



Santa Clara County  
Office of Education

# **ANNUAL NOTIFICATION**

**2024-25**

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# **SECTION ONE:**

## **Required Notifications**

## **Non-Discrimination Statement**

The Santa Clara County Office of Education prohibits discrimination, harassment, intimidation and bullying based on actual or perceived race or ethnicity, gender/sex (including gender identity, gender expression, pregnancy, childbirth, breastfeeding, and pregnancy-related medical conditions) sexual orientation, religion, color, national origin, ancestry, immigration status, physical or mental status, marital status, registered domestic partner status, age (40 and above), genetic information, political belief or affiliation (not union related), a person's association with a person or group with one or more of these actual or perceived characteristics, or any other basis protected by federal, state or local law, ordinance, or regulation in any program or activity it conducts or to which it provides significant assistance.

## **Title IX and Educational Equity & Compliance Reporting**

The Educational Services Division serves as the Santa Clara County Office of Education's (SCCOE) office for supporting students' civil rights and addressing concerns. SCCOE ensures compliance with applicable federal and state laws and regulations governing educational programs so that all students and community members are treated equitably in SCCOE programs and activities and are provided a safe, secure environment that is free from discrimination, harassment, intimidation, and/or bullying including, but not limited to, all aspects of Section 504, Title VI and Title IX compliance.

It is the law and SCCOE's policy to afford equal rights and opportunities to all persons to attend school and participate in the programs and activities, regardless of actual or perceived sexual orientation, gender or sex (including gender identity, gender expression, pregnancy, childbirth, breastfeeding, and pregnancy related medical conditions), race or ethnicity, ethnic group identification, ancestry, nationality, national origin, religion, color, mental or physical disability, age, immigration status, military status, or on the basis of a person's association with a person or group with one or more of these actual or perceived characteristics, or any other basis protected by federal, state or local law, ordinance, or regulation in any program or activity it conducts.

The Assistant Superintendent – Educational Services produces, updates and provides input regarding policies on or related to nondiscrimination; provides training, support, and technical direction to stakeholders, including students, parents/guardians, community, schools and SCCOE staff regarding harassment, discrimination, intimidation, and/or bullying issues involving protected characteristics; responds to and investigates harassment, discrimination, intimidation, and/or bullying complaint allegations, special education compliance complaints filed with external agencies, facilitates Office for Civil Rights complaint investigations, conducts and coordinates internal complaint investigations involving violations of federal and state laws identified under the Uniform Complaint Procedures regulations; and assists with State federal program monitoring reviews and other audits for SCCOE schools and district.

*Santa Clara County Office of Education*

**Uniform Complaint Procedures (UCP) Annual Notice  
2024-25**

The Santa Clara County Office of Education annually notifies our students, employees, parents or guardians of its students, the SCCOE advisory committee, program advisory committees, appropriate private school officials, and other interested parties of our Uniform Complaint Procedures (UCP) process.

The UCP Annual Notice is available on our website.

We are primarily responsible for compliance with federal and state laws and regulations, including those related to unlawful discrimination, harassment, intimidation or bullying against any protected group, and all programs and activities that are subject to the UCP.

**Programs and Activities Subject to the UCP**

- Accommodations for Pregnant and Parenting Pupils
- Adult Education
- After School Education and Safety
- Agricultural Career Technical Education
- Career Technical and Technical Education and Career Technical and Technical Training Programs
- Child Care and Development Programs
- Compensatory Education
- Consolidated Categorical Aid Programs
- Course Periods without Educational Content
- Discrimination, harassment, intimidation, or bullying against any protected group as identified under sections 200 and 220 and Section 11135 of the Government Code, including any actual or perceived characteristic as set forth in Section 422.55 of the Penal Code, or on the basis of a person’s association with a person or group with one or more of these actual or perceived characteristics, in any program or activity conducted by an educational institution, as defined in Section 210.3, that is funded directly by, or that receives or benefits from, any state financial assistance.
- Educational and graduation requirements for pupils in foster care, pupils who are homeless, pupils from military families, pupils formerly in Juvenile Court now enrolled in a school district, pupils
- Every Student Succeeds Act
- Instructional Materials and Curriculum Diversity
- Local Control and Accountability Plans (LCAP)
- Migrant Education
- Physical Education Instructional Minutes
- Pupil Fees

- Reasonable Accommodations to a Lactating Pupil
- Regional Occupational Centers and Programs
- School Plans for Student Achievement
- Schoolsite Councils
- State Preschool
- State Preschool Health and Safety Issues in LEAs Exempt from Licensing

And any other state or federal educational program the State Superintendent of Public Instruction (SSPI) of the California Department of Education (CDE) or designee deems appropriate.

### **Filing a UCP Complaint**

A UCP complaint shall be filed no later than one year from the date the alleged violation occurred.

For complaints relating to Local Control and Accountability Plans (LCAP), the date of the alleged violation is the date when the reviewing authority approves the LCAP or annual update that was adopted by our agency.

A pupil enrolled in any of our public schools shall not be required to pay a pupil fee for participation in an educational activity.

A pupil fee complaint may be filed with the principal of a school or our superintendent or their designee.

A pupil fee or LCAP complaint may be filed anonymously, that is, without an identifying signature, if the complainant provides evidence or information leading to evidence to support an allegation of noncompliance.

### **Contact Information**

Complaints within the scope of the UCP are to be filed with the person responsible for processing complaints:

*Teresa Shipp, Assistant Superintendent of Educational Services  
 Santa Clara County Office of Education  
 1290 Ridder Park Drive, MC 271,  
 San Jose, CA 95131  
 (408) 453-6560  
[tshipp@sccoe.org](mailto:tshipp@sccoe.org)*

The above contact is aware of the laws and programs they are assigned to research at the Santa Clara County Offices of Education.

### **Responsibilities of the Santa Clara County Office of Education**

We shall post a standardized notice, in addition to this notice, with educational and graduation requirements for pupils in foster care, pupils who are experiencing homelessness, pupils from military families, pupils formerly in Juvenile Court now enrolled in a school district., pupils who are migratory, and pupils participating in a newcomer program.

We advise complainants of the opportunity to appeal an Investigation Report of complaints regarding programs within the scope of the UCP to the Department of Education (CDE).

We advise complainants of civil law remedies, including injunctions, restraining orders, or other remedies or orders that may be available under state or federal discrimination, harassment, intimidation or bullying laws, if applicable.

Copies of our UCP procedures shall be available free of charge.

**For UCP Complaints Regarding State Preschool Health and Safety Issues Pursuant to Section 1596.7925 of the California *Health and Safety Code* (HSC)**

In order to identify appropriate subjects of state preschool health and safety issues pursuant to Section 1596.7925 of the California *Health and Safety Code* (HSC) a notice shall be posted in each California state preschool program classroom in each school in our agency.

The notice is in addition to this UCP annual notice and addresses parents, guardians, pupils, and teachers of (1) the health and safety requirements under Title 5 of the California *Code of Regulations* (5 CCR) that apply to California state preschool programs pursuant to HSC Section 1596.7925, and (2) the location at which to obtain a form to file a complaint.

## Key to Code and Regulation Section Abbreviations

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Abbreviation	Complete Title
EC	California Education Code
BPC	Business and Professions Code
CC	Civil Code
5 CCR	Title 5, California Code of Regulations
HSC	California Health and Safety Code
LEA	Local Educational Agency
PC	California Penal Code
VC	California Vehicle Code
WIC	California Welfare and Institutions Code
34 CFR	Title 34, Code of Federal Regulations
40 CFR	Title 40, Code of Federal Regulations
USC	United States Code

# 2024-25 PARENT NOTICE OF RIGHTS AND RESPONSIBILITIES

State law requires that parents or guardians be notified of their rights and responsibilities in certain matters pertaining to their children's education.

- 1. Absence for Religious Exercises and Instruction:** Pupils may be excused, with written permission from a parent or guardian, in order to participate in religious exercises or receive moral and religious instruction away from school property. Every pupil so excused must attend at least the minimum school day. No pupil shall be excused from school for such purpose on more than four days per school month. (Ed. Code, § 46014)
- 2. Comprehensive Sexual Health Education and HIV/AIDS Prevention Education:** A parent or guardian has the right to excuse their child from comprehensive sexual health education, human immunodeficiency virus ("HIV") prevention education, and assessments related to that education. A parent or guardian who wishes to exercise this right must state their request in writing. (Ed. Code, § 51938) A parent or guardian may inspect the written and audiovisual educational materials used in comprehensive sexual health education and HIV and acquired immunodeficiency syndrome ("AIDS") prevention education. Parents have a right to request that the District provide them with a copy of the California Healthy Youth Act. (Ed. Code, § 51930 et. seq.)

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

Every child's parent will be notified prior to the commencement of any comprehensive sexual health education and HIV/AIDS prevention education instruction whether the instruction will be taught by District personnel or by outside consultants. If outside consultants or guest speakers are used, the notice shall include the date of the instruction, and the name of the organization or affiliation of each guest speaker will be identified. Parents have a right to request that the District provide them with a copy of Education Code sections 51933, 51934, and 51938. (Ed. Code, § 51938) If arrangements for instruction by outside consultants or guest speakers are made after the beginning of the school year, the Superintendent or designee shall notify parents/guardians no less than 14 days before instruction is given. (Ed. Code, § 51938)

- 3. Excuse from Instruction in Health:** Upon written request of a parent or guardian, a pupil may be excused from any part of instruction in health which conflicts with the parent(s)' or guardian(s)' religious training or beliefs (including personal moral convictions). (Ed. Code, § 51240)
- 4. Administration of Medication:** Medication prescribed by a physician or ordered by a physician assistant for a child may be administered during the school day by the school nurse or other designated school personnel, or self-administered by the child if the medication is prescription auto-injectable epinephrine or prescription inhaled asthma medication, but only if the parent consents in writing and provides detailed written instructions from a physician, or a physician assistant as specified by law. In order for a child to carry and self-administer prescription auto-

injectable epinephrine or prescription inhaled asthma medication, the physician or physician assistant must also provide a written statement detailing the name of the medication, method, amount, and time schedules by which the medication is to be taken, and confirming that the pupil is able to self-administer auto-injectable epinephrine or prescription inhaled asthma medication. Parents must also provide a release for the school nurse or designated school personnel to consult with the pupil's health care provider regarding questions that may arise with regard to the medication, and releasing the District and its personnel from civil liability if the self-administering pupil suffers an adverse reaction as a result of self-administering auto-injectable epinephrine or prescription inhaled asthma medication. The written statements specified in this section shall be provided at least annually and more frequently if the medication, dosage, frequency of administration, or reason for administration changes. Forms for administering medication may be obtained from the school secretary. (Ed. Code, §§ 49423, 49423.1, 49423.5)

5. **Students on Medication:** Parents are to notify the school nurse or other designated certificated school employee if their child is on a continuing medication regimen. This notification shall include the name of the medication being taken, the dosage, and the name of the supervising physician. With parental consent, the school nurse may confer with the physician regarding possible effects of the drug, including symptoms of adverse side effects, omission or overdose and counsel with school personnel as deemed appropriate. (Ed. Code, § 49480)
  
6. **Immunizations:** The District shall exclude from school any pupil who has not been immunized properly, unless the pupil is exempted from the immunization requirement pursuant to Chapter 1 (commencing with section 120325) of part 2 of division 105 of the Health and Safety Code. The immunization exemption based on personal beliefs has been eliminated. (Health & Saf. Code, § 120325) A student who, prior to January 1, 2016, submitted a letter or affidavit on file at the District, stating beliefs opposed to immunization, is permitted to enroll in that institution until the student enrolls in the next grade span. Grade span means: 1) birth to preschool; 2) kindergarten and grades 1 through 6, inclusive, including transitional kindergarten; and 3) grades 7 through 12, inclusive. On or after July 1, 2016, the District shall exclude from school for the first time or deny admittance or deny advancement to any student to the 7th grade unless the student has been immunized for their age as required by law. (Health & Saf. Code, § 120335) A student may still be exempted from the immunization requirement based on medical condition or circumstances. A licensed physician or surgeon must transmit a completed medical exemption certification form from the California Department of Public Health directly to the local educational agency and the California Immunization Registry. The standardized medical exemption form shall be the only documentation of a medical exemption that shall be accepted by the District. (Health & Saf. Code, §§ 120370, 120372)

A parent or guardian may consent in writing for a physician, surgeon, or health care practitioner acting under the direction of a supervising physician and surgeon to administer an immunizing agent to a pupil at school. The health care practitioner may administer immunizations for the prevention and control of diseases that present a current or potential outbreak as declared by a federal, state, or local public health officer. (Ed. Code, §§ 48216, 48980(a), 49403; Health & Saf. Code, §§ 120325, 120335)

Students are advised to adhere to current immunization guidelines regarding full human papillomavirus (“HPV”) immunization before admission or advancement to the eighth-grade level. HPV vaccination can prevent over 90 percent of cancers caused by HPV. HPV vaccines are very safe, and scientific research shows that the benefits of HPV vaccination far outweigh the potential risks. A fact sheet has been attached describing the benefits of an HPV vaccination. (Ed. Code, § 48980.4, Health & Saf. Code, § 120336)

- 7. Physical Exams and Testing:** The District is required to conduct certain physical examinations and vision and hearing testing of students, unless the parent has a current written objection on file. However, the child may be sent home if they are believed to be suffering from a recognized contagious or infectious disease, and shall not be permitted to return until the school authorities are satisfied that any contagious or infectious disease does not exist. (Ed. Code, §§ 49451, 49452, 49452.5, 49455; Health & Saf. Code, § 124085) The District shall provide for scoliosis screening of every female student in grade 7 and every male student in grade 8. (Ed. Code, § 49452.5)
- 8. Confidential Medical Services:** For students in grades 7 through 12, the District may release a student for the purpose of obtaining confidential medical services without obtaining the consent of the student’s parent or guardian. (Ed. Code, § 46010.1)
- 9. Medical Coverage for Injuries:** Medical and hospital services for pupils injured at school or school-sponsored events, or while being transported, may be insured at parent’s expense. No pupil shall be compelled to accept such services without their consent or, if the pupil is a minor, without the consent of a parent or guardian. (Ed. Code, § 49472)
- 10. Accidental Injury Insurance:** The District does not provide medical and hospital services for students injured while participating in athletic activities. **Under state law, school districts are required to ensure that all members of school athletic teams have accidental injury insurance that covers both medical and hospital expenses. This insurance requirement can be met by the school district offering insurance or other health benefits that cover medical and hospital expenses. Some pupils may qualify to enroll in no-cost or low-cost local, state, or federally sponsored health insurance programs. Information about these programs may be obtained by calling Healthy Families at 1-866-294-4347.** (Ed. Code, §§ 32221.5, 49470, 49471)
- 11. Mental Health Services:** The SCCOE shall notify pupils and parents or guardians no less than twice each school year of the steps to initiate access to available pupil mental health services on campus and/or in the community. (Ed. Code, § 49428) The mental health services will be provided electronically either by the SCCOE website, email or social media.
- 12. Services for Students with Exceptional Needs or a Disability:** State and federal law require that a free and appropriate public education (FAPE) in the least restrictive environment be offered to qualified pupils with disabilities ages 3 through 21 years. Students classified as individuals with exceptional needs for whom a special education placement is unavailable or inappropriate may receive services in a private nonsectarian school. Please contact the local director of special education for specific information. (Ed. Code, § 56040 et seq.) In addition, services are available for students who have a disability which interferes with their equal access to educational opportunities. (Section 504 of the Rehabilitation Act of 1973, 34 C.F.R. § 104.32) The SCCOE

official listed below is responsible for handling requests for services under Section 504 and may be reached at the following address and telephone:

**Jennifer Ann, Ed. D**  
**Executive Director Special Education**  
**1290 Ridder Park Dr. MC# 273**  
**San Jose, CA 95131**  
[Jann@sccoe.org](mailto:Jann@sccoe.org)  
**(408) 453-6542**

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

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

- (a) Due to the pupil's illness, including an absence for the benefit of the pupil's mental or behavioral health.
- (b) Due to quarantine under the direction of a county or city health officer.
- (c) For the purpose of having medical, dental, optometrical, or chiropractic services rendered.
- (d) For the purpose of attending the funeral services of a member of the pupil's immediate family, so long as the absence is not more than one day if the service is conducted in California and not more than three days if the service is conducted outside California.
- (e) For the purpose of jury duty in the manner provided for by law.
- (f) Due to the illness or medical appointment during school hours of a child of whom the pupil is the custodial parent, including absences to care for a sick child for which the school shall not require a doctor's note.
- (g) For justifiable personal reasons, including, but not limited to, an appearance in court, attendance at a funeral service, observance of a holiday or ceremony of the pupil's religion, attendance at religious retreats, attendance at an employment conference, or attendance at an educational conference on the legislative or judicial process offered by a nonprofit organization, when the pupil's absence is requested in writing by the parent or guardian and approved by the principal or a designated representative pursuant to uniform standards established by the governing board.
- (h) For the purpose of serving as a member of a precinct board for an election pursuant to section 12302 of the Elections Code.
- (i) For the purpose of spending time with a member of the pupil's immediate family, who is an active duty member of the uniformed services, as defined in section 49701 of the Education Code, and has been called to duty for, is on leave from, or has immediately returned from, deployment to a combat zone or combat support position. Absences granted pursuant to this paragraph shall be granted for a period of time to be determined at the discretion of the superintendent of the school district.
- (j) For the purpose of attending the pupil's naturalization ceremony to become a United States citizen.
- (k) For the purpose of participating in a cultural ceremony or event.
- (l) For the purpose of a middle or high school pupil engaging in a civic or political event, provided the pupil notifies the school in advance. A pupil absent pursuant to this section is required to be excused for only one day-long absence per year. A school administrator may permit additional absences pursuant to section 48260(c) of the Education Code.

- (m) For any of the following purposes, inclusive, if an immediate family member of the pupil, or a person that is determined by the pupil's parent or guardian to be in such close association with the pupil as to be considered the pupil's immediate family member, has died, so long as the absence is not more than three (3) days per incident.
- i. To access services from a victim services organization or agency.
  - ii. To access grief support services.
  - iii. To participate in safety planning or to take other actions to increase the safety of the pupil or an immediate family member of the pupil, or a person that is determined by the pupil's parent or guardian to be in such close association with the pupil as to be considered the pupil's immediate family member, including, but not limited to, temporary or permanent relocation.
  - iv. Any absence beyond three days for the reasons described above shall be subject to the discretion of a school administrator, or their designee, pursuant to section 48260.
- (n) Authorized at the discretion of a school administrator based on the facts of the pupil's circumstances, which are deemed to constitute a valid excuse, including, but not limited to, working for a period of not more than five consecutive days in the entertainment or allied industries if the pupil holds a work permit, or participating with a not-for-profit performing arts organization in a performance for a public school pupil audience for a maximum of up to five days per school year provided the pupil's parent or guardian provides a written note to the school authorities explaining the reason for the pupil's absence. (Ed. Code, §§ 48260, 48205, 48225.5)

A pupil absent from school under this section shall be allowed to complete all assignments and tests missed during the absence that can be reasonably provided and, upon satisfactory completion within a reasonable period of time, shall be given full credit therefor. The teacher of the class from which a pupil is absent shall determine which tests and assignments shall be reasonably equivalent to, but not necessarily identical to, the tests and assignments that the pupil missed during the absence.

For purposes of this section, attendance at religious retreats shall not exceed four hours per semester.

Absences pursuant to this section are deemed to be absences in computing average daily attendance and shall not generate state apportionment payments.

A "civic or political event" includes, but is not limited to, voting, poll working, strikes, public commenting, candidate speeches, political or civic forums, and town halls. (Ed. Code, § 48205)

"Cultural" means relating to the habits, practices, beliefs, and traditions of a certain group of people. (Ed. Code, § 48205)

"Immediate family," as used in this section refers to the parent or guardian, brother or sister, grandparent, or any relative living in the household of the pupil. (Ed. Code, § 48205)

“Victim services organization or agency” means an agency or organization that has a documented record of providing services to victims. (Ed. Code, § 48205; Labor Code § 230.1)

- 14. Equal Opportunity:** Equal opportunities for both sexes in all educational programs and activities run by the District is a commitment made by the District to all students. (Title IX of the Education Amendments of 1972) (34 C.F.R. § 106.8) The District does not discriminate, including in admission and employment, on the basis of sex in any education programs or activities operated by the District, as is required by Title IX. Inquiries on all matters, including complaints, regarding the implementation of Title IX in the District may be referred to the District official listed below at the following address and telephone:

**Teresa Shipp**  
**Assistant Superintendent Educational Services**  
**1290 Ridder Park Dr, MC 271**  
**San Jose, CA 95131**  
**408-453-6560**  
[TShipp@sccoe.org](mailto:TShipp@sccoe.org)

- 15. Complaints (Special Education):** Parents may file a complaint concerning violations of federal or state law or regulations governing special education related services. Parents may submit a description of the manner in which the parent believes special education programs do not comply with state or federal law or regulations to:

**Jennifer Ann, Ed. D**  
**Executive Director Special Education**  
**1290 Ridder Park Dr. MC 273**  
**San Jose, CA 95131**  
**408-453-6542**  
[JAnn@sccoe.org](mailto:JAnn@sccoe.org)

- 16. Release of Student Information:** The SCCOE does not release information or records concerning a child to noneducational organizations or individuals without parent consent except by court order, receipt of a lawfully issued subpoena, or when otherwise allowed by law. The following categories of directory information may be made available to various persons, agencies or institutions unless the parent or guardian notifies the SCCOE in writing not to release such information:

Name, address, telephone, date of birth, email address, major field of study, participation in officially recognized activities and sports, weight and height of members of athletic teams, dates of attendance, diplomas and awards received, and most recent previous educational institution attended. (Ed. Code, §§ 49060 et seq., 49073; 20 U.S.C. § 1232g; 34 C.F.R. § 99.7) In accordance with state and federal law, the District may also make available photographs, videos, and class rosters.

Directory information will not be released regarding a pupil identified as a homeless child or youth unless a parent, or pupil accorded parental rights, has provided written consent that directory information may be released. (Ed. Code, § 49073(c); 20 U.S.C. § 1232g; 42 U.S.C. § 11434a(2))

**17. Information Obtained from Social Media:** A school district that considers a program to gather or maintain in its records any information obtained through social media of any enrolled student shall notify students and their parents or guardians about the proposed program and provide an opportunity for public comment at a regularly scheduled public meeting of the Governing Board of the school district. The notification shall include, but is not limited to, an explanation of the process by which a student or a student's parent or guardian may access the student's records to examine the information gathered or maintained, and an explanation of the process by which a student or student's parent or guardian may request the removal of information or make corrections to information gathered or maintained. (Ed. Code, § 49073.6)

- 18. Inspection of Student Records:** State law requires that the SCCCOE notify parents of the following rights which pertain to student records. (Ed. Code, §§ 49063, 49069.7; 34 C.F.R. § 99.7)
- a. A parent or guardian has the right to inspect and review student records relating directly to their child during school hours or obtain a copy of such records within five (5) business days of their request.
  - b. Any parent who wishes to review the types of student records and information contained therein may do so by contacting the principal at their child's school. The principal of each school is ultimately responsible for maintenance of student records.
  - c. A parent with legal custody has a right to challenge information contained in their child's records. Any determination to expunge a student's record is made after a review of said record(s) by site administrators and certificated staff. Following an inspection and review of student records, the parent may challenge the content of the student's record. The right to challenge becomes the sole right of the student when the student becomes eighteen (18) years of age.
  - d. A parent or guardian has the right to consent to disclosures of personally identifiable information contained in the student's educational records, except to the extent disclosure is authorized without consent.

A parent may file a written request with the County Superintendent of Schools to remove any information recorded in the written records concerning the child which is alleged to be:

- (i) Inaccurate
- (ii) An unsubstantiated personal conclusion or inference.
- (iii) A conclusion or inference outside of the observer's area of competence.
- (iv) Not based on the personal observation of a named person with the time and place of the observation noted.
- (v) Misleading.
- (vi) In violation of the privacy or other rights of the pupil.

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

If the final decision of the Board is unfavorable to the parents, or if the parent accepts an unfavorable decision by the District Superintendent, the parent shall have the right to submit a

written statement of objections to the information. This statement shall become a part of the student's school record until such time as the information objected to is removed.

Both the Superintendent and the Board have the option of appointing a hearing panel in accordance with Education Code sections 49070-49071 to assist in the decision making. The decision as to whether a hearing panel is to be used shall be made at the discretion of the Superintendent or the Board and not of the challenging party.

- (e) A Student Records Log is maintained for each student. The Student Records Log lists persons, agencies or organizations requesting and/or receiving information from the records and the legitimate interests therefor to the extent required by law. Student Records Logs are located at each school and are open to inspection by parents or guardians. (Ed. Code, § 49064)
- (f) School officials and employees having a legitimate educational interest, as well as persons identified in Education Code sections 49076 and 49076.5 and in the Family Educational Rights and Privacy Act, may access student records without first obtaining parental consent. "School officials and employees" are persons employed by the District as an administrator, supervisor, instructor, or support staff member (including health or medical staff and District-employed law enforcement personnel), a Board member, a person or company with whom the District has contracted to perform a special service (such as an attorney, auditor, medical consultant, or therapist), or a parent, student, foster family agency, short-term residential treatment staff, or caregiver whose access to student records is legally authorized. A "legitimate educational interest" is one held by a school official or employee whose duties and responsibilities create a reasonable need for access. (Ed. Code, §§ 49063(d), 49076, 49076.5; 20 U.S.C. § 1232g)
- (g) Parents and guardians have the right to authorize the release of student records to themselves. Only parents and guardians with legal custody can authorize the release of student records to others.
- (h) Parents and guardians will be charged a reasonable fee not to exceed the actual cost of providing the copies for the reproduction of student records.
- (i) Parents have a right to file a complaint with the U.S. Department of Education for alleged violations of parent rights related to student records. (20 U.S.C. § 1232g(g))
- (j) Parents may obtain a copy of the SCCOE's complete student records policy by contacting the Superintendent.

**19. Family Educational Rights and Privacy Act:** Parents have certain rights regarding student information and records which are guaranteed under federal law. A handout notifying parents of these rights is attached.

**20. Student Discipline:** SCCOE and program rules pertaining to student discipline are available to parents or guardians of SCCOE Program students in the school office. (Ed. Code, § 35291) Students may be subject to discipline for off-campus misconduct if the misconduct is related to school activity or attendance and causes or is reasonably likely to cause a substantial disruption to school activity. For example, a student using technology such as a home computer, cellular

phone, or other electronic device may be disciplined for bullying, engaging in unlawful harassment, or making threats against students, staff, or district property even if such misconduct occurred off-campus and during non-school hours. (Ed. Code, § 48900(r))

- 21. Dissection of Animals:** If a student has a moral objection to dissecting (or otherwise harming or destroying) animals, or any part of an animal, the pupil must notify the teacher regarding such objection, and the objection must be substantiated with a note from the pupil's parent or guardian. If the pupil chooses to refrain from participating in such a project or test, and if the teacher believes that an adequate alternative education project or test is possible, then the teacher may work with the pupil to develop and agree upon an alternate education project or test for the purpose of providing the pupil an alternate avenue for obtaining the knowledge, information or experience required by the course of study. No student shall be discriminated against based upon their decision to exercise their rights under this section. (Ed. Code, §§ 32255-32255.6)
- 22. Temporary Disability:** A temporary disability which makes it impossible or inadvisable for a student to attend class may entitle the student to receive individualized instruction. It is the responsibility of the pupil's parent or guardian to notify the school district in which the pupil is deemed to reside of the pupil's need for individualized instruction.

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

Hospital or Health Facility Instruction: The school district in which the hospital or other residential health facility, excluding a state hospital, is located must provide individual instruction to a student with a temporary disability. Within five working days of receipt of the notification, the district must determine whether the pupil will be able to receive individual instruction, and, if so, when the individual instruction will begin. Individual instruction will commence no later than five working days after a positive determination has been rendered. A student with a temporary disability who is in a hospital or other residential health facility, other than a state hospital, which is located outside the student's school district of residence shall be deemed to comply with the residency requirements of the school district in which the hospital is located. A school district may continue to enroll a pupil with a temporary disability who is receiving individual instruction in a hospital or residential health facility to facilitate the timely reentry of the pupil in their prior school after the hospitalization has ended, or in order to provide a partial week of instruction. On days in which the student is not receiving individual instruction in a hospital or other residential health facility, they may attend school in their district of residence if well enough to do so. A pupil receiving individual instruction who is well enough to return to a school shall be allowed to return to the school, including a charter school, that they attended immediately before receiving individual instruction, if returning during the same school year. (Ed. Code, §§ 48206.3, 48207, 48207.3, 48207.5, 48208, 48980(b))

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

**23. Student Residency:** A student may be enrolled in the SCCOE if (1) the student’s parent, legal guardian or other person having control and charge of the student resides in the Santa Clara County (Ed. Code, § 48200); (2) the SCCOE has approved interdistrict attendance (Ed. Code, § 46600); (3) the student is placed in a regularly established children’s institution, licensed foster home, or family home; (4) the student is a foster child who remains in their school of origin pursuant to Education Code section 48853.5(f) and (g); (5) the student is emancipated and lives within the SCCOE boundaries; (6) the student lives in the home of an adult who has submitted a caregiver affidavit; (7) the student resides in a state hospital within the SCCOE; or (8) the student’s parent or legal guardian resides outside of the boundaries of the SCCOE but is employed and lives with the student at the place of their employment within the SCCOE boundaries for a minimum of three days during the school week. (Ed. Code, § 48204) The law allows, but does not require, the SCCOE to accept a student for enrollment where at least one parent or legal guardian of the student is physically employed within the SCCOE’s boundaries for a minimum of 10 hours during the school week. (Ed. Code, § 48204) A student also complies with the residency requirements for school attendance in SCCOE if they are a student whose parent is transferred or pending transfer to a military installation within the state while on active duty pursuant to an official military order. However, the parent must provide proof of residence in the SCCOE within ten (10) days after the published arrival date provided on official documentation. (Ed. Code, § 48204.3) A student also complies with the residency requirement if the student’s parent/guardians were residents of the state but departed California against their will if the student provides official documentation evidencing the departure of their parent/guardians against their will; that the student moved outside of California as a result of their parent/guardians departing California against their will; and that the student lived and was enrolled in school in California immediately before moving outside of California. (Ed. Code, § 48204.4)

**24. Attendance Options:** Students who attend schools other than those assigned by the SCCOE are referred to as “transfer students” throughout this notification. There is one process for choosing a school within the SCCOE which the parent lives (intradistrict transfer), and three separate processes for selecting schools in other districts (interdistrict transfer). (Ed. Code, § 48980(h))

Attached is a copy of the SCCOE’s Policy on Interdistrict and Intradistrict Transfers. Parents interested in interdistrict or intradistrict transfers should contact their school Principal. The general requirements and limitations of each process are described as follows:

- (a) Choosing a School Within the District in Which Parent Lives: Education Code section 35160.5(b) requires the school board of each district to establish a policy that allows parents to choose the schools their children will attend, regardless of where the parent lives in the district. The law limits choice within a school district as follows:
- Students who live in the attendance area of a school must be given priority to attend that school over students who do not live in the school’s attendance area.
  - In cases in which there are more requests to attend a school than there are openings, the selection process must be “random and unbiased,” which generally means students must be selected through a lottery process rather than on a first-come, first-served basis. A district cannot use a student’s academic or athletic performance as a reason to accept or reject a transfer. However, a district may consider special circumstances that might be harmful or dangerous to a particular pupil in the current attendance area of the pupil,

including physical threats of bodily harm or threats to the emotional stability of the pupil documented by a state or local agency, licensed or registered professional, or court order.

- Each district must decide the number of openings at each school which can be filled by transfer students. Each district also has the authority to keep appropriate racial and ethnic balances among its schools, meaning that a district can deny a transfer request if it would upset this balance or would leave the district out of compliance with a court-ordered or voluntary desegregation program.
- A district is not required to provide transportation assistance to a student who transfers to another school in the district under these provisions.
- If a transfer is denied, a parent does not have an automatic right to appeal the decision. A district may, however, voluntarily decide to put in place a process for parents to appeal a decision.
- Victims of Bullying: A school district of residence must approve an intradistrict transfer request for a victim of an act of bullying unless the requested school is at maximum capacity, in which case the district must accept an intradistrict transfer request for a different school within the district. A school district of residence may not prohibit the interdistrict transfer of a victim of an act of bullying if there is no available school for an intradistrict transfer and if the school district of proposed enrollment approves the transfer application. (Ed. Code, § 46600)
- A school district of proposed enrollment shall ensure that pupils admitted under this law are selected through an unbiased process that prohibits an inquiry into or evaluation or consideration of whether a pupil should be enrolled based on academic or athletic performance, physical condition, English proficiency, family income, or any of the individual characteristics set forth in Education Code section 220, including, but not limited to, race or ethnicity, gender, gender identity, gender expression, and immigration status.

(b) Choosing a School Outside the District in Which Parent Lives: Parents have two different options for choosing a school outside the district in which they live. The two options are:

(i) Interdistrict Transfers (Ed. Code, §§ 46600–46610): The law allows two or more districts to enter into an agreement for the transfer of one or more students for a period of up to five years. New agreements may be entered into for additional periods of up to five years each. The agreement must specify the terms and conditions under which transfers are permitted. The law on interdistrict transfers also provides for the following:

- Once a pupil is enrolled in a school pursuant to an interdistrict transfer agreement, the pupil must be allowed to continue to attend the school in which they are enrolled without reapplying, unless revocation of the interdistrict transfer is a term and condition of the agreement between the districts; however, a district must not rescind existing transfer permits for pupils entering grade 11 or 12 in the subsequent school year.
- Upon request, a pupil determined to be the victim of an act of bullying by a pupil of the district of residence must be given priority for interdistrict attendance under any existing interdistrict attendance agreement or additional consideration

for the creation of an interdistrict attendance agreement. (Ed. Code, §§ 46600(b), 48900(r))

- A school district of enrollment may provide transportation assistance to any pupil admitted under this subdivision. (Ed. Code, § 46600(d))

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

- Either the district in which the parent (or legal guardian) lives or the district in which the parent (or legal guardian) physically works may prohibit the student’s transfer if it is determined that there would be a negative impact on the district’s desegregation plan.
- The district in which the parent (or legal guardian) physically works may reject a transfer if it determines that the cost of educating the student would be more than the amount of state funds the district would receive for educating the student.
- There are set limits (based on total enrollment) on the net numbers of students that may transfer out of a district under this law, unless the district approves a greater number of transfers.
- There is no required appeal process for a transfer that is denied. However, the district that declines to admit a student is encouraged to provide in writing to the parent the specific reasons for denying the transfer.

(c) Transferring a Student Convicted of a Felony/Misdemeanor: Education Code section 48929 authorizes the governing board of a school district to transfer a student enrolled in the district who has been convicted of a violent felony as defined in Penal Code section 667.5 or misdemeanor listed in Penal Code section 29805 to another school within the district when the student and victim of the crime are enrolled in the same school. The governing board has adopted a policy regarding such transfers at a regular meeting pursuant to Education Code section 48929. The policy requires: 1) notice to be provided to the student and student’s parent or guardian of the right to request to meet with the principal or designee of the school or District; and 2) that the school first attempt to resolve the conflict before transfer by using restorative justice, counseling, or other services. The policy also includes information regarding whether the transfer decision is subject to periodic review and the procedure used to conduct the review, and the process the board will use to consider and approve or disapprove the recommendation of the school principal or other school or school district designee to transfer the student.

**25. Sexual Harassment Policy:** Each student will receive a written copy of the SCCOE policy on sexual harassment. The purpose of this policy is to provide notification of the prohibition against sexual harassment as a form of sexual discrimination and to provide notification of available remedies. A copy of the SCCOE’s policy on sexual harassment is attached. (Ed. Code, §§ 231.5, 48980(f))

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

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

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

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

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

All instructional materials, including teacher's manuals, films, tapes, or other supplementary material which will be used in connection with any survey, analysis, or evaluation shall be available for inspection by the parents or guardians of the children.

No student shall be required, as part of any applicable U.S. Department of Education funded program, to submit to a survey, analysis, or evaluation that reveals information concerning:

- (a) political affiliations or beliefs of the student or student's parents;
- (b) mental and psychological problems of the student or their family;
- (c) sex behavior or attitudes;
- (d) illegal, anti-social, self-incriminating or demeaning behavior;
- (e) critical appraisals of other individuals with whom respondents have close family relationships;

- (f) legally recognized privileged or analogous relationships, such as those of lawyers, physicians, and ministers;
- (g) religious practices, affiliations, or beliefs of the student or student's parent; or
- (h) income (other than that required by law to determine eligibility for participation in a program or for receiving financial assistance under such program) without the prior consent of the student (if the student is an adult or emancipated minor), or in the case of an unemancipated minor, without the prior written consent of the parent. (20 U.S.C. § 1232h)

**29. Uniform Complaint Procedures:**

**Complaints Alleging Discrimination, Harassment, Intimidation, and Bullying:**

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

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

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

- (a) Any individual, public agency or organization has the right to file a written complaint alleging that they have personally suffered unlawful discrimination or that an individual or specific class of individuals has been subjected to unlawful discrimination. (Cal. Code Regs., tit. 5, §§ 4610, 4630(b)(1))
- (b) Copies of the SCCOE's complaint procedures are available free of charge. (Cal. Code Regs., tit. 5, § 4622)
- (c) Complaints must usually be filed with the superintendent/designee of the SCCOE.
- (d) Discrimination complaints must be filed within six (6) months of the date the alleged discrimination occurred, or within six (6) months of the date the complainant first obtained knowledge of the facts of the alleged discrimination. Within that six (6) month period, complainant may file a written request with the superintendent or designee for an extension of up to ninety (90) days following the six (6) month time period. Extensions will not be automatically granted, but may be granted for good cause. (Cal. Code Regs., tit. 5, § 4630(b))

**Complaints Other Than Discrimination, Harassment, Intimidation, and Bullying:**

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

(e) Written complaints may be made regarding:

- (i) Adult Education
- (ii) After School Education and Safety
- (iii) Agricultural Career Technical and/or Vocational Education
- (iv) American Indian Education Centers and American Indian Early Childhood Education
- (v) Bilingual Education
- (vi) California Peer Assistance and Review Programs for Teachers
- (vii) Consolidated Categorical Aid Programs
- (viii) Migrant Child Education Programs
- (ix) Every Student Succeeds Act (formerly No Child Left Behind)
- (x) Career Technical and Technical Education and Technical Training Programs
- (xi) Child Care and Development
- (xii) Child Nutrition
- (xiii) Compensatory Education
- (xiv) Consolidated Categorical Aid
- (xv) Economic Impact Aid
- (xvi) Special Education
- (xvii) "Williams Complaints"
- (xviii) Pupil Fees
- (xix) Instructional Minutes for Physical Education
- (xx) Local Control Funding Formula (LCFF) and Local Control and Accountability Plan (LCAP)
- (xxi) Pregnant and Parenting Pupils, including parental leave
- (xxii) Student Parent Lactation Accommodations
- (xxiii) Course Assignments already Completed or without Educational Content
- (xxiv) Foster Youth, Homeless Youth, former Juvenile Court School Student Services, Migrant Youth, and Pupils of Military Families
- (xxv) Regional Occupational Centers and Programs
- (xxvi) Continued Education Options for Former Juvenile Court School Students
- (xxvii) School Safety Plan
- (xxviii) School Plans for Student Achievement (SPSA)
- (xxix) Tobacco-Use Prevention Education
- (xxx) Schoolsite Councils
- (xxxi) State Preschool
- (xxxii) State Preschool Health and Safety Issues in Local Education Agencies Exempt From Licensing
- (xxxiii) Any other district-implemented state categorical program that is not funded through the local control funding formula pursuant to Education Code section 64000
- (xxxiv) Any other educational programs the Superintendent deems appropriate (Cal. Code Regs., tit. 5, §§ 4610(b), 4622, 4630; Ed. Code, §§ 222, 8200-8498, 8500-8538, 32289, 33315, 33380-33384, 35186, 46015, 47606.5, 47607.3, 48853.5, 49013,

49069.5, 49490-49590, 49701, 51210, 51223, 51225.1, 51225.2, 51226-51226.1, 51228.1, 51228.2, 51228.3, 52060-52075, 52160-52178, 52300-52490, 52334.7, 52500-52616.24, 54000-54029, 54400-54425, 54440-54445, 54460-54529, 56000-56867, 59000-59300, 64001; 20 U.S.C. §§ 1400, 6601, 6801, 7101, 7201, 6301 et. seq.; Health & Saf. Code, §§ 1596.792, 1596.7925, 104420)

Any individual, public agency or organization has the right to file a written complaint alleging that the SCCOE has violated a federal or state law or regulation governing any program listed above. (Cal. Code Regs., tit. 5, § 4630(b)(1))

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

Complaints must usually be filed with the superintendent or designee of the SCCOE under the timelines established by SCCOE policy. (Cal. Code Regs., tit. 5, § 4630(b))

Within 60 days from the date of receipt of the complaint, the SCCOE's responsible officer or their designee shall conduct and complete an investigation of the complaint in accordance with local procedures adopted pursuant to California Code of Regulations, title 5, section 4621 and prepare a written decision. The time period may be extended by mutual written agreement of the parties.

(f) Williams Complaints: Complaints, including anonymous complaints, may be made and addressed on a shortened timeline for the following areas: (Ed. Code, §§ 8235.5, 35186)

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

- There should be sufficient textbooks and instructional materials. For there to be sufficient textbooks and instructional materials each pupil, including English learners, must have a textbook or instructional materials, or both, to use in class and to take home.
- School facilities must be clean, safe, and maintained in good repair.
- There should be no teacher vacancies or misassignments.
- In case of a shortage of complaint forms, a form may be obtained by requesting from school principal.

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

- (g) Pupil Fees Complaints: A pupil enrolled in the SCCOE shall not be required to pay a pupil fee for participation in an educational activity that constitutes an integral fundamental part of the district's educational program, including curricular and extracurricular activities. (Ed. Code, § 49010 et seq.)

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

A complaint of noncompliance with Education Code section 49010 et seq. may be filed with the school principal under the Uniform Complaint Procedures. A complaint shall be filed not later than one calendar year from the date the alleged violation occurred. A complaint may be filed anonymously if the complaint provides evidence or information leading to evidence to support an allegation of noncompliance. A complainant not satisfied with the decision of the school may appeal the decision to the California Department of Education.

- (h) Foster, homeless, former juvenile court pupils and pupils in military families: the District will post a standardized notice of the educational rights of pupils in foster care, pupils who are homeless, former juvenile court pupils now enrolled in a school district, and pupils in military families as specified in Education Code sections 48645.7, 48853, 48853.5, 49069.5, 51225.1, and 51225.2. This notice shall include complaint process information, as applicable.

Responsible Official: The District official responsible for processing complaints is listed below at the following address:

**Teresa Shipp**  
**Assistant Superintendent Educational Services**  
**1290 Ridder Park Dr., MC 271**  
**San Jose, CA 95131**  
**408-453-6560**  
**TShipp@sccoe.org**

**Complaints Made Directly to the State Superintendent:**

Complaints may be filed directly with the State Superintendent of Public Instruction in the following cases:

- (i) Complaints alleging that the SCCOE failed to comply with the complaint procedures described herein, including failure or refusal to cooperate with the investigation.
- (j) Complaints regarding Child Development and Child Nutrition programs not administered by the SCCOE.
- (k) Complaints requesting anonymity, but only where complainant also provides clear and convincing evidence that complainant would be in danger of retaliation if filing complaint at Program level.
- (l) Complaints alleging that the SCCOE failed or refused to implement a final decision regarding a complaint originally filed with the Program.
- (m) Complaints alleging that the SCCOE took no action within sixty (60) days regarding a complaint originally filed with the SCCOE.

- (n) Complaints alleging immediate and irreparable harm as a result of applying a SCCOE-wide policy in conflict with state or federal law and that complaining at the local level would be futile.  
(Cal. Code Regs., tit. 5, §§ 4630, 4650)

**Appeals:**

- (o) Except for Williams Complaints, a complainant may appeal the SCCOE's decision to the California Department of Education. (Ed. Code, § 262.3(a); Cal. Code Regs., tit. 5, §§ 4622, 4632)
- (i) Appeals must be filed within thirty (30) days of receiving the SCCOE decision.
  - (ii) Appeals must be in writing.
  - (iii) Appeals must specify the reason(s) for appealing the SCCOE decision, including whether the facts are incorrect and/or the law has been misapplied.
  - (iv) Appeals must include a copy of the original complaint and a copy of the SCCOE decision.
  - (v) Pupil fee complaints appealed to the California Department of Education will receive a written appeal decision within 60 days of the department's receipt of the appeal.
  - (vi) If the school/District finds merit in a complaint, or the California Department of Education finds merit in an appeal, the school/District will provide a remedy to all affected pupils, parents, and guardians. For pupil fee complaints, this includes reasonable efforts by the school to ensure full reimbursement to all affected pupils, parents, and guardians, subject to procedures established through regulations adopted by the state board.
- (p) If a complaint is denied, in full or in part, by the Department of Education, the complainant may request reconsideration by the State Superintendent of Public Instruction. (Cal. Code Regs., tit. 5, § 4665)
- (i) Reconsideration must be requested within thirty (30) days of receiving the Department of Education report.
  - (ii) The original decision denying the complaint will remain in effect and enforceable unless and until the State Superintendent of Public Instruction modifies that decision.

**Civil Law Remedies:**

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

- 30. Pupil-Free Staff Development Day and Minimum Day Schedule:** A copy of the SCCOE's pupil-free staff development day and minimum day schedules is attached for reference. A pupil's parent or guardian will be notified during the school year of any additional minimum days and pupil-free staff development days no later than one month before the actual date. (Ed. Code, § 48980(c))

- 31. Review of Curriculum:** A prospectus of curriculum, including titles, descriptions, and instructional aims of every course offered by each public school, is available at the school site for review upon request. Copies are available upon request for a reasonable fee not to exceed the actual copying cost. (Ed. Code, § 49091.14)
- 32. Transitional Kindergarten:** The SCCOE may admit a child, who will have their fifth birthday between September 2 and June 2, to a transitional kindergarten at the beginning of or at any time during the school year with parental/guardian approval if:
- the governing board or body determines that the admittance is in the best interests of the child, and
  - the parent/guardian is given information on the advantages and disadvantages and any other explanatory information on the effects of early admittance. (Ed. Code, § 48000)
- 33. Pupil Find System; Policies and Procedures:** Any parent suspecting that a child has exceptional needs may request an assessment for eligibility for special education services through the Director of Student Services and/or Special Education, or their designee. Policy and procedures shall include written notification to all parents of their rights pursuant to Education Code section 56300 et seq. (Ed. Code, § 56301; 34 C.F.R. § 104.32(b))
- 34. School Accountability Report:** Parents/guardians may request a hard copy of the School Accountability Report Card which is issued annually for each school of the District. (Ed. Code, § 35256)
- 35. Asbestos Management Plan:** The current management plan for asbestos-containing material in school buildings is available at the District Office. (40 C.F.R. § 763.93)
- 36. Assistance to Cover Costs of Advanced Placement Examination Fees:** The District may help pay for all or part of the costs of one or more advanced placement examinations that are charged to economically disadvantaged students. (Ed. Code, §§ 48980(j), 52242)
- 37. Every Student Succeeds Act (ESSA):** The Every Student Succeeds Act (ESSA) took full effect in 2018 to replace the No Child Left Behind Act in modifying the Elementary and Secondary Education Act of 1965 (ESEA). If updates are provided by the California Department of Education, the following notice may change, and new information may be added.
- Information Regarding Professional Qualifications of Teachers, Paraprofessionals, and Aides:** Upon request, parents have a right to information regarding the professional qualifications of their student's classroom teachers, paraprofessionals, and aides. This includes whether the teacher meets the state qualifications and licensing criteria for the grades and subjects they teach, whether the teacher is teaching under an emergency permit or other provisional status because of special circumstances, the major or field of discipline for any degrees or certifications held by the teacher, and whether any instructional aides or paraprofessionals provide services to the parents' child and, if so, their qualifications. In addition, parents have a right to notice when the parent's child has been taught for four or more weeks by a teacher who is not highly qualified. (ESEA § 1112(e)(1)(A) (as amended by ESSA))
  - Information Regarding Individual Student Reports on Statewide Assessments:** Upon request, parents have a right to information on the level of achievement of their student

on every State academic assessment administered to the student. (ESEA § 1112(e)(1)(B) (as amended by ESSA))

- c. **School Identified for School Improvement:** A local educational agency shall promptly provide notice to a parent or parents of each student enrolled in an elementary school or a secondary school identified for school improvement (school that fails for two consecutive years to make adequate yearly progress as defined in the State's plan) for comprehensive support and improvement activities or targeted support and improvement activities. The notice will be in an understandable and uniform format, and to the extent practicable, in a language the parents can understand. The notice will include an explanation of what the identification means; how the school compares in terms of academic achievement to other elementary schools or secondary schools served by the local educational agency and the State educational agency; the reasons for the identification; an explanation of what the school identified for school improvement is doing to address the problem of low achievement; an explanation of what the local educational agency or State educational agency is doing to help the school address the achievement problem; an explanation of how parents can become involved in addressing the academic issues that caused the school to be identified for school improvement; and an explanation of the parents' option to transfer their child to another public school (with transportation provided by the agency when required or to obtain supplemental educational services for the child). (ESEA § 1111(c-d) (as amended by ESSA))
- d. **Parent and Family Engagement:** ESSA requires the SCCOE to notify parents of a written parent and family engagement policy. (ESEA § 1116) (as amended by ESSA) (20 U.S.C. § 6318(b)). The policy must include how each school will: convene an annual meeting to which all parents of participating students shall be invited and encouraged to attend, to inform parents of the requirements of this policy and the right of parents to be involved; offer a flexible number of meetings; involve parents in an organized and timely manner in the review and development of programs under this part including development of the parent and family engagement policy; provide parents timely notice about programs under this part, a description of the curriculum in use at the school, the forms of academic achievement, and if requested by parents, opportunities for regular meetings to formulate suggestions and participate in decisions related to the education of their children; allow parents to submit comments on the plan when the school makes it public; jointly develop a compact with parents describing the school's responsibility to provide high-quality curriculum in a supportive and effective learning environment and addresses the importance of communication between parents and teachers; provide assistance to parents of children served by the school in understanding academic standards, assessments, and the requirements of this part; provide materials and training to help parents work with their children to improve their children's achievement; educate teachers on the importance of parent outreach and communication; coordinate parent involvement in school programs; provide information related to school and parent programs in a format and language the parents can understand; adopt and implement model approaches to improving parental involvement; and provide other reasonable support for parental involvement activities as parents may request. This policy shall be provided in a format and, to the extent practicable, in a language that parents will understand.
- e. **Limited English Proficient Students:** ESSA requires notice be given to parents of limited English proficient students regarding limited English proficiency programs, not later than

30 days after the beginning of the school year (or, for students identified later in the school year, within two weeks). Notice includes: the reasons for the identification of the student as limited English proficient; the need for placement in a language instruction educational program; the student's level of English proficiency and how such level was assessed; the status of the student's academic achievement; the methods of instruction used in the available programs (including content, instructional goals, and the use of English and native language); the exit requirements for the program; how the program meets the objectives of the student's IEP, if applicable; and, parent options for removing a student from a program, declining initial enrollment and/or choosing another program. (ESEA § 1112(e)(3)(A) (as amended by ESSA)) In addition, the notice shall include the following: (1) whether the student is a long-term English learner or at risk of becoming a long-term English learner; (2) the manner in which the program will meet the needs of long-term English learners or those at risk of becoming long-term English learners; and (3) the manner in which the program will help long-term English learners or those at risk of becoming long-term English learners develop English proficiency and meet age-appropriate academic standards. (Ed. Code, §§ 313.2, 440; 20 U.S.C. § 6312)

The information provided above is available upon request from each student's school or the district office. Additional notices that may be required shall be sent separately. (20 U.S.C. § 6301 et seq.)

**38. Language Acquisition Program:** If the District implements a language acquisition program pursuant to Education Code section 310, it will: 1) comply with the kindergarten and grades 1-3, inclusive, class size requirements specified in Education Code section 42238.02; and (2) provide the parent or legal guardian of a minor pupil annually, or upon the pupil's enrollment, with information on the types of language programs available to pupils enrolled in the District, including, but not limited to, a description of each program, the process to be followed in making a program selection, identification of any language to be taught in addition to English when the program includes instruction in another language, and the process to request establishment of a language acquisition program. (Ed. Code, § 310; Cal. Code Regs., tit. 5, §§ 11309, 11310)

**39. Military Recruiter Information:** 20 U.S.C. section 7908 requires that SCCOE disclose the names, addresses and telephone numbers of high school students to military recruiters upon request, unless parents request that this information not be released without prior written consent. Parents have the option of making such a request. If parents do not wish this information to be provided to military recruiters, they must notify the SCCOE office of this fact in writing. The writing should be directed to the SCCOE official listed below at the following address:

**Teresa Shipp**  
**Assistant Superintendent Educational Services**  
**1290 Ridder Park Dr., MC 271**  
**San Jose, CA 95131**  
**(408) 453-6560**  
[TShipp@sccoe.org](mailto:TShipp@sccoe.org)

**40. Children in Homeless/Foster Care Situations, Former Juvenile Court School Students, Migrant Students, and Newcomers:** Each local district shall designate a staff person as a liaison for homeless children who shall ensure the dissemination of public notice of the educational rights of students in homeless situations. (Ed. Code, § 48852.5; 42 U.S.C. § 11432(g)(1)(J)(ii)) The

SCCOE's liaison is Joann Vaars, Ed.D, Director Educational Services Foster and Homeless Youth, and can be contacted at (408) 453-6982 and [JVaars@sccoe.org](mailto:JVaars@sccoe.org).

A student experiencing homelessness will be allowed to continue their education in their school of origin through the duration of homelessness at the point of any change or any subsequent change in residence once a child becomes a homeless child. If the child's status changes before the end of the academic year so that they are not homeless, the SCCOE will allow a child in high school to continue their education in the school of origin through graduation. For a child in grades K through 8, the SCCOE will allow the formerly homeless child to continue their education in the school of origin until the end of the academic school year. A homeless child transitioning between school grade levels will be allowed to continue in the school district of origin in the same attendance area. If a homeless child is transitioning to a middle or high school where the school designated for matriculation is in another school district, the homeless child must be allowed to continue to the school designated for matriculation in that school district. The new school will be required to enroll the child immediately regardless of any outstanding fees, fines, textbooks or other items or moneys due to the school last attended or if the child is unable to produce clothing or records normally required for enrollment, including academic records, medical records, proof of immunization history, proof of residency, other documentation, or school uniforms. (Ed. Code, § 48852.7)

The SCCOE has designated Joann Vaars, Ed.D., Director Educational Services Foster and Homeless Youth as the educational liaison for foster children and can be contacted at (408) 453-6982 and [JVaars@sccoe.org](mailto:JVaars@sccoe.org). The educational liaison will disseminate a standardized notice to foster children that has been developed by the State Department of Education and includes complaint process information. (Ed. Code, § 48853.5)

A foster child shall be allowed to continue their education in the school of origin under specified circumstances. If it is determined that it is in the best interests of the foster child to transfer to a school other than the school of origin, the foster child shall immediately be enrolled in the new school, regardless of any outstanding fees, fines, textbooks, or other items or moneys owed to the school last attended or if the child is unable to produce clothing or records normally required for enrollment, including academic records, medical records, immunization history, proof of residency, other documentation, or school uniforms. The last school attended must provide all records to the new school within two business days of receiving the request. (Ed. Code, §§ 48853, 48853.5)

Upon receiving a transfer request or notification of a student in foster care, the SCCOE shall, within two business days, transfer the student out of school and deliver the educational information and records to the next educational placement. Grades and credits will be calculated as of the day the student left school and no lowering of grades will occur as a result of the student's absence due to the decision to change placement or for a verified court appearance or related court activity. (Ed. Code, § 49069.5)

The SCCOE shall exempt from local graduation requirements, or consult with the student and their educational rights holder about the option to remain in school for a fifth year to complete the local graduation requirements, a student who is in foster care, a homeless child or youth, a child of a military family, a former juvenile court school student, a migratory child, or newcomer

student for recently arrived immigrant pupils and who transfers between schools under certain circumstances. (Ed. Code, §§ 51225.1, 51225.2)

The SCCOE shall accept coursework done by a student who is in foster care, a homeless child or youth, a child of a military family, a former juvenile court school student, a migratory child, or newcomer student while attending another school. The SCCOE will not require those students to retake courses or partial courses they have satisfactorily completed elsewhere. (Ed. Code, § 51225.2)

“Newcomer student” means a student who is between the ages 3-21, was not born in any of the 50 States, the District of Columbia, or the Commonwealth of Puerto Rico, and has not been attending one or more schools in any of the referenced locations for more than three (3) full academic years. (Ed. Code, § 51225.2; 20 U.S.C. § 7011)

A complaint of noncompliance alleging violations of these sections, except for Education Code section 48852.7, may be filed under the SCCOE’s Uniform Complaint Procedures pursuant to Title 5 of the California Code of Regulations.

- 41. Continued Education Options For Juvenile Court School Students:** A juvenile court school student, or the person holding the right to make educational decisions for the student, may voluntarily defer or decline issuance of their diploma until after the student is released from the juvenile detention facility, thereby allowing the student to take additional coursework at a local education agency. The county office of education will notify the student, the person holding to right to make educational decisions for the student, and the student’s social worker or probation officer of all of the following:
  - a. The student’s right to a diploma;
  - b. How taking coursework and meeting other educational requirements will affect the student’s ability to gain admission to a post-secondary educational institution;
  - c. Information about transfer opportunities available through the California Community Colleges; and
  - d. The option to defer or decline the diploma and take additional coursework. (Ed. Code, §§ 48645.3(a), 48645.7)
  - e.
- 42. Sex Equity In Career Planning:** Parents shall be notified in advance of career counseling and course selection commencing with course selection in Grade 7, to promote sex equity and allow parents to participate in counseling sessions and decisions. (Ed. Code, § 221.5(d))
- 43. Pesticide Products:** All schools are required to provide parents or guardians with annual written notice of expected pesticide use at schools. The attached list provides the name of each pesticide product, the active ingredient(s) and the Internet address for further information. Parents or guardians may request prior notice of individual pesticide applications at the school. If a parent wishes to be notified every time a pesticide is going to be applied, they must complete the attached form and return it to their child’s school. A copy of the integrated pest management plan for the school site or District may be provided on the school website or viewed at the school office. (Ed. Code, §§ 48980.3, 17611.5, 17612)

**44. Pregnant and Parenting Pupils:** Pregnant and parenting pupils are entitled to accommodations that provide them with the opportunity to succeed academically while protecting their health and the health of their children. “Pregnant or parenting pupil” means a pupil who gives or expects to give birth or a parenting pupil who has not given birth and who identifies as the parent of the infant.

A pregnant or parenting pupil is entitled to eight weeks of parental leave. This leave may be taken before the birth of the pupil’s infant if there is a medical necessity and/or after childbirth during the school year in which the birth takes place, inclusive of any mandatory summer instruction. A pregnant or parenting pupil is entitled to additional leave if deemed medically necessary by the student’s physician. (Ed. Code, § 46015)

The person holding the student’s educational rights (i.e. the pupil if over 18 or the parent if under 18) may notify the school of the student’s intent to exercise this right. Leave may still be taken even if notice was not provided.

During the leave, the student’s absences shall be deemed excused, and the student shall not be required to complete academic work or other school requirements.

A pregnant or parenting pupil may return to the school and the course of study in which they were enrolled before taking parental leave. Upon return to school after taking parental leave, a pregnant or parenting pupil is entitled to opportunities to make up work missed during their leave, including, but not limited to, makeup work plans and reenrollment in courses.

A pregnant or parenting pupil may remain enrolled for a fifth year of instruction in the school in which the pupil was previously enrolled when it is necessary in order for the pupil to be able to complete state and any local graduation requirements, unless the local educational agency makes a finding that the pupil is reasonably able to complete its graduation requirements in time to graduate from high school by the end of the pupil’s fourth year of high school.

A student who chooses not to return to the school in which they were enrolled before taking the leave is entitled to alternative education options offered by the local educational agency to include educational programs, activities, and courses equal to those they would have been in if participating in the regular education program.

A student will not incur any academic penalties as a result of using the accommodations in this section. (Ed. Code, § 46015)

A complaint of noncompliance may be filed under the District’s Uniform Complaint Procedures in accordance with Title 5 of the California Code of Regulations.

**45. Student Parent Lactation Accommodations:** The District is required to provide reasonable accommodations to a lactating student on a school campus to address breastfeeding needs. (Ed. Code, § 222)

A student may not be penalized academically because of the reasonable accommodations provided during the school day. A student must also be given the opportunity to make up missed work.

A complaint of noncompliance may be filed under the SCCOE’s Uniform Complaint Procedures pursuant to Title 5 of the California Code of Regulations.

**46. PE Instructional Minutes:** The adopted course of study for grades 1 through 6 and instruction in grades 1 through 8 in an elementary school includes physical education for not less than 200 minutes each ten school days, exclusive of recesses and the lunch period. (Ed. Code, §§ 51210, 51223)

A complaint of noncompliance may be filed under the SCCOE's Uniform Complaint Procedures pursuant to Title 5 of the California Code of Regulations.

**47. Course Assignments:** The SCCOE is prohibited from assigning a student enrolled in any of grades 9 through 12 to any course period without educational content for more than one week in any semester, except under specified conditions. Under no circumstances will the SCCOE assign a student enrolled in any of grades 9 through 12 to a course period without educational content because there are not sufficient curricular course offerings for the student to take during the relevant period of the designated school day. (Ed. Code, § 51228.1)

The SCCOE is prohibited from assigning a student enrolled in grades 9 through 12 to a course that the student has previously completed and received a grade determined by the SCCOE to be sufficient to satisfy the requirements and prerequisites for admission to the California public post-secondary schools and the minimum high school graduation requirements, except under specified conditions. Under no circumstances will the SCCOE assign a student enrolled in any of grades 9 through 12 to a course the student has previously completed and received a sufficient grade, as specified, because there are not sufficient curricular course offerings for the student to take during the relevant period of the designated school day. (Ed. Code, § 51228.2)

These sections do not apply to students in alternative schools, community day schools, continuation high schools or an opportunity school. The District may continue to authorize dual enrollment in community college, to run evening high school programs, and to offer independent study, work experience education, and other specified courses.

A complaint of noncompliance may be filed under the District's Uniform Complaint Procedures and Title 5 of the California Code of Regulations. (Ed. Code, § 51228.3)

**48. Regional Occupational Centers and Programs/County Offices of Education Programs/Adult Education Programs:** A regional occupational center or program, county office of education program, or adult education program must meet specified requirements for certification by the Superintendent of Public Instruction in order to provide an employment training program for adults or to authorize an education program beyond secondary education that leads to a degree or certificate. (Ed. Code, § 52334.7)

A complaint alleging that a local agency violated federal or state laws or regulations governing adult education programs under Education Code section 52501 or regional occupational centers and programs may be filed under the District's Uniform Complaint Procedures and Title 5 of the California Code of Regulations. A complaint alleging that a county office of education violated federal or state laws or regulations governing the county office's participation in any student financial assistance program authorized by Title IV may also be filed under the Uniform Complaint Procedures and Title 5 of the California Code of Regulations.

**49. Pupil Fees:** A pupil enrolled in a public school will not be required to pay a pupil fee for participation in an educational activity. (Ed. Code, § 49011)

(a) The following requirements apply to prohibited pupil fees:

- (i) All supplies, materials, and equipment needed to participate in educational activities must be provided to pupils free of charge.
- (ii) A fee waiver policy shall not make a pupil fee permissible.
- (iii) The SCCOE and its schools shall not establish a two-tier educational system by requiring a minimal educational standard and also offering a second, higher educational standard that pupils may only obtain through payment of a fee or purchase of additional supplies that the school district or school does not provide.
- (iv) The SCCOE and its programs shall not offer course credit or privileges related to educational activities in exchange for money or donations of goods or services from a pupil or a pupil's parents or guardians, and the District and its schools shall not remove course credit or privileges related to educational activities, or otherwise discriminate against a pupil, because the pupil or the pupil's parents or guardians did not or will not provide money or donations of goods or services to the District or school.

(b) Solicitation of voluntary donations of funds or property and voluntary participation in fundraising activities are not prohibited. The District and its schools are not prohibited from providing pupils prizes or other recognition for voluntarily participating in fundraising activities. (Ed. Code, § 49010 et seq.)

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

**50. Safe Storage of Firearms:** The SCCOE is required to provide parents notice of California's child access prevention laws and laws relating to the safe storage of firearms. The SCCOE has attached a memorandum describing such laws. (Ed. Code, §§ 48986, 49392)

**51. Synthetic Drugs:** The SCCOE is required to provide parents notice of the dangers associated with using synthetic drugs that are not prescribed by a physician, such as fentanyl, as well as the possibility that dangerous synthetic drugs can be found in counterfeit pills. The SCCOE has attached a memorandum describing such laws. (Ed. Code, § 48985.5)

**52. California Assessment of Student Performance and Progress:** The California Assessment of Student Performance and Progress (CAASPP) includes Smarter Balanced Summative assessments in English Language Arts and Math in grades 3-8 and 11 and California Alternative Assessments (CAA) in English Language Arts and Math in grades 3-8 and 11 for students with significant cognitive disabilities. The California Science Test (CAST) for science is required for all students in grades 5, 8, and once in high school unless the student's IEP indicates administration of the CAA. Students in grades 3-8 and in high school may choose to take the optional standards-based test in Spanish (CSA) for reading/language arts. The CAASPP includes an assessment for students whose primary language is a language other than English upon enrollment in a California public school. A parent or guardian may make a written request to excuse their child from any or all parts of the assessments. (Ed. Code, §§ 52052, 60604, 60615, 60640; 5 C.C.R. § 852)

## **Danger of Synthetic Drugs Memorandum**

**TO:** Parents and Guardians of Students in Santa Clara County Office of Education Programs  
**FROM:** Dr. Mary Ann Dewan, County Superintendent of Schools  
**SUBJECT:** Dangers of Synthetic Drugs

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The purpose of this memorandum is to inform and remind parents and legal guardians of all students in Santa Clara County Office of Education Programs of the dangers of the illicit use and abuse of synthetic drugs.

The illicit use and abuse of synthetic drugs represent an emerging and ongoing public health threat in California. The fentanyl crisis specifically has impacted communities across the state, leading to a sharp increase in fentanyl poisonings and deaths in recent years.

This notice aims to address the crisis with a preventative approach, ensuring students and families are educated on the deadly consequences of recreational drug use. A synthetic drug is a drug with properties and effects similar to a known hallucinogen or narcotic but having a slightly altered chemical structure, especially such a drug created to evade existing restrictions against illegal substances.

Synthetic drugs include but are not limited to synthetic cannabinoids (“synthetic marijuana,” “spice,” “K2”), methamphetamines, bath salts, and fentanyl.

The California Department of Public Health (“CDPH”) has expounded on the extreme danger of drugs laced with fentanyl. Illicit fentanyl can be added to other drugs to make them cheaper, more powerful, and more addictive. Illicit fentanyl has been found in many drugs, including heroin, methamphetamine, counterfeit pills and cocaine. Fentanyl mixed with any drug increases the likelihood of a fatal overdose. Furthermore, it is nearly impossible to tell if drugs have been laced with fentanyl without additional testing because fentanyl cannot be seen, smelled, or tasted when used as a lacing agent.

Across the nation – and in our own Santa Clara County – the dangerous drug fentanyl is becoming more and more prevalent. We want our families to be informed, know the warning signs, and partner with us to communicate the dangers of fentanyl to your children.

According to the Centers for Disease Control and Prevention (CDC), overdose deaths among teenagers linked to synthetic opioids like fentanyl tripled in the past two years, yet 73 percent have never heard of fake prescription pills being made with fentanyl.

### **Resources**

Additional information regarding fentanyl from the CDPH’s Substance and Addiction Prevention Branch can be found [here](#).

[CDPH Naloxone Information](#)

[California Overdose Surveillance Dashboard](#)

[CDPH Substance Use Prevention Resources for Families and Schools National Health Institute \(NIH\)](#)

[Drug Abuse Facts](#)

[Santa Clara County Fentanyl Facts](#)

## Firearms Safety Memorandum

**To:** Parents and Guardians of Students in the Santa Clara County Office of Education

**From:** Dr. Mary Ann Dewan, County Superintendent of Schools

**Subject:** California Law Regarding Safe Storage of Firearms

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The purpose of this memorandum is to inform and to remind parents and legal guardians of all students in the **Santa Clara County Office of Education** of their responsibilities for keeping firearms out of the hands of children as required by California law. There have been many news reports of children bringing firearms to school. In many instances, the child obtained the firearm(s) from their home. **These incidents can be easily prevented by storing firearms in a safe and secure manner, including keeping them locked up when not in use and storing them separately from ammunition.**

To help everyone understand their legal responsibilities, this memorandum spells out California law regarding the storage of firearms. Please take some time to review this memorandum and evaluate your own personal practices to assure that you and your family are in compliance with California law.

- With very limited exceptions, California makes a person criminally liable for keeping any firearm, loaded or unloaded, within any premises that are under their custody and control where that person knows or reasonably should know that a child is likely to gain access to the firearm without the permission of the child's parent or legal guardian, and the child obtains access to the firearm and thereby (1) causes death or injury to the child or any other person; (2) carries the firearm off the premises or to a public place, including to any preschool or school grades kindergarten through twelfth grade, or to any school-sponsored event, activity, or performance; **or** (3) unlawfully brandishes the firearm to others.<sup>1</sup>
  - **Note:** The criminal penalty may be significantly greater if someone dies or suffers great bodily injury as a result of the child gaining access to the firearm.
- With very limited exceptions, California also makes it a crime for a person to negligently store or leave any firearm, loaded or unloaded, on their premises in a location where the person knows or reasonably should know that a child is likely to gain access to it without the permission of the child's parent or legal guardian, unless reasonable action is taken to secure the firearm against access by the child, even where a minor **never** actually accesses the firearm.<sup>2</sup>
- In addition to potential fines and terms of imprisonment, as of January 1, 2020, a gun owner found criminally liable under these California laws faces prohibitions from possessing, controlling, owning, receiving, or purchasing a firearm for 10 years.<sup>3</sup>

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<sup>1</sup> See California Penal Code sections 25100-25125 and 25200-25220.

<sup>2</sup> See California Penal Code section 25100(c).

<sup>3</sup> See California Civil Code section 29805.

- Finally, a parent or guardian may also be civilly liable for damages resulting from the discharge of a firearm by that person's child or ward.<sup>4</sup>

**Note:** Your county or city may have additional restrictions regarding the safe storage of firearms.

Thank you for helping to keep our children and schools safe. Remember that the easiest and safest way to comply with the law is to keep firearms in a locked container or secured with a locking device that renders the firearm inoperable.

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<sup>4</sup> See California Civil Code section 1714.3.

## **Notification of Rights Under FERPA for Elementary and Secondary Schools**

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

- (1) The right to inspect and review the student’s education records within 45 days of the day the School receives a request for access.

Parents or eligible students should submit to the School principal a written request that identifies the record(s) they wish to inspect. The school official will make arrangements for access and notify the parent or eligible student of the time and place where the records may be inspected.

- (2) The right to request amendment of the student’s education records that the parent or eligible student believes are inaccurate, misleading, or otherwise in violation of the student’s privacy rights under FERPA.

Parents or eligible students may ask the School to amend a record that they believe is inaccurate or misleading. They should write the School principal, clearly identify the part of the record they want changed, and specify why it is inaccurate or misleading.

If the School decides not to amend the record as requested by the parent or eligible student, the School will notify the parent or eligible student of the decision and advise the parent or eligible student of the right to a hearing regarding the request for amendment. Additional information regarding the hearing procedures will be provided to the parent or eligible student when notified of the right to a hearing.

- (3) The right to consent to disclosures of personally identifiable information contained in the student’s education records, except to the extent that FERPA authorizes disclosure without consent.

One exception, which permits disclosure without consent, is disclosure to school officials with legitimate educational interests. A school official is a person employed by the School as an administrator, supervisor, instructor, or support staff member (including health or medical staff and law enforcement unit personnel); a person serving on the School Board; a person or company with whom the School has contracted to perform a special task (such as an attorney, auditor, medical consultant, or therapist); or a parent or student serving on an official committee, such as a disciplinary or grievance committee, or assisting another school official in performing their tasks.

A school official has a legitimate educational interest if the official needs to review an education record in order to fulfill their professional responsibility.

In addition, the Student Aid Commission may have access to the grade point average (GPA) of all district students in grade 12 and, when required, verification of high school graduation or its equivalent of all students who graduated in the prior academic year, for use in the Cal Grant postsecondary financial aid program. However, such information shall not be submitted when a student, or their parent or guardian if the student is under 18 years of age, “opts out” or is permitted by the rules of the Student Aid Commission to provide test scores in lieu of their GPA. (Ed. Code, §§ 69432.9, 69432.92) No later than January 1 each year, the Superintendent or designee shall notify each student in grade 11, and the

student's parents/guardians if the student is under 18 years of age, that the student's GPA will be forwarded to the Student Aid Commission by October 1 unless the student opts out within a period of time specified in the notice, which shall not be less than 30 days. (Ed. Code, § 69432.9)

Upon request, the School discloses education records, without prior consent, to officials of another school district in which a student seeks or intends to enroll.

(4) The right to file a complaint with the U.S. Department of Education concerning alleged failures by the school to comply with the requirements of FERPA. The name and address of the Office that administers FERPA are:

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

## **“Know your Educational Rights” Immigration enforcement from the California Attorney General**

### **Your Child Has the Right to a Free Public Education**

All children in the United States have a Constitutional right to equal access to free public education, regardless of immigration status and regardless of the immigration status of the student’s parents or guardians.

In California:

- All children have the right to a free public education.
- All children ages 6 to 18 years must be enrolled in school.
- All students and staff have the right to attend safe, secure, and peaceful schools.
- All students have a right to be in a public school learning environment free from discrimination, harassment, bullying, violence, and intimidation.
- All students have equal opportunity to participate in any program or activity offered by the school, and cannot be discriminated against based on their race, nationality, gender, religion, or immigration status, among other characteristics.

### **Information Required for School Enrollment**

When enrolling a child, schools must accept a variety of documents from the student’s parent or guardian to demonstrate proof of child’s age or residency.

You never have to provide information about citizenship/immigration status to have your child enrolled in school. Also, you never have to provide a Social Security number to have your child enrolled in school.

### **Confidentiality of Personal Information**

Federal and state laws protect student education records and personal information. These laws generally require that schools get written consent from parents or guardians before releasing student information, unless the release of information is for educational purposes, is already public, or is in response to a court order or subpoena.

Some schools collect and provide publicly basic student “directory information.” If they do, then each year, your child’s school SCCOE must provide parents/guardians with written notice of the school’s directory information policy, and let you know of your option to refuse release of your child’s information in the directory.

### **Family Safety Plans If You Are Detained or Deported**

You have the option to provide your child’s school with emergency contact information, including the information of secondary contacts, to identify a trusted adult guardian who can care for your child in the event you are detained or deported.

You have the option to complete a Caregiver’s Authorization Affidavit or a Petition for Appointment of Temporary Guardian of the Person, which may enable a trusted adult the authority to make educational and medical decisions for your child.

### **Right to File a Complaint**

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

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

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

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

## **HEALTHY SCHOOLS ACT OF 2000**

Notice to all students, parents/guardians and employees of the Santa Clara County Office of Education:

Education Code sections 17608 et seq. requires, among other things, that school districts notify parents and staff about the use of pesticides at school. The purpose is to reduce exposure to toxic pesticides through information and application of an integrated pest management system at schools. Towards this end, and pursuant to the requirements of this legislation, please be advised of the following:

The Santa Clara County Office of Education expects to use the following pesticides at its campuses during the upcoming year:

Contact Manager of Risk and Liability at (408)453-6708

Parents/guardians of the SCCOE can register with the SCCOE designee, to receive notification of individual pesticide applications by calling (408) 453-6708. Persons who register for this notification shall be notified at least seventy-two (72) hours prior to the application, except in emergencies, and will be provided the name and active ingredient(s) of the pesticide as well as the intended date of application.

If you wish to access information on pesticides and pesticides use reduction developed by the Department of Pesticide Regulation pursuant to California Food and Agricultural Code section 13184, you can do so by accessing the Department's web-site at [www.cdpr.ca.gov](http://www.cdpr.ca.gov).

## **Model Notification of Rights Under the Protection of Pupil Rights Amendment (PPRA)**

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

- A. Consent before students are required to submit a survey that concerns one or more of the following protected areas (“protected information survey”) if the survey is funded in whole or in part by a program of the U.S. Department of Education (ED):
  - 1. Political affiliations or beliefs of the student or student’s parent;
  - 2. Mental or psychological problems of the student or student’s family;
  - 3. Sex behavior or attitudes;
  - 4. Illegal, anti-social, self-incriminating, or demeaning behavior;
  - 5. Critical appraisals of others with whom respondents have close family relationships;
  - 6. Legally recognized privileged relationships, such as with lawyers, doctors, or ministers;
  - 7. Religious practices, affiliations, or beliefs of the student or parents; or
  - 8. Income, other than as required by law to determine program eligibility.
  
- B. Receive notice and an opportunity to opt a student out of:
  - 1. Any other protected information survey, regardless of funding;
  - 2. Any non-emergency, invasive physical exam or screening required as a condition of attendance, administered by the school or its agent, and not necessary to protect the immediate health and safety of a student, except for hearing, vision, or scoliosis screening, or any physical exam or screening permitted or required under State law; and
  - 3. Activities involving collection, disclosure, or use of personal information obtained from students for marketing or to sell or otherwise distribute the information to others.
  
- C. Inspect, upon request and before administration or use:
  - 4. Protected information surveys of students;
  - 5. Instruments used to collect personal information from students for any of the above marketing, sales, or other distribution purposes; and
  - 6. Instructional material used as part of the education curriculum.

These rights transfer from the parents to a student who is 18 years old or an emancipated minor under State law.

**The SCCOE has developed and adopted** policies, in consultation with parents, regarding these rights, as well as arrangements to protect student privacy in the administration of protected surveys and the collection, disclosure, or use of personal information for marketing, sales, or other distribution purposes. **The SCCOE** will directly notify parents of these policies at least annually at the start of each school year and after any substantive changes. **The SCCOE** will also directly notify, such as through U.S. Mail or email, parents of students who are scheduled to participate in the specific activities or surveys noted below and will provide an opportunity for the parent to opt his or her child out of participation of the specific activity or survey. **The SCCOE** will make this notification to parents at the beginning of the school year if the SCCOE has identified the specific or approximate dates of the activities or surveys at that time. For surveys and activities scheduled after the school year starts, parents will be provided reasonable notification of the planned activities and surveys listed below and be provided an opportunity to opt their child out of such activities and surveys. Parents will also be provided an opportunity to review any pertinent surveys. The following is a list of the specific activities and surveys covered under this requirement:

1. Collection, disclosure, or use of personal information for marketing, sales or other distribution.
2. Administration of any unprotected information survey not funded in whole or in part by the Department of Education.

Any non-emergency, invasive physical examination or screening as described above.

Parents/eligible students who believe their rights have been violated may file a complaint with:

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

## College Admission Requirements and Higher Education Information

Each school year, the SCCOE shall provide the parents of students in grades 9 through 12 with a written explanation of the requirements for admission to the California State University (“CSU”) and the University of California (“UC”) systems. (Ed. Code, § 51229)

To qualify for admission to the UC or CSU systems, high school students must meet the “Subject Requirements,” otherwise known as the “a-g” requirements. To learn more about college admission requirements, please visit the UC ([www.universityofcalifornia.edu](http://www.universityofcalifornia.edu)) or CSU ([www.calstate.edu](http://www.calstate.edu)) websites or your student’s counseling office.

For a list of SCCOE courses that have been certified by the University of California as satisfying the requirements for admission to the UC and CSU systems, please refer to the UC Doorways website and search for Santa Clara County Office of Education: <https://hs-articulation.ucop.edu/agcourselist/institution/4123/schools>

Career Technical Education (CTE): CTE may be offered by the SCCOE as career and workforce preparation for high school students, preparation for advanced training, and the upgrading of existing skills. CTE provides high school students who are 16 years of age or older with valuable career and technical education so students can: (1) enter the workforce with skills and competencies to be successful; (2) pursue advanced training in postsecondary educational institutions; or (3) upgrade existing skills and knowledge. A CTE course may also satisfy a graduation requirement and a subject matter requirement for admission to the UC and CSU.

To learn more about CTE, please visit [www.cde.ca.gov/ci/ct](http://www.cde.ca.gov/ci/ct). To learn more about the SCCOE’s career technical education classes, please contact your school principal.

Students are encouraged to meet with school counselors to help them choose courses at their school that will meet college admission requirements, enroll in career technical education courses, or both.

## **Child Abuse Reporting Guidelines and Procedures**

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

### **Child Abuse Can Be Any of the Following:**

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

### **Child Abuse Does *Not* Include:**

1. A mutual fight between minors;
2. An injury that is caused by the actions of a peace officer using reasonable and necessary force within the scope of their employment; or
3. An injury caused by any force that is reasonable and necessary for a person employed by or engaged in a school:
  - a. To stop a disturbance threatening physical injury to people or damage to property;
  - b. For purposes of self-defense;
  - c. To obtain possession of weapons or other dangerous objects within control of a pupil; or

- d. To exercise the degree of control reasonably necessary to maintain order, protect property, protect the health and safety of pupils, and maintain proper and appropriate conditions conducive to learning.

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

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

1. A Police or Sheriff's Department (not including a school district police department or school security department)
2. A County Probation Department if designated by the county to receive child abuse reports, or
3. A County Welfare Department/County Child Protective Services.

The complaint may be filed over the telephone, in person, or in writing. A complaint may also be filed at the same time with your school district or county office of education. School districts and county offices of education, however, do not investigate child abuse allegations.

The local law enforcement agency is required to investigate all complaints.

If the complaint of child abuse is "substantiated" or confirmed by the local law enforcement agency, meaning that the report of child abuse or neglect, as determined by the law enforcement investigator who conducted the investigation, is, based upon the evidence, more likely to have occurred than not, then a report of the investigation will be transmitted by the law enforcement agency to the governing board of the local school district or County Office of Education. A confirmed report of child abuse or neglect received by a governing board of a school district or County Office of Education will be subject to the provisions of California Education Code section 44031, which gives school employees certain rights regarding personnel information and records.

In addition, a confirmed report shall be forwarded by the law enforcement agency that investigated the complaint to the California Department of Justice according to California Penal Code section 11169 and notice will be provided to the alleged child abuser that they have been reported to the Child Abuse Central Index, as maintained by the Department of Justice.

*This guidance is mandatory only to the extent that it cites a specific statutory and/or regulatory requirement. Any portion of this guidance that is not supported by a specific statutory and/or regulatory requirement is not prescriptive pursuant to California Education Code section 33308.5.*

## **Notification of the availability of supplemental services for a school identified for improvement**

- Credit Recovery Opportunities (please reach out to school Principal for more information)
- Career Technical Education Courses (please reach out to school Principal for more information)
- Literacy materials and supplies
- Mental Health Services (Opportunity Youth Academy): Pacific Clinics

## **Language Acquisition Program**

The Santa Clara County Office of Education provides language acquisition programs in accordance with the California Education Code. These courses include both designated and integrated English Language Development courses for students who identify as English Learners.

For further information please contact your school principal.

## **Authorization for medication administration**

Pursuant to Education Code section 49423, students who are required to take medication prescribed by a physician, surgeon, or physician assistant during the regular school day (including over-the-counter medications such as aspirin, cold medicine, etc.) may obtain assistance from a school nurse or other designated employee if the SCCOE receives a written statement from both the student’s physician, surgeon, or physician’s assistant (“Provider”), and the student’s parent/guardian authorizing the use of the medication and requesting assistance in its administration.

Except for certain self-administered medications (“epi-pen,” “inhaler,” or “insulin”) authorized for personal use, students may not self-medicate or possess any over-the-counter or prescription medication while on SCCOE property. Unless otherwise governed by an Individualized Education Plan or Section 504 Plan, completion of this Authorization and compliance with its obligations by the parent/guardian and student is required to maintain the privilege afforded by section 49423. In addition, pursuant to Education Code section 49480 and this Authorization, the school nurse is authorized to contact the Provider below to have any question, issue, or safety concern addressed regarding the proper storage, handling, or administration of the medication, and the possible effects of the drug on the student’s physical, intellectual, and social behavior, as well as possible behavioral signs and symptoms of adverse side effects, omission, or overdose. SCCOE employees may also communicate the existence of this Authorization to teachers and other employees who may supervise the student.

### **Student Information**

**Student Name:** \_\_\_\_\_ **School Year:** \_\_\_\_\_

**Date of Birth:** \_\_\_\_\_ **School ID:** \_\_\_\_\_

**School:** \_\_\_\_\_ **Grade:** \_\_\_\_\_

### **Parent/Guardian Authorization: I hereby authorize as follows:**

- \_\_\_\_\_ Designated SCCOE personnel may assist my child with medication administration, monitoring, and testing according to the Provider’s instructions and approval below.
- \_\_\_\_\_ My child may carry and self-administer an auto-injector epinephrine pen, an asthma inhaler, or insulin according to the Provider’s instructions and approval below.
- \_\_\_\_\_ The school nurse may communicate with the Provider and may communicate with SCCOE employees regarding the possible effects of the medication on my child’s physical, intellectual, and social behavior, as well as possible behavioral signs and symptoms of adverse side effects, omission of medication, or overdose.

I will provide the medications authorized by the Provider in original prescription containers, labeled with the name of the student, the name of the prescribing Provider, and the medication name, dosage, method, and time schedule for administration. If an over-the-counter

medicine, it will be provided in the original, purchased container. I will pick up any remaining medication on the last day of the school year.

**Waiver of Liability:**

**By signing below, I hereby release the SCCOE from any and all claims against the SCCOE and its personnel if my child suffers an adverse reaction as a result of self-administering auto-injectable epinephrine.**

I understand that Education Code section 49407 states: "Notwithstanding any provision of any law, no school district, officer of any school district, school principal, physician, or hospital treating any child enrolled in any school in any LEA shall be held liable for the reasonable treatment of a child without the consent of a parent or guardian of the child when the child is ill or injured during regular school hours, requires reasonable medical treatment, and the parent or guardian cannot be reached, unless the parent or guardian has previously filed with the school a written objection to any medical treatment other than first aid." To the fullest extent allowed by Section 49407 and California law, I understand that I am waiving any potential claim I may have against the SCCOE, its officers, and employees regarding their assistance in compliance with this Authorization.

A new Authorization Form must be completed (1) when a medication, dosage, frequency of administration changes, or reason for administration changes; or (2) at the commencement of a new school year. I may revoke this Authorization, in writing, at any time, by providing written notice to my school principal.

**Date:** \_\_\_\_\_

**Student Name:** \_\_\_\_\_

**Parent/Guardian Printed Name:** \_\_\_\_\_

**Signature:** \_\_\_\_\_

**Address:** \_\_\_\_\_

**Emergency Contact:** \_\_\_\_\_ **Emergency Phone:** \_\_\_\_\_

**Home Phone:** \_\_\_\_\_ **Cell Phone:** \_\_\_\_\_

**PROVIDER AUTHORIZATION**

(To be completed only by a California Provider issuing the prescription(s))

**Patient/Student Name:** \_\_\_\_\_

**DOB:** \_\_\_\_\_

<b>Name of Medication</b>	<b>Dosage/Method of Admin/Time of Day</b>	<b>Discontinue Date</b>
#1)		
#2)		
#3)		
#4)		

**Special Instructions/Storage/Administration Procedures/Precautions:**

- #1) \_\_\_\_\_
- #2) \_\_\_\_\_
- #3) \_\_\_\_\_
- #4) \_\_\_\_\_

\_\_\_\_\_ I authorize designated school SCCOE personnel to assist my patient with medication administration, monitoring, and testing according with these Instructions.

\_\_\_\_\_ I authorize my patient to carry and self-administer \_\_\_ an auto-injector epinephrine pen, \_\_\_ an asthma inhaler, or \_\_\_ insulin according to instructions I have provided to my patient. I further confirm that the patient is able to self-administer \_\_\_ an auto-injector epinephrine pen, \_\_\_ an asthma inhaler, or \_\_\_ insulin according to such instructions.

\_\_\_\_\_  
Print Name of Provider

\_\_\_\_\_  
CA Medical License Number

\_\_\_\_\_  
Provider's Signature

NPI# \_\_\_\_\_

\_\_\_\_\_  
Provider's Telephone Number

ORP: \_\_\_\_\_ Yes \_\_\_\_\_ No \_\_\_\_\_

\_\_\_\_\_  
Provider's Facsimile Number

Date: \_\_\_\_\_

## Type 1 Diabetes Information Sheet

Type 1 diabetes in children is an autoimmune disease that can be fatal if untreated, and the guidance provided in this information sheet is intended to raise awareness about his disease.

Type 1 diabetes usually develops in children and young adults, but can occur at any age.

- According to the U.S. Centers for Disease Control and Prevention (CDC), cases of type 1 diabetes in youth increased nationally from 187,000 in 2018 to 244,000 in 2019, representing an increase of 25 per 10,000 youths to 35 per 10,000 youths, respectively.
- The peak age of diagnosis of type 1 diabetes is 13-14 years, but diagnosis can also occur much earlier or later in life.

Type 1 diabetes affects insulin production.

- As a normal function, the body turns the carbohydrates in food into glucose (blood sugar), the basic fuel for the body's cells.
- The pancreas makes insulin, a hormone that moves glucose from the blood into the cells.
- In type 1 diabetes, the body's pancreas stops making insulin, and blood glucose levels rise.
- Over time, glucose can reach dangerously high levels in the blood, which is called hyperglycemia.
- Untreated hyperglycemia can result in diabetic ketoacidosis (DKA), which is a life-threatening complication of diabetes.

Risk Factors Associated with Type 1 Diabetes

- It is recommended that students displaying warning signs associated with type 1 diabetes, which are described below, should be screened (tested) for the disease by their health care provider.
- Researchers do not completely understand why some people develop type 1 diabetes and others do not; however, having a family history of type 1 diabetes can increase the likelihood of developing type 1 diabetes.
- Other factors may play a role in developing type 1 diabetes, including environmental triggers such as viruses.
- Type 1 diabetes is not caused by diet or lifestyle choices.

Warning Signs and Symptoms Associated with Type 1 Diabetes

- Warning signs and symptoms of type 1 diabetes in children develop quickly, in a few weeks or months, and can be severe. If your child displays the warning signs below, contact your child's primary health care provider or pediatrician for a consultation to determine if screening your child for type 1 diabetes is appropriate:

- Increased thirst.
  - Increased urination, including bed-wetting after toilet training.
  - Increased hunger, even after eating.
  - Unexplained weight loss.
  - Feeling very tired.
  - Blurred vision.
  - Very dry skin.
  - Slow healing of sores or cuts.
  - Moodiness, restlessness, irritability, or behavior changes.
- DKA is a complication of untreated type 1 diabetes. DKA is a medical emergency. Symptoms include:
    - Fruity breath.
    - Dry/flushed skin.
    - Nausea.
    - Vomiting.
    - Stomach pains.
    - Trouble breathing.
    - Confusion.

#### Types of Diabetes Screening Tests that are Available

- Glycated hemoglobin (A1C) test:
  - A blood test measures the average blood sugar over two to three months.
  - An A1C level of 6.5 percent or higher on two separate tests indicates diabetes.
- Random (non-fasting) blood sugar test:
  - A blood sample is taken any time without fasting.
  - A random blood sugar level of 200 milligrams per deciliter (mg/dl) or higher suggests diabetes.

- Fasting blood sugar test:
  - A blood sample is taken after an overnight fast.
  - A level of 126 mg/dl or higher on two separate tests indicates diabetes.
- Oral glucose tolerance test:
  - A test measuring the fasting blood sugar level after an overnight fast with periodic testing for the next several hours after drinking a sugary liquid.
  - A reading of more than 200 mg/dl after two hours indicates diabetes.

#### Type 1 Diabetes Treatments

- There are no known ways to prevent type 1 diabetes. Once type 1 diabetes develops, medication is the only treatment.
- If your child is diagnosed with type 1 diabetes, their health care provider will be able to help develop a treatment plan.
- Your child's health care provider may refer your child to an endocrinologist, a doctor specializing in the endocrine system and its disorders, such as diabetes.

Please contact your student's school nurse, school administrator, or health care provider if you have any questions.

## Type 2 Diabetes Information Sheet

- Type 2 diabetes is the most common form of diabetes in adults.
  - Until recently, type 2 diabetes was rare in children, but it is becoming more common, especially for overweight teens
  - According to the U.S. Centers for Disease Control and Prevention (CDC), one in three American children born after 2000 will develop type 2 diabetes in their lifetime.
- Type 2 diabetes affects the way the body is able to use sugar (glucose) for energy.
  - As a normal function, the body turns the carbohydrates in food into glucose (blood sugar), the basic fuel for the body's cells.
  - The pancreas makes insulin, a hormone that moves glucose from the blood into the cells.
  - In type 2 diabetes, the body's cells resist the effects of insulin, and blood glucose levels rise.
  - Over time, glucose can reach dangerously high levels in the blood, which is called hyperglycemia.
  - Untreated hyperglycemia can lead to health problems like heart disease, blindness, and kidney failure.

### Risk Factors Associated with Type 2 Diabetes

- It is recommended that students displaying warning signs associated with type 2 diabetes, which are described below, should be screened (tested) for the disease by their health care provider.
- Researchers do not completely understand why some people develop type 2 diabetes and others do not; however, the following risk factors are associated with an increased risk of type 2 diabetes in children:
  - Being overweight. The single greatest risk factor for type 2 diabetes in children is excess weight. In the U.S., almost one out of every five children is overweight. The chances are more than double that an overweight child will develop diabetes.
  - Family history of diabetes. Many affected children and youth have at least one parent with diabetes or have a significant family history of the disease.
  - Inactivity. Being inactive further reduces the body's ability to respond to insulin.
  - Specific racial/ethnic groups. Native Americans, African Americans, Hispanics/Latinos, or Asian/Pacific Islanders are more prone than other ethnic groups to develop type 2 diabetes.

- Puberty. Young people in puberty are more likely to develop type 2 diabetes than younger children, probably because of normal rises in hormone levels that can cause insulin resistance during this stage of rapid growth and physical development.

#### Warning Signs and Symptoms Associated with Type 2 Diabetes

- Warning signs and symptoms of type 2 diabetes in children develop slowly, and initially there may be no symptoms. However, not everyone with insulin resistance or type 2 diabetes develops these warning signs, and not everyone who has these symptoms necessarily has type 2 diabetes.
  - Increased thirst, dry mouth, and frequent urination.
  - Increased hunger, even after eating.
  - Unexplained weight loss.
  - Feeling very tired.
  - Blurred vision.
  - Slow healing of sores or cuts.
  - Dark velvety or ridged patches of skin, especially on the back of the neck or under the arms.
  - Irregular periods, no periods, and/or excess facial and body hair growth in girls.
  - High blood pressure or abnormal blood fat levels.

#### Type 2 Diabetes Prevention Methods and Treatments

- Healthy lifestyle choices can help prevent and treat type 2 diabetes. Even with a family history of diabetes, eating healthy foods in the correct amounts and exercising regularly can help children achieve or maintain a normal body weight and normal blood glucose levels.
  - Eat healthy foods. Make wise food choice. Eat foods low in fat and calories.
  - Get more physical activity. Increase physical activity to at least 60 minutes every day.
  - Take medication. If diet and exercise are not enough to control the disease, it may be necessary to treat type 2 diabetes with medication.
- The first step in treating type 2 diabetes is to visit a doctor. A doctor can determine if a child is overweight based on the child's age, weight, and height. A doctor can request tests of a child's blood glucose to see if the child has diabetes or pre-diabetes (a condition which may lead to type 2 diabetes).

#### Types of Diabetes Screening Tests that are Available

- Glycated hemoglobin (A1C) test:

- A blood test measures the average blood sugar over two to three months.
- An A1C level of 6.5 percent or higher on two separate tests indicates diabetes.
- Random (non-fasting) blood sugar test:
  - A blood sample is taken any time without fasting.
  - A random blood sugar level of 200 milligrams per deciliter (mg/dl) or higher suggests diabetes.
  - This test must be confirmed with a fasting blood glucose test.
- Fasting blood sugar test:
  - A blood sample is taken after an overnight fast.
  - A fasting blood sugar level less than 100 mg/dl is normal.
  - A level of 100 to 125 mg/dl is considered pre-diabetes.
  - A level of 126 mg/dl or higher on two separate tests indicates diabetes.
- Oral glucose tolerance test:
  - A test measuring the fasting blood sugar level after an overnight fast with periodic testing for the next several hours after drinking a sugary liquid.
  - A reading of more than 200 mg/dl after two hours indicates diabetes.

Type 2 diabetes is a preventable/treatable disease and the guidance provided in this information sheet is intended to raise awareness about this disease. Please contact your student's school nurse, school administrator, or health care provider if you have any questions.

## Immunization Information Systems Record Sharing

Pursuant to Health and Safety Code section 120440, the SCCOE is required to disclose certain immunization records to the Santa Clara County Public Health Department, 976 Lenzen Ave., San Jose, CA 95126 and the State Department of Public Health (6101 W. Centinela Avenue, Suite 300, Culver City, California, 90230), including:

The name of the pupil and names of the parents or guardians of the pupil;

Date of birth of the pupil;

Types and dates of immunizations received by the pupil;

Manufacturer and lot number for each immunization received;

Adverse reaction to immunizations received;

Other nonmedical information necessary to establish the pupil's unique identity and record;

Results of tuberculosis screening;

Current address and telephone number of the pupil and the parents or guardians of the pupil;

Pupil's gender;

Pupil's place of birth;

Pupil's race and ethnicity;

Pupil's information needed to comply with education and childcare immunization requirements including:

- a. Diphtheria;
- b. Hepatitis B;
- c. Hemophilus influenza type b;
- d. Measles;
- e. Mumps;
- f. Pertussis (whooping cough);
- g. Poliomyelitis;
- h. Rubella;
- i. Tetanus;

- j. Varicella (chickenpox);
- k. Any other disease deemed appropriate by the State Department of Public Health.

Any of the information shared with the Santa Clara County Public Health Department and the State Department of Public Health shall be treated as confidential medical information and shall be used only to share with each other, and, upon request, with health care providers, schools, childcare facilities, family childcare homes, Women, Infant, and Child service providers, county human services agencies, foster care agencies, and health care plans. These providers, agencies, and institutions shall, in turn, treat the shared information as confidential, and shall use it only to:

- 1. Provide immunization services to the pupil, including issuing reminder notifications to parents or pupils when immunizations are due.
- 2. Provide or facilitate provision of third-party payer payments for immunizations;
- 3. Compile and disseminate statistical information of immunization status on groups of pupils in California, without identifying information for these pupils included in these groups or populations;
- 4. Carry out the responsibilities regarding immunization for attendance or participation benefits in education programs;

You and your pupil have the right to examine any immunization-related information or tuberculosis screening results shared pursuant to this requirement and to correct any errors therein.

**You or your pupil may refuse to allow this information to be shared pursuant to this requirement or to receive immunization reminder notifications at any time, or both.** If you do not want this information to be shared or to receive reminder notifications, please contact your students Principal.

Regardless of whether you do wish to share immunization-related information, your pupil's physician may maintain access to this information for the purposes of pupil care or protecting the public health. In addition, the Santa Clara County Public Health Department and the State Department of Public Health may maintain access to this information for the purposes of protecting the public health.

## Human Papillomavirus Memorandum

**TO:** Parents/Guardians of students in SCCOE Programs

**FROM:** Mary Ann Dewan, Ph.D., County Superintendent of Schools

**SUBJECT:** Information about Human Papillomavirus (HPV) Memo

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As a parent or guardian, I know how important your child's health is to you. That's why I want to share information about human papillomavirus (HPV) and an effective way to protect your child from the cancers it can cause through immunization.

### What is HPV?

HPV is a very common virus that 8 out of 10 people will get at some point in their lifetime. Some HPV infections can lead to cancer later in life.

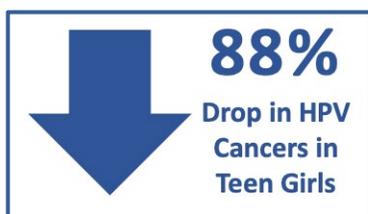


**HPV is estimated to cause about 37,000 cases of cancer in men and women every year in the U.S. – that's the same as the average attendance for a major league baseball game!**

Only cervical cancer, one of the cancers caused by HPV, can be detected early with a Pap test. The other cancers caused by HPV (cancers of the throat, genitals, or anus) may not be detected until they are more serious. HPV vaccination prevents infections that cause these cancers.

### How can I protect my child from HPV?

HPV vaccination can prevent over 90% of cancers caused by HPV. HPV vaccines are very safe, and scientific research shows that the benefits of HPV vaccination far outweigh the potential risks. With more than 135 million doses given in the U.S. since 2006, HPV vaccine has a long safety record that's backed by over 15 years of monitoring. Common side effects are mild and get better within a day or two. These include pain, redness, or swelling where the shot was given, similar to other vaccines.



**HPV vaccination works extremely well. Since HPV vaccination was first recommended in 2006, infections with HPV types that cause most HPV cancers have dropped 88% among teen girls and 81% among young adult women.**

Vaccination against HPV is recommended by the federal Advisory Committee on Immunization Practices, the American Academy of Pediatrics, and the American Academy of Family Physicians. It's also recommended by the American Cancer Society and California's Cancer Prevention Act.

### Who should get the vaccine and when should they get it?



Because the vaccine is more effective when given at younger ages, two doses of HPV vaccine are recommended for all kids between the ages of 9 to 12 years, and the second dose should be given before the start of 8<sup>th</sup> grade.

(Kids who wait until later to get their first dose of HPV vaccine may need three doses.) The HPV vaccine is often given at the same time as other adolescent vaccines, like Tdap to prevent whooping cough and meningococcal vaccine to prevent bacterial meningitis.

### Where can I get the HPV vaccine for my child?

Ask your health care provider, pharmacist, or local health department to learn more about HPV vaccine and where you can get it. The vaccine is covered by most health insurance plans. If you don't have health insurance, your child can still get vaccinated. The Vaccines for Children (VFC) Program offers free vaccines to children up to age 18 years without insurance or whose insurance does not cover the cost of vaccines.

Ask your healthcare provider or [local health department](#) about VFC, or learn more [here](#). Find doctors participating in VFC [in your area](#).

For more information on HPV, the vaccine, and cancer prevention, visit the [Centers for Disease Control and Prevention](#).

**ACKNOWLEDGEMENT OF PARENT OR GUARDIAN OF ANNUAL RIGHTS NOTIFICATION**

**Detach, sign, and return this page to your child’s school indicating you have received the Parent Notice of Rights and Responsibilities. Also, where specified on this page, indicate if you do not wish directory information to be released.**

Student’s Name: \_\_\_\_\_

School: \_\_\_\_\_ Grade: \_\_\_\_\_

If you do not wish directory information released, please sign where indicated below and return to the school office within the next 30 days. Note that this will prohibit the SCCOE from providing the student’s name and other information to the news media, interested schools, parent-teacher associations, interested employers, and similar parties.

Do NOT release directory information regarding \_\_\_\_\_  
(Pupil’s Name)

Check if an exception may be made to include student information and photos in the yearbook.

I hereby acknowledge receipt of information regarding my rights, responsibilities, and protections.

Signature of Parent or Guardian: \_\_\_\_\_ Date: \_\_\_\_\_

# SECTION TWO:

## Grounds for Suspension and Expulsion

A pupil shall not be suspended from school or recommended for expulsion, unless the superintendent or the principal of the school in which the pupil is enrolled determines that the pupil has committed an act as defined pursuant to any of subdivisions (a) to (r), inclusive:

- (a) (1) Caused, attempted to cause, or threatened to cause physical injury to another person; (2) Willfully used force or violence upon the person of another, except in self-defense.
- (b) Possessed, sold, or otherwise furnished a firearm, knife, explosive, or other dangerous object, unless, in the case of possession of an object of this type, the pupil had obtained written permission to possess the item from a certificated school employee, which is concurred in by the principal or the designee of the principal.
- (c) Unlawfully possessed, used, sold, or otherwise furnished, or been under the influence of, a controlled substance listed in Chapter 2 (commencing with Section 11053) of Division 10 of the Health and Safety Code, an alcoholic beverage, or an intoxicant of any kind.
- (d) Unlawfully offered, arranged, or negotiated to sell a controlled substance listed in Chapter 2 (commencing with Section 11053) of Division 10 of the Health and Safety Code, an alcoholic beverage, or an intoxicant of any kind, and either sold, delivered, or otherwise furnished to a person another liquid, substance, or material and represented the liquid, substance, or material as a controlled substance, alcoholic beverage, or intoxicant.
- (e) Committed or attempted to commit robbery or extortion.
- (f) Caused or attempted to cause damage to school property or private property.
- (g) Stole or attempted to steal school property or private property.
- (h) Possessed or used tobacco, or 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 *the* use or possession by a pupil of his or her own prescription products.
- (i) Committed an obscene act or engaged in habitual profanity or vulgarity.
- (j) Unlawfully possessed or unlawfully offered, arranged, or negotiated to sell drug paraphernalia, as defined in Section 11014.5 of the Health and Safety Code.
- (k) (1) 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.  
(2) Except as provided in Section 48910, a pupil enrolled in kindergarten or any of grades 1 to 5, inclusive, shall not be suspended for any of the acts specified in paragraph (1), and those acts shall not constitute grounds for a pupil enrolled in kindergarten or any of grades 1 to 12, inclusive, to be recommended for expulsion.  
(3) Except as provided in Section 48910, a pupil enrolled in any of grades 6 to 8, inclusive, shall not be suspended for any of the acts specified in paragraph (1). This paragraph is inoperative on July 1, 2029.  
(4) Except as provided in Section 48910, commencing July 1, 2024, a pupil enrolled in any of grades 9 to 12, inclusive, shall not be suspended for any of the acts specified in paragraph (1). This paragraph is inoperative on July 1, 2029.  
(5) (A) A certificated or classified employee may refer a pupil to school administrators for appropriate and timely in-school interventions or supports from the list of other means of correction specified in subdivision (b) of Section 48900.5 for any of the acts enumerated in paragraph (1).

(B) A school administrator shall, within five business days, document the actions taken pursuant to subparagraph (A) and place that documentation in the pupil's record to be available for access, to the extent permissible under state and federal law, pursuant to Section 49069.7. The school administrator shall, by the end of the fifth business day, also inform the referring certificated or classified employee, verbally or in writing, what actions were taken and, if none, the rationale used for not providing any appropriate or timely in-school interventions or supports.

(l) Knowingly received stolen school property or private property.

(m) Possessed an imitation firearm. As used in this section, "imitation firearm" means a replica of a firearm that is so substantially similar in physical properties to an existing firearm as to lead a reasonable person to conclude that the replica is a firearm.

(n) Committed or attempted to commit a sexual assault as defined in Section 261, 266c, 286, 287, 288, or 289 or former Section 288a of the Penal Code or committed a sexual battery as defined in Section 243.4 of the Penal Code.

(o) Harassed, threatened, or intimidated a pupil who is a complaining witness or a witness in a school disciplinary proceeding for the purpose of either preventing that pupil from being a witness or retaliating against that pupil for being a witness, or both.

(p) Unlawfully offered, arranged to sell, negotiated to sell, or sold the prescription drug Soma.

(q) Engaged in, or attempted to engage in, hazing. For purposes of this subdivision, "hazing" means a method of initiation or preinitiation into a pupil organization or body, whether or not the organization or body is officially recognized by an educational institution that is likely to cause serious bodily injury or personal degradation or disgrace resulting in physical or mental harm to a former, current, or prospective pupil. For purposes of this subdivision, "hazing" does not include athletic events or school-sanctioned events.

(r) Engaged in an act of bullying. For purposes of this subdivision, the following terms have the following meanings:

(1) "Bullying" means any severe or pervasive physical or verbal act or conduct, including communications made in writing or by means of an electronic act, and including one or more acts committed by a pupil or group of pupils as defined in Section 48900.2, 48900.3, or 48900.4, directed toward one or more pupils that has 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.

(2) (A) "Electronic act" means the creation or transmission originated on or off the school site, by means of an electronic device, including, but not limited to, a telephone, wireless telephone or other wireless communication device, computer, or pager, of a communication, including, but not limited to, any of the following:

(i) A message, text, sound, video, or image.

(ii) A post on a social network Internet Web site, including, but not limited to:

(l) Posting to or creating a burn page. "Burn page" means an Internet Web site created for the purpose of having one or more of the effects listed in paragraph (1).

- (II) Creating a credible impersonation of another actual pupil for the purpose of having one or more of the effects listed in paragraph (1). “Credible impersonation” means to knowingly and without consent impersonate a pupil for the purpose of bullying the pupil and such that another pupil would reasonably believe, or has reasonably believed, that the pupil was or is the pupil who was impersonated.
- (III) Creating a false profile for the purpose of having one or more of the effects listed in paragraph (1). “False profile” means a profile of a fictitious pupil or a profile using the likeness or attributes of an actual pupil other than the pupil who created the false profile.

(iii) (I) An act of cyber sexual bullying.

(II) For purposes of this clause, “cyber sexual bullying” means the dissemination of, or the solicitation or incitement to disseminate, a photograph or other visual recording by a pupil to another pupil or to school personnel by means of an electronic act that has or can be reasonably predicted to have one or more of the effects described in subparagraphs (A) to (D), inclusive, of paragraph (1). A photograph or other visual recording, as described above, shall include the depiction of a nude, semi-nude, or sexually explicit photograph or other visual recording of a minor where the minor is identifiable from the photograph, visual recording, or other electronic act.

(III) For purposes of this clause, “cyber sexual bullying” does not include a depiction, portrayal, or image that has any serious literary, artistic, educational, political, or scientific value or that involves athletic events or school-sanctioned activities.

(B) Notwithstanding paragraph (1) and subparagraph (A), an electronic act shall not constitute pervasive conduct solely on the basis that it has been transmitted on the Internet or is currently posted on the Internet.

(3) “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.

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

(1) While on school grounds.

(2) While going to or coming from school.

(3) During the lunch period whether on or off the campus.

(4) During, or while going to or coming from, a school sponsored activity.

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

(u) As used in this section, “school property” includes, but is not limited to, electronic files and databases.

(v) For a pupil subject to discipline under this section, a superintendent of the SCCOE or principal may use his or her discretion to provide alternatives to suspension or expulsion that are age appropriate and designed to address and correct the pupil’s misbehavior as specified in Section 48900.5.

(w) It is the intent of the Legislature that alternatives to suspension or expulsion be imposed against a pupil who is truant, tardy, or otherwise absent from school activities.

## **Sexual Harassment**

In addition to the reasons specified in Section 48900, a pupil may be suspended from school or recommended for expulsion if the superintendent or the principal of the school in which the pupil is enrolled determines that the pupil has committed sexual harassment as defined in Section 212.5.

For the purposes of this chapter, the conduct described in Section 212.5 must be considered by a reasonable person of the same gender as the victim to be sufficiently severe or pervasive to have a negative impact upon the individual's academic performance or to create an intimidating, hostile, or offensive educational environment. This section shall not apply to pupils enrolled in kindergarten and grades 1 to 3, inclusive.

## **Hate Violence**

In addition to the reasons set forth in Sections 48900 and 48900.2, a pupil in any of grades 4 to 12, inclusive, may be suspended from school or recommended for expulsion if the superintendent or the principal of the school in which the pupil is enrolled determines that the pupil has caused, attempted to cause, threatened to cause, or participated in an act of, hate violence, as defined in subdivision (e) of Section 233.

## **Harassment, Threats or Intimidation**

In addition to the grounds specified in Sections 48900 and 48900.2, a pupil enrolled in any of grades 4 to 12, inclusive, may be suspended from school or recommended for expulsion if the superintendent or the principal of the school in which the pupil is enrolled determines that the pupil has intentionally engaged in harassment, threats, or intimidation, directed against SCCOE personnel or 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 either school personnel or pupils by creating an intimidating or hostile educational environment.

## **Limitations on Imposing Suspension**

(a) Suspension, including supervised suspension as described in Section 48911.1, shall be imposed only when other means of correction fail to bring about proper conduct. The SCCOE may document the other means of correction used and place that documentation in the pupil's record, which may be accessed pursuant to Section 49069.7. However, a pupil, including an individual with exceptional needs, as defined in Section 56026, may be suspended, subject to Section 1415 of Title 20 of the United States Code, for any of the reasons enumerated in Section 48900 upon a first offense, if the principal or superintendent of schools determines that the pupil violated subdivision (a), (b), (c), (d), or (e) of Section 48900 or that the pupil's presence causes a danger to persons.

(b) Other means of correction include, but are not limited to, the following:

(1) A conference between school personnel, the pupil's parent or guardian, and the pupil.

(2) Referrals to the school counselor, psychologist, social worker, child welfare attendance personnel, or other school support service personnel for case management and counseling.

- (3) Study teams, guidance teams, resource panel teams, or other intervention-related teams that assess the behavior, and develop and implement individualized plans to address the behavior in partnership with the pupil and the pupil's parents.
- (4) Referral for a comprehensive psychosocial or psychoeducational assessment, including for purposes of creating an individualized education program, or a plan adopted pursuant to Section 504 of the federal Rehabilitation Act of 1973 (29 U.S.C. Sec. 794(a)).
- (5) Enrollment in a program for teaching prosocial behavior or anger management.
- (6) Participation in a restorative justice program.
- (7) A positive behavior support approach with tiered interventions that occur during the school day on campus.
- (8) After school programs that address specific behavioral issues or expose pupils to positive activities and behaviors, including, but not limited to, those operated in collaboration with local parent and community groups.
- (9) Any of the alternatives described in Section 48900.6.

(c) For a pupil who has been suspended, or for whom other means of correction have been implemented pursuant to subdivision (b), for an incident of racist bullying, harassment, or intimidation, local educational agencies are encouraged to have both the victim and perpetrator engage in a restorative justice practice that is found to suit the needs of both the victim and the perpetrator. Local educational agencies are encouraged to regularly check on the victim of racist bullying, harassment, or intimidation to ensure that the victim is not in danger of suffering from long-lasting mental health issues. Local educational agencies are encouraged to require perpetrators to engage in culturally sensitive programs that promote racial justice and equity and combat racism and ignorance.

## **Community Service in lieu of Disciplinary Action**

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

## **Terroristic Threats**

(a) In addition to the reasons specified in Sections 48900, 48900.2, 48900.3, and 48900.4, a pupil may be suspended from school or recommended for expulsion if the superintendent or the principal of the school in which the pupil is enrolled determines that the pupil has made terroristic threats against school officials or school property, or both.

(b) For the purposes of this section, "terroristic threat" shall include any statement, whether written or oral, by a person who willfully threatens to commit a crime which will result in death, great bodily injury to another person, or property damage in excess of one thousand dollars (\$1,000), with the specific intent that the statement is to be taken as a threat, even if there is no intent of actually carrying it out, which, on its face and under the circumstances in which it is made, is so unequivocal, unconditional, immediate, and specific as to convey to the person threatened, a gravity of purpose and an immediate prospect of execution of the threat,

and thereby causes that person reasonably to be in sustained fear for his or her own safety or for his or her immediate family's safety, or for the protection of SCCOE property, or the personal property of the person threatened or his or her immediate family.

## **Notification to parents**

For purposes of notification to parents, and for the reporting of expulsion or suspension offenses to the department, each school district shall specifically identify, by offense committed, in all appropriate official records of a pupil each suspension or expulsion of that pupil for the commission of any of the offenses set forth in Section 48900, 48900.2, 48900.3, 48900.4, 48900.7, or 48915.

## **Bullying**

(a) The superintendent of a school district, the principal of a school, or the principal's designee may refer a victim of, witness to, or other pupil affected by, an act of bullying, as defined in paragraph (1) of subdivision (r) of Section 48900, committed on or after January 1, 2015, to the school counselor, school psychologist, social worker, child welfare attendance personnel, school nurse, or other school support service personnel for case management, counseling, and participation in a restorative justice program, as appropriate.

(b) A pupil who has engaged in an act of bullying, as defined in paragraph (1) of subdivision (r) of Section 48900, may also be referred to the school counselor, school psychologist, social worker, child welfare attendance personnel, or other school support service personnel for case management and counseling, or for participation in a restorative justice program, pursuant to Section 48900.5.

## **No Smoking**

(a) No school shall permit the smoking or use of a tobacco product by pupils of the school while the pupils are on campus, or while attending school-sponsored activities or while under the supervision and control of school district employees.

(b) The governing board of any school district maintaining a high school shall take all steps it deems practical to discourage high school students from smoking.

(c) For purposes of this section, "smoking" has the same meaning as in subdivision (c) of Section 22950.5 of the Business and Professions Code.

(d) For purposes of this section, "tobacco product" means a product or device as defined in subdivision (d) of Section 22950.5 of the Business and Professions Code.

## **Circumstances for Recommending Expulsion**

(a) (1) Except as provided in subdivisions (c) and (e), the principal or the superintendent of schools shall recommend the expulsion of a pupil for any of the following acts committed at school or at a school activity off school grounds, unless the principal or superintendent determines that expulsion should not be recommended under the circumstances or that an alternative means of correction would address the conduct:

(A) Causing serious physical injury to another person, except in self-defense.

(B) Possession of any knife or other dangerous object of no reasonable use to the pupil.

(C) Unlawful possession of any controlled substance listed in Chapter 2 (commencing with Section 11053) of Division 10 of the Health and Safety Code, except for either of the following:

- (i) The first offense for the possession of not more than one avoirdupois ounce of marijuana, other than concentrated cannabis.
- (ii) The possession of over-the-counter medication for use by the pupil for medical purposes or medication prescribed for the pupil by a physician.
- (D) Robbery or extortion.
- (E) Assault or battery, as defined in Sections 240 and 242 of the Penal Code, upon any school employee.
- (2) If the principal or the superintendent of schools makes a determination as described in paragraph (1), he or she is encouraged to do so as quickly as possible to ensure that the pupil does not lose instructional time.
- (b) Upon recommendation by the principal or the superintendent of schools, or by a hearing officer or administrative panel appointed pursuant to subdivision (d) of Section 48918, the governing board of a school SCCOE may order a pupil expelled upon finding that the pupil committed an act listed in paragraph (1) of subdivision (a) or in subdivision (a), (b), (c), (d), or (e) of Section 48900. A decision to expel a pupil for any of those acts shall be based on a finding of one or both of the following:
  - (1) Other means of correction are not feasible or have repeatedly failed to bring about proper conduct.
  - (2) Due to the nature of the act, the presence of the pupil causes a continuing danger to the physical safety of the pupil or others.
- (c) The principal or superintendent of schools shall immediately suspend, pursuant to Section 48911, and shall recommend expulsion of a pupil that he or she determines has committed any of the following acts at school or at a school activity off school grounds:
  - (1) Possessing, selling, or otherwise furnishing a firearm. This subdivision does not apply to an act of possessing a firearm if the pupil had obtained prior written permission to possess the firearm from a certificated school employee, which is concurred in by the principal or the designee of the principal. This subdivision applies to an act of possessing a firearm only if the possession is verified by an employee of a school district. The act of possessing an imitation firearm, as defined in subdivision (m) of Section 48900, is not an offense for which suspension or expulsion is mandatory pursuant to this subdivision and subdivision (d), but it is an offense for which suspension, or expulsion pursuant to subdivision (e), may be imposed.
  - (2) Brandishing a knife at another person.
  - (3) Unlawfully selling a controlled substance listed in Chapter 2 (commencing with Section 11053) of Division 10 of the Health and Safety Code.
  - (4) Committing or attempting to commit a sexual assault as defined in subdivision (n) of Section 48900 or committing a sexual battery as defined in subdivision (n) of Section 48900.
  - (5) Possession of an explosive.
- (d) The governing board of a school SCCOE shall order a pupil expelled upon finding that the pupil committed an act listed in subdivision (c), and shall refer that pupil to a program of study that meets all of the following conditions:
  - (1) Is appropriately prepared to accommodate pupils who exhibit discipline problems.
  - (2) Is not provided at a comprehensive middle, junior, or senior high school, or at any elementary school.
  - (3) Is not housed at the school site attended by the pupil at the time of suspension.
- (e) Upon recommendation by the principal or the superintendent of schools, or by a hearing officer or administrative panel appointed pursuant to subdivision (d) of Section 48918, the governing board of a school SCCOE may order a pupil expelled upon finding that the pupil, at school or at a school activity off of school grounds violated subdivision (f), (g), (h), (i), (j), (k), (l), or (m) of Section 48900, or Section 48900.2, 48900.3, or 48900.4, and either of the following:
  - (1) That other means of correction are not feasible or have repeatedly failed to bring about proper conduct.
  - (2) That due to the nature of the violation, the presence of the pupil causes a continuing danger to the physical safety of the pupil or others.
- (f) The governing board of a school SCCOE shall refer a pupil who has been expelled pursuant to subdivision (b) or (e) to a program of study that meets all of the conditions specified in subdivision (d). Notwithstanding this

subdivision, with respect to a pupil expelled pursuant to subdivision (e), if the county superintendent of schools certifies that an alternative program of study is not available at a site away from a comprehensive middle, junior, or senior high school, or an elementary school, and that the only option for placement is at another comprehensive middle, junior, or senior high school, or another elementary school, the pupil may be referred to a program of study that is provided at a comprehensive middle, junior, or senior high school, or at an elementary school.

(g) As used in this section, “knife” means any dirk, dagger, or other weapon with a fixed, sharpened blade fitted primarily for stabbing, a weapon with a blade fitted primarily for stabbing, a weapon with a blade longer than 3<sup>1</sup>/<sub>2</sub> inches, a folding knife with a blade that locks into place, or a razor with an unguarded blade.

(h) As used in this section, the term “explosive” means “destructive device” as described in Section 921 of Title 18 of the United States Code.

## **Individual with exceptional needs**

(a) An individual with exceptional needs, as defined in Section 56026, may be suspended or expelled from school in accordance with Section 1415(k) of Title 20 of the United States Code, the discipline provisions contained in Sections 300.530 to 300.537, inclusive, of Title 34 of the Code of Federal Regulations, and other provisions of this part that do not conflict with federal law and regulations.

(b) A free appropriate public education for individuals with exceptional needs suspended or expelled from school shall be in accordance with Section 1412(a)(1) of Title 20 of the United States Code and Section 300.530(d) of Title 34 of the Code of Federal Regulations.

(c) If an individual with exceptional needs is excluded from school bus transportation, the pupil is entitled to be provided with an alternative form of transportation at no cost to the pupil or parent or guardian if that transportation is specified in the pupil’s individualized education program.

(d) If the individual with exceptional needs is a foster child, as defined in Section 48853.5, and the local educational agency has proposed a change of placement, the educational rights holder, attorney, and county social worker for the individual with exceptional needs shall be invited to participate in the individualized education program team meeting that makes a manifestation determination pursuant to Section 1415(k) of Title 20 of the United States Code. The invitation may be made using the most cost-effective method possible, which may include, but is not limited to, email or a telephone call.

(e) If the individual with exceptional needs is a homeless child or youth, as defined in Section 11434a(2) of Title 42 of the United States Code, and the local educational agency has proposed a change of placement due to an act for which a decision to recommend expulsion is at the discretion of the principal or the district superintendent of schools, the local educational agency liaison for homeless children and youth designated pursuant to Section 11432(g)(1)(J)(ii) of Title 42 of the United States Code shall be invited to participate in the individualized education program team meeting that makes a manifestation determination pursuant to Section 1415(k) of Title 20 of the United States Code. The invitation may be made using the most cost-effective method possible, which may include, but is not limited to, email or a telephone call.

(f) If the individual with exceptional needs is an Indian child, as defined in Section 224.1 of the Welfare and Institutions Code, and the local educational agency has proposed a change of placement, the tribal social worker and, if applicable, county social worker for the individual with exceptional needs shall be invited to participate in the individualized education program team meeting that makes a manifestation determination

pursuant to Section 1415(k) of Title 20 of the United States Code. The invitation may be made using the most cost-effective method possible, which may include, but is not limited to, email or a telephone call.

# **SECTION THREE:**

**REQUIRED LEA NOTIFICATIONS - SPECIFIC PROGRAM NOTICES, ADMINISTRATIVE REGULATIONS, BOARD BYLAWS, BOARD POLICIES, & EXHIBITS**

## Administrative Regulations, Board Policies and Exhibits

All SCCOE Policies can be found at: <https://www.boarddocs.com/ca/sccoe/Board.nsf/Public>  
Click on the POLICIES tab at the top of the page.

### Administrative Regulations

1312.3	Uniform Complaint Procedures
1312.4	Williams Uniform Complaint Procedures
3513.3	Tobacco-free Schools
4119.12	Title IX Sexual Harassment Complaint Procedures- SCCOE staff and students
4222	Paraprofessionals
5022	Student and Family Privacy Rights
5113	Absences and Excuses
5121	Grades/Evaluation of Student Achievement
5125	Student Records
5125.1	Release of Directory Information
5141.3	Health Examinations
5141.32	Health Screen for School Entry
5141.6	School Health Services
5145.3	Nondiscrimination and Harassment
5145.7	Sexual Harassment
6020	Parent Involvement
6174	Education for English Language Learners

### Board Policies

0410	Nondiscrimination in SCCOE Programs and Activities
0460	Local Control Accountability Plan
3260	Fees and Charges
3517	Facilities Inspections
4112.2	Certification (Certificated Personnel)
4119.21	Professional Standards
5112.5	Closed Campus
5117	Interdistrict Attendance Appeals
5141.31	Immunization
5145.3	Nondiscrimination/Harassment
5145.7	Sexual Harassment
5145.9	Hate Motivated Behavior
5146	Married/Pregnant/Parenting Students
6142.1	Sexual Health and HIV/AIDS Prevention Instruction
6143	Courses of Study
6146.1	High School Graduation Requirements
6146.2	Certificate of Proficiency/ High School Equivalency
6164.4	Identification and Evaluation of Individuals for Special Education
6173	Education for Youth Experiencing Homelessness
6174	Education for English Language Learners
6175	Migrant Education Program
6178	Career Technical Education

## AR 1312.3 Uniform Complaint Procedures

Book	Board Policies and Administrative Regulations
Section	1000 Community Relations
Title	Uniform Complaint Procedures
Code	1312.3 AR
Status	Active
Adopted	October 20, 2010
Last Revised	July 30, 2024
Last Reviewed	July 30, 2024
Prior Revised Dates	January 8, 2014, August 24, 2015, October 31, 2017, March 29, 2018, October 23, 2018, April 30, 2019, August 4, 2020

Except as the Santa Clara County Board of Education (SCCBOE) may otherwise specifically provide in other SCCBOE policies, these uniform complaint procedures (UCP) shall be used to investigate and resolve only the complaints specified in BP 1312.3.

(cf. 1312.2 - Complaints Concerning Instructional Materials)

(cf. 1312.4 - Williams Uniform Complaint Procedures)

(cf. 4030 - Nondiscrimination in Employment)

### Compliance Officers

The Santa Clara County Superintendent of Schools (County Superintendent) designates the following compliance officer(s) to receive and investigate complaints and to ensure Santa Clara County Office of Education (SCCOE) compliance with State and Federal civil rights laws. The individual(s) also serve as the compliance officer(s) specified in AR 5145.3 - Nondiscrimination/Harassment as the responsible employee(s) to handle complaints regarding unlawful discrimination (such as discriminatory harassment, intimidation, or bullying). The individual(s) shall receive and coordinate the investigation of complaints and shall ensure SCCOE's programs compliance with law.

### Personnel Related:

Assistant Superintendent, Personnel Services MC 264  
1290 Ridder Park Drive  
San Jose, CA 95131  
(408) 453-6844  
Email – Kgill@sccoe.org

### Student Related:

Assistant Superintendent, Educational Services MC 271  
1290 Ridder Park Drive  
San Jose, CA 95131  
(408) 453-6560  
Email – Tshipp@sccoe.org

The compliance officer who receives a complaint may assign another compliance officer to investigate and resolve the complaint. The compliance officer shall promptly notify the complainant and respondent, if applicable, if another compliance officer is assigned to the complaint.

In no instance shall a compliance officer be assigned to a complaint in which they have a bias or conflict of interest that would prohibit him/her from fairly investigating or resolving the complaint. Any complaint against a compliance officer or that raises a concern about the compliance officer's ability to investigate the complaint fairly and without bias shall be filed with the County Superintendent or designee who shall determine how the complaint will be investigated.

The County Superintendent or designee shall ensure that employees designated to investigate and resolve complaints receive training and are knowledgeable about the laws and programs for which they are responsible. Training provided to such employees shall cover current state and federal laws and regulations governing the program, applicable processes for investigating and resolving complaints, including those alleging unlawful discrimination (such as discriminatory harassment, intimidation, or bullying), applicable standards for reaching decisions on complaints, and appropriate corrective measures. Designated employees may have access to legal counsel as determined by the County Superintendent or designee.

(cf. 4331 - Staff Development)  
(cf. 9124 - Attorney)

The compliance officer or, if necessary, any appropriate administrator shall determine whether interim measures are necessary during and pending the result of an investigation. If interim measures are determined to be necessary, the compliance officer or the administrator shall consult with the County Superintendent, the County Superintendent's designee, or, if appropriate, the site principal to implement one or more interim measures. The interim measures shall remain in place until the compliance officer determines that they are no longer necessary or until the SCCOE issues its final written decision, whichever occurs first.

#### Notifications

The SCCOE's UCP policy and administrative regulation shall be posted in all SCCOE program sites and offices, including staff lounges and student government meeting rooms. (Education Code 234.1)

The County Superintendent or designee shall annually provide written notification of the SCCOE uniform complaint procedures to students, employees, parents/guardians of SCCOE students, the SCCOE advisory committee members, school program advisory committee members, appropriate private school officials or representatives, and other interested parties. (5 CCR 4622)

(cf. 0420 - School Plans/Site Councils)  
(cf. 1220 - Citizen Advisory Committees)  
(cf. 4112.9/4212.9/4312.9 - Employee Notifications)  
(cf. 5145.6 - Parental Notifications)

The notice shall:

1. The SCCOE is primarily responsible for compliance with state and federal laws and regulations, including those related to prohibition of unlawful discrimination, harassment intimidation, or bullying against any protected group and all programs and activities that are subject to UCP as identified in the accompanying SCCBOE policy.

2. The title of the position responsible for processing complaints, the identity of the person(s) currently occupying that position if known, and a statement that such persons will be knowledgeable about the laws and programs that they are assigned to investigate.
3. Advise the complainant of any civil law remedies, including, but not limited to, injunctions, restraining orders, or other remedies or orders that may be available to under state or federal antidiscrimination laws, if applicable.
4. Advise the complainant of the appeal process pursuant to Education Code 262.3, including the complainant's right to take a complaint directly to the California Department of Education (CDE) or to pursue remedies before civil courts or other public agencies, such as the U.S. Department of Education's Office for Civil Rights (OCR) in cases involving unlawful discrimination (such as discriminatory harassment, intimidation, or bullying).
5. A complaint regarding student fees or the local control and accountability plan (LCAP) may be filed anonymously if the complainant provides evidence or information leading to evidence to support the complaint.

(cf. 0460 – Local Control and Accountability Plan)

(cf. 3200 – Fees and Charges)

6. Complaints will be investigated in accordance with the SCCOE's UCP and a written decision will be sent to the complainant within 60 calendar days from the date of receipt of the complaint unless the complainant agrees in writing to an extension of the timeline.
7. A complaint alleging retaliation or unlawful discrimination (such as discriminatory harassment, intimidation, or bullying) must be filed not later than six months from the date it occurred, or six months from the date the complainant first obtains knowledge of the facts of the alleged unlawful discrimination. The time for filing may be extended for up to 90 days by the County Superintendent or designee for good cause upon written request by the complainant setting forth the reasons for the extension.
8. Complaints should be filed in writing and signed by the complainant. If a complainant is unable to put his/her complaint in writing, for example, due to conditions such as a disability or illiteracy, SCCOE staff shall assist him/her in the filing of the complaint.
9. If a complaint is not filed in writing but the SCCOE receives notice of any allegation that is subject to the UCP, the SCCOE shall take affirmative steps to investigate and address the allegations, in a manner appropriate to the particular circumstances.
10. If the allegation involves retaliation or unlawful discrimination (such as discriminatory harassment, intimidation, or bullying) and the investigation reveals that discrimination has occurred, the SCCOE will take steps to prevent recurrence of discrimination and correct its discriminatory effects on the complainant, and on others, if appropriate.
11. A student enrolled in a public school shall not be required to pay a fee for his/her participation in an educational activity that constitutes an integral fundamental part of the SCCOE's educational program, including curricular and extracurricular activities.

12. A statement that a complaint regarding student fees must be filed no later than one year from the date the alleged violation occurred.
13. The County Board is required to adopt and annually update the LCAP in a manner that includes meaningful engagement of parents/guardians, students, and other stakeholders in the development and/or review of the LCAP.
14. A foster youth shall receive information about educational rights related to his/her educational placement, enrollment in and checkout from school, as well as the responsibilities of the liaison for foster youth to ensure and facilitate these requirements and to assist the student in ensuring proper transfer of his/her credits, records, and grades when he/she transfers between schools or between the SCCOE and another district.
15. A statement that the SCCOE will post a standardized notice of the educational rights of foster youth, homeless students, former juvenile court school students now enrolled in an SCCOE program, children of military families, migrant students, and immigrant students enrolled in a newcomer program, as specified in Education Code 48853, 48853.5, 49069.5, 51225.1, and 51225.2, and the complaint process.

(cf. 6173 - Education for Homeless Children)

(cf. 6173.1 - Education for Foster Youth)

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

(cf. 6173.3 - Education for Juvenile Court School Students)

(cf. 6175 - Migrant Education Program)

16. The complainant has a right to appeal SCCOE's decision to the CDE by filing a written appeal, including a copy of the original complaint and the SCCOE's decision, within 30 calendar days of receiving the SCCOE decision.
17. In any complaint alleging unlawful discrimination (such as discriminatory harassment, intimidation, or bullying), the respondent also shall have the right to file an appeal with the CDE in the same manner as the complainant, if he/she is dissatisfied with the SCCOE's decision.
18. A statement that copies of the SCCOE's UCP are available free of charge.

The annual notification, complete contact information of the compliance officer(s), and information related to Title IX as required pursuant to Education Code 221.61 shall be posted on the SCCOE web site and may be provided through SCCOE-supported social media, if available.

(cf. 1113 - Web Sites)

The County Superintendent or designee shall ensure that all students and parents/guardians, including students and parents/guardians with limited English proficiency, have access to the relevant information provided in the SCCOE's policy, regulation, forms, and notices concerning the UCP.

If 15 percent or more of students enrolled in a particular SCCOE school speak a single primary language other than English, the SCCOE's policy, regulation, forms, and notices concerning the UCP shall be translated into that

language, in accordance with Education Code 234.1 and 48985. In all other instances, the SCCOE shall ensure meaningful access to all relevant UCP information for parents/guardians with limited English proficiency.

The County Superintendent or designee shall make available copies of the SCCOE uniform complaint procedures free of charge. (5 CCR 4622)

### SCCOE Responsibilities

All UCP-related complaints shall be investigated and resolved within 60 calendar days of the SCCOE's receipt of the complaint unless the complainant agrees in writing to an extension of the timeline. (5 CCR 4631)

For complaints alleging unlawful discrimination (such as discriminatory harassment, intimidation, or bullying), the SCCOE shall inform the respondent when the complainant agrees to an extension of the timeline for investigating and resolving the complaint.

The compliance officer shall maintain a record of each complaint and subsequent related actions, including steps taken during the investigation and all information required for compliance with 5 CCR 4631 and 4633.

### Step 1: Filing of Complaints

The complaint shall be presented to the compliance officer who shall maintain a log of complaints received, providing each with a code number and a date stamp. If a site administrator not designated as a compliance officer receives a complaint, the site administrator shall notify the compliance officer.

All complaints shall be filed in writing and signed by the complainant. If a complainant is unable to put a complaint in writing due to conditions such as a disability or illiteracy, SCCOE staff shall assist him/her in the filing of the complaint. (5 CCR 4600)

1. A complaint alleging SCCOE violation of applicable state or federal law or regulations governing the programs specified in the accompanying Board policy (item #1 of the section for UCP complaints) may be filed by any individual, public agency, or organization. (5 CCR 4630)
2. Any complaint alleging noncompliance with law regarding the prohibition against requiring students to pay student fees, deposits, and charges or any requirement related to the LCAP may be filed anonymously if the complaint provides evidence, or information leading to evidence, to support an allegation of noncompliance. A complaint about a violation of the prohibition against the charging of unlawful student fees may be filed with the principal of the school or County Superintendent or designee.
3. A UCP complaint, except for a UCP complaint alleging unlawful discrimination, harassment, intimidation, or bullying, shall be filed no later than one year from the date the alleged violation occurred. For complaints related to the LCAP, the date of the alleged violation is the date when the Superintendent of Public Instruction (SPI) approves the LCAP that was adopted by the County Board of Education. (5 CCR 4630)

4. A complaint alleging unlawful discrimination, harassment, intimidation, or bullying may be filed only by a person who alleges having personally suffered unlawful discrimination, a person who believes that any specific class of individuals has been subjected to unlawful discrimination, or a duly authorized representative who alleges that an individual student has been subjected to discrimination, harassment, intimidation, or bullying. (5 CCR 4630)
5. A complaint alleging unlawful discrimination, harassment, intimidation, or bullying shall be initiated no later than six months from the date that the alleged unlawful discrimination occurred, or six months from the date that the complainant first obtained knowledge of the facts of the alleged unlawful discrimination. The time for filing may be extended for up to 90 days by the County Superintendent or designee for good cause upon written request by the complainant setting forth the reasons for the extension. (5 CCR 4630)
6. When a complaint alleging unlawful discrimination (such as discriminatory harassment, intimidation, or bullying) is filed anonymously, the compliance officer shall pursue an investigation or other response as appropriate, depending on the specificity and reliability of the information provided and the seriousness of the allegation.
7. When the complainant of unlawful discrimination (such as discriminatory harassment, intimidation, or bullying) or the alleged victim, when they are not the complainant, requests confidentiality, the compliance officer shall inform them that the request may limit the SCCOE's ability to investigate the conduct or take other necessary action. When honoring a request for confidentiality, the SCCOE shall nevertheless take all reasonable steps to investigate and resolve/respond to the complaint consistent with the request.

## Step 2: Mediation

Within three business days of receiving the complaint, the compliance officer may informally discuss with the complainant the possibility of using mediation. Mediation shall be offered to resolve complaints that involve more than one student and no adult. However, mediation shall not be offered or used to resolve any complaint involving an allegation of sexual assault or where there is a reasonable risk that a party to the mediation would feel compelled to participate. If the parties agree to mediation, the compliance officer shall make all arrangements for this process.

Before initiating the mediation of a complaint alleging retaliation or unlawful discrimination (such as discriminatory harassment, intimidation, or bullying), the compliance officer shall ensure that all parties agree to make the mediator a party to related confidential information. The compliance officer shall also notify all parties of the right to end the informal process at any time.

If the mediation process does not resolve the problem within the parameters of law, the compliance officer shall proceed with his/her investigation of the complaint.

The use of mediation shall not extend the SCCOE's timelines for investigating and resolving the complaint unless the complainant agrees in writing to such an extension of time. If mediation is successful and the complaint is withdrawn, then the SCCOE shall take only the actions agreed to through the mediation. If mediation is unsuccessful, the SCCOE shall then continue with subsequent steps specified in this administrative regulation.

### Step 3: Investigation of Complaint

Within 10 business days after the compliance officer receives the complaint, the compliance officer shall begin an investigation into the complaint.

Within one business day of initiating the investigation, the compliance officer shall provide the complainant and/or their representative with the opportunity to present the compliance officer with any evidence, or information leading to evidence, to support the allegations in the complaint. Such evidence or information may be presented at any time during the investigation. (5 CCR 4631)

In conducting the investigation, the compliance officer shall collect all available documents and review all available records, notes, or statements related to the complaint, including any additional evidence or information received from the parties during the course of the investigation. The compliance officer shall individually interview all available witnesses with information pertinent to the complaint and may visit any reasonably accessible location where the relevant actions are alleged to have taken place. At appropriate intervals, the compliance officer shall inform both parties of the status of the investigation.

To investigate a complaint alleging retaliation or unlawful discrimination (such as discriminatory harassment, intimidation, or bullying), the compliance officer shall interview the alleged victim(s), any alleged offenders, and other relevant witnesses privately, separately, and in a confidential manner. As necessary, additional staff or legal counsel may conduct or support the investigation.

A complainant's refusal to provide SCCOE's investigator with documents or other evidence related to the allegations in the complaint, or their failure or refusal to cooperate in the investigation or their engagement in any other obstruction of the investigation, may result in the dismissal of the complaint because of a lack of evidence to support the allegation. Similarly, a respondent's refusal to provide the SCCOE's investigator with documents or other evidence related to the allegations in the complaint, failure or refusal to cooperate in the investigation, or engagement in any other obstruction of the investigation may result in a finding, based on evidence collected, that a violation has occurred and in the imposition of a remedy in favor of the complainant. (5 CCR 4631)

In accordance with the law, the SCCOE shall provide the investigator with access to records and/or other information related to the allegation in the complaint, or its failure or refusal to cooperate in the investigation or its engagement in any other obstruction of the investigation, may result in a finding, based on evidence collected, that a violation has occurred and may result in the imposition of a remedy in favor of the complainant. (5 CCR 4631)

The compliance officer shall apply a "preponderance of the evidence" standard in determining the veracity of the factual allegations in a complaint. This standard is met if the allegation is more likely to be true than not.

### Step 4: Response

Unless extended by written agreement with the complainant, the compliance officer shall prepare and send to the complainant, and respondent if there is one, a written report of the SCCOE investigation and decision, as described in Step #5 below, within 60 days of the SCCOE receipt of the complaint. (5 CCR 4631)

For any complaint alleging unlawful discrimination, harassment, intimidation, or bullying, the respondent shall be informed of any extension of the timeline agreed to by the complainant.

#### Step 5: Final Written Decision

The SCCOE's decision on how it will resolve the complaint shall be in writing and shall be sent to the complainant and respondent. (5 CCR 4631)

In consultation with SCCOE's legal counsel, information about the relevant part of a decision may be communicated to a victim who is not the complainant and to other parties who may be involved in implementing the decision or are affected by the complaint, as long as the privacy of the parties is protected. In a complaint alleging unlawful discrimination (such as discriminatory harassment, intimidation, and bullying), notice of the SCCOE's decision to the alleged victim shall include information about any sanction to be imposed upon the respondent that relates directly to the alleged victim.

If the complaint involves a Limited-English-Proficient (LEP) student or parent/guardian and the student involved attends a school at which 15 percent or more of the students speak a single primary language other than English, then the decision shall also be translated into that language. In all other instances, the SCCOE shall ensure meaningful access to all relevant information for parents/guardians with limited English proficiency.

For all complaints, the decision shall include:

1. The findings of fact based on the evidence gathered. In reaching a factual determination, the following factors may be taken into account:
  - a. Statements made by any witnesses
  - b. The relative credibility of the individuals involved
  - c. How the complaining individual reacted to the incident
  - d. Any documentary evidence of past instances of similar conduct by any alleged offenders
  - e. Past false allegations made by the complainant
2. A conclusion providing a clear determination for each allegation as to whether the SCCOE is in compliance with the relevant law.
3. Corrective action(s) whenever the SCCOE finds merit in the complaint, including, when required by law, a remedy to all affected students and parents/guardians and, for a student fees complaint, a remedy that complies with Education Code 49013 and 5 CCR 4600.
4. Notice of the complainant's right to appeal the SCCOE's investigation report to CDE, except when the SCCOE has used the UCP to address a complaint not specified in 5 CCR 4610.
5. Procedures to be followed for initiating an appeal to CDE.

For complaints of retaliation or unlawful discrimination (such as discriminatory harassment, intimidation, or bullying), the disposition of the complaint shall include a determination for each allegation as to whether retaliation or unlawful discrimination has occurred.

The determination of whether a hostile environment exists may involve consideration of the following:

- a. How the misconduct affected one or more students' education
  - b. The type, frequency, and duration of the misconduct
  - c. The relationship between the alleged victim(s) and offender(s)
  - d. The number of persons engaged in the conduct and at whom the conduct was directed
  - e. The size of the school, location of the incidents, and context in which they occurred
  - f. Other incidents at the school involving different individuals
6. Corrective actions, including any actions that have been taken or will be taken to address the allegations in the complaint and including, with respect to a student fees complaint, a remedy that comports with Education Code 49013 and 5 CCR 4600.

For complaints of unlawful discrimination (such as discriminatory harassment, intimidation, or bullying), the decision may, as required by law, include:

- a. The corrective actions imposed on the respondent.
  - b. Individual remedies offered or provided to the complainant or another.
  - c. Person who was the subject of the complaint, but this information should not be shared with the respondent.
  - d. Systemic measures the school has taken to eliminate a hostile environment and prevent recurrence.
7. Notice of the complainant's and respondent's right to appeal the decision within 15 days to the CDE and procedures to be followed for initiating such an appeal. (5 CCR 4631)

The decision may also include follow-up procedures to prevent recurrence or retaliation and for reporting any subsequent problems.

For complaints alleging unlawful discrimination based on state law (such as discriminatory harassment, intimidation, and bullying), the decision shall also include a notice to the complainant that:

1. The complainant may pursue available civil law remedies outside of the district's complaint procedures, including seeking assistance from mediation centers or public/private interest attorneys, 60 calendar days after the filing of an appeal with the CDE. (Education Code 262.3)

2. The 60 days moratorium does not apply to complaints seeking injunctive relief in state courts or to discrimination complaints based on federal law. (Education Code 262.3)
3. Complaints alleging discrimination based on race, color, national origin, sex, gender, disability, or age may also be filed with the U.S. Department of Education, Office for Civil Rights at [www.ed.gov/ocr](http://www.ed.gov/ocr) within 180 days of the alleged discrimination.

### Corrective Actions

When a complaint is found to have merit, the compliance officer shall adopt any appropriate corrective action permitted by law. Appropriate corrective actions that focus on the larger school or SCCOE environment may include, but are not limited to, actions to reinforce SCCOE policies; training for faculty, staff, and students; updates to school policies; or school climate surveys.

For complaints involving retaliation or unlawful discrimination (such as discriminatory harassment, intimidation, or bullying), appropriate remedies that may be offered to the victim but not communicated to the respondent may include, but are not limited to, the following:

1. Counseling
2. Academic support
3. Health services
4. Assignment of an escort to allow the victim to move safely about campus
5. Information regarding available resources and how to report similar incidents or retaliation
6. Separation of the victim from any other individuals involved, provided the separation does not penalize the victim
7. Restorative justice
8. Follow-up inquiries to ensure that the conduct has stopped and there has been no retaliation
9. Determination of whether any past actions of the victim that resulted in discipline were related to the treatment the victim received and described in the complaint

For complaints involving retaliation or unlawful discrimination (such as discriminatory harassment, intimidation, or bullying), appropriate corrective actions that focus on a student offender may include, but are not limited to, the following:

1. Transfer from a class or school as permitted by law
2. Parent/guardian conference

3. Education regarding the impact of the conduct on others
4. Positive behavior support
5. Referral to a student success team
6. Denial of participation in extracurricular or co-curricular activities or other privileges as permitted by law
7. Disciplinary action, such as suspension or expulsion, as permitted by law

When an employee is found to have committed retaliation or unlawful discrimination (such as discriminatory harassment, intimidation, or bullying), the SCCOE shall take appropriate disciplinary action, up to and including dismissal, in accordance with applicable law and collective bargaining agreement.

The SCCOE may also consider training and other interventions for the larger school community to ensure that students, staff, and parents/guardians understand the types of behavior that constitute unlawful discrimination (such as discriminatory harassment, intimidation, or bullying), that the SCCOE does not tolerate it, and how to report and respond to it.

When a complaint is found to have merit, an appropriate remedy shall be provided to the complainant or other affected person.

However, if a complaint alleging noncompliance with the law regarding student fees, deposits, and other charges, physical education instructional minutes, courses without educational content, or any requirement related to the LCAP is found to have merit, the COE shall provide a remedy to all affected students and parents/guardians subject to procedures established by regulation of the State Board of Education. (Education Code 49013, 51222, 51223, 51228.3, 52075)

For complaints alleging noncompliance with the laws regarding student fees, the SCCOE shall attempt in good faith, by engaging in reasonable efforts, to identify and fully reimburse all affected students and parents/guardians who paid the unlawful student fees within one year prior to the filing of the complaint. (Education Code 49013; 5 CCR 4600)

#### Appeals to the California Department of Education

Any complainant who is dissatisfied with the SCCOE's investigation report on a complaint regarding any specified federal or state educational program subject to UCP may file an appeal in writing with CDE within 30 calendar days of receiving the SCCOE's investigation report. (5 CCR 4632)

The appeal shall be sent to CDE with a copy of the original locally filed complaint and a copy of the SCCOE's investigation report for that complaint. The complainant shall specify and explain the basis for the appeal, including at least one of the following: (5 CCR 4632)

1. The COE failed to follow its complaint procedures

2. Relative to the allegations of the complaint, the SCCOE's investigation report lacks material findings of fact necessary to reach a conclusion of law
3. The material findings of fact in the SCCOE's investigation report are not supported by substantial evidence
4. The legal conclusion in the SCCOE's investigation report is inconsistent with the law
5. In a case in which the SCCOE found noncompliance, the corrective actions fail to provide a proper remedy

Upon notification by the CDE that the complainant has appealed SCCOE's decision, the County Superintendent or designee shall forward the following documents to the CDE: (5 CCR 4633)

1. A copy of the original complaint
2. A copy of the decision
3. A summary of the nature and extent of the investigation conducted by SCCOE, if not covered by the decision
4. A copy of the investigation file, including but not limited to all notes, interviews, and documents submitted by the parties and gathered by the investigator
5. A report of any action taken to resolve the complaint
6. A copy of SCCOE's uniform complaint procedures
7. Other relevant information requested by the CDE

If notified by CDE that SCCOE's investigation report failed to address allegation(s) raised by the complaint, the SCCOE shall, within 20 days of the notification, provide CDE and the appellant with an amended investigation report that addresses the allegation(s) that were not addressed in the original investigation report. The amended report shall also inform the appellant of the right to separately appeal the amended report with respect to the allegation(s) that were not addressed in the original report. (5 CCR 4632)

# AR 1312.4 Williams Uniform Complaint Procedures

Book	Policies and Administrative Regulations
Section	1000 Community Relations
Title	Williams Uniform Complaint Procedures
Code	1312.4 AR
Status	Active
Adopted	October 20, 2010
Last Revised	July 30, 2024
Last Reviewed	July 30, 2024
Prior Revised Dates	March 29, 2016

## Types of Complaints

The Santa Clara County Office of Education shall use the following procedures to investigate and resolve complaints when the complainant alleges that any of the following has occurred. (Education Code 35186; 5 CCR 4680-4683)

### 1. Textbooks and instructional materials

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

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

### 2. Teacher vacancy or misassignment

- a. A semester begins and a teacher vacancy exists.
- b. A teacher who lacks credentials or training to teach English learners is assigned to teach a class with more than 20 percent English learner pupils in the class.

(cf. 4112.22 - Staff Teaching Pupils of Limited English Proficiency)

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

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

single designated certificated employee has not been assigned at the beginning of the semester for an entire semester. (Education Code 35186; 5 CCR 4600)

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

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

(cf. 4112.2 - Certification)

(cf. 4113 - Assignment)

### 3. Facilities

- a. A condition poses an emergency or urgent threat to the health or safety of pupils or staff.

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

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

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

Open restroom means, except as necessary for pupil safety or to make repairs, the school has kept all restrooms open during school hours when pupils are not in classes and has kept a sufficient number of restrooms open during school hours when pupils are in classes. (Education Code 35292.5)

In any SCCOE school or program serving any students in any of grades 6-12, a complaint may be filed alleging noncompliance with the requirement of Education Code 35292.6 to, at all times, stock and make available and accessible free of cost, an adequate supply of menstrual products in every women's and all-gender restroom, and in at least one men's restroom. (Education Code 35292.6)

### Filing of Complaint / Forms and Notices

#### Forms and Notices

The County Superintendent of Schools or designee shall ensure a Williams complaint form is available at each

school. However, complainants need not use the SCCOE's complaint form in order to file a complaint. (Education Code 35186; 5 CCR 4680)

The County Superintendent or designee shall ensure that SCCOE's Williams complaint form contains a space to indicate whether the complainant desires a response to their complaint and specifies the location for filing a complaint. A complainant may add as much text to explain the complaint as they wish. However, complainants need not use the SCCOE Williams complaint form in order to file a complaint. (Education Code 35186)

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

A complaint alleging that more than one student does not have sufficient textbooks or instructional materials as the result of an act by the SCCBOE, or the SCCBOE's failure to remedy the deficiency, may be filed with the Superintendent of Public Instruction (SPI) directly in addition to or in lieu of being filed with the SCCOE. Any such complaint shall identify the basis and provide evidence to support its filing directly with the SPI. (Education Code 35186)

A complaint alleging any condition(s) specified in items #1-3 above shall be filed with the principal or designee in the program in which the complaint arises. The principal or designee shall forward a complaint about problems beyond their authority to the Santa Clara County Superintendent of Schools (County Superintendent) or designee in a timely manner, but not to exceed 10 working days. Complaints may be filed anonymously. (Education Code 35186; 5 CCR 4680)

#### Investigation and Response

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

The principal or designee shall make all reasonable efforts to investigate any problem within their authority. They shall remedy a valid complaint within a reasonable time period not to exceed 30 working days from the date the complaint was received. (Education Code 35186; 5 CCR 4685)

Complaints may be filed anonymously. If the complainant has indicated on the complaint form that they would like a response to the complaint, the principal or designee shall report the resolution of the complaint to them within 45 working days of the initial filing of the complaint. If a response is requested, the response shall be made to the mailing address of the complainant as indicated on the complaint form. At the same time, the principal or designee shall report the same information to the County Superintendent or designee. (Education Code 35186; 5 CCR 4680, 4685)

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

If a complainant is not satisfied with the resolution of a complaint, he/she has the right to describe the complaint to the County Superintendent at a scheduled meeting. (Education Code 35186; 5 CCR 4686)

For any complaint concerning a facilities condition that poses an emergency or urgent threat to the health or safety of pupils or staff as described in item #3a above, a complainant who is not satisfied with the resolution

proffered by the principal or County Superintendent or designee may file an appeal to the Superintendent of Public Instruction within 15 days of receiving SCCOE's response. The complainant shall comply with the appeal requirements specified in 5 CCR 4632. (Education Code 35186; 5 CCR 4687)

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

(cf. 1340 - Access to SCCOE Records)

#### Reports

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

#### Legal Reference:

##### EDUCATION CODE

234.1 Prohibition of discrimination, harassment, intimidation, and bullying  
1240 County superintendent of schools, duties  
17592.72 Urgent or emergency repairs, School Facility Emergency Repair Account  
33126 School accountability report card  
35186 Williams uniform complaint procedure  
3 5292.5 Restrooms, maintenance and cleanliness  
48985 Notice to parents in language other than English  
60119 Hearing on sufficiency of instructional materials  
CODE OF REGULATIONS, TITLE 5  
4600 - 4687 Uniform complaint procedures, especially:  
4680 - 4687 Williams uniform complaint procedure s

#### Management Resources:

##### WEB SITES

CSBA: <http://www.csba.org>  
California County Superintendents Educational Services Association: <http://www.ccesa.org>  
California Department of Education, Williams case: <http://www.cde.ca.gov/eo/celwc/index.asp>  
State Allocation Board, Office of Public School Construction: <http://www.opsc.dgs.ca.gov>

# AR 3513.3 Tobacco-Free Schools

Book	Policies and Administrative Regulations
Section	3000 Business and Noninstructional Operations
Title	Tobacco-Free Schools
Code	3513.3 AR
Status	Active
Adopted	April 18, 2024
Last Revised	April 18, 2024
Last Reviewed	April 18, 2024

## Notifications

Information about the Santa Clara County Office of Education’s (SCCOE) tobacco-free schools policy and enforcement procedures shall be communicated clearly to employees, parents/guardians, students, and the community. (Health and Safety Code 104420)

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

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

## Enforcement/Discipline

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

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

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

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

## References

Federal	Description
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20 USC 6083	Nonsmoking policy for children's services
20 USC 7111-7122	Student Support and Academic Enrichment Grants
21 CFR 1140.1-1140.34	Unlawful sale of cigarettes and smokeless tobacco to minors

**Management Resources**

**Description**

Website	<a href="#">U.S. Environmental Protection Agency</a>
Website	<a href="#">Occupational Safety and Health Standards Board</a>
Website	<a href="#">California Department of Public Health, Tobacco Control</a>
Website	<a href="#">California Department of Education, Tobacco-Free School District</a>
<a href="#">Certification</a>	
Website	<a href="#">California Department of Education, Alcohol, Tobacco and Other Drug Prevention</a>

**State**

**Description**

Bus. Code 22950.5	<a href="#">Stop Tobacco Access to Kids Enforcement Act - Definitions</a>
Ed. Code 48900	Grounds for suspension and expulsion
Ed. Code 48901	Smoking or use of tobacco prohibited
H&S Code 104350-104495	Tobacco-use prevention education
H&S Code 104495	Prohibition of smoking and tobacco waste on playgrounds
H&S Code 104559	Tobacco use prohibition
H&S Code 119405	Unlawful to sell or furnish electronic cigarettes to minors
H&S Code 39002	Control of air pollution from nonvehicular sources
Lab. Code 3300	Definitions
Lab. Code 6304	Safe and healthful workplace
Lab. Code 6404.5	Occupational safety and health; use of tobacco products
PERB Ruling (16 PERC 23168)	Eureka Teachers Assn. v. Eureka City School District (1992) PERB Order #955
PERB Ruling Unified School	CSEA #506 and Associated Teachers of Metropolitan Riverside v. Riverside District (1989) PERB Order #750 (13 PERC 20147)

## **AR 4119.12 Title IX Sexual Harassment Complaint Procedures- SCCOE Staff and Students**

Book	Board Policies and Administrative Regulations
Section	4000 Superintendent's Personnel Policies
Title	Title IX Sexual Harassment Complaint Procedures- SCCOE Staff and Students
Code	4119.12 AR
Status	Active
Adopted	November 17, 2020
Last Revised	November 17, 2020
Last Reviewed	November 17, 2020

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

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

(cf. 4119.11/4219.11/4319.11 - Sexual Harassment)

All other sexual harassment complaints shall be investigated and responded to pursuant to AR 4030 - Nondiscrimination in Employment.

(cf. 4030 - Nondiscrimination in Employment)

A report of sexual harassment shall be submitted directly to or forwarded to the SCCOE's Title IX Coordinator using the contact information listed in AR 4119.11/4219.11/4319.11 - Sexual Harassment.

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

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

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

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

### **Supportive Measures**

Upon receipt of a report of Title IX sexual harassment, even if a formal complaint is not filed, the Title IX Coordinator shall promptly contact the complainant to discuss the availability of supportive measures which are no disciplinary, nonpunitive, and do not unreasonably burden the other party. Such measures may include, but are not limited to, counseling, extensions of deadlines, modifications of work schedules, mutual restrictions on contact, changes in work locations, leaves of absence, increased security, and monitoring of certain areas of the campus. The Title IX Coordinator shall consider the complainant's wishes with respect to supportive measures. (34 CFR 106.30, 106.44)

### **Emergency Removal**

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

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

### **Dismissal of Complaint**

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

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

If a complaint is dismissed on the grounds that the alleged conduct does not constitute sexual harassment as defined in 34 CFR 106.30, the conduct may still be addressed pursuant to AR 4030 - Nondiscrimination in Employment as applicable.

### **Informal Resolution Process**

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

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

1. Provides the parties with written notice disclosing the allegations, the requirements of the informal resolution process, the right to withdraw from the informal process and resume the formal complaint process, and any consequences resulting from participating in the informal resolution process, including that records will be maintained or could be shared.
2. Obtains the parties' voluntary, written consent to the informal resolution process

In the case of students:

3. Does not offer or facilitate an informal resolution process to resolve allegations that an employee sexually harassed a student

### **Formal Complaint Process**

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

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

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

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

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

1. Provide an equal opportunity for the parties to present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence
2. Not restrict the ability of either party to discuss the allegations under investigation or to gather and present relevant evidence
3. Provide the parties with the same opportunities to have others present during any grievance proceeding, including the opportunity to be accompanied to any related meeting or proceeding by the advisor of their choice, who may be, but is not required to be, an attorney
4. Not limit the choice or presence of an advisor for either the complainant or respondent in any meeting or grievance proceeding, although the SCCOE may establish restrictions regarding the extent to which the advisor may participate in the proceedings as long as the restrictions apply equally to both parties

5. Provide, to a party whose participation is invited or expected, written notice of the date, time, location, participants, and purpose of all investigative interviews or other meetings, with sufficient time for the party to prepare to participate
6. Send in an electronic format or hard copy to both parties and their advisors, if any, the evidence that is directly related to the allegations raised in the complaint, and provide the parties at least 10 days to submit a written response for the investigator to consider prior to the completion of the investigative report
7. Objectively evaluate all relevant evidence, including both inculpatory and exculpatory evidence, and determine credibility in a manner that is not based on a person's status as a complainant, respondent, or witness
8. Create an investigative report that fairly summarizes relevant evidence and, at least 10 days prior to the determination of responsibility, send to the parties and their advisors, if any, the investigative report in an electronic format or a hard copy, for their review and written response
9. After sending the investigative report to the parties and before reaching a determination regarding responsibility, afford each party the opportunity to submit written, relevant questions that the party wants asked of any party or witness, provide each party with the answers, and allow for additional, limited follow-up questions from each party

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

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

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

#### **Written Decision**

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

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

The written decision shall be issued within 45 calendar days of the receipt of the complaint.

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

In making this determination, the SCCOE shall use the "preponderance of the evidence" standard for all formal complaints of sexual harassment. (34 CFR 106.45)

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

1. Identification of the allegations potentially constituting sexual harassment as defined in 34 CFR 106.30

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

### **Appeals**

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

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

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

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

### **Remedies**

When a determination of responsibility for sexual harassment has been made against the respondent, the SCCOE shall provide remedies to the complainant. Such remedies may include the same individualized services described above in the section "Supportive Measures," but need not be no disciplinary or nonpunitive and need not avoid burdening the respondent. (34 CFR 106.45)

### **Corrective/Disciplinary Actions**

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

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

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

For students in grades 4-12, discipline for sexual harassment may include suspension and/or expulsion. After the completion of the complaint procedure, if it is determined that a student at any grade level has committed sexual assault or sexual battery at school or at a school activity off school grounds, the principal or County Superintendent shall immediately suspend the student and shall recommend expulsion. (Education Code 48900.2, 48915)

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

Other actions that may be taken with a student who is determined to be responsible for sexual harassment include, but are not limited to:

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

(cf. 6164.5 - Student Success Teams)

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

(cf. 6145 - Extracurricular and Cocurricular Activities)

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

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

### **Record-Keeping**

The County Superintendent or designee shall maintain for a period of seven years a record of all reported cases and Title IX investigations of sexual harassment, any determinations of responsibility, any audio or audiovisual recording and transcript if applicable, any disciplinary sanctions imposed, any remedies provided to the

complainant, any appeal or informal resolution and the results therefrom, and responses made pursuant to 34 CFR 106.44. (34 CFR 106.45)

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

(cf. 3580 - SCCOE Records)

Legal Reference:

EDUCATION CODE

200-262.4 Prohibition of discrimination on the basis of sex

48900 Grounds for suspension or expulsion

48900.2 Additional grounds for suspension or expulsion; sexual harassment

48985 Notices, report, statements and records in primary language

CIVIL CODE

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

1714.1 Liability of parents/guardians for willful misconduct of minor

GOVERNMENT CODE

12950.1 Sexual harassment training

CODE OF REGULATIONS, TITLE 5

4600-4670 Uniform complaint procedures

4900-4965 Nondiscrimination in elementary and secondary education programs

UNITED STATES CODE, TITLE 20

1092 Definition of sexual assault

1221 Application of laws

1232g Family Educational Rights and Privacy Act

1681-1688 Title IX of the Education Amendments of 1972

UNITED STATES CODE, TITLE 34

12291 Definition of dating violence, domestic violence, and stalking

UNITED STATES CODE, TITLE 42

1983 Civil action for deprivation of rights

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

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

CODE OF FEDERAL REGULATIONS, TITLE 34

99.1-99.67 Family Educational Rights and Privacy

106.1-106.82 Nondiscrimination on the basis of sex in education programs

COURT DECISIONS

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

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

Reese v. Jefferson School SCCOE, (2000, 9th Cir.) 208 F.3d 736

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

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

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

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

Management Resources:

WEB SITES

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

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

U.S. Department of Education, Office for Civil Rights: <http://www.ed.gov/about/offices/list/ocr>

## AR 4222 Paraprofessionals

Book	Board Policies and Administrative Regulations
Section	4000 Superintendent's Personnel Policies
Title	Paraprofessionals
Code	4222 AR
Status	Active
Adopted	September 14, 2012
Last Revised	December 5, 2017
Last Reviewed	December 5, 2017

### Qualifications and Duties of Paraprofessionals

No person shall be initially assigned to assist in instruction as a paraprofessional unless he/she has demonstrated proficiency in reading, writing, and mathematics skills up to or exceeding that required for high school seniors pursuant to Education Code 51220(a) and (f) in the high school district that includes all or the largest portion of the county. (Education Code 45330, 45344.5, 45361.5)

A paraprofessional shall perform only such duties as, in the judgment of the certificated personnel to whom the paraprofessional is assigned, may be performed by a person not licensed as a classroom teacher. These duties shall not include assignment of grades to students. (Education Code 45330)

(cf. [4112.2](#) - Certification)

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

(cf. [6171](#) - Title I Programs)

Paraprofessionals need not perform their duties only in the physical presence of the teacher, but the teacher shall retain responsibility for the instruction and supervision of the students in his/her charge. (Education Code 45344)

### Parental Notification

At the beginning of each school year, a parent/guardian shall be notified that he/she may request information regarding whether his/her child is provided services by paraprofessionals and, if so, their qualifications. (20 USC 6312)

(cf. 5145.6 - Parental Notifications)

Adopted: September 14, 2012

Revised: December 5, 2017

## AR 5022 Student and Family Privacy Rights

Book	Policies and Administrative Regulations
Section	5000 Students
Title	Student and Family Privacy Rights
Code	5022 AR
Status	Active
Adopted	October 20, 2012
Last Revised	May 29, 2018
Last Reviewed	May 29, 2018

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

### Surveys Requesting Information about Beliefs and Practices

A student's parent/guardian, or a student who is an adult or emancipated minor, shall provide prior written consent before the student participates in a survey containing one or more of the following items: (20 USC 1232h; Education Code 51513)

1. Political affiliations or beliefs of the student or his/her parent/guardian
2. Mental or psychological problems of the student or his/her family
3. Sexual behavior or attitudes or personal beliefs and practices in family life or morality
4. Illegal, anti-social, self-incriminating or demeaning behavior
5. Critical appraisals of other individuals with whom students have close family relationships
6. Legally recognized privileged or analogous relationships, such as those of lawyers, physicians or ministers
7. Religious practices, affiliations or beliefs of the student or his/her parent/guardian
8. Income, except to the extent that income is required to be disclosed by law for participation in a program or for receiving financial assistance under such a program

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

(cf. 6162.51 - Standardized Testing and Reporting Program)  
(cf. 6162.8 - Research)

Notwithstanding the above requirements for prior written consent, the Santa Clara County Office of Education (SCCOE) may administer to students in grades 7-12, anonymous, voluntary, and confidential research and

evaluation tools to measure student health risks and behaviors, including tests and surveys about the student's attitudes or practices related to sex as long as parents/guardians are provided written notice and given an opportunity to request, in writing, that their child not participate. (Education Code 51938)

If the SCCOE administers a voluntary survey that already includes questions pertaining to sexual orientation and/or gender identity, the County Superintendent or designee shall not remove such questions. (Education Code 51514)

#### Exceptions to Collection of Personal Information

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

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

(cf. 5126 - Awards for Achievement)

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

Before school staff administers a survey or evaluation containing personal information as identified above or distributes an instrument to a student for the purpose of collecting personal information for marketing, the student's parent/guardian may: (20 USC 1232h; Education Code 51938)

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

(cf. 5020 - Parent Rights and Responsibilities)

Within a reasonable period of time of receiving a parent/guardian's request, the principal or designee shall permit a parent/guardian to view a survey, instrument or instructional material.

A parent/guardian may view the document any time during normal business hours.

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

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

#### Health Examinations

Authorized school officials may administer to any student any physical examination or screening permitted under California law. However, no student shall be subjected to a non-emergency, invasive physical examination without prior written notice to his/her parent/guardian, unless an applicable state law authorizes the student to provide consent without parent/guardian notification. (20 USC 1232h)

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

(cf. 5131.61 - Drug Testing)

(cf. 5141.21 - Administering Medication and Monitoring Health Conditions)

(cf. 5141.3 - Health Examinations)

(cf. 5141.32 - Health Screening for School Entry)

(cf. 5141.6 - School Health Services)

#### Notifications

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

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

Prior to administering anonymous and voluntary surveys regarding health risks and behaviors to students in grades 7-12, the SCCOE shall provide parents/guardians with written notice that the survey is to be administered. (Education Code 51938)

Parents/guardians shall also be notified of any substantive change in this policy and administrative regulation within a reasonable period of time after adoption of the change. (20 USC 1232h)

(cf. 5145.6 - Parental Notifications)

# AR 5113 Absences and Excuses

Book	Board Policies and Administrative Regulations
Section	5000 Students
Title	Absences and Excuses
Code	5113 AR
Status	Active
Adopted	January 14, 2020
Last Revised	July 25, 2023
Last Reviewed	July 25, 2023

Regular attendance plays an important role in student achievement, and the Santa Clara County Office of Education shall implement policies and measures to ensure compliance with all state attendance laws and to correct problems of chronic absence or truancy.

## Excused Absences

Subject to any applicable limitation, condition, or other requirement specified in law, a student's absence shall be excused for any of the following reasons:

1. Personal illness, including for the benefit of the pupil's mental or behavioral health (Education Code 48205)
2. Quarantine under the direction of a county or city health officer (Education Code 48205)

(cf. 5112.2 - Exclusions from Attendance)

3. Medical, dental, optometrist or chiropractic appointment (Education Code 48205)
4. Attendance at funeral services for a member of the student's immediate family (Education Code 48205)  
Such absence shall be limited to one day if the service is conducted in California or three days if the service is conducted out of state. (Education Code 48205)
5. Jury duty in the manner provided by law (Education Code 48205)
6. Illness or medical appointment of a child to whom the student is the custodial parent (Education Code 48205)  
(cf. 5146 - Married/Pregnant/Parenting Students)
7. Upon advance written request by the parent/guardian and the approval of the principal or designee, justifiable personal reasons including, but not limited to: (Education Code 48205)
  - a. Appearance in court
  - b. Attendance at a funeral service
  - c. Observance of a religious holiday or ceremony
  - d. Attendance at religious retreats for no more than four hours per semester
  - e. Attendance at an employment conference
  - f. Attendance at an educational conference on the legislative or judicial process offered by a nonprofit organization
8. Service as a member of a precinct board for an election pursuant to Elections Code 12302 (Education Code 48205)

(cf. 6142.3 - Civic Education)

9. To spend time with an immediate family member who is an active duty member of the uniformed services, as defined in Education Code 49701, and has been called to duty for deployment to a combat zone or a combat support position or is on leave from or has immediately returned from such deployment (Education Code 48205)

Such absence shall be granted for a period of time to be determined at the discretion of the County Superintendent or designee. (Education Code 48205)

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

10. Attendance at a naturalization ceremony to become a United States citizen (Education Code 48205)
11. Participation in a cultural ceremony or event which relates to the habits, practices, beliefs, and traditions of a certain group of people. (Education Code 48205)
12. For a middle school or high school student, engagement in a civic or political event provided that the student notifies the school ahead of the absence. Unless otherwise permitted by the County Superintendent or designee, students shall be limited to one such school day-long absence per school year. (Education Code 48205)
13. Participation in religious exercises or to receive moral and religious instruction at the student's place of worship or other suitable place away from school (Education Code 46014)

(cf. 6141.2 - Recognition of Religious Beliefs and Customs)

Absence for student participation in religious exercises or instruction shall not be considered an absence for the purpose of computing average daily attendance if the student attends at least the minimum school day and is not excused from school for this purpose on more than four days per school month. (Education Code 46014)

(cf. 6112 - School Day)

14. Work in the entertainment or allied industry (Education Code 48225.5)

Such absence shall be excused provided that the student holds a work permit authorizing such work and is absent for a period of not more than five consecutive days and up to five absences per school year. (Education Code 48225.5)

15. Participation with a nonprofit performing arts organization in a performance for a public school audience (Education Code 48225.5)

A student may be excused for up to five such absences per school year provided that the student's parent/guardian provides a written explanation of such absence to the school. (Education Code 48225.5)

16. Other reasons authorized at the discretion of the principal or designee based on the student's specific circumstances (Education Code 48205, 48260)

For the purpose of the absences described above, immediate family means the student's parent/guardian, brother or sister, grandparent, or any other relative living in the student's household. (Education Code 48205)

### **Method of Verification**

Student absence to care for a child for whom the student is the custodial parent shall not require a physician's note. (Education Code 48205)

For other absences, the student shall, upon returning to school following the absence, present a satisfactory explanation verifying the reason for the absence. Absences shall be verified by the student's parent/guardian, other person having charge or control of the student, or the student if age 18 or older. (Education Code 46012; 5 CCR 306)

When an absence is planned, the principal or designee shall be notified prior to the date of the absence when possible.

The following methods may be used to verify student absences:

1. Written note, fax, email, or voice mail from parent/guardian or parent representative.
2. Conversation, in person or by telephone, between the verifying employee and the student's parent/guardian or parent representative. The employee shall subsequently record the following:
  - a. Name of student
  - b. Name of parent/guardian or parent representative
  - c. Name of verifying employee
  - d. Date(s) of absence
  - e. Reason for absence
3. Visit to the student's home by the verifying employee, or any other reasonable method which establishes the fact that the student was absent for the reasons stated. The employee shall document the verification and include the information specified in item #2 above.
4. Physician's verification.
  - a. When excusing students for confidential medical services or verifying such appointments, county office of education staff shall not ask the purpose of such appointments but may request a note from the medical office to confirm the time of the appointment.
  - b. If a student shows a pattern of chronic absenteeism due to illness, county office of education staff may require physician verification of any further student absences.

(cf. 5113.1 - Chronic Absence and Truancy)

### **Parental Notifications**

At the beginning of each school year, the County Superintendent or designee shall:

1. Notify parents/guardians of the right to excuse a student from school in order to participate in religious exercises or to receive moral and religious instruction at their places of worship, or at other suitable places away from school property designated by a religious group, church, or denomination (Education Code 46014, 48980)
2. Notify students in grades 7-12 and the parents/guardians of all enrolled students 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)
3. Notify pupils and parents or guardians of pupils no less than twice during the school year on how to initiate access to available pupil mental health services on campus or in the community, or both. (Education Code 49428)
4. Notify parents/guardians that a student shall not have a grade reduced or lose academic credit for any excused absence if missed assignments and tests that can reasonably be provided are satisfactorily completed within a reasonable period of time. Such notice shall include the full text of Education Code 48205. (Education Code 48980)

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

(cf. 5145.6 - Parental Notifications)

Adopted: January 14, 2020

Revised: July 25, 2023

## AR 5121 Grades/Evaluation of Student Achievement

Book	Policies and Administrative Regulations
Section	5000 Students
Title	Grades/Evaluation of Student Achievement
Code	5121 AR
Status	Active
Adopted	October 20, 2021
Last Revised	July 20, 2021
Last Reviewed	July 20, 2021

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

(cf. 6020 - Parent Involvement)

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

(cf. 5123 - Promotion/Acceleration/Retention)

For each student in grades 9-12, the Santa Clara County Superintendent of Schools or designee shall maintain a transcript recording the courses taken, the term that each course was taken, credits earned, final grades, and date of graduation.

(cf. 5125 - Student Records)

(cf. 6146.1 - High School Graduation Requirements)

### Grades for Achievement

For grades K-3, students' level of progress shall be reported as follows:

- O Outstanding
- S Satisfactory
- N Needs Improvement

For grades 4-12, grades for achievement shall be reported for each grading period as follows:

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

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

### **Grades for the 2020-2021 School Year**

For students enrolled in grades 9-12 and enrolled in a course during the 2020-2021 school year, students 18 or older, or for students under 18, the parent, guardian, or education rights holder of a student, may request to have a letter grade from a 2020-2021 school year course changed to a Pass or No Pass grade on their transcript. Any such grade-change request must be submitted within 15 calendar days of the Santa Clara County Office of Education posting a notice on its website and providing notice to students and their parents or guardians of this grade-change option. Pursuant to Education Code section 49066.5, no grade-change request may be considered after the 15-day deadline. The County Superintendent or designee shall grant all timely grade-change requests made pursuant to this provision, without limitation on the number or type of courses for which a grade-change request is submitted. (Education Code 49066.5).

### **Grades for Physical Education**

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

(cf. 6142.7 - Physical Education and Activity)

Student performance in high school physical education courses shall be based upon evaluation of the student's individual progress, attainment of goals in each instructional area, tests designed to determine skill and knowledge, and physical performance tests. (5 CCR 10060)

### **Peer Grading**

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

### **Effect of Absences on Grades**

Teachers who withhold class credit because of excessive unexcused absences shall so inform students and parents/guardians at the beginning of the school year or semester. When a student reaches the number of unexcused absences defined as excessive in Board policy, the student and parent/guardian shall again be notified of the SCCOE policy regarding excessive unexcused absences.

(cf. 5113 - Absences and Excuses)

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

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

Grades for a student in foster care shall not be lowered if the student is absent from school due to either of the following circumstances: (Education Code 49069.5)

1. A decision by a court or placement agency to change the student's placement, in which case the student's grades and credits shall be calculated as of the date the student left school
2. A verified court appearance or related court-ordered activity

(cf. 6173.1 - Education for Foster Youth)

### **Grade Point Average**

The County Superintendent or designee shall calculate each student's GPA using the grade points assigned to each letter grade in accordance with the scale described in the section "Grades for Achievement" above. The grade points for all applicable coursework shall be totaled and divided by the number of courses completed.

No 9th-12th grade student's GPA shall be negatively impacted if a letter grade is changed to a Pass or No Pass grade for a course taken during the 2020-2021 school year. (Education Code 49066.5)

(cf. 5126 - Awards for Achievement)

(cf. 6145 - Extracurricular and Cocurricular Activities)

## AR 5125 Student Records

Book	Board Policies and Administrative Regulations
Section	5000 Students
Title	Student Records
Code	5125 AR
Status	Active
Adopted	October 20, 2010
Last Revised	May 29, 2018
Last Reviewed	May 29, 2018

Student means any individual who is or has been in attendance at an SCCOE school or program and regarding whom the SCCOE maintains student records. (34 CFR 99.3)

Attendance includes, but is not limited to, attendance in person or by paper correspondence, videoconference, satellite, Internet, or other electronic information and telecommunication technologies for students who are not physically present in the classroom, and the period during which a person is working under a work-study program. (34 CFR 99.3)

Student records are any items of information (in handwriting, print, tape, film, computer, or other medium) gathered within or outside the SCCOE that are directly related to an identifiable student and maintained by the SCCOE, required to be maintained by an employee in the performance of his/her duties, or maintained by a party acting for the SCCOE. Any information maintained for the purpose of second-party review is considered a student record. Student records include the student's health record. (34 CFR 99.3; Education Code 49061, 49062; 5 CCR 430)

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

1. Directory information  
(cf. 5125.1 - Release of Directory Information)
2. Informal notes compiled by a school officer or employee which remain in the sole possession of the maker, are used only as a personal memory aid, and are not accessible or revealed to any other person except a substitute employee
3. Records provided by law enforcement unit of the SCCOE, subject to the provisions of 34 CFR 99.8
4. Records created or received by the SCCOE after an individual is no longer a student in attendance and that are not directly related to the individual's attendance as a student
5. Grades on peer-graded papers before they are collected and recorded by a teacher

Mandatory permanent student records are those records which are maintained in perpetuity and which schools have been directed to compile by state law, regulation, or administrative directive. (5 CCR 430)

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

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

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

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

Personally identifiable information includes, but is not limited to: (34 CFR 99.3)

1. The student's name
2. The name of the student's parent/guardian or other family members
3. The address of the student or student's family
4. A personal identifier, such as the student's social security number, student number, or biometric record (e.g., fingerprints, retina and iris patterns, voiceprints, DNA sequence, facial characteristics, and handwriting)
5. Other indirect identifiers, such as the student's date of birth, place of birth, and mother's maiden name
6. Other information that, alone or in combination, is linked or linkable to a specific student that would allow a reasonable person in the school community, who does not have personal knowledge of the relevant circumstances, to identify the student with reasonable certainty
7. Information requested by a person who the district reasonably believes knows the identity of the student to whom the student record relates

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

Parent/guardian means a natural parent, an adopted parent, legal guardian, surrogate parent, or foster parent. (Education Code 49061, 56050, 56055)

School officials and employees are officials or employees whose duties and responsibilities to the SCCOE, 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 any school official, employee, contractor, or consultant whose duties, responsibilities, or contractual obligations to the SCCOE, whether routine or as a result of special circumstances, require that they have access to student records.

Contractor or consultant is anyone with a formal written agreement or contract with the SCCOE regarding the provision of services or functions outsourced to him/her by the SCCOE. Contractor or consultant shall not include a volunteer or other party. (Education Code 49076)

Custodian of records is the employee responsible for the security of student records maintained by the SCCOE and for devising procedures for assuring that access to such records is limited to authorized persons. (5 CCR 433)

County placing agency means the county social service department or county probation department. (Education Code 49061)

#### Persons Granted Absolute Access

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

1. Parents/guardians of students younger than age 18, including the parent who is not the student's custodial parent. (Education Code 49069, Family Code 3025)
2. An adult student age 18 or older or a student under the age of 18 who attends a postsecondary institution, in which case the student alone shall exercise rights related to his/her student records and grant consent for the release of records (34 CFR 99.3, 99.5)
3. Parents/guardians of an adult student with disabilities who is age 18 years or older and has been declared incompetent under state law (Education Code 56041.5)

(cf. 6159 - Individualized Education Program)

#### Access for Limited Purpose/Legitimate Educational Interest

In addition, the following persons or agencies shall have access to those particular records that are relevant to their legitimate educational interest or other legally authorized purpose: (34 CFR 99.31; Education Code 49076)

1. Parents/guardians of a dependent student age 18 or older who is a dependent child as defined under 26 USC 152 (Education Code 49076; 34 CFR 99.31)
2. Students who are age 16 or older or who have completed the 10th grade (Education Code 49076; 34 CFR 99.31)
3. School officials and employees consistent with definition provided in the section "Definitions" above (Education Code 49076; 34 CFR 99.31)
4. Members of a school attendance review board (SARB) who are authorized representatives of the SCCOE and any volunteer aide age 18 or older who has been investigated, selected, and trained by the SARB to provide follow-up services to a referred student (Education Code 49076)

(cf. 5113.1 – Truancy and Chronic Absence)

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

the disclosure is for purposes related to the student's enrollment or transfer (Education Code 49076; 34 CFR 99.31)

Unless the annual parent/guardian notification issued pursuant to Education Code 48980 includes a statement that the SCCOE may disclose students' 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 is disclosed, and give the parent/guardian or adult student an opportunity for a hearing to challenge the record. (34 CFR 99.34)

6. Federal, state, and local officials, as needed for program audits , evaluation, or compliance activity related to a state or federally funded education program and in accordance with a written agreement developed pursuant to 34 CFR 99.35 (Education Code 49076; 34 CFR 99.3, 99.31, 99.35)

7. Any county placing agency acting as an authorized representative of a state or local educational agency which is required to audit or evaluate a state or federally supported education program pursuant to item #6 above (Education Code 49076)

8. Any person, agency, or organization authorized in compliance with a court order or lawfully issued subpoena (Education Code 49077, 5 CCR 435; 34 CFR 99.31)

Unless otherwise instructed by the court, the Superintendent or designee shall, prior to disclosing a record pursuant to a court order or subpoena, 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. (Education Code 49077, 5 CCR 435; 34 CFR 99.31)

9. Any district attorney who is participating in or conducting a truancy mediation program or participating in the presentation of evidence in a truancy petition (Education Code 49076)

10. A district attorney's office for consideration against a parent/guardian for failure to comply with compulsory education laws (Education Code 49076)

11. Any probation officer, district attorney, or counsel of record for a minor student for the purposes of conducting a criminal investigation or an investigation in regards to declaring the minor student a ward of the court or involving a violation of a condition of probation, subject to specified evidentiary rules specified in Welfare and Institutions Code 701 (Education Code 49076)

When disclosing records for these purposes, the Superintendent or designee shall obtain written certification from the recipient of the records that the information will not be disclosed to another party without prior written consent of the student's parent/guardian or the holder of the student's educational rights, unless specifically authorized by state or federal law. (Education Code 49076)

12. Any judge or probation officer for the purpose of conducting a truancy mediation program for a student or for the purpose of presenting evidence in a truancy petition pursuant to Welfare and Institutions Code 681

In such cases, the judge or probation officer shall certify in writing to the Superintendent or designee that the information will be used only for truancy purposes. Upon releasing student information to a judge or probation officer in such cases, the Superintendent or designee shall inform, or provide written notification to, the student's parent/guardian within 24 hours. (Education Code 49076)

13. Foster family agencies with jurisdiction over a currently enrolled or former student; short-term residential treatment program staff responsible for the education or case management of a student; or a caregiver who has direct responsibility for the care of a student, including a certified or licensed foster parent, an approved relative or nonrelated extended family member, or a resource family, as defined (Education Code 49076)

Such individuals shall have access the students' current or most recent records of grades, transcripts, attendance, discipline, online communication on platforms established by schools for students and parents/guardians, and any individualized education program (IEP) or Section 504 plan developed and maintained by the SCCOE. (Education Code 49069.3)

(cf. 6159 - Individualized Education Program)  
(cf. 6173.1 - Education for Foster Youth)

14. A student age 14 years or older who is both a homeless student and an unaccompanied minor as defined in 42 USC 11434a (Education Code 49076)

(cf. 6173 - Education for Homeless Children)

15. An individual who completes items #1-4 of the caregiver's authorization affidavit pursuant to Family Code 6552 and signs the affidavit for the purpose of enrolling a minor in school (Education Code 49076)

16. A caseworker or other representative of a state or local child welfare agency or tribal organization that has legal responsibility for the care and protection of a student, provided that the information is directly related to providing assistance to address the student's educational needs (Education Code 49076; 20 USC 1232(g))

17. Appropriate law enforcement authorities, in circumstances where Education Code 48902 requires that the SCCOE provide special education and disciplinary records of a student with disabilities who is suspended or expelled for committing an act violating Penal Code 245 (Education Code 48902, 49076)  
When disclosing such records, the Superintendent or designee shall obtain written certification by the recipient of the record(s) as described in item #10 above. (Education Code 49076)

18. Designated peace officers or law enforcement agencies in cases where the SCCOE is authorized by law to assist law enforcement in investigations of suspected criminal conduct or kidnapping and a written parental consent, lawfully issued subpoena, or court order is submitted to the SCCOE, or information is provided to it indicating that an emergency exists in which the student's information is necessary to protect the health or safety of the student or other individuals (Education Code 49076.5; 34 CFR 99.1-99.67)

In such cases, 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 public school district or California private school. (Education Code 49076.5)

When disclosing records for the above purposes, the Superintendent or designee shall obtain the necessary documentation to verify that the person, agency, or organization is a person, agency, or organization that is permitted to receive such records.

Any person, agency, or organization granted access is prohibited from releasing information to another person, agency, or organization without written permission from the parent/guardian or adult student unless

specifically allowed by state law or the federal Family Educational Rights and Privacy Act. (Education Code 49076)

In addition, the parent/guardian or adult student may provide written consent for access to be granted to persons, agencies, or organizations not afforded access rights by law. The written consent shall specify the records to be released and the party or parties to whom they may be released. (Education Code 49075)

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

(cf. 5021 - Noncustodial Parents)

#### Discretionary Access

At his/her discretion, the Superintendent or designee may release information from a student's records to the following: (34 CFR 99.31, 99.36; Education Code 49076)

1. Appropriate persons, including parents/guardians of a student, in an emergency, if the health and safety of the student or other persons are at stake (Education Code 49076; 34 CFR 99.31, 99.32, 99.36)

When releasing information to any such appropriate person, the Superintendent or designee shall record information about the threat to the health or safety of the student or any other person that formed the basis for the disclosure and the person(s) to whom the disclosure was made. (Education Code 49076; 34 CFR 99.32)

Unless it would further endanger the health or safety of the student or other persons, the Superintendent or designee shall inform the parent/guardian or adult student within one week of the disclosure that the disclosure was made, of the articulable and significant threat to the health or safety of the student or other individuals that formed the basis for the disclosure, and of the parties to whom the disclosure was made.

2. Accrediting associations (Education Code 49076; 34 CFR 99.31)

3. Under the conditions specified in Education Code 49076 and 34 CFR 99.31, organizations conducting studies on behalf of educational institutions or agencies for the purpose of developing, validating, or administering predictive tests, administering student aid programs, or improving instruction, provided that: (Education Code 49076; 34 CFR 99.31)

a. The study is conducted in a manner that does not permit personal identification of parents/guardians and students by individuals other than representatives of the organization who have legitimate interests in the information.

b. The information is destroyed when no longer needed for the purposes for which the study is conducted.

c. The SCCOE enters into a written agreement with the organization that includes the information in 34 CFR 99.31.

4. Officials and employees of private schools or school systems where the student is enrolled or intends to enroll, subject to the rights of parents/guardians as provided in Education Code 49068 and in compliance with 34 CFR 99.34 (Education Code 49076; 34 CFR 99.31, 99.34)

5. Local health departments operating countywide or regional immunization information and reminder systems and the California Department of Public Health, unless the parent/guardian has requested that no disclosures of this type be made (Health and Safety Code 120440)

6. Contractors and consultants having a legitimate educational interest based on services or functions which have been outsourced to them through a formal written agreement or contract by the SCCOE, excluding volunteers or other parties (Education Code 49076)

(cf. 3600 - Consultants)

7. Agencies or organizations in connection with the student's application for or receipt of financial aid, provided that information permitting the personal identification of a student or his/her parents/guardians for these purposes may be disclosed only as may be necessary to determine the eligibility of the student for financial aid, determine the amount of financial aid, determine the conditions which will be imposed regarding the financial aid, or enforce the terms or conditions of the financial aid. (Education Code 49076; 34 CFR 99.31, 99.36)

8. County elections officials for the purpose of identifying students eligible to register to vote and offering such students an opportunity to register, subject to the provisions of 34 CFR 99.37 and under the condition that any information provided on this basis shall not be used for any other purpose or transferred to any other person or agency (Education Code 49076; 34 CFR 99.31, 99.37)

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

When disclosing records for the above purposes, the Superintendent or designee shall obtain the necessary documentation to verify that the person, agency, or organization is a person, agency, or organization that is permitted to receive such records.

#### De-Identification of Records

When authorized by law for any program audit, educational research, or other purposes, the Superintendent or designee may release information from a student record without prior consent of the parent/guardian or adult student after the removal of all personally identifiable information. Prior to releasing such information, the Superintendent or designee shall make a reasonable determination that the student's identity is not personally identifiable, whether through single or multiple releases and taking into account other reasonably available information. (Education Code 49074, 49076; 34 CFR 99.31)

#### Process for Providing Access to Records

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 49069; 5 CCR 433)

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

The custodian of records shall develop reasonable methods, including physical, technological, and administrative controls, to ensure that school officials and employees obtain access to only those student records in which they have legitimate educational interests. (34 CFR 99.31)

To inspect, review, or obtain copies of student records, authorized persons shall submit a request to the custodian of records. Prior to granting the request, the custodian of records shall authenticate the individual's identity. For those individuals for whom the law requires that access be granted based on a legitimate educational interest, the request shall specify such interest involved.

When prior written consent is required by law, the parent/guardian shall provide a signed and dated written consent before the district discloses the student record. Such consent may be given through electronic means in those cases where it can be authenticated. The district's consent form shall specify the records that may be disclosed, state the purpose of the disclosure, and identify the party or class of parties to whom the disclosure may be made. Upon request by the parent/guardian, the district shall provide him/her a copy of the records disclosed. (34 CFR 99.30)

Within five business days following the date of request, a parent/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)

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

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

#### Access Log

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

In every instance of inspection by persons who do not have assigned educational responsibility, the 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 custodian of records shall also make an entry in the log regarding any request for records that was denied and the reason for the denial.

The log shall include requests for access to records by:

1. Parents/guardians or adult students
2. Students who are 16 years of age or older or who have completed the 10th grade
3. Parties obtaining district-approved directory information
4. Parties who provide written parental consent, in which case the consent notice shall be filed with the record pursuant to Education Code 49075

5. School officials and employees who have a legitimate educational interest

6. Law enforcement personnel seeking to enforce immigration laws

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

#### Duplication of Student Records

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

#### Changes to Student Records

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

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

A student's legal name or gender as entered on the mandatory student record required pursuant to 5 CCR 432 shall only be changed with proper documentation. However, at the written request of a student or, if appropriate, his/her parents/guardians, the SCCOE shall use the student's preferred name and pronouns consistent with his/her gender identity on all other SCCOE-related documents.

(cf. 5145.3 - Nondiscrimination/Harassment)

#### Retention and Destruction of Student Records

All anecdotal information and assessment reports maintained as student records shall be dated and signed by the individual who originated the data. (5 CCR 431)

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

1. Legal name of student
2. Date and place of birth and method of verifying birth date
3. Sex of student
4. Name and address of parent/guardian of minor student
  - a. Address of minor student if different from the above
  - b. Annual verification of parent/guardian's name and address and student's residence

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

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

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

7. Verification of or exemption from required immunizations

(cf. 5141.31 - Immunizations)

8. Date of high school graduation or equivalent

Mandatory interim student records, unless forwarded to another district, shall be maintained subject to destruction during the third school year following a determination that their usefulness has ceased or the student has left the district. These records include: (Education Code 48918, 51747; 5 CCR 432, 437, 16027)

1. Expulsion orders and the causes therefore

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

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

3. Health information, including verification or waiver of the health screening for school entry

(cf. 5141.32 - Health Screening for School Entry)

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

(cf. 6159 - Individualized Education Program)

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

5. Language training records

(cf. 6174 - Education for English Language Learners)

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

7. Parental restrictions/stipulations regarding access to directory information

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

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

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

(cf. 6162.51 - State Academic Achievement Tests)

11. Written findings resulting from an evaluation conducted after a specified number of missed assignments to determine whether it is in a student's best interest to remain in independent study

(cf. 6158 - Independent Study)

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

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

(cf. 5144 - Discipline)

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

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

#### Transfer of Student Records

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

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

When a student transfers from this district to another school district or to a private school, the Superintendent or designee shall forward a copy of the student's mandatory permanent record as requested by the other district or private school. The original record or a copy shall be retained permanently by this district. If the transfer is to another California public school, the student's entire mandatory interim record shall also be forwarded. If the transfer is out of state or to a private school, the mandatory interim record may be forwarded. Permitted student records may be forwarded to any other district or private school. (Education Code 48918; 5 CCR 438)

Upon receiving a request from a county placing agency to transfer a student in foster care out of a district school, the Superintendent or designee shall transfer the student's records to the next educational placement within two business days. (Education Code 49069.5)

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

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

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

#### Notification of Parents/Guardians

Upon any student's initial enrollment, and at the beginning of each school year thereafter, the Superintendent or designee shall notify parents/guardians and eligible students, in writing, of their rights related to student records. If 15 percent or more of the students enrolled in the SCCOE speak a single primary language other than English, then the SCCOE shall provide these notices in that language. Insofar as practicable, the SCCOE shall provide these notices in the student's home language and shall effectively notify parents/guardians or eligible students who are disabled. (34 CFR 99.7; Education Code 49063)

(cf. 5145.6 - Parental Notifications)

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

1. The types of student records kept by the SCCOE and the information contained therein
2. The title(s) of the official(s) responsible for maintaining each type of record
3. The location of the log identifying those who request information from the records
4. SCCOE criteria for defining school officials and employees and for determining legitimate educational interest
5. SCCOE policies for reviewing and expunging student records
6. The right to inspect and review student records and the procedures for doing so
7. The right to challenge and the procedures for challenging the content of a student record that the parent/guardian or student believes to be inaccurate, misleading, or otherwise in violation of the student's privacy rights
8. The cost, if any, charged for duplicating copies of records
9. The categories of information defined as directory information pursuant to Education Code 49073
10. The right to consent to disclosures of personally identifiable information contained in the student's records except when disclosure without consent is authorized by law
11. The availability of the curriculum prospectus developed pursuant to Education Code 49091.14 containing the titles, descriptions, and instructional aims of every course offered by the school

(cf. 5020 - Parent Rights and Responsibilities)

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

13. A statement that the SCCOE forwards education records to other agencies or institutions that request the records and in which the student seeks or intends to enroll or is already enrolled as long as the disclosure is for purposes related to the student's enrollment

In addition, the annual parental notification shall include a statement that a student's citizenship status, immigration status, place of birth, or any other information indicating national origin will not be released without parental consent or a court order.

#### Student Records from Social Media

For the purpose of gathering and maintaining records of students' social media activity, the Superintendent or designee shall: (Education Code 49073.6)

1. Gather or maintain only information that pertains directly to school safety or student safety
2. Provide a student with access to any information that the SCCOE obtained from his/her social media activity and an opportunity to correct or delete such information
3. Destroy information gathered from social media and maintained in student records within one year after a student turns 18 years of age or within one year after the student is no longer enrolled in an SCCOE program, whichever occurs first
4. Notify each parent/guardian that the student's information is being gathered from social media and that any information maintained in the student's records shall be destroyed as provided in item #3 above. The notification shall also include, but is not limited to, an explanation of the process by which a student or his/her parent/guardian may access the student's records for examination of the information gathered or maintained and the process by which removal of the information may be requested or corrections to the information may be made. The notification may be provided as part of the annual parental notification required pursuant to Education Code 48980.
5. If the SCCOE contracts with a third party to gather information on a student from social media, ensure that the contract:
  - a. Prohibits the third party from using the information for purposes other than those specified in the contract or from selling or sharing the information with any person or entity other than the SCCOE, the student, or his/her parent/guardian
  - b. Requires the third party to destroy the information immediately upon satisfying the terms of the contract, or when the SCCOE notifies the third party that the student has turned 18 years of age or is no longer enrolled in an SCCOE program, whichever occurs first

Approved: October 20, 2010

Revised: May 29, 2018

## AR 5125.1 Release of Directory Information

Book	Board Policies and Administrative Regulations
Section	5000 Students
Title	Release of Directory Information
Code	5125.1 AR
Status	Active
Adopted	October 20, 2010
Last Revised	May 29, 2018
Last Reviewed	May 29, 2018

### Definition

Directory information means information contained in student record that would not generally be considered harmful or an invasion of privacy if disclosed. Such student information includes:

Name

Address

Telephone number

Email address

Date of birth

Major field of study

Participation record 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

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

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

## Notification to Parents/Guardians

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

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

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

## Parent/Guardian Consent

No directory information of a student identified as a homeless child or youth as defined in 42 USC 11434a shall be released, unless the parent/guardian, or the student if he/she is 18 years or older, has provided written consent that directory information may be released. Directory information shall not be released regarding any student whose parent/guardian notifies the SCCOE in writing that such information not be disclosed without the parent/guardian's prior consent.

For a former student, the SCCOE shall continue to honor any valid request to opt out of the disclosure of directory information made while the student was in attendance in a SCCOE program, unless the opt-out request has been rescinded.

Adopted: October 20, 2010

Revised: May 29, 2018

## AR 5141.3 Health Examinations

Book	Board Policies and Administrative Regulations
Section	5000 Students
Title	Health Examinations
Number	5141.3 AR
Status	Active
Adopted	October 20, 2010
Last Revised	October 20, 2010
Last Reviewed	October 20, 2010

The principal at each school shall notify parents/guardians of the rights of students and parents/guardians related to health examinations. (Education Code 48980)

(cf. 5145.6 - Parental Notifications)

A parent/guardian may annually file a written statement with the principal withholding consent to the physical examination of his/her child. The child shall be exempt from any physical examination but shall be subject to exclusion from attendance when contagious or infectious disease is reasonably suspected. (Education Code 49451)

(cf. 5112.2 - Exclusions from Attendance)

(cf. 5141.22 - Infectious Diseases)

### Vision and Hearing Tests

Students shall have their vision and hearing tested by qualified personnel authorized by the Santa Clara County Office of Education. (Education Code 49452, 49454)

All students shall be tested for visual acuity when they first enroll in elementary school and every three years thereafter until the student completes grade 8. External observations of the student's eyes, visual performance and perception shall be made by the school nurse and the classroom teacher. (Education Code 49455)

For male students, color vision shall be tested one time, after the student reaches grade 1. Results of the test shall be entered into the student's health record. (Education Code 49455)

Evaluation of a student's vision may be waived at the parent/guardian's request if the parent/guardian presents a certificate from either a medical doctor or an optometrist specifying the results of an examination of the student's vision including visual acuity, and, in male students, color vision. (Education Code 49455)

Visual defects or any other defects found as a result of the vision examination shall be reported to the parent/guardian with a request that remedial action be taken to correct or cure the defect. If made in writing, such reports shall not include a referral to any private practitioner, and the report of a visual defect shall be made on a form prescribed by the Superintendent of Public Instruction. (Education Code 49456) The student may be referred to a public clinic or diagnostic and treatment center operated by a public hospital or by the state, county or city department of public health. (Education Code 49456)

## Scoliosis Screening

Each female student in grade 7 and each male student in grade 8 shall be screened for scoliosis. This screening shall comply with California Department of Education standards and shall be performed by qualified personnel as specified in law. (Education Code 49452.5)

Persons performing the screening shall not solicit, encourage or advise treatment of the student for scoliosis or any other condition discovered in the course of the screening. (Education Code 49452.5)

The parent/guardian of any student suspected of having scoliosis shall receive a notice which includes an explanation of scoliosis and describes the significance of treatment at an early age. This notice shall also describe the public services available for treatment and include a referral to appropriate community resources. (Education Code 49452.5)

## AR 5141.32 Health Screen for School Entry

Book	Policies and Administrative Regulations
Section	5000 Students
Title	Health Screen for School Entry
Code	5141.32 AR
Status	Active
Adopted	October 20, 2010
Last Revised	October 20, 2010
Last Reviewed	October 20, 2010

Cautionary Notice: As added and amended by SBX3 4 (Ch. 12, Third Extraordinary Session, Statutes of 2009) and ABX4 2 (Ch. 2, Fourth Extraordinary Session, Statutes of 2009), Education Code 42605 grants district flexibility in "Tier 3" categorical programs. The Santa Clara County Office of Education has accepted this flexibility and thus is deemed in compliance with the statutory or regulatory program and funding requirements for these programs for the 2008-2009 through 2012-2013 fiscal years. As a result, the district may temporarily suspend certain provisions of the following policy or regulation that reflect these requirements. For further information, please contact the Superintendent or designee.

### Comprehensive Health Screening for Grades K-1

The parent/guardian of a student in kindergarten or first grade shall submit to the Santa Clara County Superintendent of Schools or designee a certification form developed by the California Department of Health Care Services (DHCS) and signed by the student's health examiner certifying that the student has completed a comprehensive health screening within 18 months prior to entry into first grade or within 90 days thereafter. (Health and Safety Code 124040, 124085)

(cf. 5111 - Admission)

(cf. 5141.3 - Health Examinations)

The County Superintendent or designee shall notify parents/guardians of all kindergarten students of the requirement to obtain a health screening and of the availability of the Child Health and Disability Prevention (CHDP) program established pursuant to Health and Safety Code 124025-124110 to assist eligible low-income families in obtaining the health screening. (Health and Safety Code 124100)

(cf. 5145.6 - Parental Notifications)

The notice and certification form shall be included with the notification of immunization requirements provided to parents/guardians prior to their child's enrollment in kindergarten and shall encourage completion of the health screening simultaneously with immunizations. The notice shall also be provided to the parent/guardian of any student who is enrolling in first grade without having attended kindergarten in the Santa Clara County Office of Education.

(cf. 5141.31 - Immunizations)

In lieu of the certification, the parent/guardian may submit a waiver on a form developed by DHCS indicating that he/she does not want or is unable to obtain a health screening. If the waiver indicates that the parent/guardian was unable to obtain the services, the reasons should be included in the waiver. (Health and Safety Code 124085)

The waiver form shall be provided to a parent/guardian upon request.

The completed certification form or the waiver shall be maintained in the student's health file or cumulative record. (5 CCR 432)

(cf. 5125 - Student Records)

During the first 90 days of the school year, the County Superintendent or designee may contact any parent/guardian of a first-grade student who has not provided either the certification form or the waiver to ensure that the parent/guardian understands the health screening requirement and, if appropriate, his/her possible eligibility for the CHDP program.

The County Superintendent or designee shall exclude from school, for not more than five school days, any first-grade student who does not present evidence of a health screening or a waiver on or before the 90th day after entering first grade. The exclusion shall begin on the 91st day after the student's entrance into the first grade, or if school is not in session, then on the next succeeding school day. (Health and Safety Code 124105)

The County Superintendent or designee may exempt a student from exclusion when his/her parents/guardians have been contacted at least twice between the first day and the 90th day after the student's enrollment in first grade and the parents/guardians refuse to provide either a certification form or a waiver. (Health and Safety Code 124105)

(cf. 5112.2 - Exclusions from Attendance)

#### Oral Health Assessment for Grades K-1

No later than May 31 of the relevant school year, the parent/guardian of a kindergarten student, or first-grade student who was not previously enrolled in kindergarten in a public school, shall certify that the student has received an oral health assessment. The oral health assessment shall have been performed by a licensed dentist or other authorized dental health professional no earlier than 12 months prior to the date of the student's initial enrollment. The parent/guardian shall submit to the County Superintendent or designee a California Department of Education standardized form which has been completed and signed by the dental health professional. (Education Code 49452.8)

The County Superintendent or designee shall notify parents/guardians of the oral health assessment requirement. The notification shall, at a minimum, consist of a letter that includes all of the following: (Education Code 49452.8)

1. An explanation of the administrative requirements of the law
2. Information on the importance of primary teeth

3. Information on the importance of oral health to overall health and to learning
4. A toll-free telephone number to request an application for Healthy Families, MediCal, or other government-subsidized health insurance programs
5. Contact information for county public health departments
6. A statement of privacy applicable under state and federal laws and regulations

The notification and certification form shall be provided to parents/guardians when they register their child for school.

The student may be excused from complying with the oral health assessment if his/her parent/guardian indicates on the standardized form that it could not be completed for any of the following reasons: (Education Code 49452.8)

1. Completion of an assessment poses an undue financial burden on the parent/guardian.
2. The parent/guardian lacks access to a licensed dentist or other dental health professional.
3. The parent/guardian does not consent to an assessment.

Students who are not assessed, or for whom the parents/guardians fail to return the standardized form, shall not be excluded from school attendance.

By December 31 of each year, the County Superintendent or designee shall report data on oral health assessments to the county office of education in accordance with Education Code 49452.8.

The report shall also be provided to the Santa Clara County Board of Education. The identity of any student shall not be included in the report.

Legal Reference:

EDUCATION CODE

48985 Notice to parents in language other than English

49060-49079 Pupil records

49452.8 Oral health assessment

HEALTH AND SAFETY CODE

104395 Child Health and Disability Prevention Program expansion

124025-124110 Child Health and Disability Prevention Program, especially:

124085 Certificate documenting health screening and evaluation services; waiver by parent/guardian

124100 Distribution of program information to parents/guardians of kindergarten children

124105 Exclusions and exemption; legislative intent of notification contents

CODE OF REGULATIONS, TITLE 5

432 Student records

CODE OF REGULATIONS, TITLE 17

6800-6874 Child Health and Disability Prevention Program

Management Resources:

CSBA PUBLICATIONS

Promoting Oral Health for California's Students: New Roles, New Opportunities for Schools, Governance and Policy Services, Policy Brief, February 2007

DEPARTMENT OF HEALTH CARE SERVICES PUBLICATIONS

CHDP School Handbook: School Entry Health Examination Requirements, rev. January 2006

WEB SITES

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

California Department of Education, Health Services: <http://www.cde.ca.gov/ls/he/hn>

California Dental Association: <http://www.cda.org>

California Department of Health Care Services, Child Health and Disability Prevention Program:

<http://www.dhcs.ca.gov/services/chdp> California Healthy Kids Resource Center:

<http://www.californiahealthykids.org>

## AR 5141.6 School Health Services

Book	Board Policies and Administrative Regulations
Section	5000 Students
Title	School Health Services
Number	5141.6 AR
Status	Active
Adopted	October 20, 2010
Last Revised	October 20, 2010
Last Reviewed	October 20, 2010

### Program Components

The SCCOE school health services program shall meet, or have a plan to meet, the following requirements: (Health and Safety Code 124174.6)

1. Strive to provide a comprehensive set of services including medical, oral health, mental health, health education, and related services in response to community needs

2. Provide primary and other health care services, provided or supervised by a licensed professional, which may include all of the following:

a. Physical examinations, immunizations, and other preventive medical services

(cf. 5141.26 - Tuberculosis Testing)

(cf. 5141.3 - Health Examinations)

(cf. 5141.31 - Immunizations)

(cf. 5141.32 - Health Screening for School Entry)

b. Diagnosis and treatment of minor injuries and acute medical conditions

c. Management of chronic medical conditions

(cf. 5141.23 - Asthma Management)

d. Basic laboratory tests

e. Referrals to and follow-up for specialty care

f. Reproductive health services

(cf. 5141.25 - Availability of Condoms)

g. Nutrition services

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

(cf. 5030 - Student Wellness)

h. Mental health services, provided or supervised by an appropriately licensed mental health professional, which may include assessments, crisis intervention, counseling, treatment, and referral to a continuum of services including emergency psychiatric care, community support programs, inpatient care, and outpatient programs

The Santa Clara County Superintendent of Schools or designee shall collaborate with the county mental health department in planning and service delivery.

(cf. 1020 - Youth Services)

(cf. 5131.6 - Alcohol and Other Drugs)

(cf. 5141.52 - Suicide Prevention)

(cf. 6164.2 - Counseling/Guidance Services)

i. Oral health services that may include preventive services, basic restorative services, and referral to specialty services

3. Work in partnership with the school nurse, if one is employed by the school to provide:

a. Individual and family health education

b. School or districtwide health promotion

c. First aid and administration of medications

(cf. 5141.21 - Administering Medication and Monitoring Health Conditions)

d. Facilitation of student enrollment in health insurance programs

e. Screening of students to identify the need for physical, mental, and oral health services

f. Referral and linkage to services not offered on-site

g. Public health and disease surveillance

h. Emergency response procedures

(cf. 5141 - Health Care and Emergencies)

4. Have a written contract or memorandum of understanding between the Santa Clara County Office of Education and the health care provider or any other community provider that ensures coordination of services, confidentiality of health information consistent with applicable federal and state laws, and integration of services into the school environment

(cf. 3312 - Contracts)

5. Serve all students in the school regardless of ability to pay

6. Be open during all normal school hours, except that services may be provided on a more limited basis if resources are not available or on a more expansive basis if dictated by community needs and resources are available
7. Establish protocols for referring students to outside services when the school health center is closed
8. Facilitate transportation between the school and the health center if the health center is not located on school or SCCOE property

#### Medi-Cal Billing

In order to provide services as a Medi-Cal provider, the SCCOE shall enter into and maintain a contract with the California Department of Health Care Services (DHCS). (Welfare and Institutions Code 14132.06; 22 CCR 51051, 51270)

The County Superintendent or designee shall submit a claim for Medi-Cal reimbursement whenever the SCCOE provides a covered preventive, diagnostic, therapeutic, or rehabilitative service specified in 22 CCR 51190.4 or 51360 to a Medi-Cal-eligible student under age 22 and/or a member of his/her family. (Welfare and Institutions Code 14132.06; 22 CCR 51096, 51098, 51190.1, 51190.4, 51309, 51360, 51535.5)

(cf. 5141.24 - Specialized Health Care Services)  
(cf. 6159 - Individualized Education Program)

The SCCOE shall maintain records including, but not limited to, records of the type and extent of services provided to a Medi-Cal beneficiary in accordance with law. (22 CCR 51270)

(cf. 3580 - District Records)  
(cf. 5125 - Student Records)

The County Superintendent or designee shall ensure that all practitioners employed by or under contract with the SCCOE possess the appropriate license, certification, registration, or credential and provide only those services that are within their scope of practice. (22 CCR 51190.3, 51270, 51491)

Any federal funds received by the SCCOE as reimbursement for the costs of services under the Medi-Cal billing option shall be reinvested in services for students and their families as specified in Education Code 8804(g). The County Superintendent or designee shall consult with a local school-linked services collaborative group, such as that defined in Education Code 8806, regarding decisions on reinvestment of federal funds. (22 CCR 51270)

#### Medi-Cal Administrative Activities

Designated school staff shall document, on a time survey form, the amount of time spent on activities identified by DHCS which are related to the administration of the Medi-Cal program. Such activities include, but are not be limited to:

1. Outreach

2. Referral of health and mental health services
3. Translation services
4. Facilitation of applications
5. Scheduling and arranging emergency and medical transportation of eligible individuals
6. Contracting for services
7. Program planning and policy development
8. Claims administration
9. General administration

The County Superintendent or designee shall, on a quarterly basis, submit an invoice to the local educational consortium or local governmental agency through which the SCCOE has contracted to receive reimbursement.

Staff responsible for completing the time survey shall annually participate in training regarding eligible activities and the time survey methodology, and shall receive additional training whenever there are changes or updates in administrative claiming categories and activities. New or reassigned staff shall receive training before beginning their duties completing time surveys.

The County Superintendent or designee shall maintain an audit file containing original time survey documentation and other records specified by DHCS. Such documentation shall be kept for three years after the end of the quarter in which expenditures were incurred or, if an audit is in progress, until the completion of the audit.

## AR 5145.3 Nondiscrimination and Harassment

Book	Policies and Administrative Regulations
Section	5000 Students
Title	Nondiscrimination and Harassment
Code	5145.3 AR
Status	Active
Adopted	May 30, 2017
Last Revised	July 30, 2024
Last Reviewed	July 30, 2024
Prior Revised Dates	May 29, 2018

The Santa Clara County Office of Education (SCCOE) designates the individual(s) identified below as the employee(s) responsible for coordinating the SCCOE's efforts to comply with applicable state and federal civil rights laws, including Title IX of the Education Amendments of 1972, Section 504 of the Rehabilitation Act of 1973, Title II of the Americans with Disabilities Act, and the Age Discrimination Act of 1975, and to answer inquiries regarding the SCCOE's nondiscrimination policies. The individual(s) shall also serve as the compliance officer(s) specified in AR 1312.3 - Uniform Complaint Procedures as the responsible employee to handle complaints alleging unlawful discrimination targeting a student, including discriminatory harassment, intimidation, or bullying, based on the student's actual or perceived race, color, ancestry, national origin, nationality, immigration status, ethnicity, ethnic group identification, age, religion, marital or parental status, pregnancy, physical or mental disability, sex, sexual orientation, gender, gender identity, gender expression, genetic information, or any other legally protected status or association with a person or group with one or more of these actual or perceived characteristics. The coordinator/compliance officer(s) may be contacted at: (Education Code 234.1; 5 CCR 4621)

### Personnel Related:

Assistant Superintendent, Personnel Services MC 264  
1290 Ridder Park Drive  
San Jose, CA 95131  
(408) 453-6844

### Student Related:

Assistant Superintendent, Educational Services MC 271  
1290 Ridder Park Drive  
San Jose, CA 95131  
(408) 453-6560

(cf. 1312.3 - Uniform Complaint Procedures)

### Measures to Prevent Discrimination

To prevent unlawful discrimination, including discriminatory harassment, intimidation, retaliation, and bullying, of students at SCCOE programs or in program activities and to ensure equal access of all students to the educational program, the County Superintendent or designee shall implement the following measures:

1. Publicize the SCCOE's nondiscrimination policy and related complaint procedures, including the coordinator/compliance officer's contact information, to students, parents/guardians, employees, volunteers, and the general public by posting them on the SCCOE's web site and other prominent locations and providing easy access to them through SCCOE-supported communications, when available.
2. Provide to students, employees, volunteers, and parents/guardians age-appropriate training and information regarding the SCCOE's nondiscrimination policy; what constitutes prohibited discrimination, including discriminatory harassment, intimidation, retaliation, or bullying; how and to whom a report of an incident should be made; and how to guard against segregating or stereotyping students when providing instruction, guidance, supervision, or other services to them. Such training and information shall include details of guidelines the SCCOE may use to provide a discrimination-free environment for all SCCOE students, including transgender and gender-nonconforming students.
3. Post the definition of discrimination and harassment based on sex as described in Education Code 230, including the rights set forth in Education Code 221.8, in a prominent location on the SCCOE's web site in a manner that is easily accessible to parents/guardians and students. (Education Code 234.6)
4. Post in a prominent and conspicuous location on the SCCOE and school web sites information regarding Title IX prohibitions against discrimination based on a student's sex, gender, gender identity, pregnancy, and parental status, including the following: (Education Code 221.61)
  - a. The name and contact information of the SCCOE's Title IX coordinator, including the phone number and email address.
  - b. The rights of students and the public and the responsibilities of the SCCOE under Title IX, including a list of rights as specified in Education Code 221.8 and web links to information about those rights and responsibilities located on the web sites of the Office for Equal Opportunity and the U.S. Department of Education's Office for Civil Rights (OCR).
  - c. A description of how to file a complaint of noncompliance with Title IX in accordance with AR 1312.3 - Uniform Complaint Procedures, which shall include:
    - i. An explanation of the statute of limitations within which a complaint must be filed after an alleged incident of discrimination has occurred and how a complaint may be filed beyond the statute of limitations.
    - ii. An explanation of how the complaint will be investigated and how the complainant may further pursue the complaint, including web links to this information on the OCR's web site.
    - iii. A web link to the OCR complaints form and the contact information for the office, including the phone number and email address for the office.
5. Post a link to statewide CDE-compiled resources, including community-based organizations, that provide support to youth who have been subjected to school-based discrimination, harassment, intimidation, or bullying and to their families. Such resources shall be posted in a prominent location

on the SCCOE's web site in a manner that is easily accessible to parents/guardians and students.  
(Education Code 234.5, 234.6)

(cf. 1113 - SCCOE Web Sites)

6. Provide to students a handbook that contains age-appropriate information that clearly describes the SCCOE's nondiscrimination policy, procedures for filing a complaint, and resources available to students who feel that they have been the victim of any such behavior. (Education Code 234.1)
7. Annually notify all students and parents/guardians of the SCCOE's nondiscrimination policy, including its responsibility to provide a safe, nondiscriminatory school environment for all students, including transgender and gender-nonconforming students. The notice shall inform students and parents/guardians that they may request to meet with the compliance officer to determine how best to accommodate or resolve concerns that may arise from the SCCOE's implementation of its nondiscrimination policies. The notice shall also inform all students and parents/guardians that, to the extent possible, the SCCOE will address any individual student's interests and concerns in private.

(cf. 5145.6 - Parental Notifications)

8. The County Superintendent or designee shall ensure that students and parents/guardians, including those with Limited English Proficiency (LEP), are notified of how to access the relevant information provided in the SCCOE's nondiscrimination policy and related complaint procedures, notices, and forms in a language they can understand.

If 15 percent or more of students enrolled in a particular SCCOE school speak a single primary language other than English, the SCCOE's policy, regulation, forms, and notices concerning nondiscrimination shall be translated into that language in accordance with Education Code 234.1 and 48985. In all other instances, the SCCOE shall ensure meaningful access to all relevant information for parents/guardians with LEP.

(cf. 1240 - Volunteer Assistance)

(cf. 4131 - Staff Development)

(cf. 4231 - Staff Development)

(cf. 4331 - Staff Development)

9. At the beginning of each school year, inform school employees that any employee who witnesses any act of unlawful discrimination, including discriminatory harassment, intimidation, or bullying, against a student is required to intervene if it is safe to do so. (Education Code 234.1)
10. At the beginning of each school year, inform each principal or designee of the SCCOE's responsibility to provide appropriate assistance or resources to protect students from threatened or potentially discriminatory behavior and ensure their privacy rights.

## Enforcement of SCCOE Policy

The County Superintendent or designee shall take appropriate actions to reinforce BP 5145.3 - Nondiscrimination/Harassment. As needed, these actions may include any of the following:

1. Removing vulgar or offending graffiti.

(cf. 5131.5 - Vandalism and Graffiti)

2. Providing training to students, staff, and parents/guardians about how to recognize unlawful discrimination, how to report it or file a complaint, and how to respond.
3. Disseminating and/or summarizing the SCCOE's policy and regulation regarding unlawful discrimination.
4. Consistent with the laws regarding the confidentiality of student and personnel records, communicating the school's response to students, parents/guardians, and the community.

(cf. 4112.6/4212.6/4312.6 - Personnel Files)

(cf. 4119.23/4219.23/4319.23 - Unauthorized Release of Confidential/Privileged Information)

(cf. 5125 - Student Records)

5. Taking appropriate disciplinary action against students, employees, and anyone determined to have engaged in wrongdoing in violation of SCCOE policy, including any student who is found to have filed a complaint of discrimination that they knew was not true.

(cf. 4118 - Suspension/Disciplinary Action)

(cf. 4218 - Dismissal/Suspension/Disciplinary Action)

(cf. 5144 - Discipline)

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

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

## Process for Initiating and Responding to Complaints

Any student who feels they have been subjected to unlawful discrimination described above or in SCCOE policy is strongly encouraged to immediately contact the compliance officer, principal, or any other staff member. In addition, any student who observes any such incident is strongly encouraged to report the incident to the compliance officer or principal, whether or not the alleged victim files a complaint.

Any school employee who observes an incident of unlawful discrimination, including discriminatory harassment, intimidation, retaliation, or bullying, or to whom such an incident is reported shall report the incident to the compliance officer or principal within a school day, whether or not the alleged victim files a complaint.

Any school employee who witnesses an incident of unlawful discrimination, including discriminatory harassment, intimidation, retaliation, or bullying, shall immediately intervene to stop the incident when it is safe to do so. (Education Code 234.1)

When a verbal report of unlawful discrimination, including discriminatory harassment, intimidation, retaliation, or bullying, is made to or received by the principal or compliance officer, they shall make a note of the report and encourage the student or parent/guardian to file the complaint in writing, pursuant to the provisions in AR 1312.3 - Uniform Complaint Procedures. Once notified verbally or in writing, the principal or compliance officer shall begin the investigation and shall implement immediate measures necessary to stop the discrimination and ensure that all students have access to the educational program and a safe school environment. Any interim measures adopted to address unlawful discrimination shall, to the extent possible, not disadvantage the complainant or a student who is the victim of the alleged unlawful discrimination.

Any report or complaint alleging unlawful discrimination by the principal, compliance officer, or any other person to whom a report would ordinarily be made or complaint filed shall instead be made to or filed with the County Superintendent or designee who shall determine how the complaint will be investigated.

(cf. 4141.4 - Child Abuse Prevention and Reporting)

#### Transgender and Gender-Nonconforming Students

Gender identity of a student means the student's gender-related identity, appearance, or behavior as determined from the student's internal sense of their gender, whether or not that gender-related identity, appearance, or behavior is different from that traditionally associated with the student's physiology or assigned sex at birth.

Gender expression means a student's gender-related appearance and behavior, whether stereotypically associated with the student's assigned sex at birth. (Education Code 210.7)

Gender transition refers to the process in which a student changes from living and identifying as the sex assigned to the student at birth to living and identifying as the sex that corresponds to the student's gender identity.

Gender-nonconforming student means a student whose gender expression differs from stereotypical expectations.

Intersex student means a student with natural bodily variations in anatomy, hormones, chromosomes, and other traits that differ from expectations generally associated with female and male bodies.

Nonbinary student means a student whose gender identity falls outside of the traditional conceptions of strictly either female or male, regardless of whether the student identifies as transgender, was born with intersex traits, uses gender-neutral pronouns, or uses agender, genderqueer, pangender, gender nonconforming, gender variant, or such other more specific term to describe their gender.

Transgender student means a student whose gender identity is different from the gender assigned at birth.

The SCCOE prohibits acts of verbal, nonverbal, or physical aggression, intimidation, or hostility that are based on sex, gender identity, or gender expression, or that have the purpose or effect of producing a negative impact on the student's academic performance or of creating an intimidating, hostile, or offensive educational environment, regardless of whether the acts are sexual in nature. Examples of the types of conduct which are prohibited and which may constitute gender-based harassment include, but are not limited to:

1. Refusing to address a student by a name and the pronouns consistent with their gender identity.
2. Disciplining or disparaging a student or excluding them from participating in activities for behavior or appearance that is consistent with their gender identity or that does not conform to stereotypical notions of masculinity or femininity, as applicable.
3. Blocking a student's entry to the bathroom that corresponds to the student's gender identity.
4. Taunting a student because they participate in an athletic activity more typically favored by a student of the other sex.
5. Revealing a student's transgender status to individuals who do not have a legitimate need for the information, without the student's consent.
6. Use of gender-specific slurs.
7. Physical assault of a student motivated by hostility toward them because of their gender, gender identity, or gender expression.

The SCCOE's uniform complaint procedures (1312.3 AR) or Title IX sexual harassment procedures, as applicable, shall be used to report and resolve complaints alleging discrimination against intersex, nonbinary, transgender, and gender-nonconforming students.

Examples of bases for complaints include, but are not limited to, the above list, as well as improper rejection by the SCCOE of a student's asserted gender identity, denial of access to facilities that correspond with a student's gender identity, improper disclosure of a student's transgender status, discriminatory enforcement of a dress code, and other instances of gender-based harassment.

To ensure that intersex, nonbinary, transgender and gender-nonconforming students are afforded the same rights, benefits, and protections provided to all students by law and SCCBOE policy, the SCCOE shall address each situation on a case-by-case basis, in accordance with the following guidelines:

1. Right to privacy: A student's transgender or gender-nonconforming status is their private information and the SCCOE shall only disclose the information to others with the student's prior written consent, except when the disclosure is otherwise required by law or when the SCCOE has compelling evidence that disclosure is necessary to preserve the student's physical or mental well-being.

In any case, the SCCOE shall only allow disclosure of a student's personally identifiable information to employees with a legitimate educational interest as determined by the SCCOE pursuant to 34 CFR 99.3 Any SCCOE employee to whom a student's intersex, nonbinary, transgender or gender-nonconforming status is disclosed shall keep the student's information confidential. When disclosure of a student's gender identity is made to a SCCOE employee by a student, the employee shall seek the student's permission to notify the compliance officer. If the student refuses to give permission, the employee shall keep the student's information confidential, unless they are required to disclose or report the student's information pursuant to this administrative regulation and shall inform the student that honoring the student's request may limit the SCCOE's ability to meet the student's needs related to their status as a transgender or gender-nonconforming

student. If the student permits the employee to notify the compliance officer, the employee shall do so within three school days.

As appropriate given the student's need for support, the compliance officer may discuss with the student any need to disclose the student's transgender or gender-nonconformity status or gender identity or gender expression to their parents/guardians and/or others, including other students, teacher(s), or other adults on campus. The SCCOE shall offer support services, such as counseling, to students who wish to inform their parents/guardians of their status and desire assistance in doing so.

(cf. 1340 - Access to SCCOE Records)

2. Determining a Student's Gender Identity: The compliance officer shall accept the student's assertion of their gender identity and begin to treat the student consistent with their gender identity unless SCCOE personnel present a credible and supportable basis for believing that the student's assertion is for an improper purpose.
3. Addressing a Student's Transition Needs: The compliance officer shall arrange a meeting with the student and, if appropriate, the student's parents/guardians to identify and develop strategies for ensuring that the student's access to education programs and activities is maintained. The meeting shall discuss the intersex, nonbinary, transgender or gender-nonconforming student's rights and how those rights may affect and be affected by the rights of other students and shall address specific subjects related to the student's access to facilities and to academic or educational support programs, services, or activities, including, but not limited to, sports and other competitive endeavors. In addition, the compliance officer shall identify specific school site employee(s) to whom the student may report any problem related to their status as an intersex, nonbinary, transgender or gender-nonconforming individual, so that prompt action could be taken to address it. Alternatively, if appropriate and desired by the student, the school may form a support team for the student that will meet periodically to assess whether the arrangements for the student are meeting their educational needs and providing equal access to programs and activities, educate appropriate staff about the student's transition, and serve as a resource to the student to better protect the student from gender-based discrimination.
4. Accessibility to Sex-Segregated Facilities, Programs, and Activities: When the SCCOE maintains sex-segregated facilities, such as restrooms and locker rooms, or offers sex-segregated programs and activities, such as physical education classes, intermural sports, and interscholastic athletic programs, students shall be permitted to access facilities and participate in programs and activities consistent with their gender identity. To address any student's privacy concerns in using sex-segregated facilities, the SCCOE shall offer available options such as a gender-neutral or single-use restroom or changing area, a bathroom stall with a door, an area in the locker room separated by a curtain or screen, access to a staff member's office, or use of the locker room before or after the other students. However, the SCCOE shall not require a student to utilize these options because they are intersex, nonbinary, transgender or gender-nonconforming. In addition, a student shall be permitted to participate in accordance with their gender identity in other circumstances where students are separated by gender, such as for class discussions, yearbook pictures, and field trips. A student's right to participate in a sex-segregated activity in accordance with their gender identity shall not render invalid or inapplicable any other eligibility rule established for participation in the activity.

(cf. 6153 - School-Sponsored Trips)

(cf. 7110 - Facilities Master Plan)

5. Student Records: Upon each student's enrollment, the SCCOE is required to maintain a mandatory permanent student record (official record) that includes the student's gender and legal name.

A student's legal name as entered on the mandatory student record required pursuant to 5 CCR 432 shall only be changed with proper documentation. A student's gender as entered on the student's official record required pursuant to 5 CCR 432 shall only be changed with written authorization of a parent/guardian having legal custody of the student. (Education Code 49061)

However, when proper documentation or authorization, as applicable, is not submitted with a request to change a student's legal name or gender, any change to the student's record shall be limited to the student's unofficial records such as attendance sheets, report cards, and school identification.

(cf. 5125 - Student Records)

(cf. 5125.1 - Release of Directory Information)

6. Names and Pronouns: If a student so chooses, SCCOE personnel shall be required to address the student by a name and the pronouns consistent with the student's gender identity, without the necessity of a court order or a change to the student's official SCCOE record. However, inadvertent slips or honest mistakes by SCCOE personnel in the use of the student's name and/or consistent pronouns will, in general, not constitute a violation of this administrative regulation or the accompanying SCCOE policy.
7. Uniforms/Dress Code: A student has the right to dress in a manner consistent with their gender identity, subject to any dress code adopted on a school site.

(cf. 5132 - Dress and Grooming)

## AR 5145.7 Sexual Harassment

Book	Board Policies and Administrative Regulations
Section	5000 Students
Title	Sexual Harassment (Students)
Number	5145.7 AR
Status	Active
Adopted	October 20, 2010
Last Revised	November 3, 2020
Last Reviewed	November 3, 2020
Prior Revised Dates	April 30, 2019

The County Superintendent of Schools designates the following individual(s) as the responsible employee(s) to coordinate the Santa Clara County Office of Education's (SCCOE) efforts to comply with Title IX of the Education Amendments of 1972 and California Education Code 234.1, as well as to investigate and resolve sexual harassment complaints under the SCCOE's uniform complaint procedures (UCP). The Title IX coordinator/compliance officer may be contacted at:

Assistant Superintendent  
Educational Services Division  
1290 Ridder Park Drive  
San Jose, CA 95131  
(408) 453-6560

(cf. 1312.3 - Uniform Complaint Procedures)  
(cf. 5145.71 - Title IX Sexual Harassment Complaint Procedures)

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

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

Examples of types of conduct which are prohibited, and which may constitute sexual harassment include, but are not limited to:

1. Unwelcome leering, sexual flirtations, or propositions
2. Unwelcome sexual slurs, epithets, threats, verbal abuse, derogatory comments, or sexually degrading descriptions
3. Graphic verbal comments about an individual's body or overly personal conversation
4. Sexual jokes, derogatory posters, notes, stories, cartoons, drawings, pictures, obscene gestures, or computer-generated images of a sexual nature
5. Spreading sexual rumors
6. Teasing or sexual remarks about students enrolled in a predominantly single-sex class
7. Massaging, grabbing, fondling, stroking, or brushing the body
8. Touching an individual's body or clothes in a sexual way
9. Impeding or blocking movements or any physical interference with school activities when directed at an individual on the basis of sex
10. Displaying sexually suggestive objects
11. Sexual assault, sexual battery, or sexual coercion
12. Electronic communications containing comments, words, or images described above

Any prohibited conduct that occurs off campus or outside of school-related or school-sponsored programs or activities shall be regarded as sexual harassment in violation of SCCOE policy if it has a continuing effect on or creates a hostile school environment for the complainant or victim of the conduct.

#### Instruction/Information

Students in all SCCOE programs shall receive age-appropriate information on sexual harassment. Such instruction and information shall include:

1. What acts and behavior constitute sexual harassment, including the fact that sexual harassment could occur between people of the same sex and could involve sexual violence
2. A clear message that students do not have to endure sexual harassment under any circumstance
3. Encouragement to report observed incidents of sexual harassment even where the alleged victim of the harassment has not complained
4. A clear message that student safety is the SCCOE's primary concern, and that any separate rule violation involving an alleged victim or any other person reporting a sexual harassment incident will be addressed separately and will not affect the manner in which the sexual harassment complaint will be received, investigated, or resolved
5. A clear message that, regardless of a complainant's noncompliance with the writing, timeline, or other formal filing requirements, every sexual harassment allegation that involves a student, whether as the complainant, respondent, or victim of the harassment, shall be investigated and prompt action shall be taken to stop any harassment, prevent recurrence, and address any continuing effect on students
6. Information about the SCCOE's procedure for investigating complaints and the person(s) to whom a report of sexual harassment should be made

7. Information about the rights of students and parents/guardians to file a civil or criminal complaint, as applicable, including the right to file a civil or criminal complaint while the SCCOE investigation of a sexual harassment complaint continues

8. A clear message that, when needed, supportive measures will be taken to ensure a safe school environment for a student who is the complainant or victim of sexual harassment and/or other students during an investigation

#### Notifications

A copy of the COE's sexual harassment policy and regulation shall:

1. Be included in the notifications that are sent to parents/guardians at the beginning of each school year (Education Code 48980; 5 CCR 4917)
2. Be displayed in a prominent location in the main administrative building or other area where notices of COE rules, regulations, procedures, and standards of conduct are posted (Education Code 231.5)
3. Be summarized on a poster which shall be prominently and conspicuously displayed in each bathroom and locker room at each school. The poster may be displayed in public areas that are accessible to and frequented by students, including, but not limited to, classrooms, hallways, gymnasiums, auditoriums, and cafeterias. The poster shall display the rules and procedures for reporting a charge of sexual harassment; the name, phone number, and email address of an appropriate school employee to contact to report a charge of sexual harassment; the rights of the reporting student, the complainant, and the respondent; and the responsibilities of the school. (Education Code 231.6)
4. Be posted in a prominent location on the COE's web site in a manner that is easily accessible to parents/guardians and students. This shall include the name or title, office address, email address, and telephone number of the employee(s) designated as the COE's Title IX Coordinator. (Education Code 234.6; 34 CFR 106.8)
5. Be provided as part of any orientation program conducted for new and continuing students at the beginning of each quarter, semester, or summer session (Education Code 231.5)
6. Appear in any publication that sets forth the program/school's or COE's comprehensive rules, regulations, procedures, and standards of conduct (Education Code 231.5)
7. Be included in any handbook provided to students, parents/guardians, employees, or employee organizations (34 CFR 106.8)

#### Reporting Complaints

A student or parent/guardian who believes that the student has been subjected to sexual harassment by another student, an employee, or a third party or who has witnessed sexual harassment is strongly encouraged to report the incident to a teacher, the principal or program administrator, the SCCOE's Title IX Coordinator, or any other available SCCOE employee. Within one school day of receiving such a report, the principal/program administrator or other school employee shall forward the report to the SCCOE's Title IX Coordinator. Any SCCOE employee who observes an incident of sexual harassment involving a student shall, within one school day, report this observation to the principal/program administrator or Title IX Coordinator regardless of whether the alleged victim files a formal complaint.

If the Title IX Coordinator determines a complaint of sexual harassment involves off-campus conduct and the conduct may create or contribute to the creation of a hostile school environment, the complaint shall be investigated and resolved in the same manner as if the prohibited conduct occurred at school.

When a verbal or informal report of sexual harassment is submitted, the student or parent/guardian shall be informed of the right to file a formal written complaint in accordance with the SCCOE's applicable complaint procedure.

#### Complaint Procedures

All complaints of sexual harassment by and against students shall be investigated and resolved in accordance with law and SCCOE procedures. The Title IX Coordinator shall review the allegations to determine the applicable procedure for responding to the complaint. All complaints that meet the definition of sexual harassment under Title IX shall be investigated and resolved pursuant to 34 CFR 106.44-106.45. Other sexual harassment complaints shall be investigated and resolved pursuant to BP/AR 1312.3 - Uniform Complaint Procedures.

# AR 6020 Parent Involvement

Book	Policies and Administrative Regulations
Section	6000 Instruction
Title	Parent Involvement
Code	6020 AR
Status	Active
Adopted	June 7, 2016
Last Revised	June 7, 2016
Last Reviewed	June 7, 2016

## SCCOE Strategies for Title I Schools

To ensure that parents/guardians of students participating in Title I programs are provided with opportunities to be involved in their children's education, the Santa Clara County Superintendent of Schools (County Superintendent) or designee shall:

1. Involve parents/guardians of participating students in the joint development of the Title I local educational agency (LEA) plan pursuant to 20 USC 6312 and the process of school review and improvement pursuant to 20 USC 6316 (20 USC 6318)

(cf. 6171 - Title I Programs)

The County Superintendent or designee may:

- a. Establish a committee including parent/guardian representatives from each school site to review and comment on the LEA plan in accordance with the review schedule established by the Governing Board
- b. Invite input on the LEA plan from other school committees and school site councils

(cf. 0420 - School Plans/Site Councils)

(cf. 1220 - Citizen Advisory Committees)

- c. Communicate with parents/guardians through a newsletter, web site, or other methods regarding the LEA plan and the opportunity to provide input
- d. Provide copies of working drafts of the LEA plan to parents/guardians in an understandable and uniform format and, to the extent practicable, in a language the parents/guardians can understand
- e. Ensure that there is an opportunity at a public Board meeting for public comment on the LEA plan prior to the Board's approval of the plan or revisions to the plan

- f. Ensure that school-level policies on parent involvement address the role of school site councils and other parents/guardians as appropriate in the development and review of school plans
2. Provide coordination, technical assistance, and other support necessary to assist Title I schools in planning and implementing effective parent involvement activities to improve student academic achievement and school performance (20 USC 6318)

The County Superintendent or designee may:

- a. Assign person(s) to serve as a liaison to the schools regarding Title I parent involvement issues
  - b. Provide training for the principal or designee of each participating school regarding Title I requirements for parent involvement, leadership strategies, and communication skills to assist him/her in facilitating the planning and implementation of parent involvement activities
  - c. Provide ongoing workshops to assist school site staff and parents/guardians in planning and implementing improvement strategies, and seek input from parents/guardians in developing the workshops
  - d. Provide information to schools about the indicators and assessment tools that will be used to monitor progress
3. Build the capacity of schools and parents/guardians for strong parent involvement (20 USC 6318)

The County Superintendent or designee shall: (20 USC 6318)

- a. Assist parents/guardians in understanding such topics as the state's academic content standards and academic achievement standards, state and local academic assessments, the requirements of Title I, and how to monitor a child's progress and work with educators to improve the achievement of their children

(cf. 6011 - Academic Standards)  
(cf. 6162.5 - Student Assessment)  
(cf. 6162.51 - Standardized Testing and Reporting Program)  
(cf. 6162.52 - High School Exit Examination)

- b. Provide materials and training to help parents/guardians work with their children to improve their children's achievement, such as literacy training and using technology, as appropriate, to foster parent involvement
  - c. Educate teachers, student services personnel, principals, and other staff, with the assistance of parents/guardians, in the value and utility of parent/guardian contributions and in how to reach out to, communicate with, and work with parents/guardians as equal partners, implement and coordinate parent/guardian programs, and build ties between parents/guardians and the schools

(cf. 4131 - Staff Development)

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

- d. To the extent feasible and appropriate, coordinate and integrate parent involvement programs and activities with Head Start, Reading First, Early Reading First, Even Start, Home Instruction Programs for Preschool Youngsters, Parents as Teachers Program, public preschool, and other programs, and conduct other activities, such as parent resource centers, that encourage and support parents/guardians in more fully participating in their children's education
- e. Ensure that information related to school and parent/guardian programs, meetings, and other activities is sent to the parents/guardians of participating students in a format and, to the extent practicable, in a language the parents/guardians can understand
- f. Provide other such reasonable support for parent involvement activities as parents/guardians may request

In addition, the County Superintendent or designee may:

- a. Pay reasonable and necessary expenses associated with parent involvement activities, including transportation and child care costs, to enable parents/guardians to participate in school-related meetings and training sessions
- b. Train parents/guardians to enhance the involvement of other parents/guardians
- c. Arrange school meetings at a variety of times or, when parents/guardians are unable to attend such conferences, conduct in-home conferences between parents/guardians and teachers or other educators who work directly with participating students
- d. Adopt and implement model approaches to improving parent involvement
- e. Develop appropriate roles for community-based organizations and businesses in parent involvement activities
- f. Make referrals to community agencies and organizations that offer literacy training, parent education programs, and/or other services that help to improve the conditions of parents/guardians and families

(cf. 1020 - Youth Services)

- g. Provide a master calendar of COE activities and school meetings
- h. Provide information about opportunities for parent involvement through the newsletter, web site, or other written or electronic means
- i. To the extent practicable, provide translation services at school sites and at meetings involving parents/guardians as needed

- j. Provide training and information to members of district and school site councils and advisory committees to help them fulfill their functions
- k. Regularly evaluate the effectiveness of staff development activities related to parent involvement

4. Coordinate and integrate Title I parent involvement strategies with Head Start, Reading First, Early Reading First, Even Start, Home Instruction Program for Preschool Youngsters, Parents as Teachers Program, public preschool, and other programs (20 USC 6318)

(cf. 6300 - Preschool/Early Childhood Education)

5. Conduct, with involvement of parents/guardians, an annual evaluation of the content and effectiveness of the parent involvement policy in improving the academic quality of the schools served by Title I (20 USC 6318)

The County Superintendent or designee shall:

- a. Ensure that the evaluation include the identification of barriers to greater participation in parent involvement activities, with particular attention to parents/guardians who are economically disadvantaged, are disabled, have limited English proficiency, have limited literacy, or are of any racial or ethnic minority background (20 USC 6318)
- b. Use the evaluation results to design strategies for more effective parent involvement and, if necessary, to recommend changes in the parent involvement policy (20 USC 6318)
- c. Assess the COE's progress in meeting annual objectives for the parent involvement program, notify parents/guardians of this review and assessment through regular school communications mechanisms, and provide a copy to parents/guardians upon their request (Education Code 11503)

The County Superintendent or designee may:

- a. Use a variety of methods, such as focus groups, surveys, and workshops, to evaluate the satisfaction of parents/guardians and staff with the quality and frequency of COE communications
  - b. Gather and monitor data regarding the number of parents/guardians participating in school activities and the types of activities in which they are engaged
  - c. Recommend to the Board measures to evaluate the impact of the COE's parent involvement efforts on student achievement
6. Involve parents/guardians in the activities of schools served by Title I (20 USC 6318)

The County Superintendent or designee may:

- a. Include information about school activities in COE communications to parents/guardians

- b. To the extent practicable, assist schools with translation services or other accommodations needed to encourage participation of parents/guardians with special needs
- c. Establish processes to encourage parent/guardian input regarding their expectations and concerns for their children

The COE's Board policy and administrative regulation containing parent involvement strategies shall be incorporated into the LEA plan and distributed to parents/guardians of students participating in Title I programs. (20 USC 6318)

(cf. 5145.6 - Parental Notifications)

#### School-Level Policies for Title I Schools

At each school receiving Title I funds, a written policy on parent involvement shall be developed jointly with and agreed upon by parents/guardians of participating students. Such policy shall describe the means by which the school will: (20 USC 6318)

1. Convene an annual meeting, at a convenient time, to which all parents/guardians of participating students shall be invited and encouraged to attend, in order to inform parents/guardians of their school's participation in Title I and to explain Title I requirements and the right of parents/guardians to be involved
2. Offer a flexible number of meetings, such as meetings in the morning or evening, for which related transportation, child care, and/or home visits may be provided as such services relate to parent involvement
3. Involve parents/guardians in an organized, ongoing, and timely way in the planning, review, and improvement of Title I programs, including the planning, review, and improvement of the school's parent involvement policy and, if applicable, the joint development of the plan for schoolwide programs pursuant to 20 USC 6314

The school may use an existing process for involving parents/guardians in the joint planning and design of the school's programs provided that the process includes adequate representation of parents/guardians of participating students.

4. Provide the parents/guardians of participating students all of the following:
  - a. Timely information about Title I programs
  - b. A description and explanation of the school's curriculum, forms of academic assessment used to measure student progress, and the proficiency levels students are expected to meet

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

(cf. 5123 - Promotion/Acceleration/Retention)

- c. If requested by parents/guardians, opportunities for regular meetings to formulate suggestions and to participate, as appropriate, in decisions related to their children's education, and, as soon as practicably possible, responses to the suggestions of parents/guardians
5. If the schoolwide program plan is not satisfactory to the parents/guardians of participating students, submit any parent/guardian comments when the school makes the plan available to the district
  6. Jointly develop with the parents/guardians of participating students a school-parent compact that outlines how parents/guardians, the entire school staff, and students will share responsibility for improved student academic achievement and the means by which the school and parents/guardians will build a partnership to help students achieve state standards

(cf. 0520.1 - High Priority Schools Grant Program)

This compact shall address:

- a. The school's responsibility to provide high-quality curriculum and instruction in a supportive and effective learning environment that enables participating students to achieve the state's student academic achievement standards
- b. Ways in which parents/guardians will be responsible for supporting their children's learning, such as monitoring attendance, homework completion, and television viewing; volunteering in the classroom; and participating, as appropriate, in decisions related to their children's education and the positive use of extracurricular time

(cf. 1240 - Volunteer Assistance)

(cf. 5020 - Parent Rights and Responsibilities)

(cf. 5113 - Absences and Excuses)

(cf. 6145 - Extracurricular/Cocurricular Activities)

(cf. 6154 - Homework/Makeup Work)

- c. The importance of communication between teachers and parents/guardians on an ongoing basis through, at a minimum:
  - (1) Parent-teacher conferences in elementary schools, at least annually, during which the compact shall be discussed as it relates to the student's achievement
  - (2) Frequent reports to parents/guardians on their children's progress
  - (3) Reasonable access to staff, opportunities to volunteer and participate in their child's classroom, and observation of classroom activities
7. Build the capacity of the school and parents/guardians for strong parent involvement by implementing the activities described in items #3a-f in the section "District Strategies for Title I Schools" above

8. To the extent practicable, provide full opportunities for the participation of parents/guardians with limited English proficiency, parents/guardians with disabilities, and parents/guardians of migrant children, including providing information and school reports required under 20 USC 6311(h) in a format and language such parents/guardians can understand

If the school has a parent involvement policy that applies to all parents/guardians, it may amend that policy to meet the above requirements. (20 USC 6318)

Each school's parent involvement policy shall be made available to the local community and distributed to parents/guardians of participating students in an understandable and uniform format and, to the extent practicable, provided in a language the parents/guardians can understand. (20 USC 6318)

Each school receiving Title I funds shall annually evaluate the effectiveness of its parent involvement policy. Such evaluation may be conducted during the process of reviewing the school's single plan for student achievement in accordance with Education Code 64001.

The principal or designee, jointly with parents/guardians of participating students, shall periodically update the school's policy to meet the changing needs of parents/guardians and the school. (20 USC 6318)

Approved by SCCOE Cabinet on June 7, 2016

## AR 6174 Education for English Learners

Book	Board Policies and Administrative Regulations
Section	6000 Instruction
Title	Education for English Learners
Code	6174 AR
Status	Active
Adopted	October 20, 2010
Last Revised	November 6, 2018
Last Reviewed	November 6, 2018

### Definitions

English learner means a student who is age 3-21 years, who is enrolled or is preparing to enroll in an elementary or secondary school, and whose difficulties in speaking, reading, writing, or understanding the English language may be sufficient to deny the student the ability to meet state academic standards, the ability to successfully achieve in classrooms where the language of instruction is English, or the opportunity to participate fully in society. An English learner may include a student who was not born in the United States or whose native language is a language other than English; a student who is Native American or Alaska Native, or a native resident of the outlying areas, who comes from an environment where a language other than English has had a significant impact on the individual's level of English language proficiency; or a student who is migratory, whose native language is a language other than English, and who comes from an environment where a language other than English is dominant.

Designated English language development means instruction provided during a time set aside in the regular school day for focused instruction on the state-adopted English language development standards to assist English learners to develop critical English language skills necessary for academic content learning in English.

Integrated English language development means instruction in which the state-adopted English language development standards are used in tandem with the state-adopted academic content standards. Integrated English language development includes specially designed academic instruction in English. Native speaker of English means a student who has learned and used English in his/her home from early childhood and English has been his/her primary means of concept formation and communication.

### Identification and Assessment

Upon enrollment, each student's primary language shall be determined through use of a home language survey. Any student who is identified as having a primary language other than English as determined by the home language survey, and for whom there is no record of results from an English language proficiency test, shall be initially assessed for English proficiency using the English Language Proficiency Assessments for California (ELPAC).

Each year after a student is identified as an English learner and until he/she is redesignated as English proficient, the summative assessment of the ELPAC shall be administered to the student during a four-month period after January 1 as determined by the California Department of Education.

The ELPAC shall be administered in accordance with test publisher instructions. Variations and accommodations in test administration may be provided to English learners pursuant to 5 CCR 11518.30-11518.35.

Any student with a disability who is identified as an English learner shall be allowed to take the assessment with those accommodations for testing that the student has regularly used during instruction and classroom assessment as delineated in the student's individualized education program (IEP) or Section 504 plan. If the student is unable to participate in the assessment or a portion of the assessment even with such accommodations, an alternate assessment for English language proficiency shall be administered to the student as set forth in his/her IEP.

The Santa Clara County Office of Education shall notify parents/guardians of their child's results on the ELPAC Summative Assessment within 30 calendar days following receipt of the results from the test contractor.

For those children who have not been identified as ELs prior to the beginning of the school year, the LEA shall notify parents within the first two weeks of the child's placement in the language instruction educational program. Not later than 30 calendar days after the beginning of the school year, each parent/guardian of a student participating in, or identified for participation in, a language instruction program supported by federal Title I or Title III funds shall receive notification of the assessment of his/her child's English proficiency. The notice shall include all of the following:

1. The reason for the student's classification as an English learner and the need for placement in a language acquisition program.
2. The level of English proficiency, how the level was assessed, and the status of the student's academic achievement.
3. A description of the language acquisition program in which the student is, or will be, participating, including a description of all of the following:
  - a. The methods of instruction used in the program and in other available programs, including how such programs differ in content, instructional goals, and the use of English and a native language in instruction
  - b. The manner in which the program will meet the educational strengths and needs of the student
  - c. The manner in which the program will help the student develop his/her English proficiency and meet age-appropriate academic standards for grade promotion and graduation
  - d. The specific exit requirements for the program, the expected rate of transition from the program into classes not tailored for English learner students, and the expected rate of graduation from secondary school if applicable
  - e. Where the student has been identified for special education, the manner in which the program meets the requirements of the student's IEP
4. As applicable, the identification of a student as a long-term English learner or at risk of becoming a long-term English learner, as defined in Education Code 313.1, and the manner in which the program for English language development instruction will meet the educational strengths and needs of such students and help such students develop English proficiency and meet age-appropriate academic standards
5. Information about the parent/guardian's right to have the student immediately removed from a program upon the parent/guardian's request
6. Information regarding a parent/guardian's option to decline to allow the student to become enrolled in the program or to choose another program or method of instruction, if available
7. Information designed to assist a parent/guardian in selecting among available programs, if more than one program or method is offered.

Whenever parents/guardians of enrolled students, and those enrolled for attendance in the next school year, request that the SCCOE establish a specific language acquisition program in accordance with Education Code 310, such requests shall be addressed through the following process:

1. The school shall make a written record of each request, including any request submitted verbally, that includes the date of the request, the names of the parent/guardian and student making the request, a general description of the request, and the student's grade level on the date of the request. As needed, the school shall assist the parent/guardian in clarifying the request. All requests shall be maintained for at least three years from the date of the request.
2. The school shall monitor requests on a regular basis and notify the County Superintendent or designee when the parents/guardians of at least 30 students enrolled in the school, or at least 20 students in the same grade level, request the same or a substantially similar type of language acquisition program. If the requests are for a multilingual program model, the SCCOE shall consider requests from parents/guardians of students enrolled in the school who are native English speakers in determining whether this threshold is reached.
3. If the number of parents/guardians described in item #2 is attained, the County Superintendent or designee shall:
  - a. Within 10 days of reaching the threshold, notify the parents/guardians of students attending the school, the school's teachers, administrators, and the district's English learner parent advisory committee and parent advisory committee, in writing, of the requests for a language acquisition program.
  - b. Identify costs and resources necessary to implement any new language acquisition program, including, but not limited to, certificated teachers with the appropriate authorizations, necessary instructional materials, pertinent professional development for the proposed program, and opportunities for parent/guardian and community engagement to support the proposed program goals.
  - c. Within 60 calendar days of reaching the threshold number of parents/guardians described in item #2 above, determine whether it is possible to implement the requested language acquisition program and provide written notice of the determination to parents/guardians of students attending the school, the school's teachers, and administrators d. If a determination is made to implement the language acquisition program, create and publish a reasonable timeline of actions necessary to implement the program. If a determination is made that it is not possible to implement the program, provide a written explanation of the reason(s) the program cannot be provided.

Students with disabilities are to be provided the same access and opportunities to English language acquisition as students without disabilities. The requirements in a student's IEP or Section 504 Plan are federal requirements. If either the IEP or 504 Plan calls for primary language instruction, the student does not need a parental exception waiver to receive such instruction. The Individuals with Disabilities Education Act (IDEA) and Section 504 of the Rehabilitation Act (Section 504) require that an LEA provide to ELs with disabilities both the language assistance and disability-related services to which they are entitled under federal law. The SCCOE must inform parents of EL students with IEPs how the language instruction education program meets the objectives of the child's IEP. Even if the parent declines disability-related services under IDEA or Section 504, that student with a disability remains entitled to all EL rights and services.

To ensure that ELs with disabilities receive services that meet their language and special education needs, at least one member of the IEP team should be a professional with training and expertise in second language

acquisition and with an understanding of how to differentiate between the student's limited English proficiency and the student's disability.

All linguistic and academic services for ELs with disabilities described in their IEPs or Section 504 Accommodation Plans must be provided by qualified teachers who have credentials that authorize instruction to students with disabilities and ELs. Special education instruction must be provided by: (1) a teacher with both a special education and the appropriate EL authorization or certificate (BCLAD, CLAD, SB 1969, or SB 2913); or (2) a team of teachers who collectively possess the appropriate credentials.

The SCCOE shall notify parents/guardians at the beginning of each school year or upon the student's enrollment regarding the process to request a language acquisition program, including a dual-language immersion program, for their child. The notice shall also include the following:

1. A description of the programs provided, including structured English immersion.
2. Identification of any language to be taught in addition to English when the program includes instruction in a language other than English.
3. The manner in which the program is designed using evidence-based research and includes both designated and integrated English language development.
4. The manner in which the SCCOE has allocated sufficient resources to effectively implement the program, including, but not limited to, certificated teachers with the appropriate authorizations, necessary instructional materials, pertinent professional development, and opportunities for parent/guardian and community engagement to support the program goals.
5. The manner in which the program will, within a reasonable period of time, lead to language proficiency and achievement of the state-adopted content standards in English and, when the program includes instruction in another language, in that other language.
6. The process to request establishment of a language acquisition program not offered at the school.
7. For any dual-language immersion program offered, the specific languages to be taught. The notice also may include the program goals, methodology used, and evidence of the proposed program's effectiveness.

#### Reclassification/Redesignation

The SCCOE shall continue to provide additional and appropriate educational services to English learners for the purposes of overcoming language barriers until they:

1. Demonstrate English language proficiency comparable to that of the SCCOE average native English language speakers.
2. Recoup any academic deficits which may have been incurred in other areas of the core curriculum as a result of language barriers.

English learners shall be redesignated as fluent English proficient when they are able to comprehend, speak, read and write English well enough to receive instruction in an English language mainstream classroom and make academic progress at a level substantially equivalent to that of students of the same age or grade whose primary language is English and who are in the regular course of study.

The following measures shall be used to determine whether an English learner shall be reclassified as fluent English proficient:

1. Assessment of English language proficiency utilizing an objective assessment instrument, including, but not limited to, the ELPAC.
2. Teacher evaluation, including, but not limited to, a review of the student's curriculum mastery.
3. Parent/guardian opinion and consultation. The County Superintendent or designee shall provide the Parents/guardians with notice and a description of the reclassification process, including notice of their right to participate in the process. Parent/guardian participation in the process shall be encouraged.
4. Comparison of student performance in basic skills against an empirically established range of performance in basic skills based on the performance of English proficient students of the same age.

Pursuant to California Code of Regulations, 5 CCR, 11308 (c)(6) (Advisory Committees), any local reclassification procedures must be reviewed by the school SCCOE advisory committee on programs and services for English learners (ELs).

#### English Learners with an Active IEP

Reclassification of English learners who have an active IEP and are receiving special education and related services must meet the criteria listed above in 1-4. (E.C. Section 313(f)) SCCOE programs shall not create or adopt "blanket" alternative criteria for students with disabilities. However, in accordance with federal and state law, the IEP team may address the individual needs of an English learner with a disability with additional criteria but cannot substitute the four required criteria listed above.

Although reclassification takes place outside of the IEP process, it is important that the IEP team be informed of the decision to reclassify a student as the decisions may have an impact on the student's IEP. An IEP discussion is important because reclassification may necessitate changes to the student's goals or services.

The Superintendent or designee shall monitor the progress of reclassified students to ensure their correct classification and placement. (5 CCR 11304) Each LEA must monitor the progress of reclassified pupils for a minimum of four years to ensure correct classification, placement, and additional academic support, as needed.

#### Advisory Committees

At the SCCOE level when there are more than 50 English learners in SCCOE and at each school with more than 20 English learners, parent/guardian advisory committees shall be maintained to serve the advisory functions specified in law.

Parents/guardians of English language learners shall constitute committee membership in at least the same percentage as their children represent of the total number of students in the school.

The SCCOE English language advisory committee shall advise the County Board on at least the following tasks:

1. The development of a SCCOE master plan of education programs and services for English learners, taking into consideration the school site plans for English learners
2. The countywide needs assessment on a school-by-school basis
3. Establishment of a SCCOE program, goals and objectives for programs and services for English learners
4. Development of a plan to ensure compliance with applicable teacher or aide requirements
5. Administration of the annual language census
6. Review of and comment on the SCCOE reclassification procedures.

Additionally, the advisory committee may provide input on the language acquisition program through the LCAP community engagement process.

In order to assist advisory members in carrying out their responsibilities, the County Superintendent or designee shall ensure that committee members receive appropriate training and materials. This training shall be planned in full consultation with the members.

#### English Learner Advisory Committee

The SCCOE ELAC shall advise the County Board on at least the following tasks:

1. Development of a master plan for education programs and services for English learners. The master plan will take into consideration the school site master plans.
2. Conducting an SCCOE-wide needs assessment on a school-by-school basis.
3. Establishment of SCCOE program, goals, and objectives for programs and services for English learners.
4. Development of a plan to ensure compliance with any applicable teacher and/or teacher aide requirements.
5. Review and comment on reclassification procedures.
6. Review and comment on the written notifications required to be sent to parents and guardians.
7. If the ELAC acts as the English learner parent advisory committee under California Education Code Sections 52063(b)(1) and 52062(a)(2), the ELAC shall also review and comment on the development or annual update of the Local Control and Accountability Plan (LCAP).\*

#### LCAP Advisory Committee

When there are at least 15 percent English learners in an SCCOE program, with at least 50 students who are English learners, a SCCOE-level English learner parent advisory committee shall be established to review and comment on the SCCOE's local control and accountability plan (LCAP) in accordance with BP 0460 - Local Control and Accountability Plan. The committee shall be composed of a majority of parents/guardians of English learners.

The advisory committee established pursuant to 5 CCR 11308, as described in the section "Advisory Committee" above, could serve as the LCAP English learner advisory committee if its composition includes a majority of parents/guardians of English learners.

## BP 0410 Nondiscrimination in SCCOE Programs and Activities

Book	Board Policies and Administrative Regulations
Section	0000 Philosophy, Goals, Objectives, and Comprehensive Plans
Title	Nondiscrimination in SCCOE Programs and Activities
Number	SP 0410
Status	Active
Adopted	November 10, 2020
Last Revised	October 2, 2024
Last Reviewed	October 2, 2024
Prior Revised Dates	November 10, 2020, January 10, 2024

This policy shall apply to all acts related to a program activity or program attendance and to all acts of the Santa Clara County Board of Education (SCCBOE) and the Santa Clara County Superintendent of Schools (County Superintendent) in enacting policies and procedures that govern the Santa Clara County Office of Education (SCCOE).

The Santa Clara County Office of Education (SCCOE) is committed to equal opportunity for all individuals in education. SCCOE's programs, activities, and practices shall be free from unlawful discrimination against an individual or group based on race, color, ancestry, nationality, national origin, immigration status, ethnic group identification, ethnicity, age, religion, marital, pregnancy, childbirth, termination of pregnancy, or lactation, including related medical conditions and recovery; parental, family or marital status; reproductive health decision making; physical or mental disability; medical condition; sex; sex stereotypes; sex characteristics; sexual orientation; gender; gender identity; gender expression; veteran or military status; or genetic information; a perception of one or more of such characteristics; or association with a person or group with one or more of these actual or perceived characteristics. The SCCOE shall promote programs which ensure that discriminatory practices are eliminated in all SCCOE activities.

(cf. 1240 - Volunteer Assistance)  
(cf. 4030 - Nondiscrimination in Employment)  
(cf. 4032 - Reasonable Accommodation)  
(cf. 4033 - Lactation Accommodation)  
(cf. 4119.11/4219.11/4319.11 - Sexual Harassment)  
(cf. 4161.8/4261.8/4361.8 - Family Care and Medical Leave Act)  
(cf. 5131.2 – Anti-Bullying)  
(cf. 5145.3 - Nondiscrimination/Harassment)  
(cf. 5145.7 - Sexual Harassment)  
(cf. 5145.9 - Hate-Motivated Behavior)  
(cf. 6145 - Extracurricular and Cocurricular Activities)  
(cf. 6164.4 - Identification and Evaluation of Individuals for Special Education)  
(cf. 6164.6 - Identification and Education Under Section 504)  
(cf. 6178 - Career Technical Education)

All individuals shall be treated equitably in the receipt of SCCOE programs and activities. Personally identifiable information collected in the implementation of any SCCOE program, including, but not limited to, student and family information for the free and reduced-price lunch program, transportation, or any other

educational program, shall be used only for the purposes of the program, except when the County Superintendent or designee authorizes its use for another purpose in accordance with law. Resources and data collected by the SCCOE shall not be used, directly or by others, to compile a list, registry, or database of individuals based on race, gender, sexual orientation, religion, ethnicity, national origin, or immigration status or any other category identified above.

(cf. 5145.13 - Response to Immigration Enforcement)

SCCOE programs and activities shall be free of any discriminatory use, selection, or rejection of textbooks, instructional materials, library books, or similar educational resources.

The use of any textbook, instructional material, supplemental instructional material, or other curriculum for classroom instruction, or any book or other resource in a school library shall not be rejected or prohibited by the SCCBOE or SCCOE on the basis that it includes a study of the role and contributions of any individual or group consistent with the requirements of Education Code 51204.5 and 60040, unless such study would violate Education Code 51501 or 60044. (Education Code 243)

Additionally, the use of any textbook, instructional material, supplemental instructional material, or other curriculum for classroom instruction, or any book or other resource in a school library shall not be rejected or approved by the SCCBOE or SCCOE if the use would subject a student to unlawful discrimination as specified in Education Code 220. (Education Code 244) SCCOE programs and activities shall be free of any racially derogatory or discriminatory program or athletic team names, mascots, or nicknames. (Education Code 221.2-221.3)

Periodically, SCCOE facilities, programs, and activities shall be reviewed to ensure the removal of any barrier that may unlawfully prevent an individual or group in any of the protected categories stated above from accessing SCCOE programs and activities, including the use of facilities. Prompt and reasonable actions shall be taken to remove any identified barrier.

(cf. 1330 – Use of Facilities)

Except for allegations of sex discrimination or sex-based harassment, allegations of unlawful discrimination in SCCOE programs and activities shall be brought, investigated, and resolved in accordance with the law, SCCBOE policy on Uniform Complaint Procedures, and related County Superintendent-approved procedures. (5CCR 4600-4670) Complaints alleging sex discrimination, including sex-based harassment, shall be investigated and resolved in accordance with 34 CFR 106.44 and 106.45.

(cf. 1312.3 - Uniform Complaint Procedures)

Pursuant to 34 CFR 104.8 and 106.8, the County Superintendent or designee shall notify students, parents/guardians, employees, employee organizations, applicants for admission and employment, and sources of referral for applicants about the SCCOE's policy on nondiscrimination and related complaint procedures. Such notification shall be included in the annual parent notification distributed pursuant to Education Code 48980 and, as applicable, in each announcement, bulletin, catalog, handbook, application form, or other materials distributed to these groups and, as applicable, to the public. As appropriate, such notification shall be posted in SCCOE programs and offices, including staff lounges, student government meeting rooms, and other prominent locations and shall be posted on the SCCOE's web site and, when available, SCCOE-supported social media.

(1113 - SCCOE Web Sites)  
(cf. 4112.9/4212.9/4312.9 - Employee Notifications) (cf.  
5145.6 - Parental Notifications)

In addition, the annual parental notification shall inform parents/guardians of their children's right to a free public education regardless of immigration status or religious beliefs, including information on educational rights issued by the California Attorney General. Such information may be provided through any other cost-effective means determined by the County Superintendent or designee. (Education Code 234.7)

The SCCOE's nondiscrimination policy and related informational materials shall be published in a format that parents/guardians can understand. In addition, when 15 percent or more of a program's students speak a single primary language other than English, those materials shall be translated into that other language. (Education Code 48985; 20 USC 6312)

#### Access for Individuals with Disabilities

SCCOE programs and facilities, viewed in their entirety, shall be in compliance with the Americans with Disabilities Act (ADA) and any implementing standards and/or regulations. (28 CFR 35.150)

When structural changes to existing SCCOE facilities are needed to provide individuals with disabilities access to programs, services, activities, or facilities, the County Superintendent or designee shall develop a transition plan that sets forth the steps for completing the changes. (28 CFR 35.150)

(cf. 7110 - Facilities Master Plan)

The County Superintendent has designated the following ADA Coordinator to receive requests for accommodation and to receive and investigate complaints regarding access to SCCOE facilities, programs, services and activities: (28 CFR 35.107)

Dr. Jessica Bonduris, Associate Superintendent, Professional Learning and Support Division  
1290 Ridder Park Drive MC 237  
San Jose, CA 95131  
(408) 453-6842  
jbonduris@sccoe.org

The County Superintendent or designee shall ensure that the SCCOE's web and mobile applications comply with technical standards prescribed by law, and as necessary, shall provide appropriate auxiliary aids and services when necessary to afford individuals with disabilities equal opportunity to participate in or enjoy the benefits of a service, program or activity. These aids and services may include, but are not limited to, qualified interpreters or readers, assistive listening devices, assistive technologies or other modifications to increase accessibility to SCCOE-supported websites, note takers, written materials, taped text, and Braille or large print materials. (28 CFR 35.130, 35.160, 36.303)

The SCCOE shall develop and update transition plans when necessary to address structural changes that are needed to provide accessibility to SCCOE facilities, activities, services, and programs. (28 CFR 35.150)

The SCCOE shall develop a complaint procedure consistent with the Americans with Disabilities Act and with Section 504 of the Rehabilitation Act.

Individuals with disabilities shall notify the ADA Coordinator if they have a disability that requires special assistance or services. Reasonable notification should be given prior to a county office and school-sponsored functions, programs, or meetings.

Legal Reference:

EDUCATION CODE

200-262.4 Prohibition of discrimination 48980 Parental notifications

48985 Notices to parents in language other than English 51007 Legislative intent: state policy

GOVERNMENT CODE

83103.3 California Religious Freedom Act 11000 Definitions

11135 Nondiscrimination in programs or activities funded by state 12900-12996 Fair Employment and Housing Act

54953.2 Brown Act compliance with Americans with Disabilities Act PENAL CODE

422.55 Definition of hate crime

422.6 Interference with constitutional right or privilege CODE OF REGULATIONS, TITLE 5

4600-4687 Uniform complaint procedures

4900-4965 Nondiscrimination in elementary and secondary education programs UNITED STATES CODE, TITLE 20

1400-1482 Individuals with Disabilities in Education Act 1681-1688 Discrimination based on sex or blindness, Title IX

2301- 2414 Strengthening Career and Technical Education for the 21st Century Act 6311 State plans

6312 Local education agency plans UNITED STATES CODE, TITLE 29

794 Section 504 of the Rehabilitation Act of 1973 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 2000h-2000h-6 Title IX

12101-12213 Americans with Disabilities Act CODE OF FEDERAL REGULATIONS, TITLE 28

35.101-35.190 Americans with Disabilities Act, especially:

35.107 Designation of responsible employee and adoption of grievance procedures

35.136 Service animals

35.150-35.151 Program accessibility; facilities

35.160 Communications, general

36.303 Auxiliary aids and services

CODE OF FEDERAL REGULATIONS, TITLE 34

100.1-100.13 Nondiscrimination in federal programs, effectuating Title VI 104.1-104.39 Section 504 of the Rehabilitation Act of 1973

106.1-106.61 Discrimination on the basis of sex, effectuating Title IX, especially:

106.9 Dissemination of policy Management Resources:

CSBA PUBLICATIONS

Updated Legal Guidance: Protecting Transgender and Gender Nonconforming Students Against Sex Discrimination, July 2016

CALIFORNIA OFFICE OF THE ATTORNEY GENERAL PUBLICATIONS

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

CALIFORNIA DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING PUBLICATIONS

California Law Prohibits Workplace Discrimination and Harassment

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

Examples of Policies and Emerging Practices for Supporting Transgender Students, May 2016 Dear Colleague Letter: Title IX Coordinators, April 2015

Dear Colleague Letter, May 26, 2011

Dear Colleague Letter: Harassment and Bullying, October 2010 Dear Colleague Letter: Electronic Book Readers, June 29, 2010

Notice of Non-Discrimination, Fact BOEet, August 2010 Nondiscrimination in Employment Practices in Education, August, 1991

U.S. DEPARTMENT OF JUSTICE PUBLICATIONS

2010 ADA Standards for Accessible Design, September 2010

Accessibility of State and Local Government Websites to People with Disabilities, June 2003 WORLD WIDE WEB CONSORTIUM PUBLICATIONS

Web Content Accessibility Guidelines, December 2008 WEB SITES

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

California Office of the Attorney General: <http://oag.ca.gov> California Department of Education: <http://www.cde.ca.gov>

California Department of Fair Employment and Housing: <http://www.dfeh.ca.gov> California Safe Schools Coalition: <http://www.casafeschools.org>

Pacific ADA Center: <http://www.adapacific.org>

U.S. Department of Education, Office for Civil Rights: <http://www.ed.gov/about/offices/list/ocr>

U.S. Department of Justice, Civil Rights Division, Americans with Disabilities Act: <http://www.ada.gov>

U.S. Equal Employment Opportunity Commission: <http://www.eeoc.gov>

World Wide Web Consortium, Web Accessibility Initiative: <http://www.w3.org/wai>

## BP 0460 Local Control Accountability Plan

Book	Board Policies and Administrative Regulations
Section	0000 Philosophy, Goals, Objectives, and Comprehensive Plans
Title	Local Control and Accountability Plan
Number	BP 0460
Status	Active
Adopted	April 9, 2014
Last Revised	June 4, 2024
Last Reviewed	June 4, 2024
Prior Revised Dates	July 21, 2021, February 20, 2019

The Santa Clara County Board of Education (SCCBOE) desires to ensure the most effective use of available state funding to improve outcomes for all students. A community-based, comprehensive, data-driven planning process shall be used to identify annual goals and specific actions aligned with the Santa Clara County Office of Education (SCCOE) budget and facilitate continuous improvement of SCCOE practices.

(cf. 0000 - Vision)

(cf. 0200 - Goals for the SCCOE)

The SCCBOE shall consider for adoption a proposed local control and accountability plan (LCAP) presented by the County Superintendent of Schools. The LCAP shall address the state priorities specified in Education Code 52066 and any additional local priorities established by the SCCBOE, as listed in the section "Content and Structure of the Plan" below. The LCAP shall be adopted or updated, as required, on or before July 1 of each year. (Education Code 52066)

The LCAP shall focus on improving outcomes for all students, particularly those who are "unduplicated students" or are part of any numerically significant student subgroup that is at risk of underperforming.

Unduplicated students include students who are eligible for free or reduced-price meals, English learners, and foster youth, as defined in Education Code 42238.01 for purposes of the local control funding formula (LCFF). (Education Code 42238.02)

(cf. 3553 - Free and Reduced Price Meals)

(cf. 6173.1 - Education for Foster Youth)

(cf. 6174 - Education for English Language Learners)

Numerically significant student subgroups include ethnic subgroups, socioeconomically disadvantaged students, English learners, long-term English learners, students with disabilities, foster youth, students experiencing homelessness, when there are at least 30 students in the subgroup or at least 15 foster youth, students experiencing homelessness, or long-term English learners. (Education Code 52052)

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

(cf. 6173 - Education for Youth Experiencing Homelessness)

As part of the LCAP adoption and annual update to the LCAP, the SCCBOE shall separately adopt an LCFF budget overview for parents/guardians, based on the template developed by the State Board of Education (SBE), which

includes specified information relating to the SCCOE's budget. The budget overview shall be adopted, reviewed, and approved in the same manner as the LCAP and the annual update. (Education Code 52064.1)

Any complaint that the SCCOE has not complied with legal requirements pertaining to the LCAP may be filed pursuant to AR 1312.3 - Uniform Complaint Procedures. (Education Code 52075)

(cf. 1312.3 - Uniform Complaint Procedures)

### **Content and Structure of the Plan**

The LCAP and the annual update shall be based on the most up-to-date template adopted by the State Board of Education (SBE) and shall include, for each school or program operated by the County Superintendent, all of the following: (Education Code 52066)

1. A description of the annual goals, for all students and for each numerically significant student subgroup, to be achieved for each of the following state priorities as applicable to the students served:

a. The degree to which teachers are appropriately assigned in accordance with Education Code 44258.9 and fully credentialed in the subject areas and for the students they are teaching; every student has sufficient access to standards aligned instructional materials as determined pursuant to Education Code 60119; and school facilities are maintained in good repair as specified in Education Code 17002

b. Implementation of the academic content and performance standards adopted by the SBE, including how the programs and services will enable English learners to access the Common Core State Standards and the English language development standards for purposes of gaining academic content knowledge and English language proficiency

c. Parent/guardian involvement and family engagement, including efforts to seek parent/guardian input in making decisions for each school site and county program and how the County Superintendent will promote parent/guardian participation in programs for unduplicated students and students with disabilities

d. Student achievement, as measured by all of the following as applicable:

(1) Statewide assessments of student achievement

(2) The percentage of students who have successfully completed courses that satisfy the requirements for entrance to the University of California and the California State University, or career technical education (CTE) sequences or programs of study that satisfy specified requirements and align with SBE-approved career technical education standards and frameworks, including, but not limited to, those described in Education Code 52302, 52372.5, or 54692(e)(2); and have successfully completed the college entrance courses and the CTE sequences or programs

(3) The percentage of English learners who make progress toward English proficiency as measured by the SBE-certified assessment of English proficiency

(4) The English learner reclassification rate

(5) The percentage of students who have passed an Advanced Placement examination with a score of 3 or

higher

(6) The percentage of students who participate in and demonstrate college preparedness in the Early Assessment Program pursuant to Education Code 99300-99301

e. Student engagement, as measured by school attendance rates, chronic absenteeism rates, middle school dropout rates, high school dropout rates, and high school graduation rates, as applicable

f. School climate, as measured by student suspension and expulsion rates and other local measures, including surveys of students, parents/guardians, and teachers on the sense of safety and school connectedness, as applicable

g. The extent to which students have access to and are enrolled in a broad course of study that includes all of the subject areas described in Education Code 51210 and 51220, as applicable, including the programs and services developed and provided to unduplicated students and students with disabilities, and the programs and services that are provided to benefit these students as a result of supplemental and concentration grant funding pursuant to Education Code 42238.02 and 42238.03

h. Student outcomes, if available, in the subject areas described in Education Code 51210 and 51220(a)-(i), as applicable

i. How the County Superintendent will coordinate instruction of expelled students offered pursuant to Education Code 48926

j. How the County Superintendent will coordinate services for foster youth, including, but not limited to, all of the following:

(1) Working with the county child welfare agency to minimize changes in school placement

(2) Providing education-related information to the county child welfare agency to assist the agency in the delivery of services to foster youth, including, but not limited to, educational status and progress information that is required to be included in court reports

(3) Responding to requests from the juvenile court for information and working with the juvenile court to ensure the delivery and coordination of necessary educational services

(4) Establishing a mechanism for the efficient and expeditious transfer of health and education records and the health and education passport

2. Goals identified for any local priorities established by the SCCBOE.

3. A description of the specific actions the County Superintendent will take during each year of the LCAP to achieve the identified goals, including the enumeration of any specific actions necessary for that year to correct any deficiencies in regard to the state and local priorities specified in items #1-2 above. Such actions shall not supersede provisions of existing collective bargaining agreements within the jurisdiction of the County Superintendent.

If SCCOE is required to be provided technical assistance pursuant to Education Code 52071.5 and/or 52072.5, then the LCAP shall include actions and services that implement the work related to technical assistance for

improving the outcomes of the student group or groups that lead to the need for technical assistance. (Education Code 52070.5)

To the extent practicable, data reported in the LCAP shall be reported in a manner consistent with how information is reported on the California School Dashboard. (Education Code 52066)

### **Increase or Improvement in Services for Unduplicated Students**

The LCAP shall demonstrate the applicable level of increased or improved services to unduplicated students. The LCAP shall explain how the funding apportioned based on the number and concentration of unduplicated students is used and how services are provided, whether by school site or countywide, to meet the needs of unduplicated students and to improve the performance of all students in the state priority areas. (5 CCR 15494, 15496)

Services that may be considered for this purpose may include, but are not limited to, those associated with the delivery of instruction, administration, facilities, student support services, technology, and other general infrastructure necessary to operate and deliver educational instruction and related services. (5 CCR 15495)

When the SCCOE expends supplemental and/or concentration grant funds on a countywide basis during the year for which the LCAP is adopted, the LCAP shall: (5 CCR 15496)

1. Identify those services that are being funded and provided on a countywide basis
2. Describe how services are principally directed towards, and are effective in, meeting the SCCOE's goals for unduplicated students in the state priority areas and any local priority areas

### **Adoption of the Plan**

For the purpose of reviewing the proposed LCAP, the County Board may consider quantitative data presented by the County Superintendent as well as qualitative information including, but not limited to, findings that result from any school quality reviews conducted pursuant to Education Code 52052 or any other reviews. (Education Code 52066)

The SCCBOE shall hold at least one public hearing to solicit the recommendations and comments of members of the public regarding the specific actions and expenditures proposed to be included in the LCAP or the annual update. The public hearing shall be held at the same meeting as the public hearing that is required prior to the adoption of the SCCOE budget in accordance with Education Code 1620. (Education Code 1620, 52068)

(cf. 3100 - Budget)

Prior to considering and adopting the county budget, but at the same public meeting at which the budget is adopted, the SCCBOE of Education shall adopt the LCAP or the annual update to the LCAP. This meeting shall be held after the public hearing described above, but not on the same day as the hearing. (Education Code 1622, 52068)

At the same meeting and in the same manner as the adoption of the LCAP and annual update to the LCAP, the SCCBOE shall adopt an LCFF budget overview for parents/guardians to be attached as a cover to the LCAP. The overview shall include specified information related to the SCCOE's budget and shall be based on the template

developed by the Superintendent of Public Instruction (SPI). (Education Code 52064.1)

The SCCBOE may adopt revisions to the LCAP at any time during the period in which the plan is in effect, provided the SCCBOE of Education follows the process to adopt the LCAP pursuant to Education Code 52068 and the revisions are adopted in a public meeting. (Education Code 52068)

The LCAP, once approved, shall be posted on the performance overview portion of the Dashboard. (Education Code 52065)

### **Monitoring Progress and Complaints**

The County Superintendent or designee shall report to the SCCBOE, at least annually in accordance with the timeline and indicators established by the County Superintendent and the SCCBOE, regarding the SCCOE's progress toward attaining each goal identified in the LCAP. Evaluation shall include, but not be limited to, an assessment of SCCOE and school performance reported on the California School Dashboard and any additional indicators established by the SCCBOE and County Superintendent. Evaluation data shall be used to recommend any necessary revisions to the LCAP.

Any complaint that the SCCOE has not complied with legal requirements pertaining to the LCAP may be filed pursuant to AR 1312.3 -- Uniform Complaint Procedures. (Education Code 52075)

(cf. 0500 - Accountability)

### **Revisions**

The SCCBOE may adopt revisions to the LCAP and the annual update at any time during the period in which it is in effect, provided the Board follows the process to adopt the LCAP and the annual update pursuant to Education Code 52068 and the revisions are adopted in a public meeting. Evaluation data shall be used to recommend any necessary revisions to the LCAP.

### **Annual Updates**

On or before July 1 of each year, the LCAP shall be updated using the template adopted by the SBE pursuant to Education Code 52064 and shall include all of the information in the template.

### **Submission of Plan to Superintendent of Public Instruction**

Not later than five days after adoption of the LCAP, the SCCOE budget, and the LCFF budget overview for parents/guardians, the SCCBOE shall file the LCAP, the budget, and the budget overview with the SPI. (Education Code 1622, 52064.1, 52070.5)

If the SPI sends, by August 15, a written request for clarification of the contents of the LCAP or the annual update, the SCCBOE shall respond in writing within 15 days of the request. If the SPI then submits recommendations for amendments to the LCAP within 15 days of receiving the SCCBOE's response, the SCCBOE shall consider those recommendations in a public meeting within 15 days of receiving the recommendations.

(Education Code 52070.5)

The LCAP, once approved, shall be posted on the performance overview portion of the Dashboard.

(Education Code 52065)

### **IDEA Addendum**

When the SCCBOE is presented with an Individuals with Disabilities Education Act (IDEA) Addendum, required pursuant to Education Code 52064.3, resulting from SBE notification that the SCCOE is needing an improvement plan pursuant to 34 CFR 300.600-300.647, the SCCBOE shall consider the Addendum for adoption in the same manner as the SCCOE LCAP or annual update to the LCAP. No later than 15 days after the adoption of the IDEA Addendum, when applicable, the Addendum shall be filed with the SPI. (Education Code 52064.3)

### **Technical Assistance/Intervention**

If the SPI does not approve the SCCOE's LCAP or if the SCCBOE requests technical assistance, the SCCBOE shall receive technical assistance from the SPI focused on revising the plan so that it can be approved. (Education Code 52071.5)

When one or more numerically significant student subgroups meet the criteria for assistance and intervention established pursuant to Education Code 52064.5, the SCCOE shall receive any technical assistance offered by the SPI to build the SCCOE's capacity to develop and implement actions and services responsive to student and community needs, including, but not limited to: (Education Code 52071.5)

1. Identification of SCCOE strengths and weaknesses in regard to state priorities including collaboration between the SCCOE and SPI to review performance data on the state and local indicators included in the California School Dashboard and other relevant local data, and assistance on the identification of effective, evidence-based programs that address any areas of weakness.
2. Assignment of an academic expert, team of academic experts, or the California Collaborative for Educational Excellence established pursuant to Education Code 52074 to assist the SCCOE in identifying and implementing effective programs to improve the outcomes for student subgroups. The SCCOE may consult with the SPI to engage another service provider, including, but not limited to, a school district, SCCOE, or charter school, to provide such assistance.
3. Providing the SPI with timely documentation of the SCCOE's completion of activities listed in items #1-2 above, or substantially similar activities, and engaging in ongoing communication with the SPI to assess the SCCOE's progress in improving student outcomes.

If the SPI identifies the SCCOE as needing intervention pursuant to Education Code 52072.5, the SCCOE shall cooperate with any SBE-approved action taken by the SPI or any academic advisor appointed by the SPI, which may include any of the following: (Education Code 52072.5)

1. Revision of the SCCOE's LCAP
2. Revision of the SCCOE's budget in accordance with changes in the LCAP
3. A determination to stay or rescind any SCCOE action that would prevent the SCCOE from improving outcomes for all student subgroups, provided that action is not required by a collective bargaining agreement

Legal Reference:

EDUCATION CODE

1620-1630 County office of education budget  
17002 State School Building Lease-Purchase Law, including definition of good repair  
42238.01-42238.07 Local control funding formula  
44258.9 County superintendent review of teacher assignment  
48926 Education services for expelled students  
48985 Parental notices in languages other than English  
51210 Course of study for grades 1-6  
51220 Course of study for grades 7-12  
52052 Accountability; numerically significant student subgroups  
52059.5 Statewide system of support  
52060-52077 Local control and accountability plan  
52302 Regional occupational centers and programs  
52372.5 Linked learning pilot program  
54692 Partnership academies  
60119 Sufficiency of textbooks and instructional materials; hearing and resolution  
60605.8 California Assessment of Academic Achievement; Academic Content Standards Commission  
60811.3 Assessment of language development  
64001 School plan for student achievement  
99300-99301 Early Assessment Program  
WELFARE AND INSTITUTIONS CODE  
300 Dependent child of the court  
16010 Placement in foster care; summary of health and education records  
CODE OF REGULATIONS, TITLE 5  
4600-4687 Uniform complaint procedures  
15494-15497 Local control and accountability plan and spending requirements  
UNITED STATES CODE, TITLE 20  
6312 Local educational agency plan  
6826 Title III funds, local plans

SENATE BILLS

SB 114 (2023)  
SB 141 (2023)  
SB 609 (2023)

MANAGEMENT RESOURCES:

CSBA PUBLICATIONS

Promising Practices for Developing and Implementing LCAPs, Governance Brief, November 2016  
LCFF Rubrics, Issue 1: What boards Need to Know About the New Rubrics, Governance Brief, rev. October 2016  
CALIFORNIA COUNTY SUPERINTENDENTS EDUCATIONAL SERVICES ASSOCIATION PUBLICATIONS  
Local Control Accountability Plan (LCAP) Approval Manual, April 30, 2014  
CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS  
California School Accounting Manual

## California School Dashboard

### WEB SITES

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

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

California County Boards of Education: <http://www.theccbe.org>

California County Superintendents Educational Services Association: <http://www.ccsesa.org>

California School Dashboard: <http://www.caschooldashboard.org>

## BP 3260 Fees and Charges

Book	Board Policies and Administrative Regulations
Section	3000 Business and Noninstructional Operations
Title	Fees and Charges
Number	BP 3260
Status	Active
Adopted	October 20, 2010
Last Revised	August 13, 2014
Last Reviewed	August 13, 2014

The Santa Clara County Superintendent (County Superintendent) recognizes his/her responsibility to ensure that books, materials, equipment, supplies, and other resources necessary for students' participation in the educational program are made available to them at no cost. No student shall be required to pay any fees, deposits, or other charges for his/her participation in an educational activity which constitutes an integral fundamental part of the Santa Clara County Office of Education's (SCCOE) educational program, including curricular and extracurricular activities.

(cf. 1321 - Solicitation of Funds from and by Students)  
(cf. 3100 - Budget)  
(cf. 3290 - Gifts, Grants and Bequests)  
(cf. 6145 - Extracurricular and Cocurricular Activities)

As necessary, the SCCOE may approve fees, deposits, and other charges which are specifically authorized by law. For such authorized fees, deposits, and charges, the SCCOE shall consider students' and parents/guardians' ability to pay when establishing fee schedules and granting waivers or exceptions.

(cf. 3250 - Transportation Fees)  
(cf. 3515.4 - Recovery for Property Loss or Damage)  
(cf. 3553 - Free and Reduced Price Meals)  
(cf. 5143 - Insurance)  
(cf. 9323.2 - Actions by the Board)

The prohibition against student fees shall not restrict the SCCOE from soliciting for voluntary donations, participating in fundraising activities, and providing prizes or other recognition for participants in such activities and events. However, the SCCOE shall not offer or award to a student any course credit or privileges related to educational activities in exchange for voluntary donations or participation in fundraising activities by or on behalf of the student and shall not remove, or threaten to remove, from a student any course credit or privileges related to educational activities, or otherwise discriminate against the student, due to a lack of voluntary donations or participation in fundraising activities by or on behalf of the student.

(cf. 1321 – Solicitation of Funds from and by Students)  
(cf. 3290 – Gifts, Grants and Bequests)

Whenever SCCOE employees, volunteers, students, parents/guardians, or educational or civic organizations participate in such events or activities, the County Superintendent or Superintendent's designee shall emphasize that participation in the event or activity is voluntary.

Whenever a student or parent/guardian believes that an impermissible fee, deposit, or other charge is being required of the student for his/her participation in an educational activity, the student or his/her parent/guardian may file a complaint with the principal or designee using the SCCOE's procedures in BP/AR 1312.3 - Uniform Complaint Procedures. (Education Code 49013)

(cf. 1312.3 - Uniform Complaint Procedures)

The County Superintendent or Superintendent's designee shall include information in the annual notification required by 5 CCR 4622 to be provided to all SCCOE students, parents/guardians, employees, and other interested parties about the requirements relating to the prohibition against SCCOE requiring students to pay fees, deposits or other charges in order to participate in an educational activity, unless authorized by law, and the filing of complaints for alleged violations using the uniform complaint procedures. (Education Code 49013)

(cf. 4112.9/4212.9/4312.9 - Employee Notifications)

(cf. 5145.6 - Parental Notifications)

Legal Reference:

EDUCATION CODE

- 8239 Preschool and wraparound child care services
- 8263 Child care eligibility
- 8760-8773 Outdoor science and conservation programs
- 17551 Property fabricated by students
- 19910-19911 Offenses against libraries
- 32033 Eye protective devices
- 32221 Insurance for athletic team member
- 32390 Fingerprinting program
- 35330-35332 Excursions and field trips
- 35335 School camp programs
- 38080-38085 Cafeteria establishment and use
- 38120 Use of school band equipment on excursions to foreign countries
- 39807.5 Payment of transportation costs
- 39837 Transportation of students to places of summer employment
- 48050 Residents of adjoining states
- 48052 Tuition for foreign residents
- 48904 Liability of parent or guardian
- 49010-49013 Student fees
- 49065 Charge for copies
- 49066 Grades, effect of physical education class apparel
- 49091.14 Prospectus of school curriculum
- 51810-51815 Community service classes
- 52612 Tuition for adult classes
- 52613 Nonimmigrant aliens
- 60410 Students in classes for adults

GOVERNMENT CODE

6253 Request for copy; fee

CALIFORNIA CONSTITUTION

Article 9, Section 5 Common school system

CODE OF REGULATIONS, TITLE 5

350 Fees not permitted

4622 Notice

UNITED STATES CODE, TITLE 8

1184 Foreign students

COURT DECISIONS

Driving School Assn of CA v. San Mateo Union HSD (1993) 11 Cal. App. 4th 1513

Arcadia Unified School District v. State Department of Education (1992) 2 Cal 4th 251

Steffes v. California Interscholastic Federation (1986) 176 Cal. App. 3d 739

Hartzell v. Connell (1984) 35 Cal. 3d 899

CTA v. Glendale School District Board of Education (1980) 109 Cal. App. 3d 738

Management Resources:

CALIFORNIA DEPARTMENT OF EDUCATION MANAGEMENT ADVISORIES

1030.97 Fiscal Management Advisory 97-02: Fees, Deposits and Other Charges

WEB SITES

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

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

## BP 3517 Facilities Inspection

Book	Policies and Administrative Regulations
Section	3000 Business and Noninstructional Operations
Title	Facilities Inspection
Code	3517 BP
Status	Active
Adopted	October 20, 2010
Last Revised	October 20, 2010
Last Reviewed	October 20, 2010

The Santa Clara County Board of Education recognizes that the condition of school facilities may have an impact on safety, student achievement, and employee morale and desires to provide school facilities that are safe, clean, and functional, as defined in Education Code 17002.

(cf. 0510 - School Accountability Report Card)  
(cf. 1312.4 - Williams Uniform Complaint Procedures)  
(cf. 3111 - Deferred Maintenance Funds)  
(cf. 3514 - Environmental Safety)

The Santa Clara County Superintendent of Schools or designee shall develop a facilities inspection and maintenance program to ensure that school facilities are maintained in good repair in accordance with law. At a minimum, the program shall analyze those facility conditions specified on the facilities inspection tool developed by the Office of Public School Construction, including the following:

1. Gas Leaks: Gas systems and pipes appear safe, functional, and free of leaks.
2. Mechanical Systems: Heating, ventilation, and air conditioning systems as applicable are functional and unobstructed.
3. Windows/Doors/Gates/Fences (interior and exterior): Conditions that pose a safety and/or security risk are not evident.
4. Interior Surfaces (floors, ceilings, walls, and window casings): Interior surfaces appear to be clean, safe, and functional.
5. Hazardous Materials (interior and exterior): There does not appear to be evidence of hazardous materials that may pose a threat to students or staff.
6. Structural Damage: There does not appear to be structural damage that could create hazardous or uninhabitable conditions.
7. Fire Safety: The fire equipment and emergency systems appear to be functioning properly.
8. Electrical (interior and exterior): There is no evidence that any portion of the school has a power failure and electrical systems, components, and equipment appear to be working properly.

9. Pest/Vermin Infestation: Pest or vermin infestation is not evident.
10. Drinking Fountains (inside and outside): Drinking fountains appear to be accessible and functioning as intended.
11. Restrooms: Restrooms appear to be accessible during school hours, are clean, functional, and in compliance with Education Code 35292.5 (operational and supplied).
12. Sewers: Sewer line stoppage is not evident.
13. Roofs (observed from the ground, inside/outside the building): Roof system appears to be functioning properly.
14. Playground/School Grounds: The playground equipment and school grounds appear to be clean, safe, and functional.
15. Overall Cleanliness: School grounds, buildings, common areas, and individual rooms appear to be cleaned regularly.

The County Superintendent or designee shall ensure that any necessary repairs identified during the inspection are made in a timely and expeditious manner. The County Superintendent or designee shall provide the County Board with regular reports regarding the SCCOE facility inspection program and updates of any visits to SCCOE schools.

Legal Reference:

EDUCATION CODE

1240 County superintendent of schools, duties

17002 Definitions

17070.10-17077.10 Leroy F. Greene School Facilities Act of 1998

17565-17591 Property maintenance and control, especially:

17584 Deferred maintenance

17592.72 Urgent or emergency repairs, School Facility Emergency Repair Account

33126 School accountability report card

35186 Williams uniform complaint procedure

CODE OF REGULATIONS, TITLE 2

1859.300-1859.330 Emergency Repair Program

Management Resources:

CSBA PUBLICATIONS

Williams Settlement and the Emergency Repair Program, Policy Brief, January 2008

COALITION OF ADEQUATE SCHOOL HOUSING PUBLICATIONS

Facility Inspection Tool Guidebook, February 2008

WEB SITES

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

California County Superintendents Educational Services Association: <http://www.ccsesa.org>

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

Coalition of Adequate School Housing: <http://www.cashnet.org>

State Allocation Board, Office of Public School Construction: <http://www.opsc.dgs.ca.gov>

## **BP 4112.2 Certification (Certificated Personnel)**

Book	Board Policies and Administrative Regulations
Section	4000 Superintendent's Personnel Policies
Title	Certification (Certificated Personnel)
Code	BP 4112.2
Status	Active
Adopted	April 30, 2012
Last Revised	April 30, 2012
Last Reviewed	April 30, 2012

The Santa Clara County Office of Education recognizes that the ability to provide a high quality educational program is dependent upon the employment of certificated staff that are adequately prepared and have demonstrated proficiency in basic skills and in the subject matter to be taught. The Santa Clara County Superintendent of Schools or designee shall ensure that persons employed in positions requiring certification qualifications possess the appropriate credential or permit from the Commission on Teacher Credentialing (CTC) authorizing their employment in such positions.

(cf. 4111/4211/4311 - Recruitment and Selection)

(cf. 4112.21 - Interns)

(cf. 4112.22 - Staff Teaching Students of Limited English Proficiency)

(cf. 4112.23 - Special Education Staff)

(cf. 4112.5/4312.5 - Criminal Record Check)

(cf. 4113 - Assignment)

(cf. 4121 - Temporary/Substitute Personnel)

(cf. 5148 - Child Care and Development)

(cf. 6178 - Career Technical Education)

(cf. 6178.2 - Regional Occupational Center/Program)

(cf. 6200 - Adult Education)

All teachers of core academic subjects shall meet the requirements of the No Child Left Behind Act. (20 USC 6319, 7801; 5 CCR 6100-6125)

(cf. 4112.24 - Teacher Qualifications Under the No Child Left Behind Act)

When a credentialed teacher or intern is not available, the SCCOE may request that the CTC issue a Short-Term Staff Permit, Provisional Internship Permit (PIP), or credential waiver under the conditions and limitations provided in state or federal law.

When requesting a PIP, the County Superintendent or designee shall approve, prior to employment, a notice of intent to employ the applicant which should be posted as public notice 72 hours prior to employment. (5 CCR 80021.1)

The County Superintendent or designee shall provide support and guidance to non-credentialed teachers in accordance with law to ensure the quality of the instructional program. He/she also may provide assistance and

support to staff holding preliminary credentials to help them meet the qualifications required for the professional clear credential.

(cf. 4131 - Staff Development)

(cf. 4131.1 - Beginning Teacher Support/Induction)

(cf. 4138 - Mentor Teachers)

Legal Reference:

EDUCATION CODE

8360-8370 Qualifications of child care personnel

32340-32341 Unlawful issuance of a credential

35186 Complaints regarding teacher vacancy or misassignment

41520-41522 Teacher Credentialing Block Grant

42647 Eligibility to issue warrants

44066 Limitations on certification requirements

44200-44399 Teacher credentialing, especially:

44250-44277 Credential types; minimum requirements

44279.1-44279.7 Beginning Teacher Support and Assessment Program

44300-44302 Emergency permits and visiting faculty permits

44320.2 Teachers' performance assessment

44325-44328 District interns

44330-44355 Certificates and credentials

44380-44387 Alternative certification program

44395-44399 National Board for Professional Teaching Standards

44420-44440 Revocation and suspension of credentials

44450-44468 University internship program

44560-44562 Certificated Staff Mentoring Program

44735 Teaching as a Priority Block Grant

44830-44929 Employment of certificated persons; requirement of proficiency in basic skills

56060-56063 Substitute teachers in special education

CODE OF REGULATIONS, TITLE 5

6100-6125 Teacher qualifications, No Child Left Behind Act

80001-80674.6 Commission on Teacher Credentialing

UNITED STATES CODE, TITLE 20

6311 Parental notifications

6312 Title I local educational agency plan

6319 Highly qualified teachers

7801 Definitions, highly qualified teacher

CODE OF FEDERAL REGULATIONS, TITLE 34

200.55-200.57 Highly qualified teachers

200.61 Parent notification regarding teacher qualifications

COURT DECISIONS

Association of Mexican-American Educators et al. v. State of California and the Commission on Teacher Credentialing, (1993) 836 F.Supp. 1534

## BP 4119.21 Professional Standards

Book	Board Policies and Administrative Regulations
Section	4000 Superintendent's Personnel Policies
Title	Professional Standards
Code	SP 4119.21
Status	Active
Adopted	April 30, 2012
Last Revised	October 10, 2023
Last Reviewed	October 10, 2023
Prior Revised Dates	04/17/2018

### Definitions:

*legitimate educational purpose*- matters of communications related to teaching, counseling, athletics, extracurricular activities, treatment of administration a student's physical injury or other medical needs, school , or other purposes within the scope of the adult's employment duties.

*emergency situation*- urgent, sudden, and serious event of an unforeseen change in circumstances that necessitates immediate action to remedy harm or avert imminent danger to life, health, or property, an urgent need or demand.

The Santa Clara County Superintendent of Schools (County Superintendent) requires Santa Clara County Office of Education (SCCOE) employees to maintain the highest ethical standards, exhibit professional behavior, follow SCCOE policies and regulations, and abide by state and federal laws in their interactions with students. Employee conduct should enhance the integrity of the SCCOE and advance the goals of the SCCOE's educational programs. Each employee shall make a commitment to acquire the knowledge and skills necessary to fulfill their responsibilities and should focus on their contribution to the learning and achievement of SCCOE students. Employees are required to maintain an atmosphere conducive to learning and working, while establishing and maintaining professional standards.

The interactions and relationships between adults and students should be based upon mutual respect and trust, and an understanding of the appropriate boundaries between adults and students in and outside of the educational setting. Relationships between adults and students should also be consistent with the educational mission of SCCOE programs.

Adults will not intrude on a student's physical and emotional boundaries unless the intrusion is necessary to serve a legitimate educational purpose. For purposes of this policy, the term "legitimate educational purpose" includes matters or communications related to teaching, counseling, athletics, extracurricular activities, treatment of a student's physical injury or other medical needs, school administration, or other purposes within the scope of the adult's employment duties.

(cf. 0200 - Goals for the SCCOE)

(cf. 4112.2 - Certification)

(cf. 4119.1/4219.1/4319.1 - Civil and Legal Rights)

(cf. 4131 - Staff Development)

(cf. 4231 - Staff Development)

(cf. 4331 - Staff Development)

The County Superintendent requires SCCOE employees to accept as guiding principles the professional standards and codes of conduct adopted by educational or professional associations to which they may belong.

(cf. 2111 - County Superintendent Governance Standards)

(cf. 9005 - Governance Standards)

#### Inappropriate Conduct

Inappropriate employee conduct includes, but is not limited to:

1. Engaging in any conduct that endangers students, staff, or others, including, but not limited to, physical violence, threats of violence, or possession of a firearm or other weapon

(cf. [0450](#) - Comprehensive Safety Plan)

(cf. [3515.7](#) - Firearms on School Grounds)

(cf. [4158/4258/4358](#) - Employee Security)

2. Engaging in harassing or discriminatory behavior towards students, parents/guardians, staff, or community members, or failing or refusing to intervene when an act of discrimination, harassment, intimidation, or bullying against a student is observed.

(cf. [0410](#) - Nondiscrimination in SCCOE Programs and Activities)

(cf. [4119.11/4219.11/4319.11](#) - Sexual Harassment)

(cf. [5131.2](#) - Bullying)

(cf. [5145.3](#) - Nondiscrimination/Harassment)

(cf. [5145.7](#) - Sexual Harassment)

3. Physically abusing, sexually abusing, neglecting, or otherwise willfully harming or injuring a child.

4. Engaging in inappropriate socialization or fraternization with a student or soliciting, encouraging, or maintaining an inappropriate written, verbal, or physical relationship with a student.

5. Possessing or viewing any pornography on school grounds or possessing or viewing child pornography or other imagery portraying children in a sexualized manner at any time.

6. Using profane, obscene, or abusive language against students, parents/guardians, staff, or community members.

7. Willfully disrupting SCCOE or school operations by loud or unreasonable noise or other action.

(cf. [3515.2](#) - Disruptions)

8. Using tobacco, alcohol, or an illegal or unauthorized substance, or possessing or distributing any controlled substance, while in the workplace, on SCCOE property, or at a school-sponsored activity.

(cf. [3513.3](#) - Tobacco-Free Schools)

(cf. [3513.4](#) - Drug and Alcohol-Free Schools)

(cf. [4020](#) - Drug and Alcohol-Free Workplace)

(cf. [4112.41/4212.41/4312.41](#) - Employee Drug Testing)

(cf. [4112.42/4212.42/4312.42](#) - Drug and Alcohol Testing for School Bus Drivers)

9. Being dishonest with students, parents/guardians, staff, or members of the public, including, but not limited to, falsifying information in employment records or other school records.

10. Misrepresenting and/or divulging confidential information about students, SCCOE employees, or SCCOE operations to persons or entities not authorized to receive the information.

(cf. [4119.23/4219.23/4319.23](#) - Unauthorized Release of Confidential/Privileged Information)

(cf. [5125](#) - Student Records)

(cf. [5125.1](#) - Release of Directory Information)

11. Using SCCOE equipment or other SCCOE resources for the employee's own commercial purposes or for political activities.

(cf. [4119.25/4219.25/4319.25](#) - Political Activities of Employees)

12. Using SCCOE equipment or communications devices for personal purposes outside the scope of SCCOE Superintendent Policy and regulation 4040 – Employee Use of Technology.

(cf. [4040](#) - Employee Use of Technology)

13. Causing damage to or engaging in theft of property belonging to students, staff, or the SCCOE.

14. Wearing attire not consistent with SCCOE policy regarding dress and grooming.

(cf. [4119.22/4219.22/4319.22](#) - Dress and Grooming)

#### Appearances of Impropriety

Adults are expected to be aware of the appearance of impropriety in their own conduct and the conduct of other adults when interacting with students. Even though the intent of the adult may be professional and there is a legitimate educational purpose for the conduct, the following activities can create the appearance of impropriety.

(cf. Definitions 4119.21)

1. Covering windows, and/or blocking doors and/or creating barriers to entry of visibility when meeting with an individual student;
2. Inviting or allowing individual students to visit the adults' home;
3. Remaining on campus with student(s) after the last administrator leaves the school site; and/or
4. Visiting a student's home, unless home visits are a required and expected duty of the adult and a parent/legal guardian is present.

Whenever possible, adults should avoid these situations. If unavoidable, these activities should be preapproved by the appropriate administrator. If not pre-approved, the adult must report the occurrence to the appropriate administrator, as soon as possible.

#### Electronic Communications

As with other forms of communication, when communicating electronically, adults shall maintain professional boundaries with students. Electronic and other communications with students shall be for legitimate educational purposes only. Adults shall not maintain personal 1-1 contacts with a student by phone, letter, electronic communications, or other means without including the parent/guardian and/or school principal, or other designated administrator.

SCCOE email and SCCOE communication devices shall be used when communicating electronically with students to the maximum extent feasible. Adults should not provide their personal phone numbers to students. If providing a personal phone number is necessary for any reason, the employee shall notify their supervisor that the number was shared and with whom, along with the reason. The use of SCCOE email or other SCCOE communication devices shall be in accordance with SCCOE policies and procedures. Adults shall not exchange digital communication with students for any reason through use of a medium that is designed to eliminate all traces or records of the communications (e.g. "Snapchat").

All electronic communications shall be sent in a single communication to all participating students, except for communications concerning an individual student's medical or academic privacy matter, in which case the communications will be copied to the parent/legal guardian. (34 C.F.R. Section 99.36(a,c).)

Adults shall not follow or accept requests from current students (or non-adult former students) to be friends or connections on personal social networking sites and shall not create or participate in any networking site for communication with students other than those provided by the SCCOE for this purpose.

#### Boundary Violations

A Boundary violation is an act or omission by an adult that does not have a legitimate educational purpose and has the potential to abuse the adult/student relationship. Examples of adult conduct that violates professional adult/student boundaries includes but are not limited to the following:

1. Singling out a particular student for personal attention and friendship beyond the professional staff-student relationship.
2. For non-guidance/counseling staff, encouraging students to confide their personal or family problems and/or relationships. If a student initiates such discussion, adults are expected to refer the student to appropriate guidance and counseling staff. In either case, adult involvement should be limited to a direct connection to the student's school performance.
3. Addressing students or permitting students to address staff members with personalized terms of endearment, pet names or otherwise in an overly familiar manner.
4. Maintaining personal contact with a student outside of school by phone, e-mail, instant messenger or Internet chat rooms, social networking websites, such as Facebook, or letters beyond homework or other legitimate school business without including the parent/guardian. This prohibition specifically includes "friending" or "following" students on social media unless the social media page is dedicated to legitimate school business. This also specifically includes the posting of students' images or other personally identifiable information of students on an adult's personal website.
5. Exchanging personal gifts, cards or letters with an individual student for which it is directly or implicitly suggested that a student is to say or do something in return.
6. Touching students or initiating inappropriate physical contact without a legitimate educational purpose, i.e., initiating hugs. Legitimate educational purpose could include the following: (a) assisting an injured student; (b) assisting a student with special needs who requires assistance with toileting or other physical assistance; (c) appropriate coaching instruction; (d) appropriate music instruction; or (e) to protect the safety of students or staff.
7. Socializing or spending time with students (including but not limited to activities such as going out for beverages, meals or movies, shopping, traveling and recreational activities and visiting the student's home) outside of school-sponsored events, except as participants in organized community activities.
8. Being alone with a student without a legitimate educational purpose.

## Egregious Misconduct

A boundary violation that constitutes egregious misconduct is an act, omission, or pattern of such behavior by an adult that does not have a legitimate purpose; and results in the erosion of trust, is harmful and/or results in abuse in the staff/student professional relationship.

### 1. Romantic or Sexual Relationships

Adults are prohibited from dating, courting, or entering into or attempting to form a romantic or sexual relationship with any student, regardless of the student's age. Prohibited romantic or sexual interaction involving students includes, but is not limited to:

- Sexual physical contact;
- Romantic flirtation, propositions, or sexual remarks;
- Sexual slurs, leering, epithets, sexual or derogatory comments;
- Personal comments about a student's body;
- Sexual jokes, banter, innuendo, notes, stories, drawings, gestures or pictures;
- Spreading sexual or romantic rumors;
- Touching a student's body or clothes in a sexual or intimate way or in a manner that is not age appropriate;
- Restricting a student's freedom of movement in a sexually intimidating or provocative manner;
- Displaying or transmitting sexual objects, pornography, pictures, or depictions to a student; or
- Any types of conduct that would be considered harassment under Board and Superintendent Policy

### 2. Social and Other Interactions

Adults are prohibited from engaging in social and other interactions with students which abuse the student/staff professional relationship. Prohibited social and other interaction involving students includes, but is not limited to:

- Sending or accompanying students on personal errands unrelated to any; legitimate educational purpose
- Furnishing alcohol; drugs or tobacco to a student, or being present where any student is consuming these substances;
- Disclosing personal, family, employment concerns or other private matters to one or more students;
- Unnecessarily invading a student's privacy (e.g. walking in on the student in the bathroom);
- Taking a student out of class without a legitimate educational purpose;
- Giving a student a ride alone in a vehicle in a non-emergency situation without prior notification to and/or approval from the school principal as described above;
- Engaging in harassing or discriminatory conduct prohibited by other SCCOE policies or by state or federal law and regulations; or
- Making threats of harm to any person to ensure student silence on any issue.

### Exceptions

An emergency situation or a legitimate educational purpose may justify deviation from professional boundaries set out in this policy. The adult shall be prepared to articulate the reason for any deviation from the

requirements of this policy and must demonstrate that they have maintained an appropriate relationship with the student.

Under no circumstance will an educational or other reason justify deviation from the “Romantic and Sexual Relationships” section of this policy.

There may be circumstances where there is an appropriate pre-existing personal relationship between an adult and a student’s family that exists independently of the adult’s position with the SCCOE (e.g., when their children are friends). This policy is not intended to interfere with such relationships or to limit activities that are normally consistent with such relationships. Adults are required to maintain professional boundaries appropriate to the nature of the activity.

It is understood that adults may be involved in other roles in the community through civic, religious, athletic, scouting or other organizations and programs whose participants may include SCCOE and all district students. This policy is not intended to interfere with or restrict an adult’s ability to serve in those roles; however, adults are required to maintain professional boundaries appropriate to the nature of the activity with regard to all youth with whom they interact in the course of their community involvement.

#### Reports of Misconduct

An employee who suspects, observes, or has evidence of another employee's inappropriate conduct shall immediately report such conduct to the principal, supervisor, County Superintendent, or designee. An employee who has knowledge of or suspects child abuse or neglect shall file a report pursuant to the SCCOE's child abuse reporting procedures as detailed in AR 5141.4 - Child Abuse Prevention and Reporting. (cf. [5141.4](#) - Child Abuse Prevention and Reporting)

Any reports of employee misconduct shall be promptly investigated. Any employee who is found to have engaged in inappropriate conduct in violation of law or Board policy shall be subject to disciplinary action and, in the case of a certificated employee, may be subject to a report to the Commission on Teacher Credentialing. The County Superintendent or designee shall notify local law enforcement as appropriate.

(cf. [4117.7/4317.7](#) - Employment Status Reports)

(cf. [4118](#) - Dismissal/Suspension/Disciplinary Action)

(cf. [4218](#) - Dismissal/Suspension/Disciplinary Action)

An employee who has knowledge of but fails to report inappropriate employee conduct may also be subject to discipline.

The SCCOE prohibits retaliation against anyone who files a complaint against an employee or reports an employee's inappropriate conduct. Any employee who retaliates against any such complainant, reporter, or other participant in the SCCOE’s complaint process shall be subject to discipline.

#### Notifications

The section(s) of the SCCOE's employee code of conduct addressing interactions with students shall be provided to parents/guardians at the beginning of each school year and shall be posted on school and/or SCCOE web sites. (Education Code 44050)

(cf. [1113](#) - SCCOE Web Sites)

(cf. [5145.6](#) - Parental Notifications)

#### Duty to Report

An adult or student who observes or has knowledge of an adult’s violation of this policy shall immediately report the information to the principal, supervisor, or site supervisor. The supervisor shall report such

information immediately to personnel services. If the supervisor is the subject of the report, the adult will report instead directly to the SCCOE Title IX Coordinator.

When an adult observes conduct by another adult that creates a reasonable suspicion of child abuse (including sexual abuse), the adult must report the conduct to Department of Social Services and/or local police/sheriff's department in accordance with state law and SCCOE policy.

#### Investigation

Law enforcement and Child Protective Services investigate suspicions of child abuse. SCCOE investigates all other policy violations. Reporting adults are neither permitted nor responsible for investigating whether the conduct is inappropriate.

Immediate intervention shall be considered and implemented when necessary to protect student safety and/or the integrity of the investigation.

#### Disciplinary Action

Any employee or volunteer who is found to have engaged in conduct in violation of law, this or other Superintendent's policy shall be subject to disciplinary action up to and including dismissal. In case of a certificated employee, the employee may be subject to a report to the Commission on Teacher Credentialing. The County Superintendent or designee shall notify local law enforcement as appropriate.

*(cf. 4117.4 - Dismissal)*

*(cf. 4117.7 - Employment Status Reports)*

*(cf. 4118 - Suspension/Disciplinary Action)*

*(cf. 4218 - Dismissal/Suspension/Disciplinary Action)*

An employee who has knowledge of but fails to report inappropriate employee conduct may be subject to discipline.

A volunteer, student teacher, independent contractor or an employee of an independent contractor who violates this policy may be prohibited from working or serving in SCCOE schools and programs for an appropriate period of time or permanently, as determined by the County Superintendent or designee.

#### Confidentiality and Retaliation

The SCCOE prohibits retaliation against anyone who files a complaint under this policy. Any employee who retaliates against any such complainant, reporter, or other participant in the SCCOE's complaint process shall be subject to discipline. Reporting adults are required to maintain confidentiality.

Confidentiality protects both the student(s) and the adult who is the subject of the report. Failure to maintain confidentiality may impede the investigation and foster untrue and potentially harmful rumors. Nothing in this policy shall prevent any represented employee from consulting with their exclusive representative.

*(cf. 44050 - Notice of Employee Code of Conduct Regarding Employee Interaction with pupils)*

#### Legal Reference:

##### EDUCATION CODE

200-262.4 Prohibition of discrimination on the basis of sex

##### PENAL CODE

11164-11174.4 Child Abuse and Neglect Reporting Act

##### CODE OF REGULATIONS, TITLE 5

80331-80338 Rules of conduct for professional educators

Approved April 30, 2012

Revised: October 10, 2023

## BP 5112.5 Closed Campus

Book	Policies and Administrative Regulations
Section	5000 Students
Title	Closed Campus
Code	5112.5 BP
Status	Active
Adopted	October 20, 2010
Last Revised	October 20, 2010
Last Reviewed	October 20, 2010

In order to keep students in a supervised, safe and orderly environment, the Santa Clara County Board of Education establishes a closed campus at all Santa Clara County Office of Education (SCCOE) schools.

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

(cf. 5113 - Absences and Excuses)

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

(cf. 5144 - Discipline)

Legal Reference:

EDUCATION CODE

35160 Authority of District

35160.1 Broad authority of school district

44808.5 Permission for pupils to leave school grounds; notice

# BP 5117 Interdistrict Attendance Appeals

Book	Board Policies and Administrative Regulations
Section	5000 Students
Title	Interdistrict Attendance Appeals
Code	5117 BP
Status	Active
Adopted	October 20, 2010
Last Revised	November 16, 2022
Last Reviewed	November 16, 2022

The Santa Clara County Board of Education (County Board) shall consider an appeal against any school district within the county for its denial of or refusal to issue an interdistrict transfer permit to a student, or for its denial or refusal to enter into an interdistrict transfer agreement with another school district for the student's attendance. (Education Code 46601)

A denial includes a school district's failure to provide written notification of the school district's decision within the timelines required by the Education Code or the district's refusal to approve an interdistrict transfer agreement to any school within the district. A denial does not include any of the following: a request that is deemed abandoned (as described in Education Code 46600.2), an existing interdistrict transfer permit that has been revoked or rescinded in accordance with the school district governing board's policy, or a denial by the school district of proposed enrollment when no permit has been issued by the school district of residence. (Education Code 46600.1)

If the request for an interdistrict transfer involves a school district located within Santa Clara County and a school district located in a different county, the County Board shall have jurisdiction if the denial of the permit, or the refusal or failure to enter into an agreement, is by the school district within the county. If both school districts deny the permit or refuse or fail to enter into an agreement, the County Board shall have jurisdiction only if the school district within the county is the student's district of residence. (Education Code 46601)

A parent or legal guardian may appeal a school district's decision regarding a request for interdistrict transfer within 30 calendar days of the district's final denial, or the district's denial or refusal to enter into an agreement allowing the interdistrict transfer. Failure by the parent/guardian to appeal within 30 calendar days of the date of the district's final denial is good cause for rejection of an appeal. (Education Code 46601)

The appeal shall be accepted only upon verification by the Santa Clara County Superintendent of Schools (County Superintendent) or designee that appeals within the districts have been exhausted pursuant to the procedures and timelines of the denying school district. (Education Code 46600.2, 46601)

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

## Hearing

No later than 10 days prior to the hearing, the County Superintendent's designee shall serve upon all parties involved, notice of the appeal request.

The notice shall include details of the date, time and place of the hearing, and of the opportunity to submit written statements and documentation, and to be heard on the matter.

The County Board shall conduct a hearing within 30 calendar days after the appeal is filed, to determine whether the student should be permitted to attend school in the district of their choice. If it is impractical for the County Board to comply with the time requirement for the hearing, the County Board may extend the time period, for good cause, for up to an additional five school days. (Education Code 46601)

The designee of the County Superintendent shall investigate to determine whether local remedies in the matter have been exhausted and to provide any additional information deemed useful to the county board of education in reaching a decision. (Education Code 46601)

The Board hearing proceeds as follows:

1. The County Board President opens the hearing, identifies all participants, and addresses procedural matters.
2. Each party will have an opportunity to address the Board and summarize their position for 5 minutes (or longer as determined by the Board President). If an interpreter is used by a parent, the time allotted may be doubled at the discretion of the Board President.
3. Each party will have an opportunity to respond to the presentation of the other party or parties.
4. Board members may ask clarifying questions either during or after the presentation and responses.
5. The hearing will then be closed and the County Board of Education will deliberate in private to review the decision. If any representative of the SCCOE or the student is admitted to this deliberation, the representatives from the opposing party shall also be admitted.
6. After deliberating, the County Board will meet in open session and announce its decision.

Factors for consideration in Appeals

1. The student's psychological or physical well-being.  
Information regarding a student's psychological or physical well-being must be supported by the written statement of a qualified professional.
2. A substantial danger to the student's health or safety.

A danger to the student's health or safety must be supported by the written statement of a qualified health expert, by police reports, by school records, or by other documentation.

3. A specialized and specific academic program or service, unavailable in the SCCOE of residence, but necessary to the student's career or academic objectives.

Such a program or service must be related to the student's career objectives or academic advancement and not based solely on the student's interests or desires, or on extracurricular activities or athletics.

4. Hardship resulting from lack of available or appropriate after school care options for the pupil in the SCCOE of residence.

The parent/guardian must demonstrate attempts to find appropriate care in the SCCOE of residence and must describe these attempts in the written materials provided when the appeal is filed.

5. A severe and demonstrated hardship to parents/guardians which could affect the student's success in school.

The parent/guardian must specify and describe the type of hardship in writing; "hardship" shall be understood to exclude inconvenience to the parents/guardians or matters of preference.

6. The student's desire to remain in his/her school of current attendance for the balance of the semester or school year.

The student's desire may be based on his/her anticipated promotion from the school of current attendance at the end of the semester or school year, or on a need for educational continuity for the remainder of the semester or school year.

7. The student's plan to move in the near future and desire to begin the semester or school year in his or her new school district.

The student and his/her parent/guardian must offer written proof of their plan to move into the SCCOE of proposed attendance; such written proof may be a rental agreement, a contract to purchase new property, or similar document.

8. The financial impact of educating the student (SCCOE of desired attendance) or of losing the student (SCCOE of residence).

In either case, the impacted district(s) must demonstrate in writing that the student's transfer would place an undue hardship on the district's resident students in terms of reduced services or other unacceptable outcomes.

9. The student's demonstrated failure to meet reasonable standards relating to behavior, attendance, or diligence to studies.

The demonstration of such failure must be based on a written explanation of the district's previous experience with the student under an inter-SCCOE transfer agreement or on other documented evidence.

10. Lack of space for the student in the receiving district.

The district of proposed transfer must demonstrate in writing that the student's transfer would result in an undue hardship on students in the district of attendance in terms of overcrowding and/or would be a violation of district policy or a collective bargaining agreement regarding class size goals.

11. The negative impact of the student's transfer on a court ordered or voluntary desegregation plan of either district.

The SCCOE must provide details about the court order or desegregation plan and provide written evidence of the anticipated negative impact of the student's transfer.

12. Other exceptional or extraordinary circumstances which would weigh heavily in favor of the appellate student or the affected school district.

The parent/guardian or school SCCOE must specify and describe the type of exceptional or extraordinary circumstance and its effect on the appellate student or the resident students of the district.

#### Final Order of the County Board

The County Board shall render its decision within three school days of the hearing unless the parent/guardian requests a postponement. (Education Code 46601) The County Board's decision is final and there is no method to appeal the Board's decision.

The County Board shall either grant or deny an appeal on its merits. However, if new evidence or grounds for the request are introduced, the County Board may remand the matter for further consideration by the district or districts. (Education Code 46601)

If the County Board determines that the student should be permitted to attend school in the school district proposed, the County Board shall determine the applicable period of attendance in that district, and the student shall be admitted to a school in that district without delay. The County Board is not authorized to order the specific school placement for the student. School placement, even after a successful appeal, is determined by the district of attendance. (Education Code 46601, 46602)

Parents/guardians and school districts shall be notified in writing of the decision of the County Board. (Education Code 46602)

## BP 5141.31 Immunizations

Book	Board Policies and Administrative Regulations
Section	5000 Students
Title	Immunizations
Code	BP 5141.31
Status	Active
Adopted	October 20, 2010
Last Revised	March 3, 2021
Last Reviewed	March 3, 2021

To protect the health of all students and staff and to curtail the spread of infectious diseases, the Santa Clara County Board of Education (County Board) shall cooperate with state and local health agencies to encourage immunization of all Santa Clara County Office of Education (SCCOE) students against preventable diseases.

(cf. 1400 - Relations between Other Governmental Agencies and the Schools)  
(cf. 5141.22 - Infectious Diseases)  
(cf. 5141.26 - Tuberculosis Testing)

Students entering a SCCOE school or childcare and development program, or transferring between school campuses, shall present an immunization record from any authorized private or public health care provider certifying that the student has received all required immunizations in accordance with law. Students shall be excluded from school or exempted from immunization requirements only as allowed by law.

(cf. 5112.1 - Exemptions from Attendance)  
(cf. 5112.2 - Exclusions from Attendance)  
(cf. 5148 - Child Care and Development)  
(cf. 5141.32 - Health Screening for School Entry)  
(cf. 5148 - Child Care and Development)  
(cf. 5148.3 - Preschool/Early Childhood Education)

Each transfer student shall be requested to present immunization records upon registration at SCCOE schools if possible.

(cf. 6173 - Education for Homeless Children)  
(cf. 6173.1 - Education for Foster Youth)  
(cf. 6173.2 - Education of Children of Military Families)

The County Superintendent of Schools or designee may arrange for an authorized health care provider to administer immunizations at school to any student whose parent/guardian has consented in writing. At the beginning of the school year, parents/guardians shall be notified of their right to provide consent for the administration of an immunization to their child at school. (Education Code 48980, 49403)

(cf. 5141.3 - Health Examinations)  
(cf. 5141.6 - School Health Services)  
(cf. 5145.6 - Parental Notifications)

Legal Reference:

EDUCATION CODE

44871 Qualifications of supervisor of health  
46010 Total days of attendance  
48216 Immunization and exclusion from attendance  
48853.5 Immediate enrollment of foster youth  
48980 Required notification of rights  
49403 Cooperation in control of communicable disease and immunizations

HEALTH AND SAFETY CODE

120325-120380 Immunization against communicable disease especially:  
120335 Immunization requirement for admission  
120440 Disclosure of immunization information  
49426 Duties of school nurses  
49701 Flexibility in enrollment of children of military families

HEALTH AND SAFETY CODE

120325-120380 Immunization against communicable disease, especially:  
120335 Immunization requirement for admission  
120372 Statewide medical exemption electronic standardized form  
120395 Information about meningococcal disease, including recommendation for vaccination  
120440 Disclosure of immunization information

CODE OF REGULATIONS, TITLE 5

430 Student records; definition

CODE OF REGULATIONS, TITLE 17

6000-6075 School attendance immunization requirements

UNITED STATES CODE, TITLE 20

1232g Family Educational Rights and Privacy Act

UNITED STATES CODE, TITLE 42

11432 Immediate enrollment of homeless children

CODE OF FEDERAL REGULATIONS, TITLE 34

99.1-99.67 Family Educational Rights and Privacy

Management Resources:

CALIFORNIA DEPARTMENT OF PUBLIC HEALTH

Exemptions FAQs

Guide to Immunization Requirements for Pre-kindergarten (Child Care)

Guide to Immunization Requirements for K-12th Grade

Parents' Guide to Immunizations Required for Pre-kindergarten (Child Care)

Parents' Guide to Immunizations Required for School Entry

Vaccinations and Medical Exemptions Questions and Answers

California Immunization Handbook for Pre-kindergarten (Child Care) Programs and Schools, 10th Edition, July 2019

EDUCATION AUDIT APPEALS PANEL PUBLICATIONS

Guide for Annual Audits of K-12 Local Education Agencies and State Compliance Reporting

U.S. DEPARTMENT OF EDUCATION GUIDANCE

Family Educational Rights and Privacy Act (FERPA) and H1N1, October 2009

WEB SITES

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

California Department of Public Health, Immunization Branch: <http://cdph.ca.gov/programs/immunize>

California Department of Public Health, Shots for Schools: <http://www.shotsforschool.org>  
California Health & Human Services Agency: <http://www.chhs.ca.gov/>  
Centers for Disease Control and Prevention: <http://www.cdc.gov>  
Education Audit Appeals Panel: <http://www.eaap.ca.gov>  
U.S. Department of Education: <http://www.ed.gov>

Adopted: October 10, 2020  
Revised: March 3, 2021

## BP 5145.3 Nondiscrimination/Harassment

Book	Policies and Administrative Regulations
Section	5000 Students
Title	Nondiscrimination/Harassment
Code	5145.3 BP
Status	Active
Adopted	October 20, 2010
Last Revised	October 2, 2024
Last Reviewed	October 2, 2024
Prior Revised Dates	January 15, 2014, July 19, 2017, July 17, 2019, January 10, 2024

This policy shall apply to all acts constituting unlawful discrimination or harassment related to school activity or to school attendance occurring within a Santa Clara County Office of Education (SCCOE) school or program, to acts which occur off campus or outside of school-related or school-sponsored activities but which may have an impact or create a hostile environment at school, and to all acts of the Santa Clara County Board of Education (SCCBOE) and the Santa Clara County Superintendent of Schools (County Superintendent) in enacting policies and procedures that govern the SCCOE.

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

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

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

(cf. 5131 - Conduct)

(cf. 5131.2 – Anti-Bullying Policy)

(cf. 5145.9 - Hate-Motivated Behavior)

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

This policy applies to all acts related to school activity or school attendance within a school or program under the jurisdiction of the County Superintendent, and to acts which occur off campus or outside of school-related or school-sponsored activities but which may have an impact or create a hostile environment at school.

Unlawful discrimination, including discriminatory harassment, intimidation, or bullying may result from physical, verbal, nonverbal, or written conduct based on any of the categories listed above. Unlawful discrimination also includes the creation of a hostile environment through prohibited conduct that is so severe, persistent, or pervasive that it affects a student's ability to participate in or benefit from an educational

program or activity; creates an intimidating, threatening, hostile, or offensive educational environment; has the effect of substantially or unreasonably interfering with a student's academic performance; or otherwise adversely affects a student's educational opportunities.

Unlawful discrimination also includes disparate treatment of students based on one of the categories above with respect to the provision of opportunities to participate in any SCCOE school, program, or activity or the provision or receipt of educational benefits or services, such as prohibiting a student from enrolling in a class or course on the basis of the student's sex.

In accordance with law, all SCCOE students shall be afforded the same rights, benefits, and protections. When, as permitted by law, the SCCOE maintains sex-segregated facilities, such as restrooms and locker rooms, or sex-segregated programs and activities, such as physical education classes, intermural sports, and interscholastic athletic programs, students shall be allowed to access facilities and participate in programs and activities, class discussions, yearbook pictures, and field trips consistent with their gender identity. Each student's gender identity shall be the gender asserted by the student. Transgender and gender-nonconforming students shall be afforded the same rights, benefits, and protections as all SCCOE students.

Because unlawful discrimination may occur when disciplining students, including suspension and expulsion, discipline shall be enforced in a fair, consistent, and non-discriminatory manner.

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

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

(cf. 1312.3 - Uniform Complaint Procedures)  
(cf. 1330 - Use of SCCOE Facilities)  
(cf. 4131 - Staff Development)  
(cf. 4231 - Staff Development)  
(cf. 4331 - Staff Development)  
(cf. 1240 - Volunteer Assistance)

Complaints alleging unlawful discrimination, including discriminatory harassment, intimidation, or bullying, or retaliation may be filed in accordance with the SCCBOE's uniform complaint procedures and the processes established by the County Superintendent for investigating and resolving such complaints. Regardless of whether a complainant complies with the writing, timeline, and/or other formal filing requirements, all complaints alleging unlawful discrimination, including discriminatory harassment, intimidation, or bullying, shall

be investigated and prompt action taken to stop the discrimination, prevent recurrence, and address any continuing effect on students.

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

(cf. 4118 - Suspension/Disciplinary Action)

(cf. 4119.21/4219.21/4319.21 - Professional Standards)

(cf. 5144 - Discipline)

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

#### County Superintendent's Antidiscrimination Measures

The SCCBOE hereby incorporates by reference the policies, procedures, and measures implemented by the County Superintendent to prevent or address unlawful discrimination in COE schools, programs, and activities, including, but not limited to, the following:

1. Designation of a coordinator/compliance officer to handle complaints alleging unlawful discrimination
2. Posting of information regarding Title IX prohibitions against discrimination based on a student's actual or perceived sexual orientation, gender or sex (including gender identity, gender expression, pregnancy, childbirth, breastfeeding, and pregnancy related medical conditions), race or ethnicity, ethnic group identification, ancestry, nationality, national origin, religion, color, mental or physical disability, age, immigration status, or on the basis of a person's association with a person or group with one or more of these actual or perceived characteristics, or any other basis protected by federal, state or local law, ordinance, or regulation
3. Publicizing of the SCCOE's nondiscrimination policies and complaint procedures
4. Provision of training and information about the SCCOE's nondiscrimination policies and complaint procedures, including information related to state and federal laws pertaining to the rights of transgender and gender-nonconforming students, to students, parents/guardians, SCCOE employees, and others as applicable
5. Establishment of a complaint process that ensures a prompt and fair resolution of complaints
6. Provision of annual notification required by law
7. Maintenance of student records in accordance with law

#### Legal Reference:

##### EDUCATION CODE

200-262.4 Prohibition of discrimination

48900.3 Suspension or expulsion for act of hate violence

48900.4 Suspension or expulsion for threats or harassment

48904 Liability of parent/guardian for willful student misconduct  
 48907 Student exercise of free expression  
 48950 Freedom of speech  
 48985 Translation of notices  
 49020-49023 Athletic programs  
 51500 Prohibited instruction or activity  
 51501 Prohibited means of instruction  
 60044 Prohibited instructional materials  
 CIVIL CODE  
 1714.1 Liability of parents/guardians for willful misconduct of minor  
 GOVERNMENT CODE  
 11135 Nondiscrimination in programs or activities funded by state  
 PENAL CODE  
 422.55 Definition of hate crime  
 422.6 Crimes, harassment  
 CODE OF REGULATIONS, TITLE 5  
 432 Student record  
 4600-4687 Uniform Complaint Procedures  
 4900-4965 Nondiscrimination in elementary and secondary education programs  
 UNITED STATES CODE, TITLE 20  
 1681-1688 Title IX of the Education Amendments of 1972  
 12101-12213 Title II equal opportunity for individuals with disabilities  
 UNITED STATES CODE, TITLE 29  
 794 Section 504 of Rehabilitation Act of 1973  
 UNITED STATES CODE, TITLE 42  
 2000d-2000e-17 Title VI and Title VII Civil Rights Act of 1964, as amended  
 2000h-2-2000h-6 Title IX of the Civil Rights Act of 1964  
 6101-6107 Age Discrimination Act of 1975  
 CODE OF FEDERAL REGULATIONS, TITLE 28  
 35.107 Nondiscrimination on basis of disability; complaints  
 CODE OF FEDERAL REGULATIONS, TITLE 34  
 99.31 Disclosure of personally identifiable information  
 100.3 Prohibition of discrimination on basis of race, color or national origin  
 104.7 Designation of responsible employee for Section 504  
 106.8 Designation of responsible employee for Title IX  
 106.9 Notification of nondiscrimination on basis of sex  
 110.25 Prohibition of discrimination based on age  
 COURT DECISIONS  
 Donovan v. Poway Unified School District, (2008) 167 Cal.App.4th 567  
 Flores v. Morgan Hill Unified School District, (2003) 324 F.3d 1130  
 Management Resources:  
 CSBA PUBLICATIONS  
 Safe Schools: Strategies for Governing Boards to Ensure Student Success, 2011  
 Final Guidance Regarding Transgender Students, Privacy, and Facilities, March 2014  
 Providing a Safe, Nondiscriminatory School Environment for All Students, Policy Brief, February 2014  
 FIRST AMENDMENT CENTER PUBLICATIONS  
 Public Schools and Sexual Orientation: A First Amendment Framework for Finding Common Ground, 2006  
 NATIONAL SCHOOL BOARDS ASSOCIATION PUBLICATIONS

Dealing with Legal Matters Surrounding Students' Sexual Orientation and Gender Identity, 2004

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

Dear Colleague Letter: Transgender Students, May 2016

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

Dear Colleague Letter: Title IX Coordinators, April 2015

Dear Colleague Letter: Harassment and Bullying, October 2010

Notice of Non-Discrimination, January 1999

#### WEB SITES

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

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

California Safe Schools Coalition: <http://www.casafeschools.org>

First Amendment Center: <http://www.firstamendmentcenter.org>

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

U.S. Department of Education, Office for Civil Rights: <http://www.ed.gov/about/offices/list/ocr>

## SP 5145.7 Sexual Harassment

Book	Policies and Administrative Regulations
Section	5000 Students
Title	Sexual Harassment (Students)
Code	5145.7 SP
Status	Active
Adopted	October 20, 2010
Last Revised	November 3, 2020
Last Reviewed	November 3, 2020
Prior Revised Dates	April 30, 2019

The Santa Clara County Board of Education and the County Superintendent of Schools are committed to maintaining a safe school environment that is free from harassment and discrimination. Sexual harassment targeted at any student in a SCCOE program, school, or school-sponsored or school-related activity is prohibited. Additionally, retaliatory behavior or action against any person who reports, files a complaint, or testifies about, or otherwise supports a complaint in alleging sexual harassment is prohibited.

The County Board strongly encourages any student who feels they are or have been sexually harassed on school grounds or at a school-sponsored or school-related activity by another student or adult, or who has experienced an off-campus sexual harassment incident that involved anyone with whom the student may continue to have contact on campus, to immediately contact their teacher, the principal or program administrator, or any other available school employee. Reports to or observations by SCCOE employees of sexual harassment of students shall be addressed in accordance with law and the related County Superintendent regulation.

### Complaint Process and Disciplinary Actions

Sexual harassment complaints by and against students shall be investigated and resolved in accordance with law and SCCOE Uniform Complaints Procedures. All complaints and allegations of sexual harassment shall be kept confidential except as necessary to carry out the investigation or take other subsequent necessary action. (5CCR 4964)

Upon investigation of a sexual harassment complaint, any student found to have engaged in sexual harassment or sexual violence in violation of this County Board policy shall be subject to disciplinary action. For students in grades 4-12, disciplinary action may include suspension and/or expulsion.

### Notifications

A copy of the SCCOE's sexual harassment policy and regulation shall:

1. Be included in the notifications that are sent to parents/guardians at the beginning of each school year (Education Code 48980; 5 CCR 4917)
2. Be displayed in a prominent location in the main administrative building or other area where notices of SCCOE rules, regulations, procedures, and standards of conduct are posted (Education code 231.5)
3. Be posted on SCCOE and program/school web sites and, when available, on SCCOE supported social media

4. Be provided as part of any orientation program conducted for new students at the beginning of each quarter, semester, or summer session (Education Code 231.5)
5. Appear in any publication that set forth the program's/school's or SCCOE's comprehensive rules, regulations, procedures, and standards of conduct (Education Code 231.5)
6. Be included in the student handbook
7. Be provided to the County Superintendent for distribution to employees and employee organizations.

## BP 5145.9 Hate-Motivated Behavior

Book	Policies and Administrative Regulations
Section	5000 Students
Title	Hate-Motivated Behavior
Code	5145.9 BP
Status	Active
Adopted	October 10, 2010
Last Revised	January 10, 2024
Last Reviewed	January 10, 2024
Prior Revised Dates	October 10, 2010, January 19, 2022

The Santa Clara County Board of Education (SCCBOE) is committed to providing a respectful, inclusive, and safe learning environment that protects students from discrimination, harassment, intimidation, bullying, or any other type of behavior that is motivated by hate.

In order to create a safe learning environment for all students, the SCCBOE desires to protect the right of every student to be free from hate-motivated behavior and will promote harmonious relationships among students so as to enable them to gain a true understanding of the civil rights and social responsibilities of people in society. The Santa Clara County Office of Education prohibits discriminatory behavior or statements that degrade an individual on the basis of his/her actual or perceived race, ethnicity, culture, heritage, gender, sex, sexual orientation, physical/mental attributes, or religious beliefs or practices.

(cf. 0410 - Nondiscrimination in District Programs and Activities) (cf. 0450 - Comprehensive Safety Plan)  
(cf. 3515.4 - Recovery for Property Loss or Damage) (cf. 5131.5 - Vandalism and Graffiti)  
(cf. 5136 - Gangs)  
(cf. 5137 - Positive School Climate) (cf. 5141.52 - Suicide Prevention)  
(cf. 5145.3 - Nondiscrimination/Harassment) (cf. 5147 - Dropout Prevention)  
(cf. 5149 - At-Risk Students)

The Santa Clara County Superintendent of Schools (County Superintendent) or designee shall collaborate with regional programs and community organizations to promote safe environments for youth. These efforts shall be focused on providing an efficient use of SCCOE and community resources.

The SCCBOE supports collaboration with community organizations to promote an environment where diversity is celebrated, and hate-motivated behavior is not tolerated. Such collaborative efforts shall focus on the development of effective prevention strategies and response plans, provision of assistance to students affected by hate-motivated behavior, and/or education of students who have perpetrated hate-motivated acts.

Students shall be provided with age-appropriate instruction that:

1. Includes the development of social-emotional learning
2. Promotes an understanding, awareness, appreciation, and respect for human rights, human relations, diversity, and acceptance in a multicultural society
3. Explains the harm and dangers of explicit and implicit biases

4. Discourages discriminatory attitudes and practices
5. Provides strategies to manage conflicts constructively

As necessary, counseling, guidance, and support shall be provided to students who are victims of hate-motivated behavior and to students who exhibit such behavior.

When appropriate, students who engage in hate-motivated behavior shall be disciplined.

(cf. 1020 - Youth Services)

(cf. 1400 - Relations Between Other Governmental Agencies and the Schools) (cf. 1700 - Relations Between Private Industry and the Schools)

(cf. 5148.2 - Before/After School Programs)

(cf. 5148.3 - Preschool/Early Childhood Education)

(cf. 6020 - Parent Involvement)

The SCCOE shall provide age-appropriate instruction to help promote an understanding of and respect for human rights, diversity, and tolerance in a multicultural society and to provide strategies to manage conflicts constructively.

(cf. 5138 - Conflict Resolution/Peer Mediation) (cf. 6142.3 - Civic Education)

(cf. 6142.4 - Service Learning/Community Service Classes) (cf. 6141.94 - History-Social Science Instruction)

County Superintendent or designee shall ensure that staff receive training on recognizing hate-motivated behavior and on strategies to help respond appropriately to such behavior.

(cf. 4131 - Staff Development)

(cf. 4231 - Staff Development)

(cf. 4331 - Staff Development)

Any training provided by the County Superintendent for staff who serve students in grades 7-12 should:

1. Promote an understanding of diversity, equity, and inclusion
2. Discourage the development of discriminatory attitudes and practices
3. Include social-emotional learning and nondiscriminatory instructional and counseling methods
4. Support the prevention, recognition, and response to hate-motivated behavior
5. Raise the awareness and sensitivity of staff to potentially prejudicial and discriminatory behavior
6. Include effective enforcement of rules for appropriate student conduct

Any rules prepared by the County Superintendent prohibiting hate-motivated behavior and procedures for reporting a hate-motivated incident shall be provided to students, staff, and parents/guardians.

This policy shall be posted in a prominent location on the SCCOE's web site in a manner that is readily and easily accessible to parents/guardians and students. (Education Code 234.6)

#### Grievance Procedures

The County Superintendent is responsible for ensuring that any staff member who is notified that hate-motivated behavior has occurred, observes such behavior, or otherwise becomes aware of an incident immediately contacts the compliance officer responsible for coordinating the SCCOE's response to complaints and complying with state and federal civil rights laws.

A student or parent/guardian who believes the student is a victim of hate-motivated behavior is encouraged to report the incident to a teacher, the principal, the SCCOE's compliance officer, or other staff member.

Any complaint of hate-motivated behavior shall be investigated and, if determined to be discriminatory, shall be resolved in accordance with law and the SCCOE's uniform complaint procedures specified in BP 1312.3 - Uniform Complaint Procedures or other applicable procedure.

Any student who believes they are a victim of hate-motivated behavior shall immediately contact the Principal. Upon receiving such a complaint, the Principal shall immediately investigate the complaint in accordance with school-level complaint process/grievance procedures as described in AR 5145.7 - Sexual Harassment. A student who has been found to have demonstrated hate-motivated behavior shall be subject to discipline in accordance with law, Board policy, and administrative regulation.

(cf. 1312.1 - Complaints Concerning District Employees)

(cf. 1312.3 - Uniform Complaint Procedures)

(cf. 5131- Conduct) (cf. 5144 - Discipline)

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

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

(cf. 5145.7 - Sexual Harassment)

Staff who receive notice of hate-motivated behavior or personally observe such behavior shall notify the Principal, County Superintendent or designee, and/or law enforcement, as appropriate.

(cf. 3515.3 - District Police/Security Department) (cf. 4158/4258/4358 - Employee Security)

As necessary, the SCCOE shall provide counseling, guidance, and support to students who are victims of hate-motivated behavior and to students who exhibit such behavior.

(cf. 6164.2 - Guidance/Counseling Services) Legal Reference:

#### EDUCATION CODE

200-262.4 Prohibition of discrimination 32282 School safety plans

48900.3 Suspension for hate violence

48900.4 Suspension or expulsion for threats or harassment PENAL CODE

422.55 Definition of hate crime

422.6 Crimes, harassment

#### CODE OF REGULATIONS, TITLE 5

4600-4687 Uniform Complaint Procedures

4900-4965 Nondiscrimination in elementary and secondary education programs

## **BP 5146 Married/Pregnant/Parenting Students**

Book	Policies and Administrative Regulations
Section	5000 Students
Title	Married/Pregnant/Parenting Students
Code	5146 BP
Status	Active
Adopted	September 5, 2018
Last Revised	March 4, 2020
Last Reviewed	March 4, 2020

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

The Santa Clara County Office of Education (SCCOE) shall not exclude or deny any student from any educational program or activity, including any class or extracurricular activity, solely on the basis of the student's marital status, pregnancy, childbirth, false pregnancy, termination of pregnancy, or related recovery. In addition, the SCCOE shall not adopt any rule concerning a student's actual or potential parental, family, or marital status that treats students differently on the basis of sex. (Education Code 222.5; 34 CFR 106.40)

The Superintendent or designee shall annually notify parents/guardians at the beginning of the school year of the rights and options available to pregnant and parenting students under the law. In addition, pregnant and parenting students shall be notified of the rights and options available to them under the law through annual school year welcome packets and through independent study packets. (Education Code 222.5, 48980)  
For school-related purposes, a student under the age of 18 years who enters into a valid marriage shall have all the rights and privileges of students who are 18 years old, even if the marriage has been dissolved. (Family Code 7002)

### **Education and Support Services for Pregnant and Parenting Students**

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

Any education program or activity that is offered separately to pregnant students, including any class or extracurricular activity, shall be equal to that offered to other SCCOE students. A student's participation in such programs shall be voluntary. (5 CCR 4950)

As required for other students with physical or emotional conditions or temporary disabilities, the County Superintendent or designee may require a student, based on pregnancy, childbirth, false pregnancy, termination of pregnancy, or related recovery, to obtain certification from a physician indicating that the student is physically and emotionally able to participate in an educational program or activity. (34 CFR 106.40)

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

1. Childcare and development services for the children of parenting students on or near school site(s) during the school day and during school-sponsored activities
2. Parenting education and life skills instruction
3. Special school nutrition supplements for pregnant and lactating students pursuant to Education Code 49553, 42 USC 1786, and 7 CFR 246.1-246.28
4. Health care services, including prenatal care
5. Tobacco, alcohol, and/or drug prevention and intervention services
6. Academic and personal counseling
7. Supplemental instruction to assist students in achieving grade-level academic standards and progressing toward graduation

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

#### Absences

Pregnant or parenting students may be excused for absences related to confidential medical appointments in accordance with BP/AR 5113 - Absences and Excuses.

The County Superintendent or designee shall grant a student a leave of absence due to pregnancy, childbirth, false pregnancy, termination of pregnancy, and related recovery for as long as it is deemed medically necessary by a physician. At the conclusion of the leave, the student shall be reinstated to the status held when the leave began. (34 CFR 106.40)

A parenting student may request exemption from attendance because of personal services that must be rendered to a dependent.

#### Reasonable Accommodations

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

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

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

1. Access to a private and secure room, other than a restroom, to express breast milk or breastfeed an infant child
2. Permission to bring onto a school campus a breast pump and any other equipment used to express breast milk
3. Access to a power source for a breast pump or any other equipment used to express breast milk
4. Access to a place to store expressed breast milk safely
5. A reasonable amount of time to accommodate the student's need to express breast milk or breastfeed an infant child

#### Complaints

Any complaint of discrimination on the basis of pregnancy or marital or parental status shall be addressed through the SCCOE's uniform complaint procedures in accordance with 5 CCR 46004687 and BP/AR 1312.3 - Uniform Complaint Procedures.

Any complaint alleging SCCOE noncompliance with the requirements to provide reasonable accommodations for lactating students also may be filed in accordance with the SCCOE's procedures in AR 1312.3 - Uniform Complaint Procedures. A complainant who is not satisfied with the SCCOE's decision may appeal the decision to the California Department of Education (CDE). If the SCCOE or the CDE finds merit in an appeal, the SCCOE shall provide a remedy to the affected student. (Education Code 222; 5 CCR 4600-4687)

## BP 6142.1 Sexual Health and HIV/AIDS Prevention Instruction

Book	Policies and Administrative Regulations
Section	6000 Instruction
Title	Sexual Health and HIV/AIDS Prevention Instruction
Code	6142.1 BP
Status	Active
Adopted	July 15, 2009
Last Revised	July 15, 2009
Last Reviewed	July 15, 2009

The Santa Clara County Board of Education recognizes that the purpose of sexual health and HIV/AIDS prevention instruction is to provide students with the knowledge and skills necessary to protect them from unintended pregnancy and sexually transmitted diseases and to encourage students to develop healthy attitudes concerning adolescent growth and development, body image, gender roles, sexual orientation, dating, marriage, and family. The County Board therefore desires to provide a well-planned sequence of instruction on comprehensive sexual health and HIV/AIDS prevention.

(cf. 5030 - Student Wellness)  
(cf. 6142.8 - Comprehensive Health Education)

The Santa Clara County Office of Education curriculum shall be aligned with the state's content standards, based on medically accurate and factual information, and designed to teach students to make healthy choices and reduce high-risk behaviors. The program shall comply with the requirements of law, Board policy, and administrative regulation and shall respect the rights of parents/guardians to supervise their children's education on these subjects and to impart values regarding human sexuality to their children.

(cf. 5141.22 - Infectious Diseases)  
(cf. 5141.25 - Availability of Condoms)  
(cf. 5146 - Married/Pregnant/Parenting Students)  
(cf. 6143 - Courses of Study)

The Santa Clara County Superintendent of Schools or designee may appoint a coordinator and/or an advisory committee regarding SCCOE's comprehensive sexual health program. The advisory committee shall represent a divergence of viewpoints and may participate in planning, implementing, and evaluating the comprehensive sexual health education program. The County Board shall consider the advisory committee's recommendations when approving SCCOE's program.

(cf. 1220 - Citizen Advisory Committees)

Parent/Guardian Consent A parent/guardian may request in writing that his/her child be excused from participating in HIV/AIDS prevention or sexual health education. Students so excused by their parents/guardians shall be given an alternative educational activity. (Education Code 51240, 51939)

(cf. 5022 - Student and Family Privacy Rights)

A student shall not be subject to disciplinary action, academic penalty, or other sanction if the student's parent/guardian declines to permit the student to receive the instruction. (Education Code 51939)

Legal Reference:

EDUCATION CODE

220 Prohibition of discrimination

48980 Notice at beginning of term

51202 Instruction in personal and public health and safety

51210.8 Health education curriculum

51240 Excuse from instruction due to religious beliefs

51513 Materials containing questions about beliefs or practices

51930-51939 Comprehensive Sexual Health and HIV/AIDS Prevention Education Act

HEALTH AND SAFETY CODE

1255.7 Parents surrendering physical custody of a baby

PENAL CODE

243.4 Sexual battery 261.5 Unlawful sexual intercourse

271.5 Parents voluntarily surrendering custody of a baby

UNITED STATES CODE, TITLE 20

1232h Protection of student rights

7906 Sex education

Management Resources:

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

Health Education Content Standards for California Public Schools, Kindergarten Through Grade 12, 2008

Health Framework for California Public Schools: Kindergarten through Grade 12, 2003

WEB SITES

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

American Academy of Pediatrics: <http://www.aap.org>

American College of Obstetricians and Gynecologists: <http://www.acog.org>

American Public Health Association: <http://www.apha.org>

California Department of Education, Sex Education and HIV/STD Instruction:  
<http://www.cde.ca.gov/ls/he/se>

California Department of Public Health: <http://www.cdph.ca.gov>

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

California Safe Schools Coalition: <http://www.casafeschools.org>

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

National Academy of Sciences: <http://www.nationalacademies.org>

U.S. Department of Health and Human Services, Office of the Surgeon General:  
<http://www.surgeongeneral.gov>

U.S. Food and Drug Administration: <http://www.fda.gov>

## BP 6143 Courses of Study

Book	Policies and Administrative Regulations
Section	6000 Instruction
Title	Courses of Study
Code	6143 BP
Status	Active
Adopted	September 16, 2009
Last Revised	May 4, 2022
Last Reviewed	May 4, 2022

The Santa Clara County Board of Education recognizes that a well-aligned sequence of courses fosters academic progress and provides for the best possible use of instructional time. The Santa Clara County Office of Education's (SCCOE) course of study shall provide students with opportunities to attain the skills, knowledge, and abilities they need to be successful academically, professionally, social-emotionally, and personally.

(cf. 6141 - Curriculum Development and Instructional Plans)  
(cf. 6161.1 - Selection and Evaluation of Instructional Materials)

The Santa Clara County Superintendent of Schools (County Superintendent) or designee shall establish processes for ensuring the articulation of courses across grade levels within the SCCOE. As necessary, the County Superintendent or designee shall work with representatives of appropriate area districts and postsecondary institutions to ensure articulation of courses with other institutions to which students may matriculate. The sequence of courses shall be designed to ensure that each course provides adequate preparation for the next course in the sequence, only utilizes prerequisites that are essential to success in a given program or course, avoids significant duplication of content, and allows for reinforcement and progression in the subject matter.

The SCCOE shall not provide any course separately or require or refuse participation by any student on the basis of the student's actual or perceived sex, sexual orientation, gender, gender expression, gender identity, ethnic group identification, immigration status, race, ancestry, national origin, religion, color, mental or physical disability, or any other characteristic listed in Education Code 200 and 220, Government Code 11135, or Penal Code 422.55, or the student's association with a person or group with one or more of such actual or perceived characteristics. (Education Code 200, 220; Government Code 11135; Penal Code 422.55; 5 CCR 4940)

### Elementary Grades

The County Board shall adopt a course of study for elementary grades within SCCOE programs that sufficiently prepares students for the secondary school course of study.

### Secondary Grades

The SCCOE shall offer all otherwise qualified students in grades 7-12 a course of study that, upon graduation from high school, prepares them to meet the requirements and prerequisites for admission to California public colleges and universities and/or attain entry-level employment skills in business or industry. The SCCOE's course of study may provide for a rigorous academic curriculum that integrates academic and career skills,

includes applied learning across all disciplines, and prepares all students for high school graduation and career entry. (Education Code 51228)

In addition, the course of study for students in grades 9-12 may include instruction in skills and knowledge for adult life, career technical training, and a timely opportunity for all otherwise qualified students to enroll, within four years, in each course necessary to fulfill the requirements and prerequisites for admission to California public colleges and universities prior to graduation. (Education Code 51224, 51228)

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

(cf. 6146.1 - High School Graduation Requirements for SCCOE Students)

(cf. 6178 - Career Technical Education)

The County Superintendent or designee shall develop a process by which courses that meet California college admission criteria (referred to as "a-g" course requirements) are submitted to the University of California (UC) for review and certification. The County Superintendent shall maintain an accurate list of all current high school courses that have been so certified, shall ensure that the list is provided annually to each student in grades 9-12 and their parents/guardians, and shall make updated lists readily available. (Education Code 51229, 66204)

At the beginning of each school year, the County Superintendent or designee shall provide written notice to parents/guardians of students in grades 9-12 that, to the extent possible, shall not exceed one page in length and that includes all of the following: (Education Code 51229)

1. A brief explanation of the college admission requirements
2. A list of the current UC and California State University (CSU) web sites that help students and their families learn about college admission requirements and that list high school courses that have been certified by UC as satisfying the requirements for admission to UC and CSU
3. A brief description of what career technical education is, as defined by the California Department of Education (CDE)
4. The Internet address for the portion of the web site of the CDE where students can learn more about career technical education
5. Information about how students may meet with school counselors to help them choose courses that will meet college admission requirements and/or enroll in career technical education courses

(cf. 5145.6 - Parental Notifications)

Legal Reference:

EDUCATION CODE

33319.3 Driver education; CDE materials on road rage

33540 Government and civics instruction in interaction with government agencies

48980 Parental notifications

51202 Instruction in personal and public health and safety

51203 Instruction on alcohol, narcotics and restricted dangerous drugs

51204 Course of study designed for student's needs

51204.5 History of California; contributions of men, women and ethnic groups  
51210-51212 Areas of study for grades 1-6  
51220-51229 Course of study for grades 7-12  
51241 Exemption from physical education  
51911-51921 Comprehensive health educational plans  
51930-51939 Comprehensive Healthy Youth Act  
51940 Curriculum for brain and spinal cord injury prevention  
60040-60052 Requirements for instructional materials  
66204 Certification of high school courses as meeting university admission criteria  
HEALTH AND SAFETY CODE  
11032 Definition of dangerous drugs  
CODE OF REGULATIONS, TITLE 5  
4940 Nondiscrimination; course access  
10020-10049 Automobile driver education and training  
10060 Criteria for high school physical education programs  
UNITED STATES CODE, TITLE 20  
6111-6251 School-to-Work Opportunities Act of 1994

Management Resources:

WEB SITES

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

California Career Resource Network: <http://www.californiacareers.info>

California Colleges.edu: <http://www.californiacolleges.edu>

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

University of California, Certified Course Lists: <http://doorways.ucop.edu/list>

University of California, College Prep Online Courses and Services: <http://www.uccp.org>

# BP 6146.1 High School Graduation Requirements for SCCOE Students

Book	Board Policies and Administrative Regulations
Section	6000 Instruction
Title	High School Graduation Requirements for SCCOE Students
Code	6146.1 BP
Status	Active
Adopted	October 21, 2009
Last Revised	August 4, 2021
Last Reviewed	August 4, 2021
Prior Revised Dates	May 16, 2012, September 17, 2014, May 4, 2016, March 1, 2017, September 19, 2018, March 3, 2021

The Santa Clara County Board of Education (County Board) desires to prepare all students to obtain a high school diploma to enable them to take advantage of opportunities for postsecondary education and/or employment.

(cf. 5127 - Graduation Ceremonies and Activities) (cf. 5147 - Dropout Prevention)

(cf. 6011 – Academic Standards) (cf. 6143 - Courses of Study)

(cf. 6146.3 - Reciprocity of Academic Credit)

## Course Requirements

Santa Clara County Office of Education students will complete 200 credits for graduation. To obtain a high school diploma, students shall complete at least the following course credits in grades 9-12, except for students who are exempted from certain course requirements as identified below. Each course shall be one year unless otherwise specified. Ten units of credit shall be granted for the successful completion of a year's study of a particular course:

1. Thirty credits in English (Education Code 51225.3) (cf. 6142.91 - Reading/Language Arts Instruction)
2. Twenty credits in mathematics (Education Code 51225.3)

At least one mathematics course, or a combination of the two mathematics courses shall meet or exceed state academic content standards for Algebra I or Mathematics I. Completion of such coursework prior to grade 9 shall satisfy the Algebra I or Mathematics I requirement, but shall not exempt a student from the requirement to complete two mathematics courses in grades 9-12. (Education Code 51224.5)

Students may be awarded up to one mathematics course credit for successful completion of an approved computer science course that is classified as a "category c" course based on the "a-g" course requirements for college admission. (Education Code 51225.3, 51225.35)

(cf. 6011 - Academic Standards)

(cf. 6142.92 - Mathematics Instruction)

3. Twenty credits in science, including biological and physical sciences (Education Code 51225.3) (cf. 6142.93 - Science Instruction)

4. Thirty credits in social studies, including United States history and geography; world history, culture, and geography; a one-semester course in American government and civics; and a one-semester course in economics (Education Code 51225.3)  
(cf. 6142.3 - Civic Education)

5. Twenty credits in visual or performing arts, world language, or American Sign Language or career technical education (CTE) (Education Code 51223)

(cf. 6178 - Career Technical Education)  
(cf. 6178.2 - Regional Occupational Center/Program)

6. Twenty credits in physical education, unless the student has been otherwise exempted pursuant to other sections of the Education Code (Education Code 51225.3)

(cf. 6142.7 - Physical Education and Activity)

7. Ten credits in computer applications

8. Ten credits in life skills, health and HIV/AIDS prevention and instruction in sexual harassment and violence, including, but not limited to, information on the affirmative consent standard. (Education Code 51225.36)

(cf. 6142.1 - Sexual Health and HIV/AIDS Prevention Instruction) (cf. 6142.4 - Service Learning/Community Service Classes)  
(cf. 6142.8 - Comprehensive Health Education)

9. Forty credits in general electives

Subject	Course Requirements for Graduation
English	30
Mathematics	20
Science	20
Social Studies	30
Visual/Performing Arts, World Language/ASL, CTE	20
Physical Education	20
Computer Applications	10
Life Skills/Health	10
Electives	40
Total	200

Students do have the option to earn credits for service learning/community service classes or complete a senior multidisciplinary project if these options are available. However, these course credits are optional and are not required for graduation. Because the prescribed course of study may not accommodate the needs of some students, County Board shall provide alternative means for the completion of prescribed courses in accordance with law.

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

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

The County Superintendent or Superintendent's designee shall exempt or waive specific course requirements for foster youth, homeless students, children of military families, or students in grades 11 or 12 during the 2020-2021 school year who are not on track to graduate in four years from all coursework and requirements adopted by the County Board of Education that are in addition to statewide coursework requirements, in accordance with Education Code 51225, 51225.1, 51225.3, and 49701.

(cf. 1312.3 – Uniform Complaint Procedures) (cf. 5145.6 – Parental Notifications)

(cf. 6173 - Education for Homeless Children) (cf. 6173.1 - Education for Foster Youth)

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

Students enrolled in grades 11 or 12 during the 2020-2021 school year who are not on track to graduate in the 2020- 2021 or 2021-2022 school year shall be provided with the opportunity to complete the statewide minimum coursework required for graduation. The County Superintendent or Superintendent's designee may offer a fifth year of high school instruction, credit recovery options, or other opportunities that allow for the completion of statewide minimum coursework. (Education Code 51225, 51225.3)

#### Retroactive Diplomas

Any student who completed grade 12 in the 2003-04 through 2014-15 school year and met all applicable graduation requirements other than the passage of the high school exit examination shall be granted a high school diploma. (Education Code 51413)

In addition, the SCCOE may retroactively grant high school diplomas to former students who: (Education Code 48204.4, 51430, 51440)

1. Departed California against their will while in grade 12 and did not receive a diploma because the departure interrupted their education, provided that they were in good academic standing at the time of the departure.

Persons may be considered to have departed California against their will if they were in custody of a government agency and were transferred to another state, were subject to a lawful order from a court or government agency that authorized their removal from California, were subject to a lawful order and were permitted to depart California before being removed from California pursuant to the lawful order, were removed or were permitted to depart voluntarily pursuant to the federal Immigration and Nationality Act, or departed due to other circumstances determined by the SCCOE that are consistent with the purposes of Education Code 48204.4. In determining whether to award a diploma under these circumstances, the County Superintendent or designee shall consider any coursework that may have been completed outside of the United States or through online or virtual courses.

2. Were interned by order of the federal government during World War II or who is an honorably discharged veteran of World War II, the Korean War, or the Vietnam War, provided that they were enrolled in a SCCOE school immediately preceding the internment or military service and did not receive a diploma because his/her education was interrupted due to the internment or military service. (Education Code 51430)

The SCCOE also may retroactively grant a diploma to a deceased former student who satisfies the above conditions. The diploma shall be received by the deceased student's next of kin. (Education Code 51430)

3. Are veterans who entered the military service of the United States while in grade 12 and who had satisfactorily completed the first half of the work required for grade 12. (Education Code 51440)
4. Were in their senior year of high school during the 2019-20 school year, were in good academic standing and on track to graduate at the end of the 2019-20 school year as of March 1, 2020, and were unable to complete the statewide graduation requirements as a result of the COVID-19 crisis.

Legal Reference:

EDUCATION CODE

47612 Enrollment in charter school 48200 Compulsory attendance 48412 Certificate of proficiency  
 48204.4 Parents/guardians departing California against their will 48430 Continuation education schools and classes  
 48645.5 Acceptance of coursework  
 48980 Required notification at beginning of term  
 49701 Interstate Compact on Educational Opportunity for Military Children 51224 Skills and knowledge required for adult life  
 51224.5 Algebra instruction  
 51225 Exemptions from Santa Clara County Board of Education graduation requirements 51225.1 Exemption from SCCOE graduation requirements  
 51225.2 Pupil in foster care defined; acceptance of coursework, credits, retaking of course 51225.3 High school graduation  
 51225.35 Mathematics course requirements; computer science  
 51225.36 Instruction in sexual harassment and violence; districts that require health education for graduation  
 51225.5 Honorary diplomas; foreign exchange students  
 51225.6 Compression-only cardiopulmonary resuscitation

51228 Graduation requirements

51240-51246 Exemptions from requirements 51250-51251 Assistance to military dependents 51410-51412 Diplomas

51420-51427 High school equivalency certificates 51430 Retroactive high school diplomas

51440 Retroactive high school diplomas 51450-51455 Golden State Seal Merit Diploma 51745 Independent study restrictions

56390-56392 Recognition for educational achievement, special education

66204 Certification of high school courses as meeting university admissions criteria 67386 Student safety; affirmative consent standard

CODE OF REGULATIONS, TITLE 5

1600-1651 Graduation of students from grade 12 and credit toward graduation 4600-4687 Uniform complaint procedures

COURT DECISIONS

O'Connell v. Superior Court (Valenzuela), (2006) 141 Cal.App.4th 1452 Management Resources:

WEB SITES

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

California Department of Education, High School: <http://www.cde.ca.gov/ci/gshs> University of California, List of Approved a-g Courses: <http://www.universityofcalifornia.edu/admissions/freshman/requirements>

## BP 6146.2 Certificate of Proficiency/High School Equivalency

Book	Policies and Administrative Regulations
Section	6000 Instruction
Title	Certificate of Proficiency/High School Equivalency
Code	6146.2 BP
Status	Active
Adopted	September 16, 2009
Last Revised	March 3, 2021

The Santa Clara County Board of Education (County Board) desires that every student have the opportunity to earn a high school diploma through successful completion of graduation requirements. However, when a student is unable to do so, the County Board encourages completion of an alternative program that allows the student to obtain an equivalent certificate.

(cf. 5147 - Dropout Prevention)  
(cf. 6146.1 - High School Graduation Requirements)

Eligible persons who pass the California High School Proficiency Examination may obtain a certificate of proficiency from the State Board of Education (SBE). Eligible persons who pass a general educational development test designated by the SBE may obtain a high school equivalency certificate from the testing service.

The Santa Clara County Superintendent of Schools or designee shall make information available to interested persons regarding the eligibility and examination requirements of each program.

Interested persons shall register for the test directly with the testing service and pay the applicable fee. However, the fee shall be waived for a homeless or foster youth who is under age 25 years, meets all other registration requirements, and submits certification of homeless or foster youth status. (Education Code 48412; 5 CCR 11524-11526, 11533-11534.1)

### Legal Reference:

#### EDUCATION CODE

48400-48403 Persons subject to compulsory continuation education

48410 Persons exempt from continuation classes

48412 Certificate of proficiency; examination fees

48413 Enrollment in continuation classes

48414 Reenrollment in district

51420-51427 High school equivalency certificate

52052 Accountability; numerically significant student subgroups

#### CODE OF REGULATIONS, TITLE 5

11520-11523 Proficiency examination and certificate

11530-11532 High school equivalency certificate (GED)

### Management Resources:

#### WEB SITES

CDE, High School Proficiency: <http://www.cde.ca.gov/statetests/chspe>

California Department of Education, High School Equivalency Tests: <http://www.cde.ca.gov/ta/tg/gd>

California High School Proficiency Examination: <http://www.chspe.net>  
General Educational Development Test: <http://ged.com>  
High School Equivalency Test: <http://hiset.ets.org>

## **BP 6164.4 Identification and Evaluation of Individuals for Special Education**

Book	Board Policies and Administrative Regulations
Section	6000 Instruction
Title	Identification and Evaluation of Individuals for Special Education
Number	6164.4 BP
Status	Active
Adopted	October 20, 2010
Last Revised	October 20, 2010
Last Reviewed	October 20, 2010

The Santa Clara County Board of Education recognizes the need to actively seek out and evaluate Santa Clara County Office of Education residents from birth to age 21 who have disabilities in order to provide them with appropriate educational opportunities in accordance with state and federal law.

The Santa Clara County Superintendent of Schools or designee shall develop processes to determine when an individual is eligible for special education services and shall establish systematic procedures for special education program identification, screening, referral, assessment, planning, implementation, review, and triennial assessment.

The County Superintendent or designee shall establish a method whereby parents/guardians, teachers, appropriate professionals, and others may refer an individual for assessment for special education services. Identification procedures shall be coordinated with school site procedures for referral of students with needs that cannot be met with modifications to the regular instructional program.

The County Superintendent or designee shall notify parents/guardians, in writing, of their rights related to identification, referral, assessment, instructional planning, implementation, and review, including the SCCOE procedures for initiating a referral for assessment to identify individuals who need special education services.

## BP 6173 Education for Youth Experiencing Homelessness

Book	Policies and Administrative Regulations
Section	6000 Instruction
Title	Education for Youth Experiencing Homelessness
Code	6173 BP
Status	Active
Adopted	September 16, 2009
Last Revised	September 20, 2023
Last Reviewed	September 20, 2023

The Santa Clara County Board of Education (SCCBOE) desires to ensure that students experiencing homelessness have access to the same free and appropriate public education provided to other students within the Santa Clara County Office of Education (SCCOE). The SCCOE shall provide students experiencing homelessness with access to education and other services necessary for them to meet the same challenging academic standards as other students.

The SCCOE homeless education policies shall be reviewed at least once every three years and updated to ensure the removal of any barriers to the education of students experiencing homelessness, including unaccompanied youth. Such policy review shall address identification, enrollment, and retention of students experiencing homelessness, including those barriers that are due to absences or outstanding fees or fines. (Education Code 48851.3; 42 USC 11432)

When there are at least 15 students identified as being homeless in the SCCOE or in an SCCOE school or program, the SCCOE's local control and accountability plan (LCAP) shall include goals and specific actions to improve student achievement and other outcomes of the students. (Education Code 52052, 52064, 52066)

The SCCOE shall ensure that each school within the SCCOE identifies all children and youth experiencing homelessness and unaccompanied youth enrolled at the school by administering a housing questionnaire for purposes of identifying children and youth experiencing homelessness and unaccompanied youths. (42 USC 11303, 11432)

The SCCOE shall annually provide the housing questionnaire to all parents or guardians of pupils and to all unaccompanied youths of the SCCOE in their primary language.

Information about a student's living situation shall be considered part of a student's educational record, subject to the Family Educational Rights and Privacy Act and shall not be deemed to be directory information as defined in 20 USC 1232g and shall not be released without written consent. (42 USC 11432)

Each student experiencing homelessness shall be provided services that are comparable to services offered to other students in the school, including, but not limited to, transportation, educational programs for which the student meets the eligibility criteria (such as federal Title I services or similar state or local programs, programs for students with disabilities, and educational programs for English learners), career and technical education programs, programs for gifted and talented students, and school nutrition programs. (Education Code 48850; 42 USC 11432)

Students experiencing homelessness shall not be segregated into a separate school or program based on their

status as homeless and shall not be stigmatized in any way. However, the County Superintendent or designee may separate students experiencing homelessness on school grounds as necessary for short periods of time for health and safety emergencies or to provide temporary, special, and supplementary services to meet the unique needs of the students. (42 USC 11432, 11433)

The County Superintendent or designee shall provide a report on outcomes for students experiencing homelessness, which may include, but are not limited to, the housing questionnaire responses, school attendance, student achievement test results, promotion and retention rates by grade level, graduation rates, suspension/expulsion rates, and other outcomes related to any goals and specific actions identified in the LCAP. Based on the evaluation data, the SCCOE shall revise its strategies as needed to effectively identify and support the education of students experiencing homelessness.

Additionally, the number of students experiencing homelessness graduating from the fourth or fifth year of high school who, for the prior school year, graduated with an exemption from SCCOE-established graduation requirements that are in addition to statewide coursework requirements shall be annually reported to CDE, in accordance with Education Code 51225.1.

The SCCBOE hereby incorporates by reference the policies, procedures, and measures implemented by the County Superintendent of Schools to ensure the identification and full participation of students experiencing homelessness in SCCOE schools, programs, and activities, including, but not limited to, the following:

1. The designation of an appropriate staff person to serve as the SCCOE's liaison for homeless children and youths who will assist and support students experiencing homelessness to succeed in school and fulfill other duties specified in Education Code 48851.3 and 42 USC 11432
2. Easy identification of students experiencing homelessness, including at each school, in accordance with law, through annual administration of a housing questionnaire to parents/guardians of all students and to unaccompanied youths, posting of the SCCOE's liaison's contact information and homeless education information on SCCOE and school websites, and collaboration with local social services agencies and other agencies or entities providing services to students experiencing homelessness, and, if applicable, transitional housing facilities
3. Provision of homeless education information and/or materials to the students' parents/guardians and unaccompanied youths in a manner and form understandable to such parents/guardians and unaccompanied youths
4. Assurance that placement decisions for students experiencing homelessness are based on the student's best interest as defined in law
5. Report the number of students experiencing homelessness, including unaccompanied youth, to the California Department of Education (CDE) as required.

Legal Reference:

EDUCATION CODE

39807.5 Payment of transportation costs by parents

48850 Participation of homeless students and foster youth in extracurricular activities and interscholastic sports

48851 Identification and enrollment

488851.5 Outreach and coordination  
48852.5 Notice of educational rights of homeless students  
48852.7 Education of homeless students; immediate enrollment  
48915.5 Recommended expulsion, homeless student with disabilities  
48918.1 Notice of recommended expulsion  
51225.1-51225.3 Graduation requirements  
52052 Accountability; numerically significant student subgroups  
52060-52077 Local control and accountability plan  
CODE OF REGULATIONS, TITLE 5  
5 CCR 4600-4670 Uniform complaint procedures  
UNITED STATES CODE, TITLE 20  
1087vv Free Application for Federal Student Aid; definitions  
1232g Family Educational Rights and Privacy Act (FERPA) of 1974  
6311 State Plan  
UNITED STATES CODE, TITLE 42  
11431-11435 McKinney-Vento Homeless Assistance Act  
12705 Cranston-Gonzalez National Affordable Housing Act; state and local strategies  
Management Resources:  
U.S. DEPARTMENT OF EDUCATION GUIDANCE  
Education for Homeless Children and Youth Program, Non-Regulatory Guidance, July 2004  
WEB SITES  
California Department of Education, Homeless Children and Youth Education:  
<http://www.cde.ca.gov/sp/hs/cy>  
National Center for Homeless Education at SERVE: <http://www.nche.ed.gov>  
National Law Center on Homelessness and Poverty: <http://www.homelesslaw.org>  
U.S. Department of Education: <http://www.ed.gov/programs/homeless/index.html>

## BP 6174 Education for English Learners

Book	Board Policies and Administrative Regulations
Section	6000 Instruction
Title	Education for English Learners
Code	6174 BP
Status	Active
Adopted	October 21, 2009
Last Revised	December 12, 2018
Last Reviewed	December 12, 2018

The Santa Clara County Board of Education intends to provide English learners with challenging curriculum and instruction that maximize the attainment of high levels of proficiency in English, advance multilingual capabilities, and facilitates student achievement in the SCCOE's regular course of study.

The SCCOE shall identify in its local control and accountability plan (LCAP) goals and specific actions and services to enhance student engagement, academic achievement, and other outcomes for English learners.

The County Superintendent or designee shall encourage parent/guardian and community involvement in the development and evaluation of programs for English learners.

English learners shall be provided access to differentiated English language development instruction that is responsive to their needs and which is targeted to their English proficiency level, integrated across all subject areas, and aligned with the state content standards. The SCCOE's program shall be based on sound instructional theory, use standards-aligned instructional materials, emphasize inquiry-based learning and critical thinking skills, and provide students with access to the full educational program.

The County Superintendent or designee shall ensure that all staff employed to teach English learners possess the appropriate authorization from the Commission on Teacher Credentialing.

The SCCOE shall provide effective professional development to teachers (including teachers in classroom settings that are not the settings of language instruction educational programs), administrators, and other school or community-based organization personnel to improve the instruction and assessment of English learners and enhance staff's ability to understand and use curricula, assessment, and instructional strategies for English learners. Such professional development shall be of sufficient intensity and duration to produce a positive and lasting impact on teachers' performance in the classroom.

Staff development shall also address the sociocultural needs of English learners and provide opportunities for teachers to engage in supportive, collaborative learning communities.

To support students' English language development, the County Superintendent or designee may provide an adult literacy training program that leads to English fluency for parents/guardians and community members.

### Identification and Assessment

The County Superintendent or designee shall maintain procedures for the early identification of English learners and an assessment of their proficiency and needs in the areas of listening, speaking, reading, and writing in English.

Once identified as an English learner, a student shall be annually assessed for language proficiency until he/she is reclassified based on criteria specified in the accompanying administrative regulation.

English learners' academic achievement in English language arts, mathematics, science, and any additional subject required by law shall be assessed using the California Assessment of Student Performance and Progress. As necessary, the test shall be administered with testing variations in accordance with 5 CCR 854.1-854.3. English learners who are in their first 12 months of attending a school in the United States shall be exempted from taking the English language arts assessment to the extent allowed by federal law.

#### Language Acquisitions Programs

The SCCOE shall offer research-based language acquisition programs that are designed to ensure English acquisition as rapidly and as effectively as possible and that provide instruction to students on the state-adopted academic content standards, including the English language development standards.

At a minimum, the SCCOE shall offer a structured English immersion program which includes designated and integrated English language development. In the structured English immersion program, nearly all of the classroom instruction shall be provided in English, but with the curriculum and presentation designed for students who are learning English.

For the purpose of determining the amount of instruction to be conducted in English in the structured English immersion program, "nearly all" means that all classroom instruction shall be conducted in English except for clarification, explanation and support as needed.

In establishing the SCCOE's language acquisition programs, the County Superintendent or designee shall consult with parents/guardians and the community during the LCAP development process. He/she shall also consult with administrators, teachers, and other personnel with appropriate authorizations and experience in establishing a language acquisition program.

At the beginning of each school year or upon a student's enrollment, parents/guardians shall be provided information on the types of language acquisition programs available to students enrolled in the SCCOE programs, including, but not limited to, a description of each program, the process to be followed in making a program selection, identification of any language to be taught in addition to English when the program includes instruction in another language, and the process to request establishment of a language acquisition program.

Parents/guardians of English learners may choose a language acquisition program that best suits their child. To the extent possible, any language acquisition program requested by the parents/guardians of 30 or more students at the school or by the parents/guardians of 20 or more students at any grade level shall be offered by the school.

#### Reclassification

When an English learner is determined based on state and SCCOE reclassification criteria to have acquired a reasonable level of English proficiency pursuant to Education Code 313 and 52164.6, or upon request by the student's parent/guardian, the student shall be transferred from a language acquisition program into an English language mainstream classroom.

Students with disabilities are to be provided the same access and opportunities to English language acquisition and reclassification as students without disabilities. Reclassification of English learners who have an active IEP and are receiving special education and related services must meet the criteria as referenced in California

Education Code and adopted by the SCCOE to be reclassified as English proficient. SCCOE programs shall not create or adopt “blanket” alternative criteria for students with disabilities.

Although reclassification takes place outside of the IEP process, it is important that the IEP team be informed of the decision to reclassify a student as the decisions may have an impact on the student’s IEP. An IEP discussion is important because reclassification may necessitate changes to the student’s goals or services. Each LEA must monitor the progress of reclassified pupils for a minimum of four years to ensure correct classification, placement, and additional academic support, as needed.

#### Program Evaluation

To evaluate program effectiveness, the County Superintendent or designee shall examine the following:

1. Progress of English learners towards proficiency in English.
2. The number and percentage of English learners reclassified as fluent English proficient.
3. The number and percentage of English learners who are or are at risk of being classified as long-term English learners in accordance with Education Code 313.1.
4. The achievement of English learners on standards-based tests in core curricular areas.
5. For any language acquisition program that includes instruction in a language other than English, student achievement in the non-English language in accordance with 5 CCR 11309.
6. Progress toward any other goals for English learners identified in the district’s LCAP.
7. A comparison of current data with data from at least the previous year in regard to items #1-6 above.
8. A comparison of data between the different language acquisition programs offered by the SCCOE.

The County Superintendent or designee shall annually report these findings to the County Board and shall also provide the County Board with regular reports from any Santa Clara County Office of Education or schoolwide English learner advisory committees.

#### State Seal of Biliteracy

The State Seal of Biliteracy (SSB) recognizes high school graduates who have attained a high level of proficiency in speaking, reading, and writing one or more languages in addition to English. The SSB will be awarded by the State Superintendent of Public Instruction in accordance with specified criteria set forth in the legislation.

The SCCOE participates in this program and as such must maintain appropriate records of the identification of qualifying students and must complete and submit the online Insignia Request Form. The Insignia Request Form may be submitted at any time; however, it is recommended that requests be submitted far enough in advance to allow time for the CDE to process the requests and for insignias to be affixed to diplomas or transcripts. Participation is voluntary and no fee may be charged to the student. The CDE will mail to the requestor one seal per eligible student to be affixed to the diploma or transcript.

## BP 6175 Migrant Education Program

Book	Policies and Administrative Regulations
Section	6000 Instruction
Title	Migrant Education Program
Code	6175 BP
Status	Active
Adopted	September 16, 2009
Last Revised	September 16, 2009
Last Reviewed	September 16, 2009

The Santa Clara County Board of Education desires to provide a comprehensive education program for migrant students that attempts to mitigate the impact of disruptions on their education and provides them the opportunity to meet the Santa Clara County Office of Education's academic standards. SCCOE shall make use of available funds to provide supplementary services for migrant students.

(cf. 0410 - Nondiscrimination in SCCOE Programs and Activities)  
(cf. 5141.6 - School Health Services)  
(cf. 5147 - Dropout Prevention)  
(cf. 6011 - Academic Standards)  
(cf. 6171 - Title I Programs)  
(cf. 6174 - Education for English Language Learners)

The Superintendent or designee shall convene a SCCOE parent/guardian advisory council to actively involve parents/guardians in planning, operating and evaluating the migrant education program. (Education Code 54444.2)

(cf. 1220 - Citizen Advisory Committees)

The Superintendent or designee shall coordinate SCCOE's migrant program services with other public agencies that serve migrant workers and their families.

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

### Legal Reference:

#### EDUCATION CODE

35147 Council and committee meetings

54440-54445 Migrant education program

#### CODE OF REGULATIONS, TITLE 5

3080 Application of uniform complaint procedures

4600-4687 Uniform complaint procedures

#### UNITED STATES CODE, TITLE 20

6311 Title I state plan

6381-6381k Even Start family literacy program

6391-6399 Migrant education program

7881 Services for private school students

#### CODE OF FEDERAL REGULATIONS, TITLE 34

200.81-200.89 Migrant education program

Management Resources:

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

Identification and Recruitment Manual: Policies and Procedures for Migrant Education Recruiters in the State of California, 2008

California Migrant Education Program: Comprehensive Needs Assessment, Initial Report of Findings, 2007

U.S. DEPARTMENT OF EDUCATION NON-REGULATORY GUIDANCE

Title I, Part C Education of Migratory Children, October 2003

WEB SITES

California Department of Education, Migrant Education Office: <http://www.cde.ca.gov/sp/me>

U.S. Department of Education, Office of Migrant Education:

<http://www.ed.gov/about/offices/list/oese/ome>

West Ed, Migrant Student Information Network: <http://www.wested.org/cs/we/view/pj/61>

## BP 6178 Career Technical Education

Book	Policies and Administrative Regulations
Section	6000 Instruction
Title	Career Technical Education
Code	6178 BP
Status	Active
Adopted	September 16, 2009
Last Revised	September 16, 2009
Last Reviewed	September 16, 2009

Cautionary Notice: As added and amended by SBX3 4 (Ch. 12, Third Extraordinary Session, Statutes of 2009) and ABX4 2 (Ch. 2, Fourth Extraordinary Session, Statutes of 2009), Education Code 42605 grants COE flexibility in "Tier 3" categorical programs. The Santa Clara County Office of Education accepted this flexibility and thus is deemed in compliance with the statutory or regulatory program and funding requirements for these programs for the 2008-2009 through 2012-2013 fiscal years. As a result, the COE may temporarily suspend certain provisions of the following policy or regulation that reflect these requirements. For further information, please contact the Superintendent or designee.

The Santa Clara County Board of Education desires to provide a comprehensive career technical education (CTE) program in grades 7-12 which integrates core academic instruction with technical and occupational instruction in order to increase student achievement, graduation rates, and readiness for postsecondary education and employment. The Santa Clara County Office of Education CTE program shall be designed to help students develop the academic, career, and technical skills needed to succeed in a knowledge- and skills-based economy. The program shall include a rigorous academic component and provide students with a strong experience and understanding of all aspects of an industry.

(cf. 6143 - Courses of Study)  
(cf. 6200 - Adult Education)

The County Board shall review and approve all SCCOE plans and applications for the use of state and/or federal funds supporting CTE.

The County Board shall adopt standards for CTE which meet or exceed the state's model content standards and describe the essential knowledge and skills that students enrolled in these courses are expected to master. The course curriculum shall be aligned with SCCOE adopted standards and the state's curriculum framework.

(cf. 6011 - Academic Standards)  
(cf. 6141 - Curriculum Development and Evaluation)

The Santa Clara County Superintendent of Schools or designee shall develop partnerships with local businesses and industries to ensure that classroom instruction has real-world relevance and reflects labor market needs and priorities. He/she also shall work to develop connections with employers to provide students with work-based learning opportunities.

(cf. 1700 - Relations Between Private Industry and the Schools)

(cf. 5113.2 - Work Permits)  
(cf. 6178.1 - Work Experience Education)

The County Superintendent or designee shall collaborate with postsecondary institutions to ensure that SCCOE's program is articulated with postsecondary programs in order to provide a sequential course of study.

The County Superintendent or designee shall ensure that teachers of CTE courses possess the qualifications and credentials necessary to teach their assigned courses. He/she also shall provide teachers and administrators with professional development designed to enhance their knowledge of standards-aligned CTE and ways to integrate technical and occupational instruction with academic instruction.

(cf. 4112.2 - Certification)  
(cf. 4131 - Staff Development)  
(cf. 4331 - Staff Development)

SCCOE shall provide services to support students in the CTE program, including comprehensive career guidance and academic counseling. The County Superintendent or designee shall provide counselors with professional development that includes, but is not limited to, information about current workforce needs and trends, requirements of SCCOE's CTE program, work experience opportunities, and postsecondary education and employment options following high school.

(cf. 5145.6 - Parental Notifications)  
(cf. 6164.2 - Guidance/Counseling Services)

The County Superintendent or designee shall regularly assess SCCOE's needs for facilities, technologies, and equipment to increase students' access to the SCCOE CTE program.

(cf. 0440 -SCCOE Technology Plan)  
(cf. 3440 - Inventories)  
(cf. 3512 - Equipment)  
(cf. 7110 - Facilities Master Plan)

#### Nondiscrimination

The SCCOE program shall provide equal access to and shall not unlawfully discriminate against students who are members of special populations. Special populations include, but are not limited to, students with disabilities; students from economically disadvantaged families, including foster youth; students preparing for nontraditional fields; single parents and single pregnant females; displaced homemakers; and students with limited English proficiency. (20 USC 2302, 2354, 2373)

(cf. 0410 - Nondiscrimination in SCCOE Programs and Activities)  
(cf. 1312.3 - Uniform Complaint Procedures)

Prior to the beginning of each school year, the County Superintendent or designee shall advise students, parents/guardians, employees, and the general public that all CTE opportunities are offered without regard to race, color, national origin, sex, or disability. (34 CFR 104.8, 106.9)

The above notification shall be disseminated in languages other than English as needed and shall state that SCCOE will take steps to ensure that the lack of English language skills will not be a barrier to admission and participation in the SCCOE CTE program. (20 USC 2354)

#### Advisory Committee

The County Board shall appoint a CTE advisory committee to develop recommendations on the SCCOE's CTE program and to serve as a liaison between SCCOE and potential employers. The committee shall consist of one or more representatives of the general public knowledgeable about the disadvantaged; students; teachers; business; industry; school administration; and the field office of the California Department of Employment Development. (Education Code 8070)

(cf. 1220 - Citizen Advisory Committees)

This committee may be expanded to include parents/guardians, representatives of labor organizations, representatives of special populations, and other interested individuals in order to involve them in the development, implementation, and evaluation of CTE programs funded through the federal Carl D. Perkins Career and Technical Education Act.

#### Program Evaluation

The County Board shall monitor and evaluate the achievement of students participating in SCCOE's CTE program. The County Superintendent or designee shall annually report to the County Board on program enrollment and completion rates, including enrollment and completion of programs in nontraditional fields as defined in 20 USC 2302; student academic assessment results; attainment of career and technical skill proficiencies; attainment of a high school diploma or equivalent; graduation rates; and subsequent placement in postsecondary education or advanced training, military service, or employment.

(cf. 6146.1 - High School Graduation Requirements)

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

(cf. 6162.5 - Student Assessment)

(cf. 6162.51 - Standardized Testing and Reporting Program)

(cf. 6162.52 - High School Exit Examination)

At least every three years, the County Board shall compare SCCOE curriculum, course content, and course sequence of CTE with the model state curriculum standards. (Education Code 52376)

The County Superintendent or designee shall systematically review SCCOE's CTE classes to determine the degree to which each class may offer an alternative means for completing and receiving credit for specific portions of the course of study prescribed by SCCOE for high school graduation. The County Board shall ensure that these classes are equivalent in content and rigor to the courses prescribed for graduation. (Education Code 52376)

(cf. 0500 - Accountability)

(cf. 6146.11 - Alternative Credits Toward Graduation)

(cf. 6190 - Evaluation of the Instructional Program)

Legal Reference:

EDUCATION CODE

8006-8156 Career technical education  
17078.70-17078.72 Career technical education facilities  
33430-33432 Health science and medical technology grants  
41505-41508 Pupil Retention Block Grant  
41540-41544 Targeted instructional improvement block grant  
44260-44260.1 Designated subjects career technical education credential  
44260.9 Designated subjects career technical education credential  
48430 Legislative intent; continuation education schools and classes  
48980 Parental notifications  
51220-51229 Courses of study, grades 7-12  
51760-51769.5 Work experience education  
52300-52499.66 Career technical education  
52519-52520 Adult education, occupational training  
53080-53084 School-to-career initiatives  
53086 California Career Resource Network  
54690-54697 California Partnership Academies  
56363 Related services for students with disabilities; specially designed career technical education  
66205.5-66205.9 Approval of career technical education courses for admission to California colleges  
88500-88551 Community college economic and workforce development program

GOVERNMENT CODE

54950-54963 Brown Act

LABOR CODE

3070-3099.5 Apprenticeships

CODE OF REGULATIONS, TITLE 5

1635 Credit for work experience education  
3051.14 Specially designed career technical education for students with disabilities  
10070-10075 Work experience education  
10080-10092 Community classrooms  
10100-10111 Cooperative vocational education  
11500-11508 Regional occupational centers and programs  
11535-11538 Career technical education contracts with private postsecondary schools  
11610-11611 Regional adult and vocational education councils

CODE OF REGULATIONS, TITLE 8

200-240 Apprenticeships

UNITED STATES CODE, TITLE 20

2301-2414 Carl D. Perkins Career and Technical Education Act of 2006  
6301-6578 Improving the Academic Achievement of the Disadvantaged

CODE OF FEDERAL REGULATIONS, TITLE 34

80.32 Equipment acquired with federal funds  
100.B Appendix B Guidelines for eliminating discrimination in career technical education programs  
104.1-104.39 Section 504 of the Rehabilitation Act of 1973  
106.1-106.61 Discrimination on the basis of sex, effectuating Title IX

Management Resources:

CSBA PUBLICATIONS

Orientation to Apprenticeship Overview, Construction Management Task Force Fact Sheet, November 2007

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

2008-2012 State Plan for Career Technical Education

Career Technical Education Framework for California Public Schools, Grades Seven Through Twelve, January 2007

California Career Technical Education Model Curriculum Standards, Grades Seven Through Twelve, May 2005

Management of Vocational Education Equipment, April 2000

CALIFORNIA DEPARTMENT OF INDUSTRIAL RELATIONS, DIVISION OF APPRENTICESHIP STANDARDS PUBLICATIONS

Orientation to Apprenticeships: A Guide for Educators, January 2001

WEB SITES

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

Association for Career and Technical Education: <http://www.acteonline.org>

California Association of Regional Occupational Centers and Programs: <http://www.carocp.org>

California Career Resource Network: <http://www.californiacareers.info>

California Department of Education, Career Technical Education: <http://www.cde.ca.gov/ci/ct>

California Department of Employment Development: <http://www.edd.ca.gov>

California Department of Industrial Relations: <http://www.dir.ca.gov>

California Workforce Investment Board: <http://www.calwia.org>

Commission on Teacher Credentialing: <http://www.ctc.ca.gov>

U.S. Department of Education, Office of Vocational and Adult Education:  
<http://www.ed.gov/about/offices/list/ovae/pi/cte/index.html>

U.S. Department of Labor, Bureau of Labor Statistics: <http://www.bls.gov>

# List of Pesticide products used



Here is a list of all products used at the SCCOE sites. Please let me know if you have any questions or need additional information.

Regards,  
Andrew

## **Aantex Pest Control Product Usage Report Santa Clara County Office of Education Sites**

### **Product Name**

ADVION ANT BAIT AREANA  
ADVION ANT GEL  
Advion Roach Bait Arena  
Advion Roach Gel Bait  
Alpine WSG  
Bifen I/T  
Essentria G  
Essentria IC Pro  
Essentria IC3  
FASTRAC  
Masterline B MaxxPro  
Niban Granular Bait  
Onslaught  
Optigard Ant Gel Bait  
Phantom  
SUMARI  
Suspend Polyzone  
Take Down  
Tempo Ultra WP  
Termidor SC

### **Andrew Winter**

**Service Advisor**

**Aantex Pest Control**

Lic#: FR56252

Office: (925) 240-5100

Direct: (925) 567-3931

[andrew@ aantex.com](mailto:andrew@ aantex.com)

# NOTIFICATION OF STATE ASSESSMENT

DocuSign Envelope ID: 88B9BF5B-37C8-479C-830A-5F4E0DE8C8C1



**Santa Clara County Office of Education**

**Mary Ann Devine, Ph.D.**  
County Superintendent of Schools

August 5, 2024

Dear Parent or Guardian:

Every year, California students take several statewide tests. When combined with other measures such as grades, class work, and teacher observations, these tests give families and teachers a more complete picture of their child's learning. You can use the results to identify where your child is doing well and where they might need more support.

Your child may be taking one or more of the California Assessment of Student Performance and Progress (CAASPP), English Language Proficiency Assessments for California (ELPAC), and Physical Fitness Test assessments. Pursuant to California Education Code Section 60615, parents/guardians may annually submit to the school a written request to excuse their child from any or all of the CAASPP assessments. This exemption does not exist for the ELPAC or Physical Fitness Test.

*If you wish to exempt your child from the CAASPP testing, please notify your school principal in writing as to the specific tests from which to exempt your child.*

**SBAC:** Smarter Balanced Assessments for English Language Arts/Literacy (ELA) and Math: Students in grades 3–8 and grade 11. Computer-based

**SBAC:** California Science Test (CAST)- Grade 12 Computer Based

**ELPAC:** Students who have a home language survey that lists a language other than English will take the Initial test, which identifies students as an English learner student or as initially fluent in English. Students who are classified as English learner students will take the Summative ELPAC every year until they are reclassified as proficient in English. Computer-based

**Physical Fitness Test:** Grades 5, 7 and 9 will take the FITNESSGRAM®, which is the test used in California. The test consists of five performance components: aerobic capacity, abdominal strength, trunk strength, upper body strength, and flexibility.

Sincerely,

Digitally signed by  
*Teresa Shipp*  
DN: cn=Teresa Shipp

Teresa Shipp,  
Assistant Superintendent Educational Services

County Board of Education: Malcolm Alvarado, Victoria Chen, Joseph Di Julio, Renee Lee, Grace H. Mohr, Don Rocha, Tara Smith-Fahnen  
1200 Riddle Park Drive, San Jose, CA 95121-2204 (408) 453-6908 [www.sccoe.org](http://www.sccoe.org)

Transforming Education through Leadership, Service, and Advocacy

## 2024-25 Acknowledgement of Receipt and Review

Dear Parent/Guardian:

The Santa Clara County Office of Education is required to annually notify parents and guardians of rights and responsibilities in accordance with Education Code 48980.

If you have any questions, or if you would like to review specific documents mentioned in the notice, please contact the principal at your student's school. He or she will be able to give you more detailed information and assist you in obtaining copies of any materials you wish to review.

Please complete the "Acknowledgement of Receipt and Review" form below and return it to your student's school.

✂ (Detach and Return) ✂

---

### Acknowledgement of Receipt and Review

Pursuant to Education Code 48982, the parent/guardian shall sign this notice and return it to the school. Signature on the notice is an acknowledgment by the parent or guardian that he or she has been informed of his or her rights but does not necessarily indicate that consent to participate in any particular program or activity has been given or withheld.

Student Name: \_\_\_\_\_

School: \_\_\_\_\_

Grade: \_\_\_\_\_

Parent/Guardian Name: \_\_\_\_\_

Address: \_\_\_\_\_

Home Telephone Number: \_\_\_\_\_

\_\_\_\_\_  
Signature of Parent/Guardian (if student is under 18)

\_\_\_\_\_  
Signature of Student (if student is 18 or older)

# SCHOOL YEAR CALENDARS





ALTERNATIVE EDUCATION DEPARTMENT  
COURT SCHOOLS ACADEMIC CALENDAR 2024-2025

JULY 2024				
Mo	Tu	We	Th	Fr
8	9	10	11	12
15	16	17	18	19
22	23	24	25	26
29	30	31		
Work Days: <b>18</b>				
Instruct. Days: <b>18</b>				

AUGUST 2024				
Mo	Tu	We	Th	Fr
			1	2
5	6	7	8	9
12	13	14	15	16
19	20	21	22	23
26	27	28	29	30
Work Days: <b>22</b>				
Instruct. Days: <b>19</b>				

SEPTEMBER 2024				
Mo	Tu	We	Th	Fr
	3	4	5	6
9	10	11	12	13
16	17	18	19	20
23	24	25	26	27
30				
Work Days: <b>20</b>				
Instruct. Days: <b>20</b>				

OCTOBER 2024				
Mo	Tu	We	Th	Fr
	1	2	3	4
7	8	9	10	11
14	15	16	17	18
21	22	23	24	25
28	29	30	31	
Work Days: <b>23</b>				
Instruct. Days: <b>22</b>				

NOVEMBER 2024				
Mo	Tu	We	Th	Fr
				1
4	5	6	7	8
	12	13	14	15
18	19	20	21	22
25	26	27		
Work Days: <b>18</b>				
Instruct. Days: <b>18</b>				

DECEMBER 2024				
Mo	Tu	We	Th	Fr
2	3	4	5	6
9	10	11	12	13
16	17	18	19	20
Work Days: <b>15</b>				
Instruct. Days: <b>15</b>				

JANUARY 2025				
Mo	Tu	We	Th	Fr
6	7			
13	14	15	16	17
	21	22	23	24
27	28	29	30	31
Work Days: <b>19</b>				
Instruct. Days: <b>19</b>				

FEBRUARY 2025				
Mo	Tu	We	Th	Fr
3	4	5	6	7
10	11	12	13	
	18	19	20	21
24	25	26	27	28
Work Days: <b>18</b>				
Instruct. Days: <b>18</b>				

MARCH 2025				
Mo	Tu	We	Th	Fr
3	4	5	6	7
10	11	12	13	14
17	18	19	20	21
24	25	26	27	28
31				
Work Days: <b>21</b>				
Instruct. Days: <b>20</b>				

APRIL 2025				
Mo	Tu	We	Th	Fr
	1	2	3	4
7	8	9	10	11
14	15	16	17	18
21	22	23	24	25
28	29	30		
Work Days: <b>22</b>				
Instruct. Days: <b>22</b>				

MAY 2025				
Mo	Tu	We	Th	Fr
			1	2
5	6	7	8	9
12	13	14	15	16
19	20	21	22	23
	27	28	29	30
Work Days: <b>21</b>				
Instruct. Days: <b>21</b>				

JUNE 2025				
Mo	Tu	We	Th	Fr
2	3	4	5	6
9	10	11	12	13
16	17	18		20
23	24	25	26	27
30				
Work Days: <b>20</b>				
Instruct. Days: <b>20</b>				

<b>Teacher Inservice Days:</b>	Aug 9-13; Oct. 25; Mar. 21
Labor Day	Sept. 2, 2024
Fall Recess	Oct. 7 - Oct. 11, 2024
Veteran's Day	Nov. 11, 2024
Thanksgiving Break	Nov. 25 - 29, 2024
Holiday Recess	Dec. 23 - Jan. 3, 2025
New Year's Day	Jan. 1, 2025
Martin Luther King	Jan. 20, 2025
Lincoln's Birthday	Feb. 14, 2025
Winter Recess	Feb. 17 - 21, 2025
Spring Break	Apr. 14 - 18, 2025
Memorial Day	May 26, 2025

<b>First day of School</b>	July 8, 2024
<b>Last day of School</b>	June 30, 2025
<b>AED Graduation</b>	June 10, 2025

- Professional Development Day
- First / Last Day of School
- Non-School Days
- SCCOE Observed Holiday

Total Work Days: **210**  
Total Instructional Days: **232**

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OPPORTUNITY YOUTH ACADEMY  
ACADEMIC CALENDAR 2024-2025

- SCCOE Observed Holidays
- Non-School Day
- Professional Development Day
- Student Minimum Day/Staff Collaboration/Prep
- First/Last Day of School
- Quarter Progress Meetings
- Assessments

JULY 2024				
M	T	W	TH	F
1	2	3	4	5
8	9	10	11	12
15	16	17	18	19
22	23	24	25	26
29	30	31		

4 Jul - Independence Day  
16 Jul - First Day of School

JANUARY 2025				
M	T	W	TH	F
		1	2	3
6	7	8	9	10
13	14	15	16	17
20	21	22	23	24
27	28	29	30	31

23 Dec - 3 Jan Holiday Break MLK  
Holiday Jan 13, 2024

AUGUST 2024				
M	T	W	TH	F
			1	2
5	6	7	8	9
12	13	14	15	16
19	20	21	22	23
26	27	28	29	30

FEBRUARY 2025				
M	T	W	TH	F
3	4	5	6	7
10	11	12	13	14
17	18	19	20	21
24	25	26	27	28

14 and 17 Feb - President's Birthday's

SEPTEMBER 2024				
M	T	W	TH	F
2	3	4	5	6
9	10	11	12	13
16	17	18	19	20
23	24	25	26	27
30				

2 Sep - Labor Day

MARCH 2025				
M	T	W	TH	F
3	4	5	6	7
10	11	12	13	14
17	18	19	20	21
24	25	26	27	28
31				

10-21 Mar - ELPAC Testing

OCTOBER 2024				
M	T	W	TH	F
	1	2	3	4
7	8	9	10	11
14	15	16	17	18
21	22	23	24	25
28	29	30	31	

APRIL 2025				
M	T	W	TH	F
	1	2	3	4
7	8	9	10	11
14	15	16	17	18
21	22	23	24	25
28	29	30		

7-11 Apr - Spring Break

NOVEMBER 2024				
M	T	W	TH	F
				1
4	5	6	7	8
11	12	13	14	15
18	19	20	21	22
25	26	27	28	29

11 Nov - Veteran's Day  
27-29 Nov - Thanksgiving Break

MAY 2025				
M	T	W	TH	F
				1
5	6	7	8	9
12	13	14	15	16
19	20	21	22	23
26	27	28	29	30

5-23 May - CAASPP  
May 26 - Memorial Day

DECEMBER 2024				
M	T	W	TH	F
2	3	4	5	6
9	10	11	12	13
16	17	18	19	20
23	24	25	26	27
30	31			

5 Dec - Fall Graduation  
23 Dec-3 Jan - Holiday Break

JUNE 2025				
M	T	W	TH	F
2	3	4	5	6
9	10	11	12	13
16	17	18	19	20
23	24	25	26	27
30				

5 Jun - Spring Graduation  
19 Jun - Juneteenth  
27 Jun - Last Day of School

**Please Call (408) 453- 4393 for  
Special Education Calendar  
Information**