

**PALOS VERDES PENINSULA UNIFIED SCHOOL DISTRICT
2009-2010**

Dear Parent(s)/Guardian(s):

California Education Code Section 48980 requires that the Board of Education notify parent(s)/guardian(s) of their rights under state and/or federal legislation /regulations. A summary of those *Education Code* sections and related state and federal provisions as they apply to this School District is attached. As indicated by *CEC* §§ 51100 et seq., the annual notification should promote parents or guardians understanding and involvement in the education of their children for all families in the school community

In addition, *Education Code* Section 48982 requires that the lower portion of this sheet be signed by the parent/guardian and returned to the school. This should be done as soon as possible, but no later than **Friday, September 4.**

Pursuant to *Education Code* Section 231.5, a copy of this District's policy on sexual harassment as it relates to students is attached. Also attached is Board of Education Policy 1312.3, which spells out the District's prescribed procedures for addressing complaints stemming from alleged violations of federal and/or state laws.

Sincerely,
Walker Williams
Superintendent of Schools

Acknowledgement of Receipt and Review

Pursuant to *CEC* § 48982, the parent/guardian shall sign this notice and return it to the school. Signature on the notice is an acknowledgment by the parent or guardian that he or she has been informed of his or her rights but does not necessarily indicate that consent to participate in any particular program or activity has been given or withheld.

Student Name: _____

Parent/Guardian Name: _____

Address/City/Zip Code: _____

Telephone Nos.: (H) _____

(W) _____

(C) _____

Grade: _____ School: _____

Signature of Parent/Guardian (if student is under 18)

Signature of Student (if student is 18 or older)

Legend:

- EC – California Education Code
- 5 CCR – Title 5, California Code of Regulations
- HSC – California Health and Safety Code
- PC – California Penal Code

- VC – California Vehicle Code
- WIC – California Welfare and Institutions Code
- 34 CFR – Title 34, Code of Federal Regulations
- 40 CFR – Title 40, Code of Federal Regulations
- USC – United States Code

Asbestos Management Plan – 40 CFR 763.93

Requires the school district, at least once each school year, to notify in writing parent, teacher, and employee organizations of the availability of a complete, updated management plan for asbestos-containing material in school buildings and shall include in the management plan a description of the steps taken to notify such organizations, and a dated copy of the notification.

The Palos Verdes Peninsula Unified School District maintains and annually updates its management plan for asbestos-containing material in school buildings. For a copy of the asbestos management plan, please contact the Business Services Department.

Attendance Options/Permits – EC 48980(h)

EC 48980(h): Requires the annual notification to advise parents or guardians of all existing statutory attendance options and local attendance options available in the school district, including all options for meeting residency requirements for school attendance, programmatic options offered within the local attendance areas, and any special programmatic options available on both an interdistrict and intradistrict basis.

Notification to include a description of all options, a description of the procedure for application to alternative attendance areas or programs, an application form from the district for requesting a change of attendance, and a description of the appeals process available, if any, for a parent or guardian denied a change of attendance.

Notification to also include an explanation of the existing statutory attendance options including, but not limited to, those available under EC 35160.5, 46600 *et seq.*, 48204(b), and 48300 *et seq.*

Note: The following is a summary of the existing statutory attendance options only.

Residency – EC 48200 and 48204

A minor between the ages of 6 and 18 years is subject to compulsory education and, unless exempted, must enroll in school in the school district in which the residence of either the parent or legal guardian is located.

A pupil may alternatively comply with the residency requirements for school attendance in a school district, if he or she is any of the following: placed in a foster home or licensed children's institution within the boundaries of the school district pursuant to a commitment of placement under the Welfare and Institutions Code; an emancipated pupil who resides within the boundaries of the school district; a pupil who lives in the home of a caregiving adult that is located within the boundaries of the school district; or a pupil residing in a state hospital located within the boundaries of the school district.

A school district may also deem a pupil as having complied with the residency requirements for school attendance in the school district if one or both the parents or legal guardians of the pupil are employed within the boundaries of the school district.

Open Enrollment – EC 35160.5(b)

Residents of the School District may apply to other schools within the District for their child to attend on a space available basis. Information on each school within the District is provided on the District website. Parents of high school athletes should check on CIF sports eligibility rules before pursuing open enrollment. Transportation to any other school is the responsibility of the parent.

Application materials will be available the first three weeks of March and must be received by March 20, 2009. For further information please contact the principal of your neighborhood school.

Interdistrict Attendance – EC 46600 *et seq.*

School districts may enter into agreements for the interdistrict transfer of one or more pupils for a period of up to five years. The agreement must specify the terms and conditions for granting or denying transfers. The parent or legal guardian of a pupil may seek release from the home district to attend a school in any other school district under this agreement.

Availability of Prospectus – EC 49063 and 49091.14

Requires each school to compile annually a prospectus of the curriculum including titles, descriptions and instructional aims of every course offered by the school. Prospectus to be reproduced and made available, upon request by parent or guardian, for inspection.

Each school must annually compile a prospectus of the curriculum to include titles, descriptions and instructional goals for every course offered by the school. Please contact your principal for a copy of the prospectus.

Child Find System – EC 56301

Requires the special education local plan area (SELPA) to establish written policy and procedures for continuous child find system including children with disabilities who are migrant or homeless or wards of the state and children with disabilities attending private schools. Policy and procedures to include written notification to all parents of their rights regarding identification, referral, assessment, instructional planning, implementation, review, and procedures for initiating referral for assessment.

Note: The district's local SELPA can provide appropriate and specific language to meet this notification requirement.

Directory Information – EC 49073

Requires notice to parents or guardians, on an annual basis, of the categories of directory information that the school plans to release and of the persons or agencies who may receive such information. Authorizes parents to preclude release by notifying the school district.

"Directory Information" includes one or more of the following items: student's name, address, telephone number, date and place of birth, major field of study, participation in officially recognized activities and sports, weight and height of members of athletic teams, dates of attendance, degrees and awards received, and the most recent public or private school attended by the student. The District has determined that the following individuals, officials, or organizations may receive directory information (PTA/PTSA, Peninsula Education Foundation, school-affiliated booster clubs, etc.). No information may be released to private profit making entity other than employers, prospective employers and representatives of the news media, including, but not limited to, newspapers, magazines, and radio and television stations. Directory information may be disclosed without prior consent from the parent or legal guardian unless the parent or legal guardian submits a written notice to the school to deny access to his/her pupil's directory information.

Excused Absences – EC 46014 and 48205

EC 48980(a): At the beginning of the first semester or quarter of the regular school term, the governing board of each school district shall notify the parent or guardian of a minor pupil regarding the right or responsibility of the parent or guardian under Sections 46014 and 48205.

EC 48980(j): Requires the annual notification to advise the parent or guardian that no pupil may have his or her grade reduced or lose academic credit for any absence or absences excused under EC 48205, if missed assignments and tests that can reasonably be provided are satisfactorily completed within a reasonable period of time. Requires the full text of EC 48205 be included in the annual notification.

Pupils, with the written consent of their parents or guardians, may be excused from school in order to participate in religious exercises or to receive moral or religious instruction.

No pupil shall have his or her grade reduced or lose academic credit for any excused absence or absences, if missed assignments and tests that can reasonably be provided are satisfactorily completed within a reasonable period of time.

- (a) Notwithstanding Section 48200, a pupil shall be excused from school when the absence is:
- (1) Due to his or her illness.
 - (2) Due to quarantine under the direction of a county or city health officer.
 - (3) For the purpose of having medical, dental, optometrical, or chiropractic services rendered.
 - (4) For the purpose of attending the funeral services of a member of his or her immediate family, so long as the absence is not more than one day if the service is conducted in California and not more than three days if the service is conducted outside California.
 - (5) For the purpose of jury duty in the manner provided for by law.
 - (6) Due to the illness or medical appointment during school hours of a child of whom the pupil is the custodial parent.
 - (7) For justifiable personal reasons, including, but not limited to, an appearance in court, attendance at a funeral service, observance of a holiday or ceremony of his or her religion, attendance at religious retreats, attendance at an employment conference, or attendance at an educational conference on

the legislative or judicial process offered by a nonprofit organization when the pupil's absence is requested in writing by the parent or guardian and approved by the principal or a designated representative pursuant to uniform standards established by the governing board.

- (8) For the purpose of serving as a member of a precinct board for an election pursuant to Section 12302 of the Elections Code.
- (b) A pupil absent from school under this section shall be allowed to complete all assignments and tests missed during the absence that can be reasonably provided and, upon satisfactory completion within a reasonable period of time, shall be given full credit therefore. The teacher of the class from which a pupil is absent shall determine which tests and assignments shall be reasonably equivalent to, but not necessarily identical to, the tests and assignments that the pupil missed during the absence.
- (c) For purposes of this section, attendance at religious retreats shall not exceed four hours per semester.
- (d) Absences pursuant to this section are deemed to be absences in computing average daily attendance and shall not generate state apportionment payments.
- (e) "Immediate family," as used in this section, has the same meaning as that set forth in Section 45194, except that references therein to "employee" shall be deemed to be references to "pupil."

Free and Reduced-price Meals – EC 49510 et seq.

EC 48980(b): Requires the annual notification to advise the parent or guardian of the program of free and reduced-priced meals prescribed by EC 49510 et seq.

EC 49520: Requires the school district to provide annual notification of the availability of the program to provide nutritious meals at school for pupils in receipt of public assistance.

Free or reduced-price lunches are available at school for pupils whose parents or legal guardians qualify, based on annual household income, and complete the required application form. Applications forms may be obtained through the school office or the Food Services Department.

Harm or Destruction of Animals – EC 32255 et seq.

EC 48980(a): At the beginning of the first semester or quarter of the regular school term, the school district shall notify the parent or guardian of a minor pupil regarding the right or responsibility of the parent or guardian under Chapter 2.3 (commencing with Section 32255) of Part 19.

Any pupil with a moral objection to dissecting or otherwise harming or destroying an animal, or any part thereof, must inform his or her teacher of the objection. Objections must be substantiated by a note from the pupil's parent or guardian.

A pupil who chooses to refrain from participation in an education project involving the harmful or destructive use of an animal may receive an alternative education project, if the teacher believes that an adequate alternative education project is possible. The teacher may work with the pupil to develop and agree upon an alternative education project so that the pupil may obtain the knowledge, information, or experience required by the course of study in question.

Immunizations – EC 49403 and 48216, HSC 120335, 120365, and 120370

Requires the school district exclude any pupil not properly immunized and to notify the parent or guardian that they have two weeks to supply evidence that the pupil has been properly immunized or that the pupil is exempt from the immunization requirements as specified in HSC 120365 or 120370. Notification to also refer the parent or guardian to usual sources of medical care to obtain the immunization(s).

Note: School districts must apply the immunization requirements in concert with the immediate enrollment mandates for homeless and foster youth.

Unless a pupil's parent or legal guardian provides the school with an acceptable signed waiver, a pupil must be immunized against certain communicable diseases. Students are prohibited from attending school until the immunization requirements are met. The school district shall cooperate with local health officials in measures necessary for the prevention and control of communicable diseases in school age children. The district may use any funds, property, or personnel and may permit any person licensed as a physician or registered nurse to administer an immunizing agent to any student whose parents have consented in writing.

State law requires the following immunizations before a child may attend school:

- (a) All new students to the District must provide proof of polio, diphtheria, whooping cough, tetanus, measles, mumps, and rubella immunizations. All kindergarten and first grade students new to the district must also provide proof of vaccination against hepatitis B.
- (b) All kindergarten students must also provide proof of vaccination against chicken pox.
- (c) All seventh grade students must also provide proof of a hepatitis B series and a second measles, mumps, and rubella vaccination.
- (d) A tuberculosis skin test (Mantoux) is required for all students entering the district from outside the United States.

Free- or low-cost immunizations for children are available at Torrance health Center. Please call 310-354-2232 for information.

Information about a permanent medical exemption or personal beliefs exemption from immunizations for your student is available in the school office.

Instruction for Pupils with Temporary Disabilities – EC 48206.3, 48207 and 48208

EC 48980(b): Requires the annual notification to advise the parent or guardian of the availability of individualized instruction as prescribed by EC 48206.3.

A pupil with a temporary disability which makes attendance in the regular day classes or the alternative educational program in which the pupil is enrolled impossible or inadvisable may receive individualized instruction provided in the pupil's home for one hour a day. Please contact your principal/counselor for further information.

EC 48980(a): At the beginning of the first semester or quarter of the regular school term, the school district shall notify the parent or guardian of a minor pupil regarding the right or responsibility of the parent or guardian under EC 48207 and 48208.

A pupil with a temporary disability, who is in a hospital or other residential health facility, excluding a state hospital, may be deemed to have complied with the residency requirements for school attendance in the school district in which the hospital is located.

It is the responsibility of the parent or guardian to notify the school district in which the hospital or other residential health facility is located of the presence of a pupil with a temporary disability. Upon receipt of the notification, the district will within five working days determine whether the pupil will be able to receive individualized instruction pursuant to EC 48206.3 and, if so, provide the instruction within five working days or less.

Medical or Hospital Service – EC 49472

School districts may provide, or make available, medical or hospital service, or both, for injuries to pupils of the district arising out of accidents related to school activity or attendance. Pupils are not required to accept such service without the consent of his or her parent or guardian.

EC 49471: Requires school districts maintaining middle or high school to notify, in writing, the parent or guardian of each pupil participating in an athletic activity, when the district does not provide medical and hospital services for pupils of the district injured while participating in athletic activities.

Services Not Provided

The School District does not provide or make available medical and hospital services for pupils who are injured in accidents related to school activity or attendance.

Services Provided

The School District may provide or make available medical or hospital service through nonprofit membership corporations, defraying the cost of medical or hospital service, or through group, blanket or individual policies of accident insurance or through policies of liability insurance for injuries to pupils arising out of accidents related to school activity or attendance. No pupil is required to accept such service without the consent of his/her parent or legal guardian.

Medication Regimen – EC 49480

Requires the school district to inform the parents or legal guardians of all pupils in the district of the following.

The parent or legal guardian of any pupil taking medication on a regular basis must inform the school nurse/designee of the medication being taken, the current dosage, and the name of the supervising physician.

With the consent of the parent or legal guardian, the school nurse may communicate with the physician and may counsel with the school personnel regarding the possible effects of the medication on the pupil.

Administration of Prescribed Medication for Pupils – EC 49423 and 49423.1

Any pupil who is required to take, during the regular schoolday, medication prescribed by a physician or surgeon, may be assisted by the school nurse or other designated school personnel or may carry and self-administer auto-injectible epinephrine or inhaled asthma medication if the school district receives a written statement of instructions from the physician detailing the method, amount and time schedules by which such medication is to be taken.

1. Talk to your child's doctor about making a medicine schedule so that your child does not have to take medicine while at school.
2. If your child is regularly taking medicine for an ongoing health problem, even if he or she only takes the medicine at home, give a written note to the school nurse or other designated school employee at the beginning of each school year. You must list the medicine being taken, the current amount taken, and the name of the doctor who prescribed it (EC 49480).
3. If your child must take medicine while at school, give the school a written note from you and a written note from your child's doctor or other health care provider. Provide new, updated notes at the beginning of each school year and whenever there is any change in the medicine, instructions, or doctor (EC 49423).
4. As parent or guardian, you must supply the school with all medicine your child must take during the school day. You or another adult must deliver the medicine to school, except medicine your child is authorized to carry and take by him or herself.
5. All controlled medicine, like Ritalin, must be counted and recorded on a medicine log when delivered to the school. You or another adult who delivered the medicine should verify the count by signing the log.
6. Each medicine your child must be given at school must be in a separate container labeled by a pharmacist licensed in the United States. The container must list your child's name, doctor's name, name of the medicine, and instructions for when to take the medicine and how much to take.
7. Pick up all discontinued, outdated, and/or unused medicine before the end of the school year.
8. Know and follow the medicine policy of your child's school.

Minimum & Pupil-free Staff Development Days – EC 48980(c)

Requires the annual notification to advise parents and guardians of all pupils attending a school of the schedule of minimum days and pupil-free staff development days. If minimum or pupil-free staff development days are scheduled after the start of the school year, the school should notify parents and guardians of affected pupils as early as possible, but not later than one month prior to the scheduled day.

Nondiscrimination Statement

Discrimination in education programs and activities is prohibited by state and federal law. Education Code 200 *et seq.* requires school districts to afford all pupils regardless of gender, sex, race, color, religion, national origin, ethnic group identification, mental or physical disability, sexual orientation, or the perception of one or more of such characteristics, equal rights and opportunities in education. Title VI of the Civil Rights Act of 1964 prohibits discrimination on the basis of race, color and national origin. Title IX prohibits discrimination on the basis of sex. The Americans with Disabilities Act and Section 504 of the Vocational Rehabilitation Act of 1973 prohibit discrimination on the basis of disability. The Office for Civil Rights of the U.S. Department of Education has authority to enforce federal laws in all programs and activities that receive federal funds.

The District is committed to equal opportunity for all individuals in education. District programs and activities shall be free from discrimination based on gender, sex, race, color, religion, national origin, ethnic group identification, physical or mental disability, sexual orientation, or the perception of one or more of such characteristics. The District assures that lack of English language skills will not be a barrier to admission or participation in District programs. Complaints of unlawful discrimination are investigated through the Uniform Complaint Process. Such complaints must be filed no later than six months after knowledge of the alleged discrimination was first obtained. For a complaint form or additional information, contact: Assistant Superintendent, Curriculum and Instruction.

Notice of Alternative Schools – EC 58501

The following notice shall be sent along with the notification of parents and guardians required by EC 48980. In addition, a copy shall be posted in at least two places, normally visible to pupils, teachers, and visiting parents in each attendance unit, for the entire month of March in each year.

"Notice of Alternative Schools"

California state law authorizes all school districts to provide for alternative schools. Education Code 58500 defines alternative school as a school or separate class group within a school which is operated in a manner designed to:

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

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

Pesticide Products – EC 17612

EC 48980.3: Requires the annual notification to include information on pesticide products as specified in EC 17612(a).

Requires a school to annually provide to all staff and to parents or guardians of pupils enrolled at the school written notification of all pesticide products expected to be applied during the upcoming year.

Notification to identify the active ingredient(s) in each pesticide product, an internet address on pesticide use and reduction developed under Food and Agricultural Code 13184 and provide an opportunity for staff and parents or guardians to register with the school if they wish to receive notification of individual pesticide applications at the school.

To obtain a copy of all pesticide products and expected use at the school facility during the year, please contact your school. The notice will identify the active ingredient(s) in each pesticide product and an internet address on pesticide use and reduction.

Physical Examination – EC 49451

EC 48980(a): At the beginning of the first semester or quarter of the regular school term, the school district shall notify the parent or guardian of a minor pupil regarding the right or responsibility of the parent or guardian under EC 49451.

20 USC 1232h: Requires notification to parents of pupils, at least annually at the beginning of the school year, of the specific or approximate dates during the school year when any non-emergency, invasive physical examination or screening is scheduled or is expected to be scheduled that is required as a condition of attendance, administered by the school and scheduled by the school in advance, and is not necessary to protect the immediate health and safety of the pupil or other pupils. Notification to offer parents an opportunity to opt pupils out of participation in the activity. Requires school district to develop policy, in consultation with parents, regarding the administration of physical examinations or screenings that the school may administer to a pupil. Requires notification to parents of pupils enrolled in schools served by the district of the adoption or continued use of such policies. Notification to be provided annually, at the beginning of the school year, or within a reasonable period of time after any substantive changes in the policy.

A parent or guardian may file annually with the school principal a written statement, signed by the parent or legal guardian, withholding consent to a physical examination of the pupil. However, whenever there is good reason to believe that the pupil is suffering from a recognized contagious or infectious disease, the pupil shall be sent home and shall not be permitted to return until school authorities are satisfied that the contagious or infectious disease no longer exists.

Note: Physical examinations that schools are required to conduct include sight and hearing testing under EC 49452 and scoliosis screening under EC 49452.5. Schools may screen for type 2 diabetes mellitus under EC 49452.6. As indicated in EC 49451 and 20 USC 1232h a parent or guardian may file a waiver of the examination requirement based on personal beliefs.

Pupil Records – EC 49063 and 49069, 34 CFR 99.7, 20 USC 1232g

Requires the school district to notify parents in writing upon initial enrollment and annually at the beginning of the school year of their rights concerning pupil records. Notice to take a form which reasonably notifies parents of the availability of the following specific information:

1. The types of records and information contained therein which are directly related to students and maintained by the institution.
2. The position of the official responsible for the maintenance of each type of record.
3. The location of all official pupil records if not centrally located and the availability of qualified certificated personnel to interpret records, if requested.
4. The location of the log or record required to be maintained pursuant to Section 49064.
5. The criteria to be used by the district in defining "school officials and employees" and in determining "legitimate educational interest" as used in Section 49064 and paragraph (1) of subdivision (a) of Section 49076.
6. The policies of the institution for reviewing and expunging those records.
7. The right of the parent to access pupil records.
8. The procedures for challenging the content of pupil records.
9. The cost if any which will be charged to the parent for reproducing copies of records.
10. The categories of information which the institution has designated as directory information pursuant to Section 49073.
11. The right of the parent to file a complaint with the United States Department of Education, Family Policy Compliance Office, concerning an alleged failure by the district to comply with the provisions of FERPA.
12. The availability of the prospectus prepared pursuant to Section 49091.14.

The notice to be, insofar as is practicable, in the home language of the pupil.

A cumulative record, whether recorded by handwriting, print, tapes, film, microfilm or other means, must be maintained on the history of a pupil's development and educational progress. The District will protect the privacy of such records. Parents/guardians have the right to 1) inspect and review the student's educational record maintained by the school, 2) request that a school correct records which they believe to be inaccurate or misleading, and 3) have some control over the disclosure of information from educational records. School officials with legitimate educational interests may access student records without parental consent as long as the official needs to review the records in order to fulfill his/her professional responsibility. Upon request from officials of another school district in which a student seeks or intends to enroll, the District shall disclose educational records without parental consent.

Parents' request to access their student's educational records must be submitted in a written form to the school will have five (5) business days from the day of receipt of the request to provide access to the records. There may be a small fee for copies of some records. Please check with the school administration or the District's records department at the time of your request.

Any challenge to school records must be submitted in writing to the Assistant Superintendent of Curriculum and Instruction. A parent challenging school records must show that the records are 1) inaccurate, 2) an unsubstantiated personal conclusion or inference, 3) a conclusion or inference outside the observer's area of competence, 4) not based on the personal observation of a named person with the time and place of the observation noted, 5) misleading, or 6) in violation of the privacy or other rights of the student. Parents have the right to file a complaint with the United States Department of Education concerning an alleged failure by the District to comply with the provisions of the United States Family Educational Rights and Privacy Act (FERPA) by writing to: Family Policy Compliance Office, U.S. Department of Education, 400 Maryland Ave., SW, Washington, D.C. 20202-4605.

School Rules – EC 35291

EC 48980(a): At the beginning of the first semester or quarter of the regular school term, the school district shall notify the parent or guardian of a minor pupil regarding the right or responsibility of the parent or guardian under Section 35291.

EC 35291: The school district may notify the parent or guardian of all pupils registered in schools of the district of the availability of rules of the district pertaining to student discipline.

Note: EC 48980(a) and 35291 appear to conflict. The former requires notification and the latter indicates notification is permissive. If school site rules are developed they should be included. The school district may also consider informing parents and guardians of the laws governing suspension and expulsion. A summary of the current laws on suspension and expulsion are provided on pages 53-61.

Sex and HIV/AIDS Education – EC 51938

EC 48980(a): At the beginning of the first semester or quarter of the regular school term, the school district shall notify the parent or guardian of a minor pupil regarding the right or responsibility of the parent or guardian under EC 51938.

Requires the school district at the beginning of each school year, or at the time of the student's enrollment, if different, to notify the parent or guardian of each pupil about instruction in comprehensive sexual health education and HIV/AIDS prevention education and assessments on pupil health behaviors and risks planned for the school year. Provides that a parent or guardian has the right to excuse their child from all or part of the instruction.

The purpose of the California Comprehensive Sexual Health and HIV/AIDS Prevention Education Act (Education Codes 51930 through 51939) is to provide every student with the knowledge and skills necessary to protect their sexual and reproductive health from unintended pregnancy and sexually transmitted diseases.

The District will provide instruction in comprehensive sexual health education, HIV/AIDS prevention education, and/or will conduct assessments on pupil health behaviors and risks in the coming school year.

Parents or guardians may:

1. Inspect the written and audiovisual educational materials used in the comprehensive sexual health and HIV/AIDS prevention education
2. Request in writing that their child not receive comprehensive sexual health or HIV/AIDS prevention education
3. Request a copy of Education Codes 51930 through 51939
4. Be informed whether the comprehensive sexual health or HIV/AIDS prevention education will be taught by district personnel or outside consultants
5. When the district chooses to use outside consultants or to hold an assembly with guest speakers to teach comprehensive sexual health or HIV/AIDS prevention education, to be informed of:
 - a. The date of the instruction
 - b. The name of the organization or affiliation of each guest speaker

The District may administer to students in grades 7 through 12 anonymous, voluntary, and confidential research and evaluation instruments, including tests and surveys, containing age-appropriate questions about their attitudes or practices relating to sex. Prior to administering such a research and evaluation instrument, parents/guardians shall be provided written notice of the administration. Parents/guardians shall be given an opportunity to review the research instrument and to request in writing that their child not participate.

HIV/AIDS and Sexual Health Education Instruction – Parent Notification – Passive Consent in Two Ways:

1. In the registration packet (or upon a student's enrollment), must include the dates during which HIV/AIDS instruction will occur.
 - Intermediate school teachers provide instruction the last three weeks of the trimester.
 - High school biology teachers provide instruction during the months of May and June.
2. After the beginning of the school year, notification can be sent home to fewer than 14 days before the instruction is to be delivered.

Notification must include:

1. Advisement that the written and audio visual educational materials used for instruction are available for inspection.
2. If the instruction will be taught by school district personnel or be outside consultants.
3. Advisement that the parent or guardian may request in writing that his or her child not receive comprehensive sexual health education or HIV/AIDS prevention education.

If a parent or guardian provides a written request that the student not participate in sexual health education or HIV/AIDS, an alternative educational activity shall be made available to pupils.

Sexual Harassment – EC 48980(g)

Requires the annual notification to include a copy of the school district's written policy on sexual harassment as it relates to pupils.

The District is committed to maintaining a learning and working environment that is free from sexual harassment. Any student who engages in sexual harassment of anyone in or from the district may be subject to disciplinary action to and including expulsion. Any employee who permits, engages in, or fails to report sexual harassment shall be subject to disciplinary action up to and including dismissal. For a copy of the district's sexual harassment policy or to report incidences of sexual harassment, please contact your school office.

Surveys – EC 51513

Prohibits the use of tests, questionnaires, surveys or examinations containing any questions about the pupil's personal beliefs or practices in sex, family life, morality, and religion, unless the parent or guardian is notified in writing that the test, questionnaire, survey, or examination is to be administered and the parent or guardian consents in writing.

20 USC 1232h: Provides that no pupil may be required to submit to a survey, analysis, or evaluation that reveals sensitive, personal information (*i.e.*, political affiliations or beliefs, mental or psychological problems, sex behavior or attitudes, illegal, anti-social, self-incriminating, or demeaning behavior, critical appraisals of other individuals with whom respondents have close family relationships, legally recognized privileged or analogous relationships, religious practices, affiliations or beliefs, or income) without the prior written consent of the parent.

Requires notification to parents of pupils, at least annually at the beginning of the school year, of the specific or approximate dates when the administration of any survey that reveals sensitive, personal information is scheduled or is expected to be scheduled. Notification to offer parents an opportunity to opt pupils out of participation in the activity.

Requires the school district to develop policy, in consultation with parents, regarding the right of a parent to inspect, upon request, surveys created by a third party or any instrument used in the collection of personal information, the applicable procedures for granting a request for inspection, and arrangements to protect pupil privacy provided by the district in the event of the administration or distribution of a survey that reveals sensitive, personal information. Requires notification to parents of pupils enrolled in schools served by the district of the adoption or continued use of such policies. Notification to be provided annually, at the beginning of the school year, or within a reasonable period of time after any substantive changes in the policy.

Anonymous, voluntary and confidential research and evaluation tools to measure student's health behaviors and risks, including tests, questionnaires, and surveys containing age-appropriate questions about the student's attitudes and practices relating to sex, family life, morality, and religion may be administered to students if the parent is notified in writing that 1) this test, questionnaire, or survey is to be administered, 2) the student's parent is given the opportunity to review the test, questionnaire, or survey, and 3) the parent consents in writing.

Uniform Complaint Policy and Procedure – 5 CCR 4622, EC 32289

Requires annual written notification to pupils, employees, parents, district advisory committee, school advisory committees, and other interested parties of the school district's uniform complaint process. Notice to include the identity of the person(s) responsible for processing the complaints, the civil law remedies that may be available, and the appeal or review procedures contained in the following sections: 5 CCR 4650, Basis of Direct State Interventions, 5 CCR 4652, Appealing Local Agency Decisions, and 5 CCR 4671, Federal Review Rights. Notice to be in English, and when applicable under EC 48985, the primary language or mode of communication of the recipient.

EC 32289, amended in 2004, authorizes the filing of a uniform complaint for noncompliance with the school safety planning requirements of Title IV of the NCLB (20 USC § 7114(d)(7)).

The District has established Uniform Complaint Procedures to resolve alleged acts of discrimination on the basis of age, sex, sexual orientation, ethnic group identification, race, national origin, religion, color, or physical or mental disability, which apply to all state and federally funded programs. Uniform complaint procedures shall also be used when addressing complaints alleging failure to comply with state and/or federal laws in adult education, consolidated categorical aid programs, migrant education, vocational education, child care and developmental programs, child nutrition programs and special education programs. A complaint must be filed no later than six months from the date the complainant first obtains knowledge of the concern. These uniform procedures require the complainant to submit a written complaint to the Assistant Superintendent of curriculum and Instruction, who will coordinate an investigation and response within 60 days of receipt of the written complaint, unless the complainant agrees in writing to extend the time line. A complainant may appeal the District's decision to the California Department of Education (CDE) by filing a written appeal within 15 days after receiving the District's decision. The CDE may directly intervene in the

complaint without waiting for action by the district when one of the conditions listed in 5 CCR 4650 exists, including cases in which the district has not taken action within 60 days of the date the complaint was filed with the district. If a district is found to have violated a State or Federal law and/or regulation, and the District does not take corrective action to comply, then various civil remedies may be available. Contact the Curriculum and Instruction Office for additional information or assistance.

Victim of a Violent Crime – 20 USC 7912a

Requires the school district to have a written policy stating that students who are victims of a violent criminal offense, while in or on the grounds of a public school, must be allowed to attend a safe public school. The written policy must be communicated to all parties, and reiterated to victims of violent criminal offenses and their parents.

Note: Guidance from the California Department of Education, dated September 9, 2005, recommends that school districts communicate to parents the Unsafe School Choice Option policy in writing to all parents at the beginning of the school year and/or in enrollment materials and at the time of the incident or at the time the school became aware of the incident. The district must maintain verification of compliance with the transfer option. Records demonstrating that victims' parents were notified of the transfer option must also be maintained.

A student who becomes a victim of a violent criminal offense while in or on the grounds of a school that the student attends, has the right to transfer to another school within the district. The District has 14 calendar days to offer students the option to transfer. For more information, please contact the Assistant Superintendent, Curriculum and Instruction.

Williams Complaint Policy & Procedure – EC 35186

Requires school districts to use a modified uniform complaint process to help identify and resolve deficiencies related to instructional materials, emergency or urgent facilities conditions that pose a threat to the health and safety of students or staff, and teacher vacancy or misassignment. Allows for the filing of anonymous complaints. A complainant who identifies himself or herself is entitled to a response upon request.

Requires notice to be posted in classrooms notifying parents, guardians, pupils and teachers of the following:

1. There should be sufficient textbooks and instructional materials. For there to be sufficient textbooks and instructional materials each pupil, including English learners, must have a textbook or instructional materials, or both, to use in class and to take home.
2. School facilities must be clean, safe, and maintained in good repair.
3. There should be no teacher vacancies or misassignments as defined in paragraphs (2) and (3) of subdivision (h).
4. The location at which to obtain a form to file a complaint in case of a shortage. Posting a notice downloadable from the internet website of the department shall satisfy this requirement.

Every school must provide sufficient textbooks and instructional materials. Every student, including English learners, must have textbooks or instructional materials, or both, to use at home or after school. School facilities must be clean, safe, and maintained in good repair. There should be no teacher vacancies or misassignments. If a school is found to have deficiencies in these areas, and the school does not take corrective action, then a complaint may be filed with the Assistant Superintendent, Curriculum and Instruction. Parents, students, teachers or any member of the public may submit a complaint regarding these issues. However, it is highly encouraged that individuals express their concerns to the school principal before completing the complaint forms to allow the school to respond to these concerns.

Kindergarten through Ninth Grade Posting:

This notice is provided to inform you of the following:

1. Every school must provide sufficient textbooks and instructional materials. Every pupil, including English learners, must have textbooks or instructional materials, or both, to use in class and to take home or use after class.
2. School facilities must be clean, safe, and maintained in good repair.
3. There should be no teacher vacancies or misassignments. There should be a teacher assigned to each class and not a series of substitutes or other temporary teachers. The teacher should have the proper credential to teach the class, including the certification required to teach English learners, if present.

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

Misassignment means the placement of a certificated employee in a teaching or services position for which the employee does not hold a legally recognized certificate or credential or the placement of a certificated employee in a teaching or services position that the employee is not otherwise authorized by statute to hold.

To file a complaint regarding the above matters, complaint forms can be obtained at one of the following locations:

the Principal's Office
www.pvpusd.k12.ca.us

Grades 10-12 Posting:

This notice is provided to inform you of the following:

1. Every school must provide sufficient textbooks and instructional materials. Every pupil, including English learners, must have textbooks or instructional materials, or both, to use in class and to take home or use after class.
2. School facilities must be clean, safe, and maintained in good repair.
3. There should be no teacher vacancies or misassignments. There should be a teacher assigned to each class and not a series of substitutes or other temporary teachers. The teacher should have the proper credential to teach the class, including the certification required to teach English learners, if present.

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

Misassignment means the placement of a certificated employee in a teaching or services position for which the employee does not hold a legally recognized certificate or credential or the placement of a certificated employee in a teaching or services position that the employee is not otherwise authorized by statute to hold.

4. Pupils, including English learners, who have not passed one or both parts of the high school exit examination by the end of the 12th grade, are to be provided the opportunities to receive intensive instruction and services for up to two consecutive academic years after the completion of grade 12. For questions, contact Anita Oudega, Curriculum & Instruction Department, 310-378-9966 x 235.
5. A complaint form may be obtained at the school office, District office, or downloaded from the District's Web site at www.pvpusd.k12.ca.us. You may also download a copy of the California Department of Education complaint form from the following Web site: <http://www.cde.ca.gov/re/ce/uc/>.

ELEMENTARY & INTERMEDIATE SCHOOLS ONLY

Career Counseling & Course Selection – EC 221.5(d)

Requires the parents or legal guardian of a pupil to be notified in a general manner at least once in the annual notification, in advance of career counseling and course selection commencing with course selection for grade 7, so that the parent or guardian may participate in the counseling sessions and decisions.

Commencing grade 7, school personnel shall assist pupils with course selection or career counseling, exploring the possibility of careers, or courses leading to careers based on the interest and ability of the pupil and not on the pupil's gender. Parents or legal guardians are notified so that they may participate in such counseling sessions and decisions.

Confidential Medical Services – EC 46010.1

A school district each academic year must notify pupils in grades 7 to 12, and the parents or guardians of all pupils enrolled in the district, that school authorities may excuse any pupil from the school for the purpose of obtaining confidential medical services without the consent of the pupil's parent or guardian. Notice may be included with any other notice given pursuant to Education Code.

Note: The California Attorney General in November 2004, opined that a school district may not adopt a policy under which the district will notify a parent when a pupil leaves school to obtain confidential medical services, nor may a district require a pupil obtain written parental consent prior to releasing pupil from school to receive confidential medical services.

School authorities may excuse any pupil in grades 7-12 from the school for the purpose of obtaining confidential medical services without the consent of the pupil's parent or guardian.

Entrance Health Screening – HSC 124085, 124100, 124105, and 120475

Requires the school district to notify the parents or guardians of pupils in kindergarten and first grade that a physical examination is required for all children entering first grade. Notification to also inform parents or guardians of the availability of free health screenings through the local health department.

State law requires that the parent or legal guardian of each pupil provide the school documentary proof that the pupil has received a health screening examination by a doctor within 90 days after entrance to first grade. Pupils may be excluded up to 5 days from school for failing to comply or not providing a waiver. Free health screening is available through the local health department.

Oral Health Assessment – EC 49452.8

Requires a pupil, while enrolled in kindergarten in a public school, or while enrolled in first grade in a public school if the pupil was not previously enrolled in kindergarten in a public school, to no later than May 31st of the school year present proof of having received an oral health assessment that was performed no earlier than 12 months prior to the date of the initial enrollment of the pupil.

Note: The California Department of Education has developed a standardized notification form to be used by each school district. Forms in English and Spanish are available at: <http://www.cde.ca.gov/ls/he/hn/oralhealth.asp>.

Record of a dental assessment done by a dental professional is required for all kindergarteners and first graders attending public school for the first time. Dental assessments must be completed in the 12 months prior to entry or by May 31st of the pupil's first school year.

School bus Safety – EC 39831.5

Requires school districts to provide written information on school bus safety (*i.e.*, a list of school bus stops near each pupil's home, general rules of conduct at school bus loading zones, red light crossing instructions, school bus danger zone, and walking to and from school bus stops) upon registration to parents or guardians of all pupils not previously transported in a school bus and who are in pre-kindergarten, kindergarten and grades 1 to 6.

All pupils in pre-kindergarten, kindergarten and grades 1 to 6, shall receive written information on school bus safety (*i.e.*, a list of school bus stops near each pupil's home, general rules of conduct at school bus loading zones, red light crossing instructions, school bus danger zone, and walking to and from school bus stops). Prior to departure on a school activity trip, all pupils riding on a school bus or school activity bus shall receive safety instruction that includes, but is not limited to, location of emergency exits, and location and use of emergency equipment. Instruction also may include responsibilities of passengers seated next to an emergency exit.

HIGH SCHOOLS ONLY

Access by Military Recruiters – 20 USC 7908

Requires each school district receiving assistance under the NCLB to provide military recruiters the same access to secondary school pupils as is provided generally to post secondary educational institutions or to prospective employers. A pupil or parent may request that the pupil's name, address, and telephone listing not be released without prior written parental consent, and the district shall notify parents of the option to make a request and shall comply with any request.

Federal law requires school district to provide military recruiters the same access to secondary school pupils as is provided to post secondary educational institutions or to prospective employers. Parents may request that the district not release their pupil's name, address and telephone number without prior written consent. Written notice must be submitted to the school if the parent or legal guardian wishes to deny access to this information.

Advanced Placement & International Baccalaureate Exam Fees – EC 52244

EC 48980(k): Requires the annual notification to advise the parent or guardian if the school district has obtained state funds to cover the costs of advanced placement examination fees under EC 52244.

Eligible high school students may receive financial assistance to cover the costs of the advanced placement examination fees or the International Baccalaureate examination fees, or both. Please contact your school for information.

California High School Exit Exam – EC 60850

EC 48980(e): Requires the annual notification to advise parents or guardians that each pupil completing grade 12 will be required to successfully pass the high school exit examination. The notification must include, at minimum, the date of the examination, the

requirements for passing the examination, the consequences of not passing the examination, and that passing the examination is a condition of graduation.

5 CCR 1208: Requires the school district to maintain documentation that the parent or guardian of each pupil has been sent written notification as required by EC 48980 and 60850.

Provides that the high school exit examination may not be required as a condition of graduation for a pupil who did not receive adequate notice of the examination. Adequate notice means that the pupil received written notice at the commencement of grade 9, and each year thereafter through the annual notification process, or if a transfer pupil, at the time the pupil transfers. A pupil who has taken the examination in grade 10 is deemed to have adequate notice.

Note: A sample notification flyer for the examination is provided by the California Department of Education at: http://www.cde.ca.gov/ta/tg/hs/documents/cahseeqa08_003.doc.

Each pupil completing grade 12 shall successfully pass the California High School Exit Exam (CAHSEE) as a condition of graduation. Each pupil shall take the examination beginning in grade 10 and may take the examination each subsequent administration until he/she passes the examination. A pupil with an Individualized Educational Plan (IEP) or Section 504 Plan may take the CAHSEE with accommodations that do not fundamentally alter the nature of the test. For more information, visit: http://www.cde.ca.gov/ta/tg/hs/documents/cahseeqa08_003.doc.

EC 37254: Requires school districts that receive intensive instruction funds under Education Code 37254 to ensure that all pupils who have not passed one or both parts of the CAHSEE by the end of grade 12 are notified in writing at the last known address before the end of each school term of the availability of intensive instruction services in sufficient time to register for or avail themselves of those services each term for two consecutive academic years. Students must also be notified in writing of their right to file a complaint pursuant to the district's Uniform Complaint Process. This notice must be posted in each school and district office and on the internet website of the school district. Further, the notice must comply with the translation requirements of EC 48985.

California High School Proficiency Exam – 5 CCR 11523

Requires the principal of a school maintaining grades 11 and 12 to distribute an announcement explaining the California High School Proficiency Examination provided under EC 48412. Notification to be made in time sufficient to enable interested pupils to meet examination registration requirements for Fall test.

The California High School Proficiency Exam (CHSPE) is a voluntary test that assesses proficiency in basic reading, writing, and mathematics skills taught in public schools. Eligible pupils who pass the CHSPE are awarded a Certificate of Proficiency by the State Board of Education. A pupil who receives a Certificate of Proficiency may, with verified approval from the parent or legal guardian, leave high school early. The Certificate of Proficiency, however, is not equivalent to completing all course work required for regular graduation from high school. For more information, including administration dates and registration deadlines, visit the following website: <http://www.chspe.net/>.

Career Counseling & Course Selection – EC 221.5(d)

Requires the parents or legal guardian of a pupil to be notified in a general manner at least once in the annual notification, in advance of career counseling and course selection commencing with course selection for grade 7, so that the parent or guardian may participate in the counseling sessions and decisions.

Commencing grade 7, school personnel shall assist pupils with course selection or career counseling, affirmatively exploring the possibility of careers, or courses leading to careers based on the interest and ability of the pupil and not on the pupil's gender. Parents or legal guardians are notified so that they may participate in such counseling sessions and decisions.

College & Career Technical Education – EC 51229

Requires annual notification to include a one-page written notice to parents or guardians of students in grades 9 through 12 that includes all of the following:

1. A brief explanation of the college admission requirements.
2. A list of the current UC and CSU web sites that help students and their families learn about college admission requirements and that list high school courses that have been certified by UC as satisfying the requirements for admission to UC and CSU.

3. A brief description of what career technical education is, as defined by the CDE.
4. The internet address for the portion of the web site of the CDE where students can learn more about career technical education.
5. Information about how students may meet with school counselors to help them choose courses that will meet college admission requirements and/or enroll in career technical education courses.

Confidential Medical Services – EC 46010.1

A school district each academic year must notify pupils in grades 7 to 12, and the parents or guardians of all pupils enrolled in the district, that school authorities may excuse any pupil from the school for the purpose of obtaining confidential medical services without the consent of the pupil's parent or guardian. Notice may be included with any other notice given pursuant to Education Code.

Note: The California Attorney General in November 2004, opined that a school district may not adopt a policy under which the district will notify a parent when a pupil leaves school to obtain confidential medical services, nor may a district require a pupil obtain written parental consent prior to releasing pupil from school to receive confidential medical services.

School authorities may excuse any pupil in grades 7-12 from the school for the purpose of obtaining confidential medical services without the consent of the pupil's parent or guardian.

Health Insurance Coverage for Athletes – EC 32221.5

Requires school districts that operate interscholastic athletic teams to include a statement regarding no- or low-cost health insurance programs in offers of insurance coverage that are sent to athletic team members. The statement should be printed in boldface type of prominent size and shall read:

Under state law, school districts are required to ensure that all members of school athletic teams have accidental injury insurance that covers medical and hospital expenses. This insurance requirement can be met by the school district offering insurance or other health benefits that cover medical and hospital expenses.

Some pupils may qualify to enroll in no-cost or low-cost local, state, or federally sponsored health insurance programs. Information about these programs may be obtained by calling [Insert the toll free telephone number of the Healthy Families Program, Medi-Cal, or any other comparable toll-free telephone number for a no- or low-cost local, state, or federally sponsored health insurance program].

Off-Campus Lunch – EC 44808.5

School districts may permit students enrolled at any high school to leave the school grounds during the lunch period. The school district and its officers or employees are not liable for the conduct or safety of any student who leaves school grounds during lunch period.

In the event that a school district provides for an open campus lunch, it shall send the following notice along with the notification of parents and guardians required by Section 48980:

The Governing Board of the District, pursuant to Education Code 44808.5, has decided to permit seniors enrolled at District high schools to leave the school grounds during the lunch period, if permission is on file in the school office.

Neither the school district nor any officer or employee thereof shall be liable for the conduct or safety of any pupil during such time as the pupil has left the school grounds pursuant to this section.

Bilingual Education – EC 52173, 5 CCR 11303

Requires the school district to provide parents an opportunity for consultation prior to placement of child in program of bilingual education. Requires notification, by mail or in person, to parent to include simple, nontechnical description of purposes, method, and content of program, encourage parent to visit such classes and to come to school for a conference to explain the nature and objectives of such an education, and that parent has the right not to have their child enrolled in such a program. Written notice to be in English and the primary language of the pupil, if specific population exceeds 15% of school population.

Disclosure of Student Information for Marketing Purposes – 20 USC 1232h

Requires notification to parents of pupils, at least annually at the beginning of the school year, of the specific or approximate dates during the school year when an activity involving the collection, disclosure, or use of personal information collected from pupils for the purpose of marketing or selling that information is scheduled or expected to be scheduled. Notification to offer parents an opportunity to opt pupils out of participation in the activity.

Requires the school district to develop policy, in consultation with parents, regarding the collection, disclosure, or use of personal information collected from pupils for the purpose of marketing or selling that information. Requires notification to parents of pupils enrolled in schools served by the district of the adoption or continued use of such policies. Notification to be provided annually, at the beginning of the school year, or within a reasonable period of time after any substantive changes in the policy.

English Immersion Program – EC 310, 5 CCR 11309

In order to facilitate parental choice of program, all parents and guardians must be informed of the placement of their children in a structured English immersion program and must be notified of an opportunity to apply for a parental exception waiver. Notice to include a description of the locally-adopted procedures for requesting a parental exception waiver, and any locally-adopted guidelines for evaluating a parental waiver request.

GATE Program – 5 CCR 3831

Requires the school district to develop a written plan for the GATE program which shall be available for public inspection. Plan to include the rationale for the district's method of identification of gifted and talented pupils; procedures for ensuring parent participation in recommending policy for planning, evaluating, and implementing GATE program, and procedure to inform parents of a pupil's participation or nonparticipation in the program.

Migrant Education – EC 5444.2

Requires a school district receiving migrant education funds or services to actively solicit parental involvement in planning, operation, and evaluation of its programs through establishment of parent advisory council. Requires notice to parents, in language they understand, that parents have sole authority to decide composition of council.

Persistently Dangerous Schools – 20 USC 7912

Requires that school district have a written policy stating that students who attend a persistently dangerous school must be allowed to attend a safe public school. The written policy must be communicated to all parties.

Program Improvement – 20 USC 6316

Requires schools *identified for program improvement* under the No Child Left Behind Act to promptly notify parents or guardians of students enrolled at the school of the following:

1. An explanation of what the identification means, and how the school compares in terms of academic achievement to other elementary or secondary schools in the district and state.
2. The reasons for the identification.
3. An explanation of what the school is doing to address the problem of low achievement.
4. An explanation of what the district or state is doing to help the school address the achievement problem.
5. An explanation of how parents or guardians can become involved in addressing the academic issues that caused the school to be identified for program improvement.
6. An explanation of the option to transfer to another district school or charter school or to obtain supplemental educational services.

Schools required to provide supplemental educational services must annually notify parents/guardians of:

1. The availability of supplemental educational services.
2. The identity of approved providers that are within the district or are reasonably available in neighboring local educational agencies.
3. The identity of approved providers that are accessible through technology, such as distance learning.
4. The services, qualifications and demonstrated effectiveness of each provider.
5. The procedures and timelines that parents/guardians must follow to select a provider.

Note: Guidance from the California Department of Education dated December 21, 2007, governing timely notification and implementation of supplemental educational services can be found at: <http://www.cde.ca.gov/ta/ac/ti/timenotese.asp>.

Title I – 20 USC 6311, 34 CFR 200.61

Requires the school district, at the beginning of the school year, to notify parents or guardians of *each student attending a school receiving Title I funds* that they may request information regarding the professional qualifications of their child's classroom teacher(s). Notification to be in an understandable and uniform format, and to the extent practicable, provided in a language that the parents can understand.

Further requires timely notification whenever a child has been assigned, or has been taught for four or more consecutive weeks, by a teacher of a core academic subject who does not meet the No Child Left Behind Act teacher qualification requirements.

Note: Schools may consider including a letter from the principal in the annual notification informing parents or guardians that because their child attends a school receiving Title I funds, the No Child Left Behind Act provides that parents have the right to know the professional qualifications of their child's teacher(s) in core academic subject areas, including the type of credential or license the teacher holds and the educational level and subject area(s) of the teacher's college degree(s).

Tobacco-free Campus – HSC 104420, 104495

Requires all school districts and county offices of education that receive Tobacco Use Prevention (TUPE) funding to adopt and enforce a tobacco-free campus policy. Information about the policy and enforcement procedures must be communicated clearly to school personnel, parents, pupils and the larger community. Signs stating "Tobacco use is prohibited" must be prominently displayed at all entrances to school property. Information about smoking cessation support programs must be made available and encouraged for pupils and staff.

HSC 104495 further prohibits smoking or use of any tobacco-related products and disposal of any tobacco-related waste within 25 feet of a school playground. The prohibition does not apply to a public sidewalk located within 25 feet of a playground.

Acceptable Use of Technology

Although EC 48980 was amended in 2005, to remove the requirement that school districts annually notify parents or guardians of district policy regarding access by pupils to Internet and on-line sites, it is recommended that such notification still occur.

One of the adopted goals of the District is to assist in advancing the use of technology to enhance student learning. Access to District technology is a privilege, not a right, and students enrolled in District programs or activities must follow District guidelines and procedures regarding acceptable use of technology. All School District students and their parents/guardians shall sign the Acceptable Use of Technology Agreement prior to using District technological resources. The District shall make a diligent effort to filter the inappropriate or harmful matter accessible through the Internet, and students shall also take responsibility not to initiate access to inappropriate or harmful matter while using District technology. Violation of this policy may result in disciplinary action and the loss of the privilege to use the technology and/or civil or criminal liability.

Avoiding Absences, Written Excuses

School districts may consider informing parents of the importance of regular attendance as follows.

The District urges parents to make sure their children attend school regularly and to schedule medical and other appointments so that a student misses none or only a small portion of the school day. The district also asks that travel or other absences be avoided during the time school is in session. The higher the district's daily attendance rate, the more a student will learn and the greater the amount of funding that the district will receive from the state for classroom instruction and academic programs. The school calendar is designed to minimize problems for families which plan vacations around traditional holiday periods, and thereby minimize student absences.

Following an absence, a student is required to bring a written excuse from home when returning to school. Illnesses, and doctor and dental appointments are considered excused absences. Absences without a written

Tardiness

Children should be encouraged to be prompt as part of their training. They are expected to be at school on time. If a child is late, the child should bring an excuse from home to the school office. Frequent tardiness without a valid excuse may be considered truancy under state law.

Truancy/School Attendance Review Board

A student is considered truant after three absences or three tardies of more than 30 minutes each time and the absences or tardies are unexcused. A truant student may be referred to the School Attendance Review Board (SARB). Unexcused absences are all absences that do not fall within EC 48205. The text of EC 48205 is provided below:

48205 (a) Notwithstanding Section 48200, a pupil shall be excused from school when the absence is:

- (1) Due to his or her illness.
- (2) Due to quarantine under the direction of a county or city health officer.
- (3) For the purpose of having medical, dental, optometrical, or chiropractic services rendered.

- (4) For the purpose of attending the funeral services of a member of his or her immediate family, so long as the absence is not more than one day if the service is conducted in California and not more than three days if the service is conducted outside California.
 - (5) For the purpose of jury duty in the manner provided for by law.
 - (6) Due to the illness or medical appointment during school hours of a child of whom the pupil is the custodial parent.
 - (7) For justifiable personal reasons, including, but not limited to, an appearance in court, attendance at a funeral service, observance of a holiday or ceremony of his or her religion, attendance at religious retreats, attendance at an employment conference, or attendance at an educational conference on the legislative or judicial process offered by a nonprofit organization when the pupil's absence is requested in writing by the parent or guardian and approved by the principal or a designated representative pursuant to uniform standards established by the governing board.
 - (8) For the purpose of serving as a member of a precinct board for an election pursuant to Section 12302 of the Elections Code.
- (b) A pupil absent from school under this section shall be allowed to complete all assignments and tests missed during the absence that can be reasonably provided and, upon satisfactory completion within a reasonable period of time, shall be given full credit therefore. The teacher of the class from which a pupil is absent shall determine which tests and assignments shall be reasonably equivalent to, but not necessarily identical to, the tests and assignments that the pupil missed during the absence.
 - (c) For purposes of this section, attendance at religious retreats shall not exceed four hours per semester.
 - (d) Absences pursuant to this section are deemed to be absences in computing average daily attendance and shall not generate state apportionment payments.
 - (e) "Immediate family," as used in this section, has the same meaning as that set forth in Section 45194, except that references therein to "employee" shall be deemed to be references to "pupil".

Child Abuse and Neglect Reporting – PC 11164 *et seq.*

The school may consider informing parents of staff's role as mandated reporters as follows:

Staff of the School District is required by law to report cases of child abuse and neglect whenever staff have a reasonable suspicion. Staff may not investigate to confirm the suspicion. Both the staff name and the report itself are confidential and cannot be disclosed except to authorized agencies.

Custody Issues

Parents may try to use the school as a forum for disputing custody matters. If needed, the school district may consider including the following notification developed by the Culver City Unified School District:

Custody disputes must be handled by the courts. The school has no legal jurisdiction to refuse a biological parent access to his/her child and/or school records. The only exception is when signed restraining orders or proper divorce papers, specifically stating visitation limitations, are on file in the school office. Any student release situation which leaves the student's welfare in question will be handled at the discretion of the site administrator or designee. Should any such situation become a disruption to the school, law enforcement will be contacted and an officer requested to intervene. Parents are asked to make every attempt not to involve school sites in custody matters. The school will make every attempt to reach the custodial parent when a parent or any other person not listed on the emergency card attempts to pick up a child.

Dangerous Objects

If the school district has concerns about students bringing legal but dangerous objects on campus, such as laser pointers or pellet guns, it may consider notifying parents or guardians of the following provisions.

Laser Pointer – PC 417.27

It is a crime for any student to possess a laser pointer on any elementary or secondary school premise, unless the possession is for a valid instructional or other school-related purpose.

Imitation Firearm – PC 12550, 12556

A BB device can be considered an imitation firearm. The Penal Code makes it a criminal offense to openly display or expose any imitation firearm in a public place, *including a public school*.

Disaster Preparedness Educational Materials – EC 32282.5

Requires the California Department of Education to electronically distribute disaster preparedness educational materials to school districts and county offices of education in, at least, the three most dominant primary languages spoken by English learners in California.

Note: Documents are posted on the CDE website at: <http://www.cde.ca.gov/ls/ss/cp/pupilsafetyeducmat.asp>.

Disruption in a Public School or Public School Meeting – EC 32210

Any person who willfully disturbs any public school or any public school meeting is guilty of a misdemeanor, and shall be punished by a fine of not more than five hundred dollars (\$500).

Dress Code/Uniforms – EC 35183

Authorizes a school to adopt a dress code policy that requires pupils to wear a school-wide uniform or prohibits pupils from wearing gang-related apparel.

Requires a school to provide six months' prior notice to parents or guardians before implementing a policy that requires pupils to wear a school-wide uniform. Policy to address the availability of resources to assist economically disadvantaged pupils and to provide that no pupil will be penalized academically or otherwise discriminated against nor denied attendance to school if the pupil's parents chose not to have the pupil comply with the uniform policy.

Electronic Signaling Device – EC 48901.5

By policy or practice the school district, or its individual schools, may regulate the right of pupils to possess or use electronic signaling devices, including cell phones and pagers, during the school day or at school functions.

Note: No student may be prohibited from possessing or using an electronic signaling device that is determined by a licensed physician to be essential for the health of the pupil and the use of which is limited to the pupil's health.

Foster Youth Educational Placement – EC 48850 *et seq.*

Requires school district educational liaisons to ensure pupils in foster care receive stable school placements which are in the best interests of the child, placement in least restrictive educational programs, access to academic resources, services, and extracurricular and enrichment activities available to all pupils, full and partial credits for coursework taken, and meaningful opportunity to meet state pupil academic achievement standards.

Homeless Youth Education – 42 US 11432

Requires school district homeless liaisons to ensure parents of homeless pupils are informed of educational and related opportunities available to their children and are provided with meaningful opportunities to participate in education of their children.

Notification may address:

1. Liaison contact information.
2. Circumstances for eligibility (*e.g.*, living in a shelter, a motel, hotel, a house or apartment with more than one family because of economic hardship or loss, in an abandoned building, in a car, at a campground, or on the street, in temporary foster care or with an adult who is not your parent or guardian, in substandard housing, or with friends or family because you are a runaway or unaccompanied youth).
3. Right to immediate enrollment in school of origin or school where currently residing without proof of residency, immunization records or tuberculosis skin-test results, school records, or legal guardianship papers.
4. Right to education and other services (*e.g.*, to participate fully in all school activities and programs for which child is eligible, to qualify automatically for nutrition programs, to receive transportation services, and to contact liaison to resolve disputes that arise during enrollment).

Notice of educational rights of homeless children to be disseminated at places where children receive services, such as schools, shelters, and soup kitchens.

Internet Safety

School districts may consider informing parents or guardians about the danger use of the internet may pose to minors. In particular, websites being used by child predators and cyber bullies.

Medical Records Sharing – HSC 120440

Requires a school district planning to provide information from pupils' medical records to an immunization system to inform students or parents or guardians of the following.

1. Medical information may be shared with local health departments and the State Department of Health Services
2. The name and address of the State Department of Health Services or of the immunization registry with which the school will share the information
3. Information shared with local health departments and the State Department of Health Services will be treated as confidential and will only be used to share with each other, and, upon request, with health care providers, schools, child care facilities, family child care homes, WIC service providers, county welfare departments, foster care agencies, and health care plans
4. The providers, agencies, and institutions will, in turn, treat the shared information as confidential, and shall use it only as specified
5. The student or parent or guardian has the right to examine any immunization-related information shared in this manner and to correct any errors in it
6. The student or the parent or guardian may refuse to allow this information to be shared in the manner described, or to receive immunization reminder notifications at any time, or both.
7. After refusal, a physician may maintain access to this information for the purposes of patient care or protecting the public health. After refusal, the local health department and the State Department of Health Services may maintain access to this information for the purpose of protecting the public health

Note: Students or parents or guardians may refuse to permit record sharing. Notification may be provided by ordinary mail and must include reasonable means for refusal, such as return form or contact telephone number.

Megan's Law – PC 290 *et seq.*

Assembly Concurrent Resolution 72 (Resolution Ch. 122, 1998) strongly encourages school districts to inform parents or guardians about the availability of Megan's Law information in the annual notification.

Information about registered sex offenders in California can be found on the California Department of Justice's website, <http://meganslaw.ca.gov/>. The website also provides information on how to protect yourself and your family, facts about sex offenders, frequently asked questions, and sex offender registration requirements in California.

Property Damage – EC 48904

If the school district has concerns about students damaging or not returning school district property, it may consider notifying parents or guardians of the following provision.

Parents or guardians may be held financially liable if their child willfully damages school property or fails to return school property loaned to the child. The school may further withhold the grades, diploma, and transcript of the pupil until restitution is paid.

Requirement of Parent/Guardian School Attendance – EC 48900.1

A school district may adopt a policy authorizing teachers to require the parent or guardian of a pupil who has been suspended from class by the teacher for an obscene act, profanity or vulgarity, disruption of school activities, or willful defiance of the teacher's authority, to attend a portion of the schoolday in the classroom of his or her child.

Teachers may require the parent or guardian of a student who has been suspended by a teacher to attend a portion of that school day in his or her student's classroom. The attendance of the parent or guardian will be limited to the class from which the student was suspended. A written notice will be sent to the parent or guardian regarding implementation of this requirement. Employers are not allowed to apply sanctions against the parent or guardian for this requirement if the parent or guardian has given reasonable notice to his/her employer.

School Accountability Report Card – EC 35256 and 35258

Requires school districts to develop for each school a school accountability report card. Content of the report card defined by EC 33126, 32286 and 52056. Requires districts to publicize the report cards, and notify parents or guardians that a hard copy will be provided upon request. Commencing with the 2008-09 school year, hard copies to be made available by February 1.

Note: The report card is a required notification but not as part of the annual notification. A standard template for the report card is provided by the California Department of Education at: <http://www.cde.ca.gov/ta/ac/sa/>.

School Safety Plan – EC 32280 *et seq.*

The school district may consider the following notification to address school safety plans.

Each District school site has a School Safety Plan, which includes a comprehensive disaster preparedness plan. Copies are available to read at each school office. Fire drills are held monthly and emergency drills are held at least once throughout the district; District emergency drill is executed in the fall and site emergency drills are held in the spring.

School Visiting Procedures – EC 51101(a)(12)

Parents and guardians of students enrolled in public schools have the right and should have the opportunity, as mutually supportive and respectful partners in the education of their children, to be informed in advance about school rules, including procedures for visiting the school.

PC 627.6: Requires schools to post at every entrance a notice setting forth the visitor registration requirements, hours during which registration is required, the registration location, the route to take to that location, and the penalties for violation of registration requirements.

Search of School Lockers

Although there are no reported cases in California addressing the search of student lockers without reasonable individualized suspicion, cases from other states indicate that it is possible by having a policy in place and providing notification to students as follows.

School lockers remain the property of the School District even when assigned to students. The lockers are subject to search whenever the District finds a need to do so. The use of the school locker for other than school-related purposes is prohibited. Improper use of school lockers will result in disciplinary consequences, which may include restricted use of school lockers.

Section 504 – 29 USC 794, 34 CFR 104.32

Section 504 of the federal Rehabilitation Act of 1973, and the Americans with Disabilities Act (42 USC 12101 *et seq.*) prohibit discrimination on the basis of disability. Section 504 requires school districts to identify and evaluate children with disabilities in order to provide them a free, appropriate public education. Individuals with a physical or mental impairment that substantially limits one or more major life activities, *including seeing, hearing, walking, breathing, working, performing manual tasks, learning, eating, sleeping, standing, lifting, bending, reading, concentrating, thinking, speaking*, are eligible to receive services and aids designed to meet their needs as adequately as the needs of nondisabled students are met.

Parents or guardians should be informed of the following: the name and contact information of the person designated by the district responsible for implementing Section 504, the screening and evaluation procedures used whenever there is reason to believe that a student has a disability that limits his or her ability to attend or function at school, the right to a written accommodation plan if the student is found to have a disability that requires services under Section 504, the right to be educated with nondisabled students to the maximum extent appropriate to the student's individual needs, and notice of the procedural safeguards guaranteed by law.

Note: The definition of "major life activity" has been expanded due to amendments to the ADA in 2009.

Student Conduct – EC 51100

Provides that parents and guardians of students enrolled in public schools have the right and should have the opportunity, as mutually supportive and respectful partners in the education of their children, to be informed in advance about school rules, including disciplinary rules and procedures in accordance with Section 48980, attendance policies, dress codes, and procedures for visiting the school.

Duties of Pupils – 5 CCR 300

Pupils shall conform to school regulations, obey all directions, be diligent in study and respectful to teachers and others in authority, and refrain from the use of profane and vulgar language.

Jurisdiction – EC 44807

Teaching staff shall hold pupils to strict account for their conduct on the way to and from school, on the playgrounds, or during recess.

Mandatory Expulsion Violations – EC 48915

Schools shall immediately suspend and recommend expulsion for students that commit any of the following acts at school or at a school activity off school grounds:

1. Possessing, selling, or otherwise furnishing a firearm.
2. Brandishing a knife at another person.

3. Unlawfully selling a controlled substance.
4. Committing or attempting to commit a sexual assault.
5. Possession of an explosive.

The school Board shall order the student expelled upon finding that the student committed the act.

Sunscreen and Sun-protective Clothing – EC 35183.5

Provides that pupils may use sunscreen during the school day without a physician's note or prescription. Requires the school to adopt a policy regarding the type of sun-protective clothing, including but not limited to hats, that pupils may wear for outdoor use during the school day

United States Savings Bonds – EC 48980(d)

The annual notification may advise the parent or guardian of the importance of investing for future college or university education for their children and of considering appropriate investment options including, but not limited to, United States savings bonds.

Walking or Riding a Bike to School – VC 21212

Parents of children who walk or ride their bicycles to school are asked to go over a safe route to school with their children. Walkers may not take shortcuts through private property. All children are expected to display good behavior on the way to and from school.

No person under 18 years of age may operate a bicycle, non-motorized scooter, skateboard or wear in-line or roller skates, nor ride as a passenger upon a bicycle, non-motorized scooter, or skateboard upon a street, bikeway, or any other public bicycle path or trail unless that person is wearing a properly fitted and fastened bicycle helmet that meets specified standards.

EC 48900—Grounds for Suspension and Expulsion

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

(a) to (r), inclusive:

- (a) (1) Caused, attempted to cause, or threatened to cause physical injury to another person; (2) Willfully used force or violence upon the person of another, except in self-defense.
- (b) Possessed, sold, or otherwise furnished a firearm, knife, explosive, or other dangerous object, unless, in the case of possession of an object of this type, the pupil had obtained written permission to possess the item from a certificated school employee, which is concurred in by the principal or the designee of the principal.
- (c) Unlawfully possessed, used, sold, or otherwise furnished, or been under the influence of, a controlled substance listed in Chapter 2 (commencing with Section 11053) of Division 10 of the Health and Safety Code, an alcoholic beverage, or an intoxicant of any kind.
- (d) Unlawfully offered, arranged, or negotiated to sell a controlled substance listed in Chapter 2 (commencing with Section 11053) of Division 10 of the Health and Safety Code, an alcoholic beverage, or an intoxicant of any kind, and either sold, delivered, or otherwise furnished to a person another liquid, substance, or material and represented the liquid, substance, or material as a controlled substance, alcoholic beverage, or intoxicant.
- (e) Committed or attempted to commit robbery or extortion.
- (f) Caused or attempted to cause damage to school property or private property.
- (g) Stolen or attempted to steal school property or private property.
- (h) Possessed or used tobacco, or products containing tobacco or nicotine products, including, but not limited to, cigarettes, cigars, miniature cigars, clove cigarettes, smokeless tobacco, snuff, chew packets, and betel. However, this section does not prohibit use or possession by a pupil of his or her own prescription products.
- (i) Committed an obscene act or engaged in habitual profanity or vulgarity.
- (j) Unlawfully possessed or unlawfully offered, arranged, or negotiated to sell drug paraphernalia, as defined in Section 11014.5 of the Health and Safety Code.
- (k) Disrupted school activities or otherwise willfully defied the valid authority of supervisors, teachers, administrators, school officials, or other school personnel engaged in the performance of their duties.
- (l) Knowingly received stolen school property or private property.
- (m) Possessed an imitation firearm. As used in this section, "imitation firearm" means a replica of a firearm that is so substantially similar in physical properties to an existing firearm as to lead a reasonable person to conclude that the replica is a firearm.
- (n) Committed or attempted to commit a sexual assault as defined in Section 261, 266c, 286, 288, 288a, or 289 of the Penal Code or committed a sexual battery as defined in Section 243.4 of the Penal Code.

- (o) Harassed, threatened, or intimidated a pupil who is a complaining witness or a witness in a school disciplinary proceeding for the purpose of either preventing that pupil from being a witness or retaliating against that pupil for being a witness, or both.
- (p) Unlawfully offered, arranged to sell, negotiated to sell, or sold the prescription drug Soma.
- (q) Engaged in, or attempted to engage in, hazing. For purposes of this subdivision, "hazing" means a method of initiation or preinitiation into a pupil organization or body, whether or not the organization or body is officially recognized by an educational institution, which is likely to cause serious bodily injury or personal degradation or disgrace resulting in physical or mental harm to a former, current, or prospective pupil. For purposes of this subdivision, "hazing" does not include athletic events or school-sanctioned events.

Note: Subdivisions (r) through (w) have been amended.

- (r) Engaged in an act of bullying, including, but not limited to, bullying committed by means of an electronic act, as defined in subdivisions (f) and (g) of Section 32261, directed specifically toward a pupil or school personnel.
- (s) A pupil shall not be suspended or expelled for any of the acts enumerated in this section, unless that act is related to school activity or school attendance occurring within a school under the jurisdiction of the superintendent ***of the school district*** or principal or occurring within any other school district. A pupil may be suspended or expelled for acts that are enumerated in this section and related to school activity or attendance that occur at any time, including, but not limited to, any of the following:
 - (1) While on school grounds.
 - (2) While going to or coming from school.
 - (3) During the lunch period whether on or off the campus.
 - (4) During, or while going to or coming from, a school sponsored activity.
- (t) A pupil who aids or abets, as defined in Section 31 of the Penal Code, the infliction or attempted infliction of physical injury to another person may be subject to suspension, but not expulsion, pursuant to this section, except that a pupil who has been adjudged by a juvenile court to have committed, as an aider and abettor, a crime of physical violence in which the victim suffered great bodily injury or serious bodily injury shall be subject to discipline pursuant to subdivision (a).
- (u) As used in this section, "school property" includes, but is not limited to, electronic files and databases.
- (v) A superintendent ***of the school district*** or principal may use his or her discretion to provide alternatives to suspension or expulsion, including, but not limited to, counseling and an anger management program, for a pupil subject to discipline under this section.
- (w) It is the intent of the Legislature that alternatives to suspension or expulsion be imposed against a pupil who is truant, tardy, or otherwise absent from school activities.

EC 48900.2—Sexual Harassment

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

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

EC 48900.3—Hate Violence

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

EC 48900.4—Harassment, Threats or Intimidation

In addition to the grounds specified in Sections 48900 and 48900.2, a pupil enrolled in any of grades 4 to 12, inclusive, may be suspended from school or recommended for expulsion if the superintendent or the principal of the school in which the pupil is enrolled determines that the pupil has intentionally engaged in harassment, threats, or intimidation, directed against school district personnel or pupils, that is sufficiently severe or pervasive to have the actual and reasonably expected effect of materially disrupting classwork, creating substantial disorder, and invading the rights of either school personnel or pupils by creating an intimidating or hostile educational environment.

EC 48900.5—Limitations on Imposing Suspension

Suspension shall be imposed only when other means of correction fail to bring about proper conduct. However, a pupil, including an individual with exceptional needs, as defined in Section 56026, may be suspended for any of the reasons enumerated in Section 48900 upon a first offense, if the principal or superintendent of schools determines that the pupil violated subdivision (a), (b), (c), (d), or (e) of Section 48900 or that the pupil's presence causes a danger to persons or property or threatens to disrupt the instructional process.

EC 48900.7—Terroristic Threats

1. In addition to the reasons specified in Sections 48900, 48900.2, 48900.3, and 48900.4, a pupil may be suspended from school or recommended for expulsion if the superintendent or the principal of the school in which the pupil is enrolled determines that the pupil has made terroristic threats against school officials or school property, or both.
2. For the purposes of this section, "terroristic threat" shall include any statement, whether written or oral, by a person who willfully threatens to commit a crime which will result in death, great bodily injury to another person, or property damage in excess of one thousand dollars (\$1,000), with the specific intent that the statement is to be taken as a threat, even if there is no intent of actually carrying it out, which, on its face and under the circumstances in which it is made, is so unequivocal, unconditional, immediate, and specific as to convey to the person threatened, a gravity of purpose and an immediate prospect of execution of the threat, and thereby causes that person reasonably to be in sustained fear for his or her own safety or for his or her immediate family's safety, or for the protection of school district property, or the personal property of the person threatened or his or her immediate family.

EC 48915—Circumstances for Recommending Expulsion

- (a) Except as provided in subdivisions (c) and (e), the principal or the superintendent of schools shall recommend the expulsion of a pupil for any of the following acts committed at school or at a school activity off school grounds, unless the principal or superintendent finds that expulsion is inappropriate, due to the particular circumstance:
 - (1) Causing serious physical injury to another person, except in self-defense.
 - (2) Possession of any knife or other dangerous object of no reasonable use to the pupil.
 - (3) Unlawful possession of any controlled substance listed in Chapter 2 (commencing with Section 11053) of Division 10 of the Health and Safety Code, except for the first offense for the possession of not more than one avoirdupois ounce of marijuana, other than concentrated cannabis.
 - (4) Robbery or extortion.
 - (5) Assault or battery, as defined in Sections 240 and 242 of the Penal Code, upon any school employee.
- (b) Upon recommendation by the principal, superintendent of schools, or by a hearing officer or administrative panel appointed pursuant to subdivision (d) of Section 48918, the governing board may order a pupil expelled upon finding that the pupil committed an act listed in subdivision (a) or in subdivision (a), (b), (c), (d), or (e) of Section 48900. A decision to expel shall be based on a finding of one or both of the following:
 - (1) Other means of correction are not feasible or have repeatedly failed to bring about proper conduct.
 - (2) Due to the nature of the act, the presence of the pupil causes a continuing danger to the physical safety of the pupil or others.
- (c) The principal or superintendent of schools shall immediately suspend, pursuant to Section 48911, and shall recommend expulsion of a pupil that he or she determines has committed any of the following acts at school or at a school activity off school grounds:
 - (1) Possessing, selling, or otherwise furnishing a firearm. This subdivision does not apply to an act of possessing a firearm if the pupil had obtained prior written permission to possess the firearm from a certificated school employee, which is concurred in by the principal or the designee of the principal. This subdivision applies to an act of possessing a firearm only if the possession is verified by an employee of a school district.
 - (2) Brandishing a knife at another person.
 - (3) Unlawfully selling a controlled substance listed in Chapter 2 (commencing with Section 11053) of Division 10 of the Health and Safety Code.
 - (4) Committing or attempting to commit a sexual assault as defined in subdivision (n) of Section 48900 or committing a sexual battery as defined in subdivision (n) of Section 48900.
 - (5) Possession of an explosive.
- (d) The governing board shall order a pupil expelled upon finding that the pupil committed an act listed in subdivision (c), and shall refer that pupil to a program of study that meets all of the following conditions:
 - (1) Is appropriately prepared to accommodate pupils who exhibit discipline problems.
 - (2) Is not provided at a comprehensive middle, junior, or senior high school, or at any elementary school.

- (3) Is not housed at the schoolsite attended by the pupil at the time of suspension.
- (e) Upon recommendation by the principal, superintendent of schools, or by a hearing officer or administrative panel appointed pursuant to subdivision (d) of Section 48918, the governing board may order a pupil expelled upon finding that the pupil, at school or at a school activity off of school grounds violated subdivision (f), (g), (h), (i), (j), (k), (l), or (m) of Section 48900, or Section 48900.2, 48900.3, or 48900.4, and either of the following:
 - (1) That other means of correction are not feasible or have repeatedly failed to bring about proper conduct.
 - (2) That due to the nature of the violation, the presence of the pupil causes a continuing danger to the physical safety of the pupil or others.
- (f) The governing board shall refer a pupil who has been expelled pursuant to subdivision (b) or (e) to a program of study which meets all of the conditions specified in subdivision (d). Notwithstanding this subdivision, with respect to a pupil expelled pursuant to subdivision (e), if the county superintendent of schools certifies that an alternative program of study is not available at a site away from a comprehensive middle, junior, or senior high school, or an elementary school, and that the only option for placement is at another comprehensive middle, junior, or senior high school, or another elementary school, the pupil may be referred to a program of study that is provided at a comprehensive middle, junior, or senior high school, or at an elementary school.
- (g) As used in this section, "knife" means any dirk, dagger, or other weapon with a fixed, sharpened blade fitted primarily for stabbing, a weapon with a blade fitted primarily for stabbing, a weapon with a blade longer than 3½ inches, a folding knife with a blade that locks into place, or a razor with an unguarded blade.
- (h) As used in this section, the term "explosive" means "destructive device" as described in Section 921 of Title 18 of the United States Code.

California Comprehensive Sexual Health and HIV/AIDS Prevention Education Act
EC 51930

- (a) This chapter shall be known and may be cited as the California Comprehensive Sexual Health and HIV/AIDS Prevention Education Act.
- (b) The purposes of this chapter are as follows:
 - (1) To provide a pupil with the knowledge and skills necessary to protect his or her sexual and reproductive health from unintended pregnancy and sexually transmitted diseases.
 - (2) To encourage a pupil to develop healthy attitudes concerning adolescent growth and development, body image, gender roles, sexual orientation, dating, marriage, and family.

EC 51931

For the purposes of this chapter, the following definitions apply:

- (a) "Age appropriate" refers to topics, messages, and teaching methods suitable to particular ages or age groups of children and adolescents, based on developing cognitive, emotional, and behavioral capacity typical for the age or age group.
- (b) "Comprehensive sexual health education" means education regarding human development and sexuality, including education on pregnancy, family planning, and sexually transmitted diseases.
- (c) "English learner" means a pupil as described in subdivision (a) of Section 306.
- (d) "HIV/AIDS prevention education" means instruction on the nature of HIV/AIDS, methods of transmission, strategies to reduce the risk of human immunodeficiency virus (HIV) infection, and social and public health issues related to HIV/AIDS. For the purposes of this chapter, "HIV/AIDS prevention education" is not comprehensive sexual health education.
- (e) "Instructors trained in the appropriate courses" means instructors with knowledge of the most recent medically accurate research on human sexuality, pregnancy, and sexually transmitted diseases.
- (f) "Medically accurate" means verified or supported by research conducted in compliance with scientific methods and published in peer-reviewed journals, where appropriate, and recognized as accurate and objective by professional organizations and agencies with expertise in the relevant field, such as the federal Centers for Disease Control and Prevention, the American Public Health Association, the American Academy of Pediatrics, and the American College of Obstetricians and Gynecologists.
- (g) "School district" includes county boards of education, county superintendents of schools, the California School for the Deaf, and the California School for the Blind.

EC 51932

- (a) This chapter does not apply to description or illustration of human reproductive organs that may appear in a textbook, adopted pursuant to law, on physiology, biology, zoology, general science, personal hygiene, or health.
- (b) This chapter does not apply to instruction or materials that discuss gender, sexual orientation, or family life and do not discuss human reproductive organs and their functions.

EC 51933

- (a) School districts may provide comprehensive sexual health education, consisting of age-appropriate instruction, in any kindergarten to grade 12, inclusive, using instructors trained in the appropriate courses.
- (b) A school district that elects to offer comprehensive sexual health education pursuant to subdivision (a), whether taught by school district personnel or outside consultants, shall satisfy all of the following criteria:
 - (1) Instruction and materials shall be age appropriate.
 - (2) All factual information presented shall be medically accurate and objective.
 - (3) Instruction shall be made available on an equal basis to a pupil who is an English learner, consistent with the existing curriculum and alternative options for an English learner pupil as otherwise provided in this code.
 - (4) Instruction and materials shall be appropriate for use with pupils of all races, genders, sexual orientations, ethnic and cultural backgrounds, and pupils with disabilities.
 - (5) Instruction and materials shall be accessible to pupils with disabilities, including, but not limited to, the provision of a modified curriculum, materials and instruction in alternative formats, and auxiliary aids.
 - (6) Instruction and materials shall encourage a pupil to communicate with his or her parents or guardians about human sexuality.
 - (7) Instruction and materials shall teach respect for marriage and committed relationships.
 - (8) Commencing in grade 7, instruction and materials shall teach that abstinence from sexual intercourse is the only certain way to prevent unintended pregnancy, teach that abstinence from sexual activity is the only certain way to prevent sexually transmitted diseases, and provide information about the value of abstinence while also providing medically accurate information on other methods of preventing pregnancy and sexually transmitted diseases.
 - (9) Commencing in grade 7, instruction and materials shall provide information about sexually transmitted diseases. This instruction shall include how sexually transmitted diseases are and are not transmitted, the effectiveness and safety of all federal Food and Drug Administration (FDA) approved methods of reducing the risk of contracting sexually transmitted diseases, and information on local resources for testing and medical care for sexually transmitted diseases.
 - (10) Commencing in grade 7, instruction and materials shall provide information about the effectiveness and safety of all FDA-approved contraceptive methods in preventing pregnancy, including, but not limited to, emergency contraception.
 - (11) Commencing in grade 7, instruction and materials shall provide pupils with skills for making and implementing responsible decisions about sexuality.
 - (12) Commencing in grade 7, instruction and materials shall provide pupils with information on the law on surrendering physical custody of a minor child 72 hours or younger, pursuant to Section 1255.7 of the Health and Safety Code and Section 271.5 of the Penal Code.
- (c) A school district that elects to offer comprehensive sexual health education pursuant to subdivision (a) earlier than grade 7 may provide age appropriate and medically accurate information on any of the general topics contained in paragraphs (8) to (12), inclusive, of subdivision (b).
- (d) If a school district elects to offer comprehensive sexual health education pursuant to subdivision (a), whether taught by school district personnel or outside consultants, the school district shall comply with the following:
 - (1) Instruction and materials may not teach or promote religious doctrine.
 - (2) Instruction and materials may not reflect or promote bias against any person on the basis of any category protected by Section 220.

EC 51934

- (a) A school district shall ensure that all pupils in grades 7 to 12, inclusive, receive HIV/AIDS prevention education from instructors trained in the appropriate courses. Each pupil shall receive this instruction at least once in junior high or middle school and at least once in high school.
- (b) HIV/AIDS prevention education, whether taught by school district personnel or outside consultants, shall satisfy all of the criteria set forth in paragraphs (1) to (6), inclusive, of subdivision (b) and paragraphs (1) and (2) of subdivision (d) of Section 51933, shall accurately reflect the latest information and recommendations from the United States Surgeon General, the federal Centers for Disease Control and Prevention, and the National Academy of Sciences, and shall include the following:
 - (1) Information on the nature of HIV/AIDS and its effects on the human body.
 - (2) Information on the manner in which HIV is and is not transmitted, including information on activities that present the highest risk of HIV infection.
 - (3) Discussion of methods to reduce the risk of HIV infection. This instruction shall emphasize that sexual abstinence, monogamy, the avoidance of multiple sexual partners, and abstinence from intravenous drug use are

the most effective means for HIV/AIDS prevention, but shall also include statistics based upon the latest medical information citing the success and failure rates of condoms and other contraceptives in preventing sexually transmitted HIV infection, as well as information on other methods that may reduce the risk of HIV transmission from intravenous drug use.

- (4) Discussion of the public health issues associated with HIV/AIDS.
- (5) Information on local resources for HIV testing and medical care.
- (6) Development of refusal skills to assist pupils in overcoming peer pressure and using effective decision making skills to avoid high-risk activities.
- (7) Discussion about societal views on HIV/AIDS, including stereotypes and myths regarding persons with HIV/AIDS. This instruction shall emphasize compassion for persons living with HIV/AIDS.

EC 51935

- (a) A school district shall cooperatively plan and conduct in-service training for all school district personnel that provide HIV/AIDS prevention education, through regional planning, joint powers agreements, or contract services.
- (b) In developing and providing in-service training, a school district shall cooperate and collaborate with the teachers of the district who provide HIV/AIDS prevention education and with the State Department of Education.
- (c) In-service training shall be conducted periodically to enable school district personnel to learn new developments in the scientific understanding of HIV/AIDS. In-service training shall be voluntary for school district personnel who have demonstrated expertise or received in-service training from the State Department of Education or federal Centers for Disease Control and Prevention.
- (d) A school district may expand HIV/AIDS in-service training to cover the topic of comprehensive sexual health education in order for school district personnel who provide comprehensive sexual health education to learn new developments in the scientific understanding of sexual health.

EC 51936

School districts may contract with outside consultants with expertise in comprehensive sexual health education or HIV/AIDS prevention education, or both, including those who have developed multilingual curricula or curricula accessible to persons with disabilities, to deliver the instruction or to provide training for school district personnel.

EC 51937

It is the intent of the Legislature to encourage pupils to communicate with their parents or guardians about human sexuality and HIV/AIDS and to respect the rights of parents or guardians to supervise their children's education on these subjects. The Legislature intends to create a streamlined process to make it easier for parents and guardians to review materials and evaluation tools related to comprehensive sexual health education and HIV/AIDS prevention education, and, if they wish, to excuse their children from participation in all or part of that instruction or evaluation. The Legislature recognizes that while parents and guardians overwhelmingly support medically accurate, comprehensive sex education, parents and guardians have the ultimate responsibility for imparting values regarding human sexuality to their children.

EC 51938

A parent or guardian of a pupil has the right to excuse their child from all or part of comprehensive sexual health education, HIV/AIDS prevention education, and assessments related to that education, as follows:

- (a) At the beginning of each school year, or, for a pupil who enrolls in a school after the beginning of the school year, at the time of that pupil's enrollment, each school district shall notify the parent or guardian of each pupil about instruction in comprehensive sexual health education and HIV/AIDS prevention education and research on pupil health behaviors and risks planned for the coming year. The notice shall do all of the following:
 - (1) Advise the parent or guardian that written and audiovisual educational materials used in comprehensive sexual health education and HIV/AIDS prevention education are available for inspection.
 - (2) Advise the parent or guardian whether the comprehensive sexual health education or HIV/AIDS prevention education will be taught by school district personnel or by outside consultants. A school district may provide comprehensive sexual health education or HIV/AIDS prevention education, to be taught by outside consultants, and may hold an assembly to deliver comprehensive sexual health education or HIV/AIDS prevention education by guest speakers, but if it elects to provide comprehensive sexual health education or HIV/AIDS prevention education in either of these manners, the notice shall include the date of the instruction, the name of the organization or affiliation of each guest speaker, and information stating the right of the parent or guardian to request a copy of this section, Section 51933, and Section 51934. If arrangements for this instruction are made

after the beginning of the school year, notice shall be made by mail or another commonly used method of notification, no fewer than 14 days before the instruction is delivered.

- (3) Include information explaining the parent's or guardian's right to request a copy of this chapter.
 - (4) Advise the parent or guardian that the parent or guardian may request in writing that his or her child not receive comprehensive sexual health education or HIV/AIDS prevention education.
- (b) Notwithstanding Section 51513, anonymous, voluntary, and confidential research and evaluation tools to measure pupils' health behaviors and risks, including tests, questionnaires, and surveys containing age-appropriate questions about the pupil's attitudes concerning or practices relating to sex may be administered to any pupil in grades 7 to 12, inclusive, if the parent or guardian is notified in writing that this test, questionnaire, or survey is to be administered and the pupil's parent or guardian is given the opportunity to review the test, questionnaire, or survey and to request in writing that his or her child not participate.
 - (c) The use of outside consultants or guest speakers as described in paragraph (2) of subdivision (a) is within the discretion of the school district.

EC 51939

- (a) A pupil may not attend any class in comprehensive sexual education or HIV/AIDS prevention education, or participate in any anonymous, voluntary, and confidential test, questionnaire, or survey on pupil health behaviors and risks, if the school has received a written request from the pupil's parent or guardian excusing the pupil from participation.
- (b) A pupil may not be subject to disciplinary action, academic penalty, or other sanction if the pupil's parent or guardian declines to permit the pupil to receive comprehensive sexual health education or HIV/AIDS prevention education or to participate in anonymous, voluntary, and confidential tests, questionnaires, or surveys on pupil health behaviors and risks.
- (c) While comprehensive sexual health education, HIV/AIDS prevention education, or anonymous, voluntary, and confidential test, questionnaire, or survey on pupil health behaviors and risks is being administered, an alternative educational activity shall be made available to pupils whose parents or guardians have requested that they not receive the instruction or participate in the test, questionnaire, or survey.

Board Policy BP 5145.7
Students
SEXUAL HARASSMENT

The Board of Education is committed to maintaining an educational environment that is free from harassment. The Board prohibits sexual harassment of students by other students, employees or other persons, at school or at school-sponsored or school-related activities. The Board also prohibits retaliatory behavior or action against persons who complain, testify, assist or otherwise participate in the complaint process established pursuant to this policy and the administrative regulation.

Instruction/Information

The Superintendent or designee shall ensure that all district students receive age-appropriate instruction and information on sexual harassment. Such instruction and information shall include:

1. What acts and behavior constitute sexual harassment, including the fact that sexual harassment could occur between people of the same gender
2. A clear message that students do not have to endure sexual harassment
3. Encouragement to report observed instances of sexual harassment, even where the victim of the harassment has not complained
4. Information about the person(s) to whom a report of sexual harassment should be made

(cf. 5131.5 - Vandalism, Theft and Graffiti)
(cf. 5137 - Positive School Climate)
(cf. 5141.41 - Child Abuse Prevention)
(cf. 5145.3 - Nondiscrimination/Harassment)
(cf. 6142.1 - Family Life/Sex Education)

Complaint Process

Any student who feels that he/she is being or has been subjected to sexual harassment shall immediately contact his/her teacher or any other employee. A school employee to whom a complaint is made shall, within 24 hours of receiving the complaint, report it to the principal or designee.

Any school employee who observes any incident of sexual harassment involving a student shall report this observation to the principal or designee, whether or not the victim files a complaint.

In any case of sexual harassment involving the principal or any other district employee to whom the complaint would ordinarily be made, the employee who receives the student's report or who observes the incident shall report to the nondiscrimination coordinator or the Superintendent or designee.

(cf. 4119.11/4219.11/4319.11 - Sexual Harassment)
(cf. 5141.4 - Child Abuse Reporting Procedures)
(cf. 5145.3 - Nondiscrimination/Harassment)

The principal or designee to whom a complaint of sexual harassment is reported shall immediately investigate the complaint in accordance with administrative regulation. Where the principal or designee finds that sexual harassment occurred, he/she shall take prompt, appropriate action to end the harassment and address its effects on the victim. The principal or designee shall also advise the victim of any other remedies that may be available. The principal or designee shall file a report with the Superintendent or designee and refer the matter to law enforcement authorities, where required.

(cf. 1312.1 - Complaints Concerning District Employees)

Disciplinary Measures

Any student who engages in sexual harassment of anyone at school or at a school-sponsored or school-related activity is in violation of this policy and shall be subject to disciplinary action. For students in grades 4 through 12, disciplinary action may include suspension and/or expulsion, provided that in imposing such discipline the entire circumstances of the incident(s) shall be taken into account.

Record-Keeping

All complaints and allegations of sexual harassment shall be kept confidential except as necessary to carry out the investigation or take other subsequent necessary action. (5 CCR 4964)

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

Legal Reference:

EDUCATION CODE

200-262.4 Prohibition of discrimination on the basis of sex

48900.2 Additional grounds for suspension or expulsion; sexual harassment

48904 Liability of parent/guardian for willful student misconduct

48980 Notice at beginning of term

CIVIL CODE

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

1714.1 Liability of parents/guardians for willful misconduct of minor

CODE OF REGULATIONS, TITLE 5

4900-4965 Nondiscrimination in elementary and secondary education programs receiving state financial assistance

UNITED STATES CODE, TITLE 20

1681-1688 Title IX, Discrimination

UNITED STATES CODE, TITLE 42

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

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

CODE OF FEDERAL REGULATIONS, TITLE 34

106.1-106.71 Nondiscrimination on the basis of sex in education programs

COURT DECISIONS

Reese v. Jefferson School District, (2001) 208 F.3d 736

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

Gebser v. Lago Vista Independent School District, (1998) 118 S.Ct. 1989

Nabozny v. Podlesny, (1996, 7th Cir.) 92 F.3d 446

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

Oona R.-S. etc. v. Santa Rosa City Schools et al, (1995) 890 F.Supp. 1452

Rosa H. v. San Elizario Ind. School District, (W.D. Tex. 1995) 887 F. Supp. 140, 143

Clyde K. v. Puyallup School District #3, (1994) 35 F.3d 1396

Patricia H. v. Berkeley Unified School District, (1993) 830 F.Supp. 1288

Franklin v. Gwinnet County Schools, (1992) 112 S. Ct. 1028

Kelson v. City of Springfield, Oregon, (1985, 9th Cir.) 767 F.2d 651

Management Resources:

OFFICE OF CIVIL RIGHTS AND NATIONAL ASSOCIATION OF ATTORNEYS GENERAL

Protecting Students from Harassment and Hate Crime: A Guide for Schools, January 1999

OFFICE OF CIVIL RIGHTS' PUBLICATIONS

Revised Sexual Harassment Guidance, January 2001

Sexual Harassment Guidance, March 1997

WEB SITES

OCR: <http://www.ed.gov/offices/OCR>

Policy PALOS VERDES PENINSULA UNIFIED SCHOOL DISTRICT
Palos Verdes Estates, California

adopted: March 8, 2001
revised: April 4, 2002

Uniform Complaint Procedures

The Board of Education recognizes that the district is primarily responsible for complying with applicable state and federal laws and regulations governing educational programs. The district shall investigate complaints alleging failure to comply with such laws and/or alleging discrimination and shall seek to resolve those complaints in accordance with the district's uniform complaint procedures. (5 CCR 4620)

The district shall follow uniform complaint procedures when addressing complaints alleging unlawful discrimination against any protected group as identified under Education Code 200 and 220 and Government Code 11135, including actual or perceived sex, sexual orientation, gender, ethnic group identification, race, ancestry, national origin, religion, color, or mental or physical disability, or age, or on the basis of a person's association with a person or group with one or more of these actual or perceived characteristics in any district program or activity that receives or benefits from state financial assistance. (5 CCR 4610)

Uniform complaint procedures shall also be used when addressing complaints alleging failure to comply with state and/or federal laws in adult education programs, consolidated categorical aid programs, migrant education, career technical and technical education and career technical and technical training programs, child care and development programs, child nutrition programs, and special education programs. (5 CCR 4610)

(cf. 0410 - Nondiscrimination in District Programs and Activities)
(cf. 1312.1 - Complaints Concerning District Employees)
(cf. 1312.2 - Complaints Concerning Instructional Materials)
(cf. 3553 - Free and Reduced Price Meals)
(cf. 4031 - Complaints Concerning Discrimination in Employment)
(cf. 5141.4 - Child Abuse Prevention and Reporting)
(cf. 5148 - Child Care and Development)
(cf. 6159 - Individualized Education Program)
(cf. 6171 - Title I Programs)
(cf. 6174 - Education for English Language Learners)
(cf. 6175 - Migrant Education Program)
(cf. 6178 - Vocational Education)
(cf. 6200 - Adult Education)

Complaints related to sufficiency of textbooks or instructional materials, emergency or urgent facilities conditions that pose a threat to the health or safety of students or staff, and teacher vacancies and misassignments shall be investigated pursuant to the district's Williams uniform complaint procedure (AR 1312.4).

(cf. 1312.4 - Williams Uniform Complaint Procedures)

The Board encourages the early, informal resolution of complaints at the site level whenever possible.

The Board acknowledges and respects every individual's right to privacy. Discrimination complaints shall be investigated in a manner that protects the confidentiality of the parties and the integrity of the process. This may include keeping the identity of the complainant confidential, as appropriate and except to the extent necessary to carry out the investigation or proceedings, as determined by the Superintendent or designee, on a case-by-case basis.

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

(cf. 5125 - Student Records)

(cf. 9011 - Disclosure of Confidential/Privileged Information)

The Board prohibits any form of retaliation against any complainant in the complaint process, including but not limited to a complainant's filing of a complaint or the reporting of instances of discrimination. Such participation shall not in any way affect the status, grades, or work assignments of the complainant.

The Board recognizes that a neutral mediator can often suggest a compromise that is agreeable to all parties in a dispute. In accordance with uniform complaint procedures, whenever all parties to a complaint agree to try resolving their problem through mediation, the Superintendent or designee shall initiate that process. The Superintendent or designee shall ensure that the results are consistent with state and federal laws and regulations.

Legal Reference:

EDUCATION CODE

200-262.4 Prohibition of discrimination

8200-8498 Child care and development programs

8500-8538 Adult basic education

18100-18203 School libraries

32289 School safety plan, uniform complaint procedure

35186 Williams uniform complaint procedure

41500-41513 Categorical education block grants

48985 Notices in language other than English

49060-49079 Student records

49490-49590 Child nutrition programs

52160-52178 Bilingual education programs

52300-52499.6 Career-technical education

52500-52616.24 Adult schools

52800-52870 School-based coordinated programs

54000-54028 Economic impact aid programs

54100-54145 Miller-Unruh Basic Reading Act

54400-54425 Compensatory education programs

54440-54445 Migrant education

54460-54529 Compensatory education programs

56000-56885 Special education programs

59000-59300 Special schools and centers

64000-64001 Consolidated application process

PENAL CODE

422.6 Interference with constitutional right or privilege

CODE OF REGULATIONS, TITLE 5

3080 Application of section

4600-4687 Uniform complaint procedures

4900-4965 Nondiscrimination in elementary and secondary education programs

UNITED STATES CODE, TITLE 20

6301-6577 Title I basic programs

6601-6777 Title II preparing and recruiting high quality teachers and principals

6801-6871 Title III language instruction for limited English proficient and immigrant students

7101-7184 Safe and Drug-Free Schools and Communities Act

7201-7283g Title V promoting informed parental choice and innovative programs

7301-7372 Title V rural and low-income school programs

Management Resources:

WEB SITES

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

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

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

Policy PALOS VERDES PENINSULA UNIFIED SCHOOL DISTRICT

Adopted: October 23, 2003 Palos Verdes Estates, California

Revised: March 10, 2005

Revised: June 29, 2006



Palos Verdes Peninsula
Administrative Regulation 1312.3
Community Relations

Uniform Complaint Procedures

Compliance Officers

The Board of Education designates the following compliance officers to receive and investigate complaints and to ensure district compliance with law:

Assistant Superintendent of Curriculum and Instruction
3801 Via La Selva
Palos Verdes Estates, CA 90274
310-378-9966 ext. 294

The Superintendent or designee shall ensure that employees designated to investigate complaints are knowledgeable about the laws and programs for which they are responsible. Designated employees may have access to legal counsel as determined by the Superintendent or designee.

(cf. 9124 - Attorney)

Notifications

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

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

The notice shall:

1. Identify the person(s), position(s), or unit(s) responsible for receiving complaints
2. Advise the complainant of any civil law remedies that may be available to him/her under state or federal discrimination laws, if applicable
3. Advise the complainant of the appeal process pursuant to Education Code 262.3, including the complainant's right to take a complaint directly to the California Department of Education (CDE) or to pursue remedies before civil courts or other public agencies
4. Include statements that:
 - a. The district is primarily responsible for compliance with state and federal laws and regulations
 - b. The complaint review shall be completed within 60 calendar days from the date of receipt of the complaint unless the complainant agrees in writing to an extension of the timeline
 - c. An unlawful discrimination complaint must be filed not later than six months from the date the alleged discrimination occurs, or six months from the date the complainant first obtains knowledge of the facts of the alleged discrimination
 - d. The complainant has a right to appeal the district's decision to the CDE by filing a written appeal within 15 days of receiving the district's decision
 - e. The appeal to the CDE must include a copy of the complaint filed with the district and a copy of the district's decision

(cf. 5145.6 - Parental Notifications)

Procedures

The following procedures shall be used to address all complaints which allege that the district has violated federal or state laws or regulations governing educational programs. Compliance officers shall maintain a record of each complaint and subsequent related actions, including all information required for compliance with 5 CCR 4631 and 4633.

All parties involved in allegations shall be notified when a complaint is filed, when a complaint meeting or hearing is scheduled, and when a decision or ruling is made.

Step 1: Filing of Complaint

Any individual, public agency, or organization may file a written complaint of alleged noncompliance by the district. (5 CCR 4630)

A complaint alleging unlawful discrimination shall be initiated no later than six months from the date when the alleged discrimination occurred, or six months from the date when the complainant first obtained knowledge of the facts of the alleged discrimination. A complaint may be filed by a person who alleges that he/she personally suffered unlawful discrimination or by a person who believes that an individual or any specific class of individuals has been subjected to unlawful discrimination. (5 CCR 4630)

The complaint shall be presented to the compliance officer who shall maintain a log of complaints received, providing each with a code number and a date stamp.

If a complainant is unable to put a complaint in writing due to conditions such as a disability or illiteracy, district staff shall assist him/her in the filing of the complaint. (5 CCR 4600)

Step 2: Mediation

Within three days of receiving the complaint, the compliance officer may informally discuss with the complainant the possibility of using mediation. If the complainant agrees to mediation, the compliance officer shall make all arrangements for this process.

Before initiating the mediation of a discrimination complaint, the compliance officer shall ensure that all parties agree to make the mediator a party to related confidential information.

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

The use of mediation shall not extend the district's timelines for investigating and resolving the complaint unless the complainant agrees in writing to such an extension of time. (5 CCR 4631)

Step 3: Investigation of Complaint

The compliance officer is encouraged to hold an investigative meeting within five days of receiving the complaint or an unsuccessful attempt to mediate the complaint. This meeting shall provide an opportunity for the complainant and/or his/her representative to repeat the complaint orally.

The complainant and/or his/her representative shall have an opportunity to present the complaint and evidence or information leading to evidence to support the allegations in the complaint. (5 CCR 4631)

A complainant's refusal to provide the district's investigator with documents or other evidence related to the allegations in the complaint, or his/her failure or refusal to cooperate in the investigation or his/her engagement in any other obstruction of the investigation, may result in the dismissal of the complaint because of a lack of evidence to support the allegation. (5 CCR 4631)



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

Step 4: Response

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

Step 5: Final Written Decision

The district's decision shall be in writing and sent to the complainant. (5 CCR 4631)

The district's decision shall be written in English and in the language of the complainant whenever feasible or as required by law.

The decision shall include:

1. The findings of fact based on the evidence gathered (5 CCR 4631)
2. The conclusion(s) of law (5 CCR 4631)
3. Disposition of the complaint (5 CCR 4631)
4. Rationale for such disposition (5 CCR 4631)
5. Corrective actions, if any are warranted (5 CCR 4631)
6. Notice of the complainant's right to appeal the district's decision within 15 days to the CDE and procedures to be followed for initiating such an appeal (5 CCR 4631)
7. For discrimination complaints, notice that the complainant must wait until 60 days have elapsed from the filing of an appeal with the CDE before pursuing civil law remedies (Education Code 262.3)

If an employee is disciplined as a result of the complaint, the decision shall simply state that effective action was taken and that the employee was informed of district expectations. The report shall not give any further information as to the nature of the disciplinary action.

Appeals to the California Department of Education

If dissatisfied with the district's decision, the complainant may appeal in writing to the CDE within 15 days of receiving the district's decision. When appealing to the CDE, the complainant must specify the basis for the appeal of the decision and whether the facts are incorrect and/or the law has been misapplied. The appeal shall be accompanied by a copy of the locally filed complaint and a copy of the district's decision. (5 CCR 4632)

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

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

The CDE may directly intervene in the complaint without waiting for action by the district when one of the conditions listed in 5 CCR 4650 exists, including cases in which the district has not taken action within 60 days of the date the complaint was filed with the district.



Civil Law Remedies

A complainant may pursue available civil law remedies outside of the district's complaint procedures. Complainants may seek assistance from mediation centers or public/private interest attorneys. Civil law remedies that may be imposed by a court include, but are not limited to, injunctions and restraining orders. For discrimination complaints, however, a complainant must wait until 60 days have elapsed from the filing of an appeal with the CDE before pursuing civil law remedies. The moratorium does not apply to injunctive relief and is applicable only if the district has appropriately, and in a timely manner, apprised the complainant of his/her right to file a complaint in accordance with 5 CCR 4622.

Regulation PALOS VERDES PENINSULA UNIFIED SCHOOL DISTRICT

Approved: December 11, 2000 Palos Verdes Estates, California

Revised: January 24, 2002

Revised: September 23, 2002

Revised: June 29, 2006

