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Santa Clara County Office of Education District Plans

ELEMENTARY SCHOOL DISTRICTS ..................................................................................................................

- Alum Rock Union
- Berryessa Union
- Cambrian
- Campbell Union
- Cupertino Union
- Evergreen
- Franklin-McKinley
- Lakeside
- Loma Prieta
- Los Altos
- Los Gatos Union
- Luther Burbank
- Moreland
- Mountain View-Whisman
- Mt. Pleasant
- Oak Grove
- Orchard
- Saratoga Union
- Sunnyvale
- Union

HIGH SCHOOL DISTRICTS .............................................................................................................................

- Campbell Union
- East Side Union
- Fremont Union
- Los Gatos-Saratoga Joint Union
- Mountain View-Los Altos Joint Union

UNIFIED SCHOOL DISTRICTS .......................................................................................................................
Santa Clara County Office of Education

The Santa Clara County Office of Education offers educational alternatives to expelled students through court and community schools. Court schools require the formal placement of students into the program by the juvenile court or its probation/parole department representatives. These programs can be either residential or non-residential and expulsion status of a student has no negative impact on eligibility or placement. Community school enrollment may require referral from the school district of residence and these schools provide services to students in accordance with California Education Code 1981 (a) and 1981 (c). School districts in Santa Clara County enter into a Memorandum of Understanding with the Santa Clara County Office of Education to provide educational programs with a chargeback formula. Expulsion status of a student has no negative impact on eligibility or placement of a student in community schools but may be used for classification purposes (California Education Code 1981).

Educational alternatives offered by the Santa Clara County Office of Education include the following:

<table>
<thead>
<tr>
<th>Court Schools *</th>
<th>Group Homes *</th>
</tr>
</thead>
<tbody>
<tr>
<td>Osborne</td>
<td>Advent</td>
</tr>
<tr>
<td>Blue Ridge</td>
<td></td>
</tr>
</tbody>
</table>

**Community Schools**

- Odyssey
- Snell
- Sunol
- Stonegate
- Terra Bella

**Community Day School**

EDGE*

*Placement by non-education agency may be required
PLAN FOR PROVIDING EDUCATIONAL SERVICES TO ALL EXPelled STUDENTS IN SANTA CLARA COUNTY

California Education Code Section 48926 states “each county superintendent of schools in counties that operate community schools pursuant to Section 1980, in conjunction with superintendents of school districts within the county shall develop a plan for providing education services to all expelled pupils in that county.” This section of California Education Code also states that “The plan shall enumerate existing educational alternatives for expelled pupils, identify gaps in educational services to expelled pupils, and strategies for filling those gaps.

The 20 elementary districts, 5 high school districts and 6 unified school districts of Santa Clara County provide services to 266,256 students at 395 school sites spread over an area of 1,315 square miles. Santa Clara County recognized the need for a continuum of educational services for all students, including expelled students long before the 1995 legislation mandated educational placements for expelled students. This Santa Clara County Plan for Educational Services for Expelled Students provides the description of the part of that continuum of services that relates directly to expelled students. A series of legislative bills in 1995, and since 1995, have created new challenges that have resulted in adjustments and refinements to this Santa Clara continuum of educational services over the past ten years. This 20012 triennial update of the Santa Clara Countywide Plan for Expelled Students will highlight these changes to the educational landscape for this student population.

California Education Code 48916.1 states “At the time an expulsion of a pupil is ordered, the governing board of the school district shall ensure that an educational program is provided to the pupil who is subject to the expulsion order for the period of the expulsion…” Every Santa Clara County school district governing board will refer each expelled student to an appropriate educational placement for the period of expulsion. The educational placement will be determined on an individual basis by the school district’s governing board based on 1) seriousness of the offense, 2) available educational alternatives and 3) other related factors. County level alternatives for expelled students will remain available to most expelled students. Any expelled student who requires, and is entitled to, transportation to the county-level educational placement may have that transportation provided by the district of residence. District level alternatives for expelled students will vary from one district to the next depending on the characteristics of that district. The list of educational alternatives that exist for each of the 31 Santa Clara County districts is identified in that district’s sub-plan, included as a part of the total countywide plan.

A district sub-plan has been developed and board approved, if necessary, for every school district in Santa Clara County. Those district sub-plans are included in this countywide plan to provide the complete “Plan for Providing Educational Services to all Expelled Students in Santa Clara County.” Any substantive changes to district sub-plans during the period between triennial updates receive approvals by the school district governing board at the time the change is made. Each district sub-plan includes 1) a list of existing educational services to expelled students, 2) gaps in educational services to expelled students, 3) strategies for filling those gaps and 4) alternative placements for students who fail community day school placements (if offered in your district).
EXISTING EDUCATIONAL ALTERNATIVES FOR EXPELLED STUDENTS

All educational alternatives provided by California’s school districts are not available to all expelled students and most are not available to any expelled students. Seriousness of offense, location of offense and grade level of the student all have the potential to restrict the district level educational alternatives available to the student during the period of expulsion. Students expelled for any of the offenses listed in Subdivisions (a) or (c) of Section 48915 of the California Education Code shall not be permitted to enroll in any district-operated program during the period of expulsion unless it is a community day school (California Education Code 48915.2). All expelled students shall be referred to an educational placement that is 1) not provided at a comprehensive middle, junior or senior high school or any elementary school and 2) not housed at the school site attended by the student at the time of the offense (California Education Code Section 48915). If the expelled student is in grades K-6, the educational placement for the student shall not be merged or combined with educational programs offered to students in grades 7-12 (California Education Code Section 48916.1). In addition to the above listed requirements, such factors as district size, district level alternatives, county level alternatives and district philosophy can impact the determination by a district board of education of what educational alternatives are appropriate for the students who are expelled.

Alternatives available for expelled pupils in districts include the following:
- Suspended expulsion with placement at a different district campus (within or outside of the district)
- Home teaching
- Non-public school placement
- District Community Day School
- Independent Study Program

The Santa Clara County Office of Education works collaboratively with all districts to ensure timely communication and responsiveness to our students’ needs. The transition office serves as a hub for all student referrals and interacts with district liaisons on a regular basis. Monthly district liaison meetings are hosted to address professional development needs and service coordination.
GAPS IN EDUCATIONAL SERVICES TO EXPELLED STUDENTS
AND
STRATEGIES FOR FILLING THOSE GAPS

The gaps identified in 2009 in educational services to expelled students remain a focus for Santa Clara County. We continue to work with staff, districts, students and families to mitigate their impact.

1. The size of the districts in Santa Clara County varies greatly. There is everything from small elementary districts with one school and 44 students to larger school districts with 57 schools and over 32,000 students. Some districts are located in rural areas and others in the urban center of the county. This variance makes it difficult to offer the range of alternatives to all districts. The strategy for addressing this problem is to maintain a county community school program that is committed to providing educational services to the school districts in the county and that employs a variety of instructional strategies, including those that are capable of overcoming obstacles associated with providing educational services to rural often isolated settings.

2. Students who commit an expellable offense during an expulsion period may have limited alternatives available for a secondary placement. The strategy for addressing this problem is to maintain a commitment to providing educational services to students regardless of repeated offenses. These services may be in locations where distance becomes a serious obstacle. One strategy is that students may be returned to their school district of residence to provide an educational program placement, another strategy that has been employed at the county-level programs is to provide intense training to educational staff that improves their skills at diffusing potentially volatile situations with students, and decreasing the likelihood of a problem escalating to an expellable level.

3. Students in grades K-6 who are expelled do not have the same educational options available as do their counterparts in grades 7-12. Students in grades K-6 are expelled at a much lower rate than students in grades 7-12. These two factors, together with the requirement that educational services for students in grades K-6 cannot be merged or combined with services to students in grades 7-12, make it very difficult to identify an educational placement for the expelled student who is in grades K-6. The strategy for addressing this problem is to develop a cooperative plan for maintaining a multi-district educational alternative capable of serving this smaller, more isolated student population. A gap of under-funding for K-6 services in county community schools is a barrier. It is important to work with the California Department of Education to increase funding to establish and maintain an educational alternative for expelled students in grades K-6.

4. Transportation and funding continue to be gaps for our countywide Expelled Students Plan. Many of our families cannot access the educational opportunities because of a lack of finances. Funding for community schools continues to be low and requires that Santa Clara County Office of Education to operate on a chargeback system to our participating districts. We will continue to explore opportunities for additional funding to address these gaps.
5. Best practices identified by Santa Clara districts include the following practices:
   - Positive Behavior Interventions Support (PBIS)
   - Response to Intervention (RTI)
   - BEST Behavior Program
   - Opportunity Program
   - Coordination and implementation of multiple community resources, such as California Youth Outreach (CYO), Parents Helping Parents Project, drug and alcohol counseling, and job development
   - Community liaisons
   - Counselors, psychologist support
   - Character building programs

6. Districts continue to focus on disproportionate representation of minority students in interventions. Based on 2011-12 data, Latino male students represent 74% of our community schools population. In Santa Clara County, Latino males represent approximately 38% of the student population. Strategies to address this concern include differentiation, individualization, use of an equity lens in the planning and development of culturally relevant activities and ongoing professional development for staff to ensure employees are culturally sensitive and linguistically proficient.

**ALTERNATIVE PLACEMENTS FOR STUDENTS WHO FAIL COMMUNITY DAY SCHOOL PLACEMENTS**

The court and community school programs operated by the Santa Clara County Office of Education maintains commitment of accepting most students who have been expelled from their district of residence and who have exhausted all of the alternatives offered by the district. If an initial placement is made to a district operated community day school and the student commits and expellable offense or fails the program, the “District Name” School District Board of Education shall review the plan of rehabilitation that was established at the time of expulsion and make the adjustments necessary. If there is no educational alternative in the “District Name” School District, the student may be referred to the county community school program.

For students in the Santa Clara County community schools who have recommitted an expellable offense, the Santa Clara County Office of Education works closely with the district, probation, families and school officials to determine the next phase of support. Options include ‘EDGE,’ a probation/Santa Clara County Office of Education collaborative community day school, Reflections Program, a modified curriculum and school day, and/or incarceration. Additionally, the Santa Clara County Office of Education is developing a hybrid alternative independent study program for 2012-13 which will combine multiple resources and options for students, based on their individual learning plan.
Elementary School Districts

Plans for Expelled Students
Alum Rock Union School District

Plan for Expelled Students
PLAN BETWEEN THE

SANTA CLARA COUNTY
OFFICE OF EDUCATION

AND

ALUM ROCK UNION ELEMENTARY SCHOOL DISTRICT

FOR THE

IMPLEMENTATION

OF

EDUCATION CODES
§48916.1 AND §48926

2012-15
INTRODUCTION

Educational programs within Santa Clara County provide numerous opportunities for students who are in need of traditional and/or alternative education programs. While individual school districts offer a broad spectrum of services and the County Office of Education offers additional options, this combination provides a continuum of alternatives to expelled students.

A student whose behavior has resulted in expulsion is provided a rehabilitation plan designed by Alum Rock Union Elementary School District's Student Services Division. This plan may involve one or more of the options outlined. A student who is simply in need of an educational alternative may also access these programs through the Alum Rock Union Elementary School District and/or County referral process.
Santa Clara County Plan for Expelled Youth

Education Code §48926

Each county superintendent of schools in counties that operate community schools pursuant to Section 1980, in conjunction with superintendents of the school districts within the county, shall develop a plan for providing education services to all expelled pupils in that county. The plan shall be adopted by the governing board of each school district within the county and by the county board of education.

The plan shall enumerate existing educational alternatives; identify gaps in educational services to expelled pupils, and strategies for filling those service gaps. The plan shall also identify alternative placements for pupils who are expelled and placed in district community day school programs, but who fail to meet the terms and conditions of their rehabilitation plan or who pose a danger to other district pupils, as determined by the governing board.

Each county superintendent of schools, in conjunction with the superintendents of the school districts, shall submit to the Superintendent of Public Instruction the county plan for providing educational services to all expelled pupils in the county no later than June 30, 2012, and shall submit a triennial update to the plan to the Superintendent of Public Instruction, including the outcome data pursuant to Section §48916.1 on June 30th thereafter.

Education code §48916.1

a) At the time an expulsion of a pupil is ordered, the governing board of the school district shall ensure that all educational programs are provided to the pupil who is subject to the expulsion order for the period of the expulsion, but only to the extent funds are appropriated for this purpose in the annual Budget Act or other legislation, or both.
County Office of Education

Overview

The Santa Clara County Office of Education will continue to provide an educational option for expelled students. This program is one that fits in the continuum of educational care as outlined. The philosophy of each school district affects how the Santa Clara County Office of Education Community School's program will meet needs of that particular school district. Some school districts use the Santa Clara County Office of Education program as an educational option for those students expelled under a district's "zero-tolerance" policy, while others use this program for student assistance or placement alternative. The Community' School is a permissive educational program that provides the local school districts with another educational option for their expelled youth.

Santa Clara County Overview

County Existing Educational Alternatives Available to Expelled Youth

The Santa Clara County Office of Education Court and Community School/Day Center program offers the following options for expelled youth:

1) Daily educational programs that range from 240 to 360 minutes per day in community school classrooms;

2) Teen parent program;

3) Specific "non-restrictive" sites:
   - Calero Community School (75 capacity)
   - Dixon Community School (32 capacity)
   - Escuela Popular (16 capacity)
   - Enterprise Academy (16 capacity)
   - South County Community School (48 capacity)
   - The Foundry (75 capacity)

4) Partnership programs:
   - Advent Community School (Group Home)
   - Cambrian Community School (Cambrian) (12 capacity)
   - Camden Community School (Priority to Campbell HS District) (70 capacity)
   - Fremont Community School (Fremont HS District -opening 9/1/97) (22 capacity)
   - Gilroy Community School (Gilroy)
   - North County Community School (Whisman, Mt. View Elem. Sunnyvale)
   - Phoenix (Alternative School IOOF) (11th and 12th grade, 80 capacity)
   - Ridgemont Community School (Alum Rock)
   - Santa Clara Community School (Santa Clara)
   - San Jose Community School (San Jose) (40 middle school and 80 high school capacity)
   - Stonegate Community School (Franklin-McKinley)
Alum Rock Existing Educational Alternatives for Expelled Youth

Alum Rock School District, located within Santa Clara County, offers the following options for expelled youth, depending on the specific offense and Education code violation:

1) Suspended expulsion with placement on a different campus within the District

2) Expulsion with referral and release to the Santa Clara County Office of Education Court and Community School/Day Center Program.

3) Placement in another public school district or charter school, with consent from all parties.

Actual referral to such a placement is made by Alum Rock’s Board of Trustees or through District recommendation from the Expulsion Hearing Panel, SARB, or a similar District referral process.

Recommendations for expelled students and placement take the following information into consideration:

- The student’s age
- The student’s academic, attendance and discipline history
- Parental involvement in the student’s rehabilitation plan.
There are seven major gaps that exist with respect to providing educational services to expelled pupils. Following each gap is the District strategy for addressing these gaps.

1. It is possible under Education Code §48916.1 (a) that a student would not be expelled. As an example, a student who has been expelled from Alum Rock under Education Code §48915 and referred to either a County operated Community School program could commit another violation of Education Code §48915 and ultimately be referred back to Alum Rock.

**District Strategy for addressing this gap:**
- Districts which have developed a Community Day School have the option to refer appropriate students to this program (if funded).

2. Students who have failed their placement in county Community Day may be referred to a county operated Community Schools. If the student fails the program or commits another expellable offense, there may not be viable alternatives remaining.

**District strategy for addressing this gap:**
- The Santa Clara County Office of Education will continue to provide educational services to eligible students placed or referred to the Court and Community School/Day Center program.
- The District will continue to use existing educational strategies and programs to meet the needs of expelled students.

3. Small school districts within Santa Clara County generally expel very few students during the course of a school year; so few students are expelled that having a special class or program for such students, located in each district, is not financially or geographically possible.

**District strategy for addressing this gap:**
- A regional program has been developed to reflect geographic needs for limited numbers of students requiring services.

4. Students, who are expelled by individual small school districts and by the combined small school districts within Santa Clara County, vary as to age, grade level, and expellable offense. The wide range of age, grade level, and seriousness of offense make it difficult to provide appropriate programs for these students in their respective districts.

**District strategy for addressing this gap:**
- A regional program has been developed to reflect geographic or limited numbers of students requiring these services.

5. There are significant geographical distances between local small districts, thus district or county operated sites/programs for small school districts would require either extensive busing, which is not financially feasible for the county, or parent provided transportation which is often impossible for the parents.
**District strategy for addressing this gap:**
- Regional programs may be developed to reflect geographic or limited numbers.

- County and District provided bus tokens and passes may be distributed to qualifying students/families.

6. Students in grades one through six who are expelled do not have the same educational options available as do expelled youth who are in grades seven through twelve, due to the limited numbers of students who are expelled in these lower grades. Younger students cannot attend the programs designed for middle or high school students. Though the numbers are growing; these are generally not enough to comprise an elementary school classroom or program.

**District strategy for addressing this gap:**
- Expelled students in grades one through six will be transferred to another district elementary school.

- A regional program may be developed to reflect geographic or limited numbers.

7. The district Community Day School option for expelled students, as described in current California Education Code, is difficult for the local districts to develop due to the following reasons:

   a) The six (6) hour, or 360 minute day exceeds the required hours for a continuation school day (15 hours per week), as well as the required hours for students enrolled in the various elementary school programs, and the current 300 minutes used by the Santa Clara County operated Community School programs;

   b) Access to additional funding is restricted by having the student complete six hours of hour-by-hour attendance accounting in order for the district to receive the funding, and requires additional attendance bookkeeping and record keeping;

   c) The Community Day School requirements limit available instructional strategies such as contracted study, which limits program flexibility required for student success:

   d) The separation of students in grades K-6 from students in grades 7-8 creates boundaries that may be financially and/or geographically; impossible

   e) Inability to locate a comprehensive site can be a further complication.

**District strategy for addressing this gap:**
- Implement a Student Study Team (SST) procedures with which to analyze student needs and suggest alternatives; i.e. Santa Clara County operated Community Schools,
County & District Alternative Placements

Step I is for those expelled students who have been placed in a district community day school but who fail to meet the terms or conditions of their rehabilitation plan or who pose a danger to other district pupils:

The Alum Rock Union Elementary School District does not operate a Community Day School Program. The Alum Rock School District continues to maintain responsibility for developing a rehabilitation plan for the student, referring the student to an appropriate educational setting and ensuring an educational program is provided either within or outside the school district.

Step II

Expelled students who fail to meet the terms and conditions of the district rehabilitation plan may be referred to a different district school, another district program, a district Community Day School Program, or a Santa Clara County Office of Education Community School:

Expelled students will be referred to a Santa Clara County Office of Education Community School which is a permissive program. An “Individual Learning Plan” will be developed with the student's parents and COE staff. Part of this plan will include a goal for returning to the school district of residence after completing all district terms and conditions.
Berryessa Union School District

Plan for Expelled Students
PLAN BETWEEN THE
SANTA CLARA COUNTY OFFICE OF EDUCATION
&
BERRYESSA UNION SCHOOL DISTRICT
FOR THE
IMPLEMENTATION
OF
EDUCATION CODES 48916.1 AND 48926

Developed by
Berryessa Union School District: Educational Services & Juvenile Court and Community School Administrators of California (JCCSAC)

May 25, 2012
Berryessa Union School District – 1376 Piedmont Road
San Jose, CA  95132-2498 (408.923.1830)
2011-12 School Year
BOARD APPROVED:
INTRODUCTION

Educational programs with Santa Clara County provide numerous opportunities for students who are in need of traditional and/or alternative education programs. While individual school districts offer a broad spectrum of service and the County Office of Education offers additional options, the combination provides a continuum of alternatives to expelled students.

A student whose behavior has resulted in expulsion is given a rehabilitation plan that is designed by the district of residence. This plan may involve one or more of the options. A student who is simply in need of an educational alternative may also access these programs through a district and/or county referral process.
BERRYESSA UNION SCHOOL DISTRICT
PLAN FOR EXPELLED YOUTH

Education Code

Education code – 48926

Each county superintendent of schools in counties that operate community schools pursuant to Section 1980, in conjunction with superintendents of the school districts within the county, shall develop a plan for providing education services to all expelled pupils in that county. The plan shall be adopted by the governing board of each school district in the county and by the county board of education.

The plan shall enumerate existing educational alternatives for expelled pupils; identify gaps in educational services to expelled pupils, and strategies for filling those service gaps. The plan shall also identify alternative placements for pupils who are expelled and placed in district community day school programs, but who fail to meet the terms and conditions of their rehabilitation plan or who pose a danger to other district pupils, as determined by the governing board.

Each county superintendent of schools, in conjunction with the superintendent of the school districts, shall submit to the Superintendent of Public Instruction the county plan for providing educational services to all expelled pupils in the county no later than June 30, 1997, and shall submit a triennial update to the plan to the Superintendent of Public Instruction, including the outcome data pursuant to Section 48916.1

Education code – 48916.1

1. At the time an expulsion of a pupil is ordered, the governing board of the school district shall ensure that an educational program is provided to the pupil who is subject to the expulsion order for the period of the expulsion, but only to the extent funds are appropriate for this purpose in the annual budget Act or other legislation, or both.
OVERVIEW: SANTA CLARA COUNTY OFFICE OF EDUCATION

The Santa Clara County Office of Education will continue to provide an educational option for expelled students. This program is one that fits in the continuum of educational care as outlined. The philosophy of each individual school district affects how the Santa Clara County Office of Education Community School program will meet the needs of that particular school district. Some school districts use the Santa Clara County program as an education option for those students expelled under the district’s “zero-tolerance” policy, while others use this program as a student assistance or placement alternative. The Community School is a permissive educational program that provides the local school districts with another educational option for their expelled youth.

OVERVIEW: BERRYESSA UNION SCHOOL DISTRICT

Existing Educational Alternatives for Expelled Youth

The Santa Clara County Office of Education Court and Community School/Day Center program offers the following options for expelled youth:

1. Daily educational programs that meet from 240-300 minutes per day in community classrooms.
2. Contracted student programs (Independent Study) that require students to complete 20 hours of educational product.

Berryessa Union School District located in Santa Clara County offers the following options for expelled youth, depending on the specific offense and Education Code violation:

1. suspend expulsion with placement on the same school campus;
2. suspend expulsion with placement on a different school campus within the district;
3. expulsion with referral to the Santa Clara County Office of Education Court and Community School/Day Center Program;
4. expulsion with home instruction for students who receive special education;
5. expulsion with placement in an NPS if required due to special education needs.

Actual referral to such a placement is made by the district’s Board of Trustees with recommendations from the district’s Expulsion Panel.
There are two major gaps that exist in respect to providing educational services to expelled pupils. Following the gaps in the Santa Clara County’s or Berryessa Union School District’s strategy for addressing them:

1. It is possible under Education Code 48916.1 that a student would not be expelled. As an example, a student who has been expelled for the district under Education Code 48915 and referred to a county Community Day School or Community School program could commit another violation of Education Code 48915 and ultimately be referred back to the original district.

   Berryessa Union School District’s strategy for addressing this gap: Student would be placed on full time independent study with SCCOE. If special education needs exist, Home Instruction services would be provided to service the identified needs.

2. Students in grades one through six who are expelled do not have the same educational options available as do expelled youth who are in grades seven through twelve, due to the limited numbers of students who are expelled in these lower grades. These younger students cannot attend the programs designed for middle and high school students. The number of these younger children is growing but generally are not enough to develop an elementary school classroom or program.

   Berryessa Union School District’s strategy for addressing this gap: Students will attend a regional program or be referred to a different elementary school site.
PLACEMENTS: SANTA CLARA COUNTY & BERRYESSA UNION SCHOOL DISTRICT

(For those expelled students who have been placed in a district community day school but who fail to meet the terms or conditions of their rehabilitation plan or who pose a danger to other district pupils.)

Step I
The district of residence continues to maintain responsibility for developing a rehabilitation plan for the student, referring the student to an appropriate educational setting, and ensuring that an education program is provided either within or outside the school district.

Step II
Expelled students who fail to meet the terms and conditions of their rehabilitation plan may be referred to a different school, another district, a district Community Day School Program (if funded), or the Santa Clara County Office of Education Community School.

Expelled students who are referred to Santa Clara County Office of Education Community School (which is a permissive program) shall develop an Individual Learning Plan with the students’ parents and County office of Education staff. Part of this plan may include a goal of returning to the school district of residence after the district expulsion term. If students fail in the county-operated program, they are referred back to the district for possible review and replacement.
Cambrian School District

Plan for Expelled Students
A JOINT PLAN
BETWEEN
THE CAMBRIAN SCHOOL DISTRICT
AND
THE COUNTY OFFICE OF EDUCATION
FOR
THE IMPLEMENTATION OF
EDUCATION CODES 48916.1 AND 48926

Developed by
CAMBRIAN SCHOOL DISTRICT
AND
SANTA CLARA COUNTY OFFICE OF EDUCATION
May 2009
INTRODUCTION PAGE
CAMBRIAN SCHOOL DISTRICT PLAN FOR
ALTERNATIVE EDUCATIONAL SETTING

Educational programs within Santa Clara County provide opportunities for students who are in need of traditional and/or alternative educational programs. Individual school districts offer a broad spectrum of service and the County Office of Education offers additional options. This combination provides a continuum of alternatives to expelled students.

A student whose behavior has resulted in expulsion is given a rehabilitation plan that is designed by the district of residence. This plan may involve one or more of the options outlined. A student who is simply in need of an educational alternative may also access these programs through a District and/or County referral process.
SANTA CLARA COUNTY OFFICE OF EDUCATION OVERVIEW

The Santa Clara County Office of Education will continue to provide an educational option for expelled students. This program is one that fits in the continuum of education care as outlined. The philosophy of each school district affects how the Santa Clara County Office of Education Community School program will meet the needs of that particular school district. The Community School is a permissive educational program that provides the local school districts with another education option for their expelled youth.

CAMBRIAN SCHOOL DISTRICT OVERVIEW

County Existing Educational Alternative Schools for Expelled Youth

The Santa Clara County Office of Education Court and Community School/Day Center program offers the following options for expelled youth:

1. Daily educational programs that range from 240-300 minutes per day in community classrooms.

2. Independent Study Program (IS) that requires students to complete a minimum of 20 hours of educational product.

3. Teen parent program.

4. Specific site names:

   Educational alternatives offered by the Santa Clara County Office of Education include the following:

   Court Schools*  
   Osborne  
   Blue Ridge  

   Group Homes*  
   Advent  

   Muriel Wright
Community Schools

Odyssey

Snell

Sunol

Stonegate

Terra Bella

Community Day Schools

EDGE*
CAMBRIAN SCHOOL DISTRICT EXISTING EDUCATIONAL ALTERNATIVES
FOR EXPELLED YOUTH

Cambrian School District located within Santa Clara County offers the following options for expelled youth, depending on the specific offense and Educational Code violation:

1. Suspend expulsion with placement on the same or different school campus;

2. Suspend expulsion with placement on a different school campus on a neighboring District;

3. Expulsion with referral to the Santa Clara County Office of Education court and community School/Day Center Program;

Actual referral to such a placement is made by the District Governing Board.
SANTA CLARA COUNTY AND CAMBRIAN SCHOOL DISTRICT
GAPS AND STRATEGIES IN EDUCATION SERVICES

There are major gaps that exist in respect to providing education services to expelled pupils. Following each gap in the Santa Clara COE/Cambrian strategy for addressing these gaps:

1. It is possible under Education Code 48916.1a that a student who has been expelled from the Cambrian District under Education Code 48915 and referred to either a district Community Day School or a County operated Community School program could commit another violation of Education Code 48915 and ultimately be referred back to the Cambrian District.

Santa Clara County/Cambrian strategy for addressing this gap:

Cambrian has the option to refer to other District/County Community Day Schools if the program is appropriate.

2. Students who have failed their placement in County Community Day School may be referred to other county operated programs. If the student fails this program or commits another expulsion type offense there may not be any viable alternatives remaining.

Santa Clara County/Cambrian strategy for addressing this gap:

The Santa Clara County Office of Education will continue to provide educational services to those eligible students placed or referred to the Court and Community School/Day Center program.

Cambrian will continue to explore existing educational strategies and programs to meet the needs of expelled students.

3. Students in grades one through six who are expelled do not have the same educational options available as do expelled youth who are in grades seven through eight, due to the limited numbers of students who are expelled in these lower grades. The younger students cannot attend the programs designed for middle and high school students. The numbers are growing within the county, but generally are not enough to develop an elementary school program.

Santa Clara County Cambrian strategy for addressing this gap:
Regional program may be developed to reflect geographical or limited numbers.
Itinerant Independent Study Program to be developed for grades K-6 and 7-12 to determine feasibility of group K-5 and 6-12.

**District strategy for addressing this gap:**

Refer to a county level Student Study Team or SARB to analyze student needs and suggest alternatives.
CAMBRIAN DISTRICT/COUNTY PLAN FOR EXPELLED YOUTH

Education code – 68926:

Each county superintendent or schools in counties that operate community schools pursuant to Section 1980, in conjunction with superintendents of the school district within the county, shall develop a plan for providing education services to all expelled pupils in that county. The plan shall be adopted by the governing board of each school district within the county and by the county board of education.

The plan shall enumerate existing education alternative for expelled pupils, identify gaps in education services to expelled pupils, and strategies for filing those service gaps. The plan shall also identify alternative placements for pupils who are expelled and placed in district community day school programs, but who fail to meet the terms and conditions of their rehabilitation plan or who pose a danger to other district pupils as determined by the governing board.

Each county superintendent of schools in conjunction with the superintendents of the school districts, shall submit to the Superintendent of Public Instruction the county plan for providing education services to all expelled pupils in the county no later than June 30, 1997, and shall submit a triennial update to the plan to the Superintendent of public instruction including the outcome data pursuant to Section 48916.1 on June 30th thereafter.

Education Code – 48916.1

a. At the time an expulsion of a pupil is ordered, the governing board of the school district shall ensure that an educational program is provided to the pupil who is subject to the expulsion order for the period of the expulsion but only to the extent funds are appropriate for this purpose in the annual Budget Act or other legislation, or both.
Campbell Union School District

Plan for Expelled Students
Educational programs and services within Santa Clara County provide opportunities for all students who are in need of a traditional or an alternative education. While individual school districts offer a broad spectrum of services and the County Office of Education offers additional options, this combination provides a continuum of alternatives to expelled students.

A student whose behavior has resulted in expulsion is given a rehabilitation plan that is designed by Campbell Union School District. This plan may involve one or more of the options outlined. A student who is in need of an educational alternative may also access these programs though a district and/or county referral process.
CAMPBELL UNION SCHOOL DISTRICT EXISTING
EDUCATIONAL ALTERNATIVES FOR EXPELLED YOUTH

Campbell Union School District, located within Santa Clara County, offers the following options for expelled youth, depending on the specific offense and Education Code violation:

1. Suspended expulsion with placement on the same or different school campus.

2. Suspended expulsion with placement in the Campbell USD Intervention Opportunity class/program.

3. Suspended expulsion with placement on a different school campus in a neighboring District, only with the Superintendent’s or her/his designee’s approval.

4. Expulsion with referral to the Santa Clara County Office of Education Community School/Day Center program or to the Court, only with the approval of the Superintendent.

The decision to place students in an alternative placement and actual referral to such a placement is recommended to the Superintendent by the Director of School Services. All expulsions must be approved by the Campbell Union School District Governing Board and must be aligned to State Education Code and Campbell USD Board Policy.
CAMPBELL UNION SCHOOL DISTRICT GAPS AND STRATEGIES IN EDUCATIONAL SERVICES

There are gaps that exist in respect to providing educational services to expelled pupils. Following each gap is the Campbell USD strategy for addressing these gaps:

1. Students in the elementary setting/grades one through five who are expelled do not have the same educational options available to them as expelled youth who are in the middle school setting/grades five through eighth, due to the limited numbers of students who are expelled in these lower grades. These younger students cannot attend the programs designed for middle school students. The numbers are growing within the county, but generally are not enough to develop an elementary school program. Should the need arise, younger students who are expelled, may be provided with Home Schooling or Independent Study programs.

2. In 2006, Campbell USD developed a Community Day School program that was designed to serve expelled students from Campbell USD and surrounding districts, as space permitted. This program has been successful in providing support services and returning expelled youth to a comprehensive setting, but the numbers of expelled students has been declining and Campbell USD has determined it would be more beneficial in meeting student needs to provide a Tier III Intervention Opportunity class/program versus a Community Day School program.

3. Beginning in 2012-2013, Campbell USD shall implement an Intervention Opportunity class/program. The Intervention Opportunity class/program is a Tier III targeted support for students in middle school who are insubordinate or disorderly, irregular in attendance, or habitual truants. The Interventions Opportunity class/program is a smaller and more restrictive environment than a comprehensive school class. The purpose of the Intervention Opportunity class/program is to provide identified students with the necessary skills to be successful in school. In addition to the state and district adopted curriculum, social skills with be deliberately and specifically taught. Instruction will be differentiated to maximize the learning of each student. The Intervention Opportunity class/program shall provide students with a supportive environment is designed to address issues that are prohibiting students achieving academic and behavioral success. Placement into the program and minimize the potential of further attendance and/or disciplinary issues which may result in expulsion.

4. Students who are placed in community day school programs, but fail to meet the terms and conditions of their rehabilitation plan may be offered the following options:

- Campbell USD Intervention Opportunity class/program
- Campbell USD Home School Program
- California Virtual Academy

The Campbell USD Intervention Opportunity class/program is the primary setting for students who have been placed on suspended expulsions. The Santa Clara County Office of Education shall provide an educational option for expelled students.
CAMPBELL UNION SCHOOL DISTRICT/COUNTY PLAN FOR EXPELLED YOUTH:

**Education Code** - 48926:
Each county superintendent of schools in counties that operate community schools pursuant to Section 1980, in conjunction with superintendents of the school districts within the county, shall develop a plan for providing education services to all expelled pupils in that county. The plan shall be adopted by the governing board of each school district within the county and by the county board of education. The plan shall enumerate existing educational alternatives for expelled pupils, identify gaps in educational services to expelled pupils, and strategies for filling those service gaps. The plan shall also identify alternative placements for pupils who are expelled and placed in district community day school programs, but who fail to meet the terms and conditions of their rehabilitation plan or who pose a danger to other district pupils, as determined by the governing board.

Each county superintendent of schools, in conjunction with the superintendents of the other districts, shall submit to the Superintendent of Public Instruction the county plan for providing educational services to all expelled pupils in the county no later than June 30, 2009, and shall submit a triennial update to the plan to the Superintendent of Public Instruction, including the outcome data pursuant to Section 48916.1, on June 30th thereafter.

**Education Code - 48916.1**

a. At the time an expulsion of a pupil is ordered, the governing board of the school district shall ensure that an educational program is provided to the pupil who is subject to the expulsion order for the period of the expulsion but only to the extent funds are appropriated for this purpose in the annual Budget Act or other legislation, or both.
Cupertino Union School District

Plan for Expelled Students
Plan for Expelled Youth

A PLAN FOR EXPELLED STUDENTS

BETWEEN

CUPERTINO UNION SCHOOL DISTRICT

AND

SANTA CLARA COUNTY OFFICE OF EDUCATION

FOR

IMPLEMENTATION OF

CALIFORNIA EDUCATION CODES

48926

and

48916.1

Developed by

Cupertino Union School District

Santa Clara County Office of Education
Community Schools Program

1997

BOARD APPROVED: May 13, 1997
Introduction

Education programs and services within Santa Clara County provide opportunities for all students who are in need of a traditional or an alternative education. Between the programs and services offered by individual school districts and those offered by the county office of education expelled students are provided with a continuum of alternatives.

Recently enacted state laws (CEC 48916.1 and 48926) now require each school district and the county office of education to develop a coordinated plan for providing educational services to all expelled students. These plans must be approved by each respective district board of education and the governing board of the county office of education.

The required plans must:

- Enumerate educational alternatives for expelled students.
- Identify gaps in educational services to expelled students.
- Identify strategies for filling service gaps.
- Identify alternative placements for students who:
  - Fail to meet the terms and conditions of their rehabilitation plan.
  - Pose a danger to other district students.

The County Superintendent of Schools is required to submit the plan to the State Superintendent of Public Instruction by June 30, 1997, and update the plan every three years.
Existing District Education Alternatives for Expelled Students

The Cupertino Union School District offers the following options for expelled students, depending on the specific violation of the California Education Code:

- Suspended expulsion with placement on the same school campus within the district.
- Suspended expulsion with placement on a different school campus within the district.
- Suspended expulsion with placement in the district’s Opportunity Class Program (grades 7 and 8).
- Expulsion or suspended expulsion with placement in a neighboring school district.
- Suspended expulsion with placement in the district’s Home Study Program (if the parent agrees).
- Expulsion with referral to the Santa Clara County Office of Education Community Schools Programs (grades 7 and 8).
- Expulsion with placement on home teaching (usually a short term option).
Santa Clara County Office of Education

Existing County Education Alternatives for Expelled Students
The Santa Clara County Office of Education will continue to provide education program options for expelled students. The philosophy of each individual school district affects how the Santa Clara County Office of Education Community Schools programs will be able to address the needs of a particular school district.

The Santa Clara County Office of Education Court and Community Schools programs offer the following options for expelled students:

- Daily education programs that range from 240 to 350 minutes per day in community classrooms.

  Specific sites include (examples):
  - North County Community Schools    Grades 7-8 (5 guaranteed openings)
  - Bill Wilson Homeless Programs        Grades 7-8
  - Teen Parent Program                         Grades 7-8

- Homeless program.

- Teen parent program.
Gaps and Strategies in Education Services
For Expelled Students

There are three major gaps that exist to providing education services to expelled students. Following each identified gap is a proposed strategy for addressing each issue.

1. **Identified Gap**

   A student who has been expelled from the district and referred to either a district sponsored program, a neighboring district, or a county office Community Schools Program may commit another expellable violation and be referred back to the district of residence.

   **Strategy**

   The Cupertino Union School District will continue to use existing education strategies and programs to meet the needs of expelled students including but not limited to placement in the home study or home/hospital teaching programs. The Santa Clara County of Education will continue to provide education services to those eligible students placed or referred to a Court or Community School Program.

2. **Identified Gap**

   Many school districts expel only a few students during the course of a school year. As a result, having specialized class or program for such students, located in each district, is not financially or geographically possible.

   **Strategy**

   The Cupertino Union School District will continue to collaborate with a consortium of districts and the county office of education to explore options for developing regional programs to address this issue.

3. **Identified Gap**

   Students in grades one through six who are expelled, do not have the same education options as expelled youth who are in grades seven and eight, due to the limited number of students who are expelled in the lower grades. These younger students cannot attend the programs designed for middle and high school students. The number of expelled elementary students is growing, but is not enough in any one district to develop a special program.

   **Strategy**
The Cupertino Union School District will collaborate with a consortium of districts and the county office of education to explore options for developing a regional K-6 program to address this issue.

Glossary of Terms

Community Day Schools

A specialized class, operated by a school district under Education Code 48664, which operates a minimum of 360 minutes per day of classroom instruction to receive revenue limit funding. In addition to revenue limit funding, Education Code 48664 establishes incentive funding of $1,500.00 per year for each unit of ADA. The class cannot be situated on a comprehensive school site. (Ed Code 48860-48666)

County Community School

A special class, operated by the county office of education under Education Code 1980, which serves pupils (a) expelled from a school district; (b) referred by a school district as a result of the recommendation by a school attendance review board; (c) referred by the school district of attendance; or (d) home children. (Ed Code 1980-1986)
Legal References

Education Code 48926

Each county superintendent of schools in counties that operate community schools pursuant to Section 1980, in conjunction with superintendent of the school district within the county, shall develop a plan for providing education services to all expelled pupils in that county. The plan shall be adopted by the governing boards of school districts within the county and by the county board of education.

The plan shall enumerate existing education alternatives for expelled pupils, identify gaps in education services to expelled pupils, and strategies for filling those service gaps. The plan shall also identify alternative placements for pupils who are expelled and placed in alternative programs, but who fail to meet the terms and conditions of their rehabilitation plans or who pose a danger to district pupils, as determined by the governing board.

Each county superintendent of schools, in conjunction with the superintendent of the school district, shall submit to the Superintendent of Public Instruction the county plan for providing educational services to all expelled pupils in the county no later than June 30, 1997, and shall submit a triennial update to the plan to the Superintendent of Public Instruction, including the outcome data pursuant to Section 48916.1 on June 30th thereafter.

Education Code 48916.1

a) At the time an expulsion of a pupil is ordered, the governing board of the school district shall ensure that an education program is provided to the pupil who is subject to the expulsion order for the period of the expulsion, but only to the extent funds are appropriate for this purpose in the annual Budget Act of other legislation, or both.
Evergreen School District

Plan for Expelled Students
In compliance with California Education codes 48916.1 and 48926, the Evergreen School District has developed the following plan, which identifies educational services available to expelled youth. This plan also identifies gaps in educational services to expelled youth and identifies strategies in order to fill these gaps. Finally, this plan identifies alternative placements for pupils who are expelled but who fail to meet the terms and conditions of their Rehabilitation Plan or who pose a danger to other district pupils, as determined by the Board of Trustees.
EVERGREEN SCHOOL DISTRICT

EXISTING EDUCATION ALTERNATIVES FOR EXPELLED YOUTH

Evergreen School District offers the following options for expelled youth, depending on the particular offense and the California Education Code violation:

1. Expulsion with suspension of the expulsion order and placement to continue on the same school campus.
2. Expulsion with suspension of the expulsion order and placement on another school campus with the school district.
3. Expulsion with referral to the Santa Clara County Office of Education Community Schools Program.
4. Expulsion with referral to the Santa Clara County Office of Education Independent Study Program.
5. Home teacher.

The above referrals and placements are made by the Board of Trustees of Evergreen School District at the time of the expulsion and are stipulated in the Rehabilitation Plan developed for the student at the time of the expulsion.
SANTA CLARA COUNTY OFFICE OF EDUCATION

EXISTING EDUCATION ALTERNATIVES FOR EXPELLED YOUTH

The Santa Clara County Office of Education Court and Community Schools Program offers the following options for expelled youth:

1. Daily educational programs that meet between 270 to 300 minutes per day in community schools. The community school is an educational program that provides Evergreen School District with another education option for expelled students.

2. Contracted independent study program (IS) that requires students to complete a minimum of 20 hours of educational product under the supervision of a teacher.
EVERGREEN SCHOOL DISTRICT

GAPS AND STRATEGIES IN EDUCATIONAL SERVICES

There are gaps that exist in respect to providing educational services to expelled pupils. Following each gap is the District strategy for addressing the gaps.

1. It is possible under Education Code 48916.1 that a student could be expelled not only from the District but also, if they commit another violation of Education Code 48915, could be discharged from the Community School where they are enrolled. They would be in need of another placement.

   **District strategy to address this gap:**
   Status of student will be reviewed by District team and recommendations made, if appropriate, to refer to another Community School, non-public school or Independent Study program.

2. Students in grades one through six who are expelled do not have the same educational opportunities available to them as do expelled youth who are in grades seven through twelve, due to limited numbers of students expelled in the lower grades. These younger children cannot attend the programs designed for middle and high school students.

   **District strategy to address this gap:**
   The District will work in collaboration with adjoining school districts and the County Office of Education to look at creating alternative educational options for the younger children. A student may be able to utilize some of the existing services available through the Alternative Schools Department operated by the Santa Clara County Office of Education. This may include a modified independent study program or a modified educational program at a Community School campus.

3. Students in grades seven and eight may not have alternative educational programs available to them in close proximity to their home or local school district. This would occur if the closest site was at capacity.

   **District strategy to address this gap:**
   District will maintain continual dialogue with the Alternative Schools Department in the Santa Clara County Office of Education to alert them to trends in increasing numbers of expelled youth in order for them to plan additional classes.
EVERGREEN SCHOOL DISTRICT

ALTERNATIVE PLACEMENTS

For those expelled students who have been placed in an alternative educational program but who fail to meet the terms or conditions of their Rehabilitation Plan or who pose a danger to other district pupils, a plan must be established to address their needs.

**District Strategy:**

The Evergreen School District continues to maintain responsibility for reviewing options remaining for the student. A review of the student’s status should take place to determine what other options might be available. The student may be referred to a Santa Clara County Office of Education Community School program, non-public school or Independent Study program. An Individual Learning Plan (ILP) may be developed with the student’s parent and the student. It may be appropriate to involve other agencies or resources in this plan if they have not been involved in the past. The Evergreen School District is not obligated to place back in a District school if the terms or conditions of the Rehabilitation Plan have not been adhered to.
Franklin McKinley School District

Plan for Expelled Students
Franklin-McKinley School District

Educational programs within Santa Clara County provide numerous opportunities for students who are in need of traditional and/or alternative education programs. While individual school districts offer a broad spectrum of service and the County Office of Education offers additional options, this combination provides a continuum of alternatives to expelled students.

A student whose behavior has resulted in expulsion is given a rehabilitation plan that is designed by the district of residence. This plan may involve one or more of the options outlined. A student who is simply in need of an educational alternative may also access these programs through a district and/or county referral process.
Education Code

48926

Each county superintendent of schools in counties that operate community schools pursuant to Section 1980, in conjunction with superintendents of the school district within the county, shall develop a plan for providing education services to all expelled pupils in that county. The plan shall be adopted by the governing board of each school district within the county and by the county board of education.

The plan shall enumerate existing educational alternatives for expelled pupils, identify gaps in educational services to expelled pupils, and strategies for filling those service gaps. The plan shall also identify alternative placements for pupils who are expelled and placed in district community day school programs, but who fail to meet the terms and conditions of their rehabilitation plan or who pose a danger to other district pupils, as determined by the governing board.

Each county superintendent of schools, in conjunction with the superintendents of the school districts, shall submit to the Superintendent of Public Instruction the county plan for providing educational services to all expelled pupils in the county no later than June 30, 1997, and shall submit a triennial update to the plan to the Superintendent of Public Instruction, including the outcome data pursuant to Section 48916.1 on June 30th thereafter.

48916.1

a) At the time an expulsion of a pupil is ordered, the governing board of the school district shall ensure that an educational program is provided to the pupil who is subject to the expulsion order for the period of the expulsion, but only to the extent funds are appropriated for this purpose in the annual Budget Act or other legislation, or both.
COUNTY OFFICE OF EDUCATION OVERVIEW

The Santa Clara County Office of Education will continue to provide an educational option for expelled students. This program is one that fits in the continuum of educational care as outlined. The philosophy of each individual school district affects how the Santa Clara County Office of Education Community School program will meet the needs of that particular school district. Some school districts use the Santa Clara County Office of Education programs as an educational option for those students expelled under a “zero-tolerance” policy, while others use this program as a student assistance or placement alternative. The Community School is a permissive educational program that provides the local school districts with another educational option for their expelled youth.

FRANKLIN-McKINLEY SCHOOL DISTRICT OVERVIEW

County Existing Educational Alternatives Available to Expelled Youth

The Santa Clara County Office of Education Court and Community School/Day Center Program offers the following options for expelled youth:

1) daily educational programs that range from 240 to 360 minutes per day in community school classrooms;
2) teen parent program
3) specific “non-restrictive” sites
   Calero Community School (112 capacity)
   South County Community School (48 capacity)
   The Foundry (75 capacity)

Partnership programs:
Advent Community School (Group Home)
Ridgemont Community School (Alum Rock)
Santa Clara Community School (Santa Clara)
Stonegate Community School (Franklin-McKinley)
COUNTY AND DISTRICT GAPS AND STRATEGIES IN EDUCATIONAL SERVICES

There are seven major gaps that exist in respect to providing educational services to expelled pupils. Following each gap is the County/District strategy for addressing these gaps:

1. It is possible under Education Code 48916.1(a) that a student would not be expelled. As an example, a student who has been expelled from the District under Education Code §48915 and referred to either a district Community Day School or a County operated Community School program could commit another violation of Education Code §48915 and ultimately be referred back to the original District.

   **County/District strategy for addressing this gap:**
   - SCCOE Community School Program (Stonegate Community School)
   - Independent Study Program
   - Placement at alternative sites in and outside of the District

2. Students who have failed their placement in district community Day Schools may be referred to other district programs or to a county operated Community School. If the student fails the program or commits another expulsion type offense, there may not be any viable alternatives remaining.

   **County/District strategy for addressing this gap:**
   - FMSD is investigating possible implementation of its own Alternative School program
   - Placement at alternative sites in and outside of the District

3. Small school districts within Santa Clara County generally expel very few students during the course of a school year, so few are expelled that have a special class or program for such students, located in each district, is not financially or geographically possible.

   **County/District strategy for addressing this gap:**
   - FMSD provides special education RSP and Speech through the Independent Study program for students that are expelled. For students that receive a suspended expulsion and are placed at an alternate school within the district, the receiving school provides the special education services.

4. Students, who are expelled by individual small school districts, and by the combined small school districts within Santa Clara County, vary as to age, grade level, and expulsion offenses. The wide range of age, grade level, and seriousness of offense make it difficult to provide appropriate programs for this district.

   **County/District strategy for addressing this gap:**
   - FMSD is investigating possible implementation of its own Alternative School program.
5. There are significant geographical distances between local small districts, thus district or county operated classroom sites/programs for small school districts would require either extensive busing, which is not financially feasible for the county, or parent provided transportation, which is often impossible for the parents.

**County/District strategy for addressing this gap:**
- FMSD is investigating possible implementation of its own Alternative School program

6. Students in grades one through six who are expelled do not have the same educational options available as do expelled youth who are in grades seven through twelve, due to the limited numbers of students who are expelled in these lower grades. These younger students cannot attend the programs designed for middle and high school students. The numbers are growing, but generally are not enough to develop an elementary school classroom or program.

**County/District strategy for addressing this gap:**
- Independent Study Program
- Placement at alternative sites in and outside of the District

7. The district Community Day School option for expelled students, as described in current California Education Code, is difficult for the local districts to develop due to the following reasons:

   a) The six (6) hour, or 360 minute day exceeds the required hours for a minimum school day (15 hours per week), and the required hours for student enrolled in the various elementary school programs, and the current 300 minutes used by the Santa Clara County operated Community School program.

   b) Access to the additional funding is restricted by having the student complete six hours of hour-by-hour attendance accounting in order for the district to receive the additional funding, and requiring additional attendance bookkeeping and record keeping;

   c) The Community Day School program limits the available instructional strategies which can be used, such as contracted study, which limits the program flexibility required for success;

   d) The separation of student in grades K-6 from students in grades 7-8 also creates boundaries that will be financially and/or geographically difficult;

   e) Inability to locate on a comprehensive site is a further complication.

**County/District strategy for addressing this gap:**
- FMSD is investigating possible implementation of its own Alternative School program
- Placement at alternative sites in and outside of the District
- Independent Study Program
District Existing Educational Alternatives for Expelled Youth

School districts located within Santa Clara County offer the following options for expelled youth, depending on the specific offense and Education Code violation:

Franklin-McKinley School District has the following options for expelled students:

1) Suspended expulsion with placement on a different school campus within the District;
2) Expulsion with referral to Stonegate Community Day School program;
3) Expulsion with referral to FMSD Independent Study program;
4) Suspended expulsion with referral to FMSD Independent Study program; or
5) Expulsion with placement at another school outside of the District (with agreement by receiving district).
Lakeside Joint School District

Plan for Expelled Students
The Board of the Lakeside Joint School District establishes policy on student conduct predicated upon the following statement of beliefs in the responsibilities for education in general in the District:

Parent/guardian and District staff recognize that children learn from adults and that love and caring, encouragement, positive support, and a wholesome, nurturing environment are critical to the healthy development of every child.

The Board accepts and establishes the following areas of responsibility for student conduct:

Areas of Responsibility

Governing Board

The Board holds the certificated personnel responsible for the proper conduct and control of pupils while legally under the supervision and jurisdiction of the school.

The Board desires to keep the District and students free from threats or harmful influence of any groups or gangs which advocate drug use, violence or other disruptive behavior.

The Board encourages the provision of programs designed to enhance individuals' self-esteem, to foster interest in a variety of wholesome activities, and to promote membership in authorized student organizations and activities.

Definition of "Gangs"

"Any ongoing organization, association or group of three (3) or more persons, whether formal or informal, having as one of its primary activities the commission of one (1) or more criminal acts."

The Board desires to keep the District and students free from the threats or harmful influence of any groups or gangs which advocate drug use, violence or disruptive behavior.

The Superintendent/Principal shall establish open lines of communication with local law enforcement authorities so as to share information and provide mutual support in the effort to deter gang-related activities.
The Superintendent/Principal shall provide inservice training which helps staff to identify gangs and gang symbols, recognize early manifestations of disruptive activities, and respond appropriately to gang behavior. Staff shall be informed about conflict management techniques and alerted to intervention measures and community resources which may help our students.

Prevention Education

The Board realizes that many students become involved in gangs without understanding the consequences of gang membership. Early intervention is a key component of efforts to break the cycle of gang membership. Therefore gang violence prevention education in the schools may start with students in Grade 2.

Gang Symbols

The Board prohibits the presence of any apparel, jewelry, accessory, notebook or manner of grooming which, by virtue of its color, arrangement, trademark or any other attribute, denotes membership in gangs which advocate drug use, violence or disruptive behavior. This policy shall be applied at the Superintendent/Principal’s discretion.

Parent/Guardian

The parent/guardian shall be expected to cooperate with school authorities regarding the behavior of their children. The parent/guardian shall be held responsible for the willful misbehavior of their children, as indicated by Section 1714.1 of the Civil Code and Education Code Section 48909.

Pupil Behavior

Pupils shall be properly instructed in rules and regulations of acceptable conduct; they shall then be responsible for understanding and complying with the standards of behavior described therein. Any pupil who fails to comply with these laws and rules concerning pupil behavior is liable to suspension, exclusion or expulsion.

Legal Reference:   Education Code

44807       Duty Concerning Conduct of Pupils; Limitation on Criminal Prosecution

44808       Exemption From Responsibility or Liability for Conduct and Safety
### Legal Reference

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<th>Code</th>
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<tr>
<td>44808.5</td>
<td>Permission for Pupil to Leave School Grounds; Notice (High School)</td>
</tr>
<tr>
<td>51202</td>
<td>Instruction in Personal and Public Health and Safety</td>
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5131.1 Bus Conduct

The Board will provide bus transportation for students within the District in accordance with law. Such transportation will be extended as a privilege and right, however, only insofar as the individual student continually and habitually displays good conduct and behavior while preparing to ride, riding, and after disembarking from the bus.

Failure to comply with the rules and regulations shall be sufficient reason for a pupil to be denied transportation.

The Superintendent/Principal is charged with the responsibility of developing and maintaining rules and regulations for transporting children.

Legal Reference: Education Code 39830 et seq. Transportation, School Buses
5131.2 Vandalism

It is the intention of the Board to seek redress of any individual, in the amount of the damage for any act of vandalism committed by that individual or from the parent/guardian of that individual if a minor.

Vandalism includes, negligent, willful or unlawful damaging or taking of any District-owned real or personal property. The parent/guardian having custody or control of a minor who commits an act of vandalism cannot be held liable for more than $10,000 (ten thousand dollars) or the amount allowed by current law (Education Code Section 48904) for that act, except that the parent/guardian may also be held liable for any reward not exceeding paid pursuant to Government Code Section 53069.5.

Any pupil or the parent/guardian of any minor pupil, shall also be held liable for all property belonging to the District lent to the pupil or individual and not returned on demand of the District. Any pupil of the District who commits an act of vandalism may also be subject to disciplinary action by the District.

5131.3 Weapons or Dangerous Instruments

If a student possesses, sells or otherwise furnishes a firearm or other type of weapon or dangerous instrument at school or at a school event, that student shall be expelled for one (1) calendar year from the date the expulsion occurred and upon ordering the expulsion, the Governing Board may set an earlier date on a case-by-case basis.

Additionally if a student possesses, sells or otherwise furnishes a firearm or other type of weapon or dangerous instrument at school or at a school event, the Superintendent/Principal must notify the appropriate local law enforcement authorities.

Legal Reference:

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<tr>
<th>Education Code</th>
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<tr>
<td>48904</td>
<td>Liability of Parent or Guardian for Willful Pupil Misconduct</td>
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<tr>
<td>48900</td>
<td>Grounds for Suspension or Expulsion</td>
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<tr>
<td>49815</td>
<td>Expulsion; Particular Circumstances</td>
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<tr>
<th>Government Code</th>
<th>Description</th>
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<tbody>
<tr>
<td>53069.5</td>
<td>Reward for Information Concerning Person Causing Death, Injury or Property Damage</td>
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</table>

5131.3 Weapons or Dangerous Instruments

Students shall not possess weapons or dangerous instruments of any kind on school
grounds or buildings, nor on school buses, nor on any school-related or school-
sponsored activity away from school facilities, unless written permission has been
obtained from the Superintendent/Principal.

The Superintendent/Principal shall not give such written permission except on request
of a teacher and on assurance that such possession serves a positive and an appropriate
purpose, and that proper precautions have been taken that no accidents shall occur and
that the weapon or dangerous instruments shall not be misused while under school
supervision.

Weapons or dangerous instruments include, but are not necessarily limited to:

1. Firearms; pistols, revolvers, shotguns, rifles, "zip guns," (imitations/replicas) and
   any other device capable of chemically propelling a projectile

2. Cutting and Puncturing Devices: Dirks, daggers, knives with blades longer than
   three and one-half inches (3 ½"), folding knives with a blade that locks into place
   or razors with an unguarded blade

3. Explosive and/or Incendiary Devices: pipe bombs, time bombs, cap guns,
   firecrackers, containers of inflammable fluids, and other hazardous devices

Any certificated or classified employee of the District may seize any dirk, dagger, knife
with a blade longer than three and one-half inches (3 ½"), folding knife with a locking
blade or a razor with an unguarded blade from the possession of any person upon the
grounds of or within a school if he/she knows or has reasonable cause to know the
person is prohibited from bringing or possessing the weapon upon the grounds of or
within the school (Penal Code Section 626.10).

Any other dangerous device, especially those defined in the Penal Code Section 12020,
including a blackjack, slingshot, billy, nunchaku, sand-club, sandbag, metal knuckles or
any metal plate with three (3) or more radiating points with one (1) or more sharp edges
designed for use as a weapon, may be seized by any employee of the District under the
power granted to the Board to maintain order and discipline in the schools, and to
protect the safety of students, staff, and the public.
It shall be the policy of the schools to take positive action through education, counseling, parent/guardian involvement, medical referral, and police referral in the handling of incidents in the schools involving the possession, sale, and/or use of drug paraphernalia and/or behavior affecting substances. These substances shall include, but not be limited to, marijuana, LSD, glue, alcohol, barbiturates, and amphetamines.

School properties may be inspected by school authorities in the interest of maintenance, health, and safety. Inspections for the location of drugs, narcotics, liquor, weapons, poisons, and missing properties are matters relating to health and safety and may be regarded as reasonable purposes for inspection by school personnel.

**Intervention**

The administration shall practice the following procedures regarding student drug use and abuse at school or while under school jurisdiction:

1. **Staff members who believe a student may be under the influence of alcohol or drugs shall immediately notify the Superintendent/Principal.**
   
   a. If the Superintendent/Principal knows, observes or suspects the student may be under the influence of alcohol or drugs, he/she may notify the parent/guardian. (Education Code Section 44049)

   b. The Superintendent/Principal shall not report a known or suspected instance of alcohol or drug abuse by a student to the parent/guardian if this report would require the disclosure of confidential information in violation of law. (Education Code Section 44049)

   c. In severe cases, if the parent/guardian is not available, the Superintendent/Principal is authorized to call an ambulance to remove the student to a hospital. The parent/guardian will be notified of this action and shall be responsible for the incurred expenses.

2. The District will make use of community agencies and services in the referral and treatment of students.
3. School personnel are to be trained in the recognition of symptoms which may indicate use of alcohol and other drugs and in the identification of risk factors associated with alcohol and other drug abuse.

4. A well-defined, easily accessible system of services and interventions for students will be offered.

5. Interventions are to be confidential.

6. Student self-referral for alcohol and other drug abuse will not result in disciplinary action when the student discloses past use while seeking help from an intervention or recovery program.

Enforcement and Discipline

1. When any student uses or possesses illegal drugs, including prescription drugs not intended for the student, at school or while under school jurisdiction, the following shall result:

   a. Parent/guardian contacted by school administration.

   b. Law enforcement authorities notified.

   c. Student suspended in accordance with District procedures.

   d. In addition, the following action may be taken:

      (1) Expulsion recommended to the Governing Board in accordance with District policy. Expulsion may be waived by the Governing Board if the student and parent/guardian enter an alcohol or drug treatment program.

      (2) Referral to an appropriate community agency specializing in the treatment of substance abuse problems.

      (3) Transfer to an alternative educational program.

         (a) If it is determined the student can benefit from an alternative educational program, the Superintendent/Principal shall make a referral.
(b) A conference shall be held to inform the parent/guardian of the referral. The parent/guardian shall be informed of the recommendation for an alternative educational program.

2. When any student uses or possesses alcohol or tobacco at school or while under school jurisdiction, the following shall result:

a. Parent/guardian contacted by the Superintendent/Principal.

b. Student suspended in accordance with District procedures.

c. In addition, the following action may be taken:

(1) Restriction from participating in school activities.

(2) Law enforcement authorities notified.

(3) Expulsion recommended to the Governing Board in accordance with District policy.

(4) Referral to an appropriate community agency specializing in the treatment of substance abuse problems.

(5) Transfer to an alternative educational program.

(a) If it is determined the student can benefit from an alternative program, the Superintendent/Principal shall make a referral.

(b) Following the meeting with the decision to transfer, the receiving school will schedule a conference with the parent/guardian and student as soon as possible but no later than five (5) days of the decision in order to enroll the student in the program.
3. In cases where intervention efforts have been unsuccessful and the student continues to use or possess alcohol or other drugs at school or any school activity, expulsion shall be recommended to the Governing Board.
4. The possession or use of electronic signaling devices by students may be prohibited on school premises, at school-sponsored activities, and at any time students are under the supervision of the school. The Superintendent/Principal may confiscate such devices from students.

5. A comprehensive range of support services for students recovering from problems of substance abuse shall be provided to enable students to reenter the educational system.

Legal Reference:

**Education Code**

- 48900 Suspension or Expulsion Grounds
- 48900.5 Suspension, Limitation on Imposition; Exception
- 48901 Smoking or Use of Tobacco Prohibited
- 48901.5 Prohibition of Electronic Signaling Devices
- 48902 Notification of Law Enforcement Authorities; Civil or Criminal Immunity
- 49602 Confidentiality of Pupil Information
- 51264 Education Inservice Training
- 51265 Gang Violence and Drug and Alcohol Abuse Prevention Training

**Health and Safety Code**

- 11802 Joint School-Community Alcohol Abuse Primary Education and Prevention Program
- 11998-11998.3 Drug and Alcohol Abuse Master Plans
- 11999-11999.3 Alcohol and Drug Program Funding; No Unlawful Use

**Penal Code**

- 186.22 Participation in Criminal Street Gang
- 11802 Comprehensive Alcohol and Drug Prevention Education
- 13826-13826.7 Gang Violence Suppression

**Drug-Free Schools and Community Act of 1986**

Public Law 99-570
Discipline/Punishment

Discipline

Discipline based on faith in the worth and dignity of each individual is a positive form of guidance, rather than a punishing device. Any form of discipline that impairs the student's self-respect should be avoided. The teacher's role is one of a strong leader helping students grow toward self-discipline and self-direction. A school program that is adapted to the needs and interests of the students will help keep discipline problems to the minimum.

It is the intention of the Board that teachers should administer discipline in a kind, firm, and judicious manner.
5131.5 Discipline/Punishment

Responsibility of the Teacher

The classroom teacher under California law is given the authority to act in the place of the parent/guardian during the time the student is under the teacher's direction. To ensure suitable control, the teacher in this District may use the following means of control:

1. Confer with the student and explain the District's school behavior policy.
2. Take away privileges enjoyed by other students.
3. Lower the student's citizenship rating.
4. Assign special tasks which must be completed at a specific time.
5. Contact the parent/guardian so that mutual action can be taken to correct the abnormal behavior patterns of the student.
6. Give the student detention as authorized by the Education Code including the time the student is under a teacher's supervision during recess.
7. Refer the student to the Superintendent/Principal for correction and control.

Notice to Parent/Guardian

The parent/guardian of all students shall be notified of the local school rules and regulations regarding student discipline. Students shall be notified of all rules pertaining to discipline at the beginning of each school year. New students shall be notified at time of enrollment in school.

Preventive Action

If, in the judgment of any school employee, it is deemed necessary, control may be exercised by placing the hands upon the person of a student in the Lakeside Joint School District for the prevention of an imminent disobedience to the school regulation or cessation of such act already begun. These actions, while physical, must be preventive rather than punitive, and, therefore, shall not be construed as corporal punishment.
5131.6 Suspension and Expulsion

The Governing Board recognizes that maintaining an environment which promotes learning and protects the health, safety, and welfare of all students may require the suspension or expulsion of a student from regular classroom instruction. District policies and school site rules shall clearly identify District behavior standards.

Suspension and Expulsion

Except in cases where suspension for a first offense is warranted in accordance with law or Board policy, suspension shall be imposed only when other means of correction fail to bring about proper conduct.

Expulsion is an action taken by the Governing Board for severe or prolonged breaches of discipline by a student. Except for single acts of a grave nature, expulsion is usually used only when there is a history of misconduct, when other forms of discipline, including suspension, have failed to bring about proper conduct or when the student's presence causes a continuing danger to other students.

Grounds For Suspension or Expulsion

The grounds for suspension and expulsion and the procedures for considering, recommending and/or implementing suspension and expulsion shall be specified in administrative regulations. The Superintendent/Principal shall inform all students of these grounds annually. Other disciplinary methods will be used with students who are truant, tardy or otherwise absent from assigned school activities.

Student Due Process

The Governing Board shall provide for the fair treatment of students facing suspension and expulsion by affording them their due process rights under the law. The administration and staff shall comply with the procedures for notices and appeals as specified in regulation. Procedures governing student due process shall conform in all aspects to provisions in law.

Whenever a student is suspended, school officials may (but are not required) to meet with the parents/guardians to discuss the causes and duration of the suspension, the school policy involved, and any other pertinent matters.
Parents/guardians shall be notified of this policy before it is implemented at the beginning of each subsequent school year.

Definitions

1. **Suspension:**
   Removal of a pupil from ongoing instruction for adjustment purposes.

2. **Expulsion:**
   Removal of a pupil from (a) the immediate supervision and control or (b) the general supervision of school personnel who possess a valid certification document, registered as required by law.

   Only the Board may expel students upon recommendation by the Superintendent/Principal, a hearing officer or administrative panel. Such action may be taken at a Board meeting only after all prior legal steps have been taken and then reviewed in the Board meeting.

3. **Day:**
   A calendar day unless otherwise specifically provided.

4. **School Day:**
   A day during which the schools of the District are in session.

Required Parental Attendance

The Governing Board encourages teachers, before requiring parental attendance, to make reasonable efforts to have the parent/guardian visit the class voluntarily. The teacher also may consider informing the parent/guardian about available resources which may provide help in parenting skill development. Teachers should reserve the option of required parental attendance for cases in which they have determined that it is the best strategy to promote interaction between the student and the parent/guardian and to improve classroom behavior.
When a student is suspended from a class because he/she committed an obscene act, engaged in habitual profanity or vulgarity, disrupted school activities or otherwise willfully defied staff authority, the teacher of the class from which the student was suspended, with the concurrence of the Superintendent/Principal, may require the student's parent/guardian to attend a portion of the school day in the class. Parental attendance may be required on the day the student returns to class or within one week thereafter. After completing the classroom visit and before leaving school premises, the parent/guardian also shall meet with the Superintendent/Principal. (Education Code Section 48900.1)

The Superintendent/Principal shall contact any parent/guardian who does not respond to the request to attend school. The Board recognizes parental compliance with this policy may be delayed, modified or prevented by serious illness or injury, disability, absence from town or inability to get release time from work.

The Superintendent/Principal shall apply this policy uniformly to all students within the classroom. This policy shall apply only to a parent/guardian who actually lives with the student. Parent/guardian shall be notified of this policy before it is implemented and at the beginning of each school year.

When a teacher, with the concurrence of the Superintendent/Principal, requires a parent/guardian to attend school in accordance with Board policy, the Superintendent/Principal shall send the parent/guardian a written notice that attendance is required pursuant to law (Education Code Section 48900.1).

The parent/guardian may be compelled to attend only that class from which the pupil was suspended.
The procedure for compelling school attendance by the parent/guardian of a suspended pupil shall be as follows:

1. The student must first be suspended.

2. If the teacher elects to compel attendance by the parent/guardian, he/she shall notify the Superintendent/Principal. The Superintendent/Principal must then send the appropriate notice to the parent/guardian. A copy of the notice is attached to this policy; is adopted by this Board; and is incorporated in this policy by reference.

3. This notice shall be served on the parent/guardian with whom the pupil resides.

4. The parent/guardian who has received the notice shall attend the classroom as directed in the notice.

5. The parent/guardian shall then meet with the Superintendent/Principal immediately upon completing the classroom visitation and before leaving the school site.

It is the policy of the Board that the parent/guardian shall attend the classroom no less than five (5) calendar days after the notice is served on them. (Note: The Board is free to select a "reasonable" period of time.)

If the parent/guardian does not appear in the classroom as directed at the appropriate time and place, the notice shall be served on them by a professional process server and they shall be given an additional three (3) days to respond to the notice.

A parent/guardian shall be excused from classroom attendance only if he/she can demonstrate to the satisfaction of the Superintendent/Principal of the school that it would be unreasonable for him/her to comply with the notice.

Legal Reference:

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<tr>
<th>Education Code</th>
<th>Description</th>
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<tbody>
<tr>
<td>35146</td>
<td>Executive Sessions (Re Consideration of Student Suspension)</td>
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Legal Reference: Education Code (cont.)
48900-48925 Suspension or Expulsion
48900.1 Attendance of Suspended Child’s Parent or Guardian for Portion of Schoolday; School District Policy and Procedures; Protection of Parent or Guardian’s Employment
48900.2 Additional Grounds for Suspension or Expulsion; Sexual Harassment
48900.3 Hate Violence
48909 Willful Misconduct, Limit of Liability of Parent or Guardian
48911 Suspension by Principal, Principal’s Designee or Superintendent
48921 Duties of Pupils
48903.6 Smoking and Possession of Tobacco on School Premises
48922 Narcotics or Other Hallucinogenic Drugs
48980-48981 Notification of Parent or Guardian
49000 Administration of Punishment to Pupils
49001 Prohibition of Corporal Punishment of Pupils
51202 Instruction in Personal and Public Health and Safety
51203 Instruction on Alcohol, Narcotics and Restricted Dangerous Drugs
51262 Instruction in Drug Education
54950 Re Closed Session

Government Code
53069.5 Reward for Information Concerning Person Causing Death, Injury or Property Damage; Liability for Reward

Civil Code
1714.1 Liability of Parent or Guardian for Act of Willful Misconduct by a Minor

Penal Code
626.2 Entry Upon Campus After Written Notice of Suspension

California Code of Regulations, Title 5
300-307 Duties of Pupils
305 Pupil Responsible for Care of Property
5131.6 Suspension and Expulsion

Definitions

Suspension from school means removal of a student from ongoing instruction for adjustment purposes. However, "suspension" does not mean any of the following:

1. Reassignment to another education program or class where the student will receive continuing instruction for the length of day prescribed by the Governing Board for students of the same grade level.

2. Referral to a certificated employee designated by the Superintendent/Principal to advise students.

3. Removal from the class, but without reassignment to another class or program, for the remainder of the class period without sending the student to the Superintendent/Principal as provided in Education Code Section 48910. Removal from a particular class shall not occur more than once every five (5) schooldays.

Expulsion means removal of a student from the immediate supervision and control or the general supervision, of school personnel.

Day means a calendar day unless otherwise specifically provided.

Schoolday means a day upon which the schools of the District are in session or weekdays during the summer recess.

Student includes a student's parent/guardian or legal counsel.

Notice of Regulations

At the beginning of each school year, the Superintendent/Principal shall ensure that all students and parents/guardians are notified in writing of all school rules related to discipline, suspension and expulsion. Transfer students and their parents/guardians shall be notified at the time of enrollment.

Notification shall include information about the ongoing availability of individual school rules and all District policies and regulations pertaining to student discipline.
Grounds for Suspension and Expulsion

The Superintendent/Principal shall immediately suspend and recommend for expulsion any student who commits any of the following acts at school or at a school activity off school grounds:

1. Possessing, selling or otherwise furnishing a firearm except where a certificated employee gave prior written permission to possess the firearm and the Superintendent/Principal concurred.

2. Brandishing a knife at another person.


4. Committing or attempting to commit a sexual assault or sexual battery as defined in Education Code Section 48900.

Students may be subject to suspension or expulsion for committing any of the acts listed below:

5. Causing, attempting to cause or threatening to cause physical injury to another person.

6. Willfully using force or violence upon the person of another, except in self-defense.

7. Possessing, selling or otherwise furnishing any firearm, knife, explosive or other dangerous object unless, in the case of possession of any object of this type, the student had obtained written permission to possess the item from a certificated school employee, with the Superintendent/Principal’s concurrence.

8. Unlawfully possessing, using, selling or otherwise furnishing or being under the influence of any controlled substance as defined in the Health and Safety Code Sections 11053 through 11058, alcoholic beverage or intoxicant of any kind.
9. Unlawfully offering, arranging or negotiating to sell any controlled substance as defined in Health and Safety Code Sections 11053 through 11058, alcoholic beverage or intoxicant of any kind, and then selling, delivering or otherwise furnishing to any person another liquid, substance or material and represented same as controlled substance, alcohol beverage or intoxicant.

10. Committing or attempting to commit robbery or extortion.

11. Causing or attempting to cause damage to school property or private property.

12. Stealing or attempting to steal school property or private property.

13. Possessing or using tobacco or any products containing tobacco or nicotine products, including but not limited to cigars, cigarettes, miniature cigars, clove cigarettes, smokeless tobacco, snuff, chew packets and betel. This restriction shall not prohibit a student from using or possessing his/her own prescription products.

14. Committing an obscene act or engaging in habitual profanity or vulgarity.

15. Unlawfully possessing or unlawfully offering, arranging or negotiating to sell any drug paraphernalia, as defined in Section 11014.5 of the Health and Safety Code.

16. Disrupting school activities or otherwise willfully defying the valid authority of supervisors, teachers, administrators, other school officials or other school personnel engaged in the performance of their duties.

17. Knowingly receiving stolen school property or private property.

Students are also subject to suspension or recommendation for expulsion for any of the acts listed below:

18. Possessing an imitation firearm. “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.
19. Committing or attempting to commit a sexual assault as defined in Section 261, 266c, 286, 288, 288a or 289 of the Penal Code or committing a sexual battery as defined in Section 243.4 of the Penal Code.

20. Harassing, threatening or intimidating a pupil who is a complaining witness or witness in a school disciplinary proceeding for the purpose of either preventing that pupil from being a witness or retaliating against that pupil for being a witness or both.

21. Committing sexual harassment as defined in Education Code Section 212.5 or Board policy.

22. Causing, attempting to cause, threatening to cause or participating in an act of hate violence as defined in Education Code Section 33032.5.

23. Intentionally harassing, threatening or intimidating a student or group of students to the extent of having the actual and reasonably expected effect of materially disrupting classwork, creating substantial disorder, and invading student rights by creating an intimidating or hostile educational environment.

24. Making terroristic threats against school officials or school property or both. “Terroristic threat” shall include any statement, whether written or oral, by a person who willfully threatens to commit a crime which will result in death, great bodily injury to another person or property damage in excess of one thousand dollars ($1,000), with the specific intent that the statement is to be taken as a threat, even if there is no intent of actually carrying it out, which, on its face and under the circumstances in which it is made, is so unequivocal, unconditional, immediate, and specific as to convey to the person threatened, a gravity of purpose and an immediate prospect of execution of the threat, and thereby causes that person reasonably to be in sustained fear for his or her own safety or for his or her immediate family’s safety or for the protection of school district property or the personal property of the person threatened or his or her immediate family.

A student may be suspended or expelled for any of the acts listed above if the act is related to school activity or school attendance occurring at any District school or within any other school district, including but not limited to the following circumstances:

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

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

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

Alternatives to suspension or expulsion may be used with students who are truant, tardy or otherwise absent from assigned school activities.

Authority to Suspend

A teacher may suspend any student from the teacher's class for the day of the suspension and the day following for committing any of the acts listed above.

The Superintendent/Principal may suspend a student from a school for not more than five (5) consecutive school days unless the suspension is extended pending expulsion and the presence of the student would cause a danger to persons or property or a threat of disrupting the instructional process.

Suspension may be imposed upon a first offense if the Superintendent/Principal determines the student violated items (1)-(10) listed in "Grounds for Suspension and Expulsion" above or if the student violated items (11)-(24) and the student's presence causes a danger to persons or property or threatens to disrupt the instructional process.

A student may be suspended from school for not more than twenty (20) school days in any school year, unless for purposes of adjustment, a student enrolls in or is transferred to another regular school, an opportunity school or continuation school or class, in which case suspension shall not exceed thirty (30) days in any school year. However, this restriction on the number of days of suspension does not apply when the suspension is extended pending an expulsion.

The Board may suspend a student enrolled in a continuation school or class for a period not longer than the remainder of the semester if any of the acts enumerated in Education Code Section 48900 occurred. The suspension shall meet the requirements of Education Code Section 48915.
Suspension From Class by a Teacher/Parental Attendance

Suspension from class means the removal of a student from class by a teacher for the day of the suspension and the following day. A teacher may suspend a student from class and may also refer a student for consideration of suspension from school for any act listed in "Grounds for Suspension and Expulsion" above.

When suspending a student, the teacher shall immediately report this action to the Superintendent/Principal and send the student to the Superintendent/Principal for appropriate action. The student shall be appropriately supervised during the class periods from which he/she has been suspended.

As soon as possible, the teacher shall ask the student's parent/guardian to attend a parent-teacher conference regarding the suspension. A counselor or psychologist should attend the conference if it is practicable, and the Superintendent/Principal may attend if either the parent/guardian or teacher so requests.

A suspended student shall not be returned to class during the period of suspension without the approval of the teacher of the class and the Superintendent/Principal.

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

The teacher of any class from which a student is suspended may require the suspended student to complete any assignments and tests missed during the suspension.

Pursuant to Education Code Section 48900.1 and Board policy, a teacher may require the parent/guardian of a student whom the teacher has suspended to attend a portion of a school day in his/her child's classroom. When a teacher makes this requirement, the Superintendent/Principal shall send the parent/guardian who actually lives with the student a written notice that the parent/guardian's attendance is required pursuant to law.

This notice shall also:

1. Inform the parent/guardian when his/her presence is expected and by what means he/she may arrange any necessary change.
2. Describe the legal protections afforded to the parent/guardian as an employee under Labor Code Section 230.7.

3. Ask the parent/guardian to meet with the Superintendent/Principal after the visit and before leaving school, as required by Education Code Section 48900.1.

The teacher shall remind the parent/guardian to meet with the Superintendent/Principal after completing the classroom visit and before leaving school premises.

Suspension by the District Administrator

1. Informal Conference

Suspension shall be preceded by an informal conference conducted by the Superintendent/Principal between the student, and whenever practicable, the teacher, supervisor or school employee who referred the student to the Superintendent/Principal. At the conference, the student shall be informed of the reason for the disciplinary action and the evidence against him/her; he/she shall be given the opportunity to present his/her version and evidence in his/her defense.

This conference may be omitted if the Superintendent/Principal determines that an emergency situation exists. An "emergency situation" involves a clear and present danger to the lives, safety or health of students or school personnel. If a conference is not held prior to suspension, both the parent/guardian and student shall be notified of the student's right to return to school for the purpose of a conference. The conference shall be held within two (2) school days, unless the student waives his/her right to it or is physically unable to attend for any reason. In such case, the conference will be held as soon as the student is physically able to return to school.

2. Administrative Actions

All requests for student suspension are to be processed by the Superintendent/Principal of the school in which the student is enrolled at the time of the misbehavior.

A school employee shall report the suspension, including the name of the student and the cause for the suspension, to the Superintendent/Principal.
3. Notice to Parents/Guardians

At the time of the suspension, a school employee shall make a reasonable effort to contact the parent/guardian by telephone or in person. Whenever a student is suspended, the parent/guardian shall be notified in writing of the suspension. This notice shall state the reasons for suspension and the date and time when the student may return to school. Should school officials wish to ask the parent/guardian to confer regarding matters pertinent to the suspension, the notice may also add that state law requires the parent/guardian to respond to such requests without delay.

4. Parent/Guardian Conference

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

5. Extension of Suspension

If the Board is considering the expulsion of a suspended student or the suspension of a student for the balance of the semester, the Superintendent/Principal may, in writing, extend the suspension until such time as the Board has made a decision.

When consideration is given to the possible extension of a suspension, the student and his/her parents/guardians must be so informed during the conference which is held at the time when the student is suspended. Only the Superintendent/Principal may extend a suspension until the time of a scheduled expulsion hearing. Such an extension will be issued only in cases where the Superintendent/Principal has reason to believe that the student's presence at the school or at an alternative school would endanger persons or property or threaten to disrupt the instructional process.
Suspension by the Board

When the Board is considering a suspension, disciplinary action or any other action (except expulsion) against any student, it may hold closed sessions if a public hearing would lead to disclosure of information which would violate a student's right to privacy under Education Code Sections 49073 through 49079.

The Board shall provide the student with written notice of the closed session by certified mail. Upon receiving this notice, the student may request a public meeting, and this request shall be granted if made in writing within forty-eight (48) hours after receipt of the Board's notice. However, any discussion that conflicts with any other student's right to privacy still shall be held in closed session.

Authority to Expel

A student may be expelled only by the Board. The Board may order a student expelled for any of the acts listed under "Grounds for Suspension and Expulsion" above, upon recommendation by the Superintendent/Principal, hearing officer or administrative panel finding that the student violated:

1. Items (1)-(10) of the list or

2. Items (11)-(24) of the list and either (1) other means of correction are not feasible or have repeatedly failed to bring about proper conduct; or (2) due to the nature of the violation, the presence of the student causes a continuing danger to the physical safety of the student or others

Recommendation for Expulsion (Education Code Section 48915)

1. The Superintendent/Principal shall recommend a student's expulsion for any of the following acts committed at school or at a school activity off school grounds, unless the Superintendent/Principal finds, and reports in writing to the Board, that expulsion is inappropriate due to particular circumstances which shall be set out in the report of the incident:

   a. Causing serious physical injury to another person, except in self-defense

   b. Possession of any knife, explosive or other dangerous object of no reasonable use to the student
c. Unlawful possession of any controlled substance, as listed in Health and Safety Code Sections 11053 through 11058, except for the first offense for the possession of not more than one avoirdupois ounce of marijuana, other than concentrated cannabis

d. Robbery or extortion

e. Assault or battery, as defined in Penal Code Sections 240 and 242, upon any school employee

The Superintendent/Principal shall immediately suspend and recommend for expulsion any student who commits any of the following acts at school or at a school activity off school grounds:

1. Possessing, selling or otherwise furnishing a firearm except where a certificated employee gave prior written permission to possess the firearm and the Superintendent/Principal concurred

2. Brandishing a knife at another person

3. Unlawfully selling a controlled substance listed in Health and Safety Code Sections 11053 through 11058

4. Committing or attempting to commit a sexual assault or sexual battery as defined in Education Code Section 48900

Student's Right to Hearing

The student is entitled to a hearing to determine whether the student should be expelled. The hearing shall be held within thirty (30) school days after the Superintendent/Principal determines that one of the acts listed under "Grounds for Suspension and Expulsion" has occurred.

The student is entitled to one (1) postponement of an expulsion hearing for a period of not more than thirty (30) calendar days. The request for postponement shall be in writing. Any subsequent postponement may be granted at the Board's discretion.
If the Board finds it impracticable to comply with these time requirements for conducting an expulsion hearing, the Superintendent/Principal may, for good cause, extend the time period by an additional five (5) school days. Reasons for the extension shall be included as a part of the record when the expulsion hearing is held.

Once the hearing starts, all matters shall be pursued with reasonable diligence and concluded without unnecessary delay.

Written Notice of the Hearing

Written notice of the hearing shall be forwarded to the student and the student's parent/guardian at least ten (10) calendar days before the date of the hearing. The notice shall include:

1. The date and place of the hearing.
2. A statement of the specific facts and charges upon which the proposed expulsion is based.
3. A copy of District disciplinary rules which relate to the alleged violation.
4. Notification that when seeking enrollment in another district, an emancipated student expelled for acts other than those described in “Recommendation for Expulsion,” or the student's parent/guardian, must inform the new district of the student's status with the expelling district, pursuant to Education Code Section 48915.1.
5. The opportunity for the student or the student's parent/guardian to appear in person or to employ and be represented by counsel.
6. The right to inspect and obtain copies of all documents to be used at the hearing.
7. The opportunity to question all witnesses who testify at the hearing.
8. The opportunity to question all evidence presented and to present oral and documentary evidence on the student's behalf, including witnesses.
Conduct of Hearing

1. Closed Session: As provided by Education Code Section 48918(c), and notwithstanding the provisions of Government Code Section 54953 and Education Code Section 35145, the Board shall conduct a hearing to consider the expulsion of the student in a session closed to the public unless the student requests in writing at least five (5) days prior to the hearing that the hearing be a public meeting. If such request is made, the meeting shall be public subject to the sexual assault or sexual battery exception. If there is a charge of committing or attempting to commit sexual assault or sexual battery as defined in Education Code Section 48900, a complaining witness may have his/her testimony heard in a closed session if the following circumstances exist:
   
a. When testifying at a public meeting would threaten serious psychological harm to the complaining witness and
   
b. There is no alternative procedure, such as videotaped deposition or examination communicated to the hearing room by closed-circuit television

Whether the expulsion hearing is held in closed or public session, the Board may meet in closed session to determine if the student should be expelled. If the Board admits any other person to the closed session, the parent/guardian, the student, and the counsel of the student shall also be allowed to attend the closed session.

2. Record of Hearing: A record of the hearing shall be made and may be maintained by any means, including electronic recording, so long as a reasonably accurate written and complete transcription of the proceedings can be made.

3. Presentation of Evidence: While technical rules of evidence do not apply to such hearings, evidence may be admitted and used as proof only if it is the kind of evidence on which reasonable persons can rely in the conduct of serious affairs. The decision of the Board to expel must be supported by substantial evidence that the student committed any of the acts listed in "Grounds for Suspension and Expulsion."
Findings of fact shall be based solely on the evidence at the hearing. While no decision shall be based solely on hearsay, sworn declarations may be admitted as testimony from witnesses whose disclosure may subject them to an unreasonable risk of psychological or physical harm.

In cases where a search of a student's person or property has occurred, evidence describing the reasons for the search shall be included in the hearing record.

Hearings which include an allegation of committing or attempting to commit a sexual assault or sexual battery shall be conducted as other hearing except where modifications are required by Education Code Sections 48917 through 48918 or by other law.

4. Decision Within Ten (10) Days: The Board's decision on whether to expel a student shall be made within ten (10) school days after the conclusion of the hearing, unless the student requests in writing that the decision be postponed.

5. Decision Within Forty (40) Days: The Board's decision on whether to expel a student shall be made within forty (40) school days after the student is removed from his/her school of attendance, unless the student requests in writing that the decision be postponed.

Final Action by the Board

Whether the expulsion hearing is conducted in closed or public session by the Board, a hearing officer or an administrative panel, the final action to expel must be taken by the Board at a public meeting. The Board shall maintain a record of each expulsion, including its cause. Expulsion records shall be nonprivileged, disclosable public records.

At the time an expulsion is ordered for an act other than those described in paragraphs #1 through #4 of “Grounds for Suspension or Expulsion,” the Board shall set a date, no later than the last day of the semester following the semester in which the expulsion occurred, when the student shall be reviewed for readmission to a school within the District. If the student is expelled for an act described in paragraphs #1 through #4 of “Grounds for Suspension or Expulsion,” the Board shall set a date of one (1) year from the date of expulsion, when the student shall be reviewed for readmission to a school within the District. A copy of readmission procedures will be made available to the student and his/her parent/guardian.
The Board shall recommend a plan for the student's rehabilitation at the time of the expulsion order, which may include:

1. Periodic review and assessment of the student at the time of review for readmission.

2. Recommendations for improved academic performance, tutoring, special education assessments, job training, counseling, employment, community service and other rehabilitation programs.

3. Such other recommendations as the Board approves.

With parental consent, a student who has been expelled for reasons relating to controlled substances or alcohol may be required to enroll in a county-sponsored drug rehabilitation program before returning to school.

Reinstatement

When the Board accepts a recommendation against expulsion or makes its own decision after the hearing not to expel, the decision is final and the student shall be reinstated immediately. The Superintendent/Principal shall place the student in any classroom program, other instructional program, rehabilitation program or any combination of such programs following consultation with District personnel, including the teacher involved, and with the student's parent/guardian.

Written Notice to Expel

Upon a decision by the Board to expel, the Superintendent/Principal shall send the following written notice to the student, parent or guardian:

1. Decision to expel

2. Right to appeal such expulsion to the County Board of Education

3. Education alternative to be provided during the time of expulsion

4. Obligation of student, parent or guardian to inform a new district of the expulsion upon enrollment
Readmission

In accordance with the terms of the expulsion order, the Board shall conduct a review of the student’s expulsion status and readmission.

Readmission procedures shall be as follows:

1. The Superintendent/Principal will hold a conference with the parent/guardian and the student.

   At the conference, the conditions for readmission will be reviewed. The Superintendent/Principal shall verify that the conditions have been met. School regulations will be reviewed and the student and parent/guardian will be asked to indicate in writing their willingness to comply with these regulations.

2. The Superintendent/Principal shall transmit his/her recommendation for readmission to the Board. The Board shall consider the request in closed session if information would be disclosed in violation of Education Code Sections 49073 through 49079. If a written request for open session is received from the parent/guardian or adult student, it will be honored.

3. The Board may deny an application for readmission if it finds that the student has not satisfied conditions of the expulsion or has not demonstrated sufficient rehabilitation to be readmitted to school.

4. The Superintendent/Principal will notify the student or parent/guardian, by registered mail, of the Board's decision regarding readmission.

Students expelled for possession of a firearm at school or at a school activity shall not be readmitted until at least one (1) year after the date of their expulsion.

Any earlier readmission shall be permitted only on a case-by-case basis at the recommendation of the Superintendent/Principal.
Suspension of Expulsion

1. The Board, upon voting to expel a student, may suspend the enforcement of the expulsion order for not more than one (1) calendar year and may, as a condition of the suspension of enforcement, assign the student to a school, class or program appropriate for the student's rehabilitation. Expulsion orders shall not be suspended in cases of students possessing firearms.

When deciding whether to suspend an expulsion, the Board shall take into account the following criteria:

a. The student's previous behavior.

b. The seriousness of the misconduct.

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

2. During the period of the suspension of the expulsion order, the student shall be on probationary status.

3. The suspension of expulsion order may be revoked by the Board if the student commits any of the acts listed under "Grounds for Suspension and Expulsion" above or violates any of the District's rules and regulations governing student conduct.

4. When the suspension of expulsion order is revoked, a student may be expelled under the terms of the original expulsion order.

5. Upon satisfactory completion of the rehabilitation assignment, the Board shall reinstate the student in a District school and may also order the expungement of any or all records of the expulsion proceedings.

6. Suspension of an expulsion order shall not affect the time period and requirements for the filing of an appeal of the expulsion order with the County Board. The appeal must be filed within thirty (30) days of the Board's decision to expel.
7. The Superintendent/Principal shall send written notice of any decision to suspend the enforcement of an expulsion order during a period of probation to the student or parent/guardian. The notice shall also inform the student or parent/guardian of the right to appeal the expulsion to the County Board.

Right to Appeal

The student or parent/guardian is entitled to file an appeal of the Board's decision to the County Board.

The appeal must be filed within thirty (30) days of the Board's decision to expel, even if the expulsion action is suspended and the student is placed on probation.

Maintenance of Records

The Board will maintain a record of each expulsion, including the cause therefore. The expulsion record shall be maintained in the student's mandatory interim record and sent to any school in which the student subsequently enrolls, within five (5) days of a written request by the admitting school.

The Superintendent/Principal shall, within five (5) working days, honor any other district's request for information about an expulsion from this District.

Notifications and Reports

Within one (1) school day after a student's suspension or expulsion, the Superintendent/Principal shall notify appropriate city or county law enforcement authorities, by telephone or other appropriate means, of any student acts which may violate Education Code Section 48900(c) or (d), relating to the possession, use, offering or sale, or otherwise furnishing of controlled substances listed in Health and Safety Code Sections 11053 through 11058, alcohol or intoxicants of any kind.

Prior to the suspension or expulsion of any student, the Superintendent/Principal shall notify appropriate city or county law enforcement authorities of any student acts or assault which may have violated Penal Code Section 245.

The Superintendent/Principal also shall notify appropriate city or county law enforcement authorities of any student possession of weapons or firearms in violation of Penal Code Sections 626.9 and 626.10.
5131.7 Suspension and Expulsion/Due Process (Students With Disabilities)

Suspension

A student identified as an individual with disabilities pursuant to the Individuals with Disabilities Education Act or Section 504 of the federal Rehabilitation Act of 1973 is subject to the same grounds for suspension which apply to regular education students. All the procedural safeguards established by District policies and regulations shall be observed in considering the suspension of students with disabilities.

The Superintendent/Principal may suspend a student with disability for up to five (5) school days for a single incident of misconduct, and for up to twenty (20) school days in a school year. If the student is transferred to another school or alternative educational program, the student may be suspended for up to thirty (30) school days in a school year, but still no more than five (5) days for a single incident of misconduct, unless the student is suspended by the Board pursuant to Education Code Section 48912.

If the student poses an immediate threat to the safety of himself/herself or others, the Superintendent/Principal may suspend the student for up to, but not more than, ten (10) consecutive school days. In the case of a dangerous child, a suspension may exceed ten (10) consecutive school days, and/or the student's placement may be changed, if the parent/guardian so agrees or if a court order so provides.

If a student with disability possesses at school or at a school activity a weapon as defined in the United States Code, Title 18, Section 921, he/she shall be immediately suspended and may be placed in an alternative educational setting for not more than forty-five (45) calendar days or until the conclusion of any due process proceedings requested by the parent/guardian. The student's alternative educational setting shall be determined by the student's individualized education program (IEP) team or school site committee.

Monitoring of Suspensions

Whenever a student identified as an individual with disability has been suspended on three (3) separate occasions or for a total of five (5) days, whichever occurs first, the student's IEP team or school site committee shall meet to consider whether:

1. The student's misconduct was related to his/her disability
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2. The misconduct was the result of an inappropriate placement and

3. A change in placement has occurred as a result of the cumulative suspensions.

Based on its findings, the IEP team or school site committee shall determine whether to initiate alternatives to suspension, a change in placement or other changes to the student's IEP or accommodation plan.

Expulsion

Procedures and timelines governing the expulsion of students with disabilities shall be the same as those for all other students, except that a pre-expulsion assessment shall be made and an IEP team or school site committee meeting held under conditions and with possible consequences indicated below.

Pre-Expulsion Assessment and Meeting

1. The parent/guardian shall receive written notice of the District's intent to conduct the pre-expulsion assessment and shall make the student available for the assessment without delay at a site designated by the District. The parent/guardian shall also have the right to an independent assessment as provided in Education Code Section 56329.

2. The pre-expulsion session shall be conducted in accordance with the guidelines of the Code of Federal Regulations, Title 34, Section 104.35, which shall include a review of the student's placement at the time of the alleged misconduct and a determination of the relationship, if any, between the student's behavior and his/her disability.

3. The IEP team or school site committee shall meet to determine if an expulsion hearing is appropriate. This meeting shall be held at a time and place mutually convenient to the parent/guardian and District within the period, if any, of the student's pre-expulsion suspension. The parent/guardian's participation may be made through actual participation, representation or a telephone conference call.

4. The parent/guardian shall be notified of his/her right to participate in the meeting at least forty-eight (48) hours before the meeting. This notice shall specify that the:
a. Meeting may be held without the parent/guardian's participation unless he/she requests a postponement for up to three (3) additional school days and

b. Suspension will be continued during the postponement if the student continues to pose an immediate threat to the safety of himself/herself or others.

In order to make a record of its attempts to arrange the meeting at a mutually convenient time and place, the District shall keep documentation such as:

a. Detailed records of telephone calls made or attempted and the results of those calls.

b. Copies of correspondence sent to parents/guardians and any responses received.

c. Detailed records of visits made to the parent/guardian's home or place of employment and the results of those visits.

5. The District shall grant a parent/guardian's request that the meeting be postponed for up to three (3) additional school days and may extend a student's suspension for the period of postponement if he/she continues to pose an immediate threat to the safety of himself/herself or others. However, the suspension shall not be extended beyond ten (10) consecutive school days unless agreed to by the parent/guardian or by court order. If the parent/guardian refuses to consent to an extension beyond ten (10) consecutive school days and chooses not to participate, the meeting may be conducted without the parent/guardian's participation.

6. The IEP team or school site committee shall consider the pre-expulsion assessment results and shall also review and consider the student's health records and school discipline records.

7. If the IEP team or school site committee determines that the alleged misconduct was caused by or was a direct manifestation of, the student's disability or that the student was not appropriately placed, the expulsion shall not proceed.
8. If the IEP team or school site committee determines that the alleged misconduct was not caused by or a direct manifestation of, the student's disability, and if it is determined that the student was appropriately placed, the student shall be subject to expulsion in accordance with procedures that apply to all students.

9. When expulsion is recommended, the IEP team or school site committee should also recommend a potential rehabilitation plan for the student, if appropriate.

Due Process and Expulsion Hearings

If the parent/guardian disagrees with the decision of the IEP team or school site committee, he/she has a right to a due process hearing conducted pursuant to United States Code, Title 20, Section 1415 or the Code of Federal Regulations, Title 34, Section 104.36.

Due process appeals must be initiated within fifteen (15) days of the decision of the IEP team or school site committee.

The expulsion hearing shall not be conducted, and the thirty (30) day expulsion proceedings time limit shall not commence, until after completion of:

1. The pre-expulsion assessment
2. The IEP team or school site committee meeting and
3. Due process hearings and appeals, if initiated

The Board may expel a student with disability only if an IEP team or school site committee has determined that (1) the misconduct was not caused by or a direct manifestation of, the student's identified disability; and (2) the student was appropriately placed at the time the misconduct occurred.

Services During Expulsion

During the term of the expulsion, a special education student shall continue to be offered a program of appropriate educational services that is individually designed to meet his/her unique learning needs. Such services may include independent study, home instruction or another appropriate alternative program.
The Board shall consider the recommendations of the IEP team or school site committee when developing a rehabilitation plan for an expelled student with disability.

Readmission

Readmission procedures for students with disabilities shall parallel those used for all students. The Superintendent/Principal may consider the input of the student's IEP team or school site committee when developing recommendations to the Board regarding a request for readmission. Upon readmission, an IEP team or school site committee meeting shall be convened to determine whether a new IEP or accommodation plan needs to be established.

Suspension of Expulsion

The Board's criteria for suspending the enforcement of an expulsion order shall be applied to students with disabilities just as they are applied to regular students.

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

Code of Federal Regulations, Title 34
104.35 Evaluation and Placement
104.36 Procedural Safeguards
300.345 Parent Participation

Court Decisions
Honig v. Doe (1988) 484 U.S. 305
Parents of Student W. v. Puyallup School District (1994) 9th Cir. 31 F.3d 1489
Loma Prieta Joint Union School District

Plan for Expelled Students
Students  BP 5144.1(a)

SUSPENSION AND EXPULSION/DUE PROCESS

The Board of Trustees has established policies and standards of behavior in order to promote learning and protect the safety and well-being of all students. When these policies and standards are violated, it may be necessary to suspend or expel a student from regular classroom instruction.

(cf. 5144 - Discipline)

Suspended or expelled students shall be denied the privilege of participation in all extracurricular activities during the period of suspension or expulsion.

(cf. 6145 - Extracurricular and Cocurricular Activities)

Except where suspension for a first offense is warranted in accordance with law, suspension shall be imposed only when other means of correction fail to bring about proper conduct. (Education Code 48900.5)

Expulsion is an action taken by the Board for severe or prolonged breaches of discipline by a student. Except for single acts of a grave nature, expulsion shall be used only when there is a history of misconduct, when other forms of discipline, including suspension, have failed to bring about proper conduct, or when the student’s presence causes a continuing danger to self or others.

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

Zero Tolerance

The Board supports a zero tolerance approach to serious offenses in accordance with state and federal law. This approach makes the removal of potentially dangerous students from the classroom a top priority and ensures the standardized treatment of all students. Staff shall immediately report to the Superintendent or designee any incidence of offenses specified in law, Board policy, and administrative regulation as cause for suspension or expulsion.

Student Due Process

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

(cf. 5119 - Students Expelled from Other Districts)
(cf. 5144.2 - Suspension and Expulsion/Due Process (Individuals with Disabilities))
SUSPENSION AND EXPULSION/DUE PROCESS (continued)

Supervised Suspension Classroom

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

The Superintendent or designee shall establish a supervised classroom suspension program which meets the requirements of law for students suspended for any of the reasons enumerated in Education Code 48900 and 48900.2, who pose no imminent danger or threat at school, and for whom an expulsion action has not been initiated.

The Superintendent or designee shall examine alternatives to off-campus suspension and may establish a suspension program which involves progressive discipline during the school day on campus; use of conferences between staff, parents/guardians and students; detention; student study teams or other assessment-related teams; and/or referral to school support services staff. The use of such alternatives does not preclude off-campus suspensions.

Required Parental Attendance

The Board believes that parental involvement plays an important role in the resolution of classroom behavior problems. The Board expects that teachers will communicate with parents/guardians when behavior problems arise.

Whenever a student is suspended from class by a teacher because he/she committed an obscene act, engaged in habitual profanity or vulgarity, disrupted school activities, or otherwise willfully defied valid staff authority, the teacher of the class from which the student was removed may provide that the student’s parent/guardian attend a portion of a school day in the class from which the student was suspended. (Education Code 48900.1)

Before requiring parental attendance, the teacher shall make reasonable efforts to have the parent/guardian visit the class voluntarily. The teacher also may inform the parent/guardian about available resources and parent education opportunities. Teachers should reserve the option of required parental attendance for cases in which they have determined that it is the best strategy to promote positive interaction between the student and the parent/guardian and to improve classroom behavior.

The teacher shall apply this policy uniformly to all students within the classroom. This policy shall apply only to a parent/guardian who lives with the student. (Education Code 48900.1)
When a teacher requires parental attendance, the principal shall send a written notice to the parent/guardian stating that his/her attendance is pursuant to law. (Education Code 48900.1)

The notice shall specify that the attendance may be on either the date the student is scheduled to return to class or within one week thereafter.

A parent/guardian who has received a written notice shall attend class as specified in the notice. After completing the classroom visit and before leaving school premises, the parent/guardian also shall meet with the principal or designee. (Education Code 48900.1)

The principal or designee shall contact a parent/guardian who does not respond to the request to attend school. The Board recognizes that parent/guardian compliance with this policy may be delayed, modified, or prevented for reasons such as serious illness/injury/disability, absence from town, or inability to get release time from work.

District regulations and school-site rules for student discipline shall include procedures for implementing parental attendance requirements. Parents/guardians shall be notified of this policy prior to its implementation. (Education Code 48900.1)

**Decision Not to Enforce Expulsion Order**

On a case-by-case basis, the enforcement of an expulsion order may be suspended by the Board pursuant to the requirements of law.

*Legal Reference: (see next page)*
SUSPENSION AND EXPULSION/DUE PROCESS (continued)

Legal Reference:

EDUCATION CODE
212.5 Sexual harassment
1981 Enrollment of students in community school
17292.5 Program for expelled students
32261 Interagency School Safety Demonstration Act of 1985
35146 Closed sessions (re suspensions)
35291 Rules (for government and discipline of schools)
35291.5 Rules and procedures on school discipline
48660-48667 Community day schools
48900-48927 Suspension and expulsion
48950 Speech and other communication
49073-49079 Privacy of student records

CIVIL CODE
47 Privileged communication
48.8 Defamation liability

CODE OF CIVIL PROCEDURE
1985-1997 Subpoenas; means of production

GOVERNMENT CODE
11455.20 Contempt
54950-54963 Ralph M. Brown Act

HEALTH AND SAFETY CODE
11014.5 Drug paraphernalia
11053-11058 Standards and schedules

LABOR CODE
230.7 Discharge or discrimination against employee for taking time off to appear in school on behalf of a child

PENAL CODE
31 Principal of a crime, defined
240 Assault defined
241.2 Assault fines
242 Battery defined
243.2 Battery on school property
243.4 Sexual battery
245 Assault with deadly weapon
245.6 Hazing
261 Rape defined

Legal Reference continued: (see next page)
BP 5144.1(e)

SUSPENSION AND EXPULSION/DUE PROCESS (continued)

Legal Reference: (continued)
PENAL CODE (continued)
266c Unlawful sexual intercourse
286 Sodomy defined
288 Lewd or lascivious acts with child under age 14
288a Oral copulation
289 Penetration of genital or anal openings
626.2 Entry upon campus after written notice of suspension or dismissal without permission
626.9 Gun-Free School Zone Act of 1995
626.10 Dirks, daggers, knives, razors or stun guns
868.5 Supporting person; attendance during testimony of witness
WELFARE AND INSTITUTIONS CODE
729.6 Counseling
UNITED STATES CODE, TITLE 18
921 Definitions, firearm
UNITED STATES CODE, TITLE 20
7151 Gun free schools
COURT DECISIONS
ATTORNEY GENERAL OPINIONS

Management Resources:
WEB SITES
CSBA: http://www.csba.org
California Attorney General's Office: http://www.caag.state.ca.us
California Department of Education: http://www.cde.ca.gov
Policy  LOMA PRIETA JOINT UNION ELEMENTARY SCHOOL DISTRICT
adopted: Los Gatos, California
Students AR 5144.1(a)

SUSPENSION AND EXPULSION/DUE PROCESS

Definitions

Suspension from school means removal of a student from ongoing instruction for adjustment purposes. However, suspension does not mean any of the following: (Education Code 48925)

1. Reassignment to another education program or class at the same school where the student will receive continuing instruction for the length of day prescribed by the Board of Trustees for students of the same grade level
2. Referral to a certificated employee designated by the principal to advise students
3. Removal from the class, but without reassignment to another class or program, for the remainder of the class period without sending the student to the principal or designee as provided in Education Code 48910. Removal from a particular class shall not occur more than once every five school days.

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

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

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

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

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

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

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

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

AR 5144.1(b)

SUSPENSION AND EXPULSION/DUE PROCESS (continued)

Grounds for Suspension and Expulsion

A student may be subject to suspension or expulsion when it is determined that he/she:

1. Caused, attempted to cause, or threatened to cause physical injury to another person or willfully used force or violence upon another person, except in self-defense. (Education Code 48900(a))

   A student who aids or abets the infliction or attempted infliction of physical injury on another person, as defined in Penal Code 31, may be suspended, but not expelled. However, a student may be suspended or expelled pursuant to Education Code 48900(a) once he/she has been adjudged by a juvenile court to have committed, as an aider or abettor, a crime of physical violence in which the victim suffered great or serious bodily injury. (Education Code 48900(t))

2. Possessed, sold, or otherwise furnished any firearm, knife, explosive, or other dangerous object unless, in the case of possession of any object of this type, the student had obtained written permission to possess the item from a certificated school employee, with the principal or designee's concurrence. (Education Code 48900(b))

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

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

   (cf. 5131.6 - Alcohol and Other Drugs)

4. Unlawfully offered, arranged, or negotiated to sell any controlled substance as defined in Health and Safety Code 11053-11058, alcoholic beverage, or intoxicant of any kind, and then sold, delivered, or otherwise furnished to any person another liquid, substance, or material and represented same as controlled substance, alcoholic beverage, or intoxicant. (Education Code 48900(d))

5. Committed or attempted to commit robbery or extortion. (Education Code 48900(e))
6. Caused or attempted to cause damage to school property or private property. (Education Code 48900(f))

7. Stole or attempted to steal school property or private property. (Education Code 48900(g))

AR 5144.1(c)

SUSPENSION AND EXPULSION/DUE PROCESS (continued)

8. Possessed or used tobacco or any products containing tobacco or nicotine products, including, but not limited to, cigars, cigarettes, miniature cigars, clove cigarettes, smokeless tobacco, snuff, chew packets, and betel. This restriction shall not prohibit a student from using or possessing his/her own prescription products. (Education Code 48900(h))

(cf. 5131.62 - Tobacco)

9. Committed an obscene act or engaged in habitual profanity or vulgarity. (Education Code 48900(i))

10. Unlawfully possessed or unlawfully offered, arranged, or negotiated to sell any drug paraphernalia, as defined in Health and Safety Code 11014.5. (Education Code 48900(j))

11. Disrupted school activities or otherwise willfully defied the valid authority of supervisors, teachers, administrators, other school officials, or other school personnel engaged in the performance of their duties. (Education Code 48900(k))

(cf. 5131.4 - Student Disturbances)

12. Knowingly received stolen school property or private property. (Education Code 48900(l))

13. Possessed an imitation firearm. (Education Code 48900(m))

*Imitation firearm* means a replica of a firearm that is so substantially similar in physical properties to an existing firearm as to lead a reasonable person to conclude that the replica is a firearm. (Education Code 48900(m))

14. Committed or attempted to commit a sexual assault as defined in Penal Code 261, 266c, 286, 288, 288a, or 289, or committed a sexual battery as defined in Penal Code 243.4. (Education Code 48900(n))

15. Harassed, threatened, or intimidated a student who is a complaining witness or witness in a school disciplinary proceeding for the purpose of preventing that student from being a witness and/or retaliating against that student for being a witness. (Education Code 48900(o))
16. Unlawfully offered, arranged to sell, negotiated to sell, or sold the prescription drug Soma. (Education Code 48900(p))

AR 5144.1(d)

**SUSPENSION AND EXPULSION/DUE PROCESS** (continued)

17. Engaged in, or attempted to engage in, hazing. (Education Code 48900(q))

*hazing* means a method of initiation or preinitiation into a student organization or body, whether or not the organization or body is officially recognized by an educational institution, which is likely to cause serious bodily injury or personal degradation or disgrace resulting in physical or mental harm to a former, current, or prospective student. *Hazing* does not include athletic events or school-sanctioned events. (Education Code 48900(q))

18. Made terrorist threats against school officials and/or school property. (Education Code 48900.7)

*A terrorist threat* includes any written or oral statement by a person who willfully threatens to commit a crime which will result in death or great bodily injury to another person, or property damage in excess of $1,000, with the specific intent that the statement is to be taken as a threat, even if there is no intent of actually carrying it out. (Education Code 48900.7)

A student in grades 4-8 is also subject to suspension or recommendation for expulsion when it is determined that he/she:

19. Committed sexual harassment as defined in Education Code 212.5. (Education Code 48900.2)

*Sexual harassment* means that conduct, when considered from the perspective of a reasonable person of the same gender as the victim, is sufficiently severe or pervasive as to have a negative impact upon the victim's academic performance or to create an intimidating, hostile, or offensive educational environment. (Education Code 212.5, 48900.2)

*(cf. 5145.7 - Sexual Harassment)*

20. Caused, attempted to cause, threatened to cause, or participated in an act of hate violence as defined in Education Code 233. (Education Code 48900.3)

*Hate violence* means any act punishable under Penal Code 422.6, 422.7, or 422.75. Such acts include injuring or intimidating another person, interfering with the exercise of a person's civil rights, or damaging a person's property because of the person's race, color, religion, ancestry, national origin, disability, gender, or sexual orientation. (Education Code 233; Penal Code 422.55)

*(cf. 5145.9 - Hate-Motivated Behavior)*
SUSPENSION AND EXPULSION/DUE PROCESS (continued)

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

(cf. 5145.3 - Nondiscrimination/Harassment)

22. Engaged in an act of bullying, including, but not limited to, bullying by means of an electronic act, directed toward a student or school personnel. (Education Code 48900(r))

Bullying means one or more acts by a student or group of students that constitute sexual harassment pursuant to Education Code 48900.2, as defined in item #19 above; hate violence pursuant to Education Code 48900.3, as defined in item #20 above; or harassment, threats, or intimidation pursuant to Education Code 48900.4, as defined in item #21 above. (Education Code 32261)

Electronic act means the transmission of a communication, including, but not limited to, a message, text, sound, or image by means of an electronic device, including, but not limited to, a telephone, wireless telephone, or other wireless communication device, computer, or pager. (Education Code 32261)

A student may be suspended or expelled for any of the acts listed above if the act is related to school activity or school attendance occurring at any district school under the jurisdiction of the Superintendent or principal or within any other school district, including, but not limited to, the following circumstances: (Education Code 48900)

1. While on school grounds

2. While going to or coming from school

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

(cf. 5112.5 - Open/Closed Campus)

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

(cf. 5131.1 - Bus Conduct)

The Superintendent or principal may use his/her discretion to provide alternatives to suspension or expulsion for a student subject to discipline under this administrative regulation, including, but not limited to, counseling and an anger management program. (Education Code 48900(v))
SUSPENSION AND EXPULSION/DUE PROCESS (continued)

(cf. 5138 - Conflict Resolution/Peer Mediation)
(cf. 6164.2 - Guidance/Counseling Services)

Alternatives to suspension or expulsion shall be used with students who are truant, tardy, or otherwise absent from assigned school activities.

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

Removal from Class by a Teacher/Parental Attendance

A teacher may suspend any student from his/her class for the remainder of the day and the following day for any act listed in "Grounds for Suspension and Expulsion" above. (Education Code 48910)

A teacher also may refer a student to the principal or designee for consideration of suspension from school. (Education Code 48910)

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

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

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

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

The teacher of any class from which a student is removed may require the student to complete any assignments and tests missed during the removal. (Education Code 48913)

Pursuant to Board policy, a teacher may provide that the parent/guardian of a student whom the teacher has removed attend a portion of a school day in his/her child's classroom. When a teacher makes this request, the principal shall send the parent/guardian a written notice that the parent/guardian's attendance is requested pursuant to law. (Education Code 48900.1)
AR 5144.1(g)

SUSPENSION AND EXPULSION/DUE PROCESS (continued)

This notice shall also:

1. Inform the parent/guardian when his/her presence is expected and by what means he/she may arrange an alternate date

2. Ask the parent/guardian to meet with the principal after the visit and before leaving school, as required by Education Code 48900.1

Suspension by Superintendent, Principal, or Principal's Designee

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

The Superintendent or principal shall immediately suspend any student found at school or at a school activity to be: (Education Code 48915)

1. Possessing, as verified by a district employee, selling, or otherwise furnishing a firearm, unless the student had obtained prior written permission to possess the item from a certificated school employee, with the principal or designee’s concurrence

2. Brandishing a knife, as defined in Education Code 48915(g), at another person

3. Unlawfully selling a controlled substance listed in Health and Safety Code 11053-11058

4. Committing or attempting to commit a sexual assault or committing a sexual battery as defined in item #14 under "Grounds for Suspension and Expulsion" above

5. Possession of an explosive as defined in 18 USC 921

*Explosive* means a *destructive device* and includes, but is not limited to, any explosive, incendiary, or poison gas bomb, grenade, rocket having a propellant charge of more than four ounces, missile having an explosive or incendiary charge of more than one-quarter ounce, mine, or similar device. A *destructive device* includes any other type of weapon (except a shotgun or shotgun shell recognized by the United States Secretary of Army as suitable for sporting purposes) which might be converted to project an explosive. (18 USC 921)
SUSPENSION AND EXPULSION/DUE PROCESS (continued)

Suspension also may be imposed upon a first offense if the Superintendent or principal determines that the student violated items #1-5 listed in "Grounds for Suspension and Expulsion" above or if the student's presence causes a danger to persons or property or threatens to disrupt the instructional process. (Education Code 48900.5)

A student may be suspended from school for not more than 20 school days in any school year unless, for purposes of adjustment, the student enrolls in or is transferred to another regular school, an opportunity school, or continuation school or class, in which case suspension shall not exceed 30 days in any school year. However, this restriction on the number of days of suspension does not apply when the suspension is extended pending an expulsion. (Education Code 48903, 48911, 48912)

(cf. 6184 - Continuation Education)

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

Suspensions shall be initiated according to the following procedures:

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

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

2. **Administrative Actions:** All requests for student suspension are to be processed by the principal or designee of the school in which the student is enrolled at the time of the misbehavior. A school employee shall report the suspension, including the name of the student and the cause for the suspension, to the Superintendent or designee. (Education Code 48911) AR 5144.1(i)
3. **Notice to Parents/Guardians:** At the time of the suspension, a school employee shall make a reasonable effort to contact the parent/guardian by telephone or in person. Whenever a student is suspended, the parent/guardian shall be notified in writing of the suspension. (Education Code 48911)

This notice shall state the specific offense committed by the student. (Education Code 48900.8)

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

4. **Parent/Guardian Conference:** Whenever a student is suspended, school officials may meet with the parent/guardian to discuss the causes and duration of the suspension, the school policy involved, and any other pertinent matter. (Education Code 48914)

While the parent/guardian is required to respond without delay to a request for a conference about a student’s behavior, no penalties may be imposed on the student for the failure of the parent/guardian to attend such a conference. The student may not be denied readmission solely because the parent/guardian failed to attend the conference. (Education Code 48911)

5. **Extension of Suspension:** If the Board is considering the expulsion of a suspended student from any school or the suspension of a student for the balance of the semester from continuation school, the Superintendent or designee may, in writing, extend the suspension until such time as the Board has made a decision. (Education Code 48911)

Any extension of the original period of suspension shall be preceded by notice of such extension with an offer to hold a conference concerning the extension, giving the student an opportunity to be heard. This conference may be held in conjunction with a meeting requested by the student or parent/guardian to challenge the original suspension. Extension of the suspension may be made only if the Superintendent or designee determines, following a meeting in which the student and the student's parent/guardian were invited to participate, that the student's presence at the school or at an alternative school would endanger persons or property or threaten to disrupt the instructional process. (Education Code 48911)
Suspension by the Board

The Board may suspend a student for any of the acts listed in "Grounds for Suspension and Expulsion" above and within the limits specified in "Suspension by Superintendent, Principal, or Principal's Designee" above. (Education Code 48912)

The Board may suspend a student enrolled in a continuation school or class for a period not longer than the remainder of the semester if any of the acts listed in "Grounds for Suspension and Expulsion" occurred. The suspension shall meet the requirements of Education Code 48915. (Education Code 48912.5)

When the Board is considering a suspension, disciplinary action, or any other action (except expulsion) against any student, it shall hold closed sessions if a public hearing would lead to disclosure of information violating a student's right to privacy under Education Code 49073-49079. (Education Code 35146, 48912)

(cf. 9321 - Closed Session Purposes and Agendas)

The Board shall provide the student and his/her parent/guardian with written notice of the closed session by registered or certified mail or personal service. Upon receiving this notice, the student or parent/guardian may request a public meeting, and this request shall be granted if made in writing within 48 hours after receipt of the Board's notice. However, any discussion that conflicts with any other student's right to privacy still shall be held in closed session. (Education Code 35146, 48912)

Supervised Suspension Classroom

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

1. The supervised suspension classroom shall be staffed in accordance with law.

2. The student shall have access to appropriate counseling services.

3. The supervised suspension classroom shall promote completion of schoolwork and tests missed by the student during the suspension.

4. Each student shall be responsible for contacting his/her teacher(s) to receive assignments to be completed in the supervised suspension classroom. The teacher(s) shall provide all assignments and tests that the student will miss while suspended. If no such work is assigned, the person supervising the suspension classroom shall assign schoolwork. AR 5144.1(k)
At the time a student is assigned to a supervised suspension classroom, the principal or designee shall notify the student’s parent/guardian in person or by telephone. When the assignment is for longer than one class period, this notification shall be made in writing. (Education Code 48911.1)

Authority to Expel

A student may be expelled only by the Board. The Board shall expel, as required by law, any student found to have committed any offense listed below under "Mandatory Recommendation and Mandatory Expulsion." (Education Code 48915)

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

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

Mandatory Recommendation for Expulsion

Unless the principal, Superintendent or designee finds that expulsion is inappropriate due to particular circumstances, the principal or the Superintendent or designee shall recommend a student's expulsion for any of the following acts: (Education Code 48915(a))

1. Causing serious physical injury to another person, except in self-defense
2. Possession of any knife as defined in Education Code 48915(g), explosive, or other dangerous object of no reasonable use to the student
3. Unlawful possession of any controlled substance, as listed in Health and Safety Code 11053-11058, except for the first offense for the possession of not more than one ounce of marijuana, other than concentrated cannabis
4. Robbery or extortion
5. Assault or battery, as defined in Penal Code 240 and 242, upon any school employee
SUSPENSION AND EXPULSION/DUE PROCESS (continued)

Mandatory Recommendation and Mandatory Expulsion

The principal, Superintendent or designee shall recommend that the Board expel any student found at school or at a school activity to be: (Education Code 48915(c))

1. Possessing, as verified by a district employee, selling, or otherwise furnishing a firearm, unless the student had obtained prior written permission to possess the firearm from a certificated school employee, with the principal or designee's concurrence

2. Brandishing a knife as defined in Education Code 48915(g) at another person

3. Unlawfully selling a controlled substance listed in Health and Safety Code 11053-11058

4. Committing or attempting to commit a sexual assault or committing a sexual battery as defined in item #14 under "Grounds for Suspension and Expulsion" above

5. Possessing an explosive as defined in 18 USC 921

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

Student's Right to Expulsion Hearing

The student is entitled to a hearing to determine whether the student should be expelled. The hearing shall be held within 30 school days after the principal or Superintendent or designee determines that one of the acts listed under "Grounds for Suspension and Expulsion" has occurred. (Education Code 48918(a))

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

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

AR 5144.1(m)
SUSPENSION AND EXPULSION/DUE PROCESS  (continued)

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

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

Rights of Complaining Witness

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

Whenever the Superintendent or designee recommends an expulsion hearing that addresses allegations of sexual assault or sexual battery, he/she shall give the complaining witness a copy of the district’s suspension and expulsion policy and regulation and shall advise the witness of his/her right to: (Education Code 48918.5)

1. Receive five days' notice of his/her scheduled testimony at the hearing
2. Have up to two adult support persons of his/her choosing present at the hearing at the time he/she testifies
3. Have a closed hearing during the time he/she testifies

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

Written Notice of the Expulsion Hearing

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

1. The date and place of the hearing.
2. A statement of the specific facts, charges, and offense upon which the proposed expulsion is based.
   AR 5144.1(n)
SUSPENSION AND EXPULSION/DUE PROCESS (continued)

3. A copy of district disciplinary rules which relate to the alleged violation.

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

(cf. 5119 - Students Expelled from Other Districts)

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

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

   Nonattorney advisor means an individual who is not an attorney or lawyer, but who is familiar with the facts of the case and has been selected by the student or student's parent/guardian to provide assistance at the hearing.

6. The right to inspect and obtain copies of all documents to be used at the hearing.

7. The opportunity to confront and question all witnesses who testify at the hearing.

8. The opportunity to question all evidence presented and to present oral and documentary evidence on the student's behalf, including witnesses.

Conduct of Expulsion Hearing

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

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

AR 5144.1(o)
If a hearing that involves a charge of sexual assault or sexual battery is to be conducted in public, a complaining witness shall have the right to have his/her testimony heard in closed session when testifying in public would threaten serious psychological harm to the witness and when there are no alternative procedures to avoid the threatened harm, including, but not limited to, videotaped deposition or contemporaneous examination in another place communicated to the hearing room by closed-circuit television. (Education Code 48918(c))

2. **Record of Hearing:** A record of the hearing shall be made and may be maintained by any means, including electronic recording, as long as a reasonably accurate and complete written transcription of the proceedings can be made. (Education Code 48918(g))

3. **Subpoenas:** Before commencing a student expulsion hearing, the Board may issue subpoenas, at the request of either the student or the Superintendent or designee, for the personal appearance at the hearing of any person who actually witnessed the action that gave rise to the recommendation for expulsion. After the hearing has commenced, the Board or the hearing officer or administrative panel may issue such subpoenas at the request of the student or the County Superintendent of Schools or designee. All subpoenas shall be issued in accordance with the Code of Civil Procedure 1985-1985.2 and enforced in accordance with Government Code 11455.20. (Education Code 48918(i))

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

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

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

AR 5144.1(p)
Findings of fact shall be based solely on the evidence at the hearing. While no finding shall be based solely on hearsay, sworn declarations may be admitted as testimony from witnesses whose disclosure of their identity or testimony at the hearing may subject them to an unreasonable risk of physical or psychological harm. (Education Code 48918(f))

In cases where a search of a student's person or property has occurred, evidence describing the reasonableness of the search shall be included in the hearing record.

5. **Testimony by Complaining Witnesses:** The following procedures shall be observed when hearings involve allegations of sexual assault or sexual battery by a student: (Education Code 48918, 48918.5)

   a. Any complaining witness shall be given five days' notice before being called to testify.
   
   b. Any complaining witness shall be entitled to have up to two adult support persons, including, but not limited to, a parent/guardian or legal counsel, present during his/her testimony.
   
   c. Before a complaining witness testifies, support persons shall be admonished that the hearing is confidential.
   
   d. The person presiding over the hearing may remove a support person whom he/she finds is disrupting the hearing.
   
   e. If one or both support persons are also witnesses, the hearing shall be conducted in accordance with Penal Code 868.5.
   
   f. Evidence of specific instances of prior sexual conduct of a complaining witness shall be presumed inadmissible and shall not be heard unless the person conducting the hearing determines that extraordinary circumstances require the evidence to be heard. Before such a determination is made, the complaining witness shall be given notice and an opportunity to oppose the introduction of this evidence. In the hearing on the admissibility of this evidence, the complaining witness shall be entitled to be represented by a parent/guardian, legal counsel, or other support person. Reputation or opinion evidence regarding the sexual behavior of a complaining witness shall not be admissible for any purpose.
   
   g. In order to facilitate a free and accurate statement of the experiences of the complaining witness and to prevent discouragement of complaints, the district shall provide a nonthreatening environment.

AR 5144.1(q)
SUSPENSION AND EXPULSION/DUE PROCESS (continued)

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

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

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

6. **Decision Within 10 School Days:** The Board's decision on whether to expel a student shall be made within 10 school days after the conclusion of the hearing, unless the student requests in writing that the decision be postponed. (Education Code 48918(a))

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

**Alternative Expulsion Hearing: Hearing Officer or Administrative Panel**

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

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

AR 5144.1(r)
The hearing officer or administrative panel shall, within three school days after the hearing, determine whether to recommend expulsion of the student to the Board. If expulsion is not recommended, the expulsion proceeding shall be terminated and the student shall be immediately reinstated. The Superintendent or designee shall place the student in a classroom instructional program, any other instructional program, a rehabilitation program, or any combination of these programs after consulting with district staff, including the student's teachers, and with the student's parent/guardian. The decision to not recommend expulsion shall be final. (Education Code 48918(e))

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

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

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

**Final Action by the Board**

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

*(cf. 9321.1 - Closed Session Actions and Reports)*

If the Board conducts the hearing and reaches a decision not to expel, this decision shall be final and the student shall be reinstated immediately.

Upon ordering an expulsion, the Board shall set a date when the student shall be reviewed for readmission to a school within the district. For a student expelled for an act listed under "Mandatory Recommendation and Mandatory Expulsion" above, this date shall be one year from the date the expulsion occurred, except that the Board may set an earlier date on a case-by-case basis. For a student expelled for other acts, this date shall be no later than the last day
SUSPENSION AND EXPULSION/DUE PROCESS (continued)

of the semester following the semester in which the expulsion occurred. If an expulsion is ordered during the summer session or the intersession period of a year-round program, the Board shall set a date when the student shall be reviewed for readmission not later than the last day of the semester following the summer session or intersession period in which the expulsion occurred. (Education Code 48916)

At the time of the expulsion order, the Board shall recommend a plan for the student's rehabilitation, which may include: (Education Code 48916)

1. Periodic review, as well as assessment at the time of review, for readmission

2. Recommendations for improved academic performance, tutoring, special education assessments, job training, counseling, employment, community service, or other rehabilitative programs

Written Notice to Expel

The Superintendent or designee shall send written notice of the decision to expel to the student or parent/guardian. This notice shall include the following:

1. The specific offense committed by the student for any of the causes for suspension or expulsion listed in Education Code 48900, 48900.2, 48900.3, 48900.4, 48900.7, or 48915 (Education Code 48900.8)

2. The fact that a description of readmission procedures will be made available to the student and his/her parent/guardian (Education Code 48916)

3. Notice of the right to appeal the expulsion to the County Board of Education (Education Code 48918)

4. Notice of the alternative educational placement to be provided to the student during the time of expulsion (Education Code 48918)

5. Notice of the student's or parent/guardian's obligation to inform any new district in which the student seeks to enroll of the student's status with the expelling district, pursuant to Education Code 48915.1 (Education Code 48918)

Decision Not to Enforce Expulsion Order

In accordance with Board policy, when deciding whether to suspend the enforcement of an expulsion, the Board shall take into account the following criteria:

AR 5144.1(t)
SUSPENSION AND EXPULSION/DUE PROCESS (continued)

1. The student's pattern of behavior

2. The seriousness of the misconduct

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

The suspension of the enforcement of an expulsion shall be governed by the following:

1. The Board may, as a condition of the suspension of enforcement, assign the student to a school, class, or program appropriate for the student's rehabilitation. This rehabilitation program may provide for the involvement of the student's parent/guardian in the student's education. However, a parent/guardian's refusal to participate in the rehabilitation program shall not be considered in the Board's determination as to whether the student has satisfactorily completed the rehabilitation program. (Education Code 48917)

2. During the period when enforcement of the expulsion order is suspended, the student shall be on probationary status. (Education Code 48917)

3. The suspension of the enforcement of an expulsion order may be revoked by the Board if the student commits any of the acts listed under "Grounds for Suspension and Expulsion" above or violates any of the district's rules and regulations governing student conduct. (Education Code 48917)

4. When the suspension of the enforcement of an expulsion order is revoked, a student may be expelled under the terms of the original expulsion order. (Education Code 48917)

5. Upon satisfactory completion of the rehabilitation assignment, the Board shall reinstate the student in a district school. Upon reinstatement, the Board may order the expunging of any or all records of the expulsion proceedings. (Education Code 48917)

6. The Superintendent or designee shall send written notice of any decision to suspend the enforcement of an expulsion order during a period of probation to the student or parent/guardian. The notice shall also inform the parent/guardian of the right to appeal the expulsion to the County Board, the alternative educational placement to be provided to the student during the time of expulsion, and the student's or parent/guardian's obligation to inform any new district in which the student seeks to enroll of the student's status with the expelling district, pursuant to Education Code 48915. (Education Code 48918(j))

AR 5144.1(u)
SUSPENSION AND EXPULSION/DUE PROCESS (continued)

7. Suspension of the enforcement of an expulsion order shall not affect the time period and requirements for the filing of an appeal of the expulsion order with the County Board. (Education Code 48917)

Right to Appeal

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

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

Notification to Law Enforcement Authorities

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

The principal or designee also shall notify appropriate city or county law enforcement authorities of any student acts which may involve the possession or sale of narcotics or of a controlled substance. In addition, law enforcement authorities shall be notified regarding any acts by students or nonstudents regarding the possession, sale, or furnishment of firearms, explosives, or other dangerous weapons in violation of Education Code 48915(c)(1) or (5) or Penal Code 626.9 and 626.10. (Education Code 48902)

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

The Board shall refer expelled students to a program of study that is: (Education Code 48915, 48915.01)

1. Appropriately prepared to accommodate students who exhibit discipline problems

AR 5144.1(v)
SUSPENSION AND EXPULSION/DUE PROCESS (continued)

Post-Expulsion Placements

2. Not provided at a comprehensive middle, junior, or senior high school or at any elementary school, unless the program is offered at a community day school established at such a site

3. Not housed at the school site attended by the student at the time of suspension

(cf. 6158 - Independent Study)  
(cf. 6185 - Community Day School)

When the placement described above is not available, and when the County Superintendent so certifies, students expelled for acts described in items #6-13 and #19-21 under "Grounds for Suspension and Expulsion" above may be instead referred to a program of study that is provided at another comprehensive middle, junior, or senior high school, or at an elementary school. (Education Code 48915)

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

Readmission After Expulsion

Readmission procedures shall be as follows:

1. On the date set by the Board when it ordered the expulsion, the district shall consider readmission of the student. (Education Code 48916)

2. The Superintendent or designee shall hold a conference with the parent/guardian and the student. At the conference the student's rehabilitation plan shall be reviewed and the Superintendent or designee shall verify that the provisions of this plan have been met. School regulations shall be reviewed and the student and parent/guardian shall be asked to indicate in writing their willingness to comply with these regulations.

3. The Superintendent or designee shall transmit to the Board his/her recommendation regarding readmission. The Board shall consider this recommendation in closed session if information would be disclosed in violation of Education Code 49073-49079. If a written request for open session is received from the parent/guardian or adult student, it shall be honored.

4. If the readmission is granted, the Superintendent or designee shall notify the student and parent/guardian, by registered mail, of the Board's decision regarding readmission.

AR 5144.1(w)
5. The Board may deny readmission only if it finds that the student has not satisfied the conditions of the rehabilitation plan or that the student continues to pose a danger to campus safety or to other district students or employees. (Education Code 48916)

6. If the Board denies the readmission of a student, the Board shall determine either to continue the student's placement in the alternative educational program initially selected or to place the student in another program that serves expelled students, including placement in a county community school. (Education Code 48916)

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

**Maintenance of Records**

The Board shall maintain a record of each expulsion, including the specific cause of the expulsion. The expulsion record shall be maintained in the student's mandatory interim record and sent to any school in which the student subsequently enrolls upon receipt of a written request by the admitting school. (Education Code 48900.8, 48918(k))

*(cf. 5125 - Student Records)*

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

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

**Outcome Data**

The Superintendent or designee shall maintain the following data: (Education Code 48900.8, 48916.1)

1. The number of students recommended for expulsion
2. The specific grounds for each recommended expulsion
3. Whether the student was subsequently expelled
4. Whether the expulsion order was suspended

AR 5144.1(x)
5. The type of referral made after the expulsion

6. The disposition of the student after the end of the expulsion period

A student identified as an individual with a disability pursuant to the Individuals with Disabilities Education Act (IDEA), 20 USC 1400-1482, is subject to the same grounds for suspension and expulsion which apply to students without disabilities.

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

Procedures for Students Not Yet Eligible for Special Education Services

A student who has not been officially identified as a student with a disability pursuant to IDEA and who has engaged in behavior that violated the district's code of student conduct may assert any of the protections under IDEA only if the district had knowledge that the student is disabled before the behavior that precipitated the disciplinary action occurred. (20 USC 1415(k)(5); 34 CFR 300.534)

The district shall be deemed to have knowledge that the student has a disability if one of the following conditions exists: (20 USC 1415(k)(5); 34 CFR 300.534)

1. The parent/guardian has expressed concern to district supervisory or administrative personnel in writing, or to a teacher of the student, that the student is in need of special education or related services.
2. The parent/guardian has requested an evaluation of the student for special education pursuant to 34 CFR 300.300-300.311.

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

3. The teacher of the student or other district personnel has expressed specific concerns directly to the district's director of special education or to other supervisory district personnel about a pattern of behavior demonstrated by the student.

The district would be deemed to not have knowledge that a student is disabled if the parent/guardian has not allowed the student to be evaluated for special education services or has refused services. In addition, the district would be deemed to not have knowledge if the district conducted an evaluation pursuant to 34 CFR 300.300-300.311 and determined that the student was not an individual with a disability. When the district is deemed to not have knowledge of the disability, the student shall be disciplined in accordance with procedures established for students without disabilities who engage in comparable behavior. (20 USC 1415(k)(5); 34 CFR 300.534)

If a request is made for an evaluation of a student during the time period in which the student is subject to disciplinary measures pursuant to 34 CFR 300.530, the evaluation shall be conducted in an expedited manner. Until the evaluation is completed, the student shall remain in the educational placement determined by school authorities. (20 USC 1415(k)(5); 34 CFR 300.534)

AR 5144.2(b)

SUSPENSION AND EXPULSION/DUE PROCESS (STUDENTS WITH DISABILITIES) (continued)

Suspension

The Superintendent or designee may suspend a student with a disability for up to 10 consecutive school days for a single incident of misconduct, and for up to 20 school days in a school year, as long as the suspension(s) does not constitute a change in placement pursuant to 34 CFR 300.536. (34 CFR 300.530; Education Code 48903)

The district shall determine, on a case-by-case basis, whether a pattern of removals of a student from his/her current educational placement for disciplinary reasons constitutes a change of placement. A change of placement shall be deemed to have occurred under any of the following circumstances: (34 CFR 300.536)

1. The removal is for more than 10 consecutive school days.

2. The student has been subjected to a series of removals that constitute a pattern because of all of the following:

   a. The series of removals total more than 10 school days in a school year.
b. The student's behavior is substantially similar to his/her behavior in previous incidents that resulted in the series of removals.

c. Additional factors, such as the length of each removal, the total amount of time the student has been removed, and the proximity of the removals to one another, indicate a change of placement.

If the removal has been determined to be a change of placement as specified in items #1-2 above, the student's IEP team shall determine the appropriate educational services. (34 CFR 300.530)

**Services During Suspension**

Any student suspended for more than 10 school days in the same school year shall continue to receive services during the term of the suspension. School personnel, in consultation with at least one of the student's teachers, shall determine the extent to which services are needed as provided in 34 CFR 300.101(a), so as to enable the student to continue to participate in the general education curriculum in another setting and to progress toward meeting the goals as set out in his/her IEP. (20 USC 1412(a)(1)(A); 34 CFR 300.530)

AR 5144.2(c)

**SUSPENSION AND EXPULSION/DUE PROCESS (STUDENTS WITH DISABILITIES) (continued)**

If a student with a disability is excluded from school bus transportation, the student shall be provided with an alternative form of transportation at no cost to the student or his/her parent/guardian, provided that transportation is specified in his/her IEP. (Education Code 48915.5)

(cf. 3541.2 - Transportation for Students with Disabilities)

**Interim Alternative Educational Placement Due to Dangerous Behavior**

The district may unilaterally place a student with a disability in an appropriate interim alternative educational setting for up to 45 school days, without regard to whether the behavior is a manifestation of the student’s disability, when the student commits one of the following acts while at school, going to or from school, or at a school-related function: (20 USC 1415(k)(1)(G); 34 CFR 300.530)

1. Carries or possesses a weapon, as defined in 18 USC 930
2. Knowingly possesses or uses illegal drugs
3. Sells or solicits the sale of a controlled substance as identified in 21 USC 812(c), Schedules I-V
4. Inflicts serious bodily injury upon another person as defined in 18 USC 1365

The student's interim alternative educational setting shall be determined by his/her IEP team. (20 USC 1415(k)(1)(G); 34 CFR 300.531)

On the date the decision to take disciplinary action is made, the parents/guardians of the student shall be notified of the decision and provided the procedural safeguards notice pursuant to 34 CFR 300.504. (20 USC 1415(k)(1)(H); 34 CFR 300.530)

A student who has been removed from his/her current placement because of dangerous behavior shall receive services, although in another setting, to the extent necessary to allow him/her to participate in the general education curriculum and to progress toward meeting the goals set out in his/her IEP. As appropriate, the student shall also receive a functional behavioral assessment and behavioral intervention services and modifications that are designed to address the behavior violation so that it does not recur. (20 USC 1415(k)(1)(D); 34 CFR 300.530)

AR 5144.2(d)

SUSPENSION AND EXPULSION/DUE PROCESS (STUDENTS WITH DISABILITIES)  (continued)

Manifestation Determination

The following procedural safeguards shall apply when a student with a disability is suspended for more than 10 consecutive school days, when a series of removals of a student constitutes a pattern, or when a change of placement of a student is contemplated due to a violation of the district's code of conduct:

1. **Notice:** On the date the decision to take disciplinary action is made, the parents/guardians of the student shall be notified of the decision and provided the procedural safeguards notice pursuant to 34 CFR 300.504. (20 USC 1415(k)(1)(H); 34 CFR 300.530)

   (cf. 5145.6 - Parental Notifications)
   (cf. 6159.1 - Procedural Safeguards and Complaints for Special Education)

2. **Manifestation Determination Review:** Immediately if possible, but in no case later than 10 school days after the date the decision to take disciplinary action is made, a manifestation determination review shall be made of the relationship between the student's disability and the behavior subject to the disciplinary action. (20 USC 1415(k)(1)(E); 34 CFR 300.530)

   At the manifestation determination review, the district, the student's parent/guardian, and relevant members of the IEP team (as determined by the district and parent/guardian) shall review all relevant information in the student's file, including the student's IEP, any teacher observations, and any relevant information provided by the parents/guardians, to determine
whether the conduct in question was either of the following: (20 USC 1415(k)(1)(E); 34 CFR 300.530)

a. Caused by or had a direct and substantial relationship to the student's disability

b. A direct result of the district's failure to implement the student's IEP, in which case the district shall take immediate steps to remedy those deficiencies

If the manifestation review team determines that a condition in either #a or #b above was met, the conduct shall then be determined to be a manifestation of the student's disability. (20 USC 1415(k)(1)(E); 34 CFR 300.530)

AR 5144.2(e)

SUSPENSION AND EXPULSION/DUE PROCESS (STUDENTS WITH DISABILITIES) (continued)

3. **Determination that Behavior is a Manifestation of the Student's Disability:** When the conduct has been determined to be a manifestation of the student's disability, the IEP team shall conduct a functional behavioral assessment, unless a functional behavioral assessment had been conducted before the occurrence of the behavior that resulted in the change of placement, and shall implement a behavioral intervention plan for the student. If a behavioral intervention plan has already been developed, the IEP team shall review the behavioral intervention plan and modify it as necessary to address the behavior. (20 USC 1415(k)(1)(F); 34 CFR 300.530)

The student shall be returned to the placement from which he/she was removed, unless the parent/guardian and district agree to a change of placement as part of the modification of the behavioral intervention plan. (20 USC 1415(k)(1)(F); 34 CFR 300.530)

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

4. **Determination that Behavior is Not a Manifestation of the Student's Disability:** If the manifestation determination review team determines that the student's behavior was not a manifestation of his/her disability, the student may be disciplined in accordance with the procedures for students without disabilities. (20 USC 1415(k)(1)(D); 34 CFR 300.530)

The student shall receive services to the extent necessary to participate in the general education curriculum in another setting and to allow him/her to progress toward meeting the goals set out in his/her IEP. As appropriate, the student also shall receive a functional behavioral assessment and behavioral intervention services and modifications that are designed to address the behavior violation so that it does not recur. (20 USC 1415(k)(1)(D); 34 CFR 300.530)
Due Process Appeals

If the parent/guardian disagrees with any district decision regarding placement under 34 CFR 300.530 (suspension and removal for dangerous circumstances) or 34 CFR 300.531 (interim alternative placement), or the manifestation determination under 34 CFR 300.530(e), he/she may appeal the decision by requesting a hearing. The district may request a hearing if the district believes that maintaining the student's current placement is substantially likely to result in injury to the student or others. In order to request a hearing, the requesting party shall file a complaint pursuant to 34 CFR 300.507 and 300.508(a) and (b). (20 USC 1415(k)(3); 34 CFR 300.532)

AR 5144.2(f)

SUSPENSION AND EXPULSION/DUE PROCESS (STUDENTS WITH DISABILITIES) (continued)

Whenever a hearing is requested as specified above, the parent/guardian or the district shall have an opportunity for an expedited due process hearing consistent with requirements specified in 34 CFR 300.507, 300.508 (a)-(c), and 300.510-300.514.

If the student's parent/guardian or the district has initiated a due process hearing under 34 CFR 300.532 as detailed above, the student shall remain in the interim alternative educational setting pending the decision of the hearing officer or until the expiration of the 45-day time period, whichever occurs first, unless the parent/guardian and district agree otherwise. (20 USC 1415(k)(4); 34 CFR 300.533)

Readmission

Readmission procedures for students with disabilities shall be the same as those used for all students. Upon readmission, an IEP team meeting shall be convened.

Suspension of Expulsion

The Board of Trustees's criteria for suspending the enforcement of an expulsion order shall be applied to students with disabilities in the same manner as they are applied to all other students. (Education Code 48917)

Notification to Law Enforcement Authorities

Law enforcement notification requirements involving students with disabilities shall be the same as those specified for all students in AR 5144.1 - Suspension and Expulsion/Due Process.

(cf. 5131.7 - Weapons and Dangerous Instruments)
Report to County Superintendent of Schools

The Superintendent or designee shall report to the County Superintendent of Schools when any special education student has been expelled or suspended for more than 10 school days. The report shall include the student’s name, last known address, and the reason for the action. (Education Code 48203)

Legal Reference: (see next page)

AR 5144.2(g)

SUSPENSION AND EXPULSION/DUE PROCESS (STUDENTS WITH DISABILITIES) (continued)

Legal Reference:

EDUCATION CODE
35146 Closed sessions re: suspensions
35291 Rules of governing board
48203 Reports of severance of attendance of disabled students
48900-48925 Suspension and expulsion
56000 Special education; legislative findings and declarations
56320 Educational needs; requirements
56321 Development or revision of individualized education program
56329 Independent educational assessment
56340-56347 Individualized education program teams
56505 State hearing
PENAL CODE
245 Assault with deadly weapon
626.2 Entry upon campus after written notice of suspension or dismissal without permission
626.9 Gun-Free School Zone Act
626.10 Dirks, daggers, knives, razors, or stun guns
UNITED STATES CODE, TITLE 18
930 Weapons
1365 Serious bodily injury
UNITED STATES CODE, TITLE 20
1412 State eligibility
1415 Procedural safeguards
UNITED STATES CODE, TITLE 21
812 Controlled substances
UNITED STATES CODE, TITLE 29
706 Definitions
QUESTIONING AND APPREHENSION BY LAW ENFORCEMENT

The Board of Trustees believes that the safety of district students and staff is essential to achieving the goal of student learning. In accordance with standards specified in law, law enforcement officers may interview and question students on school premises and may remove them when appropriate.

(cf. 0450 - Comprehensive Safety Plan)
(cf. 1400 - Relations Between Other Governmental Agencies and the Schools)
(cf. 3515.3 - District Police/Security Department)
(cf. 4158/4258/4358 - Employee Security)
(cf. 5141.4 - Child Abuse Prevention and Reporting)
(cf. 5145.12 - Search and Seizure)

The Superintendent or designee shall collaborate with local law enforcement agencies to establish procedures which enable law enforcement officers to carry out their duties on school campus, including, when necessary, the questioning and/or apprehension of students.

The principal or designee shall accommodate the interview in a way that causes the least possible disruption for the student and school and provides the student appropriate privacy.

At the law enforcement officer's discretion and with the student's approval, the principal or designee may be present during the interview.
Except in cases of child abuse or neglect, the principal or designee shall attempt to notify the student's parent/guardian as soon as practicable after the law enforcement officer has interviewed the student on school premises.

If a minor student is removed from school into the custody of law enforcement, the principal or designee shall immediately notify the parent/guardian or responsible relative regarding the student’s release and the place to which he/she is reportedly being taken, except when the minor has been taken into custody as a victim of suspected child abuse. (Education Code 48906)

**Subpoenas**

Although subpoenas may legally be served at school on students age 12 or older, the Board believes that serving officials should be strongly urged to serve subpoenas at the home of the student whenever possible. When served at school, the principal or designee shall take reasonable steps to protect the student’s privacy rights and to minimize loss of class time for the student.

*Legal Reference: (see next page)*

**BP 5145.11(b)**

**QUESTIONING AND APPREHENSION BY LAW ENFORCEMENT** (continued)

*Legal Reference:*

- **EDUCATION CODE**
  - 44807 Duty concerning conduct of pupils
  - 48264 Arrest of truants
  - 48265 Delivery of truant
  - 48902 Notice to law enforcement authorities
  - 48906 Release of minor pupil to peace officers; notice to parent, guardian
  - 48909 Narcotics and other hallucinogenic drugs (re arrest)
- **CODE OF CIVIL PROCEDURE**
  - 416.60 Service of summons or complaint to a minor
- **PENAL CODE**
  - 830-832.17 Peace officers
  - 1328 Service of subpoena
- **WELFARE AND INSTITUTIONS CODE**
  - 627 Custody of minor
- **CODE OF REGULATIONS, TITLE 5**
  - 303 Duty to remain at school
- **COURT DECISIONS**
  - Camreta v. Greene, (2011) 131 S.Ct. 2020
  - People v. Lessie, (2010) 47 Cal. 4th 1152
Policy  LOMA PRIETA JOINT UNION ELEMENTARY SCHOOL DISTRICT
adopted:  Los Gatos, California
Students  BP 5145.12(a)

SEARCH AND SEIZURE

The Board of Trustees is fully committed to promoting a safe learning environment and, to the extent possible, eliminating the possession and use of weapons, illegal drugs, and other controlled substances by students on school premises and at school activities. As necessary to protect the health and welfare of students and staff, school officials may search students, their property, and/or district property under their control and may seize illegal, unsafe, or otherwise prohibited items.

(cf. 0450 - Comprehensive Safety Plan)
(cf. 3515 - Campus Security)
(cf. 3515.3 - District Police/Security Department)
(cf. 5131 - Conduct)
(cf. 5131.7 - Weapons and Dangerous Instruments)
(cf. 5144.1 - Suspension and Expulsion/Due Process)

The Board urges that employees exercise discretion and good judgment. When conducting a search or seizure, employees shall act in accordance with law, Board policy, and administrative regulation.
Individual Searches

School officials may search any individual student, his/her property, or district property under his/her control when there is a reasonable suspicion that the search will uncover evidence that he/she is violating the law, Board policy, administrative regulation, or other rules of the district or the school. Reasonable suspicion shall be based on specific and objective facts that the search will produce evidence related to the alleged violation. The types of student property that may be searched by school officials include, but are not limited to, lockers, desks, purses, backpacks, student vehicles parked on district property, cellular phones, or other electronic communication devices.

Any search of a student, his/her property, or district property under his/her control shall be limited in scope and designed to produce evidence related to the alleged violation. Factors to be considered by school officials when determining the scope of the search shall include the

BP 5145.12(b)

SEARCH AND SEIZURE (continued)

danger to the health or safety of students or staff, such as the possession of weapons, drugs, or other dangerous instruments, and whether the item(s) to be searched by school officials are reasonably related to the contraband to be found. In addition, school officials shall consider the intrusiveness of the search in light of the student's age, gender, and the nature of the alleged violation.

Employees shall not conduct strip searches or body cavity searches of any student. (Education Code 49050)

Searches of individual students shall be conducted in the presence of at least two district employees.

The principal or designee shall notify the parent/guardian of a student subjected to an individualized search as soon as possible after the search.

(cf. 5145.11 - Questioning and Apprehension by Law Enforcement)
Searches of Multiple Student Lockers/Desks

All student lockers and desks are the property of the district. The principal or designee may conduct a general inspection of school properties that are within the control of students, such as lockers and desks, on a regular, announced basis, with students standing by their assigned lockers or desks. Any items contained in a locker or desk shall be considered to be the property of the student to whom the locker or desk was assigned.

Legal Reference: (see next page)

BP 5145.12(c)

SEARCH AND SEIZURE (continued)

Legal Reference:

EDUCATION CODE
32280-32289 School safety plans
35160 Authority of governing boards
35160.1 Broad authority of school districts
48900-48927 Suspension and expulsion
49050-49051 Searches by school employees
49330-49334 Injurious objects

PENAL CODE
626.9 Firearms
626.10 Dirks, daggers, knives or razor

CALIFORNIA CONSTITUTION
Article I, Section 28(c) Right to Safe Schools
COURT DECISIONS

Redding v. Safford Unified School District, (9th Cir. 2008) 531 F.3d 1071
B.C. v. Plumas, (9th Cir. 1999) 192 F.3d 1260
Jennings v. Joshua Independent School District, (5th Cir. 1989) 877 F.2d 313
Horton v. Goose Creek Independent School District, (5th Cir. 1982) 690 F.2d 470
Zamora v. Pomeroy, (10th Cir. 1981) 639 F.2d 662

ATTORNEY GENERAL OPINIONS


Management Resources:

NATIONAL INSTITUTE OF JUSTICE PUBLICATIONS
The Appropriate and Effective Use of Security Technologies in U.S. Schools: A Guide for Schools and Law Enforcement Agencies, 1999

WEB SITES
CSBA: http://www.csba.org
California Attorney General’s Office: http://caag.state.ca.us
California Department of Education, Safe Schools: http://www.cde.ca.gov/ls/ss
National Institute of Justice: http://www.ojp.usdoj.gov/nij

Policy LOMA PRIETA JOINT UNION ELEMENTARY SCHOOL DISTRICT
adopted: Los Gatos, California
Students BP 5145.2(a)

FREEDOM OF SPEECH/EXPRESSION

The Board of Trustees believes that free inquiry and exchange of ideas are essential parts of a democratic education. The Board respects students' rights to express ideas and opinions, take stands on issues, and support causes, even when such speech is controversial or unpopular.

(cf. 6142.3 - Civic Education)
(cf. 6144 - Controversial Issues)

On-Campus Expression
Students shall have the right to exercise freedom of speech and of the press including, but not limited to, the use of bulletin boards; the distribution of printed materials or petitions; the wearing of buttons, badges, and other insignia; and the right of expression in official publications. (Education Code 48907)

Student expression on district or school Internet web sites and online media shall generally be afforded the same protections as in print media.

(cf. 1113 - District and School Web Sites)
(cf. 6163.4 - Student Use of Technology)

Students' freedom of expression shall be limited only as allowed by Education Code 48907, 48950, and other applicable state and federal laws.

Students are prohibited from making any expressions or distributing or posting any materials that are obscene, libelous, or slanderous. Students also are prohibited from making any expressions that so incites students as to create a clear and present danger of the commission of unlawful acts on school premises, the violation of school rules, or substantial disruption of the school's orderly operation. (Education Code 48907)

(cf. 5145.7 - Sexual Harassment)
(cf. 5145.9 - Hate-Motivated Behavior)

The use of "fighting words" or epithets is prohibited in those instances where the speech is abusive and insulting, rather than a communication of ideas, and the speech is used in an abusive manner in a situation that presents an actual danger that it will cause a breach of the peace.

School officials shall not engage in prior restraint of material prepared for official school publications except insofar as the content of the material violates the law. (Education Code 48907)

BP 5145.2(b)

FREEDOM OF SPEECH/EXPRESSION (continued)

Off-Campus Expression

A student shall be subject to discipline for off-campus expression, including expression on off-campus Internet web sites, when such expression poses a threat to the safety of other students, staff, or school property, or substantially disrupts the educational program. The Superintendent or designee shall document the impact the expression had or could be expected to have on the school program.

(cf. 5131 - Conduct)
Legal Reference:

**EDUCATION CODE**
- 48907 Exercise of free expression; rules and regulations
- 48950 Speech and other communication
- 51520 Prohibited solicitations on school premises

**UNITED STATES CODE, TITLE 20**
- 4071-4074 Equal Access Act

**CALIFORNIA CONSTITUTION**
- Article 1, Section 2 Freedom of speech and expression

**U.S. CONSTITUTION**
- Amendment 1 Freedom of speech and expression

**COURT DECISIONS**
- Bethel School District No. 403 v. Fraser, (1986) 478 U.S. 675
- Bright v. Los Angeles Unified School District, (1976) 18 Cal. 3d 350

Management Resources:

**CALIFORNIA DEPARTMENT OF EDUCATION LEGAL ADVISORIES**
- Limitations on Student Expression in School-Sponsored Publications, March 4, 1988

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

**Policy**

**LOMA PRIETA JOINT UNION ELEMENTARY SCHOOL DISTRICT**

adopted: Los Gatos, California

**Students**

AR 5145.2(a)

**FREEDOM OF SPEECH/EXPRESSION**

**School-Sponsored Publications**

Students shall have the right to exercise freedom of speech and of the press in official school publications, except for expression that is obscene, libelous, slanderous, or so incites students as to create a clear and present danger of the commission of unlawful acts on school premises, the violation
of lawful school regulations, or the substantial disruption of the orderly operation of the school. (Education Code 48907)

*Official school publications* includes material produced by students in journalism, newspaper, yearbook, or writing classes and distributed to the student body either for a fee or free. (Education Code 48907)

Each principal shall develop a school publications code outlining the responsibility of student journalists, editors, and publication advisors.

All student submissions shall be held to professional standards of English and journalism. (Education Code 48907)

If the principal considers material submitted for publication to violate Education Code 48907, he/she shall notify the student, without undue delay, and give specific reasons why the submitted material may not be published. Absent extraordinary circumstances, such notice should be given in sufficient time to allow the student time to either modify the material or to seek review of the principal's determination from the Superintendent or designee. Prior to any restriction of student speech, school officials shall consider any feasible alternative options to restricting the speech.

**Distribution of Printed Materials and Petitions by Students**

The principal or designee may provide bulletin boards on which students and student organizations may post materials of general interest. Students also may post or distribute handbills, leaflets, and other printed material, whether produced within or outside of the school. Students may collect signatures on petitions concerning school or nonschool issues.

*(cf. 1325 - Advertising and Promotion)*
*(cf. 6145.5 - Student Organizations and Equal Access)*

Printed materials or petitions may be distributed only:

1. Before or after school or during lunch time
2. In locations that do not obstruct the normal flow of traffic within the school or at entrances

AR 5145.2(b)

**FREEDOM OF SPEECH/EXPRESSION** (continued)

No student shall use coercion to induce any other student or person to accept printed matter or to sign a petition. No funds shall be collected for any material distributed.

*(cf. 5131 - Conduct)*
Clothing, Buttons, and Badges

Buttons, badges, armbands, and clothing bearing slogans or sayings may be worn unless their message falls into the categories prohibited by law and Board policy. No employee shall interfere with this practice on the grounds that the message may be controversial or unpopular with students or faculty.

(cf. 5131.4 - Student Disturbances)
(cf. 5132 - Dress and Grooming)
(cf. 5136 - Gangs)
(cf. 5144 - Discipline)

Regulation
LOMA PRIETA JOINT UNION ELEMENTARY SCHOOL DISTRICT
approved: Los Gatos, California
Students BP 5145.3(a)

Nondiscrimination/Harassment

The Board of Trustees desires to ensure equal opportunities for all students in admission and access to the district's educational programs, guidance and counseling programs, athletic programs, testing procedures, and other activities. District programs and activities shall be free from discrimination, including harassment, with respect to a student's actual or perceived sex, gender, ethnic group identification, race, national origin, religion, color, physical or mental disability, age, or sexual orientation.

(cf. 0410 - Nondiscrimination in District Programs and Activities)
(cf. 5145.9 - Hate-Motivated Behavior)
(cf. 5146 - Married/Pregnant/Parenting Students)
(cf. 6164.6 - Identification and Education Under Section 504)

The Board prohibits discrimination, intimidation, or harassment of any student by any employee, student, or other person in the district. Prohibited harassment includes physical, verbal, nonverbal, or written conduct based on one of the categories listed above that is so severe and pervasive that it affects a student's ability to participate in or benefit from an educational program or activity; creates an intimidating, threatening, hostile, or offensive educational environment; has the purpose or effect of substantially or unreasonably interfering with a student's academic performance; or otherwise adversely affects the student's educational opportunities.
School staff and volunteers shall carefully guard against segregation, bias, and stereotyping in the delivery of services, including, but not limited to, instruction, guidance, and supervision.

(cf. 5145.2 - Freedom of Speech/Expression)
(cf. 6145 - Extracurricular and Cocurricular Activities)
(cf. 6145.2 - Athletic Competition)
(cf. 6164.2 - Guidance/Counseling Services)

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

Students who engage in discrimination or harassment in violation of law, Board policy, or administrative regulation shall be subject to appropriate discipline, up to and including counseling, suspension, and/or expulsion. Any employee who permits or engages in harassment or prohibited discrimination shall be subject to disciplinary action, up to and including dismissal.

(cf. 4118 - Suspension/Disciplinary Action)
(cf. 4119.21/4219.21/4319.21 - Professional Standards)
(cf. 4218 - Dismissal/Suspension/Disciplinary Action)
(cf. 5131 - Conduct)
(cf. 5144 - Discipline)
(cf. 5144.1 - Suspension and Expulsion/Due Process)
(cf. 5144.2 - Suspension and Expulsion/Due Process [Students with Disabilities])
   BP 5145.3(b)

Nondiscrimination/Harassment (continued)

Grievance Procedures

The Board hereby designates the following position(s) as Coordinator(s) for Nondiscrimination to handle complaints regarding discrimination and harassment and inquiries regarding the district's nondiscrimination policies:

Superintendent
(position title)
23800 Summit Road, Los Gatos, California 95033
(address)
(408) 353-1101
(telephone number)

(cf. 1312.1 - Complaints Concerning District Employees)
(cf. 1312.3 - Uniform Complaint Procedures)

Any student who feels that he/she has been subjected to discrimination or harassment should immediately contact the Coordinator, the principal, or any other staff member. Any student or school
employee who observes an incident of discrimination or harassment should report the incident to the Coordinator or principal, whether or not the victim files a complaint.

Upon receiving a complaint of discrimination or harassment, the Coordinator shall immediately investigate the complaint in accordance with site-level grievance procedures specified in AR 5145.7 - Sexual Harassment.

(cf. 5145.7 - Sexual Harassment)

The Superintendent or designee shall ensure that the student handbook clearly describes the district’s nondiscrimination policy, procedures for filing a complaint regarding discrimination or harassment, and the resources that are available to students who feel that they have been the victim of discrimination or harassment. The district’s policy may also be posted on the district website or any other location that is easily accessible to students.

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

Legal Reference continued: (see next page)

BP 5145.3(c)

NONDISCRIMINATION/HARASSMENT (continued)

Legal Reference: (continued)
EDUCATION CODE (continued)
48950 Freedom of speech
49020-49023 Athletic programs
51500 Prohibited instruction or activity
51501 Prohibited means of instruction
60044 Prohibited instructional materials
CIVIL CODE
1714.1 Liability of parents/guardians for willful misconduct of minor
PENAL CODE
422.55 Definition of hate crime
422.6 Crimes, harassment
CODE OF REGULATIONS, TITLE 5
4600-4687 Uniform Complaint Procedures
4900-4965 Nondiscrimination in elementary and secondary education programs
UNITED STATES CODE, TITLE 20
1681-1688 Title IX of the Education Amendments of 1972
UNITED STATES CODE, TITLE 42
2000d-2000e-17 Title VI and Title VII Civil Rights Act of 1964, as amended
2000h-2-2000h-6 Title IX of the Civil Rights Act of 1964
CODE OF FEDERAL REGULATIONS, TITLE 34
100.3 Prohibition of discrimination on basis of race, color or national origin
104.7 Designation of responsible employee for Section 504
106.8 Designation of responsible employee for Title IX
106.9 Notification of nondiscrimination on basis of sex
COURT DECISIONS

Management Resources:
CSBA PUBLICATIONS
Providing a Safe, Nondiscriminatory School Environment for All Students, Policy Brief, April 2010
CALIFORNIA DEPARTMENT OF EDUCATION LEGAL ADVISORIES
California Student Safety and Violence Prevention - Laws and Regulations, April 2004
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
Notice of Non-Discrimination, January 1999
WEB SITES
CSBA: http://www.csba.org
California Safe Schools Coalition: http://www.casafeschools.org
California Department of Education: http://www.cde.ca.gov
First Amendment Center: http://www.firstamendment.org
National School Boards Association: http://www.nsba.org
U.S. Department of Education, Office for Civil Rights: http://www.ed.gov/about/offices/list/ocr

Policy LOMA PRIETA JOINT UNION ELEMENTARY SCHOOL DISTRICT
adopted: Los Gatos, California
Students BP 5145.6(a)

PARENTAL NOTIFICATIONS

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

(cf. 5020 - Parent Rights and Responsibilities)
The Superintendent or designee shall ensure that notifications which must be sent at the beginning of each academic year include a request that the parent/guardian sign the notice and return it to the school. (Education Code 48981, 48982)

Notifications to parents/guardians shall be written both in English and in the family's primary language when so required by law. Whenever an employee learns that a student's parent/guardian is for any reason unable to understand the district's printed notifications, the principal or designee shall work with the parent/guardian to establish other appropriate means of communication.

(cf. 6174 - Education for English Language Learners)

Legal Reference: (see next page)

BP 5145.6(b)

PARENTAL NOTIFICATIONS (continued)

Legal Reference:

EDUCATION CODE
221.5 Prohibited sex discrimination
231.5 Sexual harassment policy
262.3 Appeals; information re: availability of civil remedies
310 Structured English Immersion Program
17288 Pupils: school buildings
17612 Notification of pesticide use
32255-32255.6 Right to refuse harmful or destructive use of animals
32390 Fingerprint program; contracts; funding; consent of parent/guardian
35178.4 Notice of accreditation status
35183 School dress codes; uniforms
35186 Complaints concerning deficiencies in instructional materials and facilities
35256 School accountability report card
35291 Rules
37616 Consultation
39831.5 School bus rider rules and information
44808.5 Permission to leave school grounds
46010.1 Notice re: excuse to obtain confidential medical services
46014 Regulations regarding absences for religious purposes
46600-46611 Interdistrict attendance agreements especially:
46601  Failure to approve interdistrict attendance
48000  Minimum age of admission
48070.5  Promotion or retention of students
48205  Absence for personal reasons
48206.3  Pupils with temporary disabilities; individual instruction; definitions
48207  Pupils with temporary disabilities in hospitals outside of school district
48208  Students with temporary disabilities in qualifying hospitals
48216  Immunization
48260.5  Notice to parent re truancy
48263  Referral to SARB or probation department
48432.5  Involuntary transfers of pupils
48904  Liability of parent/guardian for willful pupil misconduct
48904.3  Withholding grades, diplomas, or transcripts
48906  Notification of release of pupil to peace officer
48911  Notification in case of suspension
48912  Closed sessions; consideration of suspension
48915.1  Expelled individuals: enrollment in another district
48916  Readmission procedures
48918  Rules governing expulsion procedures
48980  Required notification at beginning of term
48980.3  Notification of pesticide use
48981  Time and means of notification

Legal Reference continued: (see next page)

BP 5145.6(c)

PARENTAL NOTIFICATIONS  (continued)

Legal Reference: (continued)
EDUCATION CODE  (continued)
48982  Signature; return to school; effect of signature
48983  Contents of notice
48984  Activities prohibited unless notice given
48985  Notices to parents in language other than English
48987  Child abuse information
49063  Notification of parents of their rights
49067  Regulations regarding pupil’s achievement
49068  Transfer of permanent enrollment and scholarship record
49069  Absolute right to access
49070  Challenging content of records
49073  Release of directory information
49076  Access to student records
49077  Access to information concerning a student in compliance with court order
49091.14  Prospectus
49302  Parental consent
49332  Notifications of retention of object by school personnel; release
49403  Cooperation in control of communicable disease and immunization
49423  Administration of prescribed medication for pupil
49451  Physical examinations: parent's refusal to consent
49452.5  Screening for scoliosis
49452.7  Information on type 2 diabetes
49456  Report to parent
49472  Medical and hospital services for pupils
49480  Continuing medication regimen for nonepisodic conditions
49510-49520  Duffy-Moscone Family Nutrition Education and Services Act of 1970
51229  Course of study for grades 7-12
51513  Personal beliefs
51938  Right of parent/guardian notice HIV/AIDS and sexual health instruction
52164.1  Census-taking methods; determination of primary language; assessment of language skills
52164.3  Notice of reassessment of language skills
52173  Consultation with parents or guardians; notice to parents or guardians; withdrawal of pupil
52244  Advanced Placement Program
54444.2  Migrant education programs; parent involvement
56301  Child-find system; policies re: written notification rights
56321  Special education: proposed assessment plan
56321.5-56321.6  Notice of parent rights pertaining to special education
56329  Written notice of right to findings; independent assessment
56341  Individualized education program team
56341.1  Development of individualized education program; right to audio record meeting
56341.5  Individualized education program team meetings

Legal Reference continued: (see next page)

BP 5145.6(d)

PARENTAL NOTIFICATIONS  (continued)

Legal Reference: (continued)
   EDUCATION CODE  (continued)
   56343.5  IEP meetings
Parental notice and consent to special education program
Alternative schools: notice required prior to establishment
Standardized Testing and Reporting Program
High School Exit Examination
Certification of high school courses as meeting university admission criteria

HEALTH AND SAFETY CODE
Right to enter child care facility
Immunizations
Immunizations
Sharing immunization information
Certificate of receipt; health screening and evaluation services; waiver by parent/guardian
School districts and private schools; information to parents

PENAL CODE
Hearing request following denial or revocation of registration

WELFARE AND INSTITUTIONS CODE
Parental notice; right of refusal to participate

CODE OF REGULATIONS, TITLE 5
Standardized Testing and Reporting Program
Behavioral intervention
General standards (Gifted and Talented Program)
Notice requirements and recipients
Responsibilities of the local agency
Reclassification of English language learners
Parental exception waivers
Notice of proficiency examinations
Policies and procedures absences for child care

UNITED STATES CODE, TITLE 20
Family Educational and Privacy Rights Act
Procedural safeguards
Title IX, discrimination based on sex or blindness
State plans
Local education agency plans
Academic assessment and local education agency school improvement
Parental involvement
Armed forces recruiter access to students

UNITED STATES CODE, TITLE 42
2000d, Title VI, Civil Rights Act of 1964

Legal Reference continued: (see next page)

BP 5145.6(e)
PARENTAL NOTIFICATIONS (continued)

Legal Reference: (continued)

CODE OF FEDERAL REGULATIONS, TITLE 34
99.7 Student records, annual notification
99.34 Student records, disclosure to other educational agencies
104.36 Procedural safeguards
106.9 Dissemination of policy, nondiscrimination on basis of sex
300.345 Parent participation
300.502 Independent educational evaluation
300.503 Prior written notice
300.505 Parental consent
300.507 Parent notice due process hearing
300.523 Manifestation determination review

CODE OF FEDERAL REGULATIONS, TITLE 40
763.84 Asbestos inspections, response actions and post-response actions
763.93 Asbestos management plans

Policy LOMA PRIETA JOINT UNION ELEMENTARY SCHOOL DISTRICT
adopted: Los Gatos, California
Students E 5145.6(a)

PARENTAL NOTIFICATIONS

Cautionary Notice: As added and amended by SBX3 4 (Ch. 12, Third Extraordinary Session, Statutes of 2009), ABX4 2 (Ch. 2, Fourth Extraordinary Session, Statutes of 2009), and SB 70 (Ch. 7, Statutes of 2011), Education Code 42605 grants districts flexibility in "Tier 3" categorical programs. The Loma Prieta Joint Union Elementary School District has accepted this flexibility and thus is deemed in compliance with the statutory or regulatory program and funding requirements for these programs for the 2008-09 through 2014-15 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.

Cautionary Notice 2010-13: AB 1610 (Ch. 724, Statutes of 2010) amended Education Code 37252.2 and Government Code 17581.5 to relieve districts from the obligation, until July 1, 2013, to perform any activities that are deemed to be reimbursable state mandates under those sections. As a result, certain provisions of the following policy or administrative regulation that reflect those requirements may be suspended.
### Notify

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<td>231.5, 48980</td>
<td>AR 5145.7</td>
<td>Sexual harassment policy as related to students</td>
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<td>17612, 48980.3</td>
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<tr>
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<td>35160.5, 48204, 46600-46611, 48980</td>
<td>AR 5111.1</td>
<td>All statutory attendance options, available local attendance options, options for meeting residency</td>
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<td>35256</td>
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<td>District and site discipline rules</td>
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<td>44808.5, 48980</td>
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E 5145.6(b)

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<td>Resolution allowing such absence</td>
<td>Code(s)</td>
<td>Reference</td>
<td>Description</td>
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<td>Absence for justifiable personal reasons</td>
<td>48205, 48980 BP 5113 AR 5113</td>
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<td>Grade/credit cannot be reduced due to excused absence if work or test has been completed</td>
<td>48205, 48980 AR 6154</td>
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<td>Availability of home/hospital instruction for students with temporary disabilities</td>
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<td>Availability of state funds to cover costs of advanced placement exam fees</td>
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<td>Schedule of minimum days</td>
<td>48980 BP 6111</td>
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<td>Student records: inspect and review, access, types, location, persons responsible, location of log, access criteria, cost of copies, amendment requests, criteria to determine school official legitimate educational interest</td>
<td>49063, 49068, 49069; 20 USC 1232g; 34 CFR 99.7 AR 5125</td>
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<tr>
<td>Challenge, review and expunging of records</td>
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E 5145.6(c)

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<td>49063, 49091.14</td>
<td>AR 5020</td>
<td>Availability of course prospectus</td>
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<td>AR 5125</td>
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<tr>
<td>Beginning of each school year</td>
<td>49403, 48980</td>
<td>BP 5141.31</td>
<td>Consent to school immunization program</td>
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<tr>
<td>Beginning of each school year</td>
<td>49423, 49480, 48980</td>
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<td>Beginning of each school year</td>
<td>58501</td>
<td>AR 6181</td>
<td>Alternative schools</td>
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<tr>
<td>Beginning of each school year</td>
<td>20 USC 1681-1688; 42 USC 2000d-2000d-7; 34 CFR 106.9</td>
<td>BP 0410</td>
<td>Nondiscrimination on basis of sex, disability, ethnicity or lack of English skills</td>
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<td>5 CCR 4622</td>
<td>AR 1312.3</td>
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<tr>
<td>Beginning of each school</td>
<td>20 USC 1232h</td>
<td>AR 5022</td>
<td>Notice of privacy policy and</td>
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year BP 6162.8 dates of activities re: survey, health examination, or collection of personal information for marketing; process to opt out of such activities

E 5145.6(d)

PARENTAL NOTIFICATIONS (continued)

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<td>For districts receiving Title I funds, beginning of each school year</td>
<td>20 USC 6311AR 4112.24 AR 4222</td>
<td></td>
<td>Right to request information re: professional qualifications re: their child's teacher and paraprofessional</td>
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<tr>
<td>Annually to parent, teacher, and employee organizations or, in their absence, individuals</td>
<td>40 CFR 763.84, 763.93 AR 3514</td>
<td></td>
<td>Availability of asbestos management plan; any inspections, response actions or post-response actions planned or in progress</td>
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<tr>
<td>II. At Specific Times During the Student's Academic Career</td>
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<tr>
<td>At least once before counseling in grades 7-12</td>
<td>221.5, 48980 AR 6164.2</td>
<td></td>
<td>Course selection and career counseling</td>
</tr>
<tr>
<td>At beginning of each school year if student has been placed in structured English immersion program</td>
<td>310; 5 CCR 11309 AR 6174</td>
<td></td>
<td>Placement of child in program and opportunity to apply for parental exception waiver</td>
</tr>
<tr>
<td>Before high school student attends specialized secondary program on a university campus</td>
<td>17288 None</td>
<td></td>
<td>University campus buildings may not meet Education Code requirements for structural safety</td>
</tr>
<tr>
<td>To members of athletic teams</td>
<td>32221.5 AR 5143</td>
<td></td>
<td>Offer of insurance, no-cost and low-cost program options</td>
</tr>
</tbody>
</table>
Before presenting a course using live or dead animals or animal parts 32255-32255.6 AR 5145.8 Right to refrain from harmful or destructive use of animals

When child first enrolls in a public school, if the school offers a fingerprinting program 32390, 48980 AR 5142.1 Fingerprinting program

Beginning of each term for students who have not passed the exit exam by the end of grade 12 37254 AR 6179 Availability of intensive instruction and services for two consecutive academic years and right to file complaint

E 5145.6(e)

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<td>II. At Specific Times During the Student's Academic Career (continued)</td>
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<td>39831.5</td>
<td>AR 3543</td>
<td>School bus safety rules and information, list of stops, rules of conduct, red light crossing instructions, bus danger zones, walking to and from stops</td>
</tr>
<tr>
<td>Beginning of each school year in grades 7-12</td>
<td>46010.1</td>
<td>BP 5113</td>
<td>Absence for confidential medical services</td>
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<tr>
<td>Before early entry to kindergarten, if offered</td>
<td>48000</td>
<td>AR 5111</td>
<td>Effects, advantages and disadvantages of early entry</td>
</tr>
<tr>
<td>Beginning of each school year in grades 9-12 and when high school student transfers into the district</td>
<td>48980, 60850</td>
<td>AR 6162.52</td>
<td>Requirement to pass the high school exit exam including: date of exam, requirements for passing, consequences of not passing, and that passing is a condition of graduation</td>
</tr>
<tr>
<td>When students entering grade 7</td>
<td>49452.7</td>
<td>AR 5141.3</td>
<td>Specified information on type 2 diabetes</td>
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</table>
When in kindergarten or 1st grade if not previously enrolled in public school

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<tr>
<td>49452.8</td>
<td>AR 5141.32</td>
<td>Requirement for oral health assessment, explanation of law, importance of teeth health, agency contact, privacy rights</td>
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Beginning of each school year for students in grades 9-12

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<tbody>
<tr>
<td>51229, 48980</td>
<td>BP 6143</td>
<td>College admission requirements, UC and CSU web sites that list certified courses, description of career technical education and CDE Internet address, how students may meet with counselors</td>
</tr>
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</table>

Beginning of each school year for students in grades 7-12

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<td>AR 6142.1</td>
<td>Explanation of sex and HIV/AIDS instruction; right to view A/V materials, who's teaching, request specific Education Code sections, right to excuse</td>
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Upon assessment and reassessment of English proficiency and enrollment in program of education for English language learners

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<td>52164.1, 52164.3, 52173; 5 CCR 11303</td>
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**II. At Specific Times During the Student's Academic Career (continued)**

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<td>Within 20 working days of receiving results of standardized achievement tests</td>
<td>60641; 5 CCR 863</td>
<td>AR 6162.51</td>
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</tr>
<tr>
<td>Annually to each high school student as meeting</td>
<td>66204</td>
<td>BP 6143</td>
<td>Copy of list of courses offered that are certified by UC admission criteria</td>
</tr>
<tr>
<td>When child is enrolled</td>
<td>Health &amp; Safety</td>
<td>AR 5141.32</td>
<td>Health screening</td>
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</table>
in kindergarten Code 124100 examination
Prior to student participation in gifted and talented program 5 CCR 3831 AR 6172 Gifted and talented student program
Within 30 calendar days of receipt of CELDT results 5 CCR 11511.5 AR 6174 CELDT test results
To students in grades 11 and 12, early enough to enable registration for current fall test 5 CCR 11523 AR 6146.2 Notice of proficiency examination provided under Education Code 48412
For districts receiving Title I funds, not later than 30 days after beginning of school year, to parents of English learners 20 USC 6312 AR 6174 Reasons for placement, level of proficiency, instructional methods, how program meets child's strengths and teaches English, exit requirements, right to choose another program
Upon receipt of a complaint alleging discrimination 262.3 AR 1312.3 Civil law remedies available to complainants
At least 72 hours before use of pesticide product not included in annual list 17612 AR 3514.2 Intended use of pesticide product
If school has lost its WASC accreditation status 35178.4 BP 6190 Loss of status, potential consequences
At least six months before implementing a schoolwide uniform policy E 5145.6(g) 35183 AR 5132 Dress code policy requiring schoolwide uniform

PARENTAL NOTIFICATIONS (continued)

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<td>Event Description</td>
<td>Code</td>
<td>Code GUID</td>
<td>Description</td>
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<tr>
<td>----------------------------------------------------------------------------------</td>
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<td>-----------------------------------------------------------------------------</td>
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<tr>
<td>Before implementing a year-round schedule</td>
<td>37616</td>
<td>BP 6117</td>
<td>Year-round schedule</td>
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<td>When interdistrict transfer is requested and not approved or denied within 30 days</td>
<td>46601</td>
<td>AR 5117</td>
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<td>When student identified as being at risk of retention</td>
<td>48070.5</td>
<td>AR 5123</td>
<td>Student at risk of retention</td>
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<tr>
<td>When student excluded due to quarantine, contagious or infectious disease, danger to safety or health</td>
<td>48213</td>
<td>AR 5112.2</td>
<td>Student has been excluded from school</td>
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<tr>
<td>Before student is excluded for lack of immunization</td>
<td>48216</td>
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<td>Two weeks to submit evidence of immunization or exemption; referral to medical care</td>
</tr>
<tr>
<td>When a student is classified a truant</td>
<td>48260.5, 48262</td>
<td>AR 5113.1</td>
<td>Truancy, parental obligation, availability of alternative programs, student consequences, need for conference</td>
</tr>
<tr>
<td>When a truant is referred to a SARB or probation department</td>
<td>48263</td>
<td>AR 5113.1</td>
<td>Name and address of SARB or probation department and reason for referral</td>
</tr>
<tr>
<td>When a school is identified on the state's Open Enrollment List</td>
<td>48354; 5 CCR 4702</td>
<td>AR 5118</td>
<td>Student's option to transfer to another school</td>
</tr>
<tr>
<td>Within 60 days of receiving application for transfer out of open enrollment school</td>
<td>48357; 5 CCR 4702</td>
<td>AR 5118</td>
<td>Whether student's transfer application is accepted or rejected; reasons for rejection</td>
</tr>
<tr>
<td>Prior to involuntary transfer to continuation school</td>
<td>48432.5</td>
<td>AR 6184</td>
<td>Right to require meeting prior to involuntary transfer to continuation school</td>
</tr>
<tr>
<td>Prior to withholding grades, diplomas, or transcripts</td>
<td>48904</td>
<td>AR 5125.2</td>
<td>Damaged school property</td>
</tr>
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</table>
### III. When Special Circumstances Occur (continued)

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<tr>
<td>When withholding grades, diplomas or transcripts from transferring student</td>
<td>48904.3</td>
<td>AR 5125.2</td>
<td>Next school will continue withholding grades, diplomas or transcripts</td>
</tr>
<tr>
<td>When student is released to peace officer</td>
<td>48906</td>
<td>BP 5145.11</td>
<td>Release of student to peace officer</td>
</tr>
<tr>
<td>At time of suspension</td>
<td>48911</td>
<td>BP 5144.1, AR 5144.1</td>
<td>Notice of suspension</td>
</tr>
<tr>
<td>When original period of suspension is extended</td>
<td>48911</td>
<td>AR 5144.1</td>
<td>Extension of suspension</td>
</tr>
<tr>
<td>Before holding a closed session re: suspension</td>
<td>48912</td>
<td>AR 5144.1</td>
<td>Intent to hold a closed session re: suspension</td>
</tr>
<tr>
<td>When student expelled from another district for certain acts seeks admission</td>
<td>48915.1, 48918</td>
<td>BP 5119</td>
<td>Hearing re: possible danger presented by expelled student</td>
</tr>
<tr>
<td>When readmission is denied</td>
<td>48916</td>
<td>AR 5144.1</td>
<td>Reasons for denial; determination of assigned program</td>
</tr>
<tr>
<td>When expulsion occurs</td>
<td>48916</td>
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<td>Description of readmission procedures</td>
</tr>
<tr>
<td>10 calendar days before expulsion hearing</td>
<td>48918</td>
<td>AR 5144.1</td>
<td>Notice of expulsion hearing</td>
</tr>
<tr>
<td>When expulsion or suspension of expulsion occurs</td>
<td>48918</td>
<td>AR 5144.1</td>
<td>Decision to expel; right to appeal to county board; obligation to inform new district of status</td>
</tr>
</tbody>
</table>
One month before the scheduled minimum day 48980 BP 6111 When minimum days scheduled after beginning of the school year

When parents request guidelines for filing complaint of child abuse at a school site 48987 AR 5141.4 Guidelines for filing complaint of child abuse at a school site with local child protective agencies

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**PARENTAL NOTIFICATIONS** (continued)

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<tr>
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<td>III. When Special Circumstances Occur (continued)</td>
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<td></td>
</tr>
<tr>
<td>When student in danger of failing a course</td>
<td>49067</td>
<td>AR 5121</td>
<td>Student in danger of failing a course</td>
</tr>
<tr>
<td>When student transfers from another district or private school</td>
<td>49068</td>
<td>AR 5125</td>
<td>Right to receive copy of student's record and to challenge its content</td>
</tr>
<tr>
<td>Within 24 hours of release of information to a judge or probation officer</td>
<td>49076</td>
<td>AR 5125</td>
<td>Release of student record to a judge or probation officer for conducting a truancy mediation program or for presenting evidence at a truancy petition</td>
</tr>
<tr>
<td>Before release of information pursuant to court order or subpoena</td>
<td>49077</td>
<td>AR 5125</td>
<td>Release of information pursuant to court order or subpoena</td>
</tr>
<tr>
<td>When screening results in suspicion that student has scoliosis</td>
<td>49452.5</td>
<td>AR 5141.3</td>
<td>Scoliosis screening</td>
</tr>
<tr>
<td>When test results in discovery of visual or hearing defects</td>
<td>49456</td>
<td>AR 5141.3</td>
<td>Vision or hearing test</td>
</tr>
<tr>
<td>Before any test</td>
<td>51513</td>
<td>AR 5022</td>
<td>Permission for test, survey</td>
</tr>
</tbody>
</table>
questioning personal beliefs

Within 14 days of instruction if arrangement made for guest speaker after beginning of school year

Prior to administering survey regarding health risks and behaviors to students in 7-12

When migrant education program is established

When child participates in licensed child care and development program

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<tr>
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<tr>
<td>When sharing student immunization information with an immunization system</td>
<td>Health &amp; Safety Code 120440</td>
<td>AR 5125</td>
<td>Types of information to be shared, name and address of agency, acceptable use of the information, right to examine, right to refuse to share</td>
</tr>
<tr>
<td>When hearing is requested by person asked to leave school premises</td>
<td>Penal Code 627.5</td>
<td>AR 3515.2</td>
<td>Notice of hearing</td>
</tr>
<tr>
<td>When providing written decision in response to a complaint re: discrimination, special education, or noncompliance with law regulating educational programs</td>
<td>5 CCR 4631</td>
<td>AR 1312.3</td>
<td>Appeal rights and procedures</td>
</tr>
</tbody>
</table>

E 5145.6(j)

PARENTAL NOTIFICATIONS (continued)
When child participates in licensed child care and development program

When district substantively changes policy on student privacy rights

For districts receiving Title I funds, when child has been taught for four or more consecutive weeks by a teacher who is not "highly qualified"

When school identified for program improvement or corrective action, within 30 days of failure to make annual yearly progress

When school identified for program improvement or corrective action

For districts receiving Title I funds, when child has been taught for four or more consecutive weeks by a teacher who is not "highly qualified"

When district substantively changes policy on student privacy rights

PARENTAL NOTIFICATIONS (continued)

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<tr>
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<tbody>
<tr>
<td>III. When Special Circumstances Occur (continued)</td>
<td>20 USC 6316</td>
<td>AR 0520.2</td>
<td>Availability of supplemental educational services, identity of providers, description of services, qualifications, effectiveness of providers</td>
</tr>
<tr>
<td>For districts with schools that have been identified for program improvement or corrective action, annually</td>
<td>20 USC 6316</td>
<td>AR 0520.3</td>
<td>Explanation status, reasons for</td>
</tr>
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</table>
program improvement
identification, how parents can participate in upgrading district

For schools receiving Title I funds, upon development of parent involvement policy
20 USC 6318  AR 6020 Notice of policy

For districts with secondary students receiving Title I funds
20 USC 7908  AR 5125.1 Notice that parents may request district to not release name, address, phone number of child to military recruiters without prior written consent

When household is selected for verification of eligibility for free or reduced-price meals
42 USC 1758; 7 CFR 246.6a AR 3553 Notice of need to submit verification information; any subsequent change in benefits; right to appeal

When student transfers out of state and records are disclosed without consent pursuant to 34 CFR 99.30
34 CFR 99.34  AR 5125 Right to review records

IV. Special Education Notices

Prior to conducting initial evaluation
56301, 56321, 56321.5, 56321.6, 56329; 34 CFR 300.502 AR 6164.4 Proposed evaluation plan, related parental rights, prior written notice

24 hours before IEP when district intending to record
56341.1 AR 6159 Intention to audio-record IEP meeting

Early enough to ensure opportunity for parent to attend IEP meeting
56341.5; 34 CFR 300.322 AR 6159 Time, purpose, location, who in attendance, participation of others with special knowledge, transition statements if appropriate

E 5145.6(l)

PARENTAL NOTIFICATIONS (continued)
### IV. Special Education Notices (continued)

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<td>56343.5</td>
<td>AR 6159</td>
<td>Need for written request</td>
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<tr>
<td>For student receiving exit exam waiver, prior to receipt of diploma</td>
<td>60852.4</td>
<td>AR 6162.52</td>
<td>Right to FAPE</td>
</tr>
<tr>
<td>Before functional behavioral assessment begins</td>
<td>5 CCR 3052</td>
<td>AR 6159.4</td>
<td>Notification and consent</td>
</tr>
<tr>
<td>Before modification of behavioral intervention plan</td>
<td>5 CCR 3052</td>
<td>AR 6159.4</td>
<td>Need for modification, right to question modification</td>
</tr>
<tr>
<td>Within one school day of emergency intervention or serious property damage</td>
<td>5 CCR 3052</td>
<td>AR 6159.4</td>
<td>Emergency intervention</td>
</tr>
<tr>
<td>Whenever there is a proposal or refusal to initiate or change the identification, evaluation, placement, or FAPE, including when parent/guardian revokes consent for services</td>
<td>20 USC 1415(c); 34 CFR 300.300, 300.503</td>
<td>AR 6159</td>
<td>Prior written notice</td>
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<tr>
<td>Initial referral for evaluation</td>
<td>20 USC 1415(d); 34 CFR 300.503</td>
<td>AR 6159.1</td>
<td>Prior written notice and procedural safeguards notice</td>
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<tr>
<td>Registration of complaint</td>
<td>20 USC 1415(d); 34 CFR 300.504</td>
<td>AR 6159.1</td>
<td>Procedural safeguards notice</td>
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<tr>
<td>Disciplinary action taken for dangerous behavior</td>
<td>20 USC 1415(k); 34 CFR 300.530</td>
<td>AR 5144.2</td>
<td>Decision and procedural safeguards notice</td>
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<tr>
<td>Suspension or change of placement for more than 10 days</td>
<td>20 USC 1415(k); 34 CFR 300.530</td>
<td>AR 5144.2</td>
<td>Decision and procedural safeguards notice</td>
</tr>
<tr>
<td>Upon requesting a due process hearing</td>
<td>20 USC 1415(k); 34 CFR 300.508</td>
<td>AR 6159.1</td>
<td>Child's name, address, school, description of problem, proposed resolution</td>
</tr>
<tr>
<td>Eligibility for services under Section 504</td>
<td>34 CFR 104.32, 104.36</td>
<td>AR 6164.6</td>
<td>Procedural safeguards, district responsibilities</td>
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<tr>
<td>In each classroom in each school</td>
<td>35186</td>
<td>AR/E 1312.4</td>
<td>Complaint rights re: sufficiency of instructional materials, teacher vacancy and misassignment, maintenance of facilities, and, for classrooms with grades 10-12, right of students who did not pass the exit exam to receive intensive instruction after completion of grade 12</td>
</tr>
</tbody>
</table>

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**SEXUAL HARASSMENT**

The Board of Trustees is committed to maintaining an educational environment that is free from harassment and discrimination. The Board prohibits sexual harassment of students by other students, employees, or other persons, at school or at school-sponsored or school-related activities. The Board also prohibits retaliatory behavior or action against persons who complain, testify, assist, or otherwise participate in district complaint processes.

(cf. 0410 - Nondiscrimination in District Programs and Activities)
(cf. 1312.3 - Uniform Complaint Procedures)
(cf. 4119.11/4219.11/4319.11 - Sexual Harassment)
The Superintendent or designee shall ensure that all district students receive age-appropriate instruction and information on sexual harassment. Such instruction and information shall include:

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

2. A clear message that students do not have to endure sexual harassment

3. Encouragement to report observed instances of sexual harassment, even where the victim of the harassment has not complained

4. Information about the district's procedure for investigating complaints and the person(s) to whom a report of sexual harassment should be made

(cf. 5131.5 - Vandalism and Graffiti)
(cf. 5137 - Positive School Climate)
(cf. 5145.3 - Nondiscrimination/Harassment)
(cf. 6142.1 - Sexual Health and HIV/AIDS Prevention Instruction)

Complaint Process

Any student who feels that he/she is being or has been sexually harassed by a school employee, another student, or a non-employee on school grounds or at a school-related activity (e.g., a visiting athlete or coach) shall immediately contact his/her teacher or any other employee. An employee who receives such a complaint shall report it in accordance with administrative regulation.

(cf. 1312.1 - Complaints Concerning District Employees)
(cf. 5141.4 - Child Abuse Prevention and Reporting)

SEXUAL HARASSMENT (continued)

The Superintendent or designee shall ensure that any complaints regarding sexual harassment are immediately investigated in accordance with administrative regulation. When the Superintendent or designee has determined that harassment has occurred, he/she shall take prompt, appropriate action to end the harassment and to address its effects on the victim.

Disciplinary Actions

Any student who engages in sexual harassment of anyone at school or at a school-sponsored or school-related activity is in violation of this policy and shall be subject to disciplinary action. For students in
grades 4-8, disciplinary action may include suspension and/or expulsion, provided that, in imposing such discipline, the entire circumstances of the incident(s) shall be taken into account.

(cf. 5131 - Conduct)
(cf. 5144.1 - Suspension and Expulsion/Due Process)
(cf. 5144.2 - Suspension and Expulsion/Due Process (Students with Disabilities))

Confidentiality and Record-Keeping

All complaints and allegations of sexual harassment shall be kept confidential except as necessary to carry out the investigation or take other subsequent necessary action. (5 CCR 4964)

(cf. 4119.23/4219.23/4319.23 - Unauthorized Release of Confidential/Privileged Information)
(cf. 5125 - Student Records)

The Superintendent or designee shall maintain a record of all reported cases of sexual harassment to enable the district to monitor, address, and prevent repetitive harassing behavior in the schools.

Legal Reference: (see next page)

BP 5145.7(c)

SEXUAL HARASSMENT (continued)

Legal Reference:

EDUCATION CODE
200-262.4 Prohibition of discrimination on the basis of sex
48900 Grounds for suspension or expulsion
48900.2 Additional grounds for suspension or expulsion; sexual harassment
48904 Liability of parent/guardian for willful student misconduct
48980 Notice at beginning of term

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

GOVERNMENT CODE
12950.1 Sexual harassment training

CODE OF REGULATIONS, TITLE 5
4600-4687 Uniform Complaint Procedures
4900-4965 Nondiscrimination in elementary and secondary education programs

UNITED STATES CODE, TITLE 20
1681-1688 Title IX, discrimination
**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**

106.1-106.71 Nondiscrimination on the basis of sex in education programs

**COURT DECISIONS**

*Flores v. Morgan Hill Unified School District*, (2003, 9th Cir.) 324 F.3d 1130
*Davis v. Monroe County Board of Education*, (1999) 526 U.S. 629
*Oona by Kate S. v. McCaffrey*, (1998, 9th Cir.) 143 F.3d 473
*Doe v. Petaluma City School District*, (1995, 9th Cir.) 54 F.3d 1447

Management Resources:

**OFFICE FOR CIVIL RIGHTS PUBLICATIONS**

*Sexual Harassment: It's Not Academic*, September 2008
*Revised Sexual Harassment Guidance*, January 2001

**WEB SITES**

California Department of Education: [http://www.cde.ca.gov](http://www.cde.ca.gov)
U.S. Department of Education, Office for Civil Rights: [http://www.ed.gov/about/offices/list/ocr/index.html](http://www.ed.gov/about/offices/list/ocr/index.html)

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**Policy**  
**LOMA PRIETA JOINT UNION ELEMENTARY SCHOOL DISTRICT**

adopted:  Los Gatos, California

**Students**  AR 5145.7(a)

**SEXUAL HARASSMENT**

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, when made on the basis of sex and 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 district program or activity.

Examples of types of conduct which are prohibited in the district and which may constitute sexual harassment include, but are not limited to:

1. Unwelcome leering, sexual flirtations, or propositions

2. 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

AR 5145.7(b)

SEXUAL HARASSMENT (continued)

School-Level Complaint Process/Grievance Procedure

1. **Notice and Receipt of Complaint:** Any student who believes he/she has been subjected to sexual harassment or who has witnessed sexual harassment may file a complaint with any school employee. Within 24 hours of receiving a complaint, the school employee shall report it to the district Coordinator for Nondiscrimination/Principal. In addition, any school employee who observes any incident of sexual harassment involving a student shall, within 24 hours, report this observation to the Coordinator/Principal, whether or not the victim files a complaint.
In any case of sexual harassment involving the Coordinator/Principal to whom the complaint would ordinarily be made, the employee who receives the student's report or who observes the incident shall instead report to the Superintendent or designee.

2. **Initiation of Investigation:** The Coordinator/Principal shall initiate an impartial investigation of an allegation of sexual harassment within five school days of receiving notice of the harassing behavior, regardless of whether a formal complaint has been filed. The district shall be considered to have "notice" of the need for an investigation upon receipt of information from a student who believes he/she has been subjected to harassment, the student's parent/guardian, an employee who received a complaint from a student, or any employee or student who witnessed the behavior.

If the Coordinator/Principal receives an anonymous complaint or media report about alleged sexual harassment, he/she shall consider the specificity and reliability of the information, the seriousness of the alleged incident, and whether any individuals can be identified who were subjected to the alleged harassment in determining whether it is reasonable to pursue an investigation.

3. **Initial Interview with Student:** When a student or parent/guardian has complained or provided information about sexual harassment, the Coordinator/Principal shall describe the district's grievance procedure and discuss what actions are being sought by the student in response to the complaint. The student who is complaining shall have an opportunity to describe the incident, identify witnesses who may have relevant information, provide other evidence of the harassment, and put his/her complaint in writing. If the student requests confidentiality, he/she shall be informed that such a request may limit the district's ability to investigate.

4. **Investigation Process:** The Coordinator/Principal shall keep the complaint and allegation confidential, except as necessary to carry out the investigation or take other subsequent necessary action. (5 CCR 4964)

**SEXUAL HARASSMENT** (continued)

The Coordinator/Principal shall interview individuals who are relevant to the investigation, including, but not limited to, the student who is complaining, the person accused of harassment, anyone who witnessed the reported harassment, and anyone mentioned as having relevant information. The Coordinator/Principal may take other steps such as reviewing any records, notes, or statements related to the harassment or visiting the location where the harassment is alleged to have taken place.
When necessary to carry out his/her investigation or to protect student safety, the Coordinator/Principal also may discuss the complaint with the Superintendent or designee, the parent/guardian of the student who complained, the parent/guardian of the alleged harasser if the alleged harasser is a student, a teacher or staff member whose knowledge of the students involved may help in determining who is telling the truth, law enforcement and/or child protective services, and district legal counsel or the district’s risk manager.

(cf. 5141.4 - Child Abuse Prevention and Reporting)

5. **Interim Measures:** The Coordinator/Principal shall determine whether interim measures are necessary during and pending the results of the investigation, such as placing students in separate classes or transferring a student to a class taught by a different teacher.

6. **Optional Mediation:** In cases of student-to-student harassment, when the student who complained and the alleged harasser so agree, the Coordinator/Principal may arrange for them to resolve the complaint informally with the help of a counselor, teacher, administrator, or trained mediator. The student who complained shall never be asked to work out the problem directly with the accused person unless such help is provided and both parties agree, and he/she shall be advised of the right to end the informal process at any time.

7. **Factors in Reaching a Determination:** In reaching a decision about the complaint, the Coordinator/Principal may take into account:
   a. Statements made by the persons identified above
   b. The details and consistency of each person's account
   c. Evidence of how the complaining student reacted to the incident
   d. Evidence of any past instances of harassment by the alleged harasser
   e. Evidence of any past harassment complaints that were found to be untrue

To judge the severity of the harassment, the Coordinator/Principal may take into consideration: AR 5145.7(d)

**SEXUAL HARASSMENT** (continued)

   a. How the misconduct affected one or more students' education
   b. The type, frequency, and duration of the misconduct
   c. The identity, age, and sex of the harasser and the student who complained, and the relationship between them
d. The number of persons engaged in the harassing conduct and at whom the harassment 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 students

8. **Written Report on Findings and Follow-Up:** No more than 30 days after receiving the complaint, the Coordinator/Principal shall conclude the investigation and prepare a written report of his/her findings. This timeline may be extended for good cause. If an extension is needed, the Coordinator/Principal shall notify the student who complained and explain the reasons for the extension.

The report shall include the decision and the reasons for the decision and shall summarize the steps taken during the investigation. If sexual harassment occurred, the report shall also include any corrective actions that have or will be taken to address the harassment and prevent any retaliation or further harassment. This report shall be presented to the student who complained, the person accused, the parents/guardians of the student who complained and the student who was accused, and the Superintendent or designee.

In addition, the Coordinator/Principal shall ensure that the harassed student and his/her parent/guardian are informed of the procedures for reporting any subsequent problems. The Coordinator/Principal shall also make follow-up inquiries to see if there have been any new incidents or retaliation and shall keep a record of this information.

**Enforcement of District Policy**

The Superintendent or designee shall take appropriate actions to reinforce the district's sexual harassment policy. As needed, these actions may include any of the following:

1. Removing vulgar or offending graffiti

   *(cf. 5131.5 - Vandalism and Graffiti)*

   AR 5145.7(e)

**SEXUAL HARASSMENT** (continued)

2. Providing training to students, staff, and parents/guardians about how to recognize harassment and how to respond

   *(cf. 4131 - Staff Development)*

   *(cf. 4231 - Staff Development)*

   *(cf. 4331 - Staff Development)*

3. Disseminating and/or summarizing the district's policy and regulation regarding sexual harassment

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4. Consistent with the laws regarding the confidentiality of student and personnel records, communicating the school's response to parents/guardians and the community

(cf. 4119.23/4219.23/4319.23 - Unauthorized Release of Confidential/Privileged Information)
(cf. 5125 - Student Records)

5. Taking appropriate disciplinary action

   In addition, disciplinary measures may be taken against any person who is found to have made a complaint of sexual harassment which he/she knew was not true.

(cf. 4118 - Suspension/Disciplinary Action)
(cf. 4218 - Dismissal/Suspension/Disciplinary Action)
(cf. 5144.1 - Suspension and Expulsion/Due Process)
(cf. 5144.2 - Suspension and Expulsion/Due Process (Students with Disabilities))

Notifications

A copy of the district's sexual harassment policy and regulation shall:

1. Be included in the notifications that are sent to parents/guardians at the beginning of each school year (Education Code 48980; 5 CCR 4917)

(cf. 5145.6 - Parental Notifications)

2. Be displayed in a prominent location in the main administrative building or other area where notices of district rules, regulations, procedures, and standards of conduct are posted (Education Code 231.5)

3. Be provided as part of any orientation program conducted for new students at the beginning of each quarter, semester, or summer session (Education Code 231.5)

   AR 5145.7(f)

SEXUAL HARASSMENT (continued)

4. Appear in any school or district publication that sets forth the school's or district's comprehensive rules, regulations, procedures, and standards of conduct (Education Code 231.5)

5. Be included in the student handbook

6. Be provided to employees and employee organizations
REFUSAL TO HARM OR DESTROY ANIMALS

Any student who has a moral objection to dissecting or otherwise harming or destroying animals shall have the right to refrain from participating in instruction which involves such activities and shall not be discriminated against because of a decision to exercise this right. (Education Code 32255.1)

(cf. 5145.2 - Freedom of Speech/Expression)
(cf. 6142.93 - Science Instruction)

The right to refrain from instruction involving harmful or destructive use of animals shall apply to all K-8 courses, except classes and activities conducted as part of agricultural education that provide instruction on the care, management, and evaluation of domestic animals. (Education Code 32255.5, 32255.6)

At the beginning of each academic year, the Superintendent or designee shall notify parents/guardians, in writing, of students' right to refrain from instruction involving the harmful or destructive use of animals. (Education Code 48980)

(cf. 5145.6 - Parental Notifications)

In addition, each teacher of a course that uses live or dead animals or animal parts shall inform students of their right to refrain from the harmful or destructive use of animals. (Education Code 32255.4)

A student who wishes to refrain from such instruction shall notify the teacher and shall provide a note from his/her parent/guardian substantiating the objection. (Education Code 32255.1)

If the teacher believes an adequate alternative project is possible, he/she may work with the student to develop and agree upon an alternative project which would provide the knowledge, information, or experience required by the course of study. Alternative projects include, but are not limited to, the use of video recordings, models, films, books, and computers. The alternative project shall involve time and effort by the student comparable to that required by the original project. (Education Code 32255, 32255.1)

A teacher's determination of whether the student may pursue an alternative project or be excused from the project shall not be arbitrary or capricious. (Education Code 32255.3)

In order to receive course credit, students who participate in an alternative project shall pass all course examinations. Students may request an alternative test, however, if a regular examination requires the harmful or destructive use of animals. (Education Code 32255.1)

Legal Reference: (see next page)
AR 5145.8(b)

REFUSAL TO HARM OR DESTROY ANIMALS (continued)

Legal Reference:

EDUCATION CODE
32255-32255.6 Student's right to refrain from harmful or destructive use of animals
48980-48985 Notification of parents/guardians, especially:
48980 Parental notification at beginning of term
51540 Humane treatment of animals

Management Resources:

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS
Science Framework for California Public Schools: Kindergarten Through Grade 12, 2004
Science Content Standards for California Public Schools: Kindergarten Through Grade 12, 1998
WEB SITES
California Department of Education: http://www.cde.ca.gov
HATE-MOTIVATED BEHAVIOR

In order to create a safe learning environment for all students, the Board of Trustees 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 district 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 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 district and community resources.

(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 district 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)
The 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)

BP 5145.9(b)

HATE-MOTIVATED BEHAVIOR (continued)

Grievance Procedures

Any student who believes he/she is a victim of hate-motivated behavior shall immediately contact the Coordinator for Nondiscrimination/Principal. Upon receiving such a complaint, the Coordinator/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 Coordinator/Principal, 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 district 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: (see next page)
BP 5145.9(c)

HATE-MOTIVATED BEHAVIOR (continued)

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

Management Resources:

CALIFORNIA DEPARTMENT OF EDUCATION LEGAL ADVISORIES
California Student Safety and Violence Prevention - Laws and Regulations, April 2004

U.S. DEPARTMENT OF EDUCATION, OFFICE FOR CIVIL RIGHTS & NATIONAL ASSOCIATION OF ATTORNEYS GENERAL PUBLICATIONS
Protecting Students from Harassment and Hate Crime: A Guide for Schools, 1999

U.S. DEPARTMENT OF JUSTICE PUBLICATIONS
Preventing Youth Hate Crimes: A Guide for Schools and Communities, 1997

WEB SITES
CSBA: http://www.csba.org
California Association of Human Relations Organizations: http://www.cahro.org
California Department of Education: http://www.cde.ca.gov
National Youth Violence Prevention Resource Center: http://www.safeyouth.org
U.S. Department of Education, Office for Civil Rights: http://www.ed.gov/about/offices/list/ocr
U.S. Department of Justice, Community Relations Service: http://www.usdoj.gov/crs
DROPOUT PREVENTION

Cautionary Notice: As added and amended by SBX3 4 (Ch. 12, Third Extraordinary Session, Statutes of 2009), ABX4 2 (Ch. 2, Fourth Extraordinary Session, Statutes of 2009), and SB 70 (Ch. 7, Statutes of 2011), Education Code 42605 grants districts flexibility in "Tier 3" categorical programs. The Loma Prieta Joint Union Elementary School District has accepted this flexibility and thus is deemed in compliance with the statutory or regulatory program and funding requirements for these programs for the 2008-09 through 2014-15 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.

The Board of Trustees recognizes that regular school attendance is critical to student learning and achievement. The Board desires to provide a learning environment that engages students, helps them become self-motivated, encourages regular attendance, and enables them to meet district standards and to graduate.

(cf. 5113 - Absences and Excuses)
(cf. 6011 - Academic Standards)
(cf. 6146.1 - High School Graduation Requirements)
(cf. 6146.5 - Elementary/Middle School Graduation Requirements)
(cf. 6162.52 - High School Exit Examination)

The Superintendent or designee shall develop strategies to identify and serve students at all grade levels who are at risk of dropping out of school. Students may be identified on the basis of indicators such as frequent absenteeism, truancy, or tardiness; below-grade-level achievement; or personal, social, health, or economic concerns that may make a student more likely to drop out of school.

(cf. 5113.1 - Chronic Absence and Truancy)
(cf. 5123 - Promotion/Acceleration/Retention)
(cf. 5146 - Married/Pregnant/Parenting Students)
(cf. 5149 - At-Risk Students)
(cf. 6164.2 - Guidance/Counseling Services)
(cf. 6164.5 - Student Success Teams)
(cf. 6178 - Career Technical Education)
(cf. 6178.1 - Work Experience Education)
(cf. 6179 - Supplemental Instruction)

The school site council at each school shall develop a comprehensive school plan for student retention in accordance with law, Board policy, and administrative regulation. The plan shall be designed to help reduce student absenteeism and dropout rates and to improve student achievement.
Legal Reference: (see next page)

BP 5147(b)

**DROPOUT PREVENTION** (continued)

Legal Reference:

- **EDUCATION CODE**
  - 35160 Authority of governing board
  - 41505-41508 Pupil Retention Block Grant
  - 48400-48403 Compulsory continuation education
  - 48430-48438 Continuation education
  - 48660-48667 Community day schools
  - 51745-51749.3 Independent study
  - 52300-52334 Regional Occupational Centers
  - 52890 Qualifications and duties of outreach consultants
  - 54690-54697 Partnership academies
  - 64000-64001 Single plan for student achievement
- **REPEALED EDUCATION CODE FOR CATEGORICAL PROGRAMS**
  - 52014 Inclusion of activities in plan
  - 52015 Components of plan
  - 52900-52904 Alternative education and work centers for school dropouts
  - 54660-54669 Elementary and Secondary School Dropout Prevention Act
  - 54720-54735 School-based pupil motivation and maintenance program
  - 58550-58562 Educational clinics
- **UNITED STATES CODE, TITLE 20**
  - 6301-6322 Title I programs

Management Resources:

- **WEB SITES**
  - California Department of Education: http://www.cde.ca.gov
  - California Dropout Prevention Network: http://www.edualliance.org/cdpn
  - National Dropout Prevention Center: http://www.dropoutprevention.org
BEFORE/AFTER SCHOOL PROGRAMS

The Board of Trustees desires to provide before-school and/or after-school enrichment programs that support the regular education program and provide safe, constructive alternatives for students. In order to increase academic achievement of participating students, the content of such programs shall be aligned with the district’s vision and goals for student learning, its curriculum, and district and state academic standards and shall be integrated with other learning support activities.

(cf. 0000 - Vision)
(cf. 0200 - Goals for the School District)
(cf. 5147 - Dropout Prevention)
(cf. 5148 - Child Care and Development)
(cf. 6011 - Academic Standards)
(cf. 6162.52 - High School Exit Examination)
(cf. 6176 - Weekend/Saturday Classes)
(cf. 6177 - Summer School)
(cf. 6179 - Supplemental Instruction)

The district’s program shall be planned through a collaborative process that includes parents/guardians, students, representatives of participating schools, governmental agencies including city and county parks and recreation departments, local law enforcement, community organizations, and, if appropriate, the private sector. (Education Code 8422, 8482.5)

(cf. 1020 - Youth Services)
(cf. 1400 - Relations Between Other Governmental Agencies and the Schools)
(cf. 1700 - Relations Between Private Industry and the Schools)

The establishment of any program shall be approved by the Board and the Superintendent. (Education Code 8421, 8482.3)

The program shall include academic and enrichment elements in accordance with law and administrative regulation. In addition, the program may include support services that reinforce the educational component and promote student health and well-being, including, but not limited to, character education, and programs that promote parent/guardian involvement.

(cf. 0450 - Comprehensive Safety Plan)
(cf. 5131.6 - Alcohol and Other Drugs)
(cf. 6020 - Parent Involvement)
(cf. 6142.3 - Civic Education)
(cf. 6164.2 - Counseling/Guidance Services)

A fee may be charged to participating families based on the actual cost of services.
BEFORE/AFTER SCHOOL PROGRAMS (continued)

The Board and the Superintendent or designee shall monitor student participation rates and shall identify measures that shall be used to determine program effectiveness, such as outcome-based data on academic performance, attendance, and positive behavioral changes.

(cf. 0500 - Accountability)

Legal Reference:

EDUCATION CODE
8263 Eligibility and priorities for subsidized child development services
8350-8359.1 Programs for CalWORKS recipients
8420-8428 21st Century After-School Program for Teens
8482-8484.6 After School Education and Safety Program
8484.7-8484.9 21st Century Community Learning Centers
17264 New construction; accommodation of before- and after-school programs
35021.3 After-school physical recreation instructors
45125 Criminal record check
49430-49436 Nutrition standards
49553 Free or reduced-price meals
69530-69547.9 Cal Grant program
UNITED STATES CODE, TITLE 20
6314 Title I schoolwide programs
6319 Program improvement
7171-7176 21st Century community learning centers

Management Resources:

CSBA ADVISORIES
Proposition 49: New Funding for Before and After School Programs, July 2006
CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS
COUNCIL OF CHIEF STATE SCHOOL OFFICERS (CCSSO) PUBLICATIONS
Using NCLB Funds to Support Extended Learning Time: Opportunities for Afterschool Programs, August 2005
NATIONAL SCHOOL BOARDS ASSOCIATION PUBLICATIONS
Building and Sustaining After-School Programs: Successful Practices in School Board Leadership, 2005
Management Resources continued: (see next page)

BP 5148.2(c)

BEFORE/AFTER SCHOOL PROGRAMS (continued)

Management Resources: (continued)

WEB SITES
CSBA: http://www.csba.org
Academy for Educational Development, Promising Practices in Afterschool:
http://www.afterschool.org
California Department of Education, After School Partnerships Office:
http://www.cde.ca.gov/ls/ba
California School-Age Consortium: http://calsac.org
Children Now: http://www.childrennow.org
Council of Chief State School Officers: http://www.ccsso.org
National School Boards Association, Extended-Day Learning Opportunities Program:
http://www.nsba.org/edlo
AT-RISK STUDENTS

Cautionary Notice: As added and amended by SBX3 4 (Ch. 12, Third Extraordinary Session, Statutes of 2009), ABX4 2 (Ch. 2, Fourth Extraordinary Session, Statutes of 2009), and SB 70 (Ch. 7, Statutes of 2011), Education Code 42605 grants districts flexibility in "Tier 3" categorical programs. The Loma Prieta Joint Union Elementary School District has accepted this flexibility and thus is deemed in compliance with the statutory or regulatory program and funding requirements for these programs for the 2008-09 through 2014-15 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.

The Board of Trustees recognizes that personal, social, health, and economic circumstances of children and families sometimes place students at risk of school failure. The Board believes, however, that each student can succeed in meeting district academic standards with appropriate educational programs and support services.

(cf. 6011 - Academic Standards)
(cf. 6146.1 - High School Graduation Requirements)
(cf. 6146.5 - Elementary/Middle School Graduation Requirements)
(cf. 6162.52 - High School Exit Examination)

District assessments and ongoing classroom evaluations shall be used to identify students performing below grade-level or at risk of failing to meet district standards. The Superintendent or designee shall develop strategies to address the needs of at-risk students, which may include but are not limited to instructional strategies responsive to the needs of individual students, provision of supplemental instruction outside the regular school day, provision of effective support services, parent involvement, and/or enrollment in an alternative program.

(cf. 0420 - School Plans/Site Councils)
(cf. 0450 - Comprehensive Safety Plan)
(cf. 5030 - Student Wellness)
(cf. 5113.1 - Chronic Absence and Truancy)
(cf. 5131.6 - Alcohol and Other Drugs)
(cf. 5136 - Gangs)
(cf. 5137 - Positive School Climate)
(cf. 5138 - Conflict Resolution/Peer Mediation)
(cf. 5141.22 - Infectious Diseases)
(cf. 5141.3 - Health Examinations)
(cf. 5141.31 - Immunizations)
(cf. 5141.32 - Health Screening for School Entry)
(cf. 5141.4 - Child Abuse Prevention and Reporting)
(cf. 5141.52 - Suicide Prevention)
(cf. 5146 - Married/Pregnant/Parenting Students)
(cf. 5147 - Dropout Prevention)
(cf. 5148.3 - Preschool/Early Childhood Education)
(cf. 6142.8 - Comprehensive Health Education)
(cf. 6164.2 - Guidance/Counseling Services)
(cf. 6164.4 - Identification and Evaluation of Individuals for Special Education)
(cf. 6164.5 - Student Success Teams)

BP 5149(b)

AT-RISK STUDENTS (continued)

(cf. 6164.6 - Identification and Education Under Section 504)
(cf. 6179 - Supplemental Instruction)
(cf. 6181 - Alternative Schools/Programs of Choice)

The Superintendent or designee shall ensure that employees are trained to support students and are prepared to implement intervention strategies as needed or to make appropriate referrals.

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

The Superintendent or designee shall establish a student assistance program to help coordinate the district's learning support programs including education, prevention, early identification, intervention, referral, and support services, into an integrated delivery system.

The district's program for at-risk students shall emphasize coordination between site, district, and community-based programs in order to ensure effective implementation and shared accountability.

Legal Reference: (see next page)

BP 5149(c)
AT-RISK STUDENTS (continued)

Legal Reference:

EDUCATION CODE
8800-8807 Healthy Start support services for children
11500-11506 Programs to encourage parent involvement
35160 Authority of governing boards
35183 Gang-related apparel
41505-41508 Pupil Retention Block Grant
41510-41514 School Safety Consolidated Competitive Grant
44049 Report of alcohol or controlled substance abuse
48260-48273 Truancy
48400-48454 Continuation education
48660-48666 Community day schools
49400-49409 Student health
49450-49457 Physical examinations of students
49600-49604 Educational counseling
51266-51266.5 Gang and substance abuse prevention curriculum
51268 Collaboration re drug, alcohol and tobacco prevention
51745-51749.3 Independent study programs
52200-52212 Gifted and Talented Pupil Program
52800-52887 School-Based Program Coordination Act
54400-54425 Programs for disadvantaged children
54440-54445 Migrant children
54740-54749.5 California School Age Families
56000-56001 Special education programs
56302 Identification and assessment of needs for individuals with disabilities
REPEALED EDUCATION CODE FOR CATEGORICAL PROGRAMS
52014 Inclusion of activities in plan
52015 Components of plan
54685-54686.2 Early Intervention for School Success Program

HEALTH AND SAFETY CODE
11802 Joint school-community alcohol abuse primary education and prevention program
120325-120380 Immunizations
121475-121520 Tuberculosis tests for students
124025-124110 Child health and disability prevention program

PENAL CODE
11164-11174.3 Child abuse and neglect reporting

WELFARE AND INSTITUTIONS CODE
4343-4360 Primary intervention programs - mental health
4370-4390 School-based early mental health intervention and prevention
18975-18979 Child abuse prevention training
18986.40-18986.46 Interagency children's services programs

CODE OF REGULATIONS, TITLE 5
11900-11935 Healthy Start program

UNITED STATES CODE, TITLE 20
6301-6578 Title I programs

Management Resources: (see next page)

BP 5149(d)

AT-RISK STUDENTS (continued)

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

Regulation approved: LOMA PRIETA JOINT UNION ELEMENTARY SCHOOL DISTRICT
Los Gatos, California