementing effective disciplinary techniques.

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

Legal Reference:



## CIVIL CODE

1714.1 Parental liability for child's misconduct

## EDUCATION CODE

35146 Closed sessions

35291 Rules

35291.5-35291.7 School-adopted discipline rules

35294-35294.9 School safety plans

37223 Weekend classes

44807.5 Restriction from recess

48630-48644.5 Opportunity schools

48900-48926 Suspension and expulsion

48980-48985 Notification of parents or guardians

49000-49001 Prohibition of corporal punishment

49330-49335 Injurious objects

## CODE OF REGULATIONS, TITLE 5

307 Participation in school activities until departure of bus

353 Detention after school

Management Resources:

## CSBA PUBLICATIONS

Protecting Our Schools: Governing Board Strategies to Combat School Violence, 1999

## CDE PROGRAM ADVISORIES

1010.89 Physical Exercise as Corporal Punishment, CIL 89/9-3

1223.88 Corporal Punishment, CIL: 88/9-5

## WEB SITES

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

USDOE: <http://www.ed.gov>

Policy CLOVERDALE UNIFIED SCHOOL DISTRICT

adopted: November 19, 2003 Cloverdale, California

# **Administrative Regulation**

## **Discipline**

AR 5144

## **Students**

### Site-Level Rules

In developing site-level disciplinary rules, the school shall solicit the participation, views and advice of one representative selected by each of the following groups: (Education Code 35291.5)

1. Parents/guardians
2. Teachers
3. School administrators
4. School security personnel, if any

(cf. 3515.3 - District Police/Security Department)

5. For junior high and high schools, students enrolled in the school

The final version of the rules shall be adopted by a panel comprised of the principal or designee and a representative selected by classroom teachers employed at the school. Each school shall file a copy of its rules with the Superintendent or designee.

The rules shall be consistent with law, Governing Board policy and district regulations. The Board may review, at an open meeting, the approved school discipline rules for consistency with Board policy and state law. (Education Code 35291.5)

Each school shall review its site-level discipline rules at least every four years.

It shall be the duty of each employee of the school to enforce the school rules on student discipline. (Education Code 35291)

Disciplinary strategies provided in Board policy, regulation and law may be used in developing site-level rules. These strategies include but are not limited to:

1. Referral of the student for advice and counseling

(cf. 6164.2 - Guidance/Counseling Services)

2. Discussion or conference with parents/guardians

(cf. 5020 - Parent Rights and Responsibilities)

(cf. 6020 - Parent Involvement)

3. Recess restriction

4. Detention during and after school hours

5. Community service

6. Reassignment to an alternative educational environment

(cf. 6158 - Independent Study)

(cf. 6181 - Alternative Schools)

(cf. 6182 - Opportunity School/Class/Program)

(cf. 6184 - Continuation Education)

(cf. 6185 - Community Day School)

7. Removal from the class in accordance with Board policy, administrative regulation and law

8. Suspension and expulsion

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

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

### Corporal Punishment

Corporal punishment shall not be used as a disciplinary measure against any student. Corporal punishment includes the willful infliction of, or willfully causing the infliction of, physical pain on a student. (Education Code 49001)

For purposes of this policy, corporal punishment does not include an employee's use of force that is reasonable and necessary to protect the employee, students, staff or other persons or to prevent damage to property or to obtain possession of weapons or other dangerous objects within the control of the student. (Education Code 49001)

(cf. 4158/4258/4358 - Employee Security)

(cf. 5131.7 - Weapons and Dangerous Instruments)

### Recess Restriction

A teacher may restrict a student's recess time when he/she believes that this action is the most effective

way to bring about improved behavior, subject to the following conditions:

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

### Detention After School

Students may be detained for disciplinary reasons up to one hour after the close of the maximum school day. (5 CCR 353)

If a student will miss his/her school bus on account of being detained after school, or if the student is not transported by school bus, the principal or designee shall notify parents/guardians of the detention at least one day in advance so that alternative transportation arrangements may be made. The student shall not be detained unless the principal or designee notifies the parent/guardian.

In cases where the school bus departs more than one hour after the end of the school day, students may be detained until the bus departs. (5 CCR 307, 353)

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

Students may be offered the choice of serving their detention on Saturday rather than after school.

(cf. 6176 - Weekend/Saturday Classes)

### Community Service

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

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

#### Notice to Parents/Guardians and Students

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

(cf. 5145.6 - Parental Notifications)

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

Regulation CLOVERDALE UNIFIED SCHOOL DISTRICT

approved: November 19, 2003 Cloverdale, California

# Board Policy

## Student Suspension/Expulsion Policy

BP 5144.1

### STUDENT DISCIPLINE POLICY

#### I. SUSPENSION FROM SCHOOL

##### A. Suspension: Definitions (Education Code Section 48925)

1. Suspension from school means removal of a student from ongoing instruction for adjustment purposes.
2. Day means a calendar day unless otherwise specifically provided.
3. Schoolday means a day upon which the schools of the district are in session or weekdays during the summer recess.
4. Student includes a student's parent or guardian or legal counsel.
5. Student with Previously Identified Exceptional Needs means a student who meets the requirements of Education Code Section 56026 and who was enrolled, with parent/guardian consent, in a placement that included special education and/or related services when the alleged misconduct occurred or a student about whom the District had a basis of knowledge of the student's disability before the behavior precipitating consideration of disciplinary action occurred. (34 CFR Section 300.534)
6. Principal's Designee means one or more administrators at a school site specifically designated by the principal, in writing, to assist with disciplinary procedures.



In the event there is not an administrator beside the principal at a school site, the principal may specifically designate, in writing, a certificated employee at the school site to assist with disciplinary procedures. Only one such certificated employee at a time may be designated as the principal's primary designee for the school year.

An additional certificated person may be designated by the principal, in writing, to assist with disciplinary procedures when both the principal and principal's primary designee are absent from the school site. The name of the additional person and the person(s) designated as "principal's designee", shall be on file in the principal's office. (Education Code Section 48911(h))

7. Habitual means a frequent repetition.
8. Terroristic Threat shall include any statement, whether written or oral, by a person who willfully threatens to commit a crime which will result in death, great bodily injury to another person, or property damage in excess of one thousand dollars (\$1,000), with the specific intent that the statement is to be taken as a threat, even if there is no intent of actually carrying it out, which, on its face and under the circumstances in which it is made, is so unequivocal, unconditional, immediate, and specific as to convey to the person threatened, a gravity of purpose and an immediate prospect of execution of the threat, and thereby causes that person reasonably to be in sustained fear for his or her own safety or for his or her immediate family's safety, or for the protection of school district property, or the personal property of the person threatened or his or her immediate family. (Education Code Section 48900.7(b))
9. Hazing includes any method of initiation or preinitiation into a student organization or student body or any pastime or amusement engaged in with respect to these organizations which causes, or is likely to cause, bodily danger, physical harm, or personal degradation or disgrace resulting in physical or mental harm, to any student or other person attending any school, community college, college, university, or other educational institution in this state. The term "hazing" does not include customary athletic events or other similar contests or competitions.
10. Electronic Signaling Device includes any electronic signaling device that operates through the transmission or receipt of radio waves, including, but not limited to,

paging and signaling equipment. The governing board or its designee may regulate the possession or use of such devices by students of the school district while on campus, while attending any school-sponsored activity, or while under the supervision and control of any district employee; however, no student shall be prohibited from possessing or using an electronic signaling device that is determined by a licensed physician and surgeon to be essential to the health of the student and the use of which is limited to purposes related to the health of the student. (Education Code Section 48901.5)

11. School Property includes, but is not limited to, electronic files and databases.

B. Suspension: Authority to Suspend

Suspension shall be imposed only when other means of correction fail to bring about proper conduct. However, a student, including a student with previously identified exceptional needs, may be suspended for any of the reasons in Education Code Section 48900 upon a first offense, if the principal or superintendent determines the student has committed any of the acts enumerated in Education Code Section 48900 (a)-(e) (see paragraph I.C.2 (a)-(e)) or that the student's presence causes a danger to persons or property or threatens to disrupt the instructional process. (Education Code Section 48900.5)

C. Suspension: Grounds for Suspension

1. Subject to paragraph I.C.2, below, a student may be suspended for any of the acts specified in the Education Code including Education Code Section 48900, subdivisions (a)-(r), Education Code Section 48900.2, 48900.3, 48900.4, or 48900.7.

Education Code Section 48900:

- a. (1) Caused, attempted to cause, or threatened to cause physical injury to another person

(2) Willfully used force or violence upon the person of another, except in self-defense.

- b. Possessed, sold, or otherwise furnished any firearm, knife, explosive, or other dangerous object unless, in the case of possession of any object of this type, the student had obtained written permission from a certificated school employee, which is concurred in by the principal or the principal's designee.
- c. Unlawfully possessed, used, sold, or otherwise furnished, or been under the influence of, any controlled substance listed in Chapter 2 (commencing with Section 11053) of Division 10 of the Health and Safety Code, an alcoholic beverage, or an intoxicant of any kind.
- d. Unlawfully offered or arranged or negotiated to sell any controlled substance listed in Chapter 2 (commencing with Section 11053) of Division 10 of the Health and Safety Code, an alcoholic beverage, or an intoxicant of any kind, and then either sold, delivered, or otherwise furnished to any person another liquid, substance, or material and represented the liquid, substance, or material as a controlled substance, alcoholic beverage, or intoxicant.
- e. Committed or attempted to commit robbery or extortion.
- f. Caused or attempted to cause damage to school property or private property. "School property" includes, but is not limited to, electronic files and data bases.
- g. Stolen or attempted to steal school property or private property. "School property" includes, but is not limited to, electronic files and data bases.
- h. Possessed or used tobacco, or any products containing tobacco or nicotine products, including, but not limited to, cigarettes, cigars, miniature cigars, clove cigarettes, smokeless tobacco, snuff, chew packets, and betel. However, this does not prohibit use or possession by a student of his or her own prescription products.

- i. Committed an obscene act or engaged in habitual profanity or vulgarity.
- j. Unlawfully possessed or unlawfully offered, arranged, or negotiated to sell any drug paraphernalia, as defined in Section 11014.5 of the Health and Safety Code.
- k. Disrupted school activities or otherwise willfully defied the valid authority of supervisors, teachers, administrators, school officials, or other school personnel engaged in the performance of their duties.
- l. Knowingly received stolen school property or private property. "School property" includes, but is not limited to, electronic files and data bases.
- m. Possessed an imitation firearm. As used in this section, "imitation firearm" means a replica of a firearm that is so substantially similar in physical properties to an existing firearm as to lead a reasonable person to conclude that the replica is a firearm.
- n. Committed or attempted to commit a sexual assault as defined in Section 261, 266c, 286, 288, 288a, or 289 of the Penal Code or committed a sexual battery as defined in Section 243.4 of the Penal Code.
- o. Harassed, threatened, or intimidated a student who is a complaining witness or witness in a school disciplinary proceeding for the purpose of either preventing that student from being a witness or retaliating against that student for being a witness, or both.
- p. Unlawfully offered, arranged to sell, or sold the prescription drug Soma.
- q. Engaged in, or attempted to engage in, hazing. For purposes of this subdivision, "hazing" means a method of initiation or preinitiation into a student organization or body, whether or not the organization or body is officially recognized by an educational institution which is likely to cause serious bodily injury or personal degradation or disgrace resulting in physical or mental harm to a former, current, or prospective student. For

purposes of this subdivision, “hazing” does not include athletic events or school-sanctioned events.

- r. Engaged in an act of bullying, including, but not limited to, bullying committed by means of an electronic act, as defined in subdivisions (f) and (g) of Section 32261, directed specifically toward a student or school personnel.

#### Education Code Section 48900.2

Committed sexual harassment as defined in Education Code Section 212.5. This conduct must be considered by a reasonable person of the same gender as the victim to be sufficiently severe or pervasive to have a negative impact upon the individual's academic performance or to create an intimidating, hostile, or offensive educational environment. This sub-section applies to students enrolled in any of grades 4 to 12, inclusive.

#### Education Code Section 48900.3

Caused, attempted to cause, threatened to cause, or participated in an act of hate violence as defined in subdivision (e) of Education Code Section 233. This sub-section applies to students enrolled in any of grades 4 to 12, inclusive.

#### Education Code Section 48900.4

Intentionally engaged in harassment, threats, or intimidation, directed against school district personnel or students that is sufficiently severe or pervasive to have the actual and reasonably expected effect of materially disrupting class work, creating substantial disorder, and invading the rights of either school personnel or students by creating an intimidating or hostile education environment. This sub-section applies to students enrolled in any of grades 4 to 12, inclusive.

#### Education Code Section 48900.7

Making terroristic threats, as defined, against school officials or school property, or both.

2. A student shall be subject to suspension for any act enumerated in I.C.1, above, only if the act is related to school activity or school attendance occurring within a school under the jurisdiction of the superintendent or the principal or occurring within any other school district(s), including but not limited to the following circumstances:
  - a. While on school grounds.
  - b. While going to or coming from school.
  - c. During the lunch period, whether on or off the school campus.
  - d. During, or going to or coming from, a school-sponsored/school-related activity.

D. Alternatives to Suspension/Additional Disciplinary Actions

1. Alternatives to suspension or expulsion will be imposed when a student is truant, tardy, or otherwise absent from assigned school activities.
2. A superintendent or principal may use his/her discretion to provide alternatives to suspension or expulsion, including, but not limited to, counseling and an anger management program.
3. As part of or instead of disciplinary action prescribed by this policy, the principal of a school, or the principal's designee, may require a student to perform community service on school grounds or, with written permission of the parent or guardian of the student, off school grounds, during the student's nonschool hours. For purposes of this sub-section "community service" may include, but is not limited to, work performed in the community or on school grounds in the areas of outdoor beautification, community or campus betterment, and teacher, peer or youth assistance programs. This sub-section does not apply if a student has been

suspended, pending expulsion, pursuant to Section 48915. However, this section applies if the recommended expulsion is not implemented or is suspended by stipulation or other administrative action.

E. Suspension: Procedures

1. Suspension by Teacher (Education Code Section 48910)

- a. A teacher may suspend any student from his/her class, for any of the acts enumerated in Education Code Section 48900 for the day of the suspension and the day following.
- b. The teacher shall immediately report the suspension to the principal of the school and send the student to the principal or designee for appropriate action.
- c. As soon as possible, the teacher shall telephone or write to the parent or guardian of the student requesting the parents' attendance at a conference with the teacher. Whenever practicable, a school counselor or a school psychologist shall attend the conference. A school administrator shall attend the conference if the teacher or the parent or guardian so requests.
- d. The student shall not be returned to the class from which he/she was suspended, during the period of the suspension, without the concurrence of the teacher and the principal.
- e. A student suspended from a class shall not be placed in another regular class during the period of suspension. However, if the student is assigned to more than one class per day, this paragraph shall apply only to other regular classes scheduled at the same time as the class from which the student was suspended.
- f. A teacher may also refer a student, for any of the acts enumerated in Education Code Sections 48900, 48900.2, 48900.3, 48900.4, and 48900.7 , to the principal for consideration of a suspension from the school.

- g. A teacher may require the parent or guardian of a student suspended by the teacher for violating sub-section (i) or (k) of Education Code Section 48900 to attend a portion of a school day in his or her child's or ward's classroom in accordance with Board Policy. (Education Code Section 48900.1)

2. Suspension by Superintendent, Principal or Principal's Designee

(Education Code Section 48911)

- a. The principal of the school, the principal's designee, or the superintendent may suspend a student from the school for any of the acts enumerated in Education Code Sections 48900, 48900.2, 48900.3, 48900.4, and 48900.7 and pursuant to Education Code Section 48900.5 (see Paragraph I.B.), for not more than five consecutive school days.

- b. Pre-suspension Conference

Suspension shall be preceded by an informal conference conducted by the principal or his designee or the superintendent between the student, and whenever practicable, the teacher or supervisor or school employee who referred the student to the principal or his designee or the superintendent. At the conference, the student shall be informed of the reason for the disciplinary action and the evidence against him/her and shall be given the opportunity to present his/her version and evidence in support of his/her defense. (Education Code Section 48911(b))

Exception: Emergency Situation

The pre-suspension conference may be omitted only if the principal or principal's designee or superintendent determines that an emergency situation exists. "Emergency situation" means a situation determined by the principal, the principal's designee, or the superintendent to constitute a clear and present danger to the lives, safety or health of students or school personnel. If the pre-suspension conference is not held, both the parent/guardian and student shall be notified of the student's right to return to school for the purpose of a conference. The conference shall be held within two school days, unless waived by the student or the student is physically unable to attend for any reason; in the latter case the conference shall then be



held as soon as the student is physically able to return to school. (Education Code Section 48911(c))

c. Notice to Parents

- (1) At the time of the suspension, a school employee shall make a reasonable effort to contact the student's parent/guardian in person or by telephone.
- (2) A notice of the suspension shall be mailed to the parent/guardian of the suspended student. The notice shall be in the primary language of the parent/guardian insofar as practicable and to the extent required by law. (Education Code Section 48985) The notice shall include the following:
  - (a) A statement of the facts leading to the decision to suspend.
  - (b) The date and time when the student will be allowed to return to school.
  - (c) A statement of the right of the student or parent/guardian to request a meeting with the superintendent or superintendent's designee pursuant to policy Section I(D)(2)(e).
  - (d) A statement of the parent/guardian's or the student's right to have access to the student's record as provided by Education Code Section 49069.
  - (e) A request that the parent/guardian attend the informal conference with school officials regarding the student's behavior, including notice that state law requires that the parent/guardian respond to such request without delay.
- (3) While the parent/guardian is required to respond without delay to a request for a conference regarding his/her child's behavior, no penalties may be imposed on the student for the failure of the parent/guardian to attend such conference, nor may the readmission of the student be contingent on the attendance by the student's parent/guardian at such conference. (Education Code Section 48911(f))

(4) A school employee shall report the suspension of the student, including the cause therefore, to the district superintendent. (Education Code Section 48911(e))

(5) Notice to Parents Upon Release of Minor Student to Peace Officer

When a principal or other school official releases a student to a peace officer in order to remove the minor from the school premises, with the exception of cases involving suspected child abuse, the school official shall take immediate steps to notify the parent/guardian or responsible relative of the student that the student has been released to the officer, and the place to which the student is reportedly being taken. In cases involving suspected child abuse, the school official shall provide the peace officer with the address and telephone number of the student's parent or guardian. (Education Code Section 48906)

d. Notice to Law Enforcement Authorities

The principal of a school or the principal's designee shall, prior to the suspension or expulsion of any student, notify the appropriate law enforcement authorities of the county or city in which the school is situated, of any acts of the student that may violate Section 245 of the Penal Code, relating to assault with a deadly weapon or force likely to produce great bodily harm. (Education Code Section 48902(a))

The principal of a school or the principal's designee shall within one school day of the suspension or expulsion of any student by telephone or other appropriate method chosen by the school, notify the appropriate law enforcement authorities of the county or city in which the school is situated, of any acts of the students that may violate subdivision (c) or (d) of Education Code Section 48900. (Education Code Section 48902(b))

The principal or the principal's designee shall notify the appropriate law enforcement authorities of the county or city in which the school is located of any acts of the student which may involve the possession or sale of a controlled substance or a violation of Section 626.9 or 626.10 of the Penal

Code relating to bringing or possessing on school grounds a firearm, a knife having a fixed blade longer than 2-1/2 inches, folding knife with a blade that locks into place, a razor with an unguarded blade, a taser, a stun gun or any instrument that expels a metallic projectile such as a BB or pellet, through the force of air pressure, CO<sub>2</sub> pressure, or spring action, or any spot marker gun. (Education Code Section 48902(c))

The principal or the principal's designee reporting a criminal act committed by a school age student with exceptional needs, as defined in Education Code Section 56026, shall ensure that copies of the special education and disciplinary records of the student are transmitted, as described in subparagraph (6)(B) of subsection (k) of Section 1415 of Title 20 of the United States Code, for consideration by the appropriate authorities to whom the principal reported the criminal act. Any copies of the student's special education and disciplinary records may be transmitted only to the extent permissible under the federal Family Education Rights and Privacy Act (20 U.S.C. Sec. 1232g *et seq.*; 34 C.F.R. 300.536; Education Code Section 48902(f)).

e. Meeting with Superintendent or Superintendent's Designee

(Education Code Section 48914)

If suspension is ordered by a principal or a principal's designee, the student or the student's parent/guardian shall have the right to request a meeting with the superintendent or superintendent's designee to discuss the causes, the duration, the policy involved and other matters pertinent to the suspension.

If, after the meeting, the superintendent or superintendent's designee determines that no violation occurred, all records and documentation regarding disciplinary proceedings and suspension shall be destroyed immediately, and no information regarding the meeting shall be placed in the student's permanent record file or communicated to any person not directly involved in the disciplinary proceedings. If the determination is that the penalty imposed was inappropriate for the violation, the records and documentation concerning the suspension shall be revised to indicate only the facts leading to any other disciplinary action imposed by the superintendent or the superintendent's designee. (Education Code Section 48914)

3. Suspension from Continuation School or Class

In accordance with the requirements of Education Code section 48915, the governing board may suspend a student enrolled in a continuation school or class for a period not longer than the remainder of the semester. (Education Code Section 48912.5)

4 Governing Board Meetings to Consider Student Discipline Other than Expulsion

- a. If the governing board is considering a suspension, disciplinary action, or any other action, except expulsion, against any student, it shall hold a closed session if a public hearing would lead to disclosure of information which would violate a student's right to privacy under Education Code Section 49073 et. seq. The parent / guardian or student may request, however, a public meeting and the request shall be granted if made in writing and served upon the clerk or secretary of the governing board within 48 hours after receipt of the board's notice of closed session, except any discussion at the meeting that may be in conflict with any other student's right to privacy, shall be in closed session. (Education Code Section 48912(b)-(c))
  
- b. Before calling a closed session to consider suspension of, disciplinary action against, or any other action against a student except expulsion, the governing board shall, in writing, by registered or certified mail or by personal service, notify the student and the student's parent or guardian of the intent of the governing board to call and hold a closed session. (Education Code Section 48912(c))

F. Suspension: Limitations on Suspensions

1. The superintendent, principal or principal's designee may suspend a student for no more than five consecutive school days for any of the reasons enumerated above under grounds for suspension. (Education Code Section 48911(a)) A student shall be suspended for no more than twenty school days in a school year, unless (a) for purpose of adjustment a student is enrolled or transferred to another regular school, an opportunity school or class, or a continuation education school or class, in which case suspension shall not exceed thirty school days of suspension in one school year (Education Code Section 48903(a)), or (b) the rules applicable to the student as a

child with previously identified exceptional needs otherwise provide . (See I.F.6., below.)

2. The governing board may suspend a student for any number of consecutive school days not to exceed twenty school days in a school year, unless (a) for purposes of adjustment a student enrolls in or is transferred to another regular school, an opportunity school or class, or continuation education school or class, in which case suspension by the governing board shall not exceed thirty consecutive school days in any school year (Education Code Section 48903(a)), or (b) the rules applicable to the student as a child with previously identified exceptional needs otherwise provide . (See I.F.6., below.)
3. In accordance with the requirements of Education Code section 48915, the governing board may suspend a student enrolled in a continuation school or class for a period not longer than the remainder of the semester. (Ed. Code section 48912.5)
4. Suspensions that occur while a student is enrolled in another school district shall not be counted in calculating the maximum number of days of suspension in any school year. (Education Code Sections 48903(b))
5. Notwithstanding paragraphs I.F.1. and 2, above, if an expulsion of the suspended student is being processed by the governing board, the suspension may be extended by the superintendent, or a person designated by the superintendent, in writing, until such time as the governing board has rendered a decision. (Education Code Section(48911(g))

Before acting to extend the suspension, the superintendent or superintendent's designee shall notify the student and the student's parent/guardian of the proposed extension with an offer to hold a conference concerning the extension to give the student and the student's parent/guardian an opportunity to be heard on the extension. Following the meeting in which the student and the student's parent/guardian are invited to participate, the superintendent, or designee, may extend the suspension only after determining that the presence of the student at the school or in an alternative school placement would cause a danger to persons or property or a threat of disrupting the instructional process.

If the student or the student's parent/guardian requested a meeting to challenge the original suspension by a principal or principal's designee pursuant to paragraph I.E.2.e., that meeting may be held to decide both the merits of the suspension and the extension of the suspension order under this paragraph I.F.5. (Education Code Section 48911(g))

6. Suspensions of Students with Previously Identified Exceptional Needs

d. Maximum Suspension Period Before “Change in Placement” Occurs

To the extent suspension would be applied to a student who does not have exceptional needs, a student with previously identified exceptional needs may be suspended for up to five consecutive school days by the superintendent, principal or principal’s designee or up to 10 consecutive school days by the governing board. (Ed. Code sec. 48903; 48911; 48912; 34 C.F.R. 300.530 and 300.536.)

b. Suspensions Resulting in a “Change in Placement”

(1) Definition. A “change in placement” occurs (a) when a student is removed from his/her educational placement for more than 10 consecutive days or (b) when a student has been subjected to a series of removals that constitute a “pattern” because they total more than 10 school days, the student’s behavior is substantially similar to behavior in previous incidents that resulted in the series of removals, and such additional factors as the length of each removal, the total amount of time of removal, and the proximity of the removals to one another. (Ed. Code sec. 48915.5; 34 C.F.R. 300.536)

(2) Notice of Procedural Safeguards. On the date on which the decision is made to implement a suspension that constitutes a “change in placement,” the parent of the student shall be notified

of the decision and provided a notice of procedural safeguards. (34 C.F.R. 300.530(h))

- (3) IEP Meeting/Manifestation Determination (MD). Within 10 school days of any decision to implement a suspension that constitutes a “change in placement,” an IEP team meeting shall be convened in accordance with 34 CFR 300.530(e) to determine:

(a) Whether the conduct in question was caused by, or had a direct and substantial relationship to, the child’s disability; or

(b) Whether the conduct in question was the direct result of a failure to implement the IEP.

- (4) Behavior was Manifestation of Disability If either condition in 3(a) or 3(b), above, has been met, the student shall not be disciplined and the suspension shall be vacated. The IEP team shall conduct a Functional Behavioral Assessment (FBA) (unless the District conducted an FBA prior to the occurrence of the behavior that resulted in the change in placement) and either implement a Behavioral Support Plan (BSP) or review the existing BSP and modify it as necessary to address the behavior. (20 USC 1415(k)(1)(D); 34 C.F.R. 300.530(e) and (f))

- (5) Behavior was *not* a Manifestation of Disability If neither condition 3(a) nor 3(b), above, has been met, the behavior was not a manifestation of the student’s disability, and the student may be subject to suspension in accordance with the procedures applicable to students without exceptional needs. (20 USC 1415(k)(1)(D); 34 C.F.R. 300.530)

c. Provide Services after 10 Days of Suspension

After the tenth day of suspension, the student shall be provided services to the extent necessary to enable the student to continue to participate in

general education, although in another setting, and to progress toward meeting the goals in the student's IEP. (Ed. Code sec. 48915.5; 34 C.F.R. 300.530(d))

G. Suspension: Supervised Suspension Classroom

1. A student suspended from a school may be assigned, by the principal or the principal's designee, to a supervised suspension classroom for the entire period of suspension if the student poses no imminent danger or threat to the campus, students or staff, or if an action to expel the student has not been initiated.
2. Students assigned to a supervised classroom shall be separated from other students at the school site for the period of suspension in a separate classroom, building, or site for students under suspension.
3. Each student in the supervised suspension classroom is responsible for contacting his or her teacher or teachers to receive assignments to be completed while the student is assigned to the classroom. The teacher shall provide all assignments and tests that the student will miss while suspended. If no classroom work is assigned, the person supervising the suspension classroom shall assign schoolwork.
4. At the time a student is assigned to a supervised suspension classroom, a school employee shall notify, in person or by telephone, the student's parent or guardian. Whenever a student is assigned to a supervised suspension classroom for longer than one class period, a school employee shall notify the student's parent or guardian in writing. (Education Code Section 48911.1)

II. EXPULSION

A. Expulsion: Definitions

Expulsion means removal of a student from the immediate supervision and control, or the general supervision, of school personnel, as those terms are used in Education Code Section 46300.



Explosive means a “destructive device” as described in Section 921 of Title 18 of the United States Code, and includes, but is not limited to: (A) any explosive, incendiary, or poison gas (i) bomb, (ii) grenade, (iii) rocket having a propellant charge of more than four ounces, (iv) missile having an explosive or incendiary charge of more than one-quarter ounce, (v) mine, or (vi) similar device; (B) any type of weapon by whatever name known which will, or which may be readily converted to, expel a projectile by the action of an explosive or other propellant, and which has any barrel with a bore of more than one-half inch in diameter; and (C) any combination of parts either designed or intended for use in converting any device into any destructive device. (Refer to Title 18, Section 921 for specific exclusions).

Firearm means any device, designed to be used as a weapon, from which is expelled through a barrel a projectile by the force of any explosion or other form of combustion. (Penal Code Section 12001)

Knife means any dirk, dagger, or other weapon with a fixed, sharpened blade fitted primarily for stabbing, a weapon with a blade fitted primarily for stabbing, a weapon with a blade longer than 3 1/2 inches, a folding knife with a blade that locks into place, or a razor with an unguarded blade.

Assault is an unlawful attempt, coupled with a present ability, to commit a violent injury on the person of another (Penal Code Section 240).

Battery is any willful and unlawful use of force or violence upon the person of another (Penal Code Section 242).

Terroristic Threat shall include any statement, whether written or oral, by a person who willfully threatens to commit a crime which will result in death, great bodily injury to another person, or property damage in excess of one thousand dollars (\$1,000), with the specific intent that the statement is to be taken as a threat, even if there is no intent of actually carrying it out, which, on its face and under the circumstances in which it is made, is so unequivocal, unconditional, immediate, and specific as to convey to the person threatened, a gravity of purpose and an immediate prospect of execution of the threat, and thereby causes that person reasonably to be in sustained fear for his or her own safety or for his or her immediate family's safety, or for the protection of school district property, or the personal property of the person threatened or his or her immediate family. (Education Code section 48900.7(b))

Legal Counsel means an attorney or lawyer who is admitted to the practice of law in California and is an active member of the State Bar of California. (Education Code section 48918(b)(5)(A))

Non-attorney Advisor means an individual who is not an attorney or lawyer, but who is familiar with the facts of the case and has been selected by the student or the student's parent or guardian to provide assistance at the hearing. (Education Code section 48918(b)(5)(B))

Dangerous Weapon means a weapon, device, instrument, material, or substance, animate or inanimate, that is used for, or is readily capable of, causing death or serious bodily injury, except that such term does not include a pocket knife with a blade of less than 2 ½ inches in length. (18 USC 930(g)(2))

Explosive means a “destructive device as described in Section 921 of Title 18 of the United States Code.

B. Expulsion: Authority to Expel

A student may be expelled only by the governing board.

C. Expulsion: Grounds for Expulsion

A student is subject to expulsion for any act specified in Education Code Sections 48900, Education Code Section 48900.2, 48900.3, 48900.4, or 48900.7, if the act is related to school activity or school attendance occurring within a school under the jurisdiction of the superintendent or the principal or occurring within any other school district(s), including but not limited to the following circumstances:

- a. While on school grounds.
- b. While going to or coming from school.

- c. During the lunch period, whether on or off the school campus.
  - d. During, or going to or coming from, a school-sponsored/school-related activity.
1. The principal or superintendent may recommend expulsion, and the governing board may order a student expelled, upon finding:
- a. that the student committed any act specified in Education Code Section 48900, or Section II.C.2, below, and
  - b. that either other means of correction are not feasible or have repeatedly failed to bring about proper conduct, or 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.

(Education Code Section 48915(b) and (e))

Except as provided below, upon ordering the student expelled, the governing board shall refer the student to a program of study that meets the following conditions:

- a. Is appropriately prepared to accommodate students who exhibit discipline problems.
- e. Is not provided at a comprehensive middle, junior or senior high school, or at any elementary school.
- f. Is not housed at the school site attended by the student at the time of the suspension.

For students expelled for violation of Education Code section 48900, subdivision (f), (g), (h), (i), (j), (k), (l), (m), if the county superintendent certifies that an alternative program is not available at a site other than a comprehensive school site, the student may be referred to a program on a comprehensive school site.

2. The principal or the superintendent of schools shall recommend the expulsion of a student for any of the following acts, unless the principal or superintendent finds that expulsion is inappropriate due to the particular circumstance:
  - a. Causing serious physical injury to another person, except in self defense;
  - b. Possession of any knife or other dangerous object of no reasonable use to the student.
  - c. Unlawful possession of any controlled substance listed in Chapter 2 (commencing with Section 11053) of Division 10 of the Health and Safety Code, except for the first offense for the possession of not more than one avoirdupois ounce of marijuana, other than concentrated cannabis.
  - d. Robbery or extortion.
  - e. Assault or battery, as defined in Sections 240 and 242 of the Penal Code, upon any school employee.

Before ordering the student expelled, the governing board must also find either that other means of correction are not feasible or have repeatedly failed to bring about proper conduct, or 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.

(Education Code Section 48915(a))

Upon ordering the student expelled, the governing board shall refer the student to a program of study that meets the following conditions:

- a. Is appropriately prepared to accommodate students who exhibit discipline problems.
  - d. Is not provided at a comprehensive middle, junior or senior high school, or at any elementary school.
  - e. Is not housed at the school site attended by the student at the time of the suspension.
3. The principal or the superintendent of schools shall immediately suspend pursuant to Education Code Section 48911 and shall recommend to the governing board the expulsion of a student upon determining the student has committed any of the following acts:
- a. Possessing, selling, or otherwise furnishing a firearm except with prior written permission to possess the firearm from a certificated employee, concurred in by the principal or the designee of the principal. This subdivision applies to an act of possessing a firearm only if the possession is verified by an employee of the district.
  - b. Brandishing a knife at another person.
  - c. Unlawfully selling a controlled substance listed in Chapter 2 (commencing with Section 11053) of Division 10 of the Health and Safety Code.
  - d. Committing or attempting to commit a sexual assault as defined in subdivision (n) of Section 48900 or committing a sexual battery as defined in subdivision (n) of Section 48900.
  - e. Possession of an explosive.

Upon finding that the student committed any of the foregoing acts the governing board shall order the student expelled for one year from the date of expulsion or lesser term as determined by the governing board on a case-by-case basis, and shall refer the student to a program of study that meets all the following conditions:

- a. Is appropriately prepared to accommodate students who exhibit discipline problems.
- d. Is not provided at a comprehensive middle, junior or senior high school, or at any elementary school.
- e. Is not housed at the school site attended by the student at the time of the suspension.

(Education Code Section 48915(c))

D. Expulsion: Students with Previously Identified Exceptional Needs

(Education Code Section 48915.5)

(1) Expulsion is a “Change in Placement”

A “change in placement” occurs (a) when a student is removed from his/her educational placement for more than 10 consecutive days or (b) when a student has been subjected to a series of removals that constitute a “pattern” because they total more than 10 school days, the student’s behavior is substantially similar to behavior in previous incidents that resulted in the series of removals, and such additional factors as the length of each removal, the total amount of time of removal, and the proximity of the removals to one another. (Ed. Code sec. 48915.5; 34 C.F.R. 300.536)

- (2) Notice of Procedural Safeguards. On the date on which the decision to remove the student from his/her current educational placement by suspension or expulsion

is made, the parent of the student shall be informed of the decision and provided a notice of procedural safeguards. (34 C.F.R. 300.530(h))

- (3) IEP Meeting/Manifestation Determination (MD). Within 10 school days of the decision to remove a student by suspension and/or expulsion, an IEP team meeting shall be convened in accordance with 34 CFR 300.530(e) to determine:
  - (a) Whether the conduct in question was caused by, or had a direct and substantial relationship to, the student's disability; or
  - (b) Whether the conduct in question was the direct result of a failure to implement the IEP. (34 C.F.R. 300.530(e))
- (4) Behavior was Manifestation of Disability. If either condition in 3(a) or 3(b), above, has been met, the behavior was a manifestation of the student's disability, and the student shall not be expelled. The IEP team shall conduct a Functional Behavioral Assessment (FBA) (unless the District conducted an FBA prior to the occurrence of the behavior that resulted in the decision to expel) and either implement a Behavioral Support Plan (BSP) or review the existing BSP and modify it as necessary to address the behavior. T (20 USC 1415(k)(1)(D); 34 C.F.R. 300.530(e) and (f))
- (5) Behavior was *not* a Manifestation of Disability. If neither condition 3(a) nor 3(b), above, has been met, the behavior was not a manifestation of the student's disability, and the student may be subject to expulsion in accordance with the procedures applicable to students who do not have exceptional needs. (20 U.S.C. 1415(k)(1)(D); 34 C.F.R. 300.530)
- (6) Provide Services after 10 Days of Removal.

After the tenth day of student's removal from his/her current educational placement by suspension and/or expulsion, the student shall be provided services to the extent necessary to enable the student to continue to participate in the general education, although in another setting, and to progress toward meeting the goals in the student's IEP. (Ed. Code sec. 48915.5; 34 C.F.R. 300.530(d))

(8) Special Circumstances – Interim Alternative Educational Setting.

Without regard to whether the student’s conduct was a manifestation of his or her disability, student may be removed to an interim alternative educational setting for up to 45 school days if the student:

- (a) Carried a weapon to or possessed a weapon at school, on school premises, or to or at a school function;
- (b) Knowingly possess or uses illegal drugs, or sells or solicits the sale of a controlled substance, while at school, on school premises, or at a school function; or
- (c) Inflicted serious bodily injury upon another person while at school, on school premises, or at a school function. (34 C.F.R. 300.530(g).)

“Controlled substance means a drug or other substance identified under schedules I, II, III, IV, or V in section 202(c) of the Controlled Substances Act (21 U.S.C. 812(c)). (34 C.F.R. 300.530(i)(1).)

“Illegal drug” means a controlled substance but does not include a controlled substance that is legally possessed or used under the supervision of a licensed health-care professional or that is legally possessed or used under any other authority under that Act or under any other provision of federal law. (21 U.S.C. 812(c)). (34 C.F.R. 300.530(i)(2).)

“Serious bodily injury” means bodily injury which involves a substantial risk of death; extreme physical pain; protracted and obvious disfigurement; or protracted loss or impairment of the function of a bodily member, organ, or mental faculty. (34 C.F.R. 300.530(i)(3);. 18 U.S.C. 1365(h)(3).)

“Weapon” means a weapon, device, instrument, material, or substance, animate or inanimate, that is used for, or is readily capable of, causing death or serious bodily injury, except that such term does not include a pocket knife with a blade of less than 2 1/2 inches in length. (34 C.F.R. 300.530(i)(4);. 18 U.S.C. 930(g)(2).)

E. Expulsion: Procedures



1. Recommendation to Governing Board

- a. When the principal or superintendent recommends to the governing board the expulsion of a student, he/she will prepare a report of the case to include:
- (1) The student's academic and attendance records.
  - (2) A chronological account of the development of the case and a statement of the conduct and recitation of the facts leading to the decision to recommend expulsion.
  - (3) A description of actions taken by the school to correct the student's previous misbehavior and the effect the corrective action has had on the student.
  - (4) A record of contacts with other agencies and the results of such contacts.
  - (5) A description of contacts with the parents or guardian made by school personnel, including the purpose of the contacts, apparent reaction of parents or guardians, and effect on the student's behavior.
  - (6) A copy of the summary of the final parent-student-principal conference, if any.
  - (7) A recommendation as to the time when the case should be reviewed, and the conditions, if any, which should be met before the student's return to school.
  - (8) For students with previously identified exceptional needs, a copy of the student's special education and disciplinary records. (34 C.F.R. 300.535)

- b. This report may be used in determining disciplinary action should it find that the student committed any of the acts enumerated in Section II.C.
- c. A copy of the report shall be provided to the student and student's parent/guardian.

2. Student's Right to Hearing

- a. An expulsion hearing shall be held within thirty schooldays after the date the principal or the superintendent of schools determines the student has committed any of the acts enumerated in Education Code Section 48900 et seq.
- b. The student may request in writing a postponement of the hearing not to exceed thirty calendar days of an expulsion hearing. Any additional postponement may be granted at the discretion of the governing board. (Education Code Section 48918(a))
- c. The Superintendent or the Superintendent's designee may, for good cause, extend the time period for the expulsion hearing for an additional five school days, in the event that compliance by the governing board with the time requirements is impracticable. Reasons for the extension of the time for the hearing shall be included as part of the record at the time the expulsion hearing is conducted. Once the hearing begins, it shall be conducted with reasonable diligence and concluded without unnecessary delay. (Education Code Section 48918(a))

3. Written Notice of the Hearing (Education Code Section 48918(b))

Written notice of the hearing shall be forwarded to the student and the student's parent/guardian at least ten calendar days prior to the date of the hearing. Such notice shall include:

- a. The date and place of the hearing.
- b. A statement of the specific facts and charges upon which the proposed expulsion is based.

- c. A copy of disciplinary rules that relate to the alleged violation.
- d. A notice of the parent, guardian or student's obligation pursuant to subdivision (b) of Section 48915.1 to notify any other school district in which the student attempts to enroll of the student's suspension for an offense listed in Section 48915.
- e. The opportunity of the student or the student's parent/guardian to:
  - (1) appear in person or to employ and be represented by legal counsel or by a nonattorney adviser.
  - (2) inspect and obtain copies of all documents to be used at the hearing.
  - (3) confront and question all witnesses who testify at the hearing.
  - (4) question all evidence presented, and present oral documentary evidence on the student's behalf, including witnesses.
- f. In a hearing in which a student is alleged to have committed or attempted to commit a sexual assault as specified in subdivision (n) of Section 48900 or committing a sexual battery as defined in subdivision (n) of Section 48900, a complaining witness shall be given five days' notice prior to being called to testify, and shall be entitled to have up to two adult support persons, including, but not limited to, a parent, guardian, or legal counsel, present during their testimony. Prior to a complaining witness testifying, support persons shall be admonished that the hearing is confidential. Nothing in this subdivision shall preclude the person presiding over an expulsion hearing from removing a support person whom the presiding person finds is disrupting the hearing. If one or both of the support persons is also a witness, the provisions of Section 868.5 of the Penal Code shall be followed for the hearing.

4. Conduct of Hearing

- a. Closed Session: Notwithstanding the provisions of Government Code Section 54953 and Education Code Section 35145, the governing board shall conduct a hearing to consider the expulsion of the student in a session closed to the public, unless the student requests in writing at least five days prior to the hearing, that the hearing be conducted at a public meeting. If such request is made of the governing board, the meeting shall be public. Whether the expulsion hearing is held in closed or public session, the board may meet in closed session to deliberate and determine whether the student should be expelled. The parent/guardian of the student, the student, and the counsel of the student, shall be allowed to attend the closed session if the governing board admits any other person to the closed session. (Education Code Section 48918(c))
  
- b. Public Meeting , Rights of Complaining Witness. If the hearing is to be conducted at a public meeting, and there is a charge of committing or attempting to commit a sexual assault as defined in subdivision (n) of Section 48900 or committing a sexual battery as defined in subdivision (n) of Section 48900, a complaining witness shall have the right to have his or her testimony heard in a session closed to the public when testifying at a public meeting would threaten serious psychological harm to the complaining witness and there are no alternative procedures to avoid the threatened harm, including, but not limited to, videotaped deposition or contemporaneous examination in another place communicated to the hearing room by means of closed-circuit television. [Education Code Section 48918(c)].
  
- c. Record of Hearing: A record of the hearing shall be made. Such record may be maintained by any means, including electronic recording, so long as a reasonably accurate written and complete transcription of the proceedings can be made. (Education Code Section 48918(c))
  
- d. Failure to Make Objections: If the student, parent, guardian or attorney fails to object at the hearing that these rules are not being properly followed, or that any other law or requirement of due process is not being followed, the objections shall be deemed waived.
  
- e. Presentation of Evidence: Upon a finding that good cause exists, the governing board or hearing officer/administrative panel appointed under Paragraph II.F., may determine that either the identity of a witness or the testimony of the witness at the hearing, or both may subject the witness to an unreasonable risk of psychological or physical harm. Upon this determination, the testimony of the witness may be presented at the hearing in the form of sworn declarations which shall be examined

only by the governing board or the hearing officer/administrative panel appointed under Paragraph II.F. Copies of these sworn declarations, which are edited to delete the name and identity of the witness, shall be made available to the student. (Education Code Section 48918(f))

- f. Technical Rules of Evidence Do Not Apply: Technical rules of evidence shall not apply to the hearing except that relevant evidence may be admitted and used as proof only if it is the kind of evidence which reasonable persons are accustomed to rely on in the conduct of serious affairs. Hearsay evidence may be used for the purpose of supplementing or explaining other evidence but shall not be sufficient in itself to support a finding except as provided in Paragraph II.E.4.e., above, or when it would be admissible over objection in a civil action. The decision of the governing board to expel shall be based upon the substantial evidence showing that the student committed any of the acts enumerated in Paragraph II.C. (Education Code Section 48918(h))
  
- g. Hearings Which Include Section 48900(n) Allegations. In hearings which include an allegation of committing or attempting to commit a sexual assault or committing a sexual battery, as defined in subdivision (n) of Section 48900, evidence of specific instances of a complaining witness' prior sexual conduct is to be presumed inadmissible and shall not be heard absent a determination by the person(s) conducting the hearing that extraordinary circumstances exist requiring that the evidence be heard. Before the person conducting the hearing makes the determination of extraordinary circumstances, the complaining witness shall be provided notice and an opportunity to present opposition to the introduction of the evidence. In the hearing on the admissibility of the evidence, the complaining witness shall be entitled to be represented by a parent, guardian, legal counsel, or other support person. Reputation or opinion evidence regarding the sexual behavior of the complaining witness is not admissible for any purpose.
  
- h. Subpoenas:
  - (1) Before the hearing has commenced, the governing board may issue subpoenas at the request of either the superintendent or the superintendent's designee or the student. Subpoenas shall only be issued for the personal appearance of percipient witnesses at the hearing. After the hearing has commenced, the governing board, hearing officer or administrative panel may issue subpoenas at the request of the superintendent, superintendent's designee or the student. All subpoenas shall be issued in accordance with Sections 1985, 1985.1, and 1985.2 of

the Code of Civil Procedure. Enforcement of subpoenas shall be done in accordance with Section 11525 of the Government Code.

- (2) Any objection raised by the superintendent or the superintendent's designee or the student to the issuance of subpoenas may be considered by the governing board in closed session, or in open session, if so requested by the student before the meeting. Any decision by the governing board in response to an objection to the issuance of subpoenas shall be final and binding.
  - (3) If the governing board, hearing officer, or administrative panel determines, in accordance with subdivision (f) of Section 48918, that a percipient witness would be subject to an unreasonable risk of harm by testifying at the hearing, a subpoena shall not be issued to compel the personal attendance of that witness at the hearing. However, that witness may be compelled to testify by means of a sworn declaration as provided for in subdivision (f).
  - (4) Service of process shall be extended to all parts of the state and shall be served in accordance with Section 1987 of the Code of Civil Procedure. All witnesses appearing pursuant to subpoena, other than the parties or officers or employees of the state or any political subdivision thereof, shall receive fees, and all witnesses appearing pursuant to subpoena, except the parties, shall receive mileage in the same amount and under the same circumstances as prescribed for witnesses in civil actions in a superior court. Fees and mileage shall be paid by the party at whose request the witness is subpoenaed.
- i. Final Action By Governing Board: Whether the student expulsion hearing is conducted in closed or public session, by the governing board or by a hearing officer/administrative panel appointed under paragraph II.F., the final action to expel shall be taken by the governing board at a public session. (Education Code Section 48918(i))
  - j. Time of Decision: The decision of the governing board, if it conducts the expulsion hearing, whether to expel a student shall be made within 10 schooldays following the conclusion of the hearing, unless the student requests in writing the decision be postponed.

If the governing board does not conduct the hearing or if the governing board does not meet on a weekly basis, the decision of the governing board whether to expel a student shall be made within 40 schooldays after the date of the student's removal from his or her school of attendance for the incident on which the expulsion is based, unless the student requests in writing that the decision be postponed. (Education Code 48918(a))

- k. Maintenance of Records: The governing board will maintain a record of each expulsion, including the cause therefore, in the form of an ongoing log of student expulsions. The log shall contain the following information: the school attended by the expelled student, the date of the expulsion hearing, the cause for expulsion, and the date set for applying for readmission. However, the log shall not identify the expelled student by name. The log shall be made available to the public in the District's administration office. The expulsion order shall be maintained in the student's mandatory interim record and sent to any school in which the student subsequently enrolls upon a request by the admitting school for the student's school record. (Education Code Section 48918(j))

5. Written Notice to Expel

Written notice of the decision to expel or to suspend the enforcement of an expulsion order shall be sent to the student or student's parent/guardian by the superintendent or the superintendent's designee. Such notice shall include notice of the right to appeal such expulsion to the county board of education, a notice of the alternative educational placement to be provided to the student during the time of expulsion and of the parent, guardian or student's obligation pursuant to subdivision (b) of Section 48915.1, upon the student's enrollment in a new school district, to inform that school district of the student's expulsion. The student and student's parent/guardian shall be notified at the time the expulsion order is entered of the procedure for filing and processing a request for readmission, and the process for the required review of all expelled students for readmission. (See paragraph II.G.2). Notwithstanding the completion of the readmission process, the governing board may deny readmission. (Education Code Sections 48916, 48918(j))

6. Special Rules and Regulations For Hearings Involving Allegations Pursuant to Section 48900(n).

- a. At the time that the expulsion hearing is recommended, the complaining witness shall be provided with a copy of the applicable disciplinary rules and advised of his or her right to: (1) receive five days' notice of the complaining witness's scheduled testimony at the hearing, (2) have up to two adult support persons of his or her choosing, present in the hearing at the time he or she testifies; and (3) to have the hearing closed during the time they testify pursuant to subdivision (c) of Section 48918.
- b. An expulsion hearing may be postponed for one school day in order to accommodate the special physical, mental, or emotional needs of a student who is the complaining witness where the allegations arise under subdivision (n) of Section 48900.
- c. A non-threatening environment shall be provided for complaining witnesses in order to better enable them to speak freely and accurately of the experiences that are the subject of the expulsion hearing, and to prevent discouragement of complaints. A room separate from the hearing room shall be provided for use by complaining witnesses prior to and during breaks in testimony. In the discretion of the person conducting the hearing, the complaining witness shall be allowed reasonable periods of relief from examination and cross-examination during which he or she may leave the hearing room. The person conducting the hearing may arrange the seating within the hearing room of those present in order to facilitate a less intimidating environment for the complaining witness. The person conducting the hearing may limit the time for taking the testimony of a complaining witness to the hours he or she is normally in school, if there is no good cause to take the testimony during other hours. The person conducting the hearing may permit one of the complaining witness's support persons to accompany him or her to the witness stand.
- d. Whenever any allegation is made of conduct violative of subdivision (n) of Section 48900, complaining witnesses and accused students are to be advised immediately to refrain from personal or telephonic contact with each other during the pendency of any expulsion process.

F. Alternative Hearing By Hearing Officer or Panel

1. In lieu of conducting an expulsion hearing itself, the governing board may contract with the county hearing officer, or with the Office of Administrative Hearings of the State of California for a hearing officer to conduct the hearing. Alternatively, the board may appoint



an impartial administrative panel composed of three or more certificated personnel, none of whom shall be members of the Governing Board or employed on the staff of the school in which the student is enrolled. (Education Code Section 48918(d) and (f))

2. Within three school days following the hearing, the hearing officer or administrative panel shall determine whether to recommend the expulsion of the student to the governing board. If the hearing officer or administrative panel decides not to recommend expulsion, the expulsion proceedings shall be terminated and the student shall immediately be reinstated, or permitted to return to a classroom instructional program, any other instructional program, a rehabilitation program, or any combination of these programs. Placement in one or more of these programs shall be made by the superintendent or the superintendent's designee after consultation with school district personnel, including the student's teachers, and the student's parent or guardian. The decision not to recommend expulsion shall be final. (Education Code Section 48918(e))
3. If the hearing officer or administrative panel recommends expulsion, findings of fact in support of the recommendation shall be prepared and submitted to the governing board. All findings of fact and recommendations shall be based solely on the evidence adduced at the hearing. If the governing board accepts the recommendation calling for expulsion, acceptance shall be based either upon a review of the findings of fact and recommendations submitted by the hearing officer or panel or upon the results of any supplementary hearing conducted pursuant to paragraph II.E.4. that the governing board may order. (Education Code Section 48918(f))
4. A hearing conducted by the hearing officer or administrative panel shall be conducted in accordance with paragraph II.E.4. (Education Code Section 48918(d))

G. Expulsion: Readmission; Rehabilitation Plan (Education Code Sections 48916, 48918(e))

1. Upon the hearing officer's or administrative panel's recommendation against expulsion, or following the governing board's own decision after the hearing not to expel, the student shall be reinstated immediately to a classroom instructional program, rehabilitation program or any combination of such programs by the superintendent or superintendent's designee after

consultation with district personnel including the student's teacher(s) and the parent/guardian of the student. (Education Code Section 48918(e))

2. An expulsion order shall remain in effect until the governing board orders the readmission of the student. At the time the governing board orders expulsion of a student for an act other than those described in subdivision (c) of Section 48915 ( Paragraph II.C.3), the governing board shall set a date not later than the last day of the semester following the semester in which the expulsion occurred, when the student shall be reviewed for readmission to a school maintained by the district or to the school the student last attended. If an expulsion is ordered during summer session or the intersession period of a year-round program, the governing board is to set a date, not later than the last day of the semester following the summer session or intersession period in which the expulsion occurred, when the student shall be reviewed for readmission to a school maintained by the district or to the school the student last attended. For students expelled pursuant to 48915(c) the earliest date for readmission shall be one year from the date the expulsion occurred, except that the governing board may set an earlier readmission date on a case-by-case basis. At the time of the expulsion order the governing board shall recommend a plan for rehabilitation for the student, which may include, but is not limited to:
  - a. Periodic review and assessment at the time of review for readmission.
  - b. Recommendations for improved academic performance, tutoring, special education assessments, job training, counseling, employment, community service and/or other rehabilitation programs.
  - c. With parental/guardian consent, enrollment in a county-supported drug rehabilitation program if the offense was related to controlled substances as defined in Sections 11054 to 11058, inclusive of the Health and Safety Code, or alcohol. (Education Code Section 48916.5)
3. A written request for review of expulsion action and request for readmission shall be submitted by the parent/guardian to the superintendent or the superintendent's designee.
4. The superintendent or the superintendent's designee will hold a conference with the parent/guardian and the student. At the conference the conditions for readmission will be reviewed and verification obtained that the conditions have been met. School regulations

will be reviewed and the student and the student's parent/guardian will be asked to indicate in writing their willingness to comply with the regulations.

5. The superintendent will transmit the request to the governing board for consideration together with the superintendent's recommendation. The governing board may consider the request in closed session, however, the consideration will be in open session if a written request for open session is received from the student or the student's parent/guardian. The governing board shall readmit the student, unless the governing board makes a finding that the student has not met the conditions of the rehabilitation plan or continues to pose a danger to campus safety or to other students or employees of the district.
6. If the governing board denies the readmission of an expelled student pursuant to Paragraph II.G.5, above, the governing board shall make a determination either to continue the placement of the student in the alternative educational program initially selected for the student, or to place the student in another program that may include, but need not be limited to, serving expelled students, including placement in county community school.
7. The superintendent will notify the student or the student's parent/guardian, by registered or certified mail, or by personal delivery, of the decision regarding readmission of the student in school. If readmission is denied, the written notice shall include the reasons for denying readmittance and the determination of the educational program placement made by the governing board. The expelled student shall enroll in that program unless the parent or guardian of the student elects to enroll the student in another school district.

H. Expulsion: Suspension of Expulsion (Education Code Section 48917)

1. Suspension of the Expulsion: The governing board, upon voting to expel a student, may suspend the enforcement of the expulsion order for not more than one calendar year. The governing board's criteria for suspending the enforcement of an expulsion order shall be applied equally to all students including individuals with exceptional needs.
2. Conditions of Suspension of Expulsion Order
  - a. As a condition of the suspension of the expulsion order, the governing board may assign the student to a school, class or program which it deems appropriate for the student's rehabilitation. The rehabilitation program may provide for the

involvement of the student's parent or guardian in his or her child's education in ways that are specified in the program. Refusal by the parent or guardian to participate in the rehabilitation program shall not be considered in the governing board's determination as to whether the student has satisfactorily completed the program.

- b. During this period of suspension of the expulsion order, the student shall be on probationary status.
  - c. The suspension of the expulsion order may be revoked by the governing board upon the student's commission of any of the acts enumerated in paragraph II.C. above, or for any violation of the rules and regulations governing student conduct.
- 3. Revocation of Expulsion Order: Upon revocation of the suspension of an expulsion order, a student may be expelled under the terms of the original expulsion order.
  - 4. Readmission of Student: Upon satisfactory completion of the rehabilitation assignment of a student, the governing board shall reinstate the student in a school or the district and may order the expungement of any or all records of the expulsion proceedings.

I. Expulsion: Right to Appeal

The student or the student's parent/guardian is entitled to file an appeal of the decision of the governing board to the county board of education.

The appeal must be filed within thirty days following the decision of the governing board to expel, even if the expulsion order is suspended and the student is placed on probationary status. (Education Code Sections 48917 and 48919)

J. Enrollment of Expelled Students (Education Code Section 48915.1, 48915.2)

1. Students Expelled Based on Offenses Other than Acts Listed in Education Code Section 48915(a) or (c).
  - a. If the governing board receives a request from an individual who has been expelled from another school district for an act other than those described in subdivision (a) or (c) of Section 48915, for enrollment in a school maintained by the school district, the board shall hold a hearing to determine whether that individual poses a continuing danger either to the students or employees of the school district. The hearing and notice shall be conducted in accordance with the rules and regulations governing procedures for the expulsion of students as described in Section 48918 and this policy. The school district may request information from another school district regarding a recommendation for expulsion or the expulsion of an applicant for enrollment. The school district receiving the request shall respond to the request with all deliberate speed but shall respond no later than five working days from the date of the receipt of the request.
  - b. If a student has been expelled from his or her previous school for offenses other than those listed in subdivision (a) or (c) of Section 48915, the parent, guardian, or student, if the student is emancipated or otherwise legally of age, shall, upon enrollment, inform the school district of his or her status with the previous school district. If this information is not provided as required and the school district otherwise learns the student was expelled from the previous school, the lack of compliance shall be recorded and discussed in the hearing required pursuant to Paragraph II.J.A., above.
  - c. The governing board may make a determination to deny enrollment to an individual who has been expelled from another school district for an act other than those described in subdivision (a) or (c) of Section 48915, for the remainder of the expulsion period after a determination has been made, pursuant to a hearing, that the individual poses a potential danger to either the students or employees of the school district.
  - d. The governing board, when making its determination whether to enroll an individual who has been expelled from another school district for acts other than those described in subdivision (a) or (c) of Section 48915, may consider the following options:

1. Deny enrollment.

2. Permit enrollment.

3. Permit conditional enrollment in a regular school program or another educational program.

e. Notwithstanding any other provision of law, the governing board, after a determination has been made, pursuant to a hearing, that an individual expelled from another school district for an act other than those described in subdivision (a) or (c) of Section 48915 does not pose a danger to either the students or employees of the school district, shall permit the individual to enroll in a school in the school district during the term of the expulsion, provided that he or she, subsequent to the expulsion, either has established legal residence in the school district, pursuant to Section 48200, or has enrolled in the school pursuant to an interdistrict agreement executed between the affected school districts pursuant to Chapter 5 of the Education Code (commencing with Section 46600). (Education Code Section 48915.1).

2. Students Expelled Based on Offenses Listed in Education Code Section 48915(a) or (c).

a. A student expelled from school for any of the offenses listed in subdivision (a) or (c) of Section 48915, shall not be permitted to enroll in any other school or school district during the period of expulsion unless it is a community school pursuant to subdivision (c) of Section 1981, a juvenile court school, as described in Section 48645.1, or a community day school pursuant to Sections 48660 et seq. (Education Code Section 48915.2)

b. After a determination has been made, pursuant to a hearing, that an individual expelled from another school district for any act described in subdivision (a) or (c) of Section 48915 does not pose a danger to either the students or employees of the school district, the governing board may permit the individual to enroll in a school in the school district after the term of the expulsion, subject to the following conditions:

1. He or she has established legal residence in the school district, pursuant to Section 48200.

2. He or she has enrolled in the school pursuant to an interdistrict agreement executed between the affected school districts pursuant to Chapter 5 of the Education Code (commencing with Section 46600).

(Education Code Section 48915.1, 48915.2)

Legal References: Education Code Sections 33032.5, 35145, 35146, 35291, 46300, 48900-48925, 49069, 56026, and 56340; Government Code Sections 54950 and 54953; Health and Safety Code (commencing with Section 11053) of Division 10, Chapter 2, and 11014.5; Penal Code Sections 245, 422.6, 422.7, 422.75, 626.9 and 626.10; and Section 921 of Title 18 of the United States Code; and Section 1415 of Title 20 of United States Code; and Sections 104.35 and 300.530-300.537 of Title 34 of the Code of Federal Regulations.

ADOPTED: May 20, 2009





# **Administrative Regulation**

## **Suspension And Expulsion/Due Process**

AR 5144.1

### **Students**

#### Definitions

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

1. Reassignment to another education program or class at the same school where the student will receive continuing instruction for the length of day prescribed by the Governing Board for students of the same grade level
2. Referral to a certificated employee designated by the principal to advise students
3. Removal from the class, but without reassignment to another class or program, for the remainder of the class period without sending the student to the principal or designee as provided in Education Code 48910. Removal from a particular class shall not occur more than once every five school days.

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

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

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

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

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

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

#### Notice of Regulations

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

(cf. 5144 - Discipline)

(cf. 5145.6 - Parental Notifications)

#### Grounds for Suspension and Expulsion

A student may be subject to suspension or expulsion when it is determined that he/she:

1. Caused, attempted to cause, or threatened to cause physical injury to another person or willfully used force or violence upon the person of another, except in self-defense. (Education Code 48900(a))

A student who aids or abets the infliction or attempted infliction of physical injury on another person, as defined in Penal Code 31, may be suspended, but not expelled. However, a student may be suspended or expelled pursuant to Education Code 48900(a) once he/she has been adjudged by a juvenile court to have committed, as an aider or abettor, a crime of physical violence in which the victim suffered great or

serious bodily injury. (Education Code 48900(q))

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

(cf. 5131 - Conduct)

(cf. 5131.7 - Weapons and Dangerous Instruments)

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

(cf. 5131.6 - Alcohol and Other Drugs)

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

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

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

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

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

9. Committed an obscene act or engaged in habitual profanity or vulgarity. (Education Code 48900(i))
  
10. Unlawfully possessed or unlawfully offered, arranged, or negotiated to sell any drug paraphernalia, as defined in Health and Safety Code 11014.5. (Education Code 48900(j))
  
11. Disrupted school activities or otherwise willfully defied the valid authority of supervisors, teachers, administrators, other school officials, or other school personnel engaged in the performance of their duties. (Education Code 48900(k))
  
12. Knowingly received stolen school property or private property. (Education Code 48900(l))
  
13. Possessed an imitation firearm, i.e., a replica of a firearm that is so substantially similar in physical properties to an existing firearm as to lead a reasonable person to conclude that the replica is a firearm. (Education Code 48900(m))
  
14. Committed or attempted to commit a sexual assault as defined in Penal Code 261, 266c, 286, 288, 288a or 289, or committed a sexual battery as defined in Penal Code 243.4. (Education Code 48900(n))
  
15. Harassed, threatened, or intimidated a student who is a complaining witness or witness in a school disciplinary proceeding for the purpose of preventing that student from being a witness and/or retaliating against that student for being a witness. (Education Code 48900(o))
  
16. Unlawfully offered, arranged to sell, negotiated to sell, or sold the prescription drug Soma. (Education Code 48900(p))
  
17. Made terrorist threats against school officials and/or school property. (Education Code 48900.7)

A student in grades 4 through 12 is also subject to suspension or recommendation for expulsion when it is determined that he/she:

18. Committed sexual harassment as defined in Education Code 212.5 (Education Code 48900.2)

(cf. 5145.7 - Sexual Harassment)

19. Caused, attempted to cause, threatened to cause, or participated in an act of hate violence as defined in Education Code 233 (Education Code 48900.3)

(cf. 5145.9 - Hate-Motivated Behavior)

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

(cf. 5145.3 - Nondiscrimination/Harassment)

A student may be suspended or expelled for any of the acts listed above if the act is related to school activity or school attendance occurring at any district school under the jurisdiction of the Superintendent or principal or within any other school district, including but not limited to the following circumstances: (Education Code 48900)

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

The Superintendent or principal may use his/her discretion to provide alternatives to suspension or

expulsion for a student subject to discipline under this administrative regulation, including, but not limited to, counseling and an anger management program. (Education Code 48900(r))

(cf. 5138 - Conflict Resolution/Peer Mediation)

Alternatives to suspension or expulsion will be used with students who are truant, tardy, or otherwise absent from assigned school activities.

(cf. 5113 - Absences and Excuses)

(cf. 5113.1 - Truancy)

#### Removal from Class by a Teacher/Parental Attendance

A teacher may suspend any student from his/her class for the remainder of the day and the following day for any act listed in "Grounds for Suspension and Expulsion" above. (Education Code 48910)

A teacher also may refer a student to the principal or designee for consideration of suspension from school. (Education Code 48910)

When removing a student from his/her class, the teacher shall immediately report this action to the principal or designee and send the student to the principal or designee for appropriate action. The student shall be appropriately supervised during the class periods from which he/she has been removed.

As soon as possible, the teacher may ask the student's parent/guardian to attend a parent-teacher conference regarding the removal. A counselor or psychologist should attend the conference if it is practicable, and a school administrator may attend if either the parent/guardian or teacher so requests.

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

A student removed from class shall not be placed in another regular class during the period of removal. However, if a student is assigned to more than one class per day, he/she may be placed in any other

regular classes except those held at the same time as the class from which the student was removed. (Education Code 48910)

The teacher of any class from which a student is removed may require the student to complete any assignments and tests missed during the removal. (Education Code 48913)

Pursuant to Governing Board policy, a teacher may provide that the parent/guardian of a student whom the teacher has removed attend a portion of a school day in his/her child's classroom. When a teacher makes this request, the principal shall send the parent/guardian a written notice that the parent/guardian's attendance is requested pursuant to law. (Education Code 48900.1)

This notice shall also:

1. Inform the parent/guardian when his/her presence is expected and by what means he/she may arrange an alternate date
2. Describe the legal protections afforded to the parent/guardian as an employee under Labor Code 230.7
3. State that if the parent/guardian does not have a means of transportation to school, he/she may ride the school bus with the student
4. Ask the parent/guardian to meet with the principal after the visit and before leaving school, as required by Education Code 48900.1

#### Suspension by Superintendent, Principal or Principal's Designee

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

The Superintendent or designee shall immediately suspend any student found at school or at a school

activity to be: (Education Code 48915)

1. Possessing, as verified by a district employee, or selling or otherwise furnishing a firearm, unless the student had obtained prior written permission to possess the item from a certificated school employee, with the principal or designee's concurrence
2. Brandishing a knife, as defined in Education Code 48915(g), at another person
3. Unlawfully selling a controlled substance listed in Health and Safety Code 11053-11058
4. Committing or attempting to commit a sexual assault or committing a sexual battery as defined in item #14 under "Grounds for Suspension and Expulsion" above
5. Possession of an explosive as defined in 18 USC 921

Suspension also may be imposed upon a first offense if the Superintendent, principal or designee determines the student violated items #1-5 listed in "Grounds for Suspension and Expulsion" above or if the student's presence causes a danger to persons or property or threatens to disrupt the instructional process. (Education Code 48900.5)

A student may be suspended from school for not more than 20 school days in any school year, unless for purposes of adjustment a student enrolls in or is transferred to another regular school, an opportunity school, or continuation school or class, in which case suspension shall not exceed 30 days in any school year. However, this restriction on the number of days of suspension does not apply when the suspension is extended pending an expulsion. (Education Code 48903, 48912)

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

Suspensions shall be initiated according to the following procedures:



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

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

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

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

This notice shall state the specific offense committed by the student. (Education Code 48900.8).

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

4. Parent/Guardian Conference: Whenever a student is suspended, school officials may meet with the parent/guardian to discuss the causes and duration of the suspension, the school policy involved and any other pertinent matter. (Education Code 48914)

While the parent/guardian is required to respond without delay to a request for a conference about a student's behavior, no penalties may be imposed on the student for the failure of the

parent/guardian to attend such a conference. The student may not be denied readmission solely because the parent/guardian failed to attend. (Education Code 48911)

5. Extension of Suspension: If the Board is considering the expulsion of a suspended student from any school or the suspension of a student for the balance of the semester from continuation school, the Superintendent or designee may, in writing, extend the suspension until such time as the Board has made a decision. (Education Code 48911(g))

Any extension of the original period of suspension shall be preceded by notice of such extension with an offer to hold a conference concerning the extension, giving the student an opportunity to be heard. This conference may be held in conjunction with a meeting requested by the student or parent/guardian to challenge the original suspension. Extension of the suspension may be made only if the Superintendent or designee determines, following a meeting in which the student and the student's parent/guardian were invited to participate, that the student's presence at the school or at an alternative school would endanger persons or property or threaten to disrupt the instructional process. (Education Code 48911)

#### Suspension by the Board

The Board may suspend a student for any of the acts listed in "Grounds for Suspension and Expulsion" above and within the limits specified in "Suspension by Superintendent, Principal or Principal's Designee" above. (Education Code 48912)

The Board may suspend a student enrolled in a continuation school or class for a period not longer than the remainder of the semester if any of the acts listed in "Grounds for Suspension and Expulsion" occurred. The suspension shall meet the requirements of Education Code 48915. (Education Code 48912.5)

When the Board is considering a suspension, disciplinary action or any other action (except expulsion) against any student, it shall hold closed sessions if a public hearing would lead to disclosure of information violating a student's right to privacy under Education Code 49073-49079.

(cf. 9321 - Closed Session Purposes and Agendas)

The Board shall provide the student and his/her parent/guardian with written notice of the closed session

by certified mail. Upon receiving this notice, the student or parent/guardian may request a public meeting, and this request shall be granted if made in writing within 48 hours after receipt of the Board's notice. However, any discussion that conflicts with any other student's right to privacy still shall be held in closed session. (Education Code 35146, 48912)

### On-Campus Suspension Program

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

1. The supervised suspension classroom shall be staffed in accordance with law.
2. The student shall have access to appropriate counseling services.
3. The supervised suspension classroom shall promote completion of schoolwork and tests missed by the student during the suspension.
4. Each student shall be responsible for contacting his/her teacher(s) to receive assignments to be completed in the supervised suspension classroom. The teacher shall provide all assignments and tests that the student will miss while suspended. If no such work is assigned, the person supervising the suspension classroom shall assign schoolwork.

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

### Authority to Expel

A student may be expelled only by the Board. The Board shall expel, as required by law, any student found to have committed certain offenses listed below under "Mandatory Recommendation and Mandatory Expulsion."

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

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

#### Mandatory Recommendation for Expulsion

Unless the principal, Superintendent or designee finds that expulsion is inappropriate due to particular circumstances, the principal, Superintendent or designee shall recommend a student's expulsion for any of the following acts: (Education Code 48915(a))

1. Causing serious physical injury to another person, except in self-defense
2. Possession of any knife as defined in Education Code 48915(g), explosive or other dangerous object of no reasonable use to the student
3. Unlawful possession of any controlled substance, as listed in Health and Safety Code 11053-11058, except for the first offense for the possession of not more than one ounce of marijuana, other than concentrated cannabis
4. Robbery or extortion
5. Assault or battery, as defined in Penal Code 240 and 242, upon any school employee

#### Mandatory Recommendation and Mandatory Expulsion

The principal, Superintendent or designee shall recommend that the Board expel any student found at school or at a school activity to be: (Education Code 48915(c))

1. Possessing, as verified by a district employee, or selling or otherwise furnishing a firearm, unless the student had obtained prior written permission to possess the item from a certificated school employee, with the principal or designee's concurrence
2. Brandishing a knife as defined in Education Code 48915(g) at another person
3. Unlawfully selling a controlled substance listed in Health and Safety Code 11053-11058
4. Committing or attempting to commit a sexual assault or committing a sexual battery as defined in item #14 under "Grounds for Suspension and Expulsion" above
5. Possessing an explosive as defined in 18 USC 921

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

#### Student's Right to Expulsion Hearing

The student is entitled to a hearing to determine whether the student should be expelled. The hearing shall be held within 30 school days after the principal or Superintendent or designee determines that one of the acts listed under "Grounds for Suspension and Expulsion" has occurred. (Education Code 48918(a))

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

If the Board finds it impractical during the school year to comply with these time requirements for conducting an expulsion hearing, the Superintendent or designee may, for good cause, extend the time

period by an additional five school days. Reasons for the extension shall be included as a part of the record when the expulsion hearing is held. (Education Code 48918(a))

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

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

### Rights of Complaining Witness

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

Whenever the Superintendent or designee recommends an expulsion hearing that addresses allegations of sexual assault or sexual battery, he/she shall give the complaining witness a copy of the district's suspension and expulsion policy and regulation and shall advise the witness of his/her right to: (Education Code 48918.5)

1. Receive five days' notice of his/her scheduled testimony at the hearing
2. Have up to two adult support persons of his/her choosing present in the hearing at the time he/she testifies
3. Have a closed hearing during the time he/she testifies

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

Code 48918.5)

### Written Notice of the Expulsion Hearing

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

1. The date and place of the hearing.
2. A statement of the specific facts, charges and offense upon which the proposed expulsion is based.
3. A copy of district disciplinary rules which relate to the alleged violation.
4. Notification of the student's or parent/guardian's obligation, pursuant to Education Code 48915.1, to provide information about the student's status in the district to any other district in which the student seeks enrollment. This obligation applies when a student is expelled for acts other than those described in Education Code 48915(a) or (c).

(cf. 5119 - Students Expelled from Other Districts)

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

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

Nonattorney advisor means an individual who is not an attorney or lawyer, but who is familiar with the facts of the case, and has been selected by the student or student's parent/guardian to provide assistance at the hearing.

6. The right to inspect and obtain copies of all documents to be used at the hearing.
7. The opportunity to confront and question all witnesses who testify at the hearing.
8. The opportunity to question all evidence presented and to present oral and documentary evidence on the student's behalf, including witnesses.

#### Conduct of Expulsion Hearing

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

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

If a hearing that involves a charge of sexual assault or sexual battery is to be conducted in public, a complaining witness shall have the right to have his/her testimony heard in closed session when testifying in public would threaten serious psychological harm to the witness and when there are no alternative procedures to avoid the threatened harm, including but not limited to videotaped deposition or contemporaneous examination in another place communicated to the hearing room by closed-circuit television. (Education Code 48918(c))

2. **Record of Hearing:** A record of the hearing shall be made and may be maintained by any means, including electronic recording, as long as a reasonably accurate and complete written transcription of the proceedings can be made. (Education Code 48918(g))

3. **Subpoenas:** Before commencing a student expulsion hearing, the Board may issue subpoenas, at the request of either the student or the Superintendent or designee, for the personal appearance at the hearing of any person who actually witnessed the action that gave rise to the recommendation for expulsion. After the hearing has commenced, the Board or the hearing officer or administrative panel



may issue such subpoenas at the request of the student or the County Superintendent of Schools or designee. All subpoenas shall be issued in accordance with the Code of Civil Procedure 1985-1985.2 and enforced in accordance with Government Code 11455.20 (formerly 11525). (Education Code 48918(i))

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

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

4. Presentation of Evidence: While technical rules of evidence do not apply to expulsion hearings, evidence may be admitted and used as proof only if it is the kind of evidence on which reasonable persons can rely in the conduct of serious affairs. The decision of the Board to expel must be supported by substantial evidence that the student committed any of the acts listed in "Grounds for Suspension and Expulsion" above.

Findings of fact shall be based solely on the evidence at the hearing. While no finding shall be based solely on hearsay, sworn declarations may be admitted as testimony, evidence describing the reasonableness of the search shall be included in the hearing record.

5. Testimony by Complaining Witnesses: The following procedures shall be observed when hearings involve allegations of sexual assault or sexual battery by a student: (Education Code 48918)

a. Any complaining witness shall be given five days' notice before being called to testify.

b. Any complaining witness shall be entitled to have up to two adult support persons, including but not limited to a parent/guardian or legal counsel, present during his/her testimony.

c. Before a complaining witness testifies, support persons shall be admonished that the hearing is

confidential.

d. The person presiding over the hearing may remove a support person whom he/she finds is disrupting the hearing.

e. If one or both support persons are also witnesses, the hearing shall be conducted according to Penal Code 868.5.

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

g. In order to facilitate a free and accurate statement of the experiences of the complaining witness and to prevent discouragement of complaints, the district shall provide a nonthreatening environment.

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

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

(3) The person conducting the hearing may:

(a) Arrange the seating within the hearing room so as to facilitate a less intimidating environment for the complaining witness

(b) Limit the time for taking the testimony of a complaining witness to the hours he/she is normally in school, if there is no good cause to take the testimony during other hours

(c) Permit one of the support persons to accompany the complaining witness to the witness stand

6. Decision Within 10 School Days: The Board's decision on whether to expel a student shall be made within 10 school days after the conclusion of the hearing, unless the student requests in writing that the decision be postponed. (Education Code 48918(a))

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

#### Alternative Expulsion Hearing: Hearing Officer or Administrative Panel

Instead of conducting an expulsion hearing itself, the Board may contract with the county hearing officer or with the Office of Administrative Hearings of the State of California for a hearing officer.

Alternatively, the Board may appoint an impartial administrative panel composed of three or more certificated personnel, none of whom shall be members of the Board or on the staff of the school in which the student is enrolled. (Education Code 48918(d))

A hearing conducted by the hearing officer or administrative panel shall conform to the same procedures as apply to a hearing conducted by the Board as specified above in "Conduct of Expulsion Hearing."

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

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

In accordance with Board policy, the hearing officer or administrative panel may recommend that the Board suspend the enforcement of the expulsion for a period of one year.

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

#### Final Action by the Board

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

(cf. 9321.1 - Closed Session Actions and Reports)

If the Board conducts the hearing and reaches a decision not to expel, this decision shall be final and the student shall be reinstated immediately.

Upon ordering an expulsion, the Board shall set a date when the student shall be reviewed for readmission to a school within the district. For a student expelled for an act listed under "Mandatory Recommendation and Mandatory Expulsion" above, this date shall be one year from the date the expulsion occurred, except that the Board may set an earlier date on a case-by-case basis. For a student expelled for other acts, this date shall be no later than the last day of the semester following the semester in which the expulsion occurred. (Education Code 48916)

At the time of the expulsion order, the Board shall recommend a plan for the student's rehabilitation, which may include: (Education Code 48916)

1. Periodic review as well as assessment of the student at the time of review for readmission
2. Recommendations for improved academic performance, tutoring, special education assessments, job training, counseling, employment, community service and other rehabilitative programs

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

#### Written Notice to Expel

The Superintendent or designee shall send written notice of the decision to expel to the student or parent/guardian. This notice shall include the following:

1. The specific offense committed by the student for any of the causes for suspension or expulsion listed in Education Code 48900(a)-(p), Education Code 48900.2-48900.4 and Education Code 48915(c) (Education Code 48900.8)
2. The fact that a description of readmission procedures will be made available to the student and his/her parent/guardian (Education Code 48916)
3. Notice of the right to appeal the expulsion to the County Board of Education (Education Code 48918)
4. Notice of the alternative educational placement to be provided to the student during the time of expulsion (Education Code 48918)
5. Notice of the student's or parent/guardian's obligation to inform any new district in which the student seeks to enroll of the student's status with the expelling district, pursuant to Education Code 48915.1 (Education Code 48918)

#### Decision Not to Enforce Expulsion Order

In accordance with Board policy, when deciding whether to suspend the enforcement of an expulsion, the Board shall take into account the following criteria:

1. The student's pattern of behavior
2. The seriousness of the misconduct
3. The student's attitude toward the misconduct and his/her willingness to follow a rehabilitation program

The suspension of the enforcement of an expulsion shall be governed by the following: (Education Code 48917)

1. The Board may, as a condition of the suspension of enforcement, assign the student to a school, class or program appropriate for the student's rehabilitation. This rehabilitation program may provide for the involvement of the student's parent/guardian in the student's education. However, a parent/guardian's refusal to participate in the rehabilitation program shall not be considered in the Board's determination as to whether the student has satisfactorily completed the rehabilitation program.
2. During the period when enforcement of the expulsion order is suspended, the student shall be on probationary status.
3. The suspension of the enforcement of an expulsion order may be revoked by the Board if the student commits any of the acts listed under "Grounds for Suspension and Expulsion" above or violates any of the district's rules and regulations governing student conduct.
4. When the suspension of the enforcement of an expulsion order is revoked, a student may be expelled under the terms of the original expulsion order.
5. Upon satisfactory completion of the rehabilitation assignment, the Board shall reinstate the student in a district school. Upon reinstatement, the Board may order the expunging of any or all records of the expulsion proceedings.
6. Suspension of the enforcement of an expulsion order shall not affect the time period and requirements for the filing of an appeal of the expulsion order with the County Board of Education.

7. The Superintendent or designee shall send written notice of any decision to suspend the enforcement of an expulsion order during a period of probation to the student or parent/guardian. The notice shall also inform the parent/guardian of the right to appeal the expulsion to the County Board of Education. (Education Code 48918(j)).

### Right to Appeal

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

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

### Post-Expulsion Placements

The Board shall refer expelled students to a program of study that is: (Education Code 48915, 48915.01)

1. Appropriately prepared to accommodate students who exhibit discipline problems
2. Not provided at a comprehensive middle, junior or senior high school or at any elementary school, unless the program is offered at a community day school established at such a site
3. Not housed at the school site attended by the student at the time of suspension

(cf. 6185 - Community Day School)

When the placement described above is not available, and when the County Superintendent of Schools so certifies, students expelled for acts described in items #6 through #13 and #18 through #20 under

"Grounds for Suspension and Expulsion" above may be instead referred to a program of study that is provided at another comprehensive middle, junior, or senior high school, or at an elementary school. (Education Code 48915)

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

### Readmission After Expulsion

Readmission procedures shall be as follows:

1. On the date set by the Board when it ordered the expulsion, the district shall consider readmission of the student. (Education Code 48916)
2. The Superintendent or designee shall hold a conference with the parent/guardian and the student. At the conference the student's rehabilitation plan shall be reviewed and the Superintendent or designee shall verify that the provisions of this plan have been met.

School regulations shall be reviewed and the student and parent/guardian shall be asked to indicate in writing their willingness to comply with these regulations.

3. The Superintendent or designee shall transmit to the Board his/her recommendation regarding readmission. The Board shall consider this recommendation in closed session if information would be disclosed in violation of Education Code 49073-49079. If a written request for open session is received from the parent/guardian or adult student, it shall be honored.
4. If the readmission is granted, the Superintendent or designee shall notify the student and parent/guardian, by registered mail, of the Board's decision regarding readmission.
5. The Board may deny readmission only if it finds that the student has not satisfied the conditions of the rehabilitation plan or that the student continues to pose a danger to campus safety or to other district students or employees. (Education Code 48916)



6. If the Board denies the readmission of a student, the Board shall determine either to continue the student's placement in the alternative educational program initially selected or to place the student in another program that serves expelled students, including placement in a county community school. (Education Code 48916)

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

#### Maintenance of Records

The Board shall maintain a record of each expulsion, including the specific cause of the expulsion. The expulsion record shall be maintained in the student's mandatory interim record and sent to any school in which the student subsequently enrolls upon receipt of a written request by the admitting school. (Education Code 48900.8, 48918(k))

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

(cf. 5119 - Students Expelled from Other Districts)

(cf. 5125 - Student Records)

#### Notifications to Law Enforcement Authorities

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

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

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

#### Outcome Data

The Superintendent or designee shall maintain the following data and report such data annually to the California Department of Education, using forms supplied by the California Department of Education: (Education Code 48900.8, 48916.1)

1. The number of students recommended for expulsion
2. The specific grounds for each recommended expulsion
3. Whether the student was subsequently expelled
4. Whether the expulsion order was suspended
5. The type of referral made after the expulsion
6. The disposition of the student after the end of the expulsion period

Regulation CLOVERDALE UNIFIED SCHOOL DISTRICT

approved: November 19, 2003 Cloverdale, California

# **Administrative Regulation**

## **Suspension And Expulsion/Due Process (Students With Disabilities)**

AR 5144.2

### **Students**

A student identified as an individual with disabilities pursuant to the Individuals with Disabilities Education Act (IDEA) is subject to the same grounds for suspension and expulsion which apply to students without disabilities.

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

(cf. 6159.1 - Procedural Safeguards and Complaints for Special Education)

### **Procedures for Students Not Yet Eligible for Special Education Services**

A student who has not been identified as an individual with disabilities pursuant to IDEA and who has violated the district's disciplinary procedures may assert the procedural safeguards granted under this administrative regulation only if the district had knowledge that the student was disabled before the behavior occurred. (20 USC 1415(k)(8))

The district shall be deemed to have knowledge that the student had a disability if one of the following conditions exists: (20 USC 1415(k)(8); 34 CFR 300.527)

1. The parent/guardian has expressed concern in writing, or orally if the parent/guardian does not know how to write or has a disability that prevents a written statement, that the student is in need of special education or related services.
2. The behavior or performance of the student demonstrates the need for such services, in accordance with 34 CFR 300.7.

3. The parent/guardian has requested an evaluation of the student for special education pursuant to 34 CFR 300.530-300.536.

(cf. 6164.4 - Identification of Individuals for Special Education)

4. The teacher of the student or other district personnel has expressed concern about the behavior or performance of the student to the district's director of special education or to other personnel in accordance with the district's established child find or special education referral system.

The district would be deemed to not have knowledge as specified in items #1-4 above if, as a result of receiving such information, the district either conducted an evaluation and determined that the student was not a student with a disability or determined that an evaluation was not necessary and provided notice to the parent/guardian of its determination. (34 CFR 300.527)

If it is determined that the district did not have knowledge that the student was disabled prior to taking disciplinary action against the student, then the student shall be disciplined in accordance with procedures established for students without disabilities. (20 USC 1415(k)(8))

If a request is made for an evaluation of a student during the time period in which the student is subject to disciplinary measures, the evaluation shall be conducted in an expedited manner. Until the evaluation is completed, the student shall remain in the educational placement determined by school authorities. (34 CFR 300.527)

### Suspension

The Superintendent or designee may suspend a student with a disability for up to 10 consecutive school days for a single incident of misconduct, and for up to 20 school days in a school year, as long as the suspension(s) do not constitute a change in placement pursuant to 34 CFR 300.519. (Education Code 48903; 34 CFR 300.520)

The principal or designee shall monitor the number of days, including portions of days, that students with valid individualized education programs (IEP) have been suspended during the school year.

## Services During Suspension

Students suspended for more than 10 school days in a school year shall continue to receive services during the term of the suspension, to the extent necessary to provide the student a free and appropriate public education. (20 USC 1412(a)(1)(A); 34 CFR 300.520)

If a student with disabilities is excluded from school bus transportation, the student is entitled to be provided with an alternative form of transportation at no cost to the student or parent/guardian, provided that transportation is specified in the student's IEP. (Education Code 48915.5)

(cf. 3541.2 - Transportation for Students with Disabilities)

## Interim Alternative Placement Due to Dangerous Behavior

A student with a disability may be placed in an appropriate interim alternative educational setting for up to 45 days when he/she commits one of the following acts: (20 USC 1415(k)(1); 34 CFR 300.520)

1. Carries a weapon, as defined in 18 USC 930, to school or to a school function
2. Knowingly possesses or uses illegal drugs while at school or a school function
3. Sells or solicits the sale of a controlled substance while at school or a school activity as identified in 21 USC 812(c), Schedules I-V

The student's alternative educational setting shall be determined by the student's IEP team. (20 USC 1415(k)(2))

A hearing officer may order a change in placement of a student with a disability to an appropriate interim educational setting if the hearing officer: (20 USC 1415(k)(2); 34 CFR 300.521, 300.522)

1. Determines that the district has established by substantial evidence, meaning beyond a

preponderance of the evidence, that maintaining the current placement of the student is substantially likely to result in injury to the student or others

2. Considers the appropriateness of the student's current placement
  
3. Considers whether the district has made reasonable efforts to minimize the risk of harm in the student's current placement, including the use of supplementary aids and services
  
4. Determines that the interim alternative educational setting proposed by school personnel who have met with the student's special education teacher allows the student to:
  - a. Progress in the general curriculum and continue to receive those services and modifications, including those described in his/her IEP, to enable the student to meet the goals of the IEP
  
  - b. Receive services and modifications designed to address the behavior and ensure that the behavior does not recur

The student may be placed in the interim alternative educational setting for up to 45 days, or until the conclusion of any due process hearing proceedings requested by the parent/guardian. (20 USC 1415(k)(2))

#### Behavioral Assessment and Intervention Plan

Not later than 10 business days after a student has been suspended for more than 10 school days or placed in an alternative educational setting, the district shall convene an IEP team meeting to conduct a functional behavior assessment and implement a behavioral intervention plan. If the student already has a behavioral intervention plan, the IEP team shall review the plan and modify it as necessary to address the behavior. (20 USC 1415(k)(1); 34 CFR 300.520)

(cf. 6159 - Individualized Education Program)

(cf. 6159.4 - Behavioral Interventions for Special Education Students)

As soon as practicable after developing the behavioral intervention plan and completing the required assessments, the IEP team shall meet to develop appropriate behavioral interventions to address the behavior and shall implement those interventions. (34 CFR 300.520)

#### Procedural Safeguards/Manifestation Determination

The following procedural safeguards shall apply when a student is suspended for more than 10 consecutive school days, when disciplinary action is contemplated for a dangerous behavior as described above, or when a change of placement is contemplated: (20 USC 1415(k)(4); 34 CFR 300.523)

1. The parents/guardians of the student shall be immediately notified of the decision and provided the procedural safeguards notice pursuant to 34 CFR 300.504 on the day the decision to take action is made.
2. Immediately if possible, but in no case later than 10 school days after the date of the decision, a manifestation determination review shall be made of the relationship between the student's disability and the behavior subject to the disciplinary action.

At this review, the IEP team and other qualified personnel shall consider, in terms of the behavior subject to the disciplinary action, all relevant information, including: (20 USC 1415(k)(4); 34 CFR 300.523)

- a. Evaluation and diagnostic results, including the results or other relevant information supplied by the student's parents/guardians
- b. Observations of the student
- c. The student's IEP and placement

In relationship to the behavior subject to the disciplinary action, the team shall then determine whether the IEP and placement were appropriate and whether supplementary aids, services, and behavioral intervention strategies were provided consistent with the student's IEP and placement. The team shall also determine that the student's disability did not impair the ability of the student to understand the impact and consequences of the behavior, nor did it impair his/her ability to control the behavior subject

to the disciplinary action. (20 USC 1415(k)(4); 34 CFR 300.523)

If the team determines that the student's behavior was not a manifestation of his/her disability, then the student may be disciplined in accordance with the procedures for students without disabilities, as long as the student continues to receive services to the extent necessary to provide that student a free and appropriate public education. (20 USC 1415(k)(4); 34 CFR 300.524)

If the team determines that the student's behavior was a manifestation of his/her disability, then the student's placement may be changed only via the IEP process. (20 USC 1415(k)(4))

### Due Process Appeals

If the parent/guardian disagrees with a decision that the behavior was not a manifestation of the student's disability or with any decision regarding placement, he/she has a right to appeal the decision. (20 USC 1415(k)(6); 34 CFR 300.525)

If the student's parent/guardian initiates a due process hearing to challenge the interim alternative educational setting or the manifestation determination, the student shall remain in the interim alternative setting pending the decision of the hearing officer or the expiration of the 45-day time period, whichever occurs first, unless the parent/guardian and district agree otherwise. (34 CFR 300.526)

If school personnel maintain that it is dangerous for the student to be placed in the current placement (placement prior to removal to the interim alternative education setting), during the pendency of the due process proceedings, the Superintendent or designee may request an expedited due process hearing. (34 CFR 300.526)

### Services During Expulsion

Expelled students shall continue to receive services during the term of the expulsion to the extent necessary to provide the student a free and appropriate public education. Any alternative program must provide services to the extent necessary to enable the student to appropriately progress in the general curriculum and appropriately advance toward achieving the goals set out in the student's IEP. (20 USC 1412(a)(1)(A); 34 CFR 300.121, 300.520)



(cf. 6158 - Independent Study)

(cf. 6185 - Community Day School)

### Readmission

Readmission procedures for students with disabilities shall be the same as those used for all students. Upon readmission, an IEP team meeting shall be convened.

### Suspension of Expulsion

The Board's criteria for suspending the enforcement of an expulsion order shall be applied to students with disabilities in the same manner as they are applied to all other students. (Education Code 48917)

### Notification to Law Enforcement Authorities

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

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

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

Legal Reference:

EDUCATION CODE

35146 Closed sessions (re suspensions)

35291 Rules (of governing board)

48900-48925 Suspension and expulsion

56000 Special education; legislative findings and declarations

56320 Educational needs; requirements

56321 Development or revision of individualized education program

56329 Independent educational assessment

56340-56347 Individual education program teams

56505 State hearing

#### PENAL CODE

245 Assault with deadly weapon

626.2 Entry upon campus after written notice of suspension or dismissal without permission

626.9 Gun-Free School Zone Act

626.10 Dirks, daggers, knives, razors or stun guns

#### UNITED STATES CODE, TITLE 18

930 Weapons

#### UNITED STATES CODE, TITLE 20

1412 State eligibility

1415 Procedural safeguards

#### UNITED STATES CODE, TITLE 21

812(c) Controlled substances

#### UNITED STATES CODE, TITLE 29

706 Definitions

794 Rehabilitation Act of 1973, Section 504

#### CODE OF FEDERAL REGULATIONS, TITLE 34

104.35 Evaluation and placement

104.36 Procedural safeguards

300.1-300.756 Assistance to states for the education of students with disabilities

## COURT DECISIONS

Parents of Student W. v. Puyallup School District, (1994 9th Cir.) 31 F.3d 1489

M.P. v. Governing Board of Grossmont Union High School District, (1994 S.D. Cal). 858 F.Supp. 1044

Honig v. Doe, (1988) 484 U.S. 305

Doe v. Maher, (1986) 793 F.2d 1470

## Management Resources:

### FEDERAL REGISTER

34 CFR 300.a Appendix A to Part 300 - Questions and Answers

34 CFR 300a1 Attachment 1: Analysis of Comments and Changes

### WEB SITES

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

USDOE: <http://www.ed.gov>

Regulation CLOVERDALE UNIFIED SCHOOL DISTRICT

approved: November 19, 2003 Cloverdale, California

# Board Policy

## Nondiscrimination/Harassment

BP 5145.3

### Students

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

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

(cf. 5131 – Conduct)

(cf. 5131.2 – Bullying)

(cf. 5137 – Positive School Climate)

(cf. 5145.9 - Hate-Motivated Behavior)

(cf. 5146 - Married/Pregnant/Parenting Students)

(cf. 6164.6 - Identification and Education under Section 504)

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

The Board also prohibits any form of retaliation against any student who files a complaint or report regarding an incident of discrimination, harassment, intimidation, or bullying.

The Superintendent or designee shall provide age-appropriate training and information to students, parents/guardians, and employees regarding discrimination, harassment, intimidation, and bullying, including, but not limited to, the district's nondiscrimination policy, what constitutes prohibited behavior, how to report incidents, and to whom such reports should be made.

(cf. 4131 – Staff Development)

(cf. 4231 – Staff Development)

(cf. 4331 – Staff Development)

In providing instruction, guidance, supervision, or other services to district students, employees and volunteers shall carefully guard against segregating or stereotyping students.

(cf. 1240 - Volunteer Assistance)

(cf. 6145.2 - Athletic Competition)

(cf. 6162.5 - Student Assessment)

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

The Board prohibits intimidation or harassment of any student by any employee, student or other person in the district. Staff shall be alert and immediately responsive to student conduct which may interfere with another student's ability to participate in or benefit from school services, activities or privileges.

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

(cf. 4118 - Suspension/Disciplinary Action)

(cf. 4119.21/4219.21/4319.21 – Professional Standards)

(cf. 4218 - Dismissal/Suspension/Disciplinary Action)

(cf. 5144 - Discipline)

(cf. 5131 – Conduct)

(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)

Grievance Procedures

The Board hereby designates the following position as Coordinators for Nondiscrimination to handle complaints regarding discrimination, harassment, intimidation, or bullying, and to answer inquiries regarding the district's nondiscrimination policies:

**Superintendent**  
**97 School Street**  
**Cloverdale, CA**  
**(707) 894-1920**

(cf. 1312.1 - Complaints Concerning District Employees)

(cf. 1312.3 - Uniform Complaint Procedures)

Any student who feels that he/she has been subjected to discrimination, harassment, intimidation, or bullying should immediately contact either the nondiscrimination Coordinator, the principal or any other staff member. In addition, any student who observes any such incident should report the incident to the Coordinator or principal, whether or not the victim files a complaint.

In addition, the employee shall immediately intervene when safe to do so. (Education Code 234.1)

Upon receiving a complaint of discrimination, harassment, intimidation, or bullying, the Coordinator shall immediately investigate the complaint in accordance with the site-level grievance procedures specified in AR 5145.7 – Sexual Harassment.

(cf. 5145.7 – Sexual Harassment)

Within 30 days of receiving the district’s report, the complainant may appeal to the Board if he/she disagrees with the resolution of the complaint. The Board shall make a decision at its next regular meeting and its decision shall be final.

The Superintendent or designee shall ensure that all students at the beginning of the school year receive a copy of the district’s nondiscrimination policy, procedures for filing a complaint regarding discrimination, harassment, intimidation, or bullying and the resources that are available to students who feel that they have been the victim of any such behavior. The district’s policy shall also be posted on the district web site.

(cf. 1113 - District and School Web Sites)

(cf. 1114 - District-Sponsored Social Media)

(cf. 6163.4 - Student Use of Technology)

Legal Reference:

**EDUCATION CODE**

- 200-262.4 Prohibition of discrimination
- 48900.3 Suspension or expulsion for act of hate violence
- 48900.4 Suspension or expulsion for threats or harassment
- 48904 Liability of parent/guardian for willful student misconduct
- 48907 Student exercise of free expression
- 48950 Freedom of speech
- 48985 Translation of notices
- 49020-49023 Athletic programs
- 51500 Prohibited instruction or activity
- 51501 Prohibited means of instruction
- 60044 Prohibited instructional materials

**CIVIL CODE**

- 1714.1 Liability of parents/guardians for willful misconduct of minor

**PENAL CODE**

- 422.55 Definition of hate crime
- 422.6 Crimes, harassment

**CODE OF REGULATIONS, TITLE 5**

- 4600-4687 Uniform Complaint Procedures
- 4900-4965 Nondiscrimination in elementary and secondary education programs

**UNITED STATES CODE, TITLE 20**

1681-1688 Title IX of the Education Amendments of 1972

UNITED STATES CODE, TITLE 42

2000d-2000e-17 Title VI and Title 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

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

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

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

FIRST AMENDMENT CENTER PUBLICATIONS

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

NATIONAL SCHOOL BOARDS ASSOCIATION PUBLICATIONS

Dealing with Legal Matters Surrounding Students' Sexual Orientation and Gender Identity, 2004

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

Dear Colleague Letter: 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 for Civil Rights: <http://www.ed.gov/about/offices/list/ocr>

Policy CLOVERDALE UNIFIED SCHOOL DISTRICT

adopted: November 19, 2003 Cloverdale, California

revised: October 16, 2013

# **Board Policy**

## **Questioning And Apprehension**

BP 5145.11

### **Students**

Law enforcement officers have the right to interview and question students on school premises. When such an interview is requested, the principal or designee shall ascertain the officer's identity, official capacity, and the authority under which he/she acts. If the officer needs to interview or question the student immediately, the principal or designee shall accommodate the process in a way that causes the least possible disruption to the school, gives the student appropriate privacy, and models exemplary cooperation with community law enforcement authorities.

Except in cases of child abuse or neglect, the principal or designee shall notify the student's parent/guardian when a law enforcement officer requests an interview on school premises.

At the law officer's discretion and with the student's approval, the principal or designee may be present during the interview.

If the law officer finds it necessary to remove the student from school, the principal or designee shall first ascertain the reason for such action. Upon releasing the student, the principal or designee shall immediately attempt to inform the student's parent/guardian.

Personnel responsible for releasing a student from school custody shall exercise extreme diligence to prevent such release to any unauthorized or unidentified person.



(cf. 5142 - Safety)

## Subpoenas

Although subpoenas may legally be served at school, the Board believes that serving officials should be strongly urged to serve subpoenas at the home of the student whenever possible. In these situations, steps should be taken to ensure a minimum of embarrassment or loss of class time for the student.

### Legal Reference:

#### EDUCATION CODE

44807 Duty concerning conduct of pupils

48264 Arrest of truants

48265 Delivery of truant

48902 Notice to law authorities

48906 Release of minor pupil to peace officers; notice to parent, guardian or relative

48909 Narcotics and other hallucinogenic drugs (re arrest)

#### PENAL CODE

830-832.8 re peace officers

833-851.85 re arrests

1328 Service of subpoena

#### CODE OF REGULATIONS, TITLE 5

303 Duty to remain at school

#### COURT DECISIONS

People v. Burton (1971) 6 Cal. 3d 375

In re Donaldson (1969) 269 Cal. App. 2d 509

Baines v. Brady (1953) 122 Cal. App. 2d 957, 960

In the matter of Paul P., 85 Daily Journal D.A.R. 2594

ATTORNEY GENERAL OPINIONS

54 Ops. Cal. Atty. Gen. 96 (1971)

34 Ops. Cal. Atty. Gen. 93 (1959)

32 Ops. Cal. Atty. Gen. 96 (1958)

Policy CLOVERDALE UNIFIED SCHOOL DISTRICT

adopted: November 19, 2003 Cloverdale, California

# **Administrative Regulation**

## **Questioning And Apprehension**

AR 5145.11

### **Students**

#### Questioning on School Grounds

The school shall keep a record of any interviews of students by law officers on school premises. Such records shall include the date and time, name and identifying number of the officer, the agency employing the officer and his/her official capacity, the time when he/she arrived and left, the fact that the principal or designee was or was not present during the interview, the reason for the questioning and/or release, and any other pertinent information.

#### Apprehension

Police officers, officers of the juvenile court, and other authorized law enforcement officials have an absolute right to enter a school to take a student into custody or to make an arrest of a student.

If a minor student is removed from school into the custody of a peace officer, the principal or designee shall immediately notify the parent/guardian or responsible relative regarding the student's release and the place to which he/she is reportedly being taken, except when the minor has been taken into custody as a victim of suspected child abuse. (Education Code 48906)

The principal or designee shall record the time(s) of contact or attempted contact with the parent/guardian.

If the student is suspected of being a victim of child abuse, the Superintendent or designee shall give the telephone number and address of the student's parent/guardian to the law enforcement officer, and the officer then has the responsibility of immediately notifying the parent/guardian. (Education Code

48906)

(cf. 5141.4 - Child Abuse Reporting Procedures)

The Superintendent or designee shall immediately be notified of the student's removal. This initial verbal notice will be followed by a written report by the principal or designee and shall include the date and time of arrest, the identity, badge number and official capacity of the officer and the reason for release.

Regulation CLOVERDALE UNIFIED SCHOOL DISTRICT

approved: November 19, 2003 Cloverdale, California

# **Board Policy**

## **Search And Seizure**

BP 5145.12

### **Students**

As necessary to protect the health, safety and welfare of students and staff, school officials may search students, their property and/or district property under their control, and may seize illegal, unsafe and prohibited items. The Governing Board requires that discretion, good judgment and common sense be exercised in all cases of search and seizure.

#### **Individual Searches**

School officials may search individual students, their property and district property under their control, when there is a reasonable suspicion that the search will uncover evidence that the student is violating the law, Board policy, administrative regulation, or other rules of the district or the school.

Employees shall not conduct strip searches or body cavity searches of any student. (Education Code 49050)

Searches of individual students shall be conducted in the presence of at least two district employees.

The principal or designee shall notify the parent/guardian of a student subjected to an individualized search as soon as possible after the search.

(cf. 5145.11 - Questioning and Apprehension)

#### **Student Lockers/Desks**

The principal or designee may conduct a general inspection of school properties that are within the control of students, such as lockers and desks, on a regular, announced basis, with students standing by their assigned lockers or desks. Any items contained in a locker or desk shall be considered to be the property of the student to whom the locker or desk was assigned.

Because lockers and desks are under the joint control of the student and the district, school officials shall have the right and ability to open and inspect any school locker or desk without student permission or prior notice when they have reasonable suspicion that the search will uncover evidence of illegal possessions or activities or when odors, smoke, fire and/or other threats to health, welfare or safety emanate from the locker or desk.

#### Use of Metal Detectors

The Board believes that the presence of weapons in the schools threatens the district's ability to provide the safe and orderly learning environment to which district students and staff are entitled. The Board also believes that metal detector searches offer a reasonable means to keep weapons out of the schools and mitigate the fears of students and staff.

The Superintendent or designee shall establish procedures that ensure that metal detector searches are conducted in a consistent manner that minimizes or eliminates arbitrary and capricious enforcement by school officials.

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

(cf. 0450 - Comprehensive Safety Plan)

(cf. 5131.7 - Weapons and Dangerous Instruments)

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

#### Use of Drug-Detection Dogs

In an effort to keep the schools free of drugs, the district may use specially trained nonaggressive dogs to sniff out and alert staff to the presence of substances prohibited by law or Board policy. The dogs may sniff the air around lockers, desks, or vehicles on district property or at district-sponsored events as long as they are not allowed to sniff within the close proximity of any students.

(cf. 5131.6 - Alcohol and Other Drugs)

Legal Reference:

EDUCATION CODE

35160 Authority of governing boards

35160.1 Broad authority of school districts

35294-35294.9 School safety plans

49050-49051 Searches by school employees

49330-49334 Injurious objects

PENAL CODE

626.9 Firearms

626.10 Dirks, daggers, knives or razor; bringing into or possession of upon or within public school ground; exception

COURT DECISIONS

B.C. v. Plumas, (9th Cir. 1999) 192 F.3d 1260

O'Connor v. Ortega, (1987) 107 S.Ct. 1492

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

Horton v. Goose Creek Independent School District, (5th Cir. 1982) 690 F.2d 470

Zamora v. Pomeroy, (10th Cir. 1981) 639 F.2d 662

ATTORNEY GENERAL OPINIONS

83 Ops.Cal.Atty.Gen. 257 (2001)

75 Ops.Cal.Atty.Gen. 155 (1992)

Management Resources:

WEB SITES

California Attorney General's Office: <http://caag.state.ca.us>

CDE, Safe Schools and Violence Prevention Office: <http://www.cde.ca.gov/spbranch/safety>

Policy CLOVERDALE UNIFIED SCHOOL DISTRICT

adopted: November 19, 2003 Cloverdale, California



# **Administrative Regulation**

## **Search And Seizure**

AR 5145.12

### **Students**

#### Use of Metal Detectors

The following procedures shall be followed when making metal detector scans:

1. Before walk-through, students shall be asked to empty their pockets of metallic objects.
2. If an initial activation occurs, students shall be asked to remove other metallic objects they may be wearing (e.g., belt and jewelry) and to walk through a second time.
3. If a second activation occurs, a hand-held metal detector shall be used.
4. If the activation is not eliminated or explained, staff shall escort the student to a private area.
5. In the private area, an expanded search shall be conducted by a staff member of the same gender as the student, in the presence of another district employee.
6. The search shall be limited to the detection of weapons.

#### Use of Drug-Detection Dogs

Drug-detection dogs shall not be used in rooms occupied by persons except for demonstration purposes, with the handler present. When used for demonstration purposes, the dog shall be separated from the students and not allowed to sniff any individual.

Only the dog's official handler shall determine what constitutes an alert by the dog. If the dog alerts on a particular item or place, the student having the use of that item or place, or responsibility for it, shall be called to witness the search. If a dog alerts on a locked vehicle, the student who brought the vehicle onto district property shall be asked to unlock it for inspection.

(cf. 5131.6 - Alcohol and Other Drugs)

(cf. 5144 - Discipline)

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

#### Notifications

At the beginning of each school year and whenever students are assigned lockers, desks or other district property, the Superintendent or designee shall inform students and parents/guardians of the possibility of random searches of students, their belongings and district properties under their control.

Upon enrollment and at the beginning of each school year, students and parents/guardians shall receive notice that the district uses metal detector scans as part of its program to promote safety and deter the presence of weapons. Signs shall be posted at all schools at which metal detectors are to be used to explain that anyone may be scanned by metal detector for guns, knives or other illegal weapons when on campus or attending athletic or extracurricular events.

Regulation CLOVERDALE UNIFIED SCHOOL DISTRICT

approved: November 19, 2003 Cloverdale, California

# **Board Policy**

## **Freedom Of Speech/Expression**

BP 5145.2

### **Students**

The Governing Board believes that free inquiry and exchange of ideas are essential parts of a democratic education. The Board respects students' rights to express ideas and opinions, take stands on issues, and support causes, even when such speech is controversial or unpopular.

(cf. 6144 - Controversial Issues)

### **On-Campus Expression**

Students shall have the right to exercise freedom of speech and of the press including, but not limited to, the use of bulletin boards; the distribution of printed materials or petitions; the wearing of buttons, badges and other insignia; and the right of expression in official publications. (Education Code 48907)

Student expression on district or school Internet web sites and on-line media shall generally be afforded the same protections as print media.

(cf. 1113 - District and School Web Sites)

Students' freedom of expression shall be limited only as allowed by law in order to maintain an orderly school environment and to protect the rights, health and safety of all members of the school community.

Students are prohibited from making any expressions or distributing or posting any materials that are obscene, libelous or slanderous. Students also are prohibited from making any expressions that so incite students as to create a clear and present danger of the commission of unlawful acts on school premises,

the violation of school rules, or substantial disruption of the school's orderly operation. (Education Code 48907)

(cf. 5145.7 - Sexual Harassment)

(cf. 5145.9 - Hate-Motivated Behavior)

The use of "fighting words" or epithets is prohibited if the speech is abusive and insulting rather than a communication of ideas, and the speech is used in an abusive manner in a situation that presents an actual danger that it will cause a breach of the peace.

School officials shall not engage in prior restraint of material prepared for official school publications except insofar as the content of the material violates the law. (Education Code 48907)

The Superintendent or designee shall not discipline any high school student solely on the basis of speech or other communication that would be constitutionally protected when engaged in outside of school, but may impose discipline for harassment, threats or intimidation unless constitutionally protected. (Education Code 48950)

(cf. 5137 - Positive School Climate)

(cf. 5144 - Discipline)

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

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

### Off-Campus Expression

Off-campus student expression, including but not limited to student expression on off-campus Internet web sites, is generally constitutionally protected but shall be subject to discipline when such expression poses a direct threat to the safety of students or school personnel.

Conduct by a student outside of class which for any reason materially disrupts classwork or involves substantial disorder or invasion of the rights of others is not protected by the constitutional guarantee of free speech.

Legal Reference:

EDUCATION CODE

48907 Exercise of free expression; rules and regulations

48950 Speech and other communication

51520 Prohibited solicitations on school premises

UNITED STATES CODE, TITLE 20

4071-4074 Equal Access Act

CALIFORNIA CONSTITUTION

Article 1, Section 2 Freedom of speech and expression

U.S. CONSTITUTION

Amendment 1 Freedom of speech and expression

COURT DECISIONS

Harper v. Poway Unified School District, (2005) 445 F.3d 1166

Lavine v. Blaine School District, (2001) 257 F.3d 981

Emmett v. Kirkland School District No. 415, (2000) 92 F.Supp. 2d 1088

J.S. v. Bethlehem Area School District, (2000) 757 A.2d 412 (Pa. Commw. 2000)

Beussink v. Woodland R-IV School District, (1998) 30 F. Supp. 2d 1175 (E.D. Mo. 1998)

Muller v. Jefferson Lighthouse School, (1996) 98 F.3d 1530

Hazelwood School District v. Kuhlmeier, (1988) 108 S. Ct. 562

Leeb v. DeLong, (1988) 198 Cal.App.3d 47

Perumal et al. v. Saddleback Valley Unified School District, (1988) 198 Cal.App.3d 64

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

Collin v. Smith, (1978) 447 F.Supp.676, affd. (1978) 578 F.2d 1197, cert. den. (1978) 439 U.S. 916

Bright v. Los Angeles Unified School District, (1976) 134 Cal. Rptr. 639, 556 P.2d 1090, 18 Cal. 3d 350

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

Management Resources:

CDE LEGAL ADVISORIES

Limitations on Student Expression in School-Sponsored Publications, March 4, 1988

NSBA PUBLICATIONS

Digital Discipline: Off-Campus Student Conduct, the First Amendment and Web Sites, School Law in Review 2001

Policy CLOVERDALE UNIFIED SCHOOL DISTRICT

Adopted: November 19, 2003      Cloverdale, California

# **Administrative Regulation**

## **Freedom Of Speech/Expression**

AR 5145.2

### **Students**

#### Distribution of Printed Materials and Petitions by Students

The principal or designee may provide bulletin boards on which students and student organizations may post materials of general interest. Students also may post or distribute handbills, leaflets and other printed material, whether produced within or outside of the school. Students may collect signatures on petitions concerning school or nonschool issues.

(cf. 1325 - Advertising and Promotion)

Printed materials or petitions may be distributed only:

1. Before or after school or during lunch time
2. In locations that do not obstruct the normal flow of traffic within school or at entrances

No student shall use coercion to induce students or any other persons to accept printed matter or to sign petitions. No funds shall be collected for any material distributed.

#### Clothing, Buttons and Badges

Buttons, badges, armbands and clothing bearing slogans or sayings may be worn unless their message

falls into the categories prohibited by law and Governing Board policy. No employee shall interfere with this practice on the grounds that the message may be unpopular with students or faculty.

(cf. 5132 - Dress and Grooming)

(cf. 5136 - Gangs)

Regulation CLOVERDALE UNIFIED SCHOOL DISTRICT

approved: November 19, 2003 Cloverdale, California



# Board Policy

## Nondiscrimination/Harassment

BP 5145.3

### Students

District programs and activities shall be free from discrimination, including harassment, with respect to the actual or perceived ethnic group, religion, gender, color, race, ancestry, national origin, and physical or mental disability, age or sexual orientation.

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

(cf. 5145.9 - Hate-Motivated Behavior)

(cf. 5146 - Married/Pregnant/Parenting Students)

(cf. 6164.6 - Identification and Education under Section 504)

The Governing Board shall ensure equal opportunities for all students in admission and access to the educational program, guidance and counseling programs, athletic programs, testing procedures, and other activities. Eligibility for choral and cheerleading groups shall be determined solely on the basis of objective competencies. School staff and volunteers shall carefully guard against segregation, bias and stereotyping in instruction, guidance and supervision.

(cf. 1240 - Volunteer Assistance)

(cf. 6145.2 - Athletic Competition)

(cf. 6162.5 - Student Assessment)

The schools shall provide male and female students with separate shower rooms and sex education classes in order to protect student modesty. In physical education, when objective standards have an adverse effect on students because of their gender, race, ethnic group or disability, other standards shall be used to measure achievement and create comparable educational opportunities.

The Board prohibits intimidation or harassment of any student by any employee, student or other person in the district. Staff shall be alert and immediately responsive to student conduct which may interfere with another student's ability to participate in or benefit from school services, activities or privileges.

(cf. 5145.2 - Freedom of Speech/Expression)

(cf. 5145.7 - Sexual Harassment)

Students who harass other students shall be subject to appropriate discipline, up to and including counseling, suspension and/or expulsion. An employee who permits or engages in harassment may be subject to disciplinary action, up to and including dismissal.

(cf. 4118 - Suspension/Disciplinary Action)

(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))

The Board hereby designates the following positions as coordinators for Nondiscrimination:

Superintendent Frandsen or designee

97 School Street, Cloverdale, CA

(707) 894-1920, ext. 17

Any student who feels that he/she is being harassed should immediately contact either the nondiscrimination coordinator or the principal or designee. If a situation involving harassment is not promptly remedied by the nondiscrimination coordinator, principal or designee, a complaint may be filed with the Superintendent or designee who shall determine which complaint procedure is appropriate.

(cf. 1312.1 - Complaints Concerning District Employees)

(cf. 1312.3 - Uniform Complaint Procedures)

Legal Reference:

EDUCATION CODE

200-262.4 Prohibition of discrimination on the basis of sex, especially:

221.5 Prohibited sex discrimination

221.7 School-sponsored athletic programs; prohibited sex 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

49020-49023 Athletic programs

51006-51007 Equitable access to technological education programs

51500 Prohibited instruction or activity

51501 Prohibited means of instruction

60044 Prohibited instructional materials

CIVIL CODE

1714.1 Liability of parents/guardians for willful misconduct of minor

PENAL CODE

422.6 Interference with constitutional right or privilege

CODE OF REGULATIONS, TITLE 5

4621 District policies and procedures

4622 Notice requirements

4900-4965 Nondiscrimination in elementary and secondary education programs receiving state financial assistance

UNITED STATES CODE, TITLE 42

2001d-2001e-17 Title VI & VII Civil Rights Act of 1964 as amended

2001h-2-2001h-6 Title IX, 1972 Education Act Amendments

CODE OF FEDERAL REGULATIONS, TITLE 34

100.3a 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

Management Resources:

OFFICE OF CIVIL RIGHTS

Notice of Non-Discrimination, January, 1999

WEB SITES

OCR: <http://www.ed.gov/offices/OCR>

Policy CLOVERDALE UNIFIED SCHOOL DISTRICT

adopted: November 19, 2003 Cloverdale, California

# **Board Policy**

## **Victim's Rights**

BP 5145.4

### **Students**

In every school setting and every school-sponsored activity, each actual or intended victim (as and when identified) who has suffered or may reasonably be expected to suffer intentionally inflicted harm, whether physical, mental or emotional, as a result of the action of one or more others, has a right to immediate required care and physical assistance, to emotional and moral support, and to reasonable and adequate protection against future harm, to the extent required by the circumstances.

### **Guidelines**

1. A victim is a person who suffers injury or hurt as a result of intentionally inflicted or threatened harm caused or permitted by one or more other persons. Such harm can take many forms: actual or threatened assault, or other violence of any sort, harassment, or bullying. Regardless of the form or the reasons underlying the harm caused, and regardless of the consequences imposed upon the person(s) who may have caused the harm, the victim is entitled to care, support and protection, as reasonably required by the circumstances.
2. As the first and immediate response when a student has suffered intentionally inflicted harm due to the action of one or more others, the victim and the person(s) responsible for the harm shall be separated, and any required care, medical or otherwise to the victim will be provided.
3. Parent(s)/guardian(s) will be contacted immediately of the state and status of the victim. In addition, the principal shall ensure that appropriate referrals are offered for counseling and/or support as appropriate to the victim, such as referrals to community services or a transfer to another school.
4. The School Board's Violence Prevention Policies and the Safe Schools Policies shall address the procedures to be followed, and the consequences to be imposed on the student(s) who may have caused

the harm.

5. The principal shall consider a consultation with the school counselor and/or the school resource officer.

6. The principal shall determine whether the separation of the victim and the student(s) who may have caused the harm should continue beyond the immediate aftermath of the incident, or whether, without compromising the interest of all students involved, the best interest of all may be served by continuing as before the incident. In making this judgment, the principal shall consider:

a. Whether criminal charges have been laid against the student(s) who may have caused the harm;

b. Whether there are court imposed conditions requiring distance separation between the victim and the other student(s);

c. Whether and when the intellectual or emotional conditions of the victim and the other student(s) can reasonably be expected to tolerate an end to the separation based on the severity of harm or threat made;

d. The nature, validity and suitability of any demands or requests made by the victim and/or his/her parent(s)/guardian(s);

e. The nature, validity and suitability of any demands or requests made by the student(s) who may have caused the harm, and/or his/her/their respective parent(s)/guardian(s).

7. Just consideration shall be given to the victim's choice if transfer to another classroom or school is deemed necessary.

8. Ultimately, subject to the requirements of law and of other Board policies, the principal shall determine what is in the best interest of all of the students involved, both the victim and the student(s) who may have caused the harm, balancing where necessary any competing interests, to produce a fair, safe and equitable result in harmony with the school's traditions, values, and philosophy of teaching and learning.

9. Teachers and administrators shall be legally advised on such issues as confidentiality, talking to the defense (e.g., no information, formal or informal, about the victim should be made available to the defense without the written permission of the parents or of the student if he/she is 18), the importance of supporting children who have come forward, and of not publicly siding with the accused.

10. Employee and student records of the involved individuals be promptly removed from the school and placed in safe keeping.

### What About the Victims?

Most safe schools policies and descriptions of safe schools projects emphasize the offender. There is a great deal of information about why children engage in aggressive acts and about appropriate discipline, counseling and rehabilitation of the offender. There is much less emphasis on the victim, on supports and counseling for the victim and on justice from the victim's point of view. Thus the information that follows about victims is somewhat sparse.

Many researchers have looked at perpetrators of violent incidents - why they behave as they do - what can be done to help them. So often, the victims are overlooked which is why it is important to focus on the victims and their needs.

There are levels of risk for victimization and that these levels correspond to the levels of Maslow's hierarchy of needs. The less risk of victimization, the more possibility that a person will become a fully, self-actualizing human being. Educators need to better understand how different levels of victimization produce fear in students' lives.

### Maslow's Hierarchy of Needs

\* Levels of Risk

\* Self-actualization

\* Personal self-determination

- \* Aesthetic: appreciation for beauty, order
  
- \* School success/Productivity Cognitive: seek information and understanding
  
- \* Opportunities/Support Self-esteem: respect/ approval from others
  
- \* Isolation/Rejection/Belongingness: love, affection and acceptance
  
- \* Intimidation/Safety needs: security and psychological safety
  
- \* Physical harm/Physiological needs: food, sleep and water  
(Life-endangering)

A safe, positive school environment for all students is the ultimate goal. But until students are free from fear, schools must take measures to prevent students from being victimized. Indeed, teaching students how to avoid becoming victims is an important step in achieving a violence-free school. Dr. Noonan suggests that all of the following can help achieve that goal.

School policies that define violence, state that it won't be tolerated and outline consequences. The enforcement of these school policies will be done on a consistent basis.

#### Who Becomes a Victim?

There is some evidence that some children are more subject to victimization than others. A recent study (Hit Me Please, 1994) showed that children who are frequently picked on, are those with a generally submissive behavioral style. They rarely lead their peers in any positive fashion and less often initiate conversation or attempt to persuade or dissuade their peers. They behave in this way because they lack common social skills. This same study suggested that victimization is a three-step process that changes the behavior of both the victim and the aggressor. The steps in this process are:



- \* The eventual victim submits to persuasion.
  
- \* Capitulation reinforces the aggressive behavior of aggressors, who then increase the severity of coercive acts.
  
- \* The victim changes in response to victimization.
  
- \* Teacher/student workshops on dealing with fear, avoiding potentially violent situations, behaving assertively.
  
- \* Peer mediation programs that train students to defuse potentially violent situations.
  
- \* Adult/community task force because violence is a societal problem not just a school problem.
  
- \* Safe routes to school because schools have an obligation to ensure that children can go to and from school without fear of violence. A buddy system may be part of this program.
  
- \* Witness programs because we are all responsible for protecting each other and there must be formal ways of doing this.
  
- \* Police involvement when necessary.
  
- \* Curriculum content that focuses on dealing with fear, on not becoming a victim and on non-violent problem-solving.
  
- \* A school program that is student-centered with a focus on counseling-based approaches to teaching.

## Supporting Victims

Victims of violent incidents often suffer from psychological trauma long after the incident. Typically, an

individual's response to a crisis has three stages. Feelings of shock, disbelief and denial accompany the first stage, which may last only a few moments or may continue for months. During the second stage, victims experience a wide range of emotions that may include anger, fear, confusion, guilt or grief. Anger may be directed at another person, human error, the criminal justice system or oneself. Terror and panic attacks may occur.

The third stage is the reconstruction of equilibrium that can be a difficult and time-consuming process. Victims often suffer injury not only from the incident, but also from a system that fails to provide sufficient support. Many victims report that rather than receiving help after an incident, they are ostracized, avoided, ignored and sometimes even abused. Guidelines for supporting victims include:

1. Respond as quickly as possible. Victims often report delays in getting medical, administrative and security assistance.
2. Find out what individuals need. The focus should be on the victim's needs. These will differ from one incident to another depending on the nature of the incident and the personality of the victim. Usually, the victim is in the best position to determine what his/her needs are.
3. Be available. Some victims will have a need to talk, while others will need reassurance. Still others will just want someone around so that they aren't alone. Injured people should never be left alone.
4. Be aware of critical periods following the incident. Critical periods include the immediate aftermath, the initial days after the incident, court appearances, encounters with police and the return to school. Victims may require additional support during these periods.

Sexual assault is an offence that requires special sensitivity. The following steps have been suggested as appropriate supports for victims of sexual assault.

- \* An official advocate is promptly made available to the victim;
- \* Counseling is immediately made available to the victim(s) and their families;
- \* When a student has been charged, alternative arrangements be made for his education, in consultation with the student and his parents;

\* Information needs to be made available to staff, students and parents (if there is a void, someone can fill it with rumors and misinformation);

\* Time and appropriate personnel be provided to students, parents, and staff to assist them in dealing with their reactions to the situation.

Policy CLOVERDALE UNIFIED SCHOOL DISTRICT

adopted: May 20, 2009      Cloverdale, California

# **Board Policy**

## **Parental Notifications**

BP 5145.6

### **Students**

The Governing Board recognizes that notifications are essential to effective communication between the school and the home. The Superintendent or designee shall send students and parents/guardians all notifications required by law, including notifications about their legal rights, 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. 5124 - Communication with Parents/Guardians)

(cf. 6020 - Parent Involvement)

The Superintendent or designee shall ensure that notifications which must be sent at the beginning of each academic year include a request that the parent/guardian sign the notice and return it to the school. (Education Code 48982)

Notifications to parents/guardians shall be written both in English and in the family's primary language when so required by law. Whenever an employee learns that a student's parent/guardian is for any reason unable to understand the district's printed notifications, the principal or designee shall work with the parent/guardian to establish other appropriate means of communication.

(cf. 6174 - Education for English Language Learners)

Legal Reference:

## EDUCATION CODE

221.5 Prohibited sex discrimination

231.5 Sexual harassment policy

262.3 Appeals; information re: availability of civil remedies

310 Structured English Immersion Program

17288 Pupils: school buildings

17612 Notification of pesticide use

32255-32255.6 Right to refuse harmful or destructive use of animals

32390 Fingerprint program; contracts; funding; consent of parent/guardian; mailing of documents containing fingerprints to parent/guardian

35178.4 Notice of accreditation status

35183 School dress codes; uniforms

35256 School accountability report card

35291 Rules

37616 Consultation

39831.5 School bus rider rules and information

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 especially:

46601 Failure to approve interdistrict attendance

48000 Minimum age of admission

48070.5 Promotion or retention of students

48204 Residency requirements for school attendance

48205 Absence for personal reasons

48206.3 Pupils with temporary disabilities; individual instruction; definitions

48207 Pupils with temporary disabilities in hospitals outside of school district

48208 Students with temporary disabilities in qualifying hospitals

48213 Notice to parent or guardian

48216 Immunization

48260.5 Notice to parent re truancy

48263 Referral to SARB or probation department

48432.5 Involuntary transfers of pupils

48637.1 Notice of intended assignment

48900.1 Attendance of parent or guardian for portion of school day

48904 Liability of parent/guardian for willful pupil misconduct

48904.3 Withholding grades, diplomas, or transcripts

48906 Notification of release of pupil to peace officer

48911 Notification in case of suspension

48912 Closed sessions; consideration of suspension

48915.1 Expelled individuals: enrollment in another district

48916 Readmission procedures

48918 Rules governing expulsion procedures

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

49063 Notification of parents of their rights

49067 Regulations regarding pupil'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

49076 Access to student records

49077 Access to information concerning a student in compliance with court order

49091.14 Prospectus

49302 Parental consent

49332 Notifications of retention of object by school personnel; release

49403 Cooperation in control of communicable disease and immunization

49423 Administration of prescribed medication for pupil

49451 Physical examinations: parent's refusal to consent

49452.5 Screening for scoliosis

49456 Report to parent

49472 Medical and hospital services for pupils

49480 Continuing medication regimen for nonepisodic conditions

49510-49520 Duffy-Moscone Family Nutrition Education and Services Act of 1970

51201.5 Instruction on AIDS and AIDS prevention

51229 Course of study for grades 7-12

51240 Excuse from instruction due to religious beliefs

51513 Personal beliefs

51550 Sex education courses

51554 Parent notification; sex education courses

51555 Parent notification in grades K-6; sex education courses

51820 Venereal disease instruction; written notification to parent; inspection of instructional material; consensual pupil participation

51870.5 Internet access policy

52164.1 Census-taking methods; determination of primary language; assessment of language skills; notice

52164.3 Notice of reassessment of language skills

52173 Consultation with parents or guardians; notice to parents or guardians; withdrawal of pupil from program

52244 Advanced Placement Program

54444.2 Migrant education programs; parent involvement

56301 Child-find system; policies re: written notification rights

56321 Special education: proposed assessment plan

56329 Written notice of right to findings; independent assessment

56341 Individualized education program team

56343.5 IEP meetings

56346 Parental notice and consent to special education program

58501 Alternative schools: notice required prior to establishment

60641 Standardized Testing and Reporting Program

60850 High School Exit Exam

66204 Certification of high school courses as meeting university admission criteria

#### HEALTH AND SAFETY CODE

1596.857 Right to enter child care facility

120365 Immunizations

120370 Immunizations

120375 Immunizations

120440 Sharing immunization information

124085 Certificate of receipt; health screening and evaluation services; waiver by parent/guardian

124100 School districts and private schools; information to parents or guardians of kindergarten children; withholding of average daily attendance funds

#### PENAL CODE

627.5 Hearing request following denial or revocation of registration

#### WELFARE AND INSTITUTIONS CODE

18976.5 Parental notice; right of refusal to participate

#### CODE OF REGULATIONS, TITLE 5

863 Standardized Testing and Reporting Program

3052 Behavioral intervention



3831 General standards (Gifted and Talented Program)

4622 Notice requirements and recipients

4631 Responsibilities of the local agency

11303 Reclassification of English language learners

11309 Parental Exception Waivers

11523 Notice of proficiency examinations (HS)

18066 Policies and procedures absences for child care

UNITED STATES CODE, TITLE 20

1232g Family Educational and Privacy Rights Act

1415 Procedural Safeguards

1681-1688 Title IX, discrimination based on sex or blindness

6311 State plans

6312 Local educational agency plans

6316 Academic assessment and local educational agency school improvement

6318 Parental involvement

7908 Armed forces recruiter access to students

UNITED STATES CODE, TITLE 42

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

CODE OF FEDERAL REGULATIONS, TITLE 34

99.7 Student records, annual notification

99.34 Student records, disclosure to other educational agencies

104.36 Procedural safeguards

106.9 Dissemination of policy, nondiscrimination on basis of sex

CODE OF FEDERAL REGULATIONS, TITLE 34 (continued)

300.345 Parent participation

300.502 Independent educational evaluation

300.503 Prior written notice

300.505 Parental consent

300.507 Parent notice due process hearing

300.523 Manifestation determination review

CODE OF FEDERAL REGULATIONS, TITLE 40

763.93 Management plans

Policy CLOVERDALE UNIFIED SCHOOL DISTRICT

adopted: November 19, 2003 Cloverdale, California

# **Exhibit**

## **Parental Notifications**

E 5145.6

## **Students**

\*\*\*Note: This exhibit relates to notices which must be provided to parents/guardians. Unless otherwise indicated, code numbers below refer to Education Code sections.\*\*\*

### **I. Annually**

When to Notify: Beginning of each school year

Education Code 17612, 48980.3

Board Policy/Administrative Regulation #: See AR 3514.2

Subject: Use of pesticide product, active ingredients, Internet address to access information

When to Notify: Beginning of each school year

Education Code 32255-32255.6, 48980

Board Policy/Administrative Regulation #: See BP 5145.8, See AR 5145.8

Subject: Right to refrain from harmful or destructive use of animals

When to Notify: Annually

Education Code 35256

Board Policy/Administrative Regulation #: See BP 0510

Subject: School Accountability Report Card provided

When to Notify: Beginning of each school year

Education Code 35291, 48980

Board Policy/Administrative Regulation #: See BP 5144, See AR 5144.1

Subject: District and site discipline rules

When to Notify: Beginning of each school year if high school open campus

Education Code 44808.5, 48980

Board Policy/Administrative Regulation #: See BP 5112.5

Subject: Open campus

When to Notify: Beginning of each school year if Board has adopted resolution allowing such absence

Education Code 46014, 48980

Board Policy/Administrative Regulation #: See BP 5113, See AR 5113

Subject: Absence for religious purposes

When to Notify: Beginning of each school year

Education Code 48205, 48980

Board Policy/Administrative Regulation #: See BP 5113, See AR 5113

Subject: Absence for justifiable personal reasons

When to Notify: Beginning of each school year

Education Code 48205, 48980

Board Policy/Administrative Regulation #: See AR 6154

Subject: Grade/credit cannot be reduced due to excused absence if work or test has been completed

When to Notify: Beginning of each school year

Education Code 48206.3, 48207, 48208, 48980

Board Policy/Administrative Regulation #: See AR 6183

Subject: Availability of home/hospital instruction for students with temporary disabilities

When to Notify: Beginning of each school year

Education Code 48216, 48980

Board Policy/Administrative Regulation #: See BP 5141.31, See AR 5141.31

Subject: Immunizations

When to Notify: Beginning of each school year

Education Code 48980

Board Policy/Administrative Regulation #: See AR 5111.1, See AR 5116.1 See AR 5117

Subject: All statutory attendance options and available local attendance options, available local attendance option, options for meeting residency

When to Notify: Beginning of each school year

Education Code 48980, 231.5

Board Policy/Administrative Regulation #: See AR 5145.7

Subject: Sexual harassment policy as related to students

When to Notify: Beginning of each school year

Education Code 48980, 52244

Board Policy/Administrative Regulation #: See AR 6141.5

Subject: Availability of state funds to cover costs of advanced placement exam fees

When to Notify: Beginning of each school year

Education Code 48980

Board Policy/Administrative Regulation #: See BP 6111

Subject: Schedule of minimum days

When to Notify: Beginning of each school year for districts connected to the Internet

Education Code 48980, 51870.5

Board Policy/Administrative Regulation #: See AR 6163.4

Subject: Policy on student access to the Internet

When to Notify: Beginning of each school year

Education Code 49063, 49068, 49069, 20 USC 1232g, 34 CFR 99.7

Board Policy/Administrative Regulation #: See BP 5125, See AR 5125

Subject: Student records; Inspect and review, access, types, location, persons responsible location of log, access criteria, cost of copies, amendment requests, criteria to determine school official legitimate educational interest

When to Notify: Beginning of each school year

Education Code 49063, 49070

Board Policy/Administrative Regulation #: See AR 5125, See AR 5125.3

Subject: Challenge, review and expunging of records

When to Notify: Beginning of each school year

Education Code 49063, 49073

Board Policy/Administrative Regulation #: See AR 5125.1

Subject: Release of directory information

When to Notify: Beginning of each school year

Education Code 49063, 49091.14

Board Policy/Administrative Regulation #: See AR 5020, See AR 5125

Subject: Availability of course prospectus

When to Notify: Beginning of each school year

Education Code 49423, 49480, 48980

Board Policy/Administrative Regulation #: See AR 5141.21

Subject: Administration of prescribed medication

When to Notify: Beginning of each school year

Education Code 49451, 48980

Board Policy/Administrative Regulation #: See BP 5141.3

Subject: Refusal to consent to physical examination

When to Notify: Beginning of each school year

Education Code 49472, 48980

Board Policy/Administrative Regulation #: See BP 5143

Subject: Availability of insurance

When to Notify: Beginning of each school year

Education Code 49510-49520, 48980

Board Policy/Administrative Regulation #: See BP 3553

Subject: Free and reduced price meals

When to Notify: Annually

Education Code 56301

Board Policy/Administrative Regulation #: See BP 6164.4

Subject: Rights of all parents related to special education identification, referral, assessment, instructional planning, implementation and review, and procedures for initiating a referral for assessment

When to Notify: Beginning of each school year

Education Code 58501

Board Policy/Administrative Regulation #: See BP 6181

Subject: Alternative schools

When to Notify: Beginning of each school year

20 USC 1681-1688, 42 USC 2000d-2000d-7, 34 CFR 106.9



Board Policy/Administrative Regulation #: See BP 0410

Subject: Nondiscrimination on basis of sex, disability, ethnicity or lack of English skills

When to Notify: Annually

5 CCR 4622

Board Policy/Administrative Regulation #: See AR 1312.3

Subject: Uniform complaint procedures and available appeals and civil law remedies; identity of coordinators

When to Notify: Annually to parent, teacher and employee organizations; in absence of organizations, to individuals

40 CFR 763.93

Board Policy/Administrative Regulation #: See AR 3514

Subject: Availability of complete, updated management plan for asbestos-containing material in school buildings

When to Notify: Beginning of each school year

20 USC 1232h

Board Policy/Administrative Regulation #: See AR 5022

Subject: Notice of privacy policy and dates of activities re: survey, health examination, or collection of personal information for marketing

When to Notify: For districts receiving Title I funds, beginning of each school year

20 USC 6311

Board Policy/Administrative Regulation #: See AR 4112.24, See AR 4222

Subject: Right to request information re: professional qualification of their child's teacher and paraprofessional

## II. At Specific Times During the Student's Academic Career

When to Notify: At least once before counseling in grades 7 through 12

Education Code 221.5, 48980

Board Policy/Administrative Regulation #: See BP 6164.2

Subject: Course selection and career counseling

When to Notify: At beginning of school year if student had been placed in structured English immersion program

Education Code 310, 5 CCR 11309

Board Policy/Administrative Regulation #: See AR 6174

Subject: Placement of child in program and opportunity to apply for parental exception waiver

When to Notify: Before high school student attends specialized secondary program on a university campus

Education Code 17288

Board Policy/Administrative Regulation #: None

Subject: University campus buildings may not meet Education Code requirements for structural safety

When to Notify: Before presenting a course using live or dead animals or animal parts

Education Code 32255-32255.6

Board Policy/Administrative Regulation #: See BP 5145.8

Subject: Right to refrain from harmful or destructive use of animals

When to Notify: When child first enrolls in a public school, if the school offers a fingerprinting program

Education Code 32390, 48980

Board Policy/Administrative Regulation #: See BP 5142.1

Subject: Fingerprinting program

When to Notify: Upon registration, if K-6 students have not previously been transported

Education Code 39831.5

Board Policy/Administrative Regulation #: See AR 3543

Subject: School bus safety rules and information, list of stops, rules of conduct, red in a school bus light danger zones, walking to and from stops

When to Notify: Beginning of each school year in grades 7-12

Education Code 46010.1

Board Policy/Administrative Regulation #: See BP 5113

Subject: Absence for confidential medical services

When to Notify: Upon admission to school

Education Code 48216, 49403, Health and Safety Code 120365, 120370, 120375

Board Policy/Administrative Regulation #: See AR 5141.31

Subject: Immunizations

When to Notify: Before early entry to kindergarten, if offered

Education Code 48000

Board Policy/Administrative Regulation #: See AR 5111

Subject: Effects, advantages and disadvantages of early entry

When to Notify: Before assigning student to opportunity school/class/program

Education Code 48637.1

Board Policy/Administrative Regulation #: See BP 6182, See AR 6182

Subject: Assignment to an opportunity school/class/program

When to Notify: Beginning each school year in grades 9-12 and when high school students transfers into the district

Education Code 48980, 60850

Board Policy/Administrative Regulation #: See AR 6146.1, See 6162.52

Subject: Requirement to pass the high school exit exam including: date of exam, requirements for passing, consequences of not passing, and that passing is a condition of graduation

When to Notify: Beginning of each school year for students in grades 7-12

Education Code 51938, 48980

Board Policy/Administrative Regulation #: See AR 6142.1

Subject: Explanation of sex and HIV/AIDS instruction, right to view A/V materials, who teaching, request specific Education Code sections, right to excuse

When to Notify: Upon assessment and reassessment of English proficiency and enrollment in program

of education for English language learners

Education Code 52164.1, 52164.3, 52173, 5 CCR 11303

Board Policy/Administrative Regulation #: See AR 6174

Subject: Program of education for English language learners

When to Notify: Within 20 working days of receiving results of standardized achievement tests

Education Code 60641, 5 CCR 863

Board Policy/Administrative Regulation #: See AR 6162.51

Subject: Results of tests; test purpose, individual score and intended use

When to Notify: When child is enrolled in kindergarten

Health and Safety Code 124085, 124100

Board Policy/Administrative Regulation #: See BP 5141.32

Subject: Health screening examination

When to Notify: Prior student participation in gifted and talented program

5 CCR 3831

Board Policy/Administrative Regulation #: See AR 6172

Subject: Gifted and talented student program

When to Notify: Within 30 calendar days of receipt of results

5 CCR 11511.5

Board Policy/Administrative Regulation #: See AR 6174

Subject: CELDT test results

When to Notify: To students in grades 11 and 12, early enough to enable registration for current fall test  
5 CCR 11523

Board Policy/Administrative Regulation #: See AR 6146.2

Subject: Notice of proficiency examination provided under Education Code 48412

When to Notify: For districts receiving Title I funds, not later than 30 days after beginning of school year, to parents of English learners

20 USC 6312

Board Policy/Administrative Regulation #: See AR 6174

Subject: Reasons for placement, level of proficiency, instructional methods, how program meets child's strengths and teaches English, exit requirements, right to choose another program

### III. When Special Circumstances Occur

When to Notify: Upon receipt of a complaint alleging discrimination

Education Code 262.3

Board Policy/Administrative Regulation #: See AR 1312.3

Subject: Civil law remedies available to complaints

When to Notify: At least 72 hours before use of pesticide product not included in annual list

Education Code 17612

Board Policy/Administrative Regulation #: See AR 3514.2

Subject: Intended use of pesticide product

When to Notify: If school has lost its WASC accreditation status

Education Code 35178.4

Board Policy/Administrative Regulation #: See BP 6190

Subject: Loss of status, potential consequences

When to Notify: At least six months before implementing a schoolwide uniform policy

Education Code 35183

Board Policy/Administrative Regulation #: See AR 5132

Subject: Dress code policy requiring schoolwide uniform

When to Notify: Before implementing a continuous school program

Education Code 37616

Board Policy/Administrative Regulation #: See BP 6117

Subject: Continuous school program

When to Notify: When interdistrict transfer is requested and not approved or denied within 30 days

Education Code 46601

Board Policy/Administrative Regulation #: See AR 5117

Subject: Appeal process

When to Notify: When student identified as being at risk of retention

Education Code 48070.5

Board Policy/Administrative Regulation #: See AR 5123

Subject: Student at risk of retention

When to Notify: When a student is classified a truant

Education Code 48260.5

Board Policy/Administrative Regulation #: See AR 5113

Subject: Parental obligation

When to Notify: When a truant is referred to a SARB or probation department

Education Code 48263

Board Policy/Administrative Regulation #: See AR 5113

Subject: Name and address of SARB or probation department and reason for referral

When to Notify: Prior to involuntary transfer to continuation school

Education Code 48432.5

Board Policy/Administrative Regulation #: See AR 6184

Subject: Right to require a meeting prior to involuntary transfer to continuation school

When to Notify: Prior to withholding grades, diplomas, or transcripts

Education Code 48904

Board Policy/Administrative Regulation #: See AR 5125.2

Subject: Damaged school property



When to Notify: When withholding grades, diplomas or transcripts from transferring student

Education Code 48904.3

Board Policy/Administrative Regulation #: See AR 5125.2

Subject: Next school will continue withholding grades, diplomas or transcripts

When to Notify: When student is released to peace officer

Education Code 48906

Board Policy/Administrative Regulation #: See BP 5145.11

Subject: Release of student to peace officer

When to Notify: At time of suspension

Education Code 48911

Board Policy/Administrative Regulation #: See BP 5144.1, See AR 5144.1

Subject: Notice of suspension

When to Notify: When original period of suspension is extended

Education Code 48911

Board Policy/Administrative Regulation #: See AR 5144.1

Subject: Extension of suspension

When to Notify: Before holding a closes session re: suspension

Education Code 48912

Board Policy/Administrative Regulation #: See AR 5144.1

Subject: Intent to hold a closed session re: suspension

When to Notify: When student expelled from another district for certain acts seeks admission

Education Code 48915.1, 48918

Board Policy/Administrative Regulation #: See AR 5119

Subject: Hearing re: possible danger presented by expelled student

When to Notify: When readmission is denied

Education Code 48916

Board Policy/Administrative Regulation #: See AR 5144.1

Subject: Reasons for denial; determination of assigned program

When to Notify: When expulsion occurs

Education Code 48916

Board Policy/Administrative Regulation #: See AR 5144.1

Subject: Description of readmission procedures

When to Notify: 10 calendar days before expulsion hearing

Education Code 48918

Board Policy/Administrative Regulation #: See AR 5144.1

Subject: Notice of expulsion hearing

When to Notify: When expulsion or suspension of expulsion occurs

Education Code 48918

Board Policy/Administrative Regulation #: See AR 5144.1

Subject: Decision to expel; right to appeal to county board; obligation to inform new district of status

When to Notify: One month before the scheduled minimum day

Education Code 48980

Board Policy/Administrative Regulation #: See BP 6111

Subject: When minimum days are scheduled after the beginning of the school year

When to Notify: When parents request guidelines for filing complaint of child abuse at a school site

Education Code 48987

Board Policy/Administrative Regulation #: See BP 1312.1

Subject: Guidelines for filing complaint of child abuse at a school site with local child protective agencies

When to Notify: When student in danger of failing a course

Education Code 49067

Board Policy/Administrative Regulation #: See AR 5121

Subject: Student in danger of failing a course

When to Notify: When student transfers from another district or private school

Education Code 49068

Board Policy/Administrative Regulation #: See AR 5125

Subject: Right to receive copy of student's record and to challenge its content

When to Notify: Within 24 hours of release of information to a judge or probation officer

Education Code 49076

Board Policy/Administrative Regulation #: See AR 5125

Subject: Release of student record information to a judge or probation officer for conducting a truancy mediation program or for presenting evidence at a truancy petition

When to Notify: Before release of information pursuant to court order or subpoena

Education Code 49077

Board Policy/Administrative Regulation #: See AR 5125

Subject: Release of information pursuant to court order or subpoena

When to Notify: Before student serves on safety patrol

Education Code 49302

Board Policy/Administrative Regulation #: See AR 5142.2

Subject: Parental consent

When to Notify: When injurious object is taken from student

Education Code 49332

Board Policy/Administrative Regulation #: See AR 5131.7

Subject: Weapons and dangerous objects

When to Notify: When screening results in suspicion that student has scoliosis

Education Code 49452.5

Board Policy/Administrative Regulation #: See BP 5141.3

Subject: Scoliosis screening

When to Notify: When test results in discovery of visual or hearing defects

Education Code 49456

Board Policy/Administrative Regulation #: See BP 5141.3

Subject: Vision or hearing test

When to Notify: When a district with junior/high schools does not provide medical/hospital services for injured athletic students

Education Code 49471

Board Policy/Administrative Regulation #: See AR 5143

Subject: Unavailability of services

When to Notify: Before any test questioning personal beliefs

Education Code 51513

Board Policy/Administrative Regulation #: See AR 5022

Subject: Permission for test questioning personal beliefs

When to Notify: Within 14 days of instruction if arrangement made for guest speaker after beginning of school year

Education Code 51938

Board Policy/Administrative Regulation #: BP 6142.1

Subject: Instruction in HIV/AIDS or sexual health education by guest speaker or outside consultant

When to Notify: When migrant education program is established

Education Code 54444.2

Board Policy/Administrative Regulation #: See BP 6175, See AR 6175

Subject: Parent advisory council membership composition

When to Notify: When child participates in licensed child care and development program

Health and Safety Code 1596.857

Board Policy/Administrative Regulation #: See AR 5148

Subject: Parent right to enter facility

When to Notify: When sharing student immunization information with an immunization system

Health and Safety Code 120440

Board Policy/Administrative Regulation #: See AR 5125

Subject: The name and address of the agency; acceptable use of the information; right to examine; right to refuse to share

When to Notify: When hearing is requested by person asked to leave school premises

Penal Code 627.5

Board Policy/Administrative Regulation #: See AR 3515.2

Subject: Notice of hearing

When to Notify: When providing written decision in response to a complaint re: discrimination, special education, or noncompliance with laws regulating educational program

5 CCR 4631

Board Policy/Administrative Regulation #: See AR 1312.3

Subject: Appeal rights and procedures

When to Notify: When child participates in licensed child care and development program

5 CCR 18066

Board Policy/Administrative Regulation #: See AR 5148

Subject: Policies re: unexcused absences

When to Notify: When student transfers out-of-state and records are disclosed without consent pursuant to 34 CFR 99.30

34 CFR 99.34

Board Policy/Administrative Regulation #: See AR 5125

Subject: Right to review records

When to Notify: For districts receiving Title I funds, when a child has been taught for four or more consecutive weeks by a teacher who is not "highly qualified"

20 USC 6311

Board Policy/Administrative Regulation #: See AR 4112.24

Subject: Timely notice to parent of child's assignment

When to Notify: When school identified for program improvement or corrective action, within 30 days of failure to make annual yearly progress

20 USC 6312

Board Policy/Administrative Regulation #: See AR 0520.2

Subject: Notice of failure to parents of ELL students

When to Notify: When school identified for program improvement or corrective action

20 USC 6316

Board Policy/Administrative Regulation #: See AR 0520.2, See AR 5116.1

Subject Explanation of identification, reasons, how problem will be addressed, how parents can become involved, transfer option, availability of supplemental services

When to Notify: For districts with schools that have been identified for program improvement or corrective action, annually

20 USC 6316

Board Policy/Administrative Regulation #: See AR 0520.2

Subject: Availability of supplemental educational services, identity of providers, description of services, qualifications, effectiveness of providers

When to Notify: When district identified for program improvement

20 USC 6316

Board Policy/Administrative Regulation #: See AR 0520.3

Subject: Explanation of status, reasons for identification, how parents can participate in upgrading district

When to Notify: For schools receiving Title I funds, upon development of parent involvement policy

20 USC 6318

Board Policy/Administrative Regulation #: See AR 6171

Subject: Notice of policy



When to Notify: For districts with secondary students receiving Title I funds

20 USC 7908

Board Policy/Administrative Regulation #: See AR 5125.1

Subject: Notice that parents may request that district not release name, address, phone number of student to military recruiters without prior consent

When to Notify: Within 15 days of referral for assessment, for special education programs

Education Code 56321

Board Policy/Administrative Regulation #: See AR 6164.4

Subject: Proposed assessment plan and related parental rights

#### IV. Special Education Notices

When to Notify: Upon completion of administration of assessment

Education Code 56329, 34 CFR 300.502

Board Policy/Administrative Regulation #: See AR 6164.4

Subject: IEP meeting scheduled and determination at meeting

When to Notify: If parent disagrees with assessment

Education Code 56329, 34 CFR 300.502

Board Policy/Administrative Regulation #: See AR 6164.4

Subject: Right to obtain independent educational assessment

When to Notify: 24 hours before IEP when intending to tape record

Education Code 56341

Board Policy/Administrative Regulation #: See AR 6159

Subject: Intention to tape record IEP meeting

When to Notify: When parent orally requests review of IEP

Education Code 56343.5

Board Policy/Administrative Regulation #: See AR 6159

Subject: Need for written request

When to Notify: Prior to participation in special education

Education Code 56346

Board Policy/Administrative Regulation #: See AR 6159

Subject: Notice of IEP meetings, why participation necessary

When to Notify: Before functional behavioral assessment begins

5 CCR 3052

Board Policy/Administrative Regulation #: See AR 6159.4

Subject: Notification and consent

When to Notify: Before modification of behavioral intervention plan

5 CCR 3052

Board Policy/Administrative Regulation #: See AR 6159.4

Subject: Need for modification, right to question modification

When to Notify: Within one school day of emergency intervention or serious property damage

5 CCR 3052

Board Policy/Administrative Regulation #: See AR 6159.4

Subject: Emergency intervention

When to Notify: Whenever there is a proposal or refusal to initiate or change the identification, evaluation or placement

20 USC 1415(c), 34 CFR 300.503

Board Policy/Administrative Regulation #: See AR 6159.1

Subject: Prior written notice

When to Notify: Initial referral for evaluation

20 USC 1415(d)

Board Policy/Administrative Regulation #: See AR 6159.1

Subject: Procedural safeguards notice

When to Notify: Notification of IEP meeting

20 USC 1415(d)

Board Policy/Administrative Regulation #: See AR 6159.1

Subject: Procedural safeguards notice

When to Notify: Reevaluation of student

20 USC 1415(d)

Board Policy/Administrative Regulation #: See AR 6159.1

Subject: Procedural safeguards notice

When to Notify: Registration of complaint

20 USC 1415(d)

Board Policy/Administrative Regulation #: See AR 6159.1

Subject: Procedural safeguards notice

When to Notify: Suspension for more than 10 days or disciplinary action taken for dangerous behavior

20 USC 1415(k), 34 CFR 300.523

Board Policy/Administrative Regulation #: See AR 5144.2

Subject: Decision

When to Notify: Change of placement for more than 10 days

20 USC 1415(k), 34 CFR 300.523

Board Policy/Administrative Regulation #: See AR 5144.2

Subject: Decision

When to Notify: Early enough to ensure opportunity for parent to attend IEP meeting

34 CFR 300.345

Board Policy/Administrative Regulation #: See AR 6159

Subject: Time, purpose, location, who in attendance, participation of other with special knowledge, transition statements if appropriate

When to Notify: Upon requesting a due process hearing

34 CFR 300.507

Board Policy/Administrative Regulation #: See AR 6159.1

Subject: Child's name, address, school, description of problem, proposed resolution

#### V. Classroom Notices

When to Notify: In each classroom in each school

Education Code 35186

Board Policy/Administrative Regulation #: See AR 1312.4, See E 1312.4

Subject: Complaint rights re: sufficiency of instructional materials and maintenance of facilities

03/05

Exhibit CLOVERDALE UNIFIED SCHOOL DISTRICT

version: November 19, 2003 Cloverdale, California

# **Board Policy**

## **Sexual Harassment**

BP 5145.7

### **Students**

The Governing Board is committed to maintaining an educational environment that is free from harassment. The Board prohibits sexual harassment of students by other students, employees or other persons, at school or at school-sponsored or school-related activities. The Board also prohibits retaliatory behavior or action against persons who complain, testify, assist or otherwise participate in the complaint process established pursuant to this policy and the administrative regulation.

### **Instruction/Information**

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

1. What acts and behavior constitute sexual harassment, including the fact that sexual harassment could occur between people of the same gender
2. A clear message that students do not have to endure sexual harassment
3. Encouragement to report observed instances of sexual harassment, even where the victim of the harassment has not complained
4. Information about the person(s) to whom a report of sexual harassment should be made

(cf. 5131.5 - Vandalism, Theft and Graffiti)

(cf. 5137 - Positive School Climate)

(cf. 5141.41 - Child Abuse Prevention)

(cf. 5145.3 - Nondiscrimination/Harassment)

(cf. 6142.1 - Family Life/Sex Education)

## Complaint Process

Any student who feels that he/she is being or has been subjected to sexual harassment shall immediately contact his/her teacher or any other employee. A school employee to whom a complaint is made shall, within 24 hours of receiving the complaint, report it to the principal or designee.

Any school employee who observes any incident of sexual harassment involving a student shall report this observation to the principal or designee, whether or not the victim files a complaint.

In any case of sexual harassment involving the principal or any other district employee to whom the complaint would ordinarily be made, the employee who receives the student's report or who observes the incident shall report to the nondiscrimination coordinator or the Superintendent or designee.

(cf. 4119.11/4219.11/4319.11 - Sexual Harassment)

(cf. 5141.4 - Child Abuse Reporting Procedures)

(cf. 5145.3 - Nondiscrimination/Harassment)

The principal or designee to whom a complaint of sexual harassment is reported shall immediately investigate the complaint in accordance with administrative regulation. Where the principal or designee finds that sexual harassment occurred, he/she shall take prompt, appropriate action to end the harassment and address its effects on the victim. The principal or designee shall also advise the victim of any other remedies that may be available. The principal or designee shall file a report with the Superintendent or designee and refer the matter to law enforcement authorities, where required.

(cf. 1312.1 - Complaints Concerning District Employees)

## Disciplinary Measures

Any student who engages in sexual harassment of anyone at school or at a school-sponsored or school-related activity is in violation of this policy and shall be subject to disciplinary action. For students in grades 4 through 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.

## Record-Keeping

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

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

(cf. 4119.23/4219.23/4319.23 - Unauthorized Release of Confidential/Privileged Information)

## Legal Reference:

### EDUCATION CODE

200-262.4 Prohibition of discrimination on the basis of sex

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

### CIVIL CODE

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

1714.1 Liability of parents/guardians for willful misconduct of minor

### CODE OF REGULATIONS, TITLE 5

4900-4965 Nondiscrimination in elementary and secondary education programs receiving state financial assistance

### UNITED STATES CODE, TITLE 20



1681-1688 Title IX, Discrimination

UNITED STATES CODE, TITLE 42

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

106.1-106.71 Nondiscrimination on the basis of sex in education programs

COURT DECISIONS

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

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

Gebser v. Lago Vista Independent School District, (1998) 118 S.Ct. 1989

Nabozny v. Podlesny, (1996, 7th Cir.) 92 F.3d 446

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

Oona R.-S. etc. v. Santa Rosa City Schools et al, (1995) 890 F.Supp. 1452

Rosa H. v. San Elizario Ind. School District, (W.D. Tex. 1995) 887 F. Supp. 140, 143

Clyde K. v. Puyallup School District #3, (1994) 35 F.3d 1396

Patricia H. v. Berkeley Unified School District, (1993) 830 F.Supp. 1288

Franklin v. Gwinnet County Schools, (1992) 112 S. Ct. 1028

Kelson v. City of Springfield, Oregon, (1985, 9th Cir.) 767 F.2d 651

Management Resources:

OFFICE OF CIVIL RIGHTS AND NATIONAL ASSOCIATION OF ATTORNEYS GENERAL

Protecting Students from Harassment and Hate Crime: A Guide for Schools, January 1999

OFFICE OF CIVIL RIGHTS' PUBLICATIONS

Revised Sexual Harassment Guidance, January 2001

Sexual Harassment Guidance, March 1997

WEB SITES

OCR: <http://www.ed.gov/offices/OCR>

Policy CLOVERDALE UNIFIED SCHOOL DISTRICT

adopted: November 19, 2003 Cloverdale, California

# **Administrative Regulation**

## **Sexual Harassment**

AR 5145.7

### **Students**

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

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

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

1. Unwelcome leering, sexual flirtations or propositions

2. Sexual slurs, epithets, threats, verbal abuse, derogatory comments or sexually degrading descriptions
3. Graphic verbal comments about an individual's body, or overly personal conversation
4. Sexual jokes, notes, stories, drawings, pictures or gestures
5. Spreading sexual rumors
6. Teasing or sexual remarks about students enrolled in a predominantly single-gender class
7. Massaging, grabbing, fondling, stroking or brushing the body
8. Touching an individual's body or clothes in a sexual way
9. Purposefully cornering or blocking normal movements
10. Displaying sexually suggestive objects

#### Notifications

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

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

(cf. 5145.6 - Parental Notifications)

2. Be displayed in a prominent location in the main administrative building or other area where

notices of district rules, regulations, procedures and standards of conduct are posted (Education Code 231.5)

3. Be provided as part of any orientation program conducted for new students at the beginning of each quarter, semester or summer session (Education Code 231.5)
4. Appear in any school or district publication that sets forth the school's or district's comprehensive rules, regulations, procedures and standards of conduct (Education Code 231.5)
5. Be provided to employees and employee organizations

#### Investigation of Complaints at School (Site-Level Grievance Procedure)

1. The principal or designee shall promptly investigate all complaints of sexual harassment. In so doing, he/she shall talk individually with:
  - a. The student who is complaining
  - b. The person accused of harassment
  - c. Anyone who witnessed the conduct complained of
  - d. Anyone mentioned as having related information
2. The student who is complaining shall have an opportunity to describe the incident, present witnesses and other evidence of the harassment, and put his/her complaint in writing.
3. The principal or designee shall discuss the complaint only with the people described above. When necessary to carry out his/her investigation or for other good reasons that apply to the particular situation, the principal or designee also may discuss the complaint with the following persons:

- a. The Superintendent or designee
- b. The parent/guardian of the student who complained
- c. If the alleged harasser is a student, his/her parent/guardian
- d. A teacher or staff member whose knowledge of the students involved may help in determining who is telling the truth
- e. Child protective agencies responsible for investigating child abuse reports

(cf. 5141.4 - Child Abuse Reporting Procedures)

- f. Legal counsel for the district

4. When the student who complained and the alleged harasser so agree, the principal or designee may arrange for them to resolve the complaint informally with the help of a counselor, teacher, administrator or trained mediator. The student who complained shall never be asked to work out the problem directly with the accused person unless such help is provided and both parties agree.

5. In reaching a decision about the complaint, the principal or designee may take into account:

- a. Statements made by the persons identified above
- b. The details and consistency of each person's account
- c. Evidence of how the complaining student reacted to the incident
- d. Evidence of any past instances of harassment by the alleged harasser

- e. Evidence of any past harassment complaints that were found to be untrue
6. To judge the severity of the harassment, the principal or designee may take into consideration:
  - a. How the misconduct affected one or more students' education
  - b. The type, frequency and duration of the misconduct
  - c. The number of persons involved
  - d. The age and gender of the person accused of harassment
  - e. The subject(s) of harassment
  - f. The place and situation where the incident occurred
  - g. Other incidents at the school, including incidents of harassment that were not related to gender
7. The principal or designee shall write a report of his/her findings, decision, and reasons for the decision and shall present this report to the student who complained and the person accused.
8. The principal or designee shall give the Superintendent or designee a written report of the complaint and investigation. If the principal or designee verifies that sexual harassment occurred, this report shall describe the actions taken to end the harassment, address the effects of the harassment on the student harassed, and prevent retaliation or further harassment.
9. Within two weeks after receiving the complaint, the principal or designee shall determine whether or not the student who complained has been further harassed. The principal or designee shall keep a record of this information and shall continue this follow-up.

## Enforcement

The Superintendent or designee shall take appropriate actions to reinforce the district's sexual harassment policy. As needed, these actions may include any of the following:

1. Removing vulgar or offending graffiti.
2. Providing staff inservice and student instruction or counseling.
3. Notifying parents/guardians of the actions taken.
4. Notifying child protective services.
5. Taking appropriate disciplinary action. In addition, the principal or designee may take disciplinary measures against any person who is found to have made a complaint of sexual harassment which he/she knew was not true.

Regulation CLOVERDALE UNIFIED SCHOOL DISTRICT

approved: November 19, 2003 Cloverdale, California



# **Board Policy**

## **Refusal To Harm Or Destroy Animals**

BP 5145.8

### **Students**

The Governing Board supports the right of students to refrain from participating in instruction which involves dissecting or otherwise harming or destroying animals when they have a moral objection to such activities.

Students shall not be discriminated against because of a decision to exercise this right. (Education Code 32255.1)

(cf. 5145.2 - Freedom of Speech/Expression)

After notifying the teacher of his/her objection pursuant to law and administrative regulations, the student shall be excused from the project and may be provided an appropriate alternative project. The Board encourages staff, whenever possible, to provide an alternative project that teaches the same knowledge and skills as the original project. In any case, staff shall ensure the effective use of students' time by providing instructional activities relevant to the course of study.

Legal Reference:

EDUCATION CODE

32255-32255.6 Student's right to refrain from harmful/destructive use of animals

48980 Parental notification at beginning of term

48981-48984 Method and content of notification; signature required

Policy CLOVERDALE UNIFIED SCHOOL DISTRICT

adopted: November 19, 2003 Cloverdale, California

# **Administrative Regulation**

## **Refusal To Harm Or Destroy Animals**

AR 5145.8

### **Students**

At the beginning of each academic year, the district shall notify parents/guardians, in writing, of students' right to refrain from instruction involving harm or destruction of animals. (Education Code 48980, 48981)

(cf. 5145.6 - Parental Notifications)

In addition, each teacher of a course that uses live or dead animals or animal parts shall inform students of their right to refrain from the harmful or destructive use of animals. (Education Code 32255.4)

Students who wish to refrain from such instruction shall notify the teacher and shall provide a note from their parent/guardian substantiating the objection. (Education Code 32255.1)

A teacher's determination of whether a student may pursue an alternative project or be excused from the project shall not be arbitrary or capricious. (Education Code 32255.3)

If the teacher believes an adequate alternative project is possible, he/she may work with the student to develop and agree upon an alternative project which would provide the knowledge, information or experience required by the course of study. Alternative projects include but are not limited to the use of video tapes, models, films, books and computers. The alternative project shall involve time and effort comparable to that required by the original project. (Education Code 32255, 32255.1)

Students who participate in an alternative project shall pass all course examinations in order to receive course credit. Students may request an alternative test, however, if a regular examination requires the harmful or destructive use of animals. (Education Code 32255.1)

This right shall apply to all K-12 courses, except classes and activities conducted as part of agricultural education that provide instruction on the care, management and evaluation of domestic animals.  
(Education Code 32255.5, 32255.6)

Regulation CLOVERDALE UNIFIED SCHOOL DISTRICT

approved: November 19, 2003 Cloverdale, California

# **Board Policy**

## **Hate-Motivated Behavior**

BP 5145.9

### **Students**

The Governing Board affirms the right of every student to be protected from hate-motivated behavior. It is the intent of the Board to promote harmonious relationships that enable students to gain a true understanding of the civil rights and social responsibilities of people in our society. Behavior or statements that degrade an individual on the basis of his/her race, ethnicity, culture, heritage, gender, sexual orientation, physical/mental attributes, religious beliefs or practices shall not be tolerated.

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

(cf. 0450 - Comprehensive Safety Plan)

(cf. 3515.1 Crime Data Reporting)

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

(cf. 5131.5 - Vandalism, Theft and Graffiti)

(cf. 5136 - Gangs)

(cf. 5137 - Positive School Climate)

(cf. 5145.3 - Nondiscrimination/Harassment)

(cf. 5145.7 - Sexual Harassment)

(cf. 6141.6 - Multicultural Education)

Any student who feels that he/she is a victim of hate-motivated behavior shall immediately contact the principal or designee. If the student believes that the situation has not been remedied by the principal or designee, he/she may file a complaint in accordance with district complaint procedures.

(cf. 1312.1 - Complaints Concerning District Employees)

(cf. 1312.3 - Uniform Complaint Procedures)

Staff who receive notice of hate-motivated behavior or personally observe such behavior shall notify the principal, Superintendent or designee, and law enforcement, as appropriate. Students demonstrating hate-motivated behavior shall be subject to discipline in accordance with Board policy and administrative regulation.

(cf. 3515.3 - District Police/Security Department)

(cf. 4158/4258/4358 - Employee Security)

(cf. 5144 - Discipline)

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

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

In addition, the district shall provide counseling and appropriate sensitivity training and diversity education for students exhibiting hate-motivated behavior. The district shall also provide counseling, guidance and support, as necessary, to those students who are the victims of hate-motivated behavior.

(cf. 6164.2 - Guidance/Counseling Services)

The Superintendent or designee shall ensure that staff receive appropriate training to recognize hate-motivated behavior and methods for handling such behavior in appropriate ways.

(cf. 4131 - Staff Development)

(cf. 4231 - Staff Development)

(cf. 4331 - Staff Development)

The district shall provide age-appropriate instruction to help promote understanding of and respect for human rights.

At the beginning of each school year, students and staff shall receive a copy of the district's policy on hate-motivated behavior.

Legal Reference:

EDUCATION CODE

200-262 Prohibition of discrimination on the basis of sex

48900.3 Suspension for hate violence

PENAL CODE

186.21 Street terrorism; legislative findings and declarations

422.6-422.95 Civil Rights

11410-11414 Terrorism

13023 Reports by law enforcement of crimes motivated by race, ethnicity, religion, sexual orientation or physical or mental disability

13519.6 Hate crimes, training courses and guidelines

UNITED STATES CODE, TITLE 18

245 Federally protected activities

Management Resources:

CSBA PUBLICATIONS

Protecting Our Schools: Governing Board Strategies to Combat School Violence, 1995

ALAMEDA OFFICE OF EDUCATION & CALIFORNIA DEPARTMENT OF EDUCATION  
PUBLICATIONS

Hate-Motivated Behavior in Schools: Response Strategies for School Boards, Administrators, Law Enforcement and Communities, 1997

U.S. DEPARTMENT OF EDUCATION, OFFICE FOR CIVIL RIGHTS & NATIONAL  
ASSOCIATION OF ATTORNEYS GENERAL PUBLICATIONS

Protecting Students from Harassment and Hate Crime: A Guide for Schools, 1999

WEB SITES

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

California Association of Human Relations Organizations: <http://www.cahro.org>

United States Department of Education, Office of Civil Rights:  
<http://www.ed.gov/offices/OCR/index.html>

Policy CLOVERDALE UNIFIED SCHOOL DISTRICT

Adopted: November 19, 2003      Cloverdale, California



# Board Policy

## Married/Pregnant/Parenting Students

BP 5146

### Students

The Governing Board recognizes that early marriage, pregnancy or parenting 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 promote the healthy development of their children.

(cf. [5113.1](#) - Chronic Absence and Truancy)

(cf. [5147](#) - Dropout Prevention)

(cf. [6011](#) - Academic Standards)

(cf. [6146.1](#) - High School Graduation Requirements)

(cf. [6146.11](#) - Alternative Credits Toward Graduation)

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

(cf. [6164.5](#) - Student Success Teams)

The district shall not discriminate against any student on the basis of the student's marital status, pregnancy, childbirth, false pregnancy, termination of pregnancy, or related recovery. (Education Code [230](#); 20 USC [1681-1688](#))

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

(cf. [5127](#) - Graduation Ceremonies and Activities)

Any education program or activity, including any class or extracurricular activity, that is offered separately to such students shall be comparable to that offered to other district students. A student's participation in such programs shall be voluntary. (34 CFR [106.40](#))

(cf. [6142.7](#) - Physical Education and Activity)

(cf. [6145](#) - Extracurricular and Cocurricular Activities)

Any complaint of discrimination on the basis of pregnancy or marital or parental status shall be addressed through the district's uniform complaint procedures in accordance with 5 CCR [4600-4687](#) and BP/AR 1312.3 - Uniform Complaint Procedures.

(cf. [1312.3](#) - Uniform Complaint Procedures)

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

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)

Pregnant and Parenting Students

Pregnant and parenting students shall retain the right to participate in any comprehensive school or educational alternative program. 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)

The Superintendent or designee shall collaborate with the County Superintendent of Schools and other community agencies and organizations to ensure that appropriate educational and related support services are available to meet the needs of expectant and parenting students their children.

(cf. 1020 - Youth Services)

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

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. A lactating student shall have access to a private location, other than a restroom, to breastfeed or express milk for her infant child.

(cf. [6183](#) - Home and Hospital Instruction)

A student may be required, based on her pregnancy, childbirth, false pregnancy, termination of pregnancy, or related recovery, to obtain certification from a physician indicating that she is physically and emotionally able to participate in an educational program or activity, if other students with physical or emotional conditions or temporary disabilities are required by the district to provide such certification. (34 CFR [106.40](#))

To the extent feasible, educational and related support services may 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. [1020](#) - Youth Services)

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

(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)

Pregnant or parenting students may be excused for absences related to confidential medical appointments in accordance with BP/AR 5113 - Absences and Excuses.

(cf. [5113](#) - Absences and Excuses)

The Superintendent or designee shall grant a student a leave of absence due to pregnancy, childbirth, false pregnancy, termination of pregnancy, and related recovery for as long as it is deemed medically necessary by her physician. At the conclusion of the leave, the student shall be reinstated to the status she held when the leave began. (34 CFR [106.40](#))

(cf. [5112.3](#) - Student Leave of Absence)

A pregnant or parenting student also may request exemption from attendance because of a related physical or mental condition or because of personal services that must be rendered to a dependent. (Education Code [48410](#))

(cf. [5112.1](#) - Exemptions from Attendance)

Policy

CLOVERDALE UNIFIED SCHOOL DISTRICT

adopted: November 19, 2003 & revised: June 25, 2015

Cloverdale, California

## **Board Policy**

### **Dropout Prevention**

BP 5147

#### **Students**

Because high school graduation provides a foundation for postsecondary educational opportunities, successful employment and/or lifelong learning, the Governing Board believes that every student in the district should remain in school and meet district standards for graduation. The Board desires to provide a challenging learning environment that encourages school attendance.

The objectives of the district's dropout prevention program shall be to help students become self-motivated, acquire the basic skills necessary for all higher learning and meet district standards at each grade level.

The Superintendent or designee shall develop strategies to identify and serve students at all grade levels who are at risk of dropping out of school. These may include students who demonstrate frequent

absenteeism, truancy or tardiness, are achieving below grade-level expectations, or may drop out because of personal, social, health or economic reasons.

(cf. 0420.3 - School-Based Student Motivation and Maintenance Program)

(cf. 5149 - At-Risk Students)

Legal Reference:

EDUCATION CODE

35160 Authority of governing board

52300-52331 Regional Occupational Centers

52890 Outreach consultants

52900-52904 Alternative education and work centers

54660-54669 The Elementary and Secondary Dropout Prevention Act of 1969

54685-54686.2 The Early Intervention for School Success Program

54690-54697 Partnership academies

54720-54734 School-Based Pupil Motivation and Maintenance Program and Dropout Recovery Act

58550-58562 Educational clinics

69561 Outreach to increase motivation for low-income fifth and sixth graders

Policy

CLOVERDALE UNIFIED SCHOOL DISTRICT

adopted: November 19, 2003

Cloverdale, California

# **Administrative Regulation**

## **Child Care And Development**

AR 5148

### **Students**

#### Licensing

Only child care and development services licensed by the California Department of Social Services shall operate in the district, unless exempted pursuant to Health and Safety Code 1596.792.

A program offered before and after school for school-age children shall be exempt from the regulations in 22 CCR 101151-101239.2 if the program is operated by the school and run by qualified district teachers. An outside organization or individual using a district school to operate a child care program is subject to licensure even if the program is open only to the students enrolled at that school. (22 CCR 101158)

#### Program Components

The district's child care and development program shall include: (Education Code 8240; 5 CCR 18274-18278)

1. Age and developmentally appropriate activities for children
2. Supervision
3. Parenting education and parent involvement

4. Social services that include but are not limited to the identification of child and family needs and referral to appropriate agencies

5. Health services

(cf. 5141.6 - Student Health and Social Services)

6. Nutrition

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

7. Training and career ladder opportunities

(cf. 4131 - Staff Development)

(cf. 4231 - Staff Development)

(cf. 4331 - Staff Development)

8. Community involvement

The education program shall be developmentally, linguistically and culturally appropriate and shall support children's physical, cognitive, social and emotional development. (5 CCR 18273)

(cf. 0450 - Comprehensive Safety Plan)

#### Staffing Ratios

The child care and development program shall maintain at least the minimum adult-child and teacher-child ratios specified in 5 CCR 18290-18292.

## Admissions

Admissions policies shall include criteria designating those children whose needs can be met by the center's program and services, the ages of children who will be accepted, program activities, any supplementary services provided, any field trip provisions, any transportation arrangements, food service provisions and a medical assessment requirement. (5 CCR 18105; 22 CCR 101218)

Child care and development services shall accord equal treatment and access to services without regard to race, color, religion, national origin or ancestry.

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

(cf. 5145.3 - Nondiscrimination/Harassment)

Eligible children with disabilities shall be given equal access to child care and development services. (Education Code 8250)

(cf. 6159 - Individualized Education Program)

(cf. 6164.4 - Identification of Individuals for Special Education)

(cf. 6164.6 - Identification and Education Under Section 504)

The Superintendent or designee shall certify each child's eligibility after reviewing the completed application and documentation contained in the basic data file as well as, but not limited to, verifications of the child's age and district residency based on written documentation provided by the parents/guardians. (5 CCR 18081-18083)

(cf. 5111 - Admission)

(cf. 5111.1 - District Residency)

A physical examination and evaluation, including age-appropriate immunization, shall be required prior to or within six weeks of enrollment, unless the parent/guardian submits a letter stating that such examination is contrary to his/her religious beliefs. (Education Code 8263)

(cf. 5141.22 - Infectious Diseases)

(cf. 5141.3 - Health Examinations)

(cf. 5141.31 - Immunizations)

## Fees

Fees may be charged to families according to the fee schedule established by the Superintendent of Public Instruction, the actual cost of services or the maximum daily/hourly rate specified in the contract, whichever is least. (Education Code 8263; 5 CCR 18108, 18109)

Fees shall be collected prior to providing services and shall be considered delinquent after seven calendar days. Parents/guardians shall be notified in the event that fees are delinquent. If a reasonable plan for payment of delinquent fees has not been provided by the parents/guardians, services shall be terminated if all delinquent fees are not paid within two weeks of such notification. Parents/guardians shall receive a copy of the district's regulations regarding fee collection at the time of initial enrollment into the program. (5 CCR 18114, 18115)

The Superintendent or designee shall establish a process which includes parents/guardians in determining whether and how much to charge parents/guardians for field trip expenses. This process also shall be used to determine whether to require parents/guardians to provide diapers. (Education Code 8263)

No fees shall be assessed for families whose income level, in relation to family size, is less than the first entry in the fee schedule, whose children are enrolled because of a need for child protective services, or whose children are participating in programs prohibited by law from assessing fees. Eligibility for subsidized child care and development services shall be determined in accordance with Education Code 8263. (Education Code 8250, 8263, 54745; 5 CCR 18110)

(cf. 5148.1 - Child Care Services for Parenting Students)

## Attendance

Sign-in and sign-out sheets shall be used daily for all children for attendance accounting purposes. (5 CCR 18065)



Attendance records shall include verification of excused absences, including the child's name, date(s) of absence, specific reason for absence and signature of parent/guardian or district representative. (5 CCR 18066)

Absences shall be excused for the following reasons:

1. Illness or quarantine of the child or of the parent/guardian (Education Code 8208)
2. Family emergency (Education Code 8208)

A family emergency shall be considered to exist when unforeseen circumstances cause the need for immediate action, such as may occur in the event of a natural disaster or when a member of the child's immediate family dies, has an accident or is required to appear in court.

3. Time spent with a parent/guardian or other relative as required by a court of law (Education Code 8208)
4. Time spent with a parent/guardian or other relative which is clearly in the best interest of the child (Education Code 8208)

An absence shall be considered to be in the best interest of the child when the time is spent with the child's parent/guardian or other relative for reasons deemed justifiable by the program coordinator or site supervisor.

Except for children who are recipients of protective services or at risk of abuse or neglect, excused absences in the best interest of the child shall be limited to 10 days during the contract period. (5 CCR 18066)

Any absence due to a reason other than the above, or without the required verification, shall be considered an unexcused absence. After three unexcused absences during the year, the program coordinator or site supervisor shall notify the parents/guardians. Children who continue to have excessive unexcused absences may be removed from the program at the discretion of the program

coordinator in order to accommodate other families on the waiting list for admission.

Parents/guardians shall be notified of the policies and procedures related to excused and unexcused absences for child care and development services. (5 CCR 18066)

(cf. 5145.6 - Parent Notifications)

### Rights of Parents/Guardians

At the time a child is accepted into care in a licensed child care and development center, the child's parents/guardians or authorized representative shall be notified of his/her rights as specified in 22 CCR 101218.1, including but not limited to the right to be informed, upon request, of the name and type of association to the center of any adult who has been granted a criminal record exemption. (22 CCR 101218.1)

The Superintendent or designee shall inform parents/guardians of their right to enter the child care facility without advanced notice during normal operating hours or any time their child is receiving services in the facilities.

### Records

The Superintendent or designee shall establish and maintain a basic data file for each family receiving child care and development services which shall contain the data specified in 5 CCR 18081.

(cf. 3580 - District Records)

A developmental profile measuring the child's physical, cognitive, social and emotional development shall be completed in accordance with 5 CCR 18272. (Education Code 8203.5; 5 CCR 18272)

Regulation CLOVERDALE UNIFIED SCHOOL DISTRICT

approved: November 19, 2003 Cloverdale, California

# **Administrative Regulation**

## **At-Risk Students**

AR 5149

### **Students**

The Superintendent or designee shall identify factors that place students at risk, including but not limited to poverty, homelessness, neglect, abuse, poor health and nutrition, pregnancy, potential language and cultural barriers, substance abuse, gang membership or delinquency, changing family structure, cognitive, emotional and other disabilities, and behavioral problems.

District strategies for addressing the needs of at-risk students may include but are not limited to:

1. Instruction that is responsive to individual student needs, interests and learning styles

(cf. 6000 - Concepts and Roles)

(cf. 6151 - Class Size)

(cf. 6159 - Individualized Education Program)

(cf. 6164.6 - Identification and Education under Section 504)

2. Curricula and instructional materials that are relevant and meaningful for students

(cf. 6030 - Integrated Academic and Vocational Instruction)

(cf. 6141 - Curriculum Development and Evaluation)

3. Integration of the core and supplemental educational programs

(cf. 0420.1 - School-Based Program Coordination)

(cf. 0420.3 - School-Based Student Motivation and Maintenance Program)

(cf. 6171 - Title I Programs)

(cf. 6172 - Gifted and Talented Student Program)

(cf. 6174 - Education for English Language Learners)

(cf. 6175 - Migrant Education Program)

4. Establishment and maintenance of a safe, positive school climate

(cf. 0450 - Comprehensive Safety Plan)

(cf. 5137 - Positive School Climate)

(cf. 5144 - Discipline)

5. Availability of effective support services

(cf. 1020 - Youth Services)

(cf. 5141.6 - Student Health and Social Services)

(cf. 6164.2 - Guidance/Counseling Services)

6. Collaboration with other agencies and community organizations in the delivery of services for children and families

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

7. Parent support and involvement and/or parent education

(cf. 6020 - Parent Involvement)

8. Efforts to increase student attendance

(cf. 5113 - Absences and Excuses)

9. Availability of resources targeted to meet the needs of at-risk students

(cf. 3100 - Budget)

10. Staff development on the identification of student needs and strategies for addressing those needs

(cf. 4131 - Staff Development)

(cf. 4231 - Staff Development)

(cf. 4331 - Staff Development)

11. Adult-student connections and activities to help students develop a sense of belonging at school

(cf. 1240 - Volunteer Assistance)

(cf. 6164.5 - Student Study Teams)

12. Additional instructional assistance, especially efforts that can accelerate learning to help students meet grade-level standards

13. Alternative programs

(cf. 6158 - Independent Study)

(cf. 6181 - Alternative Schools)

(cf. 6182 - Opportunity School/Class/Program)

(cf. 6183 - Home and Hospital Instruction)

(cf. 6184 - Continuation Education)

(cf. 6185 - Community Day School)

14. Ongoing assessment of student outcomes and accountability for student learning

15. Regular evaluation of the effectiveness of programs designed to assist at-risk students

(cf. 6190 - Evaluation of the Instructional Program)

(cf. 9000 - Role of the Board)

16. Advocacy at the local, state and/or national levels to improve the conditions of children and families

Regulation CLOVERDALE UNIFIED SCHOOL DISTRICT

approved: November 19, 2003 Cloverdale, California