The focus of the school system is on the student. The Governing Board, District, school administration, and teachers shall make every effort to maintain a safe, positive school environment and student services that promote student welfare and academic achievement. This shall be accomplished through Board Policy and Administrative Procedures. The school district shall work closely with parents/guardians and the community in order to achieve a harmony of interests.

Students must be recognized and understood as individuals, each with his/her own unique abilities, social and economic background, ambitions, and educational needs. The programs and services of the District must be designed and executed with this concept well in mind if the fullest development of each is to be achieved.

Students are expected to accept personal responsibility for making maximum use of those educational opportunities afforded by applying themselves diligently to the enterprise of learning both in the classroom and in other school-sponsored settings. It is also expected that as a result of the total school experience, students will come to appreciate the values of self-discipline, appropriate conduct, responsibility, respect for others, their country and its governmental processes.

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

Discrimination among students applying for admission to, or attending our schools with respect to color, creed, race, sex, religion, ancestry, handicap, or national origin is prohibited. The Board shall not tolerate the intimidation or harassment of any student for any reason.

Role of Governing Board
1. Establishes policies to provide the best attainable program of education for the district's students.

2. Authorizes the establishment of special classes, programs, or other facilities for students who are in need of special education in keeping with all legal provisions.

3. Provides for the physical and mental well-being of students.

4. Determines policies regarding student behavior and attendance within the limits of the law.

Role of Superintendent of Schools
1. Administers all schools and classes established by the Governing Board.

2. Directs the instruction, guidance, and discipline of all students.
3. Provides leadership and guidance to establish the pattern of education to be offered to students.

4. Determines the boundaries of school attendance within the District.

5. Makes assignments of students to the different buildings or grades as may improve their education, reduce the expense of maintaining schools, or relieve overcrowded conditions.

6. Has general charge of the enforcement of the compulsory attendance law and the issuance of work permits.

7. Has immediate authority for the closing of schools in case of emergencies involving the health and safety of students.

Working Relationships of Board and Superintendent

The Superintendent or designee shall establish and keep parents/guardians and students well informed about school and district rules and regulations related to attendance, health examinations, records, grades, and student conduct. When conducting hearings related to discipline, attendance, and other student matters, the Board shall afford students their due process rights in accordance with law.

Legal Reference:
Education Code
200-261 Prohibition of discrimination on the basis of sex
Title IX of the Education Amendments of 1972
35160 Authority of governing boards
35160.1 Broad authority of school districts
35291-35291.5 Rules

Adoption History:
Initial Adoption 08/09/82
Review of Revision: 08/23/93
07/19/99
Reviewed: 08/25/03
04/23/07
A. District Health Council

The Governing Board recognizes the link between student health and learning and desires to provide a comprehensive program promoting healthy eating, optimal weight, and physical activity for district students. The Superintendent or designee shall develop policies for Governing Board approval that support and reinforce health literacy through health education, physical education, extracurricular activities, health services, nutrition services, psychological and counseling services, health promotion for staff, a safe and healthy school environment and parent/guardian and community involvement.

The Board’s policy related to student wellness shall be developed with the involvement of parents/guardians, students, school food service professionals, school administrators, Board representatives and members of the public.

The superintendent or designee shall appoint a District Health council consisting of representatives of the above groups. The council or committee may also include district administrators, health professionals, school nurses, health educators, physical education teachers, counselors and/or others interested in school health issues.

The district health council shall assist with policy development and advise the district on health-related issues, activities, policies and programs. 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.

B. Nutrition Education Policy

The Board shall adopt goals for nutrition education in a manner that the district determines appropriate. The district’s goals for nutrition education programs shall be based on current research, consistent with the expectations established in the state’s curriculum frameworks, in compliance with federal laws and regulations and designed to build the skills and knowledge that all students need to maintain a healthy lifestyle.

Nutrition education shall be provided as part of the instructional program in grades K – 12 and shall be integrated into core academic subjects.
Nutrition education programs should foster and promote literacy to encourage students to obtain, interpret, and understand basic health information and services and to achieve the competence to use such information and services in ways that are health enhancing.

The Superintendent or designee shall encourage parents, guardians, staff, and the community to serve as positive role models for nutrition education.

Professional development shall include instructional programs and strategies that assess nutrition knowledge and skills.

To encourage consistent nutrition messages between the home and school environment, the Superintendent or designee shall disseminate nutrition information to students, parents, guardians, staff, and the community. Outreach shall emphasize the relationship between student health and academic performance.

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

C. Physical Education and Physical Activity

The Board shall adopt standards and goals for physical education and physical activities in a manner that the District determines appropriate. The District’s standards and goals for physical education and physical activities shall be based on current research, consistent with the expectations established in the state’s curriculum frameworks, in compliance with state and federal laws and regulations and designed to build the skills, physical fitness and knowledge that all students need to maintain health and performance in daily life tasks, leisure activities and effective production at the present or future workplace.

Physical education programs should foster and promote optimal physical fitness and skill development to encourage students to obtain, interpret, understand and utilize basic health information that is health enhancing and beneficial to effective performance.

Professional development shall address the District adopted physical education course of study and curriculum and instruction strategies that provide students opportunities to acquire physical fitness, motor skills and knowledge that contribute to good health and effective performance.
The Superintendent or designee shall encourage parents, guardians, staff and the community to serve as positive role models for physical education and physical activity. He/she shall promote and may provide opportunities for regular physical activity among employees.

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, club programs, before-and-after-school programs and other appropriate structured and unstructured activities. Students will also receive instruction about sports, exercise and dance opportunities in the community.

To encourage consistent physical educational messages between the home and school environment, the Superintendent or designees shall disseminate physical fitness test results and other skill and knowledge assessment information to students, parents, guardians, staff and the community. Communication shall emphasize the relationship between physical fitness and academic performance; as well as the relationship between physical fitness, motor skill and knowledge and performance in life’s activities (daily tasks, leisure activities and work performance). In addition, outreach for parental involvement will be provided and encouraged through district or school newsletters, handouts, parent/guardian meetings, the school or district website and other communications.

D. Nutrition Guidelines for Food Available at Schools

The Board shall adopt nutrition guidelines determined by the District for all food available on each campus during the school day, with the objectives of promoting student health and helping students to reach and/or maintain their optimal weight.

The Board believes that food and beverages available to students at District schools should support the health curriculum, promote optimal health and follow all safe food handling procedures. Nutrition standards adopted by the District for all foods and beverages sold to students, including foods and beverages provided through the District’s food service program, student stores, vending machines, fundraisers or other venues, shall meet or exceed State and Federal nutrition standards.

The Superintendent or designee shall encourage school organizations to use healthy food items or non-food items for fundraising purposes. Food or beverages shall not be used by any person as a reward for a student’s daily academic performance or behavior in the classroom or on school grounds except as described in an individual education plan (IEP).
Principals shall encourage the use of non-food reward items and healthy alternative meals or snack choices when events are being planned for students. This includes teachers, parents, parent teacher organizations, community groups, and others who plan celebrations or reward events for students.

The District shall provide communication to the staff and the public on the District Wellness Policy and Administrative Procedures. Directors and department heads will provide information to staff with school principals providing information to site staff and parents/guardians.

E. Guidelines for Reimbursable Meals

Foods and beverages provided through federally reimbursable school meal programs shall meet or exceed federal regulations and guidance issued pursuant to 42 USC 1758(f)(1), 1766(a), and 1779(a) and (b), as they apply to schools.

In order to maximize the district's ability to provide nutritious meals and snacks, all District schools shall participate in available Federal school nutrition programs, including the National School Lunch and School Breakfast Programs, to the extent possible.

All schools shall encourage the formation of Student Nutrition Advisory Committees (SNAC) to assist the school meal program in presenting appealing and healthy foods that are well accepted by students.

F. Program Implementation and Evaluation

The board shall establish and maintain a plan for measuring implementation of the policy.

The Superintendent shall designate at least one person within the district and at each school who is charged with operational responsibility for ensuring that the school sites implement the district’s wellness policy. Primary operational responsibility for the district’s wellness policy shall be as follows:

1) School principals to ensure that nutrition guidelines for foods available at schools are followed, that any competitive foods sales during the school day meet state and federal regulations, including board approval, and that the District adopted course of study for K-12 physical education will be implemented and other District approved physical activity programs will be provided.
2) The director of Child Nutrition Services to ensure that all federal, state, and local laws and regulations regarding the child nutrition programs are strictly enforced.

3) The Assistant Superintendent of Instructional Services to ensure that goals for nutrition education, physical education and physical activity, and other school based activities, designed to promote student wellness, are achieved.

The Superintendent or designee shall develop a list of 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 physical education and activity requirements and current practices; nutrition education and physical activity information presented in and out of the classroom; an analysis of the nutritional content of meals served; student participation rates in school meal programs; information regarding any sales of foods and beverages in fundraisers or other venues outside the district’s meal programs; and feedback from food service personnel, school administrators, the district health council, parents/guardians, students, and other appropriate persons.

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

G. Posting Requirements

Each school shall post the district’s policies and regulations on nutrition and physical activity in public view within the school office, cafeterias or any 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
49500-49560 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 REGULATION, TITLE 7
210.1-210.31 National School Lunch Program
220.1-220.21 National School Breakfast Program

CALIFORNIA AMENDMENTS OF EDUCATION CODE
Senate Bill No. 12
Senate Bill No. 965

CALIFORNIA AMENDMENTS OF EDUCATION CODE

Adoption History:
Reviewed: 5/22/06
Adopted: 6/12/06
Revised: 4/23/07
Revised: 6/16/08
Reviewed: 4/12/10
STUDENT WELLNESS

District Health Council

The District Health Council shall remain an active committee which will consist of parents/guardians, students, school food service professionals, district administrators, Board representatives, health professionals, members of the public, community services representatives and any other interested persons. The council will meet at least four times throughout each school year to review the District's Wellness Policy, Wellness Procedures, assessment results and new legal regulations. After reviews the council will present to the Board any updates and recommendations as appropriate.

Nutrition Education

The following are areas of interest to be maintained for the implementation of the Wellness Policy in the area of Nutrition Education.

Curriculum Materials

- Curriculum materials utilized within the District must be based on current research and aligned with state frameworks in subjects such as mathematics, science, history & social studies, visual & performing arts, and English & language arts.
- Existing agencies aligned with State Frameworks:
  - Dairy Council of California
  - USDA Nutrition Education
  - Harvest of the Month
  - California Project Lean
  - Network for a Healthy California

- The District Health Council encourages teachers to seek out new nutrition education materials. It is necessary for all new materials to be presented to the curriculum department prior to any use in the classroom.
- The District Health council will assist in reevaluating existing curricula to assure that they are current and up to date with current standards and research.
- The District Health Council will support the Curriculum Department in locating and recommending new curriculum materials to provide nutrition education resources.

Curricula Application

- Each elementary and designated secondary teacher will be required by the district to utilize nutrition education in the classroom during the school year.
- Each elementary teacher in the District will teach a grade-level appropriate nutrition education unit during the school year. It is the responsibility of the teacher to create a plan for implementing nutrition education into the curriculum in a way that will foster the development of nutrition related concepts.
• Curriculum materials will be provided to elementary teachers at the beginning of the school year.
• Curriculum from recommended sources will be provided to a minimum of one middle school grade level (as coordinated by each school) for the subject that will teach nutrition. This will ensure that each child attending middle school will receive nutrition education at least once.
• Curriculum from recommended sources will be provided to a minimum of one high school grade level (as coordinated by each school) for the subject that will teach nutrition. This will ensure that each child attending high school will receive nutrition education at least once.
• Teachers will also have the option of independently acquiring curriculum materials from approved sources or borrowing the curricula from the District’s Supervisor of Nutrition Education and Marketing in Child Nutrition Services. A Nutrition Resource Library with approved curricula, books, videos and other materials are available for checkout.
• The District strongly encourages the integration of nutrition education into existing curricula and other core subjects.

Nutrition Advisory Council (N.A.C.)
• Each site will provide a group of students with a N.A.C. advisor to be the site ambassadors to learn about and promote a healthy lifestyle through peer-to-peer interactions.
• Child Nutrition Services (CNS) will collaborate with the N.A.C. advisor at each school site to enhance the understanding of the food cycle, through food sampling, nutrition marketing and menu planning.

School Gardens
• Staff is encouraged to integrate hands-on experiences with school gardens to include but not limited to composting, planting and harvesting.

Parent / Community Outreach
• The District will utilize multiple forms of communication to educate parents and the community about nutrition including newsletters, handouts, articles, parent-teacher meetings, assemblies and the internet.
• The District Health Council will develop a relationship with school Parent Teacher Organizations (PTO) that will facilitate communication between parents, students and staff to enhance the collective health of the community.

Measurement Device / Assessment
• The District Health Council will analyze any available data to determine any changes in student knowledge, attitude or behavior about nutrition. The available curriculum sources aligned with the state framework may be used as measurement and assessment tools to assist with this analysis.
Physical Education and Physical Activity

The San Marcos Unified School District shall provide all students with opportunity to be physically active within developmentally appropriate physical education as part of the academic curriculum. All elementary grade levels must provide 200 minutes of physical education every 10 days (CA Ed. Code 51222) and all secondary grade levels must provide 400 minutes of physical education every 10 days (CA Ed. Code 51223). Per district policy, all physical education programs shall meet the principles for quality instruction – including:

a) Standards-based instructional content and delivery supported by physical education framework for California public schools.
b) Developmentally appropriate sequencing of curriculum consistent with California State Standards.
c) Multiple opportunities for students to demonstrate learning of content.
d) Authentic assessment and documentation of meeting state adopted standards.
e) Providing students with adequate amounts of moderate to vigorous physical activity (i.e., minimum 50% of allotted class time).
f) As part of the District’s quality physical education programming, all school principals or site designees are encouraged to collect and file evidence from their physical education teachers that highlight adherence to the District’s Physical Education and Physical Activity Procedures.

Nutrition Guidelines for Food Available at Schools

Nutritional standards for all food and beverages including those served in the federally reimbursable meal programs, a la carte food sold by Child Nutrition Services, food sold by student organizations, food sold for fundraisers and food offered to students will strictly adhere to all laws and regulations of the federal, state, local governments and the SMUSD Wellness Policy. This includes any and all existing and future regulations on food service and safety. These regulations will be in effect for services offered to students ½ hour before, during and through ½ hour after school sessions unless noted in the procedures. Meals served within the federally reimbursable meal program will be designed to feature fruits and vegetables and other healthy foods from local sources to the greatest extent possible.
Student Food and Beverage Snack List

- **Allowable Snack** – A food item that contains:
  - Not more than 35% of calories from fat
  - Not more than 10% of calories from saturated fat
  - Not more than 35% sugar by weight
  - Not more than 175 calories for elementary students
  - Not more than 250 calories for middle or high school students

This information does not apply to snacks that are nuts, nut butters, seeds, eggs, cheese packaged for individual sale, fruit, vegetables that have not been deep fried and legumes. These items can be served as snacks without meeting the definition above.

- **Preferred Items** – Items must meet above guidelines unless exempt
  - Fresh Fruits and Vegetables
  - Dried Fruit (raisins, apples, apricots, cranberries, banana chips)
  - 100% Fruit Snacks
  - Canned Fruits (applesauce cups, peach cups)
  - Cheese
  - Nuts, Seeds (consider allergies before giving out any nuts)
  - Popcorn (consider allergies with the oil that is used)
  - Peanut Butter (consider allergies)
  - Yogurt
  - Bakery Items (low fat muffins, low fat bagels, etc.)
  - Pretzels
  - Graham Crackers
  - Goldfish Crackers
  - Yogurt covered raisins
  - Frozen juice or fruit bars (no less than 50% juice)
  - Trail Mix without candy (consider allergies)

- **Limited Items** – Items must meet above guidelines unless exempt
  - Baked Chips
  - Dried Fruit (raisins, apples, apricots, cranberries, banana chips)
  - Baked Chips (Doritos, Potato, etc.)
  - Granola bars
  - Frozen Yogurt or Sorbet
  - Cookies (low fat, low sugar)
  - Smoothies
• **Not Allowable** – Items must meet above guidelines unless exempt
  o Food rewards
  o Sodas
  o Candy (food items that are classified or perceived as being candy cannot be offered, served or sold)
  o Gum
  o Fried Chips (Potato, Doritos, Cheetos, etc.)
  o Food at Birthday or Personal Celebrations

• **Acceptable School Beverages** –
  o Drinking Water – no added sweetener
  o Fruit-based drinks – no less than 50% fruit juice, no added sweetener
  o Vegetable based drinks – no less than 50% vegetable juice, no added sweetener
  o Milk – 1%, non-fat, soy, rice, and other similar non-dairy milk
  o Electrolyte replacement drink (high school only) – Must include:
    ▪ Water as first ingredient
    ▪ No more than 2.1 grams of added sweetener per fluid ounce
    ▪ At least 10 but not more than 90 milligrams of potassium per 8 ounces
    ▪ No added caffeine
    ▪ Must be preapproved by Child Nutrition Services
  o Carbonated drinks – Only those that are currently on the USDA Exemption List and approved through the Child Nutrition Services Department

**School Based Activity Guidelines**

*School based activities must utilize the “Student Food and Beverage Snack List” (see above or Exhibit “B”)*

**Fundraising**

• Fundraising activities must use allowable food and beverage snack items or non-food items. Nutritious snack items must be determined by federal regulations, state regulations (currently SB12, SB 965, SB80 and Title 5), District Wellness Policy and may not be a food of minimal nutritional value.
• Prizes awarded for fundraisers must be non-food items because food is not allowed to be given.
• Only one non-allowable food fundraiser may be conducted and advertised per school site, per school year. The prizes for this fundraiser must still be non-food items.
• School fundraisers that occur on or off site which do not comply with the above procedures cannot be marketed through food images and signage on campus property.
• Alternative fundraiser activities shall be encouraged and examples are available on the District website. The site principal or designee shall determine if a fundraiser is compliant with District policies. Child Nutrition Services shall be available for assistance in this determination. A District Wellness Policy Fundraiser Form may be required for compliance.

Organization Sales (ASB or Student Stores) and On Site Vending
• Only organizations that are in a partnership with the Child Nutrition Services Department may conduct a food or beverage sale during the school day. All products for sale must meet all federal regulations (no foods of minimal nutritional value), state (currently SB12, SB 965, SB 80 and Title 5), District Wellness Policy, and may not be a food of minimal nutritional value or potentially hazardous food.
• **Foods of minimal nutritional value** are foods that do not meet the “Student Food and Beverage Snack List” (Exhibit “B”), such as but not limited to candy, popsicles, lollipops, ice cream, cookie dough, cookies and certain smoothies.
• **Potentially hazardous foods** are food items that have to be cooked, refrigerated, washed, frozen, mixed or prepared before serving, such as but limited to eggs, milk, meat and tofu. These types of foods may not be sold through any organizations outside of the Child Nutrition Services Department.
• The Director of Child Nutrition Services or designee shall determine if the products to be sold are compliant.

Rewards
• Food or beverages shall not be used for academic or behavior rewards. An exception may be made when the use of food or beverage is included in an IEP report for the educational purpose of the student.

Classroom or School Celebrations
• Classroom or school celebrations are required to be non-food and/or beverage 50% of the time. A special event meal may be utilized when it is part of the National School Breakfast or Lunch Program. Also, food may be part of the function when it is not the main focus of the event. Examples of this are lunch with a teacher, principal or special person and award assemblies where the food is not a reward.

• When food or beverage snack items are being utilized as part of the event, they must be served after the lunch time of the students. Also, an allowable snack or school beverage must be utilized. The site principal or designee shall determine if the event is compliant with District policies.

Classroom Educational Events
• This event must be part of the educational process for the students of the class and can only be scheduled once during the school year. The event may include food items; however, if any item is a potentially hazardous food, all safe food handling procedures must be followed.
• **Potentially hazardous foods** are food items that have to be cooked, refrigerated, washed, frozen, mixed, or prepared before serving.
• A “Guideline for Classroom Safe Food Handling Procedures” (Exhibit “A”) must be signed by the person providing the food item. Whenever possible, the food items should be prepared or purchased through a facility that has a health permit.

Birthday Celebrations
• Birthday or personal celebrations in the classrooms may only be recognized with non-food items. Examples of non-food items that may be utilized will be available on the District’s website or at the school office. All celebration items must be approved by the classroom teacher before being distributed to students.

National School Breakfast and Lunch Program
• The Director of Child Nutrition Services will ensure that all Federal and State programs will follow all regulations regarding these programs. All District sites will participate in the National School Breakfast and Lunch Program, unless reviewed as unable to do so.

Field Trips
• During any student field trip the food and beverages must follow the National School Breakfast and Lunch Program Regulations, as well as the “Student Food and Beverage Snack List.” The National School Lunch Program regulations require all students be offered the option to take a school lunch meal with them when going on a field trip. This would include choices of offerings from the five food groups when offsite eating locations are included as part of the trip. Snacks that are included during the trip must follow the Wellness Policy “Student Food & Beverage Snack List” (Exhibit “B”).

After School and Weekend Events
• SMUSD events should encourage a healthy lifestyle outside the school day. Therefore, at this time, it is recommended that meals, snacks and beverages being served or sold at these events follow the Wellness Policy Procedures.

Kids On Campus (KOC)
• Although the KOC program extends beyond the school day, it is imperative that the District standards for nutrition guidelines be followed during this program.

Drinking Water
• To comply with the State and Federal Regulations, all students will have access to free drinking water in the meal and nutrition break areas.
Nutrition Marketing

- **On Campus Marketing** consists of those items targeted directly to students; such as banners, posters, announcements, vending machines and classroom literature.
- The marketing of foods not listed on the “Student Food and Beverage Snack List” (Exhibit “B”) is not allowed on campus with the exception of the one allowable yearly fundraiser.
- Schools are encouraged to utilize media such as newsletters, signs, school newspapers, websites, radio and television and other campaigns to disseminate positive messages about nutrition that will reinforce the District’s goals for nutrition education.
- School administrators are responsible for monitoring and enforcing any marketing to which students may be subject to during the school day.

Communication

- Required communications on the Wellness Policy are to be posted on the San Marcos Unified School District Website and available to the public at each school site.
- It is recommended that Wellness Policy information be part of a SMUSD Parent and Staff communication device.

Reviews and Updates

These procedures are to be utilized during the school years of 2012-2015 and reviewed by the District Health Council and the Director of Child Nutrition Services each year.

History:

Reviewed: 5/22/06
Reviewed: 6/12/06
Revised: 4/23/07
Revised: 6/16/08
Revised: 7/16/09
Reviewed: 4/12/10
Revised: 7/18/11
Reviewed: 9/6/11
Revised: 1/14/13
San Marcos Unified School District
Guidelines for Safe FoodHandling Procedures in the Classroom

Whenever food is prepared, caution must be taken to avoid foodborne illness. In order to protect students and staff from foodborne illness, please use the following guidelines:

1. The number one cause of foodborne illness is due to improper hand washing. Make sure that anyone who is preparing and/or serving food has washed their hands prior to handling any food. Plastic gloves should be utilized.
2. Wherever possible, use commercially prepared foods such as those purchased in a grocery store or bakery. Such establishments are monitored by the San Diego County Department of Environmental Health and can be expected to provide safe food if it has been stored appropriately after purchase.
3. Foods that are most likely to contain harmful bacteria (potentially hazardous foods) are foods containing protein such as meats, poultry, fish and dairy products. Mixed foods such as casseroles and cream pies are especially hazardous as they take more preparation with more risk of being contaminated.
4. Be aware of how to avoid cross contamination. Cross contamination is the transfer of harmful micro-organisms from one food to another by means of non-food surfaces such as utensils, equipment or human hands. For instance, if someone has cut up fruit on a surface that was used to prepare raw chicken, the salmonella bacteria that commonly occurs in chicken can be passed on to the fruit, which is then eaten.
5. Be prepared to ask volunteers when and how their food was prepared.
6. Bacteria that causes foodborne illness grows best in the Danger Zone when temperatures are between 41°F - 135°F. Potentially hazardous foods should be kept outside of this temperature range.
7. Hot foods must be kept at an internal temperature of 135°F or higher in order to keep it safe while waiting to be served. Cold foods must be kept at or below 41°F prior to serving.
8. If anyone cut themselves while preparing the food, any food in the area should be thrown away if there was any possibility it came in contact with the blood. All utensils should be sanitized with bleach solution before using again.
9. Include ingredients with the foods that are brought in to assist with identification of allergies.
10. Any person preparing or serving food to students is required to read and sign these guidelines. Parents should submit this form to the teacher and teachers retain their own forms.

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<thead>
<tr>
<th>Name</th>
<th>Signature</th>
<th>Date</th>
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<tbody>
<tr>
<td>Type of Food</td>
<td>Date to be Served</td>
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</table>
A “Student Food and Beverage Snack List” has been created to assist with the objective of offering food and beverages that will promote student health, support a health curriculum and aid students in maintaining their optimal weight. Although there are many selections, this list is to provide guidance for food and beverage choices. Food and beverage products offered to students outside of the National School Breakfast and Lunch Program ½ hour before and through ½ hour after school sessions must follow the allowable snack and acceptable school beverages guidance listed in the Wellness Policy Administrative Procedures under “Nutrition Guidelines for Food Available at Schools”. Parents should always check with the teacher prior to bringing any food items to the classroom.

<table>
<thead>
<tr>
<th>Allowable Snack</th>
<th>Acceptable School Beverages</th>
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<tbody>
<tr>
<td>A food item that contains:</td>
<td>Beverages that are:</td>
</tr>
<tr>
<td>- Not more than 35% of calories from fat added sweetener</td>
<td>- Drinking Water – no</td>
</tr>
<tr>
<td>- Not more than 10% of calories from saturated fat</td>
<td>- Fruit-based drinks – no</td>
</tr>
<tr>
<td>- Not more than 35% sugar by weight</td>
<td>less than 50% fruit juice, no added sweetener</td>
</tr>
<tr>
<td>- Not more than 175 calories for elementary students – no less than</td>
<td>- Vegetable based drinks</td>
</tr>
<tr>
<td>- Not more than 250 calories for middle or high schools</td>
<td>50% vegetable juice, no added sweetener</td>
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<tr>
<td></td>
<td>- Milk – 2%, 1%, nonfat, soy, rice, and other similar non-dairy milk</td>
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<tr>
<td></td>
<td>- Electrolyte replacement drink – no more than 42</td>
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<td></td>
<td>grams of added sweetener per 20 oz.</td>
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<td>(High School only)</td>
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</tbody>
</table>

Snack calculator available on District website in the Wellness Policy Section

**Exempt Snacks** include nuts, nut butters, seeds, eggs, cheese packaged for individual sale, fruit, vegetables that have not been deep fried and legumes. These items can be served as snacks without meeting the definition above.
<table>
<thead>
<tr>
<th>PREFERRED (Items must meet above guidelines unless exempt)</th>
<th>LIMITED (Items must meet above guidelines unless exempt)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Fresh Fruits and Vegetables</td>
<td>Baked Chips (Doritos, Potato, etc.)</td>
</tr>
<tr>
<td>Dried Fruit (raisins, apples, apricots, cranberries, banana chips)</td>
<td>Granola bars</td>
</tr>
<tr>
<td>Fruit Snacks</td>
<td>Frozen Yogurt or Sorbet</td>
</tr>
<tr>
<td>100% Canned Fruits (applesauce cups, peach cups)</td>
<td>Cookies (low fat, low sugar)</td>
</tr>
<tr>
<td>Cheese</td>
<td>Smoothies</td>
</tr>
<tr>
<td>Nuts, Seeds (consider allergies before giving out any nuts)</td>
<td></td>
</tr>
<tr>
<td>Popcorn (consider allergies with the oil that is used)</td>
<td></td>
</tr>
<tr>
<td>Peanut Butter (consider allergies)</td>
<td></td>
</tr>
<tr>
<td>Yogurt</td>
<td></td>
</tr>
<tr>
<td>Bakery Items (low fat muffins, low fat bagels, etc.)</td>
<td></td>
</tr>
<tr>
<td>Pretzels</td>
<td></td>
</tr>
<tr>
<td>Graham Crackers</td>
<td></td>
</tr>
<tr>
<td>Goldfish Crackers</td>
<td></td>
</tr>
<tr>
<td>Yogurt covered raisins</td>
<td></td>
</tr>
<tr>
<td>100% Frozen juice or fruit bars (no less than 50% juice)</td>
<td></td>
</tr>
<tr>
<td>Trail Mix without candy (consider allergies)</td>
<td></td>
</tr>
<tr>
<td>Acceptable School Beverages</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>NOT ALLOWABLE (Items not meeting above guidelines)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sodas</td>
</tr>
<tr>
<td>Candy (food items that are classified or perceived as being candy cannot be offered, served or sold to students)</td>
</tr>
<tr>
<td>Gum</td>
</tr>
<tr>
<td>Fried Chips (Potato, Doritos, Cheetos, etc.)</td>
</tr>
<tr>
<td>Food at Birthday or Personal Celebrations</td>
</tr>
<tr>
<td>Food rewards</td>
</tr>
</tbody>
</table>
A. Allergy Student Policy

The Governing Board is committed to providing a safe and nurturing environment for students and understands the increasing prevalence of life threatening allergies among school populations. Recognizing the risk of exposure to allergens, the Board is committed to working in cooperation with parents/guardians, students, medical personnel and school staff to minimize risks and provide a safe educational environment for all students.

The Superintendent or designee shall develop procedures for the management of allergy related issues. The focus of these procedures shall be on awareness/education and training, prevention, communication and treatment.

Parents/guardians shall be responsible for providing the Superintendent or designee, in writing, with current information regarding their child’s allergies.

Adoption History
Initial Adoption: 09/07/10
The Governing Board encourages the enrollment and appropriate placement of all school-aged children in school. The Superintendent or designee shall inform parents/guardians of students entering a district school at any grade level about admission requirements and shall assist them with enrollment procedures.

The Superintendent or designee shall verify the student's age, residency, and any other admission criteria specified in law and in Board policies and administrative procedures.

Legal Reference:

Education Code
- 46300 Computation of average daily attendance, inclusion of kindergarten and transitional kindergarten
- 46600 Agreement for admission of pupils desiring interdistrict attendance
- 48000 Minimum age of admission (kindergarten)
- 48002 Evidence of minimum age required to enter kindergarten or first grade
- 48010 Minimum age of admission (first grade)
- 48011 Admission from kindergarten or other school; minimum age
- 48050-48053 Nonresidents
- 48200 Children between ages of 6 and 16 years (compulsory full-time education)
- 48350-48361 Open Enrollment Act
- 48850-48859 Educational placement of foster youth
- 49076 Access to records by persons without written consent or under judicial order
- 49408 Information of use in emergencies
- 49700-49704 Education of children of military families

Health and Safety Code
- 120325-120380 Education and child care facility immunization requirements
- 121475-121520 Tuberculosis tests (students)

Code of Regulations, Title 5
- 200 Promotion from kindergarten to first grade
- 201 Admission to high school

Code of Regulations, Title 17
- 6000-6075 School attendance immunization requirements

United States Code, Title 42
- 11431-11435 McKinney Homeless Assistance Act

Adoption History:
Adopted: 09/25/00
Review/Revision: 08/25/03
05/23/05
03/10/08
04/02/12
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 shall be eligible for enrollment in kindergarten or first grade, at the beginning of the school year or at a later time in the same year, if the child has his/her fifth or sixth birthday, respectively, on or before one of the following dates: (Education Code 48000, 48010)

1. December 2 of the 2011-12 school year
2. November 1 of the 2012-13 school year
3. October 1 of the 2013-14 school year
4. September 1 of the 2014-15 school year

Any child who will have his/her fifth birthday between the date listed above for the applicable school year and December 2 shall be offered a transitional kindergarten program in accordance with law and board policy. (Education Code 48000)

Early Entrance to Kindergarten

On a case-by-case basis, a child who reaches age five after the date listed above for the applicable school year may be admitted to kindergarten at any time during the school year with the approval of the child’s parent/guardian, provided that: (Education Code 48000)

1. The Superintendent or designee determines that the admittance is in the best interests of the child
2. The parent/guardian is given information regarding the advantages and disadvantages and any other explanatory information about the effect of this early admittance.

In determining whether a child may be granted early entry to kindergarten, the Superintendent or designee may also consider the availability of classroom space and any negotiated maximum class size. If approved for early entrance, the student will not be allowed to begin school prior to the date he/she actually turns five. The Superintendent shall develop early entrance to kindergarten procedures.

Procedure for Early Entrance to Kindergarten

1. Parent(s) or guardian of a potential early entry pupil may submit a petition for entry to the Superintendent or designee.
2. Superintendent or designee will review the petition with the principal to determine space availability, negotiated maximum class size, and the status of the class achievement to date. Prior to testing, the parent will be advised of: (1) the advantages and disadvantages of early school entrance, (2) the requirement of entry after the fifth birthday, (3) the location and the academic status of available classes.
3. Parent(s) will be required to provide, at their expense, the results of an examination by a licensed educational psychologist or a diagnostic educational clinic recommending that the child has attained a level of readiness mentally, socially, and developmentally which will allow him/her to successfully complete the full kindergarten program in less than one year.
4. The District will assess the student’s proficiency level of minimum competencies in math, language arts, and reading expected for that time of year in kindergarten.

5. After receipt of the evaluation results, the Superintendent or designee shall review and approve or disapprove the petition for early entrance, notify the parents or guardian of his/her recommendations and review the appeal procedure with the parent(s) or guardian.

Appeal Procedure

The parent(s) guardian has the right to appeal the decision to the District Superintendent. The appeal must be filed in the Superintendent’s office within fifteen (15) calendar days after receiving notification of disapproval.

Kindergarten Continuance

A child who has completed a year of kindergarten is required to be promoted to first grade, unless the parent or guardian and the district agree that the child may continue in kindergarten not more than one additional school year. (Education Code 48011)

A parent/guardian who agrees the child is to continue in kindergarten must sign the Kindergarten Continuance Form. (Appendix D)

Acceleration to First Grade

A child who was legally enrolled in an out-of-state kindergarten (using that state’s requirements), but who does not meet California age eligibility for first grade, may be enrolled by the district in first grade (Education Code 48011). A child who was not age-eligible for kindergarten and who attended a California private school kindergarten for a year is viewed as not legally enrolled in kindergarten, pursuant to Education Code 48000. Therefore, this child, upon enrollment in public school, is enrolled in kindergarten, assessed, and may (but is not required to) be immediately promoted to first grade if the child meets the following State Board of Education criteria pursuant to Title 5, Section 200:

- The child is at least five years of age.
- The child has attended a public school kindergarten for a long enough time to enable school personnel to evaluate the child’s ability.
- The child is in the upper 5 percent of the child’s age group in terms of general mental ability.
- The physical development and social maturity of the child are consistent with the child’s advanced mental ability.
- The parent or guardian has filed a written statement with the district that approves placement in first grade.

A statement, signed by the district and parent/guardian, is placed in the official school records for these five-year-olds who have been advanced to first grade (Education Code 48011)

Reviewed: 09/25/00
05/23/05
03/10/08
04/02/12
District Residency

Criteria

The Governing Board shall admit only those students who provide proof of district residency (Ed. Code 48200). Such proof shall be required prior to enrollment (cf.5111.13 Residency of Homeless Children) and a copy of the document or written statement shall be retained in the student's permanent record (5CCR432).

A student residing within the district may establish residency by documenting that he/she lives with a parent/guardian within the district, that he/she is an emancipated minor living in the district, or that he/she is in the court appointed care of a licensed foster home, family home, or children's institution within the district (Ed. Code 48204), or the student is an emancipated minor, or the student lives with a “caregiver” adult residing within the district boundaries as indicated on a signed affidavit (Family Code 6552).

A student not residing within the district shall be deemed a district resident if an interdistrict attendance agreement is in effect, or if the student is confined to a district area hospital or residential care facility for treatment of a temporary disability (Ed. Code 48204, 48207).

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)

District residency may also be granted to a student not residing in the district if the student's parent/guardian works within the district boundaries at least ten hours per week during the school week (SB170 “Allen Bill”, Education Code 48204). Proof of such employment shall be required prior to enrollment and may be required at regular intervals as determined by the Superintendent or designee.

Employment Based Interdistrict Transfers

Before an interdistrict transfer based on employment is granted, the District shall review each proposed enrollment and determine whether it would result in additional costs to the district in excess of state funds. If the District determines that excess costs would be incurred by the district, the student may be denied admission. Any proposed enrollment which would adversely affect the existing desegregation plan of either the current or proposed district may also be grounds for denial of admission.

If more than one percent (1%) or seventy-five (75) students whichever is greater, from the district have been granted admission to other districts on the basis of parent/guardian place of employment, the Board may deny any further transfers out of the district on this basis.

Unless approved by the student’s current district of attendance, no student shall be admitted into the district on the basis of a parent/guardian place of employment in excess of the limits imposed by law for such transfers.

The district does not provide transportation for students that attend school on “Employment-Related Request for Transfer of School Pupil” permits.

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.

Proof of Residency

Reasonable evidence of residency may be established by documentation including, but not limited to, any of the following: Property tax statement or payment receipts, mortgage statement or payment receipts, utility service contract, statement or payment receipts, pay stubs, voter registration, correspondence from a government agency or declaration of residency executed by
the student’s parent or legal guardian of the pupil. Residency documentation must show the
name and address of the parent or legal guardian within the school district.

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 investigate. 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.

SAFE at Home Program

Government Code 6205-6211 authorizes the Secretary of State to provide victims of domestic
violence or stalking with a substitute address to use in place of their residence, work or school
address in all public records. The district must accept and use an address designated by the
Secretary of State. The participant will present a laminated identification card containing his/her
substitute address and a four-digit authorization number. The district may verify the enrollment
of a student in the program by contacting the Safe At Home Program. Program participants are
being advised to provide administrators with their actual residence location for school
emergency purposes and to establish eligibility for residency only. The district shall not include
the actual address in the student’s file or any other public record and shall instead use the
substitute address for all correspondence.

Legal Reference:

Education Code
35351 Assignment of students to particular schools
48050-48054 Nonresidents
48200-48208 Persons included(compulsory education law)
48980 Notification of parent or guardian
52317 ROP, 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

Uncodified Statutes
AB 687, Ch. 309, Statutes of 1995

Court Decisions

Adoption History:
Initial Adoption: 09/28/87
Reviewed/Revised: 09/13/93
03/24/97
05/23/05
04/14/08
03/12/12
Proof of Residency
Prior to admission in district schools, students shall provide proof of residency. The Superintendent or designee shall annually verify the student's residency and retain a copy of the document or written statement offered as verification in the student's mandatory permanent record.

Reasonable evidence of residency may be established by one current (within the last 60 days) original document in each of the following two categories:

Category I: Production of a grant deed to residence property, property tax statement or payment receipts, mortgage statement or payment receipts, indicating the name of student’s parent/guardian as owner of the property or production of a current, valid lease agreement indicating:
   A. The property is located within the District; and,
   B. The names of all residents who reside at the said property. All lease agreements must contain the management company’s name and telephone number. Should the lease agreement expire during the school year, the District may require that a new, valid lease agreement be produced. The District may contact the management company to verify residency and to require the management company to provide evidence of ownership of the property. In the event the rental property is not owned/operated by a management company/corporation, the owner of the property will sign a Declaration under Penalty of Perjury indicating ownership of the property and validity of the lease. If the owner cannot travel to the District to sign the Declaration, the District will mail one to the owner. The owner shall sign the Declaration, have it notarized, and return it to the District within 10 school days after receipt thereof.

Category II: Production of an original copy of a current utility service (gas/electric, water, trash, or cable bill) contract statement or payment receipts, pay stubs, voter registration, correspondence from a government agency, containing the name and address of the student’s parent/guardian or a declaration of residency executed by the parent or legal guardian of a pupil,. The District will not accept any other form of evidence as proof of residency.

If any district employee reasonably believes the parent/guardian of a student has provided false or unreliable evidence of residency, the District employee shall report this information to the Director of Student Services or designee. Upon receiving this information, the Director of Pupil Services or designee shall make reasonable efforts to determine if the student meets residency requirements. Reasonable efforts include, but are not limited to, home visits and investigation by a private detective.

Upon enrollment of a student residing in the home of a caregiving adult within district boundaries, the caregiving adult shall execute, under penalty of perjury, the affidavit specified in Family Code 6552. Reasonable evidence of residency may be established by documentation including, but not limited to, any of the following:
1. Property tax payment receipts
2. Rent payment receipts
3. Utility service payment receipts
4. Declaration of residency executed by the student’s parent/guardian

In order to verify residency, the principal or designee or law enforcement personnel may make a home visit, require the parent or guardian to sign a statement under penalty of perjury as to the validity of his or her residence, or require additional documents establishing proof of residence.
The Superintendent or designee shall annually notify parents/guardians of all existing attendance options available in the district, including, but not limited to, all options for meeting residency requirements for school attendance. (Education Code 48980)

Change of Residency Status
Any parent/guardian of a student enrolled in the District shall notify the District prior to or within 24 hours of any change or circumstance and/or a move which would affect their child’s residency determination under this policy. Failure to do so shall result in disenrollment.

SAFE at Home Program
When a student or parent/guardian participating in the Safe at Home program requests that the district use the substitute address designated by the Secretary of State, the Superintendent or designee may request the actual residence address for the purpose of establishing residency within district boundaries. The Superintendent or designee shall not include the actual address in the student's file or any other public record and shall instead use the substitute address for all future communications and correspondence. (Government Code 6206, 6207)

Procedures for Revocation or Denial of Enrollment
If, upon investigation, the District determines that a student's enrollment or attempted enrollment is based on false or insufficient evidence of residency, it shall revoke or deny the student's enrollment.

In the event the District denies or revokes a student’s enrollment, the parent/guardian shall be sent written notice from the District. The written notice shall include the reason for revoking or denying the student’s enrollment. The notice shall also advise the parent/guardian to register the pupil in the proper district, or school, of residency as soon as possible, and it shall state the effective date of revocation of enrollment, which shall be 5 school days from the date of the notice.

In addition, the notice shall state the parent/guardian’s right, within 5 school days, to schedule a meeting with the Director of Student Services to inspect supporting documents, rebut District evidence, question any district witnesses, and present evidence on the student's behalf. The Director of Student Services shall prepare a written decision within 10 school days detailing his/her findings. The student shall remain enrolled in the District throughout this process.

The decision of the Director of Student Services shall be final.

EC 42804.1 (AB207)

Initial Review: 03/12/12
ATTENDANCE OF NON-RESIDENT FOREIGN STUDENTS

The Governing Board, in its desire to promote cultural enrichment and the exchange and sharing of ideas and cultural activities among the people of the United States and the people of other nations, delegates to the Superintendent the authority to execute any written commitment required by or pursuant to Federal law as a prerequisite to nonresident entry into the United States for the specific purpose of receiving an education.

In addition to ensuring that the number of nonresident foreign exchange students is restricted to a reasonable number per school, the Superintendent or designee is directed to issue J-1 visa status only after the applying student has demonstrated English proficiency on a District approved assessment, has a responsible, resident adult sponsor or guardian, that space in a suitable program is available at the school, that the student is adequately covered by liability and health insurance, that the District is adequately insured against any acts of liability resulting from the student's presence, that the student has signed a commitment to attend school regularly, seek to fulfill teacher expectations, and follow all school rules, and that the student has reimbursed the district for tuition where required under applicable Federal and/or State law.

In order to approve the admission of an international exchange student, the Superintendent or designee must receive a written request for enrollment by May 31 of the preceding school year. Enrollment shall be for one entire year only. No late start or mid-year enrollment will be allowed except for short term cultural exchange programs.

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 agency approved for this purpose. (8 USC 1184)

F-1 Visa Students: An F-1/I-20 visa student is a nonimmigrant student whose visa is intended for use by nonresident foreign students whose primary purpose for visiting the United States is to study at an academic school. (8 USC 1184) Students may be granted an F-1 visa to attend public school in grades 9-12 for a maximum of one year, as long as the student pays tuition and meets state immunization requirements.

B-2 Visa Students: A B-2 visa student is a nonimmigrant student whose visa is intended for use by either nonresident travelers arriving from a visa-waiver country for more than ninety (90) days or nonresident travelers arriving from a non-waiver country for any period of time. B-2 visa students are traveling in the United States for pleasure and have not designated education or study as the primary purpose for their visit.

Passport Students: A passport student is a nonimmigrant student traveling from a visa-waiver country for less than ninety (90) days. Passport students are traveling in the United States for pleasure and have not designated education or study as the primary purpose for their visit.

For purposes of this policy, F-1, B-2, and passport students are referred to as “nonresident visiting students.”

International exchange students shall only be eligible for participation in interscholastic sports in accordance with state bylaws of the California Interscholastic Federation as well as applicable section bylaws.
International exchange students may be considered for a diploma if they have satisfactorily completed the district’s graduation requirements.

At the discretion of the principal or designee, international exchange students who do not meet requirements for a regular diploma may, at the end of their visit, be given a letter certifying the time period for which they were enrolled.

The Superintendent or designee is authorized to develop additional procedures to implement this policy.

**Short-Term Cultural Exchange Programs**

As long as the grade level and/or program at the school requested is not at capacity, the Superintendent, or at his/her direction, the Assistant Superintendent of Instructional Services may approve a foreign student in grades 6-12 for a maximum period of one semester or a small group of students for a maximum of one month to participate in a cultural exchange program at a secondary school in the San Marcos Unified School District provided that no credits, grades, certificates of completion or diplomas are issued and that the student doesn’t participate in competitive athletics such as CIF sanctioned sports programs and provided that the student(s) have obtained a passport (visitors to the U.S. for less than 90 days), or visa issued by the United States government, including, but not limited to B2 (visas for visitors traveling in the U.S. for pleasure) and F1/I20 visas. The District may not collect state funds for such students.

**Liability**

The district shall not incur any financial obligations when sending and/or receiving international exchange students. Program sponsors shall provide assurance of their responsibility for health/accident/liability insurance, the student’s home placement, and the resolution of any related personal difficulties which may arise. Exchange students shall adhere to all school and district rules as a condition of participation at District schools.

Legal Reference:

Education Code
48050-48054 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
CDE LEGAL ADVISORIES
0319.97 Amendments to F-1 Student Visa Requirements, LO: 1-97

Adoption History:
Initial Adoption: 08/09/82
Reviewed/Revised: 09/13/93
03/24/97
09/25/00
09/23/02
04/23/07
01/12/09
06/21/10
Students may be exempted by the Governing Board from compulsory full-time education in the schools of this District as allowed by law only under those specific circumstances which are described in the Education Code. These exemptions include students who:

1. Attend private full-time schools with a filed affidavit; (Education Code 33190, 48222, 48223)
2. Hold work permits and attend part-time classes; (Education Code 48230)
3. Receive instruction by a credentialed (for the grade being taught) tutor for at least three hours a day for 175 days each calendar year; (Education Code 48224)
4. Hold work permits to work temporarily in the entertainment or allied industry; (Education Code 48225)
5. Are enrolled in vocational courses from a regional occupation program or center pursuant to Education Code 48432;
6. Are enrolled in a continuation school. Students may be exempted from full-time attendance in continuation school if they are between the ages of 16-18 and;
   (A) Have graduated from a public or private high school maintaining a four-year course above the eighth grade, or
   (B) 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, or
   (C) Are attending adult school for not less than four hours per week.
7. 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;
8. 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.
9. Attend community college as special full-time students on the grounds that they would benefit from advanced scholastic or vocational work. (Education Code 48800.5)

Exemptions shall not be used to remove students who are disciplinary problems. Suspension, expulsion, transfer to alternative programs and other administrative measures shall be used with these students.

Verification of attendance in a private school (#1 above), in compliance with Education Code 33190, 48222, 48223, or in other alternatives, shall be required annually. The principal shall recommend to the Superintendent for Board approval the exemption of any student.

It is the desire of the Governing Board that every person in this District who is subject to compulsory full-time education should attend the schools of the District if at all possible, and that no exemptions be made without verification of the facts in each case. Presentation of satisfactory evidence will be required for those students suffering from mental or physical conditions which prevent or make inadvisable their attendance at school, or because of personal services that must be rendered to their dependents. Every effort should be made to achieve a satisfactory adjustment in such cases, before the decision to exempt is made.

It is also the intention of the Governing Board that children exempted from compulsory full-time education may be provided a partial day attendance or home instruction in cases where such program adjustment is deemed to be in the best interest of the student.
EXEMPTIONS FROM ATTENDANCE

Legal Reference:

Education Code
33190 Affidavit by persons conducting private school instruction
46113 Minimum school day for grades four through eight
48200-48341 Compulsory Education Law
48400-48454 Compulsory continuation education
48800.5 Petition for enrollment as a special full time student

Labor Code
1295.5 Employment of minors; performance of sports-attending services
1390-1399 Employment of minors

United States Code, Title 20
1681-1688 Title IX, Discrimination

United States Code, Title 29
794 Section 504 of the Rehabilitation Act of 1973

Code of Federal Regulations, Title 34
106.40 Marital or parental status

Court Decisions

Adoption History:
Initial Adoption: 08/09/82
Reviewed:
09/13/93
03/24/97
09/25/00
05/23/05
04/14/08
The Governing Board recognizes that there may be cases where the exclusion of certain students is necessary because their presence in school presents a clear and present danger to the life, safety, or health of students or school personnel.

The Board shall regularly review its decisions to exclude students. The Superintendent or designee shall periodically report to the Board on the status of each excluded student.

Legal Reference:
Education Code
48210-48216 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
3380-3390 Immunization against communicable diseases
120230 Exclusion of persons from school
120325-120380 Educational and child care facility immunization requirements
121475-121520 Tuberculosis tests for students
14025-124110 Child Health and Disability Prevention Program

Code of Regulations, Title 5
202 Exclusion of students with a contagious disease

Adoption History:
Initial Adoption: 08/09/92
Reviewed/Revised: 11/12/85
11/28/88
02/27/89
09/13/93
03/24/97
09/25/00
05/23/05
04/14/08
Exclusions from Attendance

Students may be excluded from attendance in the schools of this District for any of the following reasons:

1. Children under the legal age of attendance are excluded from the public schools except as otherwise provided in the Education Code. (Education Code 48210)

2. The Governing Board may exclude children with contagious or infectious diseases. The Board shall periodically review its decisions to exclude students for these reasons. (Education Code 49451) (cf. 5141.22 Infectious Diseases, Code of Regulations, Title 5, Section 202, cf. 5141.33 Head Lice.)

3. The Governing Board may exclude any students who are reasonably suspected of having active tuberculosis. (Health and Safety Code 121485, 121495, and 121505)

4. The Governing Board may exclude any student who does not present evidence of immunization from certain infectious diseases as required by law, unless the parent/guardian requests in a written statement exemption from the requirement on the basis of the physical condition of the student, or conflict with the religious beliefs of the parent/guardian. (Health & Safety Code 120335, 120365m 120370)

5. Any student who resides where any contagious, infectious, or communicable disease exists, or has existed, which is subject to quarantine, shall not be permitted to attend school without written permission of the health officer. (Health & Safety Code 120230)

6. The Governing Board may exclude any student who does not complete the health examination as required by Board Policy 5141.3.

7. The Governing Board may exclude any student who has 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 124040, 124105)

Prior to excluding a student from attendance, the Superintendent or designee shall send a notice to the parent/guardian of the student. The notice shall contain the following statements:

1. A statement of the facts leading to a decision to propose exclusion (Ed. Code 48213);

2. A statement that the parent/guardian has a right to meet with the Superintendent or designee to discuss the proposed exclusion;

3. A statement that at any such meeting the parent/guardian shall have an opportunity to:
   a. Inspect all documents on which the District is basing its decision to propose exclusion;
   b. Challenge any evidence and question any witness presented by the District;
   c. Present oral and documentary evidence on the student's behalf, including witnesses;
   d. Have one or more representatives of the parent/guardian present at said meeting.
4. A statement that the decision to exclude the student is subject to periodic review and a statement of its procedures for such periodic review.

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

1. He/she resides in an area subject to quarantine (Health and Safety Code 120230);

2. He/she is exempt from a medical examination, but at the time of the exemption suffers from a contagious or infectious disease (Education Code 49451)

3. It is determined by the Superintendent or designee that 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 Codes
48210-48216 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

Adoption History:
Initial Adoption: 8/9/92
Reviewed/Revised: 11/12/85
11/28/88
02/27/89
09/13/93
03/28/97
09/25/00
05/23/05
04/14/08
In order to keep students in a supervised, safe and orderly environment, the Governing Board establishes that all campuses within the San Marcos Unified School District shall be considered closed. Pupils are to remain on school grounds at all times when school is in session except when excused by the principal/designee.

Parents and guardians who request permission to take their children from the school grounds must present the written requests to the principal or his designee in person.

In order to give students an opportunity to demonstrate responsibility and positive citizenship, students in grade twelve (12) may be allowed to leave campus regularly during the lunch hour only, provided they meet district established criteria and that written permission from the parent or guardian is on file. The privilege may be revoked from individual students for disciplinary or academic reasons. The Board views this program as a way to improve and reward student academic achievement and attendance.

Students who leave school or who fail to return following lunch without authorization shall be classified truant and subject to disciplinary action.

Neither the District, nor its officers or employees shall be liable for the conduct or the safety of pupils excused pursuant to this policy.

The Superintendent shall develop administrative procedures which govern the conduct of students leaving campus during the lunch hour.

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 (high school)
Off-Campus Lunch

Pursuant to San Marcos Unified School District Board Policy #5112.5 concerning Closed Campuses, the following procedures for control of students with parental permission to leave campus regularly during the lunch hour are established.

1. Off campus lunch permits will be issued upon written parent/guardian request under the following conditions:
   a. Only seniors with a minimum grade point average of 3.0 on their last report card, and no tardy, truancy, or outstanding debts owed to the District and/or school, or serious discipline problems are eligible for off-campus lunch permits.
   b. The parent/guardian must appear in person at school to sign the off-campus lunch application.
   c. The student must sign the application.
   d. The permit will be revoked if the student violates any of the regulations listed on the application.
   e. If the permit is revoked, the student will not be eligible to reapply for a new permit.

2. The off-campus lunch permit will be issued subject to the following rules of conduct:
   a. The permit will be used to leave campus for the purpose of eating lunch only.
   b. The student will not loiter on the way to and from lunch and will not be tardy.
   c. The student will not allow any other student to use the permit.
   d. The student will keep the permit on his or her person and will show it properly upon request.
   e. The student will forfeit the permit on request of the school administrator.

3. Student will be issued an off-campus sticker which will be fastened to the student’s ID card.

4. The campus security officer will be stationed at the parking lot exit to check cars leaving the parking lot during the lunch hour. Students with lunch passes may only walk off campus.

5. The assistant principal/designee will be stationed at the gate near the crosswalk in front of the school to check students leaving on foot.

6. If necessary, the principal may temporarily revoke the open campus privilege to students at any time, and the Superintendent shall notify the Board of any campus closure.
OFF-CAMPUS LUNCH APPLICATION

Student’s Last Name       First Name       Grade       Phone

Street Address       City       Zip

NOTICE TO PARENTS

School Board policy is that NINTH, TENTH, & ELEVENTH GRADE STUDENTS ARE NOT PERMITTED TO LEAVE CAMPUS AT LUNCHTIME. Twelfth grade students will be issued permits ONLY with approval from their parents/guardians and Assistant Principal. In order to qualify, SENIORS must have a minimum overall GPA of 3.0 or better at the end of the last grading period, no suspensions or outstanding debts owed to the District and/or school, no truancy or tardiness problems, and no other discipline problems.

Permits will be issued to eligible students under the following conditions:

1. The parent or guardian MUST appear in person at school to sign the off-campus lunch application.
2. The student must sign the application – after it has been approved by the Assistant Principal.
3. The permit will be revoked if the student violates any of the regulations listed on this application or is TRUANT to class(es).
4. If the permit is revoked, the student will not be eligible for a new permit.

STUDENT AGREEMENT

I hereby make application for a permit to leave campus for lunch daily. If the permit is granted, I agree to abide by all the school rules regarding lunch permits. If I violate any one of them, I understand that my permit may be revoked:

1. I WILL only use the permit to leave campus on foot at the designated lunch time.
2. I WILL NOT loiter on the way to and from lunch, and realize that any tardies returning from lunch will cancel my permit.
3. I WILL keep the permit personally and WILL NOT allow anyone else to use it.
4. I WILL carry the permit with me daily and will show it promptly on request.
5. I WILL forfeit this permit in the event of truancy and/or upon request from a parent or school administrator.
6. I understand that truancy from any class will be grounds for cancellation of my permit

STUDENT SIGNATURE ________________________________ DATE __________

PARENT AGREEMENT

Please allow my student to leave campus for lunch. I understand the permit will be issued subject to the above conditions. I also understand that the permit will be issued and will remain in effect subject to compliance with the conditions above.

PARENT/GUARDIAN SIGNATURE ________________________________ DATE __________

ASSISTANT PRINCIPAL SIGNATURE ________________________________

The governing board of the San Marcos School District, pursuant to Section 44808.5 of the Education Code, has decided to permit the eligible pupils enrolled in grade 12 to leave the school grounds during the lunch period. Section 44808.5 of the Education Code further states: “Neither the school district, nor any officer or employee thereof, shall be liable for the conduct or safety of any pupil during such time as the pupil has left the school grounds pursuant to this section.”
The Governing Board believes that regular attendance plays a key role in the success a student achieves in school. The Board recognizes its responsibility under the law to ensure that students attend school regularly. Parents/guardians of children aged six (6) to eighteen (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 any legal means to correct the problems of excessive absence or truancy.

**Excused Absences**

Absence from school shall be allowed only for health reasons, family emergencies and justifiable personal reasons, as permitted by law and specified in administrative procedures.

When students who have been absent return to school, the Board requires that they present a satisfactory explanation from their parent, guardian, or caregiver, verifying the reason for the absence within 72 hours of the student's return to school. The parent, guardian, or caregiver, may explain the absence in person, by telephone, or in a written, signed note. Absences for confidential medical appointments shall be exempt from this requirement and may be verified by the student or his/her physician. (See below, Absences for Confidential Medical Services.)

Any of the following methods may be used to verify absences due to illness, quarantine, medical, dental or optometrical services, or death in the immediate family. The following methods shall not be used to verify absences due to confidential medical services. (See below, Absences for Confidential Medical Services.)

1. Conversation, in person or by telephone, between the verifying employee and the student's parent, guardian, or caregiver. Subsequent written recording of the conversation will include the following:
   a. Name of student
   b. Name of parent, guardian, or caregiver
   c. Name of verifying employee
   d. Date or dates of absence
   e. Reason for absence

2. Written note, fax or email from parent, guardian, or caregiver.

3. Visit to the student's home by the verifying employee.

4. Any other reasonable method which establishes the fact that the student was actually absent for the reasons stated. A written recording shall be made, including information outlined above.

5. Physician’s verification
Absences for Confidential Medical Services

At the beginning of each academic year, district notifications shall be sent out to the parents/guardians of all students 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). The California Supreme Court (American Academy of Pediatrics et al v. Lungren et al) has clarified that students do not need parent/guardian consent before receiving confidential medical services. Districts that notify parents/guardians when their children are released for confidential medical services may be violating the students' privacy rights.

Students should not be absent from school without their parents'/guardians' knowledge or consent, with the following exceptions:

1. In cases of medical emergency.
2. When the student has a confidential medical appointment. (Education code 46010.1)

When excusing students for confidential medical services or verifying such appointments, district staff shall not ask the purpose of such appointments. Staff may contact a doctor or medical office in order to verify the time of the appointment only. However, staff will make a serious effort to persuade students to notify their parents.

When a student volunteers confidential medical information to a district staff member, the staff member should suggest that the student consult his/her parent or doctor, or seek medical advice from the city or county department of health.

Insofar as class participation is an integral part of our students' learning experience, parents and students shall be asked to schedule medical appointments during non-school hours. Students shall be excused from school for medical purposes only in emergency situations or when the physician affirms in writing that the appointment can be held only during school hours.

Unexcused Absences

The Governing Board believes that unexcused absences from class exceeding ten (10) days per semester is sufficient reason for a teacher to assign the student a failing grade for the class. The school shall notify the parent when the student is in danger of failing due to unexcused absences (Education Code 49067).

Absences for Religious Purposes (Education Code 46014)

The Governing Board shall allow students to be absent for religious instruction or participation in religious exercises away from school property. Such absences will be considered excused subject to the following:

1. The student shall attend at least the minimum school day.
2. The student shall be excused for no more than four (4) school days per month.
3. The student shall provide verification of attendance.
Upon written request by a student's parent/guardian/caregiver and with the principal or designee's approval, a student may be excused from school for up to four (4) hours per semester in order to attend a religious retreat.

Truancy

The Board will participate in a county School Attendance Review Board (S.A.R.B.) as allowed by law in order to meet the special needs of students with school attendance or school behavior problems.

A student who has been classified as truant will be referred to the district attorney, probation officer, or court when the District determines that the student's attendance problems cannot be resolved or that the student and parent/guardian/caregiver have failed to respond to the district directives to correct the problem. The referral will include the student's name and the parent/guardian's name and address. If the student continues to be classified as truant, this information will also be included in the referral.

The Superintendent will gather the information necessary to comply with Education Code 48273 relating to truants. The Superintendent will 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.

Legal Reference:
Education Code:
1740 Employment of personnel to supervise attendance
2550-2558.6 Computation of revenue limits
37201 School month
37223 Weekend classes
42238-42250.1 Apportionments
41601 Reports of average daily attendance
46000 Records
46010-46014 Absences
46100-46147 Attendance in elementary, junior and senior high schools
46500-46502 Attendance of physically handicapped pupils
46510-46513 Attendance of educationally handicapped pupils
48200-48208 Compulsory full-time attendance
48205 Absence for justifiable personal reasons
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 pupil attendance
49067 Unexcused absences as cause for 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 Regulation, Title 5:
306 Explanation of absence
420-421 Record of verification of absence due to illness and other causes

Attorney General Opinions

Adoption History:
Initial Adoption: 01/09/84
Reviewed/Revised: 09/13/93
     09/25/00
     11/13/01
     05/23/05
     04/14/08
     12/07/09
Attendance and Excuses

If absence from school is to be considered excused, a principal or teacher may require a satisfactory explanation from the parent, guardian, or caregiver of a pupil, either in person, by written note, or by phone within 72 hours of the student’s return to school. Upon returning to school after being absent, the student shall be permitted to return to class. The administration will determine whether absences are excused or unexcused.

Excused Absences

Students receive an excused absence when they are absent from school for the following reasons:

1. Attendance at funeral services for a member of the immediate family (1 day in state 3 days out-of-state) Education Code 48205, 45194);
2. Serious illness of a member of the family which necessitates the absence of the student;
3. Illness or injury of the student;
4. Quarantine under the direction of a county or city health officer (Education code 48205);
5. Medical, dental, optometrical, or chiropractic appointments (Education Code 48205);
6. Jury duty in the manner provided by law (Education code 48205);
7. Justifiable personal reasons, including but not limited to, an appearance in court, observance of a holiday or ceremony of his/her religion, an employment interview or education conference, service at an election precinct, or attendance at a funeral service and such other absences as the principal may consider justifiable when requested in advance.

Students who plan to be absent for reasons other than the first three listed above should seek approval by presenting a note from their parent, guardian, or caregiver to the principal or assistant principal in charge of attendance, who will then indicate approval or disapproval. Any student shall be allowed to complete all assignments and tests missed during an excused absence that can reasonably be provided, and on completion, shall be given full credit.

When a student exceeds 10 absences in a school year for illness, the school or district may require further absences to be verified by a physician.

In addition, if a student is the custodial parent of a child, his/her absence shall be excused when the child is ill or has a medical appointment during school hours. (Education Code 48205)

The teacher of any class from which a pupil has an excused absence shall determine, pursuant to regulations of the Governing Board, what assignments the pupil shall make-up and in what period of time the pupil shall complete such assignments. Tests and assignments may be the same as those missed, or shall be reasonably equivalent to them as set forth in the Education Code.

Confidential Medical Services

If a student presents a request to be excused for a confidential medical appointment, the student should be sent to the Health Office for further direction.

1. Health Office will encourage student to involve parent in this situation, however upon refusal will do the following:
   a. Health Office will verify appointment by phone if student doesn’t have
documentation.
b. If the student with an appointment has a significant other attending the appointment with him/her, both students must have an appointment.
c. Health Office will discuss transportation and the California law regarding minor driving restrictions if applicable.
d. Health Office will issue a pass with the correct code for attendance.
e. Administration will only be involved if answers are not covered by protocols above.
f. Health Office will verify that student went to the appointment and notify the attendance clerk.

2. No employee of SMUSD will contact the parents about this appointment as it is Board Policy and California law to allow students this right if 12 years or older.

Unexcused Absences

Unexcused absences are those which do not come under any of the definitions of excused absences. Students who have unexcused absences may be denied make-up privileges. Such absences may be reflected in the student's final grade. A student may receive a failing grade for unexcused absences exceeding ten (10) days per semester after a period of three (3) days have been allowed for the student or the student's parent/guardian to explain the absences. The student's record must reflect that the failing grade was due to unexcused absences.

Truancy

Any pupil subject to compulsory full-time education or to compulsory continuation education who is absent from school without valid excuse more than three (3) days in one school year is a truant and shall be reported to the attendance supervisor or the Superintendent as defined in the Education Code. (See Board Policy 5113.1 “Truancy”)

Tardiness to Class

Continued tardiness on the part of any student will be viewed as a very serious matter. Promptness to class is extremely important. Students are expected to be in their places, ready for work, at the bell (or specified time). A student who is tardy without valid excuse for more than 30 minutes, more than three (3) times in one school year is a truant and shall be reported as defined in the Education Code.

Requests for Early Dismissal

Permission must be granted by the principal or designee according to each individual case. Students may only be released to the parent or another adult designated by the parent in writing.

Exclusions from Attendance (see Board Policy 5112.2)
To improve student attendance, the Superintendent or designee shall implement positive steps to identify the reasons for a student's unexcused absences and to help resolve the problems caused by truancy. Such strategies shall focus on early intervention and may include, but not be limited to, communication with parents/guardians and the use of student study teams.

In addition, the Superintendent or designee shall cooperate with other agencies within the community to meet the needs of students who have serious school attendance or behavior problems and to maintain a continuing inventory of community resources, including alternative programs.

Habitually truant students may be referred to a school attendance review board (SARB) (Ed. Code 48321), a truancy mediation program operated by the county's district attorney or probation officer, and/or juvenile court in accordance with law.

For purposes of California's welfare system (CalWORKS), a student shall be determined to be regularly attending school unless he/she has been referred to the county district attorney or probation office pursuant to Education Code 48263.

Legal Reference:
Education Code:
1740 Employment of personnel to supervise attendance
37223 Weekend classes
41601 Reports of average daily attendance
46000 Records
46010-46014 Absences
46110-46119 Attendance in kindergarten and elementary schools
46140-46147 Attendance in junior high and high schools
48200-48208 Children ages 6-18
48240-48246 Supervisors of attendance
48260-48273 Truants
48290-48296 Failure to comply; complaints against parents
48320-48324 School attendance review boards
48340-48341 Improvement of student attendance
49067 Unexcused absences as cause of failing grade
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

Adoption History:
Initial Adoption: 09/25/00
Review/Revision 03/14/05
03/10/08
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)

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 person to the school attendance review board (SARB). (Education Code 48290, 48291, 48292)

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 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.
   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 may be recommended that the parent/guardian accompany the student to school and attend classes with the student for one day.

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)

The student may also be required to attend makeup classes on one day of a weekend pursuant to Education Code 37223. (Education Code 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 (SARB), 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)

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.

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 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)

Upon his/her third truancy within the same school year, a student shall be classified as a habitual truant. (Education Code 48262, 48264.5)

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 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)

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)
The Governing Board recognizes that part-time employment can provide students with income as well as job experience that can help them develop appropriate workplace skills and attitudes. Upon obtaining an offer of employment, district students who are minors shall obtain work permits from the Superintendent or designee in accordance with law, regardless of whether the employment will occur when school is in session and/or not in session.

Education Code 49110: Permits are required even when school is not in session.

The Superintendent or designee shall issue work permits only as allowed by law and only to the extent that outside employment will not significantly interfere with the student's schoolwork or jeopardize his/her health. Approval to work more than 20 hours a week shall be granted to students age 16 and 17 only when justified by unusual circumstances, which shall be stated on the work permit.

Students granted work permits must demonstrate and maintain satisfactory grades and attendance.

Students with work permits may be exempted from attendance in full-time day school, provided they are enrolled in part-time continuation classes. (Education Code 48230, 49130, 49131, 49135)

A student age 14 or 15 who receives a permit to work full time shall also be enrolled in a work experience program.

Legal Reference:

Education Code:
48230 Exemption from full-time school attendance for students with work permits
48231 Exemption from compulsory attendance for students entering attendance area near end of term
49110-49119 Permits to work.
49130-49135 Permits to work full time.
49140-49141 Exceptions
49160-49165 Employment of minors; duties of employers
49180-49183 Violations
Labor Code:
1285-1312 Employment of minors
1391-1394 Working hours for minors

Adoption History:
Initial Adoption: 08/09/82
Reviewed/Revised: 09/13/93
03/24/97
09/25/00
08/29/03
04/23/07
05/10/10
The Superintendent may delegate the authority to issue work permits to an employee holding a services credential with a specialization in pupil personnel services or to a certificated work experience education teacher or coordinator. (Education Code 49110)

The Work Permit Shall Contain:  (Education Code 49115)
1. The student's name, age, birth date, address, and phone number
2. The place and hours of compulsory part-time school attendance, or statement of exemption, or the hours of compulsory full-time school attendance if the permit is issued for outside of school hours.
3. The maximum number of hours per day and per week that the student may work while school is in session.
4. The student's social security number
5. The signature of the student and the Superintendent or designee
6. The date on which the permit expires

Approval/Revocation of Work Permits
1. No work permit shall be issued until the student's parent/guardian, foster parent, caregiver with whom the student resides, 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 employment may be approved, the Superintendent or designee may inspect the student's records for evidence of satisfactory grades and school attendance.
3. After issuing a work permit, the Superintendent or designee shall periodically inspect the student's scholastic and attendance records to ensure maintenance of academic progress.
4. Work permits issued during the school year shall expire five days after the opening of the next succeeding school year. (Education Code 49118)
5. 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, that any provision or condition of the permit is being violated, or that the student is performing work in violation of law. (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 equivalent of 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, with the following exceptions: (Education Code 49112, 49116)
   a. The four-hour limit may be exceeded if the student is 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.
   b. A student 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 and which immediately precedes a nonschool day.
2. A student 14 or 15 years of age who has completed the equivalent of 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. A student who is 13 years old and has completed the sixth grade may receive a permit to work no more than two hours on any given day, and a maximum of four hours each week, provided that both of the following conditions are met: (Education Code 49112)
   a. The student has been identified by the district as exhibiting the potential to drop out of school.
   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.

The limitations on working hours specified above shall not apply to students employed to deliver newspapers to consumers. (Education Code 49112, 49116)

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

Education Code 49135 requires that students 14-17 years of age who are granted permits to work full time enroll in continuation classes. Education Code 49130 specifies additional requirements for students 14 and 15 years of age, including the requirement that they be enrolled in a work experience program.

A permit to work full time may be issued to a student 14 or 15 years of age who has completed elementary school, provided that the permit expires no later than the end of the current school year and 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 student’s earnings and that sufficient aid cannot be secured in any other manner.

2. The student is unable to reside with his/her family and needs the earnings for his/her own support.

3. The student is residing with a foster care provider, or guardian receiving foster care funds for the student, provided that:
   a. The provider or guardian obtains written authorization from the student’s social worker, probation officer, or child protective services worker acting as an officer of the court.
   b. The student’s case plan documents that the purpose of the employment is to further the goal of emancipation pursuant to law, or to enable the student 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 student’s earnings are necessary for the student’s support and that sufficient aid cannot be secured in another manner. If issuing a work permit subject to circumstance in item #3 above, the Superintendent or designee shall sign a statement that he/she has received authorization from the student’s social worker, probation officer, or child protective services worker. (Education Code 49130)

No permit to work full time may be granted until the Superintendent or designee has received, examined, approved, and filed 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 birth certificate, passport or affidavit of the student’s age,
3. A written statement from the prospective employer stating that work is waiting for the student and describing the nature of the work

A student 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)

Permits to Work When School Is Not in Session

Students 13-17 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 pursuant to Education Code 48231. (Education Code 49111)
District Attendance Goals

The Governing Board accepts its responsibility for establishing and regularly reviewing attendance zones/boundaries in such a way as to facilitate the educational program. Advance planning for new sites and buildings will be guided by the following criteria in determining school attendance boundaries:

1. Educational needs of students;
2. Enrollment capacities of schools and cost effective housing of students;
3. Proximity of students to school plants;
4. Safety of students;
5. Ages of students served;
6. Nature of the educational program housed;

The Governing Board also accepts the principle of "controlled free zoning" for school attendance as follows:

1. Students living in any given attendance area have first choice for school membership in that area.
2. Where unused student spaces exist, students in other areas may apply for membership up to the limit of the rated capacity of the school plant.
3. Students choosing the option in (2) will provide their own transportation to the school and back home.
4. Students choosing the option in (2) will agree to stay a minimum of one year in their chosen school.

When establishing or changing school attendance boundaries, the Governing Board shall take into account racial and ethnic balance, educational programs such as magnet schools, school capacities, geographic features, enrollment data, community input, student safety, cost effective operation, and transportation considerations. Students shall attend school in their attendance area unless otherwise authorized by the Superintendent or designee.

Demographic changes may result in overcrowded schools or in declining enrollment. Fiscal limitations may prevent the District from opening new schools or maintaining facilities that are unused. Changes in student population cannot always be remedied by a change in school attendance boundaries. The Board shall regularly review school and district enrollments and projected enrollments, and will make every effort to ensure that students will be able to attend...
neighborhood schools. The Board shall hold a public hearing to secure community input before approving any boundary change.

The Superintendent or designee may place some students in a school outside of their attendance area in order to alleviate overcrowding. If available, transportation shall be provided for such students.

When students are required to attend a school other than the school in their own attendance area for class size balancing purposes, and the student is within walking distance of their school of attendance, no transportation charge will be made for a period of one year.

Legal Reference:
Education Code
35160 Authority of governing boards
35160.1 Broad authority of school districts
35160.5 District policies; rules and regulations
35291 Rules
35350 Transportation of students (without written permission of parent or guardian)
35351 Assignment of students to particular schools
29 Ops. Atty. Gen. 63

Government Code:
53312.7 Establishment of community facilities district; goals and policies

Adoption History:
Initial Adoption: 08/09/82
Revised: 09/13/93
07/28/97
09/23/02
11/14/05
The Governing Board desires to provide enrollment options that meet the diverse needs and interests of district students. The Superintendent or designee shall establish procedures for the selection and transfer of students among district schools in accordance with law, Board policy and administrative regulation.

The parents/guardians of any student who resides within district boundaries may apply to enroll their child in any district school, regardless of the location of residence within the district. When a student initially applies for an intradistrict transfer, approval may only be granted when the school requested is not at capacity in the specific grade level for which the student is applying.

Priority for attendance outside a student's attendance area shall be given as follows:

1. If a district school receiving Title I funds is identified for program improvement, corrective action or restructuring, all students enrolled in that school shall be provided an option to transfer to another district school or charter school.
2. Beginning in the 2003-04 school year, if while on school grounds a student becomes a victim of a violent criminal offense, as defined by the State Board of Education, or attends a school designated by the California Department of Education as persistently dangerous, he/she shall be provided an option to transfer to another district school or charter school.
3. The Superintendent or designee may approve a student's transfer to a district school that is at capacity and otherwise closed to transfers upon finding that special circumstances exist that might be harmful or dangerous to the student in the current attendance area, including, but not limited to, threats of bodily harm or threats to the emotional stability of the student.

To grant priority under these circumstances, the Superintendent or designee must have received either: (Ed.Code 35160.5)
   a. A written statement from a representative of an appropriate state or local agency, including but not limited to a law enforcement official or social worker, or a properly licensed or registered professional, including, but not limited to, a psychiatrist, psychologist or marriage and family therapist
   b. A court order, including a temporary restraining order and injunction.
4. A student’s parent(s) or guardian(s) are full-time employees of the District (Ed.Code 35160.5).

For all other applications for enrollment outside a school's attendance area, the Superintendent or designee shall use a random, unbiased selection process to determine who shall be admitted whenever a school receives admission requests that are in excess of the school’s capacity.

Enrollment decisions shall not be based on a student's academic or athletic performance, (Ed. Code 35160.5 sec. 9 (2)(b), except that existing entrance criteria for specialized schools or programs may be used provided that the criteria are uniformly applied to all applicants. Academic performance may be used to determine eligibility for, or placement in, programs for gifted and talented students.

Students who legally enroll at a comprehensive high school within the District and later relocate to the attendance area of another high school in the SMUSD will be allowed to remain at their original school provided that they notify school officials of the change of residence within 30 days of the relocation.
No student currently residing within a school's attendance area shall be displaced by another student transferring from outside the attendance area.

Except as required for transfers out of Title I Program Improvement schools, the District will not provide transportation outside the school’s attendance area. Furthermore, it is not obligated to provide transportation for any other transfers including those based on “victims of violent crimes” or “persistently dangerous schools” (20 USC 7912).

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

Legal Reference:
EDUCATION CODE
35160.5 District policies; rules and regulations
35291 Rules
35351 Assignment of students to particular schools
48980 Notice at beginning of term
CODE OF REGULATIONS, TITLE 5
11992-11994 Definition of persistently dangerous schools
UNITED STATES CODE, TITLE 20
6316 Transfers from program improvement schools
7912 Transfers from persistently dangerous schools
CODE OF FEDERAL REGULATIONS, TITLE 34
200.36 Dissemination of information
200.37 Notice of program improvement status, option to transfer
200.39 Program improvement, transfer option
200.42 Corrective action, transfer option
200.43 Restructuring, transfer option
200.44 Public school choice, program improvement schools
200.48 Transportation funding for public school choice
COURT DECISIONS

Adoption History:
Initial Adoption: 09/08/82
Reviewed/Revised: 11/12/91
02/23/93
09/13/93
02/14/94
04/13/98
12/09/02
04/26/04
02/28/05
12/12/06
02/11/08
01/12/09
04/11/11
Enrollment Priorities
No student currently residing within a school’s attendance area shall be displaced by another student.

When a student initially applies for an intradistrict transfer, approval may only be granted when the school requested is not at capacity in the specific grade level for which the student is applying.

Athletic Eligibility
The District maintains membership in the California Interscholastic Federation (CIF) and requires that interscholastic athletic activities be conducted according to CIF rules, regulations and policies. CIF Bylaw 214 “Transfer Eligibility” as revised in 2007, now indicates that a student in grades 10-12 who transfers from School A to School B in the San Diego Section, without a change of residence on the part of the student's original custodial parent(s), legal guardian(s), or original caregiver(s) from school attendance Area A to school attendance Area B, shall be residentially ineligible to participate at the varsity level for 12 calendar months from the first date of attendance at School B in sports in which the student has competed in any level of interscholastic competition during the 12 calendar months preceding the date of such transfer. To ensure that intradistrict transfers are not for the purpose of participation in athletics, transfers that are approved for students in grades 10-12 shall designate these students as residentially ineligible for participation in varsity sports for 12 calendar months.

Selection Procedures
1. The Superintendent or designee shall identify those schools which may have space available for additional students. Intradistrict application and a list of school and grade levels with space availability will be available at all school offices. The following criteria will be used to determine the capacity at each school and the availability of space for intradistrict transfers;

   a) **Grade level capacity** will be determined by individual grade level at each school site. To ensure that students granted intradistrict transfers will not be displaced during the
school year by a new student moving into the school’s attendance area, a ninety (90%) capacity factor will be used. Therefore, a class will be considered full for the purpose of this policy when the enrollment reaches 90% of capacity.

b) A grade level will be declared closed to intradistrict transfers if all classes at that grade level (K-5) reach 90% of capacity, including the roving class at kindergarten. Otherwise, the grade level will be declared to have space available for intradistrict enrollments. The number of available spaces by grade level and school will be published for parents.

c) If a new class must be established to accommodate intradistrict transfers, the new class will not be created until seventy-five percent (75%) of a class capacity is reached. Students will be placed on a waiting list until these numbers are satisfied.

2. All applications for intradistrict transfers submitted to the District by March 31 shall be eligible for admission to their school of choice the following school year under the District’s open enrollment policy. Applications received after the deadline may be considered if further openings exist. The District will act on each request within 90 days of the application date as it appears on the request, unless the school or grade level requested is at capacity. In such cases, the District will act on the request no later than August 30.

3. Enrollment in a school of choice shall be determined by lot from the eligible applicant pool, and a waiting list shall be established to indicate the order in which students may be accepted as openings occur. Late applicants shall not be added to the established waiting list. Instead, they must wait for a subsequent lottery and establishment of a new waiting list.

4. The Superintendent or designee shall inform applicants by mail as to whether their applications have been approved, denied, or placed on a waiting list. If the application is denied, the reason for denial shall be stated.

5. Applicants who receive approval must confirm their enrollment within (2) weeks.

6. Admission to a particular school shall not be influenced by a student’s academic or athletic performance except insofar as academic standards are required for admission to specialized schools or programs such as programs for gifted and talented students. Such standards shall be uniformly applied to all students.

7. For students receiving special education services, the IEP team, which includes the parent/guardian shall determine appropriate placement.

Renewals
Students who already possess a valid intradistrict transfer do not need to reapply as long as they are continuing at the same school. They will be approved by the District after their school lists them as not in violation of any of the conditions of their previous transfer agreement such as receiving failing grades, having attendance problems (truancy, excessive absences, tardies) or misbehaving (disciplinary referrals and/or suspensions).

Enrollment under No Child Left Behind Act:
Within a reasonable amount of time, usually within 14 school days, after a student becomes the victim of a violent criminal offense while on school grounds, the student’s parents/guardians shall be offered an option to transfer their child to an eligible school identified by the Superintendent or designee. The Superintendent or designee shall consider the student’s needs and the parent/guardian preferences in making the school assignment.
If the parent/guardians choose to transfer their child, the transfer shall be completed as soon as practicable. The District is not obligated to provide transportation.

After learning that a school has been designated as persistently dangerous, the Superintendent or designee shall notify parents/guardians of the school’s designation and the option to transfer to a safe school within the District in a timely manner. The District is not obligated to provide transportation and may consider school capacity. Transfers should, depending on individual circumstances, be completed within 30 days. Any complaints regarding the selection process should be appealed to the Superintendent or designee. Transfers shall remain in effect as long as the student’s school of origin is identified as “persistently dangerous.”

**Notification**
Notification shall be sent to parents/guardians at the beginning of each year describing all current statutory attendance options and local attendance options available in the District, including:

1. All options for meeting residency requirements for school attendance
2. Program options offered within local attendance areas
3. A description of any special program options available on both an interdistrict and intradistrict basis
4. A description of the procedure for application for alternative attendance areas or programs and the appeals process available, if any, when a change of attendance is desired
5. A district application form for requesting a change of attendance
6. The explanation of attendance options under California law as provided by the California Department of Education

**Erroneous Residential Information**
Students found to be using fraudulent addresses or who no longer live within a school’s attendance boundary and did not report their change of residency to school official within 30 days of the actual move and did not apply for a valid transfer, will immediately be re-enrolled at the school located within their attendance area. They will not be granted an intradistrict transfer. Other penalties such as loss of athletic eligibility may be imposed by CIF.

Legal Reference:
Education Code:
35160.5
48980

Adoption History
Initial Review: 02/28/89
Reviewed/Revised: 03/28/94
04/13/98
01/10/00
12/09/02
04/26/04
02/28/05
12/12/06
02/11/08
01/12/09
04/11/11
Although students generally must attend school in the district where their parents/guardians reside, the Governing Board recognizes justifiable reasons for occasional Interdistrict transfers. Upon request, the Superintendent or designee may accept students from another district, and may also allow students who live within the District to attend out-of-district schools on a case-by-case basis. The District shall not knowingly accept students who are not district residents without an Interdistrict Attendance Permit. However, such permits will not be required for students enrolling in Regional Occupational Programs.

It shall be the function of the Superintendent to submit, prior to the opening of a school year, and at such other times as necessary, but not exceeding a term of five years, agreements for the Interdistrict transfer of pupils between the school districts in the State of California in accordance with the Education Code. Agreements shall stipulate terms and conditions for approval or denial (Ed. Code 46600). After contracts have been approved by the Governing Board, it shall be the responsibility of the Superintendent or authorized representative to issue permits under the agreement.

The Superintendent or designee may deny applications for Interdistrict transfers because of overcrowding within district schools or limited district resources. Transfers for students who move out of the District without informing the school and without filing an Interdistrict Transfer application within 30 days of the change in residency may also be denied.

The Governing Board has determined that San Marcos Unified is being negatively impacted by the number of students requesting transfers to neighboring districts. Therefore, the Board authorizes the Superintendent or designee to deny transfers to other districts for students living in the San Marcos Unified School District.

Transportation

Transportation shall not be provided for students attending SMUSD schools on an Interdistrict Transfer Agreement.

Legal Reference:
Education Code
46600-46611 Interdistrict attendance agreements
48204 Residency requirements for school attendance
48300-48315 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 ROP, enrollment of students, interdistrict attendance
GOVERNMENT CODE
6250-6270 Public Records Act
ATTORNEY GENERAL OPINIONS
COURT DECISIONS

Adoption History:
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02/23/93
08/23/93
04/13/98
11/12/02
04/26/04
02/28/05
12/12/05
01/23/06
02/11/08
01/12/09
04/12/10
04/11/11
Written transfer requests from residents of the San Marcos Unified School District for their children to attend a public school outside the District and requests from parents who reside outside the District for their children to attend one of the schools in the San Marcos Unified School District will be screened, evaluated and decisions rendered by the Superintendent and/or designee. Applications shall be submitted between January 3 and March 31 of each year for the following school year. The District will act on each request within 90 days of the application date as it appears on the request, unless the school or grade level requested is at capacity. In such cases, the District will act on the request no later than August 30.

Interdistrict transfers to high schools shall be granted only after transfer requests for resident students have been determined and if there is space available at the requested high school.

When a student initially applies for an interdistrict transfer into the SMUSD, approval may only be granted when the school, program, or grade level for which the student is applying is not at capacity.

All incoming interdistrict transfer applicants for grades 6-8 will be advised that, in the event of a school being at capacity, they will not automatically be granted an interdistrict transfer into the feeder middle or high school. They may apply to attend another district middle or high school. Exceptions may be made for children of full-time employees of the San Marcos Unified School District employed at the school of desired attendance.

Priority for incoming interdistrict applications from students in grades 9-12 will be limited to those non-resident students who have already been on a SMUSD interdistrict transfer. If a school is at capacity these requests may also be denied.

Due to the number of San Marcos students requesting transfers to non district schools, students in grades K-12, who live in the San Marcos Unified School District attendance area, will no longer be automatically granted transfers to other districts. Approval will depend on the reason(s) given and whether or not the reasons can be validated. Decisions will be made on a case by case basis. High school students will be granted a transfer to attend the same school they attended the previous year. Students whose parents are full-time employees of the school district of desired attendance will be granted transfers. Parents of high school students whose transfer requests to leave the District are denied may file a written appeal only after first meeting with the principal/designee of the SMUSD high school within their attendance area.

Renewals and Revocations
Non-resident students are not required to reapply in order to continue their enrollment in the San Marcos Unified School District, Permits may be revoked if students fail to adhere to existing terms and conditions (good attendance, acceptable academic progress, and appropriate behavior), if the school or program is at capacity, the district may assign another school which is not at capacity. (Please see Administrative Procedure 5116.1 “Intradistrict Open Enrollment” for individual site grade capacity criteria.) Permits may be revoked if students become habitual disciplinary or truancy problems (Ed. Code 46600).
The Approval Process
Approval of interdistrict requests may be granted for the reasons listed below:

1. **Senior Student**
   Those pupils who are in the highest grade of an elementary or middle school, or in senior high school may be permitted to graduate in the school which they have attended just prior to their move to another district.

2. **Personal and Social Adjustment**
   To meet a child’s special mental or physical health needs as certified by a physician, School Attendance Review Board (SARB), Social Services Agency, school psychologist or other appropriate school personnel.

3. **Specialized Courses of Training**
   Availability of specialized courses or training in district of desired attendance where they are not available in district of residence.

4. **Child Care (Ed. Code 46601.5)**
   These transfers may be granted only when it is impossible to arrange adequate childcare or supervision for students in grades K-6, in the district of residence and require annual (re) application, which may or may not be approved.

5. **Contemplated Change of Residence**
   Specific and written evidence must be given that the family will be moving into or out of the district in the immediate future or to allow a student to complete a school year after his/her parents move. Such permits should not be issued for longer than three months.

6. **Employment Related**
   Districts may approve or deny requests for enrollment of elementary school pupils based upon the location of the parents/guardians place of employment, namely, within the school boundaries of the district of desired attendance. Employment related inter-district transfers require annual verification of employment before they are automatically renewed as required by law (Allen Bill SB 170).

7. **Victim of a Violent Crime**
   A victim of a violent crime that occurred while on school grounds. The student is only eligible if there are no other schools within the district of residence where the student may be transferred.

8. **Bullying**
   A pupil who has been determined by either the school district of residence or the school district of proposed enrollment to have been the victim of an act of bullying, as defined in Education Code 48900(r), committed by a pupil of the school district of residence, will have priority for an interdistrict transfer.

Consideration of special circumstances will be given, in all cases, by the Superintendent and/or his designee who will grant or deny approval.

Interdistrict Attendance Agreements shall not be required for students enrolling in Special Education Regional Programs or ROP programs.

**Athletic Eligibility:**
The District maintains membership in the California Interscholastic Federation (CIF) and requires that interscholastic athletic activities be conducted according to CIF rules, regulations and policies. According to revised CIF Bylaw 214 “Transfer Eligibility” a student in grades 10-12, who transfers from School A to School B in the San Diego Section, without a change of residence on the part of the student’s original custodial parent(s), legal guardian(s), or original
caregiver(s) from school attendance Area A to school attendance Area B, shall be residually ineligible to participate at the varsity level for 12 calendar months from the first date of attendance at School B in sports in which the student has competed in any level of interscholastic competition during the 12 calendar months preceding the date of such transfer. New CIF regulations allow a student, prior to attending the first day of the tenth-grade, to transfer (one time only) to another school without the loss of any athletic eligibility.

**Transportation**

Transportation shall not be provided for students attending on an interdistrict agreement (Ed. Code 46600-46611).

**Denial of Interdistrict Transfer Agreement (Ed. Code 46601, 46603)**

The parent/guardian of a student who is denied a transfer shall receive notice within 30 days, in accordance with law, regarding the process for appeal to the County Board of Education. This notice shall be provided by the district denying the request, or, in the absence of an agreement between the districts, by the district of residence. The District may provisionally admit a student for two school months pending the outcome of the student’s appeal of the denial of the request.

**Appeals**

When an interdistrict transfer request is denied, the parents or guardians of the student(s) may appeal the decision within 30 days of the date listed on the denial. They must submit a written letter to the Assistant Superintendent of Instructional Services with a full explanation of the basis for their appeal, (for high school students only) after having first met with the principal/designee of the high school located within their attendance area. The Assistant Superintendent will determine if the reason(s) are valid prior to rendering a decision.

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.

Students, parents, or guardians found to have provided false, inaccurate, or unreliable information who have moved or have been residing outside the San Marcos Unified School District without filing an interdistrict transfer request with both districts within 30 days of the change of residence will be immediately disenrolled and their records will be sent to the school district where they reside and request for an interdistrict transfer will not be considered. Athletic eligibility will be governed by CIF regulations.

**History:**

Initial Review: 04/13/98
Reviewed/Revised: 12/13/99
11/12/02
04/26/04
02/28/05
01/23/06
02/11/08
01/12/09
04/12/10
07/09/12
The Governing Board desires to offer enrollment options in order to provide children with opportunities for academic achievement that meet their diverse needs. Such options shall also be provided to children who reside within another district's boundaries in accordance with law, Board policy, and administrative regulation.

Whenever a student is attending a district school on the Open Enrollment List as identified by the Superintendent of Public Instruction, he/she may transfer to another school within or outside of the district, as long as the school to which he/she is transferring has a higher Academic Performance Index. (Education Code 48354, 48356)

A parent/guardian whose child is attending a district school on the Open Enrollment List and who wishes to have his/her child attend another school within the district shall apply for enrollment using BP/AR 5116.1 - Intradistrict Open Enrollment. (cf. 5116.1 - Intradistrict Open Enrollment)

In order to ensure that priorities for enrollment in district schools are implemented in accordance with law, the Board hereby waives the January 1 deadline in Education Code 48354 for all applications for transfer from nonresident parents/guardians of children attending a school on the Open Enrollment List in another district. Transfer applications shall be submitted between April 1st and May 31st of the preceding school year for which the transfer is requested. (cf. 5111.1 - District Residency) (cf. 5111.12 - Residency Based on Parent/Guardian Employment)

The Board may deny a transfer out of or into the district upon a determination by the Board that the transfer would negatively impact a court-ordered or voluntary desegregation plan in accordance with Education Code 48355.

**Standards for Rejection of Transfer Applications**

Pursuant to Education Code 48356, the Board has adopted the following standards for acceptance and rejection of transfer applications submitted by a parent/guardian of a student attending a school in another district on the Open Enrollment List. The Superintendent or designee shall apply these standards in accordance with Board policy and administrative regulation and shall ensure that the standards are applied uniformly and consistently.

As applicable, the Superintendent or designee may deny a transfer application under any of the following circumstances:

1. Upon a determination that approval of the transfer application would negatively impact the capacity of a program, class, grade level, or school building, including:
   a. The class or grade level exceeding the district's limits pursuant to the state Class Size Reduction Program or the Morgan/Hart Class Size Reduction Program for Grades 9-12
   b. The site, classroom, or program exceeding the maximum student-teacher ratio specified in the district's collective bargaining agreement
c. The site or classroom exceeding the physical capacity of the facility pursuant to the district's facilities master plan or other facility planning document

d. The class or grade level exceeding capacity pursuant to items #a-#c above in subsequent years as the student advances to other grade levels at the school
  (cf. 6151 - Class Size)
  (cf. 7110 - Facilities Master Plan)

2. Upon a determination that approval of the transfer application would have an adverse financial impact on the district, including:
   a. The hiring of additional certificated or classified staff
   b. The operation of additional classrooms or instructional facilities
   c. Expenses incurred by the district that would not be covered by the apportionment of funds received from the state resulting in a reduction of the resources available to resident students

Appeal Process for Denials of Transfer Applications
A parent/guardian may appeal the district's denial of a transfer application to the Board by filing a written request of appeal with the Superintendent or designee within 10 days of the receipt of the written notification of denial. In addition, a parent/guardian who believes he/she has been subject to discrimination may file an appeal using the district's Uniform Complaint Procedures.

(cf. 1312.3 - Uniform Complaint Procedures)

Program Evaluation
When the Superintendent or designee anticipates that a particular school will receive a large number of transfer applications, he/she shall study the enrollment pattern at that school in order to anticipate future resident enrollment at the school and at the district schools into which those students would normally matriculate.

The Superintendent or designee shall regularly report to the Board regarding the implementation of this program.

Legal Reference:
EDUCATION CODE
200 Prohibition of discrimination
35160.5 District policies, rules, and regulations
46600-46611 Interdistrict attendance agreements
48200 Compulsory attendance
48204 Residency requirements for school attendance
48300-48316 Student attendance alternatives, school district of choice program
48350-48361 Open Enrollment Act
48915 Expulsion; particular circumstances
48915.1 Expelled individuals: enrollment in another district
52317 Regional Occupational Center/Program, enrollment of students, interdistrict attendance

FAMILY CODE
6500-6552 Caregivers

UNITED STATES CODE, TITLE 20
6316 Transfers from program improvement schools

CODE OF REGULATIONS, TITLE 5
4700-4703 Open Enrollment Act

CODE OF FEDERAL REGULATIONS, TITLE 34
200.36 Dissemination of information
200.37 Notice of program improvement status, option to transfer
200.39 Program improvement, transfer option
200.42 Corrective action, transfer option
200.43 Restructuring, transfer option
200.44 Public school choice, program improvement schools

ATTORNEY GENERAL OPINIONS

COURT DECISIONS

Management Resources:
WEB SITES
CSBA: http://www.csba.org
California Department of Education: http://www.cde.ca.gov

Adoption History:
Initial Adoption: 02/07/11
Definitions

District of enrollment means the district, other than the district in which the student's parent/guardian resides, in which the parent/guardian intends to enroll his/her child. (Education Code 48352)

District of residence means the district in which the parent/guardian of a student resides and in which the student would otherwise be required to enroll pursuant to Education Code 48200. (Education Code 48352)

Open enrollment school means a "low-achieving" school identified by the Superintendent of Public Instruction (SPI) pursuant to Education Code 48352 and 5 CCR 4701. (Education Code 48352; 5 CCR 4701)

Transfer Applications into a District School

Enrollment priority shall be available to students who reside within this district. No student who resides within a school's attendance area or who is currently enrolled in a school shall be displaced by a student who is transferring pursuant Education Code 48350-48361 or 5 CCR 4700-4703. (Education Code 48354, 48356)

Applications shall be submitted within the deadlines established by Board policy.

However, the application deadline shall not apply to an application requesting a transfer if the parent/guardian with whom the student resides is enlisted in the military and was relocated by the military within 90 days prior to submitting the application. (Education Code 48354)

The parent/guardian's application may request enrollment of his/her child in a specific school or program. Requests for admission to a magnet school or program designed to serve gifted and talented students shall be subject to the usual admission requirements established by the district for district students. Except for such specialized admission requirements, the Superintendent or designee shall not consider the student's previous academic achievement, athletic performance, physical condition, English language proficiency, family income, or any of the prohibited bases for discrimination listed in Education Code 200. (Education Code 48354, 48356)

(cf. 6173.2 - Education of Children of Military Families)

(cf. 0410 - Nondiscrimination in District Programs and Activities)
(cf. 6172 - Gifted and Talented Student Program)
Students applying for open enrollment transfers shall be assigned priority for approval as follows: (Education Code 48356)

1. First priority for the siblings of students who already attend the desired school

2. Second priority for students transferring from a program improvement school ranked in decile 1 on the Academic Performance Index (API)

If the number of students who request a particular school exceeds the number of spaces available at that school, the Superintendent or designee shall conduct a lottery, in the group priority order identified in items #1 and #2 above, to select students at random until all of the available spaces are filled. (Education Code 48356)

Within 60 days of receiving the application, the Superintendent or designee shall provide written notification to the parent/guardian and the student's district of residence as to whether the application has been accepted or rejected. If the application has been rejected, the notice shall state the reasons for the rejection. If the application has been approved, the notification shall specify the particular school site and the school's address to which the student has been admitted. (Education Code 48357; 5 CCR 4702)

**Terms of Approval**

The Superintendent or designee shall ensure that the school to which the student is transferring has a higher API than the school in which the student was previously enrolled. (Education Code 48356)

The parent/guardian shall enroll his/her child on or before the first day of instruction or within 14 calendar days of receipt of the district's notice of approval of the application, whichever is later. If the parent/guardian fails to enroll his/her child within this timeframe, the district may decline to enroll the student. (5 CCR 4703)

Upon enrollment, the district shall grant the student any credits towards graduation that he/she received from his/her district of residence. The student shall be eligible for graduation from district schools upon completion of state and district graduation requirements. (Education Code 48358)

(cf. 6143 - Courses of Study)
(cf. 6146.1 - High School Graduation Requirements)
(cf. 6146.5 - Elementary/Middle School Graduation Requirements)
(cf. 6162.52 - High School Exit Examination)

A student admitted to a district school through this process shall be deemed to have fulfilled district residency requirements pursuant to Education Code 48204 and shall not be required to reapply for enrollment in that school, regardless of whether his/her school of residence remains on the Open Enrollment List. (Education Code 48356; 5 CCR 4702)

Once admitted, a transfer student who wishes to matriculate into a district middle or high school or transfer to another district school shall reapply for admission to the new school pursuant to the requirements of Board policy and administrative regulation.
Parents/guardians are responsible for transporting their children to school.

**Transfers out of District Schools on the Open Enrollment List**

Upon identification by the California Department of Education (CDE) that a district school is on the Open Enrollment List, the Superintendent or designee shall notify the parents/guardians of each student enrolled in the school of the option to transfer. This notice shall be provided by the first day of instruction. However, if the CDE has not notified the district whether a school is on the list by the first day of instruction, the notification shall be provided no later than 14 calendar days after the Open Enrollment List is posted on the CDE’s web site. (Education Code 48354; 5 CCR 4702)

(cf. 0520.2 - Title I Program Improvement Schools)
(cf. 5145.6 - Parental Notifications)

Adoption History:
Initial Review: 02/07/11
The Governing Board believes that grades serve a valuable instructional purpose by helping students and parents/guardians identify the student’s areas of strength and those areas needing improvement. Students and parents/guardians have the right to receive course grades that represent an accurate evaluation of the student's achievement. Teachers shall evaluate a student's work in relation to standards which apply to all students at his/her grade level, not in relation to the work of other students in one particular class.

Grades should be based on impartial, consistent observation of the quality of the student's work and his/her mastery of course content and objectives as demonstrated through classroom participation, homework and assessments. The student's behavior and effort shall be reported in separate evaluations, not in his/her academic grade.

The teacher of each course shall determine the student’s grade. The grade assigned by the teacher shall not be changed by the Board or the Superintendent except as provided by law, Board policy and administrative regulation. (Education Code 49066) Teachers shall inform students and parents/guardians how student achievement will be evaluated in the classroom.

The Superintendent or designee shall establish and regularly evaluate a uniform grading system. Principals shall ensure that student grades conform to this system.

**Absences**

If a student misses class and does not subsequently turn in homework, take a test, or fulfill another class requirement which he/she missed, the teacher may lower the student's grade for nonperformance. Students who have unexcused absences may be denied make-up privileges. Students with excessive unexcused absences may be given a failing grade and not receive credit for the class(es) (Education Code 49067). Teachers shall inform students and parents/guardians how student achievement will be evaluated/graded at the beginning of the semester.

**Legal Reference:**

Education Code
48070 Promotion and retention
48205 Excused absences
48431.6 Required systematic review
49066 Grades; finalization; physical education class
49067 Mandated regulations regarding pupil's achievement
51220.3 Extra grade weighting for college admission courses
United States Code, Title 20
1232g Family Education Rights and Privacy Ace (FERPA)
6101-6251 School-to-Work Opportunities Act of 1994

**Web Sites:**

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

**Adoption History:**

Initial Adoption: 01/09/84
Reviewed/Revised: 09/14/87
09/13/93
07/19/99
05/04/00
02/11/02
09/12/05
12/08/08
Marks for Achievement (Grades K – 5)

Marks for Achievement for Kindergarten:

X = Mastery of Standard
/ = Not yet proficient

Marks for Achievement for Kindergarten shall be reported once at the end of the last trimester of a given school year:

4  Student’s rate of academic growth always meets grade level standards with a high degree of competency.
3  Student’s rate of academic growth consistently meets grade level standards
2  Student is approaching grade level standards
1  Student is below or far below grade level standards

Marks for Achievement for Grades 1 – 5:

Marks for achievement (grades 1 – 5) shall be reported each marking period as follows:

4  Demonstrates advanced mastery of grade level standards
3  Demonstrates mastery of grade level standards
2  Demonstrates partial mastery of grade level standards
1  The student performs below grade level in standards

The K-5 teacher will hold a conference once at the end of the first trimester. Whenever it becomes evident to a teacher that a student is in danger of failing a grade, the teacher shall arrange a special conference with the student’s parent/guardian.
Grades for Achievement (Grades 4–12)

Grades for achievement at grades 4-12 shall be reported each marking period as follows:

<table>
<thead>
<tr>
<th>Letter</th>
<th>Percentage</th>
<th>Description</th>
<th>Grade Points All Non-Honors/Non-Advanced Placement Courses</th>
<th>Grade Points UC Approved Honors/Advanced Placement Courses*</th>
</tr>
</thead>
<tbody>
<tr>
<td>A</td>
<td>90 – 100%</td>
<td>Meets all and exceeds most Grade Level or Course Standards</td>
<td>4.0 grade points</td>
<td>5.0 grade points</td>
</tr>
<tr>
<td>B</td>
<td>80 – 89%</td>
<td>Meets all and exceeds some Grade Level or Course Standards</td>
<td>3.0 grade points</td>
<td>4.0 grade points</td>
</tr>
<tr>
<td>C</td>
<td>70 – 79%</td>
<td>Meets all Grade Level or Course Standards</td>
<td>2.0 grade points</td>
<td>3.0 grade points</td>
</tr>
<tr>
<td>D</td>
<td>60 – 69%</td>
<td>Does Not Meet Many Grade Level or Course Standards</td>
<td>1.0 grade points</td>
<td>1.0 grade points</td>
</tr>
<tr>
<td>F</td>
<td>0 – 59%</td>
<td>Does Not Meet Most Grade Level or Course Standards</td>
<td>0 grade points</td>
<td>0 grade points</td>
</tr>
<tr>
<td>I</td>
<td>Incomplete</td>
<td></td>
<td>0 grade points</td>
<td>0 grade points</td>
</tr>
</tbody>
</table>

* The 5 point grade system will be used only if the student takes the Advanced Placement exam for that course. If the student does not take the Advanced Placement exam, the 4 point grade system will be used.

Plus and minus signs may be used at the option of the teacher but are not to be used to calculate final grade points.
Whenever it becomes evident to a teacher of grades 4-12 that a student is in danger of failing a grade or course/subject, the teacher shall arrange a conference with the student’s parent/guardian or send the parent/guardian a written report.

A student may receive an “Incomplete” in place of a grade only when circumstances beyond the control of the student prevents the student from completing a course. Such circumstances include:

- Hospitalization
- Prolonged illness
- Other reasons approved by the principal

An incomplete grade form must be filled out for each student who receives an “Incomplete.” See attachment A). If not made up within three weeks, the incomplete will become an F.

Students in grades 6 through 12 must earn at least a 2.0 or C grade point average each grading period in order to participate in extra/co-curricular activities.

Criteria for Grades for Achievement

A student merits a grade of “A” if he/she:
- Meets all and exceeds most grade level or course standards on daily work.
- Consistently scores an “A” (90-100% on tests).
- Does all assigned work and always completes make-up work on time.
- Retains and applies facts and principles to new and unfamiliar situations.
- May show creativity, initiative, and originality.
- Works accurately.
- Participates in class activities.

A student merits a grade of “B” if he/she:
- Meets all and exceeds some grade level or course standards on daily work.
- Consistently scores a “B” (80-89% or higher on tests).
- Does all assigned work and always completes make-up work on time.
- Retains and applies facts and principles for the grade level or course.
- May do some independent work of more than usual challenge, showing initiative.
- Works accurately with few errors.
- Participates in class activities.

A student merits a grade of “C” if he/she:
- Meets all grade level or course standards on daily work.
- Consistently scores a “C” (70-79% on tests).
- Does assigned work and usually makes up work on time.
- Retains and applies facts and principles for the grade level or course.
- Completes work with some errors.
- Participates in class activities.

A student merits a grade of “D” if he/she:
- Meets some grade level or course standards on daily work.
- Demonstrates below average performance in class work and on tests (below 70%).
- Rarely completes work on time.
- Struggles to understand skills for the grade level or course and seldom retains facts and principles.
- Work completed contains many errors.
- Seldom takes part in class activities.
A student merits a grade of “F” if he/she:

- Does not meet most grade level or course standards on daily work.
- Has consistent “Fail” record on class work and tests (Below 60%).
- Does not complete minimum requirements; seldom or never does assigned work or class tests.
- Makes little progress toward learning basic skills for grade or course and shows little or no progress toward applying facts and principles.
- Work completed contains many errors.
- Does not participate in most class activities.
- May have excessive or unexcused absences.

Honor Roll

Each school shall post an Honor Roll or Academic Achievement Awards (AAA). All courses except Pass/Fail shall be counted in computing eligibility for the Honor Roll. To qualify for the Honor Roll, a student must receive no current grade below a C or “3” and have a grade point average of 3.5 or better.

Pass/Fail Grading

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

Students shall be graded Pass/Fail for classes in which they serve as student aides unless predetermined goals and objectives related to specific subject knowledge are on file and have been approved by the principal or designee.

Repeated Classes

With the approval of the principal or designee, a student may repeat a course in order to raise his/her grade. The student shall receive credit only for taking the course once.

The highest grade received will be the permanent grade on the student’s transcript.

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

When ten or more unexcused absences occur, the student and parent/guardian shall be notified and informed of the district’s policy regarding excessive unexcused absences. The student and parent/guardian shall have a reasonable opportunity to explain the absence (Education Code 49067).
If the absence is not verified as excusable within 72 hours, it shall be recorded as unexcused. The person receiving any explanation of the absence by the patent/guardian shall make a record of this explanation and the date when it was given.

If a student receives a failing grade because of unexcused absences, school records shall specify that the grade was given because of excessive unexcused absences (Education Code 49067).

Grades for Citizenship and Effort

Citizenship and effort grades shall be considered totally independent of academic grades. Grades for citizenship and effort shall be reported each marking period as follows:

Grades K-12
E    Excellent
S    Satisfactory
N    Needs Improvement
U    Unsatisfactory

Criteria for determining grades for citizenship, effort, and work habits may include but are not limited to:

Student obeys school and classroom rules
Student respects public and personal property.
Student maintains courteous, cooperative relations with teachers and fellow students.
Student works without disturbing others.
Student takes responsibility for having necessary tools and materials.
Student shows interest and initiative.
Student goes to work immediately, and completes assignments.
Student uses free time resourcefully.
Student works cooperatively with others
Student follows verbal and written directions
Student completes and returns homework on time
Student participates and contributes to discussions

Reviewed: 07/19/99
05/04/00
02/11/02
09/12/05
12/08/08
07/09/12
The Governing Board expects students to progress with their peers through each grade level within one school year. To accomplish this, instruction should accommodate the varying interests and growth patterns of individual children and include strategies for addressing academic deficiencies when needed.

Students shall progress through the school system’s grade levels by demonstrating growth in learning the required basic skills.

Progress toward high school graduation shall be based on the student’s ability to pass the subjects and electives necessary to earn the required number of credits and their ability to pass the California High School Exit Exam (CAHSEE).

When high academic achievement is evident, the Superintendent or designee may recommend a student for acceleration into a higher grade level. However, the student’s social and emotional growth, as well as parent/guardian approval, shall be taken into consideration before placing him/her in a higher grade.

As early as possible in the school year and in students’ school careers, the Superintendent or designee shall identify students who should be retained and who are at risk of being retained, and notify the student’s parent/guardian, in accordance with law, Board Policy, and Administrative Regulation.

Students shall be identified on the basis of the assessment results on the state’s Standardized Testing and Reporting (STAR) program,

Legal Reference:
Education Code
37252.5 Supplemental Instruction
46300 Method of computing ADA
48011 Admission on completing kindergarten;
   Grade placement of pupils coming from other districts
48070 Promotion and retention
48431.6 Required systematic review of students and grading
56345 Elements of Individualized Education Plan
60641-60856 Standardized Testing and Reporting Program
60850-60856 Exit Examination

MGMT. Resources: CDE Program Advisories
0900.90 Changes in law concerning eligibility for admission to kindergarten 90-10

Adoption History:
Initial Adoption 08/09/82
Reviewed: 01/09/84
   09/13/83
   04/26/89
   05/12/03
   02/27/06
   01/11/10
The District recognizes that in order for acceleration or retention to be beneficial for the student, effective programmatic interventions need to be implemented.

**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 to first grade shall be subject to the following criteria:

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 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 District agree that the student shall continue in kindergarten for not more than one additional 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:

1. Between grades 1 and 2
2. Between grades 2 and 3
3. Between grades 3 and 4
4. Between grades 4 and 5
5. Between the end of the intermediate grades and the beginning of the middle school grade (Grades 5 and 6)
6. Between the end of the middle school grades and the beginning of the high school grades (Grades 8 and 9)

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 for possible retention between grades 4 and 5, between intermediate and middle grades and between middle school grades and high school. (Education Code 48070.5)

Students shall be identified on the basis of both assessment results and grades as established by Board Policy 5123.
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 an intervention program, the student’s academic performance shall be assessed at the end of the intervention 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)

If the student does not have a single regular classroom teacher, the principal or designee shall designate the teacher or teachers who shall be involved in the decision to retain a student. (Education Code 48070.5)

When a student is identified as being at risk for retention, the student’s parents/guardians shall be notified (in writing) as early in the school year as practical. The parents/guardians shall be provided with an opportunity to consult with the principal or designee to develop a remediation plan for the student. The parents/guardians shall also be provided an opportunity to consult with the teacher(s) involved in the decision to retain. (Education Code 48070.5)

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

The burden shall be on the appealing party to show why the decision to retain or promote 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 why the decision should be overruled. The appeal must be initiated within ten (10) school days of the receipt of the notice of retention. 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 working days of receiving a request to appeal, the Superintendent or designee shall determine whether or not to overrule the decision to retain. 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’s 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 decision of the Board shall be final.

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.

**Retention Criteria: Second through Sixth Grade Students**

All students, unless noted in an IEP, in grades designated by Education Code AB1639 may be considered for retention in the same grade. A student may only be retained once in elementary
school. Students with exceptional needs, i.e., those with an IEP or identified as English Language Learners, shall be eligible to participate in the process described below but may be retained only under special circumstances. Recommendations for retention shall normally proceed as follows:

1. The parent/guardian of the student shall have been notified in writing at least twice during the school year that their child is being considered for retention.
2. Students who are performing below grade level on District designated assessment(s) and/or receive a low (D) or failing (F) grade in at least one of the following areas, Reading/Language Arts/English or Mathematics shall be notified that they are at-risk of being retained and should participate in an intervention program to address their deficiencies.
3. Students who perform below grade level on district designated assessment(s) and/or receive a low (D) or failing (F) grade in both Reading/Language Arts/English and Mathematics shall be notified that they are required to attend a special class or participate in other interventions to address their academic deficiencies.
4. The final decision to promote or retain a student shall be based on:
   - Failure grades in academic areas issued at the trimester or semester and the end of the year
   - Performance assessment(s), which are appropriate to the individual grade level.
   - Participation in intervention programs (i.e. intersession classes, before- or after-school tutoring, etc.) designed to address specific academic deficiencies.
   - An SST or special retention team recommendation suggesting promotion or retention.

Retention Criteria: Grade Eight Students
Any eighth grade student who meets two of the following three criteria may be required to attend an intervention program prior to or during his/her ninth grade year

1. Seventh grade CST scores Far Below Basic in English Language Arts and math.
2. A grade of “F” in eighth grade English Language Arts or math on the first semester grade report and a failing grade in both subjects on the last progress report of the second semester.
3. Scores of Far Below Basic on English Language Arts and math district benchmarks during the second semester.

Remedial Instruction
With the parent/guardian consent, the Superintendent or designee may require a student who has been recommended for retention or has been identified as being at risk of retention to participate in a supplemental instructional program. Such programs shall be offered during the summer, before or after school, on Saturdays, or during intercessions. Services shall not be provided during the regular instructional day if it would result in the student being removed from classroom instruction in the core curriculum. (Education Code 37252.5)

These services shall be provided to students in the following priority order:

1. Students who have been recommended for retention or who have been identified as being at risk for retention pursuant to Education Code 48070.5
2. Students who have been identified as having a deficiency in mathematics, reading or written expression based on the results of the test administered under the STAR program
The supplemental instructional programs shall be developed in accordance with the requirements of Educational Code 37252.5.
Criteria

Any eighth grade student who receives two failing grades (F’s) or two unsatisfactory (U) citizenship grades in the same two courses for the first semester will have his/her progress reviewed in those courses at the last progress report of the 2nd semester. If the failing (F) and unsatisfactory (U) grades remain in both classes, the student shall be excluded from all promotion exercises, activities and ceremonies. Students suspended from school during the last quarter (9 weeks) may be excluded from promotion exercises and end of year activities.

NOTIFICATION

The parents of all eighth grade students will receive a letter from the Principal explaining the promotion policy during the first semester. In addition, the parents of students who meet these criteria will receive written notification during each semester. The parents of these students will be asked to meet with their students’ teachers at the end of the first semester. Parents shall receive a final letter of notification if their son/daughter still meets the exclusion from promotion criteria on the last progress report of the second semester. The Principal or their designee will ensure that all parents of excluded students receive the final notification letter. All written notices shall be provided in the home language of the receiving family.

APPEAL PROCESS

Parents have the right to request a conference with the Principal for the purpose of verification of their student’s academic record and to receive an explanation of the reasons for their student’s exclusion from the promotion exercises.
Reporting to Parents

The Governing Board believes that good communication between parent/guardian and teacher is important in the educational process. Reporting contacts between parent/guardian and teacher should be varied and frequent, and all appropriate forms of communication should be utilized, including parent-teacher conferences, newsletters, mail, telephone, and/or school visitation by parents/guardians.

As part of this communication, teachers shall send progress reports to parents/guardians at regular intervals and shall encourage parents/guardians to communicate any concerns to the teacher. In addition, the district shall send parents/guardians all notifications required by law.

The parent/guardian shall be notified of a student’s truancy and be informed of alternative educational programs available in the district and of their right to meet with district personnel to discuss solutions to the student’s truancy.

Students who are on an individualized education program are to be evaluated regularly, and the evaluations shall be communicated to the parents according to the regulations and procedures for special education services.

The results of all standardized tests administered to students by the school shall be formally reported in writing to their parents or guardians.

As needed, the Superintendent or designee shall use interpreters who are fully competent in the specialized method of communication needed for effective communication with disabled parents/guardians.

The Superintendent or designee shall also use interpreters for parents/guardians who do not understand English, shall provide progress reports in the primary language of the parent/guardian, and/or shall identify appropriate means of communication with such parents/guardians.

The Superintendent or designee shall establish a procedure whereby parents/guardians may request an interpreter and shall inform parents/guardians about this procedure.
Legal Reference:

EDUCATION CODE
48985 Notices in language other than English
49067 Regulations regarding pupil’s achievement
49069 Absolute right to access

GOVERNMENT CODE
11135 State-funded programs or activities

UNITED STATES CODE, TITLE 29
794 Rehabilitation Act of 1973, Section 504

UNITED STATES CODE, TITLE 42
2000d et seq. Title VI, Civil Rights Act of 1964
12101 et seq. Americans with Disabilities Act

CODE OF FEDERAL REGULATIONS, TITLE 28
35.104 Definitions; auxiliary aids and services
35.130 General prohibitions against discrimination
35.160 Communications

CODE OF FEDERAL REGULATIONS, TITLE 34
104.4 Discrimination prohibited

Adoption History:
Initial Adoption: 01/09/84
Reviewed/Revised: 05/13/85
03/24/97
09/25/00
05/23/05
02/09/09
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.

**Custodian of 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 the board policy and administrative procedure regarding student records. (Code of Regulations, Title 5, Section 431)

Legal Reference:

Education Code:
- 48201 Student records for transfer students who have been suspended/expelled
- 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
- 48918 Rules governing expulsion procedures
- 49060-49079 Pupil records
- 49091.14 Parental review of curriculum

Code of Civil Procedure:
- 1985.3 Subpoena duces tecum

Family Code:
- 3025 Parental access to records by non custodial 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:
1232 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)

Adoption History: 08/09/82
Reviewed/Revised 04/08/91
05/11/98
10/22/01
05/23/05
11/17/08
Definitions

“Parent” means a natural parent, adoptive parent, surrogate parent, foster parent, or legal guardian. (Education Code 49061, 56050, 56055)

If parents are divorced or legally separated, only parent(s) having legal custody of the student may challenge the content of a record, offer a written response to a record or consent to release 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)

“Adult student” means a person who is or was enrolled in school and who is at least 18 years of age. (Code of Regulations, Title 5, Section 430)

Once a student reaches the age of 18 or attends a postsecondary school, he/she alone shall exercise rights related to his/her records and grant consent for the release of records. (Education Code 49061, 34 CFR 99.3-99.5)

“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)

“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, a list of personal characteristics or other information that would make the student’s identity easily traceable. (34 CFR 99.3)

“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)

“Student record” means any item of information, other than directory information, directly related to an identifiable student and maintained by the district or required to be maintained by a school employee in the performance of his/her duties whether recorded in handwriting, print, tapes, film, computer media, microfiche or by other means. The student record shall include the student’s health record. (Education Code 49061-2, 34 CFR 99.3) (5 CCR 430)

“Student record” means information relative to a student gathered within or without the school system. Any information maintained for the purpose of second-party review is considered a student record. (Code of Regulations, Title 5, Section 430)

“Student record” shall not include: informal notes about a student which a school employee keeps for private use and are not revealed to any other person except a substitute, (Education Code 49061) and records of the law enforcement unit of the district, subject to the provisions of 34 CFR 998.
“Eligible student” means a person 16 years or older or who has completed grade 10. (Title 5, Section 430)

“County Placing Agency” means the county social service department or county probation department. (Education Code 49061)

“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 require that they have access to student records.

“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, and include:

1. Legal name of student
2. Date and place of birth
3. Method of verification of birth date
4. Sex/gender of student
5. Name and address of parent/guardian of minor student
   a. Address of minor student if different from the above
   b. Annual verification of parent’s name and address and student’s residence
6. Beginning and ending date of each school year and for any summer session or other extra session
7. Subjects taken during each year, half-year, intersession or summer session, or quarter marks or grades given
8. Verification of required immunizations or waiver/exemption
9. Date of high school graduation or equivalent

“Mandatory interim student records” are those records which the schools are directed to compile and which may be destroyed after a stipulated length of time. (Title 5, Section 430) 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:

1. A log identifying persons or agencies who request or receive information from the student record
2. Health information, including verification or waiver of health screening
3. Information on participation in special education programs, including required tests, case studies, authorizations, and evidence of eligibility for admission or discharge
4. Language training records
5. Progress slips/ notices required by Education Code 49066 and 49067
6. Parental stipulations regarding access to directory information
7. Parent or adult student rejoinders to challenged records and to disciplinary action
8. Parental authorization or denial of student participation in specific programs
9. Results of standardized tests given within the past three years
10. Expulsion orders
11. Written findings regarding placement and departure in independent study programs

“Permitted records” are kept only as appropriate for the current education process of the student. Permitted student records may be destroyed six months after the student completes or withdraws from the educational program, including: (5 CCR 430)

1. Objective counselor/teacher ratings
2. Disciplinary notices and data
3. Verified reports of relevant behavior patterns
4. Standardized test results older than three years
5. Supplementary attendance 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 or adult student. (Title 5, Section 437)

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

Retention and Destruction of Student Records

Mandatory permanent student records shall be kept in perpetuity. Unless forwarded to another district, mandatory interim student records may be destroyed three years after determining that their usefulness has ceased or that the student has left the district. Permitted student records may be destroyed when their usefulness ceases. They may be destroyed six months after the student completes or withdraws from the educational program. (Title 5, Section 437)

Records shall be destroyed in a way that guarantees they will not be viewed by the public. (Title 5, Section 437)

Access to Student Records

The custodian of records shall be responsible for the security of student records and shall assure that access is limited to authorized persons and the custodian of records or the Superintendent or designee shall prevent the alteration, damage or loss of records during inspection (5 CCR 435). (Title 5, Section 433)

Access to parents of students under age 18, or an authorized person shall be provided within five days, during school hours. (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)

Persons, agencies or organizations specifically granted access rights pursuant to state law shall have access without written parental consent or judicial order. (Education Code 49076) This includes information 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)
Persons, agencies or organizations not afforded access rights may be granted access only through written permission of the adult student or the parent or authorized in compliance with a court order or lawfully issued subpoena. (Education Code 49075, 49077)

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)

Those granted access are prohibited from releasing information to another person or agency without written permission from the parent or adult student (Education Code 49076)

**Mandatory Access**

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)

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 500.5). (Education Code 49061)

3. Those so authorized in compliance with a court order or lawfully issued subpoena. (Education Code 49077) If lawfully possible, the district shall first give the parent or adult student three days notice, telling who is requesting what records. (Code of Regulations, Title 5, Section 435)

The following persons or agencies shall have access to those particular records which 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 employees

4. School attendance and review board members, 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.

5. Officials or employees of other public schools or school systems including 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 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

11. Any county placing agency for the purpose of fulfilling case management responsibilities required by juvenile court or the Welfare and Institutions Code 16010 or to assist with the school transfer or enrollment of a student. 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)

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 Public Health. 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 date and place of birth. (Health and Safety Code 120440). Prior to release, the District must notify the student’s parents that they may refuse the release of information.

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)

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)

**Permitted Access**

Parental consent is not required when information is shared with other persons within educational institutions, agencies or organizations obtaining access, so long as those persons have a legitimate interest in the information. (Education Code 49076)
The Superintendent or designee may release information from student records to the following: (Education Code 49076)

1. Appropriate parties such as law enforcement, public health officials and medical personnel in an emergency if health and safety are at stake
2. Agencies or organizations in connection with student’s application for, or receipt of, financial aid
3. Accrediting associations
4. Organizations conducting studies on behalf of educational institutions or agencies, as limited by Education Code 49076 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, subject to the parental rights in Education Code 49068
6. County elections officials may have access to information for the purpose of identifying students eligible to register to vote and offering such students an opportunity to register (Education Code 49076)

**Release of Directory Information (See Board Policy 5125.1 also)**

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: (34CFR99.3; Education Code 49061)

- Name
- Address
- Telephone number
- Electronic mail address
- Photograph
- Date and place of birth
- Major field of study
- Participation in officially recognized activities and sports
- Weight and height of athletic team members
- Dates of attendance
- Degrees and awards received
- Most recent previous school attended

Release of specific categories of directory information to any public or private non-profit organization may be denied if the release of such information is contrary to the best interest of the student.

**Notification to Parents/Guardians Regarding Directory Information**

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; 34CFR 99.37)

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)

Names and addresses of graduating or terminating students may be released to requesting private schools or colleges or their authorized representatives. (Education Code 49073)

**Parent/Guardian Consent**

Directory information shall not be released regarding any student whose parent/guardian notifies the district in writing that such information not be disclosed without the parent/guardian’s prior consent. (Education Code 49073; 20 USC 1232g; 20 USC 7908)

**Access Log**

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

For each student’s record, the school custodian of records shall keep a log identifying all persons, agencies or organizations requesting or receiving information from the record. 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 have to be signed by:

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
4. Parties who provide written parental consent. In this case, the consent notice shall be filed with the record (Education Code 49075)
5. School officials or employees who have legitimate educational interest

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

**Notification of Parents**

Upon students’ initial enrollment and at the beginning of each year thereafter, the district shall notify parents in writing of their rights related to student records. Insofar as practicable, these notices shall be written in the student’s home language and also shall notify parents/guardians who are disabled. (Education Code 49063, 34 CFR 99.7)
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)

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, 34 CFR 99.31)

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)

Parents also shall be notified:

1. That they may inspect, review, and obtain copies of student records during regular school hours
2. What types of student records are kept
3. The location of all official student records
4. The titles of the officials responsible for maintaining the records
5. The location of the log identifying those who request information from the records
6. District criteria for defining “school officials and employees” and for determining “legitimate educational interest”
7. District procedures for reviewing and expunging student records
8. 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
9. The cost, if any, charged for reproducing copies of records
10. The categories of information defined as directory information pursuant to Education Code 49073
11. Any other rights and requirements set forth in Education Code 49060-49078, and the right of parents to file a complaint with the United States Department of Health, Education, and
Welfare concerning an alleged failure by the district to comply with the provisions of Section 438 of the Federal Educational Rights and Privacy Act (20 USC1232)

12. The availability of qualified certificated personnel to interpret records when requested (Education Code 49069)

13. 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 (34 CFR 99.34)

14. 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)
   a. The type of information that will be shared
   b. The name and address of the agency with which the district will share the information
   c. 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, WIC service providers, county welfare departments, and health care plans, and foster care agencies
   d. 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
   e. That the parent/guardian has the right to examine any immunization-related information shared in this manner and to correct any errors
   f. That the parent/guardian may refuse to allow this information to be shared

15. 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

16. 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

Reproduction of Student Records

To provide copies of any student record, the district may charge a reasonable fee not to exceed the actual cost of furnishing 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)

Within five (5) days following the date of request, a parent or guardian or other authorized person shall be granted access to inspect, review, and obtain copies of student records during regular school hours. (Education Code 49069)

Certificated personnel shall be available to interpret records where appropriate. (Title 5, Section 431)

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

When a student transfers to another school district or to a private school, this district shall forward a copy of his/her mandatory permanent records as requested by the other district or private school. The original or a copy shall be retained permanently by this district. (Code of Regulations, Title 5, Section 438)

Mandatory interim records, including expulsion orders, shall be sent upon request to other California public school districts. Mandatory interim records may also be sent to out-of-state or private schools requesting them. (Title 5, Section 438)

Permitted records may be sent to any other public school district or private school. (Title 5, Section 438)

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 two 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. (Title 5, Section 438)

If the student transfers into the district from any other school district or a private school, this district shall inform the parent of his/her right to receive a copy of the permanent record received from the former school. The parent also shall be informed of his/her right to review or to challenge the contents of that record. (Title 5, Section 438, Education Code 49068)

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. Once received, the Superintendent or designee must inform the student’s teachers of these acts. (AR4158m 4258, 4358) (Education Code 48201)

Student records shall not be withheld from the requesting district because of any charges or fees owed by the student or parent. (Title 5, Section 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.

Initial Review: 05/11/98
Reviewed/Revised: 10/22/01
05/23/05
10/11/05
11/17/08
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, Board policy, and administrative regulation.

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

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

Colleges and prospective employers, including military recruiters, shall have access to directory information. Military recruiters shall have access to a student’s name, address, and telephone number, unless the parent/guardian has specified that the information not be released in accordance with law and administrative regulation. (20 USC 7908; 10 USC 503; Education Code 49603)

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

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:

Adoption History:
Initial Adoption: 11/17/08
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)

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 not be disclosed without the parent/guardian's prior consent. (Education Code 49073; 20 USC 1232g; 20 USC 7908)

Initial Review: 11/17/08
Pursuant to Education Code Section 48904, the parent or guardian of any minor whose willful misconduct results in injury or death to any pupil or any person employed by or performing volunteer services for a school district or private school, or who willfully cuts, defaces, or otherwise injures in any way any property, real or personal, belonging to a school district or private school, or personal property of any school employee, shall be liable for all damages so caused by the minor.

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.

Education Code Section 48904 also states that if the student and parent/guardian are unable to pay for the damages or return the property, the school district or designee shall provide a program of voluntary work for the minor in lieu of the payment of monetary damages. Upon completion of the voluntary work, the grades, diploma, and transcripts of the pupil shall be released.

San Marcos Unified school District students unable to pay monies owed due to the destruction of school property, or the failure to return school property, will be given the option to work at the prevailing minimum wage in order to erase this debt. Division of the debt by prevailing minimum wage will determine the actual hours to be worked.

1. A completed contract, signed by the referring administrator and both the student and parent (prior to work commencing), will stipulate hours and times to be worked in lieu of payment of monies owed.

2. The referring administrator will designate a staff member to be responsible for supervision and verification of work completed.

3. The referring administrator will notify counseling of satisfactory completion of the student work contract and/or payment of fees so that transcripts, diplomas, and/or report cards can be released.

4. Failure to fulfill contractual obligations or failure to pay monies owed will prevent official transcripts and/or semester grades from being forwarded or released, except to another school district and may also prevent the student from participating in extra curricular activities. In such cases, the District must afford the student his/her due process rights, and the District's procedures must parallel Education Code procedures for student expulsion. (Education Code 48904)
Note: California Administrator's Code, Title 5 Section 438, forbids withholding student records from requesting districts because of any school charges or fees, i.e., meal tickets, library fines, crafts, class fees, etc. Upon receiving notice that the district is withholding a student's grades, diploma, or transcripts resulting from damage or loss of school property, however, any district to which the student transfers must also withhold them until it receives notice that the first district's decision has been rescinded. (Ed. Code 48904.3)

5. 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)

Legal Reference:
Education Code:
48904
48904.3
48911
49069

Adoption History:
Initial Review: 04/09/84
Reviewed: 07/19/99
12/06/00
01/08/01
08/25/03
09/12/05
05/11/09
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.

At the discretion of the Superintendent or designee, a student who has not passed the California High School Exit Exam, has taken the exam at every opportunity provided during his/her senior year, and has met all other graduation requirements may participate in graduation exercises without receiving his/her diploma. When the California High School Exit Exam requirement has been satisfied, the student will be granted his/her diploma.

The school or district shall not direct invocations, prayers or benedictions at graduation ceremonies. The school or district shall not sponsor other ceremonies or programs for graduates that include prayer.

DISCIPLINARY CONSIDERATION
While recognizing the importance of graduation ceremonies, the Board also desires to maintain high standards of student conduct and behavior. Graduation ceremonies are offered for students in good standing. The principal may deny the privilege of participating in these ceremonies.

HONORS AND AWARDS
Graduation ceremonies shall include recognition of superior academic 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 non-school awards.

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

Adoption History:
Initial Adoption: 11/14/05
Reviewed/Revised: 01/23/06
05/11/09
08/23/10
Graduation ceremonies are dignified and are intended to showcase graduating students and their special efforts. To that end, the following guidelines are implemented:

VALEDICTORIAN AND SALUTATORIAN

The Valedictorian is to be the student with the highest overall GPA, unless a statistically irrelevant difference exists between two or more students.

The Salutatorian is to be the student with the second highest overall GPA unless a statistically irrelevant difference exists between two or more students.

The Valedictorian and Salutatorian will be determined by the second progress report grades, calculated as semester grades. Students must complete AP exams in order to receive weighted grades.

Beginning with the Class of 2013 the above language will expire and students will no longer be ranked according to academic achievement. Additionally, class rank will be eliminated from student transcripts. A baseline set of criteria will be developed during the 2011-12 school year, that will be used to determine who speaks at graduation. The Valedictorian(s) will be the student(s) who deliver the commencement address.

HONORARY DISTINCTIONS

Honor graduates must have an overall GPA of 3.75 or higher by the end of the second progress report of the second semester of their senior year, and will wear distinctive attire.

National Honor Society (NHS) members will wear a white sash and California Scholarship Federation (CSF) members will wear a gold cord.

Students who have successfully completed four semesters in AVID or one of the academic academies and who have an overall GPA of 3.0 or higher will be eligible to wear a distinctive colored cord.

CLUBS

Graduating seniors may wear a special distinctive club pin if they meet the following criteria:

1. The pin must be approved by school administration.
2. The student must have an overall GPA of 2.5 or higher.
3. The student must have participated in the club for at least two years, one of which being the senior year.

SPEAKERS AND AWARDS

The Valedictorian(s) will be the only student speakers.

Other awards presented will be unique to the individual high school.

Initial Review: 01/23/06
Reviewed/Revised: 05/11/09
08/23/10
The Governing Board believes that all students have the right to a public education in a positive environment free from disruptions which interfere with teaching and learning activities. In order to promote an atmosphere conducive to learning, it is imperative that the Board, parents, students, teachers, and the administration be cognizant of their responsibilities related to student conduct.

Governing Board

The Governing Board is responsible for prescribing rules for the government and discipline of the schools under its jurisdiction. The Board holds the certificated personnel responsible for the proper conduct and control of students under their charge within the behavioral guidelines established by the Board in conjunction with the administration. The Board shall provide all reasonable support to certificated personnel with respect to student conduct and discipline.

Superintendent

The Superintendent shall establish the necessary procedures to implement and enforce the Board's discipline policy. He/she shall notify the parents/guardians of all students of the availability of the District's policy and procedures related to conduct and discipline.

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

School Principal

The school principal, acting as the Superintendent's designee, shall initiate and enforce a set of school rules, in keeping with district policy and regulation, which facilitate effective learning and promote attitudes and habits of good citizenship.

School rules shall be communicated by the principal to continuing students at the beginning of the fall semester and to transfer students at the time of their enrollment.

The principal shall support the classroom teacher in his/her efforts to promote improved and acceptable behavior in students.

Teachers

Teachers shall conduct a well-planned effective classroom program and initiate and enforce a set of classroom regulations that facilitate effective learning.

Teachers shall cooperate with administrators and other classroom teachers in enforcing general school rules and appropriate campus behavior.
Teachers and other employees who supervise students 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.

**Classified**

Classified personnel shall assume responsibility and authority for the proper and adequate supervision of pupils in those instances and areas specifically assigned by the superintendent and/or the principal.

**Parents**

Parents are expected to comply with the laws governing the conduct and education of their children. They shall also be expected to cooperate with school authorities regarding the behavior of their children. Parents/guardians shall be held liable for misconduct of students which leads to the death or injury to any student, or to any persons employed by or volunteering for the school district. Parents/guardians are also liable for defacement, injury, or loss of any property belonging to the District. Penalties shall be those specified in law.

**Students**

Students shall be properly instructed in the rules and regulations pertaining to acceptable conduct as set by the Governing Board. All students shall comply with the regulations of the school district, comply with the course of study, and submit to the authority of the teachers and administration of the schools. Students who violate the law, or the rules and regulations of the school district, may be subject to arrest, transfer to alternative programs, discipline, suspension, exclusion, or expulsion.

Students should have the freedom and be encouraged to express their individuality, as long as their conduct does not infringe upon the freedom of other students or interfere with the instructional program, while on school grounds, while going to or coming from school, while at school activities, and while on district transportation.

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

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.

Prohibited student conduct includes, but is not limited to:

1. Conduct that endangers students, staff, or others.
2. Conduct that disrupts the orderly classroom or school environment.
3. Intimidation or harassment of staff or other students through words or actions (bullying, hazing, threatening). Such behavior includes direct physical contact, such as hitting or shoving, verbal assaults, such as teasing or name-calling; and social isolation or manipulation. Cyberbullying
includes the posting of harassing messages, direct threats, social cruelty, or other harmful text or images on the Internet, social networking sites, or other digital technologies, as well as breaking into another person’s account and assuming that person’s identity in order to damage that person’s reputation or friendships.

Any student who engages in cyberbullying using district-owned equipment, on school premises, or off-campus in a manner that impacts 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.

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

5. Possession of laser pointers on campus or at school activities unless used for a valid instructional or other school-related purpose.

6. Use of profane, vulgar or abusive language.

7. Plagiarism or dishonesty in school work or on tests.

8. Inappropriate dress.

9. Tardiness and unexcused absence from school, or failure to remain on school premises in accordance with school rules.

10. Possession, use, or being under the influence of tobacco, alcohol, or other prohibited drug in violation of school rules.

Possession/Use of Cellular Phones and Other Mobile Communications Devices

It is the intent of the San Marcos Unified School District’s Board of Education, in exercising it’s authority to regulate the use of electronic signaling devices, to establish guidelines and regulations that will ensure the continuation of a positive climate for learning, free from unnecessary disruptions. The Board recognizes that, as the technology of wireless communication in our society has evolved, there is now widespread use of electronic signaling devices, including cellular and digital telephones and paging devices, among our student population that previously has been prohibited.

The Board believes that, although recent changes is state law no longer prohibit students from possessing or using signaling devices, restrictions on their use on a school campus must exist to ensure that such use does not interfere with classroom instruction or other school activities.

The Board does not encourage student possession or use of electronic signaling devices on a school campus nor does it assume liability if such devices are damaged, lost or stolen. Students are prohibited from using such devices in the classroom or in a school environment where such use would infringe on the rights of another student or would interfere with the school program. Telephones and pagers are to be turned off in the classroom and during school activities in which
their use would cause a disruption. Students who use these devices on campus shall do so only before school, at break, lunch and after school, or during passing periods. The Board encourages students to use cellular telephones for family business and emergency purposes only.

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.

Students may possess or use on school campus personal electronic signaling devices including, but not limited to, pagers 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 and are not used for illegal or unethical activities such as cheating on assignments or tests. If a disruption occurs or a student uses any mobile communications device for improper activities, a school employee shall direct the student to turn off the device and/or shall confiscate it. If the school employee finds it necessary to confiscate the device, he/she shall deliver it to an administrator or law enforcement.

In accordance with the Board’s policy and administrative regulations (BP/AP 5145.12) on search and seizure, a school official may search a student’s mobile communications device, including, but not limited to, reviewing messages or viewing pictures.

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

Legal Reference:

**Education Code**

200-262.4  Prohibition of discrimination
32050  Hazing
32261  Bullying
35181  Governing Board policy on responsibilities of students
35291-35291.5  Rules
44807  Duty concerning conduct of students
48900-48925  Suspension or expulsion
48908  Duties of students
48980-48981  Notification of parent or guardian
51512  Prohibition of use of electronic listening or recording device in classroom.

**Code of Regulation, Title 5**

300-307  Duties of pupils

**Civil Code**

1714.1  Liability of parents and guardians for willful misconduct of minor
Penal Code
417.25-417.27 Laser scope
647-647.7 Use of camera to invade person’s privacy.
653.2 Electronic communication devices, threats to safety

Vehicle Code
23124 Use of cellular phones provisional license holders

United States Code, Title 42
2000h-2000h6 Title IX. 1972 Education Act Amendments

Adoption History:
8/9/82
9/13/93
Reviewed: 03/24/97
09/08/03
05/23/05
05/12/08
01/12/09
Bus transportation is a privilege extended only to students who display good conduct while preparing to ride, riding or leaving the bus. Continued disorderly conduct or persistent refusal to submit to the authority of the driver shall be sufficient reason for a student to be denied transportation.

The Superintendent or designee shall establish regulations related to bus conduct, bus driver authority, and the suspension of riding privileges. The Governing Board shall make these rules available to parents/guardians and students. (Code of Regulations, Title 5, Section 14103)

Video cameras may be used on school buses to monitor student behavior while traveling to and from school and school activities. The Board believes that such monitoring will deter misconduct and help to ensure the safety of students and staff. Students found to be in violation of the district’s bus conduct rules shall be subject to discipline in accordance with district policy and regulations.

At the discretion of the Superintendent or designee, school bus video recordings also may be used to resolve complaints by students and/or parents/guardians and to help employees maintain discipline.

Legal Reference:

EDUCATION CODE
36160 Authority of governing boards
38020 Transportation
44080 Duty to supervise conduct of students
48918 Expulsion procedures
49061 Definition of student records
49073-49079 Privacy of student records
GOVERNMENT CODE
6253 Public records open to inspection
6254 Records exempt from disclosure
CODE OF REGULATIONS, TITLE 5
14103 Authority of the driver
UNITED STATES CODE, TITLE 20
1232g Family Educational Rights and Privacy Act

History:
Reviewed: 3/13/00
Adopted: 4/10/00
The Governing Board of the San Marcos Unified School District affirms that every student and staff member has the right to a safe and secure school environment, free of humiliation, intimidation, fear, harassment, or any form of bullying behavior. Furthermore, the Board believes that a healthy, positive school environment enhances and increases academic achievement, attendance and social development and therefore the prevention, reduction, elimination and effective disposition of bullying are fundamental to educational goals. The District, students, families, and staff have an obligation to create an environment that celebrates and respects diversity and human dignity and admonishes bullying behavior. To this end, the District has in place policies, procedures, and practices that are designed to reduce and eliminate bullying and harassment as well as address incidents of bullying and harassment when they occur.

The District will not tolerate bullying as defined in this policy – or any behavior that infringes on the safety or well-being of students, staff, or any other persons within the District's jurisdiction whether directed at an individual or group.

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.

To address incidents of bullying and the potential culture that supports such behavior, this policy has the following objectives:

1. Cultivate a culture of empathy, kindness, respect, and mutual trust among students and between students and staff;
2. Create a school climate which encourages students to disclose and discuss incidents of bullying, both in their roles as victims, perpetrators and bystanders;
3. Demonstrate a commitment to address incidents of bullying by outlining the school response to any such behaviors.

Definitions
Bullying means, “any severe or pervasive physical or verbal act or conduct committed by a pupil or group of pupils, including communications made in writing or by means of an electronic act, as defined, including but not limited to sexual harassment, hate violence, harassment, threats, or intimidation as defined in Education Code Sections 48900.2, 48900.3, and 48900.4 that has the effect or can be reasonably predicted to have the effect of one or more of the following:

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

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

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

*Note: Reasonable pupil refers to a pupil with a disability as defined in Education Code Section 56026.”
d. Causing a *reasonable pupil to experience substantial interference with his or her ability to participate in or benefit from the services, activities, or privileges provided by a school.

*Reasonable pupil means, “a pupil including but not limited to an exceptional needs pupil who exercises average care, skill and judgment in conduct for a person of his or her age or for a person of his or her age with his or her exceptional needs.”  Education Code 48900.4(3)

**Electronic act means the transmission of a communication, including, but not limited to, a message, text, sound, or image, or a post on a social network internet web site, by means of an electronic device, including, but not limited to, a telephone, wireless telephone or other wireless communication device, computer, or pager.

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.

**Prevention and Intervention**
Strategies for bullying prevention and intervention may be developed with involvement of key stakeholders in accordance with law, board policy, and administrative regulation governing the development of comprehensive safety plans and shall be incorporated into such plans.

**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.

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.

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

**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)
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 a timely manner.

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.

Compliance Officer
The Board hereby designates the Assistant Superintendent of Instructional Services as the Compliance Officer to oversee the District’s handling of complaints of bullying based on actual or perceived disability, gender, gender identity, gender expression, nationality, race or ethnicity, religion, sexual orientation, or association with a person or group with one or more of these actual or perceived characteristics.

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
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/ls/ss
Center for Safe and Responsible Internet Use: http://cyberbully.org
National School Boards Association: http://www.nsba.org
National School Safety Center: http://www.schoolsafety.us
U.S. Department of Education, Office for Civil Rights: http://www.ed.gov/about/offices/list/ocr

Adoption History:
Initial Review: 08/13/12
Adoption: 09/10/12
Revision: 11/13/12
BULLYING

Definitions
Bullying means, “any severe or pervasive physical or verbal act or conduct committed by a pupil or group of pupils, including communications made in writing or by means of an **electronic act, as defined, including but not limited to sexual harassment, hate violence, harassment, threats, or intimidation as defined in Education Code Sections 48900.2, 48900.3, and 48900.4 that has the effect or can be reasonably predicted to have the effect of one or more of the following:

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

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

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

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

*Reasonable pupil means, “a pupil including but not limited to an exceptional needs pupil who exercises average care, skill and judgment in conduct for a person of his or her age or for a person of his or her age with his or her exceptional needs.” Education Code 48900.4(3)

**Electronic act means the transmission of a communication, including, but not limited to, a message, text, sound, or image, or a post on a social network internet web site, by means of an electronic device, including, but not limited to, a telephone, wireless telephone or other wireless communication device, computer, or pager.

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.

Education

The Superintendent or designee may take appropriate actions to reinforce the district’s bullying prevention and intervention which may include:

1. Focusing of the social environment of the school;
2. Assessing bullying at the school;
3. Garnering staff and parent support for bullying prevention;
4. Forming a group to coordinate the schools’ bullying prevention activities;
5. Training staff on bullying prevention practices;
6. Establishing and enforcing school rules and policies related to bullying;
7. Intervening consistently and appropriately in bullying situations;
8. Focusing class time on bullying prevention;
9. Continuing these efforts over time.
Posting and Dissemination
The Superintendent or designee shall ensure that information about Board Policy 5131.2, “Bullying,” is posted in all schools and offices, including staff lounges and student government meeting rooms. The existence of this policy, and the manner in which to file a complaint, shall be publicized to pupils, parents, employees, and the general public. The information shall be translated pursuant to Education Code 48985.

Intervention /Discipline

A. If school personnel witness an act of bullying, discrimination, harassment, or intimidation, he or she shall take immediate steps to intervene when safe to do so.

B. The Principal or designee shall decide the appropriate way to deal with bullying behavior if the investigation has proven that the student who engaged in the bullying behavior has violated this policy. Interventions and consequences must be age-appropriate and equal to the severity of the violation. In dealing with bullying behavior, the designee should regard the bullying behavior and the situation as unique and create an intervention/discipline plan based on the particular characteristics of the situation to ensure that the plan remedies the bullying, decreases chances of retaliation, and helps rehabilitate the student who has engaged in bullying behavior (if appropriate). Some acts of bullying may be part of a larger pattern of bullying that requires a response either at the classroom, school site, or District levels or by law enforcement officials. Consequences and appropriate remedial actions for a student who commits an act of bullying may range from behavioral interventions and education up to and including suspension/expulsion, or referral to law enforcement.

Reporting and Complaint Investigation Process

A. Students who are the targets of bullying, discrimination, harassment, or intimidation, and any person who has witnessed or has direct knowledge of such conduct, are encouraged to report the abuse to the principal/designee, or a trusted school staff member. Reports may be made anonymously, but may hinder the effectiveness of an investigation. Both oral and anonymous reports shall be documented by the receiving administrator.

If a student or staff member feels that he/she is the target of cyberbullying, the student or staff member is encouraged to save and print any messages or other posts sent to them that they feel constitutes cyberbullying and to notify a teacher, principal or other employee so that the matter may be investigated.

B. Any pupil wishing to make a complaint of bullying, discrimination, harassment, or intimidation should immediately report it to the principal or designee or any staff member. Within 24 hours of being so informed, staff members shall report complaints to the principal/designee for handling. A pupil making a complaint shall not suffer any reprisal for doing so. The District will promptly and thoroughly investigate all written, electronic, or verbal complaints of bullying. The District also will take immediate and appropriate action to resolve such complaints.
C. Upon receiving a report either directly from the target of bullying, a witness to bullying, or from a teacher or staff member, the principal or principal’s designee must initiate the Investigation Procedures.

The Investigation must be prompt, diligent, and adhere to the District’s set timelines. All interviews of witnesses, the victim, and the accused shall be conducted separately. During an investigation, all individuals involved must, to the extent reasonably possible, maintain the confidentiality of the proceedings and the names of the complainant and students involved.

The Principal/designee receiving the complaint shall follow these procedures:

1. Make sure the reporting party completes a Bullying Incident Form. All forms shall be translated pursuant to Education Code 48985.
2. Authorize the investigation of the complaint and supervise and/or conduct the investigation of the complaint, which should be resolved in (5) school days. The investigation, at a minimum, shall include interviews with the complainant, the accused, and all other persons who reasonably may have relevant knowledge about the complaint, including possible witnesses or victims of prior similar conduct;
3. Take reasonable steps so to protect the complaint from any retaliation for filing the complaint;
4. Review factual information gathered to determine whether the alleged conduct constitutes bullying discrimination, harassment or intimidation.
5. Take into account when reaching a decision about the complaint:
   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 past instances of bullying or other prohibited conduct by the accused person
   e. Evidence of past complaints that were found to be untrue
6. Take into consideration when judging the severity of the incident:
   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
   e. The subject(s) of harassment/bullying/discrimination
   f. The place and situation where the incident occurred
   g. Other incidents at the school
7. If it is determined that bullying, discrimination, harassment or intimidation occurred, take and/or recommend prompt and effective remedial action against the harasser;
8. Take reasonable steps to protect the complainant and other potential victims from further bullying/harassment/discrimination if such is determined to have occurred;
9. Offer immediate physical and psychological support during and after the investigation. A school counselor or other appropriate school personnel may follow up with the victim and provide any appropriate and necessary support;
10. Take reasonable steps to alleviate the effects of the bullying/harassment/discrimination, including keeping the identity of the complainant and information related to the complaint confidential to the extent possible and appropriate.

Complainant Appeal Process

If the complainant student or the parent of the student feels that appropriate resolution of the investigation or complaint has not been reached, the student or the parent of the student should contact the principal first to discuss the resolution. If the complainant still disagrees with the resolution, the procedure shall be as follows:

1. The Superintendent or designee shall review the evidence of the incident and the resolution.
2. The student or the student’s parent/guardian may designate a representative to be present with them at the meeting, but the representative shall not be legal counsel unless the District has legal counsel present to represent the School District.
3. At the meeting:
   a. The Superintendent or designee shall review all written documents in the case.
   b. The student and the student’s parent/guardian and representative may address the Superintendent/designee on the evidence and the appropriateness of the penalty
4. The Superintendent/designee shall render a decision within five (5) school days. If the decision is that the resolution is inadequate or inappropriate, the resolution shall be referred back to the school site to be reviewed and revised as necessary. If the resolution is found to be appropriate and reasonable, no further action will be taken.

Annual Report

In June, each school site will make an annual report to the Director of Student Services detailing any bullying incidents at the school. Documentation of all complaints alleging bullying, discrimination, harassment, or intimidation and their resolution shall be maintained for one Categorical Program Monitoring review cycle.

The Director of Student Services will provide the Board with a report on bullying within the district each year.

Initial Review: 08/13/12
Reviewed: 11/13/12
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.

2. Riders should arrive at the bus stop five minutes prior to the scheduled bus departure 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. Upon reaching their destination, riders shall remain seated until the bus stops and only then enter the aisle and go directly to the exit. Requests to leave or board at a bus stop other than the stop assigned must be in writing from the parent/guardian and approved by the appropriate school staff.

5. Riders should be courteous to the driver and to fellow passengers.

6. Because serious safety hazards can result from the 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 will be put out of the window. Nothing shall be thrown from the bus. Windows shall not be opened greater than four inches from the closed position.

8. Riders shall help keep the bus and the area around the bus stop clean. Riders shall not damage or deface the bus, tamper with bus equipment or damage personal property around the bus stop.

9. No animals shall be allowed on the bus unless authorized by CCR 13.

10. Live animals, insects, fish, reptiles, plants/flowers, glass containers, large musical instruments, and parcels or objects larger than a normal size backpack will not be permitted aboard the bus.

11. The school bus driver will escort riders (Pre-Kindergarten through 12th grade) who must cross the roadway or private road. Riders will cross the roadway or private road in front of the school bus only after instructed to do so by the bus driver. Riders shall be alert for traffic when leaving the bus.
Riders who fail to comply with the above rules shall be reported to the school principal using a School Bus Incident Report to Parents form. The school bus driver will complete the form and turn it into the student’s school site as soon as practicable following the offense(s). The school site will contact the student’s parents/guardians and provide the details of the offense(s) to include the consequences. A coordinated effort between the parents/guardians, the school site and the Transportation Department will be made to effectively resolve the issue.

The incident report allows for three offenses. The first offense will cause a formal warning to be sent home to the student’s parents/guardians for their notification; the second offense causing removal from the school bus for one week and the third offense removal from the school bus for the balance of the semester or longer. In the case of a severe violation, i.e., assault, smoking, fighting, arson, illegal drugs/alcohol and/or any type of weapon, cause will be made to revoke the student’s riding privileges for the remainder of the school year, if not indefinitely. A severe violation such as the above will normally require law enforcement intervention on the school bus.

**Video Camera Surveillance**
The Superintendent or designee shall supervise the use and maintenance of video cameras.

Students and staff shall not tamper or interfere with video camera equipment on school buses.

Camera supports shall be installed in all buses, and cameras shall be rotated among the buses and activated at the discretion of the Superintendent or designee.

The Superintendent or designee shall notify students, parents/guardians and staff that video surveillance may occur on any school bus and those video recordings may be used in student disciplinary proceedings. This notification shall include a copy of the district’s policy and regulation on bus conduct. In addition, a prominent notice shall be placed in each bus, stating that the bus is equipped with a video monitoring system.

The Superintendent or designee shall routinely review videotapes taken on school buses and shall document any evidence of student misconduct. Two weeks after this review, the Superintendent or designee may erase any tapes that do not show incidents of misconduct.

Tapes retained as part of an individual student’s disciplinary record shall be maintained in accordance with law and Board policy governing the access, review and release of student records. Tapes retained as part of an expulsion record are non-privileged, disclosable public records pursuant to Education Code 48918.

Persons other than the Superintendent or designee under the following conditions may view videotapes:
1. When student misconduct is revealed as a result of a school bus videotape or reported to the Superintendent or designee by a student, staff member or parent/guardian, students involved in the incident and their parents/guardians may ask the Superintendent or designee for an opportunity to view the videotape.

   a. Requests for viewing must be made within five school days of receiving notification that misconduct occurred.

   b. A viewing shall be provided or denied within five days of the request.

   c. Viewing will be limited to those frames containing the incident of misconduct.

2. Bus drivers and school administrators may ask to view a videotape in order to observe a specific problem and work toward its solution.

3. Viewing shall occur only at a school-related site and in the presence of the Superintendent or designee.

4. All persons who view a tape shall be identified in a written log.

History:
Reviewed: 03/13/00
05/23/05
The Governing Board desires to enhance student learning by striving to provide an environment where students and staff can feel safe and secure and can take pride in their school. To that end, the Superintendent or designee shall develop strategies for preventing graffiti and vandalism on school grounds, including collaboration with local law enforcement and city and county officials, as appropriate, to help develop a coordinated response to graffiti and vandalism in the community.

Students and staff are encouraged to report any graffiti or vandalism to the principal or designee for investigation. The principal or designee shall determine whether the incident necessitates an investigation pursuant to the district’s sexual harassment, hate-motivated behavior, or nondiscrimination grievance procedure.

As appropriate, the principal or designee may contact local law enforcement in instances when the graffiti is repetitive, identifies particular targets or groups, identifies the perpetrator, and/or contains incitements to violence, threats, or intimidation. Photographs or other evidence of the vandalism or graffiti shall be preserved as necessary for investigation by the district or law enforcement and as evidence in any district disciplinary proceedings.

The principal or designee shall ensure that graffiti on school grounds is removed and covered as soon as possible, and if practicable before the beginning of the school day.

The Governing Board shall seek redress in the amount of the damage from any individual or the parents/guardians of any minor who commits any act of vandalism.

Vandalism includes negligent, willful, or unlawful damaging or taking of any district-owned real or personal property, including the writing of graffiti. The parents or guardian having custody or control of a minor who commits an act of vandalism may be held liable, and may also be held liable for rewards.

If the Superintendent or law enforcement officials are unable to determine the responsibility for the vandalism, the Board shall direct the Superintendent to offer a reward in any amount it deems appropriate for information leading to the identification and apprehension of the guilty party.

The reward shall be paid only when criminal conviction or other appropriate judicial procedures have established the guilt of the person(s) responsible for the crime.

Any student, or the parent/guardian of any minor student, shall be held liable for all property belonging to the District that has been damaged, destroyed, stolen, or lent and not returned upon demand. After affording the student his/her due process rights, the District may withhold the grades, diploma, and transcripts of the student responsible for the vandalism or theft until the student, or the student’s parent/guardian, has paid for the damages. Prior to withholding a student’s grades, diplomas, or transcript, the District shall notify the student’s parent/guardian in writing of the student’s alleged misconduct.
A student who commits an act of vandalism or graffiti on school grounds or to school property shall be subject to prosecution through the legal process as well as disciplinary action, including, but not limited to, suspension or expulsion, in accordance with Board policy and administrative procedures. If reparation for damages is not made, the district also may withhold the student’s grades, diploma, and/or transcripts in accordance with law.

When a minor and parent are unable to pay for the damages (upon a showing by certification of the parent/guardian) the District may provide a program of voluntary work for the minor. The District shall abide by any court or probation department established restitution plan.

Upon completion of the work, or payment in full of the debt owed, the student’s grades, diplomas, and transcripts shall be released.

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.

Code of Regulations, Title 5
305 Pupil responsible for care of property

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

Adoption History:
Initial Adoption: 11/26/84
Reviewed/Revised: 09/14/87
09/13/93
03/24/97
09/08/03
04/23/07
09/07/10
Because the use of alcohol/drugs/tobacco adversely affects a student’s ability to achieve academic success, is physically and emotionally harmful, and has serious social and legal consequences, the Governing Board intends to keep district schools free of alcohol/drugs/tobacco.

The Board desires that every effort be made to reduce the chances that its students will begin or continue the use of alcohol/drugs/tobacco. Alcohol is like any other drug, illegal for use by minors. Possession and/or use of intoxicants of any kind, including but not limited to inhalants and aerosols, will be considered a drug offense and a violation of school rules.

Recognizing that keeping schools free of alcohol/drugs/tobacco is a concern common to the District and community, the Board supports cooperation among schools, parents/guardians, law enforcement, and other appropriate county or community organizations involved in preventing alcohol/drugs/tobacco abuse.

To obtain the widest possible input and support for district policies and programs related to alcohol/drugs/tobacco abuse prevention, the District shall establish a districtwide school-community advisory committee to make recommendations in this area. The Board also supports site-level advisory groups in this area.

The Board expects staff to conduct themselves in accordance with the district’s philosophy related to alcohol and other drugs. Staff should help students see themselves as responsible partners in efforts to maintain a safe, constructive school climate.

Instruction

The District shall provide instructional programs that help students avoid the use of alcohol/drugs/tobacco and that teach students how to influence their peers to avoid and/or discontinue the use of alcohol/drugs/tobacco. Instruction shall focus on prevention and be designed to help students who have questions related to alcohol/drugs/tobacco.

Science-based instructional programs will help students obtain and use current and accurate information, develop and maintain a positive self-concept, take positive actions to cope with stress, use appropriate social and personal skills to resist involvement with alcohol/drugs/tobacco, and will assist the student in becoming a mature adult.

The curriculum will be K-12, comprehensive and sequential in nature, and suited to meet the needs of students at their respective grade levels. All instruction and related materials shall consistently state that unlawful use of alcohol or other drugs is wrong and harmful. Instruction shall not include the concept of responsible use when such use is illegal.

The Superintendent or designee shall consult with principals, teachers, other school personnel, students and parents/guardians when developing the district’s program.
Principles of Effectiveness

The Board and Superintendent shall agree upon performance measures that will be used to monitor and determine the effectiveness of the district’s program in reducing drug and alcohol use. The Superintendent or designee shall develop and implement an evaluation process that includes ongoing assessment and analysis of objective data regarding the incidence of drug and alcohol use among district students, including discipline problems, and the prevalence of risk factors.

Intervention

The Board believes that effective interventions should be available to assist students who use alcohol or other drugs. School staff, students and parents/guardians shall be informed about signs and symptoms which may indicate alcohol and other drug use and about appropriate agencies offering intervention programs, counseling and rehabilitation for students and their family members.

Recovering Student Support

The Board recognizes the presence of recovering students in the schools and the necessity to support these students in avoiding re-involvement with alcohol/drugs/tobacco. The Board shall provide ongoing school activities which enhance recovery. Students who voluntarily disclose their use of alcohol or other drugs when seeking help from an intervention or recovery program shall not be disciplined for such use.

Enforcement/Discipline

The Superintendent or designee shall take appropriate action to eliminate possession, use, or sale of alcohol/drugs/tobacco and related paraphernalia on school grounds, at school events, or in any situation in which the school is responsible for the conduct and well-being of students. Students possessing, selling, and/or using alcohol/drugs/tobacco or related paraphernalia shall be subject to disciplinary procedures which may result in suspension or expulsion. Such students may also be referred to an appropriate rehabilitation program, transferred to an alternative placement and/or restricted from other school activities. Possession and/or use of intoxicants of any kind, including but not limited to inhalants and aerosols, will be considered a drug offense and a violation of school rules.

The Superintendent or designee shall clearly communicate to all students, staff and parents/guardians the District’s policies, regulations and school rules related to the use of alcohol and other drugs on school campuses or at school activities.

School authorities may search students and school properties for the possession of alcohol and other drugs in accordance with law, Board policy, and administrative regulations.
Legal Reference:
Business and Professions Code
25608 Alcohol on school property; use in connection with instruction

Education Code
44049 Known or suspected alcohol or controlled substance abuse by student
44645 Inservice Training Anabolic Steroids
48900 Suspension or expulsion (grounds)
48900.5 Suspension, limitation on imposition; Exception
48901 Smoking or use of tobacco prohibited
48901.5 Regulation of electronic signaling devices
48902 Notification of law enforcement authorities; Civil or criminal immunity
48909 Narcotics or other hallucinogenic drugs
48915 Expulsions
49602 Confidentiality of pupil information
51202 Instruction in personal and public health and safety
51203 Instruction on alcohol, narcotics and restricted dangerous drugs
51210 Areas of study
51220 Areas of study, grades 7 to 12
51260-51269 Elementary and secondary school instruction in drug education by appropriately trained instructors
60041 Instructional materials
60110-60115 Instructional materials on alcohol and drug education

Health and Safety Code
11032 Narcotics, restricted dangerous drugs and marijuana
11053-11058 Standards and schedules
11353.6 Juvenile Drug Trafficking and Schoolyard Act
11357 Unauthorized possession of marijuana; Punishment; Prior conviction; possession in school or on school grounds
11361.5 Destruction of arrest or conviction records
11372.7 Drug program fund; uses
11802 Joint school-community alcohol abuse primary education and prevention program
11965-11969 The School-Community Primary Prevention Program
11998-11998.3 Drug and Alcohol Abuse Master Plans
11999-11999.3 Alcohol and drug program funding; no unlawful use
124175-124200 Adolescent family life program

Vehicle Code
13202.5 Drug and alcohol related offenses by person under age of 21, but aged 13 or over; suspension, delay, or restriction of driving privileges

Penal Code
13864 Comprehensive alcohol and drug prevention education
United States Code, Title 20
5812     National education goals
7101-7184 Safe and Drug-Free Schools and Communities Act of 1994

Welfare and Institutions Code
828     Disclosure of information re minors
828.1    Disclosure of criminal records; protection of vulnerable staff and students

Adoption History:
Initial Adoption: 08/09/82
Reviewed:
01/27/87
05/23/88
05/22/89
08/27/90
08/24/92
09/13/93
06/10/96
03/24/97
03/10/03
03/13/06
06/15/09
04/11/11
Instruction

Students shall receive instruction by appropriately trained instructors about the nature and effects of alcohol and other drugs.

Instruction shall include a study of the effects of alcohol and other drugs upon the human system, as determined by science and defined in Health and Safety Code 11032. Instruction shall be sequential in nature and suited to meet the needs of students at their respective grade level. (Education Code 51203, 51260)

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 51203 mandates the Board to adopt regulations specifying the grade(s) and course(s) in which drug education is given.

In grades 1-6, instruction in drug education should be given in health courses required by Education Code 51210. (Education Code 51260) In grades 7-12 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 also include a study of the effects of alcohol and other drugs upon prenatal development (Education Code 51203)

General

The principal of a school or the Superintendent of Schools shall recommend that a student be expelled from the District’s schools for a violation of Education Code 48915(a) (3) (11053 et. seq. of the Health and Safety Code), unless the principal or Superintendent finds expulsion inappropriate, and so reports in writing to the Governing Board, stating the reasons why an expulsion is not being recommended. The following administrative procedures do not, and cannot, supersede the right of the principal or Superintendent from submitting a student to the Governing Board for an expulsion hearing for a violation of Education Code 48915(a) (3).

Procedures

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.
When the school principal or his/her designee has reasonable suspicion that a student may be selling, possessing, furnishing, or under the influence of drugs or alcohol, the procedures listed below shall be followed:

1. The principal or designee shall contact law enforcement immediately and request his/her presence.

2. The principal or designee shall immediately contact the parent/guardian of the student, inform them of the situation including notification that the behavior of their son/daughter may result in a suspension or expulsion, and request their presence. If the parent cannot be reached, the person named for emergency cases should be contacted and given as many details as are necessary to ensure that the parent will be contacted at the earliest time.

3. The principal or designee will hold an informal conference with the student during which time the student will be informed of the reasons why their behavior may result in a suspension or recommendation for expulsion and will be given the opportunity to explain or respond to the allegations. The administrator or designee will follow the due process and suspension procedures as delineated in BP 5144.1. If the parent/guardian is not present at the time the suspension order is issued, the administrator shall make a reasonable effort to notify the parent/guardian. The school will prepare the Notice of suspension/expulsion and mail it to the parents.

4. In severe cases, if the parents or a doctor cannot, or will not come to the school, the principal or his designee is authorized to call an ambulance to remove the student to a hospital. Parents will be notified of this action and shall be responsible for the incurred expenses.

5. The parent/guardian or person named as the emergency contact, shall remove the student to his/her home, to a physician, to a medical facility, or to the jurisdiction of the police.

6. 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)

Procedures for Readmission

1. The school principal or designee shall meet with the student’s assigned counselor to determine the specific conditions for readmission for each student and list them on the student’s “Return to School Agreement” prior to the parent conference.
The parent conference will include the principal or designee, the student, and the parent/guardian. Other district personnel may be involved at the discretion of the school principal.

2. The “Return to School Agreement” shall list the specific conditions that must be met for the student to be readmitted and remain in school. The conditions may include but are not limited to:

   a. Enrollment and attendance in a drug counseling program;
   b. Individual or group counseling at the direction of a school counselor;
   c. Periodic progress reports from teachers or other appropriate staff to assure that the specified conditions are being met.

The principal's designee will monitor the Agreement and shall immediately notify the school principal and the Director of Student Services of the student’s failure to adhere to any of the conditions.

If any school official is made aware of a deliberate or non-deliberate failure on the part of the student to adhere to the conditions of readmission specified on the "Return to School Agreement," the student and parent/guardian shall be contacted immediately and a conference shall be held with the principal/designee. The school principal shall determine what action is to be taken, which may include a recommendation for expulsion.

3. The principal/designee will maintain the "Return to School Agreement" and records and documents thereupon until such time as the student graduates from high school. In the event a student transfers to another school within the District, the principal/designee will forward the records to the new school.

4. At the beginning of each year, the principal/designee will review the records of any student who is enrolled in the school and is attending school under a "Return to School Agreement."

**Procedures for Repeat Substance Abusers**

1. In any case in which a student has a second violation of the Governing Board policy on drugs or alcohol, BP 5131.6, during grades 6-12, the school principal or designee shall immediately advise the Superintendent of Schools that he/she is submitting a recommendation for an expulsion hearing before the Governing Board. The principal or designee shall immediately suspend the student for five (5) school days and notify the Director of Student Services of this action. The Director of Student Services may extend the suspension until the hearing date before the Governing Board or an Administrative Panel providing such extension is in compliance with Education Code 48911 (g).

2. If the incident is one which indicated that an expulsion hearing should be held on a first offense (any violation of Education Code 48915) in keeping with BP 5131.6, the steps outlined in #1 above shall be followed.
Reports

Upon request, the Superintendent or designee shall submit alcohol and drug prevention program information to the California Department of Education, including information on the prevalence of drug use and violence by youth in the schools and community. Such information shall also be made readily available to the public.

Initial Adoption: 03/09/87
Reviewed: 08/27/90
08/24/92
11/08/93
03/24/97
05/11/98
03/10/03
03/13/06
06/15/09
Smoking presents a health hazard which can have serious consequences both for the smoker and the nonsmoker. Students shall not be allowed to smoke, chew, or possess tobacco or nicotine products on school property, or during school hours, at school-sponsored events, or under the supervision of district employees. Students who violate this policy shall be subject to disciplinary procedures which may result in suspension from school.

The District shall provide instruction regarding the effects of smoking on the human body and shall take steps to discourage students from making it a practice to smoke. Information about smoking cessation programs shall be made available and encouraged for students and staff.

The District's comprehensive prevention/intervention program shall be based on an ongoing assessment of objective data regarding tobacco use in the schools and community and on research identifying strategies that have proven effective in preventing or reducing tobacco use among youth. The program shall be designed to meet a set of measurable goals and objectives and shall be periodically evaluated to assess progress.

The Superintendent or designee shall coordinate prevention and cessation efforts with the local health department, other local agencies and community organizations in support of school-based programs.

Legal Reference:
Education Code
48900 Suspension or expulsion (grounds)
48900.5 Suspension, limitation on imposition; exception
48901 Smoking or use of tobacco prohibited
51202 Instruction in personal and public health and safety
Health and Safety Code
104350-104495 Tobacco use prevention education
Penal code
308 Minimum age for tobacco possession
Public Law 107-110
7111-7117 Safe and Drug-Free Schools and Communities Act

Adoption History:
Initial Adoption: 01/27/87
Reviewed/Revised: 05/23/88
05/22/89
08/27/90
08/24/92
09/13/93
03/24/97
03/10/03
03/13/06
03/09/09
Tobacco Use Prevention Education (K-12)

The San Marcos Unified School District uses the following scientific, research-based curriculum:

“Too Good For Drugs,”
“Project Alert”
“Get Real About Tobacco”

Curriculum and instruction for students in grades 4 through 8 shall address the following topics:

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. Refusal skills for resisting social influences that promote tobacco use
4. Peer norms and social influences that promote tobacco use

The District’s T.U.P.E. grant funded program for grades 9 through 12 shall:

1. Target current smokers and students who are most at risk for beginning to use tobacco, including pregnant and parenting minors, low achievers, and students whose friends or family members smoke.
2. Offer or refer students to pre-cessation readiness classes or cessation classes for current smokers
3. Utilize existing anti-smoking resources
4. Provide outreach, motivational and other support services to prevent or reduce tobacco use among pregnant and parenting minors

History:
Initial Review: 03/10/03
Reviewed/Revised: 03/13/06
03/09/09
The Governing Board recognizes that the use of steroids and other performance-enhancing supplements 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 use steroids or other performance-enhancing supplements.

Staff, including coaches, shall educate students about the District’s prohibition and the dangers of using steroids and other performance-enhancing supplements. Students participating in interscholastic athletics are prohibited from using steroids or any other performance-enhancing supplement.

Before participating in interscholastic athletics, student athletes and their parents shall sign an agreement that the students shall not use steroids, unless they have written prescriptions from fully licensed physicians, recognized by the American Medical Association, to treat medical conditions.

A student who is found to have violated the agreement or this policy shall be restricted from participating in athletics and shall also be subject to other disciplinary procedures including, but not limited to, suspension or expulsion in accordance with law or board policy.

The District shall ensure that its schools do not accept sponsorships or donations from supplement manufacturers that offer muscle-building supplements to students. School personnel, including coaches, shall not sell, distribute, or encourage students to use performance-enhancing dietary supplements that promote muscle-building.

Non-muscle-building nutritional supplements that may be provided by school personnel for the purpose of providing additional calories and electrolytes include: carbohydrate/electrolyte drinks, energy bars, carbohydrate boosters, and vitamins and minerals.

School personnel shall follow the manufacturer’s recommendations when discussing the use of any drug or food supplement with a student athlete. In order to minimize the health and safety risks to student athletes, school personnel shall not supply or recommend any drug, medication, or food supplement solely to enhance an athlete’s performance.

The principal or designee shall ensure that a warning poster is displayed in every locker room in all secondary schools citing specific health problems associated with steroid use.

Legal Reference:
Education Code
49030-49034 Performance –enhancing supplements
51260-51269 Drug education, especially:
51262 Use of anabolic steroids; legislative finding and declaration
Civil Code
1812.97 Warning statement; posting in athletic facilities
Health and Safety Code
110423.2 Dietary supplements
Management Resources
CIF Constitution and Bylaws 2005-06

Adoption History:
Initial Adoption 06/12/06
06/15/09
(print name of student athlete)

Directions: As a condition of membership in the California Interscholastic Federation (CIF), the Governing Board of the San Marcos Unified School District has adopted Board Policy 5131.63 prohibiting the use of androgenic/anabolic steroids and dietary supplements banned by the U.S. Anti-Doping Agency. CIF Bylaw 524 requires that all participating students and their parents/guardians sign this agreement.

By signing below, we agree that the student shall not use androgenic/anabolic steroids or the substance Synephrine without the written prescription of a fully licensed physician, as recognized by the American Medical Association, to treat a medical condition.

We recognize that under CIF Bylaw 200.D, the student may be subject to penalties, including ineligibility for any CIF competition, if the student or his/her parent/guardian provides false or fraudulent information to the CIF.

We understand that the student’s violation of the district’s policy regarding steroids may result in discipline against him/her, including but not limited to, restriction from athletics, suspension, or expulsion.

_________________________________________   Date
Signature of student athlete

_________________________________________   Date
Signature of parent/guardian

06/15/09
The Governing Board desires students and staff to be free from the fear and danger presented by firearms and other weapons. No person other than authorized law enforcement or security personnel shall possess weapons, imitation firearms, or dangerous instruments of any kind in school buildings, on school grounds or buses, nor on any school-related or school-sponsored activity away from school facilities.

Weapons and dangerous instruments include, but are not necessarily 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.
   
   a. The law mandates immediate suspension and a one-year expulsion for possessing, selling, or otherwise furnishing a firearm at school. Students may apply for readmission one year after the date of their expulsion. On a case by case basis, the district may set an earlier date for readmission. (Education Code 48915)(c)(1) and 48916).

2. **Imitation Firearms:** an imitation firearm is a replica of a firearm that is so substantially similar in physical properties to an existing firearm as to lend a reasonable person to conclude that a replica is a firearm (Ed. Code 48900).

3. **Cutting and Puncturing Devices:** dirks, daggers, other weapons 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 2.5 inches, a folding knife with a blade that locks into place, or a razor with an unguarded blade.

4. **Explosive and/or Incendiary Devices:** firecrackers (M80 and larger), pipe bombs, time bombs, cap guns, containers of inflammable fluids, tear gas, tear gas weapons, and other hazardous devices.

5. Any other dangerous device, instrument or weapon, including laser pointers (AB293), and 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 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)

Possession of or bringing such weapons or devices on school grounds may also be a violation of the Penal Code, and therefore any violation of this regulation, shall be reported immediately to the local law enforcement agency and the parents or guardian shall be notified if possible. Students who violate this policy will be subject to appropriate disciplinary action by the school district and law enforcement. Students who threaten (brandish) others with a weapons on campus or at a school activity, or while under the jurisdiction of the school district, shall be referred to the Governing Board for expulsion.
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 certificated or classified employee of the District may confiscate any weapon, dangerous instrument or imitation firearm from the possession of any person upon the grounds of or within a school.

Every employee seizing any weapon, or dangerous instrument under the provisions of this policy, shall report the incident to the building principal immediately and deliver the seized device to the principal together with the name(s) of persons involved, witnesses, location, and circumstances of the seizure. If it is known that a student has possession of such a device, but the device has not been seized, the employee shall report the matter to the principal immediately and the principal shall take such action as is appropriate. The principal shall report all violations of this policy to the Superintendent or designee, and to the local law enforcement agency.

The principal shall also take such disciplinary action as he/she may determine necessary, and shall report the incident to the parents or guardians of the pupil by telephone or in person, and follow this notification with a letter.

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 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 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.

Legal Reference:
Education Code
35291 Governing Board to prescribe rules for the government and discipline of the schools under its jurisdiction
48900 Grounds for suspension/expulsion
48902 Notification of law enforcement authorities
48915 Expulsions
48916 Readmission
49330-35 Injurious objects

Penal Code
245 Assault with deadly weapon
417.4 Imitation firearm; drawing or exhibiting
626.9 Firearms; Gun-Free Zone Act of 1995
Bringing into or possession of upon or within public schools and grounds;
Exceptions
626.10 Dirks, daggers, knives, razor or stun gun;
Bringing into or possession of upon or within public schools and grounds;
Exception
653k Soliciting a minor to commit certain felonies
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<td>12020-36</td>
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<td>12555</td>
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United States Code, Title 20

6301-7941 No Child Left Behind Act; especially:
7151 Gun-Free Schools Act

Adoption History:
Initial Adoption: 08/09/82
Reviewed:
09/28/87
09/13/93
06/10/96
03/24/97
08/27/01
03/10/03
03/13/06
The District is legally and ethically responsible for the establishment of classroom and campus atmosphere that contributes to a productive learning environment. The Governing Board believes that the development of attitudes and behavior patterns in dress and grooming should be a part of each student’s total educational experience.

Dress, hair style, or makeup which are of a distracting nature, or interfere with the study habits of students in the class or school, shall not be acceptable. Reflected with these standards is an appreciation for the current trends in style or fashion, but tempered with restrictions regarding extremes that are distracting, dangerous, or simply out of place at school. In this regard, 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. Student’s clothing must not present a health or safety hazard or a distraction which would interfere with the educational process.

Specifically, the Board feels that it is necessary to establish a dress and grooming policy designed to prohibit the wearing or display of clothing, attire, jewelry, or materials that evidence membership in, or affiliation with any gang; which are obscene, sexually explicit or suggestive; which promote the use/abuse of drugs and/or alcohol; or which advocate racial, ethnic, or religious prejudice.

Proper grooming is the responsibility of a mature person. It is a responsibility that should be assumed by the home. The school will only become involved as the limits set forth above are exceeded.

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) Each school site may adopt rules that specify the types of sun-protective clothing and hats that may be “inappropriate.”

Appropriate guidelines for dress shall be regularly reviewed at each school throughout the District with the involvement of four groups:

1. ASB or student government organization;
2. Parent clubs or PTO committees;
3. Representative faculty committee;
4. Principal or designee;

The principal shall then establish school rules governing student dress. The principal, staff, students and parent/guardians at each school may also establish reasonable dress and grooming regulations for times when students are engaged in extracurricular or other special school activities.

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.

Guidelines of dress are subject to review on a yearly basis by those groups indicated in 1-4 above.
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, including provisions for 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 include provisions for 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.

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
35294.1 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

Adoption History: 08/09/82
Reviewed/Revised: 09/13/93
07/19/99
09/08/03
04/23/07
05/10/10
The Governing Board of the San Marcos Unified School District desires to keep district schools and students free from the threats of harmful influence of any groups or gangs which advocate drug use or disruptive behavior. A "gang" as defined in this policy is "any group of persons who use illegal drugs and/or whose purposes include the commission of illegal acts, willful disobedience, or the disruption of school activities."

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.

The Governing Board prohibits the wearing of any apparel, which by virtue of color, arrangement, or any attribute, denotes membership or affiliation with any gang. This includes, but is not limited to: jewelry, emblems, badges, symbols, signs, altered trademarks.

The Governing Board further stipulates that:

1. No student on or about school property, or at any school activity, shall commit any act or omission, or display of behavior either verbal or nonverbal, showing membership or affiliation in a gang. Examples of such acts include, but are not limited to: gestures, speech, handshakes, signals.

2. No student on or about school property, or at any school activity, shall use any speech, or commit any act or omission in furtherance of the interests of any gang or gang activity. Examples of such speech or acts include, but are not limited to: soliciting others for membership in any gangs; requesting any person to pay for protection, or otherwise intimidating or threatening any person; committing any other illegal act or other violation of school policies; loitering with the intent to intimidate and/or harass; inciting other students to act with physical violence upon any other person.

This policy shall be applied at the principal's discretion as the need for it arises at individual school sites.

1. Any student violating prohibitions outlined in the preceding paragraphs shall be referred for discipline to the principal or his/her designee. Disciplinary steps must include, but shall not be limited to: immediate contact with the student's parent(s)/guardian(s) or most responsible party; having the student change clothes, if necessary. Serious offenses, such as threats or physical intimidation, may result in suspension, expulsion, and/or arrest.

2. Disciplinary problems shall be handled as individual problems and not labeled as gang problems.

3. In order to refrain from giving gangs publicity, any gang graffiti shall be quietly removed, washed down, or painted over as soon as discovered. Graffiti shall be photographed before it is removed for use by law enforcement and the courts.
4. The Superintendent or designee shall provide inservice training that 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 that may help our students.

The Governing Board realizes that many students become involved in gangs without understanding the consequences of gang membership. Early intervention is a key component of efforts to break the cycle of gang membership.

To further discourage the influence of gangs:
1. All students and parents may have access to counseling, including conflict mediation.
2. Students who seek help in rejecting gang associations may be referred to community-based gang suppression and prevention organizations.
3. Each school may provide classroom and after-school programs designed to enhance individual self-esteem, to foster interest in a variety of wholesome activities, and to promote membership in authorized school or community organizations.
4. Gang prevention classes or counseling may be offered for parents/guardians.

Articulation with police and community agencies for information sharing and the development of gang intervention programs and services shall be established.

Legal Reference:

Education Code
32051-32052 Hazing or causing bodily harm
32230-32239 School Violence Reduction Program
35183 Gang-related apparel
35294.1 School safety plans
48907 Student exercise of free expression
48930-48938 Student organizations
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
627-627.10 Access to school facilities
186.22 Participation in criminal street gang
13826-13826.7 Gang violence suppression

United States Code Title 20
7101-7143 Safe and Drug-Free Schools and Communities Act of 1994

Adoption History:
Initial Adoption 11/13/90
Reviewed/Revised 09/13/93
03/24/97
09/08/03
04/23/07
09/07/10
The Governing Board desires to enhance student learning by providing an orderly, caring, and nurturing educational and social environment in which all students can feel safe and take pride in their school and their achievements. The school environment should be characterized by positive interpersonal relationships among students and between students and staff.

All staff are expected to serve as role models for students by demonstrating positive, professional attitudes and respect toward each student and other staff members. Teachers shall use effective classroom management techniques based on clear expectations for student behavior.

Staff shall consistently enforce Board policies and regulations which establish rules for appropriate student conduct, including prohibitions against bullying, cyberbullying, harassment of students, hazing, other violence or threats of violence against students and staff, and drug, alcohol, and tobacco use.

The district’s curriculum shall include age-appropriate character education which includes, but is not limited to, the principles of equality, human dignity, mutual respect, fairness, honesty, and citizenship. Teachers are encouraged to employ cooperative learning strategies that foster positive interactions in the classroom among students from diverse backgrounds.

The Superintendent or designee may develop other strategies to enhance students’ feelings of connectedness with the schools, such as campus beautification projects, graffiti removal, development of extracurricular activities and after-school programs, pairing of adult mentors with individual students, recognition of student achievement, and encouragement of strong family and community involvement in the schools.

Students shall have opportunities to voice their concerns about school policies and practices and to share responsibility for solving problems that affect their school.

Hazing
All hazing activities are prohibited. No student shall conspire to engage in hazing, participate in hazing, or commit any act that causes or is likely to cause bodily danger, physical harm, or personal degradation or disgrace resulting in physical or mental harm to any fellow student or other person. Persons violating this policy shall be subject to district discipline and penalties specified in law. (Education Codes 32051, 32052)

Legal Reference:
Education Code
233-233.8  Hate violence prevention
32280-32289  School safety plans
32295.5  Teen court programs
35181  Governing board policy on responsibilities of students
35291-35291.5  Rules
44807  Teachers’ duty concerning conduct of students
48900-48925  Suspension and expulsion

Adoption History:
Initial Adoption: 08/09/82
Reviewed/Revised:
06/10/85
09/13/93
03/24/97
09/08/03
04/23/07
09/07/10
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.

District staff shall appropriately report and document student accidents.

San Marcos Unified School District employees are trained and expected to respond to emergency situations including first aid and/or medical attention without discrimination. If any student needs resuscitation, staff shall make every effort to resuscitate him/her.

The Board prohibits staff members from accepting or following any parental or medical “do not resuscitate” orders. School staff should not be placed in the position of determining whether such orders should be followed. 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.

The Board authorizes the placement of automated external defibrillators (AEDs) at designated school sites for use by designated personnel who have volunteered to receive training in the use of AEDs.

The authorization of AEDs in district schools shall not be deemed to create a guarantee or obligation to use the AED in the case of an emergency nor any expectation that an AED or trained employee will be present and/or able to use an AED in an emergency or any expectation that the AED will operate properly. Health and Safety Code 1797.196 protects entities and individuals from civil liability resulting from the use of an AED in an emergency.

Legal Reference:
Education Code
32040-32044 First aid equipment
49300-49307 School safety patrols
49407 Liability for treatment
49408 Information for use in emergencies
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
CIVIL CODE
1714.21 Defibrillators; CPR; immunity from civil liability

Family
6550-6552 Caregivers

HEALTH AND SAFETY CODE
1797.196 Automatic external defibrillators, immunity from civil liability

CODE OF REGULATIONS, TITLE 8
5193 California Bloodborne Pathogens Standard

Adoption History:
Adopted: 02/24/97
Reviewed/ Revised: 09/08/03
02/11/08
A. **Emergency Contact Information**

In order to facilitate contact in case of an emergency or accident, parents/guardians shall furnish the principal or designee with the information specified below:

1. Home address and telephone number
2. Parent/guardian’s business address and telephone number
3. Parent/guardian’s cell phone number and e-mail address, if applicable
4. Name address, and telephone number of a relative or friend to whom the student may be released and who is authorized by the parent/guardian cannot be reached.
5. Local physician to call in case of emergency

B. **Consent by Caregiver**

1. Family Code 6550 provides authorization for a caregiver 18 years of age or older who has signed a caregiver’s affidavit to enroll a minor in school and consent to school-related medical care on behalf of the minor when the minor is residing with the caregiver. The affidavit becomes invalid if the district receives notice from the caregiver that the minor has stopped living with the caregiver.

2. The caregivers consent to medical care 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)

C. **Students With Do Not Resuscitate Orders**

1. Parents will be informed of the District’s Policy regarding Do Not Resuscitate Orders and will be given a copy of Board Policy No. 5141.

2. Parents will review and sign the Parent Notification of Procedure for students with Do Not Resuscitate Orders. Parents will receive a copy of this form.

3. The school nurse will write an Individualized Health Plan (IHP) for the student. This plan will outline steps to be taken in the event of a medical emergency. A copy of the plan will be given to parents and teachers.

4. The student’s educational program and the Individualized Health Plan will be formally reviewed annually by the parent, school nurse, administrator, and teacher. The school nurse will initiate this review.
D. Automated External Defibrillators

When an automated external defibrillator (AED) is placed in the school, the principal or designee shall ensure that: (Health and Safety Code 1797.196)

1. School employees annually receive a brochure, with contents and style approved by the American Heart Association or American Red Cross, that describes the proper use of an AED.

2. The American Heart Association or American Red Cross brochure or similar information is posted next to every AED.

3. School employees are annually notified of the location of all AED units on school grounds.

4. The principal shall designate the trained employees who shall be available to respond to an emergency that may involve the use of an AED during the hours of classroom instruction or when a school-sponsored activity is occurring on school grounds. (Health and Safety Code 1797.796)

E. Liability

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.
I have received a copy and been advised of the San Marcos Unified School District Board Policy regarding “Do Not Resuscitate (DNR)” orders.

For purposes of this policy, “life-sustaining emergency care” is defined as any procedure or intervention applied by appropriately trained school staff that may prevent a student from dying who, without such procedure or intervention, faces a risk of imminent death. Examples of life-sustaining emergency care include but are not limited to: efforts to stop bleeding, unblocking airways, mouth-to-mouth resuscitation, and cardio-pulmonary resuscitation (CPR).

I understand the San Marcos Unified School District’s policy is that any directives limiting life-sustaining emergency care (i.e., Do Not Resuscitate (DNR), Do Not Attempt Resuscitation (DNAR), No Code (No CPR), cannot be honored by school staff unless directed by the Superintendent/designee. Instead, life-sustaining emergency care would be initiated by appropriately trained school staff and immediate steps taken to transfer care of the student to a physician or paramedic who can honor a request such as a DNR or DNAR.

In order that DNR orders are honored outside of the school setting, it is advisable that I discuss and complete a DNR request with local hospital emergency rooms and paramedic service.

Parent Signature __________________________ Date __________________________

Student __________________________ Student’s Date of Birth __________________________
The Governing Board recognizes that certain students may need to take medication during the school day. The school nurse, or other persons designated by the Superintendent, shall assist such students in taking their medication. If the parent/guardian chooses, he/she may administer the medication to his/her child. In addition, the parent/guardian may designate another individual who is not a school employee to administer the medication to the student. Parents should be notified of this policy at the beginning of each school year. The following statements are required before such assistance is given.

1. A written statement from a student's health care provider or physician with the name, address, phone number, date, and signature of the authorized health care provider specifying at minimum the medication the pupil is to take, the dosage, and the period of time during which the medication is to be taken. A copy faxed to the school is acceptable. For medications given for one month or less, the physician’s statement is not required.

2. A written statement from the student’s parent/guardian requesting the District to assist the student in taking the medication in accordance with the authorized health care provider’s written statement and to grant permission for the District Nurse to communicate directly with the student’s physician.

Medication may include not only a substance dispensed in the United States by prescription, but also a substance that does not require a prescription, such as the over-the-counter remedies, nutritional supplements, and herbal remedies. (5CCR601)

The parent/guardian of a student on a continuing medication regimen from a non-episodic 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.

Parents/guardians are responsible to provide the medication to the school in the original prescription bottle that is clearly marked with:

1. The name of student
2. The name and phone number of prescribing physician
3. The name of the medication and a prescription number
4. The name and phone number of the pharmacy dispensing the medication
5. The amount of the medication to be taken at specified times and/or the specific situations in which it is to be taken

Medication will not be retained at school from year to year. Each school year the request form must be renewed.
The school nurse, with the parent/guardian's consent, may communicate with the student's physician regarding the medication and its effects. The school nurse may also counsel school personnel regarding the possible effects of the drug on the student's physical, intellectual, and social behavior, as well as possible behavior, signs, and symptoms of adverse side effects, omission, or overdose.

The nurses, health aides or other designated employees 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 including a list of those students who are authorized to self administer medication (5CCR601)
4. Keep all medication in a locked drawer or cabinet to ensure that student confidentiality is appropriately maintained
5. Report any refusal of a student to take his/her medication to the parent/guardian
6. Coordinate the administration of medication during field trips and after-school activities
7. Accept delivery of medication from the student’s parent/guardian, including counting and recording the medication upon receipt

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 in accordance with the Americans With Disabilities Act. The student shall observe universal precautions in the handling of blood and bodily fluids. The parent’s written request to allow self administration by the student should also release the District from civil liability if the student suffers an adverse reaction.

**Anaphylactic Injections**

The Board recognizes that some students have allergies of such severity that they may require an emergency anaphylactic injection, also referred to as auto-injectable epinephrine (epi-pen) 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. Trained school staff will be authorized to administer the injections and will be afforded appropriate liability protection.
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.

**Over-the-counter drugs**

All medications administered at school must be prescribed by a physician even if they are sold over the counter.

The Superintendent or designee shall inform the parent/guardian of every student of the above requirements.

Legal Reference:

**Education Code**
- 48980 Notification at beginning of term
- 49407 Liability for treatment
- 49408 Emergency information
- 49414 Emergency epinephrine auto-injectors
- 48914.5 Providing school personnel with voluntary emergency training
- 49423 Administration of prescribed medication for pupil
- 49423.1 Inhaled asthma medication, conditions upon which pupil may carry and self-administer medication
- 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

**Code of Regulations, Title 5**
- 600-611 Administering medication to students

Adoption History: 08/09/82
Reviewed/Revised: 09/13/93
03/24/97
10/14/03
03/13/06
03/09/09
The Governing Board recognizes its dual responsibility to protect the health of students from risks posed by infectious diseases and to uphold the right of students to a free and appropriate education. The District requires all staff to routinely observe universal precautions to prevent exposure to bloodborne pathogens and prevent the spread of all infectious diseases such as pandemic influenza.

The Superintendent or designee shall immediately report to the local health officer the presence or suspected presence of any communicable disease. (17 CCR 2508) and shall regularly review resources available from health experts to ensure the district programs are based on the most up-to-date information.

The admission of a student with a disease that is contagious within the school setting shall be determined by the Superintendent or designee in accordance with standard procedures. The District shall exclude students only in accordance with law. In making this determination, the district 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.

Students with Bloodborne Pathogen Infections

This policy is based, in part, on the fact that schools are more likely to have unknown cases of students with bloodborne pathogens than to have a student who is known to have such an infection.

The Board recognizes that human immunodeficiency virus (HIV), and hepatitis B and C virus (HBV), are bloodborne pathogens and not casually transmitted. Children with bloodborne pathogen infections are entitled to attend school and receive a free and appropriate public education. The sole presence of bloodborne pathogens is not sufficient reason to exclude students from attending school.

Parents/guardians are encouraged to inform the Superintendent or designee if their child has an infectious disease so that school staff may keep the student's parents/guardians informed of any outbreak of disease at school. The District will work cooperatively with the student's parent/guardian and physician to minimize the child's exposure to other diseases in the school setting.

The district requires students and staff to routinely observe universal precautions to prevent exposure to bloodborne pathogens and to prevent the spread of all infectious disease.

The Superintendent/designee shall ensure that the district's health education program provides information about the prevention of infectious diseases, including the nature of bloodborne pathogens and their transmission, as well as information to help prevent the spread of contagious diseases, such as a pandemic influenza. He/she shall also ensure that each school has sufficient infection prevention supplies that are easily accessible to staff.
Legal Reference:
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

Education Code
48210-48216 Persons excluded
49073-49079 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
49602 Confidentiality of student information
51202 Instruction in personal and public health and safety

California Constitution
Article 1, Section 1 Right to Privacy

Health and Safety Code
120230 Exclusion for communicable disease
120325-120380 Immunization against communicable diseases
120875-120895 AIDS information
120975-120985 AIDS information
121475-121520 Tuberculosis tests for pupils

California Code of Regulations, Title 8
5193 Bloodborne pathogen standards

Code of Regulations, Title 17
2500-2511 Communicable disease reporting requirements

United States Code, Title 20
1232g Family Educational and Privacy Rights Act
1400-1482 Individuals with Disabilities Education Act

United States Code, Title 29
794 Section 504 of the Rehabilitation Act of 1973

CODE OF FEDERAL REGULATIONS, TITLE 45
164.500-164.534 Health Insurance Portability and Accountability Act (HIPAA)

Court Decisions
Management Resources

CSBA PUBLICATIONS
Avian Influenza, Governance and Policy Services Fact Sheet, April 2006

WEB SITES
CSBA: http://www.csba.org
California Department of Education: 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
Contra Costa County Office of Education, Pandemic Flu Resources:
http://www.cccoe.k12.ca.us/about/flu/resources_flu_action_kit

Adoption History:
Initial Adoption: 02/27/89
Reviewed:
09/13/93
03/24/97
03/10/03
05/14/07
09/07/10
The Governing Board recognizes its dual responsibility to protect the health of students from risks posed by infectious diseases and to uphold the right of students to a free and appropriate education. The District requires all staff to routinely observe universal precautions to prevent exposure to bloodborne pathogens and prevent the spread of all infectious diseases such as pandemic influenza.

The Superintendent or designee shall immediately report to the local health officer the presence or suspected presence of any communicable disease. (17 CCR 2508) and shall regularly review resources available from health experts to ensure the district programs are based on the most up-to-date information.

The admission of a student with a disease that is contagious within the school setting shall be determined by the Superintendent or designee in accordance with standard procedures. The District shall exclude students only in accordance with law. In making this determination, the district 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.

Students with Bloodborne Pathogen Infections

The following optional policy is based, in part, on the fact that schools are more likely to have unknown cases of students with bloodborne pathogens than to have a student who is known to have such an infection.

The Board recognizes that human immunodeficiency virus (HIV), and hepatitis B and C virus (HBV), are bloodborne pathogens and not casually transmitted. Children with bloodborne pathogen infections are entitled to attend school and receive a free and appropriate public education. The sole presence of bloodborne pathogens is not sufficient reason to exclude students from attending school.

Parents/guardians are encouraged to inform the Superintendent or designee if their child has an infectious disease so that school staff may keep the student's parents/guardians informed of any outbreak of disease at school. The District will work cooperatively with the student's parent/guardian and physician to minimize the child's exposure to other diseases in the school setting.

The district requires students and staff to routinely observe universal precautions to prevent exposure to bloodborne pathogens and to prevent the spread of all infectious disease.

The Superintendent/designee shall ensure that the district’s health education program provides information about the nature of bloodborne pathogens and their transmission.
Legal Reference:
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

Education Code
48210-48216  Persons excluded
49073-49079  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
49602  Confidentiality of student information
51202  Instruction in personal and public health and safety

California Constitution
Article 1, Section 1 Right to Privacy

Health and Safety Code
120230  Exclusion for communicable disease
120325-120380  Immunization against communicable diseases
120875-120895  AIDS information
120975-121022  AIDS information
121475-121520  Tuberculosis tests for pupils

California Code of Regulations, Title 8
5193  Bloodborne pathogen standards

Code of Regulations, Title 17
2500-2511  Communicable disease reporting requirements

United States Code, Title 20
1232g  Family Educational and Privacy Rights Act
1400-1482  Individuals with Disabilities Education Act

United States Code, Title 29
794  Section 504 of the Rehabilitation Act of 1973

CODE OF FEDERAL REGULATIONS, TITLE 45
164.500-164.534 Health Insurance Portability and Accountability Act (HIPAA)

Court Decisions
Management Resources

CSBA PUBLICATIONS
- Avian Influenza, Governance and Policy Services Fact Sheet, April 2006

WEB SITES
- CSBA: http://www.csba.org
- California Department of Education: 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
- Contra Costa County Office of Education, Pandemic Flu Resources: http://www.cccoe.k12.ca.us/about/flu/resources_flu_action_kit

Adoption History:
Initial Adoption: 02/27/89
Reviewed:
09/13/93
03/24/97
03/10/03
05/14/07
Infectious Diseases

In determining whether to exclude a child with a suspected or diagnosed infectious disease, the Superintendent or designee shall consult the child’s parent/guardian and the student’s physician and/or the County Health Department as required by law. The Superintendent or designee also may refer to the State Department of Health Services document “Control of Communicable Disease in California” for assistance in this determination.

Confidentiality

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. Such information may be shared only with those persons specifically named in the written permission.

The parent/guardian 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. The parent/guardian must provide written permission for the disclosure of confidential information to each review panel member. The review panel may refer the decision to an individualized education program or 504 team as appropriate.

Universal Precautions in the Classroom

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. (8CCR5193)

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. (cf. 5142-Safety)
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 puncture, 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.
The Governing Board recognizes the importance of periodic health examinations conducted according to state health regulations.

To determine the health status of students, facilitate the removal of handicaps to learning, and determine whether special adaptations of the school program may be necessary, the District shall verify student compliance with immunization requirements and the Board shall require that periodic examinations be conducted which include tests for vision and hearing.

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

All students who participate as cheerleaders, marching band members or athletes in organized competitive sports shall first undergo a medical examination and submit documentation of medical clearance to the district. 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.

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

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 maintained and released only in accordance with law.

Legal Reference:
Education Code
44871-44879 Employment qualifications
49400- 49414.7 General powers-school boards (re: public health)
49422 Supervision of health and physical development
49444 Contract for mental health services
49450-49458 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 Regulation, Title 5
590-596 Vision screening
3027 Hearing and vision screening for special education
3028 Audiological screening
Adoption History:
3/25/85
11/28/88
9/13/93
Reviewed: 3/24/97
Revision Adopted: 7/19/99
Reviewed: 10/14/03
Revisions Adopted: 1/13/14
In the enforcement of health examination requirements, the following shall apply:

1. The principal at each school shall notify parents/guardians of the rights of students and parents/guardians related to health examinations. (Education Code 48980)

2. The Report of Health Check-up for School Entry form shall be completed for every student upon registration to kindergarten. If the student first attends school with San Marcos Unified School District at the first grade level, said form will be completed upon registration to first grade. The required physical examination must have been completed within six (6) months prior to the first day of kindergarten, or within eighteen (18) months prior to the first day of first grade. The Report of Health Check-up for School Entry form must be completed and signed by a physician or health provider and presented to the school office before a child will be allowed to register for school.

3. Exemption: If the parent/guardian completed both “A” and “B” below, the student is exempt from the health examination requirements, but shall be subject to exclusion from attendance when contagious or infectious disease is reasonably suspected.
   a. The parent/guardian must submit a letter or affidavit to the principal stating that a physical examination is contrary to his/her belief.
   b. The parent/guardian must sign the Report of Health Check-up for School Entry form under the section titled Waiver of Health Check-up for School Entry.

4. Admission: The student shall be admitted to school if the Report of Health Check-up for School Entry form is completed or if the requirements for exemption (3A and 3B above) are met. If a student does not satisfy the requirements for admission, he/she shall be excluded. Administrative Procedure 5113 will be followed if the student is excluded.

5. Schools shall provide parents with the names and addresses where no cost health screenings can be obtained.

6. Child Health and Disability Prevention (CHDP) annual school reports on first grade students shall be completed and submitted to the local CHDP program by January 15th of each year.
Students shall have their vision and hearing tested by qualified personnel authorized by the District. 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. 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.

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.

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.

Referrals

Notification to parent/guardian should describe public services available for treatment, but may not include a referral to a private practitioner.
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.

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.

No child shall be admitted to any district school without presentation of evidence that the child has been fully immunized against hepatitis B, diphtheria, pertussis (whooping cough), tetanus, poliomyelitis, haemophilus influenza type B (meningitis), varicella (chicken pox), measles, mumps, and rubella in the manner and with immunizing agents approved by the State Department of Health. Students who have reached the age of seven (7) shall not be required to be immunized against pertussis or mumps.

The Governing Board shall grant conditional admission to transfer students for up to thirty (30) days while waiting for their immunization records to arrive from their prior school. If the mandatory permanent record or other immunization record, does not arrive within thirty (30) days, the student or the student's parent/guardian shall be required to present a written immunization record documented by a physician, nurse, or clinic that the required immunizations have been received. If such documentation is not presented, the student shall be excluded from school until the immunization requirements are met.

A child may be admitted to school without proof of full immunization on presentation of an exemption affidavit signed by the child's legal parent/guardian declaring that such immunization is contrary to the personal beliefs of the child, parent, or guardian.

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)

Legal Reference:

Education Code
46010 Absences excluded in computing attendance
48216 Immunization
48980 Required notification of rights
49403 Cooperation in control of communicable disease and immunizations
Health & Safety Code
120325-120380  Immunization against communicable disease especially:
120335  Immunization requirement for admission
120440  Disclosure of immunization information

Code of Regulation, Title 17
6000-6075  School attendance immunization requirements

Adoption History:
Initial Adoption: 03/25/85
Reviewed: 11/28/88
09/13/93
03/24/97
08/16/99
10/14/03
05/14/07
09/07/10
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)

1. **Definition of Terms:**
   
a. **UNCONDITIONAL STUDENT:** An "unconditional" student, as defined by the California School Immunization Law, is one who has (a) documented verification of adequate immunizations, or (b) a medical exemption, or (c) a signed personal belief exemption, or (d) a combination of the above.
   
b. **CONDITIONAL STUDENT:**
   
The district may conditionally admit a child with documentation from a physician that: (Health and Safety Code 120340; Code of Regulations, Title 17, Section 6000, 6035)
   
   1. He or she has received some but not all required immunizations and is not due for any vaccine doses at the time of admission
   
   2. He or she has a temporary exemption from immunization for medical reasons

   The Superintendent or designee shall review the immunization record of each student admitted conditionally every 30 days until that student has received all of the required immunizations. (Code of Regulations, Title 17, Section 6070)

   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)

   c. **DOCUMENTATION OF IMMUNIZATION:** Parents are required to show their child’s official immunization record at school registration. An immunization record must include the child’s name and birth date; the type and date of each dose of vaccine; and the name of the physician or clinic which administered the vaccine.

2. **Requirements**

   a. Upon enrollment, students must present evidence of full immunization against diphtheria, pertussis (whooping cough), tetanus (Td), poliomyelitis, varicella (chicken pox), measles, mumps, and rubella (MMR) as documented by a physician, nurse, or clinic in the manner prescribed by the State Department of Health Services. Students seven years old or older shall not be required to be immunized against pertussis or mumps. (Health and Safety Code 120335)
b. Upon enrollment, children entering school or a child care and development program at the kindergarten level or below shall also present evidence of immunization against hepatitis B. Children who have not reached the age of four years, six months shall also present evidence of immunization against ñhaemophilus influenzae type b. (Health and Safety Code 120335)

c. 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 that kindergarten or seventh grade shall be exempt from the requirement for a second measles dose or hepatitis B immunization.

d. 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.

e. 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.

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.

3. 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)

f. Exclusions Due to Lack of Immunizations

1. 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.

2. 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)
3. The district shall exclude from further attendance any student who fails to obtain the required immunization within no more than 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. (Code of Regulations, Title 17, Section 6055)

3. In processing immunization records, school personnel will follow the steps listed below:

a. School personnel will obtain an official copy of the student’s immunization record, and will complete the CSIR card.

b. School personnel shall complete the "For School Use Only" section of the CSIR to document the source of immunization dates, the signing of exemption statements, and immunization status of the student.

c. Based upon the completed CSIR, school personnel shall determine if the student is "unconditional," "conditional," "susceptible," or any combination thereof.

1. If the student is determined to be "unconditional," he/she is admitted to school. The completed CSIR becomes part of the student's permanent record.

2. If the student is determined to be "conditional," he/she shall be excluded unless the following is true. The student is in the process of completing the required immunization and all doses are current. A student admitted as "conditional" shall be excluded if required doses are not obtained as needed or upon the expiration of the temporary medical exemption.

3. If the student is determined to be "susceptible" because of an exemption from immunization, his/her name will be added to the list of "susceptible" students. This is necessary because the school is required to keep an updated list of "susceptible" students for each of the vaccine-preventable diseases listed on the CSIR. 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)

d. Administrative Procedure #5113 will be followed if a student is excluded.
e. 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.

4. Notification of Student/Parent Rights
   a. 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)
   b. Immunizations shall not be given without parental consent. (Education Code 49403)
The Governing Board believes that the district’s head lice management program should emphasize the correct diagnosis and treatment of head lice in order to minimize disruption of the education process and to reduce the number of student absences resulting from infestation. In consultation with the school nurse, the Superintendent or designee may establish a routine screening program to help prevent the spread of head lice.

School employees shall report all suspected cases of head lice to the health office as soon as possible. The health office shall examine the student and other students who are siblings of the affected student or members of the same household.

If a student is found with active, adult head lice, he/she shall be excluded from attendance and sent home. The parent/guardian of any such student shall be given information about the treatment of head lice and encouraged to begin treatment immediately and to check all members of the family. The parent/guardian also shall be informed that the student shall be checked upon return to school and allowed to remain in school if no active head lice are detected.

Upon the student’s return to school, the school nurse or designee shall check the student for active head lice. If it is determined that the student remains infected with head lice, the school nurse or designee shall contact the student’s parent/guardian to discuss treatment and send the student home. As needed, he/she may provide additional resources and/or referral to the local health department, health care providers, or other agencies.

The principal and school nurse shall work with the parents/guardians of any student who has been deemed to be a chronic head lice case in order to help minimize the student’s absences from school.

When a student in any elementary class is identified as having a head lice infestation, all students in the class shall be examined. In consultation with the school nurse, the principal may also send information about head lice home to all parents/guardians of the students in that class.

Staff shall maintain the privacy of students identified as having head lice.
LEGAL REFERENCE:

EDUCATION CODE
48320-48325 School Attendance Review Boards
49451 Physical examinations: parent’s refusal to consent

MANAGEMENT RESOURCES:

AMERICAN ACADEMY OF PEDIATRICS

CALIFORNIA DEPARTMENT OF HEALTH SERVICES
Guidelines for Parents on Control of Head Lice, 2006

CALIFORNIA SCHOOL NURSES ORGANIZATION
Position Statement: Pediculosis Management, 2005

WEB SITES
California Department of Health Services, Infectious Diseases Branch: http://www.dhs.ca.gov/ps/dc/dc/ks/disb/disbindex.htm
California School Nurses Organization: http://www.scno.org
Centers for Disease Control and Prevention, Parasitic Disease Information, Head Lice: http://www.cdc.gov/ncid/ncd/dp/dpd/parasites/lice

ADOPTION HISTORY:
Initial Adoption: 07/12/10
Reviewed/Revised: 11/13/12
To better manage and to limit the spread of head lice infestations, school employees shall report all suspected cases of head lice to the school nurse or designee. The school nurse or designee shall examine the student. An infestation shall be determined by looking closely through the hair and scalp for viable nits or live lice.

If nits are found but there are no live (crawling) lice on the hair, the school nurse or designee shall re-inspect within 7-10 school days.

If live (crawling) lice are found on the hair, the student shall be excluded from attendance and sent home. The parent/guardian shall be provided information on the biology of head lice, methods to eliminate infestation, and directions to examine household contacts for lice and nits. The parent/guardian also shall be informed that the student shall be checked upon return to school and allowed to remain in school if no active head lice are detected. The school nurse or designee may notify parents/guardians in the affected classroom to encourage them to check their children and to treat, if appropriate, and/or examine other students most likely to have direct head to head contact with the affected student.

Parents/guardians will be encouraged to verify treatment as soon as possible after notification. If the parent/guardian is unable to afford treatment, the student will be referred to Health Services.

Affected students shall be discouraged from direct head to head contact with other students. The nurse or designee shall provide in-service education to staff regarding how to handle nits and/or lice in the classroom.

Information about head lice shall be sent home to all parents/guardians at the beginning of the school year.

Staff shall maintain the privacy of students identified as having head lice.

(Harvard School of Public Health, Laboratory of Public Health Entomology)
(American Academy of Pediatrics)
(National Association of School Nurses)
(cf. 5141.3 Health Examinations)
(cf. 5145.6 Parental Notifications)

(cf. 4119.23/4219.23/4319.23 – Unauthorized Release of Confidential/Privileged Information)
With concern for the total well-being of each student, the Governing Board directs the employees of the District to report known or suspected incidences of child abuse in accordance with state law and district regulations. District employees shall cooperate with the child protective agencies responsible for reporting, investigating, and prosecuting cases of child abuse.

The policy and regulation applies to all certificated employees of the District and any other employees designated by law as a "child care custodian," "health practitioner," or "child visitation monitor" as defined by state law.

The Superintendent shall develop and implement regulations for identifying and reporting child abuse. In order to reduce or eliminate unfounded child abuse accusations directed at school employees, child abuse inservice training shall include guidance in disciplining students and maintaining ethical relationships with them.

The District shall also provide training in the duties of child abuse identification and reporting to instructional and teacher aides, teacher assistants, and other classified employees. (Penal Code 11165.7) As mandated reporters, employees shall not investigate any suspected incidents but rather shall cooperate with agencies responsible for reporting, investigating and prosecuting cases of child abuse and neglect.

All new employees and all employees trained in child abuse identification and reporting shall be given, as part of that training, written notice of the child abuse reporting requirements and the employee's confidentiality rights.

The Governing Board recognizes that the district has a responsibility to facilitate the prompt reporting of incidents of child abuse and neglect. The Superintendent or designee shall insure that parents/guardians have access to procedures whereby they can report suspected child abuse at a school site to appropriate child protective agencies (Education Code 33308.1) or file a complaint against a district employee or other person whom they suspect has engaged in abuse of a child at a school site.

Legal Reference:
Education Code
32280-32288 Comprehensive School Safety Plans
33308.1 Guidelines on procedure for filing child abuse complaints
44690-44691 Staff development in the detection of child abuse and neglect
44807 Duty concerning conduct of students
48906 Notification when pupil released to peace officer
48987 Dissemination of reporting guidelines to parents
49001 Prohibition of corporal punishment
51220.5 Parenting skills education

Penal Code
152.3 Duty to report murder, rape or lewd or lascivious act
273a Willful cruelty or unjustifiable punishment of child; endangering life or health
288 Definition of lewd or lascivious act requiring reporting
11164-11174. 4 Child Abuse and Neglect Reporting Act,

Welfare and Institutions Code
15630-15637 Dependent adult abuse reporting

Code of Regulations, Title 5
4650 Filing complaints with CDE, special education students

Management Resources:
CDE Legal Advisories
514.93 Guidelines for parents to report suspected child abuse by school district employees

Adoption History:
Initial Adoption: 03/31/86
Reviewed/Revised: 09/13/93
03/24/97
08/16/99
05/11/04
06/16/08
All employees shall be made aware of their responsibilities to report known or suspected instances of child abuse.

1. As part of the hiring process, all new employees shall be required to sign a district statement to the effect that they are aware of their legal obligation to report known or suspected instances of child abuse and that they can’t be held civilly or criminally liable for making a report.

2. This statement regarding child abuse obligations will be provided for all new employees by the human resources office. It shall include a statement that if the employee fails to report suspected child abuse or neglect, he/she may be found guilty of a crime (PC 11166).

3. After that statement has been signed by the new employee, it shall be placed in their personal file.

4. New employees shall not be authorized to start work, nor shall they be placed on the payroll prior to the completion of this statement.

District office administrators and site principals shall provide information, instruction, and assistance to employees regarding supervision of child abuse reporting requirements and procedures. This shall include the completion of the Department of Justice report form (DOJ SS 8572), #11166 PC, "Suspected Child Abuse", current telephone numbers to be used for child abuse reporting, an explanation of the types of evidence generally accepted as being indicative of child abuse, and other appropriate information and assistance.

Definitions

“Child Abuse” includes the following: (Penal Code 11165.5 and 11165.6)

1. A physical injury or death inflicted by other than accidental means on a child by another person

2. Sexual abuse of a child including sexual assault or sexual exploitation

3. Willful cruelty, or harming or injuring a child, or willfully inflicting unjustifiable physical pain or mental suffering, or failure to safeguard a child from these injuries when the child is under a person’s care or custody as defined in PC1165.3.

4. Unlawful corporal punishment or injury resulting in a traumatic condition as defined in PC11165.4.

5. Neglect as defined in PC11165.2. 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 aggressive behavior towards self or others.
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)

3. An injury resulting from the exercise by a teacher, assistant 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 injury caused by a school employee’s use of force that is reasonable and necessary 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)

Duty to Report Abuse 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; licensed nurse or health care provider; and administrators, presenters, and counselors of a child abuse prevention program. (Penal Code 11165.7)

1. 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)

2. Any child care custodian, health practitioner, child visitation monitor, or employee of a child protective agency who has knowledge of or observes a child whom he/she knows or reasonably suspects has been the victim of physical or emotional child abuse shall report the known or suspected instance to a child protective agency immediately, or as soon as practically possible, by telephone and shall prepare and send a written report thereof within 36 hours. (PC 11166)

3. The reporting duties are individual and can’t be delegated to another individual. No supervisor or administrator may impede or inhibit the reporting duties, and no person making such a report shall be subject to any sanction for making the report. School employees have absolute immunity. They are not civilly or criminally liable for filing a required report of known or suspected child abuse. (PC 11166)
4. Volunteers whose duties require direct contact with and supervision of children are not mandated reporters. However, the law encourages volunteers to obtain training in child abuse identification and reporting (Penal Code 11165.7)

Reporting Known or Suspected Child Abuse:

1. A telephone report shall be made initially (858) 560-2191, and shall include the name, and phone number of the person/Agency making the report, the name and address of the child, the present location of the child including school, grade and class, names, addresses, and phone numbers of the child’s parents/guardians, the nature and extent of the injury, and any other information, including information that led that person to suspect child abuse, requested by the child protective agency.

2. When the verbal 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.

3. Information relevant to the incident of child abuse, including the investigation report and the name address and phone number of the person(s) who might have abused or neglected the child may also be given to an investigator from a child protective agency who is investigating the known or suspected case of child abuse.

4. 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)

Reporting the information to an employer, supervisor, 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)

Interviewing Witnesses:

1. Upon request, a child protective agency representative or the State Department of Social Services may interview a suspected victim of child abuse during school hours, on school premises, concerning a report of suspected child abuse 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)

2. 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 legal requirements:

   a. 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.
b. The selected person shall not participate in the interview.

c. The selected person shall not discuss the facts or circumstances of the case with the child

d. The selected person is subject to the confidentiality requirements of the Child Abuse and Reporting Act, a violation of which is punishable as specified in Penal Code 11167.5

3. 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)

Confidential Notification:

1. The identity of all persons who report child abuse shall be confidential. Employees reporting child abuse to a child protective agency are encouraged, but not required, to notify the site administrator or designee as soon as possible after the initial verbal report by telephone. When so notified, the site administrator shall inform the Superintendent or designee.

2. Administrators so notified shall provide the mandated reporter with any assistance necessary to ensure that reporting procedures are carried out in accordance with law and district regulations. At the mandated reporter’s request, the principal may assist in completing and filing these forms.

3. If the mandated reporter does not disclose his/her identity to a district administrator, he/she shall at least provide or mail a copy of the written report to the district without his/her signature or name.

Release of Child to Peace Officer or Child Protective Services Agent:

When a child is released to a peace officer or child protective services agent and taken into custody as a victim of suspected child abuse, 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 or agent 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.

When School Employees are Accused of Child Abuse:

The duty to report child abuse is an important one and applies even if the known or suspected child abuse involves a school employee or co-worker.

Upon request, the Superintendent or designee shall provide parents/guardians with a copy of the district’s administrative regulation that describes how to report suspected child abuse occurring at a school site to appropriate agencies. For parents/guardians whose primary language is other than English, such procedures shall be in their primary language and, when communicating orally regarding those procedures, an interpreter shall be provided. (Ed. 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.

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. 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).
CHILD ABUSE PREVENTION PROGRAMS

Recognizing that our responsibility to students includes the protection of their physical and mental well-being, the Governing Board desires to provide whatever opportunities or resources may be available for the prevention of child abuse.

The Governing Board agrees with the Legislature that:

1. Child abuse and neglect is a severe and increasing problem in California;

2. School districts and preschools are able to provide an environment for training of children, parents, and all school district staff; and

3. Age-appropriate and culturally-appropriate child abuse prevention curriculum shall be a component of the district’s health and safety instruction. This curriculum shall explain students’ rights to live free of abuse, inform them of available support resources, and teach them how to obtain help and disclose incidents of abuse. The curriculum also shall include training in self-protection techniques. (Ed. Code 51220.5)

The Superintendent is authorized to explore funding and assistance available for the establishment of programs directed toward preventing the occurrence of child abuse, including physical abuse, sexual assault, and child neglect, and reducing the general vulnerability of children, including coordination with and training for parents and school staff.

The Superintendent or designee shall seek to incorporate community resources into the schools’ child abuse prevention programs. To the extent feasible, the Superintendent or designee shall also use these community resources to provide parents/guardians with instruction in parenting skills and child abuse prevention.

Parents shall be given notice of child abuse prevention instruction whenever such instruction includes family life or sex education and may refuse to have their children participate.

Legal Reference:
Welfare and Institutions Code
Chapter 12, 18975-18979, The Maxine Waters Child Abuse Prevention Training Act of 1984
Education Code
1020 Youth Services
32280-32288 Comprehensive school safety plan
49001 Prohibition of corporal punishment
51220.5 Parenting skills education
5141.4 Child Abuse Reporting Procedure
6142.1 Family Life/Sex Education

Adoption History:
Initial Adoption: 03/31/86
Reviewed/Revised: 09/13/93
03/24/97
04/22/02
05/23/05
06/16/08
The Governing Board believes priority should be given to safety and to the prevention of student injury. School facilities shall be designed and equipment shall be selected to minimize the risk of harm to students.

The Board directs the Superintendent to develop and implement regulations which will ensure as safe an educational environment as possible.

Although the District is not liable for the safety of students who are not under school supervision, the school district can, and does, hold students accountable for their behavior from the time they leave their homes for school until they return to their homes from school, in the playgrounds and during recess, and while they are on school premises and/or under supervision of school district personnel.

Students shall be under the supervision of school authorities during school hours and school-sponsored activities. When students are provided transportation to and from the school premises by the school district, they shall be under the supervision of school authorities from the time they board the school bus until the time they leave the school bus. Students shall also be under the school’s supervision at all school-sponsored functions such as athletic contests, class parties, and school clubs.

Students shall not be permitted to leave school in the custody of a person other than the student’s legal parent/guardian unless that person has the verified authorization of the legal parent(s)/guardian(s) or the adult is taking the student to emergency medical care at the request of the principal/designee. Properly authorized law officers may seize or apprehend, according to law.

The Governing Board shares the concern with parents/guardians for the safety, health and welfare of students while they attend the schools of the District or participate in school-sponsored activities. The Board requires that parents/guardians furnish the schools with current information specified below to be used for notification purposes in cases of emergency:

1. Home address and telephone number; (including cell phone numbers)
2. Parent/guardian 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 where the parent/guardian cannot be reached.

It is the responsibility of the principal to provide for adequate supervision of playgrounds and other school facilities at all times they are in use by students during the school day or at school-sponsored activities. Special attention should be given to the prevention of accidents and to the development of habits of good citizenship. Copies of the rules shall be readily available at the school at all times.

The principal or designee shall establish school rules consistent with law, Board policy, and administrative regulation for the safe and appropriate use of school equipment, materials and for student conduct. School staff shall train students on the safety rules and shall provide safety instruction as appropriate.
The principal should make full use of the cooperative services of local and county organizations which provide safety services such as fire, law enforcement, and disaster preparedness agencies.

The Superintendent or designee shall ensure that teachers, teacher aides, yard aides, crossing guards, school safety patrols and volunteers who supervise students receive training in safety practices and in supervisory techniques that will help them to forestall problems and resolve conflicts. Supervisors’ training shall be documented and kept on file.

The principal or designee shall require all individuals supervising students to 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.

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)

**Missing Children**

The Board recognizes that all employees of the District must be made aware of the plight of missing children. Each principal shall be responsible for seeing that information on missing children is posted in the school in areas restricted to adult use only.

Legal Reference:

Education Code

8482-8484.6 After School Learning and Safe Neighborhood Partnerships Program
17280-17317 Building approvals (Field Act)
17365-17374 Fitness of school facilities for occupancy
32001 Fire alarms and drills
32020 School gates; entrances for emergency vehicles
32030-32034 School eye safety
32040 First aid equipment
32050-32051 Hazing
32225-32226 Two-way communication devices in classrooms
32240-32245 Lead-free schools
32250-32254 CDE school safety and security resources unit
32270.5 Cellular telephones for classroom safety
32280-32289 Safety plans
40048 Missing children; posting of information
44807 Duty of teachers concerning conduct of students to and from schools, on playgrounds, and during recess. Instruction in personal and public health and safety
44808 Exemption from liability when students are not on school property
44808.5 Permission for students to leave school grounds; notice (high school)
45450-45451 Crossing guards
49300-49307 School safety patrol
49330-49335 Injurious objects
49341 Hazardous materials in school science laboratories
51202 Instruction in personal and public health and safety
Government Code
810-996.6 California Tort Claims Act, especially:
815 Liability for injuries generally; immunity of public entity
835 Conditions of liability
4450-4458 Access to public buildings by physically disabled persons

Health and Safety Code
115725-115750 Playground safety
115775-115800 Wooden playground equipment
115810-115816 Playground safety and recycling grants

Penal Code
245.6 Hazing

Vehicle Code
21100 Rules and regulations; crossing guards
21212 Use of helmets
42200 Fines and forfeitures, disposition by cities
42201 Fines and forfeitures, disposition by counties

Public Resources code
5411 Purchase of equipment usable by physically disabled persons

Code of Regulations, Title 5
202 Exclusion of pupils with a contagious disease
570-576 School safety patrols
5531 Supervision of social activities
5552 Playground supervision
5570 When school shall be open and teachers present
14103 Bus driver; authority over pupils

Court Decisions
Hoyem v. Manhattan Beach City School District, (1978) 22 Cal. 3d 508

Code of Regulations, Title 22
65700-65750 Safety regulations for playgrounds; definitions and general standards

Court Decisions
Hoyem v. Manhattan Beach City School District (1978) 22 Cal. 3d 508

Adoption History: 08/09/82
09/13/93
Reviewed: 03/24/97
Review of Revision: 09/08/03
02/11/08
A group plan of student accident insurance shall be made available on a voluntary basis to every student registered in the District. The specific plan shall be approved by the Superintendent or his designee and shall provide for the assumption of all administrative processes by the insurance agent.

The Governing Board authorizes the distribution of literature concerning voluntary student insurance during the first week of every school year. All communications concerning the insurance shall be directed to the insurance company by the student’s parent/guardian.

**Athletic Team Members Insurance**

Each member of a school athletic team is required to be covered by an insurance policy for medical and hospital expenses resulting from accidental bodily injury.

Pursuant to Education Code 32220, “member of an athletic team” also includes:

Members of school bands or orchestras, cheerleaders and their assistants, pompom persons, team managers and their assistants, and any student or pupil selected by the school or student body organization to directly assist in the conduct of the athletic event. Such members will be covered only while they are being transported by or under the sponsorship or arrangements of the District or a student body organization, to or from a school or other place of instruction and the place at which the athletic event is being conducted.

Pursuant to Education Code 32221, the insurance will provide the following coverage:

A group or individual medical plan with accidental benefits of at least two hundred dollars ($200) for each occurrence and major medical coverage of at least ten thousand dollars ($10,000), with no more than one hundred dollars ($100) deductible, and no less than 80 percent (80%) payable for each occurrence.

The insurance will provide for coverage during the student’s:

1. Participation in athletic events sponsored by the District or student body organization.
2. Participation in practice for an athletic event.
3. Transportation provided by the District, or under its sponsorship, to and from the school and place for the athletic event.

The insurance required by this policy and Education Code 32221 shall not be required of those students who have insurance or a reasonable equivalent of health benefits provided them through other means.
The Governing Board will make an insurance plan available for purchase by students participating in athletic events as provided by Education Code 32221.

**Non-team Athletic Activities**

Schools shall not permit the following activities or devices on campus by individuals or by groups nor shall school groups be permitted to engage in them: trampolines, jumbo jumps or similar rebounding devices, astro jumps, in-flight operations of aircraft, scuba diving, skateboarding, and hang gliding.

If any of the following activities are approved by the District, they may be engaged in under school sponsorship and administrative procedures only if each participant is covered by an insurance policy providing the same coverage as that required for interscholastic athletic team members: sailing, water skiing, snow trips, bicycling, motorcycling, rifle club, powder puff football, riding club (horseback), FFA rodeo, backpacking, breakdancing (headspin specifically prohibited). Approval of other activities must be obtained from the school principal and the Superintendent or his designee.

The activity sponsor shall verify that each participant has the required coverage. The cost of coverage shall be borne by the students, the student body, or by a combination of both.

The Board shall authorize the expenditure of District or student body funds for the purchase of insurance for those students whose parents/guardians are unable to pay for the cost of the insurance. (Education Code 32221)

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

**Adoption History:**
- Initial Review: 06/15/98
- Reviewed: 09/27/99
- Reviewed: 09/12/05
The Governing Board believes that one of the major functions of the public schools is the preparation of youth for responsible citizenship. The District shall foster a learning environment which reinforces the concepts of self-discipline and the acceptance of personal responsibility. Students are expected to progress from being adult-directed to self-directed, with minimal application of disciplinary measures.

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.

In order to maintain an environment conducive to attaining the highest quality of education in the district, there must exist certain disciplinary policies and regulations relating to student conduct that delineates acceptable behavior and provides the basis for sound disciplinary practices within each school in the District. These policies and regulations will be enforced fairly, uniformly, and consistently without regard to race, creed, color, gender or sexual orientation.

The administration, teachers, and classified staff share the mutual responsibility for student conduct and safety, and the enforcement of district policies and procedures. The Board shall give reasonable support and assistance to all employees with respect to student discipline. The Superintendent or designee shall provide professional development as necessary to assist staff in developing classroom management skills and implementing effective disciplinary techniques.

The Board recognizes that not all students will adhere to district rules for appropriate behavior. Sufficient support services shall be provided so that continually disruptive students will be returned to regular classes only after consequences and interventions are applied to bring about some modification of behavior. Students may be assigned to other alternative programs, or be subject to removal from school, in accordance with law, Board policy and administrative regulations.

In order to ensure that school site rules for student discipline are enforced fairly, uniformly, and consistently, the Superintendent shall establish procedures for the development of such rules. All school site rules shall be strictly based on District policy, procedure, and existing law.

All avenues provided in policy, procedure, and law for the discipline of students may be utilized in developing site level rules. These include, but are not limited to, advising and counseling students, conferencing with parents/guardians, detention during and after school hours or on Saturdays, recess restriction, community service, alternative educational environments, removal from class, and, if necessary, suspension and expulsion.
Special care shall be taken to solicit the views of the school community, including administrators, teachers, school security personnel, parents, and students in developing the site level rules. The adoption of each school's rules on student discipline is the responsibility of the school principal/designee. All adopted school site rules shall be subject to Board review and approval prior to implementation. School site rules shall be revised periodically as required by any changes in District policy or procedure, and shall undergo site level rule review as required by law.

The principal of each school shall ensure that every student and his/her parent/guardian is notified in writing of all Board policies, administrative procedures, and individual school rules related to discipline at the beginning of each school year, and that transfer students and their parents/guardians are so advised at the time of enrollment in school.

Corporal Punishment

Corporal punishment (the willful infliction of pain) shall not be used as a disciplinary measure against any student. School administrators and teachers shall employ other means of disciplining students who violate school rules, district procedures, or district policies.

The use of reasonable and necessary force by an employee to protect oneself, or students, or others, to obtain possession of weapons/dangerous objects, or to prevent damage to district property, shall not be considered corporal punishment for purposes of this policy. (Edc. Code 49001)

Parent Liability

Parents/guardians are liable (Education Code 48904) for the willful misconduct of their minor children that results in damages to school property or the injury or death of a district student, employee, or volunteer (Civil Code 1714.1).

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 non school hours. Such service may include, but is not limited to, community or school outdoor beautification, campus betterment, and teacher, peer, or youth assistance programs.

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.
Legal Reference:

**Civil Code**
- 1714.1 Parental liability for child’s misconduct

**Education Code**
- 32280-32288 School safety plans
- 35146 Closed sessions
- 35291 Rules
- 35291.5 School adopted discipline rules
- 35291.7 School adopted discipline rules: additional employees
- 37223 Weekend classes/Saturday school
- 44807.5 Restriction from recess for disciplinary purposes
- 48630-48644.5 Opportunity schools
- 48900-48926 Suspension and expulsion
- 48980-48985 Notification of parents or guardians
- 49000-49001 Prohibition of corporal punishment
- 49330-49334 Injurious objects

**Code of Regulations, Title 5**
- 307 Participation in school activities until departure of bus
- 353 Detention after school

Adoption History:
Initial Adoption: 08/09/82
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09/28/87
09/13/93
03/24/97
04/22/02
05/23/05
06/16/08
The Governing Board recognizes that maintaining an educational environment which promotes learning and protects the health, safety, and welfare of all students may require the suspension or expulsion of a student from regular classroom instruction for a period of time deemed necessary to correct the behavior of that student. District policies and school site rules shall clearly identify district behavior standards.

Suspension for improper student conduct as described in Education Code 48900, shall be imposed only when other means of correction fail to bring about proper conduct. Suspended or expelled students shall be excluded from all school-related extracurricular activities during the period of suspension or expulsion.

Expulsion is an action taken by the Governing Board for severe or prolonged breaches of discipline by a student as defined in Education Codes 48900 and 48915. Expulsion, except for single acts of a grave nature, is usually reserved for application where there is a history of misconduct, and where other forms of discipline, including suspension, have failed to bring about proper conduct.

The criteria and procedures for considering, recommending and/or implementing suspension and expulsion shall be followed, as specified in Board Policy and Administrative Procedure. It shall be a responsibility of each principal to inform all students of the criteria annually.

Alternatives to Suspension or Expulsion

Alternatives to suspension or expulsion will be used with students who are truant, tardy, or otherwise absent from assigned school activities. (Education Code 48900, 48911.2)

The Superintendent or designee shall examine alternatives to off-campus suspension for students who pose no imminent danger or threat at school and may establish a suspension program which involves progressive discipline during the school day on campus; use of conferences between staff, parents/guardians, and students; detention; student study teams or other assessment-related teams; and/or referral to school support services staff. The use of such alternatives does not preclude off-campus suspensions.

Zero Tolerance

The Board supports a zero tolerance approach to serious offenses as defined in Education Code 48915. This approach makes the removal of dangerous students from the classroom a top priority and requires that all offenders be punished to the fullest extent allowed by law. Staff shall immediately report to the Superintendent or designee any incidence of offenses specified in law, Board policy, and administrative regulation as cause for suspension or expulsion.

The Superintendent or designee shall notify staff, students and parents/guardians about the district's zero tolerance policy and the consequences which may result from student offenses.

Hearing by an Administrative Panel

It shall be the policy of the Governing Board that recommendations by principals for the expulsion of students be heard by an administrative panel, as provided in California Education Code Section 48918(d). Upon recommendation of the administrative panel, the board may order a student expelled upon finding that the student committed any of the acts listed in Section 48900.2, 48900.3,
48900.4 and 48900.7 subdivisions (a) through (t) of Section 48900, and 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.

Upon recommendation of the administrative panel, the board shall order a student expelled upon finding that the student committed any of the acts listed in subdivision (c) of Section 48915, and subsection (a) if 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.

The administrative panel shall consist of three (3) current or retired school administrators, counselors, or teachers selected by the Superintendent or designee, none of whom shall be employed on the staff of the school in which the pupil is enrolled.

Waiver of the Expulsion Hearing and Timelines (Stipulated/Expedited Expulsion)

A student and parent/guardian may request a waiver of the expulsion hearing and expulsion timelines. If the waiver is granted, the student and parent/guardian accept the description of the incident as an accurate charge and agree that the offense is grounds for expulsion under the Education Code. The expulsion recommendation and waiver will then be submitted to the Board for review and final action. The student will be notified in writing of the final Board action.

Student Due Process

The Board shall provide for the fair treatment of students facing suspension and expulsion by affording them due process under the law. The administration and staff have the responsibility of complying with procedures for notices and appeals as specified in procedure. Procedures governing student due process shall conform in all aspects to provisions in law. (Education Code 48911, and 48915 through 58915.5)

Whenever a student is suspended, school officials shall make a reasonable effort to meet with the parent/guardian to discuss the causes and duration of the suspension, the school policy involved, and any other pertinent matters. (Education Code 48914)

Required Parental Attendance

The Governing Board believes that parental involvement plays an important role in the resolution of classroom behavior problems. The Board expects that teachers will communicate with parents/guardians when behavior problems occur. The Board recognizes, however, that initial efforts sometimes fail to bring about improvement, and that current law enables parents/guardians to attend a portion of their child's school day at a teacher's request. Besides furthering improved classroom behavior, such attendance can promote positive parent-child interactions. When appropriate, the school may inform parents/guardians who live with the child of available school and community resources and counseling that may assist them in developing more effective parenting skills.
Whenever a student is suspended from a class because he/she committed an obscene act, engaged in harassment, habitual profanity or vulgarity, disrupted school activities, or otherwise willfully defied valid staff authority, the teacher of the class from which the student was suspended may require the student's parent/guardian to attend a conference or a portion of a school day in that class. After completing the conference and/or the classroom visit and before leaving school premises, the parent/guardian also shall meet with the principal or designee. (Ed. Code 48900.1)

Parental attendance may be required prior to the day the student returns to class, or within one week thereafter. The principal or designee shall contact any parents/guardians who live with the child and do not respond to the request to attend school. The Board recognizes that parental compliance with this policy may be delayed, modified, or prevented by serious illness/injury/disability, absence from town, or inability to get certain release time from work.

The teacher shall apply this policy uniformly to all students within the classroom.

Parents/guardians shall be notified of this policy before it is implemented and at the beginning of each subsequent school year.

Decision not to Enforce Expulsion Order (Suspended Expulsions)

In all cases of expulsion, the order for expulsion may be suspended by the Board, on case-by-case basis, pursuant to the requirements of law. The Board may then assign the student to the District's Alternative Options Academy (A.O.A.) for the length of the suspended expulsion. Students on suspended expulsions shall be readmitted to the District's regular or special education programs and their record of the expulsion expunged upon determination by the superintendent or designee that they have successfully completed the A.O.A. program. Students who violate any of the provisions of Education Code 48900 or 48915 while serving suspended expulsions shall, without an additional hearing, be considered expelled for the duration of the original period of expulsion.

Legal Reference:

Education Code
212.5 Sexual harassment
1981 Enrollment of students
17292.5 Program for expelled students
32261 Interagency school safety act of 1985
35146 Closed sessions (re suspensions)
35291 Rules (for government and discipline of schools)
35291.5 Rules and procedures on school discipline
48660-48667 Community day schools
48900-48927 Suspension and expulsion
48950 Speech and other communication
49073-49079 Privacy of student records

Civil Code
47 Privileged communication
48.8 Defamation liability

Code of Civil Procedure
1985-1997 Subpoenas; means of production
Government Code
11455.20 Contempt
54950-54963 Ralph M. Brown Act (re closed sessions)

Health and Safety Code
11014.5 Drug paraphernalia
11053-11058 Standards and schedules

Labor Code
230.7 Discharge or discrimination against employee for taking time off to appear in school on behalf of a child

Penal Code
31 Principal defined
240 Assault defined
241.2 Assault fines
242 Battery defined
243.2 Battery fines
243.4 Sexual battery
245 Assault with deadly weapon
245.6 Hazing
261 Rape defined
266c Unlawful sexual intercourse
286 Sodomy defined
288 Lewd or lascivious acts with child under age 14
288a Oral copulation
289 Penetration of genital or anal openings
626.2 Entry upon campus after written notice of suspension or dismissal without permission
626.9 Gun-Free School Zone Act of 1995
626.10 Dirks, daggers, knives, razors or stun guns
868.5 Supporting person; attendance during testimony of witness

United States Code, Title 18
921 Definitions, Firearm

United States Code, Title 20
7151 Gun-Free Schools

Attorney General Opinions

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09/06/11
Suspension from School

I. Definitions

A. Suspension from school means the removal, for a specific period of time; of a pupil from ongoing instruction and all related school activities, including extra and co curricular programs, for adjustment purposes. It does not mean reassignment to another educational program or class at the same school during regular school hours, or referral to a certificated employee designated to advise or supervise students.

B. Expulsion means removal of a student from the immediate supervision and control, or the general supervision of school personnel for up to 1 year. (Education Code 48925) Expelled students may not participate in, attend or visit any district school or school sponsored activity during the entire length of the expulsion.

C. Day means a calendar day, unless otherwise specifically provided.

D. School day means a day upon which the schools of the District are in session, or weekdays during a summer recess or intersession.

E. Pupil/Student includes a pupil's/student's parent/guardian or legal counsel.

F. Principal's designee means any one or more administrators at the school site specifically designated by the principal, in writing, to assist with disciplinary procedures. In the event that there is not an administrator in addition to the principal at the school site, a certificated person at the school site may be specifically designated by the principal, in writing, as a "principal's designee," to assist with disciplinary procedures. The principal may designate only one such person at a time as the principal's primary designee for the school year. An additional person meeting the requirements of this section may be designated as a secondary designee by the principal, in writing, to act for the purposes of this article when both the principal and the principal's primary designee are absent from the school site. The name of the person, and the names of any person or persons designated as "principal's designee," shall be on file in the principal's office.

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

II. Notice of Regulations

The principal of each school shall ensure that all students and parents/guardians will be advised of all the regulations of the District and of the school related to student discipline, including suspension and expulsion at the beginning of each school year, and that transfer students will be so advised at the time of enrollment in the school. (Education Code 48900.1, 48980)

III. Suspension - Authority to Suspend

A principal, principal's designee, or the Superintendent may suspend a student from the school for not more than five (5) consecutive school days, for any of the reasons in Education Code Section 48900-48915 upon a first offense if the principal determines the student violated subdivision (a) through (t) of Section 48900, made terrorist threats against school officials (48900.7), committed sexual harassment (48900.2), participated in hate violence (48900.3) or that the pupil's presence causes a danger to persons or property, or threatens to disrupt the instructional process. (Education Code Section 48900.4, 48900.5, and 48911(a))
The Superintendent or designee may extend the suspension until such time as the Governing Board has rendered a decision on a recommended expulsion providing:

A. That the Superintendent or designee has determined, following a meeting in which the student and his/her parent/guardian have been invited to participate, that the presence of the student at the school, or in an alternative school, would cause a danger to persons or property, or a threat of disrupting the instructional process, and

B. That any extension of the original period of suspension be preceded by notice of such extension with an offer to hold an additional conference concerning the extension giving the student a further opportunity to be heard. (Education Code 48911 (g) and Montoya v. Sanger Unified School District).

IV. Grounds for Suspension and Expulsion

A student shall be suspended or expelled for any of the acts listed below if the act is related to school activity or school attendance (Education Code 48900), 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, going to, or coming from a school sponsored activity;
E. Within any other school District

Students may be suspended or recommended for expulsion for any of the acts enumerated (Education Code 48900, 48915) in this procedure which the Superintendent of Schools, or the principal of the school in which the student is enrolled, determines that the student has done any of the acts listed below:

A. Caused, attempted to cause, or threatened to cause physical injury to another person or willfully used force/violence, except in self-defense (Education Code 48900a). 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 unless a crime of physical violence in which the victim suffered great or serious bodily injury occurred as adjudged by a juvenile court.
B. Possessed, sold, or otherwise furnished any firearm, knife, explosive, laser pointer, or other dangerous object unless, in the case of possession of any such object, the pupil had obtained written permission to possess the item from a certificated school employee, which is concurred with by the principal or the designee of the principal (Education Code 48900b);
C. Unlawfully possessed, used, sold, or otherwise furnished, or been under the influence of, any controlled substance listed in 11053-11058 of the Health and Safety Code, an alcoholic beverage, or an intoxicant of any kind (Education Code 48900c);
D. Unlawfully offered, arranged, or negotiated to sell any controlled substance listed in 11053-11058 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 (Education Code 48900d);
E. Committed or attempted to commit robbery or extortion (Education Code 48900e);
F. Caused or attempted to cause damage to school property or private property (Education Code 48900f);
G. Stole or attempted to steal school property or private property (Education Code 48900g);
H. Possessed or used tobacco, or any products containing tobacco or nicotine products including but not limited to cigarettes, cigars, miniature cigars, clove cigarettes, smokeless tobacco, snuff, chew packets, and betel. However, this section does not prohibit use or possession by a pupil of his or her own prescription products (Education Code 48900h);
I. Committed an obscene act or engaged in habitual profanity or vulgarity (Education Code 48900i);
J. Had unlawful possession of, or unlawfully offered, arranged, or negotiated to sell any drug paraphernalia, as defined in Section 11014.5 of the Health and Safety Code (Education Code 48900j);
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 (Education Code 48900k);
L. Knowingly received stolen school property or private property (Education Code 48900l);
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 (Education Code 48900m);
N. Committed or attempted to commit sexual assault as defined Penal Code 261, 266c, 286, 288, 288a, or 289, or sexual battery as defined in Penal Code 243.4. This subsection does not apply to students in grades K-3 (Education Code 48900n);
O. 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)

P. Unlawfully offered, arranged to sell, negotiated to sell, or sold the prescription drug Soma (Education Code 48900p);
Q. Engaged in, or attempted to engage in, hazing as defined in Education Code.
R. Engaged in an act of bullying including but not limited to bullying by means of an electronic device, directed toward a student or school personnel, as defined in Education Code 62261 (48900r);
S. Aiding and abetting the inflicting or attempted infliction of physical injury;
T. Caused, attempted to cause, threatened to cause or participated in an act of, hate violence, as defined in Education Code section 233 and 48900.3. This subsection does not apply to students in grades K-3.
U. Intentionally engaged in harassment, threats, or intimidation, directed against a pupil or group of pupils, 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 that pupil or group of pupils by creating an intimidating or hostile educational environment. (Education Code 48900.4) (Grades 4-12)
V. Committed sexual harassment as defined in Education Code 212.5 and 48900.2 (Grades 4-12)

W. Made terrorist threats against school officials and/or school property (Education code 48900.7) even if there is no intent of actually carrying it out.

Alternatives to suspension or expulsion will be used against students who are truant, tardy, or otherwise absent from assigned school activities. (Education Code Section 48900)

V. Suspension: Student Due Process

Students have the right to due process of law. The Governing Board wishes to provide all the protection implicit in "due process," and all staff members who use suspension are expected to accord due process rights to all suspended students. (Education Code 48911, 48914, 48915) (cf. 5144 - Discipline/Punishment)
VI. Suspension: Procedures

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

1. Informal Conference:
   Suspension shall be preceded by an informal conference conducted by the principal or his/her designee, and the student, and whenever practicable, the teacher or 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 and shall be given the opportunity to present his/her version and evidence in support of his/her defense. (Education Code 48911)

2. Exception: Emergency situation:
   This conference may be omitted if the principal, principal's designee, or superintendent determines that an emergency situation exists. "Emergency Situation" means there is a clear and present danger to the lives, safety, or health of students or school personnel. If the pre-suspension conference is not held, both the parent/guardian and the 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 (2) 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 will then be held as soon as the student is physically able to return to school. (Education Code Section 48911)

3. 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. (Education Code 48911)

4. Notice to Parents:
   At the time of the suspension, a school employee shall make a reasonable effort to contact the parent/guardian in person or by telephone. (Education Code Section 48911(d)) A notice of the suspension shall be mailed by a school employee to the parent/guardian in the primary language of the parent/guardian if practicable, including the following:

   a. A statement of the facts leading to the decision to suspend including the specific offense committed by the student (48900.8);
   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 designee pursuant to Education Code Section 48914, to appeal the suspension;
   d. A statement of the parent/guardian's or student’s right to have access to the student’s records as provided by Education Code Section 49069;
   e. A request that the parent/guardian meet with school officials regarding the student’s behavior, including notice that state law requires the parent/guardian to respond to such request without delay. (Ed. Code 48914) While the parent/guardian is required to respond without delay to a request for a conference regarding their child's behavior, no penalties may be imposed on the student for the failure of the parent/guardian to attend such conference, nor may the re-admission of the student be contingent on the attendance by the student’s parent/guardian at such conference.

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, 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, except when a minor has been taken into custody as a victim of suspected child abuse. In those cases, the school official shall provide the peace officer with the address and telephone number of the student’s parent/guardian. (Education Code 48906)

6. Notice to Law Enforcement Authorities

a. 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 student acts of assault which may be in violation of Section 245 of the Penal Code.

b. The principal of a school or the principal’s designee shall, within one (1) school day after suspension or expulsion of any student, notify by telephone or any other appropriate method chosen by the school, the appropriate law enforcement authority of the county or city in which the school is located of any acts of the students which may violate subdivision (c) or (d) of Section 48900 (controlled substances) of the Education Code.

c. Notwithstanding Education Code Section 48902 (b), the principal of a school 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 a student that may involve the possession or sale of narcotics, or of a controlled substance, and/or possession of weapons or firearms in violation of Section 626.9 or 626.10 of the Penal Code.

d. A principal, the principal’s designee, or any other person reporting a known or suspected act described above, is not civilly or criminally liable as a result of any report authorized by this article unless it can be proven that a false report was made, and that the person knew the report was false, or the report was made with reckless disregard for the truth or falsity of the report.

7. Parental Appeal of Suspension

Under Education Code Section 48914, the parent/guardian of a suspended student has the right to request a meeting with the Superintendent or designee once a suspension is ordered. The meeting, if requested, must be held within three (3) school days of the receipt of the request by the Superintendent or designee. The procedure shall be as follows:

a. The Superintendent or designee shall determine if there was sufficient evidence to find that the alleged violation occurred, and whether the penalty was appropriate for the violation.

b. The student or the student’s parent/guardian may designate a representative to be present with them at the meeting, but the representative shall not act as legal counsel unless the District has legal counsel present to represent the School District.

c. At the meeting:
   1. The Superintendent or designee shall review all written documents in the case.
   2. The student and the student’s parent/guardian and representative may address the Superintendent or designee on the evidence and the appropriateness of the penalty.

d. The Superintendent or designee shall render a decision within two (2) school days. If the decision is 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 finding was that the penalty imposed was inappropriate, the records and a documentation shall be revised to indicate only the facts leading to
any other disciplinary action imposed by the Superintendent or designee. (Education Code 48914(d))

B. Suspension by the Governing Board
1. 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)
2. 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. (48912.5)
3. When the Governing Board is considering a suspension of a continuation school student for the remainder of the semester (Education Code 48912.5), disciplinary action, or any other action (except expulsion) against any student, it may hold closed sessions if a public hearing would lead to disclosure of information which would violate a student’s right to privacy under Education Code Section 49073-49079.
   a. Notice to Student: The Governing Board shall provide the student and his/her parent or guardian with written notice of the closed session by registered or certified mail. The student may request, however, a public meeting and the request shall be granted if made in writing within forty-eight (48) hours after receipt of the Governing Board's notice. Any discussion, however, that conflicts with any other student’s right to privacy shall be in closed session. (Education Code Section 48912(b)-(c))

C. Removal from Class by a Teacher
1. 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)
2. A teacher also may refer a student to the principal or designee for consideration of suspension from school. (Education Code 48910)
3. When removing a student from his/her class, the teacher shall immediately report this action to the principal/designee and send the student to the principal/designee for appropriate action. The student shall be appropriately supervised during the class periods from which he/she has been removed.
4. As soon as possible, the teacher shall 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.
5. 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)
6. 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)
7. 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)
8. Pursuant to 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)
VII. Suspension: Limitations on Suspensions

A. A student may be suspended for no more than five (5) consecutive school days for any of the reasons enumerated above under grounds for suspension.

B. A student shall be suspended for no more than twenty (20) school days in a school year provided that, if a student is transferred for adjustment purposes to another regular school, an opportunity school or class, or a continuation education school or class, additional days of suspension from school following such reassignment are limited to ten (10) in one school year, for a total of no more than thirty (30) days of suspension in one school year. (Education Code Section 48903, 48912 and 48911) However, this restriction on the number of days of suspension does not apply when the suspension is extended pending an expulsion.

C. Notwithstanding the above, if an expulsion of the suspended student is being considered by the Governing Board, the suspension may be extended by the Superintendent or designee in writing until such time as the Governing Board has rendered a decision. (Education Code 48911)

This extension is contingent on the Superintendent or designee having determined, following a meeting in which the student and the student parent/guardian are invited to participate, that the presence of the student at the school or at an alternative school would cause a danger to persons or property, or a threat of disrupting the instructional process, providing further that any extension of the original period of suspension be preceded by notice of such extension with an offer to hold an additional conference concerning the extension giving the student a further opportunity to be heard. (Education Code 48911)

D. 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. (Education Code 48911.1)

EXPULSION FROM THE SCHOOL DISTRICT

I. Expulsion: Definition

A. Expulsion means removal of a student from the immediate supervision and control, or the general supervision of certificated school personnel. Expulsion is an action taken by the Governing Board for severe or prolonged breaches of discipline by a student. Expulsion, except for single acts of a grave nature, is usually reserved for application where there is a history of misconduct and where other forms of discipline, including suspension, have failed.
II. Expulsion: Authority to Expel

A student may be expelled only by the Governing 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.” (Education Code 48915)

The Board may also order a student expelled for any of the acts listed above under “Grounds for Suspension” 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))

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

B. 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.

III. Expulsion: Grounds for Expulsion

A. Mandatory Recommendation for Expulsion

1. The principal or the Superintendent of Schools shall recommend a student’s expulsion for any of the following acts, unless the principal or superintendent finds, and so reports in writing to the Governing Board, that expulsion is inappropriate, due to the particular circumstance, which shall be set out in the report of the incident: Education Code 48915(a)
   a. Causing serious physical injury to another person except in self-defense.
   b. Possession of any knife (48915(g)), explosive, or other dangerous object of no reasonable use to the student.
   c. Unlawful possession of any controlled substance listed in Section 11053 - 11058 of Division 10 of the Health and Safety Code, except for the first offense for the possession of not more than one ounce of marijuana, other than concentrated cannabis.
   d. Robbery or extortion.
   e. Assault or battery (Penal Code 240 and 242) upon any school employee.

B. Mandatory Recommendation and Mandatory Expulsion

1. The principal or the Superintendent of Schools shall immediately suspend, pursuant to Section 48911 and 48915(c), any student found to be in possession of a firearm at school or at a school activity off school grounds and shall recommend expulsion of that student to the Governing Board. The Governing Board shall expel that student or refer that student to a program of study that is appropriately prepared to accommodate students who exhibit discipline problems and is not provided at a comprehensive middle, junior, or senior high school or housed at the school site attended by the student at the time the expulsion was recommended to the school board, whenever the principal or Superintendent of Schools and the Governing Board confirm the following:
   a. The student was in possession of the firearm, or was selling or otherwise furnishing a firearm.
   b. An employee of the school district verifies the pupil's possession of the firearm.

2. Any student who is authorized to be in possession of a firearm by a teacher, or school-administrator with written permission from the principal is exempted from the requirements of this section.

3. The principal, Superintendent or designee shall recommend and the Board shall expel any student found at school or at a school activity to be: (Education Code 48915(c))
   a. Brandishing a knife as defined in Education Code 48915(g) at another person
b. Unlawfully selling a controlled substance listed in Health and Safety Code 11053 – 11058

c. Committing or attempting to commit a sexual assault or committing a sexual battery as defined in “Grounds for Suspension and Expulsion”.

d. Possessing an explosive as defined in 18 USC 921

4. Upon finding that the student committed any of the above acts, the Board shall expel the student. (Education Code 48915)

IV. Expulsion: Pupils with Previously Identified Exceptional Needs

On recommendation by the principal or Superintendent of Schools, the Governing Board may order a student with previously identified exceptional needs expelled, but only if the Board finds, based upon a determination by the IEP team, that the misconduct was not caused by the identified handicap or by an inappropriate placement. (Education Code 48915(f))

V. Expulsion: Procedures (Education Code 48918)

A. Procedures Prior to Expulsion Recommendation

1. When a student fails to respond to other procedures and the advisability of continuing the student in school is questioned in terms of the student own or other pupils' welfare, a final student parent/guardian-principal or designee conference will be held, whenever possible, prior to the time that the principal makes the decision to recommend expulsion.

2. Procedures to be followed in the conference:

   a. The case will be reviewed with the parent/guardian and the student and they will be informed that because the student has not improved his/her behavior, or that due to the nature or seriousness of the offense, the principal or Superintendent will ask the Governing Board to expel the student;

   b. A written summary of points covered in the conference will be made and signed by the principal or designee.

B. Initial Expulsion Procedures

1. Recommendation to the Governing Board

   a. Where the principal or Superintendent recommends the expulsion of the student to the Governing Board for any grounds stated above, he/she will prepare a report of the case to include:

      1. The pupil's academic, attendance and discipline 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 (if any) and the results of such contacts;

      5. A description of contacts with the parent/guardian made by school personnel, including the purpose of the contacts, the apparent reaction of parent/guardian, and the 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 pupil's return to school.

   b. The Superintendent or designee should forward copies of the principal's recommendation to the Governing Board.
2. Student’s Right to Hearing
   a. An expulsion hearing shall be held within thirty (30) school days after the date the principal or the Superintendent of Schools determines the student has committed any of the acts listed under “Grounds for Suspension and Expulsion.” (Education Code 48900-48915)
   b. The student may request, in writing, a postponement not to exceed (30) calendar days. Any additional postponement may be granted at the discretion of the Governing Board. (Education Code 48918(a))
   c. A student may request to waive his/her right to the expulsion hearing and the time line governing the expulsion process. An alternative process called a “Stipulated Expulsion” may be used instead (see Section 10, “Stipulated Expulsion”).
   d. The Superintendent or designee may, for good cause, extend the time period for the expulsion hearing for five (5) school days in the event that compliance by the Governing Board with the time requirements is impracticable. 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 (Ed. 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. 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 without unnecessary delay.

3 Rights of Complaining Witness
   a. 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)
   b. Whenever the Superintendent or designee recommends an expulsion hearing that addresses allegations of sexual assault or sexual battery, he/she shall notify the complaining witness 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
   c. 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)
   d. Before a complaining witness testifies, support persons shall be admonished that the hearing is confidential.
   e. The person presiding over the hearing may remove a support person whom he/she finds is disrupting the hearing.
   f. If one or both support persons are also witnesses, the hearing shall be conducted according to Penal Code 868.5.
   g. 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.
h. 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 that permits one of the support persons to accompany the complaining witness to the witness stand.

4. Hearing by an Administrative Panel  
   a. In accordance with the California Education Code, Section 48918(d), the student and the student's parent(s)/guardian(s) shall be entitled to a hearing before an impartial administrative panel to determine whether the student should be recommended for expulsion.
   b. The administrative panel shall consist of three (3) current or retired school administrators, counselors, or other certificated personnel, none of whom shall be employed on the staff of the school in which the student is enrolled. 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 in “Conduct of Expulsion Hearing.”
   c. An expulsion hearing shall be held within thirty (30) school days after the date the principal of the school determines the student has committed any of the acts enumerated in Sections 48900, through 48915 of the Education Code. A decision of the Governing Board shall be made within forty (40) school days of the date the suspension is ordered for the offense, unless the student requests, in writing, that the decision be postponed.
   d. If the student, or the student's parent(s)/guardian(s), request that the expulsion hearing be postponed, the time requirements may be likewise extended. Immediately after the granting of a continuance, the Student Services Director shall confirm the new hearing date in writing to the student and his parent(s)/guardian(s), or his attorney, if any. In the event that compliance with the above time requirements is impracticable, the expulsion hearing may be delayed, for good cause, up to five (5) additional school days.
   e. In hearing expulsion recommendations, the administrative panel shall follow the rules and regulations adopted by the Governing Board pursuant to this policy. Within three (3) school days following such hearing, the administrative panel shall determine whether to recommend expulsion to the Governing Board. If the hearing panel decides not to recommend expulsion, the expulsion proceedings shall be terminated and the student immediately shall be reinstated and permitted to return to a classroom instructional program, any other instructional program, a rehabilitation program, or any combination of these programs pursuant to Education Code Section 48918(e).
   f. If the 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 presented at the hearing. The recommendation of the administrative panel shall be considered by the Governing Board in executive sessions. 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))
   g. Whether a student expulsion hearing is conducted in closed or public session, final action to expel shall be taken by the Governing Board at a public meeting. Written notice of any decision to expel shall be sent to the student or parent(s)/guardian(s) and shall be accompanied by notice of the right to appeal such expulsion to the County Board of Education.
   h. 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.
i. The Superintendent shall establish appropriate regulations to implement this policy.

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

Written notice of the hearing shall be forwarded to the pupil and the pupil's parent/guardian at least ten (10) 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 of the school district which related to the alleged violation.

d. 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).

e. The opportunity of the student or the student's parent/guardian to:

   1. Appear in person or to employ and be represented by counsel, or a non-attorney advisor. If you are to be represented by counsel, you must notify the District at least 5 days prior to the hearing.

   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 and documentary evidence on the pupil's behalf, including witnesses.

C. Conduct of the Expulsion Hearing

1. Notwithstanding the provisions of Government Code Section 54953 and Education Code Section 34145, the Governing Board, or the Administrative Panel shall conduct a hearing to consider the expulsion of the student in a session closed to the public unless the pupil requests, in writing at least 5 days prior to the hearing, that the hearing be a public meeting. If such request is made of the Governing Board, the hearing shall be public unless another student's privacy rights would be violated. Whether the expulsion hearing is held in closed or public session, the Board may meet in closed session to determine whether the student should be expelled. The parent/guardian of student, the student, counsel of the student, and counsel of the student's parent/guardian shall also be allowed to attend the closed session if the Governing Board allows any other witnesses to testify at the closed session. (Education Code 48918c)

2. 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 48918c)

3. 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 48918 g)

4. Subpoenas: Before commencing a student expulsion hearing, the Board may issue subpoenas, at the request of either the student or the Superintendent/designee, for the personal appearance at the hearing of any person who actually witnessed the action that gave rise to the recommendation for expulsion. 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 and (Education Code 48918 I)

5. Presentation of Evidence: Findings of fact shall be based solely on the evidence at the hearing. While no finding shall be based solely on hearsay evidence, the testimony of witnesses, whose disclosure may subject them to an unreasonable risk of harm, may be admitted in the form of sworn declarations. (Education Code 48918)

6. Any objection raised by the student or the Superintendent/designee to the issuance of subpoenas may be considered by the Board or Administrative Panel in closed session, or in open session if so requested by the student, before the meeting. The Board’s or hearing panel’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. (Education Code 48918 I)

7. While technical rules of evidence do not apply to such hearings, evidence may be admitted and used as proof only if it is the kind of evidence on which reasonable persons are accustomed to rely in the conduct of serious affairs. The decision of the Governing Board to expel must be supported by the substantial evidence that the student committed any of the above acts enumerated in “Grounds for Expulsion. (Education Code 48918 h)

8. Testimony by Complaining Witnesses: Education Code 48918 procedures shall be observed when hearings involve allegations of sexual assault or sexual battery by a student. (see section V on Rights of a complaining witness)

9. Final Action by Governing Board: Whether the pupil expulsion hearing is conducted in closed or public session, the final action to expel must be taken by the Governing Board at a public meeting. (Education Code 48918 I)

10. Decision Within 10 days: The decision of the Governing Board whether to expel a pupil shall be made within ten (10) school days following the conclusion of the hearing, unless the pupil requests, in writing, that the decision be postponed. (Education Code 48918 a)

11. Decision Within 40 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)

12. Maintenance of Records: The Governing Board will maintain a record of each expulsion, including the cause therefore. The expulsion order shall be maintained in the student’s mandatory interim record and sent to any school in which the student subsequently enrolls within five days upon a written request for records by the admitting school. (Education Code 48918 j)

D. Written Notice to Expel

Written notice of the decision to expel shall be sent to the student or parent/guardian, and it shall include notice of the right to appeal such expulsion to the County Board of Education. (Education Code 48918 I)

Sending written notice of the decision of the Governing Board to expel shall be the responsibility of the Superintendent or designee, and shall include the following:

1. Reason for expulsion, citing the Education Code section violated and sub-section. (48900 a-t, 48900.2-8, 48915)
2. Conditions of expulsion and when the case will be reviewed, if appropriate.
3. Conditions for readmission and a rehabilitation plan. (Education Code 48916)
4. Procedure for review of case and possible readmission.
5. Date on which student may apply for readmission. (Education Code 48916)
6. Notice of the alternative educational placement to be provided to the student during the time of expulsion. (Education Code 48918)
7. 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)

VI. Expulsion: Reinstatement

On acceptance by the Governing Board of a recommendation against expulsion, or following its own decision after the hearing not to expel, the student shall be reinstated immediately. The Board may reinstate the student in any classroom program, rehabilitation program, or any combination of such programs following consultation with district personnel, including the teacher(s) involved and with the parent/guardian of the student. (Education Code 48918(e))

VII. Expulsion: Length of Expulsion/ and Plan for Rehabilitation (Education Code 48916)

A. An expulsion order shall remain in effect until the Governing Board may order the readmission of the student. Upon the expulsion order, the Governing Board shall set a date no later than the last day of the semester following the semester in which the expulsion occurred, when the student may apply for readmission to a school within the district.

B. 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. If an expulsion is ordered during the summer session or the intersession period of a year-round program, the Board shall set a date when the student shall be reviewed for readmission not later than the last day of the semester following the summer session or intersession period in which the expulsion occurred. (Education Code 48916)

C. The Governing Board shall recommend a plan for rehabilitation for the student, which may include:
   1. Periodic review and assessment at the time of application for readmission.
   2. Recommendations for improved academic performance, tutoring, special education assessments, job training, counseling, employment, community service, or other rehabilitative programs.
   3. Such other recommendations as the Governing Board shall approve.

VIII. Expulsion: Readmission

A. Process
   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. When a written request for review of the expulsion action and request for readmission is submitted by the parent/guardian to the Superintendent or designee, the Superintendent or 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 parent/guardian will be asked to indicate, in writing, their willingness to comply with the regulations.
   3. When no written request for readmission from the parent/guardian is received within 30 calendar days of district notification that the students’ term of expulsion has ended, the Superintendent or designee may recommend to the Board that readmission be denied.
4. The Superintendent or designee will transmit the request to the Board for consideration together with the Superintendent's recommendation. The Governing Board may consider the request in closed session. (Education Code 49073- 49079) 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.

5. Upon completion of the readmission process, the Governing Board shall readmit the student unless the Governing Board makes a finding that the pupil 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 school district. (Education Code 48916(c))

6. If the Board denies the readmission of a student, the Board shall determine either to continue the student 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 Superintendent will notify the student or the student's parent/guardian, by registered mail, of the decision of the Governing Board regarding readmission of the pupil in school.

8. If the student is denied re-admittance, the Board shall provide written notice to the expelled student and parent/guardian describing the reasons for denying re-admittance 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)

IX. Expulsion: Suspension of Expulsion

A. The Governing Board may, upon voting to expel a student, suspend the enforcement of the expulsion order for not more than one calendar year. 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.

B. The suspension of the enforcement of an expulsion shall be governed by the following conditions: (Education Code 48917)
   1. The Board may, as a condition of the suspension of enforcement, assign the student to a school (e.g: Alternative Options Academy), 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 expulsion order may be revoked by the Governing Board upon the student’s commission of any of the acts enumerated in Education Code 48900, as stated under “Grounds for Expulsion,” or for any violation of the district's rules and regulations governing student conduct. (Ed. Code 48917)

C. Revocation of Expulsion Order: Upon revocation of the suspension of an expulsion order, a student shall be designated as expelled under the terms of the original expulsion order.

D. Readmission of Student: If the student demonstrates that he/she has successfully completed the assigned program of rehabilitation by the conclusion of the designed probationary period, the District (Superintendent or designee) shall:
1. Reinststate the student in a school of the district.
2. Order the expungement of all records of the expulsion proceedings. (Ed. Code 48917)

X. Stipulated Expulsion/Expedited Expulsion Agreement

A. Waiver Process
   1. Student or parent/guardian, after meeting with the principal/designee and the Student Services Director, may request to sign a “Stipulated Expulsion Agreement.”
   2. The Director of Student Services will explain to the student/parent all due process rights that will be waived by signing this agreement.
   3. The Agreement will be forwarded to the Board for approval.

B. Criteria for use of the waiver:
   1. The student and parent/guardian do not dispute the charges which led to the recommendation for expulsion.
   2. The student acknowledges responsibility for his/her behavior.
   3. The charges are mandatory with regard to expulsion or the circumstances are such that an administrative hearing panel would be compelled to recommend expulsion of the student to the Governing Board,
   4. This process is in the best interest of the student and district.

XI. Expulsion: Right to Appeal

A. Appeal Process:
   1. 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, unless they waive this right by signing a “Stipulated Expulsion” agreement.
   2. The appeal must be filed within thirty (30) days following the decision of the Governing Board to expel, even if the expulsion action is suspended and the student is placed on probation. (Ed. Code 48919)
   3. 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.
   4. 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 )
   5. 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)

XII. Data

A. 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
XIII. Post Expulsion Placements

A. 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.

B. When the placement described above is not available, and when the County Superintendent of Schools so certifies, expelled students may be referred to another comprehensive elementary, middle or senior high school. (Education Code 48915) Elementary and secondary programs may not be merged or combined. (Education Code 48916.1)

Adoption History: Reviewed 01/09/84
Reviewed/Revised: 08/24/87
02/28/94
05/13/96
09/27/99
04/10/00
09/27/04
05/23/05
02/27/06
05/11/09
01/11/10
09/06/11
Law enforcement officers and officers of the juvenile court have the right to come on campus to interview students as suspects or witnesses. School officials shall not delay, hinder, or obstruct law officers from the performance of their duties. Before any such interviews, the principal or designee shall carefully ascertain the officer's identity, official capacity, and the authority under which he/she acts.

If, in the course of the interview the law officer finds it necessary to remove the student from school so as to better aid the investigation, 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, except in cases of child abuse or neglect.

Except in cases of child abuse or neglect, the principal or designee shall attempt to 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.

Personnel responsible for releasing a student from school custody shall exercise extreme diligence to prevent such release to any unauthorized or unidentified person.

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 truants
48902  Notice to law authorities
48906  Release of minor pupil to peace officers; notice to parent, guardian or relative
48909  Narcotics/other hallucinogenic drugs
Legal Reference Continued:

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 vs. Burton (1971) 6 Cal. 3d 375
In re Donaldson (1969) 269 Cal App. 2d 509
Baines vs. Brady (1953) 122 Cal. App. 2d 957, 960
In the matter of Paul P., 85 Daily Journal D.A.R. 2594

Attorney General Opinions

Adoption History:
Initial Adoption: 08/09/82
Reviewed/Revised: 09/13/93
03/24/97
04/22/02
07/14/08
SAN MARCOS UNIFIED SCHOOL DISTRICT
ADMINISTRATIVE PROCEDURE

INSTRUCTIONAL SERVICES

QUESTIONING AND APPREHENSION

Questioning on School Grounds

Law enforcement officials have an absolute right to enter a school to interview or question students and to take a student into custody. The school shall keep a record of any interviews of students by law officers on school premises.

If, in the course of the interview the law officer finds it necessary to remove the student from school so as to better aid the investigation, the principal or designee shall first ascertain the reason for such action. Upon releasing a minor student, the principal or designee shall immediately make every reasonable attempt to inform the student’s parent/guardian, except in cases of child abuse or neglect.

Apprehension

The Governing Board authorizes site administrators to release minor students into the custody of a law enforcement officer upon presentation of a court order or warrant for the student’s arrest or to remove a student from school premises if the officer or school administrator has reason to believe that the student has violated the law. The principal or designee shall immediately make a reasonable attempt to notify the parent/guardian or responsible relative of the student’s release and the place to which the student is reportedly taken, except in cases of suspected child abuse. The principal or designee shall record the time(s) of contact or attempted contact with the parent/guardian.

Whenever a student is suspected of being a victim of child abuse and is being removed from the school premises, the Superintendent or designee shall immediately be notified of the student’s removal. The Superintendent or designee must give the telephone number and address of the student’s parent/guardian to the law enforcement officer. The officer then has the responsibility of immediately notifying the 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.

Legal Reference:
Education Code
44807       Duty concerning conduct of pupils
48264       Arrest of truants
48265       Delivery of truants
48902       Notice to law authorities
48906       Release of minor pupil to peace officers; notice to parent, guardian or relative
Legal Reference Continued:

Penal Code
830-832.8 re peace officers
833-851.85 re arrests

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03/24/97
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05/23/05
07/14/08
The Governing Board is committed to maintaining an environment for students and staff which is safe and conducive to learning and working. The Board recognizes that incidents may occur where the health, safety and welfare of students and staff are jeopardized and which necessitate search and seizure of students and/or their property.

The Board authorizes school officials to conduct the searches stated above when there are reasonable grounds or suspicion that the search will uncover evidence that the student is violating the law or rules of the District or of the school. The Board urges that discretion, good judgment and common sense be exercised in all cases of search and seizure. Searches shall be made in the presence of at least one other District employee. Employees will not conduct strip searches or body cavity searches.

The parent/guardian of the student being searched shall be notified by the District. If the nature of the incident precipitating the search is such that prior notification is not appropriate, the parent/guardian shall be notified as soon after the search as possible.

The student shall be reported and the evidence turned over to the proper legal authorities when the search uncovers illegal, unauthorized or contraband materials.

In determining whether reasonable cause for a search exists school officials shall consider.

1. The age, history and school record of the student;
2. The prevalence and seriousness of the problem in the school to which the search was directed;
3. The urgency requiring the search without delay;
4. The substantive value and reliability of the information used as a justification for the search; and
5. The location of the student at the time of the incident which gave rise to reasonable suspicion.

The Superintendent is directed to develop regulations pertaining to student search and seizure, which include provisions for the protection of a student’s privacy and his/her civil rights.

School Properties

Because lockers and desks are school property, 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 when they have reasonable suspicion that the search will disclose evidence of illegal possessions or activity or when odors, smoke, fire and/or other threats to student health, welfare or safety emanate from the locker, desk or classroom.
For health and safety reasons, a general inspection of school properties such as lockers and desks may be conducted on a regular, announced basis, with the students standing by their lockers and desks whenever possible. Any items contained in a locker shall be considered to be the property of the student to whom the locker was assigned. Notice of this policy shall be given to all students when lockers are assigned.

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.

Right of privacy guaranteed by the California Constitution does not prohibit reasonable use of metal detectors to deter the presence of weapons in schools. Local school officials are the appropriate authorities to determine, as a matter of policy, if, when, where and how metal detectors should be used given the unique circumstances in their schools.

Metal detector searches are conducted in a consistent manner that minimizes or eliminates arbitrary and capricious enforcement by school officials.

Use of Breathalyzers
The Board believes that the use of alcohol by students threatens the district’s ability to maintain a safe and orderly learning environment to which students and staff are entitled. The Board also believes that the use of breathalyzers offers a reasonable means to confirm alcohol consumption when suspected and to deter possession and use of alcohol by students in connection with school activities or attendance. School officials may use breathalyzers when reasonable suspicion exists that a student is under the influence of alcohol.

Use of Trained Detection Dogs
The Board finds that the presence of drugs and explosives in the schools threatens the district’s ability to maintain a safe and secure school campus and to preserve appropriate school discipline.

In an effort to keep the schools safe and free of drugs and explosives, the district may use specially trained nonaggressive dogs to sniff out and alert staff to the presence of substances prohibited by law or district policy. The dogs may sniff the air around lockers, desks, bags, items 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)

The above inspections shall be unannounced and may be made at the discretion of the Superintendent or designee.
Students and parents/guardians shall be informed of this policy. The superintendent, or designee, shall establish the requirements for the utilization of a detection dog program. The program shall be administered in total compliance with all applicable laws, case law, and legal references established for the use of detection dogs as well as search and seizure. Administrative regulations shall be established to insure program compliance.

Legal Reference:

**Education Code**

35160 Authority of governing boards
35160.1 Board authority of school districts
32280-32288 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
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**


Adoption History:

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05/23/05
07/14/08
04/11/11
For reasonable suspicion, a search for weapons, explosives, drugs, tobacco, alcohol, other intoxicants, drug paraphernalia, missing properties, or unauthorized materials (contraband), may be conducted by the school principal, his/her administrative designee, or the district drug enforcement officer. This may include searching the student’s locker and/or other district-owned facilities, such as shop and science lockers, etc. Such a search should be conducted by the principal or an administrative designee with at least one other district employee as a witness.

Reasonable suspicion to conduct a search may include information received from other students, teachers, parents, district personnel, community members, or others. A student’s behavior may indicate that he/she is under the influence of a behavior-affecting substance. The school principal, or the administrative designee, or drug enforcement officer, must have articulable facts to support the suspicion before a search can be conducted. The school principal or designee may use a breathalyzer if reasonable suspicion exists that a student is under the influence of alcohol.

A personal search may include lockers, automobiles, purses, backpacks, shoes, jackets, pockets, pant legs, and other items belonging to the student, but shall not include strip searches or body cavity searches. Ed Code 49050).

District personnel who conduct the search should be of the same sex as the student unless the school principal or administrative designee is unable to meet this guideline and an immediate search is deemed necessary for the safety of the school or to protect evidence. A witness to the search should also be of the same sex as the student.

The use of detection dogs on school campuses within the district will be conducted only in total compliance with Board Policy and Administrative Regulations.

Annually, all parents, students, and staff of the district will be notified of the existence and use of the detection dog program. This notification is to be completed through the annual student packets sent to all parents/guardians prior to the beginning of school, or at enrollment.

Detection dogs will be utilized only when the school site administrators and appropriate law enforcement agency concur that the need is present. The site administration shall notify the Superintendent, or his/her designee, prior to the actual utilization of the dog. The following are examples of use criteria:

1. Drug-use rumors exist.
2. Students, staff or parents report use.
3. Known incidents of drug possession indicate increase.
4. The presence of explosives is rumored or reported or known incidents indicate the presence of explosives.
All dog handlers will be thoroughly familiar with Board policy and this Administrative Regulation.

Dogs will be in the care, custody, and control of their handlers, at all times, while on school campus. Safety of students, staff and the animal will be maintained at all times.

Detection dog activity will be scheduled so as to minimally affect the educational process.

Search activity will be conducted in compliance with all applicable statutory and case law.

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 may not sniff the person of any individual and shall be well-separated from the students.

Only the dog’s official handler will 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 that search. If a dog alerts on a locked vehicle, the student who brought it onto the district property shall be asked to unlock it for inspection.

Once a dog has “alerted” to a particular object, staff shall complete the search in a manner consistent with established procedures. In the case of a private automobile, the student should be asked for consent to search. If consent is refused, the student’s parents/guardians should be contacted for consent. Should the parents/guardians refuse, law enforcement officials may seek a search warrant.

Site administration shall complete a brief post activity “use report” upon completion of a detection dog activity. The report shall highlight the action taken and the results. This report will be submitted to the Superintendent or designee. On a regular basis, the Superintendent, or designee, shall review the report. This report will cover detection dog activities and the results.

The use of hand-held metal detectors by law enforcement is authorized by the District when a reasonable suspicion exists. Anyone may be scanned by metal detector for guns, knives or other illegal weapons when on campus or attending athletic or extracurricular events.

Inquires arising after use of hand-held metal detectors or detection dogs on campus shall be referred to the site administration for appropriate response.

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Initial Adoption: 11/08/93
Reviewed/Revised: 04/13/98
02/11/02
05/23/05
07/14/08
04/11/11
Free inquiry and exchange of ideas are essential parts of a democratic education. The Governing Board respects students’ rights to express ideas and opinions, take stands and support causes, whether controversial or not. Student liberties of expression shall be limited on a nondiscriminatory basis 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. Prior restraint shall be exercised only when student expression violates the limitations set forth in this policy. The Superintendent or designee shall not discipline any high school student solely on the basis of speech that would be constitutionally protected outside school, except when speech is for the purpose of harassment, threats or intimidation.

Limitations

In keeping with the California Education Code 48907 and 48950, the Board prohibits any expressions or materials which are obscene, libelous, or slanderous according to current legal definitions.

The Board likewise prohibits expressions or materials which demonstrably incite students to commit unlawful acts on school premises, violate school rules, or substantially disrupt the school’s orderly operation. 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 creates a clear and present danger that it will cause a breach of the peace.

Bulletin Boards

Bulletin boards may be provided where students and student organizations may post materials relating to out-of-school activities or matters of general interest.

All posted notices shall include the name and address or contact location of the student or group issuing the notices.

All material shall be dated before posting so that it can be removed after a reasonable time.

Distribution of Printed Material and Petitions

Students may be free to distribute handbills, leaflets and other printed material, whether produced within or outside of the school. Students may collect signatures on petitions concerning either school or out-of-school issues. School officials shall not use prior restraint of materials or publications, except insofar as the content violates the law.

No student shall use coercion to induce students, or any other persons, to accept printed matter or to sign petitions. No funds or donations shall be collected for any material distributed.

All printed matter and petitions distributed or circulated on school property shall bear the name and address or contact location of the sponsoring organization or individual.
Official School Publications

Materials produced by students in journalism, newspaper, yearbook, or writing classes and distributed to the student body either for a fee or free shall be held to professional standards of English and journalism (Ed. Code 48907)

If the principal considers material submitted for publication to be in violation of Ed. Code 48907, the student shall be notified and given specific reasons. Such notices should be given to allow sufficient time for the student to revise the material or to appeal to the Superintendent or designee.

Printed materials or petitions shall be distributed only at reasonable times and places, and in reasonable ways:

1. Before school begins, during lunch time, and after dismissal;
2. In locations that do not obstruct the normal flow of traffic within school or at entrances;
3. Without undue noise, and without any use of coercion.

Students shall be subject to disciplinary action as a result of any expressions which do not conform to the above limitations.

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 only when such expression poses a direct threat to the safety of students, school property, school personnel, or disrupts the educational program.

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.

Clothing/Buttons and Badges

Buttons, badges, armbands, or clothing bearing slogans or sayings may be worn unless their message falls within the prohibited categories described above (limitations). No teacher or administrator shall attempt to interfere with this practice on the grounds that the message may be unpopular with students or faculty.

Appeals

The Superintendent or designee shall maintain procedures for resolving disputes regarding student freedom of expression. Such procedures shall require that the student and faculty member themselves attempt to resolve the problem before consulting the administrative staff. As a final step, such procedures shall provide for a hearing to determine whether a deprivation of freedom of expression was justified under these rules. The hearing shall be held before the Superintendent or his/her designee as soon as possible after the hearing is requested. Both sides shall be given the opportunity to demonstrate that the policy in question was properly applied.
Legal Reference:

Education Code
48907 Exercise of free expression; rules and regulations
48950 Speech and other communication
51520 Prohibited solicitations on school premises

California Constitution
Article 1, Section 2 Freedom of speech and expression

U.S. Constitution
Amendment 1 Freedom of speech and expression

United States Code, Title 20
4071-4074 Equal Access Act

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

Adoption History:
Initial Adoption: 08/09/82
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08/23/93
09/13/93
05/11/98
05/23/05
07/14/08
District programs and activities shall be free from discrimination, including harassment and intimidation, based on actual or perceived disability, gender, gender identity, gender expression, nationality, race or ethnicity, religion, sexual orientation, or association with a person or group with one or more of these actual or perceived characteristics. (Ed. Code 260 and 5CCR4900-4910)

The Governing Board shall ensure equal opportunities for all students in admission and access to academic courses, guidance and counseling programs, athletic programs, testing procedures, vocational education, and other activities.

Separate provisions may be made for students according to gender with respect to such matters as privacy in restrooms, shower rooms, and in sex, health, or HIV/AIDS prevention classes, or to accommodate the special needs of choral groups, drill teams, cheerleaders, and other similar programs.

The school staff and volunteers must be especially sensitive in guarding against segregation, bias, and stereotyping in instruction, guidance, and supervision.

The Board prohibits discrimination, 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 harass, discriminate or intimidate 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, discrimination or intimidation may be subject to disciplinary action, up to and including dismissal.

The Board hereby designates the Assistant Superintendent of Instructional Services as the Compliance Officer to oversee the district's handling of complaints regarding discrimination and to respond to inquiries regarding the district's nondiscrimination policies.

Legal Reference:

**Education Code**

200-262.4  Prohibition of discrimination on the basis of sex
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
Legal Reference Continued:

51500 Prohibited instruction or activity
51501 Prohibited means of instruction
60044 Prohibited instructional materials

CIVIL CODE
1714.1 Liability of parents/guardians for willful misconduct of minor

CODE OF REGULATIONS, TITLE 5
4621 District policies and procedures
4622 Notice requirements

PENAL CODE
422.655 Interference with constitutional right or privilege

UNITED STATES CODE, TITLE 42
2000d-2000e-17 Title VI & VII Civil Rights Act of 1964 as amended
2000h2-2000h6 Title IX, 1972 Education Act Amendments
Title IX, Prohibition of Sex Discrimination, of the Education Amendments of 1972

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

Adoption History:
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03/24/97
05/23/05
07/14/08
11/13/12
Education, Posting and Dissemination

District staff shall take appropriate action to reinforce the Board’s commitment to ensure that district programs and activities are free from unlawful discrimination, including harassment and intimidation. The Superintendent or designee shall ensure that information about Board Policy 5145.3, "Nondiscrimination/Harassment" is posted in all schools and offices, including staff lounges and student government meeting rooms. The existence of this policy, and the manner in which to file a complaint, shall be publicized to pupils, parents, employees, and the general public. The information shall be translated pursuant to Education Code 48985.

Intervention /Discipline

A. If school personnel witness an act of harassment, intimidation, or discrimination he or she shall take immediate steps to intervene when safe to do so.

B. The Principal or designee shall decide the appropriate way to deal with harassment, intimidation, or discrimination if the investigation has proven that the student who engaged in the behavior has violated this policy. Interventions and consequences must be age-appropriate and equal to the severity of the violation. In dealing with bullying behavior, the designee should regard the behavior and the situation as unique and create an intervention/discipline plan based on the particular characteristics of the situation to ensure that the plan remedies the harassment, intimidation, or discrimination, decreases chances of retaliation, and helps rehabilitate the student who has engaged in bullying behavior (if appropriate). Some acts of harassment, intimidation, or discrimination may be part of a larger pattern of behavior that requires a response either at the classroom, school site, or District levels or by law enforcement officials. Consequences and appropriate remedial actions for a student who commits an act of harassment, intimidation, or discrimination may range from behavioral interventions and education up to and including suspension/expulsion, or referral to law enforcement.

Reporting and Complaint Investigation Process

A. Students who are the targets of harassment, intimidation, or discrimination, and any person who has witnessed or has direct knowledge of such conduct, are encouraged to report the abuse to the principal/designee, or a trusted school staff member. Reports may be made anonymously, but may hinder the effectiveness of an investigation. Both oral and anonymous reports shall be documented by the receiving administrator.

B. Any pupil wishing to make a complaint of harassment, intimidation, or discrimination should immediately report it to the principal or designee or any staff member. Within 24 hours of being so informed, staff members shall report complaints to the principal/designee for handling. A pupil making a complaint shall not suffer any reprisal for doing so. The District will promptly and thoroughly investigate all written, electronic, or verbal complaints of bullying. The District also will take immediate and appropriate action to resolve such complaints.
Harassment, Intimidation, or Discrimination Based on Protected Characteristics

The following investigation and appeal process will be used if a complaint alleges, or it appears to the administrator, that the harassment, intimidation, or discrimination was based on actual or perceived disability, gender, gender identity, gender expression, nationality, race or ethnicity, religion, sexual orientation, or association with a person or group with one or more of these actual or perceived characteristics:

The principal/designee receiving the complaint shall follow these procedures:

1. Make sure the reporting party completes a harassment, intimidation, or discrimination incident form. All forms shall be translated pursuant to Education Code 48985.

2. Authorize the investigation of the complaint and supervise and/or conduct the investigation of the complaint, which should be resolved in (5) school days. The investigation, at a minimum, shall include interviews with the complainant, the accused, and all other persons who reasonably may have relevant knowledge about the complaint, including possible witnesses or victims of prior similar conduct;

3. Take reasonable steps so to protect the complaint from any retaliation for filing the complaint;

4. Review factual information gathered to determine whether the alleged conduct constitutes discrimination, harassment or intimidation.

5. Take into account when reaching a decision about the complaint:
   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 past instances of discrimination, harassment or intimidation or other prohibited conduct by the accused person
   e. Evidence of past complaints that were found to be untrue

6. Take into consideration when judging the severity of the incident:
   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
   e. The subject(s) of harassment/intimidation/discrimination
   f. The place and situation where the incident occurred
   g. Other incidents at the school

7. If it is determined that discrimination, harassment or intimidation occurred, take and/or recommend prompt and effective remedial action against the harasser;

8. Take reasonable steps to protect the complainant and other potential victims from further harassment/intimidation/discrimination if such is determined to have occurred;

9. Offer immediate physical and psychological support during and after the investigation. A school counselor or other appropriate school personnel may follow up with the victim and provide any appropriate and necessary support;

10. Take reasonable steps to alleviate the effects of the harassment, intimidation, or discrimination, including keeping the identity of the complainant and information related to the complaint confidential to the extent possible and appropriate.
If the complainant student or the parent of the student feels that appropriate resolution of the investigation or complaint has not been reached, the student or the parent of the student should contact the principal first to discuss the resolution. If the complainant still disagrees with the resolution, the procedure shall be as follows:

1. The Superintendent or designee shall review the evidence of the incident and the resolution.
2. The student or the student’s parent/guardian may designate a representative to be present with them at the meeting, but the representative shall not be legal counsel unless the District has legal counsel present to represent the School District.
3. At the meeting:
   a. The Superintendent or designee shall review all written documents in the case.
   b. The student and the student’s parent/guardian and representative may address the Superintendent/designee on the evidence and the appropriateness of the penalty
4. The Superintendent/designee shall render a decision within five (5) school days. If the decision is that the resolution is inadequate or inappropriate, the resolution shall be referred back to the school site to be reviewed and revised as necessary. If the resolution is found to be appropriate and reasonable, no further action will be taken.

Annual Report

Documentation of all complaints alleging harassment, intimidation, or discrimination based on protected characteristics, and their resolution, shall be maintained for one Categorical Program Monitoring review cycle.

Initial Review: 08/09/82
Reviewed/Revised 05/28/91
11/08/03
11/13/12
A. Harassment of pupils on the basis of sex/gender (including gender identity and gender expression) is unlawful. This includes harassment based on a pupil’s actual or perceived gender. (Education Code 231.5)

B. Employees and pupils shall not engage in conduct constituting sexual harassment. The District will not condone or tolerate sexual harassment. The Superintendent or designee shall ensure that students receive age-appropriate information related to sexual harassment. Complaints shall be kept confidential except as necessary to carryout the investigation, and will be processed according to Administrative Procedure #5145.7 established by the Governing Board. 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.

C. The District will take appropriate disciplinary action against all employees or pupils found to have engaged in sexual harassment.
   1. Any student who engages in sexual harassment of anyone at school or at a school related activity shall be subject to disciplinary action up to and including expulsion. For students in grades K-3, this disciplinary action shall depend on the maturity of the students and the circumstances involved. For students in grades 4 through 12, the disciplinary action may include suspension and/or expulsion.
   2. Any employee who permits, engages in, or fails to report sexual harassment, shall be subject to disciplinary action up to and including dismissal. In addition, criminal or civil charges may be brought against the alleged harasser; sexual harassment also may be considered a violation of laws relating to child abuse.

D. Sexual harassment of pupils means unwelcome sexual advances, requests for sexual favors and other verbal, visual, or physical conduct of a sexual nature made by someone from or in the educational setting, under any of the following conditions:
   1. Submission to such conduct is explicitly or implicitly made a term or condition of a pupil’s academic status or progress.
   2. Submission to or rejection of such conduct by the pupil is used as the basis for any academic decision affecting such pupil.
   3. Such conduct has the purpose or effect of having a negative impact upon the pupil’s academic performance, or of creating an intimidating, hostile, or offensive educational environment.
   4. Submission to, or rejection of, the conduct by the pupil is used as the basis for any decision affecting the pupil regarding benefits and services, honors, programs, or activities available at or through the District.
E. Forms of sexual harassment including the fact that sexual harassment could occur between people of the same gender, may involve but are not limited to the following:
   1. Oral harassment such as derogatory comments, jokes or slurs spreading sexual rumors, verbal abuse or degrading descriptions;
   2. Physical harassment such as unnecessary, unwelcome or offensive touching, or impeding or blocking movement;
   3. Visual harassment such as derogatory or offensive posters, cards, cartoons, graffiti, sexually suggestive objects, drawings, or gestures, including, but not limited to, images communicated electronically and/or through internet social media, or other technologies using a telephone, computer, or any wireless communication device; and
   4. Unwelcome sexual advances, flirtations, requests, or demands for sexual favors, and other oral or physical conduct of a sexual nature.

F. Student instruction and information about sexual harassment should include:
   1. A clear message that students do not have to endure sexual harassment;
   2. Encouragement to report observed instances of sexual harassment, even where the victim of the harassment has not complained; and
   3. Information about the person(s) to whom a report of sexual harassment should be made.

G. 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. The Board hereby designates the Assistant Superintendent of Instructional Services as the Compliance Officer to oversee the District’s handling of complaints regarding discrimination.

Legal Reference:

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

Education Code
200-262.4 Prohibition of discrimination on the basis of sex, especially:
212.5 Sexual harassment,
230 Particular practices prohibited
231.5 Sexual harassment policy, dissemination
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

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, 1972 Education Act Amendments, Discrimination
Legal Reference Continued:

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
Franklin v. Gwinnet County Schools (1992) 112 S. Ct. 1028
Doe v. Petaluma city School District (1995, 9th Cir.) 54 F.3d 1447
Clyde K. v. Puyallup; School District #3 (1994) 35 F.3d 1396
Davis v. Monroe County Board of Education (1999, 526 U.S. 629)
Kelson v. City of Springfield, Oregon (1985, 9th Cir.) 767 F.2d 651
Nabozny v. Podlesny, (1996, 7th Cir.) 92 F.3d 446

Adoption History:
Initial Adoption 05/10/93
Reviewed/Revised: 03/24/97
09/27/99
05/23/05
07/14/08
01/14/13
Education, Posting and Dissemination

District staff shall take appropriate action to reinforce the Board’s commitment to ensure that District programs and activities are free from unlawful discrimination, including sexual harassment. The Superintendent or designee shall ensure that information about Board Policy 5145.7, “Sexual Harassment of Pupils” is posted in all schools and offices, including staff lounges and student government meeting rooms. The existence of this policy, and the manner in which to file a complaint, shall be publicized to pupils, parents, employees, and the general public. The information shall be translated pursuant to Education Code 48985.

All employees shall be notified of the Board Policy and Administrative Procedure on a regular basis, consistent with Education Code Section 231.5. All students and their parents/guardians shall be notified of the District’s sexual harassment policy at the beginning of each school year (Education Code 48980). New students shall be notified as part of any orientation program (Education Code 231.5). Notification should also appear in any school or District publication that sets forth its comprehensive rules, regulations, procedures and standards of conduct and displayed in a prominent location (Education Code 231.5).

Intervention /Discipline

A. If school personnel witness an act of sexual harassment, intimidation, or discrimination he or she shall take immediate steps to intervene when safe to do so.

B. The Principal or designee shall decide the appropriate way to deal with sexual harassment if the investigation has proven that the student who engaged in the behavior has violated Board policy or procedure. Interventions and consequences must be age-appropriate and equal to the severity of the violation. In dealing with sexually harassing behavior, the designee should regard the behavior and the situation as unique and create an intervention/discipline plan based on the particular situation to ensure that the plan remedies the harassment, decreases chances of retaliation, and helps rehabilitate the student who has engaged in sexually harassing behavior (if appropriate). Some acts of sexual harassment may be part of a larger pattern of behavior that requires a response either at the classroom, school site, or District levels or by law enforcement officials. Consequences and appropriate remedial actions for a student who commits an act of sexual harassment may range from behavioral interventions and education up to and including suspension/expulsion, or referral to law enforcement.

C. 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
   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.
Reporting and Complaint Investigation Process

A. Students who believe they are victims of incidents of sexual harassment, or experience a hostile environment as defined, and any person who has witnessed or has direct knowledge of such conduct or environment, are encouraged to report such to the principal/designee. Reports may be made anonymously, but may hinder the effectiveness of an investigation. Both oral and anonymous reports shall be documented by the receiving administrator.

B. Any pupil wishing to make a complaint of sexual harassment should immediately report it to the principal or designee or any staff member. Within 24 hours of being so informed, staff members shall report complaints to the principal/designee for handling. A pupil making a complaint shall not suffer any reprisal for doing so. The District will promptly and thoroughly investigate all written, electronic, or verbal complaints of sexual harassment. The District also will take immediate and appropriate action to resolve such complaints.

The principal/designee receiving the complaint shall follow these procedures:

1. Make sure the reporting party completes a harassment, intimidation, or discrimination incident form. All forms shall be translated pursuant to Education Code 48985.
2. Authorize the investigation of the complaint and supervise and/or conduct the investigation of the complaint, which should be resolved in (5) school days. The investigation, at a minimum, shall include interviews with the complainant, the accused, and all other persons who reasonably may have relevant knowledge about the complaint, including possible witnesses or victims of prior similar conduct;
3. Take reasonable steps so to protect the complaint from any retaliation for filing the complaint;
4. Review factual information gathered to determine whether the alleged conduct constitutes sexual harassment as defined in law and BP 5145.7.
5. Take into account when reaching a decision about the complaint:
   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 past instances of sexual harassment or other prohibited conduct by the accused person
   e. Evidence of past complaints that were found to be untrue
6. Take into consideration when judging the severity of the incident:
   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
   e. The subject(s) of sexual harassment
   f. The place and situation where the incident occurred
   g. Other incidents at the school
7. If it is determined that sexual harassment occurred, take and/or recommend prompt and effective remedial action against the harasser;
8. Take reasonable steps to protect the complainant and other potential victims from further harassment if such is determined to have occurred;
9. Offer immediate physical and psychological support during and after the investigation. A school counselor or other appropriate school personnel may follow up with the victim and provide any appropriate and necessary support;
10. Take reasonable steps to alleviate the effects of the sexual harassment, including keeping the identity of the complainant and information related to the complaint confidential to the extent possible and appropriate.
If the complainant student or the parent of the student feels that appropriate resolution of the investigation or complaint has not been reached, the student or the parent of the student should contact the principal first to discuss the resolution. If the complainant still disagrees with the resolution, the procedure shall be as follows:

1. The Superintendent or designee shall review the evidence of the incident and the resolution.
2. The student or the student’s parent/guardian may designate a representative to be present with them at the meeting, but the representative shall not be legal counsel unless the District has legal counsel present to represent the School District.
3. At the meeting:
   a. The Superintendent or designee shall review all written documents in the case.
   b. The student and the student’s parent/guardian and representative may address the Superintendent/designee on the evidence and the appropriateness of the penalty
4. The Superintendent/designee shall render a decision within five (5) school days. If the decision is that the resolution is inadequate or inappropriate, the resolution shall be referred back to the school site to be reviewed and revised as necessary. If the resolution is found to be appropriate and reasonable, no further action will be taken.

Annual Report

Documentation of all complaints alleging sexual harassment, and their resolution, shall be maintained for one Categorical Program Monitoring review cycle.

Initial Adoption: 05/10/93
Reviewed/Revised: 09/27/99
05/23/05
07/14/08
01/14/13
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 desires to support pregnant and parenting students to attain strong academic and parenting skills to promote the healthy development of their children.

Married, pregnant and parenting students shall have the same educational and extracurricular opportunities as all students. Participation in a special school or program shall be voluntary. The program shall reflect the cultural and linguistic diversity of the community.

For school-related purposes, married students under the age of 18 are emancipated minors and have all the rights and privileges of students who are 18, even if the marriage has been dissolved. (Family Code 7002)

**Pregnant and Parenting Students**

The Board is committed to providing a comprehensive, continuous, community-linked program for pregnant and parenting students and their children.

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 pregnant and parenting students and their children.

Expectant and parenting students retain the right to participate in any comprehensive school or educational alternative programs. School placement and instructional strategies for participation students shall be based on the needs and learning styles of individual students. The classroom setting shall be the preferred instructional strategy unless an alternative is necessary to meet the needs of the individual student and/or child. (Education Code 54745)

School placement and instructional strategies for participating pregnant or parenting students shall be determined on a case-by-case basis and shall be appropriate to the student’s individual needs and learning styles. The student may continue attending school in the regular classroom or continuation education setting, or attend a separate program established for pregnant students, or may enroll in the independent study program.

In addition to providing a quality academic program for pregnant and parenting students, the district provides parenting education and life skills classes, special school nutrition supplements for pregnant and lactating students, a child care and development program for the children of enrolled students on or near the school site, and other support services authorized by Education Code 54756 as necessary to meet the needs of students and their children.

Parenting students retain their parental right to access to their children while the children are in the agency’s care.
Legal Reference:
Education Code
2551.3 Determination of state aid for pregnant minors program
17293 School facilities for pregnant/parenting teen programs
48220 Compulsory education requirement
48410 Persons exempted from continuation classes
49553 Nutrition supplements for pregnant/lactating students
49558 Confidentiality of applications and records for free or reduced price meals
51220.5 Parenting skills and education
51745 Independent study
52610.5 Enrollment of pregnant and parenting students in adult education
54740-54749.5 California School Age Families Education Program (Cal-SAFE)
Health and Safety Code
124175-124200 Adolescent and Family Life Act
Code of Regulations, Title 5
11820-11834 Pregnant minor program
18140-18175 School-age parenting and infant development programs
United States Code, Title 20
1681-1688 Title IX, Education Act Amendments
Code of Federal Regulations, Title 34
106.40 Marital or parental status

Family Code
7002 Description of emancipated minor
7050 Purposes for which emancipated minor considered an adult

Adoption History:
Initial Adoption: 03/13/00
Reviewed/Revised: 05/12/03
05/14/07
09/07/10
The Superintendent or designee may grant a leave of absence due to pregnancy, and childbirth for as long as it is deemed medically necessary. At the conclusion of the leave, the student shall be reinstated to the status she held when the leave began.

Pregnant and parenting students also may request exemption from attendance because of a physical or mental condition or because of personal services that must be rendered to a dependent. (Education Code 48410)

**Cal-SAFE Program**

A male or female student who is an expectant parent, the custodial parents, or the noncustodial parent taking an active role in the care and supervision of the child, shall be eligible to enroll in the district’s program for pregnant or parenting students (Cal-SAFE) under any of the following conditions: (Education Code 54747)

1. The student is age 18 years of age or younger and has not earned a high school diploma or its equivalent.
2. The student is age 19, has not earned a high school diploma or its equivalent, and has been continuously enrolled in the program for pregnant/parenting students since before his/her 19th birthday. Such a student may be enrolled in the program for one semester.
3. The student is below age 22 and has an active Individual Education Plan (IEP).

Student shall be enrolled in programs for pregnant and parenting students on an open-entry and open-exit basis. (Education Code 54745)

The Superintendent or designee shall complete an intake procedure regarding each student and child upon entry into the program and periodically thereafter as necessary, to determine appropriate levels and types of services to be provided. (Education Code 54746)

The Superintendent or designee shall provide staff development and community outreach in order to establish a positive learning environment and school policies supportive of pregnant and parenting students academic achievement to promote the healthy development of their children. (Education Code 54745)

The Superintendent or designee shall cooperate with the County Superintendent to develop and annually update the county service coordination plan for providing educational and related support services to pregnant and parenting teens and their children. He/she also shall participate in data collection and evaluation of the program. (Education Code 54745)