CONCEPTS AND ROLES

The Santa Clara County Board of Education shall make every effort to maintain a safe, positive school environment and student services that promote student welfare and academic achievement. The County Board expects students to make good use of learning opportunities by demonstrating regular attendance, appropriate conduct and respect for others.

(cf. 5113 - Absences and Excuses)
(cf. 5131 - Conduct)
(cf. 5137 - Positive School Climate)

The County Board is fully committed to providing equal educational opportunities and keeping the schools free from discriminatory practices. The County Office shall not tolerate the intimidation or harassment of any student for any reason.

(cf. 5145.3 - Nondiscrimination/Harassment)

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

(cf. 5125 - Student Records)
(cf. 5144 - Discipline)
(cf. 5144.1 - Suspension and Expulsion/Due Process)
(cf. 5145.6 - Parental Notifications)
(cf. 9000 - Role of District)

Legal Reference:

EDUCATION CODE
35160  Authority of districts
35160.1  Broad authority of school districts
35291-35291.5  Rules
PARENT RIGHTS AND RESPONSIBILITIES

The Santa Clara County Board of Education recognizes that parents/guardians of Santa Clara County Office of Education students have certain rights as well as responsibilities related to the education of their children.

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

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

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

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

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

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

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

(cf. 5145.6 - Parental Notifications)

The County Superintendent or designee shall take all reasonable steps to ensure that all parents/guardians who speak a language other than English are properly notified in English, and in their home language of the rights and opportunities available to them pursuant to Education Code 48985. (Education Code 51101.1)

Legal Reference: (see next page)
PARENT RIGHTS AND RESPONSIBILITIES (continued)

Legal Reference:

**EDUCATION CODE**
33126 School accountability report card
35291 Disciplinary rules
48070.5 Promotion and retention of students
48985 Notice to parent in language other than English
49091.10-49091.19 Parental review of curriculum and instruction
49602 Confidentiality of pupil information
51100-51102 Parent/guardian rights
51513 Personal beliefs
60510 Disposal of surplus instructional materials

**UNITED STATES CODE, TITLE 20**
1232g Family Educational Rights and Privacy Act
1232h Protection of pupil rights

Management Resources:

**WEB SITES**
CSBA: http://www.csba.org
CDE: http://www.cde.ca.gov
Parent/Guardian Rights

The rights of parents/guardians of Santa Clara County Office of Education students include, but are not limited to, the following:

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

   Parents/guardians may observe instructional and other school activities that involve their child in accordance with Board policy and administrative regulations adopted to ensure the safety of students and staff, prevent undue interference with instruction or harassment of school staff, and provide reasonable accommodation to parents/guardians. Upon written request by a parent/guardian, the Santa Clara County Superintendent or designee shall arrange for parental observation of a class or activity in a reasonable time frame and in accordance with Board policy and administrative regulations. Observations shall be approved for one hour periods with additional observations scheduled as necessary. (Education Code 49091.10)

   (cf. 6116 - Classroom Interruptions)

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

3. Under the supervision of SCCOE employees, to volunteer their time and resources for the improvement of school facilities and school programs, including, but not limited to, providing assistance in the classroom with the approval, and under the direct supervision, of the teacher (Education Code 51101)

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

   (cf. 5113 - Absences and Excuses)

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

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

   (cf. 0500 - Accountability)
   (cf. 0510 - School Accountability Report Card)
   (cf. 0520.1 - High Priority Schools Grant Program)
   (cf. 6162.51 - Standardized Testing and Reporting Program)
   (cf. 6162.52 - High School Exit Examination)
   (cf. 6174 - Education for English Language Learners)
PARENT RIGHTS AND RESPONSIBILITIES  (continued)

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

(cf. 0450 - Comprehensive Safety Plan)
(cf. 3515 - Campus Security)
(cf. 5131 - Conduct)
(cf. 5137 - Positive School Climate)
(cf. 5142 - Safety)

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

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

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

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

(cf. 1312.2 - Complaints Concerning Instructional Materials)
(cf. 1312.4 - Williams Uniform Complaint Procedures)
(cf. 6141 - Curriculum Development and Evaluation)
(cf. 6142.1 - Sexual Health and HIV/AIDS Prevention Instruction)
(cf. 6161.1 - Selection and Evaluation of Instructional Materials)
(cf. 6161.11 - Supplementary Instructional Materials)

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

(cf. 5121 - Grades/Evaluation of Student Achievement)
(cf. 6020 - Parent Involvement)

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

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

(cf. 3270 - Sale and Disposal of Books, Equipment and Supplies)
PARENT RIGHTS AND RESPONSIBILITIES (continued)

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

(cf. 0520.2 - Title I Program Improvement Schools)
(cf. 0520.3 - Title I Program Improvement Districts)

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

(cf. 5125 - Student Records)
(cf. 5125.1 - Release of Directory Information)

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

(cf. 6011 - Academic Standards)
(cf. 6146.1 - High School Graduation Requirements)
(cf. 6146.4 - Differential Graduation and Competency Standards for Students with Disabilities)
(cf. 6146.5 - Elementary/Middle School Graduation Requirements)

13. To be informed in advance about school rules, including disciplinary rules and procedures in accordance with Education Code 48980, attendance policies, dress codes and procedures for visiting the school (Education Code 51101)

(cf. 1250 - Visitors/Outsiders)
(cf. 5132 - Dress and Grooming)
(cf. 5144 - Discipline)
(cf. 5145.6 - Parental Notifications)

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

(cf. 5123 - Promotion/Acceleration/Retention)

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

(cf. 6164.2 - Guidance/Counseling Services)
(cf. 6164.4 - Identification and Evaluation of Individuals for Special Education)
(cf. 6164.6 - Identification and Education Under Section 504)
PARENT RIGHTS AND RESPONSIBILITIES  (continued)

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

(cf. 5022 - Student and Family Privacy Rights)

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

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

(cf. 0420 - School Plans/Site Councils)
(cf. 1220 - Citizen Advisory Committees)
(cf. 6171 - Title I Programs)
(cf. 6175 - Migrant Education Program)

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

(cf. 5125.3 - Challenging Student Records)

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

(cf. 5131.6 - Alcohol and Other Drugs)
(cf. 5141.3 - Health Examinations)

Parent Responsibilities

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

1. Monitoring attendance of their child
PARENT RIGHTS AND RESPONSIBILITIES  (continued)

2. Ensuring that homework is completed and turned in on time
   (cf. 6154 - Homework/Makeup Work)

3. Encouraging their child to participate in extracurricular and cocurricular activities
   (cf. 6145 - Extracurricular and Cocurricular Activities)

4. Monitoring and regulating the television viewed by their child

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

6. Volunteering in their child's classroom(s) or for other school activities
   (cf. 1240 - Volunteer Assistance)

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

The Santa Clara County Board of Education recognizes the right of parents/guardians to be involved in the education of their children and desires to balance that right with the Santa Clara County Office of Education need to ensure the safety of students while at school.

(cf. 5020 - Parent Rights and Responsibilities)
(cf. 6020 - Parent Involvement)

The parent/guardian who enrolls a child in a SCCOE school shall be presumed to be the child's custodial parent/guardian and shall be held responsible for the child's welfare.

School officials shall presume that both parents/guardians have equal rights regarding their child, including, but not limited to, picking the student up after school or otherwise removing the student from school, accessing student records, participating in school activities, or visiting the school. When a court order restricts access to the child or to his/her student information, a parent/guardian shall provide a copy of the certified court order to the principal or designee upon enrollment or upon a change in circumstances.

(cf. 3516 - Emergencies and Disaster Preparedness Plan)
(cf. 5111.1 - District Residency)
(cf. 5125 - Student Records)
(cf. 5141 - Health Care and Emergencies)
(cf. 5142 - Safety)
(cf. 6159 - Individualized Education Program)

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

Legal Reference: (see next page)
Legal Reference:

**EDUCATION CODE**
48204  Residency requirements
49061  Definitions
49069  Absolute right to access
49091.10-49091.19  Parental review of curriculum and instruction
49408  Emergency information
56028  Definition, parent for special education
51100-51102  Parent/guardian rights

**FAMILY CODE**
3002  Joint legal custody, definition
3006  Sole legal custody, definition
3025  Parental access to records
6550-6552  Caregivers

**GOVERNMENT CODE**
810-996.6  Government Claims Act
6205-6211  Confidentiality of residence for victims of domestic violence

Management Resources:

**WEB SITES**
CSBA: http://www.csba.org
California Department of Education: http://www.cde.ca.gov
The Santa Clara County Board of Education believes that personal information concerning Santa Clara County Office of Education students and their families should be kept private in accordance with law.

Collection of Personal Information for Marketing Purposes

The Santa Clara County Superintendent of Schools prohibits SCCOE staff from administering or distributing to students survey instruments that are designed for the purpose of collecting personal information for marketing or for selling that information.

Legal Reference:

EDUCATION CODE
49450-49457 Physical examinations
49602 Confidentiality of pupil information
51101 Parents Rights Act of 2002
51513 Personal beliefs
51938 Sexual Health And HIV/AIDS Prevention Education Act; notice and parental excuse
UNITED STATES CODE, TITLE 20
1232g Family Educational Rights and Privacy Act
1232h Protection of pupil rights

Management Resources:

WEB SITES
CSBA: http://www.csba.org
CDE: http://www.cde.ca.gov
USDOE, Family Policy Compliance Office: http://www.ed.gov/offices/OM/fpco/
STUDENT AND FAMILY PRIVACY RIGHTS

Definition

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

Surveys Requesting Information about Beliefs and Practices

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

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

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

(cf. 6162.51 - Standardized Testing and Reporting Program)
(cf. 6162.8 - Research)
STUDENT AND FAMILY PRIVACY RIGHTS (continued)

Notwithstanding the above requirements, the Santa Clara County Office of Education may administer to students in grades 7-12, anonymous, voluntary, and confidential research and evaluation tools to measure student health risks and behaviors, including tests and surveys about the student's attitudes or practices related to sex as long as parents/guardians are provided written notice and given an opportunity to request that their child not participate. (Education Code 51938)

Exceptions to Collection of Personal Information

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

1. College or other postsecondary education recruitment or military recruitment
2. Book clubs, magazines, and programs providing access to low-cost literary products
3. Curriculum and instructional materials used by elementary and secondary schools
4. Tests and assessments to provide cognitive, evaluative, diagnostic, clinical, aptitude, or achievement information about students (or to generate other statistically useful data for the purpose of securing such tests and assessments) and the subsequent analysis and public release of the aggregate data from such tests and assessments
5. The sale by students of products or services to raise funds for school-related or education-related activities
   (cf. 1321 - Solicitation of Funds from and by Students)
6. Student recognition programs
   (cf. 5126 - Awards for Achievement)

Parent/Guardian Access to Surveys and Instructional Materials

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

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

(cf. 5020 - Parent Rights and Responsibilities)

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

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

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

Health Examinations

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

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

(cf. 5131.61 - Drug Testing)
(cf. 5141.3 - Health Examinations)

Notifications

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

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

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

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

(cf. 5145.6 - Parental Notifications)
STUDENT WELLNESS

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

(cf. 3513.3 - Tobacco-Free Schools)
(cf. 3514 - Environmental Safety)
(cf. 5131.6 - Alcohol and Other Drugs)
(cf. 5131.61 - Drug Testing)
(cf. 5131.62 - Tobacco)
(cf. 5131.63 - Steroids)
(cf. 5141 - Health Care and Emergencies)
(cf. 5141.22 - Infectious Diseases)
(cf. 5141.27 - Food Allergies/Special Dietary Needs)
(cf. 5141.3 - Health Examinations)
(cf. 5141.31 - Immunizations)
(cf. 5141.32 - Health Screening for School Entry)
(cf. 5141.6 - School Health Services)
(cf. 5142 - Safety)
(cf. 5146 - Married/Pregnant/Parenting Students)
(cf. 6142.1 - Sexual Health and HIV/AIDS Prevention Education)
(cf. 6164.2 - Guidance/Counseling Services)

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

(cf. 1113 - District and School Web Sites)
(cf. 6020 - Parent Involvement)

Nutrition Education and Physical Activity Goals

The Superintendent shall adopt goals for nutrition education, physical activity, and other school-based activities that are designed to promote student wellness in a manner that the SCCOE determines appropriate. (42 USC 1751 Note)

(cf. 0000 - Vision)
(cf. 0200 - Goals for the SCCOE)
STUDENT WELLNESS (continued)

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

(cf. 6011 - Academic Standards)
(cf. 6143 - Courses of Study)

Nutrition education shall be provided as part of the health education program in grades K-12 and, as appropriate, shall be integrated into other academic subjects in the regular educational program. Nutrition education also may be offered through before- and after-school programs.

(cf. 5148.2 - Before/After School Programs)
(cf. 6142.8 - Comprehensive Health Education)

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

(cf. 6142.7 - Physical Education and Activity)
(cf. 6145 - Extracurricular and Cocurricular Activities)
(cf. 6145.2 - Athletic Competition)

SCCOE shall encourage staff to serve as positive role models. He/she shall promote and may provide opportunities for regular physical activity among employees. Professional development may include instructional strategies that assess health knowledge and skills and promote healthy behaviors.

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

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

(cf. 1325 - Advertising and Promotion)

Nutritional Guidelines for Foods Available at School

The SCCOE shall adopt nutritional guidelines for all foods available on each campus during the school day, with the objectives of promoting student health and reducing childhood obesity. (42 USC 1751 Note)
STUDENT WELLNESS (continued)

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

(cf. 3312 - Contracts)
(cf. 3550 - Food Service/Child Nutrition Program)
(cf. 3554 - Other Food Sales)
(cf. 5148 - Child Care and Development)
(cf. 5148.3 - Preschool/Early Childhood Education)

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

(cf. 1230 - School-Connected Organizations)

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

Guidelines for Reimbursable Meals

Foods and beverages provided through federally reimbursable school meal programs shall meet or exceed federal regulations and guidance issued pursuant to 42 USC 1758(f)(1), 1766(a), and 1779(a) and (b), as they apply to schools. (42 USC 1751 Note)

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

(cf. 3553 - Free and Reduced Price Meals)

Program Implementation and Evaluation

The County Superintendent shall establish a plan for measuring implementation of this policy. The County Superintendent shall designate at least one person within the SCCOE and at each school who is charged with operational responsibility for ensuring that each school site implements this policy. (42 USC 1751 Note)

(cf. 0500 - Accountability)
STUDENT WELLNESS (continued)

To determine whether the policy is being effectively implemented districtwide and at each SCCOE school, the following indicators shall be used:

1. Descriptions of the SCCOE nutrition education, physical education, and health education curricula
2. Number of minutes of physical education instruction offered at each grade span
3. Number and type of exemptions granted from physical education
4. Results of the state's physical fitness test
5. An analysis of the nutritional content of meals served based on a sample of menus
6. Student participation rates in school meal programs
7. Any sales of non-nutritious foods and beverages in fundraisers or other venues outside of the SCCOE meal programs
8. Feedback from food service personnel, school administrators, the school health council, parents/guardians, students, and other appropriate persons
9. Any other indicators recommended by the County Superintendent and approved by the County Board

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

Posting Requirements

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

Legal Reference: (see next page)
STUDENT WELLNESS (continued)

Legal Reference:

**EDUCATION CODE**
- 33350-33354 CDE responsibilities re: physical education
- 49490-49494 School breakfast and lunch programs
- 49500-49505 School meals
- 49510-49520 Nutrition
- 49530-49536 Child Nutrition Act
- 49540-49546 Child care food program
- 49547-49548 Comprehensive nutrition services
- 49550-49561 Meals for needy students
- 49565-49565.8 California Fresh Start pilot program
- 49570 National School Lunch Act
- 51210 Course of study, grades 1-6
- 51220 Course of study, grades 7-12
- 51222 Physical education
- 51223 Physical education, elementary schools
- 51795-51796.5 School instructional gardens
- 51880-51921 Comprehensive health education

**CODE OF REGULATIONS, TITLE 5**
- 15500-15501 Food sales by student organizations
- 15510 Mandatory meals for needy students
- 15530-15535 Nutrition education
- 15550-15565 School lunch and breakfast programs

**UNITED STATES CODE, TITLE 42**
- 1751-1769 National School Lunch Program, especially:
  - 1751 Note Local wellness policy
  - 1771-1791 Child Nutrition Act, including:
  - 1773 School Breakfast Program
  - 1779 Rules and regulations, Child Nutrition Act

**CODE OF FEDERAL REGULATIONS, TITLE 7**
- 210.1-210.31 National School Lunch Program
- 220.1-220.21 National School Breakfast Program

**COURT DECISIONS**

Management Resources: (see next page)
STUDENT WELLNESS  (continued)

Management Resources:

CSBA PUBLICATIONS
Food Safety Requirements, Fact Sheet, October 2007
Physical Education and California Schools, Policy Brief, rev. October 2007
School-Based Marketing of Foods and Beverages: Policy Implications for School Boards, Policy Brief, March 2006
CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS
Healthy Children Ready to Learn, January 2005
Health Framework for California Public Schools, Kindergarten Through Grade Twelve, 2003
Physical Education Framework for California Public Schools, Kindergarten Through Grade 12, 1994
CALIFORNIA PROJECT LEAN PUBLICATIONS
Policy in Action: A Guide to Implementing Your Local School Wellness Policy, October 2006
CENTERS FOR DISEASE CONTROL AND PREVENTION PUBLICATIONS
School Health Index for Physical Activity and Healthy Eating: A Self-Assessment and Planning Guide for Elementary and Middle/High Schools, 2004
Making It Happen: School Nutrition Success Stories, 2005
NATIONAL ASSOCIATION OF STATE BOARDS OF EDUCATION PUBLICATIONS
Fit, Healthy and Ready to Learn, 2000
U.S. DEPARTMENT OF AGRICULTURE PUBLICATIONS
Dietary Guidelines for Americans, 2005
WEB SITES
CSBA: http://www.csba.org
Action for Healthy Kids: http://www.actionforhealthykids.org
California Department of Education, Nutrition Services Division: http://www.cde.ca.gov/ls/nu
California Department of Public Health: http://www.cdph.ca.gov
California Healthy Kids Resource Center: http://www.californiahealthykids.org
California Project LEAN (Leaders Encouraging Activity and Nutrition): http://www.californiaprojectlean.org
California School Nutrition Association: http://www.calsna.org
Centers for Disease Control and Prevention: http://www.cdc.gov
Dairy Council of California: http://www.dairycouncilofca.org
National Alliance for Nutrition and Activity: http://www.cspinet.org/nutritionpolicy/nana.html
National Association of State Boards of Education: http://www.nasbe.org
National School Boards Association: http://www.nsba.org
School Nutrition Association: http://www.schoolnutrition.org
Society for Nutrition Education: http://www.sne.org

SANTA CLARA COUNTY OFFICE OF EDUCATION
San Jose, California
Policy
adopted: October 20, 2010
Students may be excluded from attendance at Santa Clara County Office of Education programs if they:

1. Are under the legal age of attendance, except as otherwise provided by law. (Education Code 48210)
   (cf. 5111 - Admission)

2. Do not present evidence of immunization from certain infectious diseases as required by law. A student shall not be excluded, however, if the parent/guardian, in writing, requests exemption from the immunization requirement on the basis of the student's physical condition or a conflict with the parent/guardian's religious beliefs. (Health and Safety Code 120335, 120365, 120370)
   (cf. 5141.31 - Immunizations)

3. Are reasonably suspected of having active tuberculosis. (Health and Safety Code 121485, 121495, 121505)
   (cf. 5141.26 - Tuberculosis Testing)
   (cf. 5141.33 - Head Lice)

4. Are infected with any contagious or infectious disease. (Education Code 49451; 5 CCR 202)
   (cf. 5141.22 - Infectious Diseases)

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

6. Have not had the health screening, specified in Health and Safety Code 124040, before or within the first 90 days of attending first grade. Such students may be excluded for up to five days unless the parent/guardian has presented a waiver or the SCCOE has exempted the student from this requirement in accordance with law. (Health and Safety Code 124105)
   (cf. 5141.32 - Health Screening for School Entry)

Notifications to Parents/Guardians

Prior to excluding a student from attendance, the Santa Clara County Superintendent of Schools or designee shall send a notice to the student's parent/guardian stating the facts leading to the exclusion.
EXCLUSIONS FROM ATTENDANCE  (continued)

The County Superintendent or designee may exclude a student without prior notice to the parent/guardian if the student is excluded because: (Education Code 48213)

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

2. He/she is exempt from a medical examination but suffers from a contagious or infectious disease pursuant to Education Code 49451.

3. The County Superintendent or designee determines that the presence of the student would constitute a clear and present danger to the safety or health of other students or school personnel.

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

Appeals from Exclusion

Upon exclusion of his/her child, a parent/guardian may meet with the County Superintendent or designee to discuss the exclusion. If the parent/guardian disagrees with the decision of the County Superintendent or designee to exclude his/her child, he/she may appeal the decision to the County Board.

The parent/guardian shall have an opportunity to inspect all documents upon which the SCCOE is basing its decision, to challenge any evidence and question any witness presented by the SCCOE, to present oral and documentary evidence on the student's behalf, and to have one or more representatives present at the meeting.

Legal Reference: (see next page)
EXCLUSIONS FROM ATTENDANCE  (continued)

Legal Reference:

EDUCATION CODE
48210-48216 Persons excluded
49076 Access to records by persons without written consent or under judicial order
49408 Information of use in emergencies
49451 Parent’s refusal to consent

HEALTH AND SAFETY CODE
120230 Exclusion of persons from school
120325-120380 Educational and child care facility immunization requirements
121475-121520 Tuberculosis tests for students
124025-124110 Child Health and Disability Prevention Program

CODE OF REGULATIONS, TITLE 5
202 Exclusion of students with a contagious disease

Management Resources:

WEB SITES
California Department of Health Services: http://www.cdph.gov
California Healthy Kids Resource Center: http://www.californiahealthykids.org
Centers for Disease Control and Prevention: http://www.cdc.gov
In order to keep students in a supervised, safe and orderly environment, the Santa Clara County Board of Education establishes a closed campus at all Santa Clara County Office of Education schools.

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

(cf. 5113 - Absences and Excuses)

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

(cf. 5144 - Discipline)

Legal Reference:

EDUCATION CODE
35160  Authority of District
35160.1  Broad authority of school district
44808.5  Permission for pupils to leave school grounds; notice
Students

ABSENCES AND EXCUSES

The Santa Clara County Board of Education believes that regular attendance plays an important role in student achievement. The County Board recognizes its responsibility under the law to ensure that students attend school regularly. Parents/guardians of children aged 6 to 18 are obligated to send their children to school unless otherwise provided by law. The County Board shall abide by all state attendance laws and may use appropriate legal means to correct the problems of excessive absence or truancy.

(cf. 5112.1 - Exemptions from Attendance)
(cf. 5112.2 - Exclusions from Attendance)
(cf. 5113.1 - Truancy)

Excused Absences

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

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

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

(cf. 5145.6 - Parental Notifications)

Students in grades K-6 shall not be absent from school without their parents/guardians' knowledge or consent except in cases of medical emergency. Students in grades 7-12 shall not be absent from school without their parents/guardians' knowledge or consent except in cases of medical emergency or confidential medical appointment.

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

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

(cf. 5121 - Grades/Evaluation of Student Achievement)
(cf. 6154 - Homework/Makeup Work)

Legal Reference: (see next page)
ABSENCES AND EXCUSES  (continued)

Legal Reference:

EDUCATION CODE
1740 Employment of personnel to supervise attendance (county Superintendent)
2550-2558.6 Computation of revenue limits
37201 School month
37223 Weekend classes
41601 Reports of average daily attendance
42238-42250.1 Apportionments
46000 Records (attendance)
46010-46014 Absences
46100-46119 Attendance in kindergarten and elementary schools
46140-46147 Attendance in junior high and high schools
48200-48208 Children ages 6-18 (compulsory full-time attendance)
48210-48216 Exclusions from attendance
48240-48246 Supervisors of attendance
48260-48273 Truants
48292 Filing complaint against parent
48320-48324 School attendance review boards
48340-48341 Improvement of student attendance
49067 Unexcused absences as cause of failing grade
ELECTIONS CODE
12302 Student participation on precinct boards
FAMILY CODE
6920-6929 Consent by minor
VEHICLE CODE
13202.7 Driving privileges; minors; suspension or delay for habitual truancy
WELFARE AND INSTITUTIONS CODE
601-601.4 Habitually truant minors
11253.5 Compulsory school attendance
CODE OF REGULATIONS, TITLE 5
306 Explanation of absence
420-421 Record of verification of absence due to illness and other causes
ATTORNEY GENERAL OPINIONS
COURT DECISIONS

Management Resources:

CDE MANAGEMENT ADVISORIES
0114.98 School Attendance and CalWORKS, Management Bulletin 98-01
CSBA ADVISORIES
0520.97 Welfare Reform and Requirements for School Attendance
WEB SITES
CSBA: http://www.csba.org
Excused Absences

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

1. Personal illness (Education Code 48205)
2. Quarantine under the direction of a county or city health officer (Education Code 48205)

(cf. 5112.2 - Exclusions from Attendance)

3. Medical, dental, optometrical, or chiropractic appointment (Education Code 48205)
4. Attendance at funeral services for a member of the immediate family, which shall be limited to one day if the service is conducted in California or three days if the service is conducted out of state. (Education Code 48205)

Immediate family shall be defined as mother, father, grandmother, grandfather, spouse, son/son-in-law, daughter/daughter-in-law, brother, sister, or any relative living in the student's immediate household. (Education Code 45194, 48205)

5. Jury duty in the manner provided by law (Education Code 48205)
6. The illness or medical appointment during school hours of a child to whom the student is the custodial parent (Education Code 48205)

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

7. Upon advance written request by the parent/guardian and the approval of the principal or designee, justifiable personal reasons including, but not limited to: (Education Code 48205)
   a. Appearance in court
   b. Attendance at a funeral service
   c. Observation of a holiday or ceremony of his/her religion
   d. Attendance at religious retreats not to exceed four hours per semester
   e. Attendance at an employment conference
   f. Attendance at an educational conference on the legislative or judicial process offered by a nonprofit organization
**ABSENCES AND EXCUSES**  (continued)

8. Service as a member of a precinct board for an election pursuant to Elections Code 12302 (Education Code 48205)

(cf. 6142.3 - Civic Education)

9. Participation in religious exercises or to receive moral and religious instruction in accordance with Santa Clara County Office of Education policy (Education Code 46014)
   
   a. In such instances, the student shall attend at least the minimum school day.

   b. The student shall be excused for this purpose on no more than four days per school month.

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

**Method of Verification**

When a student who has been absent returns to school, he/she shall present a satisfactory explanation verifying the reason for the absence. Absences shall be verified by the student's parent/guardian, other person having control of the minor, or the student if age 18 or older. (Education Code 46012; 5 CCR 306)

The following methods may be used to verify student absences:

1. Written note, fax, or email from parent/guardian or parent representative.

2. Conversation, in person or by telephone, between the verifying employee and the student's parent/guardian or parent representative. The employee shall subsequently record the following:

   a. Name of student

   b. Name of parent/guardian or parent representative

   c. Name of verifying employee

   d. Date(s) of absence

   e. Reason for absence
ABSENCES AND EXCUSES  (continued)

3. Visit to the student's home by the verifying employee, or any other reasonable method which establishes the fact that the student was absent for the reasons stated. The employee shall document the verification and include the information specified in item #2 above.

4. Court verification for court dates and appearances.

5. Physician's verification.
   
   a. When excusing students for confidential medical services or verifying such appointments, Santa Clara County Office of Education staff shall not ask the purpose of such appointments but may contact a medical office to confirm the time of the appointment.
   
   b. When a student has had 3 absences in the school year for illness verified by methods listed in #1-3 above, any further absences for illness shall be verified by a physician.
Students

BP 5113.1(a)

TRUANCY

To improve student attendance, the Santa Clara County Superintendent of Schools or designee shall implement positive steps to identify the reasons for a student's unexcused absences and to help resolve the problems caused by truancy. Such strategies shall focus on early intervention and may include, but not be limited to, communication with parents/guardians and the use of student study teams.

(cf. 5113 - Absences and Excuses)
(cf. 5147 - Dropout Prevention)
(cf. 5149 - At-Risk Students)
(cf. 6164.5 - Student Success Teams)
(cf. 6176 - Weekend/Saturday Classes)

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

(cf. 1020 - Youth Services)
(cf. 1400 - Relations Between Other Governmental Agencies and the Schools)

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

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

Legal Reference: (see next page)
TRUANCY (continued)

Legal Reference:

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

**VEHICLE CODE**
13202.7 Driving privileges; minors; suspension or delay for habitual truancy

**WELFARE AND INSTITUTIONS CODE**
601-601.4 Habitually truant minors
11253.5 Compulsory school attendance

**CODE OF REGULATIONS, TITLE 5**
306 Explanation of absence
420-421 Record of verification of absence due to illness and other causes

**ATTORNEY GENERAL OPINIONS**

Management Resources:

CDE MANAGEMENT ADVISORIES
0114.98 School Attendance and CalWORKS, Management Bulletin 98-01

CDE PUBLICATIONS
School Attendance Review Board Handbook, 1995

CSBA ADVISORIES
0520.97 Welfare Reform and Requirements for School Attendance

WEB SITES
CDE: http://www.cde.ca.gov
CSBA: http://www.csba.org
Students AR 5113.1(a)

TRUANCY

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

(cf. 3515.3 - District Police/Security Department)
(cf. 5113 - Absences and Excuses)

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

Strategies for Addressing Truancy

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

1. Students shall be classified as truant if absent from school without a valid excuse three full days in one school year, or tardy or absent for more than any 30-minute period during the school day without a valid excuse on three occasions in one school year, or any combination thereof. Such students shall be reported to the County Superintendent or designee. (Education Code 48260)

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

a. The student is truant.

b. The parent/guardian is obligated to compel the student to attend school.

c. The parent/guardian who fails to meet this obligation may be guilty of an infraction of the law and subject to prosecution pursuant to Education Code 48290-48296.

d. Alternative educational programs are available in the SCCOE programs.

(cf. 6181 - Alternative Schools/Programs of Choice)
(cf. 6184 - Continuation Education)

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

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

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

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

(cf. 5145.6 - Parental Notifications)

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

(cf. 5125 - Student Records)

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

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

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

(cf. 6176 - Weekend/Saturday Classes)

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

(cf. 1020 - Youth Services)
(cf. 1400 - Relations Between Other Governmental Agencies and the Schools)
(cf. 6158 - Independent Study)
(cf. 6164.2 - Guidance/Counseling Services)
(cf. 6164.5 - Student Success Teams)
(cf. 6178.1 - Work Experience Education)
TRUANCY (continued)

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

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

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

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

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

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

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

Reports

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

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

(cf. 6178 - Career Technical Education)

In determining whether to grant or continue a work permit, the County Superintendent or designee shall consider whether employment is likely to significantly interfere with the student's schoolwork. Students granted work permits must demonstrate and maintain a 2.0 grade point average and satisfactory school attendance. On a case-by-case basis, the County Superintendent or designee may approve a maximum work hour limit that is lower than the limit specified in law and administrative regulation.

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

Students with work permits may be exempted from attendance in a full-time day school provided they attend part-time classes. (Education Code 48230)

(cf. 5112.1 - Exemptions from Attendance)

Work permits shall be limited to part-time employment as defined by law, except when the County Superintendent or designee determines that circumstances warrant the granting of a permit for full-time employment.

Any student authorized to work full time when school is in session shall be enrolled in part-time continuation classes. A student age 14 or 15 who receives a permit to work full time shall also be enrolled in a work experience education program. (Education Code 49130, 49131, 49135)

(cf. 6178.1 - Work Experience Education)
(cf. 6184 - Continuation Education)

Legal Reference: (see next page)
WORK PERMITS (continued)

Legal Reference:

EDUCATION CODE
48230 Exemption from full-time school attendance for students with work permits
48231 Exemption from compulsory attendance for students entering attendance area near end of term
49100-49101 Compulsory attendance
49110-49119 Permits to work
49130-49135 Permits to work full time
49140-49141 Exceptions
49160-49165 Employment of minors; duties of employers
49180-49183 Violations
51760-51769.5 Work experience education
52300-52499.66 Career technical education
LABOR CODE
1285-1312 Employment of minors
1391-1394 Working hours for minors
CODE OF REGULATIONS, TITLE 5
16023-16027 District records, retention and destruction
CODE OF REGULATIONS, TITLE 8
11701-11707 Prohibited and dangerous occupations for minors
11750-11763 Work permits and conditions, minor employed in entertainment industry
CODE OF FEDERAL REGULATIONS, TITLE 29
570.1-570.129 Child labor regulations
ATTORNEY GENERAL OPINIONS

Management Resources:

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS
CALIFORNIA DEPARTMENT OF INDUSTRIAL RELATIONS PUBLICATIONS
Child Labor Laws, 2000
WEB SITES
California Department of Education, Work Experience Education: http://www.cde.ca.gov/ci/ct/we
California Department of Education, Office of Regional Occupational Centers and Programs and Workforce Development: http://www.cde.ca.gov/ci/ct/wd
California Department of Industrial Relations: http://www.dir.ca.gov
Students

WORK PERMITS

Before accepting employment, a student under the age of 18 who is subject to the state's compulsory attendance law, including students who have not yet graduated from high school or have not received a certificate of proficiency, shall obtain a work permit.

(cf. 5112.1 - Exemptions from Attendance)
(cf. 6146.1 - High School Graduation Requirements)
(cf. 6146.2 - Certificate of Proficiency/High School Equivalency)

The Santa Clara County Office of Education may issue a permit authorizing employment while school is in session, including employment connected with a work experience education program pursuant to Education Code 51760-51769.5, to a minor student age 14-17. The SCCOE also may issue a permit to any minor age 12-17 to be employed during a regular school holiday, during a regular or specified occasional public school vacation, and when the student is exempt from compulsory school attendance because he/she arrived from another state within 10 days before the end of the school term pursuant to Education Code 48231. (Education Code 49111, 49113, 49160)

(cf. 6178.1 - Work Experience Education)

If a minor has obtained an offer of employment in the entertainment industry, he/she shall request a work permit from the California Department of Industrial Relations, Division of Labor Standards Enforcement, pursuant to Labor Code 1308.5 and 8 CCR 11752-11753.

A student shall not be required to obtain a work permit if he/she is self-employed; is working at odd jobs such as yard work and babysitting in private homes where he/she is not regularly employed; is a self-employed news carrier delivering newspapers to consumers on a regular route; is employed by his/her parent/guardian in domestic labor on or in connection with premises the parent/guardian owns, operates, or controls; or is otherwise exempted by law.

Persons Authorized to Issue Work Permits

The following individuals are authorized to issue a work permit to a minor student in the SCCOE: (Education Code 49110)

1. The Santa Clara County Superintendent of Schools

2. An employee holding a services credential with a specialization in pupil personnel services or a certificated work experience education teacher or coordinator, when authorized by the County Superintendent in writing

3. A principal, or another school administrator designated by the principal, provided that he/she:
   a. Provides a self-certification that he/she understands the requirements of law for issuing a work permit
   b. Does not issue a work permit to his/her own child
WORK PERMITS (continued)

If the person designated to issue work permits is not available and delay in issuing a permit would jeopardize a student's ability to secure work, the County Superintendent may authorize another person to issue the permit. (Education Code 49110)

Approval Process

The student's parent/guardian, foster parent, caregiver with whom the student resides, or residential shelter services provider shall file a written request for a work permit. (Education Code 49110)

The request for a work permit shall be submitted to the County Superintendent or designee on a form approved by the California Department of Education (CDE). The County Superintendent or designee shall have discretion to determine whether or not to issue the work permit.

In determining whether to approve a work permit, the County Superintendent or designee shall verify the student's date of birth, the type of work permit to be issued, and whether the student meets any other criteria established by the Santa Clara County Board of Education. The County Superintendent or designee may inspect the student's records and/or may confer with at least one of the student's teachers for evidence of satisfactory grades and school attendance and to determine whether the student possesses the motivation and maturity to maintain academic progress while working.

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

Minors shall not be approved to work in environments declared hazardous or dangerous for young workers or otherwise prohibited by child labor laws. (Labor Code 1290-1298; 29 CFR 570.33, 570.50-570.72)

The County Superintendent or designee shall ensure that the requested work hours do not exceed the maximum work hours specified in law based on the student's age and whether the employment will occur while school is in session and/or not in session. (Education Code 49111, 49112, 49116; Labor Code 1391-1391.1; 29 CFR 570.35)

Full-time employment may be authorized for students age 14-17 only in accordance with Education Code 49130-49135.

(cf. 6184 - Continuation Education)

All work permits shall be issued in a format approved and authorized by the CDE. (Education Code 49117)

Each permit shall authorize work for a specific employer. Whenever a student changes employers, he/she shall request a new permit.
The student may be issued more than one work permit if he/she works concurrently for more than one employer, provided that the total number of hours worked does not exceed the total number of hours allowed by law and the SCCOE.

Whenever a work permit is issued by a principal or other designated school administrator, the principal or designee shall submit to the County Superintendent a copy of each work permit he/she issues, along with a copy of the application. (Education Code 49110)

The County Superintendent or designee shall periodically inspect the grades and attendance records of students granted work permits to ensure maintenance of academic progress and any additional criteria established in Board policy.

Expiration of Work Permits

Work permits issued during the school year shall expire five days after the opening of the next succeeding school year. (Education Code 49118)

Before the work permit expires, a student may apply for a renewed work permit in accordance with the procedures specified in the section "Approval Process" above.

Revocation of Work Permits

The County Superintendent or designee shall revoke a student's work permit whenever he/she determines that employment is interfering with the student's education, that any provision or condition of the permit is being violated, or that the student is performing work in violation of law. (Education Code 49116, 49164)

The County Superintendent may revoke a work permit issued by a principal of a public or private school located within the county if the County Superintendent becomes aware of any grounds upon which the student may be deemed ineligible for a work permit under law. (Education Code 49110)

Retention of Records

The County Superintendent or designee shall retain a copy of the work permit application and the work permit until the end of the fourth year after the work permit was issued. (5 CCR 16026)

(cf. 3580 - District Records)
(cf. 5125 - Student Records)
The Santa Clara County Board of Education shall consider an appeal against any school district within the county for its failure or refusal to issue an interdistrict transfer permit to a student, or for its failure or refusal to enter into an interdistrict transfer agreement with another school district for the student’s attendance. (Education Code 46601)

If the request for interdistrict transfer involves a school district located within the county and a school district located in a different county, the County Board shall have jurisdiction if the denial of the permit, or the refusal or failure to enter into an agreement, is by the school district within the county. If both school districts deny the permit or refuse or fail to enter into an agreement, the County Board shall have jurisdiction only if the school district within the county is the student’s district of residence. (Education Code 46601)

The appeal shall be filed in writing, by a person having legal custody of the student, within 30 calendar days of the district’s failure or refusal to issue a permit, or to enter into an agreement allowing the interdistrict transfer. Failure to appeal within the required time is good cause for denial of an appeal. (Education Code 46601)

The appeal shall be accepted only upon verification by the Santa Clara County Superintendent of Schools or designee that appeals within the districts have been exhausted. (Education Code 46601)

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

Hearing

No later than 10 days prior to the hearing, the secretary to the County Board shall serve upon all parties involved, a notice by certified mail, return receipt requested. The notice shall include details of the date, time and place of the hearing, and of the opportunity to submit written statements and documentation, and to be heard on the matter.

The County Board shall conduct a hearing within 40 calendar days after the appeal is filed, to determine whether the student should be permitted to attend school in the district of his/her choice. If it is impractical for the County Board to comply with the time requirement for the hearing, the County Board may extend the time period for up to an additional five school days. (Education Code 46601)
The Board hearing proceeds as follows:

1. The County Board President opens the hearing, identifies all participants, and addresses procedural matters.

2. Each party will have an opportunity to address the Board and summarize their position for 5 minutes (or longer as determined by the Board President).

3. Each party will have an opportunity to respond to the presentation of the other party or parties.

4. Board members may ask clarifying questions either during or after the presentation and responses.

5. The hearing will then be closed and the County Board of Education will deliberate in private to review the decision. If any representative of the District or the student is admitted to this deliberation, the representatives from the opposing party shall also be admitted.

6. After deliberating, the County Board will meet in open session and announce its decision.

If an interpreter is used by a parent, the time allotted may be doubled at the discretion of the chair.

**Criteria for Consideration in Appeals**

1. The student's psychological or physical well-being.

   Problems with a student's psychological or physical well-being must be supported by the written statement of a qualified professional.

2. A substantial danger to the student's health or safety.

   A danger to the student's health or safety must be supported by the written statement of a qualified health expert, by police reports, by school records, or by other documentation.

3. A specialized and specific academic program or service, unavailable in the district of residence, but necessary to the student's career or academic objectives.

   Such a program or service must be related to the student's career objectives or academic advancement and not based solely on the student's interests or desires, or on extracurricular activities or athletics.

4. Hardship resulting from lack of available or appropriate after school care options for the pupil in the district of residence.
The parent/guardian must demonstrate attempts to find appropriate care in the district of residence and must describe these attempts in the written materials provided when the appeal is filed.

5. A severe and demonstrated hardship to parents/guardians which could affect the student's success in school.

The parent/guardian must specify and describe the type of hardship in writing; "hardship" shall be understood to exclude inconvenience to the parents/guardians or matters of preference.

6. The student's desire to remain in his/her school of current attendance for the balance of the semester or school year.

The student's desire may be based on his/her anticipated promotion from the school of current attendance at the end of the semester or school year, or on a need for educational continuity for the remainder of the semester or school year.

7. The student's plan to move in the near future and desire to begin the semester or school year in his or her new school district.

The student and his/her parent/guardian must offer written proof of their plan to move into the district of proposed attendance; such written proof may be a rental agreement, a contract to purchase new property, or similar document.

8. The financial impact of educating the student (district of desired attendance) or of losing the student (district of residence).

In either case, the impacted district(s) must demonstrate in writing that the student's transfer would place an undue hardship on the district's resident students in terms of reduced services or other unacceptable outcomes.

9. The student's demonstrated failure to meet reasonable standards relating to behavior, attendance, or diligence to studies.

The demonstration of such failure must be based on a written explanation of the district's previous experience with the student under an interdistrict transfer agreement or on other documented evidence.

10. Lack of space for the student in the receiving district.

The district of proposed transfer must demonstrate in writing that the student's transfer would result in an undue hardship on the district's resident students in terms of overcrowding and/or would be a violation of district policy or a collective bargaining agreement regarding class size goals.
11. The negative impact of the student's transfer on a court ordered or voluntary desegregation plan of either district.

   The district must provide details about the court order or desegregation plan and provide written evidence of the anticipated negative impact of the student's transfer.

12. Other exceptional or extraordinary circumstances which would weigh heavily in favor of the appellate student or the affected school district.

   The parent/guardian or school district must specify and describe the type of exceptional or extraordinary circumstance and its effect on the appellate student or the resident students of the district.

**Final Order of the County Board**

The County Board/hearing officer/administrative panel shall render its decision within three school days of the hearing unless the student requests a postponement. (Education Code 46601)

The County Board shall either grant or deny an appeal on its merits. However, if new evidence or grounds for the request are introduced, the County Board may remand the matter for further consideration by the district or districts.

If the County Board determines that the student should be permitted to attend school in the district of choice, the County Board shall fix the length of time for the student’s attendance in that district, and the student shall be admitted to a school in that district without delay. The County Board is not authorized to order the specific school placement for the student. School placement, even after a successful appeal, is determined by the district of attendance. (Education Code 46601, 46602)

All parties shall be notified in writing of the decision of the County Board. (Education Code 46602)

Legal Reference:

EDUCATION CODE
46600-46611 Interdistrict attendance agreements
48204 Residency requirements for school attendance
48300-48316 Student attendance alternatives, school district of choice program
48350-48361 Open Enrollment Act
48900 Grounds for suspension and expulsion; definition of bullying
48915 Expulsion; particular circumstances
48915.1 Expelled individuals: enrollment in another district
48918 Rules governing expulsion procedures
48950 Speech and other communication
Notice of beginning of term
Privacy of student records
Regional occupational/program, enrollment of students, interdistrict attendance

GOVERNMENT CODE
11455.20 Contempt
54950-54962 Ralph M. Brown Act (re closed sessions)
ATTORNEY GENERAL OPINIONS
COURT DECISIONS
Walnut Valley Unified School District v. the Superior Court of Los Angeles County, (2011) 192 Cal.App.4th 234

Management Resources:
CSBA PUBLICATIONS
Transfer Law Comparison, Fact Sheet, March 2011
WEB SITES
CSBA: http://www.csba.org
California Department of Education: http://www.cde.ca.gov

Policy
adopted: October 20, 2010
revised: July 29, 2015

SANTA CLARA COUNTY OFFICE OF EDUCATION
San Jose, California
INTERDISTRICT ATTENDANCE APPEAL REQUEST FORM

MESSAGE TO APPELLANT: 1) All Interdistrict Attendance Appeal Requests submitted to the Superintendent’s Office at the Santa Clara County Office of Education must be accompanied by a notification from the school district denying the request. The notification must indicate that all avenues for appeal within the district have been exhausted and that the district’s denial is final. 2) In some cases, supporting documentation from the parent/guardian or an outside expert, as specified below in the "Factors for Consideration" section of this form, must also be submitted. 3) The County Board's authority in the appeal process extends solely to a determination of the district of attendance, not to a determination of the school within the district where the student will be enrolled. The determination of the school is the prerogative of the district.

Student's Name: ______________________________________________________________________
Parent's/Guardian's Name: ______________________________________________________________
Address: ____________________________________  Telephone (Home) _______________________
___________________________________________  Telephone (Work) _______________________
District and School of Residence: _________________________________________________________
District of Desired Attendance:___________________________________________________________
Age of Student: _______________________________  Grade Level of Student: ___________________

FACTORS FOR CONSIDERATION:

When hearing your appeal, the County Board of Education will review the relevant "Factors for Consideration When Hearing Appeals Based on Exceptional or Extraordinary Circumstances," which are part of Board Policy 5117. Please check the factors, shown below, which you believe relate to your appeal, and, in the space provided, supply background information and details. It is very important that you also provide supporting documentation, as specified, so that the County Board will have the information it needs to make a decision in your case.
The pupil's psychological or physical well-being. (Factor 1)

Note: Problems with a pupil's psychological or physical well-being must be supported by the written statement of a qualified professional.

A substantial danger to the pupil's health or safety. (Factor 2)

Note: A danger to the pupil's health or safety must be supported by the written statement of a qualified health expert, by police reports, by school records, or by other documentation.

A specialized and specific academic program or service, unavailable in the district of residence, but necessary to the pupil's career or academic objectives. (Factor 3)

Note: Such a program or service must be related to the pupil's career objectives or academic advancement and not based solely on the pupil's interests or desires, or on extracurricular activities or athletics.

Hardship resulting from lack of available or appropriate after school care options for the pupil in the district of residence. (Factor 4)

Note: The parent or guardian must demonstrate attempts to find appropriate care in the district of residence and must describe these attempts in the written materials provided when the appeal is filed.

A severe and demonstrated hardship to parents or guardians which could affect the pupil's success in school. (Factor 5)

Note: The parent or guardian must specify and describe the type of hardship in writing: "hardship" shall be understood to exclude inconvenience to the parent/guardian or matters of preference.
The pupil's desire to remain in his/her school of current attendance for the balance of the semester or school year. (Factor 6)

Note: The pupil's desire may be based on his or her anticipated promotion from the school of current attendance at the end of the semester or school year, or on a need for educational continuity for the remainder of the semester or school year.

The pupil's plan to move in the near future and desire to begin the semester or school year in his or her new school district. (Factor 7)

Note: The pupil and his or her parent or guardian must offer written proof of their plan to move into the district of proposed attendance; such written proof may be a rental agreement, a contract to purchase new property, or similar document.

Other exceptional or extraordinary circumstances which would weigh heavily in favor of the appellate pupil. (Factor 12)

Note: The parent/guardian must specify and describe the type of exceptional or extraordinary circumstance and its effect on the pupil.

Please indicate the number of all additional pages you have attached to this form. 

Appellant's Signature: ________________________________ Date: ________________________
GRADES/EVALUATION OF STUDENT ACHIEVEMENT

The Santa Clara County Board of Education believes that grades serve a valuable instructional purpose by helping students and parents/guardians understand performance expectations and identifying the student's areas of strength and those areas needing improvement. Parents/guardians and students have the right to receive course grades that represent an accurate evaluation of the student's achievement.

(cf. 5020 - Parent Rights and Responsibilities)
(cf. 5125.2 - Withholding Grades, Diploma or Transcripts)

The Santa Clara County Superintendent of Schools or designee shall establish a uniform grading system based on standards that apply to all students in that course and grade level. Principals and teachers shall ensure that student grades conform to this system. Teachers shall inform students and parents/guardians how student achievement will be evaluated in the classroom.

A teacher shall base a student's grades on impartial, consistent observation of the quality of the student's work and his/her mastery of course content and Santa Clara County Office of Education standards. Students shall have the opportunity to demonstrate this mastery through a variety of methods such as classroom participation, homework, tests, and portfolios.

(cf. 6011 - Academic Standards)
(cf. 6162.5 - Student Assessment)

The teacher of each course shall determine the student's grade. The grade assigned by the teacher shall not be changed by the County Board or the County Superintendent except as provided by law, Board policy, or administrative regulation. (Education Code 49066)

(cf. 5125.3 - Challenging Student Records)

Students in grades K-3 shall receive progress reports rather than letter grades.

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

A report card for a student with a disability may contain information about his/her disability, including whether that student received special education or related services, provided that the report card informs parents/guardians about their child's progress or level of achievement in specific classes, course content, or curriculum. However, transcripts that may be used to inform postsecondary institutions or prospective employers of the student's academic achievements shall not contain information disclosing the student's disability.

(cf. 5125 - Student Records)
(cf. 6159 - Individualized Education Program)
(cf. 6164.6 - Identification and Education Under Section 504)
GRADES/EVALUATION OF STUDENT ACHIEVEMENT  (continued)

Effect of Absences on Grades

If a student misses class without an excuse and does not subsequently turn in homework, take a test, or fulfill another class requirement which he/she missed, the teacher may lower the student's grade for nonperformance.

(cf. 6154 - Homework/Makeup Work)

Grade Point Average

The County Superintendent or designee shall determine the methodology to be used in calculating students' grade point averages (GPA), including the courses to be included within the GPA and whether extra grade weighting shall be applied to Advanced Placement, honors, and/or concurrent postsecondary courses.

(cf. 6141.5 - Advanced Placement)
(cf. 6172 - Gifted and Talented Student Program)
(cf. 6172.1 - Concurrent Enrollment in College Classes)

Legal Reference:  (see next page)
GRADES/EVALUATION OF STUDENT ACHIEVEMENT (continued)

Legal Reference:

EDUCATION CODE
41505-41508 Pupil Retention Block Grant
48070 Promotion and retention
48205 Excused absences
48800-48802 Enrollment of gifted students in community college
48904-48904.3 Withholding grades, diplomas, or transcripts
49066 Grades: finalization; physical education class
49067 Mandated regulations regarding student's achievement
49069.5 Students in foster care, grades and credits
51242 Exemption from physical education based on participation in interscholastic athletics
76000-76002 Enrollment in community college

CODE OF REGULATIONS, TITLE 5
10060 Criteria for reporting physical education achievement, high schools
30008 Definition of high school grade point average for student aid eligibility

UNITED STATES CODE, TITLE 20
1232g Family Education Rights and Privacy Act (FERPA)
6101-6251 School-to-Work Opportunities Act of 1994

CODE OF FEDERAL REGULATIONS, TITLE 34
99.1-99.67 Family Educational Rights and Privacy Act

COURT DECISIONS

Management Resources:

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS
Aiming High: High Schools for the 21st Century, 2002
Taking Center Stage: A Commitment to Standards-Based Education for California’s Middle Grades Students, 2001
Elementary Makes the Grade!, 2000

U.S. DEPARTMENT OF EDUCATION OFFICE FOR CIVIL RIGHTS CORRESPONDENCE
Report Cards and Transcripts for Students with Disabilities, October 17, 2008

WEB SITES
California Department of Education: http://www.cde.ca.gov
California Student Aid Commission: http://www.csac.ca.gov
U.S. Department of Education, Office for Civil Rights: http://www.ed.gov/about/offices/list/ocr

Policy
adopted: October 20, 2010

SANTA CLARA COUNTY OFFICE OF EDUCATION
San Jose, California
GRADES/EVALUATION OF STUDENT ACHIEVEMENT

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

(cf. 6020 - Parent Involvement)

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

(cf. 5123 - Promotion/Acceleration/Retention)

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

(cf. 5125 - Student Records)
(cf. 6146.1 - High School Graduation Requirements)

Grades for Achievement

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

O Outstanding
S Satisfactory
N Needs Improvement

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

<table>
<thead>
<tr>
<th>Grade</th>
<th>Percentage</th>
<th>Description</th>
<th>Grade Points</th>
</tr>
</thead>
<tbody>
<tr>
<td>A</td>
<td>(90-100%)</td>
<td>Outstanding Achievement</td>
<td>4.0</td>
</tr>
<tr>
<td>B</td>
<td>(80-89%)</td>
<td>Above Average Achievement</td>
<td>3.0</td>
</tr>
<tr>
<td>C</td>
<td>(70-79%)</td>
<td>Average Achievement</td>
<td>2.0</td>
</tr>
<tr>
<td>D</td>
<td>(60-69%)</td>
<td>Below Average Achievement</td>
<td>1.0</td>
</tr>
<tr>
<td>F</td>
<td>(0-59%)</td>
<td>Little or No Achievement</td>
<td>0</td>
</tr>
<tr>
<td>I</td>
<td>Incomplete</td>
<td></td>
<td>0</td>
</tr>
</tbody>
</table>

An Incomplete shall be given only when a student's work is not finished because of illness or other excused absence. If not made up within six weeks, the Incomplete shall become an F.
GRADES/EVALUATION OF STUDENT ACHIEVEMENT  (continued)

Grades for Physical Education

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

(cf. 6142.7 - Physical Education and Activity)

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

Peer Grading

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

Effect of Absences on Grades

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

(cf. 5113 - Absences and Excuses)

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

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

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

1. A decision by a court or placement agency to change the student's placement, in which case the student's grades and credits shall be calculated as of the date the student left school
GRADES/EVALUATION OF STUDENT ACHIEVEMENT  (continued)

2. A verified court appearance or related court-ordered activity

(cf. 6173.1 - Education for Foster Youth)

Grade Point Average

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

(cf. 5126 - Awards for Achievement)
(cf. 6145 - Extracurricular and Cocurricular Activities)
Santa Clara County Office of Education
Board Policy
Student Records

BP 5125
Students

The Santa Clara County Board of Education (County Board) recognizes the importance of keeping accurate, comprehensive student records as required by law. The Santa Clara County Superintendent (County Superintendent) or designee shall ensure that the Santa Clara County Office of Education’s (SCCOE) administrative regulation and school site procedures for maintaining the confidentiality of student records are consistent with state and federal law.

The County Superintendent or designee shall establish regulations governing the identification, retention, description, and security of student records. These regulations shall ensure the rights of authorized persons to have timely access to student records and shall protect the student and his/her family from invasion of privacy.

(cf. 3580 - District Records)
(cf. 4040 - Employee Use of Technology)
(cf. 5125.1 - Release of Directory Information)
(cf. 5125.2 - Withholding Grades, Diploma or Transcripts)
(cf. 5125.3 - Challenging Student Records)

The County Superintendent or designee shall designate a certificated employee to serve as custodian of records with responsibility for student records at the SCCOE level. At each school, the principal or a certificated designee shall act as custodian of records for students enrolled at that school. The custodian of records shall be responsible for implementing Board policy and administrative regulation regarding student records. (5 CCR 431)

Legal Reference:
EDUCATION CODE
48201  Student records for transfer students who have been suspended/expelled
48853.5  Foster youth; placement, immunizations
48902  Notification of law enforcement of specified violations
48904-48904.3  Withholding grades, diplomas, or transcripts
48918  Rules governing expulsion procedures
48980  Parental notifications
48985  Notices in parent/guardian’s primary language
49060-49079  Student records
49091.14  Parental review of curriculum
51747  Independent study
56041.5  Rights of students with disabilities
56050  Surrogate parents
56055  Foster parents
Code of Civil Procedure
1985.3 Subpoena duces tecum
Family Code
3025 Access to records by noncustodial parents
6552 Caregiver’s authorization affidavit
Government Code
6252-6260 Inspection of public records
Health and Safety Code
120440 Immunizations; disclosure of information
Penal Code
245 Assault with deadly weapon
Welfare and Institutions Code
681 Truancy petitions
701 Juvenile court law
16010 Health and education records of a minor
Code of Regulations, Title 5
430-438 Individual student records
16020-16027 Destruction of records of school districts
United States Code, Title 20
1232g Family Educational Rights and Privacy Act
1232h Protection of Pupil Rights Amendment
United States Code, Title 26
152 Definition of dependent child
Code of Federal Regulations, Title 16
Part 312 Children’s Online Privacy Protection Rule
Code of Federal Regulations, Title 34
99.1-99.67 Family Educational Rights and Privacy
300.501 Opportunity to examine records for parents of student with disability
Management Resources:
Federal Register
U.S. Department of Education Publications
Joint Guidance on the Application of Family Education Rights and Privacy Act (FERPA) and Health Insurance Portability and Accountability Act (HIPAA) to Student Health Records, November 2008
Web Sites
California Department of Education:  http://www.cde.ca.gov
National School Boards Association:  http://www.nsba.org
U.S. Department of Education, Family Policy Compliance Office,

Policy
SANTA CLARA COUNTY OFFICE OF EDUCATION
adopted: October 20, 2010
revised July 29, 2015
Definitions

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

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

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

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

1. Directory information
   (cf. 5125.1 - Release of Directory Information)

2. Informal notes compiled by a school officer or employee which remain in the sole possession of the maker, are used only as a personal memory aid, and are not accessible or revealed to any other person except a substitute

3. Records of the provided by law enforcement unit of the district, subject to the provisions of 34 CFR 99.8
   (cf. 3515 - Campus Security)
   (cf. 3515.3 - District Police/Security Department)

4. Records created or received by the district SCCOE after an individual is no longer a student in attendance and that are not directly related to the individual's attendance as a student

5. Grades on peer-graded papers before they are collected and recorded by a teacher

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

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

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

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

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

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

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

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

*School officials and employees* are officials or employees whose duties and responsibilities to the district, whether routine or as a result of special circumstances, require that they have access to student records. *School officials and employees* include contractors, consultants, volunteers, or other parties to whom the district has outsourced district functions and who perform services for which the district would otherwise use employees.

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

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

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

**Persons Granted Access**

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

1. Parents/guardians of students younger than age 18, including the parent because he/she is not the child's custodial parent. (Education Code 49069, Family Code 3025)

2. An adult student age 18 or older or a student under the age of 18 who attends a postsecondary institution, in which case the student alone shall exercise rights related to his/her student records and grant consent for the release of records (34 CFR 99.3, 99.5)

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

1. Parents/guardians of a dependent student age 18 or older
2. Students who are age 16 or older or who have completed the 10th grade
3. School officials and employees (consistent with criteria defined by the district)
4. Members of a school attendance review board (SARB) and any volunteer aide age 18 or older who has been investigated, selected, and trained by the SARB to provide follow-up services to a referred student
STUDENT RECORDS (continued)

(cf. 5113.1 – Truancy and Chronic Absence)

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

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

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

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

Unless otherwise instructed by the court, the Superintendent or designee shall, prior to disclosing a record pursuant to a court order or subpoena, give the parent/guardian or adult student at least three days' notice of the name of the requesting agency and the specific record requested, if lawfully possible within the requirements of the judicial order. (Education Code 49077, 5 CCR 435; 34 CFR 99.31)

8. Any district attorney who is participating in or conducting a truancy mediation program or participating in the presentation of evidence in a truancy petition or a prosecuting agency for consideration against a parent/guardian for failure to comply with compulsory education laws

9. A prosecuting agency for consideration against a parent/guardian for failure to comply with compulsory education laws (Education Code 49076)

10. Any probation officer or district attorney for the purposes of conducting a criminal investigation or an investigation in regards to declaring a person a ward of the court or involving a violation of a condition of probation, subject to specified evidentiary rules (Education Code 49076)
STUDENT RECORDS (continued)

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

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

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

(cf. 6173.1 - Education for Foster Youth)

13. Foster family agencies with jurisdiction over currently enrolled or former students may access those students' records of grades and transcripts and any individualized education program (IEP) developed and maintained by the district with respect to such students. (Education Code 49069.3)

(cf. 6159 - Individualized Education Program)

14. Appropriate law enforcement authorities, in circumstances where Education Code 48902 requires that the district provide special education and disciplinary records of a student with disabilities who is suspended or expelled for committing an act violating Penal Code 245 (Education Code 48902, 49076)

When disclosing such records, the Superintendent or designee shall obtain written certification by the recipient of the record(s) as described in item #10 above. (Education Code 49076)

15. Designated peace officers, federal criminal investigators, and federal law enforcement officers whose names have been submitted in writing by their law enforcement agency in accordance with Education Code 49076.5, in cases where the district is authorized to assist law enforcement in investigations of suspected kidnapping (Education Code 49076.5)

In such cases, the Superintendent or designee shall provide information about the identity and location of the student as it relates to the transfer of that student's records to another public school district or California private school. (Education Code 49076.5)

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

1. Appropriate persons, including parents/guardians of a student, in an emergency, if the health and safety of the student or other persons are at stake

2. Accrediting associations

3. Under the conditions specified in Education Code 49076 and 34 CFR 99.31, organizations conducting studies on behalf of educational institutions or agencies for the purpose of developing, validating, or administering predictive tests, administering student aid programs, or improving instruction, provided that:
   a. The study is conducted in a manner that does not permit personal identification of parents/guardians and students by individuals other than representatives of the organization who have legitimate interests in the information.
   b. The information is destroyed when no longer needed for the purposes for which the study is conducted.
   c. The district enters into a written agreement with the organization that includes the information in 34 CFR 99.31.

4. Officials and employees of private schools or school systems where the student is enrolled or intends to enroll

5. Local health departments operating countywide or regional immunization information and reminder systems and the California Department of Public Health, in which case the Superintendent or designee shall notify the student's parent/guardian of his/her rights in accordance with law prior to releasing the information (Health and Safety Code 120440)

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

7. County elections officials for the purpose of identifying students eligible to register to vote and offering such students an opportunity to register

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

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

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

(cf. 5021 - Noncustodial Parents)

Any person or agency granted access is prohibited from releasing information to another person or agency without written permission from the parent/guardian or adult student unless specifically allowed by state law or the federal Family Educational Rights and Privacy Act. (Education Code 49076)

De-Identification of Records

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

Process for Providing Access to Records

Student records shall be maintained in a central file at the school attended by the student or, when records are maintained in different locations, a notation shall be placed in the central file indicating where other records may be found. Parents/guardians shall be notified of the location of student records if not centrally located. (Education Code 49069; 5 CCR 433)

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

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

To inspect, review, or obtain copies of student records, authorized persons shall submit a request to the custodian of records. Prior to granting the request, the custodian of records shall authenticate the individual's identity. For those individuals for whom the law requires
STUDENT RECORDS (continued)

that access be granted based on a legitimate educational interest, the request shall specify such interest involved.

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

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

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

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

Access Log

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

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

The log does not need to include record of access by: (Education Code 49064)

1. Parents/guardians or adult students
2. Students who are 16 years of age or older or who have completed the 10th grade
3. Parties obtaining district-approved directory information

(cf. 5125.1 - Release of Directory Information)
**STUDENT RECORDS** (continued)

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

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

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

**Duplication of Student Records**

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

**Changes to Student Records**

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

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

(cf. 5125.3 - Challenging Student Records)

**Retention and Destruction of Student Records**

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

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

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

(cf. 5111 - Admission)

3. Sex of student
4. Name and address of parent/guardian of minor student
STUDENT RECORDS (continued)

   a. Address of minor student if different from the above

   b. Annual verification of parent/guardian's name and address and student's
      residence

   (cf. 5111.1 - District Residency)
   (cf. 5111.12 - Residency Based on Parent/Guardian Employment)
   (cf. 5111.13 - Residency for Homeless Children)

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

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

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

7. Verification of or exemption from required immunizations

   (cf. 5141.31 - Immunizations)

8. Date of high school graduation or equivalent

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

   1. Expulsion orders and the causes therefor

   (cf. 5144.1 - Suspension and Expulsion/Due Process)
   (cf. 5144.2 - Suspension and Expulsion/Due Process (Students with Disabilities))

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

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

   (cf. 5141.32 - Health Screening for School Entry)

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

   (cf. 6159 - Individualized Education Program)
STUDENT RECORDS (continued)

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

5. Language training records

(cf. 6174 - Education for English Language Learners)

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

7. Parental restrictions/stipulations regarding access to directory information

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

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

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

(cf. 6162.51 - Standardized Testing and Reporting Program)
(cf. 6162.52 - High School Exit Examination)

11. Written findings resulting from an evaluation conducted after a specified number of missed assignments to determine whether it is in a student's best interest to remain in independent study

(cf. 6158 - Independent Study)

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

1. Objective counselor and/or teacher ratings

2. Standardized test results older than three years

3. Routine disciplinary data

(cf. 5144 - Discipline)

4. Verified reports of relevant behavioral patterns

5. All disciplinary notices

6. Supplementary attendance records

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

Transfer of Student Records

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

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

(cf. 4158/4258/4358 - Employee Security)
(cf. 5119 - Students Expelled From Other Districts)

When a student transfers from this district to another school district or to a private school, the Superintendent or designee shall forward a copy of the student's mandatory permanent record as requested by the other district or private school. The original record or a copy shall be retained permanently by this district. If the transfer is to another California public school, the student's entire mandatory interim record shall also be forwarded. If the transfer is out of state or to a private school, the mandatory interim record may be forwarded. Permitted student records may be forwarded to any other district or private school. (Education Code 48918; 5 CCR 438)

Upon receiving a request from a county placing agency to transfer a student in foster care out of a district school, the Superintendent or designee shall transfer the student's records to the next educational placement within two business days. (Education Code 49069.5)

(cf. 6173.1 - Education for Foster Youth)

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

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

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

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

Notification of Parents/Guardians

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

(cf. 5145.6 - Parental Notifications)

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

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

(cf. 5125.3 - Challenging Student Records)

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

(cf. 5020 - Parent Rights and Responsibilities)
12. Any other rights and requirements set forth in Education Code 49060-49078, and the right of parents/guardians to file a complaint with the United States Department of Education concerning an alleged failure by the district to comply with 20 USC 1232g

13. A statement that the district forwards education records to other agencies or institutions that request the records and in which the student seeks or intends to enroll or is already enrolled as long as the disclosure is for purposes related to the student's enrollment.
RELEASE OF DIRECTORY INFORMATION

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

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

(cf. 1112 - Media Relations)

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

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

(cf. 6164.2 - Guidance/Counseling Services)

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

(cf. 1113 - District and School Web Sites)

Legal Reference: (see next page)
RELEASE OF DIRECTORY INFORMATION (continued)

Legal Reference:

EDUCATION CODE
49061 Definitions
49063 Notification of parents of their rights
49073 Release of directory information
49073.5 Directory information; military representatives; telephone numbers
49603 Public high schools; military recruiting
UNITED STATES CODE, TITLE 10
503 Military recruiter access to directory information
UNITED STATES CODE, TITLE 20
1232g Family Educational Rights and Privacy Act
7908 Armed forces recruiter access to students and student recruiting information
CODE OF FEDERAL REGULATIONS, TITLE 34
99.1-99.67 Family Educational Rights and Privacy

Management Resources:

WEB SITES
U.S. Department of Education, Family Policy Compliance Office:
**RELEASE OF DIRECTORY INFORMATION**

**Definition**

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

1. **Name**
2. **Address**
3. **Telephone number**
4. **Email address**
5. **Date of birth**
6. **Major field of study**
7. **Participation record in officially recognized activities and sports**
8. **Weight and height of athletic team members**
9. **Dates of attendance**
10. **Degrees and awards received**
11. **Most recent previous school attended**

(cf. 1113 - District and School Web Sites)
(cf. 1114 - District-Sponsored Social Media)

Directory information does not include a student's social security number or student identification number. However, directory information may include a student identification number, user identification, or other personal identifier used by the student for purposes of accessing or communicating in electronic systems provided that the identifier cannot be used to gain access to education records except when used in conjunction with a personal identification number, password, or other factor known or possessed only by the authorized user. (34 CFR 99.3)

**Notification to Parents/Guardians**

At the beginning of each school year, all parents/guardians shall be notified as to the categories of directory information the school or district plans to release and the recipients of
RELEASE OF DIRECTORY INFORMATION (continued)

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

(cf. 5125 - Student Records)  
(cf. 5145.6 - Parental Notifications)

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

Parent/Guardian Consent

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

(cf. 4119.23/4219.23/4319.23 - Unauthorized Release of Confidential/Privileged Information)  
(cf. 9011 - Disclosure of Confidential/Privileged Information)

For a former student, the district shall continue to honor any valid request to opt out of the disclosure of directory information made while the student was in attendance at the district, unless the opt-out request has been rescinded. (34 CFR 99.37)
RELEASE OF DIRECTORY INFORMATION

PARENT/GUARDIAN NOTICE
RELEASE OF DIRECTORY INFORMATION

The Family Educational Rights and Privacy Act (FERPA), a federal law, requires that ______(district name)__________, with certain exceptions, obtain your written consent prior to the disclosure of personally identifiable information from your child's education records. However, the district may disclose appropriately designated "directory information" without written consent, unless you have advised the district to the contrary in accordance with district procedures. The primary purpose of directory information is to allow the district to include this type of information from your child's education records in certain school and/or district publications. Examples include:

- a playbill, showing your child’s role in a drama production;
- the annual yearbook;
- honor roll or other recognition lists;
- graduation programs;
- sports activity sheets, such as for wrestling, showing weight and height of team members.

Directory information, which is information that is generally not considered harmful or an invasion of privacy if released, can also be disclosed to outside organizations without a parent/guardian’s prior written consent. Outside organizations include, but are not limited to, companies that manufacture class rings or publish yearbooks. In addition, two federal laws require districts receiving assistance under the Elementary and Secondary Education Act of 1965 (ESEA) to provide military recruiters, upon request, with three directory information categories - names, addresses and telephone listings - unless parents/guardians have advised the district that they do not want their child’s information disclosed without their prior written consent.

If you do not want the district to disclose directory information from your child's education records without your prior written consent, you must notify the district in writing by _____(insert date)_________. The district has designated the following information as directory information:

1. Name
2. Address
3. Telephone number
4. E mail address
RELEASE OF DIRECTORY INFORMATION (continued)

5. Date and place of birth
6. Major field of study
7. Participation in officially recognized activities and sports
8. Weight and height of athletic team members
9. Dates of attendance
10. Degrees and awards received
11. Most recent previous school attended

The district also may disclose your child's student identification number, user identification, or other unique personal identifier used to communicate in electronic systems, provided it cannot be used to access education records without a personal identification number (PIN), password, or other factor that only the authorized user knows. Your child's social security number will not be used for this purpose.
AWARDS FOR ACHIEVEMENT

The Santa Clara County Board of Education encourages excellence as a goal for all students and wishes to publicly recognize students for exemplary achievements in academic, athletic, extracurricular, or community service activities.

(cf. 5121 - Grades/Evaluation of Student Achievement)
(cf. 5127 - Graduation Ceremonies and Activities)
(cf. 6142.4 - Service Learning/Community Service Classes)

Student awards may include verbal recognition, a letter, a certificate, a Board resolution, public ceremony, trophy, gift, plaque, or cash gift.

The Santa Clara County Superintendent of Schools or designee shall develop criteria for the appropriate selection of student award recipients.

Legal Reference:
EDUCATION CODE
220 Nondiscrimination
35160 Authority of Districts
35310-35319 Scholarship and loan funds
44015 Awards to employees and students
51243-51245 Credit for private school foreign language instruction
51450-51455 Golden State Seal Merit Diploma
CODE OF REGULATIONS, TITLE 5
876 Golden State Seal Merit Diploma
1632 Credit for private school foreign language instruction

Management Resources:
WEB SITES
CSBA: http://www.csba.org
California Department of Education, Golden State Seal Merit Diploma:
http://www.cde.ca.gov/ta/tg/sr/meritdiploma.asp
Californians Together: http://www.californianstogether.org
AWARDS FOR ACHIEVEMENT

The Santa Clara County Superintendent of Schools or designee may appoint a committee at each school to consider awards for student accomplishments. This committee may consist of school administrators, teachers, parents/guardians, community members, and student representatives.

(cf. 1220 - Citizen Advisory Committees)

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

Individual awards in excess of $200 must be expressly approved by the Santa Clara County Board of Education. (Education Code 44015)
GRADUATION CEREMONIES AND ACTIVITIES

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

(cf. 6011 - Academic Standards)
(cf. 6143 - Courses of Study)
(cf. 6146.1 - High School Graduation Requirements)
(cf. 6162.52 - High School Exit Examination)
(cf. 6146.4 - Differential Graduation and Competency Standards for Students with Disabilities)

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

High school students who have passed the California High School Proficiency Examination or the General Educational Development Test may participate in graduation ceremonies.

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

Invocations, prayers, or benedictions shall not be included in graduation ceremonies. The school or SCCOE shall not sponsor other ceremonies or programs for graduates that include prayer.

Conduct at Graduation Ceremonies

Any student participating in a graduation ceremony shall comply with SCCOE policies and regulations pertaining to student conduct.

(cf. 5131 - Conduct)

The County Superintendent or designee may require graduating students to wear ceremonial attire, such as cap and gown, at the ceremony.

However, any graduating student who has completed basic training and is an active member of any branch of the United States Armed Forces may, at his/her option, wear his/her military dress uniform at the ceremony. (Education Code 35183.3)
Disciplinary Considerations

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

(cf. 5125.2 - Withholding Grades, Diploma or Transcripts)
(cf. 5144 - Discipline)
(cf. 6161.2 - Damaged or Lost Instructional Materials)

Legal Reference:

EDUCATION CODE
35183.3 Graduation ceremonies; military dress uniforms
38119 Lease of personal property; caps and gowns
48904 Liability of parent or guardian; withholding of grades, diplomas, transcripts
51225.5 Honorary diplomas; foreign exchange students
51410-51412 Diplomas

COURT DECISIONS
Cole v. Oroville Union High School District, (2000, 9th Cir.) 228 F.3d 1092
Lemon v. Kurtzman, (1971) 403 U.S. 602

Management Resources:

WEB SITES
CONDUCT

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

(cf. 5131.1 - Bus Conduct)
(cf. 6145.2 - Athletic Competition)

The Santa Clara County Superintendent of Schools or designee shall ensure that each school site develops standards of conduct and discipline consistent with Santa Clara County Office of Education policies and administrative regulations. Students and parents/guardians shall be notified of SCCOE and school rules related to conduct.

Prohibited student conduct includes, but is not limited to:

1. Conduct that endangers students, staff, or others

(cf. 0450 - Comprehensive Safety Plan)
(cf. 5131.7 - Weapons and Dangerous Instruments)
(cf. 5142 - Safety)

2. Conduct that disrupts the orderly classroom or school environment

(cf. 5131.4 - Student Disturbances)

3. Harassment or bullying of students or staff, including, but not limited to, cyberbullying, intimidation, hazing or initiation activity, extortion, or any other verbal, written, or physical conduct that causes or threatens to cause violence, bodily harm, or substantial disruption, in accordance with the section entitled "Bullying/Cyberbullying" below

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

(cf. 5145.3 - Nondiscrimination/Harassment)
(cf. 5145.7 - Sexual Harassment)
(cf. 5145.9 - Hate-Motivated Behavior)

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

(cf. 3515.4 - Recovery for Property Loss or Damage)
(cf. 5131.5 - Vandalism and Graffiti)
CONDUCT (continued)

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

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

6. Use of profane, vulgar, or abusive language

(cf. 5145.2 - Freedom of Speech/Expression)

7. Plagiarism or dishonesty on school work or tests

(cf. 5131.9 - Academic Honesty)
(cf. 6162.54 - Test Integrity/Test Preparation)
(cf. 6162.6 - Use of Copyrighted Materials)

8. Inappropriate attire

(cf. 5132 - Dress and Grooming)

9. Tardiness or unexcused absence from school

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

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

(cf. 5112.5 - Open/Closed Campus)

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

(cf. 5131.6 - Alcohol and Other Drugs)
(cf. 5131.62 - Tobacco)
(cf. 5131.63 - Steroids)

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

Students who violate SCCOE or school rules and regulations may be subject to discipline including, but not limited to, suspension, expulsion, transfer to alternative programs, or denial of the privilege of participation in extracurricular or cocurricular activities in accordance with Board policy and administrative regulation. The County Superintendent or designee shall notify local law enforcement as appropriate.

(cf. 1020 - Youth Services)
(cf. 1400 - Relations Between Other Governmental Agencies and the Schools)
(cf. 5020 - Parent Rights and Responsibilities)
(cf. 5127 - Graduation Ceremonies and Activities)
(cf. 5144 - Discipline)
(cf. 5144.1 - Suspension and Expulsion/Due Process)
(cf. 5144.2 - Suspension and Expulsion/Due Process (Students with Disabilities))
(cf. 6020 - Parent Involvement)
(cf. 6145 - Extracurricular and Cocurricular Activities)
(cf. 6184 - Continuation Education)
(cf. 6185 - Community Day School)

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

Possession/Use of Cellular Phones and Other Mobile Communications Devices

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

Allow on campus but cannot be used except in an emergency.

The first time a disruption occurs or a student uses any mobile communications device for improper activities, a school employee shall direct the student to turn off the device and/or shall confiscate it. If the school employee finds it necessary to confiscate the device, he/she shall return it at the end of the class period or school day. The second time' the parent picks it up at school, and the third time, there will be a parent conference and the student may not use the cell phone at school.

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

(cf. 5145.12 - Search and Seizure)
CONDUCT (continued)

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

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

Bullying/Cyberbullying

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

(cf. 5137 - Positive School Climate)
(cf. 5138 - Conflict Resolution/Peer Mediation)
(cf. 6164.2 - Guidance/Counseling Services)

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

(cf. 1220 - Citizen Advisory Committees)
(cf. 6163.4 - Student Use of Technology)

School staff shall receive related professional development, including information about early warning signs of harassing/intimidating behaviors and effective prevention and intervention strategies. Parents/guardians, students, and community members also may be provided with similar information.

(cf. 4131 - Staff Development)
(cf. 4231 - Staff Development)
(cf. 4331 - Staff Development)
(cf. 5136 - Gangs)

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

When a student is suspected of or reported to be using electronic or digital communications to engage in cyberbullying against other students or staff, or to threaten SCCOE property, the investigation shall include documentation of the activity, identification of the source, and specific facts or circumstances that explain the impact or potential impact on school activity, school attendance, or the targeted student's educational performance.
CONDUCT (continued)

Students shall be encouraged to save and print any messages sent to them that they feel constitute cyberbullying and to notify a teacher, the principal, or other employee so that the matter may be investigated.

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

Legal Reference:
EDUCATION CODE
200-262.4 Prohibition of discrimination
32261 Bullying
35181 District policy on responsibilities of students
35291-35291.5 Rules
44807 Duty concerning conduct of students
48900-48925 Suspension or expulsion, especially:
48908 Duties of students
51512 Prohibition against electronic listening or recording device in classroom without permission
CIVIL CODE
1714.1 Liability of parents and guardians for willful misconduct of minor
PENAL CODE
288.2 Harmful matter with intent to seduce
313 Harmful matter
417.25-417.27 Laser scope
647 Use of camera or other instrument to invade person's privacy; misdemeanor
647.7 Use of camera or other instrument to invade person's privacy; punishment
653.2 Electronic communication devices, threats to safety
VEHICLE CODE
23124 Use of cellular phones provisional license holders
CODE OF REGULATIONS, TITLE 5
300-307 Duties of pupils
UNITED STATES CODE, TITLE 42
2000h-2000h6 Title IX, 1972 Education Act Amendments
UNITED STATES CODE, TITLE 47
254 Universal service discounts (e-rate)
COURT DECISIONS
J.C. v. Beverly Hills Unified School District, 2009 (CV 08-03824 SVW)
LaVine v. Blaine School District, (2000, 9th Cir.) 257 F.3d 981
Bethel School District No. 403 v. Fraser, (1986) 478 U.S. 675

Management Resources: (see next page)
CONDUCT (continued)

Management Resources:

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

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS
Bullying at School, 2003

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

NATIONAL SCHOOL SAFETY CENTER PUBLICATIONS
Bullying in School: Fighting the Bullying Battle, 2006

WEB SITES
CSBA: http://www.csba.org
California Cybersafety for Children: http://www.cybersafety.ca.gov
California Department of Education, Safe Schools Office: http://www.cde.ca.gov/ls/ss
Center for Safe and Responsible Internet Use: http://cyberbully.org
National School Boards Association: http://www.nbsa.org
National School Safety Center: http://www.schoolsafety.us
ANTI-BULLYING POLICY

The Governing Board is committed to creating a safe learning and working environment for all students and employees and to protect all students and employees from all forms of bullying, harassment, hazing, discrimination, or intimidation of any type for any reason. The County Office of Education prohibits any form of bullying, harassment, hazing, discrimination, or intimidation; any such behavior shall be just cause for disciplinary action.

The purpose of this policy is to provide a definition of bullying in order to prevent such conduct and to establish positive, collaborative school and work environments with clear rules for student and employee conduct. As needed, employees shall receive professional development in the appropriate use of these resources.

(cf. 4131 - Staff Development)
(cf. 4231 - Staff Development)
(cf. 4331 - Staff Development)
(cf. 5137 - Positive School Climate)
(cf. 5131 – Student Conduct)
(cf. 6163.4 - Student Use of Technology)

Definitions

Bullying/harassment

Bullying or harassment of students or staff includes, but is not limited to: cyberbullying, intimidation, hazing or initiating activity, extortion, or any other verbal, written, or physical conduct that causes, is perceived to cause, threatens, or is perceived to threaten violence, bodily harm, or substantial disruption in accordance with the following section.

Bullying is defined as any severe, systematic, or pervasive physical or verbal act or conduct that causes pain or psychological distress on one or more students or employees. Bullying includes unwanted written, verbal, nonverbal, or physical behavior including, but not limited to, any threatening, insulting, or dehumanizing gesture by an student or adult that causes any reasonable person to experience a detrimental effect on his or her physical or mental health and that has the potential to create a negative educational or workplace environment; cause discomfort or humiliation; or unreasonably interfere with the individual’s school or workplace performance or participation, is carried out repeatedly and is often characterized by an imbalance of power.

Bullying may involve, but is not limited to:

a. unwanted teasing
b. threatening
c. intimidating
d. stalking
e. cyberstalking
f. cyberbullying
g. physical violence
h. theft
i. hate violence
ANTI-BULLYING POLICY (continued)

j. sexual (including sexual orientation), religious, or racial harassment
k. public humiliation
l. harassment
m. destruction of school or personal property
n. social exclusion, including, incitement and/or coercion
o. rumor or spreading of falsehoods

Cyberbullying is sometimes referred to as Internet bullying or electronic bullying. It is an act of bullying committed through the transmission of 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, pager, or through digital technologies, including, but not limited to, email, blogs, texting, social websites (e.g. Facebook, MySpace, Twitter, etc.), chat rooms, “sexting”, instant messaging, or video voyeurism. Cyberbullying can be a carryover of verbal or physical bullying that occurs in the school or workplace environments.

Cyberstalking means to engage in a course of conduct to communicate, or to cause to be communicated, words, images, or language by or through the use of electronic mail or electronic communication, directed at or about a specific person, causing substantial emotional distress to that person and serving no legitimate purpose.

Harassment means any threatening, insulting, or dehumanizing gesture, use of technology, computer software, or written, verbal or physical conduct directed against a student or school employee that:
• places a student or employee in reasonable fear of harm to his or her person or damage to his or her property;
• has the effect of substantially interfering with a student’s educational performance, or employee’s work performance, or either’s opportunities, or benefits;
• has the effect of substantially negatively impacting a student’s or employee’s emotional or mental well-being; or
• has the effect of substantially disrupting the orderly operation of a school and/or school district work environment.

Sexual Harassment as defined by the U. S. Equal Employment Opportunity Commission means unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature. Sexual harassment exists when submission to such conduct is made, explicitly or implicitly, a condition of employment; when submission to or rejection of such conduct is used in employment decisions affecting an individual; or when such conduct unreasonably interferes with an individual’s work performance or creates an intimidating, hostile, or offensive working environment.

Bullying Cyberbullying and/or Harassment also encompass:
• retaliation against a student or employee by another student or employee for asserting or alleging an act of bullying, harassment, or discrimination.
• reporting a baseless act of bullying, harassment, or discrimination that is not made in good faith.
• perpetuation of conduct listed in the definition of bullying, harassment, and/or discrimination by an individual or group with intent to demean, dehumanize, embarrass, or cause emotional or physical harm to a student or employee by incitement or coercion; accessing or knowingly
and willingly causing or providing access to data or computer software through a computer, computer system, or computer network within the scope of the school or COE system; or acting in a manner that has an effect substantially similar to the effect of bullying, harassment, or discrimination.

Bullying, Cyberbullying, Harassment, Discrimination also encompass, but are not limited to, unwanted harm towards a student or employee in regard to their real or perceived sex, race, color, religion, national origin, age, disability (physical, mental, or educational), marital status, socioeconomic background, ancestry, ethnicity, gender, gender identity or expression, linguistic preference, political beliefs, sexual orientation, or social/family background or being viewed as different in its education programs or admissions to education programs and therefore prohibits bullying of any student or employee by any Board member, employee, consultant, contractor, agent, visitor, volunteer, student, or other person in the school or organization or outside the school or organization at school or organization sponsored events, on school buses, and at training facilities or training programs sponsored by the organization.

(cf. 5131 – Student Conduct)
(cf. 5145.3 – Nondiscrimination/Harassment)
(cf. 5145.7 – Sexual Harassment)
(cf. 5145.9 – Hate-Motivated Behavior)
(cf. 6163.4 – Student Use of Technology)

Expectations of Conduct

The Governing Board expects students and employees to exhibit appropriate conduct that does not infringe upon the rights of others or interfere with the school program while on school grounds or SCCOE property, while going to or coming from school or work, while at school activities, and while on public transportation.

The SCCOE prohibits the bullying of any student or school employee:

1. During any educational program or activity conducted by the SCCOE;
2. During any SCCOE-related or SCCOE-sponsored program or activity or on a SCCOE school bus;
3. Through the use of any electronic device or data while on SCCOE school grounds or on a SCCOE school bus, computer software that is accessed through a computer, computer system, or computer network of the SCCOE. The physical location or time of access of a computer-related incident cannot be raised as a defense in any disciplinary action initiated under this section;
4. Through threats using the above to be carried out on SCCOE grounds. This includes threats made outside of school hours, which are intended to be carried out during any school-related or school-sponsored program or activity or on a SCCOE school bus.
5. While the SCCOE does not assume any liability for incidences that occur at a bus stop or en route to and from school, a student or witness may file a complaint following the same procedures for bullying against a student and the SCCOE will investigate and/or provide assistance and intervention as the principal/designee deems appropriate.
ANTI-BULLYING POLICY (continued)

6. Though an incident of alleged bullying as defined within this policy may occur off campus and may not entail threats of acts to occur during school hours, if a student’s ability to receive an education or a school’s ability to provide an education is significantly impaired, as determined by the school administrators, disciplinary sanctions may be issued.

(cf. 5131 – Student Conduct)
(cf. 5131.1 – Bus Conduct)
(cf. 6145.2 – Athletic Competition)

Enforcement of Standards

The Santa Clara County Superintendent of Schools or designee shall ensure that each school site develops standards of conduct and discipline consistent with SCCOE policies and administrative regulations. Students and parents/guardians shall be notified of SCCOE and school rules related to conduct.

(cf. 5131 – Student Conduct)
(cf. 5131.1 – Bus Conduct)

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

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

Discipline

Students who violate SCCOE or school rules and regulations may be subject to discipline including, but not limited to, suspension, expulsion, transfer to alternative programs, or denial of the privilege of participation in extracurricular or co-curricular activities in accordance with Board policy and administrative regulation. The County Superintendent or designee shall notify local law enforcement as appropriate.

When conducting hearings related to discipline, attendance and other student matters, The County Office shall afford students their due process rights in accordance with law.

(cf. 5000 – Concepts and Roles)
(cf. 5125 - Student Records)
(cf. 5144 - Discipline)
(cf. 5144.1 - Suspension and Expulsion/Due Process)
(cf. 5145.6 - Parental Notifications)
(cf. 9000 - Role of District)
Students

ANTI-BULLYING POLICY (continued)

Reporting

The Santa Clara County Superintendent of Schools or designee shall establish and publicize to students, staff, volunteers, and parents how to report bullying and actions that may be taken.

The process for receiving and investigating instances of bullying of any kind, as defined within this policy, includes complaints of discrimination, harassment, intimidation, and bullying based on actual or perceived characteristics.

School and COE personnel who witness such acts of bullying as defined within this policy shall take immediate steps to intervene when safe to do so. Complaints of bullying shall be investigated and resolved in accordance with site-level grievance procedures specified in AR 5145.7 - Sexual Harassment.

Reporting any act of bullying:

1. At each school or SCCOE location, the principal/designee is responsible for receiving oral or written complaints alleging violations of this policy, as well as any infractions of the Student Conduct policy.

2. Students may report complaints of bullying to any school or SCCOE employee. Any such reports of bullying allegations must be made, in writing, to the principal/designee or other appropriate administrator/designee.

3. Any member of the school community who may have credible information about an act of bullying that may have taken place may file a report of bullying either as a witness or a victim.

4. Any student (or a parent or guardian on behalf of the complainant who is a minor) who believes he/she is a victim of bullying, has witnessed an act of bullying, or has knowledge of any incidents involving acts of bullying are strongly encouraged to report the incidents to a school official.

5. A student, school employee, school volunteer, contractor, parent/guardian, or other persons who promptly reports in good faith an act of bullying to the appropriate school official, and who makes this report in compliance with the procedures set forth in the policy, is immune from a cause of action for damages arising out of the reporting itself or any failure to remedy the reported incident. Submission of a good faith complaint or report of bullying will not affect the complainant or reporter’s future employment, grades, learning or working environment, or work assignments within the SCCOE.

6. Administrators/principal/designee(s) shall document in writing all complaints regarding bullying to ensure that incidents of bullying, or any other infractions, are appropriately addressed in a timely manner, whether the original report of bullying is made verbally or in writing.
7. Anonymous reports of bullying may be made to the appropriate school official. School officials should develop and publicize a system in which students, employees, volunteers, parents/guardians can make an anonymous report of bullying.

**Investigation of Complaints**

The investigation of a reported act of bullying of a student, school-based employee, parent/guardian or other persons providing service to the school is deemed to be a school related activity and begins with a report of such an act.

The principal/designee and/or Investigative Designee shall document all complaints in writing and/or through the appropriate data system to ensure that problems are addressed in a timely manner. This process is to be followed with all anonymous complaints as well. Although this Policy encourages students to use the formal written complaint process, school officials "should investigate all complaints and reports of harassment, whether or not the complaint is in writing," as stated by the Office for Civil Rights in Protecting Students from Harassment and Hate Crime: A Guide for Schools, Part II (1999).

If the complaint is about the principal or a staff member’s direct supervisor, then the Superintendent/Designee or appropriate administrator shall be asked to address the complaint.

The trained Investigative Designee(s) will make the determination if a reported act of bullying or harassment falls within the scope of SCCOE policies and regulations.

A. If it is within the scope of SCCOE policies and regulations, move to Procedures for Investigating Bullying and/or Harassment as outlined below.
B. If it is outside the scope and determined an alleged criminal act, refer to appropriate law enforcement, provide any applicable interventions, and document according to Policy.
C. If it is outside the scope and determined not a criminal act, inform parents/guardians of all students involved, provide appropriate interventions and document according to Policy.

**Internal Investigation:**

A. The procedures for investigating school-based bullying must include the principal/designee and/or the Investigative Designee, in the case of student-to-student bullying. The principal, Investigative Designee and Prevention Liaison shall be trained in investigative procedures and interventions as outlined in this Policy. For incidents at the area or for school-based adult-on-adult bullying, the appropriate administrator will be responsible for the investigation as outlined in this policy and will run concurrently and in addition, to all agreed upon procedures for staff discipline.

B. The investigator may not be the accused or the alleged victim.
C. The principal/designee or appropriate administrator shall begin a thorough investigation with the alleged victim and accused within two (2) school days of receiving a notification of complaint. The school administrators/designees will provide immediate notification to the parents of both the victim and the alleged perpetrator of an act of bullying or harassment.

D. During the investigation, the principal/designee or appropriate administrator may take any action necessary to protect the complainant, alleged victim, other students or employees consistent with the requirements of applicable regulations and statutes.

1. Documented interviews of the alleged victim, alleged perpetrator, and witnesses are conducted privately, separately, and are confidential. Each individual (victim, alleged perpetrator, and witnesses) will be interviewed separately and at no time will the alleged perpetrator and victim be interviewed together.

2. At no time during the investigation will the name of the complainant be revealed by the investigator.

3. In general, student complainants and/or alleged victims will continue attendance at the same school and pursue their studies as directed while the investigation is conducted and the complaint is pending resolution. Any legal order of a court will prevail.

4. When necessary to carry out the investigation or for other good reasons, and consistent with federal and state privacy laws, the principal/designee or appropriate administrator also may discuss the complaint with any school district employee, the parent of the alleged victim, the parent of the complainant or accused, if one or both is a minor (or has given consent or is an adult who has been determined to be incompetent or unable to give informed consent due to disability), and/or child protective agencies responsible for investigating child abuse.

5. During the investigation where an employee is the accused, the principal/designee or the appropriate administrator may recommend to the Chief Student Officer and/or Executive Director of Human Resources/designee, any action necessary to protect the complainant, the alleged victim, or other students or employees, consistent with the requirements of applicable statutes, Board of Education Policies, and collective bargaining agreements.

E. Within ten (10) school days of the notification as to the filing of the complaint, there shall be a written decision by the Principal/Designee or appropriate administrator regarding the completion and determination of the investigation. The principal/designee shall make a decision about the validity of the allegations in the complaint and about any corrective action, if applicable, consistent with the School Program Discipline Plan.

F. The Principal/Designee or appropriate administrator will inform all relevant parties in writing of the decision and the right to appeal. A copy of the decision will be sent to the originating school and be noted in all relevant data tracking systems.

G. If the accused is an employee, discipline may be taken, consistent with any applicable collective bargaining agreement provisions, to resolve a complaint of bullying. The supervisor/designee of
ANTIBULLYING POLICY (continued)

the employee shall discuss the determination and any recommended corrective action with the appropriate supervisor and the Executive Director of Human Resources or designee.

H. No retaliation of any kind is permitted in connection with an individual's having made a bullying complaint and if it occurs, it shall be deemed an additional act of bullying as stated herein this Policy.

Informal Resolution

The administrator, along with the alleged victim and the accused/student, may agree to informally resolve the complaint. Documented interviews of the victim, alleged perpetrator, and witnesses are conducted privately and are confidential. Each individual (victim, alleged perpetrator and witnesses) will be interviewed separately, and at no time will the alleged perpetrator and victim be interviewed together. Each party’s agreement to Informal Resolution must be in writing.

Formal Resolution

The alleged victim/complainant/student/employee or parent(s), on behalf of the student, may file a written complaint with the principal/designee or appropriate administrator.

Based on the level of infraction, parents will be promptly notified of any actions being taken to protect the victim via written notice, telephone or personal conference; the frequency of notification will depend on the seriousness of the bullying incident.

The resolution, all interviews and interventions that take place and the corresponding dates shall be documented in writing and/or noted in a specified data system.

External Investigation

If the act is outside the scope of the SCCOE, and determined a criminal act, referral to appropriate law enforcement shall be made immediately, the parent will be notified, and the referral documented by the principal/designee in the specified format.

While SCCOE does not assume any liability for incidences that must be referred for external investigation, it encourages the provision of assistance and intervention as the principal/designee deems appropriate, including the use of the School Resource Officer and other personnel. The principal/designee shall log all reports and interventions.

Prevention

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

(cf. 1220 - Citizen Advisory Committees)
(cf. 6163.4 - Student Use of Technology)
ANTI-BULLYING POLICY (continued)

School staff shall receive related professional development, including information about early warning signs of harassing/intimidating behaviors and effective prevention and intervention strategies. Parents/guardians, students, and community members also may be provided with similar information.

(cf. 4131 - Staff Development)
(cf. 4231 - Staff Development)
(cf. 4331 - Staff Development)
(cf. 5136 - Gangs)

Legal Reference:
EDUCATION CODE

200-262.4 Prohibition of discrimination
32261 Bullying
32282 Comprehensive School Safety Plans
32283 Workshops; Contracts with law enforcement and educator trainers
35181 Governing board policy on responsibilities of students
35291-35291.5 Rules
44807 Duty concerning conduct of students
48900-48925 Suspension or expulsion, especially:
48908 Duties of students
48950 Student Free Speech Off School Campus
51512 Prohibition against electronic listening or recording device in classroom without permission
CIVIL CODE
1714.1 Liability of parents and guardians for willful misconduct of minor
PENAL CODE
288.2 Harmful matter with intent to seduce
313 Harmful matter
417.25-417.27 Laser scope
647 Use of camera or other instrument to invade person's privacy; misdemeanor
647.7 Use of camera or other instrument to invade person's privacy; punishment
653.2 Electronic communication devices, threats to safety
VEHICLE CODE
23124 Use of cellular phones provisional license holders
CODE OF REGULATIONS, TITLE 5
300-307 Duties of pupils

Policy SANTA CLARA COUNTY OFFICE OF EDUCATION
adopted: May 16, 2012 San Jose, California
STUDENT DISTURBANCES

The Santa Clara County Board of Education desires to provide orderly campuses that create a positive school environment and are conducive to learning. When students initiate or are involved in a campus disturbance that has the potential to threaten the safety of students or staff, the Santa Clara County Superintendent of Schools or designee may request law enforcement assistance.

The County Superintendent or designee and the principal of each school shall establish a school safety plan that is intended to curb disruptions which may lead to riots, violence, or vandalism at school or at school-sponsored events. In developing each school's plan, the County Superintendent or designee shall consult with local law enforcement authorities to create guidelines for law enforcement support and intervention.

Staff are encouraged to be alert to conditions at school that may lead to a disturbance, such as racial or cultural conflict, student protests, or gang intimidation and confrontations. Staff who believe that a disturbance is imminent, or who see a disturbance occurring, shall immediately contact the principal and invoke the school disturbance response plan.

Students who participate in a campus disturbance shall be subject to disciplinary action in accordance with Board policy and administrative regulations.

Legal Reference: (see next page)
STUDENT DISTURBANCES (continued)

Legal Reference:

**EDUCATION CODE**
- 32210 Willful disturbance of public school or meeting
- 32211 Threatened disruption or interference with classes
- 32280-32288 School safety plans
- 35160 Authority of Districts
- 38000-38005 Security patrols
- 44810 Willful interference with classroom conduct
- 44811 Disruption of classwork or extracurricular activities
- 48900 Grounds for suspension or expulsion
- 48907 Student exercise of free expression
- 51512 Prohibited use of electronic listening or recording device

**PENAL CODE**
- 243.5 Assault or battery on school property
- 403-420 Crimes against the public peace, especially:
  - 415 Fighting; noise; offensive words
  - 415.5 Disturbance of peace of school
- 416 Assembly to disturb peace; refusal to disperse
- 626-626.10 Crimes on school grounds
- 627-627.7 Access to school premises
- 653b Loitering about schools or public places

Management Resources:

**CSBA PUBLICATIONS**
- 911! A Manual for Schools and the Media During a Campus Crisis, 2001

**U.S. DEPARTMENT OF EDUCATION PUBLICATIONS**
- Practical Information on Crisis Planning: A Guide for Schools and Communities, May 2003

**WEB SITES**
- CSBA: http://www.csba.org
- California Department of Education, Safe Schools Office: http://www.cde.ca.gov/ls/ss
STUDENT DISTURBANCES

Prohibited Activities

A student involved or attempting to be involved in any of the following prohibited activities shall be subject to discipline:

1. Disturbing the peace, including, but not limited to, causing or attempting to cause a riot, burning or destroying property, fighting, challenging another to fight, or using offensive words likely to provoke a fight

(cf. 3515 - Campus Security)

2. Disrupting school operations, including, but not limited to, exercising free expression which is obscene, libelous, or slanderous or so incites students as to create a clear and present danger of the commission of unlawful acts on school premises or the violation of lawful school regulations, or substantially disrupting the orderly operation of the school (Education Code 48907)

(cf. 5145.2 - Freedom of Speech/Expression)

Other examples of activities that may be considered disrupting school operations include, but are not limited to:

a. Organizing or participating in unauthorized assemblies on school premises

b. Participating in sit-ins or stand-ins which deny students or employees normal access to school premises

c. Interfering with or unauthorized use of the SCCOE computer system

(cf. 6163.4 - Student Use of Technology)

3. Refusing to disperse, including, but not limited to, assembling for the purpose of causing a disruption and refusing to disperse upon the direction of school personnel

4. Boycotting school, including, but not limited to, participating in any protest that involves nonattendance where attendance is required at school, class, or at a school activity

Any student who participates in a boycott shall be given an unexcused absence and may be classified as truant, regardless of any parent/guardian approval of the absence.

(cf. 5113 - Absences and Excuses)
(cf. 5113.1 - Truancy)
(cf. 5144 - Discipline)
(cf. 5144.1 - Suspension and Expulsion/Due Process)
STUDENT DISTURBANCES (continued)

Extension of Class Period and/or Dismissal of School

During any disturbance in which additional students might become involved while changing classes, the principal or designee may notify all staff that any class currently in session will be extended until further notice. Upon receiving this notification, staff shall ensure that all students in their charge remain in one location under their supervision and shall ask all students who are in the halls to return to their classes immediately.

The principal may also request that the County Superintendent dismiss school in accordance with the school disturbance response plan.

(cf. 0450 - Comprehensive Safety Plan)
(cf. 3516 - Emergencies and Disaster Preparedness Plan)
VANDALISM AND GRAFFITI

The Santa Clara County Board of Education desires to enhance student learning by striving to provide an environment where students and staff can feel safe and secure and can take pride in their school. To that end, the Santa Clara County Superintendent of Schools or designee shall develop strategies for preventing graffiti and vandalism on school grounds, including collaborating with local law enforcement and city and county officials, as appropriate, to help develop a coordinated response to graffiti and vandalism in the community.

(cf. 0450 - Comprehensive Safety Plan)
(cf. 1400 - Relations Between Other Governmental Agencies and the Schools)
(cf. 3515 - Campus Security)
(cf. 3515.3 - District Police/Security Department)
(cf. 5131.7 - Positive School Climate)
(cf. 5136 - Gangs)
(cf. 5138 - Conflict Resolution/Peer Mediation)

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

(cf. 5145.3 - Nondiscrimination/Harassment)
(cf. 5145.7 - Sexual Harassment)
(cf. 5145.9 - Hate-Motivated Behavior)

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

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

A student who commits an act of vandalism or graffiti on school grounds shall be subject to disciplinary action, including, but not limited to, suspension or expulsion in accordance with Board policy and administrative regulation. If reparation for damages is not made, the SCCOE also may withhold the student's grades, diploma, and/or transcripts in accordance with law.

(cf. 3515.4 - Recovery for Property Loss or Damage)
(cf. 5125.2 - Withholding Grades, Diploma or Transcripts)
(cf. 5131 - Conduct)
(cf. 5144 - Discipline)
(cf. 5144.1 - Suspension and Expulsion/Due Process)

Legal Reference: (see next page)
VANDALISM AND GRAFFITI (continued)

Legal Reference:
EDUCATION CODE
48900  Grounds for suspension or expulsion
48904  Willful misconduct, limit of liability of parent or guardian
48904.3  Withholding grades, diplomas, or transcripts of pupils causing property damage or injury
CIVIL CODE
51.7  Right to be free from violence
52.1  Discrimination liability
1714.1  Liability of parent or guardian for act of willful misconduct by a minor
GOVERNMENT CODE
53069.5  Reward for information
PENAL CODE
594  Vandalism
594.1  Aerosol containers of paint
594.2  Intent to commit vandalism or graffiti
594.6  Vandalism or graffiti, community service
640.5  Graffiti; facilities or vehicles of governmental entity
640.6  Graffiti
CODE OF REGULATIONS, TITLE 5
305  Student responsible for care of property

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

Policy
SANTA CLARA COUNTY OFFICE OF EDUCATION
adopted: October 20, 2010
San Jose, California
ALCOHOL AND OTHER DRUGS

The Santa Clara County Board of Education believes that the use of alcohol or other drugs adversely affects a student's ability to achieve academic success, is physically and emotionally harmful, and has serious social and legal consequences. The County Board desires to keep Santa Clara County Office of Education schools free of alcohol and other drugs in order to help prevent violence, promote school safety and create a well-disciplined environment conducive to learning.

The Santa Clara County Superintendent of Schools or designee shall develop, implement and evaluate a comprehensive prevention and intervention program that is coordinated with other school and community-based services and programs. The SCCOE program shall be scientifically based and designed to prevent or reduce alcohol or other drug use and the possession and distribution of illegal drugs. It shall include primary prevention activities such as decision-making skills and conflict management, instruction, referral to a rehabilitation program, enforcement/discipline, activities that promote the involvement of parents/guardians and coordination with appropriate community agencies and organizations.

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

The County Superintendent or designee shall consult with principals, teachers, other school personnel, students and parents/guardians when developing the SCCOE program.

The County Superintendent or designee shall clearly communicate to all students, staff and parents/guardians the SCCOE policies, regulations and school rules related to the use of alcohol and other drugs on school campuses or at school activities. Information about program needs and goals shall be widely distributed in the community.

Staff should encourage students to participate as responsible partners in efforts to maintain a safe, constructive school climate.

(cf. 0450 - Comprehensive Safety Plan)
(cf. 1020 - Youth Services)
(cf. 4020 - Drug and Alcohol-Free Workplace)
(cf. 5138 - Conflict Resolution/Peer Mediation)
(cf. 6020 - Parent Involvement)

(cf. 5131.61 - Drug Testing)
(cf. 5131.62 - Tobacco)
(cf. 5131.63 - Steroids)

(cf. 5137 - Positive School Climate)
ALCOHOL AND OTHER DRUGS  (continued)

The County Board encourages the establishment of site-level advisory groups to assist in promoting alcohol- and drug-free schools.

(cf. 1220 - Citizen Advisory Committees)

The SCCOE drug education program shall augment county drug education services, if any. SCCOE staff shall take every opportunity to cooperate with county and county office of education staff in planning and implementing collaborative alcohol and drug prevention programs.

(cf. 1020 - Youth Services)
(cf. 1400 - Relations Between Other Governmental Agencies and the Schools)

Instruction

The SCCOE shall provide science-based preventative instruction which has been proven effective in helping students avoid the use of alcohol and other drugs.

(cf. 6142.1 - Sexual Health and HIV/AIDS Prevention Instruction)
(cf. 6142.8 - Comprehensive Health Education)
(cf. 6143 - Courses of Study)

All instruction and related materials shall consistently state that unlawful use of alcohol or other drugs is wrong and harmful. Instruction shall not include the concept of responsible use of drugs or alcohol when such use is illegal. (20 USC 7114, 7162; Health and Safety Code 11999.2)

The SCCOE shall offer staff development activities for staff who implement the comprehensive drug and alcohol prevention and intervention program.

(cf. 4131 - Staff Development)

Intervention, Referral and Student Assistance Programs

School staff, students and parents/guardians shall be informed about early warning signs which may indicate alcohol and other drug use and about appropriate agencies offering intervention programs, counseling, referral and other student assistance programs.

The County Board strongly encourages any student who is using alcohol or drugs to discuss the matter with his/her parent/guardian or with any staff member. Students who disclose their use of alcohol or other drugs when seeking help from an intervention or recovery program shall not be disciplined for such use.
**ALCOHOL AND OTHER DRUGS** (continued)

**Enforcement/Discipline**

The County Superintendent or designee shall take appropriate action to eliminate possession, use or sale of alcohol and other drugs and related paraphernalia on school grounds or at school-sponsored activities.

(cf. 5131 - Conduct)
(cf. 5145.11 - Questioning and Apprehension by Law Enforcement)
(cf. 5145.12 - Search and Seizure)

Students possessing, using or selling alcohol or other drugs or related paraphernalia shall be subject to disciplinary procedures including suspension or expulsion and/or referral to law enforcement in accordance with law, Board policy and administrative regulation. In addition, such students may be referred to an appropriate counseling program, transferred to an alternative placement, and/or be restricted from extracurricular activities, including athletics.

(cf. 5144 - Discipline)
(cf. 5144.1 - Suspension and Expulsion/Due Process)
(cf. 6145 - Extracurricular and Cocurricular Activities)

*Legal Reference:* (see next page)
ALCOHOL AND OTHER DRUGS (continued)

Legal Reference:

EDUCATION CODE
44049 Known or suspected alcohol or drug abuse by student
44645 In-service training anabolic steroids
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
48909 Narcotics or other hallucinogenic drugs
48915 Expulsion; particular circumstances
49602 Confidentiality of pupil information
51202 Instruction in personal and public health and safety
51203 Instruction on alcohol, narcotics and restricted dangerous drugs
51210 Areas of study
51220 Areas of study, grades 7 to 12
51260-51269 Drug education
60041 Instructional materials
60110-60115 Instructional materials on alcohol and drug education
BUSINESS AND PROFESSIONS CODE
25608 Alcohol on school property; use in connection with instruction
HEALTH AND SAFETY CODE
11032 Narcotics, restricted dangerous drugs and marijuana
11053-11058 Standards and schedules
11353.6 Juvenile Drug Trafficking and Schoolyard Act
11357 Unauthorized possession of marijuana; possession in school or on school grounds
11361.5 Destruction of arrest or conviction records
11372.7 Drug program fund; uses
11802 Joint school-community alcohol abuse primary education and prevention program
11998-11998.3 Drug and Alcohol Abuse Master Plans
11999-11999.3 Alcohol and drug program funding; no unlawful use
124175-124200 Adolescent family life program
PENAL CODE
13860-13864 Suppression of drug abuse in schools
VEHICLE CODE
13202.5 Drug and alcohol related offenses by person under age of 21, but aged 13 or over;
WELFARE AND INSTITUTIONS CODE
828 Disclosure of information re minors
828.1 Disclosure of criminal records; protection of vulnerable staff & students
UNITED STATES CODE, TITLE 20
5812 National education goals
7101-7184 Safe and Drug-Free Schools and Communities Act

Management Resources: (see next page)
ALCOHOL AND OTHER DRUGS (continued)

Management Resources:

WEB SITES
California Department of Education, Alcohol, Tobacco and Other Drug Prevention:
http://www.cde.ca.gov/ls/he/at
California Healthy Kids:  http://www.californiahealthykids.org
U.S. Department of Education, Office of Safe and Drug Free Schools:
http://www.ed.gov/about/offices/list/osdfs/index.html
Students

ALCOHOL AND OTHER DRUGS

Instruction

The curriculum of all elementary and secondary schools shall include instruction on the effects upon the human body, as determined by science, of tobacco, alcohol, narcotics, dangerous drugs as defined in Health and Safety Code 11032, and other dangerous substances. Instruction shall be sequential in nature and suited to meet the needs of students at their respective grade level. (Education Code 51203, 51260)

(cf. 5131.62 - Tobacco)

In grades 1-6, instruction in drug education should be given in health courses required by Education Code 51210. (Education Code 51260)

In grades 7-12, instruction in drug education shall be conducted in health courses and in any other appropriate area of study required by Education Code 51220. (Education Code 51260)

(cf. 6142.8 - Comprehensive Health Education)

Secondary school instruction shall also include a study of the effects of alcohol and other drugs upon prenatal development. (Education Code 51203)

(cf. 6143 - Courses of Study)

Instruction shall be provided by appropriately trained instructors who have demonstrated competencies, as determined by the principal or designee, in the following areas: (Education Code 51260)

1. The ability to interact with students in a positive way
2. Knowledge of the properties and effects of tobacco, alcohol, narcotics, dangerous drugs, and shared drug apparatus
3. Effective teaching skills and competency in helping students to express opinions responsibly and to become aware of their values as they affect drug-use decisions

Intervention

Santa Clara County Office of Education staff shall intervene whenever students use alcohol or other illegal drugs while on school property or under school jurisdiction. Staff members who have a reasonable suspicion that a student may be under the influence of alcohol or drugs shall immediately notify the principal or designee.

If the principal or designee, in his/her professional capacity or in the course of his/her employment, knows, observes or suspects that a student may be under the influence of alcohol or drugs, he/she may notify the parent/guardian. (Education Code 44049)
School staff shall not disclose confidential information provided during counseling by a student 12 years of age or older. A school counselor may report such information to the principal or parent/guardian only when he/she believes that disclosure is necessary to avert a clear and present danger to the health, safety or welfare of the student or other persons living in the school community. The school counselor shall not disclose such information to the parent/guardian if he/she believes that the disclosure would result in a clear and present danger to the student's health, safety or welfare. (Education Code 44049, 49602)

(cf. 5022 - Student and Family Privacy Rights)
(cf. 5141 - Health Care and Emergencies)
(cf. 6164.2 - Guidance/Counseling Services)
Santa Clara COE
Board Policy

Students

BP 5131.62
Tobacco

The Santa Clara County Board of Education recognizes that tobacco use presents serious health risks and desires to provide support and assistance in reducing the number of students who begin or continue to use tobacco. The Santa Clara County Superintendent of Schools or designee shall establish a comprehensive program that includes consistent enforcement of laws prohibiting tobacco possession and use by students, tobacco-use prevention education, and intervention and cessation activities and/or referrals.

Prohibition Against Tobacco Use

Students shall not smoke or use tobacco, or any product containing tobacco or nicotine including nicotine delivery devices such as e-cigarettes, while on campus, while attending school-sponsored activities, or while under the supervision and control of Santa Clara County Office of Education employees. This prohibition does not include students' possession or use of their own prescription products. (Education Code 48900, 48901)

(cf. 3513.3 - Tobacco-Free Schools) (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))

Intervention/Cessation Services

The SCCOE may provide or refer students to counseling, intensive education, and other intervention services to assist in the cessation of tobacco use.

(cf. 1020 - Youth Services)
(cf. 5141.6 - School Health Services)
(cf. 6164.2 - Guidance/Counseling Services)
Legal Reference:

EDUCATION CODE
48900 Suspension or expulsion (grounds)
48900.5 Suspension, limitation on imposition; exception
48901 Smoking or use of tobacco prohibited
51202 Instruction in personal and public health and safety
60041 Instructional materials, portrayal of effects of tobacco use

HEALTH AND SAFETY CODE
104350-104495 Tobacco-use prevention education

PENAL CODE
308 Minimum age for tobacco possession

CODE OF REGULATIONS, TITLE 17
6800 Definition, health assessment
6844-6847 Child Health and Disability Prevention program; health assessments

UNITED STATES CODE, TITLE 20
7111-7117 Safe and Drug-Free Schools and Communities Act

ATTORNEY GENERAL OPINIONS

Management Resources:

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS
Health Education Content Standards for California Public Schools: Kindergarten Through Grade Twelve, 2008
Health Framework for California Public Schools: Kindergarten Through Grade Twelve, 2003
Getting Results: Part II California Action Guide to Tobacco Use Prevention Education, 2000

CENTERS FOR DISEASE CONTROL AND PREVENTION PUBLICATIONS
Guidelines Related to School Health Programs to Prevent Tobacco Use and Addiction, 1994

WEST ED PUBLICATIONS

WEB SITES
CSBA: http://www.csba.org
California Department of Education, Tobacco-Use Prevention Education: http://www.cde.ca.gov/ls/he/at/tupe.asp
California Department of Public Health, Tobacco Control: http://www.cdph.ca.gov/programs/tobacco
California Healthy Kids Resource Center: http://www.californiahealthykids.org
California Healthy Kids Survey: http://www.wested.org/hks
Centers for Disease Control and Prevention, Smoking and Tobacco Use: http://www.cdc.gov/tobacco
Safe and Healthy Kids Annual Report: http://hk.duerrevaluation.com

Policy
adopted: October 20, 2010
revised: April 9, 2014

SANTA CLARA COUNTY OFFICE OF EDUCATION
San Jose, California
Students

BP 5131.7(a)

WEAPONS AND DANGEROUS INSTRUMENTS

The Santa Clara County Board of Education recognizes that students and staff have the right to a safe and secure campus free from psychological and physical harm and desires to protect them from the dangers presented by firearms and other weapons.

(cf. 0450 - Comprehensive Safety Plan)
(cf. 3515.3 - District Police/Security Department)
(cf. 5116.1 - Intradistrict Open Enrollment)
(cf. 5131 - Conduct)
(cf. 5144 - Discipline)
(cf. 5138 - Conflict Resolution/Peer Mediation)

Possession of Weapons

The County Board prohibits any student from possessing weapons, imitation firearms, or dangerous instruments of any kind in school buildings, on school grounds or buses, at school-related or school-sponsored activities away from school, or while going to or coming from school.

Under the power granted to the County Board to maintain order and discipline in the schools and to protect the safety of students, staff, and the public, any school employee is authorized to confiscate a weapon, dangerous instrument, or imitation firearm from any student on school grounds.

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

Unless he/she has obtained prior written permission as specified below, a student possessing or threatening others with any weapon, dangerous instrument, or imitation firearm shall be subject to suspension and/or expulsion in accordance with law, Board policy, and administrative regulations.

(cf. 5144 - Discipline)
(cf. 5144.1 - Suspension and Expulsion/Due Process)
(cf. 5144.2 - Suspension and Expulsion/Due Process (Individuals with Disabilities))

The principal or designee shall notify law enforcement authorities when any student possesses a firearm, explosive, or other dangerous weapon or instrument without permission, sells or furnishes a firearm, or commits any act of assault with a firearm or other weapon. (Education Code 48902; Penal Code 245, 626.9, 626.10;20 USC 7151)

(cf. 3515.2 - Disruptions)

Advance Permission for Possession of a Weapon for Educational Purposes

The parent/guardian of a student who desires to possess a firearm, imitation firearm, or other prohibited weapon on school grounds for an educational purpose shall, at least five school days in advance of the planned possession, submit a written request to the principal which
WEAPONS AND DANGEROUS INSTRUMENTS (continued)

explains the planned use of the weapon and the duration. The student shall also submit a
written explanation from the staff person responsible for the school-sponsored activity or class.

The principal may grant permission for such possession when he/she determines that it is
necessary for a school-sponsored activity or class or as part of the educational program.
Factors that shall be considered include, but are not limited to, the planned use of the weapon,
the duration and location of the planned use, whether an audience is expected, and any
perceived adverse effects to the safety and well-being of students or staff. If the principal
grants such permission, he/she shall provide the student and staff person with a written
explanation regarding any limitations and the permissible duration of the student's possession.

When the principal or designee grants permission, he/she shall take all necessary precautions
to ensure the safety of all persons on school grounds, including, but not limited to, inspecting a
firearm to verify that no live ammunition is present. Any weapon allowed shall be stored in a
locked vehicle or in an appropriate, locked container before and after its authorized use.

A student granted permission to possess a weapon may be suspended and/or expelled if he/she
possesses or uses the weapon inappropriately.

Possession of Pepper Spray

To prevent potential misuse that may harm students or staff, students are prohibited from
carrying tear gas or tear gas weapons such as pepper spray on campus or at school activities.

Reporting of Dangerous Objects

The County Board encourages students to promptly report the presence of weapons, injurious
objects, or other suspicious activity to school authorities. The identity of a student who reports
such activity shall remain confidential to the extent permitted by law.

(cf. 5125 - Student Records)

The Santa Clara County Superintendent of Schools or designee shall develop strategies
designed to facilitate student reporting of the presence of injurious objects on school grounds,
such as tip hotlines, electronic transmissions, or other methods that preserve the student's
anonymity. Incident reports and records shall not identify the student who reported the
possession. The County Superintendent or designee also shall inform staff, students, and
parents/guardians that students who report the presence of injurious objects on school
campuses are to be protected and their identity shielded.
WEAPONS AND DANGEROUS INSTRUMENTS (continued)

Legal Reference:

EDUCATION CODE
35291 District to prescribe rules for discipline of the schools
48900 Grounds for suspension/expulsion
48902 Notification of law enforcement authorities
48915 Required recommendation for expulsions
48916 Readmission
49330-49335 Injurious objects

PENAL CODE
245 Assault with deadly weapon
417.4 Imitation firearm; drawing or exhibiting
626.9 Gun-Free School Zone Act of 1995
626.10 Dirks, daggers, knives, razor or stun gun; bringing or possessing in school
Switchblade knife
16100-17350 Definitions
12001 Control of deadly weapons
12020-12036 Unlawful carrying and possession of concealed weapons
12220 Unauthorized possession of a machine gun
12401-12404 Tear gas
12550-12356 BB devices and imitation firearms

UNITED STATES CODE, TITLE 20
6301-7941 No Child Left Behind Act, especially:
7151 Gun-Free Schools Act
WEAPONS AND DANGEROUS INSTRUMENTS

Prohibited weapons and dangerous instruments include, but are not limited to:

1. Firearms: pistols, revolvers, shotguns, rifles, "zip guns," "stun guns," tasers, and any other device capable of propelling a projectile by the force of an explosion or other form of combustion

2. Ammunition or reloaded ammunition

3. Knives, razor blades, and box cutters: any dirks, daggers, ice picks, or other weapons with a fixed, sharpened blade fitted primarily for stabbing, weapons with a blade fitted primarily for stabbing, weapons with a blade longer than 2-1/2 inches, folding knives with a blade that locks into place, and razors with an unguarded blade (Education Code 48915; Penal Code 626.10)

4. Explosive and/or incendiary devices: pipe bombs, time bombs, cap guns, containers of inflammable fluids, and other hazardous devices

5. Any instrument that expels a metallic projectile, such as a BB or a pellet, through the force of air pressure, carbon dioxide pressure, or spring action, or any spot marker gun (Penal Code 626.10)

6. Any other dangerous device, instrument, or weapon, including those defined in Penal Code 12020, including a blackjack, slingshot, billy, nunchaku, sandclub, sandbag, metal knuckles, or any metal plate with three or more radiating points with one or more sharp edges designed for use as a weapon

7. Any imitation firearm, defined as a replica of a firearm that is so substantially similar in physical properties to an existing firearm as to lead a reasonable person to conclude that the replica is a firearm (Education Code 48900; Penal Code 12550)

Any employee may take any weapon or dangerous instrument from the personal possession of a student while the student is on school premises or under the authority of the SCCOE. (Education Code 49331, 49332)

(cf. 5145.12 - Search and Seizure)

In determining whether to take possession of the weapon or dangerous instrument, the employee shall use his/her own judgment as to the dangerousness of the situation and, based upon this analysis, shall do one of the following:

1. Confiscate the object and deliver it to the principal immediately

2. Immediately notify the principal, who shall take appropriate action
WEAPONS AND DANGEROUS INSTRUMENTS  (continued)

3. Immediately notify the local law enforcement agency and the principal

(cf. 0450 - Comprehensive Safety Plan)
(cf. 3515.3 - District/Police Security Department)
(cf. 4158/4258/4358 - Employee Security)

When informing the principal about the possession of a weapon or dangerous instrument, the employee shall report the name(s) of persons involved, witnesses, location, and the circumstances of the possession.

The principal shall report any possession of a weapon or dangerous instrument to the student's parents/guardians by telephone or in person, and shall follow this notification with a letter.

The employee shall retain possession of the instrument until the risk of its use as a weapon has dissipated or, upon the request of the student's parent/guardian, until the parent/guardian appears and personally takes possession. (Education Code 49331, 49332)
The Santa Clara County Board of Education believes that appropriate dress and grooming contribute to a productive learning environment. The County Board expects students to give proper attention to personal cleanliness and to wear clothes that are suitable for the school activities in which they participate. Students' clothing must not present a health or safety hazard or a distraction which would interfere with the educational process.

(cf. 4119.22 - Dress and Grooming)
(cf. 5145.2 - Freedom of Speech/Expression)

Students and parents/guardians shall be informed about dress and grooming standards at the beginning of the school year and whenever these standards are revised. A student who violates these standards shall be subject to appropriate disciplinary action.

(cf. 5144 - Discipline)

**Gang-Related Apparel**

The principal, staff and parents/guardians at a school may establish a reasonable dress code that prohibits students from wearing gang-related apparel when there is evidence of a gang presence that disrupts or threatens to disrupt the school's activities. Such a dress code may be included as part of the school safety plan and must be presented to the County Board for approval. The County Board shall approve the plan upon determining that it is necessary to protect the health and safety of the school's students.

(cf. 0450 - Comprehensive Safety Plan)
(cf. 5136 - Gangs)

**Uniforms**

In order to promote student safety and discourage theft, peer rivalry and/or gang activity, the principal, staff and parents/guardians at a school may establish a reasonable dress code requiring students to wear uniforms. Such a dress code may be included as part of the school safety plan and must be presented to the County Board for approval. The County Board shall approve the plan upon determining that it is necessary to protect the health and safety of the school's students.

If a school's plan to require uniforms is adopted, the Santa Clara County Superintendent of Schools or designee shall establish procedures whereby parents/guardians may choose to have their children exempted from the school uniform policy. Students shall not be penalized academically, otherwise discriminated against or denied attendance to school if their parents/guardians so decide. (Education Code 35183)
DRESS AND GROOMING (continued)

The County Superintendent or designee shall ensure that resources are identified to assist economically disadvantaged students in obtaining uniforms.

Legal Reference:

EDUCATION CODE
32281 School safety plans
35183 School dress codes; uniforms
35183.5 Sun-protective clothing
48907 Student exercise of free expression
49066 Grades; effect of physical education class apparel

CODE OF REGULATIONS, TITLE 5
302 Pupils to be neat and clean on entering school

COURT DECISIONS
Students

AR 5132(a)

DRESS AND GROOMING

In cooperation with teachers, students and parents/guardians, the principal or designee shall establish school rules governing student dress and grooming which are consistent with law, Board policy and administrative regulations. These school dress codes shall be regularly reviewed.

(cf. 0420 - School Plans/Site Councils)

Each school shall allow students to wear sun-protective clothing, including but not limited to hats, for outdoor use during the school day. (Education Code 35183.5)

In addition, the following guidelines shall apply to all regular school activities:

1. Shoes must be worn at all times. Sandals must have heel straps. Thongs or backless shoes or sandals are not acceptable.

2. Clothing, jewelry and personal items (backpacks, fanny packs, gym bags, water bottles etc.) shall be free of writing, pictures or any other insignia which are crude, vulgar, profane or sexually suggestive, which bear drug, alcohol or tobacco company advertising, promotions and likenesses, or which advocate racial, ethnic or religious prejudice.

3. Hats, caps and other head coverings shall not be worn indoors.

4. Clothes shall be sufficient to conceal undergarments at all times. See-through or fish-net fabrics, halter tops, off-the-shoulder or low-cut tops, bare midriffs and skirts or shorts shorter than mid-thigh are prohibited.

5. Gym shorts may not be worn in classes other than physical education.

6. Hair shall be clean and neatly groomed. Hair may not be sprayed by any coloring that would drip when wet.

Coaches and teachers may impose more stringent dress requirements to accommodate the special needs of certain sports and/or classes.

(cf. 3260 - Fees and Charges)

No grade of a student participating in a physical education class shall be adversely affected if the student does not wear standardized physical education apparel because of circumstances beyond the student's control. (Education Code 49066)

(cf. 5121 - Grades/Evaluation of Student Achievement)
DRESS AND GROOMING  (continued)

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

Gang-Related Apparel

At individual schools that have a dress code prohibiting gang-related apparel at school or school activities, the principal, staff and parents/guardians participating in the development of the school safety plan shall define "gang-related apparel" and shall limit this definition to apparel that reasonably could be determined to threaten the health and safety of the school environment if it were worn or displayed on a school campus. (Education Code 32282)

Because gang-related symbols are constantly changing, definitions of gang-related apparel shall be reviewed at least once each semester and updated whenever related information is received.

Uniforms

In schools where a schoolwide uniform is required, the principal, staff and parents/guardians of the individual school shall jointly select the specific uniform to be worn. (Education Code 35183)

At least six months before a school uniform policy is implemented, the principal or designee shall notify parents/guardians of this policy. (Education Code 35183)

Parents/guardians shall also be informed of their right to have their child exempted.

The principal or designee shall also repeat this notification at the end of the school year so that parents/guardians are reminded before school clothes are likely to be purchased.

The Santa Clara County Superintendent of Schools or designee shall establish criteria for determining student eligibility for financial assistance when purchasing uniforms.

The County Superintendent or designee shall establish a method for recycling or exchanging uniforms as students grow out of them.

Students who participate in a nationally recognized youth organization shall be allowed to wear organization uniforms on days when the organization has a scheduled meeting. (Education Code 35183)
The Santa Clara County Board of Education desires to keep Santa Clara County Office of Education schools free from the threats or harmful influence of any groups or gangs which exhibit drug use, violence or disruptive behavior. The Santa Clara County Superintendent of Schools or designee shall take steps to deter gang intimidation of students and staff and confrontations between members of different gangs. He/she shall exchange information and establish mutually supportive efforts with local law enforcement authorities.

(cf. 5131.4 - Student Disturbances)
(cf. 5131.7 - Weapons and Dangerous Instruments)

The County Superintendent or designee shall provide inservice training which helps staff to identify gangs and gang symbols, recognize early manifestations of disruptive activities, and respond appropriately to gang behavior. Staff shall be informed about conflict management techniques and alerted to intervention measures and community resources.

The County Board realizes that students become involved in gangs for many reasons, such as peer pressure, the need for a sense of belonging, and lack of refusal skills. Age-appropriate gang violence prevention education shall start with students in the early elementary grades and may start in kindergarten.

To further discourage the influence of gangs, the County Superintendent or designee shall ensure that school rules of conduct and any school dress code prohibiting gang-related apparel are enforced consistently. If a student exhibits signs of gang affiliation, staff shall so inform the parent/guardian.

(cf. 0450 - Comprehensive Safety Plan)
(cf. 5132 - Dress and Grooming)
(cf. 6164.2 - Guidance/Counseling Services)

Legal Reference: (see next page)
GANGS (continued)

Legal Reference:

EDUCATION CODE
32282 School safety plans
35183 Gang-related apparel
41510-41514 School Safety Consolidated Competitive Grant
48907 Student exercise of free expression
51264 Educational inservice training; CDE guidelines
51265 Gang violence and drug and alcohol abuse prevention inservice training
51266-51266.5 Model gang and substance abuse prevention curriculum
PENAL CODE
186.22 Participation in criminal street gang
13826-13826.7 Gang violence suppression
UNITED STATES CODE, TITLE 20
7101-7184 Safe and Drug-Free Schools and Communities Act

Management Resources:

CDE PUBLICATIONS
On Alert: Gang Prevention in School and Inservice Guidelines, January 1994

CSBA PUBLICATIONS
Protecting Our Schools: District Strategies to Combat School Violence, 1995
Cautionary Notice: As added and amended by SBX3 4 (Ch. 12, Third Extraordinary Session, Statutes of 2009) and ABX4 2 (Ch. 2, Fourth Extraordinary Session, Statutes of 2009), Education Code 42605 grants district flexibility in "Tier 3" categorical programs. The Santa Clara County Office of Education has accepted this flexibility and thus is deemed in compliance with the statutory or regulatory program and funding requirements for these programs for the 2008-2009 through 2012-2013 fiscal years. As a result, the district may temporarily suspend certain provisions of the following policy or regulation that reflect these requirements. For further information, please contact the Superintendent or designee.

Prevention and Intervention Measures

In order to discourage the influence of gangs, school staff shall take the following measures:

1. Any student displaying behavior, gestures, apparel or paraphernalia indicative of gang affiliation shall be referred to the principal or designee.
   a. The student's parent/guardian shall be contacted and may be asked to meet with school staff.
   b. The student may be sent home to change clothes if necessary.
   
   (cf. 5132 - Dress and Grooming)

2. Staff members shall be provided with the names of known gang members.

3. Students who seek help in rejecting gang associations may be referred to community-based gang suppression and prevention organizations.

   (cf. 1020 - Youth Services)

4. Any gang graffiti on school premises shall be removed, washed down or painted over as soon as discovered.
   a. Daily checks for graffiti shall be made throughout the campus.
   b. Graffiti shall be photographed before it is removed. These photographs shall be shared with local law enforcement authorities and used in future disciplinary or criminal action against the offenders.

   (cf. 3515 - Campus Security)
   (cf. 5131.5 - Vandalism and Graffiti)

5. Classroom and after-school programs at each school shall be designed to enhance individual self-esteem, provide positive reinforcement for acceptable behavior, and foster interest in a variety of constructive activities. These programs shall also:
GANGS (continued)

a. Explain the dangers of gang membership
b. Provide counseling for targeted at-risk students
c. Include lessons or role-playing workshops in gang avoidance skills and nonviolent conflict resolution, including communication skills, anger management, ethnic/cultural tolerance, and mediation skills
d. Assign individual gang members to cooperative learning groups in which they may work toward common goals with students who are not members of their gang
e. Provide school-to-career instruction
f. Provide positive interaction with local law enforcement staff

(cf. 5137 - Positive School Climate)

Gang prevention lessons may be taught jointly by teachers and law enforcement staff.

6. Staff shall actively promote membership in authorized student organizations which can provide students companionship, safety, and a sense of purpose and belonging, including:

a. Positive sports and cultural activities and affiliations with the local community

(cf. 6145 - Extracurricular and Cocurricular Activities)
(cf. 6145.2 - Athletic Competition)

b. Structured, goal-oriented community service projects

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

Community Outreach

Gang prevention classes or counseling offered for parents/guardians shall address the following topics:

1. The dangers of gang membership
2. Warning signs which may indicate that children are at risk of becoming involved with gangs
3. The nature of local gang apparel and graffiti
GANGS (continued)

4. Effective parenting techniques
5. Conflict resolution techniques

Community programs shall address:

1. The scope and nature of local gang problems
2. Strategies by which each segment of the community may alleviate gang problems
HEALTH CARE AND EMERGENCIES

The Santa Clara County Board of Education recognizes the importance of taking appropriate action whenever an emergency threatens the safety, health, or welfare of a student at school or during school-sponsored activities.

(cf. 0450 - Comprehensive Safety Plan)
(cf. 3516 - Emergencies and Disaster Preparedness Plan)
(cf. 5141.21 - Administering Medication and Monitoring Health Conditions)
(cf. 5141.22 - Infectious Diseases)
(cf. 5142 - Safety)

The Santa Clara County Superintendent of Schools or designee shall develop procedures to ensure that first aid and/or medical attention is provided as quickly as possible when student accidents and injuries occur and that parents/guardians are notified as appropriate.

(cf. 3530 - Risk Management/Insurance)
(cf. 5143 - Insurance)
(cf. 6145.2 - Athletic Competition)

The County Superintendent or designee shall ask parents/guardians to provide emergency contact information in order to facilitate communication in the event of an accident or illness.

Santa Clara County Office of Education staff shall appropriately report and document student accidents.

Resuscitation Orders

The County Board believes that staff members should not be placed in the position of determining whether or not to follow any parental or medical "do not resuscitate" orders. Staff shall not accept or follow any such orders unless they have been informed by the County Superintendent or designee that the request to accept such an order has been submitted to the County Superintendent or designee, signed by the parent/guardian, and supported by a written statement from the student's physician and an order from an appropriate court.

The County Superintendent or designee shall ensure that all parents/guardians are informed of this policy.

Automated External Defibrillators

The County Board authorizes the placement of automated external defibrillators (AEDs) at designated locations for use by designated personnel who have volunteered to receive training in the use of AEDs.
HEALTH CARE AND EMERGENCIES  (continued)

The County Superintendent or designee shall develop guidelines for employees regarding the use of these devices and shall ensure that employees receive training on their proper use and handling. The guidelines shall also specify the placement, security, and maintenance of the AED.

The authorization of AEDs in SCCOE locations shall not be deemed to create a guarantee or obligation to use the AED in the case of an emergency nor any expectation that an AED or trained employee will be present and/or able to use an AED in an emergency or any expectation that the AED will operate properly.

Legal Reference:

EDUCATION CODE
32040-32044  First aid equipment
49300-49307  School safety patrols
49407  Liability for treatment
49408  Emergency information
49409  Athletic events; physicians and surgeons; emergency medical care; immunity
49470  Medical and hospital services for athletic program
49471  Medical and hospital services not provided or available
49472  Medical and hospital services for pupils
49474  Ambulance services
51202  Instruction in personal and public health and safety
CIVIL CODE
1714.21  Defibrillators; CPR; immunity from civil liability
FAMILY CODE
6550-6552  Caregivers
HEALTH AND SAFETY CODE
1797.196  Automatic external defibrillators, immunity from civil liability
CODE OF REGULATIONS, TITLE 8
5193  California Bloodborne Pathogens Standard

Management Resources:

WEB SITES
American Heart Association:  http://www.americanheart.org
American Red Cross:  http://www.redcross.org
California Department of Health Care Services:  http://www.dhcs.ca.gov
Emergency Contact Information

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

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

(emit. 5021 - Noncustodial Parents)
(emit. 5141.21 - Administering Medication and Monitoring Health Conditions)
(emit. 5142 - Safety)

Consent by Caregiver

Any person 18 years of age and older who files with the Santa Clara County Office of Education a completed (Conservatorship in Special Education) affidavit for a minor student shall have the right to consent to or refuse school-related medical care on behalf of the student. The caregiver's authorization shall be invalid if SCCOE receives notice from the caregiver that the minor student is no longer living with the caregiver. (Family Code 6550)

(emit. 5111.1 - SCCOE Residency)

The caregiver's consent to medical care shall be superseded by any contravening decision of the parent or other person having legal custody of the student, provided that this contravening decision does not jeopardize the student's life, health, or safety. (Family Code 6550)

Automated External Defibrillators

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

1. SCCOE employees annually receive a brochure, with contents and style approved by the American Heart Association or American Red Cross, that describes the proper use of an AED
HEALTH CARE AND EMERGENCIES  (continued)

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

3. SCCOE employees are annually notified of the location of all AED units at SCCOE locations

The County Superintendent or designee shall designate the trained employees who shall be available to respond to an emergency that may involve the use of an AED during the hours of classroom instruction or when a school-sponsored activity is occurring on school grounds. (Health and Safety Code 1797.196)
Santa Clara County Office of Education
Board Policy
Administering Medication And Monitoring Health Conditions

BP 5141.21
Students

The Santa Clara County Board of Education (County Board) recognizes that during the school day, some students may need to take medication prescribed or ordered by an authorized health care provider to be able to fully participate in the educational program. The (County) Superintendent or Superintendent’s designee shall develop processes for the administration of medication to these students. For any student with a disability, as defined under the Individuals with Disabilities Education Act or Section 504 of the Rehabilitation Act of 1973, necessary medication shall be administered in accordance with the student's individualized education program or Section 504 services plan.

(cf. 6159 - Individualized Education Program)
(cf. 6164.6 - Identification and Education Under Section 504)

For the administration of medication to other students during school or school-related activities, the County Superintendent or Superintendent’s designee shall develop protocols which shall include options for allowing a parent/guardian to administer medication to his/her child at school, designate other individuals to do so on his/her behalf, and, with the child's authorized health care provider's approval, request the Santa Clara County Office of Education’s (SCCOE) permission for his/her child to self-administer a medication or self-monitor and/or self-test for a medical condition. Such processes shall be implemented in a manner that preserves campus security, minimizes instructional interruptions, and promotes student safety and privacy.

(cf. 1250 - Visitors/Outsiders)
(cf. 5141 - Health Care and Emergencies)
(cf. 5141.22 - Infectious Diseases)
(cf. 5141.23 - Asthma Management)
(cf. 5141.27 - Food Allergies/Special Dietary Needs)
(cf. 6116 - Classroom Interruptions)

In addition, the County Superintendent or Superintendent’s designee shall collaborate with city and county emergency responders, including local public health administrators, to design procedures or measures for addressing an emergency such as a public disaster or epidemic.

(cf. 3516 - Emergencies and Disaster Preparedness Plan)
Administration of Medication by School Personnel

Any medication prescribed by an authorized health care provider, including, but not limited to, an emergency antiseizure medication for a student who suffers epileptic seizures, auto-injectable epinephrine, insulin, or glucagon, may be administered by the school nurse or other designated school personnel only when the County Superintendent or Superintendent’s designee has received written statements from both the student's parent/guardian and authorized health care provider. (Education Code 49414.7, 49423; 5 CCR 600)

When unlicensed personnel are authorized by law to administer any medication to students, such as emergency antiseizure medication, epinephrine auto-injector, insulin, or glucagon, the County Superintendent or Superintendent’s designee shall ensure that school personnel designated to administer it to students receive appropriate training or retraining from qualified medical personnel before any medication is administered. At a minimum, the training shall cover how and when such medication should be administered, the recognition of symptoms and treatment, emergency follow-up procedures, and the proper documentation and storage of medication. Such trained, unlicensed designated school personnel shall be supervised by and provided with emergency communication access to a school nurse, physician, or other appropriate individual. (Education Code 49414, 49414.5, 49414.7, 49423, 49423.1)

The County Superintendent or Superintendent’s designee shall maintain documentation of the training, ongoing supervision, as well as annual written verification of competency of such other designated school personnel.

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

School nurses and other designated school personnel shall administer medications in accordance with law, Board policy, and administrative regulation and shall be afforded appropriate liability protection.

(cf. 3530 - Risk Management/Insurance)
(cf. 4119.42/4219.42/4319.42 - Exposure Control Plan for Bloodborne Pathogens)
(cf. 4119.43/4219.43/4319.43 - Universal Precautions)

Legal Reference:
EDUCATION CODE
48980  Notification at beginning of term
49407  Liability for treatment
49408  Emergency information
49414 Emergency epinephrine auto-injectors
49414.5 Providing school personnel with voluntary emergency training
49414.7 Emergency medical assistance: administration of epilepsy medication
49422-49427 Employment of medical personnel, especially:
49423  Administration of prescribed medication for student
49423.1 Inhaled asthma medication
Continuing medication regimen; notice
BUSINESS AND PROFESSIONS CODE
2700-2837  Nursing, especially:
2726  Authority not conferred
2727  Exceptions in general
3501  Definitions
CODE OF REGULATIONS, TITLE 5
600-611 Administering medication to students
620-627  Administration of emergency antiseizure medication by trained volunteer nonmedical
school personnel
UNITED STATES CODE, TITLE 20
1232g  Family Educational Rights and Privacy Act of 1974
1400-1482  Individuals with Disabilities Education Act
UNITED STATES CODE, TITLE 29
794  Rehabilitation Act of 1973, Section 504
COURT DECISIONS

Management Resources:
CSBA PUBLICATIONS
Pandemic Influenza, Fact Sheet, September 2007
AMERICAN DIABETES ASSOCIATION PUBLICATIONS
Glucagon Training Standards for School Personnel:  Providing Emergency Medical Assistance to
Pupils with Diabetes, May 2006
CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS
Legal Advisory on Rights of Students with Diabetes in California's K-12 Public Schools, August
2007
Training Standards for the Administration of Epinephrine Auto-Injectors, December 2004
NATIONAL DIABETES EDUCATION PROGRAM PUBLICATIONS
WEB SITES
CSBA:  http://www.csba.org
American Diabetes Association:  http://www.diabetes.org
California Department of Education, Health Services and School Nursing:
http://www.cde.ca.gov/ls/he/hn
U.S. Department of Health and Human Services, National Institutes of Health, Blood Institute,
asthma information:  http://www.nhlbi.nih.gov/health/public/lung/index.htm#asthma

Policy
adopted:  October 20, 2010  SANTA CLARA COUNTY OFFICE OF EDUCATION
revised:  May 16, 2012, September 3, 2014  San Jose, California
ADMINISTERING MEDICATION AND MONITORING HEALTH CONDITIONS

Definitions

Authorized health care provider means an individual who is licensed by the State of California to prescribe or order medication, including, but not limited to, a physician or physician assistant. (Education Code 49423; 5 CCR 601)

Other designated school personnel may include any individual employed by the Santa Clara County Office of Education who has consented to administer the medication or otherwise assist the student, and who may legally administer the medication. (5 CCR 601)

Medication may include not only a substance dispensed in the United States by prescription, but also a substance that does not require a prescription, such as over-the-counter remedies, nutritional supplements, and herbal remedies. (5 CCR 601)

Emergency medical assistance for a student suffering an epileptic seizure means the administration of an emergency antiseizure medication such as diazepam rectal gel and other emergency medications approved by the federal Food and Drug Administration for patients suffering from epileptic seizures. (Education Code 49414.7)

Notifications to Parents/Guardians

At the beginning of each school year, the Superintendent or designee shall notify parents/guardians of the options available to students who need to take prescribed medication during the school day and the rights and responsibilities of parents/guardians regarding those options. (Education Code 49480)
(cf. 5145.6 - Parental Notifications)

The County Superintendent or designee shall inform the parents/guardians of any student on a continuing medication regimen for a nonepisodic condition of the following requirements: (Education Code 49480)

1. The parent/guardian is required to inform the school nurse or other designated employee of the medication being taken, the current dosage and the name of the supervising physician.

2. With the parent/guardian's consent, the school nurse or other designated employee may communicate with the student's physician regarding the medication and its effects, and may counsel school personnel regarding the possible effects of the medication on the student's physical, intellectual and social behavior, as well as possible behavioral signs and symptoms of adverse side effects, omission or overdose.

Parent/Guardian Responsibilities
ADMINISTERING MEDICATION AND MONITORING HEALTH CONDITIONS
(continued)

The responsibilities of the parent/guardian of any student who may need medication during the school day shall include, but are not limited to:

1. Each year, providing required parent/guardian and authorized health care provider written statements as described in the sections "Parent/Guardian Statement" and "Health Care Provider Statement" below. In addition, the parent/guardian shall provide a new authorized health care provider's statement if the medication, dosage, frequency of administration, or reason for administration changes. (Education Code 49414.5, 49414.7, 49423, 49423.1; 5 CCR 600)

2. If the student is on a continuing medication regimen for a nonepisodic condition, informing the school nurse or other designated certificated employee of the medication being taken, the current dosage, and the name of the supervising physician. (Education Code 49480)

3. If the student suffers from epilepsy, notifying the principal or designee whenever the student has had an emergency antiseizure medication administered to him/her within four hours before a school day. (Education Code 49414.7)

4. Providing medications in properly labeled, original containers along with the authorized health care provider's instructions. For prescribed or ordered medication, the container also shall bear the name and telephone number of the pharmacy, the student's identification, and the name and phone number of the authorized health care provider.

Parent/Guardian Statement

When SCCOE employees are to administer medication to a student, the parent/guardian's written statement shall:

1. Identify the student

2. Grant permission for the authorized SCCOE representative to communicate directly with the student's physician, as may be necessary, regarding the physician's written statement or any other questions that may arise with regard to the medication

3. Contain an acknowledgment that the parent/guardian understands how SCCOE employees will administer or otherwise assist the student in the administration of medication

4. Contain an acknowledgment that the parent/guardian understands his/her responsibilities to enable SCCOE employees to administer or otherwise assist the student in the administration of medication including, but not limited to, the parent/guardian's responsibility to provide a written statement from the physician and to ensure that the medication is delivered to the school in a proper container by an individual legally authorized to be in possession of the medication
ADMINISTERING MEDICATION AND MONITORING HEALTH CONDITIONS
(continued)

5. Contain an acknowledgment that the parent/guardian may terminate consent for such administration at any time

In addition to the requirements in items #1-5 above, if a parent/guardian has requested that his/her child be allowed to carry and self-administer prescription auto-injectable epinephrine or prescription inhaled asthma medication, the parent/guardian's written statement shall also: (Education Code 49423, 49423.1)

1. Consent to the self-administration

2. Release the SCCOE and school personnel from civil liability if a student suffers an adverse reaction as a result of self-administering the medication

In addition to the requirements in items #1-5 above, if a parent/guardian wishes to designate an individual who is not an employee of the SCCOE to administer medication to his/her child, the parent/guardian's written statement shall clearly identify the individual and shall state:

1. The individual's willingness to accept the designation

2. That the individual is permitted to be on the school site

3. Any limitations on the individual's authority

Health Care Provider Statement

When SCCOE employees are to administer medication to a student or when a student is to be allowed to carry and self-administer prescription diabetes medication, auto-injectable epinephrine, or prescription inhaled asthma medication during school hours, the authorized health care provider's written statement shall include:

1. Clear identification of the student (Education Code 49414.7, 49423, 49423.1; 5 CCR 602)

2. The name of the medication (Education Code 49414.7, 49423, 49423.1; 5 CCR 602)

3. The method, amount, and time schedules by which the medication is to be taken (Education Code 49414.7, 49423, 49423.1; 5 CCR 602)

4. If a parent/guardian has requested that his/her child be allowed to self-administer medication, confirmation that the student is able to self-administer the medication (Education Code 49423, 49423.1; 5 CCR 602)

(cf. 5141.23 - Asthma Management)
(cf. 5141.27 - Food Allergies/Special Dietary Needs)
ADMINISTERING MEDICATION AND MONITORING HEALTH CONDITIONS
(continued)

5. For medication that is to be administered on an as-needed basis, the specific symptoms that would necessitate administration of the medication, allowable frequency for administration, and indications for referral for medical evaluation

6. Possible side effects of the medication

7. Name, address, telephone number, and signature of the student's authorized health care provider

When authorizing a SCCOE employee to administer emergency antiseizure medication to a student, the authorized health care provider's written statement shall also include the following: (Education Code 49414.7)

1. Detailed seizure symptoms, including frequency, type, or length of seizures that identify when the administration of the medication becomes necessary

2. A protocol for observing the student after a seizure, including, but not limited to, whether he/she should rest in the school office or return to his/her class, the length of time for direct observation, and a requirement to contact the school nurse and the student's parent/guardian to continue the observation plan

SCCOE Responsibilities
The school nurse or other designated school personnel shall:

1. Administer or assist in administering medications in accordance with the authorized health care provider's written statement

2. Accept delivery of medications from parents/guardians and count and record them upon receipt

3. Maintain a list of students needing medication during the school day, including those authorized to self-administer medications, and note on the list the type of medication and the times and dosage to be administered

4. Maintain a medication log which may:

   a. Specify the student's name, medication, dose, method of administration, time of administration during the regular school day, date(s) on which the student is required to take the medication, and the authorized health care provider's name and contact information

   b. Contain space for daily recording of the date, time, and amount of medication administered, and the signature of the individual administering the medication
ADMINISTERING MEDICATION AND MONITORING HEALTH CONDITIONS
(continued)

5. Maintain a medication record which may include the authorized health care provider's written statement, the parent/guardian's written statement, the medication log, and any other written documentation related to the administration of medication to the student.

6. Ensure that student confidentiality is appropriately maintained.

(cf. 5125 - Student Records)

7. Coordinate the administration of medication during field trips and after-school activities.

(cf. 5148.2 - Before/After School Programs)
(cf. 6145.2 - Athletic Competition)
(cf. 6153 - School-Sponsored Trips)

8. Report to the parent/guardian and the site administrator any refusal by the student to take his/her medication.

9. Keep all medication to be administered by the SCCOE in a locked drawer or cabinet.

10. As needed, communicate with the authorized health care provider and pharmacist regarding the medication and its effects.

11. Counsel other designated school personnel regarding the possible effects of the medication on the student's physical, intellectual, and social behavior, as well as possible behavioral signs and symptoms of adverse side effects, omission, or overdose.

12. Ensure that unused, discontinued, or outdated medication is returned to the student's parent/guardian at the end of the school year or, if the medication cannot be returned, dispose of it in accordance with state laws and local ordinances.

13. Provide immediate medical assistance, if needed, and report to the site administrator and parent/guardian instances when the medication is not administered properly, including administration of the wrong medication or failure to administer the medication in accordance with authorized health care provider's written statement.

Upon receiving such notification, the site administrator may notify the student's authorized health care provider and shall document the error in the medication log.

Additional Requirements for Management of Epileptic Seizures

In addition to other applicable provisions in preceding sections, the Superintendent or designee shall make arrangements for assisting students with epilepsy who may suffer a seizure at school. Such arrangements shall include the following: (Education Code 49414.7)
ADMINISTERING MEDICATION AND MONITORING HEALTH CONDITIONS
(continued)

1. The notification of any parent/guardian who requests that a nonmedical SCCOE employee be trained to provide emergency medical assistance to his/her child that the child may qualify for services or accommodations under a Section 504 plan or an individualized education program (IEP).

The Superintendent or designee shall assist the parent/guardian to explore that option and shall encourage him/her to adopt the option if the student is determined to be eligible for such service or accommodation.

(cf. 6159 - Individualized Education Program)
(cf. 6164.6 - Identification and Education Under Section 504)

2. The creation of an individualized health plan, seizure action plan, or other appropriate health plan designed to acknowledge and prepare for the child's health care needs in school, if a parent/guardian refuses to have his/her child assessed for services or accommodations under the Section 504 plan or an IEP.

3. The distribution of an electronic notice to school staff, no more than twice per school year, for each student whose parent/guardian has requested provision of emergency medical assistance pursuant to Education Code 49414.7. The notice shall be in bold print and, in accordance with Education Code 49414.7, shall contain a description of the volunteer request, the training that the volunteer will receive, the voluntary nature of the program, and the timelines for the volunteer to rescind his/her offer.

If no employee volunteers to administer emergency antiseizure medication to a student, the Superintendent or designee shall renotify the student's parent/guardian of the option to be assessed for services and accommodations under Section 504 and the federal Individuals with Disabilities Education Act.

4. An assurance that any employee who volunteers to administer an emergency antiseizure medication receives training from a licensed health care professional before administering such medication. When a trained employee has not administered an emergency antiseizure medication to a student within two years after completing the training, he/she shall attend a new training program to retain the ability to administer an emergency antiseizure medication.

5. An assurance that any training provided for SCCOE employees who volunteer to administer emergency antiseizure medications to students includes, but is not limited to:

a. Recognition and treatment of different types of seizures

b. Administration of an emergency antiseizure medication

c. Basic emergency follow-up procedures, including, but not limited to, a requirement for the
ADMINISTERING MEDICATION AND MONITORING HEALTH CONDITIONS
(continued)

principal or designee to call the emergency 911 telephone number and to contact the student's parent/guardian, but not necessarily to transport the student to an emergency room

d. Techniques and procedures to ensure student privacy

(cf. 5022 - Student and Family Privacy Rights)

6. A process for notifying the credentialed school nurse, or the Superintendent or designee as applicable, whenever an employee administers an emergency antiseizure medication to a student at a school site.
Students

INFECTION DISEASES

The Santa Clara County Board of Education desires to protect students from risks posed by exposure to infectious diseases while providing an appropriate education for all students. The County Board recognizes that prevention and education are the most effective means of limiting the spread of infectious diseases.

Infectious Disease Prevention

The Santa Clara County Superintendent of Schools or designee shall collaborate with parents/guardians and local health agencies and organizations to develop a comprehensive approach to disease prevention that promotes preventative measures and education of students and staff.

(cf. 1020 - Youth Services)
(cf. 3516 - Emergencies and Disaster Preparedness Plan)
(cf. 5141.21 - Administering Medication and Monitoring Health Conditions)
(cf. 5141.26 - Tuberculosis Testing)
(cf. 5141.3 - Health Examinations)
(cf. 5141.31 - Immunizations)
(cf. 5141.32 - Health Screening for School Entry)
(cf. 5141.6 - School Health Services)

The County Superintendent or designee shall regularly review resources available from health experts to ensure that Santa Clara County Office of Education programs are based on the most up-to-date information.

The County Superintendent or designee shall ensure that the SCCOE comprehensive health education program provides information about the prevention of infectious diseases, including the nature of bloodborne pathogens and their transmission, as well as information to help prevent the spread of contagious diseases, such as a pandemic influenza. He/she shall also ensure that each school has sufficient infection prevention supplies that are easily accessible to staff.

(cf. 6142.1 - Sexual Health and HIV/AIDS Prevention Instruction)
(cf. 6142.8 - Comprehensive Health Education)

Universal Precautions

Students and staff shall observe universal precautions in order to prevent exposure to bloodborne pathogens and to prevent the spread of infectious diseases.

(cf. 4119.42/4219.42 - Exposure Control Plan for Bloodborne Pathogens)
(cf. 4119.43/4219.43 - Universal Precautions)
INFECTIONIOUS DISEASES  (continued)

The County Superintendent or designee shall inform students of the precautions to be used in cases of exposure to blood or other body fluids through injury, accident, or classroom instruction.

(cf. 5141 - Health Care and Emergencies)
(cf. 6145.2 - Athletic Competition)

Students with Infectious Diseases

The County Superintendent or designee shall exclude students only in accordance with law, Board policy, and administrative regulation. Because bloodborne pathogens such as hepatitis B virus, hepatitis C virus, and human immunodeficiency virus (HIV) are not casually transmitted, the presence of infectious conditions of this type is not, by itself, sufficient reason to exclude students from attending school.

(cf. 5112.2 - Exclusions from Attendance)
(cf. 6164.6 - Identification and Education Under Section 504)

Parents/guardians are encouraged to inform the County Superintendent or designee if their child has an infectious disease so that school staff may work cooperatively with the student's parents/guardians to minimize the child's exposure to other diseases in the school setting. The County Superintendent or designee shall ensure that student confidentiality rights are strictly observed in accordance with law.

(cf. 4119.23/4219.23/4319.23 - Unauthorized Release of Confidential/Privileged Information)
(cf. 5022 - Student and Family Privacy Rights)
(cf. 5125 - Student Records)

Legal Reference:  (see next page)
Legal Reference:

**EDUCATION CODE**
- 48210-48216 Persons excluded
- 49073-49079 Privacy of pupil records
- 49403 Cooperation in control of communicable disease and immunization of pupils
- 49405 Smallpox control
- 49406 Examination for tuberculosis (employees)
- 49408 Information of use in emergencies
- 49602 Confidentiality of student information
- 51202 Instruction in personal and public health and safety

**CALIFORNIA CONSTITUTION**
- Article 1, Section 1 Right to Privacy

**CIVIL CODE**
- 56-56.37 Confidentiality of Medical Information Act
- 1798-1798.76 Information Practices Act

**HEALTH AND SAFETY CODE**
- 120230 Exclusion for communicable disease
- 120325-120380 Immunization against communicable diseases
- 120875-120895 AIDS information
- 120975-121022 Mandated blood testing and confidentiality to protect public health
- 121475-121520 Tuberculosis tests for pupils

**CODE OF REGULATIONS, TITLE 8**
- 5193 California bloodborne pathogens standard

**CODE OF REGULATIONS, TITLE 17**
- 2500-2511 Communicable disease reporting requirements

**UNITED STATES CODE, TITLE 20**
- 1232g Family Educational and Privacy Rights Act
- 1400-1482 Individuals with Disabilities Education Act

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

**CODE OF FEDERAL REGULATIONS, TITLE 45**
- 164.500-164.534 Health Insurance Portability and Accountability Act (HIPAA)

**COURT DECISIONS**

Management Resources:

**CSBA PUBLICATIONS**
- Avian Influenza, Governance and Policy Services Fact Sheet, April 2006

**WEB SITES**
- CSBA: http://www.csba.org
- California Department of Education: http://www.cde.ca.gov
- California Department of Public Health: http://www.cdph.ca.gov
- Centers for Disease Control and Prevention: http://www.cdc.gov
- Contra Costa County Office of Education, Pandemic Flu Resources: http://www.cccoe.k12.ca.us/about/flu/resources_flu_action_kit

Policy

SANTA CLARA COUNTY OFFICE OF EDUCATION

adopted: October 20, 2010

San Jose, California
Students

INFECTIOUS DISEASES

The Santa Clara County Superintendent of Schools or designee shall immediately report to the local health officer the presence or suspected presence of any communicable disease. (17 CCR 2508)

Universal Precautions in the Classroom

Before students work with blood, blood products, or other body fluids, the teacher shall explain the potentially hazardous nature of blood and body fluids in the transmission of various agents from one person to another and the specific procedures and safety precautions to be used in the lesson.

The following precautions shall be used when students are working with blood or other body fluids:

1. Before and after exposure to blood or other body fluids, students shall wash their hands with soap and water and cover any existing cut, wound, or open sore with a sterile dressing.

2. Students shall wear gloves or other personal protective equipment as appropriate.

(cf. 5142 - Safety)

3. Blood typing or similar experiments may be conducted by teacher demonstrations. When being performed individually, students shall work with their own blood or use prepackaged ABO/Rh blood cell kits that have vials of blood previously tested for transmissible agents.

   a. Students shall use individual sterile lancets for finger punctures and shall not reuse them.

   b. Before the finger is punctured, it shall be wiped with a piece of cotton that has been immersed in alcohol.

   c. If bleeding persists after the finger is punctured, the student shall apply a sterile bandage using moderate pressure.

4. Lancets and any other materials contaminated with blood or body fluids shall be discarded into a sharps container.
INFECTIONIOUS DISEASES  (continued)

5. At the end of the class, surfaces shall be wiped with alcohol or a solution of one part bleach to 10 parts water.

(cf. 4119.42/4219.42/4319.42 - Exposure Control Plan for Bloodborne Pathogens)
(cf. 4119.43/4219.43/4319.43 - Universal Precautions)
(cf. 6142.1 - Sexual Health and HIV/AIDS Prevention Instruction)
(cf. 6142.8 - Comprehensive Health Education)
(cf. 6142.93 - Science Instruction)
Definitions

*Specialized physical health services* means those health services prescribed by the student's licensed physician requiring medically related training for the individual who performs the services and which are necessary during the school day to enable the student to attend school. These services include catheterization, gastric tube feeding, suctioning, or other services that require medically related training. (Education Code 49423.5; 5 CCR 3051.12)

*Qualified* means the ability to demonstrate competence in cardio-pulmonary resuscitation, current knowledge of community emergency medical resources, and skill in the use of equipment and performance of techniques necessary to provide specialized physical health care services for individuals with disabilities. In addition, for designated school personnel, *qualified* means trained in the procedures to a level of competence and safety which meets the objectives of the training as provided by the school nurse, public health nurse, licensed physician, or other programs which provide the training. (Education Code 49423.5; 5 CCR 3051.12)

*Training* means preparation in the appropriate delivery and skillful performance of specialized physical health care services. (5 CCR 3051.12)

*Supervision* means review, observation, and/or instruction of a designated school person's performance and of physical health care services, but does not necessarily require the immediate presence of the supervisor at all times. (5 CCR 3051.12)

Provision of Services

A student with disabilities who requires specialized health care services during the school day, as identified in his/her individualized education program (IEP), may be assisted by any of the following individuals: (Education Code 49423.5, 56345)

1. Qualified persons who possess an appropriate credential pursuant to Education Code 44267 (service credential with specialization in health), or Education Code 44267.5 (service credential with specialization in health for school nurse).

2. Qualified designated school personnel trained in the administration of specialized physical health care if they perform those services under the supervision of a credentialed school nurse, qualified public health nurse, or qualified licensed physician and the services are determined by the credentialed school nurse or qualified licensed physician, in consultation with the physician treating the student, to meet all of the following criteria:

   a. Constitute routine care for the student
SPECIALIZED HEALTH CARE SERVICES (continued)

b. Pose little potential harm for the student

c. Are performed with predictable outcomes, as defined in the student's IEP

d. Do not require a nursing assessment, interpretation, or decision making by the designated school personnel

(cf. 6159 - Individualized Education Program)

Specialized health care or other services that require medically related training shall be provided pursuant to Education Code 49423. (Education Code 49423.5)

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

Schools shall provide appropriate accommodations for safety and necessary physical care services. The student's personal privacy and dignity shall be assured. (5 CCR 3051.12)

A qualified school nurse, public health nurse, or licensed physician responsible for supervising the physical health care of students with disabilities in the school setting shall:

(5 CCR 3051.12)

1. Coordinate the health care services to the students with disabilities on the school site

2. Consult with appropriate personnel regarding management of health care services for students with disabilities

3. Make appropriate referrals and maintain communication with health agencies providing care to students with disabilities

4. Maintain or review licensed physician and parent/guardian requests and daily documentation records

The licensed physician of a student with disabilities who is required to receive physical health care services shall provide a written statement detailing the procedure and time schedule by which such procedures are to be given. In addition, the student's parent/guardian shall provide a written statement indicating his/her desire that the Santa Clara County Office of Education assist the student in the matters set forth in the physician's statement and granting consent for the delivery of such services. (5 CCR 3051.12)
SPECIALIZED HEALTH CARE SERVICES  (continued)

For each student with disabilities, the SCCOE shall maintain the physician and parent/guardian statements, as well as the specific standardized procedures to be used if the services are provided. The SCCOE shall also maintain daily documentation of specific services provided and shall include the signatures of the personnel who performed the procedure. This documentation shall be maintained in accordance with the requirements for confidentiality of student records and shall be classified as mandatory interim student records. (5 CCR 3051.12)

(cf. 5125 - Student Records)

Legal Reference:

EDUCATION CODE
44267 Services credential with specialization in health
44267.5 Services credential with specialization in health for school nurse
49423 Administration of prescribed medication for student
49423.5 Specialized physical health care services
49426 School nurses
56000-56606 Special education programs, especially:
56345 Individualized education program contents

BUSINESS AND PROFESSIONS CODE
2700-2837 Nursing, especially:
2726 Authority not conferred
2727 Exceptions in general

CODE OF REGULATIONS, TITLE 5
3051.12 Health and nursing services

UNITED STATES CODE, TITLE 20
1232g Family Educational Rights and Privacy Act of 1974
1400-1482 Individuals with Disabilities Education Act

CODE OF FEDERAL REGULATIONS, TITLE 34
300.1-300.818 Individuals with Disabilities Education Act, especially:
300.34 Related services

COURT DECISIONS
Taylor v. Honig, (1990) 910 F.2d 627

Management Resources:

WEB SITES
California Department of Education, Health Services and School Nursing: http://www.cde.ca.gov/ls/he/hn
California School Nurses Organization: http://www.csno.org

Regulation approved: October 20, 2010

SANTA CLARA COUNTY OFFICE OF EDUCATION
San Jose, California
Students

AR 5141.26(a)

TUBERCULOSIS TESTING

Any student with active tuberculosis shall be excluded from attendance at a Santa Clara County Office of Education school in accordance with AR 5112.2 - Exclusions from Attendance.

(cf. 5112.2 - Exclusions from Attendance)

Students shall be screened or tested for tuberculosis under the following circumstances:

1. As part of the comprehensive health screening required for school entry, parents/guardians shall provide evidence upon entry into kindergarten that their child has been screened for risk of tuberculosis within the preceding 18 months. If a student is new to SCCOE, the parent/guardian shall provide evidence that their child has been screened for Tuberculosis within the last six months.

(cf. 5141.32 - Health Screening for School Entry)

2. Whenever ordered by the local health officer, students seeking admission for the first time to a SCCOE school at any grade level shall submit to tuberculosis testing. Any student subject to the order shall be admitted to school as follows:

   a. The Santa Clara County Superintendent of Schools or designee shall unconditionally admit the student if he/she, prior to admission, submits a certificate, signed by any public or private medical provider, indicating that he/she has completed an approved tuberculosis examination and is free from active tuberculosis. (Health and Safety Code 121485, 121490, 121500; 22 CCR 41305, 41311, 41313)

   (cf. 5141.3 - Health Examinations)
   (cf. 5141.6 - School Health Services)
   (cf. 5148 - Child Care and Development)
   (cf. 5148.3 - Preschool/Early Childhood Education)

   A student shall not be required to obtain the certificate if his/her parent/guardian or custodian provides the County Superintendent or designee with an affidavit stating that the required examination is contrary to his/her beliefs. If there is probable cause to believe that such a student has active tuberculosis, he/she may be excluded from school until the County Superintendent or designee is satisfied that he/she is not afflicted. (Health and Safety Code 121505)

   b. A student who has not submitted the certificate may be conditionally admitted provided that he/she receives an approved tuberculin skin test within 10 school days after admission. A student who had a positive skin test and has not subsequently obtained a chest x-ray may be conditionally admitted if he/she
TUBERCULOSIS TESTING (continued)

receives a chest x-ray within 20 school days after admission. Any student who
fails to provide the certificate within those time periods shall be prohibited from
further attendance until he/she provides the certificate. (Health and Safety Code
121495; 22 CCR 41315, 41327)

c. Whenever the local health officer so orders, a student may be required to
complete an additional examination and provide another certificate indicating
that he/she is free of communicable tuberculosis. (Health and Safety Code
121485)

d. At the discretion of the local health officer, the SCCOE may admit a student
without a certificate if he/she is undergoing or has already undergone
preventive treatment for tuberculosis infection or treatment for tuberculosis
disease. (22 CCR 41319)

3. Whenever the County Superintendent or designee suspects that a student who has not
been examined for tuberculosis either has the disease or has been exposed, he/she shall
immediately report by telephone to the local health officer. When required by the local
health officer, the SCCOE shall exclude the student from school until he/she is
certified to be free of communicable tuberculosis. (22 CCR 41329)

The County Superintendent or designee shall maintain a record of any student's tuberculosis
examination as part of the student's mandatory permanent student record. (22 CCR 41323)

(cf. 5125 - Student Records)

The County Superintendent or designee shall annually file a report with the local health
department on the results of tuberculosis examinations for all individuals required to complete
such examinations in accordance with item #2 above, including, but not necessarily limited to,
the number of individuals unconditionally and conditionally admitted and the number of
individuals exempted on the basis of their personal beliefs. (22 CCR 41325)

All SCCOE staff shall receive information on how tuberculosis is spread and how it can be
prevented and treated.

(cf. 4112.4/4212.4/4312.4 - Health Examinations)
(cf. 4119.43/4219.43/4319.43 - Universal Precautions)
(cf. 4131 - Staff Development)
(cf. 4231 - Staff Development)
(cf. 4331 - Staff Development)
(cf. 5141.22 - Infectious Diseases)

Legal Reference: (see next page)
TUBERCULOSIS TESTING  (continued)

Legal Reference:

EDUCATION CODE
48213  Prior parent notification of exclusion; exemption
49451  Parent's refusal to consent to health examination

HEALTH AND SAFETY CODE
120230  Exclusion of persons from school when residence is in isolation or quarantine
121365  Duties of local health officer re: tuberculosis control
121475-121520  Tuberculosis tests for students
124025-124110  Child Health and Disability Prevention Program

CODE OF REGULATIONS, TITLE 5
202  Exclusion of students with contagious disease
432  Student records
3030  Eligibility for special education; tuberculosis that adversely affects educational performance

CODE OF REGULATIONS, TITLE 22
41301-41329  Tuberculosis tests for students

Management Resources:

WEB SITES
American Lung Association: http://www.lungusa.org
California Department of Public Health, Tuberculosis Control: http://www.cdph.ca.gov/programs/tb
Centers for Disease Control and Prevention, Tuberculosis: http://www.cdc.gov/tb
Health Officers Association of California: http://www.calhealthofficers.org
Santa Clara COE
Board Policy
Food Allergies/Special Dietary Needs

BP 5141.27
Students

The Santa Clara County Board of Education desires to prevent students’ exposure to foods to which they are allergic or intolerant and to provide for prompt and appropriate treatment in the event that a severe allergic reaction occurs at school.

The Santa Clara County Superintendent of Schools or designee shall develop guidelines for the care of food-allergic students. Such guidelines shall include, but are not limited to, strategies for identifying students at risk for allergic reactions, avoidance measures, education of staff regarding typical symptoms, and actions to be taken in the event of a severe allergic reaction.

(cf. 3550 - Food Service/Child Nutrition Program)
(cf. 3554 - Other Food Sales)
(cf. 4131 - Staff Development)
(cf. 4231 - Staff Development)
(cf. 5030 - Student Wellness)
(cf. 5141 - Health Care and Emergencies)
(cf. 5141.21 - Administering Medication and Monitoring Health Conditions)

Parents/guardians shall be responsible for notifying the County Superintendent or designee, in writing, regarding any food allergies or other special dietary needs of their child in accordance with administrative regulation.

(cf. 5125 - Student Records)

When a student's food allergy or food intolerance substantially limits one or more major life activities, his/her parents/guardians shall be informed of the SCCOE's obligation to evaluate the student to determine if he/she requires accommodations pursuant to Section 504 of the federal Rehabilitation Act. The student shall be evaluated in accordance with law and the procedures specified in AR 6164.6 - Identification and Education Under Section 504. If that process results in the development of a Section 504 plan, the SCCOE shall provide the accommodations and/or aids and services identified in the plan.

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

If a student's diet restrictions and needed services are addressed in an individualized education program (IEP), the Superintendent or designee shall ensure compliance with the IEP including any necessary food substitutions.

(cf. 6159 - Individualized Education Program)
Students shall not be excluded from school activities nor otherwise discriminated against, harassed, intimidated, or bullied because of their food allergy.

(cf. 0410 - Nondiscrimination in SCCOE Programs and Activities)
(cf. 5131.2 – Anti-Bullying Policy)
(cf. 5145.3 - Nondiscrimination/Harassment)

Any complaint of alleged noncompliance with this policy shall be addressed through appropriate SCCOE complaint procedures.

(cf. 1312.3 - Uniform Complaint Procedures)

The SCCOE's food services program may, but is not required to, accommodate individual student preferences or diets that are not supported by a statement from the student's health care provider.

Legal Reference:
EDUCATION CODE
234.1  Prohibition against discrimination, harassment, intimidation, and bullying
49407  Liability for treatment
49408  Emergency information
49414  Emergency epinephrine auto-injectors
49423  Administration of prescribed medication for student
CODE OF REGULATIONS, TITLE 5
600-611  Administering medication to students
15562  Reimbursement for meals, substitutions
UNITED STATES CODE, TITLE 20
1232g  Family Educational Rights and Privacy Act of 1974
1400-1482  Individuals with Disabilities Education Act
UNITED STATES CODE, TITLE 29
701-795a  Rehabilitation Act, including:
794  Rehabilitation Act of 1973, Section 504
UNITED STATES CODE, TITLE 42
1751-1769h  National School Lunch Program
1771-1791  Child nutrition, especially:
1773  School Breakfast Program
12101-12213  Americans with Disabilities Act
CODE OF FEDERAL REGULATIONS, TITLE 7
210.1-210.31  National School Lunch Program
220.1-220.21  National School Breakfast Program
225.16  Meal programs, individual substitutions

Management Resources:
CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS
Training Standards for the Administration of Epinephrine Auto-Injectors, December 2004

FOOD ALLERGY RESEARCH AND EDUCATION PUBLICATIONS
School Guidelines for Managing Students with Food Allergies

NATIONAL SCHOOL BOARDS ASSOCIATION PUBLICATIONS
Legal and Practical Issues Relating to Accommodating Students with Peanut Allergies, Inquiry and Analysis, April 2009

U.S. DEPARTMENT OF AGRICULTURE PUBLICATIONS
Accommodating Children with Special Dietary Needs in the School Nutrition Programs: Guidance for School Food Service Staff, 2001

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

WEB SITES
California Department of Education, Health Services: http://www.cde.ca.gov/ls/he/hn
Food Allergy Research and Education: http://www.foodallergy.org
National School Boards Association: http://www.nsba.org
U.S. Department of Education, Office for Civil Rights: http://www2.ed.gov/about/offices/list/ocr

Policy
SANTA CLARA COUNTY OFFICE OF EDUCATION
adopted: October 20, 2010
San Jose, California
Revised: January 15, 2014
FOOD ALLERGIES/SPECIAL DIETARY NEEDS

Definitions

Special dietary needs include food intolerances, allergies, and other medical needs that may require avoidance of specific foods.

Food allergies are abnormal responses of the body's immune system to certain foods or ingredients.

Anaphylaxis is a potentially life-threatening hypersensitivity to a substance and may be caused by a food allergy. Symptoms may include shortness of breath, wheezing, difficulty breathing, difficulty talking or swallowing, hives, itching, swelling, shock, or asthma. (Education Code 49414)

In severe cases, anaphylaxis may result in lowered blood pressure, loss of consciousness, or even death. Symptoms typically appear immediately after exposure to a certain food or substance but in rare cases may occur after a few hours.

Epinephrine auto-injector is a disposable drug delivery system with a spring-activated concealed needle that is designed for emergency administration of epinephrine to persons suffering a potentially fatal reaction to anaphylaxis. (Education Code 49414)

Notification by Parent/Guardian

If their child has a known food allergy, the parents/guardians shall notify the Santa Clara County Superintendent of Schools or designee, in writing, and provide written medical documentation, signed by a physician, that describes the nature of the student's condition, instructions, and necessary medications. If the food allergy requires food substitutions or modifications in school meals, the written statement shall also describe the specific foods to be restricted and the foods that should be substituted.

Prevention

To minimize students' exposure to foods to which they are allergic, the County Superintendent or designee shall, at a minimum, implement the following preventive measures:

1. Notification to Santa Clara County Office of Education Staff

   When notified by the parent/guardian that a student has a food allergy, the County Superintendent or designee shall inform the student's principal, teacher(s), bus driver, school nurse, coach, substitute teacher, and/or any other personnel responsible for supervising the student.
FOOD ALLERGIES/SPECIAL DIETARY NEEDS (continued)

The principal or designee shall notify substitute staff of any students with known food allergies and the school's response plan.

(cf. 5125 - Student Records)

2. Food Services

The SCCOE food services program shall make food substitutions in breakfasts, lunches, and after-school snacks when students are considered to have a disability under Section 504 of the federal Rehabilitation Act of 1973 that restricts their diet and when a physician has signed a statement of need that includes recommended alternate foods. (7 CFR 210.10, 220.8)

(cf. 3550 - Food Service/Child Nutrition Program)
(cf. 3554 - Other Food Sales)
(cf. 5030 - Student Wellness)

Substitutions may be made on a case-by-case basis for students who do not have a disability under Section 504 but who cannot consume the regular breakfast, lunch, or after-school snack because of medical or other special dietary needs, when supported by a statement of need signed by a recognized medical authority. (7 CFR 210.10, 220.8, 225.16)

The SCCOE food services staff shall check food labels or specifications to ensure that foods do not contain traces of substances to which the student is allergic.

Under no circumstances shall food services staff prescribe nutritional requirements or revise a diet order prescribed by a physician.

Food substitutions shall not result in any additional cost to the student.

3. Class Parties/School Activities

Without identifying the student, the principal or teacher may notify parents/guardians of other students in the class that a student is allergic to a specific food and may request that the food not be provided at class parties or other school events.

Whenever the ingredients in any food served at class parties or other school activities are unknown, the student shall be encouraged to avoid the food.
FOOD ALLERGIES/SPECIAL DIETARY NEEDS (continued)

4. Sanitation and Cleaning

To avoid spreading allergens, cafeteria tables and classroom surfaces shall be cleaned with a fresh cloth or disposable paper towels and cleaning products known to effectively remove food proteins, excluding waterless cleaners or instant hand sanitizers that do not involve a wet-wash step. Cross-contact from a sponge or cloth used to clean allergen-containing tabletops shall be avoided.

Staff shall use and promote hand-washing using soap and water before and after food handling.

Students shall be notified that exchanging meals or utensils is prohibited.

5. Professional Development

Schoolwide professional development shall be provided to appropriate staff on the identification and management of food allergies, including avoidance measures, typical symptoms, the proper use of epinephrine auto-injectors, documentation and storage of medication, and emergency drills.

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

6. Supervision of Students

Staff who are trained and knowledgeable about symptoms of anaphylaxis and actions to take in an emergency shall provide supervision in the classroom and cafeteria and on the playground whenever students known to have a food allergy are on school grounds.

7. Health Education

The SCCOE health education curriculum may include instruction on food allergies in order to assist food-allergic students in taking responsibility for monitoring their diet and to teach other students about the dangers of sharing foods or utensils with others.

(cf. 6142.8 - Comprehensive Health Education)

Emergency Response

Epinephrine auto-injectors or other medicine provided for use in the event of an anaphylactic shock reaction shall be stored and used in accordance with law and BP/AR 5141.21 - Administering Medication and Monitoring Health Conditions.
FOOD ALLERGIES/SPECIAL DIETARY NEEDS (continued)

(cf. 4119.43 - Universal Precautions)
(cf. 5141.21 - Administering Medication and Monitoring Health Conditions)

In addition, staff shall call 911 and seek immediate medical attention for a student experiencing an anaphylactic shock reaction.

(cf. 5141 - Health Care and Emergencies)

As soon as possible, school staff shall contact the student's parents/guardians or other person identified as an emergency contact.
HEALTH EXAMINATIONS

The Santa Clara County Board of Education recognizes that periodic health examinations of students may lead to the detection and treatment of conditions that impact learning. Health examinations also may help in determining whether special adaptations of the school program are necessary.

In addition to verifying that students have complied with legal requirements for health examinations and immunizations before enrolling in school, the Santa Clara County Office of Education shall administer tests for vision, hearing and scoliosis as required by law.

(cf. 5141.26 - Tuberculosis Testing)
(cf. 5141.31 - Immunizations)
(cf. 5141.32 - Health Screening for School Entry)
(cf. 5141.6 - School Health Services)

All students who participate as cheerleaders, song leaders, or athletes in organized competitive sports shall first undergo and file with the SCCOE a current medical examination. Upon sustaining an injury or serious illness, a student may be required to have another examination before participating further. This requirement does not apply to participants in occasional play day or field day activities.

(cf. 5143 - Insurance)
(cf. 6145.2 - Athletic Competition)

The Santa Clara County Superintendent of Schools or designee shall ensure that staff employed to examine students exercise proper care of each student and that examination results are kept confidential. Records related to these examinations shall be available only in accordance with law.

(cf. 5125 - Student Records)

Reports to the County Board regarding the number of students found to have physical problems and the effort made to correct them shall in no way reveal the identity of students.

Legal Reference: (see next page)
HEALTH EXAMINATIONS (continued)

Legal Reference:

EDUCATION CODE
44871-44879 Employment qualifications
49400-49413 General powers-school boards (re pupil health)
49422 Supervision of health and physical development
49450-49457 Physical examinations (of pupils)
49460-49466 Development of standardized health assessments

HEALTH AND SAFETY CODE
120325-120380 Immunization against communicable diseases
121475-121520 Tuberculosis tests for pupils

CODE OF REGULATIONS, TITLE 5
590-596 Vision screening
3027 Hearing and vision screening for special education
3028 Audiological screening
HEALTH EXAMINATIONS

The principal at each school shall notify parents/guardians of the rights of students and parents/guardians related to health examinations. (Education Code 48980)

(cf. 5145.6 - Parental Notifications)

A parent/guardian may annually file a written statement with the principal withholding consent to the physical examination of his/her child. The child shall be exempt from any physical examination but shall be subject to exclusion from attendance when contagious or infectious disease is reasonably suspected. (Education Code 49451)

(cf. 5112.2 - Exclusions from Attendance)
(cf. 5141.22 - Infectious Diseases)

Vision and Hearing Tests

Students shall have their vision and hearing tested by qualified personnel authorized by the Santa Clara County Office of Education. (Education Code 49452, 49454)

All students shall be tested for visual acuity when they first enroll in elementary school and every three years thereafter until the student completes grade 8. External observations of the student's eyes, visual performance and perception shall be made by the school nurse and the classroom teacher. (Education Code 49455)

For male students, color vision shall be tested one time, after the student reaches grade 1. Results of the test shall be entered into the student's health record. (Education Code 49455)

Evaluation of a student's vision may be waived at the parent/guardian's request if the parent/guardian presents a certificate from either a medical doctor or an optometrist specifying the results of an examination of the student's vision including visual acuity, and, in male students, color vision. (Education Code 49455)

Visual defects or any other defects found as a result of the vision examination shall be reported to the parent/guardian with a request that remedial action be taken to correct or cure the defect. If made in writing, such reports shall not include a referral to any private practitioner, and the report of a visual defect shall be made on a form prescribed by the Superintendent of Public Instruction. (Education Code 49456)

The student may be referred to a public clinic or diagnostic and treatment center operated by a public hospital or by the state, county or city department of public health. (Education Code 49456)
**HEALTH EXAMINATIONS** (continued)

**Scoliosis Screening**

Each female student in grade 7 and each male student in grade 8 shall be screened for scoliosis. This screening shall comply with California Department of Education standards and shall be performed by qualified personnel as specified in law. (Education Code 49452.5)

Persons performing the screening shall not solicit, encourage or advise treatment of the student for scoliosis or any other condition discovered in the course of the screening. (Education Code 49452.5)

The parent/guardian of any student suspected of having scoliosis shall receive a notice which includes an explanation of scoliosis and describes the significance of treatment at an early age. This notice shall also describe the public services available for treatment and include a referral to appropriate community resources. (Education Code 49452.5)
Students

IMMUNIZATIONS

To protect the health of all students and staff and to curtail the spread of infectious diseases, the Santa Clara County Board of Education desires to cooperate with state and local health agencies to encourage immunization of all Santa Clara County Office of Education students against preventable diseases.

(cf. 1400 - Relations between Other Governmental Agencies and the Schools)
(cf. 5141.22 - Infectious Diseases)

Students entering a SCCOE school or child care and development program, or transferring between school campuses, shall present an immunization record which shows at least the month and year of each immunization in accordance with law. Students shall be excluded from school or exempted from immunization requirements only as allowed by law.

(cf. 5112.1 - Exemptions from Attendance)
(cf. 5112.2 - Exclusions from Attendance)
(cf. 5148 - Child Care and Development)

Each transfer student shall present his/her immunization record certifying that he/she has received all required immunizations currently due upon entry to school.

Legal Reference:

EDUCATION CODE
46010  Total days of attendance
48216  Immunization
48980  Required notification of rights
49403  Cooperation in control of communicable disease and immunizations

HEALTH AND SAFETY CODE
120325-120380  Immunization against communicable disease especially:
120335  Immunization requirement for admission
120335  Immunization requirement for admission
120440  Disclosure of immunization information

CODE OF REGULATIONS, TITLE 17
6000-6075  School attendance immunization requirements

Management Resources:

DEPARTMENT OF HEALTH SERVICES
Commonly Asked Questions About the New School Immunization Requirements, March 1999

WEB SITES
CDE:  http://www.cde.ca.gov
California Department of Public Health, Immunization Branch:
http://cdph.ca.gov/programs/immunize
Centers for Disease Control and Prevention: http://www.cdc.gov

Policy adopted: October 20, 2010
Students AR 5141.31(a)

IMMUNIZATIONS

The Santa Clara County Superintendent of Schools or designee shall not unconditionally admit any student to a Santa Clara County Office of Education school or child care and development program unless that student has presented documentation of full immunization. (Health and Safety Code 120335)

(cf. 5141.22 - Infectious Diseases)
(cf. 5148 - Child Care and Development)

At the beginning of the school year, the County Superintendent or designee shall notify parents/guardians of the rights of students and parents/guardians relating to immunizations under Education Code 49403. (Education Code 48980)

(cf. 5145.6 - Parental Notifications)

Immunizations for Grades K-12

Students entering the SCCOE in grades kindergarten through 12 shall have received the following immunizations: (Health and Safety Code 120335; 17 CCR 6020)

1. Measles, mumps and rubella (MMR) vaccine
   a. Students entering at the kindergarten level shall have received two doses on or after the first birthday, except one dose may be a measles-only vaccine.
   b. Mumps vaccine shall not be required for students age seven or older.
   c. Students entering or advancing to seventh grade shall be required to have a second dose of measles-containing vaccine if they have not previously obtained a second dose.

2. Diphtheria, tetanus and pertussis (whooping cough) vaccine (DTP or DTaP)
   a. Five doses shall be required for students ages four through six. However, four doses shall meet the requirement if at least one dose was given on or after the fourth birthday.
   b. Four doses shall be required for students age seven or older. However, three doses shall meet the requirement if at least one dose was given on or after the second birthday.
   c. Pertussis immunization shall not be required for students age seven or older.
   d. A tetanus and diphtheria (Td) shot is recommended but not required for seventh-grade students who have not had a booster within the past five years.
3. Poliomyelitis (polio) vaccine

Four doses shall be required at any age. However, three doses shall meet the requirement for ages four through six if at least one dose was given on or after the fourth birthday, and three doses shall meet the requirement for ages seven to seventeen if at least one dose was given on or after the second birthday.

4. Hepatitis B vaccine

a. Three doses shall be required for entry into kindergarten.

Students admitted at the kindergarten level or below before August 1, 1997, shall be exempt from this requirement.

b. Students shall not be unconditionally admitted or advanced to seventh grade unless they have been fully immunized against hepatitis B. A student who has previously had three doses of hepatitis B vaccine at any age before seventh grade shall not be required to receive any additional shots.

5. Varicella (chickenpox) vaccine

Any student admitted at the kindergarten level or above before July 1, 2001, shall be exempt from this requirement for school entry.

Students who skipped kindergarten shall meet immunization requirements for hepatitis B and a second measles dose upon entry into first grade.

Immunizations Below Kindergarten Level

Children younger than age four years, six months shall have received haemophilus influenza type b (Hib meningitis) vaccine. (Health and Safety Code 120335)

Other immunization requirements for children below kindergarten level depend on the child's age as specified in 17 CCR 6020.

Exemptions

Exemption from immunization requirements is allowed when: (Health and Safety Code 120365, 120370, 120375; 17 CCR 6051)

1. The student's parent/guardian states in writing that immunization is contrary to his/her beliefs.

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

2. The student's parent/guardian provides a written statement by a licensed physician that the physical condition or medical circumstances of the student are such that immunization is unsafe or is permanently not indicated.

However, if there is good cause to believe that the student has been exposed to one of the communicable diseases listed above, the student may be temporarily excluded from school until the local health officer is satisfied that the student is no longer at risk of developing the disease. (Health and Safety Code 120365)

Exclusions Due to Lack of Immunizations

Any student without the required evidence of immunization may be excluded from school until the immunization is obtained or until the student presents a letter or affidavit of exemption from his/her parent/guardian or physician.

(cf. 5112.2 - Exclusions from Attendance)
(cf. 6183 - Home and Hospital Instruction)

Before a student is excluded from school attendance because of lack of immunization, the County Superintendent or designee shall notify the parent/guardian that he/she has 10 school days in which to supply evidence of proper immunization or an appropriate letter of exemption. This notice shall refer the parent/guardian to the child's usual source of medical care. (Education Code 48216; 17 CCR 6040)

If no usual source of medical care exists, the parent/guardian shall be referred to the county health department. (Education Code 48216)

The County Superintendent or designee shall exclude from further attendance any student who fails to obtain the required immunization within 10 school days following receipt of the parent/guardian notice specified above, unless the student is exempt from immunization for medical reasons or personal beliefs. The student shall remain excluded from school until he/she has received another dose of each required vaccine due at that time. The student shall also be reported to the attendance supervisor or principal. (17 CCR 6055)

Conditional Enrollment

The County Superintendent or designee may conditionally admit a student with documentation from a physician that:

1. He/she has received some but not all required immunizations and is not due for any vaccine dose at the time of admission

2. He/she has a temporary exemption from immunization for medical reasons
The County Superintendent or designee shall notify the student's parents/guardians of the date by which the student must complete all the remaining doses when they become due as specified in 17 CCR 6035.

The County Superintendent or designee shall review the immunization record of each student admitted conditionally every 30 days until that student has received all the required immunizations. If the student does not receive the required immunizations within the specified time limits, he/she shall be excluded from further attendance until the immunizations are received. (Health and Safety Code 120375; 17 CCR 6070)

**Records**

The County Superintendent or designee shall record each new entrant's immunizations in the mandatory permanent student record. SCCOE staff shall maintain the confidentiality of immunization records and may disclose such information to state and local health departments only in accordance with law. (Health and Safety Code 120375, 120440; 17 CCR 6070)

*(cf. 5125 - Student Records)*
HEALTH SCREENING FOR SCHOOL ENTRY

Cautionary Notice: As added and amended by SBX3 4 (Ch. 12, Third Extraordinary Session, Statutes of 2009) and ABX4 2 (Ch. 2, Fourth Extraordinary Session, Statutes of 2009), Education Code 42605 grants district flexibility in "Tier 3" categorical programs. The Santa Clara County Office of Education has accepted this flexibility and thus is deemed in compliance with the statutory or regulatory program and funding requirements for these programs for the 2008-2009 through 2012-2013 fiscal years. As a result, the district may temporarily suspend certain provisions of the following policy or regulation that reflect these requirements. For further information, please contact the Superintendent or designee.

Comprehensive Health Screening for Grades K-1

The parent/guardian of a student in kindergarten or first grade shall submit to the Santa Clara County Superintendent of Schools or designee a certification form developed by the California Department of Health Care Services (DHCS) and signed by the student's health examiner certifying that the student has completed a comprehensive health screening within 18 months prior to entry into first grade or within 90 days thereafter. (Health and Safety Code 124040, 124085)

(cf. 5111 - Admission)
(cf. 5141.3 - Health Examinations)

The County Superintendent or designee shall notify parents/guardians of all kindergarten students of the requirement to obtain a health screening and of the availability of the Child Health and Disability Prevention (CHDP) program established pursuant to Health and Safety Code 124025-124110 to assist eligible low-income families in obtaining the health screening. (Health and Safety Code 124100)

(cf. 5145.6 - Parental Notifications)

The notice and certification form shall be included with the notification of immunization requirements provided to parents/guardians prior to their child's enrollment in kindergarten and shall encourage completion of the health screening simultaneously with immunizations. The notice shall also be provided to the parent/guardian of any student who is enrolling in first grade without having attended kindergarten in the Santa Clara County Office of Education.

(cf. 5141.31 - Immunizations)

In lieu of the certification, the parent/guardian may submit a waiver on a form developed by DHCS indicating that he/she does not want or is unable to obtain a health screening. If the waiver indicates that the parent/guardian was unable to obtain the services, the reasons should be included in the waiver. (Health and Safety Code 124085)

The waiver form shall be provided to a parent/guardian upon request.
HEALTH SCREENING FOR SCHOOL ENTRY  (continued)

The completed certification form or the waiver shall be maintained in the student's health file or cumulative record. (5 CCR 432)

(cf. 5125 - Student Records)

During the first 90 days of the school year, the County Superintendent or designee may contact any parent/guardian of a first-grade student who has not provided either the certification form or the waiver to ensure that the parent/guardian understands the health screening requirement and, if appropriate, his/her possible eligibility for the CHDP program.

The County Superintendent or designee shall exclude from school, for not more than five school days, any first-grade student who does not present evidence of a health screening or a waiver on or before the 90th day after entering first grade. The exclusion shall begin on the 91st day after the student's entrance into the first grade, or if school is not in session, then on the next succeeding school day. (Health and Safety Code 124105)

The County Superintendent or designee may exempt a student from exclusion when his/her parents/guardians have been contacted at least twice between the first day and the 90th day after the student's enrollment in first grade and the parents/guardians refuse to provide either a certification form or a waiver. (Health and Safety Code 124105)

(cf. 5112.2 - Exclusions from Attendance)

Oral Health Assessment for Grades K-1

No later than May 31 of the relevant school year, the parent/guardian of a kindergarten student, or first-grade student who was not previously enrolled in kindergarten in a public school, shall certify that the student has received an oral health assessment. The oral health assessment shall have been performed by a licensed dentist or other authorized dental health professional no earlier than 12 months prior to the date of the student's initial enrollment. The parent/guardian shall submit to the County Superintendent or designee a California Department of Education standardized form which has been completed and signed by the dental health professional. (Education Code 49452.8)

The County Superintendent or designee shall notify parents/guardians of the oral health assessment requirement. The notification shall, at a minimum, consist of a letter that includes all of the following: (Education Code 49452.8)

1. An explanation of the administrative requirements of the law
2. Information on the importance of primary teeth
HEALTH SCREENING FOR SCHOOL ENTRY  (continued)

3. Information on the importance of oral health to overall health and to learning

4. A toll-free telephone number to request an application for Healthy Families, Medi-Cal, or other government-subsidized health insurance programs

5. Contact information for county public health departments

6. A statement of privacy applicable under state and federal laws and regulations

The notification and certification form shall be provided to parents/guardians when they register their child for school.

The student may be excused from complying with the oral health assessment if his/her parent/guardian indicates on the standardized form that it could not be completed for any of the following reasons: (Education Code 49452.8)

1. Completion of an assessment poses an undue financial burden on the parent/guardian.

2. The parent/guardian lacks access to a licensed dentist or other dental health professional.

3. The parent/guardian does not consent to an assessment.

Students who are not assessed, or for whom the parents/guardians fail to return the standardized form, shall not be excluded from school attendance.

By December 31 of each year, the County Superintendent or designee shall report data on oral health assessments to the county office of education in accordance with Education Code 49452.8.

The report shall also be provided to the Santa Clara County Board of Education. The identity of any student shall not be included in the report.

*Legal Reference: (see next page)*
HEALTH SCREENING FOR SCHOOL ENTRY  (continued)

Legal Reference:

EDUCATION CODE
48985  Notice to parents in language other than English
49060-49079  Pupil records
49452.8  Oral health assessment

HEALTH AND SAFETY CODE
104395  Child Health and Disability Prevention Program expansion
124025-124110  Child Health and Disability Prevention Program, especially:
124085  Certificate documenting health screening and evaluation services; waiver by parent/guardian
124100  Distribution of program information to parents/guardians of kindergarten children
124105  Exclusions and exemption; legislative intent of notification contents

CODE OF REGULATIONS, TITLE 5
432  Student records

CODE OF REGULATIONS, TITLE 17
6800-6874  Child Health and Disability Prevention Program

Management Resources:

CSBA PUBLICATIONS
Promoting Oral Health for California's Students: New Roles, New Opportunities for Schools,
Governance and Policy Services, Policy Brief, February 2007

DEPARTMENT OF HEALTH CARE SERVICES PUBLICATIONS

WEB SITES
CSBA: http://www.csba.org
California Department of Education, Health Services: http://www.cde.ca.gov/lhs/hs
California Dental Association: http://www.cda.org
California Department of Health Care Services, Child Health and Disability Prevention Program:
http://www.dhcs.ca.gov/services/chdp
California Healthy Kids Resource Center: http://www.californiahealthykids.org

Regulation  SANTA CLARA COUNTY OFFICE OF EDUCATION  
approved: October 20, 2010  San Jose, California
Students

HEAD LICE

The problem of head lice/nits (pediculosis) is ongoing and can be difficult to control at home and at school. The American Academy of Pediatrics and the Harvard School of Public Health advise that head lice/nit infestation should not be criteria for exclusion from school.

According to the Clinical Report by the American Academy of Pediatrics published in Pediatrics in the September 2002 (Vol. 110, No.3), students who are found to have live head lice or nits should remain in the school setting. The rationale is that the student "with an active head lice infestation has likely had the infestation for a month or more by the time it is discovered, poses little risk to others, and does not have a resulting health problem"(Frankowski & Weiner, 2002).

The report also indicates that routine classroom and school-wide screening for head lice has not proven to be effective in reducing the incidence of head lice and is not an appropriate intervention in the school setting.

The results of a study by the Centers for Disease Control and Prevention (CDC) published in Pediatrics in the May 2001 (Vol. 157, No.5) issue indicate that children with fewer than five nits that are a 1/4 inch or less from the scalp probably will not develop lice.

Intervention

When a student is initially identified as having live head lice or having more than four nits that are 1/4 inch or less from the scalp, the school nurse will contact the parent and discuss the required treatment. Parents are instructed to continue an ongoing removal of nits by daily combing with a nit comb or removal by hand until the problem is resolved.

Written instructions for treatment of the student with a product recommended by their physician or a permethrin or pyrethrin-based over-the-counter lice control product such as NIX or RID (as currently recommended by the California Department of Health Services) and treatment of the home environment will be sent home with the student. A "Statement of Treatment" letter will also be sent home for the parent to sign and return to school.

The student should remain in class and be transported home as usual at the end of the school day.

Strict confidentiality must be maintained so the student is not embarrassed. The student should be discouraged from close direct head contact with others; however, he/she must not be separated from other students and staff in the classroom.

The student may return to school after treatment and removal of nits that are 1/4 inch or less from the scalp.

The parent must send the signed "Statement of Treatment" letter with the student when the student returns to school the next day.
HEAD LICE  (continued)

Upon return to school, the student's head will be checked for live lice.

1. If the student has been treated and there are no live lice and fewer than five nits 1/4 inch or less from the scalp are found, the student may return to class even though nits are still present.

2. If live lice or more than four nits 1/4 inch or less from the scalp are found, the student is referred to the parent for treatment by the credentialed school nurse.
   a. The student may return to school after treatment as well as removal of nits that are 1/4 inch or less from the scalp.
   b. The parent must send the signed "Statement of Treatment" letter with the student when the student returns to school the next day.

One week after the initial treatment, the student's head will be checked for live lice. If live lice are found it will be necessary for the parent/guardian to re-treat with a permethrin or pyrethrin-based over-the-counter lice control product such as NIX or RID or a treatment recommended by the student's physician.

It is the responsibility of the parent to treat head lice infestations. One of the keys to success in controlling head lice, with little chance of recurrence, is in the removal of all nits after the use of the pediculocide. Therefore, although the student is allowed back to class with treated nits; parents are expected to continue an ongoing removal of nits by daily combing with a nit comb or removal by hand until the problem is resolved. Removal of the nits facilitates the establishment of a baseline for determining if a reinfestation has occurred.

Recurrent Infestations

If a student has untreated or recurrent infestations, then the principal, school nurse and parent must work together to find the likely source of re-infestation and solve the problem by:

1. Education of parent or guardian using written materials and verbal instructions.

2. Referral to the student's primary care physician for evaluation of pediculocide resistance.

3. Assistance of community agencies such as the Vector Control division of the county health department or social service agencies, if appropriate, for assistance with infestation management.

Legal Reference: (see next page)
HEAD LICE (continued)

Legal Reference:

EDUCATION CODE
48210-48216 Persons excluded
49451 Physical examinations: parent's refusal to consent

Management Resources:

AMERICAN ACADEMY OF PEDIATRICS
CALIFORNIA DEPARTMENT OF PUBLIC HEALTH PUBLICATIONS
Guidelines on Head Lice Prevention and Control for School Districts and Child Care Facilities, 2009
CALIFORNIA SCHOOL NURSES ORGANIZATION
Position Statement: Pediculosis Management, 2005
WEB SITES
California Department of Public Health: http://www.cdph.ca.gov
California School Nurses Organization: http://www.scno.org
Centers for Disease Control and Prevention, Parasitic Disease Information, Head Lice:
http://www.cdc.gov/ncidod/dpd/parasites/lice
SUICIDE PREVENTION

The Santa Clara County Board of Education recognizes that suicide is a major cause of death among youth and should be taken seriously. In order to attempt to reduce suicidal behavior and its impact on students and families, the Santa Clara County Superintendent of Schools or designee shall develop preventive strategies and intervention procedures.

The County Superintendent or designee may involve school health professionals, school counselors, administrators, other staff, parents/guardians, students, local health agencies and professionals, and community organizations in planning, implementing, and evaluating the SCCOE strategies for suicide prevention and intervention.

Prevention and Instruction

Suicide prevention strategies may include, but not be limited to, efforts to promote a positive school climate that enhances students' feelings of connectedness with the school and is characterized by caring staff and harmonious interrelationships among students.

The SCCOE comprehensive health education program shall promote the healthy mental, emotional, and social development of students including, but not limited to, the development of problem-solving skills, coping skills, and self-esteem. Suicide prevention instruction shall be incorporated into the health education curriculum in the secondary grades. Such instruction shall be aligned with state content standards and shall be designed to help students analyze signs of depression and self-destructive behaviors, including potential suicide, and to identify suicide prevention strategies.

The County Superintendent or designee may offer parents/guardians education or information which describes the severity of the youth suicide problem, the SCCOE suicide prevention curriculum, risk factors and warning signs of suicide, basic steps for helping suicidal youth, and/or school and community resources that can help youth in crisis.
SUICIDE PREVENTION (continued)

Staff Development

Suicide prevention training for staff shall be designed to help staff identify and respond to students at risk of suicide. The training shall be offered under the direction of a counselor/psychologist and/or in cooperation with one or more community mental health agencies and may include information on:

1. Research identifying risk factors, such as previous suicide attempt(s), history of depression or mental illness, substance use problems, family history of suicide or violence, feelings of isolation, interpersonal conflicts, a recent severe stressor or loss, family instability, and other factors

(cf. 5131.6 - Alcohol and Other Drugs)

2. Warning signs that may indicate suicidal intentions, including changes in students' appearance, personality, or behavior

3. Research-based instructional strategies for teaching the suicide prevention curriculum and promoting mental and emotional health

4. School and community resources and services

(cf. 5141.6 - School Health Services)
(cf. 6164.2 - Guidance/Counseling Services)

5. Santa Clara County Office of Education procedures for intervening when a student attempts, threatens, or discloses the desire to commit suicide

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

Intervention

Whenever a staff member suspects or has knowledge of a student's suicidal intentions, he/she shall promptly notify the principal or school counselor. The principal or counselor shall then notify the student's parents/guardians as soon as possible and may refer the student to mental health resources in the school or community.

(cf. 5141 - Health Care and Emergencies)

Students shall be encouraged to notify a teacher, principal, counselor, or other adult when they are experiencing thoughts of suicide or when they suspect or have knowledge of another student's suicidal intentions.
SUICIDE PREVENTION (continued)

Whenever schools establish a peer counseling system to provide support for students, peer counselors shall complete the suicide prevention curriculum, including identification of the warning signs of suicidal behavior and referral of a suicidal student to appropriate adults.

(cf. 5138 - Conflict Resolution/Peer Mediation)

The County Superintendent or designee shall establish crisis intervention procedures to ensure student safety and appropriate communications in the event that a suicide occurs or an attempt is made on campus or at a school-sponsored activity.

Legal Reference:

EDUCATION CODE
32280-32289 Comprehensive safety plan
41533 Professional Development Block Grant, suicide prevention training for teachers
49060-49079 Student records
49602 Confidentiality of student information
49604 Suicide prevention training for school counselors

GOVERNMENT CODE
810-996.6 Government Claims Act

WELFARE AND INSTITUTIONS CODE
5698 Emotionally disturbed youth; legislative intent
5850-5883 Mental Health Services Act

COURT DECISIONS

Management Resources:

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS
Health Education Content Standards for California Public Schools, Kindergarten Through Grade Twelve, 2008
Youth Suicide-Prevention Guidelines for California Schools, 2005
Health Framework for California Public Schools, Kindergarten Through Grade Twelve, 2003

CALIFORNIA DEPARTMENT OF MENTAL HEALTH PUBLICATIONS
California Strategic Plan for Suicide Prevention: Every Californian is Part of the Solution, 2008

CENTERS FOR DISEASE CONTROL AND PREVENTION PUBLICATIONS
School Connectedness: Strategies for Increasing Protective Factors Among Youth, 2009

U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES PUBLICATIONS
National Strategy for Suicide Prevention: Goals and Objectives for Action, 2001

WEB SITES
American Psychological Association: http://www.apa.org
California Department of Education, Mental Health: http://www.cde.ca.gov/ls/cg/mh
California Department of Mental Health, Children and Youth Programs: http://www.dmh.ca.gov/Services_and_Programs/Children_and_Youth
Centers for Disease Control and Prevention, Mental Health: http://www.cdc.gov/mentalhealth
National Institute for Mental Health: http://www.nimh.nih.gov
U.S. Department of Health and Human Services, Substance Abuse and Mental Health Services Administration: http://www.samhsa.gov

Policy adopted: October 20, 2010

SANTA CLARA COUNTY OFFICE OF EDUCATION
San Jose, California
SUICIDE PREVENTION

Instruction

At appropriate secondary grades, the Santa Clara County Office of Education suicide prevention instruction shall be designed to help students:

1. Identify and analyze signs of depression and self-destructive behaviors and understand how feelings of depression, loss, isolation, inadequacy, and anxiety can lead to thoughts of suicide
2. Identify alternatives to suicide and develop coping and resiliency skills
3. Learn to listen, be honest, share feelings, and get help when communicating with friends who show signs of suicidal intent
4. Identify trusted adults, school resources, and/or community crisis intervention resources where youth can get help and recognize that there is no stigma associated with seeking mental health, substance abuse, and/or suicide prevention services

(cf. 1020 - Youth Services)
(cf. 5131.6 - Alcohol and Other Drugs)
(cf. 5141.6 - School Health Services)
(cf. 6142.8 - Comprehensive Health Education)
(cf. 6164.2 - Guidance/Counseling Services)

Intervention

When a suicide attempt or threat is reported, the principal or designee shall:

1. Ensure the student's physical safety by one of the following, as appropriate:
   a. Securing immediate medical treatment if a suicide attempt has occurred
   b. Securing law enforcement and/or other emergency assistance if a suicidal act is being actively threatened
   c. Keeping the student under continuous adult supervision until the parent/guardian and/or appropriate support agent or agency can be contacted and has the opportunity to intervene

(cf. 5141 - Health Care and Emergencies)

2. Designate specific individuals to be promptly contacted, including the school counselor, psychologist, nurse, Santa Clara County Superintendent of Schools, and/or the student's parent/guardian, and, as necessary, local law enforcement or mental health agencies
SUICIDE PREVENTION (continued)

3. Document the incident in writing as soon as feasible

(cf. 5125 - Student Records)

4. Follow up with the parent/guardian and student in a timely manner to provide referrals to appropriate services as needed

5. Provide access to counselors or other appropriate personnel to listen to and support students and staff who are directly or indirectly involved with the incident at the school

6. Provide an opportunity for all who respond to the incident to debrief, evaluate the effectiveness of the strategies used, and make recommendations for future actions

In the event that a suicide occurs or is attempted on campus, the principal or designee shall follow the crisis intervention procedures contained in the school safety plan. After consultation with the County Superintendent or designee and the student's parents/guardians about facts that may be divulged in accordance with the laws governing confidentiality of student record information, the principal or designee may provide students, parents/guardians, and staff with information, counseling, and/or referrals to community agencies as needed. School staff may receive assistance from school counselors or other mental health professionals in determining how best to discuss the suicide or attempted suicide with students.

(cf. 0450 - Comprehensive Safety Plan)
(cf. 1112- Media Relations)
The Santa Clara County Board of Education recognizes that good physical and mental health is critical to a student's ability to learn and believes that all students should have access to comprehensive health services. The Santa Clara County Office of Education may provide access to health services at or near SCCOE schools through the establishment of a school health center and/or mobile van(s) that serve multiple campuses.

The County Board and the Santa Clara County Superintendent of Schools or designee shall collaborate with local and state agencies and health care providers to assess the health needs of students in SCCOE schools and the community. Based on this needs assessment and the availability of resources, the County Superintendent or designee shall recommend for Board approval the types of health services to be provided by the SCCOE.

The County Board may employ or contract with health care professionals or partner with community health centers to provide the services under the terms of a written contract or memorandum of understanding.

Board approval shall be required for any proposed use of SCCOE resources and facilities to support school health services. The County Superintendent or designee shall identify funding opportunities available through grant programs, private foundations, and partnerships with local agencies and organizations.
SCHOOL HEALTH SERVICES (continued)

The County Superintendent or designee shall coordinate the provision of school health services with other student wellness initiatives, including health education, programs that address nutrition and physical fitness, and other activities designed to create a healthy school environment. The County Superintendent or designee shall encourage joint planning and regular communications among health services staff, SCCOE administrators, teachers, counselors, other staff, and parents/guardians.

(cf. 3550 - Food Service/Child Nutrition Program)
(cf. 5030 - Student Wellness)
(cf. 6142.7 - Physical Education and Activity)
(cf. 6142.8 - Comprehensive Health Education)
(cf. 6164.2 - Counseling/Guidance Services)

Consent and Confidentiality

The County Superintendent or designee shall obtain written parent/guardian consent prior to providing services to a student, except when the student is authorized to consent to the service pursuant to Family Code 6920-6929 or other applicable laws.

The County Superintendent or designee shall maintain the confidentiality of student health records in accordance with law.

(cf. 5125 - Student Records)

Payment/Reimbursement for Services

The County Board desires that costs not be a barrier to student access to services. Services may be provided free of charge or on a sliding scale in accordance with law.

The County Superintendent or designee shall establish procedures for billing public and private insurance programs and other applicable programs for reimbursement of services as appropriate.

(cf. 5143 - Insurance)

The SCCOE shall serve as a Medi-Cal provider to the extent feasible, comply with all related legal requirements, and seek reimbursement of costs to the extent allowed by law.

To further encourage student access to health care services, the County Superintendent or designee shall develop and implement strategies to assist in outreach and enrollment of eligible students from low- to moderate-income families in affordable, comprehensive state or federal health coverage programs and local health initiatives. Such strategies may include, but not be limited to, providing information about the Medi-Cal program on the application
SCHOOL HEALTH SERVICES  (continued)

for free and reduced-price meals in accordance with law and providing students and parents/guardians with information about the low-cost Healthy Families insurance program or others as available.

(cf. 3553 - Free and Reduced Price Meals)

Program Evaluation

In order to continuously improve school health services, the County Superintendent may evaluate the effectiveness of such services and the extent to which they continue to meet student needs.

Periodic reports that may include, but not necessarily be limited to, rates of participation in school health services; changes in student outcomes such as school attendance or achievement; feedback from staff and participants regarding program accessibility and operations, including accessibility to low-income and linguistically and culturally diverse students and families; and program costs and revenues shall be provided to the Superintendent.

(cf. 0500 - Accountability)

Legal Reference:  (see next page)
Legal Reference:

EDUCATION CODE
8800-8807  Healthy Start support services for children
49073-49079  Privacy of student records
49423.5  Specialized physical health care services
49557.2-49558  Eligibility for free and reduced-price meals; sharing information with Medi-Cal

FAMILY CODE
6920-6929  Consent by minor for medical treatment

GOVERNMENT CODE
95020  Individualized family service plan

HEALTH AND SAFETY CODE
121020  HIV/AIDS testing and treatment; parental consent for minor under age 12
123110  Minor's right to access health records
123115  Limitation on parent/guardian access to minor's health records
123800-123995  California Children's Services Act
124025-124110  Child Health and Disability Prevention Program
124172-124174.5  Public School Health Center Support Program
130300-130317  Health Insurance Portability and Accountability Act (HIPAA)

WELFARE AND INSTITUTIONS CODE
14059.5  Definition of "medically necessary"
14100.2  Confidentiality of Medi-Cal information
14115  Medi-Cal claims process
14124.90  Third-party health coverage
14132.06  Covered benefits; health services provided by local educational agencies
14132.47  Administrative claiming process and targeted case management

CODE OF REGULATIONS, TITLE 10
2699.6500-2699.6905  Healthy Families Program

CODE OF REGULATIONS, TITLE 17
2951  Testing standards for hearing tests
6800-6874  Child Health and Disability Prevention Program

CODE OF REGULATIONS, TITLE 22
51009  Confidentiality
51050-51192  Definitions of Medi-Cal providers and services
51200  Requirements for providers
51231.2  Wheelchair van requirements
51270  Local educational agency provider; conditions for participation
51304  Limitations on specified benefits
51309  Psychology, physical therapy, occupational therapy, speech pathology, audiological services
51323  Medical transportation services
51351  Targeted case management services
51360  Local educational agency; types of services
51491  Local educational agency eligibility for payment
51535.5  Reimbursement to local educational agency providers

Legal Reference continued: (see next page)
SCHOOL HEALTH SERVICES (continued)

Legal Reference: (continued)
UNITED STATES CODE, TITLE 20
1232g  Family Educational and Privacy Rights Act (FERPA)
UNITED STATES CODE, TITLE 42
1320c-9  Prohibition against disclosure of records
1397aa-1397jj  State Children's Health Insurance Program
CODE OF FEDERAL REGULATIONS, TITLE 42
431.300  Use and disclosure of information on Medicaid applicants and recipients
CODE OF FEDERAL REGULATIONS, TITLE 45
164.500-164.534  Health Insurance Portability and Accountability Act (HIPAA)

Management Resources:
CSBA PUBLICATIONS
Expanding Access to School Health Services: Policy Considerations for Districts, Policy Brief, November 2008
Providing School Health Services in California: Perceptions, Challenges and Needs of District Leadership Teams, 2008
CALIFORNIA DEPARTMENT OF HEALTH CARE SERVICES PUBLICATIONS
LEA Medi-Cal Provider Manual
California School-Based Medi-Cal Administrative Activities Manual
DEPARTMENT OF HEALTH SERVICES POLICY LETTERS
00-06 Managed Care Plan Relationships with Local Education Agency Providers, December 11, 2000
NATIONAL ASSEMBLY ON SCHOOL-BASED HEALTH CARE PUBLICATIONS
A Guidebook for Evaluating School-Based Health Centers
NATIONAL CENTER FOR YOUTH LAW PUBLICATIONS
Minor Consent, Confidentiality, and Child Abuse Reporting in California, October 2006
WEB SITES
CSBA: http://www.csba.org
CSBA, PractiCal Program: http://www.csba.org/Services/Services/DistrictServices/PractiCal.aspx
California County Superintendents Educational Services Association: http://www.ccsesa.org
California Department of Education, Health Services and School Nursing: http://www.cde.ca.gov/ls/he/hn
California Department of Health Care Services: http://www.dhcs.ca.gov
California Department of Public Health: http://www.cdphp.ca.gov
California School Health Centers Association: http://www.schoolhealthcenters.org
California School Nurses Organization: http://www.csno.org
Center for Health and Health Care in Schools: http://www.healthinschools.org
Centers for Disease Control and Prevention, School Health Policies and Programs (SHPPS) Study: http://www.cdc.gov/HealthyYouth/shpps
Centers for Medicare and Medicaid Services: http://www.cms.hhs.gov
Healthy Families Program: http://www.healthyfamilies.ca.gov
National Assembly on School-Based Health Care: http://www.nashbc.org
National Center for Youth Law: http://www.youthlaw.org

Policy
SANTA CLARA COUNTY OFFICE OF EDUCATION
adopted: October 20, 2010  San Jose, California
SCHOOL HEALTH SERVICES

Program Components

The SCCOE school health services program shall meet, or have a plan to meet, the following requirements: (Health and Safety Code 124174.6)

1. Strive to provide a comprehensive set of services including medical, oral health, mental health, health education, and related services in response to community needs

2. Provide primary and other health care services, provided or supervised by a licensed professional, which may include all of the following:

   a. Physical examinations, immunizations, and other preventive medical services

   (cf. 5141.26 - Tuberculosis Testing)
   (cf. 5141.3 - Health Examinations)
   (cf. 5141.31 - Immunizations)
   (cf. 5141.32 - Health Screening for School Entry)

   b. Diagnosis and treatment of minor injuries and acute medical conditions

   c. Management of chronic medical conditions

   (cf. 5141.23 - Asthma Management)

   d. Basic laboratory tests

   e. Referrals to and follow-up for specialty care

   f. Reproductive health services

   (cf. 5141.25 - Availability of Condoms)

   g. Nutrition services

   (cf. 3550 - Food Service/Child Nutrition Program)
   (cf. 5030 - Student Wellness)

   h. Mental health services, provided or supervised by an appropriately licensed mental health professional, which may include assessments, crisis intervention, counseling, treatment, and referral to a continuum of services including emergency psychiatric care, community support programs, inpatient care, and outpatient programs
SCHOOL HEALTH SERVICES  (continued)

The Santa Clara County Superintendent of Schools or designee shall collaborate with the county mental health department in planning and service delivery.

(cf. 1020 - Youth Services)
(cf. 5131.6 - Alcohol and Other Drugs)
(cf. 5141.52 - Suicide Prevention)
(cf. 6164.2 - Counseling/Guidance Services)

i. Oral health services that may include preventive services, basic restorative services, and referral to specialty services

3. Work in partnership with the school nurse, if one is employed by the school to provide:

a. Individual and family health education

b. School or districtwide health promotion

c. First aid and administration of medications

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

d. Facilitation of student enrollment in health insurance programs

e. Screening of students to identify the need for physical, mental, and oral health services

f. Referral and linkage to services not offered on-site

g. Public health and disease surveillance

h. Emergency response procedures

(cf. 5141 - Health Care and Emergencies)

4. Have a written contract or memorandum of understanding between the Santa Clara County Office of Education and the health care provider or any other community provider that ensures coordination of services, confidentiality of health information consistent with applicable federal and state laws, and integration of services into the school environment

(cf. 3312 - Contracts)
SCHOOL HEALTH SERVICES  (continued)

5. Serve all students in the school regardless of ability to pay

6. Be open during all normal school hours, except that services may be provided on a more limited basis if resources are not available or on a more expansive basis if dictated by community needs and resources are available

7. Establish protocols for referring students to outside services when the school health center is closed

8. Facilitate transportation between the school and the health center if the health center is not located on school or SCCOE property

Medi-Cal Billing

In order to provide services as a Medi-Cal provider, the SCCOE shall enter into and maintain a contract with the California Department of Health Care Services (DHCS). (Welfare and Institutions Code 14132.06; 22 CCR 51051, 51270)

The County Superintendent or designee shall submit a claim for Medi-Cal reimbursement whenever the SCCOE provides a covered preventive, diagnostic, therapeutic, or rehabilitative service specified in 22 CCR 51190.4 or 51360 to a Medi-Cal-eligible student under age 22 and/or a member of his/her family. (Welfare and Institutions Code 14132.06; 22 CCR 51096, 51098, 51190.1, 51190.4, 51309, 51360, 51535.5)

(cf. 5141.24 - Specialized Health Care Services)
(cf. 6159 - Individualized Education Program)

The SCCOE shall maintain records including, but not limited to, records of the type and extent of services provided to a Medi-Cal beneficiary in accordance with law. (22 CCR 51270)

(cf. 3580 - District Records)
(cf. 5125 - Student Records)

The County Superintendent or designee shall ensure that all practitioners employed by or under contract with the SCCOE possess the appropriate license, certification, registration, or credential and provide only those services that are within their scope of practice. (22 CCR 51190.3, 51270, 51491)

Any federal funds received by the SCCOE as reimbursement for the costs of services under the Medi-Cal billing option shall be reinvested in services for students and their families as specified in Education Code 8804(g). The County Superintendent or designee shall consult with a local school-linked services collaborative group, such as that defined in Education Code 8806, regarding decisions on reinvestment of federal funds. (22 CCR 51270)
SCHOOL HEALTH SERVICES (continued)

Medi-Cal Administrative Activities

Designated school staff shall document, on a time survey form, the amount of time spent on activities identified by DHCS which are related to the administration of the Medi-Cal program. Such activities include, but are not be limited to:

1. Outreach
2. Referral of health and mental health services
3. Translation services
4. Facilitation of applications
5. Scheduling and arranging emergency and medical transportation of eligible individuals
6. Contracting for services
7. Program planning and policy development
8. Claims administration
9. General administration

The County Superintendent or designee shall, on a quarterly basis, submit an invoice to the local educational consortium or local governmental agency through which the SCCOE has contracted to receive reimbursement.

Staff responsible for completing the time survey shall annually participate in training regarding eligible activities and the time survey methodology, and shall receive additional training whenever there are changes or updates in administrative claiming categories and activities. New or reassigned staff shall receive training before beginning their duties completing time surveys.

The County Superintendent or designee shall maintain an audit file containing original time survey documentation and other records specified by DHCS. Such documentation shall be kept for three years after the end of the quarter in which expenditures were incurred or, if an audit is in progress, until the completion of the audit.
SAFETY

The Santa Clara County Board of Education recognizes the importance of providing a safe school environment that is conducive to learning and helps ensure student safety and the prevention of student injury. The Santa Clara County Superintendent of Schools or designee shall implement appropriate practices to minimize the risk of harm to students, including, but not limited to, practices relative to school facilities and equipment, the outdoor environment, educational programs, and school-sponsored activities.

(cf. 0450 - Comprehensive Safety Plan)
(cf. 3320 - Claims and Actions Against the District)
(cf. 3514 - Environmental Safety)
(cf. 3514.1 - Hazardous Substances)
(cf. 3514.2 - Integrated Pest Management)
(cf. 3516 - Emergencies and Disaster Preparedness Plan)
(cf. 3530 - Risk Management/Insurance)
(cf. 3542 - School Bus Drivers)
(cf. 3543 - Transportation Safety and Emergencies)
(cf. 4119.42/4219.42/4319.42 - Exposure Control Plan for Bloodborne Pathogens)
(cf. 4119.43/4219.43/4319.43 - Universal Precautions)
(cf. 5131 - Conduct)
(cf. 5131.1 - Bus Conduct)
(cf. 5141 - Health Care and Emergencies)
(cf. 5141.22 - Infectious Diseases)
(cf. 5142.1 - Identification and Reporting of Missing Children)
(cf. 5143 - Insurance)
(cf. 5144 - Discipline)
(cf. 5144.1 - Suspension and Expulsion/Due Process)
(cf. 6145.2 - Athletic Competition)
(cf. 6161.3 - Toxic Art Supplies)
(cf. 6163.2 - Animals at School)
(cf. 7111- Evaluating Existing Buildings)

Staff shall be responsible for the proper supervision of students during school hours, during school-sponsored activities, and while students are using Santa Clara County Office of Education transportation to and from school.

The County Superintendent or designee shall ensure that students receive appropriate instruction on topics related to safety, as well as injury and disease prevention.

(cf. 5141.7 - Sun Safety)
(cf. 6142.8 - Comprehensive Health Education)

Legal Reference: (see next page)
SAFETY (continued)

Legal Reference:

**EDUCATION CODE**
8482-8484.6 After School Education and Safety Program
17280-17317 Building approvals (Field Act)
17365-17374 Fitness of school facilities for occupancy
32001 Fire alarms and drills
32020 School gates; entrances for emergency vehicles
32030-32034 Eye safety
32040 First aid equipment
32225-32226 Two-way communication devices in classrooms
32240-32245 Lead-free schools
32250-32254 CDE school safety and security resources unit
32280-32289 Safety plans
44807 Duty of teachers concerning conduct of students
44808 Exemption from liability when students are not on school property
44808.5 Permission for students to leave school grounds; notice (high school)
45450-45451 Crossing guards
48900 Hazing
49300-49307 School safety patrol
49330-49335 Injurious objects
49341 Hazardous materials in school science laboratories
51202 Instruction in personal and public health and safety

**GOVERNMENT CODE**
810-996.6 California Tort Claims Act

**HEALTH AND SAFETY CODE**
115725-115735 Playground safety
115775-115800 Wooden playground equipment
115810-115816 Playground safety and recycling grants

**PENAL CODE**
245.6 Hazing

**PUBLIC RESOURCES CODE**
5411 Purchase of equipment usable by physically disabled persons

**VEHICLE CODE**
21100 Rules and regulations; crossing guards
21212 Use of helmets
42200 Fines and forfeitures, disposition by cities
42201 Fines and forfeitures, disposition by counties

Legal Reference continued: (see next page)
SAFETY (continued)

Legal Reference: (continued)

CODE OF REGULATIONS, TITLE 5
202 Exclusion of students with a contagious disease
570-576 School safety patrols
5531 Supervision of social activities
5552 Playground supervision
5570 When school shall be open and teachers present
14103 Bus driver: authority over pupils

COURT DECISIONS
Hoyem v. Manhattan Beach City School District, (1978) 22 Cal. 3d 508

Management Resources:

AMERICAN SOCIETY FOR TESTING AND MATERIALS
F 1487-05, Standard Consumer Safety Performance Specification for Playground Equipment for Public Use, 2005

U.S. CONSUMER PRODUCT SAFETY COMMISSION PUBLICATIONS

WEB SITES
California Department of Education, Safe Schools Office: http://www.cde.ca.gov/ls/ss
California Department of Public Health: http://www.cdph.ca.gov
Centers for Disease Control and Prevention: http://www.cdc.gov
Environmental Protection Agency: http://www.epa.gov
U.S. Department of Education, Safe Schools: http://www.ed.gov/about/offices/list/osers/osep/gtss.html
Students

SAFETY

Each principal or designee shall establish school rules for the safe and appropriate use of school equipment and materials and for student conduct consistent with law, Board policy, and administrative regulation. Copies of the rules shall be distributed to parents/guardians and shall be readily available at the school at all times.

(cf. 0450 - Comprehensive Safety Plan)
(cf. 5131 - Conduct)
(cf. 5144 - Discipline)

Release of Students

Students shall be released during the school day only to the custody of an adult if:

1. The adult is the student's custodial parent/guardian.

(cf. 5021 - Noncustodial Parents)

2. The adult has been authorized on the student's emergency card as someone to whom the student may be released when the custodial parent/guardian cannot be reached, and the principal or designee verifies the adult's identity.

(cf. 3516 - Emergencies and Disaster Preparedness Plan)

3. The adult is an authorized law enforcement officer acting in accordance with law.

(cf. 5141.4 - Child Abuse Prevention and Reporting)
(cf. 5145.11 - Questioning and Apprehension by Law Enforcement)

4. The adult is taking the student to emergency medical care at the request of the principal or designee.

(cf. 5141 - Health Care and Emergencies)

Supervision of Students

Every teacher shall hold students accountable for their conduct on the way to and from school, on the playgrounds, and during recess. (Education Code 44807)

The principal or designee shall require all individuals supervising students to remain alert in spotting dangerous conditions, promptly report any such conditions to the principal or designee, and file a written report on such conditions as appropriate.

(cf. 3530 - Risk Management/Insurance)

In arranging for appropriate supervision on playgrounds, the principal or designee shall:
SAFETY (continued)

1. Where playground supervision is not otherwise provided, provide for employees to supervise the conduct and safety, and direct the play, of students who are on school grounds before and after school and during recess and other intermissions (5 CCR 5552)

2. Clearly identify supervision zones on the playground and require all playground supervisors to remain outside at a location from which they can observe their entire zone of supervision

3. Consider the size of the playground area, the number of areas that are not immediately visible, and the age of the students to determine the ratio of playground supervisors to students

The Santa Clara County Superintendent of Schools or designee shall ensure that teachers, teacher aides, playground supervisors, yard aides, and volunteers who supervise students receive training in safety practices and in supervisory techniques that will help them to forestall problems and resolve conflicts.

(cf. 1240 - Volunteer Assistance)
(cf. 3515.2 - Disruptions)
(cf. 4131 - Staff Development)
(cf. 4231 - Staff Development)
(cf. 5131.4 - Student Disturbances)
(cf. 5138 - Conflict Resolution/Peer Mediation)

Playground Safety

Any new playground or any replacement of equipment or modification of components inside an existing playground shall conform to standards set forth by the American Society for Testing and Materials and the guidelines set forth by the U.S. Consumer Product Safety Commission. (Health and Safety Code 115725)

Any playground installed between January 1, 1994, and December 31, 1999, shall conform to these standards not later than 15 years after the date of installation. (Health and Safety Code 115725)

Activities with Safety Risks

Because of concerns about the risk to student safety, the principal or designee shall not permit the following activities on campus or during school-sponsored events unless the activity is properly supervised, students wear protective gear as appropriate, and each participant has insurance coverage:

1. Scuba diving
SAFETY (continued)

2. Skateboarding or use of scooters
3. In-line or roller skating or use of skate shoes
4. Sailing, boating, or water skiing
5. Snow trips
6. Horseback riding
7. Other activities determined by the principal to have a high risk to student safety

(cf. 5143 - Insurance)
(cf. 6145 - Extracurricular and Cocurricular Activities)
(cf. 6153 - School-Sponsored Trips)

Students who operate or ride as a passenger on a bicycle, nonmotorized scooter, or skateboard upon a street, bikeway, or any other public bicycle path or trail shall wear a properly fitted and fastened bicycle helmet that meets the standards of law. Students also shall be required to wear such helmets while wearing in-line or roller skates. (Vehicle Code 21212)

Hearing Protection

The County Superintendent or designee shall monitor students' exposure to excessive noise in classrooms and provide protection as necessary. The County Superintendent or designee also may provide hearing conservation education to teach students ways to protect their hearing.

Eye Safety Devices

The County Superintendent or designee shall provide schools with eye safety devices for use whenever students, teachers, or visitors are engaged in or observing an activity or using hazardous substances likely to cause injury to the eyes. Eye safety devices may be sold to students for an amount not to exceed their actual cost to the Santa Clara County Office of Education. (Education Code 32030, 32031, 32033)

(cf. 3260 - Fees and Charges)
SAFETY (continued)

Protection Against Insect Bites

To help protect students against insect bites or stings that may spread disease or cause allergic reactions, students shall be allowed to apply insect repellent provided by their parents/guardians, under the supervision of school personnel, and in accordance with the manufacturer's directions, when engaging in outdoor activities.
IDENTIFICATION AND REPORTING OF MISSING CHILDREN

Santa Clara County Office of Education personnel, including but not limited to teachers, administrators, school aides, school playground workers and school bus drivers, are encouraged to report missing children to a law enforcement agency in a timely manner in order to provide those children a necessary level of protection.

Legal Reference:

EDUCATION CODE
32390 Voluntary program for fingerprinting students
38139 Posting of information about missing children
48980 Parental notification of district programs, rights and responsibilities
49068.5-49068.6 Missing children; transfers
49370 Legislative intent re: reporting of missing children

CODE OF REGULATIONS, TITLE 5
640-641 Student fingerprinting program

Management Resources:

WEB SITES
Department of Justice/Attorney General's Office: http://www.caag.state.ca.us/app
IDENTIFICATION AND REPORTING OF MISSING CHILDREN

Notices About Missing Children

Every school shall post in an appropriate area information provided by the Department of Justice on missing children. For elementary schools, such information shall be posted in an area restricted to adults. (Education Code 38139)

Elementary school principals are urged to review missing children's pictures whenever a new student enrolls or transfers into the school. (Education Code 49068.5)

(cf. 5111 - Admission)

If a school receives notice from a law enforcement agency that a child enrolled in that school has been reported missing, the principal or designee shall place a notice that the child has been reported missing on the front of the child's school record. If a school receives a record inquiry or request from any person or entity regarding a missing child about whom the school has been notified, the principal or designee shall immediately notify the law enforcement authorities who informed the school of the missing child's status. (Education Code 49068.6)

(cf. 5125 - Student Records)
Santa Clara County Office of Education

Board Policy

Discipline

BP 5144

Students

The Santa Clara County Board of Education (County Board) desires to prepare students for responsible citizenship by fostering self-discipline and personal responsibility. The County Board believes that high expectations for student behavior, effective classroom management, provision of appropriate intervention and support, and parent involvement can minimize the need for disciplinary measures that exclude students from instruction as means for correcting student misbehavior. Staff shall use preventative measures and positive conflict resolution techniques whenever possible.

(cf. 5020 - Parent Rights and Responsibilities)
(cf. 5131 - Conduct)
(cf. 5131.2 - Bullying)
(cf. 5137 - Positive School Climate)
   (cf. 5145.9 - Hate-Motivated Behavior)
(cf. 6020 - Parent Involvement)

The Santa Clara County Office of Education (SCCOE) 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 remove a student from SCCOE programs.

The County Superintendent of Schools (County Superintendent) or designee shall design a complement of effective, age-appropriate strategies for maintaining a positive school climate and correcting student misbehavior at SCCOE schools. The strategies shall focus on providing students with needed supports; communicating clear, appropriate, and consistent expectations and consequences for student conduct; and ensuring equity and continuous improvement in the implementation of SCCOE discipline policies and practices.

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

Disciplinary measures that may result in loss of instructional time or cause students to be disengaged from school, such as detention, suspension, and expulsion, shall be imposed only when required by law or when other means of correction have been documented to have failed. (Education Code 48900.5)

(cf. 5020 - Parent Rights and Responsibilities)
(cf. 5144.1 - Suspension and Expulsion/Due Process)
(cf. 5144.2 - Suspension and Expulsion/Due Process (Students with Disabilities))
(cf. 6159.4 - Behavioral Interventions for Special Education Students)
(cf. 6164.5 - Student Success Teams)

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.

The SCCOE 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 County Superintendent or designee shall comply with procedures for notices and appeals as specified in law and/or administrative regulation. (Education Code 48911, 48915, 48915.5)

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

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

(cf. 0450 - Comprehensive Safety Plan)
(cf. 9320 - Meetings and Notices)

At all times, the safety of students and staff and the maintenance of an orderly school environment shall be priorities in determining appropriate discipline. When misconduct occurs, staff shall attempt to identify the causes of the student's behavior and implement appropriate discipline. When choosing between different disciplinary strategies, staff shall consider the effect of each option on the student's health, well-being, and opportunity to learn.

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

(cf. 0410 - Nondiscrimination in District Programs and Activities)
(cf. 5145.3 - Nondiscrimination/Harassment)
(cf. 5145.7 - Sexual Harassment)

SCCOE goals for improving school climate shall be included in the SCCOE’s local control and accountability plan, as required by law.

(cf. 0460 - Local Control and Accountability Plan)
(cf. 3100 - Budget)
Legal Reference:
CIVIL CODE
1714.1 Parental liability for child's misconduct
EDUCATION CODE
32280-32288 School safety plans
35146  Closed sessions
35291  Rules
35291.5-35291.7  School-adopted discipline rules
48900-48926  Suspension and expulsion
48980-48985  Notification of parents or guardians
49000-49001  Prohibition of corporal punishment
49330-49335  Injurious objects
CODE OF REGULATIONS, TITLE 5
307  Participation in school activities until departure of bus
353  Detention after school

Management Resources:
CSBA PUBLICATIONS
Providing a Safe, Nondiscriminatory School Environment for Transgender and Gender-Nonconforming Students, Policy Brief, February 2014
Safe Schools: Strategies for Governing Boards to Ensure Student Success, 2011
Maximizing Opportunities for Physical Activity during the School Day, Fact Sheet, 2009
CDE PROGRAM ADVISORIES
STATE BOARD OF EDUCATION POLICIES
01-02 School Safety, Discipline, and Attendance, March 2001
U.S. DEPARTMENT OF EDUCATION, OFFICE FOR CIVIL RIGHTS PUBLICATIONS
Dear Colleague Letter on the Nondiscriminatory Administration of School Discipline, January 2014
WEB SITES
CDE: http://www.cde.ca.gov
USDOE, Office of Civil Rights: http://www.ed.gov/about/offices/list/ocr
CSBA: http://www.csba.org
Public Counsel: http://www.fixschooldiscipline.org

Policy                          SANTA CLARA COUNTY OFFICE OF EDUCATION
adopted:  October 20, 2010          San Jose, California
revised:  February 4, 2015
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 Santa Clara County Office of Education code of student conduct may assert any of the protections under IDEA only if the SCCOE 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 SCCOE 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 SCCOE 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 SCCOE personnel has expressed specific concerns directly to the SCCOE director of special education or to other supervisory SCCOE personnel about a pattern of behavior demonstrated by the student.

The SCCOE 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 SCCOE would be deemed to not have knowledge if the SCCOE 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 SCCOE 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)
Suspension

The Santa Clara County Superintendent of Schools 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 principal or designee shall monitor the number of days, including portions of days, in which a student with a valid individualized education program (IEP) has been suspended during the school year.

(cf. 6159 - Individualized Education Program)

The SCCOE 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)
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 SCCOE 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)
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 SCCOE 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 SCCOE, the student's parent/guardian, and relevant members of the IEP team (as determined by the SCCOE 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 SCCOE failure to implement the student's IEP, in which case the SCCOE 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)
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 SCCOE 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)

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

**Due Process Appeals**

If the parent/guardian disagrees with any SCCOE 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 SCCOE may request a hearing if the SCCOE 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)
Whenever a hearing is requested as specified above, the parent/guardian or the SCCOE 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 SCCOE 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 SCCOE 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**

Santa Clara County Board of Education'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 Chief Student Officer 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)
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
794 Rehabilitation Act of 1973, Section 504
CODE OF FEDERAL REGULATIONS, TITLE 34
104.35 Evaluation and placement
104.36 Procedural safeguards
300.1-300.818 Assistance to states for the education of students with disabilities, especially:
300.530-300.537 Discipline procedures
COURT DECISIONS
Parents of Student W. v. Puyallup School District, (1994 9th Cir.) 31 F.3d 1489

Management Resources:

FEDERAL REGISTER
Rules and Regulations, August 14, 2006, Vol. 71, Number 156, pages 46539-46845
WEB SITES
California Department of Education, Special Education: http://www.cde.ca.gov/sp/se
U.S. Department of Education, Office of Special Education Programs:
http://www.ed.gov/about/offices/list/osers/osep

Regulation approved: October 20, 2010
SANTA CLARA COUNTY OFFICE OF EDUCATION
San Jose, California
STUDENT EXPULSION APPEALS

The Santa Clara County Board of Education shall hear and determine an appeal of an expulsion order issued against a student by a school district within the jurisdiction of the county.

A student expelled by the governing board of a school district or his/her parent/guardian (appellant) may appeal the expulsion to the County Board within 30 days of the school district’s action. The appeal shall be filed in writing and shall include the following information:

1. Name of the expelled student
2. Contact address and telephone number of the student and/or parent/guardian
3. Name of respondent school board
4. Date of respondent school board’s action to expel student
5. Ground(s) on which appeal is based

The appellant shall submit to the County Board, a certified copy of the written transcripts and supporting documents of the proceedings before the school district. Because delay in receiving the transcripts may prejudice the student’s case, the student is encouraged to request a copy of the transcripts and other related records from the district no later than the date on which the appeal is filed. (Education Code 48921)

The County Board shall hold a hearing within 20 school days of the filing of the appeal. (Education Code 48919)

No later than 10 days prior to the hearing, the secretary to the County Board shall serve upon the student and the respondent school board, by certified mail, return receipt requested, a notice of the hearing including details such as the date, time and place of the hearing. The notice shall also contain a statement that the hearing shall be in closed session unless the student requests in writing at least five days prior to the hearing, that the hearing be conducted in open session.

Conduct of Expulsion Hearing

1. Closed Session: Notwithstanding the provisions of Government Code 54953 and Education Code 35145, the County Board shall hear an appeal of an expulsion order in closed session, unless the student requests in writing at least five days prior to the hearing that the hearing be conducted at a public meeting. If such request is made, the hearing shall be public unless another student’s privacy rights would be violated. (Education Code 48920)
STUDENT EXPULSION APPEALS (continued)

Whether the expulsion hearing is held in closed or public session, the County Board may meet in closed session to deliberate on the appeal. If the County Board admits one of the parties or their representative(s) to the closed session, the other party or their representative(s) shall also be allowed to attend the closed session. (Education Code 48920)

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 48919)

Scope of Review

The County Board shall determine the appeal based on the record of the hearing before the district governing board and other applicable documentation and/or regulations. No evidence other than that contained in the record of proceedings of the district governing board shall be heard except in a de novo proceeding, granted pursuant to Education Code 48923. (Education Code 48921)

A de novo proceeding involves an independent determination by the County Board, of all the issues previously considered by the school district’s governing board.

The County Board’s review shall be limited to: (Education Code 48922)

1. Whether the governing board acted without or in excess of its jurisdiction.

2. Whether there was a fair hearing before the governing board.

3. Whether there was a prejudicial abuse of discretion in the hearing. Abuse of discretion is established if:

   a. School officials did not meet the procedural requirements of Education Code 48900-48926;

   b. The decision to expel the student is not supported by the findings prescribed by Education Code 48915; or

   c. The findings are not supported by the evidence

4. Whether there is relevant and material evidence which, in the exercise of reasonable diligence, could not have been produced or which was improperly excluded at the hearing before the governing board.
STUDENT EXPULSION APPEALS (continued)

Final Order of the County Board

The County Board shall render its final decision within three school days of the hearing unless the student requests a postponement. (Education Code 48919)

The County Board’s decision shall be limited as follows: (Education Code 48923)

1. Where the County Board finds that relevant and material evidence exists which, in the exercise of reasonable diligence, could not have been produced, or which was improperly excluded at the hearing before the governing board, the County Board may remand the matter to the governing board for reconsideration or grant a hearing de novo.

2. Where the County Board determines that the governing board’s decision is not supported by findings required to be made by Education Code 48915, but evidence supporting such findings exists in the record of the proceedings, the County Board shall remand the matter to the governing board for adoption and inclusion of the required findings.

3. In all other cases, the County Board shall either affirm or reverse the decision of the governing board. If the County Board reverses a governing board’s decision, the County Board may direct the governing board to expunge all references to the expulsion action from the district and student’s records, and the expulsion shall be deemed not to have occurred.

The decision of the County Board shall be final and binding upon the student and the governing board. The student and the governing board shall be notified of the final order of the County Board, in writing, either by personal service or by certified mail. The order shall become final when rendered. (Education Code 48924)

Legal Reference: (see next page)
STUDENT EXPULSION APPEALS  (continued)

Legal Reference:

**EDUCATION CODE**
1981 Enrollment of students
17292.5 Program for expelled students
35145 Public meetings
35146 Closed sessions (re suspensions)
35291 Rules (for government and discipline of schools)
35291.5 Rules and procedures on school discipline
48660-48666 Community day schools
48900-48926 Suspension and expulsion
48950 Speech and other communication
49073-49079 Privacy of student records

**GOVERNMENT CODE**
11455.20 Contempt
54950-54962 Ralph M. Brown Act (re closed sessions)

**COURT DECISIONS**

Management Resources:

**CDE PROGRAM ADVISORIES**
0306.96 Expulsion Policies and Educational Placements, SPB 95/96-04

**WEB SITES**
CDE: http://www.cde.ca.gov
CSBA: http://www.csba.org
Santa Clara County Board of Education is committed to providing a safe learning environment and cooperating with law enforcement officials and peace officers as necessary to help ensure the safety of students, staff, and the community and in carrying out their official duties.

(cf. 0450 - Comprehensive Safety Plan)
(cf. 3515.3 - District Police/Security Department)
(cf. 5141.4 - Child Abuse Prevention and Reporting)
(cf. 5145.12 - Search and Seizure)

In accordance with standards specified in law and court decisions, law enforcement officers may interview and question students on school premises. The Santa Clara County Superintendent of Schools or designee shall collaborate with local law enforcement agencies to develop parameters under which law enforcement officers will interview students at school.

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

When any law enforcement official requests an interview with a student, the principal or designee shall request that the official provide verification of his/her identity and official capacity and certify the legal authority under which the interview is being conducted. If the officer refuses to provide certification of the legal authority for the interview, the principal or designee shall document such refusal and should consult with Santa Clara County Office of Education’s legal counsel, as appropriate, before allowing the interview to proceed. The principal or designee shall maintain a record of all documentation relative to law enforcement interviews of students.

If the officer needs to interview or question the student immediately, the principal or designee shall accommodate the process in a way that causes the least possible disruption for the student and school, gives the student appropriate privacy, and models exemplary cooperation with law enforcement authorities.

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 law enforcement has interviewed the student on school premises.

At law enforcement's discretion and with the student's approval, the principal or designee may be present during the interview.

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)
QUESTIONING AND APPREHENSION BY LAW ENFORCEMENT (continued)

Subpoenas

Although subpoenas may legally be served at school on students age 12 or older, the County 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 all reasonable steps to ensure a minimum of embarrassment or loss of class time for the student.

Legal Reference:

EDUCATION CODE  
44807  Duty concerning conduct of pupils  
48264  Arrest of truants  
48265  Delivery of truant  
48902  Notice to law 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  
People v. Lessie, (2010) 47 Cal. 4th 1152  
Greene v. Camreta, (2009, 9th Cir.) 588 F.3d 1011  
ATTORNEY GENERAL OPINIONS  

Management Resources:

WEB SITES  
California Department of Justice, Office of the Attorney General: http://caag.state.ca.us
QUESTIONING AND APPEHENSION BY LAW ENFORCEMENT

QUESTIONING OF STUDENTS BY LAW ENFORCEMENT

*Instructions to law enforcement:* In response to the decision of the 9th Circuit Court of Appeals in *Greene v. Camreta*, the Santa Clara County Office of Education requests that law enforcement officials provide the information below prior to interviewing a Santa Clara County Office of Education student on school grounds as part of an investigation. Failure to provide this information or satisfy the criteria below may result in the principal or designee's refusal to allow the interview to proceed. Your cooperation is appreciated.

Please indicate, by checking the box below, the authority upon which this student interview is based:

- [ ] Parent/guardian consent
- [ ] Court order or warrant
- [ ] Exigent circumstances

_______________________________  __________________________________
Name of Interviewer and Badge Number  Student's Name

_______________________________  Date of Interview
Interviewer Signature

_______________________________  Name of School Official Receiving Form
Name of Agency
SEARCH AND SEIZURE

Santa Clara County Board of Education 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 Santa Clara County Office of Education 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 County 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.

(cf. 0410 - Nondiscrimination in District Programs and Activities)
(cf. 1312.1 - Complaints Concerning District Employees)
(cf. 5145.3 - Nondiscrimination/Harassment)

The Santa Clara County Superintendent of Schools or designee shall ensure that staff who conduct student searches receive training regarding the requirements of the SCCOE policy and administrative regulation and other legal issues, as appropriate.

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

Individual Searches

School officials may search any individual student, his/her property, or SCCOE 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 SCCOE 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 SCCOE property, cellular phones, or other electronic communication devices.

Any search of a student, his/her property, or SCCOE 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 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 SCCOE 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 SCCOE. 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.

**Use of Metal Detectors**

The County Board believes that the presence of weapons in the schools threatens the SCCOE ability to provide the safe and orderly learning environment to which SCCOE students and staff are entitled. The County Board also believes that metal detector searches offer a reasonable means to keep weapons out of the schools and mitigate the fears of students and staff.

The County Superintendent or designee shall use metal detectors at SCCOE schools as necessary to help provide a safe learning environment. He/she shall establish a plan to ensure that metal detector searches are conducted in a uniform and consistent manner.

**Use of Contraband Detection Dogs**

In an effort to keep the schools free of dangerous contraband, the SCCOE may use specially trained, nonaggressive dogs to sniff out and alert staff to the presence of substances prohibited by law or Board policy.
SEARCH AND SEIZURE  (continued)

The dogs may sniff the air around lockers, desks, or vehicles on SCCOE property or at district-sponsored events. Dogs shall not sniff within the close proximity of students or other persons and may not sniff any personal items on those persons without their consent.

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  SANTA CLARA COUNTY OFFICE OF EDUCATION
adopted: October 20, 2010  San Jose, California
USE OF CONTRABAND DETECTION DOGS

Contraband detection dogs shall not be used in classrooms or other SCCOE facilities when the rooms are occupied, except for demonstration purposes with the handler present. When used for demonstration purposes, the dog shall be separated from the students and not allowed to sniff any individual.

Prior to conducting an inspection, students shall be asked to leave the room that will be subject to the canine sniff. No student shall be forced to leave personal items behind for inspection, unless school officials have reasonable suspicion to search the item.

Only the dog's official handler shall determine what constitutes an alert by the dog. If the dog alerts on a particular item or place, the student having the use of that item or place, or responsibility for it, shall be called to witness the inspection. If a dog alerts on a locked vehicle, the student who brought the vehicle onto SCCOE property shall be asked to unlock it for inspection.

(cf. 5131.6 - Alcohol and Other Drugs)
(cf. 5144.1 - Suspension and Expulsion/Due Process)

NOTIFICATIONS

At the beginning of each school year and upon enrollment, the County Superintendent or designee shall inform students and parents/guardians about the SCCOE policies and procedures for searches, including notice regarding:

1. The possibility of random searches of students, their belongings, their vehicles parked on SCCOE property, and SCCOE properties under a student's control, including lockers or desks

2. The SCCOE contraband dog detection program
Santa Clara COE
Board Policy
Nondiscrimination/Harassment

BP 5145.3
Students

The Santa Clara County Board of Education desires to provide a safe school environment that allows all students equal access and opportunities in the district's academic and other educational support programs, services, and activities. The County Board prohibits, at any SCCOE school or school activity, unlawful discrimination, harassment, intimidation, and bullying of any student based on the student's actual race, color, ancestry, national origin, ethnic group identification, age, religion, marital or parental status, physical or mental disability, sex, sexual orientation, gender, gender identity, or gender expression; the perception of one or more of such characteristics; or association with a person or group with one or more of these actual or perceived characteristics.

(cf. 0410 - Nondiscrimination in District Programs and Activities)
(cf. 5131 - Conduct)
(cf. 5131.2 - Bullying)
(cf. 5137 - Positive School Climate)
(cf. 5145.9 - Hate-Motivated Behavior)
(cf. 5146 - Married/Pregnant/Parenting Students)
(cf. 6164.6 - Identification and Education Under Section 504)

Prohibited discrimination, harassment, intimidation, or bullying includes physical, verbal, nonverbal, or written conduct based on one of the categories listed above that is so severe or pervasive that it affects a student's ability to participate in or benefit from an educational program or activity; creates an intimidating, threatening, hostile, or offensive educational environment; has the effect of substantially or unreasonably interfering with a student's academic performance; or otherwise adversely affects a student's educational opportunities.

This policy applies to all acts related to school activity or school attendance within a school under the jurisdiction of the SCCOE superintendent.

The County Board also prohibits any form of retaliation against any student who files a complaint or report regarding an incident of discrimination, harassment, intimidation, or bullying.

The Santa Clara County Superintendent of Schools or designee shall provide age-appropriate training and information to students, parents/guardians, and employees regarding discrimination, harassment, intimidation, and bullying, including, but not limited to, the SCCOE's nondiscrimination policy, what constitutes prohibited behavior, how to report incidents, and to whom such reports should be made.
In providing instruction, guidance, supervision, or other services to SCCOE students, employees and volunteers shall carefully guard against segregating or stereotyping students.

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

Grievance Procedures

The following position is designated Coordinator for Nondiscrimination to handle complaints regarding discrimination, harassment, intimidation, or bullying, and to answer inquiries regarding the SCCOE’s nondiscrimination policies:

Executive Director – Human Resources or Designee
1290 Ridder Park Drive
San Jose, CA 95131
(408) 453-6843

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

Any school employee who observes an incident of discrimination, harassment, intimidation, or bullying or to whom such an incident is reported shall report the incident to the Coordinator or principal, whether or not the victim files a complaint.

In addition, the employee shall take immediate steps to intervene when safe to do so and when he or she witnesses an act of discrimination, harassment, intimidation or bullying. (Education Code 234.1)

Upon receiving a complaint of discrimination, harassment, intimidation, or bullying, the Coordinator shall immediately investigate the complaint in accordance with the SCCOE's uniform complaint procedures specified in AR 1312.3 - Uniform Complaint Procedures.

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

(cf. 1113 – SCCOE and School Web Sites)
(cf. 1114 – SCCOE -Sponsored Social Media)
(cf. 6163.4 - Student Use of Technology)

When required pursuant to Education Code 48985, complaint forms shall be translated into the student's primary language.

Legal Reference:
EDUCATION CODE
200-262.4 Prohibition of discrimination
48900.3 Suspension or expulsion for act of hate violence
48900.4 Suspension or expulsion for threats or harassment
48904 Liability of parent/guardian for willful student misconduct
48907 Student exercise of free expression
48950 Freedom of speech
48985 Translation of notices
49020-49023 Athletic programs
51500 Prohibited instruction or activity
51501 Prohibited means of instruction
60044 Prohibited instructional materials
CIVIL CODE
1714.1 Liability of parents-guardians for willful misconduct of minor
PENAL CODE
422.55 Definition of hate crime
422.6 Crimes, harassment
CODE OF REGULATIONS, TITLE 5
4600-4687 Uniform Complaint Procedures
4900-4965 Nondiscrimination in elementary and secondary education programs
UNITED STATES CODE, TITLE 20
1681-1688 Title IX of the Education Amendments of 1972
UNITED STATES CODE, TITLE 42
2000d-2000e-17 Title VI and Title VII Civil Rights Act of 1964, as amended
2000h-2-2000h-6 Title IX of the Civil Rights Act of 1964
CODE OF FEDERAL REGULATIONS, TITLE 34
100.3 Prohibition of discrimination on basis of race, color or national origin
104.7 Designation of responsible employee for Section 504
106.8 Designation of responsible employee for Title IX
106.9 Notification of nondiscrimination on basis of sex
COURT DECISIONS

Management Resources:
CSBA PUBLICATIONS
Safe Schools: Strategies for Governing Boards to Ensure Student Success, 2011
Providing a Safe, Nondiscriminatory School Environment for All Students, Policy Brief, April 2010
FIRST AMENDMENT CENTER PUBLICATIONS
Public Schools and Sexual Orientation: A First Amendment Framework for Finding Common Ground, 2006
NATIONAL SCHOOL BOARDS ASSOCIATION PUBLICATIONS
Dealing with Legal Matters Surrounding Students' Sexual Orientation and Gender Identity, 2004
U.S. DEPARTMENT OF EDUCATION, OFFICE FOR CIVIL RIGHTS PUBLICATIONS
Dear Colleague Letter: Harassment and Bullying, October 2010
Notice of Non-Discrimination, January 1999
WEB SITES
CSBA: http://www.csba.org
California Department of Education: http://www.cde.ca.gov
California Safe Schools Coalition: http://www.casafeschools.org
First Amendment Center: http://www.firstamendmentcenter.org
National School Boards Association: http://www.nsba.org
U.S. Department of Education, Office for Civil Rights: http://www.ed.gov/about/offices/list/ocr

Policy adopted: October 20, 2010
Revised: January 15, 2014
PARENTAL NOTIFICATIONS

The Santa Clara County Board of Education recognizes that notifications are essential to effective communication between the school and the home. The Santa Clara County Superintendent of Schools or designee shall send students and parents/guardians all notifications required by law, including notifications about their legal rights, and any other notifications he/she believes will promote parental understanding and involvement.

(cf. 5020 - Parent Rights and Responsibilities)
(cf. 5022 - Student and Family Privacy Rights)
(cf. 6020 - Parent Involvement)

The County 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 Santa Clara County Office of Education 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)
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
48263.5 Voluntary 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 Reenrollment 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)
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)
PARENTAL NOTIFICATIONS (continued)

Legal Reference: (continued)

**EDUCATION CODE**  (continued)
56343.5 IEP meetings
56346 Parental notice and consent to special education program
58501 Alternative schools: notice required prior to establishment
60641 Standardized Testing and Reporting Program
60850 High School Exit Examination
66204 Certification of high school courses as meeting university admission criteria

**HEALTH AND SAFETY CODE**
1596.857 Right to enter child care facility
120365 Immunizations
120370 Immunizations
120375 Immunizations
120440 Sharing immunization information
120440 Certificate of receipt; health screening and evaluation services; waiver by parent/guardian
124085 School districts and private schools; information to parents

**PENAL CODE**
627.5 Hearing request following denial or revocation of registration

**WELFARE AND INSTITUTIONS CODE**
18976.5 Parental notice; right of refusal to participate

**CODE OF REGULATIONS, TITLE 5**
863 Standardized Testing and Reporting Program
3052 Behavioral intervention
3831 General standards (Gifted and Talented Program)
4622 Notice requirements and recipients
4631 Responsibilities of the local agency
11303 Reclassification of English language learners
11309 Parental exception waivers
11523 Notice of proficiency examinations
18066 Policies and procedures absences for child care

**UNITED STATES CODE, TITLE 20**
1232g Family Educational and Privacy Rights Act
1415 Procedural safeguards
1681-1688 Title IX, discrimination based on sex or blindness
6311 State plans
6312 Local education agency plans
6316 Academic assessment and local education agency school improvement
6318 Parental involvement
7908 Armed forces recruiter access to students

**UNITED STATES CODE, TITLE 42**
2000d -2000d-7, Title VI, Civil Rights Act of 1964

Legal Reference continued: (see next page)
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
Santa Clara County Office of Education
Exhibit
Parental Notifications

E 5145.6
Students

Cautionary Notice 2013-14:
AB 110 (Ch. 20, Statutes of 2013) amended Government Code 17581.5 to relieve districts from the obligation, until July 1, 2014, to perform any activities that are deemed to be reimbursable state mandates under that section. As a result, certain provisions of the following Exhibit that reflect those requirements may be suspended.

Note: The following exhibit lists those notices which the law requires be provided to parents/guardians. Unless otherwise indicated, code numbers below refer to Education Code sections

I. Annually

When to Notify: Beginning of each school year
Education or Other Legal Code: Education Code 231.5, 48980; 5 CCR 4917
Board Policy/Administrative Regulation #: See AR 5145.7
Subject: Sexual harassment policy as related to students

When to Notify: Beginning of each school year
Education or Other Legal Code: Education Code 17612, 48980.3
Board Policy/Administrative Regulation #: See AR 3514.2
Subject: Use of pesticide product, active ingredients, Internet address to access information

When to Notify: Beginning of each school year
Education or Other Legal Code: Education Code 32255-32255.6, 48980
Board Policy/Administrative Regulation #: See AR 5145.8
Subject: Right to refrain from harmful or destructive use of animals

When to Notify: Beginning of each school year
Education or Other Legal Code: Education Code 35160.5, 48204, 46600-46611, 48980
Board Policy/Administrative Regulation #: See AR 5111.1, See AR 5116.1, See AR 5117
Subject: All statutory attendance options, available local attendance options, options for meeting residency

When to Notify: Annually by February 1
Education or Other Legal Code: Education Code 35256
Board Policy/Administrative Regulation #: See BP 0510
Subject: School Accountability Report Card provided
When to Notify: Beginning of each school year
Education or Other Legal Code: Education Code 35291, 48980
Board Policy/Administrative Regulation #: See BP 5144, See AR 5144.1
Subject: District and site discipline rules

When to Notify: Beginning of each school year if Board has adopted resolution allowing such absence
Education or Other Legal Code: Education Code 46014, 48980
Board Policy/Administrative Regulation #: See BP 5113, See AR 5113
Subject: Absence for religious exercise or purposes

When to Notify: Beginning of each school year
Education or Other Legal Code: Education Code 48205, 48980
Board Policy/Administrative Regulation #: See BP 5113, See AR 5113, See AR 6154
Subject: Excused absences; grade/credit cannot be reduced due to excused absence if work or test has been completed

When to Notify: Beginning of each school year
Education or Other Legal Code: Education Code 48206.3, 48207, 48208, 48980
Board Policy/Administrative Regulation #: See AR 6183
Subject: Availability of home/hospital instruction for students with temporary disabilities

When to Notify: Beginning of each school year
Education or Other Legal Code: Education Code 48980
Board Policy/Administrative Regulation #: See BP 6111
Subject: Schedule of minimum days

When to Notify: Beginning of each school year
Education or Other Legal Code: Education Code 49063, 49069, 20 USC 1232g, 34 CFR 99.7
Board Policy/Administrative Regulation #: See AR 5125
Subject: Student records: Inspect and review, access, types, location, persons responsible, location of log, access criteria, cost of copies, amendment requests, criteria to determine school official legitimate educational interest, course prospectus availability

When to Notify: Beginning of each school year
Education or Other Legal Code: Education Code 49063
Board Policy/Administrative Regulation #: See AR 5125, See AR 5125.3
Subject: Challenge, review and expunging of records

When to Notify: Beginning of each school year
Education or Other Legal Code: Education Code 49063, 49073; 20 USC 1232g; 34 CFR 99.37
Board Policy/Administrative Regulation #: See AR 5125.1
Subject: Release of directory information
When to Notify: Beginning of each school year
Education or Other Legal Code: Education Code 49403, 48980
Board Policy/Administrative Regulation #: See BP 5141.31
Subject: Consent to school immunization program

When to Notify: Beginning of each school year
Education or Other Legal Code: Education Code 49423, 49480, 48980
Board Policy/Administrative Regulation #: See AR 5141.21
Subject: Administration of prescribed medication

When to Notify: Beginning of each school year
Education or Other Legal Code: Education Code 49451, 49480; 20 USC 1232h
Board Policy/Administrative Regulation #: See AR 5141.3
Subject: Right to refuse consent to physical examination

When to Notify: Beginning of each school year
Education or Other Legal Code: Education Code 49472, 48980
Board Policy/Administrative Regulation #: See BP 5143
Subject: Availability of insurance

When to Notify: Beginning of each school year
Education or Other Legal Code: Education Code 49520, 48980; 42 USC 1758; 7 CFR 245.5
Board Policy/Administrative Regulation #: See AR 3553
Subject: Free and reduced price meals

When to Notify: Beginning of each school year
Education or Other Legal Code: Education Code 56301
Board Policy/Administrative Regulation #: See BP 6164.4
Subject: Parental rights re: special education identification, referral, assessment, instructional planning, implementation and review, and procedures for initiating a referral for assessment

When to Notify: Beginning of each school year
Education or Other Legal Code: Education Code 58501, 48980
Board Policy/Administrative Regulation #: See AR 6181
Subject: Alternative schools

When to Notify: Beginning of each school year
Education or Other Legal Code: 34 CFR 104.8, 106.9
Board Policy/Administrative Regulation #: See BP 0410, See BP 6178
Subject: Nondiscrimination

When to Notify: Beginning of each school year
Education or Other Legal Code: 49013; 5 CCR 4622
Board Policy/Administrative Regulation #: See AR 1312.3
Subject: Uniform complaint procedures, available appeals, civil law remedies
When to Notify: Beginning of each school year
Education or Other Legal Code: 20 USC 1232h
Board Policy/Administrative Regulation #: See AR 5022, See BP 6162.8
Subject: Notice of privacy policy and dates of activities re: survey, health examination, or collection of personal information for marketing; process to opt out of such activities

When to Notify: Beginning of each school year for districts receiving Title I funds,
Education or Other Legal Code: 20 USC 6311; 34 CFR 200.61
Board Policy/Administrative Regulation #: See AR 4112.24, See AR 4222
Subject: Right to request information re: professional qualifications of their child's teacher and paraprofessional

When to Notify: Beginning of school year to parent, teacher and employee organizations or, in their absence, individuals
Education or Other Legal Code: 40 CFR 763.84, 40 CFR 763.93
Board Policy/Administrative Regulation #: See AR 3514
Subject: Availability of asbestos management plan; any inspections, response actions or post-response actions planned or in progress

When to Notify: Beginning of each school year
Education or Other Legal Code: Education Code 46010.1
Board Policy/Administrative Regulation #: See BP 5113
Subject: Absence for confidential medical services

When to Notify: Beginning of each school year
Education or Other Legal Code: Health and Safety Code 104855
Board Policy/Administrative Regulation#: See AR 5141.6
Subject: Availability of dental fluoride treatment; opportunity to accept or deny treatment

When to Notify: Annually
Education or Other Legal Code: 5 CCR 852
Board Policy/Administrative Regulation#: AR 6162.51
Subject: Student’s participation in state assessments; option to request exemption from testing

When to Notify: Beginning of each school year, if any SCCOE school has been identified for program improvement or corrective action
Education or Legal Code: 20 USC 6316
Board Policy/Administrative Regulation#: See AR 0520.2
Subject: Availability of supplemental educational services, identity of providers, description of services, qualifications, effectiveness of providers

II. At Specific Times During the Student's Academic Career

When to Notify: Beginning of each school year in grades 9-12, if district allows career technical education (CTE) course to satisfy graduation requirement
Education or Other Legal Code: Education Code 48980, 51225.3
Board Policy/Administrative Regulation #: See AR 6146.1
Subject: How each high school graduation requirement does or does not satisfy college entrance a-g course criteria; list of districts CTE courses that satisfy a-g course criteria

When to Notify: To students in grades 11-12, early enough to enable registration for fall test
Education or Other Legal Code: 5 CCR 11523
Board Policy/Administrative Regulation #: See AR 6146.2
Subject: Notice of proficiency examination provided under Education Code 48412

When to Notify: To secondary students, if district receives Title I funds
Education or Other Legal Code: 20 USC 7908
Board Policy/Administrative Regulation #: See AR 5125.1
Subject: Notice that parents may request district to not release name, address, phone number of child to military recruiters without prior written consent

When to Notify: At least once before counseling in grades 7 through 12
Education or Other Legal Code: Education Code 221.5, 48980
Board Policy/Administrative Regulation #: See BP 6164.2
Subject: Course selection and career counseling

When to Notify: When child first enrolls in a public school, if the school offers a fingerprinting program
Education or Other Legal Code: Education Code 32390, 48980
Board Policy/Administrative Regulation #: See AR 5142.1
Subject: Fingerprinting program

When to Notify: Upon registration, if K-6 students have not previously been transported
Education or Other Legal Code: Education Code 39831.5
Board Policy/Administrative Regulation #: See AR 3543
Subject: School bus safety rules and information, list of stops, rules of conduct, red light crossing instructions, bus danger zones, walking to and from stops

When to Notify: Beginning each school year in grades 9-12 and when high school student transfers into the district
Education Code 48980, 60850
Board Policy/Administrative Regulation #: See AR 6162.52
Subject: Requirement to pass the high school exit exam including: date of exam, requirements for passing, consequences of not passing, and that passing is a condition of graduation

When to Notify: When students entering grade 7
Education or Other Legal Code: Education Code 49452.7
Board Policy/Administrative Regulation #: See AR 5141.3
Subject: Specified information on type 2 diabetes
When to Notify: When in kindergarten or 1st grade if not previously enrolled in public school
Education or Other Legal Code: Education Code 49452.8
Board Policy/Administrative Regulation #: See AR 5141.32
Subject: Requirement for oral health assessment, explanation of law, importance of teeth health, agency contact, privacy rights

When to Notify: Beginning of each school year for students in grades 9-12
Education or Other Legal Code: Education Code 51229, 48980
Board Policy/Administrative Regulation #: See AR 6143
Subject: 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

When to Notify: Beginning of each school year for students in grades 7-12
Education or Other Legal Code: Education Code 51938, 48980
Board Policy/Administrative Regulation #: See AR 6142.1
Subject: Explanation of sex and HIV/AIDS instruction; right to view A/V materials, who's teaching, request specific Education Code sections, right to excuse

When to Notify: Within 20 working days of receiving results of standardized achievement tests
Education or Other Legal Code: Education Code 60641, 5 CCR 863
Board Policy/Administrative Regulation #: See AR 6162.51
Subject: Results of tests; test purpose, individual score and intended use

When to Notify: When child is enrolled in kindergarten
Education or Other Legal Code: Health and Safety Code 124100
Board Policy/Administrative Regulation #: See BP 5141.32
Subject: Health screening examination

III. When Special Circumstances Occur

When to Notify: Upon receipt of a complaint alleging discrimination
Education or Other Legal Code: Education Code 262.3
Board Policy/Administrative Regulation #: See AR 1312.3
Subject: Civil law remedies available to complaints

When to Notify: When student has been placed in structured English immersion program
Education or Other Legal Code: Education Code 310-311; 5 CCR 11309
Board Policy/Administrative Regulation #: See AR 6174
Subject: Student's placement in program, opportunity to apply for parental exception waiver, other rights of student relative to such placements

When to Notify: When determining whether an English learner should be reclassified as fluent English proficient
Education or Other Legal Code: Education Code 313; 5 CCR 11303
Board Policy/Administrative Regulation #:  See AR 6174
Subject:  Description of reclassification process, opportunity for parent/guardian to participate

When to Notify:  When Student is identified as English learner and district receives Title III funds, not later than 30 days after beginning of school year or within two weeks of placement if identified during school year
Education or Other Legal Code:  Education Code 440; 20 USC 7012
Board Policy/Administrative Regulation #:  See AR 6174
Subject:  Reason for classification, level of English proficiency, description of program(s), option to decline program or choose alternate, exit requirements of program

When to Notify:  Before high school student attends specialized secondary program on a university campus
Education or Other Legal Code:  Education Code 17288
Board Policy/Administrative Regulation #:  None
Subject:  University campus buildings may not meet Education Code requirements for structural safety

When to Notify:  At least 72 hours before use of pesticide product not included in annual list
Education or Other Legal Code:  Education Code 17612
Board Policy/Administrative Regulation #:  See AR 3514.2
Subject:  Intended use of pesticide product

When to Notify:  If school has lost its WASC accreditation status
Education or Other Legal Code:  Education Code 35178.4
Board Policy/Administrative Regulation #:  See BP 6190
Subject:  Loss of status, potential consequences

When to Notify:  At least six months before implementing a schoolwide uniform policy
Education or Other Legal Code:  Education Code 35183
Board Policy/Administrative Regulation #:  See AR 5132
Subject:  Dress code policy requiring schoolwide uniform

When to Notify:  Before implementing a year-round schedule
Education or Other Legal Code:  Education Code 37616
Board Policy/Administrative Regulation #:  See BP 6117
Subject:  Year-round schedule

When to Notify:  When interdistrict transfer is requested and not approved or denied within 30 days
Education or Other Legal Code:  Education Code 46601
Board Policy/Administrative Regulation #:  See AR 5117
Subject:  Appeal process

When to Notify:  Before early entry to kindergarten, if offered
Education or Other Legal Code:  Education Code 48000
Board Policy/Administrative Regulation #: See AR 5111
Subject: Effects, advantages and disadvantages of early entry

When to Notify: When student identified as being at risk of retention
Education or Other Legal Code: Education Code 48070.5
Board Policy/Administrative Regulation #: See AR 5123
Subject: Student at risk of retention

When to Notify: When student excluded due to quarantine, contagious or infectious disease, danger to safety or health
Education or Other Legal Code: Education Code 48213
Board Policy/Administrative Regulation #: See AR 5112.2, See BP 5141.33
Subject: Student has been excluded from school

When to Notify: Before already admitted student is excluded for lack of immunization
Education or Other Legal Code: Education Code 48216; 17 CCR 6040
Board Policy/Administrative Regulation #: See AR 5141.31
Subject: Need to submit evidence of immunization or exemption within 10 school days; referral to medical care

When to Notify: When a student is classified a truant
Education or Other Legal Code: Education Code 48260.5, 48262
Board Policy/Administrative Regulation #: See AR 5113.1
Subject: Truancy, parental obligation, availability of alternative programs, student consequences, need for conference

When to Notify: When a truant is referred to a SARB or probation department
Education or Other Legal Code: Education Code 48263
Board Policy/Administrative Regulation #: See AR 5113.1
Subject: Name and address of SARB or probation department and reason for referral

When to Notify: When student requests to voluntarily transfer to continuation school
Education or Other Legal Code: 48432.3
Board Policy/Administrative Regulation #: See AR 6184
Subject: Copy of district policy and regulation on continuation education

When to Notify: Prior to involuntary transfer to continuation school
Education or Other Legal Code: Education Code 48432.5
Board Policy/Administrative Regulation #: See AR 6184
Subject: Right to require meeting prior to involuntary transfer to continuation school

When to Notify: When student is removed from class and teacher requires parental attendance at school
Education or Other Legal Code: Education Code 48900.1
Board Policy/Administrative Regulation #: See BP 5144.1, See AR 5144.1
Subject: Parental attendance required; timeline for attendance
When to Notify: Prior to withholding grades, diplomas, or transcripts
Education or Other Legal Code: Education Code 48904
Board Policy/Administrative Regulation #: See AR 5125.2
Subject: Damaged school property

When to Notify: When withholding grades, diplomas or transcripts from transferring student
Education or Other Legal Code: Education Code 48904.3
Board Policy/Administrative Regulation #: See AR 5125.2
Subject: Next school will continue withholding grades, diplomas or transcripts

When to Notify: When student is released to peace officer
Education or Other Legal Code: Education Code 48906
Board Policy/Administrative Regulation #: See BP 5145.11
Subject: Release of student to peace officer

When to Notify: At time of suspension
Education or Other Legal Code: Education Code 48911
Board Policy/Administrative Regulation #: See BP 5144.1, See AR 5144.1
Subject: Notice of suspension

When to Notify: When original period of suspension is extended
Education or Other Legal Code: Education Code 48911
Board Policy/Administrative Regulation #: See AR 5144.1
Subject: Extension of suspension

When to Notify: At the time a student is assigned to a supervised suspension classroom
Education or Other Legal Code: Education Code 48911.1
Board Policy/Administrative Regulation #: See AR 5144.1
Subject: The student's assignment to a supervised suspension classroom

When to Notify: Before holding a closes session re: suspension
Education or Other Legal Code: Education Code 48912
Board Policy/Administrative Regulation #: See AR 5144.1
Subject: Intent to hold a closed session re: suspension

When to Notify: When student expelled from another district for certain acts seeks admission
Education or Other Legal Code: Education Code 48915.1, 48918
Board Policy/Administrative Regulation #: See AR 5119
Subject: Hearing re: possible danger presented by expelled student

When to Notify: When readmission is denied
Education or Other Legal Code: Education Code 48916
Board Policy/Administrative Regulation #: See AR 5144.1
Subject: Reasons for denial; determination of assigned program
When to Notify: When expulsion occurs
Education or Other Legal Code: Education Code 48916
Board Policy/Administrative Regulation #: See AR 5144.1
Subject: Description of readmission procedures

When to Notify: 10 calendar days before expulsion hearing
Education or Other Legal Code: Education Code 48918
Board Policy/Administrative Regulation #: See AR 5144.1
Subject: Notice of expulsion hearing

When to Notify: When expulsion or suspension of expulsion occurs
Education or Other Legal Code: Education Code 48918
Board Policy/Administrative Regulation #: See AR 5144.1
Subject: Decision to expel; right to appeal to county board; obligation to inform new district of status

When to Notify: One month before the scheduled minimum day
Education or Other Legal Code: Education Code 48980
Board Policy/Administrative Regulation #: See BP 6111
Subject: When minimum days are scheduled after the beginning of the school year

When to Notify: When parents request guidelines for filing complaint of child abuse at a school site
Education or Other Legal Code: Education Code 48987
Board Policy/Administrative Regulation #: See AR 5141.4
Subject: Guidelines for filing complaint of child abuse at a school site with local child protective agencies

When to Notify: When student in danger of failing a course
Education or Other Legal Code: Education Code 49067
Board Policy/Administrative Regulation #: See AR 5121
Subject: Student in danger of failing a course

When to Notify: When student transfers from another district or private school
Education or Other Legal Code: Education Code 49068
Board Policy/Administrative Regulation #: See AR 5125
Subject: Right to receive copy of student's record and to challenge its content

When to Notify: Within 24 hours of release of information to a judge or probation officer
Education or Other Legal Code: Education Code 49076
Board Policy/Administrative Regulation #: See AR 5125
Subject: Release of student record information to a judge or probation officer for conducting a truancy mediation program or for presenting evidence at a truancy petition

When to Notify: Before release of information pursuant to court order or subpoena
Education or Other Legal Code: Education Code 49077
Subject: Release of information pursuant to court order or subpoena

When to Notify: When screening results in suspicion that student has scoliosis
Education or Other Legal Code: Education Code 49452.5
Board Policy/Administrative Regulation #: See AR 5141.3
Subject: Scoliosis screening

When to Notify: When test results in discovery of visual or hearing defects
Education or Other Legal Code: Education Code 49456
Board Policy/Administrative Regulation #: See AR 5141.3
Subject: Vision or hearing test

When to Notify: Annually to parents/guardians of student athletes before their first practice or competition
Education or Other Legal Code: Education Code 49475
Board Policy/Administrative Regulation #: See AR 6145.2
Subject: Information on concussions and head injuries

When to Notify: Before any test questioning personal beliefs
Education or Other Legal Code: Education Code 51513
Board Policy/Administrative Regulation #: See AR 5022
Subject: Permission for test, survey questioning personal beliefs

When to Notify: Within 14 days of instruction if arrangement made for guest speaker after beginning of school year
Education or Other Legal Code: Education Code 51938
Board Policy/Administrative Regulation #: See AR 6142.1
Subject: Instruction in HIV/AIDS or sexual health education by guest speaker or outside consultant

When to Notify: Prior to administering survey regarding health risks and behaviors to students in 7-12
Education or Other Legal Code: Education Code 51938
Board Policy/Administrative Regulation #: See AR 5022
Subject: Notice that the survey will be administered

When to Notify: Within 30 calendar days of receipt of results of assessment or reassessment of English proficiency
Education or Other Legal Code: Education Code 52164.1, 52164.3; 5 CCR 11511.5
Board Policy/Administrative Regulation #: See AR 6174
Subject: Results of state test of English proficiency
When to Notify: When migrant education program is established
Education or Other Legal Code: Education Code 54444.2
Board Policy/Administrative Regulation #: See BP 6175, See AR 6175
Subject: Parent advisory council membership composition

When to Notify: When child participates in licensed child care and development program
Education or Other Legal Code: Health and Safety Code 1596.857
Board Policy/Administrative Regulation #: See AR 5148
Subject: Parent right to enter facility

When to Notify: When sharing student immunization information with an immunization system
Education or Other Legal Code: Health and Safety Code 120440
Board Policy/Administrative Regulation #: See AR 5125
Subject: Types of information to be shared, name and address of agency, acceptable use of the information, right to examine, right to refuse to share

When to Notify: When hearing is requested by person asked to leave school premises
Education or Other Legal Code: Penal Code 627.5
Board Policy/Administrative Regulation #: See AR 3515.2
Subject: Notice of hearing

When to Notify: When providing written decision in response to a complaint re: discrimination, special education, or noncompliance with laws regulating educational programs
Education or Other Legal Code: 5 CCR 4631
Board Policy/Administrative Regulation #: See AR 1312.3
Subject: Appeal rights and procedures

When to Notify: When child participates in licensed child care and development program
Education or Other Legal Code: 5 CCR 18066
Board Policy/Administrative Regulation #: See AR 5148
Subject: Policies re: unexcused absences

When to Notify: When district substantively changes policy on student privacy rights
Education or Other Legal Code: 20 USC 1232h
Board Policy/Administrative Regulation #: See AR 5022
Subject: Notice of any substantive change in policy or regulation

When to Notify: For districts receiving Title I funds, when a child has been taught for four or more consecutive weeks by a teacher who is not "highly qualified"
Education or Other Legal Code: 20 USC 6311
Board Policy/Administrative Regulation #: See AR 4112.24
Subject: Timely notice to parent of child's assignment
When to Notify:  When school identified for program improvement or corrective action, within 30 days of failure to make annual yearly progress
Education or Other Legal Code:  20 USC 6312
Board Policy/Administrative Regulation #:  See AR 0520.2
Subject:  Notice of failure to make adequate yearly progress

When to Notify:  For districts receiving Title I funds, not later than 30 days after beginning of school year, to parents of English learners
Education or Other Legal Code:  20 USC 6312
Board Policy/Administrative Regulation #:  See AR 6174
Subject:  Reasons for placement, level of proficiency, instructional methods, how program meets child's strengths and teaches English, exit requirements, right to choose other program

When to Notify:  When school identified for program improvement or corrective action
Education or Other Legal Code:  20 USC 6316
Board Policy/Administrative Regulation #:  See AR 0520.2, See AR 5116.1
Subject:  Explanation of identification, reasons, how problem will be addressed, how parents can become involved, transfer option, availability of supplemental services

When to Notify:  When district identified for program improvement
Education or Other Legal Code:  20 USC 6316
Board Policy/Administrative Regulation #:  See AR 0520.3
Subject:  Explanation of status, reasons for identification, how parents can participate in upgrading district

When to Notify:  For schools receiving Title I funds, upon development of parent involvement policy
Education or Other Legal Code:  20 USC 6318
Board Policy/Administrative Regulation #:  See AR 6020
Subject:  Notice of policy

IV.  When to Notify:  For districts receiving Tnt

When to Notify:  Prior to conducting initial evaluation
Education or Other Legal Code:  Education Code 56301, 56321, 56321.5, 56321.6, 56329, 34 CFR 300.502
Board Policy/Administrative Regulation #:  See AR 6164.4
Subject:  Proposed evaluation plan, related parental rights, prior written notice

When to Notify:  24 hours before IEP when district intending to record
Education or Other Legal Code:  Education Code 56341.1
Board Policy/Administrative Regulation #:  See AR 6159
Subject:  Intention to audio-record IEP meeting

When to Notify:  Early enough to ensure opportunity for parent to attend IEP meeting
Education or Other Legal Code:  Education Code 56341.5 34 CFR 300.322
Board Policy/Administrative Regulation #: See AR 6159
Subject: Time, purpose, location, who in attendance, participation of others with special knowledge, transition statements if appropriate

When to Notify: Suspension or change of placement for more than 10 days
Education or Other Legal Code: 20 USC 1415(k), 34 CFR 300.530
Board Policy/Administrative Regulation #: See AR 5144.2
Subject: Decision and procedural safeguards notice

When to Notify: Upon requesting a due process hearing
Education or Other Legal Code: 20 USC 1415(k), 34 CFR 300.508
Board Policy/Administrative Regulation #: See AR 6159.1
Subject: Child's name, address, school, description of problem, proposed resolution

When to Notify: Eligibility for services under Section 504
Education or Other Legal Code: 34 CFR 104.32, 104.36
Board Policy/Administrative Regulation #: See AR 6164.6
Subject: Procedural safeguards, SCCOE responsibilities

V. Classroom Notices

When to Notify: In each classroom in each school
Education or Other Legal Code: Education Code 35186
Board Policy/Administrative Regulation #: See AR 1312.4, See E 1312.4
Subject: Complaint rights re: sufficiency instructional materials, teacher vacancy and misassignment, maintenance of facilities.
The Santa Clara County Board of Education is committed to maintaining an educational environment that is free from harassment and discrimination. The County Board prohibits sexual harassment of students by other students, employees, or other persons, at school or at school-sponsored or school-related activities. The County Board also prohibits retaliatory behavior or action against persons who complain, testify, assist, or otherwise participate in the Santa Clara County Office of Education 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)

Instruction/Information

The Santa Clara County Superintendent of Schools or designee shall ensure that all SCCOE 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 SCCOE 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 County Superintendent or designee shall ensure that any complaints regarding sexual harassment are immediately investigated in accordance with administrative regulation. When the County 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 4-12, disciplinary action may include suspension and/or expulsion, provided that, in imposing such discipline, the entire circumstances of the incident(s) shall be taken into account.

(cf. 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 County Superintendent or designee shall maintain a record of all reported cases of sexual harassment to enable the SCCOE to monitor, address, and prevent repetitive harassing behavior in the schools.

Legal Reference: (see next page)
SEXYHARASSMENT (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
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
U.S. Department of Education, Office for Civil Rights:
http://www.ed.gov/about/offices/list/ocr/index.html
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 Santa Clara County Office of Education program or activity

Examples of types of conduct which are prohibited and which may constitute sexual harassment include, but are not limited to:

1. Unwelcome leering, sexual flirtations, or propositions
2. Unwelcome sexual slurs, epithets, threats, verbal abuse, derogatory comments, or sexually degrading descriptions
3. Graphic verbal comments about an individual's body or overly personal conversation
4. Sexual jokes, derogatory posters, notes, stories, cartoons, drawings, pictures, obscene gestures, or computer-generated images of a sexual nature
5. Spreading sexual rumors
6. Teasing or sexual remarks about students enrolled in a predominantly single-sex class
7. Massaging, grabbing, fondling, stroking, or brushing the body
8. Touching an individual's body or clothes in a sexual way
9. Impeding or blocking movements or any physical interference with school activities when directed at an individual on the basis of sex
10. Displaying sexually suggestive objects
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 a SCCOE 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 Principal, whether or not the victim files a complaint.

In any case of sexual harassment involving the 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 Santa Clara County Superintendent of Schools or designee.

2. Initiation of Investigation: The 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 SCCOE 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 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 Principal shall describe the 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 SCCOE ability to investigate.

4. Investigation Process: The 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 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 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 Principal also may discuss the complaint with the County 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 legal counsel or SCCOE risk manager.

(cf. 5141.4 - Child Abuse Prevention and Reporting)

5. **Interim Measures:** The 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 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 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
SEXUAL HARASSMENT (continued)

To judge the severity of the harassment, the Principal may take into consideration:

a. How the misconduct affected one or more students' education

b. The type, frequency, and duration of the misconduct

c. The 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 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 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 County Superintendent or designee.

In addition, the Principal shall ensure that the harassed student and his/her parent/guardian are informed of the procedures for reporting any subsequent problems. The 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 SCCOE Policy

The County Superintendent or designee shall take appropriate actions to reinforce the 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)
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 SCCOE policy and regulation regarding sexual harassment

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 SCCOE 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 rules, regulations, procedures, and standards of conduct are posted (Education Code 231.5)

3. Be provided as part of any orientation program conducted for new students at the beginning of each quarter, semester, or summer session (Education Code 231.5)

4. Appear in any school publication that sets forth the school's comprehensive rules, regulations, procedures, and standards of conduct (Education Code 231.5)
SEXUAL HARASSMENT (continued)

5. Be included in the student handbook

6. Be provided to employees and employee organizations
HATE-MOTIVATED BEHAVIOR

In order to create a safe learning environment for all students, the Santa Clara County Board of Education desires to protect the right of every student to be free from hate-motivated behavior and will promote harmonious relationships among students so as to enable them to gain a true understanding of the civil rights and social responsibilities of people in society. The Santa Clara County Office of Education prohibits discriminatory behavior or statements that degrade an individual on the basis of his/her actual or perceived race, ethnicity, culture, heritage, gender, sex, sexual orientation, physical/mental attributes, or religious beliefs or practices.

(cf. 0410 - Nondiscrimination in District Programs and Activities)
(cf. 0450 - Comprehensive Safety Plan)
(cf. 3515.4 - Recovery for Property Loss or Damage)
(cf. 5131.5 - Vandalism and Graffiti)
(cf. 5136 - Gangs)
(cf. 5137 - Positive School Climate)
(cf. 5141.52 - Suicide Prevention)
(cf. 5145.3 - Nondiscrimination/Harassment)
(cf. 5147 - Dropout Prevention)
(cf. 5149 - At-Risk Students)

The Santa Clara County Superintendent of Schools or designee shall collaborate with regional programs and community organizations to promote safe environments for youth. These efforts shall be focused on providing an efficient use of SCCOE and community resources.

(cf. 1020 - Youth Services)
(cf. 1400 - Relations Between Other Governmental Agencies and the Schools)
(cf. 1700 - Relations Between Private Industry and the Schools)
(cf. 5148.2 - Before/After School Programs)
(cf. 5148.3 - Preschool/Early Childhood Education)
(cf. 6020 - Parent Involvement)

The SCCOE shall provide age-appropriate instruction to help promote an understanding of and respect for human rights, diversity, and tolerance in a multicultural society and to provide strategies to manage conflicts constructively.

(cf. 5138 - Conflict Resolution/Peer Mediation)
(cf. 6142.3 - Civic Education)
(cf. 6142.4 - Service Learning/Community Service Classes)
(cf. 6141.94 - History-Social Science Instruction)

The County Superintendent or designee shall ensure that staff receive training on recognizing hate-motivated behavior and on strategies to help respond appropriately to such behavior.

(cf. 4131 - Staff Development)
(cf. 4231 - Staff Development)
(cf. 4331 - Staff Development)
HATE-MOTIVATED BEHAVIOR (continued)

Grievance Procedures

Any student who believes he/she is a victim of hate-motivated behavior shall immediately contact the Principal. Upon receiving such a complaint, the Principal shall immediately investigate the complaint in accordance with school-level complaint process/grievance procedures as described in AR 5145.7 - Sexual Harassment. A student who has been found to have demonstrated hate-motivated behavior shall be subject to discipline in accordance with law, Board policy, and administrative regulation.

(cf. 1312.1 - Complaints Concerning District Employees)
(cf. 1312.3 - Uniform Complaint Procedures)
(cf. 5131 - Conduct)
(cf. 5144 - Discipline)
(cf. 5144.1 - Suspension and Expulsion/Due Process)
(cf. 5144.2 - Suspension and Expulsion/Due Process (Students with Disabilities))
(cf. 5145.7 - Sexual Harassment)

Staff who receive notice of hate-motivated behavior or personally observe such behavior shall notify the Principal, County Superintendent or designee, and/or law enforcement, as appropriate.

(cf. 3515.3 - District Police/Security Department)
(cf. 4158/4258/4358 - Employee Security)

As necessary, the SCCOE shall provide counseling, guidance, and support to students who are victims of hate-motivated behavior and to students who exhibit such behavior.

(cf. 6164.2 - Guidance/Counseling Services)

Legal Reference: (see next page)
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**
- 422.35  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) and ABX4 2 (Ch. 2, Fourth Extraordinary Session, Statutes of 2009), Education Code 42605 grants COEs flexibility in "Tier 3" categorical programs. The Santa Clara County Office of Education accepted this flexibility and thus is deemed in compliance with the statutory or regulatory program and funding requirements for these programs for the 2008-2009 through 2012-2013 fiscal years. As a result, the COE may temporarily suspend certain provisions of the following policy or regulation that reflect these requirements. For further information, please contact the Superintendent or designee.

The Santa Clara County Board of Education recognizes that regular school attendance is critical to student learning and achievement. The County Board desires to provide a learning environment that engages students, helps them become self-motivated, encourages regular attendance, and enables them to meet Santa Clara County Office of Education 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 Santa Clara County Superintendent of Schools 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 - 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.

(cf. 0420 - School Plans/Site Councils)

Legal Reference: (see next page)
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
CHILD CARE AND DEVELOPMENT

The Santa Clara County Board of Education desires to provide child care and development services which meet the developmental needs of children, provide an opportunity for parenting students to receive assistance while continuing their education, and offer a convenient child care alternative for parents/guardians in the community.

(cf. 5146 - Married/Pregnant/Parenting Students)
(cf. 5148.1 - Child Care Services for Parenting Students)
(cf. 5148.2 - Before/After School Programs)

Santa Clara County Office of Education operates both a preschool program under state guidelines and a Head Start/Early Head Start program under federal guidelines at district school sites in Santa Clara county and San Benito county

(cf. 5148.3 - Preschool/Early Childhood Education)
(cf. 5148.4 – Head Start/Early Head Start Programs)

The Santa Clara County Superintendent of Schools or designee shall work cooperatively with the regional child care and development planning council, public and private agencies, parents/guardians, and other community members to assess child care needs in the region, establish program priorities, obtain ongoing feedback on program quality, and inform parents/guardians about child care options.

(cf. 1020 - Youth Services)
(cf. 1400 - Relations Between Other Governmental Agencies and the Schools)
(cf. 1700 - Relations Between Private Industry and the Schools)

The County Board shall approve written philosophical statement, goals, and objectives for the SCCOE child care and development programs that reflect the cultural and linguistic characteristics of the families to be served and address the program components specified in state and federal pre-school program laws and regulations.

(cf. 0000 - Vision)
(cf. 0100 - Philosophy)
(cf. 0200 - Goals for SCCOE)

Admissions policies and procedures shall include criteria designating those children whose needs can be met by the center's program and services, the ages of children who will be accepted, program activities, any supplementary services provided, any field trip provisions, any transportation arrangements, food service provisions, and a medical assessment requirement. (5 CCR 18105; 22 CCR 101218; 20 USC 6311-6319, 42 USC 9831-9852)

The County Superintendent or designee shall ensure that subsidized child care is provided to eligible families to the extent that state and/or federal funding is available and shall establish enrollment priorities in accordance with Education Code 8263, 5 CCR 18106 and 42 USC 9835, 9840.
The County Superintendent or designee shall ensure that individuals working in child care and development programs have the necessary qualifications and have satisfied all state or federal legal requirements, as appropriate. (42 USC 9843)

(cf. 1240 - Volunteer Assistance)
(cf. 4112.2 - Certification)
(cf. 4112.4/4212.4/4312.4 - Health Examinations)
(cf. 4112.5/4312.5 - Criminal Record Check)
(cf. 4131 - Staff Development)
(cf. 4212.5 - Criminal Record Check)
(cf. 4231 - Staff Development)
(cf. 4331 - Staff Development)

The County Superintendent or designee shall develop and implement an annual plan for evaluation of the SCCOE child care and Head Start services which conforms to state and/or federal requirements. Based on the results of the evaluation, the program shall be modified as necessary to address any areas identified as needing improvement. (5 CCR 18279, 42 USC 9836)

(cf. 0500 - Accountability)

Legal Reference: (see next page)
Legal Reference:

**EDUCATION CODE**

8200-8499.10 Child Care and Development Services Act, including:
8200-8209 General provisions for child care and development services
8210-8216 Resource and referral program
8220-8226 Alternative payment program
8230-8233 Migrant child care and development program
8235-8239 California state preschool program
8240-8244 General child care programs
8250-8252 Programs for children with special needs
8263 Eligibility and priorities for subsidized child development services
8360-8370 Personnel qualifications
8400-8409 Contracts
8482-8484.6 After-school education and safety program
8484.7-8484.8 21st Century community learning centers
8485-8488 Child supervision programs
8493-8498 Facilities
8499-8499.7 Local planning councils
17609-17610 Integrated pest management, applicability to child care facilities
49540-49546 Child care food program
49570 National School Lunch program
54740-54749.5 Cal-SAFE program for pregnant/parenting students and their children
56244 Staff development funding

**HEALTH AND SAFETY CODE**
1596.70-1596.895 California Child Day Care Act
1596.90-1597.21 Day care centers
120325-120380 Immunization requirements

**CODE OF REGULATIONS, TITLE 5**
18000-18434 Child care and development programs, especially:
18012-18122 General requirements
18180-18192 Federal and state migrant programs
18200-18207 School-age community child care services program
18210-18213 Severely handicapped program
18220-18231 Alternative payment program
18240-18248 Resource and referral program
18270-18281 Program quality, accountability
18290-18292 Staffing ratios
18295 Waiver of qualifications for site supervisor
18300-18308 Appeals and dispute resolution

**CODE OF REGULATIONS, TITLE 22**
101151-101239.2 General requirements, licensed child care centers, including:
101151-101163 Licensing and application procedures
101212-101231 Continuing requirements
101237-101239.2 Facilities and equipment

Legal Reference (see next page)
CHILD CARE AND DEVELOPMENT  (continued)

Legal Reference (continued)

UNITED STATES CODE, TITLE 42
1751-1769  School lunch programs
9831-9852  Head Start programs
9858-9858q  Child care and development block grant

CODE OF FEDERAL REGULATIONS, TITLE 7
210.1-210.31  National School Lunch program

CODE OF FEDERAL REGULATIONS, TITLE 45
98.2-98.93  Child care and development fund

COURT DECISIONS
CBS Inc. v. The Superior Court of Los Angeles County, State Department of Social Services, (2001)
91 Cal.App.4th 892

Management Resources:

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS
Infant/Toddler Learning and Development Program Guidelines, 2006
Program Quality Standards and Standards Based on Exemplary Practice for Center-Based Programs and Family Child Care Home Networks, October 2004

CALIFORNIA DEPARTMENT OF EDUCATION MANAGEMENT BULLETINS
01-06  The Desired Results for Children and Families System, May 31, 2001

COMMISSION ON TEACHER CREDENTIALING PUBLICATIONS
Child Development Permit Professional Growth Manual, July 2008

U.S. DEPARTMENT OF EDUCATION PUBLICATIONS
Good Start, Grow Smart, April 2002
America's Families, September 2000

WEB SITES
CSBA:  http://www.csba.org
California Association for the Education of Young Children: http://www.caeyc.org
California Department of Education, Child Development: http://www.cde.ca.gov/sp/cd
California Department of Social Services: http://www.cdss.ca.gov
California Head Start Association: http://caheadstart.org
California School-Age Consortium: http://calsac.org
Commission on Teacher Credentialing: http://www.ctc.ca.gov
National Association for the Education of Young Children: http://www.naeyc.org
**CHILD CARE AND DEVELOPMENT**

**Licensing**

All Santa Clara County Office of Education child care and development services shall be licensed by the California Department of Social Services, unless exempted pursuant to Health and Safety Code 1596.792 or 22 CCR 101158.

The license shall be posted in a prominent, publicly accessible location in the facility. (Health and Safety Code 1596.8555)

**Program Components**

The Santa Clara County Office of Education child care and development program shall include the following components:

1. A developmental profile recording each child's physical, cognitive, social, and emotional development which shall be used to plan and conduct age- and developmentally appropriate activities (Education Code 8203.5; 5 CCR 18272)

   Program staff shall complete the "Desired Results Developmental Profile," available from the California Department of Education (CDE), for each child who is enrolled in the program for at least 10 hours per week and for any child with disabilities regardless of the number of hours enrolled. The profile shall be completed within 60 days of enrollment and at least once every six months thereafter for children of all ages. (Education Code 8203.5; 5 CCR 18270.5, 18272)

2. An educational program which complies with 5 CCR 18273, including the provision of services that are developmentally, linguistically, and culturally appropriate and inclusive of children with special needs

   (cf. 5148.2 - Before/After School Programs)
   (cf. 5148.3 - Preschool/Early Childhood Education)
   (cf. 6159 - Individualized Education Program)
   (cf. 6164.4 - Identification of Individuals for Special Education)
   (cf. 6164.6 - Identification and Education Under Section 504)
   (cf. 6174 - Education for English Language Learners)

3. A staff development program which complies with 5 CCR 18274

   (cf. 4131 - Staff Development)
   (cf. 4231 - Staff Development)
   (cf. 4331 - Staff Development)
CHILD CARE AND DEVELOPMENT  (continued)

4.  Parent/guardian involvement and education which comply with 5 CCR 18275 and involve parents/guardians through an orientation, at least two individual conferences per year, meetings with program staff, an advisory committee, participation in daily activities, and information regarding their child's progress

(cf. 6020 - Parent Involvement)

5.  A health and social services component which complies with 5 CCR 18276 and includes referrals to appropriate community agencies as needed

(cf. 1020 - Youth Services)
(cf. 1400 - Relations Between Other Governmental Agencies and the Schools)
(cf. 5141 - Health Care and Emergencies)
(cf. 5141.23 - Asthma Management)
(cf. 5141.6 - School Health Services)

6.  A community involvement component which complies with 5 CCR 18277

7.  A nutrition component which ensures that children in the program have nutritious meals and snacks that meet federal guidelines for child care programs or the National School Lunch program (5 CCR 18278)

(cf. 3550 - Food Service/Child Nutrition Program)
(cf. 5030 - Student Wellness)

8.  An annual plan for program evaluation which conforms with the state's "Desired Results for Children and Families" system and includes, but is not limited to, a self-evaluation, parent survey, and environment rating scale using forms provided by the CDE (5 CCR 18270.5, 18279, 18280)

(cf. 0500 - Accountability)

Staffing Ratios

The SCCOE child care and development program shall maintain at least the minimum adult-child and teacher-child ratios specified in 5 CCR 18290-18292 based on the ages of the children served.

Enrollment

The SCCOE child care and development services shall accord equal treatment and access to services in accordance with law.

(cf. 0410 - Nondiscrimination in District Programs and Activities)
(cf. 5145.3 - Nondiscrimination/Harassment)
CHILD CARE AND DEVELOPMENT  (continued)

The Santa Clara County Superintendent of Schools or designee shall refer to the county's centralized eligibility list to identify children in need of services.

Children shall be eligible for subsidized child care and development services when both of the following conditions are met: (Education Code 8250, 8263, 8263.1, 54745; 5 CCR 18110)

1. The family meets one or more of the following criteria:
   a. Is a current aid recipient
   b. Is income eligible
   c. Is homeless
   (cf. 6173 - Education for Homeless Children)
   d. Has children who have been identified as being abused, neglected, or exploited or at risk of being abused, neglected, or exploited

2. The family demonstrates need for the services due to any of the following circumstances:
   a. The child is identified by a legal, medical, or social services agency or emergency shelter as a recipient of protective services; as being neglected, abused, or exploited; or as at risk of being neglected, abused, or exploited.
   b. The parents/guardians are engaged in vocational training leading directly to a recognized trade, paraprofession, or profession; are employed or seeking employment; are seeking permanent family housing; or are incapacitated.

First priority for enrollment shall be given to neglected or abused children who are recipients of child protective services, or children who are at risk of being neglected or abused, upon written referral from a legal, medical, or social services agency. If unable to enroll a child in this category, the SCCOE shall refer the child's parent/guardian to local resource and referral services so that services for the child can be located. (Education Code 8263)

Second priority for enrollment shall be given equally to eligible families, regardless of the number of parents/guardians in the home, who are income eligible. Families with the lowest gross monthly income in relation to family size shall be admitted first. If two or more families are in the same priority in relation to income, the family that has a child with disabilities shall be admitted first or, if there is no child with disabilities, the family that has been on the waiting list for the longest time shall be admitted first. (Education Code 8263)
The SCCOE decision to approve or deny services shall be communicated to the family through a written notice mailed or delivered within 30 days from the date the application is signed by the parent/guardian. If services are approved, the notice shall contain the basis of eligibility, daily/hourly fee, if applicable, duration of the eligibility, names of children approved to receive services, and the hours of service approved for each day. If services are denied, the notice shall contain the basis of denial and instructions on how the parents/guardians may request a hearing in accordance with the procedures specified in 5 CCR 18120 and 18121 if they do not agree with the SCCOE decision. (5 CCR 18094, 18118)

Fees

No fees shall be assessed for families whose children are participating in programs prohibited by law from assessing fees.

The County Superintendent or designee may charge fees for services according to the fee schedule established by the Superintendent of Public Instruction, the actual cost of services, or the maximum daily/hourly rate specified in the contract, whichever is least. (Education Code 8263; 5 CCR 18108, 18109)

Families receiving services on the basis of having a child at risk of abuse, neglect, or exploitation may be exempt from these fees for up to three months. Families receiving services on the basis of having a child receiving child protective services, or having a certification by a county child welfare agency that child care services continue to be necessary, may be exempt from these fees for up to 12 months. The cumulative period of exemption from these fees for these families shall not exceed 12 months. (Education Code 8263)

Fees shall be collected prior to providing services and shall be considered delinquent after seven days from the date that fees are due. Parents/guardians shall be notified in the event that fees are delinquent. If a reasonable plan for payment of the delinquent fees has not been provided by the parents/guardians, services shall be terminated if all delinquent fees are not paid within two weeks of such notification. Parents/guardians shall receive a copy of the SCCOE regulations regarding fee collection at the time of initial enrollment into the program. (5 CCR 18114, 18115)

The County Superintendent or designee shall establish a process which includes parents/guardians in determining whether and how much to charge parents/guardians for field trip expenses. This process also shall be used to determine whether to require parents/guardians to provide diapers. (Education Code 8263)
CHILD CARE AND DEVELOPMENT  (continued)

Health Examination

A physical examination and evaluation, including age-appropriate immunization, shall be required prior to or within six weeks of enrollment, unless the parent/guardian submits a letter stating that such examination is contrary to his/her religious beliefs. (Education Code 8263)

(cf. 5141.22 - Infectious Diseases)
(cf. 5141.3 - Health Examinations)
(cf. 5141.31 - Immunizations)

Attendance

Sign-in and sign-out sheets shall be used daily for all children for attendance accounting purposes. Attendance records shall include verification of excused absences, including the child's name, date(s) of absence, specific reason for absence and signature of parent/guardian or SCCOE representative. (5 CCR 18065, 18066)

Absences shall be excused for the following reasons:

1. Illness or quarantine of the child or of the parent/guardian (Education Code 8208)

2. Family emergency (Education Code 8208)

   A family emergency shall be considered to exist when unforeseen circumstances cause the need for immediate action, such as may occur in the event of a natural disaster or when a member of the child's immediate family dies, has an accident, or is required to appear in court.

3. Time spent with a parent/guardian or other relative as required by a court of law (Education Code 8208)

4. Time spent with a parent/guardian or other relative which is clearly in the best interest of the child (Education Code 8208)

   An absence shall be considered to be in the best interest of the child when the time is spent with the child's parent/guardian or other relative for reasons deemed justifiable by the program coordinator or site supervisor.

   Except for children who are recipients of protective services or at risk of abuse or neglect, excused absences in the best interest of the child shall be limited to 10 days during the contract period. (5 CCR 18066)
CHILD CARE AND DEVELOPMENT  (continued)

Any absence due to a reason other than the above, or without the required verification, shall be considered an unexcused absence. After three unexcused absences during the year, the program coordinator or site supervisor shall notify the parents/guardians. Children who continue to have excessive unexcused absences may be removed from the program at the discretion of the program coordinator in order to accommodate other families on the waiting list for admission.

Parents/guardians shall be notified of the policies and procedures related to excused and unexcused absences for child care and development services.  (5 CCR 18066)

(cf. 5145.6 - Parent Notifications)

Rights of Parents/Guardians

At the time a child is accepted into a licensed child care and development center, the child's parent/guardian or authorized representative shall be notified of his/her rights as specified in 22 CCR 101218.1, including, but not limited to, the right to enter and inspect the child care facility and the right to be informed, upon request, of the name and type of association to the center of any adult who has been granted a criminal record exemption. (Health and Safety Code 1596.857; 22 CCR 101218.1)

The written notice of parent/guardian rights also shall be permanently posted within the facility in a location accessible to parents/guardians. Notwithstanding these rights, access to the facility may be denied to an adult whose behavior presents a risk to children present in the facility or to noncustodial parents/guardians when so requested by the responsible parent/guardian. (Health and Safety Code 1596.857)

Records

The County Superintendent or designee shall establish and maintain a basic data file for each family receiving child care and development services containing the data specified in 5 CCR 18081.
The Santa Clara County Board of Education recognizes that high-quality preschool experiences for children ages 3-4 years help them develop knowledge, skills, and attributes necessary to be successful in school and provide for a smooth transition into the elementary education program. Such programs should provide developmentally appropriate activities in a safe, well-supervised, cognitively rich environment.

(cf. 6011 - Academic Standards)
(cf. 6143 - Courses of Study)

Collaboration with Community Programs

The Santa Clara County Superintendent of Schools or designee shall collaborate with other agencies, organizations, Santa Clara/San Benito county school districts, and private preschool providers to assess the availability of preschool programs in the community and the extent to which the community's preschool needs are being met. The County Board encourages the development of a community-wide plan to increase children's access to high-quality preschool programs.

The County Superintendent or designee shall establish partnerships with Santa Clara county school districts to facilitate articulation and alignment of the SCCOE preschool curriculum with the districts’ elementary education programs.

(cf. 1020 - Youth Services)
(cf. 1400 - Relations Between Other Governmental Agencies and the Schools)
(cf. 1700 - Relations Between Private Industry and the Schools)

Preschool Programs at School Districts

When the Santa Clara County Office of Education determines that it is feasible, SCCOE may provide preschool services in facilities in collaborating district schools in the county.

The County Board shall set priorities for establishing or expanding services as resources become available. In so doing, SCCOE shall give consideration to the benefits of providing early education programs for at-risk children and/or children residing in the attendance areas of the lowest performing schools in the county.
 Facilities for preschool classrooms shall be addressed in the SCCOE comprehensive facilities plan, including an assessment as to whether adequate and appropriate space exists on school sites. As necessary, the County Superintendent or designee shall provide information to the County Board regarding facilities financing options for preschool classrooms and/or facilities available through partnering organizations.

(cf. 7110 - Facilities Master Plan)
(cf. 7210 - Facilities Financing)

To enable children of working parents/guardians to participate in the SCCOE preschool program, the County Superintendent or designee shall recommend strategies to provide a full-day program and/or to link to other full-day child care programs in the community to the extent possible.

(cf. 5148 - Child Care and Development)
(cf. 5148.1 - Child Care Services for Parenting Students)
(cf. 5148.2 - Before/After School Programs)
(cf. 5148.4 – Head Start/Early Head Start Preschool Programs)

Because parents/guardians are essential partners in supporting the development of their children, SCCOE shall involve them in program planning. Program staff shall encourage volunteerism in the program and shall communicate frequently with parents/guardians of enrolled children regarding their child's progress.

(cf. 1240 - Volunteer Assistance)
(cf. 6020 - Parent Involvement)

The SCCOE program shall be aligned with preschool learning foundations published by the California Department of Education which identify the knowledge, skills, and competencies that children typically attain as they complete their first or second year of preschool. Program components shall address social-emotional, physical, and cognitive development in key areas that are necessary for kindergarten readiness.

The SCCOE preschool program shall provide appropriate services to support the needs of English learners and children with disabilities.

(cf. 6164.4 - Identification and Evaluation of Individuals for Special Education)
(cf. 6174 - Education for English Language Learners)

To maximize the ability of children to succeed in the preschool program, program staff shall support children's health through proper nutrition and physical activity and shall provide or make referrals to health and social services.

(cf. 3550 - Food Services/Child Nutrition Program)
The County Superintendent or designee shall ensure that administrators, teachers, and paraprofessionals in SCCOE preschool programs possess the appropriate permit(s) issued by the Commission on Teacher Credentialing, meet any additional qualifications established by the County Board, and participate in professional development opportunities designed to continually enhance their knowledge and skills.

The County Superintendent or designee shall develop and implement an annual plan of evaluation which conforms to state requirements. (5 CCR 18279; 42 USC 9831-9589; 45 CFR 1301-13107)

The County Superintendent or designee shall regularly report to the County Board regarding enrollments in SCCOE preschool programs and the effectiveness of the programs in preparing preschoolers for transition into the elementary education program.

Legal Reference: (see next page)
PRESCHOOL/EARLY CHILDHOOD EDUCATION (continued)

Legal Reference:

EDUCATION CODE
8200-8499.10 Child Care and Development Services Act, especially:
8200-8209 General provisions for child care and development services
8230-8233 Migrant child care and development program
8235-8239 California state preschool program
8250-8252 Programs for children with special needs
8263 Eligibility and priorities for subsidized child development services
8300-8303 Early Learning Quality Improvement System Advisory Committee
8360-8370 Personnel qualifications
8400-8409 Contracts
8493-8498 Facilities
8499.3-8499.7 Local child care and development planning councils
54740-54749 Cal-SAFE program for pregnant/parenting students and their children

HEALTH AND SAFETY CODE
1596.70-1596.895 California Child Day Care Act
1596.90-1597.21 Day care centers
120325-120380 Immunization requirements

CODE OF REGULATIONS, TITLE 5
18000-18434 Child care and development programs
80105-80125 Permits authorizing service in child development programs

UNITED STATES CODE, TITLE 20
6311-6322 Title I, relative to preschool
6319 Qualifications for teachers and paraprofessionals
6371-6376 Early Reading First
6381-6381k Even Start family literacy programs
6391-6399 Education of migratory children

UNITED STATES CODE, TITLE 42
9831-9852 Head Start programs
9858-9858q Child Care and Development Block Grant

CODE OF FEDERAL REGULATIONS, TITLE 22
101151-101239.2 General requirements, licensed child care centers, including:
101151-101163 Licensing and application procedures
101212-101231 Continuing requirements
101237-101239.2 Facilities and equipment

CODE OF FEDERAL REGULATIONS, TITLE 45
1301-1310 Head Start

Management Resources: (see next page)
PRESCHOOL/EARLY CHILDHOOD EDUCATION (continued)

Management Resources:

CSBA PUBLICATIONS

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS
Preschool English Learners: Principles and Practices to Promote Language, Literacy, and Learning, 2007
Prekindergarten Learning Development Guidelines, 2000
First Class: A Guide for Early Primary Education, 1999

CALIFORNIA DEPARTMENT OF EDUCATION MANAGEMENT BULLETINS
08-13 California State Preschool Program, November 2008
01-06 The Desired Results for Children and Families System, May 31, 2001

U.S. DEPARTMENT OF EDUCATION PUBLICATIONS
Good Start, Grow Smart, April 2002

WEB SITES
CSBA: http://www.csba.org
California Association for the Education of Young Children: http://www.caeyc.org
California Children and Families Commission: http://www.ccfc.ca.gov
California County Superintendents Educational Services Association: http://www.ccsesa.org
California Department of Education: http://www.cde.ca.gov
California Head Start Association: http://caheadstart.org
California Preschool Instructional Network: http://www.cpin.us
Child Development Policy Institute: http://www.cdpi.net
Cities, Counties, and Schools Partnership: http://www.ccspartnership.org
First 5 Association of California: http://www.f5ac.org
National Institute for Early Education Research: http://nieer.org
National School Boards Association: http://www.nsba.org
Preschool California: http://www.preschoolcalifornia.org

Policy
adopted: October 20, 2010
When approved by the California Department of Education under the California State Preschool Program (CSPP), the Santa Clara County Office of Education may operate one or more part-day and/or full-day preschool programs in accordance with law and the terms of the state contract.

(cf. 5148 - Child Care and Development)
(cf. 5148.1 - Child Care Services for Parenting Students)
(cf. 5148.2 - Before/After School Programs)

Eligibility and Enrollment Priorities for Full-Day and Part-Day Programs

Children eligible for the SCCOE full-day or part-day CSPP program include those who will have their third or fourth birthday on or before December 2 of the fiscal year in which they are enrolled in the program. (Education Code 8235, 8236)

The Santa Clara County Superintendent of Schools or designee shall refer to the county's centralized eligibility list to identify children in need of services.

Children shall be eligible for subsidized services if their family meets one or more of the criteria specified in Education Code 8263 and 8263.1. (Education Code 8235)

For a child to be eligible for the SCCOE full-day program, his/her family shall, in addition to meeting the above criteria, demonstrate need for the services due to any of the following circumstances: (Education Code 8235, 8263)

1. The child is identified by a legal, medical, or social services agency or emergency shelter as a recipient of protective services; as being neglected, abused, or exploited; or as at risk of being neglected, abused, or exploited.

2. The parents/guardians are engaged in vocational training leading directly to a recognized trade, paraprofession, or profession; are employed or seeking employment; seeking permanent family housing; or are incapacitated.

First priority for enrollment in any CSPP program shall go to neglected or abused children age 3-4 years who are recipients of child protective services or who are at risk of being neglected, abused, or exploited, upon written referral from a legal, medical, or social service agency. If unable to enroll a child in this category, the SCCOE shall refer the child's parent/guardian to local resource and referral services so that services for the child can be located. (Education Code 8236)
PRESCHOOL/EARLY CHILDHOOD EDUCATION (continued)

After all such children are enrolled, the SCCOE shall give priority to eligible children age 4 years prior to enrolling eligible children age 3 years. (Education Code 8236)

Additional Requirements for Part-Day Program

The SCCOE part-day CSPP program shall operate a minimum of three hours per day but less than four hours per day and for a minimum of 175 days per year unless otherwise specified in the program's contract. (Education Code 8235)

(cf. 6111 - School Calendar)
(cf. 6112 - School Day)

After all eligible children have been enrolled, the program may fill up to 10 percent of its enrollment, calculated throughout the entire contract, with children whose family income is no more than 15 percent above the income eligibility threshold. (Education Code 8235)

The SCCOE may certify eligibility and enrollment up to 120 calendar days prior to the first day of the beginning of the preschool year. After establishing eligibility at the time of initial enrollment, a child shall remain eligible for the part-day program for the remainder of the program year. (Education Code 8237)

Fees shall not be assessed for families whose children are enrolled in the part-day program. (Education Code 8235)

Additional Requirements for Full-Day Program

The SCCOE full-day CSPP program shall operate the number of hours per day necessary to meet the child care and development needs of families and for a minimum of 246 days per year, unless otherwise specified in the program's contract. (Education Code 8235)

Fees for participation in the full-day program shall be assessed and collected in accordance with a fee schedule established by the County Superintendent of Public Instruction. (Education Code 8235)

(cf. 3260 - Fees and Charges)

The SCCOE shall involve parents/guardians in the decision-making process to determine whether and how much to charge for field trip expenses and whether to require parents/guardians to provide diapers. A child shall not be denied participation in a field trip due to the parent/guardian's inability or refusal to pay the fee, and no adverse action shall be taken against a parent/guardian for that inability or refusal. (Education Code 8263)
Families shall establish eligibility for their children for subsidized services at the time of initial enrollment and shall provide ongoing eligibility documentation as changes in income or family size occur. If a child becomes ineligible for subsidized services, he/she shall continue to be eligible for part-day services, if available, or the family shall pay the full cost to remain in the program. If the need for services drops below four hours per day, the child shall be enrolled for only part-day services.

Additional Requirements for Prekindergarten and Family Literacy Programs

Prekindergarten and family literacy programs offered by the SCCOE prior to July 1, 2009, shall continue to provide classes in the attendance area of elementary schools in deciles 1-3 on the 2005 base Academic Performance Index. (Education Code 8238.4)

Such programs shall operate a minimum of 175 days for part-day services and 246 days for full-day, full-year services unless otherwise specified in the contract. (Education Code 8238.4)

Prekindergarten and family literacy programs shall provide: (Education Code 8238-8238.3)

1. Age and developmentally appropriate activities that are designed to facilitate children's transition to kindergarten
2. Opportunities for parents/guardians to work with their children on interactive literacy activities as defined in Education Code 8238
   
   (cf. 6020 - Parent Involvement)
3. Coordination of parenting education for parents/guardians of participating children to support their children's development of literacy skills
4. Referrals to providers of adult education and English as a second language as necessary to improve parents/guardians' academic skills
   
   (cf. 6200 - Adult Education)
5. Staff development of participating teachers in accordance with Education Code 8238.3
   
   (cf. 4131 - Staff Development)
The SCCOE may select a family literacy and education coordinator to coordinate the provision of literacy services to families in the county, create an organizational partnership between the program(s) and adult education programs in SCCOE or the community, and promote parent/guardian involvement in participating classrooms. (Education Code 8238.2)
HEAD START/EARLY HEAD START PROGRAMS

The Santa Clara County Board of Education recognizes that high-quality preschool experiences for children ages 3-4 years help them develop knowledge, skills, and attributes necessary to be successful in school and provide for a smooth transition into the elementary education program. Such programs should provide developmentally appropriate activities in a safe, well-supervised, cognitively rich environment.

(cf. 6011 - Academic Standards)
(cf. 6143 - Courses of Study)

Collaboration with Community Programs

The Santa Clara County Superintendent of Schools or designee shall collaborate with other agencies, organizations, Santa Clara/San Benito county school districts, and private preschool providers to assess the availability of preschool programs in the community and the extent to which the community's preschool needs are being met. The County Board encourages the development of a community-wide plan to increase children's access to high-quality Head Start/Early Head Start programs.

(cf. 1020 - Youth Services)
(cf. 1400 - Relations Between Other Governmental Agencies and the Schools)
(cf. 1700 - Relations Between Private Industry and the Schools)

The County Superintendent or designee shall establish partnerships with Santa Clara/San Benito county school districts to facilitate articulation and alignment of the SCCOE Head Start/Early Head Start curriculum with the districts’ elementary education programs.

Head Start/Early Head Start Programs at School District Sites

When Santa Clara County Office of Education determines that it is feasible, SCCOE may provide Head Start/Early Head Start services in facilities at the Santa Clara/San Benito region.

SCCOE shall set priorities for establishing or expanding services as resources become available. In so doing, the County Board shall give consideration to the benefits of providing early education programs for at-risk children and/or children residing in the attendance areas of the lowest performing Santa Clara/San Benito county schools.

(cf. 0520.1 - High Priority Schools Grant Program)
(cf. 0520.2 - Title I Program Improvement Schools)
(cf. 0520.4 - Quality Education Investment Schools)
(cf. 6171 - Title I Programs)
HEAD START/EARLY HEAD START PROGRAMS (continued)

Facilities for Head Start/Early Head Start classrooms shall be addressed in the SCCOE comprehensive facilities plan, including an assessment as to whether adequate and appropriate space exists on school sites. As necessary, the County Superintendent or designee shall provide information to the County Board regarding facilities financing options for Head Start/Early Head Start classrooms and/or facilities available through partnering organizations.

(cf. 7110 - Facilities Master Plan)
(cf. 7210 - Facilities Financing)

To enable children of working parents/guardians to participate in the SCCOE Head Start/Early Head Start programs, the County Superintendent or designee shall recommend strategies to provide a full-day program and/or to link to other full-day child care programs in the community to the extent possible.

(cf. 5148 - Child Care and Development)
(cf. 5148.1 - Child Care Services for Parenting Students)
(cf. 5148.2 - Before/After School Programs)
(cf. 5148.4 – Preschool/Early Childhood Education)

Because parents/guardians are essential partners in supporting the development of their children, the County Superintendent or designee shall involve them in program planning. Parents are essential collaborators in the Policy Council oversight responsibilities. Program staff shall encourage volunteerism in the program and shall communicate frequently with parents/guardians of enrolled children regarding their child's progress.

(cf. 1240 - Volunteer Assistance)
(cf. 6020 - Parent Involvement)

The SCCOE program shall be aligned with Head Start/Early Head Start learning foundations published by the federal Office of Head Start which identify the knowledge, skills, and competencies that children typically attain as they complete their first or second year of preschool. Program components shall address social-emotional, physical, and cognitive development in key areas that are necessary for kindergarten readiness.

The SCCOE Head Start/Early Head Start program shall provide appropriate services to support the needs of English learners and children with disabilities.

(cf. 6164.4 - Identification and Evaluation of Individuals for Special Education)
(cf. 6174 - Education for English Language Learners)

To maximize the ability of children to succeed in the Head Start/Early Head Start program, program staff shall support children's health through proper nutrition and physical activity and shall provide or make referrals to regional health and social services.
HEAD START/EARLY HEAD START PROGRAMS  (continued)

(cf. 3550 - Food Services/Child Nutrition Program)
(cf. 5030 - Student Wellness)
(cf. 5141.32 - Health Screening for School Entry)
(cf. 5141.6 - School Health Services)

The County Superintendent or designee shall ensure that administrators, teachers, and paraprofessionals in SCCOE Head Start/Early Head Start programs possess the appropriate permit(s) issued by the Commission on Teacher Credentialing, meet any additional qualifications established by the federal Office of Head Start and the Head Start Policy Council, and participate in professional development opportunities designed to continually enhance their knowledge and skills.

(cf. 4112.2 - Certification)
(cf. 4112.4/4212.4/4312.4 - Health Examinations)
(cf. 4112.5/4312.5 - Criminal Record Check)
(cf. 4131 - Staff Development)
(cf. 4212.5 - Criminal Record Check)
(cf. 4222 - Teacher Aides/Paraprofessionals)
(cf. 4231 - Staff Development)
(cf. 4331 - Staff Development)

The County Superintendent or designee shall develop and implement an annual plan of evaluation which conforms to state and federal requirements.  (5 CCR 18279, add federal code)

The County Superintendent or designee shall regularly report to the County Board regarding enrollments in SCCOE preschool programs and the effectiveness of the programs in preparing preschoolers for transition into the elementary education program.

(cf. 0500 - Accountability)
(cf. 6190 - Evaluation of the Instructional Program)
(cf. 9020 - Board Role - Head Start/Early Head Start Programs)

Legal Reference: (see next page)
HEAD START/EARLY HEAD START PROGRAMS (continued)

Legal Reference:

EDUCATION CODE
8200-8499.10 Child Care and Development Services Act, especially:
8200-8209 General provisions for child care and development services
8230-8233 Migrant child care and development program
8235-8239 California state preschool program
8250-8252 Programs for children with special needs
8263 Eligibility and priorities for subsidized child development services
8300-8303 Early Learning Quality Improvement System Advisory Committee
8360-8370 Personnel qualifications
8400-8409 Contracts
8493-8498 Facilities
8499.3-8499.7 Local child care and development planning councils
54740-54749 Cal-SAFE program for pregnant/parenting students and their children

HEALTH AND SAFETY CODE
1596.70-1596.895 California Child Day Care Act
1596.90-1597.21 Day care centers
120325-120380 Immunization requirements

CODE OF REGULATIONS, TITLE 5
18000-18434 Child care and development programs
80105-80125 Permits authorizing service in child development programs

UNITED STATES CODE, TITLE 20
6311-6322 Title I, relative to preschool
6319 Qualifications for teachers and paraprofessionals
6371-6376 Early Reading First
6381-6381k Even Start family literacy programs
6391-6399 Education of migratory children

UNITED STATES CODE, TITLE 42
9831-9852 Head Start programs
9858-9858q Child Care and Development Block Grant

CODE OF FEDERAL REGULATIONS, TITLE 22
101151-101239.2 General requirements, licensed child care centers, including:
101151-101163 Licensing and application procedures
101212-101231 Continuing requirements
101237-101239.2 Facilities and equipment

CODE OF FEDERAL REGULATIONS, TITLE 45
1301-1310 Head Start

Management Resources: (see next page)
HEAD START/EARLY HEAD START PROGRAMS (continued)

Management Resources:

CSBA PUBLICATIONS

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS
Preschool English Learners: Principles and Practices to Promote Language, Literacy, and Learning, 2007
Prekindergarten Learning Development Guidelines, 2000
First Class: A Guide for Early Primary Education, 1999

CALIFORNIA DEPARTMENT OF EDUCATION MANAGEMENT BULLETINS
08-13 California State Preschool Program, November 2008
01-06 The Desired Results for Children and Families System, May 31, 2001

U.S. DEPARTMENT OF EDUCATION PUBLICATIONS
Good Start, Grow Smart, April 2002

WEB SITES
CSBA: http://www.csba.org
California Association for the Education of Young Children: http://www.caeyc.org
California Children and Families Commission: http://www.ccfc.ca.gov
California County Superintendents Educational Services Association: http://www.ccesa.org
California Department of Education: http://www.cde.ca.gov
California Head Start Association: http://caheadstart.org
California Preschool Instructional Network: http://www.cpin.us
Child Development Policy Institute: http://www.cdpi.net
Cities, Counties, and Schools Partnership: http://www.ccspartnership.org
First 5 Association of California: http://www.f5ac.org
National Institute for Early Education Research: http://nieer.org
National School Boards Association: http://www.nsba.org
Preschool California: http://www.preschoolcalifornia.org

Policy
adopted: October 20, 2010