

## CONCEPTS AND ROLES

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

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

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

*(cf. 5145.3 - Nondiscrimination/Harassment)*

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

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

### *Legal Reference:*

#### EDUCATION CODE

35160 Authority of governing boards  
35160.1 Broad authority of school districts  
35291-35291.5 Rules

## PARENT RIGHTS AND RESPONSIBILITIES

The Governing Board recognizes that parents/guardians of district students have certain rights as well as responsibilities related to the education of their children.

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

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

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

*(cf. 5022 - Student and Family Privacy Rights)*

*(cf. 6020 - Parent Involvement)*

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

*(cf. 4131 - Staff Development)*

*(cf. 4231 - Staff Development)*

*(cf. 4331 - Staff Development)*

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

*(cf. 5145.6 - Parental Notifications)*

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

*Legal Reference: (see next page)*

## **PARENT RIGHTS AND RESPONSIBILITIES (continued)**

### *Legal Reference:*

#### EDUCATION CODE

*33126 School accountability report card*

*35291 Disciplinary rules*

*48070.5 Promotion and retention of students*

*48985 Notice to parent in language other than English*

*49091.10-49091.19 Parental review of curriculum and instruction*

*49602 Confidentiality of pupil information*

*51100-51102 Parent/guardian rights*

*51513 Personal beliefs*

*60510 Disposal of surplus instructional materials*

#### UNITED STATES CODE, TITLE 20

*1232g Family Educational Rights and Privacy Act*

*1232h Protection of pupil rights*

### *Management Resources:*

#### WEB SITES

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

*CDE: <http://www.cde.ca.gov>*

**NONCUSTODIAL PARENTS**

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

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

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

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

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

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

*Legal Reference: (see next page)*

## NONCUSTODIAL PARENTS (continued)

### *Legal Reference:*

#### EDUCATION CODE

48204 Residency requirements

49061 Definitions

49069 Absolute right to access

49091.10-49091.19 Parental review of curriculum and instruction

49408 Emergency information

56028 Definition, parent for special education

51100-51102 Parent/guardian rights

#### FAMILY CODE

3002 Joint legal custody, definition

3006 Sole legal custody, definition

3025 Parental access to records

6550-6552 Caregivers

#### GOVERNMENT CODE

810-996.6 Government Claims Act

6205-6210 Confidentiality of addresses for victims of domestic violence, sexual assault or stalking

### *Management Resources:*

#### WEB SITES

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

California Association of Supervisors of Child Welfare and Attendance: <http://www.cascwa.org>

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

## STUDENT AND FAMILY PRIVACY RIGHTS

The Board of Education respects the rights of district students and their parents/guardians with regard to the privacy of their personal beliefs and the confidentiality of their personal information. The Superintendent or designee shall develop regulations to ensure compliance with law when the district requests, retains, discloses, or otherwise uses the personal information of its students and their families.

*(cf. 5020 - Parent Rights and Responsibilities)*

*(cf. 5021 - Noncustodial Parents)*

*(cf. 5125 - Student Records)*

*(cf. 5125.1 - Release of Directory Information)*

*(cf. 6162.8 - Research)*

The regulations shall, at a minimum, address the following: (20 USC 1232h)

1. Whether the district may collect the personal information of students for marketing or sale
2. How the district will administer surveys that may request information about the personal beliefs and practices of students and their families
3. The rights of parents/guardians to inspect:
  - a. Survey instruments requesting information about their personal beliefs and practices or those of their children
  - b. Instructional materials used as part of their children's educational curriculum
4. Whether the district may administer any nonemergency invasive physical examination or screening
5. Notifications that the district will provide to students and parents/guardians with respect to their privacy rights

The Superintendent or designee shall consult with parents/guardians regarding the development of the procedures. (20 USC 1232h)

*(cf. 0420 - School Plans/Site Councils)*

*(cf. 1220 - Citizen Advisory Committee)*

*(cf. 1230 - School-Connected Organizations)*

*Legal Reference: (see next page)*

## STUDENT AND FAMILY PRIVACY RIGHTS (continued)

### *Legal Reference:*

#### EDUCATION CODE

49450-49458 *Physical examinations*

49602 *Confidentiality of personal information received during counseling*

51101 *Parents Rights Act of 2002*

51513 *Test, questionnaire, survey, or examination concerning personal beliefs*

51938 *Sexual Health and HIV/AIDS Prevention Education Act; notice and parental excuse*

#### UNITED STATES CODE, TITLE 20

1232g *Family Educational Rights and Privacy Act*

1232h *Protection of pupil rights*

### *Management Resources:*

#### WEB SITES

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

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

U.S. Department of Education, Family Policy Compliance Office: <http://www.ed.gov/offices/OM/fpco>

# CSBA Sample

## Board Policy

**Students**

BP 5030(a)

### **STUDENT WELLNESS**

The Governing Board recognizes the link between student health and learning and desires to provide a comprehensive program promoting healthy eating and physical activity for district students. The Superintendent or designee shall coordinate and align district efforts to support student wellness through health education, physical education and activity, health services, nutrition services, psychological and counseling services, and a safe and healthy school environment. In addition, the Superintendent or designee shall develop strategies for promoting staff wellness and for involving parents/guardians and the community in reinforcing students' understanding and appreciation of the importance of a healthy lifestyle.

*(cf. 1020 - Youth Services)*  
*(cf. 3513.3 - Tobacco-Free Schools)*  
*(cf. 3514 - Environmental Safety)*  
*(cf. 5131.6 - Alcohol and Other Drugs)*  
*(cf. 5131.61 - Drug Testing)*  
*(cf. 5131.62 - Tobacco)*  
*(cf. 5131.63 - Steroids)*  
*(cf. 5141 - Health Care and Emergencies)*  
*(cf. 5141.22 - Infectious Diseases)*  
*(cf. 5141.3 - Health Examinations)*  
*(cf. 5141.31 - Immunizations)*  
*(cf. 5141.32 - Health Screening for School Entry)*  
*(cf. 5141.6 - School Health Services)*  
*(cf. 6142.1 - Sexual Health and HIV/AIDS Prevention Education)*  
*(cf. 6164.2 - Guidance/Counseling Services)*

### **School Wellness Council**

The Superintendent or designee shall encourage parents/guardians, students, food service employees, physical education teachers, school health professionals, Board members, school administrators, and members of the public to participate in the development, implementation, and periodic review and update of the district's student wellness policy. (42 USC 1758b; 7 CFR 210.30)

To fulfill this requirement, the Superintendent or designee may appoint a school wellness council or other district committee and a wellness council coordinator. The council may include representatives of the groups listed above, as well as health educators, curriculum directors, counselors, before- and after-school program staff, health practitioners, and/or others interested in school health issues.

*(cf. 1220 - Citizen Advisory Committees)*  
*(cf. 9140 - Board Representatives)*



## **STUDENT WELLNESS (continued)**

The Superintendent or designee may make available to the public and school community a list of the names, position titles, and contact information of the wellness council members.

The wellness council shall advise the district on health-related issues, activities, policies, and programs. At the discretion of the Superintendent or designee, the duties of the council may also include the planning, implementation, and evaluation of activities to promote health within the school or community.

### **Goals for Nutrition, Physical Activity, and Other Wellness Activities**

The Board shall adopt specific goals for nutrition promotion and education, physical activity, and other school-based activities that promote student wellness. In developing such goals, the Board shall review and consider evidence-based strategies and techniques. (42 USC 1758b; 7 CFR 210.30)

*(cf. 0000 - Vision)*

*(cf. 0200 - Goals for the School District)*

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

*(cf. 6011 - Academic Standards)*

*(cf. 6142.7 - Physical Education and Activity)*

*(cf. 6142.8 - Comprehensive Health Education)*

*(cf. 6143 - Courses of Study)*

The nutrition education program shall include, but is not limited to, information about the benefits of healthy eating for learning, disease prevention, weight management, and oral health. Nutrition education shall be provided as part of the health education program and, as appropriate, shall be integrated into other academic subjects in the regular educational program, before- and after-school programs, summer learning programs, and school garden programs.

*(cf. 5148.2 - Before/After School Programs)*

*(cf. 6177 - Summer Learning Programs)*

All students shall be provided opportunities to be physically active on a regular basis. Opportunities for moderate to vigorous physical activity shall be provided through physical education and recess and may also be provided through school athletic programs, extracurricular programs, before- and after-school programs, summer learning programs, programs encouraging students to walk or bicycle to and from school, in-class physical activity breaks, and other structured and unstructured activities.

## **STUDENT WELLNESS (continued)**

*(cf. 5142.2 - Safe Routes to School Program)*

*(cf. 6145 - Extracurricular and Cocurricular Activities)*

*(cf. 6145.2 - Athletic Competition)*

The Board may enter into a joint use agreement or memorandum of understanding to make district facilities or grounds available for recreational or sports activities outside the school day and/or to use community facilities to expand students' access to opportunity for physical activity.

*(cf. 1330.1 - Joint Use Agreements)*

Professional development may be regularly offered to the nutrition program director, managers, and staff, as well as health education teachers, physical education teachers, coaches, activity supervisors, and other staff as appropriate to enhance their knowledge and skills related to student health and wellness.

*(cf. 4131 - Staff Development)*

*(cf. 4231 - Staff Development)*

*(cf. 4331 - Staff Development)*

In order to ensure that students have access to comprehensive health services, the district may provide access to health services at or near district schools and/or may provide referrals to community resources.

The Board recognizes that a safe, positive school environment is also conducive to students' physical and mental health and thus prohibits bullying and harassment of all students, including bullying on the basis of weight or health condition.

*(cf. 5131.2 - Bullying)*

*(cf. 5145.3 - Nondiscrimination/Harassment)*

The Superintendent or designee shall encourage staff to serve as positive role models for healthy eating and physical fitness. He/she shall promote work-site wellness programs and may provide opportunities for regular physical activity among employees.

### **Nutrition Guidelines for All Foods Available at School**

For all foods and beverages available on each campus during the school day, the district shall adopt nutrition guidelines which are consistent with 42 USC 1758, 1766, 1773, and 1779 and federal regulations and which support the objectives of promoting student health and reducing childhood obesity. (42 USC 1758b)

## **STUDENT WELLNESS (continued)**

In order to maximize the district's ability to provide nutritious meals and snacks, all district schools shall participate in available federal school nutrition programs, including the National School Lunch and School Breakfast Programs and after-school snack programs, to the extent possible. When approved by the California Department of Education, the district may sponsor a summer meal program.

*(cf. 3550 - Food Service/Child Nutrition Program)*  
*(cf. 3552 - Summer Meal Program)*  
*(cf. 3553 - Free and Reduced Price Meals)*  
*(cf. 5141.27 - Food Allergies/Special Dietary Needs)*  
*(cf. 5148 - Child Care and Development)*  
*(cf. 5148.3 - Preschool/Early Childhood Education)*

The Superintendent or designee shall provide access to free, potable water in the food service area during meal times in accordance with Education Code 38086 and 42 USC 1758, and shall encourage students' consumption of water by educating them about the health benefits of water and by serving water in an appealing manner.

The Board believes that all foods and beverages sold to students at district schools, including those available outside the district's reimbursable food services program, should support the health curriculum and promote optimal health. Nutrition standards adopted by the district for foods and beverages provided through student stores, vending machines, or other venues shall meet or exceed state and federal nutrition standards.

*(cf. 3312 - Contracts)*  
*(cf. 3554 - Other Food Sales)*

The Superintendent or designee shall encourage school organizations to use healthy food items or non-food items for fundraising purposes.

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

School staff shall encourage parents/guardians or other volunteers to support the district's nutrition education program by considering nutritional quality when selecting any snacks which they may donate for occasional class parties. Class parties or celebrations shall be held after the lunch period when possible.

To reinforce the district's nutrition education program, the Board prohibits the marketing and advertising of foods and beverages that do not meet nutrition standards for the sale of foods and beverages on campus during the school day. (7 CFR 210.30)

*(cf. 1325 - Advertising and Promotion)*

## STUDENT WELLNESS (continued)

### Program Implementation and Evaluation

The Superintendent designates the individual(s) identified below as the individual(s) responsible for ensuring that each school site complies with the district's wellness policy. (42 USC 1758b; 7 CFR 210.30)

Student and Family Services  
(Title or Position)

(707) 528-5137/5272  
(Phone Number)

\_\_\_\_\_  
(Email Address)

*(cf. 0500 - Accountability)*

*(cf. 3555 - Nutrition Program Compliance)*

The Superintendent or designee shall assess the implementation and effectiveness of this policy at least once every three years. (42 USC 1758b; 7 CFR 210.30)

The assessment shall include the extent to which district schools are in compliance with this policy, the extent to which this policy compares to model wellness policies available from the U.S. Department of Agriculture, and a description of the progress made in attaining the goals of the wellness policy. (42 USC 1758b)

The Superintendent or designee shall invite feedback on district and school wellness activities from food service personnel, school administrators, the wellness council, parents/guardians, students, teachers, before- and after-school program staff, and/or other appropriate persons.

The Board and the Superintendent or designee shall establish indicators that will be used to measure the implementation and effectiveness of the district activities related to student wellness. Such indicators may include, but are not limited to:

1. Descriptions of the district's nutrition education, physical education, and health education curricula and the extent to which they align with state academic content standards and legal requirements
2. An analysis of the nutritional content of school meals and snacks served in all district programs, based on a sample of menus and production records
3. Student participation rates in all school meal and/or snack programs, including the number of students enrolled in the free and reduced-price meals program compared to the number of students eligible for that program

**STUDENT WELLNESS (continued)**

4. Extent to which foods and beverages sold on campus outside the food services program, such as through vending machines, student stores, or fundraisers, comply with nutrition standards
5. Extent to which other foods and beverages that are available on campus during the school day, such as foods and beverages for classroom parties, school celebrations, and rewards/incentives, comply with nutrition standards
6. Results of the state's physical fitness test at applicable grade levels
7. Number of minutes of physical education offered at each grade span, and the estimated percentage of class time spent in moderate to vigorous physical activity
8. A description of district efforts to provide additional opportunities for physical activity outside of the physical education program
9. A description of other districtwide or school-based wellness activities offered, including the number of sites and/or students participating, as appropriate

As feasible, the assessment report may include a comparison of results across multiple years, a comparison of district data with county, statewide, or national data, and/or a comparison of wellness data with other student outcomes such as academic indicators or student discipline rates.

In addition, the Superintendent or designee shall prepare and maintain the proper documentation and records needed for the administrative review of the district's wellness policy conducted by the California Department of Education (CDE) every three years.

The assessment results of both the district and state evaluations shall be submitted to the Board for the purposes of evaluating policy and practice, recognizing accomplishments, and making policy adjustments as needed to focus district resources and efforts on actions that are most likely to make a positive impact on student health and achievement.

**Notifications**

The Superintendent or designee shall inform the public about the content and implementation of the district's wellness policy and shall make the policy, and any updates to the policy, available the public on an annual basis. He/she shall also inform the public of the district's progress towards meeting the goals of the wellness policy, including the availability of the triennial district assessment. (Education Code 49432; 42 USC 1758b; 7 CFR 210.30)

*(cf. 5145.6 - Parental Notifications)*

## **STUDENT WELLNESS (continued)**

The Superintendent or designee shall distribute this information through the most effective methods of communication, including district or school newsletters, handouts, parent/guardian meetings, district and school web sites, and other communications. Outreach to parents/guardians shall emphasize the relationship between student health and wellness and academic performance.

*(cf. 1100 - Communication with the Public)*

*(cf. 1112 - Media Relations)*

*(cf. 1113 - District and School Web Sites)*

*(cf. 1114 - District-Sponsored Social Media)*

*(cf. 6020 - Parent Involvement)*

Each school may post a summary of nutrition and physical activity laws and regulations prepared by the CDE.

### **Records**

The Superintendent or designee shall retain records that document compliance with 7 CFR 210.30, including, but not limited to, the written student wellness policy, documentation of the triennial assessment of the wellness policy for each school site, and documentation demonstrating compliance with the community involvement requirements, including requirements to make the policy and assessment results available to the public. (7 CFR 210.30)

*Legal Reference: (see next page)*

## STUDENT WELLNESS (continued)

### *Legal Reference:*

#### EDUCATION CODE

33350-33354 CDE responsibilities re: physical education  
38086 Free fresh drinking water  
49430-49434 Pupil Nutrition, Health, and Achievement Act of 2001  
49490-49494 School breakfast and lunch programs  
49500-49505 School meals  
49510-49520 Nutrition  
49530-49536 Child Nutrition Act  
49540-49546 Child care food program  
49547-49548.3 Comprehensive nutrition services  
49550-49562 Meals for needy students  
49565-49565.8 California Fresh Start pilot program  
49570 National School Lunch Act  
51210 Course of study, grades 1-6  
51210.1-51210.2 Physical education, grades 1-6  
51210.4 Nutrition education  
51220 Course of study, grades 7-12  
51222 Physical education  
51223 Physical education, elementary schools  
51795-51798 School instructional gardens  
51880-51921 Comprehensive health education

#### CODE OF REGULATIONS, TITLE 5

15500-15501 Food sales by student organizations  
15510 Mandatory meals for needy students  
15530-15535 Nutrition education  
15550-15565 School lunch and breakfast programs

#### UNITED STATES CODE, TITLE 42

1751-1769j National School Lunch Program, especially:  
1758b Local wellness policy  
1771-1793 Child Nutrition Act, especially:  
1773 School Breakfast Program

1779 Rules and regulations, Child Nutrition Act

#### CODE OF FEDERAL REGULATIONS, TITLE 7

210.1-210.33 National School Lunch Program, especially:  
210.30 Wellness policy  
220.1-220.22 National School Breakfast Program

#### COURT DECISIONS

*Frazer v. Dixon Unified School District*, (1993) 18 Cal.App.4th 781

### *Management Resources:*

#### CSBA PUBLICATIONS

*Integrating Physical Activity into the School Day*, Governance Brief, April 2016  
*Increasing Access to Drinking Water in Schools*, Policy Brief, April 2013  
*Monitoring for Success: A Guide for Assessing and Strengthening Student Wellness Policies*, rev. 2012  
*Nutrition Standards for Schools: Implications for Student Wellness*, Policy Brief, rev. April 2012  
*Student Wellness: A Healthy Food and Physical Activity Policy Resource Guide*, rev. 2012  
*Physical Activity and Physical Education in California Schools*, Research Brief, April 2010  
*Building Healthy Communities: A School Leader's Guide to Collaboration and Community Engagement*, 2009

*Management Resources continued: (see next page)*

**STUDENT WELLNESS (continued)***Management Resources: (continued)*CSBA PUBLICATIONS (continued)Safe Routes to School: Program and Policy Strategies for School Districts, Policy Brief, 2009Physical Education and California Schools, Policy Brief, rev. October 2007School-Based Marketing of Foods and Beverages: Policy Implications for School Boards, Policy Brief, March 2006CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONSPhysical Education Framework for California Public Schools, Kindergarten Through Grade Twelve, 2009Health Framework for California Public Schools, Kindergarten Through Grade Twelve, 2003CALIFORNIA PROJECT LEAN PUBLICATIONSPolicy in Action: A Guide to Implementing Your Local School Wellness Policy, October 2006CENTER FOR COLLABORATIVE SOLUTIONSChanging Lives, Saving Lives: A Step-by-Step Guide to Developing Exemplary Practices in Healthy Eating, Physical Activity and Food Security in Afterschool Programs, January 2015CENTERS FOR DISEASE CONTROL AND PREVENTION PUBLICATIONSSchool Health Index for Physical Activity and Healthy Eating: A Self-Assessment and Planning Guide, rev. 2012FEDERAL REGISTERRules and Regulations, July 29, 2016, Vol. 81, Number 146, pages 50151-50170NATIONAL ASSOCIATION OF STATE BOARDS OF EDUCATION PUBLICATIONSFit, Healthy and Ready to Learn, rev. 2012U.S. DEPARTMENT OF AGRICULTURE PUBLICATIONSDietary Guidelines for Americans, 2016WEB SITESCSBA: <http://www.csba.org>Action for Healthy Kids: <http://www.actionforhealthykids.org>Alliance for a Healthier Generation: <http://www.healthiergeneration.org>California Department of Education, Nutrition Services Division: <http://www.cde.ca.gov/ls/nu>California Department of Public Health: <http://www.cdph.ca.gov>California Healthy Kids Resource Center: <http://www.californiahealthykids.org>

California Project LEAN (Leaders Encouraging Activity and Nutrition):

<http://www.californiaprojectlean.org>California School Nutrition Association: <http://www.calsna.org>Center for Collaborative Solutions: <http://www.ccscenter.org>Centers for Disease Control and Prevention: <http://www.cdc.gov>Dairy Council of California: <http://www.dairycouncilofca.org>National Alliance for Nutrition and Activity: <http://www.cspinet.org/nutritionpolicy/nana.html>National Association of State Boards of Education: <http://www.nasbe.org>School Nutrition Association: <http://www.schoolnutrition.org>Society for Nutrition Education: <http://www.sne.org>

U.S. Department of Agriculture, Food Nutrition Service, wellness policy:

<http://www.fns.usda.gov/tn/Healthy/wellnesspolicy.html>U.S. Department of Agriculture, Healthy Meals Resource System: <http://healthymeals.fns.usda.gov>

(7/11 4/13) 12/16



**ADMISSION**

The Board of Education encourages the enrollment and appropriate placement of all school-aged children in school. The Superintendent or designee shall inform parents/guardians of children entering a district school at any grade level about admission requirements and shall assist them with enrollment procedures.

Before enrolling any child in a district school, the Superintendent or designee shall verify the child's age, residency, immunization, and other applicable eligibility criteria specified in law, the accompanying administrative regulation, or other applicable Board policy or administrative regulation.

*(cf. 5111.1 - District Residency)*

*(cf. 5125 - Student Records)*

*(cf. 5141.3 - Health Examinations)*

*(cf. 5141.31 - Immunizations)*

*(cf. 5141.32 - Health Screening for School Entry)*

The Superintendent or designee shall ensure that the enrollment of a homeless or foster child or a child of a military family is not delayed because of outstanding fees or fines owed to the child's last school or for his/her inability to produce previous academic, medical, or other records normally required for enrollment.

*(cf. 6173 - Education for Homeless Children)*

*(cf. 6173.1 - Education for Foster Youth)*

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

In addition, no child shall be denied enrollment in a district school solely on the basis of his/her arrest, adjudication by a juvenile court, formal or informal supervision by a probation officer, detention in a juvenile facility, enrollment in a juvenile court school, or other contact with the juvenile justice system. (Education Code 48645.5)

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

When enrolling in any district school, including a school in their attendance area, children whose parents/guardians reside within district boundaries shall be subject to the timelines established by the Board for open enrollment. Children whose parents/guardians do not reside within the district or who are not otherwise eligible for enrollment in the district may apply for interdistrict attendance in accordance with the timelines specified in applicable Board policies and administrative regulations.

*(cf. 5116.1 - Intradistrict Open Enrollment)*

*(cf. 5117 - Interdistrict Attendance)*

*(cf. 5118 - Open Enrollment Act Transfers)*

**ADMISSION** (continued)

The district's enrollment application shall include information about the health care options and enrollment assistance available to families within the district. The district shall not discriminate against any child for not having health care coverage and shall not use any information relating to a child's health care coverage or his/her interest in learning about health care coverage in any manner that would harm the child or his/her family. (Education Code 49452.9)

(cf. 0410 - Nondiscrimination in District Programs and Activities)

*Legal Reference:*EDUCATION CODE

46300 Computation of average daily attendance, inclusion of kindergarten and transitional kindergarten

46600 Agreements for admission of students desiring interdistrict attendance

48000 Minimum age of admission (kindergarten)

48002 Evidence of minimum age required to enter kindergarten or first grade

48010 Minimum age of admission (first grade)

48011 Admission from kindergarten or other school; minimum age

48050-48053 Nonresidents

48200 Children between ages of 6 and 18 years (compulsory full-time education)

48350-48361 Open Enrollment Act

48850-48859 Educational placement of homeless and foster youth

49076 Access to records by persons without written consent or under judicial order

49408 Information of use in emergencies

49452.9 Health care coverage options and enrollment assistance

49700-49704 Education of children of military families

HEALTH AND SAFETY CODE

120325-120380 Education and child care facility immunization requirements

121475-121520 Tuberculosis tests for students

CODE OF REGULATIONS, TITLE 5

200 Promotion from kindergarten to first grade

201 Admission to high school

CODE OF REGULATIONS, TITLE 17

6000-6075 School attendance immunization requirements

UNITED STATES CODE, TITLE 42

11431-11435 McKinney Homeless Assistance Act

*Management Resources:*

U.S. DEPARTMENT OF EDUCATION, OFFICE FOR CIVIL RIGHTS PUBLICATIONS

Dear Colleague Letter, May 6, 2011

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://www2.ed.gov/about/offices/list/ocr>

Policy  
adopted:

**SANTA ROSA CITY SCHOOLS**  
Santa Rosa, California

**DISTRICT RESIDENCY**

The Board of Education desires to admit all students who reside within district boundaries or who fulfill the district residency requirements through other means as allowed by law. The Superintendent or designee shall develop procedures to facilitate the receipt and verification of students' proof of residency.

*(cf. 5116 - School Attendance Boundaries)*

The Superintendent or designee shall annually notify parents/guardians of all existing attendance options available in the district, including, but not limited to, all options for meeting residency requirements for school attendance. (Education Code 48980)

*(cf. 5116.1 - Intradistrict Open Enrollment)*

*(cf. 5117 - Interdistrict Attendance)*

*(cf. 5145.6 - Parental Notifications)*

The Superintendent or designee shall require parents/guardians to provide documentation of the student's residency upon admission to a district school. A copy of the document or written statement offered as verification of residency shall be maintained in the student's mandatory permanent record. (5 CCR 432)

*(cf. 5111 - Admission)*

*(cf. 5125 - Student Records)*

When establishing a student's residency for enrollment purposes, the Superintendent or designee shall not inquire into a student's citizenship or immigration status.

A student's enrollment may be denied when the submitted documentation is insufficient to establish district residency. In any such case, the Superintendent or designee shall notify the parent/guardian in writing, including specific reasons for the denial.

**Investigation of Residency**

When the Superintendent or designee reasonably believes that a student's parent/guardian has provided false or unreliable evidence of residency, he/she may make reasonable efforts to determine that the student meets district residency requirements. An investigation may be initiated when the Superintendent or designee is able to identify specific, articulable facts supporting the belief that the parent/guardian has provided false or unreliable evidence of residency. (Education Code 48204.1, 48204.2)

The Superintendent or designee may assign a trained district employee to conduct the investigation. The investigation may include the examination of records, including public records, and/or interviews of persons who may have knowledge of the student's residency.

## **DISTRICT RESIDENCY (continued)**

If necessary, the Superintendent or designee may employ the services of a private investigator to conduct the investigation. Before hiring a private investigator, the Superintendent or designee shall make other reasonable efforts to determine whether the student resides in the district. (Education Code 48204.2)

The investigation shall not include the surreptitious collection of photographic or videographic images of persons or places subject to the investigation. However, the use of technology is not prohibited if done in open and public view. (Education Code 48204.2)

Any employee or contractor engaged in the investigation shall truthfully identify himself/herself as an investigator to individuals contacted or interviewed during the course of the investigation. (Education Code 48204.2)

### **Appeal of Enrollment Denial**

If the Superintendent or designee, upon investigation, determines that a student does not meet district residency requirements and denies the student's enrollment in the district, he/she shall provide the student's parent/guardian an opportunity to appeal that determination. (Education Code 48204.2)

The Superintendent or designee shall send the student's parent/guardian written notice specifying the basis for the district's determination. This notice shall also inform the parent/guardian that he/she may, within 10 school days, appeal the decision and provide new evidence of residency.

The burden shall be on the parent/guardian to show why the district's determination to deny enrollment should be overruled. (Education Code 48204.2)

A student who is currently enrolled in the district shall be allowed to remain in attendance at his/her school pending the results of the appeal. A student who is not currently enrolled in the district shall not be permitted to attend any district school unless his/her appeal is successful.

In an appeal to the Superintendent of a determination that district residency requirements were not met, the Superintendent shall review any evidence provided by the parent/guardian or obtained during the district's investigation and shall make a decision within 10 school days of receipt of the parent/guardian's request for the appeal. The Superintendent's decision shall be final.

### **Enrollment Not Requiring District Residency**

When approved by the Board and the appropriate agency, the district may enroll students from other countries who are in the United States on an F-1 visa or are participating in an international exchange program under the sponsorship of a government-approved agency.

*(cf. 5111.2 - Nonresident Foreign Students)*

*(cf. 6145.6 - International Exchange)*

## **DISTRICT RESIDENCY (continued)**

The district may enroll a nonresident student living in an adjoining state or foreign country in accordance with Education Code 48050-48052.

District residency is not required for enrollment in a regional occupational center or program if there are openings in the program or class. (Education Code 52317)

(cf. 6178.2 - Regional Occupational Center/Program)

### *Legal Reference:*

#### EDUCATION CODE

220 Prohibition of discrimination

35160.5 Intradistrict open enrollment

35351 Assignment of students to particular schools

46600-46611 Interdistrict attendance permits

48050-48054 Nonresidents

48200-48208 Compulsory education law, especially:

48204 Residency requirements

48204.1-48204.2 Evidence of residency

48300-48316 Student attendance alternatives, school district of choice program

48350-48361 Open Enrollment Act transfers

48852.7 Education of homeless students; immediate enrollment

48853.5 Education of foster youth; immediate enrollment

48980 Notifications at beginning of term

52317 Regional occupational program, admission of persons including nonresidents

#### FAMILY CODE

6550-6552 Caregivers

#### GOVERNMENT CODE

6205-6210 Confidentiality of residence for victims of domestic violence

#### CODE OF REGULATIONS, TITLE 5

432 Retention of student records

#### UNITED STATES CODE, TITLE 42

11431-11435 McKinney-Vento Homeless Assistance Act

#### COURT DECISIONS

Katz v. Los Gatos-Saratoga Joint Union High School District, (2004) 117 Cal.App.4th 47

### *Management Resources:*

#### CSBA PUBLICATIONS

Legal Guidance Regarding International Student Exchange Placement Organizations, April 2014

OFFICE FOR CIVIL RIGHTS, U.S. DEPARTMENT OF EDUCATION PUBLICATIONS

Information on the Rights of All Children to Enroll in School: Questions and Answers for States, School Districts and Parents, 2012

#### WEB SITES

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

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

California Secretary of State, Safe at Home Program: <http://www.sos.ca.gov/safeathome>

U.S. Department of Education, Office for Civil Rights: <http://www2.ed.gov/ocr>

**EXEMPTIONS FROM ATTENDANCE**

Each student between the ages of 6 and 18 shall be subject to compulsory full-time education. (Education Code 48200)

*(cf. 5113.1 - Chronic Absence and Truancy)*

However, the Superintendent or designee may grant exemptions from compulsory attendance to a student as allowed by law and in the best interest of the student. Exemptions shall not be used to remove a student from the school for disciplinary purposes.

*(cf. 5111 - Admission)*

*(cf. 5112.2 - Exclusions from Attendance)*

*(cf. 5112.3 - Student Leave of Absence)*

*(cf. 5113.2 - Work Permits)*

*(cf. 5141.22 - Infectious Diseases)*

*(cf. 5144 - Discipline)*

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

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

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

*(cf. 6158 - Independent Study)*

*(cf. 6172.1 - Concurrent Enrollment in College Classes)*

*(cf. 6178.2 - Regional Occupational Center/Program)*

*(cf. 6183 - Home and Hospital Instruction)*

*(cf. 6184 - Continuation Education)*

*(cf. 6200 - Adult Education)*

As needed, the Superintendent or designee may require a student or his/her parent/guardian to submit written documentation that the student fulfills one of the conditions specified in law and administrative regulation for which exemption is authorized.

*(cf. 5125 - Student Records)*

*Legal Reference: (see next page)*

## EXEMPTIONS FROM ATTENDANCE (continued)

### *Legal Reference:*

#### EDUCATION CODE

33190 Affidavit by persons conducting private school instruction

46100-46147 Minimum school day

46170 Minimum school day, continuation education

48200-48341 Compulsory education law

48400-48454 Compulsory continuation education

48800-48802 Attendance at community college

49110-49119 Permits to work

49130-49135 Permits to work full time

#### LABOR CODE

1285-1312 Employment of minors

1390-1399 Employment of minors

#### CODE OF REGULATIONS, TITLE 5

11522 Parental consent for exemption based on high school proficiency certificate

#### UNITED STATES CODE, TITLE 20

1681-1688 Title IX, discrimination

#### UNITED STATES CODE, TITLE 29

794 Section 504 of the Rehabilitation Act of 1973

#### CODE OF FEDERAL REGULATIONS, TITLE 34

106.40 Marital or parental status

#### COURT DECISIONS

*Thomas v. Atascadero Unified School District*, (1987) 662 F.Supp. 342

### *Management Resources:*

#### WEB SITES

California Department of Education, Attendance Improvement: <http://www.cde.ca.gov/ls/ai/>

## STUDENT LEAVE OF ABSENCE

The Board of Education recognizes the importance of regular school attendance in promoting student achievement. However, the Board also recognizes that, in rare circumstances, it may be beneficial for a student to participate in opportunities outside the school which contribute to his/her educational experience.

The Superintendent or designee may grant student leaves of absence for the purpose of supervised travel, study, training, or work not available to the student under another educational option. Such leave may be granted to a student 15 years of age or older in the regular program and to a student age 16-18 in the continuation education program. (Education Code 48232, 48416)

*(cf. 6184 - Continuation Education)*

No more than one percent of the students enrolled and attending a school shall be granted a leave of absence during any school year. (Education Code 48232, 48416)

When feasible, students shall be encouraged to instead enroll in the district's independent study program to allow for greater contact and coordination with district staff.

*(cf. 6158 - Independent Study)*

### *Legal Reference:*

#### EDUCATION CODE

48232 *Leave of absence for students age 15 at time of commencement of leave*

48410 *Exemption from continuation education*

48416 *Leave of absence for students age 16 to 18 inclusive*

#### FAMILY CODE

7000-7002 *Emancipation of minors law*

7050 *Purposes for which emancipated minor considered an adult*



# CSBA Sample

## Board Policy

**Students**

BP 5112.5(a)

### **OPEN/CLOSED CAMPUS**

#### **OPTION 1: Open Campus**

Note: Education Code 44808.5 grants the Board the authority to allow high school students to leave the school campus during lunch. The district, its employees and officers are not liable for the safety and conduct of students who leave under this policy. The open campus option does not apply to K-8 school districts.

In order to give students an opportunity to demonstrate responsibility and positive citizenship, the Governing Board establishes an open campus at all district high schools in which students shall have the privilege of leaving campus during lunch.

The privilege of open campus may be revoked from individual students for disciplinary reasons.

*(cf. 5144 - Discipline)*

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

*(cf. 5113 - Absences and Excuses)*

#### **OPTION 2: Closed Campus**

Note: The following language is for districts wishing to establish a closed campus.

In order to keep students in a supervised, safe and orderly environment, the Governing Board establishes a closed campus at all district schools.

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

*(cf. 5113 - Absences and Excuses)*

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

*(cf. 5144 - Discipline)*

**OPEN/CLOSED CAMPUS** (continued)**OPTION 3: Senior Open Campus**

Note: The following **optional** paragraph is for districts that choose to establish a closed campus, but issues lunch passes to seniors who meet certain eligibility criteria.

The Governing Board establishes a closed campus at all district schools, however seniors who meet eligibility requirements may use lunch passes to leave campus during the lunch hour. The Board views this program as a way to improve and reward student academic achievement and attendance. Eligibility requirements are based upon academic performance and attendance standards. The open campus privilege may be revoked for seniors who do not meet the eligibility standards.

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

*Legal Reference:**EDUCATION CODE**35160 Authority of the Board**35160.1 Broad authority of school district**44808.5 Permission for pupils to leave school grounds; notice*

(5/85 12/87) 6/97

**ABSENCES AND EXCUSES**

The Board of Education believes that regular attendance plays an important role in student achievement. The Board shall work with parents/guardians and students to ensure their compliance with all state attendance laws, and may use appropriate legal means to correct problems of chronic absence or truancy.

*(cf. 5112.1 - Exemptions from Attendance)*

*(cf. 5112.2 - Exclusions from Attendance)*

*(cf. 5113.1 - Chronic Absence and Truancy)*

**Excused Absences**

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

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

At the beginning of each school year, the Superintendent or designee shall send a notification to the parents/guardians of all students, and to all students in grades 7-12, informing them that school authorities may excuse any student from school to obtain confidential medical services without the consent of the student's parent/guardian. (Education Code 46010.1)

*(cf. 5145.6 - Parental Notifications)*

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

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

**Effect of Absence on Grades/Credits**

If a student's absence is excused under Education Code 48205, he/she shall be allowed to complete any missed assignment or test that can be reasonably given, as determined by the teacher of that class. The student shall be given full credit for the assignment or test if he/she satisfactorily completes the assignment or test within a reasonable period of time. (Education Code 48205)

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

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

## ABSENCES AND EXCUSES (continued)

(cf. 6154 - Homework/Makeup Work)

### Legal Reference:

#### EDUCATION CODE

1740 Employment of personnel to supervise attendance (county superintendent)

37201 School month

37223 Weekend classes

41601 Reports of average daily attendance

42238-42250.1 Apportionments

46000 Records (attendance)

46010-46014 Absences

46100-46119 Attendance in kindergarten and elementary schools

46140-46147 Attendance in junior high and high schools

48200-48208 Children ages 6-18 (compulsory full-time attendance)

48210-48216 Exclusions from attendance

48240-48246 Supervisors of attendance

48260-48273 Truants

48292 Filing complaint against parent

48320-48324 School attendance review boards

48340-48341 Improvement of student attendance

49067 Unexcused absences as cause of failing grade

49701 Provisions of the interstate compact on educational opportunities for military children

#### ELECTIONS CODE

12302 Student participation on precinct boards

#### FAMILY CODE

6920-6929 Consent by minor

#### VEHICLE CODE

13202.7 Driving privileges; minors; suspension or delay for habitual truancy

#### WELFARE AND INSTITUTIONS CODE

601-601.4 Habitually truant minors

11253.5 Compulsory school attendance

#### CODE OF REGULATIONS, TITLE 5

306 Explanation of absence

420-421 Record of verification of absence due to illness and other causes

#### ATTORNEY GENERAL OPINIONS

87 Ops.Cal.Atty.Gen. 168 (2004)

66 Ops.Cal.Atty.Gen. 244 (1983)

#### COURT DECISIONS

American Academy of Pediatrics et al v. Lungren et al (1997) 16 Cal.4th 307

### Management Resources:

#### CSBA PUBLICATIONS

Improving Student Achievement by Addressing Chronic Absence, Policy Brief, December 2010

#### WEB SITES

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

Policy  
adopted:

**SANTA ROSA CITY SCHOOLS**  
Santa Rosa, California

**CHRONIC ABSENCE AND TRUANCY**

The Board of Education believes that excessive absenteeism, whether caused by excused or unexcused absences, may be an early warning sign of poor academic achievement and may put students at risk of dropping out of school. The Board desires to ensure that all students attend school in accordance with the state's compulsory education law and take full advantage of educational opportunities provided by the district.

*(cf. 5113 - Absences and Excuses)*

The Superintendent or designee shall establish a system to accurately track student attendance in order to identify individual students who are chronic absentees and truants, as defined in law and administrative regulation, and to identify patterns of absence throughout the district. He/she shall provide the Board with data on school attendance, chronic absence, and truancy rates for all district students, for each school, and for each numerically significant student subgroup as defined in Education Code 52052. Such data shall be disaggregated and used in the development of annual goals and specific actions for student attendance and engagement and for inclusion in the district's local control and accountability plan and other applicable school and district plans.

*(cf. 0400 - Comprehensive Plans)*

*(cf. 0420 - School Plans/Site Councils)*

*(cf. 0450 - Comprehensive Safety Plan)*

*(cf. 0460 - Local Control and Accountability Plan)*

The Superintendent or designee shall develop strategies that focus on prevention of attendance problems, which may include, but are not limited to, efforts to provide a safe and positive school environment, relevant and engaging learning experiences, school activities that help develop students' feelings of connectedness with the school, school-based health services, and incentives and rewards to recognize students who achieve excellent attendance or demonstrate significant improvement in attendance. The Superintendent or designee also shall develop strategies that enable early outreach to students as soon as they show signs of poor attendance.

*(cf. 0410 - Nondiscrimination in District Programs and Activities)*

*(cf. 5126 - Awards for Achievement)*

*(cf. 5131 - Conduct)*

*(cf. 5131.2 - Bullying)*

*(cf. 5137 - Positive School Climate)*

*(cf. 5141.6 - School Health Services)*

*(cf. 5145.3 - Nondiscrimination/Harassment)*

The Superintendent or designee shall work with students, parents/guardians, school staff, and community agencies, as appropriate, to identify factors contributing to chronic absence and truancy. He/she also may collaborate with child welfare services, law enforcement, courts, public health care agencies, other government agencies, and/or medical, mental health, and

## **CHRONIC ABSENCE AND TRUANCY (continued)**

oral health care providers to ensure that alternative educational programs and nutrition, health care, and other support services are available for students and families and to intervene as necessary when students have serious attendance problems.

*(cf. 1020 - Youth Services)*  
*(cf. 5030 - Student Wellness)*  
*(cf. 5146 - Married/Pregnant/Parenting Students)*  
*(cf. 5147 - Dropout Prevention)*  
*(cf. 6158 - Independent Study)*  
*(cf. 6164.2 - Guidance/Counseling Services)*  
*(cf. 6164.5 - Student Success Teams)*  
*(cf. 6173 - Education for Homeless Children)*  
*(cf. 6173.1 - Education for Foster Youth)*  
*(cf. 6173.2 - Education of Children of Military Families)*  
*(cf. 6175 - Migrant Education Program)*  
*(cf. 6179 - Supplemental Instruction)*  
*(cf. 6181 - Alternative Schools/Programs of Choice)*  
*(cf. 6183 - Home and Hospital Instruction)*  
*(cf. 6184 - Continuation Education)*  
*(cf. 6185 - Community Day School)*

Students who are identified as truants shall be subject to the interventions specified in law and administrative regulation.

A student's truancy, tardiness, or other absence from school shall not be the basis for his/her out-of-school suspension or expulsion. Alternative disciplinary strategies and positive reinforcement for attendance shall be used whenever possible.

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

The Superintendent or designee shall periodically report to the Board regarding the district's progress in improving student attendance rates for all students and for each numerically significant student population. Such information shall be used to evaluate the effectiveness of strategies implemented to reduce chronic absence and truancy and to make changes as needed. As appropriate, the Superintendent or designee shall engage school staff in program evaluation and improvement and in identification of how to best allocate available community resources.

### **School Attendance Review Board**

In accordance with law and administrative regulation, habitual truants may be referred to a school attendance review board (SARB).

The Board may submit a nomination to the County Superintendent of Schools for a person who will serve on the county SARB as a representative of school districts. (Education Code 48321)

## **CHRONIC ABSENCE AND TRUANCY (continued)**

The Board shall appoint members of the district's SARB, who may include, but are not limited to, a parent/guardian as well as representatives of the district; county probation department; county welfare department; county office of education; law enforcement agencies; community-based youth service centers; school guidance personnel; child welfare and attendance personnel; school or county health care personnel; school, county, or community mental health personnel; the county district attorney's office; and the county public defender's office. (Education Code 48321)

The district's SARB shall operate in accordance with Education Code 48320-48325 and procedures established by the Superintendent or designee.

### *Legal Reference:*

#### EDUCATION CODE

*1740 Employment of personnel to supervise attendance (county superintendent)*

*37223 Weekend classes*

*41601 Reports of average daily attendance*

*46000 Records (attendance)*

*46010-46014 Absences*

*46110-46119 Attendance in kindergarten and elementary schools*

*46140-46147 Attendance in junior high and high schools*

*48200-48208 Children ages 6-18 (compulsory full-time attendance)*

*48225.5 Work permits, entertainment and allied industries*

*48240-48246 Supervisors of attendance*

*48260-48273 Truants*

*48290-482967 Failure to comply; complaints against parents*

*48320-48325 School attendance review boards*

*48340-48341 Improvement of student attendance*

*48400-48403 Compulsory continuation education*

*48900 Suspension and expulsion*

*Legal Reference continued: (see next page)*

## CHRONIC ABSENCE AND TRUANCY (continued)

### *Legal Reference: (continued)*

#### EDUCATION CODE (continued)

49067 Unexcused absences as cause of failing grade

52052 Academic Performance Index; numerically significant student subgroups

60901 Chronic absence

#### GOVERNMENT CODE

54950-54963 The Ralph M. Brown Act

#### PENAL CODE

270.1 Chronic truancy; parent/guardian misdemeanor

272 Parent/guardian duty to supervise and control minor child; criminal liability for truancy

830.1 Peace officers

#### VEHICLE CODE

13202.7 Driving privileges; minors; suspension or delay for habitual truancy

#### WELFARE AND INSTITUTIONS CODE

256-258 Juvenile hearing officer

601-601.4 Habitually truant minors

11253.5 Compulsory school attendance

#### CODE OF REGULATIONS, TITLE 5

306 Explanation of absence

420-421 Record of verification of absence due to illness and other causes

15497.5 Local control and accountability plan template

#### COURT DECISIONS

L.A. v. Superior Court of San Diego County, (2012) 209 Cal.App.4th 976

### *Management Resources:*

#### CSBA PUBLICATIONS

Attendance Awareness Month, Fact Sheet, September 2014

#### ATTENDANCE WORKS PUBLICATIONS

Count Us In! Working Together to Show that Every School Day Matters, 2014

The Power of Positive Connections: Reducing Chronic Absence Through PEOPLE: Priority Early

Outreach for Positive Linkages and Engagement, 2014

#### CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

School Attendance Review Board Handbook, 2015

School Attendance Improvement Handbook, 2000

#### WEB SITES

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

Attendance Works: <http://www.attendanceworks.org>

California Association of Supervisors of Child Welfare and Attendance: <http://www.cascwa.org>

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

California Healthy Kids Survey: <http://chks.wested.org>

California School Climate, Health, and Learning Survey System: <http://www.cal-schls.wested.org>



**WORK PERMITS**

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

*(cf. 6178 - Career Technical Education)*

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

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

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

*(cf. 5112.1 - Exemptions from Attendance)*

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

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

*(cf. 6178.1 - Work-Based Learning)*

*(cf. 6184 - Continuation Education)*

*Legal Reference: (see next page)*

## **WORK PERMITS (continued)**

### *Legal Reference:*

#### EDUCATION CODE

48230 *Exemption from full-time school attendance for students with work permits*  
48231 *Exemption from compulsory attendance for students entering attendance area near end of term*  
49100-49101 *Compulsory attendance*  
49110-49119 *Permits to work*  
49130-49135 *Permits to work full time*  
49140-49141 *Exceptions*  
49160-49165 *Employment of minors; duties of employers*  
49180-49183 *Violations*  
51760-51769.5 *Work experience education*  
52300-52499.66 *Career technical education*

#### LABOR CODE

1285-1312 *Employment of minors*  
1391-1394 *Working hours for minors*  
CODE OF REGULATIONS, TITLE 5  
16023-16027 *District records, retention and destruction*  
CODE OF REGULATIONS, TITLE 8  
11701-11707 *Prohibited and dangerous occupations for minors*  
11750-11763 *Work permits and conditions, minor employed in entertainment industry*  
CODE OF FEDERAL REGULATIONS, TITLE 29  
570.1-570.129 *Child labor regulations*  
ATTORNEY GENERAL OPINIONS  
18 *Ops.Cal.Atty.Gen. 114 (1951)*

### *Management Resources:*

#### CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

*Work Permit Handbook for California Schools: Laws and Regulations Governing the Employment of Minors, 2007*

#### CALIFORNIA DEPARTMENT OF INDUSTRIAL RELATIONS PUBLICATIONS

*Child Labor Laws, 2000*

#### WEB SITES

California Department of Education, Work Experience Education: <http://www.cde.ca.gov/ci/ct/we>  
California Department of Education, Office of Regional Occupational Centers and Programs and Workforce Development: <http://www.cde.ca.gov/ci/ct/wd>  
California Department of Industrial Relations: <http://www.dir.ca.gov>

**SCHOOL ATTENDANCE BOUNDARIES**

The Board of Education shall establish school attendance boundaries in order to maximize the efficient use of district facilities and effective administration of district schools. The Superintendent or designee shall periodically review school attendance boundaries and, as necessary, make recommendations to the Board for boundary adjustments.

When reviewing school attendance boundaries, the Superintendent or designee shall consider the following factors:

1. School enrollment data, including declining enrollment patterns
2. Facility capacity and design, including potential commercial and residential developments
3. School feeder patterns, including maintaining, to the extent practicable, continuity of student attendance
4. Federal, state, or court mandates
5. Community input
6. Student safety
7. Transportation capacity
8. Community and neighborhood identity
9. Geographic features of the district, including traffic patterns
10. Educational programs, such as magnet schools and charter schools

*(cf. 7160 - Charter School Facilities)*

11. Consistency between municipal boundaries and high school boundaries
12. Other factors

*(cf. 5116.1- Intradistrict Open Enrollment)*

*(cf. 5117 - Interdistrict Attendance)*

Students residing in a community facilities district shall have priority, to the extent provided by law, for attendance at schools financed in whole or in part by the community facilities district. The degree of priority must reflect the proportion of each school's financing provided through the community facilities district. (Government Code 53312.7)

*(cf. 7212 - Mello-Roos Districts)*

## **SCHOOL ATTENDANCE BOUNDARIES (continued)**

In order to alleviate overcrowding, the Superintendent or designee may place some students in a school outside of their attendance area. Parents/guardians of students who are attending schools outside of their attendance area shall be notified of the school their child will be attending as soon as possible. If available, transportation shall be provided for such students.

*(cf. 3541 - Transportation Routes and Services)*

### *Legal Reference:*

#### EDUCATION CODE

35160 Authority of governing boards

35160.1 Broad authority of school districts

35160.5 District policies; rules and regulations

35291 Rules

35350 Transportation of students

35351 Assignment of students to particular schools

#### GOVERNMENT CODE

53311-53317.5 Establishment of community facilities district

#### CALIFORNIA CONSTITUTION

Article I, Section 31 Discrimination based on race, sex, color, ethnicity

#### COURT DECISIONS

Crawford v. Huntington Beach Union High School District (2002) 98 Cal.App.4th 1275

Crawford v. Board of Education (1976) 17 Cal.3d 280

Jackson v. Pasadena City School District (1963) 59 Cal.2d 876

### *Management Resources:*

#### WEB SITES

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

## INTRADISTRICT OPEN ENROLLMENT

Note: Education Code 35160.5 **mandates** that governing boards establish an open enrollment policy within the district for residents of the district. This requirement does not apply to districts with only one school or with schools that do not serve any of the same grade levels.

The Governing Board desires to provide enrollment options that meet the diverse needs and interests of district students and parents/guardians, while also maximizing the efficient use of district facilities. The Superintendent or designee shall establish procedures for the selection and transfer of students among district schools in accordance with law, Board policy, and administrative regulation.

*(cf. 5117 - Interdistrict Attendance)*

Note: Education Code 35160.5 **mandates** that the district's intradistrict open enrollment policy contain the following provision.

The parents/guardians of any student who resides within district boundaries may apply to enroll their child in any district school, regardless of the location of their residence within the district. (Education Code 35160.5)

*(cf. 5111.1 - District Residency)*

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

### Enrollment Priorities

No student currently residing within a school's attendance area shall be displaced by another student transferring from outside the attendance area. (Education Code 35160.5)

*(cf. 5116 - School Attendance Boundaries)*

Note: The following list of intradistrict enrollment priorities should be modified to reflect district practice. Districts must establish priority for circumstances under which the district is required by state or federal law to offer intradistrict enrollment opportunities (items #1-3 below). Anticipated need for these transfers should be considered in determining capacity of district schools for other intradistrict transfers allowed by the district pursuant to items #4-6 below.

The Every Student Succeeds Act (ESSA) (P.L. 114-95) repealed 20 USC 6316 which had required districts to offer intradistrict transfers to all students in Title I schools identified for program improvement in the first year or beyond. The district may, but is not required to, offer such transfers beginning in the 2016-17 school year. Districts that choose to offer such transfers may expand the following list accordingly.

The Superintendent or designee shall grant priority to any district student to attend another district school, including a charter school, outside of his/her attendance area as follows:

Note: Education Code 48350-48361 allow a student attending an "open enrollment" school, as identified by the Superintendent of Public Instruction, to transfer to another school that has a higher Academic

**INTRADISTRICT OPEN ENROLLMENT** (continued)

Performance Index (API), either within the district or in another district. For details regarding such transfers, see BP/AR 5118 - Open Enrollment Act Transfers. However, the California Department of Education (CDE) did not produce an Open Enrollment Act list for the 2016-17 school year due to the suspension of the API. The CDE has posted the 2015-16 Open Enrollment Act list on its web site for use in the 2016-17 school year, but cautions that the list is based on the results of 2013 state assessments developed under prior state content standards and that the assessment results of schools on that list may have improved.

1. Any student enrolled in a district school that has been identified on the state's Open Enrollment Act list (Education Code 48354)

*(cf. 5118 - Open Enrollment Act Transfers)*

2. Any student enrolled in a district school designated by the California Department of Education as "persistently dangerous" (20 USC 7912; 5 CCR 11992)

*(cf. 0450 - Comprehensive Safety Plan)*

3. Any student who is a victim of a violent crime while on school grounds (20 USC 7912)

Note: Education Code 35160.5 permits, but does not require, the district's policy to include any or all of the following priorities. Items #4-6 below are **optional** and should be deleted or modified to reflect enrollment priorities in the district.

Education Code 35160.5 makes no provision related to the duration of any transfer granted pursuant to items #4-6. See the accompanying administrative regulation.

4. Upon a finding that special circumstances exist that might be harmful or dangerous to the student in the current attendance area. Special circumstances include, but are not limited to, threats of bodily harm or threats to the emotional stability of the student. Any such student may transfer to a district school that is at capacity and otherwise closed to transfers. To grant priority under these circumstances, the Superintendent or designee must have received either: (Education Code 35160.5)
  - a. A written statement from a representative of an appropriate state or local agency, including, but not necessarily limited to, a law enforcement official, social worker, or a properly licensed or registered professional such as a psychiatrist, psychologist, or marriage and family therapist
  - b. A court order, including a temporary restraining order and injunction
5. Any sibling of a student already in attendance in that school

**INTRADISTRICT OPEN ENROLLMENT** (continued)

6. Any student whose parent/guardian is assigned to that school as his/her primary place of employment

**Application and Selection Process**

Note: Education Code 48354 requires the district to give priority for enrollment to students residing in the district before admitting students seeking to transfer from an open enrollment school outside of the district. In order to accurately determine the number of slots available for interdistrict transfers, the district should set an application window for parents/guardians to apply for intradistrict open enrollment that precedes the district's application window under the Open Enrollment Act. For language regarding the application window under the Open Enrollment Act, see BP/AR 5118 - Open Enrollment Act Transfers.

**The district should specify the intradistrict open enrollment application window, if any, in the blank provided in the following paragraph.**

In order to ensure that priorities for enrollment in district schools are implemented in accordance with law, applications for intradistrict open enrollment shall be submitted between \_\_\_\_\_ (*insert application window dates*) \_\_\_\_\_ of the school year preceding the school year for which the transfer is requested.

Note: Education Code 35160.5 **mandates** that the district's intradistrict open enrollment policy contain all the elements listed in the remainder of this section.

Education Code 35160.5 requires districts to calculate capacity in a nonarbitrary manner using student enrollment and available space. The law does not provide a specific formula for the calculation, but the district may want to include unique factors specific to the school to calculate available space, such as class size reduction requirements and space needs for specialized programs. The district may modify the following paragraph to include the specific formula for calculating school capacity for schools within the district.

The Superintendent or designee shall calculate each school's capacity in a nonarbitrary manner using student enrollment and available space. (Education Code 35160.5)

Note: Pursuant to Education Code 35160.5, the district must use a random, unbiased process (e.g., a lottery) to select students for intradistrict open enrollment when requests for admission exceed the capacity of the school. The California Attorney General (85 Ops.Cal.Atty.Gen. 95 (2002)) has opined that a "first come, first served" selection policy does not constitute a random, unbiased process.

An exception in Education Code 35160.5 gives districts the authority to maintain appropriate racial and ethnic balances across district schools. However, in Crawford v. Huntington Beach Union High School District, a California appellate court held that a district's intradistrict enrollment policy which contained a racial and ethnic balance component as authorized by Education Code 35160.5 was unconstitutional. According to the court, the constitutional provisions added by Proposition 209 prohibit a district from adopting a policy containing different admission criteria on the basis of race. Because of the legal uncertainty surrounding this issue, the following paragraph does not reflect the provisions of Education Code 35160.5 relative to racial and ethnic balance. The district should consult legal counsel regarding any policy or regulation dealing with maintenance of racial or ethnic balance.

## INTRADISTRICT OPEN ENROLLMENT (continued)

Except for priorities listed above, the Superintendent or designee shall use a random, unbiased selection process to determine who shall be admitted whenever the school receives admission requests that are in excess of the school's capacity. (Education Code 35160.5)

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

*(cf. 6172 - Gifted and Talented Student Program)*

### Transportation

Note: The following section is **optional** and may be revised to reflect district practice. **Districts that do not provide transportation should delete this section.**

Pursuant to the CDE's Every Student Succeeds Act 2016-17 School Year Transition Plan (April 2016) and its Public School Choice FAQs, districts must continue to set aside Title I, Part A funds for transportation costs for students who transferred out of program improvement schools prior to the 2016-17 school year and for students who the district chooses to allow to transfer in the 2016-17 school year. In accordance with the CDE's transition plan and the U.S. Department of Education's Transitioning to the Every Student Succeeds Act (ESSA): Frequently Asked Questions (May 2016), any student who transferred under this option prior to the 2016-17 school year must be allowed to remain in the school of enrollment until he/she completes the highest grade offered in the school; see the accompanying administrative regulation.

The district is not obligated to provide transportation for students who are transferring pursuant to the Open Enrollment Act. The district also is not obligated to provide transportation for students who are victims of violent criminal offenses or those who wish to transfer out of "persistently dangerous" schools pursuant to 20 USC 7912. If a district chooses to make transportation available to such students, it may use certain federal funds (e.g., Title IV, Part A, and Title V, Part A) to cover the costs. When a district chooses to provide transportation, U.S. Department of Education Guidance (Unsafe School Choice Option) clarifies that the district is not obligated to continue providing or paying for transportation after the school is no longer designated as "persistently dangerous."

Except as required for students who transferred out of a Title I program improvement school, the district shall not be obligated to provide transportation for students who attend school outside their attendance area.

*(cf. 3250 - Transportation Fees)*

*(cf. 3540 - Transportation)*

*Legal Reference: (see next page)*



## INTRADISTRICT OPEN ENROLLMENT (continued)

### *Legal Reference:*

#### EDUCATION CODE

200 Prohibition against discrimination

35160.5 District policies; rules and regulations

35291 Rules

35351 Assignment of students to particular schools

46600-46611 Interdistrict attendance agreements

48200 Compulsory attendance

48204 Residency requirements for school attendance

48300-48316 Student attendance alternatives, school district of choice program

48350-48361 Open Enrollment Act

48980 Notice at beginning of term

#### CODE OF REGULATIONS, TITLE 5

11992-11994 Definition of persistently dangerous schools

#### UNITED STATES CODE, TITLE 20

6311 State plans

7912 Transfers from persistently dangerous schools

#### COURT DECISIONS

*Crawford v. Huntington Beach Union High School District*, (2002) 98 Cal.App.4th 1275

#### ATTORNEY GENERAL OPINIONS

85 *Ops.Cal.Atty.Gen.* 95 (2002)

### *Management Resources:*

#### CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

##### Public School Choice FAQs

Every Student Succeeds Act 2016-17 School Year Transition Plan, April 2016

#### U.S. DEPARTMENT OF EDUCATION PUBLICATIONS

Transitioning to the Every Student Succeeds Act (ESSA): Frequently Asked Questions, rev. May 4, 2016

Unsafe School Choice Option, May 2004

#### WEB SITES

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

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

U.S. Department of Education: <http://www.ed.gov>

# CSBA Sample Board Policy

From 12/16 Update

## Students

BP 5116.2(a)

### INVOLUNTARY STUDENT TRANSFERS

The Governing Board desires to enroll students in the school of their choice, but recognizes that circumstances sometimes necessitate the involuntary transfer of some students to another school or program in the district. The Superintendent or designee shall develop procedures to facilitate the transition of such students into their new school of enrollment.

*(cf. 5113.1 - Chronic Absence and Truancy)*

*(cf. 5116.1 - Intradistrict Open Enrollment)*

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

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

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

As applicable, when determining the best placement for a student who is subject to involuntary transfer, the Superintendent or designee shall review all educational options for which the student is eligible, the student's academic progress and needs, the enrollment capacity at district schools, and the availability of support services and other resources.

Whenever a student is involuntarily transferred, the Superintendent or designee shall provide timely written notification to the student and his/her parent/guardian and an opportunity for the student and parent/guardian to meet with the Superintendent or designee to discuss the transfer.

### Students Convicted of Violent Felony or Misdemeanor

A student may be transferred to another district school if he/she is convicted of a violent felony, as defined in Penal Code 667.5(c), or a misdemeanor listed in Penal Code 29805 and is enrolled at the same school as the victim of the crime for which he/she was convicted. (Education Code 48929)

Before transferring such a student, the Superintendent or designee shall attempt to resolve the conflict using restorative justice, counseling, or other such services. He/she shall also notify the student and his/her parents/guardians of the right to request a meeting with the principal or designee. (Education Code 48929)

*(cf. 5138 - Conflict Resolution/Peer Mediation)*

*(cf. 5144 - Discipline)*

*(cf. 6164.2 - Guidance and Counseling Services)*

Participation of the victim in any conflict resolution program shall be voluntary, and he/she shall not be subjected to any disciplinary action for his/her refusal to participate in conflict resolution.

## **INVOLUNTARY STUDENT TRANSFERS (continued)**

The principal or designee shall submit to the Superintendent or designee a recommendation as to whether or not the student should be transferred. If the Superintendent or designee determines that a transfer would be in the best interest of the students involved, he/she shall submit such recommendation to the Board for approval.

The Board shall deliberate in closed session to maintain the confidentiality of student information, unless the parent/guardian or adult student submits a written request that the matter be addressed in open session and doing so would not violate the privacy rights of any other student. The Board's decision shall be final.

*(cf. 9321 - Closed Session Purposes and Agendas)*

The decision to transfer a student shall be subject to periodic review by the Superintendent or designee.

The Superintendent or designee shall annually notify parents/guardians of the district's policy authorizing the transfer of a student pursuant to Education Code 48929. (Education Code 48980)

*(cf. 5145.6 - Parental Notifications)*

### **Other Involuntary Transfers**

Students may be involuntarily transferred under either of the following circumstances:

1. If a high school student commits an act enumerated in Education Code 48900 or is habitually truant or irregular in school attendance, he/she may be transferred to a continuation school. (Education Code 48432.5)

*(cf. 6184 - Continuation Education)*

2. If a student is expelled from school for any reason, is probation-referred pursuant to Welfare and Institutions Code 300 or 602, or is referred by a school attendance review board or another formal district process, he/she may be transferred to a community day school. (Education Code 48662)

*(cf. 6173 - Education for Homeless Children)*

*(cf. 6173.1 - Education for Foster Youth)*

*(cf. 6185 - Community Day School)*

*Legal Reference: (see next page)*

## INVOLUNTARY STUDENT TRANSFERS (continued)

### *Legal Reference:*

#### EDUCATION CODE

35146 Closed sessions; student matters

48430-48438 Continuation classes, especially:

48432.5 Involuntary transfer to continuation school

48660-48666 Community day schools, especially:

48662 Involuntary transfer to community day school

48900 Grounds for suspension and expulsion

48929 Transfer of student convicted of violent felony or misdemeanor

48980 Notice at beginning of term

#### PENAL CODE

667.5 Violent felony, definition

29805 Misdemeanors involving firearms

#### WELFARE AND INSTITUTIONS CODE

300 Minors subject to jurisdiction

602 Minors violating laws defining crime; ward of court

### *Management Resources:*

#### WEB SITES

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

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

**INTERDISTRICT ATTENDANCE**

The Board of Education recognizes that students who reside in one district may choose to attend school in another district and that such choices are made for a variety of reasons.

*(cf. 5111.1 – District Residency)*

*(cf. 5116.1 - Intradistrict Open Enrollment)*

*(cf. 5118 – Open Enrollment Act Transfers)*

The Board desires to communicate with parents/guardians and students regarding the district's educational programs and services.

**Interdistrict Attendance Permits**

The Board may enter into an agreement with any other school district, for a term not to exceed five school years, for the interdistrict attendance of students who are residents of those districts. (Education Code 46600).

The agreement shall specify the terms and conditions under which interdistrict attendance shall be permitted or denied. It may also contain standards agreed to by both districts for reapplication and/or revocation of the student's permit. (Education Code 46600)

Upon receiving a request by a student's parents/guardians for transfer into the district that has been approved by the student's district of residence, the Superintendent or designee shall review the request and may approve or deny the interdistrict attendance permit on a case-by-case basis to meet individual student needs, subject to the terms and conditions of the interdistrict attendance agreement and Administrative Regulation 5117.

With respect to incoming transfers, the district shall not accept student transfers if he/she has been suspended or expelled for the following offenses during the preceding school year:

1. Causing serious physical injury to another person.
2. Possession, use, or sale of a firearm, knife, explosive or other dangerous object.
3. Possessed, used, sold, furnished or been under the influence of a controlled substance.
4. Unlawfully offered, arranged, or negotiated to sell a controlled substance.
5. Committed or attempted to cause damage to school property or private property.
6. Stolen or attempted to steal school property or private property.
7. Committed an obscene act or engaged in habitual profanity or vulgarity.

**INTERDISTRICT ATTENDANCE (continued)**

8. Unlawfully possessed or unlawfully offered, arranged, or negotiated to sell drug paraphernalia.
9. Knowingly received stolen school property or private property
10. Committed or attempted to commit a sexual assault.
11. Engaged in an act of bullying, including but not limited to bullying committed by means of an electronic act.
12. Assault or battery upon any school employee.

*Legal Reference:*

EDUCATION CODE

41020 Annual district audits

46600-46611 Interdistrict attendance agreements

48204 Residency requirements for school attendance

48300-48316 Student attendance alternatives, school district of choice program

48350-48361 Open Enrollment Act

48915 Expulsion; particular circumstances

48915.1 Expelled individuals: enrollment in another district

48918 Rules governing expulsion procedures

48980 Notice at beginning of term

52317 Regional Occupational Center/Program, enrollment of students, interdistrict attendance

ATTORNEY GENERAL OPINIONS

87 Ops.Cal.Atty.Gen. 132 (2004)

84 Ops.Cal.Atty.Gen. 198 (2001)

COURT DECISIONS

Crawford v. Huntington Beach Union High School District, (2002) 98 Cal.App.4th 1275

*Management Resources:*

WEB SITES

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

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## INTERDISTRICT ATTENDANCE (continued)

### *Legal Reference:*

#### EDUCATION CODE

41020 Annual district audits

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87 *Ops. Cal. Atty. Gen.* 132 (2004)

84 *Ops. Cal. Atty. Gen.* 198 (2001)

#### COURT DECISIONS

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### *Management Resources:*

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

**OPEN ENROLLMENT ACT TRANSFERS**

The Board of Education desires to offer enrollment options in order to provide children with opportunities for academic achievement that meet their diverse needs. Such options shall also be provided to children who reside within another district's boundaries in accordance with law, Board policy, and administrative regulation.

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

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

*(cf. 5116.1 - Intradistrict Open Enrollment)*  
*(cf. 5117 - Interdistrict Attendance)*

In order to ensure that priorities for enrollment in district schools are implemented in accordance with law, the Board hereby waives the January 1 deadline in Education Code 48354 for all applications for transfer from nonresident parents/guardians of children attending a school on the Open Enrollment List in another district. Transfer applications shall be submitted between April 1 and April 30 of the preceding school year for which the transfer is requested.

*(cf. 5111.1 - District Residency)*  
*(cf. 5111.12 - Residency Based on Parent/Guardian Employment)*

**Standards for Rejection of Transfer Applications**

With respect to incoming transfers, the district shall not accept student transfers if he/she has been suspended or expelled for the following offenses during the preceding school year:

1. Causing serious physical injury to another person.
2. Possession, use, or sale of a firearm, knife, explosive or other dangerous object.
3. Possessed, used, sold, furnished or been under the influence of a controlled substance.
4. Unlawfully offered, arranged, or negotiated to sell a controlled substance.
5. Committed or attempted to cause damage to school property or private property.
6. Stolen or attempted to steal school property or private property.



**OPEN ENROLLMENT ACT TRANSFERS** (continued)

7. Committed an obscene act or engaged in habitual profanity or vulgarity.
8. Unlawfully possessed or unlawfully offered, arranged, or negotiated to sell drug paraphernalia.
9. Knowingly received stolen school property or private property
10. Committed or attempted to commit a sexual assault.
11. Engaged in an act of bullying, including but not limited to bullying committed by means of an electronic act.
12. Assault or battery upon any school employee.

In addition, incoming transfers may be denied if the student has not maintained a 2.0 grade point average, or a 90% attendance rate in the school year preceding the application into the district. Lastly the district may deny an incoming transfer based upon a consideration of the capacity of a program, class, grade level, school building, or adverse financial impact. Student applying for entrance into the district must submit with their application a discipline summary, transcript, and attendance summary from their current school of attendance.

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

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

*(cf. 6151 - Class Size)*

*(cf. 7110 - Facilities Master Plan)*

## **OPEN ENROLLMENT ACT TRANSFERS (continued)**

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

### **Appeal Process for Denials of Transfer Applications**

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

*(cf. 1312.3 - Uniform Complaint Procedures)*

The Board shall schedule an appeal hearing as soon as practicable at a regular or special meeting of the Board. At the hearing, the parent/guardian shall have the right to present oral or written evidence, rebut district evidence, and question any district witnesses. Unless the parent/guardian requests that the hearing be held in open session, the hearing shall be held in closed session in order to protect the privacy of students in accordance with law.

*(cf. 9321 - Closed Session Purposes and Agendas)*

The Board shall make its decision by the next regularly scheduled meeting and shall send its decision to all concerned parties. The Board's decision shall be final.

### **Program Evaluation**

The Superintendent or designee shall collect data regarding the number of students who transfer out of the district pursuant to the Open Enrollment Act. He/she also shall collect data regarding the number of students who apply to transfer into the district, the number of requests granted, denied, or withdrawn, and the district schools and programs receiving applications.

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

## OPEN ENROLLMENT ACT TRANSFERS (continued)

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

### *Legal Reference:*

#### EDUCATION CODE

200 Prohibition of discrimination

35160.5 District policies, rules, and regulations

46600-46611 Interdistrict attendance agreements

48200 Compulsory attendance

48204 Residency requirements for school attendance

48300-48316 Student attendance alternatives, school district of choice program

48350-48361 Open Enrollment Act

48915 Expulsion; particular circumstances

48915.1 Expelled individuals: enrollment in another district

52317 Regional Occupational Center/Program, enrollment of students, interdistrict attendance

#### FAMILY CODE

6500-6552 Caregivers

#### UNITED STATES CODE, TITLE 20

6316 Transfers from program improvement schools

#### CODE OF REGULATIONS, TITLE 5

4700-4703 Open Enrollment Act

#### CODE OF FEDERAL REGULATIONS, TITLE 34

200.36 Dissemination of information

200.37 Notice of program improvement status, option to transfer

200.39 Program improvement, transfer option

200.42 Corrective action, transfer option

200.43 Restructuring, transfer option

200.44 Public school choice, program improvement schools

#### ATTORNEY GENERAL OPINIONS

87 Ops.Cal.Atty.Gen. 132 (2004)

84 Ops.Cal.Atty.Gen. 198 (2001)

#### COURT DECISIONS

Crawford v. Huntington Beach Union High School District, (2002) 98 Cal.App.4th 1275

### *Management Resources:*

#### WEB SITES

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

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

DO NOT USE

## GRADES/EVALUATION OF STUDENT ACHIEVEMENT

Note: The following **optional** policy may be revised to reflect district practice.

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

*(cf. 5020 - Parent Rights and Responsibilities)*

*(cf. 5125.2 - Withholding Grades, Diploma or Transcripts)*

The Superintendent or designee shall establish a uniform grading system that shall be applied to all students in that course and grade level. Teachers shall inform students and parents/guardians how academic performance will be evaluated in the classroom.

*(cf. 0410 - Nondiscrimination in District Programs and Activities)*

Note: The following **optional** paragraph may be revised to reflect district practice. CSBA's governance brief Research-Supported Strategies to Improve the Accuracy and Fairness of Grades reviews research on the fairness, accuracy, and consistency of common grading practices. Based on research, the brief recommends that nonacademic factors (e.g., attendance, effort, behavior, work habits) not be incorporated into the academic grade, which is intended to be an indicator of a student's mastery of academic content.

A teacher shall base a student's grades solely on the quality of the student's academic work and his/her mastery of course content based on district standards. Students shall have the opportunity to demonstrate this mastery through a variety of methods, including, but not limited to, tests, projects, portfolios, and/or class discussion as appropriate. Other elements that are not a direct measure of knowledge and understanding of course content, such as attendance, effort, student conduct, and work habits, shall not be factored into the academic grade but may be reported separately.

*(cf. 6011 - Academic Standards)*

*(cf. 6162.5 - Student Assessment)*

Whenever a student misses an assignment or assessment due to either an excused or unexcused absence, he/she shall be given full credit for subsequent satisfactory completion of the assignment or assessment.

*(cf. 6154 - Homework/Makeup Work)*

Note: Pursuant to Education Code 49067, the Governing Board may authorize teachers to assign failing grades to students with excessive unexcused absences, the number to be set by the Board. Districts using the following **optional** paragraph should fill in the blank to specify the number of unexcused absences that the Board determines to be "excessive." Alternatively, districts may revise the following paragraph to limit the degree to which a teacher may reduce a grade for attendance reasons.

**GRADES/EVALUATION OF STUDENT ACHIEVEMENT** (continued)

However, CSBA's governance brief Research-Supported Strategies to Improve the Accuracy and Fairness of Grades recommends that student absence be dealt with separately from grading and that absence should not be considered in determining a student's level of understanding of course content. See BP/AR 5113.1 - Chronic Absence and Truancy for further information about strategies to address excessive excused and/or unexcused absences.

A teacher may assign a failing grade to a student who has \_\_\_\_ *(fill in number)* \_\_\_\_ or more unexcused absences during the grading period.

*(cf. 5113 - Absences and Excuses)*

*(cf. 5113.1 - Chronic Absence and Truancy)*

Note: The following **optional** paragraph is for use by districts that maintain elementary schools and should be revised to reflect district practice.

Students in grades K-3 shall receive progress reports at the end of each grading period rather than letter grades.

Note: The following **optional** paragraph is for use by districts that choose to provide reports of academic performance on specific academic standards, and should be deleted by other districts.

At all grade levels, report cards may include reports of student progress on specific academic standards applicable to the course and grade level.

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

Note: The following **optional** paragraph reflects correspondence issued by the U.S. Department of Education's Office for Civil Rights, Report Cards and Transcripts for Students with Disabilities, which clarifies that, because report cards are intended for parents/guardians and not for persons outside the district, they may contain information about a student's disability without violating the Family Educational Rights and Privacy Act (20 USC 1232g; 34 CFR 99.1-99.67). However, transcripts may not provide information about a student's disability because there is an expectation that these documents could be shared with persons other than the student and his/her parents/guardians. See BP/AR 5125 - Student Records for further information regarding the confidentiality of student records.

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

## GRADES/EVALUATION OF STUDENT ACHIEVEMENT (continued)

*(cf. 5125 - Student Records)*

*(cf. 6159 - Individualized Education Program)*

*(cf. 6164.6 - Identification and Education Under Section 504)*

Note: Education Code 49066 provides that the grade assigned by a teacher is final, absent any clerical or mechanical mistake, fraud, bad faith, or incompetency. Pursuant to Education Code 49066, the Board and Superintendent cannot order a student's grade changed unless the teacher, to the extent practicable, is given an opportunity to state the reasons that the grade was given and to be included in all discussions regarding the changing of the grade; see AR 5125.3 - Challenging Student Records.

A grade assigned by the teacher shall not be changed by the Board or the Superintendent except as provided by law, Board policy, or administrative regulation. (Education Code 49066)

*(cf. 5125.3 - Challenging Student Records)*

Note: The following **optional** paragraph is for use by districts that maintain secondary schools and may be revised to reflect district practice. Also see the accompanying administrative regulation.

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

*(cf. 6141.4 - International Baccalaureate Program)*

*(cf. 6141.5 - Advanced Placement)*

*(cf. 6172 - Gifted and Talented Student Program)*

*(cf. 6172.1 - Concurrent Enrollment in College Classes)*

*Legal Reference: (see next page)*

## GRADES/EVALUATION OF STUDENT ACHIEVEMENT (continued)

### Legal Reference:

#### EDUCATION CODE

48070 Promotion and retention

48205 Excused absences

48800-48802 Enrollment of gifted students in community college

48904-48904.3 Withholding grades, diplomas, or transcripts

49066 Grades; finalization; physical education class

49067 Mandated regulations regarding student's achievement

49069.5 Students in foster care, grades and credits

51242 Exemption from physical education based on participation in interscholastic athletics

69432.9 Cal Grant program; notification of grade point average

76000-76002 Enrollment in community college

#### CODE OF REGULATIONS, TITLE 5

10060 Criteria for reporting physical education achievement, high schools

30008 Definition of high school grade point average for student aid eligibility

#### UNITED STATES CODE, TITLE 20

1232g Family Education Rights and Privacy Act (FERPA)

#### CODE OF FEDERAL REGULATIONS, TITLE 34

99.1-99.67 Family Educational Rights and Privacy Act

#### COURT DECISIONS

*Owasso Independent School District v. Falvo*, (2002) 534 U.S. 426

*Las Virgenes Educators Association v. Las Virgenes Unified School District*, (2001) 86 Cal.App.4th 1

*Swany v. San Ramon Valley Unified School District*, (1989) 720 F.Supp. 764

*Johnson v. Santa Monica-Malibu Unified School District Board of Education*, (1986) 179 Cal.App.3d 593

### Management Resources:

#### CSBA PUBLICATIONS

*Research-Supported Strategies to Improve the Accuracy and Fairness of Grades*, Governance Brief, July 2016

#### U.S. DEPARTMENT OF EDUCATION OFFICE FOR CIVIL RIGHTS CORRESPONDENCE

*Report Cards and Transcripts for Students with Disabilities*, October 17, 2008

#### WEB SITES

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

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

California Student Aid Commission: <http://www.csac.ca.gov>

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

**PROMOTION/RETENTION**

The Board of Education expects students to progress through each grade level within one school year. To accomplish this, instruction should accommodate the variety of ways that students learn and include strategies for addressing academic deficiencies when needed. Instances of acceleration shall be handled on a case-by-case basis.

Students shall progress through the grade levels by demonstrating growth in learning and meeting grade-level standards of expected student achievement.

*(cf. 6011 - Academic Standards)*

*(cf. 6146.1 - High School Graduation Requirements)*

*(cf. 6146.5 - Elementary/Middle School Graduation Requirements)*

*(cf. 6162.52 - High School Exit Examination)*

In evaluating a parents/guardian's request for acceleration to a higher grade level, the district shall consider factors, including but not limited to, academic achievement, evidence of capacity for higher level thinking, skills and social development.

As early as possible in the school year, the Superintendent or designee shall identify students who should be retained and who are at risk of being retained in accordance with law, Board policy, administrative regulation, and the following criteria.

Students between grades 1 and 2, grades 2 and 3, and grades 3 and 4 shall be identified primarily on the basis of their level of proficiency in reading. Proficiency in reading, English language arts and mathematics shall be the basis for identifying students between grades 4 and 5, between intermediate and middle school grades, and between middle school grades and high school grades. (Education Code 48070.5)

Promotion at the high school level is based upon meeting graduation requirements and attaining the appropriate class standing.

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

*(cf. 5149 - At-Risk Students)*

When any student in grades 2-8 is retained or recommended for retention, the Superintendent or designee shall offer programs of direct, systematic, and intensive supplemental instruction in accordance with Education Code 37252.2 and Board policy.

*(cf. 6179 - Supplemental Instruction)*

*Legal Reference: (see next page)*



## PROMOTION/RETENTION (continued)

### *Legal Reference:*

#### EDUCATION CODE

37252-37254.1 Supplemental instruction

41505-41508 Pupil Retention Block Grant

46300 Method of computing ADA

48011 Promotion/retention following one year of kindergarten

48070-48070.5 Promotion and retention

48431.6 Required systematic review of students and grading

56345 Elements of individualized education plan

60641-60648 Standardized Testing and Reporting Program

60850-60859 Exit examination

#### CODE OF REGULATIONS, TITLE 5

200-202 Admission and exclusion of students

### *Management Resources:*

#### CALIFORNIA DEPARTMENT OF EDUCATION MANAGEMENT ADVISORIES

0900.90 Changes in Law Concerning Eligibility for Admission to Kindergarten 90-10

#### CDE PUBLICATIONS

Performance Level Tables for the California Standards Tests and the California Alternative

Performance Assessment

Parental Agreement Form: Agreement for Pupil to Continue in Kindergarten

#### LEGISLATIVE COUNSEL'S OPINION

Promotion and Retention #21610

#### WEB SITES

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

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

**STUDENT RECORDS**

The Board of Education recognizes the importance of keeping accurate, comprehensive student records as required by law. The Superintendent or designee shall ensure that the district's administrative regulation and school site procedures for maintaining the confidentiality of student records are consistent with state and federal law.

The Superintendent or designee shall establish administrative regulations governing the identification, retention, and security of student records. These regulations shall ensure the rights of authorized persons to have timely access to student records and shall protect students and their families from invasion of privacy.

*(cf. 3580 - District Records)*

*(cf. 4040 - Employee Use of Technology)*

*(cf. 5125.1 - Release of Directory Information)*

*(cf. 5125.3 - Challenging Student Records)*

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

**Student Records from Social Media**

The Superintendent or designee may gather and maintain information from the social media of any district student, provided that the district first notifies students and parents/guardians about the proposed program, offers an opportunity for public comment at a regularly scheduled Board meeting, and gathers only information that directly pertains to school safety or student safety. (Education Code 49073.6)

*(cf. 0450 - Comprehensive Safety Plan)*

*(cf. 5131.2 - Bullying)*

*(cf. 5145.6 - Parental Notifications)*

*(cf. 9322 - Agenda/Meeting Materials)*

*(cf. 9323 - Meeting Conduct)*

**Contract for Digital Storage, Management, and Retrieval of Student Records**

The Superintendent or designee may enter into a contract with a third party for the digital storage, management, and retrieval of student records and/or to authorize a third party provider of digital software to access, store, and use student records, provided that the contract meets the requirements of Education Code 49073.1 and other applicable state and federal laws.

*(cf. 3312 - Contracts)*

*Legal Reference: (see next page)*

## STUDENT RECORDS (continued)

### *Legal Reference:*

#### EDUCATION CODE

17604 Contracts

48201 Student records for transfer students who have been suspended/expelled

48853.5 Foster youth; placement, immunizations

48902 Notification of law enforcement of specified violations

48904-48904.3 Withholding grades, diplomas, or transcripts

48918 Rules governing expulsion procedures

48980 Parental notifications

48985 Notices in parent/guardian's primary language

49060-49079 Student records

49091.14 Parental review of curriculum

51747 Independent study

56041.5 Rights of students with disabilities

56050 Surrogate parents

56055 Foster parents

69432.9 Cal Grant program; notification of grade point average

#### BUSINESS AND PROFESSIONS CODE

22580-22582 Digital privacy

22584-22585 Student Online Personal Information Protection Act

#### CODE OF CIVIL PROCEDURE

1985.3 Subpoena duces tecum

#### FAMILY CODE

3025 Access to records by noncustodial parents

6552 Caregiver's authorization affidavit

#### GOVERNMENT CODE

6252-6260 Inspection of public records

#### HEALTH AND SAFETY CODE

120440 Immunizations; disclosure of information

#### PENAL CODE

245 Assault with deadly weapon

#### WELFARE AND INSTITUTIONS CODE

681 Truancy petitions

701 Juvenile court law

16010 Health and education records of a minor

#### CODE OF REGULATIONS, TITLE 5

430-438 Individual student records

16020-16027 Destruction of records of school districts

#### UNITED STATES CODE, TITLE 20

1232g Family Educational Rights and Privacy Act

1232h Protection of Pupil Rights Amendment

#### UNITED STATES CODE, TITLE 26

152 Definition of dependent child

#### UNITED STATES CODE, TITLE 42

11434a McKinney-Vento Homeless Assistance Act; definitions

#### CODE OF FEDERAL REGULATIONS, TITLE 16

Part 312 Children's Online Privacy Protection Rule

#### CODE OF FEDERAL REGULATIONS, TITLE 34

99.1-99.67 Family Educational Rights and Privacy

300.501 Opportunity to examine records for parents of student with disability

*Management Resources: (see next page)*

## STUDENT RECORDS (continued)

### *Management Resources:*

#### FEDERAL REGISTER

*Final Rule and Analysis of Comments and Changes, Family Educational Rights and Privacy, December 9, 2008, Vol. 73, No. 237, pages 74806-74855*

#### NATIONAL SCHOOL BOARDS ASSOCIATION PUBLICATIONS

*Data in the Cloud: A Legal and Policy Guide for School Boards on Student Data Privacy in the Cloud Computing Era, April 2014*

#### U.S. DEPARTMENT OF EDUCATION PUBLICATIONS

*Joint Guidance on the Application of the Family Educational Rights and Privacy Act (FERPA) and the Health Insurance Portability and Accountability Act of 1996 (HIPAA) to Student Health Records, 2008*  
*Balancing Student Privacy and School Safety: A Guide to the Family Educational Rights and Privacy Act for Elementary and Secondary Schools, October 2007*

#### WEB SITES

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

National School Boards Association: <http://www.nsba.org>

U.S. Department of Education, Family Policy Compliance, <http://www.ed.gov/policy/gen/guid/fpco>

**RELEASE OF DIRECTORY INFORMATION**

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

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

*(cf. 1112 - Media Relations)*

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

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

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

*(cf. 1113 - District and School Web Sites)*

*Legal Reference: (see next page)*

## RELEASE OF DIRECTORY INFORMATION (continued)

### *Legal Reference:*

#### EDUCATION CODE

49061 Definitions

49063 Notification of parents of their rights

49073 Release of directory information

49073.5 Directory information; military representatives; telephone numbers

49603 Public high schools; military recruiting

#### UNITED STATES CODE, TITLE 10

503 Military recruiter access to directory information

#### UNITED STATES CODE, TITLE 20

1232g Family Educational Rights and Privacy Act

7908 Armed forces recruiter access to students and student recruiting information

#### CODE OF FEDERAL REGULATIONS, TITLE 34

99.1-99.67 Family Educational Rights and Privacy

### *Management Resources:*

#### U.S. DEPARTMENT OF EDUCATION GUIDANCE

Access to High School Students and Information on Students by Military Recruiters, 2002

#### WEB SITES

U.S. Department of Education, Family Policy Compliance Office:

<http://www.ed.gov/policy/gen/guid/fpco/index.html>

## **AWARDS FOR ACHIEVEMENT**

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

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

### **District/School Awards**

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

The Superintendent or designee shall develop criteria for the selection of student award recipients.

#### **~~Golden State Seal Merit Diploma~~**

~~At graduation from high school, special recognition shall be awarded to those students whose academic achievements in core curriculum areas have been outstanding.~~

~~The Superintendent or designee shall identify high school students who have demonstrated mastery of the high school curriculum qualifying them for the Golden State Seal Merit Diploma. (Education Code 51454)~~

~~*(cf. 6162.51 - State Academic Achievement Tests)*~~

### **Biliteracy Award**

The district shall present the State Seal of Biliteracy to each graduating high school student who has attained a high level of proficiency in speaking, reading, and writing in one or more languages in addition to English. (Education Code 51460-51464)

*(cf. 6142.2 - World/Foreign Language Instruction)*  
*(cf. 6174 - Education for English Language Learners)*

In order to affirm the value of bilingualism and encourage students' enrollment in world language programs, the Superintendent or designee may present awards at appropriate grade levels to recognize the pursuit and/or attainment of grade-level proficiency in one or more languages in addition to English.

### **Scholarship and Loan Fund**

The Board shall establish and maintain a scholarship and loan fund which may be used to provide interest-free loans for educational advancement, scholarship, or grants-in-aid to bona fide organizations, students, or graduates of district schools. (Education Code 35310, 35315)

*(cf. 1260 - Educational Foundation)*  
*(cf. 3290 - Gifts, Grants and Bequests)*

## **AWARDS FOR ACHIEVEMENT** (continued)

The district's scholarship and loan fund shall be administered by a district committee composed of Board members, the Superintendent, and such other community, staff, administrative, and/or student representatives as determined by the Board. (Education Code 35310)

The Board shall select its own representatives to the committee. Staff, community, and/or student representatives shall be selected by the Superintendent. Members of this committee shall serve two-year terms.

*(cf. 1220 - Citizen Advisory Committees)*

*(cf. 9140 - Board Representatives)*

The committee may accept gifts, donations, and bequests made for the purposes of the fund and may prescribe conditions or restrictions on these gifts and bequests. If the donor imposes any conditions, the committee shall review the conditions and make a recommendation to the Board as to the compatibility of such conditions with the intent and purpose of the fund. The Board may prohibit the committee from accepting any donation under conditions it finds incompatible with the fund's intents and purposes. (Education Code 35313)

The Superintendent or designee shall report to the Board at least annually regarding the status and activity of the fund. (Education Code 35319)

### *Legal Reference:*

#### EDUCATION CODE

220 Nondiscrimination

35160 Authority of governing boards

35310-35319 Scholarship and loan funds

44015 Awards to employees and students

51243-51245 Credit for private school foreign language instruction

51450-51455 Golden State Seal Merit Diploma

51460-51464 State Seal of Biliteracy

52164.1 Assessment of English language skills of English learners

#### CODE OF REGULATIONS, TITLE 5

876 Golden State Seal Merit Diploma

1632 Credit for private school foreign language instruction

11510-11516 Assessment of English language development

### *Management Resources:*

#### WEB SITES

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

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

Californians Together: <http://www.californianstogether.org>



**GRADUATION CEREMONIES AND ACTIVITIES**

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

*(cf. 3260 - Fees and Charges)*

*(cf. 6011 - Academic Standards)*

*(cf. 6143 - Courses of Study)*

*(cf. 6146.1 - High School Graduation Requirements)*

*(cf. 6162.52 - High School Exit Examination)*

*(cf. 6146.4 - Differential Graduation and Competency Standards for Students with Disabilities)*

High school students who have passed the California High School Proficiency Examination or the General Education Development Test must also meet district graduation requirements in order to participate in graduation ceremonies.

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

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

**Disciplinary Considerations**

In order to encourage high standards of student conduct and behavior, the principal may deny a student the privilege of participating in graduation ceremonies and/or activities in accordance with school rules. School rules shall ensure that prior to denial of the privilege(s), the student, and where practicable his/her parent/guardian, is made aware of the grounds for such denial and that the student is given an opportunity to respond to the proposed denial. If privilege(s) are to be denied, the student and parent/guardian shall receive written notice of the denied privilege and the means whereby he/she may appeal this decision. Specific information regarding discipline and participation in the graduation ceremony is contained in Board policy 6145.

*(cf. 5125.2 - Withholding Grades, Diploma or Transcripts)*

*(cf. 5144 - Discipline)*

*(cf. 6161.2 - Damaged or Lost Instructional Materials)*

**Honors and Awards**

If the district high school wishes to identify a student at commencement with the title of valedictorian or salutatorian, she/he must meet the following definition:

*Valedictorian:* The student with the highest rank in the graduating class.

*Salutatorian:* The student with the second highest rank in the graduating class.

## **GRADUATION CEREMONIES AND ACTIVITIES (continued)**

Each school shall clearly publicize the criteria for distinguishing this ranking.

A cumulative student ranking will be calculated for printing on student transcripts on the Friday closest to September 30th (for the previous spring semester) and the Friday closest to February 28th (for the previous fall semester).

The Superintendent or designee shall identify other school-sponsored awards which may be given during graduation exercises. A separate awards program may be held to recognize graduating students receiving other school and nonschool awards.

*(cf. 5126 - Awards for Achievement)*

Foreign exchange students may receive honorary diplomas during the graduation ceremony.  
(Education Code 51225.5)

*(cf. 6145.6 - International Exchange)*

### *Legal Reference:*

#### EDUCATION CODE

38119 *Lease of personal property; caps and gowns*

48904 *Liability of parent or guardian; withholding of grades, diplomas, transcripts*

51225.5 *Honorary diplomas; foreign exchange students*

51400-51403 *Elementary school diploma*

51410-51412 *Diplomas*

#### COURT DECISIONS

*Cole v. Oroville Union High School District*, (2000, 9th Cir.) 228 F.3d 1092

*Santa Fe Independent School District v. Doe*, (2000) 530 U.S. 290

*Lee v. Weisman*, (1992) 112 S.Ct. 2649

*Sands v. Morongo Unified School District*, (1991) 53 Cal. 3d 863

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

### *Management Resources:*

#### CDE PROGRAM ADVISORIES

0615.89 *Granting credit for passing GED*, SPB:88/89-11

#### WEB SITES

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

**CONDUCT**

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

*(cf. 5131.1 - Bus Conduct)*

Conduct is considered appropriate when students are diligent in study, careful with school property, courteous, and respectful toward their teachers, other staff, students, and volunteers.

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

Prohibited student conduct that is related to school attendance or school activities includes, but is not limited to:

1. Conduct that endangers students, staff, or others

*(cf. 0450 - Comprehensive Safety Plan)*

*(cf. 5131.7 - Weapons and Dangerous Instruments) (cf. 5136 - Gangs)*

*(cf. 5142 - Safety)*

2. Conduct that disrupts the orderly classroom or school environment. A behavioral intervention pyramid, student study team process, and process instruments are contained in administrative regulation 5131.

*(cf. 5131.4 - Student Disturbances)*

3. Harassment of students or staff, including bullying, "cyberbullying," intimidation, hazing or initiation activity, ridicule, extortion, or any other verbal, written, or physical conduct that causes or threatens to cause violence, bodily harm, emotional suffering or substantial disruption in accordance with the section entitled "Bullying/Cyberbullying" below.

Cyberbullying includes but is not limited to, the transmission of communications, posting of harassing messages, direct threats, social cruelty, or other harmful text, sounds, or images on the Internet, social networking sites, or other digital technologies using a telephone, computer, or any wireless communication device. Cyberbullying also includes breaking into another person's electronic account and assuming that person's identity in order to damage that person's reputation, or actions that create a hostile environment, and/or the transmission of obscene words or images.

*(cf. 5145.3 - Nondiscrimination/Harassment) (cf. 5145.7 - Sexual Harassment)*

*(cf. 5145.9 - Hate-Motivated Behavior)*

**CONDUCT** (continued)

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

*(cf. 3515.4 - Recovery for Property Loss or Damage) (cf. 5131.5 - Vandalism, Theft and Graffiti)*

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

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

6. Use of profane, vulgar, or abusive language

*(cf. 5145.2 - Freedom of Speech/Expression)*

7. Plagiarism or dishonesty in school work or on tests

*(cf. 5131.9 - Academic Honesty)*

*(cf. 6162.54 - Test Integrity/Test Preparation)*

*(cf. 6162.6 - Use of Copyrighted Materials)*

8. Inappropriate attire as defined by published school site dress codes

*(cf. 5132 - Dress and Grooming)*

9. Tardiness or unexcused absence from school

*(cf. 5113 - Absences and Excuses)*

*(cf. 5113.1 - Truancy)*

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

*(cf. 5112.5 - Open/Closed Campus)*

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

*(cf. 5131.6 - Alcohol and Other Drugs)*

*(cf. 5131.62 - Tobacco)*

*(cf. 5131.63 - Steroids)*

**CONDUCT** (continued)

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

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

*(cf. 1020 - Youth Services)*

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

*(cf. 5020 - Parent Rights and Responsibilities)*

*(cf. 5127 - Graduation Ceremonies and Activities)*

*(cf. 5144 - Discipline)*

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

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

*(cf. 6020 - Parent Involvement)*

*(cf. 6184 - Continuation Education)*

*(cf. 6185 - Community Day School)*

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

**Possession of Cellular Phones and Other Mobile Communications Devices**

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

During any state or classroom assessment, students may not use electronic devices nor have electronic devices on the desks or their person until all test materials have been collected by the test administrator. Students will stow all electronic devices in their backpacks or lockers during this time so that they are inaccessible until all test materials are collected and secure.

Grades K-6: All electronic devices are prohibited without prior approval of the school principal.

Grades 7-8: Students may possess but not use electronic devices during the school day in accordance with published school rules.

## **CONDUCT (continued)**

Grades 9-12: Students may possess or use on school campus personal electronic signaling devices including, but not limited to, pagers and cellular/digital telephones, as well as other mobile communications devices including, but not limited to, digital media players, personal digital assistants (PDAs), compact disc players, portable game consoles, cameras, digital scanners, and laptop computers, provided that such devices are used in accordance with published school rules, do not disrupt the educational program or school activity, and are not used for illegal or unethical activities such as cheating on assignments or tests.

If a disruption occurs or a student uses any mobile communications device for improper activities, a school employee shall direct the student to turn off the device and/or shall confiscate it.

If a school employee finds it necessary to confiscate a device, he/she shall return it at the end of the class period or school day.

In accordance with the Board's policy and administrative regulation on search and seizure, a school official may search a student's mobile communications device, including, but not limited to, reviewing messages or viewing pictures.

*(cf. 5145.12 - Search and Seizure)*

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

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

## **Bullying/Cyberbullying**

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

*(cf. 5137 - Positive School Climate)*

*(cf. 5138 - Conflict Resolution/Peer Mediation)*

*(cf. 6164.2 - Guidance/Counseling Services)*

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

*(cf. 1220 - Citizen Advisory Committees)*

*(cf. 6163.4 - Student Use of Technology)*

**CONDUCT** (continued)

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

Students may submit a verbal or written complaint of conduct they consider to be bullying to a teacher or administrator and may also request that their name be kept in confidence. The Superintendent or designee may establish other processes for students to submit anonymous reports of bullying. Complaints of bullying or harassment shall be investigated and resolved in accordance with site-level grievance procedures specified in AR 5145.7 - Sexual Harassment.

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

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

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

*Legal Reference: (see next page)*

## CONDUCT (continued)

### *Legal Reference:*

#### EDUCATION CODE

200-262.4 *Prohibition of discrimination*

32280-32289 *Comprehensive safety plan*

35181 *Governing board authority to set policy on responsibilities of students*

35291-35291.5 *Rules*

44807 *Duty concerning conduct of students*

48900-48925 *Suspension and expulsion*

51512 *Prohibition against electronic listening or recording device in classroom without permission*

#### CIVIL CODE

1714.1 *Liability of parents and guardians for willful misconduct of minor*

#### PENAL CODE

288.2 *Harmful matter with intent to seduce*

313 *Harmful matter*

417.25-417.27 *Laser scope or laser pointer*

647 *Use of camera or other instrument to invade person's privacy; misdemeanor*

653.2 *Electronic communication devices, threats to safety*

#### VEHICLE CODE

23123-23124 *Prohibitions against use of electronic devices while driving*

#### CODE OF REGULATIONS, TITLE 5

300-307 *Duties of students*

#### UNITED STATES CODE, TITLE 42

2000h-2000h6 *Title IX, 1972 Education Act Amendments*

#### COURT DECISIONS

*J.C. v. Beverly Hills Unified School District*, (2010) 711 F.Supp.2d 1094

*LaVine v. Blaine School District*, (2000, 9th Cir.) 257 F.3d 981

*Emmett v. Kent School District No. 415*, (2000) 92 F.Supp. 1088

*Bethel School District No. 403 v. Fraser*, (1986) 478 U.S. 675

*New Jersey v. T.L.Q.*, (1985) 469 U.S. 325

*Tinker v. Des Moines Independent Community School District*, (1969) 393 U.S. 503

### *Management Resources:*

#### CSBA PUBLICATIONS

*Safe Schools: Strategies for Governing Boards to Ensure Student Success*, 2011

*Providing a Safe, Nondiscriminatory School Environment for All Students*, Policy Brief, April 2010

*Cyberbullying: Policy Considerations for Boards*, Policy Brief, July 2007

#### CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

*Bullying at School*, 2003

#### WEB SITES

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

California Department of Education, Safe Schools Office: <http://www.cde.ca.gov/lr/ss>

Center for Safe and Responsible Internet Use: <http://cyberbully.org>

National School Boards Association: <http://www.nsba.org>

National School Safety Center: <http://www.schoolsafety.us>

U.S. Department of Education: <http://www.ed.gov>

Policy

adopted: February 11, 2009

revised: June 13, 2012

**SANTA ROSA CITY SCHOOLS**

Santa Rosa, California



**BULLYING**

The Board of Education recognizes the harmful effects of bullying on student learning and school attendance and desires to provide safe school environments that protect students from physical and emotional harm. District employees shall establish student safety as a high priority and shall not tolerate bullying of any student.

No individual or group shall, through physical, written, verbal, or other means, harass, sexually harass, threaten, intimidate, retaliate, cyberbully, cause bodily injury to, or commit hate violence against any student or school personnel.

*(cf. 5131 - Conduct)*

*(cf. 5136 - Gangs)*

*(cf. 5145.3 - Nondiscrimination/Harassment)*

*(cf. 5145.7 - Sexual Harassment)*

*(cf. 5145.9 - Hate-Motivated Behavior)*

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

*(cf. 5145.2 - Freedom of Speech/Expression)*

Strategies for addressing bullying in district schools shall be developed with involvement of key stakeholders, including students, parents/guardians, and staff, and may be incorporated into the comprehensive safety plan, the local control and accountability plan, and other applicable district and school plans.

*(cf. 0420 - School Plans/Site Councils)*

*(cf. 0450 - Comprehensive Safety Plan)*

*(cf. 0460 - Local Control and Accountability Plan)*

*(cf. 1220 - Citizen Advisory Committees)*

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

*(cf. 6020 - Parent Involvement)*

As appropriate, the Superintendent or designee may collaborate with law enforcement, courts, social services, mental health services, other agencies, and community organizations in the development and implementation of joint strategies to promote safety in schools and the community and to provide services for alleged victims and perpetrators of bullying.

*(cf. 1020 - Youth Services)*

**Bullying Prevention**

To the extent possible, district schools shall focus on the prevention of bullying by establishing clear rules for student conduct and implementing strategies to promote a

## **BULLYING (continued)**

positive, collaborative school climate. Students shall be informed, through student handbooks and other appropriate means, of district and school rules related to bullying, mechanisms available for reporting incidents or threats, and the consequences for engaging in bullying.

*(cf. 5137 - Positive School Climate)*

As appropriate, the district shall provide students with instruction, in the classroom or other educational settings, that promotes effective communication and conflict resolution skills, social skills, character/values education, respect for cultural and individual differences, self-esteem development, assertiveness skills, and appropriate online behavior.

*(cf. 6142.8 - Comprehensive Health Education)*

*(cf. 6142.94 - History-Social Science Instruction)*

*(cf. 6163.4 - Student Use of Technology)*

Staff shall receive related professional development, including information about early warning signs of harassing/intimidating behaviors and effective response.

*(cf. 4131 - Staff Development)*

*(cf. 4231 - Staff Development)*

*(cf. 4331 - Staff Development)*

Based on an assessment of bullying incidents at school, the Superintendent or designee may increase supervision and security in areas where bullying most often occurs, such as classrooms, playgrounds, hallways, restrooms, and cafeterias.

### **Intervention**

Students are encouraged to notify school staff when they are being bullied or suspect that another student is being victimized. In addition, the Superintendent or designee shall develop means for students to report threats or incidents confidentially and anonymously.

School staff who witness an act of bullying shall immediately intervene to stop the incident when it is safe to do so. (Education Code 234.1)

When appropriate based on the severity or pervasiveness of the bullying, the Superintendent or designee shall notify the parents/guardians of victims and perpetrators and may contact law enforcement.

The Superintendent, principal, or principal's designee may refer a victim, witness, perpetrator, or other student affected by an act of bullying to a school counselor, school psychologist, social worker, child welfare attendance personnel, school nurse, or other school support service personnel for case management, counseling, and/or participation in a restorative justice program as appropriate. (Education Code 48900.9)

*(cf. 6164.2 - Guidance/Counseling Services)*

## **BULLYING (continued)**

### **Reporting and Filing of Complaints**

Any student, parent/guardian, or other individual who believes that a student has been subjected to bullying or who has witnessed bullying may report the incident to a teacher, the principal, a compliance officer, or any other available school employee. Within one business day of receiving such a report, a staff member shall notify the principal of the report, whether or not a uniform complaint is filed. In addition, any school employee who observes an incident of bullying involving a student shall, within one business day, report his/her observation to the principal or a district compliance officer, whether or not the alleged victim files a complaint.

Within two business days of receiving a report of bullying, the principal shall notify the district compliance officer identified in AR 1312.3 - Uniform Complaint Procedures.

*(cf. 1312.3 - Uniform Complaint Procedures)*

When the circumstances involve cyberbullying, individuals with information about the activity shall be encouraged to save and print any electronic or digital messages that they feel constitute cyberbullying and to notify a teacher, the principal, or other employee so that the matter may be investigated. When a student uses a social networking site or service to bully or harass another student, the Superintendent or designee may file a request with the networking site or service to suspend the privileges of the student and to have the material removed.

When a report of bullying is submitted, the principal or a district compliance officer shall inform the student or parent/guardian of the right to file a formal written complaint in accordance with AR 1312.3. The student who is the alleged victim of the bullying shall be given an opportunity to describe the incident, identify witnesses who may have relevant information, and provide other evidence of bullying.

### **Investigation and Resolution of Complaints**

Any complaint of bullying shall be investigated and, if determined to be discriminatory, resolved in accordance with law and the district's uniform complaint procedures specified in AR 1312.3.

If, during the investigation, it is determined that a complaint is about nondiscriminatory bullying, the principal or designee shall inform the complainant and shall take all necessary actions to resolve the complaint.

## **BULLYING** (continued)

### **Discipline**

Corrective actions for a student who commits an act of bullying of any type may include counseling, behavioral intervention and education, and, if the behavior is severe or pervasive as defined in Education Code 48900, may include suspension or expulsion in accordance with district policies and regulations.

*(cf. 5138 - Conflict Resolution/Peer Mediation)*

*(cf. 5144 - Discipline)*

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

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

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

Any employee who permits or engages in bullying or retaliation related to bullying shall be subject to disciplinary action, up to and including dismissal.

*(cf. 4118 - Dismissal/Suspension/Disciplinary Action)*

*(cf. 4119.21/4219.21/4319.21 - Professional Standards)*

*(cf. 4218 - Dismissal/Suspension/Disciplinary Action)*

*Legal Reference: (see next page)*

## **BULLYING (continued)**

### *Legal Reference:*

#### EDUCATION CODE

200-262.4 *Prohibition of discrimination*

32282 *Comprehensive safety plan*

32283.5 *Bullying; online training*

35181 *Governing board policy on responsibilities of students*

35291-35291.5 *Rules*

48900-48925 *Suspension or expulsion*

48985 *Translation of notices*

52060-52077 *Local control and accountability plan*

#### PENAL CODE

422.55 *Definition of hate crime*

647 *Use of camera or other instrument to invade person's privacy; misdemeanor*

647.7 *Use of camera or other instrument to invade person's privacy; punishment*

653.2 *Electronic communication devices, threats to safety*

#### CODE OF REGULATIONS, TITLE 5

4600-4687 *Uniform complaint procedures*

#### UNITED STATES CODE, TITLE 47

254 *Universal service discounts (e-rate)*

#### CODE OF FEDERAL REGULATIONS, TITLE 28

35.107 *Nondiscrimination on basis of disability; complaints*

#### CODE OF FEDERAL REGULATIONS, TITLE 34

104.7 *Designation of responsible employee for Section 504*

106.8 *Designation of responsible employee for Title IX*

110.25 *Notification of nondiscrimination on the basis of age*

#### COURT DECISIONS

Wynar v. Douglas County School District, (2013) 728 F.3d 1062

J.C. v. Beverly Hills Unified School District, (2010) 711 F.Supp.2d 1094

Lavine v. Blaine School District, (2002) 279 F.3d 719

*Management Resources: (see next page)*

## **BULLYING (continued)**

### *Management Resources:*

#### CSBA PUBLICATIONS

Final Guidance: AB 1266, Transgender and Gender Nonconforming Students, Privacy, Programs, Activities & Facilities, Legal Guidance, March 2014

Providing a Safe, Nondiscriminatory School Environment for Transgender and Gender-Nonconforming Students, Policy Brief, February 2014Addressing the Conditions of Children: Focus on Bullying, Governance Brief, December 2012

Safe Schools: Strategies for Governing Boards to Ensure Student Success, 2011

Building Healthy Communities: A School Leaders Guide to Collaboration and Community Engagement, 2009

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

#### CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

Health Education Content Standards for California Public Schools: Kindergarten Through Grade Twelve, 2008

Bullying at School, 2003

#### U.S. DEPARTMENT OF EDUCATION, OFFICE FOR CIVIL RIGHTS PUBLICATIONS

Dear Colleague Letter: Bullying of Students with Disabilities, August 2013

Dear Colleague Letter: Harassment and Bullying, October 2010

#### WEB SITES

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

California Department of Education, Safe Schools Office: <http://www.cde.ca.gov/lss>

Common Sense Media: <http://www.commonsensemedia.org>

National School Safety Center: <http://www.schoolsafety.us>

ON[the]LINE, digital citizenship resources: <http://www.onthelineca.org>

U.S. Department of Education: <http://www.ed.gov>

**STUDENT DISTURBANCES**

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

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

*(cf. 0450 - Comprehensive Safety Plan)*  
*(cf. 3516 - Emergencies and Disaster Preparedness Plan)*  
*(cf. 5131.5 - Vandalism and Graffiti)*

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

*(cf. 4131 - Staff Development)*  
*(cf. 5136 - Gangs)*  
*(cf. 5145.2 - Freedom of Speech/Expression)*  
*(cf. 5145.9 - Hate-Motivated Behavior)*

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

*(cf. 3515 - Campus Security)*  
*(cf. 5144 - Discipline)*  
*(cf. 5144.1 - Suspension and Expulsion/Due Process)*  
*(cf. 5144.2 - Suspension and Expulsion/Due Process (Students with Disabilities))*

*Legal Reference: (see next page)*

## STUDENT DISTURBANCES (continued)

### *Legal Reference:*

#### EDUCATION CODE

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

#### PENAL CODE

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

### *Management Resources:*

#### CSBA PUBLICATIONS

911! A Manual for Schools and the Media During a Campus Crisis, 2001

#### U.S. DEPARTMENT OF EDUCATION PUBLICATIONS

Practical Information on Crisis Planning: A Guide for Schools and Communities, May 2003

#### WEB SITES

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

California Department of Education, Safe Schools Office: <http://www.cde.ca.gov/ss>

U.S. Department of Education, Emergency Planning:

<http://www.ed.gov/admins/lead/safety/emergencyplan>



## VANDALISM AND GRAFFITI

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

*(cf. 0450 - Comprehensive Safety Plan)*  
*(cf. 1400 - Relations Between Other Governmental Agencies and the Schools)*  
*(cf. 3515 - Campus Security)*  
*(cf. 3515.3 - District Police/Security Department)*  
*(cf. 5137 - Positive School Climate)*  
*(cf. 5136 - Gangs)*  
*(cf. 5138 - Conflict Resolution/Peer Mediation)*

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

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

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

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

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

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

*Legal Reference: (see next page)*

## VANDALISM AND GRAFFITI (continued)

*Legal Reference:*

EDUCATION CODE

48900 Grounds for suspension or expulsion

48904 Willful misconduct, limit of liability of parent or guardian

48904.3 Withholding grades, diplomas, or transcripts of pupils causing property damage or injury

CIVIL CODE

51.7 Right to be free from violence

52.1 Discrimination liability

1714.1 Liability of parent or guardian for act of willful misconduct by a minor

GOVERNMENT CODE

53069.5 Reward for information

PENAL CODE

594.1 Aerosol containers of paint

594.2 Intent to commit vandalism or graffiti

594.6 Vandalism or graffiti, community service

640.5 Graffiti; facilities or vehicles of governmental entity

640.6 Graffiti

CODE OF REGULATIONS, TITLE 5

305 Student responsible for care of property

*Management Resources:*

WEB SITES

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

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

**ALCOHOL AND OTHER DRUGS**

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

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

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

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

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

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

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

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

*(cf. 5137 - Positive School Climate)*

## **ALCOHOL AND OTHER DRUGS (continued)**

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

*(cf. 1220 - Citizen Advisory Committees)*

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

*(cf. 1020 - Youth Services)*

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

### **Instruction**

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

*(cf. 6142.1 - Sexual Health and HIV/AIDS Prevention Instruction)*

*(cf. 6142.8 - Comprehensive Health Education)*

*(cf. 6143 - Courses of Study)*

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

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

*(cf. 4131 - Staff Development)*

### **Intervention, Referral and Student Assistance Programs**

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

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

## **ALCOHOL AND OTHER DRUGS (continued)**

### **Enforcement/Discipline**

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

*(cf. 5131 - Conduct)*

*(cf. 5145.11 - Questioning and Apprehension)*

*(cf. 5145.12 - Search and Seizure)*

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

*(cf. 5144 - Discipline)*

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

*(cf. 6145 - Extracurricular and Cocurricular Activities)*

*Legal Reference: (see next page)*

## **ALCOHOL AND OTHER DRUGS (continued)**

### *Legal Reference:*

#### EDUCATION CODE

44049 Known or suspected alcohol or drug abuse by student  
44645 In-service training anabolic steroids  
48900 Suspension or expulsion (grounds)  
48900.5 Suspension, limitation on imposition; exception  
48901 Smoking or use of tobacco prohibited  
48901.5 Prohibition of electronic signaling devices  
48902 Notification of law enforcement authorities; civil or criminal immunity  
48909 Narcotics or other hallucinogenic drugs  
48915 Expulsion; particular circumstances  
49602 Confidentiality of pupil information  
51202 Instruction in personal and public health and safety  
51203 Instruction on alcohol, narcotics and restricted dangerous drugs  
51210 Areas of study  
51220 Areas of study, grades 7 to 12  
51260-51269 Drug education  
60041 Instructional materials  
60110-60115 Instructional materials on alcohol and drug education

#### BUSINESS AND PROFESSIONS CODE

25608 Alcohol on school property; use in connection with instruction

#### HEALTH AND SAFETY CODE

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

#### PENAL CODE

13860-13864 Suppression of drug abuse in schools

#### VEHICLE CODE

13202.5 Drug and alcohol related offenses by person under age of 21, but aged 13 or over;

#### WELFARE AND INSTITUTIONS CODE

828 Disclosure of information re minors  
828.1 Disclosure of criminal records; protection of vulnerable staff & students

#### UNITED STATES CODE, TITLE 20

5812 National education goals  
7101-7184 Safe and Drug-Free Schools and Communities Act

### *Management Resources:*

#### WEB SITES

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

**Students**

**TOBACCO**

BP 5131.62(a)

*Do not  
use SRCS  
(Keep current policy)*

Note: The following **optional** policy may be revised to reflect district practice. Education Code 48901 requires any district maintaining a high school to take all steps deemed practical to discourage high school students from smoking. Tobacco-use prevention resources generally encourage prevention efforts to begin as early as possible, including in the middle or elementary grades.

The state's Tobacco-Use Prevention Education (TUPE) competitive grant program for grades 6-12 (Health and Safety Code 104350-104495) provides support for local tobacco-use prevention and intervention programs.

The Governing Board recognizes the serious health risks presented by tobacco use and desires to ensure that, through adoption of consistent policies, district students are made aware of those risks and, to the extent possible, protected from them. The Superintendent or designee shall establish a coordinated school health system which includes a comprehensive behavioral health education component that teaches students the knowledge, skills, and attitudes they need in order to lead healthy lives and avoid high-risk behaviors, such as tobacco use.

*(cf. 5141.23 - Asthma Management)*

The Superintendent or designee shall provide prevention, intervention, and cessation education, information, activities, and/or referrals to district students and shall ensure consistent enforcement of district policies prohibiting student possession and use of tobacco products.

### **Prohibition Against Tobacco Use**

Note: Education Code 48900 and 48901 prohibit students from possessing, smoking, or using tobacco on school grounds, as provided in the following paragraph. Pursuant to Education Code 48900, students who violate this prohibition may be subject to discipline, including suspension or expulsion. However, pursuant to Education Code 48900.5, it is recommended that other means of correction that address the student's conduct be implemented instead of suspension or expulsion; see the section "Intervention/Cessation Services" below and AR 5144 - Discipline. In addition, Health and Safety Code 104420 and 104559, as added by ABX2 9 (Ch. 5, Statutes of 2016), prohibit the use of tobacco products in district buildings, on district property, and in district vehicles by any person at any time; see BP 3513.3 - Tobacco-Free Schools.

Students shall not possess, smoke, or use tobacco or any product containing tobacco or nicotine while on campus, while attending school-sponsored activities, or while under the supervision and control of district employees. (Education Code 48900, 48901)

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

*(cf. 5131 - Conduct)*

*(cf. 5144 - Discipline)*

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

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

Note: The following definitions of "smoking" and "tobacco products" are specified in Business and Professions Code 22950.5 and incorporated by reference into Education Code 48901, as amended by SBX2 5 (Ch. 7, Statutes of 2016).

**TOBACCO** (continued)

*Smoking* means inhaling, exhaling, burning, or carrying of any lighted or heated cigar, cigarette, pipe, tobacco, or plant product intended for inhalation, whether natural or synthetic, in any manner or form, and includes the use of an electronic smoking device that creates aerosol or vapor or of any oral smoking device for the purpose of circumventing the prohibition of smoking. (Business and Professions Code 22950.5; Education Code 48901)

*Tobacco products* include: (Business and Professions Code 22950.5; Education Code 48901)

1. A product containing, made, or derived from tobacco or nicotine that is intended for human consumption, whether smoked, heated, chewed, absorbed, dissolved, inhaled, snorted, sniffed, or ingested by any other means, including, but not limited to, cigarettes, cigars, little cigars, chewing tobacco, pipe tobacco, or snuff
2. An electronic device that delivers nicotine or other vaporized liquids to the person inhaling from the device, including, but not limited to, an electronic cigarette, cigar, pipe, or hookah
3. Any component, part, or accessory of a tobacco product, whether or not sold separately

These prohibitions do not apply to a student's possession or use of his/her own prescription products. However, student possession or use of prescription products in school shall be subject to the district's policy and regulation for addressing the administration of medications on campus. (Education Code 48900)

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

**Prevention Instruction**

Note: The following **optional** section may be revised to reflect district practice and the grade levels offered by the district. Education Code 51202 requires the district to offer a course of study at the appropriate elementary and secondary grade levels that includes the effects of tobacco upon the human body. Education Code 51202 also requires that the course of study in secondary grades include instruction on the effects of tobacco upon prenatal development. See AR 6143 - Courses of Study. The state's content standards for health education include a number of standards at selected grade levels from K-12 related to the health consequences of tobacco use.

The TUPE program provides resources for supplemental instruction in grades 6-12 that addresses specified topics; see the accompanying administrative regulation. CDE's Guidelines for Tobacco Prevention, contained in its Getting Results publication, recommend developmentally appropriate instruction in grades K-12, with instruction that is especially intensive in grades 6-9 (particularly the transition year from elementary to middle school/junior high) and is reinforced in high school.

The district shall provide developmentally appropriate tobacco-use prevention instruction for students at selected grade levels from K-12 pursuant to Education Code 51202. Such



**TOBACCO** (continued)

instruction shall be aligned with state content standards and the state curriculum framework for health education and with any requirements of state and/or federal grant programs in which the district participates.

*(cf. 6142.8 - Comprehensive Health Education)*  
*(cf. 6143 - Courses of Study)*

**Intervention/Cessation Services**

Note: The following **optional** section may be revised to reflect district practice. Pursuant to Health and Safety Code 104420 and 104460, districts receiving TUPE funds must provide students with access to intervention and cessation services and must provide pregnant and parenting minors with access to designated services. The district may fulfill these requirements either through the direct provision of services or through referrals to available services. See the accompanying administrative regulation. Pursuant to Education Code 48900.5, such intervention should be implemented to correct student behavior rather than suspension or other measures that may exclude a student from instruction.

The district may provide or refer students to counseling, intensive education, and other intervention services to assist in the cessation of tobacco use. Such intervention services shall be provided as an alternative to suspension for tobacco possession.

*(cf. 1020 - Youth Services)*  
*(cf. 5141.6 - School Health Services)*  
*(cf. 5146 - Married/Pregnant/Parenting Students)*  
*(cf. 6164.2 - Guidance/Counseling Services)*

**Program Planning**

Note: The following **optional** section may be revised to reflect district practice.

Health and Safety Code 104420 requires the CDE to give priority for TUPE funding to programs that, in addition to targeting current tobacco users, target students most at risk for beginning to use tobacco. Student populations considered to be "most at risk" are to be identified by the district through a local needs assessment, as provided in the following paragraph.

The district's tobacco-use prevention and intervention program shall be based on an assessment of tobacco-use problems in district schools and the community, an examination of existing services and activities in the community, and a determination of high-risk student populations that are most in need of district services.

Note: The following **optional** paragraph may be revised to reflect district practice. Health and Safety Code 104420 and 104435 require districts receiving TUPE funds, with assistance from the county office of education, to coordinate efforts with the "lead local agency" in the community, defined in Health and Safety Code 104400 as the county or city health department.

**TOBACCO** (continued)

The Superintendent or designee shall coordinate with the local health department and county office of education in program planning and implementation. He/she may establish an advisory council including students, parents/guardians, district staff, representatives of the local health department and community organizations, law enforcement professionals, and/or others with demonstrated expertise in tobacco prevention and cessation.

*(cf. 1220 - Citizen Advisory Councils)*

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

The Superintendent or designee also shall coordinate the district's tobacco-use prevention and intervention program with other district efforts to reduce students' use of illegal substances and to promote student wellness.

*(cf. 5030 - Student Wellness)*

*(cf. 5131.6 - Alcohol and Other Drugs)*

*(cf. 5131.63 - Steroids)*

Note: The following paragraph is for use by districts that receive TUPE funds and may be used by other districts at their discretion.

The Superintendent or designee shall select tobacco-use prevention programs based on the model program designs identified by the California Department of Education (CDE) and may adapt the model to meet district needs. (Health and Safety Code 104420)

Note: Pursuant to TUPE Acceptance of Funds Guidance on the CDE's web site, TUPE grant funding will not be awarded to an applicant that receives any funding or educational materials from the tobacco industry, or from any agency which has received funding from the tobacco industry, for the purpose of implementing tobacco-use prevention or intervention programs.

The Superintendent or designee shall not accept for distribution any materials or advertisements that promote the use or sale of tobacco products. He/she also shall not accept tobacco-use prevention or intervention funds or materials from the tobacco industry or from any entity which is known to have received funding from the tobacco industry.

*(cf. 1325 - Advertising and Promotion)*

*(cf. 3290 - Gifts, Grants and Bequests)*

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

**Program Evaluation**

Note: The following **optional** section may be revised to reflect district practice. Districts that accept TUPE funds are required by the CDE to administer the core California Healthy Kids Survey in the first year of funding and at least every other year thereafter to assess the health-related behavior of a representative sample of students in grades 7, 9, and 11. In addition, districts that receive funding through TUPE are required to complete the TUPE Annual Report by June 30 of each year.

**TOBACCO** (continued)

To evaluate the effectiveness of the district's program and ensure accountability, the Superintendent or designee shall biennially administer the California Healthy Kids Survey or other appropriate student survey at selected grade levels in order to assess student attitudes toward tobacco and student use of tobacco. He/she also shall annually report to the Board, and to the CDE if required, the data specified in Health and Safety Code 104450.

*(cf. 0500 - Accountability)*

*(cf. 5022 - Student and Family Privacy Rights)*

*(cf. 6162.8 - Research)*

The results of program evaluations shall be used to refine program goals and objectives and make changes as needed to strengthen program implementation.

*Legal Reference: (see next page)*

**TOBACCO (continued)**

*Legal Reference:*

EDUCATION CODE

8900 Suspension or expulsion (grounds)

48900.5 Suspension, limitation on imposition; exception

48901 Smoking or use of tobacco prohibited

51202 Instruction in personal and public health and safety

60041 Instructional materials, portrayal of effects of tobacco use

BUSINESS AND PROFESSIONS CODE

22950.5 Stop Tobacco Access to Kids Enforcement Act; definitions

HEALTH AND SAFETY CODE

104350-104495 Tobacco-use prevention education

104559 Tobacco use prohibition

119405 Unlawful to sell or furnish electronic cigarettes to minors

PENAL CODE

308 Minimum age for tobacco possession

CODE OF REGULATIONS, TITLE 17

6800 Definition, health assessment

6844-6847 Child Health and Disability Prevention program; health assessments

UNITED STATES CODE, TITLE 20

7111-7122 Student Support and Academic Enrichment Grants

CODE OF FEDERAL REGULATIONS, TITLE 21

1140.1-1140.34 Unlawful sale of cigarettes and smokeless tobacco to minors

ATTORNEY GENERAL OPINIONS

88 *Ops. Cal. Atty. Gen.* 8 (2005)

*Management Resources:*

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

TUPE Acceptance of Funds Guidance

Health Education Content Standards for California Public Schools: Kindergarten Through Grade Twelve, 2008

Health Framework for California Public Schools: Kindergarten Through Grade Twelve, 2003

Getting Results: Part II California Action Guide to Tobacco Use Prevention Education, 2000

WEST ED PUBLICATIONS

Guidebook for the California Healthy Kids Survey

WEB SITES

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

California Department of Education, Tobacco-Use Prevention Education:

<http://www.cde.ca.gov/ls/he/at/tupe.asp>

California Department of Public Health, Tobacco Control: <http://www.cdph.ca.gov/programs/tobacco>

California Healthy Kids Resource Center: <http://www.californiahealthykids.org>

California Healthy Kids Survey: <http://www.wested.org/hks>

Centers for Disease Control and Prevention, Smoking and Tobacco Use: <http://www.cdc.gov/tobacco>

U.S. Surgeon General: <http://www.surgeongeneral.gov>

# **Santa Rosa City Schools**

## **Board Policy**

### **Tobacco**

BP 5131.62

#### **Students**

The Board of Education recognizes that tobacco use presents serious health risks and desires to provide support and assistance in reducing the number of students who begin or continue to use tobacco.

The Board prohibits the use of products containing tobacco and/or nicotine, including, but not limited to, smokeless tobacco, snuff, chew, clove cigarettes, and electronic nicotine delivery systems, such as electronic cigarettes, any time, in charter school or school district-owned or leased buildings, on school or district property, and in school or district vehicles. However, this section does not prohibit the use or possession of prescription products, or other cessation aids such as nicotine patches or nicotine gum. Student use or possession of such products must conform to laws governing student use and possession of medications on school property. Other vapor emitting electronic devices, such as electronic hookah, with or without nicotine content, that mimic the use of tobacco products, are also prohibited. The Superintendent or designee shall establish a comprehensive program that includes consistent enforcement of laws prohibiting tobacco possession and use by students, tobacco-use prevention education including youth development activities, and intervention and cessation activities and/or referrals.

(cf. 5141.23 - Asthma Management)

#### **Prohibition Against Tobacco Use**

Students shall not possess, smoke, or use tobacco or any product containing tobacco or nicotine while on campus, while attending school-sponsored activities, or while under the supervision and control of district employees. Prohibited products include, but are not limited to, cigarettes, cigars, miniature cigars, clove cigarettes, smokeless tobacco, snuff, chew packets, and betel. (Education Code 48900, 48901)

(cf. 3513.3 - Tobacco-Free Schools)

(cf. 5131 - Conduct)

(cf. 5144 - Discipline)

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

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

Students' possession or use of nicotine delivery devices, such as electronic cigarettes, is also prohibited.

These prohibitions do not apply to a student's possession or use of his/her own prescription

products. (Education Code 48900, 48901)

#### Prevention Instruction

The district shall provide developmentally appropriate tobacco-use prevention instruction for students at selected grade levels from K-12. Such instruction shall be aligned with state content standards and the state curriculum framework for health education and with any requirements of state and/or federal grant programs in which the district participates.

(cf. 6143 - Courses of Study)

#### Intervention/Cessation Services

The district may provide or refer students to counseling, intensive education, and other intervention services to assist in the cessation of tobacco use. When appropriate, such intervention services may be provided as an alternative to suspension for tobacco possession.

(cf. 1020 - Youth Services)

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

(cf. 5141.6 - School Health Services)

(cf. 6164.2 - Guidance/Counseling Services)

#### Program Planning

The district's tobacco-use prevention and intervention program shall be based on an assessment of tobacco-use problems in district schools and the community, an examination of existing services and activities in the community, and a determination of high-risk student populations that are most in need of district services.

The Superintendent or designee shall coordinate with the local health department and county office of education in program planning and implementation. He/she may establish an advisory council including students, parents/guardians, district staff, representatives of the local health department and community organizations, law enforcement professionals, and/or others with demonstrated expertise in tobacco prevention and cessation.

(cf. 1220 - Citizen Advisory Councils)

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

The Superintendent or designee also shall coordinate the district's tobacco-use prevention and intervention program with other district efforts to reduce students' use of illegal substances and to promote student wellness.

(cf. 5030 - Student Wellness)

(cf. 5131.6 - Alcohol and Other Drugs)

(cf. 5131.63 - Steroids)

The Superintendent or designee shall select anti-tobacco programs based on the model program designs identified by the California Department of Education (CDE) and may modify the model to meet district needs. (Health and Safety Code 104420)

The Superintendent or designee shall not accept for distribution any materials or advertisements that promote the use or sale of tobacco products. He/she also shall not accept tobacco-use prevention or intervention funds or materials from the tobacco industry or from any entity which has received funding from the tobacco industry.

(cf. 1325 - Advertising and Promotion)

(cf. 3290 - Gifts, Grants and Bequests)

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

### Program Evaluation

To evaluate the effectiveness of the district's program and ensure accountability, the Superintendent or designee shall biennially administer the California Healthy Kids Survey or other appropriate student survey at selected grade levels in order to assess student attitudes toward tobacco and student use of tobacco. He/she also shall annually report to the Board, and to the CDE if required, the data specified in Health and Safety Code 104450.

(cf. 0500 - Accountability)

(cf. 5022 - Student and Family Privacy Rights)

(cf. 6162.8 - Research)

The results of program evaluations shall be used to refine program goals and objectives and make changes as needed to strengthen program implementation.

### Legal Reference:

#### EDUCATION CODE

48900 Suspension or expulsion (grounds)

48900.5 Suspension, limitation on imposition; exception

48901 Smoking or use of tobacco prohibited

51202 Instruction in personal and public health and safety

60041 Instructional materials, portrayal of effects of tobacco use

#### HEALTH AND SAFETY CODE

104350-104495 Tobacco-use prevention education

119405 Unlawful to sell or furnish electronic cigarettes to minors

#### PENAL CODE

308 Minimum age for tobacco possession

#### CODE OF REGULATIONS, TITLE 17

6800 Definition, health assessment

6844-6847 Child Health and Disability Prevention program; health assessments

#### UNITED STATES CODE, TITLE 20

7111-7117 Safe and Drug-Free Schools and Communities Act  
CODE OF FEDERAL REGULATIONS, TITLE 21  
1140.1-1140.34 Unlawful sale of cigarettes and smokeless tobacco to minors  
ATTORNEY GENERAL OPINIONS  
88 Ops.Cal.Atty.Gen. 8 (2005)

Management Resources:

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

Health Education Content Standards for California Public Schools: Kindergarten Through Grade Twelve, 2008

Health Framework for California Public Schools: Kindergarten Through Grade Twelve, 2003

Getting Results: Part II California Action Guide to Tobacco Use Prevention Education, 2000

WEST ED PUBLICATIONS

Guidebook for the California Healthy Kids Survey

WEB SITES

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

California Department of Education, Tobacco-Use Prevention Education:

<http://www.cde.ca.gov/ls/he/at/tupe.asp>

California Department of Public Health, Tobacco Control:

<http://www.cdph.ca.gov/programs/tobacco>

California Healthy Kids Resource Center: <http://www.californiahealthykids.org>

California Healthy Kids Survey: <http://www.wested.org/hks>

Centers for Disease Control and Prevention, Smoking and Tobacco Use:

<http://www.cdc.gov/tobacco>

U.S. Department of Education: <http://www.ed.gov>

U.S. Surgeon General: <http://www.surgeongeneral.gov>

Policy SANTA ROSA CITY SCHOOLS

adopted: October 23, 2013 Santa Rosa, California



**STEROIDS**

The Board of Education recognizes that the use of steroids and other performance-enhancing supplements presents a serious health and safety hazard. As part of the district's drug prevention and intervention efforts, the Superintendent or designee and staff shall make every reasonable effort to prevent students from using steroids or other performance-enhancing supplements.

Students in grades 7-12 shall receive a lesson on the effects of steroids as part of their health, physical education, or drug education program.

*(cf. 5131.6 - Alcohol and Other Drugs)*  
*(cf. 6142.8 - Comprehensive Health Education)*

Students participating in interscholastic athletics are prohibited from using steroids and dietary supplements banned by the U.S. Anti-Doping Agency as well as the substance synephrine. (Education Code 49030)

*(cf. 5131.61 - Drug Testing)*  
*(cf. 6145.2 - Athletic Competition)*

Before participating in interscholastic athletics, a student athlete and his/her parent/guardian shall sign a statement that the student athlete pledges not to use androgenic/anabolic steroids and dietary supplements banned by the U.S. Anti-Doping Agency and the substance synephrine, unless the student has a written prescription from a licensed health care practitioner to treat a medical condition.

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

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

Coaches shall educate students about the district's prohibition and the dangers of using steroids and other performance-enhancing supplements.

*(cf. 4127/4227/4327 - Temporary Athletic Team Coaches)*

The Superintendent or designee shall ensure that district schools do not accept sponsorships or donations from supplement manufacturers that offer muscle-building supplements to students.

*(cf. 1325 - Advertising and Promotion)*

*Legal Reference: (see next page)*

## STEROIDS (continued)

### *Legal Reference:*

#### EDUCATION CODE

49030-49034 Performance-enhancing supplements

51260-51269 Drug education, especially:

51262 Use of anabolic steroids; legislative finding and declaration

#### CIVIL CODE

1812.97 Warning statement; posting in athletic facilities

#### HEALTH AND SAFETY CODE

110423.2 Dietary supplements

### *Management Resources:*

#### CALIFORNIA INTERSCHOLASTIC FEDERATION BYLAWS

California Interscholastic Federation Constitution and Bylaws 2005-06

#### U.S. ANTI-DOPING AGENCY PUBLICATIONS

*Guide to Prohibited Substances and Prohibited Methods of Doping*

#### WEB SITES

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

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

California Interscholastic Federation: <http://www.cifstate.org>

National Center for Drug Free Sport: <http://www.drugfreesport.com>

National Institute on Drug Abuse: <http://www.nida.nih.gov>

U.S. Anti-Doping Agency: <http://www.usantidoping.org>

## **WEAPONS AND DANGEROUS INSTRUMENTS**

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

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

### **Possession of Weapons**

The Board prohibits any student from possessing weapons, imitation firearms, or other dangerous instruments, as defined in law and administrative regulation, in school buildings, on school grounds or buses, at school-related or school-sponsored activities away from school, or while going to or coming from school.

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

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

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

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

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

*(cf. 3515.2 - Disruptions)*

### **Possession of Pepper Spray**

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

## **WEAPONS AND DANGEROUS INSTRUMENTS (continued)**

### **Reporting of Dangerous Objects**

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

*(cf. 5125 - Student Records)*

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

*Legal Reference: (see next page)*

## WEAPONS AND DANGEROUS INSTRUMENTS (continued)

### *Legal Reference:*

#### EDUCATION CODE

35291 Governing board to prescribe rules for discipline of the schools

48900 Grounds for suspension/expulsion

48902 Notification of law enforcement authorities

48915 Required recommendation for expulsions

48916 Readmission

49330-49335 Injurious objects

#### PENAL CODE

245 Assault with deadly weapon

417.4 Imitation firearm; drawing or exhibiting

626.9 Gun-Free School Zone Act of 1995

626.10 Dirks, daggers, knives, razor or stun gun; bringing or possessing in school

653k Switchblade knife

16100-17350 Definitions

22810-23025 Tear gas weapon (pepper spray)

25200-25225 Firearms, access to children

30310 Prohibition against ammunition on school grounds

#### UNITED STATES CODE, TITLE 20

6301-7941 No Child Left Behind Act, especially:

7151 Gun-Free Schools Act

### *Management Resources:*

#### CSBA PUBLICATIONS

*Safe Schools: Strategies for Governing Boards to Ensure Student Success*, Third Edition, October 2011

#### CALIFORNIA DEPARTMENT OF EDUCATION COMMUNICATIONS

0401.01 Protecting Student Identification in Reporting Injurious Objects

#### U.S. DEPARTMENT OF EDUCATION PUBLICATIONS

*Guidance Concerning State and Local Responsibilities Under the Gun-Free Schools Act*, January 2004

#### WEB SITES

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

California Department of Education, Safe Schools: <http://www.cde.ca.gov/lss>

National Alliance for Safe Schools: <http://www.safeschools.org>

National School Safety Center: <http://www.schoolsafety.us>

U.S. Department of Education, Office of Safe and Drug Free Schools:

<http://www.ed.gov/about/offices/list/osdfs>

**ACADEMIC HONESTY**

The Board of Education believes that personal integrity is basic to all solid achievement. Students will reach their full potential only by being honest with themselves and with others.

The Board expects students to respect the educational purpose underlying all school activities. All students need to prove to themselves that they can do successful work as a result of their own efforts. The Board expects that students will not cheat, collude, or plagiarize.

The Board recognizes that students are more inclined to cheat, collude, or plagiarize when there is little likelihood of getting caught. Each school shall provide an environment that encourages honesty. Students must know that their teachers will not ignore or condone cheating, collusion, or plagiarism and that anyone discovered cheating, colluding, or plagiarizing will be penalized.

**Definitions of Cheating, Collusion and Plagiarism****1. Cheating/Collusion**

*Cheating* is the act of obtaining or attempting to obtain credit for academic work by using dishonest means. Cheating and collusion include but are not limited to:

- a. Copying, in part or whole, or otherwise acquired from another's examination, paper (including homework assignments), mathematical calculation(s), research, creative project or the like
- b. Submitting as one's own work an examination, paper, mathematical calculation(s), research or creative project, or the like which has been purchased, borrowed, or stolen
- c. Intentional falsification or invention of data or a source in an academic exercise
- d. Using notes or materials not specifically authorized by the instructor during an examination
- e. Any collaboration between a student and another person at times or in ways which are not permitted by the instructor

**2. Plagiarism**

*Plagiarism* is the act of obtaining or attempting to obtain credit for academic work by representing the work of another as one's own (including text found on the Internet) without the necessary and appropriate acknowledgment. Specifically, plagiarism is:

**ACADEMIC HONESTY** (continued)

- a. The act of incorporating the ideas, words of sentences, paragraphs, or parts thereof without appropriate acknowledgment and representing the product as one's own work
- b. The act of representing another's intellectual or creative work such as musical composition, computer program, photograph, painting, drawing, sculpture, research, the like as one's own

*Legal Reference:*

EDUCATION CODE  
35291-35291.5 Rules

Policy  
adopted: October 22, 1997  
revised: July 24, 2002  
revised: August 28, 2002  
revised: June 11, 2008

**SANTA ROSA CITY SCHOOLS**  
Santa Rosa, California

**DRESS AND GROOMING**

The Board of Education believes that appropriate student dress contributes to a productive learning environment, and that students' clothing must not present a health or safety hazard or a distraction which would interfere with the educational process.

At the beginning of each school year, students and parents/guardians shall be informed in writing about the school dress code. A student who violates the school dress code shall be subject to appropriate disciplinary action.

When gangs constitute a danger to students, the Superintendent or designee may restrict student dress, as necessary, to comply with Board policy related to school safety and gang activity.

**Uniforms or Common Student Dress**

The Board recognizes that in order to promote student safety and discourage theft, peer rivalry, and/or gang activity, the principal, staff, and parents/guardians within a district school may elect to establish a reasonable school dress code requiring students to wear uniforms or common student dress (CSO).

The Board shall approve either a uniform or common student dress code when it determines that such a code promotes the academic focus and/or health and safety of a school's students.

The Superintendent or designee shall establish procedures whereby parents/guardians may elect to have their children exempted from an adopted school uniform or common student dress policy. The CSD exemption process shall include a designated deadline for parents/guardians to complete and submit a CSD Waiver Exemption form for that year. Students shall not be penalized academically, or otherwise discriminated against or denied attendance to school, if their parents/guardians do decide to request an exemption waiver.

The Superintendent or designee shall ensure that resources and criteria are identified for student assistance in purchasing uniforms/common student dress.

The Superintendent or designee shall establish procedures whereby common student dress code may be evaluated to determine whether common student dress should continue, be rescinded, or be modified.

*Legal Reference: (see next page)*



## DRESS AND GROOMING (continued)

*Legal Reference:*

EDUCATION CODE

32281 School safety plans

35183 School dress codes; uniforms

35183.5 Sun-protective clothing

48907 Student exercise of free expression

49066 Grades; effect of physical education class apparel

CODE OF REGULATIONS, TITLE 5

302 Pupils to be neat and clean on entering school

COURT DECISIONS

Marvin H. Jeglin et al v. San Jacinto Unified School District et al, (C.D. Cal. 1993)

827 F.Supp. 1459

Arcadia Unified School District v. California Department of Education, (1992) 2 Cal. 4th 251

Hartzell v. Connell, (1984) 35 Cal. 3d 899

Policy

adopted: May 23, 1978

revised: September 8, 1999

revised: May 30, 2001

reviewed: April 9, 2008

**SANTA ROSA CITY SCHOOLS**

Santa Rosa, California

**GANG AFFILIATION AND ACTIVITY**

The Board of Education desires to keep district schools free from the threats or harmful influence of any groups or gangs which exhibit drug use, violence, or disruptive behavior. The Superintendent or designee shall take steps to deter gang intimidation of students and staff and confrontations between members of different gangs. He/she shall exchange information and establish mutually supportive efforts with local law enforcement authorities, including notifying the Santa Rosa Police Department of any gang-related activities on or adjacent to school campuses. In addition, he/she shall participate in developing and implementing interagency coordination strategies to deter gang-related activities.

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

Pursuant to Education Code 35183(b), the Board hereby prohibits district students from wearing gang-related apparel, based on its determination that this policy is necessary for the health and safety of the school environment.

To further discourage the influence of gangs, the Superintendent or designee shall ensure that school rules of conduct and any school dress code prohibiting gang-related apparel are enforced consistently. If a student exhibits signs of gang affiliation, including wearing, carrying, or displaying gang regalia or making gang-related gestures, staff shall so inform the parent/guardian and the student may be subject to disciplinary action.

*Legal Reference:*EDUCATION CODE*32282 School safety plans**35183 Gang-related apparel**41510-41514 School Safety Consolidated Competitive Grant**48907 Student exercise of free expression**51264 Educational inservice training; CDE guidelines**51265 Gang violence and drug and alcohol abuse prevention inservice training**51266-51266.5 Model gang and substance abuse prevention curriculum*PENAL CODE*186.22 Participation in criminal street gang**13826-13826.7 Gang violence suppression*UNITED STATES CODE, TITLE 20*7101-7184 Safe and Drug-Free Schools and Communities Act**Management Resources:*CDE PUBLICATIONS*On Alert: Gang Prevention in School and Inservice Guidelines, January 1994*CSBA PUBLICATIONS*Protecting Our Schools: Governing Board Strategies to Combat School Violence, 1995*

## Policy

adopted: September 11, 1990

revised: July 28, 2004

revised: April 9, 2008

revised: December 9, 2009

**SANTA ROSA CITY SCHOOLS**

Santa Rosa, California

**POSITIVE SCHOOL CLIMATE**

The Board of Education desires to provide an orderly, caring and nondiscriminatory learning environment in which all students can feel comfortable and take pride in their school and their achievements.

*(cf. 0410 - Nondiscrimination in District Programs and Activities)*

*(cf. 5132 - Dress and Grooming)*

*(cf. 5144 - Discipline)*

*(cf. 5145.2 - Freedom of Speech/Expression)*

*(cf. 5145.3 - Nondiscrimination/Harassment)*

*(cf. 5145.7 - Sexual Harassment)*

The Board encourages staff to teach students the meaning of equality, human dignity, and mutual respect, and to employ cooperative learning strategies that foster positive interactions in the classroom among students from diverse backgrounds. The district shall provide instruction and counseling designed to promote positive racial and ethnic identity, help students understand diverse cultures, teach them to think critically about racial bias and show them how to deal with discriminatory behavior in appropriate ways.

*(cf. 6141 - Curriculum Development and Evaluation)*

*(cf. 6141.6 - Multicultural Education)*

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

Students shall have opportunities to voice their concerns about school policies and practices and to share responsibility for solving problems that affect their school. The Superintendent or designee may initiate student courts, campus beautification projects, buddy systems, vandalism prevention campaigns and other similar programs. Staff shall encourage and reward success and achievement, participation in community projects and positive student conduct.

*(cf. 5126 - Awards for Achievement)*

*(cf. 5131.4 - Student Disturbances)*

*(cf. 5136 - Gangs)*

*(cf. 6142.4 - Service Learning/Community Service Classes)*

The schools shall promote nonviolent conflict resolution techniques in order to encourage attitudes and behaviors that foster harmonious relations. As part of this effort, students shall be taught the skills necessary to reduce violence, including communication skills, anger management, bias reduction and mediation skills. Staff shall receive training that implements and supports conflict resolution techniques, and training in conflict resolution techniques shall be available to parents/guardians and volunteers.

*Legal Reference: (see next page)*

**POSITIVE SCHOOL CLIMATE** (continued)

*Legal Reference:*

EDUCATION CODE

*233.5 Duty concerning instruction of students*

*35160 Authority of governing boards*

*35160.1 Broad authority of school districts*

**CONFLICT RESOLUTION/PEER MEDIATION**

To promote student safety and contribute to the maintenance of a positive school climate, the Board of Education encourages the development of school-based conflict resolution programs designed to help students learn constructive ways of handling conflict. The Board believes that such programs can reduce violence and promote communication, personal responsibility and problem-solving skills among students.

Conflict resolution strategies shall be considered as part of each school's comprehensive safety plan and incorporated into other district discipline procedures as appropriate. Conflict resolution programs shall not supplant the authority of staff to take appropriate action as necessary to prevent violence, ensure student safety, maintain order in the school, and institute disciplinary measures.

*(cf. 0450 - Comprehensive Safety Plan)*

*(cf. 5137 - Positive School Climate)*

*(cf. 5144 - Discipline)*

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

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

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

Schoolwide programs may include curriculum in conflict resolution, including, but not limited to, instruction in effective communication and listening, critical thinking, problem-solving processes and the use of negotiation to find mutually acceptable solutions. In addition, the curriculum may address students' ethical and social development, respect for diversity, and interpersonal and behavioral skills.

*(cf. 6141 - Curriculum Development and Evaluation)*

*(cf. 6141.6 - Multicultural Education)*

Conflict resolution programs may incorporate peer mediation strategies in which selected students are specially trained to work with their peers in resolving conflicts.

Students' participation in any peer mediation program shall be voluntary and kept confidential by all parties involved.

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

*(cf. 5125 - Student Records)*

In developing a conflict resolution and/or peer mediation program, school-site teams shall address, as appropriate:

1. The grade levels and courses in which the conflict resolution curriculum shall be delivered

*(cf. 6143 - Courses of Study)*

**CONFLICT RESOLUTION/PEER MEDIATION** (continued)

2. Staff development related to the implementation of the curriculum and modeling of appropriate behaviors and communication skills

*(cf. 4131 - Staff Development)*

3. The selection of peer mediators involving, to the extent possible, a cross-section of students in terms of grade, gender, race, ethnicity, and socioeconomic status, and including some students who exhibit negative leadership among peers
4. Training and support for peer mediators, including training in mediation processes and in the skills related to understanding conflict, communicating effectively and listening
5. The process for identifying and referring students to the peer mediation program
6. The types of conflicts suitable for peer mediation

*(cf. 5131 - Conduct)*

*(cf. 5131.1 - Bus Conduct)*

*(cf. 5131.4 - Student Disturbances)*

*(cf. 5136 - Gangs)*

*(cf. 5145.3 - Nondiscrimination/Harassment)*

*(cf. 5145.9 - Hate-Motivated Behavior)*

*(cf. 5145.7 - Sexual Harassment)*

7. Scheduling and location of peer mediation sessions
8. Methods of obtaining and recording agreement from all disputants
9. The appropriate involvement of parents/guardians, the community and staff, including counseling/guidance and security staff

*(cf. 1020 - Youth Services)*

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

*(cf. 3515.3 - District Police/Security Department)*

*(cf. 6020 - Parent Involvement)*

*(cf. 6164.2 - Guidance/Counseling Services)*

10. Communications to students, parents/guardians and staff regarding the availability of the program
11. Methods of following up with students to determine the effectiveness of the process

**CONFLICT RESOLUTION/PEER MEDIATION (continued)**

12. Development of assessment tools to periodically evaluate the success of the program including, but not limited to, measurements of whether there has been a reduction in violence at the school and whether the school's suspension rates have fallen since the program has been introduced

*Legal Reference:*

EDUCATION CODE

32280-32288 *School safety plans*

32295.5 *Teen court programs*

35291-35291.5 *Rules*

44807 *Duty concerning conduct of students*

CALIFORNIA CONSTITUTION

Article I, Section 28(c) *Right to safe schools*

*Management Resources:*

CSBA PUBLICATIONS

*Protecting Our Children: Governing Board Strategies to Combat School Violence*, revised 1999

CDE PUBLICATIONS

*Safe Schools: A Planning Guide for Action*, 1995

USDE PUBLICATIONS

*Creating Safe and Drug-Free Schools: An Action Guide*, 1996

WEB SITES

U.S. Department of Education, *Safe and Drug-Free Schools Program*:

<http://www.ed.gov/offices/OESE/SDFS/>

California Department of Education, *Safe Schools and Violence Prevention Office*:

<http://www.cde.ca.gov/ss/>