

# Board Policy

## Students

BP 5144.1(a)

### SUSPENSION AND EXPULSION/DUE PROCESS

The Board of Trustees desires to provide district students access to educational opportunities in an orderly school environment that protects their safety and security, ensures their welfare and well-being, and promotes their learning and development. The Board shall develop rules and regulations setting the standards of behavior expected of district students and the disciplinary processes and procedures for addressing violations of those standards, including suspension and/or expulsion.

(cf. [5131](#) - Conduct)

(cf. [5131.1](#) - Bus Conduct)

(cf. [5131.2](#) - Bullying)

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

Except when otherwise permitted by law, a student may be suspended or expelled only when the behavior is related to a school activity or school attendance occurring within any district school or another school district, regardless of when it occurs, including, but not limited to, the following: (Education Code [48900](#)(s))

1. While on school grounds
2. While going to or coming from school
3. During the lunch period, whether on or off the school campus

(cf. [5112.5](#) - Open/Closed Campus)

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

District staff shall enforce the rules concerning suspension and expulsion of students fairly, consistently, equally, and in accordance with the district's nondiscrimination policies.

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

### Appropriate Use of Suspension Authority

Except when a student's act violates Education Code [48900](#)(a)-(e), as listed in items #1-5 under "Grounds for Suspension and Expulsion: Grades K-12" of the accompanying administrative regulation, or when the student's presence causes a danger to others, suspension shall be used only when other means of correction have failed to bring about proper conduct. (Education Code [48900.5](#), [48900.6](#))

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

(cf. [5138](#) - Conflict Resolution/Peer Mediation)

(cf. [5144](#) - Discipline)

(cf. [6142.4](#) - Service Learning/Community Service Classes)

(cf. [6164.2](#) - Guidance/Counseling Services)

(cf. [6164.5](#) - Student Success Teams)

A student's parents/guardians shall be notified as soon as possible when there is an escalating pattern of misbehavior that could lead to on-campus or off-campus suspension.

No student may be suspended for disruption or willful defiance, except by a teacher pursuant to Education Code [48910](#). (Education Code [48900](#))

Students shall not be suspended or expelled based solely on a student's truancy, tardiness, or absenteeism from assigned school activities. (Education Code 48900)

(cf. [5113](#) - Absences and Excuses)

(cf. [5113.1](#) - Chronic Absence and Truancy)

### **On-Campus Suspension**

To ensure the proper supervision and ongoing learning of students who are suspended for any of the reasons enumerated in Education Code [48900](#) and [48900.2](#), but who pose no imminent danger or threat to anyone at school and for whom expulsion proceedings have not been initiated, the Superintendent or designee shall establish a supervised suspension classroom program which meets the requirements of law.

Except where a supervised suspension is permitted by law for a student's first offense, supervised suspension shall be imposed only when other means of correction have failed to bring about proper conduct. (Education Code [48900.5](#))

### **Authority to Expel**

A student may be expelled only by the Board. (Education Code [48918\(j\)](#))

As required by law, the Superintendent or principal shall recommend expulsion and the Board shall expel any student found to have committed any of the following "mandatory recommendation and mandatory expulsion" acts at school or at a school activity off school grounds: (Education Code [48915](#))

1. Possessing a firearm which is not an imitation firearm, as verified by a certificated employee, unless the student had obtained prior written permission to possess the item from a certificated school employee, with the principal or designee's concurrence

(cf. [5131.7](#) - Weapons and Dangerous Instruments)

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

2. Selling or otherwise furnishing a firearm
3. Brandishing a knife at another person
4. Unlawfully selling a controlled substance listed in Health and Safety Code [11053-11058](#)
5. Committing or attempting to commit a sexual assault as defined in Penal Code [261](#), [266c](#), [286](#), [288](#), [288a](#), or 289, or committing a sexual battery as defined in Penal Code [243.4](#)
6. Possessing an explosive as defined in 18 USC [921](#)

For all other violations listed in the accompanying administrative regulation, the Superintendent or principal shall have the discretion to recommend expulsion of a student. If expulsion is recommended, the Board shall order the student expelled only if it makes a finding of either or both of the following: (Education Code [48915](#)(b) and (e))

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

A vote to expel a student shall be taken in an open session of a Board meeting. (Education Code 48918(j))

The Board may vote to suspend the enforcement of the expulsion order pursuant to the requirements of law and the accompanying administrative regulation. (Education Code [48917](#))

No student shall be expelled for disruption or willful defiance. (Education Code [48900](#))

No child enrolled in a preschool program shall be expelled or unenrolled except under limited circumstances in accordance with Education Code 8489.1 and as specified in AR 5148.3 - Preschool/Early Childhood Education.

(cf. [5148.3](#) - Preschool/Early Childhood Education)

**Due Process**

The Board shall provide for the fair and equitable treatment of students facing suspension and/or expulsion by affording the students due process rights under the law. The Superintendent or designee shall comply with procedures for notices, hearings, and appeals

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

as specified in law and administrative regulation. (Education Code [48911](#), [48915](#), [48915.5](#), [48918](#))

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

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

**Maintenance and Monitoring of Outcome Data**

The Superintendent or designee shall maintain outcome data related to student suspensions and expulsions in accordance with Education Code [48900.8](#) and [48916.1](#), including, but not limited to, the number of students recommended for expulsion, the grounds for each recommended expulsion, the actions taken by the Board, the types of referral made after each expulsion, and the disposition of the students after the expulsion period. For any expulsion that involves the possession of a firearm, such data shall include the name of the school and the type of firearm involved, as required pursuant to 20 USC 7961. Suspension and expulsion data shall be reported to the Board annually and to the California Department of Education when so required.

In presenting the report to the Board, the Superintendent or designee shall disaggregate data on suspensions and expulsions by school and by numerically significant student subgroups, including, but not limited to, ethnic subgroups, socioeconomically disadvantaged students, English learners, long term English learners, students with disabilities, foster youth, and homeless students. Based on the data, the Board shall address any identified disparities in the imposition of student discipline and shall determine whether and how the district is meeting its goals for improving school climate as specified in its local control and accountability plan.

*Legal Reference:*EDUCATION CODE

[212.5](#) Sexual harassment

[233](#) Hate violence

[1981-1981.5](#) Enrollment of students in community school

[8239.1](#) Prohibition against expulsion of preschool student

[17292.5](#) Program for expelled students

[32261](#) Interagency School Safety Demonstration Act of 1985

[35145](#) Open board meetings

[35146](#) Closed sessions (regarding suspensions)

[35291](#) Rules (for government and discipline of schools)

[35291.5](#) Rules and procedures on school discipline

[48645.5](#) Readmission; contact with juvenile justice system

[48660-48666](#) Community day schools

[48853.5](#) Foster youth

[48900-48927](#) Suspension and expulsion

[48950](#) Speech and other communication

[48980](#) Parental notifications

[49073-49079](#) Privacy of student records

[52052](#) Numerically significant student subgroups

[52060-52077](#) Local control and accountability plan

[64000-64001](#) Consolidated application

CIVIL CODE

[47](#) Privileged communication

[48.8](#) Defamation liability

**SUSPENSION AND EXPULSION/DUE PROCESS (continued)***Legal Reference: continued*CODE OF CIVIL PROCEDURE[1985-1997](#) Subpoenas; means of productionGOVERNMENT CODE[11455.20](#) Contempt[54950-54963](#) Ralph M. Brown ActHEALTH AND SAFETY CODE[11014.5](#) Drug paraphernalia[11053-11058](#) Standards and schedulesLABOR CODE[230.7](#) Employee time off to appear in school on behalf of a childPENAL CODE[31](#) Principal of a crime, defined[240](#) Assault defined[241.2](#) Assault fines[242](#) Battery defined[243.2](#) Battery on school property[243.4](#) Sexual battery[245](#) Assault with deadly weapon[245.6](#) Hazing[261](#) Rape defined[266c](#) Unlawful sexual intercourse[286](#) Sodomy defined[288](#) Lewd or lascivious acts with child under age 14[288a](#) Oral copulation[289](#) Penetration of genital or anal openings[417.27](#) Laser pointers[422.55](#) Hate crime defined[422.6](#) Interference with exercise of civil rights[422.7](#) Aggravating factors for punishment[422.75](#) Enhanced penalties for hate crimes[626.2](#) Entry upon campus after written notice of suspension or dismissal without permission[626.9](#) Gun-Free School Zone Act of 1995[626.10](#) Dirks, daggers, knives, razors, or stun guns[868.5](#) Supporting person; attendance during testimony of witnessWELFARE AND INSTITUTIONS CODE[729.6](#) CounselingUNITED STATES CODE, TITLE 18

921 Definitions, firearm

UNITED STATES CODE, TITLE 20[1415\(K\)](#) Placement in alternative educational setting

7961 Gun-free schools

UNITED STATES CODE, TITLE 42[11432-11435](#) Education of homeless children and youthsCOURT DECISIONS*T.H. v. San Diego Unified School District (2004) 122 Cal. App. 4th 1267**Woodbury v. Dempsey (2003) 108 Cal. App. 4th 421**Board of Education of Sacramento City Unified School District v. Sacramento County Board of Education and Kenneth H. (2001) 85 Cal.App.4th 1321**Fremont Union High School District v. Santa Clara County Board (1991) 235 Cal. App. 3d 118**Garcia v. Los Angeles Board of Education (1991) 123 Cal. App. 3d 807**John A. v. San Bernardino School District (1982) 33 Cal. 3d 301*

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

*Legal Reference: continued*

ATTORNEY GENERAL OPINIONS

84 Ops. Cal. Atty. Gen. 146 (2001)

80 Ops. Cal. Atty. Gen. 348 (1997)

80 Ops. Cal. Atty. Gen. 91 (1997)

80 Ops. Cal. Atty. Gen. 85 (1997)

*Management Resources:*

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

*Dear Colleague Letter on the Nondiscriminatory Administration of School Discipline, January 2014*

WEB SITES

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

California Attorney General's Office: <http://www.oag.ca.gov>

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

U.S. Department of Education, Office for Civil

Rights: <http://www.ed.gov/about/offices/list/ocr/docs/crdc-2012-data-summary.pdf>

U.S. Department of Education, Office of Safe and Healthy

Students: <http://www2.ed.gov/about/offices/list/oese/oshs>

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Policy

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**BIGGS UNIFIED SCHOOL DISTRICT**

Biggs, California

# Administrative Regulation

## Students

AR 5144.1(a)

### SUSPENSION AND EXPULSION/DUE PROCESS

#### Definitions

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

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

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

#### Notice of Regulations

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

(cf. [5144](#) - Discipline)

(cf. [5145.6](#) - Parental Notifications)

#### Grounds for Suspension and Expulsion: Grades K-12

Acts for which a student, including a student with disabilities, may be suspended or expelled shall be only those specified as follows and in "Additional Grounds for Suspension and Expulsion: Grades 4-12," below:

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

1. Caused, attempted to cause, or threatened to cause physical injury to another person; willfully used force or violence upon another person, except in self-defense; or committed as an aider or abettor, as adjudged by a juvenile court, a crime of physical violence in which the victim suffered great or serious bodily injury (Education Code [48900](#)(a) and (t))

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

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

(cf. [5131](#) - Conduct)

(cf. [5131.7](#) - Weapons and Dangerous Instruments)

3. Unlawfully possessed, used, sold, otherwise furnished, or was under the influence of any controlled substance as defined in Health and Safety Code [11053-11059](#), alcoholic beverage, or intoxicant of any kind (Education Code [48900\(c\)](#))

(cf. [3513.4](#) - Drug and Alcohol Free Schools)

(cf. [5131.6](#) - Alcohol and Other Drugs)

4. Unlawfully offered, arranged, or negotiated to sell any controlled substance as defined in Health and Safety Code [11053-11059](#), alcoholic beverage, or intoxicant of any kind, and then sold, delivered, or otherwise furnished to any person another liquid, substance, or material and represented same as a controlled substance, alcoholic beverage, or intoxicant (Education Code [48900\(d\)](#))
5. Committed or attempted to commit robbery or extortion (Education Code [48900\(e\)](#))
6. Caused or attempted to cause damage to school property or private property (Education Code [48900\(f\)](#))
7. Stole or attempted to steal school property or private property (Education Code [48900\(g\)](#))
8. Possessed or used tobacco or products containing tobacco or nicotine products, including, but not limited to, cigars, cigarettes, miniature cigars, clove cigarettes, smokeless tobacco, snuff, chew packets, and betel, except that this restriction shall not prohibit a student from using or possessing prescription products (Education Code [48900\(h\)](#))

(cf. [5131.62](#) - Tobacco)

9. Committed an obscene act or engaged in habitual profanity or vulgarity (Education Code [48900\(i\)](#))
10. Unlawfully possessed, offered, arranged, or negotiated to sell any drug paraphernalia, as defined in Health and Safety Code [11014.5](#) (Education Code [48900\(j\)](#))
11. Knowingly received stolen school property or private property (Education Code [48900\(l\)](#))

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

12. Possessed an imitation firearm (Education Code [48900\(m\)](#))

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

13. Committed or attempted to commit a sexual assault as defined in Penal Code [261](#), [266c](#), [286](#), [288](#), [288a](#), or 289, or former 288a, or committed a sexual battery as defined in Penal Code [243.4](#) (Education Code [48900\(n\)](#))
14. Harassed, threatened, or intimidated a student who is a complaining witness or witness in a school disciplinary proceeding for the purpose of preventing that student from being a witness and/or retaliating against that student for being a witness (Education Code [48900\(o\)](#))
15. Unlawfully offered, arranged to sell, negotiated to sell, or sold the prescription drug Soma (Education Code [48900\(p\)](#))
16. Engaged in, or attempted to engage in, hazing (Education Code [48900\(q\)](#))

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

17. Engaged in an act of bullying (Education Code [48900\(r\)](#))

*Bullying* means any severe or pervasive physical or verbal act or conduct, including communications made in writing or by means of an electronic act, directed toward one or more students that has or can reasonably be predicted to have the effect of placing a reasonable student in fear of harm to self or property; cause the student to experience a substantially detrimental effect on physical or mental health; or cause the student to experience substantial interferences with academic performance or ability to participate in or benefit from the services, activities, or privileges provided by a school. (Education Code [48900\(r\)](#))

Bullying includes any act of sexual harassment, hate violence, or harassment, threat, or intimidation, as defined in Education Code [48900.2](#), [48900.3](#), or 48900.4 and below in "Additional Grounds for Suspension and Expulsion: Grades 4-12," that has any of the effects described above on a reasonable student.

Bullying also includes an act of cyber sexual bullying by a student through the dissemination of, or the solicitation or incitement to disseminate, a photograph or other visual recording that depicts a nude, semi-nude, or sexually explicit photograph or other visual recording of an

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

identifiable minor, when such dissemination is to another student or to school personnel by means of an electronic act and has or can be reasonably predicted to have one or more of the effects of bullying described above. Cyber sexual bullying does not include a depiction, portrayal, or image that has any serious literary, artistic, educational, political, or scientific value or that involves athletic events or school-sanctioned activities.

*Electronic act* means the creation or transmission originated on or off the school site by means of an electronic device, including, but not limited to, a telephone, wireless telephone, or other wireless communication device, computer, or pager, of a communication including, but not limited to: (Education Code [48900\(r\)](#))

- a. A message, text, sound, video, or image
- b. A post on a social network Internet web site, including, but not limited to, posting to or creating a burn page or creating a credible impersonation or false profile for the purpose of causing a reasonable student any of the effects of bullying described above.

*Reasonable student* means a student, including, but not limited to, a student who has been identified as a student with a disability, who exercises average care, skill, and judgment in conduct for a person of the student's age, or for a person of the student's age and disability. (Education Code [48900\(r\)](#))

(cf. [1114](#) - District-Sponsored Social Media)

(cf. [5131.2](#) - Bullying)

(cf. [6163.4](#) - Student Use of Technology)

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

(cf. [6164.6](#) - Identification and Education under Section 504)

*Burn page* means an internet web site created for the purpose of causing a reasonable student any of the effects of bullying described above. (Education Code [48900\(r\)](#))

*Credible impersonation* means to knowingly and without consent impersonate a student for the purpose of bullying the student and such that the student would reasonably believe, or has reasonably believed, that the student was or is the student who was impersonated. (Education Code [48900\(r\)](#))

*False profile* means a profile of a fictitious student or profile using the likeness or attributes of an actual student other than the student who created the false profile. (Education Code [48900\(r\)](#))

An electronic act is not considered pervasive conduct solely on the basis that it has been transmitted to the internet or is currently posted on the internet. (Education Code [48900\(r\)](#))

When a student has been suspended, or other means of correction have been implemented against the student, for an incident of racist bullying, harassment, or intimidation, the principal or designee may, as appropriate, engage both the victim and perpetrator in a restorative justice practice suitable to the needs of the students. The principal or designee

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

shall also require the perpetrator to engage in a culturally sensitive program that promotes racial justice and equity and combats racism and ignorance and shall regularly check on the victim to ensure that the victim is not in danger of suffering from any long-lasting mental health issues. (Education Code 48900.5)

18. Aided or abetted the infliction or attempted infliction of physical injury on another person, as defined in Penal Code [31](#) (Education Code [48900\(t\)](#))
19. Made terrorist threats against school officials and/or school property (Education Code [48900.7](#))

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

A student may not be suspended or expelled for disruption or willful defiance. (Education Code 48900)

**Additional Grounds for Suspension and Expulsion: Grades 4-12**

A student in grades 4-12 shall be subject to suspension or recommendation for expulsion when it is determined that the student:

1. Committed sexual harassment as defined in Education Code [212.5](#) (Education Code [48900.2](#))

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

(cf. [5145.7](#) - *Sexual Harassment*)

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

*Hate violence* means any act punishable under Penal Code [422.6](#), [422.7](#), or 422.75. Such acts include injuring or intimidating a victim, interfering with the exercise of a victim's civil rights, or damaging a victim's property because of the victim's race, ethnicity, religion, nationality, disability, gender, gender identity, gender expression, or sexual orientation; a perception of the presence of any of those characteristics in the victim; or the victim's association with a person or group with one or more of those actual or perceived characteristics. (Education Code [233](#); Penal Code [422.55](#))

(cf. [5145.9](#) - *Hate-Motivated Behavior*)

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

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

(cf. [5145.3](#) - *Nondiscrimination/Harassment*)

**Suspension from Class by a Teacher**

A teacher may suspend a student from class for the remainder of the day and the following day for any of the acts specified in Education Code [48900](#) and listed as items #1-19 under "Grounds for Suspension and Expulsion: Grades K-12" above or for disruption or willful defiance at any grade level. (Education Code [48910](#))

When suspending a student from class, the teacher shall immediately report this action to the principal or designee and send the student to the principal or designee for appropriate action. If that action requires the continuing presence of the student at school, the student shall be appropriately supervised during the class periods from which the student has been suspended. (Education Code [48910](#))

As soon as possible after the teacher has suspended the student, the teacher shall ask the student's parent/guardian to attend a parent-teacher conference regarding the suspension. A counselor or psychologist may attend the conference if it is practicable, and a school administrator shall attend if requested by the parent/guardian or teacher. (Education Code [48910](#))

A student suspended from class shall not be returned to class during the period of the suspension without the approval of the teacher of the class and the principal or designee. (Education Code [48910](#))

A student suspended from class shall not be placed in another regular class during the period of suspension. However, a student assigned to more than one class per day may continue to attend other regular classes except those held at the same time as the class from which the student was suspended. (Education Code [48910](#))

The teacher may also refer a student, for any of the acts specified above in Education Code [48900](#), to the principal or designee for consideration of a suspension from school. (Education Code [48910](#))

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

**SUSPENSION AND EXPULSION/DUE PROCESS (continued)****Suspension by Superintendent, Principal or Principal's Designee**

To implement disciplinary procedures at a school site, the principal may, in writing, designate as the principal's designee another administrator or, if the principal is the only administrator at the school site, a certificated employee. As necessary, the principal may, in writing, also designate another administrator or certificated employee as the secondary designee to assist with disciplinary procedures when the principal and the principal's primary designee are absent from the school site.

The Superintendent, principal, or designee shall immediately suspend any student found at school or at a school activity away from school to have committed any of the acts listed in the Board policy under "Authority to Expel" for which a recommendation of expulsion is required. (Education Code [48915\(c\)](#))

The Superintendent, principal, or designee may impose a suspension for a first offense if it is determined that the student violated any of items #1-5 listed under "Grounds for Suspension and Expulsion: Grades K-12" above or if the student's presence causes a danger to persons. (Education Code [48900.5](#))

For all other offenses, a student may be suspended only when the Superintendent or principal has determined that other means of correction have failed to bring about proper conduct. (Education Code [48900.5](#))

When other means of correction are implemented prior to imposing suspension upon a student, including supervised suspension, the Superintendent, principal, or designee shall document the other means of correction used and retain the documentation in the student's record. (Education Code [48900.5](#))

(cf. [5125](#) - *Student Records*)

**Length of Suspension**

The Superintendent, principal, or designee may suspend a student from school for not more than five consecutive school days. (Education Code [48911](#))

A student may be suspended from school for not more than 20 school days in any school year. However, if a student enrolls in or is transferred to another regular school, an opportunity school or class, or continuation school or class for the purpose of adjustment, the student may be suspended for not more than 30 school days in a school year. The district may count suspensions that occur while a student is enrolled in another school district toward the maximum number of days for which the student may be suspended in any school year. (Education Code [48903](#), [48911](#), [48912](#))

These restrictions on the number of days of suspension shall not apply when the suspension is extended pending an expulsion. (Education Code [48911](#))

**SUSPENSION AND EXPULSION/DUE PROCESS (continued)****Due Process Procedures for Suspension**

Suspensions shall be imposed in accordance with the following procedures:

1. **Informal Conference:** Suspension shall be preceded by an informal conference conducted by the Superintendent, principal, or designee with the student and, whenever practicable, the teacher, supervisor, or school employee who referred the student to the principal. At the conference, the student shall be informed of the reason for the disciplinary action, including the other means of correction that were attempted before the suspension as required pursuant to Education Code [48900.5](#), and the evidence against the student, and shall be given the opportunity to present the student's version and evidence in the student's defense. (Education Code [48911](#))

This conference may be omitted if the Superintendent, principal, or designee determines that an emergency situation exists involving a clear and present danger to the lives, safety, or health of students or school personnel. If a student is suspended without this conference, the student, the student's parent/guardian, or if the student is a foster youth, the foster youth's educational rights holder, attorney, and county social worker, or if the student is an Indian child, the Indian child's tribal social worker and, if applicable, county social worker, shall be notified of the student's right to a conference and the right to return to school for the purpose of the conference. The conference shall be held within two school days, unless the student waives the right to it or is physically unable to attend for any reason. In such a case, the conference shall be held as soon as the student is physically able to return to school for the conference. (Education Code 48911)

2. **Administrative Actions:** All requests for student suspension are to be processed by the principal or designee. A school employee shall report the suspension, including the name of the student and the cause for the suspension, to the Superintendent or designee. (Education Code [48911](#))
3. **Notice to Parents/Guardians:** At the time of the suspension, a school employee shall make a reasonable effort to contact the parent/guardian, or if the student is a foster youth, the foster youth's educational rights holder, attorney, and county social worker, or if the student is an Indian child, the Indian child's tribal social worker, and, if applicable, the county social worker, in person, by email, or by telephone. Whenever a student is suspended, the parent/guardian, or, if applicable, the foster youth's educational rights holder, attorney, and county social worker, or the Indian child's tribal social worker and, if applicable, the county social worker, shall also be notified in writing of the suspension. (Education Code 48911)

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

In addition, the notice may state the date and time when the student may return to school.

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

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

If school officials request to meet with the parent/guardian, a foster youth's educational rights holder, attorney, and county social worker, or an Indian child's tribal social worker, and, if applicable, the county social worker, the notice may state that the law requires such individuals to respond to the request without delay. However, the student shall not be penalized for the failure of the parent/guardian, a foster youth's educational rights holder, attorney, and county social worker, or an Indian child's tribal social worker, and, if applicable, the county social worker, to attend such a conference. The student may not be denied reinstatement solely because such individuals failed to attend the conference. (Education Code 48911)

5. **Extension of Suspension:** If the Board is considering the expulsion of a suspended student from any school or the suspension of a student for the balance of the semester from continuation school, the Superintendent or designee may, in writing, extend the suspension until such time as the Board has made a decision, provided the following requirements are followed: (Education Code [48911](#))
  - a. The extension of the original period of suspension is preceded by notice of such extension with an offer to hold a conference concerning the extension, giving the student an opportunity to be heard. This conference may be held in conjunction with a meeting requested by the student or parent/guardian to challenge the original suspension.
  - b. The Superintendent or designee determines, following a meeting in which the student and the student's parent/guardian were invited to participate, that the student's presence at the school or at an alternative school would endanger persons or property or threaten to disrupt the instructional process.
  - c. If the student involved is a foster youth, or Indian child, the Superintendent or designee shall notify the district's educational liaison of the need to invite the foster youth's educational rights holder, attorney and county social worker, or the Indian child's tribal social worker or, if applicable, the county social worker, to attend the meeting. (Education Code 48853.5, 48911, 48918.1)
  - d. If the student involved is child or youth experiencing homelessness, the Superintendent or designee shall notify the district liaison for homeless students. (Education Code [48918.1](#))
  - e. In lieu of or in addition to suspending a student, the Superintendent, principal, or designee may provide services or require the student to participate in an alternative disciplinary program designed to correct the behavior and keep the student in school.

**SUSPENSION AND EXPULSION/DUE PROCESS (continued)****Suspension by the Board**

The Board may suspend a student for any of the acts listed under "Grounds for Suspension and Expulsion: Grades K- 12," and "Additional Grounds for Suspension and Expulsion: Grades 4-12," above and within the limits specified under "Suspension by Superintendent, Principal, or Designee," above. (Education Code 48912)

The Board may suspend a student enrolled in a continuation school or class for a period not longer than the remainder of the semester. The suspension shall meet the requirements of Education Code 48915. (Education Code 48912.5)

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

The Board shall provide the student and parent/guardian with written notice of the closed session by registered or certified mail or personal service. Upon receiving this notice, the student or parent/guardian may request a public meeting, and this request shall be granted if made in writing within 48 hours after receipt of the Board's notice.

However, any discussion that conflicts with any other student's right to privacy still shall be held in closed session. (Education Code 35146, 48912)

**On-Campus Suspension**

A student for whom an expulsion action has not been initiated and who poses no imminent danger or threat to the school, students, or staff may be assigned to on-campus suspension in a separate classroom, building, or site for the entire period of suspension. The following conditions shall apply: (Education Code [48911.1](#))

1. The on-campus suspension classroom shall be staffed in accordance with law.
2. The student shall have access to appropriate counseling services.
3. The on-campus suspension classroom shall promote completion of schoolwork and tests missed by the student during the suspension.
4. The student shall be responsible for contacting the student's teacher(s) to receive assignments to be completed in the supervised suspension classroom. The teacher(s) shall provide all assignments and tests that the student will miss while suspended. If no such work is assigned, the person supervising the suspension classroom shall assign schoolwork.

At the time a student is assigned to an on-campus suspension classroom, the principal or designee shall notify the student's parent/guardian, or if the student is a foster youth, the foster youth's educational rights holder, attorney, and county social worker, or, if the student is an Indian child,

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

the Indian child's tribal social worker and, if applicable, county social worker, in person, by email, or by telephone. When the assignment is for longer than one class period, this notification shall be made in writing. (Education Code 48911.1)

**Superintendent or Principal's Authority to Recommend Expulsion**

Unless the Superintendent or principal determines that expulsion should not be recommended under the circumstances or that an alternative means of correction would address the conduct, the Superintendent or principal shall recommend a student's expulsion for any of the following acts: (Education Code [48915](#))

1. Causing serious physical injury to another person, except in self-defense
2. Possession of any knife or other dangerous object of no reasonable use to the student
3. Unlawful possession of any controlled substance as listed in Health and Safety Code [11053-11059](#), except for (a) the first offense for the possession of not more than one ounce of marijuana, other than concentrated cannabis, or (b) the student's possession of over-the-counter medication for use by the student for medical purposes, or (c) medication prescribed for the student by a physician.
4. Robbery or extortion
5. Assault or battery, as defined in Penal Code [240](#) and [242](#), upon any school employee

In determining whether to recommend the expulsion of a student, the Superintendent, principal, or designee shall act as quickly as possible to ensure that the student does not lose instructional time. (Education Code [48915](#))

**Student's Right to Expulsion Hearing**

Any student recommended for expulsion shall be entitled to a hearing to determine whether the student should be expelled. The hearing shall be held within 30 school days after the Superintendent, principal, or designee determines that the student has committed the act(s) that form the basis for the expulsion recommendation. (Education Code [48918\(a\)](#))

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

If the Board finds it impractical during the regular school year to comply with these time requirements for conducting an expulsion hearing, the Superintendent or designee may, for good cause, extend the time period by an additional five school days. Reasons for the

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

extension shall be included as a part of the record when the expulsion hearing is held. (Education Code [48918\(a\)](#))

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

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

**Stipulated Expulsion**

After a determination that a student has committed an offense for which the student may be expelled, the Superintendent, principal, or designee shall offer the student, the student's parent/guardian, or, when applicable, other person holding the right to make educational decisions for the student, the option to waive a hearing and stipulate to the expulsion or to a suspension of the expulsion under certain conditions. The offer shall be made only after written notice of the expulsion hearing pursuant to Education Code 48918 has been given.

The stipulation agreement shall be in writing and shall be signed by the student, the student's parent/guardian, or, when applicable, the person holding the right to make educational decisions for the student. The stipulation agreement shall include notice of all the rights that the student is waiving, including the waiving of the right to have a full hearing, to appeal the expulsion to the County Board of Education, and to consult legal counsel.

A stipulated expulsion agreed to by the student, the student's parent/guardian, or, when applicable, the person holding the right to make educational decisions for the student, shall be effective upon approval by the Board

**Rights of Complaining Witness**

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

Whenever the Superintendent or designee recommends an expulsion hearing that addresses allegations of sexual assault or sexual battery, the Superintendent or designee shall give the complaining witness a copy of the district's suspension and expulsion policy and regulation and shall advise the witness of the right to: (Education Code [48918.5](#))

1. Receive five days' notice of the scheduled testimony at the hearing

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

2. Have up to two adult support persons present at the hearing at the time the witness testifies
3. Have a closed hearing during the time the witness testifies

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

**Written Notice of the Expulsion Hearing**

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

1. The date and place of the hearing
2. A statement of the specific facts, charges, and offense upon which the proposed expulsion is based
3. A copy of district disciplinary rules which relate to the alleged violation
4. Notification of the student's or parent/guardian's obligation, pursuant to Education Code [48915.1](#), to provide information about the student's status in the district to any other district in which the student seeks enrollment

This obligation applies when a student is expelled for acts other than those described in Education Code [48915](#)(a) or (c).

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

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

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

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

6. The right to inspect and obtain copies of all documents to be used at the hearing
7. The opportunity to confront and question all witnesses who testify at the hearing

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

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

**Additional Notice of Expulsion Hearing for Foster Youth and Homeless Students, and Indian Children**

If the student facing expulsion is a foster student or Indian child, the Superintendent or designee shall also send notice of the hearing to the foster youth's educational rights holder, attorney, and county social worker, or the Indian child's tribal social worker and, if applicable, county social worker, at least 10 calendar days prior to the hearing. (Education Code 48918.1)

If the student facing expulsion is a student experiencing homelessness, the Superintendent or designee shall also send notice of the hearing to the district liaison for homeless students at least 10 calendar days prior to the hearing. (Education Code [48918.1](#))

Any notice for these purposes may be provided by the most cost-effective method possible, including by email or a telephone call. (Education Code [48918.1](#))

**Conduct of Expulsion Hearing**

1. *Closed Session:* Notwithstanding Education Code [35145](#), the Board shall conduct a hearing to consider the expulsion of the student in a session closed to the public unless the student requests in writing at least five days prior to the hearing that the hearing be a public meeting. If such a request is made, the meeting shall be public to the extent that privacy rights of other students are not violated. (Education Code [48918](#))

Whether the expulsion hearing is held in closed or public session, the Board may meet in closed session to deliberate and determine whether the student should be expelled. If the Board admits any other person to this closed session, the parent/guardian, the student, and the counsel of the student also shall be allowed to attend the closed session. (Education Code 48918(c))

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

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

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

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

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

If the Board determines, or if the hearing officer or administrative panel finds and submits to the Board, that a witness would be subject to unreasonable risk of harm by testifying at the hearing, a subpoena shall not be issued to compel the personal attendance of that witness at the hearing. However, that witness may be compelled to testify by means of a sworn declaration as described in Item #6 below. (Education Code 48918(i))

4. Presentation of Evidence: Technical rules of evidence shall not apply to the expulsion hearing, but relevant evidence may be admitted and used as proof only if it is the kind of evidence on which reasonable persons can rely in the conduct of serious affairs. The decision of the Board to expel shall be supported by substantial evidence that the student committed any of the acts pursuant to Education Code 48900 and listed in "Grounds for Suspension and Expulsion: Grades K-12," "Additional Grounds for Suspension and Expulsion: Grades 4-12," above. (Education Code 48918(h))

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

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

5. Testimony by Complaining Witnesses: The following procedures shall be observed when a hearing involves allegations of sexual assault or sexual battery by a student: (Education Code 48918, 48918.5)
  - a. Any complaining witness shall be given five days' notice before being called to testify.
  - b. Any complaining witness shall be entitled to have up to two adult support persons, including, but not limited to, a parent/guardian or legal counsel, present during the testimony.
  - c. Before a complaining witness testifies, support persons shall be

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

admonished that the hearing is confidential.

- d. The person presiding over the hearing may remove a support person who is disrupting the hearing.
  - e. If one or both support persons are also witnesses, the hearing shall be conducted in accordance with Penal Code 868.5.
  - f. Evidence of specific instances of prior sexual conduct of a complaining witness shall be presumed inadmissible and shall not be heard unless the person conducting the hearing determines that extraordinary circumstances require the evidence to be heard. Before such a determination is made, the complaining witness shall be given notice and an opportunity to oppose the introduction of this evidence. In the hearing on the admissibility of this evidence, the complaining witness shall be entitled to be represented by a parent/guardian, legal counsel, or other support person. Reputation or opinion evidence regarding the sexual behavior of a complaining witness shall not be admissible for any purpose.
  - g. In order to facilitate a free and accurate statement of the experiences of the complaining witness and to prevent discouragement of complaints, the district shall provide a nonthreatening environment.
    - i. The district shall provide a room separate from the hearing room for the use of the complaining witness before and during breaks in testimony.
    - ii. At the discretion of the person conducting the hearing, the complaining witness shall be allowed reasonable periods of relief from examination and cross-examination during which the complaining witness may leave the hearing room.
    - iii. The person conducting the hearing may:
      - A. Arrange the seating within the hearing room so as to facilitate a less intimidating environment for the complaining witness
      - B. Limit the time for taking the testimony of a complaining witness to normal school hours, if there is no good cause to take the testimony during other hours
      - C. Permit one of the support persons to accompany the complaining witness to the witness stand
6. Decision: The Board's decision as to whether to expel a student shall be made within 40 school days after the student is removed from school, unless the student requests in writing that the decision be postponed. (Education Code 48918(a))

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

Instead of conducting an expulsion hearing itself, the Board may contract with the county hearing officer or with the Office of Administrative Hearings of the State of California for a hearing officer. The Board may also appoint an impartial administrative panel composed of

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

three or more certificated personnel, none of whom shall be members of the Board or on the staff of the school in which the student is enrolled. (Education Code [48918](#))

A hearing conducted by the hearing officer or administrative panel shall conform to the same procedures applicable to a hearing conducted by the Board as specified above in "Conduct of Expulsion Hearing," including the requirement to issue a decision within 40 school days of the student's removal from school, unless the student requests that the decision be postponed. (Education Code [48918](#)(a) and (d))

The hearing officer or administrative panel shall, within three school days after the hearing, determine whether to recommend expulsion of the student to the Board. If expulsion is not recommended, the expulsion proceeding shall be terminated and the student shall be immediately reinstated and permitted to return to the classroom instructional program from which the referral was made, unless another placement is requested in writing by the student's parent/guardian. Before the student's placement decision is made by the student's parent/guardian, the Superintendent or designee shall consult with the parent/guardian and district staff, including the student's teachers, regarding other placement options for the student in addition to the option to return to the classroom instructional program from which the student's expulsion referral was made. The decision to not recommend expulsion shall be final. (Education Code [48918](#)(e))

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

In accordance with Board policy, the hearing officer or administrative panel may recommend that the Board suspend the enforcement of the expulsion. If the hearing officer or administrative panel recommends that the Board expel a student but suspend the enforcement of the expulsion, the student shall not be reinstated and permitted to return to the classroom instructional program from which the referral was made until the Board has ruled on the recommendation. (Education Code [48917](#), [48918](#))

**Final Action by the Board**

Whether the expulsion hearing is conducted in closed or open session by the Board, a hearing officer, or an administrative panel or is waived through the signing of a stipulated expulsion agreement, the final action to expel shall be taken by the Board in public. (Education Code [48918](#)(j))

The Board's decision is final. If the decision is to not expel, the student shall be reinstated immediately. If the decision is to suspend the enforcement of the expulsion, the student shall be reinstated under the conditions of the suspended expulsion.

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

Upon ordering an expulsion, the Board shall set a date when the student shall be reviewed for readmission to a school within the district. For a student expelled for any "mandatory recommendation and mandatory expulsion" act listed in "Authority to Expel" in the accompanying Board policy, this date shall be one year from the date the expulsion occurred, except that the Board may set an earlier date on a case-by-case basis. For a student expelled for other acts, this date shall be no later than the last day of the semester following the semester in which the expulsion occurred. If an expulsion is ordered during summer session or the intersession period of a year-round program, the Board shall set a date when the student shall be reviewed for readmission not later than the last day of the semester following the summer session or intersession period in which the expulsion occurred. (Education Code [48916](#))

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

1. Periodic review, as well as assessment at the time of review, for readmission
2. Recommendations for improved academic performance, tutoring, special education assessments, job training, counseling, employment, community service, or other rehabilitative programs

With parent/guardian consent, students who have been expelled for reasons relating to controlled substances or alcohol may be required to enroll in a county-sponsored drug rehabilitation program before returning to school. (Education Code [48916.5](#))

**Written Notice to Expel**

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

1. The specific offense committed by the student for any of the causes for suspension or expulsion listed above under "Grounds for Suspension and Expulsion: Grades K-12," "Additional Grounds for Suspension and Expulsion: Grades 4-12," (Education Code [48900.8](#))
2. The fact that a description of readmission procedures will be made available to the student and parent/guardian (Education Code [48916](#))
3. Notice of the right to appeal the expulsion to the County Board (Education Code [48918](#))
4. Notice of the alternative educational placement to be provided to the student during the time of expulsion (Education Code [48918](#))

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

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

**Decision to Suspend Expulsion Order**

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

1. The student's pattern of behavior
2. The seriousness of the misconduct
3. The student's attitude toward the misconduct and willingness to follow a rehabilitation program

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

1. The Board may, as a condition of the suspension of enforcement, assign the student to a school, class, or program appropriate for the student's rehabilitation. This rehabilitation program may provide for the involvement of the student's parent/guardian in the student's education. However, a parent/guardian's refusal to participate in the rehabilitation program shall not be considered in the Board's determination as to whether the student has satisfactorily completed the rehabilitation program. (Education Code [48917](#))
2. During the period when enforcement of the expulsion order is suspended, the student shall be on probationary status. (Education Code [48917](#))
3. The suspension of the enforcement of an expulsion order may be revoked by the Board if the student commits any of the acts listed under "Grounds for Suspension and Expulsion: Grades K-12," "Additional Grounds for Suspension and Expulsion: Grades 4-12," above, or violates any of the district's rules and regulations governing student conduct. (Education Code [48917](#))
4. When the suspension of enforcement of an expulsion order is revoked, a student may be expelled under the terms of the original expulsion order. (Education Code [48917](#))
5. Upon satisfactory completion of the rehabilitation assignment, the Board shall reinstate the student in a district school. Upon reinstatement, the Board may order the expunging of any or all records of the expulsion proceedings. (Education Code [48917](#))
6. The Superintendent or designee shall send written notice of any decision to suspend the enforcement of an expulsion order during a period of probation to the student or parent/guardian.

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

- The notice shall inform the parent/guardian of the right to appeal the expulsion to the County Board, the alternative educational placement to be provided to the student during the period of expulsion, and the student's or parent/guardian's obligation to inform any new district in which the student seeks to enroll of the student's status with the expelling district, pursuant to Education Code [48915.1](#)(b). (Education Code [48918](#)(j))
7. Suspension of the enforcement of an expulsion order shall not affect the time period and requirements for the filing of an appeal of the expulsion order with the County Board. (Education Code [48917](#))

**Appeal**

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

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

**Notification to Law Enforcement Authorities**

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

The principal or designee shall notify appropriate city or county law enforcement authorities of any student acts which may involve the possession or sale of narcotics or of a controlled substance, or of any student acts involving the possession, sale, or furnishing of firearms, explosives, or other dangerous weapons in violation of Education Code [48915](#)(c)(1) or (5) or Penal Code [626.9](#) and [626.10](#). (Education Code [48902](#))

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

**Placement During Expulsion**

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

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

1. Appropriately prepared to accommodate students who exhibit discipline problems
2. Not provided at a comprehensive middle, junior, or senior high school or at any elementary school, unless the program is offered at a community day school established at any of these
3. Not housed at the school site attended by the student at the time of suspension

(cf. [6158](#) - *Independent Study*)

(cf. [6185](#) - *Community Day School*)

When the placement described above is not available and when the County Superintendent so certifies, students expelled for only acts described in items #6-12 under "Grounds for Suspension and Expulsion: Grades K-12" and items #1-3 under "Additional Grounds for Suspension and Expulsion: Grades 4-12" above may be referred to a program of study that is provided at another comprehensive middle, junior, or senior high school or at an elementary school. (Education Code [48915](#))

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

**Readmission After Expulsion**

Prior to the date set by the Board for the student's readmission:

1. The Superintendent or designee shall hold a conference with the student's parent/guardian, or other person holding the right to make educational decisions for the student, and the student. At the conference, the student's rehabilitation plan shall be reviewed and the Superintendent or designee shall verify that the provisions of this plan have been met. School regulations shall be reviewed and the student and the student's parent/guardian or other person holding the right to make educational decisions for the student shall be asked to indicate in writing their willingness to comply with these regulations.
2. The Superintendent or designee shall transmit to the Board a recommendation regarding readmission. The Board shall consider this recommendation in closed session. If a written request for open session is received from the student's parent/guardian or other person holding the right to make educational decisions for the student, or adult student, it shall be honored to the extent that privacy rights of other students are not violated.
3. If the readmission is granted, the Superintendent or designee shall notify the student and the student's parent/guardian, or other person holding the right to make educational decisions for the student, by registered mail, of the Board's decision regarding readmission.

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

4. The Board may deny readmission only if it finds that the student has not satisfied the conditions of the rehabilitation plan or that the student continues to pose a danger to campus safety or to other district students or employees. (Education Code [48916](#))
5. If the Board denies the readmission of a student, the Board shall determine either to continue the student's placement in the alternative educational program initially selected or to place the student in another program that serves expelled students, including placement in a county community school.
6. The Board shall provide written notice to the expelled student and the student's parent/guardian, or other person holding the right to make educational decisions for the student, describing the reasons for denying readmittance into the regular program. This notice shall indicate the Board's determination of the educational program which the Board has chosen. The student shall enroll in that program unless the parent/guardian chooses to enroll the student in another school district.

No student shall be denied readmission into the district based solely on the student's 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 such contact with the juvenile justice system. (Education Code [48645.5](#))

**Maintenance of Records**

The district shall maintain a record of each suspension and expulsion, including its specific cause(s). (Education Code [48900.8](#))

Expulsion records of any student shall be maintained in the student's mandatory interim record and sent to any school in which the student subsequently enrolls upon written request by that school. (Education Code [48918\(k\)](#))

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

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

*(12/17 10/18) 3/20*

Policy

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**BIGGS UNIFIED SCHOOL DISTRICT**

Biggs, California

# Administrative Regulation

**Students**

AR 5144.2(a)

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

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

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

Suspension or expulsion of a student with disabilities shall be in accordance with Board Policy 5144.1 - Suspension and Expulsion/Due Process and this administrative regulation.

When a student with disabilities exhibits behavior which impedes the student's own learning or that of others, the student's individualized education program (IEP) team shall consider positive behavioral interventions and supports, and other strategies, to address the behavior. (Education Code 56521.2; 20 USC 1414)

### **Suspension**

The Superintendent, principal, or designee may suspend a student from school for up to five consecutive school days, unless the suspension has been extended following a recommendation for expulsion. (Education Code 48911) A student may usually be suspended from school for up to 20 cumulative school days, or 30 cumulative school days as permitted by Education Code 48903, in a school year as long as the pattern of suspension(s) does not constitute a change in placement pursuant to 34 CFR 300.536. (Education Code 48903; 34 CFR 300.530)

The Superintendent or designee shall determine, on a case-by-case basis, whether a pattern of removals of a student from the student's current educational placement for disciplinary reasons constitutes a change of placement.

A change of placement shall be deemed to have occurred under either of the following circumstances: (34 CFR 300.536)

1. A decision has been made that would result in the removal of the student for more than 10 consecutive school days.
2. The student has been subjected to a series of removals that constitute a pattern because of all of the following:
  - a. The series of removals total more than 10 school days in a school year.

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

- b. The student's behavior is substantially similar to the student's behavior in previous incidents that resulted in the series of removals.
- c. Additional factors, such as the length of each removal, the total amount of time the student has been removed, and the proximity of the removals to one another.

If a student's removal is determined to be a change of placement as specified in Items #1-2 above, the student's IEP team shall determine the appropriate educational services. Such services shall be designed to enable the student to continue to participate in the general education curriculum in another setting, to progress toward meeting the goals set out in the student's IEP, and to address the student's behavior violation so that it does not recur. (20 USC 1412(a)(1)(A); 34 CFR 300.530)

If the IEP of a student with a disability requires the district to provide the student with transportation, the district shall provide the student with an alternative form of transportation at no cost to the student or to the student's parent/guardian when, as a result of a suspension, the student is excluded from school bus transportation. (Education Code 48915.5)

The principal or designee shall monitor the number of days, including portions of days, in which a student with an IEP has been suspended during the school year.

*(cf. 3541.2 - Transportation for Students with Disabilities)*

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

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

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

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

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

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

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

**Manifestation Determination**

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

1. **Notice:** On the date the decision to take disciplinary action is made, the student's parent/guardian shall be notified of the decision and provided the procedural safeguards notice pursuant to 34 CFR 300.504. If the student is a foster youth, the notice shall be given to the student's educational rights holder, attorney, and county social worker, and, if the student is an Indian child, the student's tribal social worker and, if applicable, county social worker. (Education Code 48853.5; 20 USC 1415(k)(1)(H); 34 CFR 300.530)

*(cf. 5145.6 - Parental Notifications)*

*(cf. 6159.1 - Procedural Safeguards and Complaints for Special Education)*

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

If the student is a foster youth or Indian child, the foster youth's educational rights holder, attorney, or county social worker, or the Indian child's tribal social worker and, if applicable, county social worker, shall be invited to participate in the manifestation determination review. (Education Code 48915.5)

At the manifestation determination review, the district, the student's parent/guardian, and relevant members of the IEP team (as determined by the district and parent/guardian) shall review all relevant information in the student's file, including

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

the student's IEP, any teacher observations, and any relevant information provided by the parents/guardians, to determine whether the conduct in question was either of the following: (20 USC 1415(k)(1)(E); 34 CFR 300.530)

- a. Caused by or had a direct and substantial relationship to the student's disability
- b. A direct result of the district's failure to implement the student's IEP, in which case the district shall take immediate steps to remedy those deficiencies

If the manifestation review team determines that either of the above conditions applies, the student's conduct shall then be determined to be a manifestation of the student's disability. (20 USC 1415(k)(1)(E); 34 CFR 300.530)

3. **Determination that Behavior is a Manifestation of the Student's Disability:**  
When the student's conduct has been determined to be a manifestation of the student's disability, the IEP team shall conduct a functional behavioral assessment, unless one had been conducted before the occurrence of the behavior that resulted in the change of placement, and shall implement a behavioral intervention plan for the student.

If a behavioral intervention plan has already been developed, the IEP team shall review the behavioral intervention plan and modify it as necessary to address the behavior. (20 USC 1415(k)(1)(F); 34 CFR 300.530)

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

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

4. **Determination that Behavior is Not a Manifestation of the Student's Disability:**  
When it has been determined that the student's conduct was not a manifestation of the disability, the student may be disciplined in accordance with the procedures for students without disabilities.

However, the student's IEP team shall determine services necessary to enable the student to participate in the general education curriculum in another setting and to allow the student to progress toward meeting the goals set out in the IEP. (20 USC 1415(k)(1)(D); 34 CFR 300.530)

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

As appropriate, the student also shall receive a functional behavioral assessment and behavioral intervention services and modifications that are designed to address the behavior violation so that it does not recur. (20 USC 1415(k)(1)(D); 34 CFR 300.530)

*(cf. 6158 - Independent Study)*

*(cf. 6185 - Community Day School)*

**Due Process Appeals**

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

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

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

**Readmission**

Readmission procedures for students with disabilities shall be the same as those adopted for students without disabilities. Upon readmission of a student with disabilities, an IEP team meeting shall be convened to review and, as necessary, modify the student's IEP.

**Decision Not to Enforce Expulsion Order**

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

**SUSPENSION AND EXPULSION/DUE PROCESS (STUDENTS WITH DISABILITIES)****Notification to Law Enforcement Authorities**

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

When giving any required notification concerning a student with disabilities to any law enforcement official, the principal or designee shall require the law enforcement officer to certify in writing that the student's information or records will not be disclosed to any other person without the prior written consent of the student's parent/guardian. (Education Code 49076)

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

**Report to County Superintendent of Schools**

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

**Procedures for Students Not Yet Eligible for Special Education Services**

A student who has not been determined to be eligible for special education and related services and who has violated the district's code of student conduct may nevertheless assert any of the protections under IDEA, if the district had *knowledge* of the student's disability. (20 USC 1415(k)(5); 34 CFR 300.534)

*Knowledge* means that, before the occurrence of the behavior that precipitated the disciplinary action, one of the following occurred: (20 USC 1415(k)(5); 34 CFR 300.534)

1. The parent/guardian, in writing, has expressed concern to district supervisory or administrative personnel, or to a teacher of the student, that the student is in need of special education or related services.
2. The parent/guardian has requested an evaluation of the student for special education pursuant to 20 USC 1414(a)(1)(B) or 34 CFR 300.300-300.311.

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

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

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

However, the district shall not be deemed to have knowledge of a student's disability if the student's parent/guardian has not allowed the student to be evaluated for special education services or has refused services or, after evaluating the student pursuant to 34 CFR 300.300-300.311, the district determined that the student was not an individual with a disability.

When the district is deemed to not have knowledge of a student's disability, the student shall be disciplined in accordance with procedures established for students without disabilities who engage in comparable behavior. (20 USC 1415(k)(5); 34 CFR 300.534)

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

### *Legal Reference:*

#### EDUCATION CODE

35146 *Closed sessions re: suspensions*  
 35291 *Rules of governing board*  
 48203 *Reports of severance of attendance of disabled students*  
 48900-48925 *Suspension and expulsion*  
 49076 *Access to student records*  
 56000 *Special education; legislative findings and declarations*  
 56320 *Educational needs; requirements*  
 56321 *Development or revision of individualized education program*  
 56329 *Independent educational assessment*  
 56340-56347 *Individualized education program teams*  
 56505 *State hearing*

#### PENAL CODE

245 *Assault with deadly weapon*  
 626.2 *Entry upon campus after written notice of suspension or dismissal without permission*  
 626.9 *Gun-Free School Zone Act*  
 626.10 *Dirks, daggers, knives, razors, or stun guns*

#### UNITED STATES CODE, TITLE 18

930 *Weapons*

1365 *Serious bodily injury*

#### UNITED STATES CODE, TITLE 20

1412 *State eligibility*

1415 *Procedural safeguards*

#### UNITED STATES CODE, TITLE 21

812 *Controlled substances*

#### UNITED STATES CODE, TITLE 29

706 *Definitions*

794 *Rehabilitation Act of 1973, Section 504*

### *Legal Reference: (continued)*

#### CODE OF FEDERAL REGULATIONS, TITLE 34

104.35 *Evaluation and placement*

104.36 *Procedural safeguards*

300.1-300.818 *Assistance to states for the education of students with disabilities, especially:*

300.530-300.537 *Discipline procedures*

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

COURT DECISIONS

*Schaffer v. Weast*, (2005) 546 U.S. 549

*Parents of Student W. v. Puyallup School District*, (1994 9th Cir.) 31 F.3d 1489

*M.P. v. Governing Board of Grossmont Union High School District*, (1994) 858 F.Supp. 1044

*Honig v. Doe*, (1988) 484 U.S. 305

*Management Resources:*

FEDERAL REGISTER

*Rules and Regulations*, August 14, 2006, Vol. 71, Number 156, pages 46539-46845

WEB SITES

California Department of Education, Special Education: <http://www.cde.ca.gov/sp/se>

U.S. Department of Education, Office of Special Education Programs:

<http://www.ed.gov/about/offices/list/osep>

Policy

approved: January 4, 2012

revised: October 3, 2012

revised: April 19, 2023

revised: September 11, 2024

**BIGGS UNIFIED SCHOOL DISTRICT**

Biggs, California

## **REQUIRED PARENTAL ATTENDANCE**

The Board of Trustees is committed to providing a safe school environment and setting expectations for appropriate student conduct. The Superintendent or designee may involve parents/guardians in student discipline as necessary to improve a student's behavior and encourage personal responsibility.

*(cf. 5131 - Conduct)*

*(cf. 5131.1 - Bus Conduct)*

*(cf. 5131.2 - Bullying)*

*(cf. 5144 - Discipline)*

*(cf. 6020 - Parent Involvement)*

When removing a student from class pursuant to Education Code 48910 for committing an act of obscenity, habitual profanity or vulgarity, disruption of school activities, or willful defiance, the teacher of the class may require any parent/guardian who lives with the student to accompany the student for a portion of a school day in the class from which the student has been removed. (Education Code 48900.1)

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

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

Any teacher requiring parental attendance pursuant to this policy shall apply the policy uniformly to all students within the classroom. (Education Code 48900.1)

District and school-site rules for student discipline shall include procedures for implementing parental attendance requirements. (Education Code 48900.1)

### *Legal Reference:*

#### EDUCATION CODE

*35291 Rules (for government and discipline of schools)*

*35291.5 Rules and procedures on school discipline*

*48900-48927 Suspension and expulsion, especially:*

*48900 Grounds for suspension and expulsion*

*48900.1 Required parental attendance*

*48910 Suspension by teacher*

*Management Resources: (next page)*

**REQUIRED PARENTAL ATTENDANCE (continued)**

*Management Resources:*

*CSBA PUBLICATIONS*

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

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

*Dear Colleague Letter on the Nondiscriminatory Administration of School Discipline, January 2014*

*WEB SITES*

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

*California Attorney General's Office: <http://www.oag.ca.gov>*

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

*U.S. Department of Education, Office for Civil*

*Rights: <http://www.ed.gov/about/offices/list/ocr/docs/crdc-2012-data-summary.pdf>*

*U.S. Department of Education, Office of Safe and Drug-Free Schools:*

*<http://www.ed.gov/about/offices/list/osdfs>*

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## REQUIRED PARENTAL ATTENDANCE

Whenever a teacher requires a parent/guardian to attend a portion of a school day with his/her child for the child's commission of an act specified in Education Code 48900(i) or (k), the principal shall send the parent/guardian a written notice that the parent/guardian's attendance is required pursuant to law. (Education Code 48900.1)

*(cf. 5144 - Discipline)*

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

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

*(cf. 5145.6 - Parental Notifications)*

The notice shall:

1. Inform the parent/guardian of the date that his/her presence is expected, the length of the visit, and by what means he/she may arrange an alternate date
2. State that if the parent/guardian does not have a means of transportation to school, he/she may ride the school bus with the student
3. Direct the parent/guardian to meet with the principal after the visit and before leaving school
4. Direct the parent/guardian to contact the school if there are reasonable factors that would prevent him/her from complying with the attendance requirement

Attendance of the parent/guardian shall be limited to the class from which the student was removed. (Education Code 48900.1)

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

At the meeting with the student's parent/guardian, the principal or designee shall explain the district's and school's discipline policies, including the disciplinary strategies that may be used to achieve proper student conduct.

When a parent/guardian does not respond to the request to attend school, the principal or designee shall contact him/her by any method that maintains the confidentiality of the student's records.

*(cf. 5125 - Student Records)*

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**QUESTIONING AND APPREHENSION BY LAW ENFORCEMENT**

The Board of Trustees is committed to providing a safe learning environment and cooperating with law enforcement officials and peace officers as necessary to help ensure the safety of students, staff, and the community and in carrying out their official duties.

*(cf. 0450 - Comprehensive Safety Plan)*

*(cf. 3515.3 - District Police/Security Department)*

*(cf. 5141.4 - Child Abuse Prevention and Reporting)*

*(cf. 5145.12 - Search and Seizure)*

In accordance with standards specified in law and court decisions, law enforcement officers may interview and question students on school premises. The Superintendent or designee shall collaborate with local law enforcement agencies to develop parameters under which law enforcement officers will interview students at school.

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

When any law enforcement official requests an interview with a student, the principal or designee shall request that the official provide verification of his/her identity and official capacity and certify the legal authority under which the interview is being conducted. If the officer refuses to provide certification of the legal authority for the interview, the principal or designee shall document such refusal and should consult with district legal counsel, as appropriate, before allowing the interview to proceed. The principal or designee shall maintain a record of all documentation relative to law enforcement interviews of students.

If the officer needs to interview or question the student immediately, the principal or designee shall accommodate the process in a way that causes the least possible disruption for the student and school, gives the student appropriate privacy, and models exemplary cooperation with law enforcement authorities.

Except in cases of child abuse or neglect, the principal or designee shall attempt to notify the student's parent/guardian as soon as practicable after law enforcement has interviewed the student on school premises.

At law enforcement's discretion and with the student's approval, the principal or designee may be present during the interview.

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

## QUESTIONING AND APPREHENSION BY LAW ENFORCEMENT (continued)

### Subpoenas

Although subpoenas may legally be served at school on students age 12 or older, the Board believes that serving officials should be strongly urged to serve subpoenas at the home of the student whenever possible. When served at school, the principal or designee shall take all reasonable steps to ensure a minimum of embarrassment or loss of class time for the student.

#### *Legal Reference:*

##### EDUCATION CODE

44807 *Duty concerning conduct of pupils*

48264 *Arrest of truants*

48265 *Delivery of truant*

48902 *Notice to law enforcement authorities*

48906 *Release of minor pupil to peace officers; notice to parent, guardian*

48909 *Narcotics and other hallucinogenic drugs (re arrest)*

##### CODE OF CIVIL PROCEDURE

416.60 *Service of summons or complaint to a minor*

##### PENAL CODE

830-832.17 *Peace officers*

1328 *Service of subpoena*

##### WELFARE AND INSTITUTIONS CODE

627 *Custody of minor*

##### CODE OF REGULATIONS, TITLE 5

303 *Duty to remain at school*

##### COURT DECISIONS

*People v. Lessie*, (2010) 47 Cal. 4th 1152

*Greene v. Camreta*, (2009, 9th Cir.) 588 F.3d 1011

*In re William V.*, (2003) 111 Cal.App.4th 1464

##### ATTORNEY GENERAL OPINIONS

54 *Ops.Cal.Atty.Gen.* 96 (1971)

34 *Ops.Cal.Atty.Gen.* 93 (1959)

#### *Management Resources:*

##### WEB SITES

California Department of Justice, Office of the Attorney General: <http://caag.state.ca.us>

**QUESTIONING AND APPREHENSION BY LAW ENFORCEMENT****QUESTIONING OF STUDENTS BY LAW ENFORCEMENT**

*Instructions to law enforcement:* In response to the decision of the 9th Circuit Court of Appeals in Greene v. Camreta, the insert district name requests that law enforcement officials provide the information below prior to interviewing a district student on school grounds as part of an investigation. Failure to provide this information or satisfy the criteria below may result in the principal or designee's refusal to allow the interview to proceed. Your cooperation is appreciated.

Please indicate, by checking the box below, the authority upon which this student interview is based:

- ☐ Parent/guardian consent
- ☐ Court order or warrant
- ☐ Exigent circumstances

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Name of Interviewer and Badge Number

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Student's Name

---

Interviewer Signature

---

Date of Interview

---

Name of Agency

---

Name of School Official Receiving Form

**SEARCH AND SEIZURE**

The Board of Trustees is fully committed to promoting a safe learning environment and, to the extent possible, eliminating the possession and use of weapons, illegal drugs, and other controlled substances by students on school premises and at school activities. As necessary to protect the health and welfare of students and staff, and only as authorized by law, Board policy, and administrative regulation, school officials may search students, their property, and/or district property under their control and may seize illegal, unsafe, or otherwise prohibited items. School officials shall exercise discretion and use good judgment when conducting searches.

The Superintendent or designee shall ensure that staff who conduct student searches receive training regarding the requirements of the district's policy and administrative regulation and other legal issues, as appropriate.

**Searches Based on Individualized Suspicion**

School officials may search an individual student, the student's property, or district property under the student's control when there is a reasonable suspicion that the search will uncover evidence that the student is violating the law, Board policy, administrative regulation, or other rules of the district or the school. Reasonable suspicion shall be based on specific and objective facts that the search will produce evidence related to the alleged violation.

Any search of a student, the student's property, or district property under the student's control shall be limited in scope and designed to produce evidence related to the alleged violation. Factors to be considered by school officials when determining the scope of the search shall include the danger to the health or safety of students or staff, such as the possession of weapons, drugs, or other dangerous instruments, and whether the item(s) to be searched by school officials are reasonably related to the contraband to be found. In addition, school officials shall consider the intrusiveness of the search in light of the student's age, gender, and the nature of the alleged violation.

The types of student property that may be searched by school officials include, but are not limited to, lockers, desks, purses, backpacks, and student vehicles parked on district property.

A student's personal electronic device may be searched only if a school official, in good faith, believes that an emergency involving danger of death or serious physical injury to the student or others requires access to the electronic device information.

## **SEARCH AND SEIZURE (continued)**

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

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

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

### **Searches of Student Lockers and Desks**

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

### **Use of Metal Detectors**

The Board finds that the presence of weapons in the schools threatens the district's ability to provide the safe and orderly learning environment to which district students and staff are entitled. The Board also finds that metal detector searches offer a reasonable means to keep weapons out of the schools and mitigate the fears of students and staff.

The Superintendent or designee shall use metal detectors as necessary to keep weapons out of schools and help provide a safe learning environment. The Superintendent or designee shall establish a plan to ensure that metal detector searches are conducted in a uniform and consistent manner.

### **Use of Contraband Detection Dogs**

In an effort to keep the schools free of dangerous contraband, the district may use specially trained, nonaggressive dogs to sniff out and alert staff to the presence of substances prohibited by law or Board policy. The dogs may sniff the air around lockers, desks, or vehicles on district property or at district-sponsored events. Dogs shall not sniff within the close proximity of students or other persons and may not sniff any personal items on those persons without individualized suspicion.

**SEARCH AND SEIZURE (continued)**

State      Description

*CA Constitution Article I, Section 28(c)      Right to Safe Schools*

*Ed. Code 32280-32289      School safety plans*

*Ed. Code 35160      Authority of governing boards*

*Ed. Code 35160.1      Broad authority of school districts*

*Ed. Code 48900-48927      Suspension and expulsion*

*Ed. Code 49050-49051      Searches by school employees*

*Ed. Code 49330-49334      Injurious objects*

*Pen. Code 626.10 Dirks, daggers, knives or razor*

*Pen. Code 626.9      Firearms*

Management Resources      Description

*Attorney General Opinion 18 Ops.Cal.Atty.Gen. 114 (1951)*

*Court Decision      A.M. v. Albertsons, LLC, (2009) Cal.App.4th 455*

*National Institute of Justice Publication      The Appropriate and Effective Use of Security Technologies in U.S. Schools: A Guide for Schools and Law Enforcement Agencies, rev. 2005*

*Website      AASA The School Superintendents Association*

**SEARCH AND SEIZURE****Use of Metal Detectors**

The Superintendent or designee shall ensure that the following safeguards are used when making metal detector scans:

1. Before walk-through, students shall be asked to empty their pockets and belongings of metallic objects.
2. If an initial metal detector activation occurs, students shall be asked to remove other metallic objects that they may be wearing (e.g., belt and jewelry) and to walk through a second time.
3. If a second activation occurs, a hand-held metal detector shall be used.
4. If the activation is not eliminated or explained, staff shall escort the student to a private area where an expanded search shall be conducted by a staff member of the same gender as the student in the presence of another district employee.
5. The search shall be limited to the detection of the cause of the activation.

**Use of Contraband Detection Dogs**

Contraband detection dogs shall not be used in classrooms or other district facilities when the rooms are occupied, except for demonstration purposes with the handler present. When used for demonstration purposes, the dog shall be separated from the students and not allowed to sniff any individual.

Prior to conducting an inspection, students shall be asked to leave the room that will be subject to the canine sniff. No student shall be forced to leave personal items behind for inspection, unless school officials have reasonable suspicion to search the item.

Only the dog's official handler shall determine what constitutes an alert by the dog. If the dog alerts on a particular item or place, the student having the use of that item or place, or responsibility for it, shall be called to witness the inspection. If a dog alerts on a locked vehicle, the student who brought the vehicle onto district property shall be asked to unlock it for inspection.

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

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

**Notifications**

At the beginning of each school year and upon enrollment, the Superintendent or designee shall inform students and parents/guardians about the district's policies and procedures for searches, including notice regarding:

**SEARCH AND SEIZURE** (continued)

1. The possibility of random searches of students, their belongings, their vehicles parked on district property, and district properties under a student's control, including lockers or desks
2. The district's contraband dog detection program
3. The use of metal detector scans

In addition, the Superintendent or designee shall ensure that signs are posted at all schools at which metal detectors are to be used to explain that anyone may be scanned by metal detector for guns, knives, or other illegal weapons when on campus or attending athletic or extracurricular events.

**RESPONSE TO IMMIGRATION ENFORCEMENT**

The Board of Trustees is committed to the success of all students and believes that every school site should be a safe and welcoming place for all students and their families irrespective of their citizenship or immigration status.

District staff shall not solicit or collect information or documents, and shall not seek or require information or documents to the exclusion of other permissible information or documents, regarding the citizenship or immigration status of a student or the student's family members. (Education Code 234.7)

*(cf. 5111 - Admission)*

*(cf. 5111.1 - District Residency)*

In accordance with law, Board Policy 0410 – Nondiscrimination in District Programs and Activities, and Board Policy 5145.3 – Nondiscrimination/Harassment, no student shall be denied equal rights and opportunities nor be subjected to unlawful discrimination, harassment, intimidation, or bullying in the district's programs and activities on the basis of the student's or family's immigration status. (Education Code 200, 220, 234.1)

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

*(cf. 5131.2 - Bullying)*

*(cf. 5145.3 - Nondiscrimination/Harassment)*

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

Resources and data collected by the district shall not be used, directly or by others, to compile a list, registry, or database of individuals based on national origin, immigration status, religion, or other category of individual characteristics protected against unlawful discrimination. (Government Code 8310.3)

The Superintendent or designee shall notify parents/guardians regarding their children's right to a free public education regardless of immigration status or religious beliefs and their rights related to immigration enforcement. (Education Code 234.7)

*(cf. 5145.6 - Parental Notifications)*

The Superintendent or designee shall develop procedures for addressing any immigration-related requests by a law enforcement officer for access to district records, school sites, or students.

*(cf. 1340 - Access to District Records)*

*(cf. 3580 - District Records)*

*(cf. 5125 - Student Records)*

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

The Superintendent or designee may provide training to staff regarding immigration issues, including information on responding to a request from a law enforcement officer to visit a school site or to have access to a student.

## RESPONSE TO IMMIGRATION ENFORCEMENT (continued)

The Superintendent or designee shall report to the Board in a timely manner any requests for information or access to a school site by a law enforcement officer for the purpose of enforcing the immigration laws. Such notification shall be provided in a manner that ensures the confidentiality and privacy of any potentially identifying information. (Education Code 234.7)

### *Legal Reference:*

#### EDUCATION CODE

200 Educational equity

220 Prohibition of discrimination

234.1 Safe Place to Learn Act

234.7 Student protections relating to immigration and citizenship status

48204.4 Evidence of residency for school enrollment

48980 Parental notifications

48985 Notices to parents in language other than English

#### GOVERNMENT CODE

8310.3 California Religious Freedom Act

#### PENAL CODE

422.55 Definition of hate crime

627.1-627.6 Access to school premises, outsiders

#### UNITED STATES CODE, TITLE 20

1232g Family Educational Rights and Privacy Act

#### COURT DECISIONS

*Plyler v. Doe*, 457 U.S. 202 (1982)

### *Management Resources:*

#### CSBA PUBLICATIONS

*Legal Guidance on Providing All Children Equal Access to Education, Regardless of Immigration Status*, February 2017

#### CALIFORNIA OFFICE OF THE ATTORNEY GENERAL PUBLICATIONS

*Promoting a Safe and Secure Learning Environment for All: Guidance and Model Policies to Assist California's K-12 Schools in Responding to Immigration Issues*, April 2018

#### WEB SITES

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

California Office of the Attorney General: <http://oag.ca.gov>

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

California Department of Fair Employment and Housing: <http://www.dfeh.ca.gov>

California Department of Justice: <http://www.justice.gov>

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

U.S. Immigration and Customs Enforcement: <http://www.ice.gov>

U.S. Immigration and Customs Enforcement, Online Detainee Locator System:  
<http://locator.ice.gov/odls>

**RESPONSE TO IMMIGRATION ENFORCEMENT****Responding to Requests for Immigration-Related Information or Documents**

Upon receiving any verbal or written request for information or documents related to a student's or family's immigration or citizenship status, district staff shall:

1. Record or otherwise document the request and notify the Superintendent or designee about the request
2. Provide the student's parent/guardian or, if the student is at least 18 years old, the student, with notice, a description of the request, and any documentation provided to the district describing the request, unless prohibited by a court order, judicial subpoena/warrant, or in cases involving investigation of child abuse, neglect, or dependency

Information or documents related to a student's immigration or citizenship status shall not be disclosed to a law enforcement officer without consent by the parent/guardian or, if the student is at least 18 years old, by the student, a court order, or judicial subpoena/warrant. To obtain written consent, the release of student information shall include the following information:

1. The signature and signature date of the parent/guardian, or student if the student is at least 18 years old
2. A description of the records to be disclosed
3. The reason for the release of information
4. The parties or class of parties receiving the information
5. A copy of the records to be released, if requested by the parent/guardian or student

In accordance with law and Board Policy 5125 - Student Records, the Superintendent or designee shall annually notify parents/guardians that the district will not release student information to third parties for immigration enforcement purposes, unless the parent/guardian consents or as required to do so by a court order or judicial subpoena/warrant.

**Responding to Request for Access to Students or School Grounds**

District staff shall receive parent/guardian consent or, if the student is at least 18 years old, the student's consent, before the student is interviewed or searched by any law enforcement officer for immigration enforcement purposes, unless the officer presents a court order or a judicial warrant.

A student's parent/guardian shall be immediately notified when a law enforcement officer requests or is able to interview, search, detain, or otherwise interact with the student for immigration enforcement purposes, unless prohibited by a court order or a judicial warrant, or in cases involving investigations of child abuse, neglect, or dependency. (Education Code 48906)

**RESPONSE TO IMMIGRATION ENFORCEMENT** (continued)

A law enforcement officer who requests to enter district property which is not open to all visitors shall register in accordance with Board Policy 1250 - Visitors/Outsiders, except in cases where the officer states that exigent circumstances exist or as stated in a court order or judicial warrant. (Penal Code 627.2, 627.3)

As early as possible, district staff shall notify the Superintendent or designee of any immigration enforcement-related request by a law enforcement officer for access to a student or to district property, including service of lawful warrants, subpoenas, petitions, complaints, or other similar documents.

**Responding to Law Enforcement Officers on District Property**

District staff shall report the presence of any law enforcement officer on district property for immigration enforcement purposes to on-site district police and other appropriate administrators.

*(cf. 3515.3 - District Police/Security Department)*

Unless a law enforcement officer declares that exigent circumstances exist and demands immediate access to the campus, district staff shall take the following actions when such an officer is actually or imminently present on district property for immigration enforcement purposes:

1. Advise the officer that before school personnel can respond to the officer's request, they must first receive notification and direction from the Superintendent, principal or designee, except under exigent circumstances that necessitate immediate action
2. Request to see and record or otherwise document the officer's credentials, including the officer's name and badge number, and the phone number of the officer's supervisor, and note or make a copy of all such information
3. Ask the officer for, and then record or otherwise document, the officer's reason for being on district property
4. Request that the officer produce any documentation that authorizes the officer's school access, make copies of all such documentation, and retain at least one copy for district records
5. Contact and consult with the district's legal counsel or Superintendent or designee
6. Follow the direction from the district's legal counsel or Superintendent or designee

If the officer declares that exigent circumstances exist and demands immediate access to the campus, district staff shall comply with the officer's orders, and immediately contact the Superintendent or designee and then the district's legal counsel.

**RESPONSE TO IMMIGRATION ENFORCEMENT** (continued)

Regardless of whether the officer declares that exigent circumstances exist, district staff shall not attempt to physically impede the officer, even if the officer appears to be acting outside the law or in excess of the officer's stated or documented authorization. If an officer enters the premises without consent, district staff shall document the officer's actions while on campus but only to the extent that it does not impede the officer's actions.

After the officer leaves district property, district staff shall promptly make written notes of all interactions with the officer, including:

1. A list or copy of the officer's credentials and contact information, if known
2. The identity of all other district staff known to have communicated with the officer
3. A description of the officer's request and activities
4. The type of documentation, such as a warrant or subpoena, that authorized the officer's request or actions, what was requested by the documentation, and whether the documentation was signed by a judge
5. District staff's response to the officer's request
6. Any further action taken by the officer
7. Copies of any documents presented by the officer

District staff shall promptly provide a copy of these notes and any associated documents district staff has collected from the officer to the district's legal counsel or other district official designated by the Superintendent.

The district's legal counsel or the Superintendent or designee shall submit a timely report to the Governing Board regarding the officer's requests and actions and the district's response. (Education Code 234.7)

The Superintendent or designee shall also email the Bureau of Children's Justice in the California Department of Justice ([BCJ@doj.ca.gov](mailto:BCJ@doj.ca.gov)) regarding any attempt by a law enforcement officer to access a school site or a student for immigration enforcement purposes.

**Responding to the Detention or Deportation of Student's Family Member**

The Superintendent or designee shall encourage parents/guardians to update their emergency contact information as needed at any time. The Superintendent or designee shall notify parents/guardians that the district will only use information provided on the emergency cards in response to specific emergency situations and not for any other purpose.

(Education Code 234.7)

**RESPONSE TO IMMIGRATION ENFORCEMENT** (continued)

The Superintendent or designee shall also encourage all students and families to learn their emergency phone numbers and be aware of the location of important documentation, including birth certificates, passports, social security cards, physicians' contact information, medication lists, lists of allergies, and other such information that would allow the students and families to be prepared in the event that a student's parent/guardian is detained or deported.

In the event that a student's parent/guardian is detained or deported, the Superintendent or designee shall release the student to the person(s) designated in the student's emergency contact information or to any individual who presents a caregiver's authorization affidavit on behalf of the student. The Superintendent or designee shall only contact child protective services if district personnel are unable to arrange for the timely care of the student by the person(s) designated in the emergency contact information maintained by the school or identified on a caregiver's authorization affidavit.

In an instance where a student's parent/guardian was detained or deported, the Superintendent or designee shall notify the student, as well as the individuals designated in the student's emergency contact information and any individual who presented a caregiver's authorization affidavit on behalf of the student, that the student continues to meet the residency requirements for attendance in the district if the student and the student's parent/guardian who was detained or deported satisfy the conditions specified in Education Code 480204.4.

The Superintendent or designee may refer a student or the student's family members to other resources for assistance, including, but not limited to, an U.S. Immigrant and Customs Enforcement detainee locator, legal assistance, or the consulate or embassy of the parent/guardian's country of origin.

**FREEDOM OF SPEECH/EXPRESSION**

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

*(cf. 6142.3 - Civic Education)*

*(cf. 6144 - Controversial Issues)*

**On-Campus Expression**

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

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

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

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

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

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

*(cf. 5145.7 - Sexual Harassment)*

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

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

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

The Superintendent or designee shall not discipline any high school student solely on the basis of speech or other communication that would be constitutionally protected when engaged in outside of school, but may impose discipline for harassment, threats, or intimidation unless constitutionally protected. (Education Code 48950)

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

*(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)*

### **Off-Campus Expression**

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

*(cf. 5131 - Conduct)*

#### *Legal Reference:*

##### EDUCATION CODE

48907 *Exercise of free expression; rules and regulations*

48950 *Speech and other communication*

51520 *Prohibited solicitations on school premises*

##### UNITED STATES CODE, TITLE 20

4071-4074 *Equal Access Act*

##### CALIFORNIA CONSTITUTION

*Article 1, Section 2 Freedom of speech and expression*

##### U.S. CONSTITUTION

*Amendment 1 Freedom of speech and expression*

##### COURT DECISIONS

*Smith v. Novato Unified School District, (2007) 150 Cal.App.4th 1439*

*Lavine v. Blaine School District, (2001) 257 F.3d 981*

*Emmett v. Kirkland School District No. 415, (2000) 92 F.Supp. 2d 1088*

*J.S. v. Bethlehem Area School District, (2000) 757 A.2d 412 (Pa. Commw. 2000)*

*Beussink v. Woodland R-IV School District, (1998) 30 F.Supp. 2d 1175*

*Muller v. Jefferson Lighthouse School, (1996) 98 F.3d 1530*

*Lovell v. Poway Unified School District, (1996) 90 F.3d 367*

*Hazelwood School District v. Kuhlmeier, (1988) 108 S. Ct. 562*

*Leeb v. DeLong, (1988) 198 Cal.App.3d 47*

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

*Bright v. Los Angeles Unified School District, (1976) 18 Cal. 3d 350*

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

#### *Management Resources:*

##### CALIFORNIA DEPARTMENT OF EDUCATION LEGAL ADVISORIES

*Limitations on Student Expression in School-Sponsored Publications, March 4, 1988*

##### WEB SITES

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

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

**FREEDOM OF SPEECH/EXPRESSION**

**School-Sponsored Publications**

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

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

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

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

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

To the extent that the principal or designee believes that the school and district should be disassociated from a particular idea or opinion, the principal may require student articles to include disclaimers.

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

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

*(cf. 1325 - Advertising and Promotion)*

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

Printed materials or petitions may be distributed only:

1. Before or after school or during lunch time

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

2. In locations that do not obstruct the normal flow of traffic within the school or at entrances

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

*(cf. 5131 - Conduct)*

**Clothing, Buttons, and Badges**

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

*(cf. 5131.4 - Student Disturbances)*

*(cf. 5132 - Dress and Grooming)*

*(cf. 5136 - Gangs)*

*(cf. 5144 - Discipline)*

**NONDISCRIMINATION/HARASSMENT**

The Governing Board desires to provide a welcoming, safe, and supportive school environment that allows all students equal access to and opportunities in the district's academic, extracurricular, and other educational support programs, services, and activities.

This policy shall apply to all acts constituting unlawful discrimination or harassment related to district activity or attendance, to acts which occur off campus or outside of district-related or district-sponsored activities but which may have an impact or create a hostile environment at school, and to all acts of the Board and the Superintendent in enacting policies and procedures that govern the district.

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

(cf. [5131](#) - *Conduct*)

(cf. [5131.2](#) - *Bullying*)

(cf. [5137](#) - *Positive School Climate*)

(cf. [5145.7](#) - *Sexual Harassment*)

(cf. [5145.9](#) - *Hate-Motivated Behavior*)

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

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

The Board prohibits, at any district school or activity, unlawful discrimination, including discriminatory harassment, intimidation, and bullying, against an individual or group based on one, or a combination of two or more, protected characteristics, which include, but may not be limited to, race or ethnicity; ancestry; color; ethnic group identification; nationality; national origin; immigration status; sex; sexual orientation; sex stereotypes; gender; gender identity; gender expression; religion; disability; medical condition; genetic information; pregnancy, false pregnancy, childbirth, termination of pregnancy, or related conditions or recovery; and parental, marital, and family status; a perception of one or more of such characteristics; or association with a person or group with one or more of these actual or perceived characteristics. (Education Code 200, 210.1, 210.2, 212, 212.1, 220, 221.51, 230, 260; Government Code 11135, 12926; 20 USC 1681-1688, 42 USC 2000d-2000d-7)

Unlawful discrimination, including discriminatory harassment, intimidation, or bullying, may result from physical, verbal, nonverbal, or written conduct based on any of the categories listed above. Unlawful discrimination also occurs when prohibited conduct is so severe, persistent, or pervasive that it affects a student's ability to participate in or benefit from an educational program or activity; creates an intimidating, threatening, hostile, or offensive educational environment; has the effect of substantially or unreasonably interfering with a student's academic performance; or otherwise adversely affects a student's educational opportunities.

Unlawful discrimination also includes disparate treatment of students based on one of the categories above with respect to the provision of opportunities to participate in district programs or activities or the provision or receipt of educational benefits or services.

Because unlawful discrimination could occur when disciplining students, including suspension and expulsion, the Superintendent or designee shall ensure that staff enforce

**NONDISCRIMINATION/HARASSMENT** (continued)

discipline rules fairly, consistently and in a non-discriminatory manner, as specified in Board Policy and Administrative Regulation 5144 – Discipline, Board Policy and Administrative Regulation 5144.1 – Suspension and Expulsion/Due Process, and Administrative Regulation 5144.2 – Suspension and Expulsion/Due Process (Students With Disabilities).

The Board also prohibits any form of retaliation against any individual who reports or participates in the reporting of unlawful discrimination, files or participates in the filing of a complaint, or investigates, participates, or refuses to participate in the investigation of a complaint or report alleging unlawful discrimination. Retaliation complaints shall be investigated and resolved in the same manner as a discrimination complaint.

The Superintendent or designee shall facilitate students' access to the educational program by publicizing the district's nondiscrimination policy and related complaint procedures to students, parents/guardians, and employees. In addition, the Superintendent or designee shall post the district's policies prohibiting discrimination, harassment, intimidation, and bullying and other required information on the district's website in a manner that is easily accessible to parents/guardians and students, in accordance with law and the accompanying administrative regulation. (Education Code 234.1, 234.6; CFR 106.8)

The Superintendent or designee shall provide training and/or information on the scope and use of the policy and complaint procedures and take other measures designed to increase understanding of the requirements of law related to discrimination. The Superintendent or designee shall regularly review the implementation of the district's nondiscrimination policies and practices and, as necessary, shall take action to remove any identified barrier to student access to or participation in the district's educational program. The Superintendent or designee shall report the findings and recommendations to the Board after each review.

(cf. [1312.3](#) - *Uniform Complaint Procedures*)

(cf. [1330](#) - *Use of Facilities*)

(cf. [4131](#) - *Staff Development*)

(cf. [4231](#) - *Staff Development*)

(cf. [4331](#) - *Staff Development*)

(cf. [6145](#) - *Extracurricular and Cocurricular Activities*)

(cf. [6145.2](#) - *Athletic Competition*)

(cf. [6164.2](#) - *Guidance/Counseling Services*)

Regardless of whether a complainant complies with the writing, timeline, and/or other formal filing requirements, all complaints alleging unlawful discrimination, including discriminatory harassment, intimidation, or bullying, shall be investigated and prompt action taken to stop the discrimination, prevent recurrence, and address any continuing effect on students.

Students who engage in unlawful discrimination, including discriminatory harassment, intimidation, retaliation, or bullying, in violation of law, Board policy, or administrative regulation shall be subject to appropriate consequence or discipline, which may include suspension or expulsion when the behavior is severe or pervasive as defined in Education Code [48900.4](#). Any employee who permits or engages in prohibited discrimination related to a district activity, attendance, or district-related or district-sponsored activity, including

**NONDISCRIMINATION/HARASSMENT** (continued)

discriminatory harassment, intimidation, retaliation, or 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)

(cf. [5144](#) - Discipline)

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

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

(cf. [5145.2](#) - Freedom of Speech/Expression)

When a student has been suspended, or other means of correction have been implemented against the student for an incident of racist bullying, harassment, or intimidation, the principal or designee may engage both the victim and perpetrator in a restorative justice practice suitable to the needs of the students. The principal or designee may also require the perpetrator to engage in a culturally sensitive program that promotes racial justice and equity and combats racism and ignorance and regularly check on the victim to ensure that the victim is not in danger of suffering from any long-lasting mental health issues. (Education Code 48900.5)

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.

Complaints alleging unlawful discrimination in district programs and activities shall be investigated and resolved in accordance with Board Policy 1312.3 – Uniform Complaint Procedures, when required by law. However, complaints alleging sexual harassment, under Title IX shall be investigated and resolved in accordance with the procedures specified in Administrative Regulation 5145.71 – Title IX Sexual Harassment Complaint Procedures.

**Record-Keeping**

The Superintendent or designee shall maintain a record of all reported cases of unlawful discrimination, including discriminatory harassment, intimidation, or bullying, to enable the district to monitor, address, and prevent repetitive prohibited behavior in district schools.

(cf. [3580](#) - District Records)

*Legal Reference:*EDUCATION CODE

[200-262.4](#) Prohibition of discrimination

[48900.3](#) Suspension or expulsion for act of hate violence

[48900.4](#) Suspension or expulsion for threats or harassment

[48904](#) Liability of parent/guardian for willful student misconduct

[48907](#) Student exercise of free expression

**NONDISCRIMINATION/HARASSMENT (continued)**

[48950](#) *Freedom of speech*

[48985](#) *Translation of notices*

[49020-49023](#) *Athletic programs*

[49060-49079](#) *Student records*

[51500](#) *Prohibited instruction or activity*

[51501](#) *Prohibited means of instruction*

[60044](#) *Prohibited instructional materials*

CIVIL CODE

[1714.1](#) *Liability of parents/guardians for willful misconduct of minor*

GOVERNMENT CODE

[11135](#) *Nondiscrimination in programs or activities funded by state*

PENAL CODE

[422.55](#) *Definition of hate crime*

[422.6](#) *Crimes, harassment*

CODE OF REGULATIONS, TITLE 5

[432](#) *Student record*

[4600-4670](#) *Uniform complaint procedures*

[4900-4965](#) *Nondiscrimination in elementary and secondary education programs*

UNITED STATES CODE, TITLE 20

[1681-1688](#) *Title IX of the Education Amendments of 1972*

UNITED STATES CODE, TITLE 29

[794](#) *Section 504 of Rehabilitation Act of 1973*

UNITED STATES CODE, TITLE 42

[2000d-2000e](#)-17 *Title VI and Title VII Civil Rights Act of 1964, as amended*

[2000h-2-2000h-6](#) *Title IX of the Civil Rights Act of 1964*

[6101-6107](#) *Age Discrimination Act of 1975*

[12101-12213](#) *Title II equal opportunity for individuals with disabilities*

CODE OF FEDERAL REGULATIONS, TITLE 28

[35.107](#) *Nondiscrimination on basis of disability; complaints*

CODE OF FEDERAL REGULATIONS, TITLE 34

[99.31](#) *Disclosure of personally identifiable information*

[100.3](#) *Prohibition of discrimination on basis of race, color or national origin*

[104.7](#) *Designation of responsible employee for Section 504*

[104.8](#) *Notice*

[106.8](#) *Designation of responsible employee for Title IX*

[106.9](#) *Notification of nondiscrimination on basis of sex*

[110.25](#) *Prohibition of discrimination based on age*

COURT DECISIONS

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

*Flores v. Morgan Hill Unified School District, (2003) 324 F.3d 1130*

*Management Resources:*

CSBA PUBLICATIONS

*Updated Legal Guidance: Protecting Transgender and Gender Nonconforming Students Against Sex Discrimination, March 2017*

CALIFORNIA OFFICE OF THE ATTORNEY GENERAL PUBLICATIONS

*Promoting a Safe and Secure Learning Environment for All: Guidance and Model Policies to Assist California's K-12 Schools in Responding to Immigration Issues, April 2018*

FIRST AMENDMENT CENTER PUBLICATIONS

*Public Schools and Sexual Orientation: A First Amendment Framework for Finding Common Ground, 2006*

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

*Examples of Policies and Emerging Practices for Supporting Transgender Students, May 2016*

*Dear Colleague Letter: Title IX Coordinators, April 2015*

*Resolution Agreement Between the Arcadia Unified School District, U.S. Department of Education, Office for Civil Rights, and the U.S. Department of Justice, Civil Rights Division, (2013) OCR 09-12-1020, DOJ 169-12C-70*

**NONDISCRIMINATION/HARASSMENT (continued)**

*Dear Colleague Letter: Harassment and Bullying, October 2010*

*Notice of Non-Discrimination, Fact Sheet, August 2010*

U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES PUBLICATIONS

*Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons, August 2003*

WEB SITES

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

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

California Office of the Attorney General: <http://oag.ca.gov>

California Safe Schools Coalition: <http://www.casafeschools.org>

First Amendment Center: <http://www.firstamendmentcenter.org>

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

(9/16 5/18) 5/20

Policy

Adopted: January 4, 2012

Revised: 12/14; 11/16; 8/18

Revised: August 5, 2020

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Revised: July, 2024

Revised: June 25, 2025

**BIGGS UNIFIED SCHOOL DISTRICT**

Biggs, California

**Students**  
**NONDISCRIMINATION/HARASSMENT**

AR 5145.3(a)

The district designates the individual(s) identified below as the Compliance Officer(s). The employee(s) is responsible for coordinating the district's efforts to comply with applicable state and federal civil rights laws and to answer inquiries regarding the district's nondiscrimination policies. The individual(s) shall also serve as the Compliance Officer(s) specified in Administrative Regulation 1312.3 – Uniform Complaint Procedures as the responsible employee to handle complaints alleging unlawful discrimination of a student, and the Title IX Coordinator specified in Administrative Regulation 5145.7 – Sexual Harassment as the responsible employee to handle complaints alleging unlawful sexual harassment, as permitted by law. The Compliance Officer(s) may be contacted at: (Education Code 234.1; 5 CCR 4621)

***Superintendent***  
***300 B Street***  
***Biggs, CA 95917***  
***(530) 868-1281***

**Measures to Prevent Discrimination**

To prevent unlawful discrimination, including discriminatory harassment, intimidation, retaliation, and bullying, of students at district schools or activities and to ensure equal access of all students to the educational program, the Superintendent or designee shall implement the following measures:

1. Publicize the district's nondiscrimination policy and related complaint procedures, including the Compliance Officer's contact information, to students, parents/guardians, employees, volunteers, and the general public by posting them in prominent locations and providing easy access to them through district-supported communications
2. Post the district's policies and procedures prohibiting discrimination, harassment, student sexual harassment, intimidation, bullying, and cyberbullying, including a section on social media bullying that includes all of the references described in Education Code 234.6 as possible forums for social media, in a prominent location on the district's website in a manner that is easily accessible to parents/guardians and students (Education Code 234.1, 234.6)
3. Post the definition of sex discrimination and harassment as described in Education Code 230, including the rights set forth in Education Code 221.8, in a prominent location on the district's website in a manner that is easily accessible to parents/guardians and students (Education Code 234.6)

**NONDISCRIMINATION/HARASSMENT** (continued)

4. Post in a prominent location on the district website in a manner that is easily accessible to parents/guardians and students information regarding Title IX prohibitions against discrimination based on a student's sex, including the following: (Education Code 221.6, 221.61, 234.6)
  - a. The name and contact information of the district's Title IX Coordinator, including the phone number and email address
  - b. The rights of students and the public and the responsibilities of the district under Title IX, including a list of rights as specified in Education Code 221.8 and web links to information about those rights and responsibilities located on the websites of the Office for Equal Opportunity and the U.S. Department of Education's Office for Civil Rights (OCR)
  - c. A description of how to file a complaint of noncompliance under Title IX, which shall include:
    - i. An explanation of the statute of limitations within which a complaint must be filed after an alleged incident of discrimination has occurred and how a complaint may be filed beyond the statute of limitations
    - ii. An explanation of how the complaint will be investigated and how the complainant may further pursue the complaint, including web links to this information on the OCR's web site
    - iii. A web link to the OCR complaints form and the contact information for the office, including the phone number and email address for the office
  - d. A link to the Title IX information included on the California Department of Education's (CDE) web site
5. Post CDE's standardized incident form to track racial discrimination, harassment, or hazing that occurs at high school sporting games or events, including information on how to submit a completed incident form to the district (Education Code 33353)
6. Post a link to statewide CDE-compiled resources, including community-based organizations, that provide support to youth who have been subjected to school-based discrimination, harassment, intimidation, or bullying and to their families (Education Code 234.5, 234.6)

**NONDISCRIMINATION/HARASSMENT** (continued)

Such resources shall be posted in a prominent location on the district's website in a manner that is easily accessible to parents/guardians and students. (Education Code 234.6)

7. Provide to students a handbook that contains age-appropriate information that clearly describes the district's nondiscrimination policy, procedures for filing a complaint, and resources available to students who feel that they have been the victim of any such behavior
8. Annually notify all students and parents/guardians of the district's nondiscrimination policy, including its responsibility to provide a safe, nondiscriminatory school environment for all students

The notice shall inform students and parents/guardians that they may request to meet with the Compliance Officer to determine how best to accommodate or resolve concerns that may arise from the district's implementation of its nondiscrimination policies. The notice shall also inform all students and parents/guardians that, to the extent possible, the district will address any individual student's interests and concerns in private.

9. Ensure that students and parents/guardians, including those with limited English proficiency, are notified of how to access the relevant information provided in the district's nondiscrimination policy and related complaint procedures, notices, and forms in a language they can understand

If 15 percent or more of students enrolled in a particular district school speak a single primary language other than English, the district's policy, regulation, forms, and notices concerning nondiscrimination shall be translated into that language in accordance with Education Code 234.1 and 48985. In all other instances, the district shall ensure meaningful access to all relevant information for parents/guardians with limited English proficiency

10. Provide to students, employees, volunteers, and parents/guardians age-appropriate training and/or information regarding the district's nondiscrimination policy; what constitutes prohibited discrimination, including discriminatory harassment, intimidation, retaliation, or bullying; how and to whom a report of an incident should be made; and how to guard against segregating or stereotyping students when providing instruction, guidance, supervision, or other services to them.

Such training and information shall include details of guidelines the district may use to provide a discrimination-free environment for all district students.

**NONDISCRIMINATION/HARASSMENT (continued)**

11. Provide to certificated employees serving students in grades 7-12 information on existing school and community resources related to the support of lesbian, gay bisexual, transgender, queer, and questioning (LGBTQ+) students, or related to the support of students who may face bias or bullying on the basis of any of the actual or perceived characteristics in Penal Code 422.55, including immigration status; Education Code 220; and disability, gender, gender identity, gender expression, nationality, race or ethnicity, religion, sexual orientation; or association with a person or group with one or more of these actual or perceived characteristics (Education Code 234.1)
12. For the 2025-2026 school year through the 2029-2030 school year, provide annually to certificated employees serving students in grades 7-12 at least one hour of training to support LGBTQ+ cultural competency in accordance with Education Code 218.3
13. At the beginning of each school year, inform school employees that any employee who witnesses any act of unlawful discrimination, including discriminatory harassment, intimidation, or bullying, against a student is required to intervene if it is safe to do so (Education Code 234.1)
14. At the beginning of each school year, inform each principal or designee of the district's responsibility to provide appropriate assistance or resources to protect students from threatened or potentially discriminatory behavior and ensure their privacy rights

**Process for Initiating and Responding to Complaints**

Students who feel that they have been subjected to unlawful discrimination described above or in district policy are strongly encouraged to immediately contact the Compliance Officer, Title IX Coordinator, principal, or any other staff member. In addition, students who observe any such incident are strongly encouraged to report the incident to the Compliance Officer, Title IX Coordinator, or principal, regardless of whether the alleged victim files a complaint.

Any district employee who observes an incident of unlawful discrimination, including discriminatory harassment, intimidation, retaliation, or bullying, or to whom such an incident is reported shall report the incident to the Compliance Officer, Title IX Coordinator, or principal within one workday, regardless of whether the alleged victim files a complaint.

Any school employee who witnesses an incident of unlawful discrimination, including discriminatory harassment, intimidation, retaliation, or bullying, shall immediately intervene to stop the incident when it is safe to do so. (Education Code 234.1)

**NONDISCRIMINATION/HARASSMENT (continued)**

When a report of unlawful discrimination, including discriminatory harassment, intimidation, retaliation, or bullying, is made to or received by the principal, Compliance Officer, or Title IX Coordinator, the principal, Compliance Officer, or Title IX Coordinator shall notify the student or parent/guardian of the right to file a formal complaint in accordance with AR 1312.3 - Uniform Complaint Procedures or, for complaints of sexual harassment that meet the federal Title IX definition, Administration Regulation 5145.71 – Title IX Sexual Harassment Complaint Procedures. Once notified verbally or in writing, the Compliance Officer or Title IX Coordinator shall begin the investigation and shall implement immediate measures necessary to stop the discrimination and ensure that all students have access to the educational program and a safe school environment. Any interim measures adopted to address unlawful discrimination shall, to the extent possible, not disadvantage the complainant or a student who is the victim of the alleged unlawful discrimination.

Any report or complaint alleging unlawful discrimination by the principal, Compliance Officer, Title IX Coordinator, or any other person to whom a report would ordinarily be made or complaint filed shall instead be made to or filed with the Superintendent or designee who shall determine how the complaint will be investigated.

**Support for Intersex, Nonbinary, Transgender and Gender-Nonconforming Students**

*Gender* refers to a student's sex, and includes a student's gender identity and gender expression. (Education Code 210.7)

*Gender identity* refers to a student's gender-related identity, appearance, or behavior as determined from the student's internal sense, regardless of whether that gender-related identity, appearance, or behavior is different from that traditionally associated with the student's physiology or assigned sex at birth.

*Gender expression* refers to a student's gender-related appearance and behavior, regardless of whether stereotypically associated with the student's assigned sex at birth. (Education Code 210.7)

*Gender transition* refers to the process in which a student changes from living and identifying as the sex assigned to the student at birth to living and identifying as the sex that corresponds to the student's gender identity.

*Gender-nonconforming* refers to when a student's gender expression differs from stereotypical expectations.

*Intersex* refers to when a student has natural bodily variations in anatomy, hormones, chromosomes, and other traits that differ from expectations generally associated with female and male bodies.

*Nonbinary* refers to when a student's gender identity falls outside of the traditional conception of strictly either female or male, regardless of whether the student identifies as transgender, was born with intersex traits, uses gender-neutral pronouns, or uses agender,

**NONDISCRIMINATION/HARASSMENT** (continued)

genderqueer, pangender, gender nonconforming, gender variant, or such other more specific term to describe their gender.

*Sex* refers to the biological condition of being a female or male human being. (5 CCR 4910)

*Transgender* refers to when a student's gender identity is different from the sex assigned at birth.

The district shall ensure that all students, regardless of sex, gender, gender identity or gender expression, are afforded the same rights, benefits, and protections provided to students by law and Board policy. To do so, the Superintendent or designee shall address each situation that arises on a case-by-case basis and in accordance with the following guidelines:

1. **Acceptance of a Student's Gender Identity:** The district shall accept the student's assertion of the student's gender identity and treat the student consistent with that gender identity unless district personnel present a credible and supportable basis for believing that the student's assertion is for an improper purpose
2. **Use of Names and Pronouns:** Upon request by a student, district personnel shall address the student by the requested name and pronoun(s), without the necessity of a court order or a change to the student's mandatory permanent student record

Inadvertent slips or honest mistakes by district personnel in the use of the student's name and/or pronouns may not constitute a violation of this administrative regulation or the accompanying Board policy.

3. **Accessibility to Sex-Segregated Facilities, Programs, and Activities:** When the district maintains sex-segregated facilities, such as restrooms and locker rooms, or offers sex-segregated programs and activities, such as physical education classes, intermural sports, and interscholastic athletic programs, students shall be permitted to access facilities and participate in programs and activities consistent with their gender identity

Additionally, a student shall be permitted to participate in accordance with the student's gender identity in other circumstances where students are separated by sex, such as for class discussions, yearbook pictures, and field trips.

To address any student's privacy concerns in using sex-segregated facilities, the district shall consider offering a gender-neutral or single-use restroom or changing area, a bathroom stall with a door, an area in the locker room separated by a curtain or screen, or use of the locker room before or after the other students. However, in no case shall

**NONDISCRIMINATION/HARASSMENT** (continued)

the district require a student to utilize these options because of the student's sex, gender, gender identity, or gender expression. A student's right to participate in a sex-segregated activity in accordance with the student's gender identity shall not render invalid or inapplicable any other eligibility rule established for participation in the activity.

Beginning July 1, 2026, each school shall provide and maintain at least one all-gender restroom for student use that meets the requirements of Education Code 35292.5.

4. **Adherence to Uniforms/Dress Code:** A student has the right to dress in a manner consistent with the student's gender identity, subject to any dress code adopted on a school site, which may not discriminate on the basis of sex, gender, gender identity or gender expression
5. **Equal Access to Educational Programs and Activities:** Upon request by a student based on the student's gender identity or gender expression, the Compliance Officer shall identify and develop strategies for ensuring that the student's access to educational programs and activities is maintained

The Compliance Officer shall consider the rights of all students and how those rights may affect and be affected by the rights of other students. Additionally, the Compliance Officer shall identify specific school site employee(s) to whom the student may report any problem related to the student's sex, gender, gender identity, or gender expression so that prompt action can be taken to address it. Alternatively, if appropriate and desired by the student, the school may form a support team for the student that will meet periodically to assess whether the arrangements for the student are providing equal access to programs and activities.

6. **Right to privacy:** A student's sex, gender, gender identity, and gender status is private information

The district may only disclose such information to others when the disclosure is permitted by law, with the student's prior written consent, or when the district has compelling evidence that disclosure is necessary to preserve the student's physical or mental well-being. (Education Code 220.3, 220.5; 34 CFR 99.31, 99.36)

7. **Student Records:** A student's sex and legal name shall be maintained as part of a student's mandatory permanent student record as specified in 5 CCR 432 and shall only be changed with proper documentation (Education Code 49061-49072)

When a request to change a student's gender or name is submitted without proper documentation, any change to the student's gender or name shall be applied only to documents not included in the mandatory permanent student record such as attendance sheets, report cards, and school identification.

**NONDISCRIMINATION/HARASSMENT (continued)**

The Superintendent or designee shall follow this guideline such that it does not change or alter the obligations of the district to maintain student records in accordance with Board Policy/Administrative Regulation 5125 Student Records, and to ensure access to such records in accordance with Board Policy/Administrative Regulation 1340 - Access to District Records.

The district prohibits any act of verbal, nonverbal, or physical aggression, intimidation, or hostility, including any such act based on sex, gender, gender identity, or gender expression, or that have the purpose or effect of producing a negative impact on the student's academic performance or of creating an intimidating, hostile, or offensive educational environment, regardless of whether the acts are sexual in nature, including, but not limited to:

1. Refusing to address or refer to a student in a manner consistent with the student's gender identity
2. Disciplining a student or excluding the student from participating in activities, for behavior or appearance that is consistent with the student's gender identity or that does not conform to stereotypical notions of masculinity or femininity
3. Blocking, prohibiting, or restricting a student's entry to the restroom that corresponds to the student's gender identity
4. Disclosing student records that reveal a student's gender identity to individuals who do not have a legitimate need for the information except as permitted by law
5. Verbally or physically assaulting a student because of the student's sex, gender, gender identity, or gender expression, including, but not limited to, causing, attempting to cause, threatening to cause, or participating in an act of hate violence on the basis of sex, gender, gender identity, or gender expression

**State Description**

|                      |                                                                                 |
|----------------------|---------------------------------------------------------------------------------|
| 5 CCR 432            | <i>Student records</i>                                                          |
| 5 CCR 4600-4670      | <i>Uniform complaint procedures</i>                                             |
| 5 CCR 4900-4965      | <i>Nondiscrimination in elementary and secondary education programs</i>         |
| Civ. Code 1714.1     | <i>Liability of parent or guardian for act of willful misconduct by a minor</i> |
| Ed. Code 200-262.4   | <i>Educational equity; prohibition of discrimination on the basis of sex</i>    |
| Ed. Code 48900.3     | <i>Suspension or expulsion for act of hate violence</i>                         |
| Ed. Code 48900.4     | <i>Suspension or expulsion for threats or harassment</i>                        |
| Ed. Code 48904       | <i>Liability of parent/guardian for willful student misconduct</i>              |
| Ed. Code 48907       | <i>Exercise of free expression; rules and regulations</i>                       |
| Ed. Code 48950       | <i>Speech and other communication</i>                                           |
| Ed. Code 48985       | <i>Translation of notices</i>                                                   |
| Ed. Code 49020-49023 | <i>Athletic programs</i>                                                        |
| Ed. Code 49060-49079 | <i>Student records</i>                                                          |
| Ed. code 49060-49079 | <i>Student records</i>                                                          |
| Ed. Code 51500       | <i>Prohibited instruction or activity</i>                                       |

**NONDISCRIMINATION/HARASSMENT (continued)**

*Ed. Code 51501 Prohibited means of instruction*  
*Ed. Code 60044 Prohibited instructional materials*  
*Gov. Code 11135 Nondiscrimination in programs or activities funded by state*  
*Pen. Code 422.55 Definition of hate crime*  
*Pen. Code 422.6 Civil rights; crimes*

**Federal Description**

*20 USC 1681-1688 Title IX of the Education Amendments of 1972*  
*28 CFR 35.107 Nondiscrimination on basis of disability; complaints*  
*29 USC 794 Rehabilitation Act of 1973, Section 504*  
*34 CFR 100.3 Prohibition of discrimination on basis of race, color or national origin*  
*34 CFR 104.7 Designation of responsible employee for Section 504*  
*34 CFR 104.8 Notice*  
*34 CFR 106.8 Designation of responsible employee for Title IX*  
*34 CFR 106.9 Notification of nondiscrimination on basis of sex*  
*34 CFR 110.25 Prohibition of discrimination based on age*  
*34 CFR 99.31 Disclosure of personally identifiable information*  
*42 USC 12101-12213 Title II equal opportunity for individuals with disabilities*  
*42 USC 2000d-2000e-17 Title VI and Title VII Civil Rights Act of 1964, as amended*  
*42 USC 2000h-2-2000h-6 Title IX of the Civil Rights Act of 1964*  
*42 USC 6101-6107 Age Discrimination Act of 1975*

**Management Resources Description**

*CA Office of the Attorney General Publication Promoting Safe & Secure Learning Environment for All: Guidance & Model Policies to Assist CA K-12 Schools in Responding to Immigration Issues, 4/2018*  
*Court Decision Donovan v. Poway Unified School District, (2008) 167 Cal.App.4th 567*  
*Court Decision Flores v. Morgan Hill Unified School District, (2003) 324 F.3d 1130*  
*CSBA Publication Updated Legal Guidance: Protecting Transgender and Gender Nonconforming Students Against Sex Discrimination, March 2017*  
*First Amendment Center Publication Public Schools and Sexual Orientation: A First Amendment Framework for Finding Common Ground, 2006*  
*U.S Dept of Ed Office for Civil Rights Publication Resolution Agreement Between the Arcadia USD, US Dept of Ed, OCR, & the US DOJ, CRD, (2013) OCR 09-12-1020, DOJ 169-12C-70*  
*U.S. Dept of Health & Human Services Publication Guid. to Fed Fin. Assist. Recipients Re. Title VI Prohibition Against Nat'l Origin Discrimination Affect Limited English Proficient Persons, Aug. 2013*  
*U.S. DOE, Office for Civil Rights Publication Dear Colleague Letter: Harassment and Bullying, October 2010*  
*U.S. DOE, Office for Civil Rights Publication Dear Colleague Letter: Title IX Coordinators, April 2015*  
*U.S. DOE, Office for Civil Rights Publication Examples of Policies and Emerging Practices for Supporting Transgender Students, May 2016*  
*U.S. DOE, Office for Civil Rights Publication Notice of Non-Discrimination, Fact Sheet, August 2010*

Regulation

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revised: June 25, 2025

**BIGGS UNIFIED SCHOOL DISTRICT**

Biggs, California

# Board Policy

## Students

BP 5145.6(a)

### PARENT/GUARDIAN NOTIFICATIONS

The Board of Trustees desires to promote effective communication from the district and/or school to families to keep families informed regarding educational programs, school operations, and the legal rights of students and parents/guardians. The Superintendent or designee shall send parents/guardians all notifications required by law and any other notifications the Superintendent or designee believes will promote familial understanding and involvement.

(cf. [5020](#) - Parent Rights and Responsibilities)

(cf. [5022](#) - Student and Family Privacy Rights)

(cf. [6020](#) - Parent Involvement)

Notice of the rights and responsibilities of parents/guardians as specified in Education Code 48980 shall be sent at the beginning of each academic year and may be provided by regular mail, in electronic form when so requested by the parent/guardian, or by any other method normally used by the district for written communication with parents/guardians. (Education Code 48981)

No activity specified in Education Code [48980](#) shall be undertaken with respect to any particular student unless the student's parent/guardian has been informed of such action through the annual notification or other separate special notification. Such notice shall state the activity that will be undertaken and the approximate date on which the activity will occur. (Education Code [48983-48984](#))

The annual notification shall include a request that the parent/guardian sign the notice and return it to the school or, if the notice is provided in electronic format, that the parent/guardian submit a signed acknowledgment of receipt of the notice to the school. The parent/guardian's signature is not required. Any signature is an acknowledgment of receipt of the information but does not indicate that consent to participate in any particular program has been given or withheld. (Education Code [48982](#))

Whenever a student enrolls in a district school during the school year, the student's parents/guardians shall be given all required parental notifications at that time.

Notifications shall be presented in an understandable and uniform format.

When necessary, the district shall provide notifications to qualified individuals with disabilities in alternative formats, such as braille, large front, or audio recordings, to enable such individuals to effectively participate in any program, service, or activity, as required by law.

Whenever 15 percent or more of the students enrolled in a district school speak a single primary language other than English, as determined from the California Department of Education census data collected pursuant to Education Code [52164](#), all notices sent to the

**PARENTAL NOTIFICATIONS (continued)**

parent/guardian of any such student shall, in addition to being written in English, be written in the primary language, and may be responded to either in English or the primary language. (Education Code [48981](#), [48985](#))

Whenever an employee learns that a student's parent/guardian is unable to understand the district's printed notifications for any reason, the employee shall inform the principal or designee, who shall work with the parent/guardian to establish other appropriate means of communication.

*Legal Reference:***EDUCATION CODE**[221.5](#) Prohibited sex discrimination[231.5](#) Sexual harassment policy[234.7](#) Student protections relating to immigration and citizenship status[262.3](#) Appeals for discrimination complaints; information regarding availability of civil remedies[310](#) Language acquisition programs[313](#) Reclassification of English learners, parental consultation[313.2](#) Long-term English learner, notification[440](#) English language proficiency assessment; instruction in English language development[8483](#) Before/after school program; enrollment priorities[17288](#) Building standards for university campuses[17611.5-17612](#) Notification of pesticide use[32221.5](#) Insurance for athletic team members[32255-32255.6](#) Right to refuse harmful or destructive use of animals[32390](#) Fingerprint program; contracts; funding; consent of parent/guardian[33479.3](#) The Eric Paredes Sudden Cardiac Arrest Prevention Act[35160.5](#) Extracurricular and cocurricular activities[35178.4](#) Notice of accreditation status[35182.5](#) Advertising in the classroom[35183](#) School dress codes; uniforms[35186](#) Complaints concerning deficiencies in instructional materials and facilities[35211](#) Driver training; district insurance, parent/guardian liability[35256](#) School Accountability Report Card[35258](#) School Accountability Report Card[35291](#) Rules for student discipline[37616](#) Consultation regarding year-round schedule[39831.5](#) School bus rider rules and information[44050](#) Employee codes of conduct, employee interactions with students[44808.5](#) Permission to leave school grounds[46010.1](#) Notice regarding excuse to obtain confidential medical services[46014](#) Regulations regarding absences for religious purposes[46600-46611](#) Interdistrict attendance agreements[48000](#) Minimum age of admission[48070.5](#) Promotion or retention of students[48204](#) Residency requirements[48205](#) Absence for personal reasons[48206.3](#) Students with temporary disabilities; individual instruction; definitions[48207-48208](#) Students with temporary disabilities in hospitals[48213](#) Prior notice of exclusion from attendance[48216](#) Immunization[48260.5](#) Notice regarding truancy[48262](#) Need for parent conference regarding truancy[48263](#) Referral to school attendance review board or probation department[48301](#) Interdistrict transfers

**PARENTAL NOTIFICATIONS (continued)**

[48412](#) Certificate of proficiency  
[48432.3](#) Voluntary enrollment in continuation education  
[48432.5](#) Involuntary transfers of students  
[48850-48859](#) Education of foster youth and homeless students  
[48900.1](#) Parental attendance required after suspension  
[48904](#) Liability of parent/guardian for willful student misconduct  
[48904.3](#) Withholding grades, diplomas, or transcripts  
[48906](#) Notification of release of student to peace officer  
[48911](#) Notification in case of suspension  
[48911.1](#) Assignment to supervised suspension classroom  
[48912](#) Closed sessions; consideration of suspension  
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[48916](#) Readmission procedures  
[48918](#) Rules governing expulsion procedures  
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[48980](#) Required notification at beginning of term  
[48980.3](#) Notification of pesticide use  
[48981](#) Time and means of notification  
[48982](#) Parent signature acknowledging receipt of notice  
[48983](#) Contents of notice  
[48984](#) Activities prohibited unless notice given  
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[48987](#) Child abuse information  
[49013](#) Use of uniform complaint procedures for complaints regarding student fees  
[49063](#) Notification of parental rights  
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[49068](#) Transfer of permanent enrollment and scholarship record  
[49069](#) Absolute right to access  
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[49077](#) Access to information concerning a student in compliance with court order  
[49403](#) Cooperation in control of communicable disease and immunization  
[49423](#) Administration of prescribed medication for student  
[49451](#) Physical examinations: parent's refusal to consent  
[49452.5](#) Screening for scoliosis  
[49452.7](#) Information on type 2 diabetes  
[49452.8](#) Oral health assessment  
[49456](#) Results of vision or hearing test  
[49471-49472](#) Insurance  
[49475](#) Student athletes; concussions and head injuries  
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[49480](#) Continuing medication regimen for nonepisodic conditions  
[49510-49520](#) Duffy-Moscone Family Nutrition Education and Services Act of 1970  
[49557.5](#) Child Hunger Prevention and Fair Treatment Act of 2017; notice of negative balance in meal account  
[51225.1](#) Exemption from district graduation requirements  
[51225.2](#) Course credits  
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[51229](#) Course of study for grades 7-12  
[51513](#) Personal beliefs; privacy  
[51938](#) HIV/AIDS and sexual health instruction  
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**PARENTAL NOTIFICATIONS (continued)**

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[69432.9](#) Submission of grade point average to Cal Grant program  
CIVIL CODE  
[1798.29](#) District records, breach of security  
HEALTH AND SAFETY CODE  
[1596.857](#) Right to enter child care facility  
1597.16 Licensed child care centers, lead testing  
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104855 Availability of topical fluoride treatment  
[116277](#) Lead testing of school drinking water  
120365-[120375](#) Immunizations  
[120440](#) Sharing immunization information  
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[626.81](#) Notice of permission granted to sex offender to volunteer on campus  
[627.5](#) Hearing request following denial or revocation of registration  
CODE OF REGULATIONS, TITLE 5  
[852](#) Exemptions from state assessments  
[863](#) Reports of state assessment results  
3052 Behavioral intervention  
[4622](#) Notification of uniform complaint procedures  
[4631](#) Uniform complaint procedures; notification of decision and right to appeal  
[4917](#) Notification of sexual harassment policy  
[11303](#) Reclassification of English learners  
[11511.5](#) English language proficiency assessment; test results  
[11523](#) Notice of proficiency examinations  
[18066](#) Child care policies regarding excused and unexcused absences  
[18094-18095](#) Notice of Action; child care services  
[18114](#) Notice of delinquent fees; child care services  
[18118-18119](#) Notice of Action; child care services  
CODE OF REGULATIONS, TITLE 17  
[2951](#) Hearing tests  
[6040](#) Time period to obtain needed immunizations  
UNITED STATES CODE, TITLE 20  
[1232g](#) Family Educational and Privacy Rights Act  
[1232h](#) Privacy rights  
[1415](#) Procedural safeguards  
[6311](#) State plan  
[6312](#) Local educational agency plans  
[6318](#) Parent and family engagement  
[7704](#) Impact Aid; policies and procedures related to children residing on Indian lands  
[7908](#) Armed forces recruiter access to students  
UNITED STATES CODE, TITLE 42  
1758 Child nutrition programs

**PARENTAL NOTIFICATIONS (continued)**

[11431-11435 McKinney-Vento Homeless Assistance Act](#)

[CODE OF FEDERAL REGULATIONS, TITLE 7](#)

[245.5 Eligibility criteria for free and reduced-price meals](#)

[245.6a Verification of eligibility for free and reduced-price meals](#)

[CODE OF FEDERAL REGULATIONS, TITLE 34](#)

[99.7 Student records, annual notification](#)

[99.30 Disclosure of personally identifiable information](#)

[99.34 Student records, disclosure to other educational agencies](#)

[99.37 Disclosure of directory information](#)

[104.32 District responsibility to provide free appropriate public education](#)

[104.36 Procedural safeguards](#)

[104.8 Nondiscrimination](#)

[106.8 Notification of contact information for Title IX coordinator](#)

[106.9 Dissemination of policy, nondiscrimination on basis of sex](#)

[200.48 Teacher qualifications](#)

[222.94 Impact Aid; district responsibilities](#)

[300.300 Parent consent for special education evaluation](#)

[300.322 Parent participation in IEP team meetings](#)

[300.502 Independent educational evaluation of student with disability](#)

[300.503 Prior written notice regarding identification, evaluation, or placement of student with disability](#)

[300.504 Procedural safeguards notice for students with disabilities](#)

[300.508 Due process complaint](#)

[300.530 Discipline procedures](#)

[CODE OF FEDERAL REGULATIONS, TITLE 40](#)

[763.84 Asbestos inspections, response actions and post-response actions](#)

[763.93 Asbestos management plans](#)

*Management Resources:*

[U.S. DEPARTMENT OF AGRICULTURE PUBLICATIONS](#)

*Civil Rights Compliance and Enforcement -- Nutrition Programs and Services, FNS Instruction 113-1, 2005*

[WEB SITES](#)

*U.S. Department of Agriculture, Food and Nutrition Service: <http://www.fns.usda.gov>*

(11/12 3/18) 7/20

Policy

adopted: January 4, 2012

revised: March 4, 2013; April 4, 2018

revised: October 7, 2020

revised: June 14, 2023

revised: June, 2024

revised: June 25, 2025

**BIGGS UNIFIED SCHOOL DISTRICT**

Biggs, California

# Exhibit

## Students

E 5145.6(a)

### PARENT/GUARDIAN NOTIFICATIONS

#### 1. Annually

When to Notify:

Beginning of each school  
year Education or Other

Legal Code: Education

Code 222.5 Board

Policy/Administrative

Regulation #: See BP  
5146

Subject: Rights and options for pregnant and parenting students

When to Notify:

Beginning of each school  
year Education or Other

Legal Code: Education

Code 234.7 Board

Policy/Administrative

Regulation #: See BP  
0410

Subject: Right to a free public education regardless of immigration status or religious  
beliefs

When to Notify:

Beginning of each school  
year or upon

enrollment.

Education or Other Legal

Code: Education Code

310

Board Policy/Administrative Regulation

#: See BP 6142.2, AR 6174 Subject:

Information on the district's language  
acquisition program

When to Notify: Beginning of each school year

Education or Other Legal Code:

Education Code 17611.5, 17612, 48980.3

Board Policy/Administrative Regulation #:

See AR 3514.2

Subject: Use of pesticide products, active ingredients, internet address to access  
information, and, if district uses certain pesticides, integrated pest management  
plan

When to Notify: Annually by February 1

Education or Other Legal

Code: Education Code 35256,

35258 Board

Policy/Administrative

Regulation #: See BP 0510

Subject: School Accountability  
Report Card provided

When to Notify: Beginning of each school year  
Education or Other Legal Code:  
Education Code 35291, 48980  
Board Policy/Administrative  
Regulation #: See AR 5144, AR  
5144.1 Subject: District and site  
discipline rules

When to Notify:  
Beginning of each school  
year Education or Other  
Legal Code: Education  
Code 44050  
Board Policy/Administrative Regulation #: See BP  
4119.21, BP 4219.21, BP 4319.21 Subject: Code of  
conduct addressing employee interactions with students

When to Notify: Beginning of each school year  
Education or Other Legal  
Code: Education Code  
46010.1 Board  
Policy/Administrative  
Regulation #: See AR 5113  
Subject: Absence for  
confidential medical services

When to Notify: Beginning of each school year, if district has adopted policy on  
involuntary transfer of students convicted of certain crimes when victim is enrolled  
at same school  
Education or Other Legal Code:  
Education Code 48929, 48980  
Board Policy/Administrative  
Regulation #: See BP 5116.2  
Subject: District policy  
authorizing transfer

When to Notify:  
Beginning of each school  
year Education or Other  
Legal Code: Education  
Code 48980 Board  
Policy/Administrative  
Regulation #: See BP  
6111  
Subject: Schedule of minimum days and student-free staff development days

When to Notify: Beginning of each school year  
Education or Other Legal Code: Education Code 48980,  
231.5; 5 CCR 4917; 34 CFR 106.8 Board  
Policy/Administrative Regulation #: See AR 5145.7  
Subject: Copy of sexual harassment policy as related to students; contact information for Title IX  
coordinator

When to Notify: Beginning of each school year  
Education or Other Legal Code: Education

Code 48980, 32255-32255.6 Board  
Policy/Administrative Regulation #: See  
AR 5145.8  
Subject: Right to refrain from harmful or destructive use of animals

When to Notify: Beginning of each school year  
Education or Other Legal Code: Education Code 48980, 35160.5,  
46600-46611, 48204, 48301 Board Policy/Administrative  
Regulation #: See BP 5111.1, AR 5116.1, AR 5117  
Subject: All statutory attendance options, available local attendance options, options  
for meeting residency, form for changing attendance, appeals process

When to Notify: Beginning of each school year,  
if Board allows such absence Education or  
Other Legal Code: Education Code 48980,  
46014  
Board  
Policy/Administrative  
Regulation #: See AR  
5113 Subject: Absence for  
religious exercise or  
purposes

When to Notify: Beginning of each school year  
Education or Other Legal Code:  
Education Code 48980, 48205  
Board Policy/Administrative  
Regulation #: See AR 5113, BP  
6154  
Subject: Excused absences; grade/credit cannot be reduced due to excused absence  
if work or test has been completed; full text of Education Code 48205

When to Notify: Beginning of each school year  
Education or Other Legal Code: Education  
Code 48980, 48206.3, 48207, 48208 Board  
Policy/Administrative Regulation #: See AR  
6183  
Subject: Availability of home/hospital instruction for students with temporary disabilities

When to Notify: Beginning of each school year  
Education or Other Legal Code:  
Education Code 48980, 49403  
Board Policy/Administrative  
Regulation #: See BP 5141.31  
Subject: School immunization  
program

When to Notify: Beginning of each school year  
Education or Other Legal Code:  
Education Code 48980, 49423, 49480  
Board Policy/Administrative Regulation  
#: See AR 5141.21  
Subject: Administration of prescribed medication

When to Notify: Beginning of each school year  
Education or Other Legal Code: Education  
Code 48980, 49451; 20 USC 1232h Board  
Policy/Administrative Regulation #: See AR  
5141.3

Subject: Right to refuse consent to physical examination

When to Notify: Beginning of each school year

Education or Other Legal Code:

Education Code 48980, 49471, 49472

Board Policy/Administrative

Regulation #: See BP 5143

Subject: Availability of insurance

When to Notify: Beginning of each school year in grades 9-12, if district allows career technical education (CTE) course to satisfy graduation requirement

Education or Other Legal Code:

Education Code 48980, 51225.3

Board Policy/Administrative

Regulation #: See AR 6146.1

Subject: How district established graduation requirements do or do not satisfy college entrance A-G course criteria; district's CTE courses that satisfy A-G course criteria

When to Notify: Beginning of each school year in grades 11-12

Education or Other Legal Code: Education Code 48980.5

Board Policy/Administrative Regulation #: To be included in BP 6178

Subject: Information on local apprenticeship and pre-apprenticeship programs

When to Notify: At the beginning of each school year in grades 7-12

Education or Other Legal Code: Education Code 48980.6

Board Policy/Administrative Regulation #: To be included in BP 6141.4

Subject: Any dual enrollment or International Baccalaureate courses offered by the district

When to Notify: Beginning of

each school year Education or

Other Legal Code: Education Code

48985.5

Board Policy/Administrative Regulation #: Not currently in CSBA policy

Subject: The dangers of using synthetic drugs not prescribed by a physician and possibility that such drugs can be found in counterfeit pills

When to Notify: Beginning of each school year

Education or Other Legal Code:

Education Code 48986, 49392 Board

Policy/Administrative Regulation #:

See AR 0450

Subject: Information and laws related to the safe storage of firearms and California's child access prevention laws

When to Notify: Annually

Education or Other Legal Code: Education Code 49013; 5 CCR 4622

Board Policy/Administrative Regulation #: See AR 1312.3, BP 0460, BP 3260

Subject: Uniform complaint procedures, available appeals, civil law remedies, coordinator, complaints about student fees and local control and accountability plan

When to Notify:

Beginning of each school

year Education or Other

Legal Code: Education

Code 49063  
Board Policy/Administrative  
Regulation #: See AR 5125, AR 5125.3  
Subject: Challenge, review and  
expunging of records

When to Notify: Beginning of each school year  
Education or Other Legal Code: Education Code 49063, 49069;  
20 USC 1232g; 34 CFR 99.7 Board Policy/Administrative  
Regulation #: See AR 5125  
Subject: Student records: inspect and review, access, types, location, persons  
responsible, location of log, access criteria, cost of copies, amendment requests,  
criteria for defining school officials and to determine legitimate educational interest,  
categories defined as directory information, disclosures, right to file complaint with  
U.S. Department of Education, course prospectus availability

When to Notify: Beginning of each school year  
Education or Other Legal Code: Education Code 49063, 49073;  
20 USC 1232g; 34 CFR 99.37 Board Policy/Administrative  
Regulation #: See AR 5125.1  
Subject: Release of directory information

When to Notify: Beginning of each school year  
Education or Other Legal Code: Education Code 49069.5, 51225.1  
Board Policy/Administrative Regulation #: See AR 6173, AR 6173.1, AR 6173.3, AR 6175  
Subject: Transfer of coursework and credits for foster youth, students experiencing  
homelessness, former juvenile court school students, children of military family,  
migrant students and students participating in a newcomer program.

When to Notify: Two or more  
times during the school year  
Education or Other Legal  
Code: Education Code 49428  
Board Policy/Administrative  
Regulation #: See BP 5141.5  
Subject: How to access mental health services at school and/or in the community

When to Notify: Beginning of each school year in schools  
serving students in grades 6-12 Education or Other Legal  
Code: Education Code 49428.5  
Board Policy/Administrative  
Regulation #: See BP 5141.5  
Subject: Distribution of digitized  
mental health poster online

When to Notify: Annually or upon  
enrollment in elementary school  
Education or Other Legal Code:  
Education Code 49452.6  
Board Policy/Administrative Regulation #: See AR 5141.3  
Subject: Availability of type 1 diabetes informational materials developed by the California  
Department of Education

When to Notify: Beginning of each  
school year Education or Other Legal  
Code: Education Code 49520, 48980,  
42 USC 1758, 7 CFR 245.5 Board  
Policy/Administrative Regulation #:

See AR 3553

Subject: Eligibility and application process for free and reduced price meals

When to Notify: Beginning of each school year

Education or Other Legal Code: Education

Code 51513, 20 USC 1232h Board

Policy/Administrative Regulation #: See

AR 5022, BP 6162.8

Subject: Notice of privacy policy and dates of activities re: survey, health examination, or collection of personal information for marketing; process to opt out of such activities; inspection rights and procedures

When to Notify: When developing the local control and accountability plan and during the annual update of the local control and accountability plan (LCAP)

Education or Other Legal

Code: Education Code

52062 Board

Policy/Administrative

Regulation #: See BP 0460

Subject: Opportunity to submit written comments regarding specific actions and expenditures in proposed plan or annual update

When to Notify:

Beginning of each school

year Education or Other

Legal Code: Education

Code 56301

Board Policy/Administrative Regulation #: See BP 6164.4

Subject: Parental rights re: special education identification, referral, assessment, instructional planning, implementation and review, and procedures for initiating a referral for assessment

When to Notify: Beginning of each school year

Education or Other Legal Code:

Education Code 58501, 48980

Board Policy/Administrative

Regulation #: See AR 6181

Subject: Alternative schools

When/Whom to Notify: Annually

Education or Other Legal Code:

Education Code 60615, 5 CCR 852

Board Policy/Administrative Regulation

#: See AR 6162.51

Subject: Student's participation in state assessments; option to request exemption from testing

When to Notify: Beginning of

each school year Education or

Other Legal Code: Education Code

60900.5

Board Policy/Administrative Regulation #: Not

currently in CSBA policy Subject: Use of

CalPADS data as specified in Education Code

60900.5

When to Notify: Beginning of each school year

Education or Other Legal Code:

Health and Safety Code 104855

Board Policy/Administrative  
Regulation #: See AR 5141.6  
Subject: Availability of dental fluoride treatment; opportunity to accept or deny treatment

When to Notify: Beginning of each school year,  
if district receives Title I funds Education or  
Other Legal Code: 20 USC 6312; 34 CFR  
200.48  
Board Policy/Administrative Regulation #: See BP 4112.2, AR 4222  
Subject: Right to request information re: professional qualifications of child's teacher and  
paraprofessional

When to Notify:  
Beginning of each school  
year Education or Other  
Legal Code: 34 CFR  
104.8, 106.9  
Board Policy/Administrative  
Regulation #: See BP 0410, BP 6178  
Subject: Nondiscrimination

When to Notify: Beginning of each school year to parent, teacher, and employee  
organizations or, in their absence, individuals  
Education or Other Legal Code:  
40 CFR 763.84, 40 CFR 763.93  
Board Policy/Administrative  
Regulation #: See AR 3514  
Subject: Availability of asbestos management plan; any inspections, response  
actions or post-response actions planned or in progress

When to Notify: Beginning of each school year  
Education or Other Legal Code:  
USDA FNS Instructions 113-1  
Board Policy/Administrative  
Regulation #: See BP 3555  
Subject: Information related to the district's food service programs

When to Notify: Beginning of each school year  
Education or Other Legal Code:  
USDA SP-46-2016 Board  
Policy/Administrative Regulation #:  
See AR 3551  
Subject: District policy on meal  
payments

## **II. At Specific Times During the Student's Academic Career**

When to Notify: Beginning in grade 7, at least once prior to course  
selection and career counseling Education or Other Legal Code:  
Education Code 221.5, 48980  
Board  
Policy/Administrative  
Regulation #: See BP  
6164.2 Subject: Course  
selection and career  
counseling

When to Notify: Upon a student's enrollment  
Education or Other  
Legal Code: Education Code 310  
Board Policy/Administrative  
Regulation #: See BP 6142.2, AR 6174  
Subject: Information on the district's language acquisition programs

When to Notify: When child first enrolls in a public school, if the school offers a fingerprinting program  
Education or Other Legal Code: Education Code 32390, 48980  
Board  
Policy/Administrative  
Regulation #: See AR 5142.1  
Subject: Fingerprinting program

When/Whom to Notify: When participating in driver training courses under the jurisdiction of the district  
Education or Other Legal Code: Education Code 35211  
Board  
Policy/Administrative  
Regulation #: None  
Subject: Civil liability, insurance coverage

When to Notify: Upon registration in K-6, if students have not previously been transported  
Education or Other Legal Code: Education Code 39831.5  
Board Policy/Administrative Regulation #: See AR 3543  
Subject: School bus safety rules and information, list of stops, rules of conduct, red light crossing instructions, bus danger zones, walking to and from stops

When to Notify: Beginning of each school year for high school students, if high school is open campus  
Education or Other Legal Code: Education Code 44808.5, 48980  
Board  
Policy/Administrative  
Regulation #: See BP 5112.5  
Subject: Open campus

When to Notify: When admitted or advancing to sixth grade  
Education or Other Legal Code: Education Code 48980.4  
Board Policy/Administrative Regulation #: Not currently in CSBA policy  
Subject: A statement regarding the state's public policy, advising that the student adhere to current immunization guidelines regarding full human papillomavirus (HPV) immunization before admission or advancement to the eighth grade level

When to Notify: Prior to providing an eye examination  
Education or

Other Legal Code:  
Education Code 49455.5  
Board  
Policy/Administrative  
Regulation #: See AR  
5141.3

Subject: Upcoming eye examinations at school site, including form on which parent/guardian may indicate lack of consent

When to Notify: When a parent/guardian request for district designation of volunteers is received for training on emergency use of anti-seizure medication for a student diagnosed with seizures

Education or Other Legal Code: Education Code 49468.2

Board Policy/Administrative Regulation #: To be included in AR 5141.21

Subject: Request for volunteers to be trained in recognition and response to seizures, including administration of emergency anti-seizure medication, description of training, right to rescind offer to volunteer, prohibition against retaliation.

When to Notify: Upon a student's enrollment

Education or Other Legal Code: Education Code 49063

Board Policy/Administrative

Regulation #: See AR 5125, AR 5125.3

Subject: Specified rights related to student records

When to Notify: When students enter grade 7

Education or Other Legal Code:

Education Code 49452.7 Board

Policy/Administrative Regulation #:

See AR 5141.3 Subject: Specified information on type 2 diabetes

When to Notify: When in kindergarten, or first grade if not previously enrolled in public school Education or Other Legal Code: Education Code 49452.8

Board Policy/Administrative Regulation #: See AR 5141.32

Subject: Requirement for oral health assessment, explanation of law, importance of oral health, agency contact, privacy rights

When to Notify: Before grade 12

Education or Other Legal

Code: Education Code

51225.8 Board

Policy/Administrative

Regulation #: See AR 6143

Subject: Completion and submission of FAFSA and CADAA

When to Notify: Beginning of each school year for students in grades 9-12 Education or Other

Legal Code: Education Code 51229, 48980

Board Policy/Administrative Regulation #: See AR 6143, BP 6178

Subject: UC and CSU College admission requirements, UC and CSU web sites that list certified courses, description of CTE, CDE Internet address, how students may meet with counselors

When to Notify: Beginning of each school year for students in grades 7-12, or at time of enrollment if after beginning of year  
Education or Other Legal Code:  
Education Code 51938, 48980  
Board Policy/Administrative  
Regulation #: See AR 6142.1  
Subject: Sexual health and HIV prevention education; right to view A/V materials, whether taught by district staff or outside consultants, right to request specific Education Code sections, right to excuse

When to Notify: Within 20 working days of receiving results of standardized achievement tests or, if results not available in school year, within 20 working days of start of next school year  
Education or Other Legal Code:  
Education Code 60641, 5 CCR 863  
Board Policy/Administrative Regulation  
#: See AR 6162.51  
Subject: Results of tests; test purpose, individual score and intended use

When/Whom to Notify: By October 15  
for students in grade 12 Education or  
Other Legal Code: Education Code  
69432.9  
Board Policy/Administrative Regulation #: See AR 5121, AR 5125  
Subject: Forwarding of student's grade point average to Cal Grant program; timeline to opt out

When to Notify: Upon enrollment in a California  
State Preschool program Education or Other  
Legal Code: Education Code 8489.1  
Board Policy/Administrative Regulation #: See AR 5148.3  
Subject: Limitations on disenrollment, including expulsion and suspension and how to file an appeal in the event of expulsion or suspension

When to Notify: When child is enrolled or reenrolled in a licensed  
child care center or preschool Education or Other Legal Code:  
Health and Safety Code 1596.7996  
Board Policy/Administrative Regulation #: See AR 5148  
Subject: Information on risks and effects of lead exposure, blood lead testing

When to Notify: When child is enrolled in kindergarten  
Education or Other Legal Code: Health and  
Safety Code 124100, 124105 Board  
Policy/Administrative Regulation #: See  
AR 5141.32  
Subject: Health screening examination

When to Notify: To students in grades 11-12, early enough to enable  
registration for fall test Education or Other Legal Code: 5 CCR  
11523  
Board Policy/Administrative Regulation #: See AR 6146.2  
Subject: Notice of proficiency examination provided under Education Code 48412

When to Notify: To secondary students, if  
district receives Title I funds Education or  
Other Legal Code: 20 USC 7908  
Board Policy/Administrative Regulation #: See AR 5125.1  
Subject: Request that district not release student's name, address, and phone number

to military recruiters without prior written consent

### **III. When Special Circumstances Occur**

When to Notify: In the event of a breach of security of district records Education or Other  
Legal Code: Civil Code 1798.29  
Board Policy/Administrative Regulation #: See BP 3580  
Subject: Types of records affected, date of breach, description of incident, contact information for credit reporting agencies

When to Notify: Upon receipt of a complaint alleging discrimination  
Education or Other Legal Code:  
Education Code 262.3  
Board  
Policy/Administrative  
Regulation #: See AR  
1312.3 Subject: Civil law  
remedies available to  
complainants

When to Notify: When determining whether an English learner should be reclassified as fluent English proficient Education or Other Legal Code:  
Education Code 313, 5 CCR 11303  
Board Policy/Administrative Regulation #: See AR 6174  
Subject: Description of reclassification process, opportunity for parent/guardian to participate

When to Notify: When Student is identified as English learner and district receives Title I or Title III funds for English learner programs, not later than 30 days after beginning of school year or within two weeks of placement if identified during school year  
Education or Other Legal Code: Education  
Code 313.2, 440, 20 USC 6312 Board  
Policy/Administrative Regulation #: See  
AR 6174  
Subject: Reason for classification, level of English proficiency, identification as long-term English learner, description of program(s), option to decline program or choose alternate, option to remove student from program at any time, exit requirements of program

When to Notify: For districts under financial distress, as defined, upon an affirmative action by the Board to implement a school closure or consolidation  
Education or Other Legal Code: Education Code 41329  
Board Policy/Administrative Regulation #: Not currently in CSBA policy  
Subject: The date of the closure or consolidation, student's new school assignment, district resources to support student transition, contacts for additional information.

When to Notify: Prior to implementing alternative schedule Education or Other  
Legal Code: Education Code  
46162 Board  
Policy/Administrative  
Regulation #: See BP 6112  
Subject: Public hearing on alternative schedule in secondary grades

When to Notify: When homeless or foster youth applies for enrollment in before/after school program Education or Other Legal Code: Education Code 8483

Board Policy/Administrative Regulation #: See AR 5178.2

Subject: Right to priority enrollment how to request priority enrollment

When to Notify: When certification status of a nonpublic, nonsectarian school or agency attended by a district student changes, within 14 days of becoming aware of the change

Education or Other Legal Code: Education Code 56366.45

Board Policy/Administrative Regulation #: Not currently in CSBA policy

Subject: A change in certification status of nonpublic, nonsectarian school or agency

When to Notify: When a child in a California State Preschool program exhibits persistent and serious challenging behaviors

Education or Other Legal Code: Education Code

8489.1 Board

Policy/Administrative

Regulation #: See AR

5148.3

Subject: Description of the child's behaviors and program plan for maintaining the child's safe participation in program and expulsion/unenrollment process

When to Notify: At least 24 hours before the effective date of suspending or expelling a child from a California State Preschool program

Education or Other Legal

Code: Education Code

8489.1 Board

Policy/Administrative

Regulation #: See AR

5148.3

Subject: "Notice of Action, Recipient of Services," as described in 5 CCR 17783

When to Notify: Before high school student attends specialized secondary program on a university campus Education or Other Legal Code: Education Code 17288

Board Policy/Administrative Regulation #: None

Subject: University campus buildings may not meet Education Code requirements for structural safety

When to Notify: At least 72 hours before use of pesticide product not included in annual list Education or Other Legal Code:

Education Code 17612

Board

Policy/Administrative

Regulation #: See AR

3514.2 Subject: Intended

use of pesticide product

When to Notify: To members of athletic teams

Education or Other Legal

Code: Education Code

32221.5 Board

Policy/Administrative

Regulation #: See AR 5143

Subject: Offer of insurance; no-cost and low-cost program options

When to Notify: Annually to parents/guardians of student athletes before participation in competition Education or Other Legal Code: Education Code 33479.3

Board  
Policy/Administrative  
Regulation #: See AR 6145.2  
Subject: Information on sudden cardiac arrest

When to Notify: If school has lost its WASC accreditation status Education or Other Legal Code: Education Code 35178.4

Board  
Policy/Administrative  
Regulation #: See BP 6190  
Subject: Loss of status, potential consequences

When/Whom to Notify: When district has contracted for electronic products or services that disseminate advertising Education or Other Legal Code: Education Code 35182.5

Board Policy/Administrative Regulation #: See BP 3312  
Subject: Advertising will be used in the classroom or learning center

When to Notify: At least six months before implementing a schoolwide uniform policy Education or Other Legal Code: Education Code 35183

Board  
Policy/Administrative  
Regulation #: See AR 5132  
Subject: Dress code policy requiring schoolwide uniform

When to Notify: Before implementing a year-round schedule Education or Other Legal Code: Education Code 37616

Board  
Policy/Administrative  
Regulation #: See BP 6117  
Subject: Public hearing on year-round schedule

When to Notify: When interdistrict transfer is requested and not approved or denied within 30 days Education or Other Legal Code: Education Code 46601

Board  
Policy/Administrative  
Regulation #: See AR 5117  
Subject: Appeal process

When to Notify: Before early entry to transitional kindergarten or kindergarten, if early entry offered Education or Other Legal Code: Education Code 48000  
Board Policy/Administrative  
Regulation #: See AR 5111, AR 6170.1  
Subject: Effects, advantages and disadvantages of early entry

When to Notify: When student identified as being at risk of retention  
Education or Other Legal Code: Education Code 48070.5  
Board  
Policy/Administrative  
Regulation #: See AR 5123  
Subject: Student at risk of retention

When to Notify: When student excluded due to quarantine, contagious or infectious disease, danger to safety or health  
Education or Other Legal Code: Education Code 48213  
Board  
Policy/Administrative  
Regulation #: See AR 5112.2  
Subject: Student has been excluded from school

When to Notify: Before already admitted student is excluded for lack of immunization Education or Other Legal Code: Education Code 48216, 17 CCR 6040  
Board Policy/Administrative Regulation #: See AR 5141.31  
Subject: Need to submit evidence of immunization or exemption within 10 school days; referral to medical care

When to Notify: When a student is classified as truant  
Education or Other Legal Code: Education Code 48260.5, 48262  
Board Policy/Administrative  
Regulation #: See AR 5113.1  
Subject: Truancy, parental obligation, availability of alternative programs, right to a conference, availability of mental health and support services

When to Notify: When a truant is referred to a SARB or probation department Education or Other Legal Code: Education Code 48263  
Board Policy/Administrative Regulation #: See AR 5113.1  
Subject: Name and address of SARB or probation department and reason for referral

When/Whom to Notify: When student requests to voluntarily transfer to continuation school Education or Other Legal Code: Education Code 48432.3  
Board Policy/Administrative Regulation #: See AR 6184  
Subject: Copy of district policy and regulation on continuation education

When to Notify: Prior to involuntary

transfer to continuation school  
Education or Other Legal Code:  
Education Code 48432.5  
Board Policy/Administrative Regulation #: See AR 6184  
Subject: Right to require meeting prior to involuntary transfer to continuation school

When/Whom to Notify: To person holding educational rights, prior to recommending placement of foster youth outside school of origin  
Education or Other Legal Code: Education Code 48853.5 Board Policy/Administrative Regulation #: See AR 6173.1 Subject: Basis for the placement recommendation

When to Notify: When a foster youth or an Indian child receives a suspension, expulsion, manifestation determination, or involuntary transfer  
Education or Other Legal Code: Education Code 48853.5  
Board Policy/Administrative Regulation #: See AR 6173.1, AR 6173.4  
Subject: Suspension notice, expulsion notice, manifestation determination notice, involuntary transfer notice, and other documents and related information to a foster youth's educational rights holder, attorney, and county social worker and an Indian child's tribal social worker and, if applicable, the child's county social worker

When to Notify: When student is removed from class and teacher requires parental attendance at school Education or Other Legal Code: Education Code 48900.1  
Board Policy/Administrative Regulation #: See AR 5144.1  
Subject: Parental attendance required; timeline for attendance

When to Notify: Prior to withholding grades, diplomas, or transcripts  
Education or Other Legal Code: Education Code 48904  
Board Policy/Administrative Regulation #: See AR 5125.2 Subject: Damaged school property

When to Notify: When withholding grades, diplomas or transcripts from transferring student Education or Other Legal Code: Education Code 48904.3  
Board Policy/Administrative Regulation #: See AR 5125.2  
Subject: Next school will continue withholding grades, diplomas or transcripts

When to Notify: When student is released to peace officer Education or Other Legal Code: Education Code 48906 Board Policy/Administrative Regulation #: See BP

5145.11

Subject: Release of student to peace officer for the purpose of removing minor from school, unless taken into custody as victim of suspected child abuse

When to Notify: At time of suspension

Education or Other Legal Code: Education Code 48911

Board Policy/Administrative

Regulation #: See BP 5144.1, AR

5144.1 Subject: Notice of suspension

When to Notify: When original period of suspension is extended  
Education or Other Legal Code: Education Code 48911

Board

Policy/Administrative

Regulation #: See AR

5144.1 Subject: Extension of suspension

When to Notify: At the time a student is assigned to a supervised suspension classroom  
Education or Other

Legal Code: Education Code 48911.1

Board Policy/Administrative Regulation #: See AR 5144.1

Subject: The student's assignment to a supervised suspension classroom

When to Notify: Before holding a closed session re: suspension

Education or Other Legal Code:

Education Code 48912

Board

Policy/Administrative

Regulation #: See AR

5144.1 Subject: Intent to hold a closed session re: suspension

When to Notify: When a student expelled from another district for certain acts seeks admission  
Education or Other Legal Code:

Education Code 48915.1, 48918

Board Policy/Administrative Regulation #: See BP 5119

Subject: Hearing re: possible danger presented by expelled student

When to Notify: When readmission is denied

Education or Other Legal

Code: Education Code

48916 Board

Policy/Administrative

Regulation #: See AR

5144.1

Subject: Reasons for denial; determination of assigned program

When to Notify: When expulsion occurs

Education or Other Legal

Code: Education Code

48916 Board

Policy/Administrative

Regulation #: See AR

5144.1 Subject:  
Readmission procedures

When to Notify: At least 10 calendar  
days before expulsion hearing  
Education or Other Legal Code:  
Education Code 48918  
Board  
Policy/Administrative  
Regulation #: See AR  
5144.1 Subject: Notice of  
expulsion hearing

When to Notify: When expulsion or  
suspension of expulsion occurs  
Education or Other Legal Code:  
Education Code 48918  
Board Policy/Administrative Regulation #: See AR 5144.1  
Subject: Decision to expel; right to appeal to county board; obligation to inform new district of status

When to Notify: Before involuntary transfer of student convicted of certain crime  
when victim is enrolled at same school  
Education or Other Legal Code:  
Education Code 48929, 48980  
Board Policy/Administrative  
Regulation #: See BP 5116.2  
Subject: Right to request a  
meeting with principal or designee

When to Notify: One month before the  
scheduled minimum day Education or  
Other Legal Code: Education Code  
48980  
Board Policy/Administrative Regulation #: See BP 6111  
Subject: When minimum days are scheduled after the beginning of the school year

When to Notify: When parents/guardians request guidelines for filing complaint of  
child abuse at a school site Education or Other Legal Code: Education Code  
48987  
Board Policy/Administrative Regulation #: See AR 5141.4  
Subject: Guidelines for filing complaint of child abuse at a school site with local child protective  
agencies

When to Notify: When  
student in danger of failing a  
course Education or Other  
Legal Code: Education Code  
49067 Board  
Policy/Administrative  
Regulation #: See AR 5121  
Subject: Student in danger of  
failing a course

When to Notify: When student transfers from another district or  
private school into the district Education or Other Legal Code:  
Education Code 49068  
Board Policy/Administrative Regulation #: See AR 5125

Subject: Right to receive copy of student's record and a hearing to challenge content of student's records

When/Whom to Notify: When parent/guardian's challenge of student record is denied and parent/guardian appeals Education or Other Legal Code: Education Code 49070

Board Policy/Administrative Regulation #: See AR 5125.3

Subject: If board sustains allegations, the correction of destruction of record; if denied, right to submit written objection

When/Whom to Notify: When district is considering program to gather safety-related information from students' social media activity

Education or Other Legal

Code: Education Code

49073.6 Board

Policy/Administrative

Regulation #: See BP 5125

Subject: Opportunity for input on proposed program

When/Whom to Notify: When district adopts program to gather information from students' social media activity, and annually thereafter

Education or Other Legal

Code: Education Code

49073.6 Board

Policy/Administrative

Regulation #: AR 5125

Subject: Information is being gathered, access to records, process for removal or corrections, destruction of records

When to Notify: Within 24 hours of release of information to a judge or probation officer Education or Other Legal

Code: Education Code 49076

Board Policy/Administrative Regulation #: See AR 5125

Subject: Release of student record to a judge or probation officer for conducting truancy mediation program or for presenting evidence at a truancy petition

When to Notify: Before release of information pursuant to court order or subpoena Education or Other Legal Code:

Education Code 49077

Board Policy/Administrative Regulation #: See AR 5125

Subject: Release of information pursuant to court order or subpoena

When to Notify: When screening results in suspicion that student has scoliosis Education or

Other Legal Code: Education Code 49452.5

Board

Policy/Administrative

Regulation #: See AR

5141.3 Subject: Scoliosis

screening

When to Notify: When test results in discovery of visual or hearing defects

Education or Other Legal Code: Education

Code 49456; 17 CCR 2951 Board

Policy/Administrative Regulation #: See

AR 5141.3

Subject: Vision or hearing test results

When to Notify: Annually to  
parents/guardians of student athletes

Education or Other Legal Code:

Education Code 49475

Board

Policy/Administrative

Regulation #: See AR

6145.2 Subject:

Information on concussions  
and head injuries

When to Notify: Annually to parents/guardians of student athletes before their first  
practice or competition Education or Other Legal Code: Education Code 49476

Board

Policy/Administrative

Regulation #: See AR

6145.2 Subject: Opioid  
fact sheet

When/Whom to Notify: Within 30 days of foster youth, student experiencing  
homelessness, former juvenile court school student, child of military family, or  
migrant student being transferred after second year of high school, or immigrant  
student enrolled in newcomer program in grades 11-12

Education or Other Legal Code: Educational Code 51225.1

Board Policy/Administrative Regulation #: See BP 6146.1, AR 6173, AR 6173.1, AR 6173.3, AR  
6175

Subject: Exemption from local graduation requirements, effect on college admission,  
option for fifth year of high school, transfer opportunities through California  
Community Colleges

When to Notify: When satisfactory educational progress in one or more  
independent study courses is not being made by student under 18

Education or Other Legal

Code: Educational Code

51749.5 Board

Policy/Administrative

Regulation #: See BP 6158

Subject: Findings from evaluation to determine if it is in student's best interest to  
remain in independent study or whether student should be referred to an alternative  
program.

When to Notify: Before any test/survey  
questioning personal beliefs Education

or Other Legal Code: Education Code

51513

Board Policy/Administrative Regulation #: See AR 5022

Subject: Permission for test, survey questioning personal beliefs

When to Notify: At least 14 days before HIV prevention or sexual health  
instruction, if arrangement made for guest speaker after beginning of school year

Education or Other Legal

Code: Education Code

51938 Board

Policy/Administrative

Regulation #: See AR  
6142.1

Subject: Instruction in HIV prevention or sexual health by guest speaker or outside consultant

When to Notify: Prior to administering survey regarding health risks and behaviors to students in 7-12 Education or Other Legal Code: Education Code 51938

Board

Policy/Administrative

Regulation #: See AR

5022 Subject: Notice that the survey will be administered

When to Notify: Within 30 calendar days of receipt of results of assessment or reassessment of English proficiency Education or Other Legal Code: Education Code 52164.1, 52164.3, 5 CCR 11511.5

Board

Policy/Administrative

Regulation #: See AR

6174 Subject: Results of state test of English proficiency

When to Notify: When migrant education program is established Education or Other Legal Code:

Education Code 54444.2

Board Policy/Administrative

Regulation #: See BP 6175, AR 6175

Subject: Parent advisory council membership composition

When to Notify: When child participates in licensed child care and development program Education or Other Legal Code: Health and Safety Code 1596.857, 22 CCR 101218.1 Board Policy/Administrative Regulation #: See AR 5148

Subject: Parent/guardian right to enter and inspect facility and other rights as specified

When to Notify: When a licensed child care center has a building constructed before January 1, 2010 and has drinking water tested for lead Education or Other Legal Code:

Health and Safety Code 1597.16

Board Policy/Administrative

Regulation #: See AR 5148

Subject: The requirement to test the facility, and the results of the test

When to Notify: When an automated external defibrillator (AED) is placed in a school serving students in grades 612, at least annually notify students

Education or Other Legal Code: Health and Safety Code 1797.196

Board Policy/Administrative Regulation #: See AR 6145.2 Athletic Competition

Subject: The location of all AED units on campus

When/Whom to Notify: When district receives Tobacco-Use Prevention Education Funds Education or Other Legal Code: Health and Safety Code 104420  
Board Policy/Administrative Regulation #: See AR 3513.3  
Subject: The district's tobacco-free schools policy and enforcement procedures

When to Notify: When sharing student immunization information with an immunization system Education or Other Legal Code: Health and Safety Code 120440  
Board Policy/Administrative Regulation #: See AR 5125  
Subject: Types of information to be shared, name and address of agency, acceptable use of the information, right to examine, right to refuse to share

When/Whom to Notify: At least 14 days prior to sex offender coming on campus as volunteer Education or Other Legal Code: Penal Code 626.81  
Board Policy/Administrative Regulation #: See AR 1240, BP 1250  
Subject: Dates and times permission granted; obtaining information from law enforcement

When to Notify: When hearing is requested by person asked to leave school premises Education or Other Legal Code: Penal Code 627.5  
Board Policy/Administrative Regulation #: See AR 3515.2  
Subject: Notice of hearing

When/Whom to Notify: When responding to complaint re: discrimination, special education, or noncompliance with law Education or Other Legal Code: 5 CCR 4631  
Board Policy/Administrative Regulation #: See AR 1312.3  
Subject: Findings, disposition of complaint, any corrective actions, appeal rights and procedures

When to Notify: When child participates in licensed child care and development program Education or Other Legal Code: 5 CCR 18066  
Board Policy/Administrative Regulation #: See AR 5148  
Subject: Policies regarding excused and unexcused absences

When to Notify: Within 30 days of application for subsidized child care or preschool services Education or Other Legal Code: 5 CCR 17782, 18094, 18118  
Board Policy/Administrative Regulation #: See AR 5148, AR 5148.3  
Subject: Policies re: Approval or denial of services

When to Notify: At least 14 days before change in service or other intended action, upon recertification or update of application for child care or preschool services  
Education or Other Legal Code: 5 CCR 17783, 18095, 18119  
Board Policy/Administrative Regulation

#: See AR 5148, AR 5148.3

Subject: Policies re: Any change in service, such as in fees, amount of service, termination of service

When to Notify: Upon child's enrollment in child care program  
Education or Other Legal Code: 5  
CCR 18114  
Board  
Policy/Administrative  
Regulation #: See AR 5148  
Subject: Policies re: Policy on fee collection

When to Notify: When payment of child care fees is seven days late  
Education or Other Legal Code: 5  
CCR 18114  
Board  
Policy/Administrative  
Regulation #: See AR 5148  
Subject: Policies re: Notice of delinquent fees

When to Notify: When district substantively changes policy on student privacy rights  
Education or Other Legal Code: 20 USC 1232h  
Board Policy/Administrative Regulation #: See AR 5022  
Subject: Notice of any substantive change in policy or regulation

When to Notify: For districts receiving Title I funds, when a child has been assigned or taught for four or more consecutive weeks by a teacher who does not meet state certification requirements for the grade level/subject taught  
Education or Other Legal Code: 20 USC 6312  
Board Policy/Administrative  
Regulation #: See AR 4112.24  
Subject: Timely notice to parent/guardian of child's assignment

When to Notify: For districts receiving Title I funds, not later than 30 days after beginning of school year, to parents/guardians of English learners  
Education or Other Legal Code: 20 USC 6312  
Board Policy/Administrative Regulation #: See AR 6174  
Subject: Reasons for placement, level of proficiency, instructional methods, how program meets child's strengths and teaches English, exit requirements, right to choose another program

When to Notify: For schools receiving Title I funds, upon development of parent involvement policy  
Education or Other Legal Code: 20 USC 6318  
Board  
Policy/Administrative  
Regulation #: See AR 6020  
Subject: Notice of policy

When to Notify: When district receives Impact Aid funds for students residing on

Indian lands, to parents/guardians of Indian children

Education or Other Legal Code:

20 USC 7704; 34 CFR 222.94

Board Policy/Administrative

Regulation #: See AR 3231

Subject: Relevant applications, evaluations, program plans, information about district's general educational program; opportunity to submit comments

When to Notify: When household is selected for verification of eligibility for free or reduced-price meals Education or Other Legal Code: 42 USC 1758, 7 CFR 245.6a

Board Policy/Administrative Regulation #: See AR 3553

Subject: Need to submit verification information; any subsequent change in benefits; appeals

When to Notify: When student transfers out of state and records are disclosed without consent pursuant to 34 CFR 99.30

Education or Other Legal Code: 34 CFR 99.34

Board Policy/Administrative Regulation #: See AR 5125

Subject: Right to receive records and an opportunity for hearing upon request

When to Notify: When student complains of sexual harassment

Education or Other Legal Code: 34

CFR 106.44, 106.45

Board Policy/Administrative Regulation #: See AR 5145.7

Subject: Right to file formal complaint, availability of supportive measures, notice of process, reason for dismissal of complaint if applicable

When to Notify: When district receives federal funding assistance for nutrition program Education or Other Legal

Code: USDA FNS Instruction 113-1

Board Policy/Administrative Regulation #: See BP 3555

Subject: Rights and responsibilities, nondiscrimination policy, complaint procedures

#### **IV. Special Education Notices**

When to Notify: Prior to a student with disabilities beginning tenth grade Education or

Other Legal Code: Educational Code 51225.31

Board

Policy/Administrative

Regulation #: See BP

6146.1 Subject: Exemption

from local graduation

requirements

When to Notify: Prior to conducting initial evaluation

Education or Other Legal Code: Education Code 56301, 56321, 56321.5, 56321.6, 56329, 20 USC 1415 (d), 34 CFR

300.502, 300.503

Board Policy/Administrative Regulation #: See BP 6159.1, AR 6159.1, AR 6164.4

Subject: Proposed evaluation plan, related parental rights, prior written notice, procedural safeguards

When/Whom to Notify: Before functional behavioral assessment begins Education or

Other Legal Code: Education Code 56321

Board

Policy/Administrative  
Regulation #: See AR 6159  
Subject: Notification and  
consent

When to Notify: 24 hours before IEP when  
district intending to record Education or Other  
Legal Code: Education Code 56341.1  
Board  
Policy/Administrative  
Regulation #: See AR  
6159 Subject: Intention to  
audio-record IEP meeting

When to Notify: Early enough to ensure opportunity for  
parent to attend IEP meeting Education or Other Legal  
Code: Education Code 56341.5, 34 CFR 300.322  
Board Policy/Administrative Regulation #: See AR 6159

Subject: Time, purpose, location, who will attend, participation of others with special  
knowledge, transition statements if appropriate

When to Notify: When parent/guardian  
orally requests review of IEP  
Education or Other Legal Code:  
Education Code 56343.5  
Board  
Policy/Administrative  
Regulation #: See AR  
6159 Subject: Need for  
written request

When to Notify: Within one school day of emergency intervention or  
serious property damage Education or Other Legal Code:  
Education Code 56521.1  
Board  
Policy/Administrative  
Regulation #: See AR  
6159.4 Subject:  
Emergency intervention

When to Notify: Whenever there is a proposal or refusal to initiate or change the  
identification, evaluation, placement, or FAPE, including when parent/guardian  
revokes consent for services  
Education or Other Legal Code: 20 USC  
1415(c), 34 CFR 300.300, 300.503 Board  
Policy/Administrative Regulation #: See  
AR 6159, AR 6159.1 Subject: Prior  
written notice

When/Whom to Notify: Upon filing of state complaint  
Education or Other Legal Code: 20  
USC 1415(d), 34 CFR 300.504 Board  
Policy/Administrative Regulation #:  
See AR 6159.1  
Subject: Procedural safeguards notice

When/Whom to Notify: When disciplinary measures are  
taken or a change in placement Education or Other Legal

Code: 20 USC 1415(k), 34 CFR 300.530

Board

Policy/Administrative

Regulation #: See AR

5144.2 Subject: Decision

and procedural safeguards

notice

When to Notify: Upon requesting a

due process hearing Education or

Other Legal Code: 20 USC

1415(k), 34 CFR 300.508 Board

Policy/Administrative Regulation

#: See AR 6159.1

Subject: Child's name, address, school, description of problem, proposed resolution

When to Notify: Eligibility

for services under Section

504 Education or Other

Legal Code: 34 CFR

104.32, 104.36 Board

Policy/Administrative

Regulation #: See AR

6164.6

Subject: District responsibilities, district actions, procedural safeguards

## **V. Building, Classroom, and Other Notices to Be Posted**

Where to Post: In each bathroom and locker room at each school site

Education or Other Legal Code: Education Code 231.6

Board Policy/Administrative Regulation #: See AR 5145.7

Subject: Poster that notifies students of the applicable written policy on sexual harassment required by Education Code 231.5

Where to Post: In all district schools and offices, including staff lounges and student

government meeting rooms Education or Other Legal Code: Education Code 234.1

Board Policy/Administrative Regulation #: See AR 1312.3

Subject: Uniform complaint procedures board policy and administrative regulation

Where to Post: In each classroom used for license exempt

California State Preschool Program Education or Other Legal Code:

Education Code 8212

Board Policy/Administrative Regulation #: See AR/E 1312.3

Subject: Health and safety requirements for preschool programs; where to get complaint form

Where to Post: In each

classroom in each school

Education or Other Legal

Code: Education Code

35186

Board Policy/Administrative Regulation #: See AR/E 1312.4

Subject: Complaints subject to Williams uniform complaint procedures

Where to Post: On or Before July 1, 2026, in a prominent and conspicuous location outside at least one all-gender restroom

Education or Other Legal Code: Education Code 35292.5

Board Policy/Administrative Regulation #: See AR 3517, AR 5145.3

Subject: Signage identifying the bathroom facility as being open to all genders and in conformity with 24 CCR 11B703, is available during school hours and school functions when students are present, designated point of contact

Where to Post: In any school serving any of grades 6-12, in a prominent and conspicuous location in every restroom required to stock menstrual products,

Education or Other Legal Code: Education Code 35292.6

Board Policy/Administrative Regulation #: See AR 3517

Subject: Requirement to stock and make available free of cost an adequate supply of menstrual products that includes email address and telephone number for a designated individual responsible for maintaining requisite supply of menstrual products

Where to Post: In a licensed child care and development center at a location accessible to parents/guardians Education or Other Legal Code: Health and Safety Code 1596.857

Board Policy/Administrative Regulation #: See AR 5148

Subject: Parent/guardian right to inspect, prohibition against retaliation, right to file complaint; registered sex offender database available to public; review licensing reports of facility visits and substantiated complaints against facility

Where to Post: In a prominent, publicly accessible location in the child care facility Education or Other Legal Code: Health and Safety Code 1596.8555

Board

Policy/Administrative

Regulation #: See AR

5148 Subject: Child care license

Where to Post: In a prominent location adjacent to child care license at facility Education or Other Legal Code: Welfare and institutions Code 10228

Board

Policy/Administrative

Regulation #: See AR

5148 Subject: Rates, discounts, or scholarship policies

Exhibit

Adopted: January 4, 2012

revised: 06/16, 04/17, 04/18, 05/19; 10/20

revised: April 6, 2022

revised: June 14, 2023

revised: June, 2024

revised: June 25, 2025

**BIGGS UNIFIED SCHOOL DISTRICT**

Biggs, California

**SEXUAL HARASSMENT**

The district does not discriminate on the basis of sex in any of its programs or activities and complies with Title IX of the Education Amendments of 1972 and its implementing regulations.

The Board of Trustees is committed to maintaining a welcoming, safe, and supportive school environment that is free from discrimination and harassment. The Board prohibits at district or at district-sponsored or district-related activities, sexual harassment, as defined in the accompanying administrative regulation, targeted at any student.

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

*(cf. [5131](#) - Conduct)*

*(cf. [5131.2](#) - Bullying)*

*(cf. [5137](#) - Positive School Climate)*

*(cf. [5145.3](#) - Nondiscrimination/Harassment)*

Additionally, the Board prohibits retaliatory behavior or action against any person who reports, files a complaint, testifies about, assists with, or otherwise supports a complainant in alleging sexual harassment, or otherwise participates or refuses to participate in the complaint process established for the purpose of this policy. (Education Code 220.1; 34 CFR 106.71)

The district strongly encourages students who feel that they are being or have experienced sexual harassment, on school grounds or at a district-sponsored or district-related activity, or off-campus when the conduct has a continuing effect on campus, to immediately contact their teacher, the principal, the district's Title IX Coordinator, or any other available school employee.

Any employee who receives a report or observes an incident of sexual harassment, by or against a student in a district education program or activity shall report the incident to the Title IX Coordinator within one workday.

Once notified, the Title IX Coordinator shall ensure the complaint alleging sexual harassment is addressed through AR 5145.71 – Title IX Sexual Harassment Complaint Procedures or Board Policy/Administrative Regulation 1312.3 – Uniform Complaint Procedures, as applicable. Additionally, the Title IX Coordinator shall ensure that any implementation of Administrative Regulation 5145.71 – Title IX Sexual Harassment Complaint Procedures concurrently meets the requirements of Board Policy/Administrative Regulation 1312.3 – Uniform Complaint Procedures.

*(cf. [1312.1](#) - Complaints Concerning District Employees)*

*(cf. [1312.3](#) - Uniform Complaint Procedures)*

*(cf. [5141.4](#) - Child Abuse Prevention and Reporting)*

*(cf. [5145.71](#) - Title IX Sexual Harassment Complaint Procedures)*

The Title IX Coordinator shall offer and coordinate supportive measures to the complainant and respondent, as deemed appropriate under the circumstances.

**SEXUAL HARASSMENT (continued)**

The Superintendent or designee shall inform students and parents/guardians of this policy in the manner specified in the accompanying administrative regulation.

The Superintendent or designee shall ensure that all district staff are trained regarding this policy, and that all employees required to receive training related to their duties under Title IX receive training as specified in Administrative Regulation 4119.11/4219.11/4319.11 – Sexual Harassment. (Government Code 12950.0; 2 CCR 11023, 11024; 34 CFR 106.45)

**Instruction/Information**

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

1. What acts and behavior constitute sexual harassment, including the fact that sexual harassment could occur between people of the same sex and could involve sexual violence
2. A clear message that students do not have to endure sexual harassment under any circumstance
3. Encouragement to report observed incidents of sexual harassment even when the alleged victim of the harassment has not complained
4. A clear message that student safety is the district's primary concern, and that any separate rule violation involving an alleged victim or any other person reporting a sexual harassment incident will be addressed separately and will not affect the manner in which the sexual harassment complaint will be received, investigated, or resolved
5. A clear message that, regardless of a complainant's noncompliance with the writing, timeline, or other formal filing requirements, every sexual harassment allegation that involves a student, whether as the complainant, respondent, or victim of the harassment, shall be investigated and action shall be taken to respond to the harassment, prevent recurrence, and address any continuing effect on students
6. Information about the district's procedures for investigating complaints and the person(s) to whom a report of sexual harassment should be made
7. Information about the rights of students and parents/guardians to file a civil or criminal complaint, as applicable, including the right to file a civil or criminal complaint while the district investigation of a sexual harassment complaint continues
8. A clear message that, when needed, the district will implement supportive measures to ensure a safe school environment for a student who is the complainant or victim of sexual harassment and/or other students during an investigation

**SEXUAL HARASSMENT (continued)****Disciplinary Actions**

Upon completion of an investigation of a sexual harassment, any student found to have engaged in sexual harassment, or sexual violence in violation of this policy shall be subject to disciplinary action. For students in grades 4-12, disciplinary action may include suspension and/or expulsion, provided that, in imposing such discipline, the entire circumstances of the incident(s) shall be taken into account.

(cf. [5144](#) - Discipline)

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

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

Upon completion of an investigation of sexual harassment, any employee found to have engaged in sexual harassment, or sexual violence toward any student, shall be subject to disciplinary action, up to and including dismissal, in accordance with law and the applicable collective bargaining agreement.

(cf. [4117.7/4317.7](#) - Employment Status Report)

(cf. [4118](#) - Dismissal/Suspension/Disciplinary Action)

(cf. [4119.11/4219.11/4319.11](#) - Sexual Harassment)

(cf. [4218](#) - Dismissal/Suspension/Disciplinary Action)

**Record-Keeping**

The Superintendent or designee shall maintain records in accordance with law, including in accordance with AR 5145.71 – Title IX Sexual Harassment Complaint Procedures, and district policies and regulations, of all reported cases of sexual harassment to enable the district to monitor, address, and prevent repetitive harassing behavior in district schools.

(cf. [3580](#) - District Records)

*Legal Reference:*EDUCATION CODE

[200-262.4](#) Prohibition of discrimination on the basis of sex

[48900](#) Grounds for suspension or expulsion

[48900.2](#) Additional grounds for suspension or expulsion; sexual harassment

[48904](#) Liability of parent/guardian for willful student misconduct

[48980](#) Notice at beginning of term

[48985](#) Notices, report, statements and records in primary language

CIVIL CODE

[51.9](#) Liability for sexual harassment; business, service and professional relationships

[1714.1](#) Liability of parents/guardians for willful misconduct of minor

GOVERNMENT CODE

[12950.1](#) Sexual harassment training

CODE OF REGULATIONS, TITLE 5

[4600-4670](#) Uniform complaint procedures

[4900-4965](#) Nondiscrimination in elementary and secondary education programs

UNITED STATES CODE, TITLE 20

## SEXUAL HARASSMENT (continued)

*1092 Definition of sexual assault*

*[1221](#) Application of laws*

*[1232g](#) Family Educational Rights and Privacy Act*

*[1681-1688](#) Title IX of the Education Amendments of 1972*

*UNITED STATES CODE, TITLE 34*

*12291 Definition of dating violence, domestic violence, and stalking*

*UNITED STATES CODE, TITLE 42*

*1983 Civil action for deprivation of rights*

*[2000d-2000d-7](#) Title VI, Civil Rights Act of 1964*

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

*CODE OF FEDERAL REGULATIONS, TITLE 34*

*[99.1-99.67](#) Family Educational Rights and Privacy*

*[106.1](#)-106.82 Nondiscrimination on the basis of sex in education programs*

### COURT DECISIONS

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

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

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

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

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

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

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

### *Management Resources:*

#### CSBA PUBLICATIONS

*Providing a Safe, Nondiscriminatory School Environment for Transgender and Gender-Nonconforming Students, Policy Brief, February 2014*

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

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

*Q&A on Campus Sexual Misconduct, September 2017*

*Examples of Policies and Emerging Practices for Supporting Transgender Students, May 2016*

*Dear Colleague Letter: Title IX Coordinators, April 2015*

*Sexual Harassment: It's Not Academic, September 2008*

*Revised Sexual Harassment Guidance: Harassment of Students by School Employees, Other Students, or Third Parties, January 2001*

#### WEB SITES

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

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

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

(9/16 7/20) 10/20

Policy

adopted: January 4, 2012

revised: 10/12; 12/14; 11/16; 10/20

revised: December 2, 2020

revised: July, 2024

revised: July 25, 2025

**BIGGS UNIFIED SCHOOL DISTRICT**

Biggs, California

**SEXUAL HARASSMENT****Definitions**

*Sexual harassment* is a form of sex discrimination and means sexual harassment and other harassment on the basis of one, or a combination of two or more protected characteristics, which include, but may not be limited to, sex, gender, gender identity, gender expression, sexual orientation, sex stereotypes, pregnancy, false pregnancy, childbirth, termination of pregnancy, or related conditions or recovery, and parental, marital, and family status.

(Education Code 200, 210.2, 220, 221.51, 230, 260; Government Code 11135; CCR 491.6)

Sexual harassment includes, but is not limited to, unwelcome sexual advances, unwanted requests for sexual favors, or other unwanted verbal, visual, or physical conduct of a sexual nature made against another person of the same or opposite sex in the educational setting, under any of the following conditions. (Education Code 212.5, CCR4916)

1. Submission to the conduct is explicitly or implicitly made a term or condition of a student's academic status or progress
2. Submission to or rejection of the conduct by a student is used as the basis for academic decisions affecting the student
3. The conduct has the purpose or effect of having a negative impact on the student's academic performance or of creating an intimidating hostile, or offensive educational environment
4. Submission to or rejection of the conduct by the student is used as the basis for any decision affecting the student regarding benefits and services, honors, programs, or activities available at or through any district program or activity

Any prohibited conduct that occurs off campus or outside of district-related or district-sponsored programs or activities will be regarded as sexual harassment in violation of district policy if it has a continuing effect on or creates a hostile school environment for the complainant or victim of the conduct.

For purposes of applying the complaint procedures specified in Title IX, sexual harassment is defined as any of the following forms of conduct that occurs in an education program or activity in which a district school exercises substantial control over the context and respondent. (34 CFR 106.30, 106.44)

1. A district employee conditioning the provision of a district aid, benefit, or service on the student's participation in unwelcome sexual conduct
2. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a student equal access to the district's education program or activity

**SEXUAL HARASSMENT (continued)**

3. Sexual assault, dating violence, domestic violence, or stalking as defined in 20 USC 1092 or 34 USC 12291

**Title IX Coordinator/Compliance Officer**

The district designates the following individual(s) as the responsible employee(s) to coordinate its efforts to comply with Title IX. The individual(s) shall also serve as the Compliance Officer(s) specified in AR 1312.3 – Uniform Complaint Procedures and AR 5145.3 – Nondiscrimination/Harassment as the responsible employee(s) to handle student complaints alleging unlawful discrimination, as permitted by law. The Title IX Coordinator(s) may be contacted at:

*SUPERINTENDENT  
300 B STREET, BIGGS, CA 95917  
(530) 868-1281*

**Notifications**

The Superintendent or designee shall notify students and parents/guardians that the district does not discriminate on the basis of sex as required by Title IX and that inquiries about the application of Title IX to the district may be referred to the district's Title IX Coordinator and/or to the Assistant Secretary for Civil Rights, U.S. Department of Education. (34 CFR 1063.8)

The district shall notify students and parents/guardians of the name or title, office address, email address, and telephone number of the district's Title IX Coordinator. (34 CFR 106.8)

The Superintendent or designee shall ensure that a copy of the district's sexual harassment policy and regulation:

1. Is included in the notifications that are sent to parents/guardians at the beginning of each school year (Education Code 48980, 5 CCR 4917)
2. Is displayed in a prominent location in the main administrative building or other area where notices of district rules, regulations, procedures, and standards of conduct are posted. (Education Code 231.5)
3. Is summarized on a poster, which shall be prominently and conspicuously displayed in each bathroom and locker room at each school

The poster may be displayed in public areas that are accessible to and frequented by students, including, but not limited to, classrooms, hallways, gymnasiums, auditoriums, and cafeterias. The poster shall display the rules and procedures for reporting a charge of sexual harassment; the name, phone number, and email address of an appropriate school employee to contact to report sexual harassment; the rights

**SEXUAL HARASSMENT** (continued)

- of the reporting student, the complainant, and the respondent; and the responsibilities of the school. (Education Code 231.6)
4. Is posted, along with the name or title and contact information of the Title IX Coordinator, in a prominent location on the district's website in a manner that is easily accessible to parents/guardians and students (Education Code 234.6; 34 CFR 106.8)
  5. Is provided as part of any orientation program conducted for new and continuing students at the time the student is enrolled or at the beginning of each quarter, semester, or summer session (Education Code 231.5)
  6. Appears in any school or district publication that sets forth the school's or district's comprehensive rules, regulations, procedures, and standards of conduct (Education Code 231.5)

**Reports and Complaints**

A student or a student's parent(s)/guardian(s) who believes that the student has been subjected to sexual harassment, in a district program or activity or who has witnessed sexual harassment, is strongly encouraged to report the incident to the district's Title IX Coordinator, a teacher, the principal, or any other available school employee. Within one workday of receiving such a report, the principal or other school employee shall forward the report to the district's Title IX Coordinator. Any school employee who observes an incident of sexual harassment shall, within one workday, report the observation to the Title IX Coordinator as specified in the accompanying Board policy. The report shall be made regardless of whether the alleged victim files a formal complaint or requests confidentiality.

When a report or complaint of sexual harassment involves off-campus conduct, the Title IX Coordinator shall assess whether the conduct may create or contribute to the creation of a hostile school environment. If the Title IX Coordinator determines that a hostile environment may be created, the complaint shall be investigated and resolved in the same manner as if the prohibited conduct occurred at school.

When a verbal or informal report of sexual harassment is submitted, the Title IX Coordinator shall inform the student or parent/guardian of the right to file a formal written complaint in accordance with applicable district complaint procedures.

All complaints alleging sexual harassment against students in the school setting shall be investigated and resolved in accordance with law and district procedures. The district's Title IX Coordinator shall review the allegations to determine the applicable procedure for responding to the complaint. All complaints that meet the definition of sexual harassment under Title IX shall be investigated and resolved in accordance with Administrative Regulation 5145.71-Title IX Sexual Harassment Complaint Procedures. Other sexual

**SEXUAL HARASSMENT** (continued)

harassment complaints shall be investigated and resolved pursuant to Board Policy and Administrative Regulation 1312.3 – Uniform Complaint Procedures.

If sexual harassment is found following an investigation, the Title IX Coordinator, or designee in consultation with the Title IX Coordinator, shall take prompt action to stop the sexual harassment, prevent recurrence, implement remedies, and address any continuing effects.

Regulation  
approved: January 4, 2012  
revised: 10/12; 12/14; 09/15; 11/16; 10/20  
revised: December 2, 2020  
revised: July, 2024  
revised: June 25, 2025

**BIGGS UNIFIED SCHOOL DISTRICT**  
Biggs, California

**TITLE IX SEXUAL HARASSMENT COMPLAINT PROCEDURES**

The complaint procedures described in this administrative regulation shall be used to address any complaint governed by Title IX of the Education Amendments of 1972 alleging that a student, while in an education program or activity in which a district school exercises substantial control over the context and respondent, was subjected to one or more of the following forms of sexual harassment. (34 CFR 106.30, 106.44)

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

For a complaint governed by Title IX based on conduct that occurred, in whole or in part, between August 1, 2024 and January 9, 2025 or prior to August 14, 2020, the Title IX Coordinator shall consult with district legal counsel to determine which procedure to use.

All other complaints alleging sexual harassment brought by or on behalf of students shall be investigated and resolved in accordance with Board Policy/Administrative Regulation 1312.3-Uniform Complaint Procedures. The determination over which process shall be used to investigate and resolve a complaint shall be made by the district's Title IX Coordinator.

**Basic Requirements**

When implementing Title IX grievance procedures, the district shall: (34 CFR 106.45)

1. Treat complainants and respondents equitably by providing remedies to a complainant where a determination of responsibility for sexual harassment has been made against the respondent and by following a grievance process in accordance with 34 CFT 106.45 before the imposition of any disciplinary sanctions or other actions that are not supportive measures, as defined in 34 CFR 106.30 against a respondent

Remedies following a determination of responsibility for sexual harassment shall be designed to restore or preserve equal access to the district's education program or activity, and shall be provided in accordance with "Remedies," below

2. Require an objective evaluation of all relevant evidence, including both inculpatory and exculpatory evidence, and provide that credibility determination may not be based on a person's status as complainant, respondent, or witness
3. Ensure that the Title IX Coordinator, investigator, decisionmaker, or any person that facilitates an informal resolution process, does not have a conflict of interest or bias for or against complainants or respondents generally or an individual

**TITLE IX SEXUAL HARASSMENT COMPLAINT PROCEDURES (continued)**

complainant or respondent, and that such individuals receive training in accordance with 34 CFR 106.45

4. Presume that the respondent is not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the grievance procedures
5. Include reasonably prompt timeframes for the conclusion of the grievance process, including reasonably prompt timeframes for filing and resolving appeals, and informal resolution processes if appropriate and offered by the district

The district's procedures shall also include a process that allows for the temporary delay of the grievance procedures or the limited extension of timeframes for good cause with written notice to the complainant and the respondent of the delay or extension and the reasons for the action. Good cause may include considerations such as the absence of a party, a party's advisor, or a witness, concurrent law enforcement activity, or the need for language assistance or accommodation of disabilities

6. Describe the range of, or list, the possible disciplinary sanctions and remedies that the district may implement following any determination of responsibility
7. State whether the standard of evidence to be used to determine responsibility is the preponderance of the evidence standard or the clear and convincing evidence standard, and apply the same standard of evidence to formal complaints against students and employees and to all formal complaints of sexual harassment
8. Include the procedures and permissible bases for the complainant and respondent to appeal
9. Describe the range of supportive measures available to complainants and respondents
10. Not require, allow, rely upon, or otherwise use questions or evidence that constitute, or seek disclosure of information protected under a legally recognized privilege, unless the person holding such privilege has waived the privilege

Additionally, the district shall not disclose the identity of any individual who has made a report or complaint of sex discrimination, including any individual who has made a report or filed a formal complaint of sexual harassment, any complainant, any individual who has been reported to be the perpetrator of sex discrimination, any respondent, and any witness, except as may be permitted by the Family Educational Rights and Privacy Act statute or regulations, as required by law, or to carry out the purposes of Title IX, including the conduct of any investigation, hearing, or judicial proceeding arising under Title IX. (34 CFR 106.30, 106.71)

## **TITLE IX SEXUAL HARASSMENT COMPLAINT PROCEDURES (continued)**

### **Reporting Allegations / Filing a Formal Complaint**

A student who is the alleged victim of sexual harassment or the student's parent/guardian may submit a report of sexual harassment to the district's Title IX Coordinator using the contact information listed in Administrative Regulation 5145.7 – Sexual Harassment, or to any other available school employee, who shall forward the report to the Title IX Coordinator within one workday of receiving the report.

Upon receiving such a report, the Title IX Coordinator shall inform the complainant of the right to file a formal complaint and the process for filing a formal complaint. (34 CFR 106.44)

A formal complaint shall include the complainant's physical or digital signature, or another indication that the complainant is the person filing the complaint, and be filed with the Title IX Coordinator in person, by mail, by email, or by any other method authorized by the district. (34 CFR 106.30)

If the district has actual knowledge of sexual harassment or allegations of sexual harassment but the alleged victim does not file a formal complaint, the Title IX Coordinator may file a formal complaint, and, in situation when an imminent safety threat exists, shall file a formal complaint, in such cases, the Title IX Coordinator shall provide the alleged victim notices as required by the Title IX regulations at specific points in the complaint process.

### **Supportive Measures**

Upon receipt of a report of Title IX sexual harassment, the Title IX Coordinator shall promptly contact the complainant to discuss the availability of supportive measures and shall consider the complainant's wishes with respect to the supportive measures implemented. Supportive measures shall be offered as appropriate, as reasonably available, and without charge to the complainant or the respondent before or after the filing of a formal complaint or even if no formal complaint has been filed. Such measures shall be nondisciplinary, nonpunitive, and designed to restore or preserve equal access to the district's education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the district's educational environment or to deter sexual harassment. Supportive measures may include, but are not limited to, counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, campus escort services, mutual restrictions on contact, changes in work or housing locations, leaves of absence, increased security, and monitoring of certain areas of the campus. (34 CFR 106.30, 106.44)

The district shall maintain as confidential any supportive measures provided to the complainant or respondent to the extent that maintaining such confidentiality would not impair the district's ability to provide the supportive measures. (34 CFR 106.30)

## **TITLE IX SEXUAL HARASSMENT COMPLAINT PROCEDURES (continued)**

### **Emergency Removal from School**

If a student is the respondent, the district may remove the student from the district's education program or activity on an emergency basis, provided that the district conducts an individualized safety and risk analysis, determines that removal is justified due to an immediate threat to the physical health or safety of any student or other individual arising from the allegations, and provides the student with notice and an opportunity to challenge the decision immediately following the removal. Any such removal may not constitute discipline for student record purposes or Board Policy 5144 – Discipline. Additionally, this authority to remove a student does not modify a student's rights under the Individuals with Disabilities Education Act or Section 504 of the Rehabilitation Act of 1973. (34 CFR 106.44)

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

### **Dismissal of Complaint**

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

Upon dismissal, the Title IX Coordinator shall promptly send written notice of the dismissal and the reasons for the dismissal simultaneously to the parties, and shall inform them of their right to appeal the dismissal in accordance with the appeal procedures described in the section "Appeals" below. (34 CFR 106.45)

If a complaint is dismissed, the conduct may still be addressed pursuant to Board Policy/Administrative Regulation 1312.3 - Uniform Complaint Procedures, as applicable.

### **Informal Resolution Process**

When a formal complaint of sexual harassment is filed the district may offer an informal resolution process, such as mediation, at any time prior to reaching a determination regarding responsibility. (34 CFR 106.45)

The district shall not require a party to participate in the informal resolution process or to waive the right to an investigation and adjudication of a formal complaint, including that the district shall not require such waiver as a condition of enrollment or employment or continuing enrollment or employment. (34 CFR 106.45)

## **TITLE IX SEXUAL HARASSMENT COMPLAINT PROCEDURES (continued)**

As part of an informal resolution, the parties may agree upon discipline such as suspension or expulsion without the need for an investigation.

The district may facilitate an informal resolution process provided that the district, prior to initiating such process: (34 CFR 106.44)

1. Provides the parties with written notice disclosing the allegations; the requirements of the informal resolution process, including the circumstances under which it precludes the parties from resuming a formal complaint arising from the same allegation; the right to withdraw from the informal process and resume the formal complaint process at any time prior to agreeing to a resolution; and any consequences resulting from the informal resolution process, including that records will be maintained or could be shared
2. Obtains the parties' voluntary consent to the informal resolution process
3. Does not offer or facilitate an informal resolution process to resolve allegations that an employee sexually harassed a student

### **Written Notice**

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

1. The district's complaint process, including any informal resolution process
2. The allegations potentially constituting sexual harassment with sufficient details known at the time, including the identity of parties involved in the incident if known, the conduct allegedly constituting sexual harassment, and the date and location of the alleged incident if known

Such notice shall be provided with sufficient time for the parties to prepare a response before any initial interview. If, during the course of the investigation, new Title IX allegations arise about the complainant or respondent that are not included in the initial notice, the Title IX Coordinator shall provide notice of the additional allegations to the parties.

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

## **TITLE IX SEXUAL HARASSMENT COMPLAINT PROCEDURES (continued)**

The above notice may also include the name of the investigator, facilitator of an informal process, and decisionmaker and inform the parties that, if at any time a party has concerns regarding conflict of interest or bias regarding any of these persons, the party should immediately notify the Title IX Coordinator or designee.

### **Consolidation of Complaints**

When the allegations of sexual harassment arise out of the same facts or circumstances, the district may consolidate formal complaints alleging sexual harassment against more than one respondent by more than one complainant against one or more respondents; or by one party against another party. (34 CFR 106.45)

### **Investigation Procedures**

During the investigation process, the district's designated investigator shall: (34 CFR 106.45)

1. Provide an equal opportunity for the parties to present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence
2. Not restrict the ability of either party to discuss the allegations under investigation or to gather and present relevant evidence
3. Provide the parties with the same opportunities to have others present during any grievance proceeding, including the opportunity to be accompanied to any related meeting or proceeding by the advisor of their choice, who may be, but is not required to be, an attorney
4. Not limit the choice or presence of an advisor for either the complainant or respondent in any meeting or grievance proceeding, although the district may establish restrictions regarding the extent to which the advisor may participate in the proceedings as long as the restrictions apply equally to both parties
5. Provide, to a party whose participation is invited or expected, written notice of the date, time, location, participants, and purpose of all investigative interviews or other meetings, with sufficient time for the party to prepare to participate
6. Provide both parties an equal opportunity to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in a formal complaint including evidence that the district does not intend to rely on in reaching a determination regarding responsibility and inculpatory and exculpatory evidence whether obtained from a party or other source so that each party can meaningfully respond to the evidence prior to conclusion of the investigation

**TITLE IX SEXUAL HARASSMENT COMPLAINT PROCEDURES (continued)**

7. Send in an electronic format or hard copy to both parties and their advisors, if any, the evidence obtained as part of the investigation that is directly related to the allegations raised in the complaint, and provide the parties at least 10 days to submit a written response for the investigator to consider prior to the completion of the investigative report
8. Create an investigative report that fairly summarizes relevant evidence and, at least 10 days prior to the determination of responsibility, send to the parties and their advisors, if any, the investigative report in an electronic format or a hard copy, for their review and written response

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

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

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

**Written Decision**

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

After the investigative report has been sent to the parties but before reaching a determination regarding responsibility, the decisionmaker shall afford each party the opportunity to submit written, relevant questions that the party wants asked of any party or witness, provide each party with the answers, and allow for additional, limited follow-up questions from each party

The decisionmaker shall issue, and simultaneously provide to both parties, a written decision as to the scope of the respondent's responsibility for the alleged conduct, if any. (34 CFR 106.45)

The written decision shall be issued within 60 calendar days of the receipt of the complaint.

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

**TITLE IX SEXUAL HARASSMENT COMPLAINT PROCEDURES (continued)**

In making this determination, the decisionmaker shall use the "preponderance of the evidence" standard for all formal complaints of sexual harassment. The same standard of evidence shall be used for formal complaints against students as for complaints against employees. (34 CFR 106.45)

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

1. Identification of the allegations potentially constituting sexual harassment as defined in 34 CFR 106.30
2. A description of the procedural steps taken from receipt of the formal complaint through the written decision, including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, and hearings held if the district includes hearings as part of the grievance process
3. Findings of fact supporting the determination
4. Conclusions regarding the application of the district's code of conduct or policies to the facts
5. A statement of, and rationale for, the result as to each allegation, including a decision regarding responsibility, any disciplinary sanctions the district imposes on the respondent, and whether remedies designed to restore or preserve equal access to the district's educational program or activity will be provided by the district to the complainant
6. The district's procedures and permissible bases for the complainant and respondent to appeal

**Appeals**

Either party may appeal the written decision or dismissal of a formal complaint or any allegation in the complaint, if the party believes that a procedural irregularity affected the outcome, new evidence is available that was not reasonably available at the time the determination regarding responsibility or dismissal was made that could affect the outcome, or a conflict of interest or bias by the Title IX Coordinator, investigator(s), or decisionmaker(s) affected the outcome.

If an appeal is filed, the district shall: (34 CFR 106.45)

**TITLE IX SEXUAL HARASSMENT COMPLAINT PROCEDURES (continued)**

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

An appeal shall be filed in writing within 10 calendar days of receiving the notice of the decision or dismissal, stating the grounds for the appeal and including any relevant documentation in support of the appeal. Appeals submitted after this deadline are not timely and shall not be considered.

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

Either party has the right to file a complaint with the U.S. Department of Education's Office for Civil Rights within 180 days of the date of the most recently alleged misconduct.

The complainant shall be advised of any civil law remedies, including, but not limited to, injunctions, retraining orders, or other remedies or orders that may be available under state or federal antidiscrimination laws, if applicable.

**Remedies**

When a determination of responsibility for sexual harassment has been made against the respondent, the district shall provide remedies to the complainant as appropriate. Such remedies may include the same individualized services described above in the section "Supportive Measures," but need not be nondisciplinary or nonpunitive and need not avoid burdening the respondent. (34 CFR 106.45)

**Corrective/Disciplinary Actions**

The district may impose disciplinary sanctions or other actions after the complaint procedure has been completed and a determination of responsibility has been made. (34 CFR 106.44, 106.45)

**TITLE IX SEXUAL HARASSMENT COMPLAINT PROCEDURES (continued)**

For students in grades 4-12, discipline for sexual harassment may include suspension and/or expulsion in accordance with Board Policy and Administrative Regulation 5144.1 – Suspension/Expulsion and Administrative Regulation 5144.2 – Suspension and Expulsion/Due Process (Students with Disabilities). (Education Code [48900.2](#), [48915](#))

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

1. Transfer from a class or school as permitted by law
2. Conference with parent/guardian
3. Educating the student regarding the impact of the student's conduct on others
4. Positive behavior support
5. Referral of the student to a student success team
6. Denial of participation in extracurricular or cocurricular activities or other privileges as permitted by law

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

**Record-Keeping**

The Superintendent or designee shall maintain, for a period of seven years: (34 CFR 106.45)

1. A record of all reported cases and Title IX investigations of sexual harassment, any determinations of responsibility, any audio or audiovisual recording and transcript if applicable, any disciplinary sanctions imposed, any remedies provided to the complainant, and any appeal or informal resolution and the results therefrom
2. A record of any actions, including supportive measures, taken in response to a report or formal complaint of sexual harassment, including the district's basis for its conclusion that its response was not deliberately indifferent, the measures taken that were designed to restore or preserve equal access to the education program or activity, and , if no supportive measures were provided to the complainant, the reasons that such a response was not unreasonable in light of the known circumstances
3. All materials used to train the Title IX Coordinator, investigator(s), decisionmaker(s), and any person who facilitates an informal resolution process

**TITLE IX SEXUAL HARASSMENT COMPLAINT PROCEDURES** (continued)

The district shall make such training materials publicly available on its website, or if the district does not maintain a website, available upon request by members of the public.

For complaints containing allegations of childhood sexual assault, the Superintendent or designee shall also indefinitely maintain the following: (Code of Civil Procedure 340.1):

1. A record of the allegation(s)
2. A record of the investigation procedures followed
3. A record of the written determination
4. A record of the corrective action implemented, if any
5. A record of any appeals and the outcome of the same
6. All training materials addressing the prohibition and investigation of childhood sexual assault

Additionally, the Superintendent or designee shall indefinitely maintain a record of insurance which evidences the district's coverage for acts of sexual assault.

*Legal references on next page*

## **TITLE IX SEXUAL HARASSMENT COMPLAINT PROCEDURES (continued)**

### *Legal Reference:*

#### EDUCATION CODE

[200-262.4](#) *Prohibition of discrimination on the basis of sex*

[48900](#) *Grounds for suspension or expulsion*

[48900.2](#) *Additional grounds for suspension or expulsion; sexual harassment*

[48985](#) *Notices, report, statements and records in primary language*

#### CIVIL CODE

[51.9](#) *Liability for sexual harassment; business, service and professional relationships*

[1714.1](#) *Liability of parents/guardians for willful misconduct of minor*

#### GOVERNMENT CODE

[12950.1](#) *Sexual harassment training*

#### CODE OF REGULATIONS, TITLE 5

[4600-4670](#) *Uniform complaint procedures*

[4900-4965](#) *Nondiscrimination in elementary and secondary education programs*

#### UNITED STATES CODE, TITLE 20

[1092](#) *Definition of sexual assault*

[1221](#) *Application of laws*

[1232g](#) *Family Educational Rights and Privacy Act*

[1681-1688](#) *Title IX of the Education Amendments of 1972*

#### UNITED STATES CODE, TITLE 34

[12291](#) *Definition of dating violence, domestic violence, and stalking*

#### UNITED STATES CODE, TITLE 42

[1983](#) *Civil action for deprivation of rights*

[2000d-2000d-7](#) *Title VI, Civil Rights Act of 1964*

[2000e-2000e-17](#) *Title VII, Civil Rights Act of 1964 as amended*

#### CODE OF FEDERAL REGULATIONS, TITLE 34

[99.1-99.67](#) *Family Educational Rights and Privacy*

[106.1-106.82](#) *Nondiscrimination on the basis of sex in education programs*

#### COURT DECISIONS

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

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

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

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

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

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

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

### *Management Resources:*

#### CSBA PUBLICATIONS

*Providing a Safe, Nondiscriminatory School Environment for Transgender and Gender-Nonconforming Students, Policy Brief, February 2014*

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

#### FEDERAL REGISTER

*Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance, May 19, 2020, Vol. 85, No. 97, pages 30026-30579*

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

*Q&A on Campus Sexual Misconduct, September 2017*

*Examples of Policies and Emerging Practices for Supporting Transgender Students, May 2016*

*Dear Colleague Letter: Title IX Coordinators, April 2015*

*Sexual Harassment: It's Not Academic, September 2008*

*Revised Sexual Harassment Guidance: Harassment of Students by School Employees, Other Students, or Third Parties, January 2001*

#### WEB SITES

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

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

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

**TITLE IX SEXUAL HARASSMENT COMPLAINT PROCEDURES** (continued)

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Regulation  
approved: October 7, 2020  
revised: December 2, 2020  
revised: July, 2024  
revised: June 25, 2025

**BIGGS UNIFIED SCHOOL DISTRICT**  
Biggs, California

## **TITLE IX SEXUAL HARASSMENT COMPLAINT PROCUDURES**

### **NOTICE OF TITLE IX SEXUAL HARASSMENT POLICY**

The district shall not discriminate on the basis of sex in any education program or activity that it operates. The prohibition against discrimination on the basis of sex is required by federal law (20 USC [1681-1688](#); 34 CFR Part 106) and extends to admission and employment. The district also prohibits retaliation against any student for filing a complaint or exercising any right granted under Title IX.

The district shall take prompt and equitable action to address any potential Title IX violations that are brought to its attention. Any inquiries about the application of Title IX, this notice, and who is protected by Title IX may be referred to the district's Title IX Coordinator, to the Assistant Secretary for Civil Rights of the U.S. Department of Education or both.

The following employee serves as the district's Title IX Coordinator and is responsible for addressing concerns or inquiries regarding discrimination on the basis of sex, including sexual harassment:

*SUPERINTENDENT  
300 B STREET  
BIGGS, CA 95917  
(530) 868-1281*

Any individual may report sex discrimination, including sexual harassment, to the Title IX Coordinator or any other school employee at any time, including during non-business hours, by mail, phone, or email. During district business hours, reports may also be made in person. Upon receiving an allegation of sexual harassment, the Title IX Coordinator shall promptly notify the parties, in writing, of the applicable district complaint procedure.

To view an electronic copy of the district's policies and administrative regulations on sexual harassment, including the grievance process that complies with 34 CFR 106.45, please see BP/AR 5145.7 – Sexual Harassment and AR 5145.71 - Title IX Sexual Harassment Complaint Procedures on the district's web site at [\*\*www.biggs.org\*\*](http://www.biggs.org).

To inspect or obtain a copy of the district's sexual harassment policies and administrative regulations, please contact: Human Resources, 300 B Street, Biggs, CA 95917; (530) 868-1281.

Materials used to train the Title IX Coordinator, investigator(s), decision-maker(s), and any person(s) who facilitates an informal resolution process are also publicly available on the district's website or at the district office upon request.

E 5145.71(b)

**TITLE IX SEXUAL HARASSMENT COMPLAINT PROCUDURES** (continued)

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Exhibit  
version: December 2, 2020  
revised: July, 2024  
revised: June 25, 2025

**BIGGS UNIFIED SCHOOL DISTRICT**  
Biggs, California

**REFUSAL TO HARM OR DESTROY ANIMALS**

Any student who has a moral objection to dissecting or otherwise harming or destroying animals shall have the right to refrain from participating in instruction which involves such activities and shall not be discriminated against because of a decision to exercise this right. (Education Code 32255.1)

*(cf. 5145.2 - Freedom of Speech/Expression)*  
*(cf. 6142.93 - Science Instruction)*

The right to refrain from instruction involving harmful or destructive use of animals shall apply to all K-12 courses, except classes and activities conducted as part of agricultural education that provide instruction on the care, management, and evaluation of domestic animals. (Education Code 32255.5, 32255.6)

At the beginning of each academic year, the Superintendent or designee shall notify parents/guardians, in writing, of students' right to refrain from instruction involving the harmful or destructive use of animals. (Education Code 48980)

*(cf. 5145.6 - Parental Notifications)*

In addition, each teacher of a course that uses live or dead animals or animal parts shall inform students of their right to refrain from the harmful or destructive use of animals. (Education Code 32255.4)

A student who wishes to refrain from such instruction shall notify the teacher and shall provide a note from his/her parent/guardian substantiating the objection. (Education Code 32255.1)

If the teacher believes an adequate alternative project is possible, he/she may work with the student to develop and agree upon an alternative project which would provide the knowledge, information, or experience required by the course of study. Alternative projects include, but are not limited to, the use of video recordings, models, films, books, and computers. The alternative project shall involve time and effort by the student comparable to that required by the original project. (Education Code 32255, 32255.1)

A teacher's determination of whether the student may pursue an alternative project or be excused from the project shall not be arbitrary or capricious. (Education Code 32255.3)

In order to receive course credit, students who participate in an alternative project shall pass all course examinations. Students may request an alternative test, however, if a regular examination requires the harmful or destructive use of animals. (Education Code 32255.1)

**REFUSAL TO HARM OR DESTROY ANIMALS (continued)**

*Legal Reference:*

EDUCATION CODE

32255-32255.6 *Student's right to refrain from harmful or destructive use of animals*

48980-48985 *Notification of parents/guardians, especially:*

48980 *Parental notification at beginning of term*

51540 *Humane treatment of animals*

*Management Resources:*

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

*Science Framework for California Public Schools: Kindergarten Through Grade 12, 2004*

*Science Content Standards for California Public Schools: Kindergarten Through Grade 12, 1998*

WEB SITES

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

**HATE-MOTIVATED BEHAVIOR**

The Board of Trustees is committed to providing a respectful, inclusive, and safe learning environment that protects students from discrimination, harassment, intimidation, bullying, or any other type of behavior that is motivated by hate.

Hate-motivated behavior is any behavior intended to cause emotional suffering, physical injury, or property damage through intimidation, harassment, bigoted slurs or epithets, force or threat of force, or vandalism motivated in part or in whole by bias or hostility toward the victim's real or perceived race, color, ancestry, nationality, national origin, immigration status, ethnic group identification, ethnicity, age, religion, marital status, pregnancy, parental status, physical or mental disability, medical condition, sex, sexual orientation, gender, gender identity, gender expression, or genetic information, or any other characteristic identified in Education Code 200 or 220, Government Code 11135, or Penal Code 422.55.

The Superintendent or designee shall design strategies to promote harmonious relationships among students, prevent incidents of hate-motivated behavior to the extent possible, and address such incidents in a timely manner when they occur.

The Superintendent or designee shall collaborate with regional programs and community organizations to promote an environment where diversity is celebrated and hate-motivated behavior is not tolerated. Such collaborative efforts shall focus on the development of effective prevention strategies and response plans, provision of assistance to students affected by hate-motivated behavior, and/or education of students who have perpetrated hate-motivated acts.

The district shall provide students with age-appropriate instruction that:

1. Includes the development of social-emotional learning
2. Promotes an understanding, awareness, appreciation, and respect for human rights, human relations, diversity, and acceptance in a multicultural society
3. Explains the harm and dangers of explicit and implicit biases
4. Discourages discriminatory attitudes and practices
5. Provides strategies to manage conflicts constructively

## **HATE-MOTIVATED BEHAVIOR (continued)**

As necessary, the district shall provide counseling, guidance, and support to students who are victims of hate-motivated behavior and to students who exhibit such behavior.

When appropriate, students who engage in hate-motivated behavior shall be disciplined.

The Superintendent or designee shall provide staff with training that:

1. Promotes an understanding of diversity, equity, and inclusion
2. Discourages the development of discriminatory attitudes and practices
3. Includes social-emotional learning and nondiscriminatory instructional and counseling methods
4. Supports the prevention, recognition, and response to hate-motivated behavior
5. Raises the awareness and sensitivity of staff to potentially prejudicial and discriminatory behavior
6. Includes effective enforcement of rules for appropriate student conduct

Employees who engage in hate-motivated behavior shall be subject to disciplinary action, up to and including dismissal.

Rules prohibiting hate-motivated behavior and procedures for reporting a hate-motivated incident shall be provided to students, staff, and parents/guardians.

This policy shall be posted in a prominent location on the district's web site in a manner that is readily and easily accessible to parents/guardians and students. (Education Code 234.6)

### **Complaints**

Any staff member who is notified that hate-motivated behavior has occurred, observes such behavior, or otherwise becomes aware of an incident shall immediately contact the compliance officer responsible for coordinating the district's response to complaints and complying with state and federal civil rights laws. As appropriate, the staff member shall also contact law enforcement.

**HATE-MOTIVATED BEHAVIOR** (continued)

A student or parent/guardian who believes the student is a victim of hate-motivated behavior is encouraged to report the incident to a teacher, the principal, the district's compliance officer, or other staff member.

Any complaint of hate-motivated behavior shall be investigated and, if determined to be discriminatory, shall be resolved in accordance with law and the district's uniform complaint procedures specified in AR 1312.3 - Uniform Complaint Procedures or other applicable procedure. If, during the investigation, it is determined that a complaint is about nondiscriminatory behavior, the principal or designee shall inform the complainant and shall take all necessary actions to resolve the complaint.

| <u>State</u>       | <u>Description</u>                                                    |
|--------------------|-----------------------------------------------------------------------|
| 5 CCR 4600-4670    | Uniform complaint procedures                                          |
| 5 CCR 4900-4965    | Nondiscrimination in elementary and secondary education programs      |
| Ed. Code 200-262.4 | Educational equity; prohibition of discrimination on the basis of sex |
| Ed. Code 32282     | School safety plans                                                   |
| Ed. Code 48900.3   | Suspension for hate violence                                          |
| Ed. Code 48900.4   | Suspension or expulsion for threats or harassment                     |
| Pen. Code 422.55   | Definition of hate crime                                              |
| Pen. Code 422.6    | Crimes, harassment                                                    |

| <u>Federal</u> | <u>Description</u>                                                       |
|----------------|--------------------------------------------------------------------------|
| 28 CFR 35.107  | Nondiscrimination on basis of disability; complaints                     |
| 34 CFR 100.3   | Discrimination prohibited                                                |
| 34 CFR 104.7   | Designation of responsible employee for Section 504                      |
| 34 CFR 106.8   | Designation of responsible employee and adoption of grievance procedures |
| 34 CFR 110.25  | Notification of nondiscrimination on the basis of age                    |

*Management Resources*

|                                                     |                                                                                                  |
|-----------------------------------------------------|--------------------------------------------------------------------------------------------------|
| CA Office of the Attorney General Publication       | California Department of Justice Guidelines for Access to Public Records, October 2017           |
| California Department of Education Publication      | 01-05 Guidelines for Piloting Textbooks and Instructional Materials, rev. January 2015           |
| U.S. DOE, Office for Civil Rights Publication       | Dear Colleague Letter on the Nondiscriminatory Administration of School Discipline, January 2014 |
| Website AASA The School Superintendents Association |                                                                                                  |

Policy  
 adopted: January 4, 2012  
 revised: August 1, 2018  
 revised: August 4, 2021

**BIGGS UNIFIED SCHOOL DISTRICT**  
 Biggs, California

**MARRIED/PREGNANT/PARENTING STUDENTS**

The Board of Trustees recognizes that responsibilities pertaining to marriage, pregnancy, or parenting, including related obligations, conditions, or recovery, may disrupt a student's education and increase the chance of a student dropping out of school. The Board desires to minimize interruption to such students' educational progress by supporting married, pregnant, and parenting students in their continued education, assisting them to attain strong academic and parenting skills, and promoting the healthy development of their child(ren).

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

*(cf. 5147 - Dropout Prevention)*

*(cf. 6011 - Academic Standards)*

*(cf. 6164.5 - Student Success Teams)*

The district shall not exclude or deny any student from any educational program or activity, including any class or extracurricular activity, solely on the basis of the student's actual or potential pregnancy, childbirth, false pregnancy, termination of pregnancy, or related conditions or recovery. In addition, the district shall not adopt any rule concerning a student's actual or potential parental, family, or marital status that treats a student differently on the basis of sex. (Education Code 221.51, 230; 5 CCR 4950; 34 CFR 106.40)

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

In accordance with Board Policy/Exhibit (1) 5145.6 – Parent/Guardian Notifications, the Superintendent or designee shall annually notify parents/guardians at the beginning of the school year of the rights and options available to pregnant and parenting students under the law. In addition, pregnant and parenting students shall be notified of the rights and options available under the law through annual school year welcome packets and through independent study packets. (Education Code 222.5, 48980)

*(cf. 5145.6 - Parental Notifications)*

For district-related purposes, a student under 18 years of age who enters into a valid marriage is an emancipated minor who shall have all the rights and privileges of students who are 18 years of age or older, even if the marriage has been dissolved. (Family Code 7002)

Such rights include, but are not limited to, those related to the verification of student absences as specified in Administrative Regulation 5113 – Absences and Excuses, application for a work permit as specified in Administrative Regulation 5113.2 – Work Permits, and access to student records as specified in Administrative Regulation 5123 – Student Records

**Education and Support Services for Pregnant and Parenting Students**

Pregnant and parenting students shall retain the right to participate in the regular education program or an alternative education program. The classroom setting shall be the preferred

**MARRIED/PREGNANT/PARENTING STUDENTS** (continued)

instructional strategy unless an alternative is necessary to meet the needs of the student and/or the student's child.

Any alternative education program, activity, or course that is offered separately to students who are pregnant or parenting, including any class or extracurricular activity, shall be equal to that offered to other district students. A student's participation in such programs shall be voluntary. (Education Code 221.51; 5 CCR 4950)

If required for students with any other temporary disabling condition, the Superintendent or designee may require a student, based on pregnancy, childbirth, false pregnancy, termination of pregnancy, or related conditions or recovery, to obtain certification from a physician or nurse practitioner indicating that the student is physically and emotionally able to continue participation in the education program or activity. (Education Code 221.51; 5 CCR 4950; 34 CFR 106.40)

To the extent feasible, the district shall provide educational and related support services, either directly or in collaboration with community agencies and organizations, to meet the needs of pregnant and parenting students and their children. Such services may include, but are not limited to:

1. Child care and development services for the children of parenting students on or near school site(s) during the school day and during district-sponsored activities
2. Parenting education and life skills instruction
3. Special school nutrition supplements for pregnant and lactating students pursuant to Education Code 49553, 42 USC 1786, and 7 CFR 246.1-246.28
4. Health care services, including prenatal care
5. Tobacco, alcohol, and/or drug prevention and intervention services
6. Academic and personal counseling
7. Supplemental instruction to assist students in achieving grade-level academic standards and progressing toward graduation

As appropriate, teachers, administrators, and/or other personnel who work with pregnant and parenting students shall receive related professional development.

*(cf. 4131 - Staff Development)*

*(cf. 4231 - Staff Development)*

*(cf. 4331 - Staff Development)*

## **MARRIED/PREGNANT/PARENTING STUDENTS (continued)**

### **Absences**

Students who are pregnant or parenting may be excused for absences for medical appointments and other purposes specified in BP/AR 5113 - Absences and Excuses.

A student shall be excused for absences to care for a sick child for whom the student is the custodial parent. A note from a physician shall not be required for such an absence. (Education Code 48205)

### **Parental Leave**

A student who is pregnant or parenting shall be entitled to parental leave as permitted by law. The period of the leave shall be the greater of eight weeks, or the length of time deemed medically necessary by the student's healthcare provider. Such leave may be taken before the birth of the student's infant if there is a medical necessity and after childbirth during the school year in which the birth takes place, inclusive of any mandatory summer instruction. (Education Code 46015; 34 CFR 106.40)

The student, if age 18 years or older, or the student's educational rights holder shall notify the district of the student's intent to take parental leave, although failure to do so does not abridge any of the rights provided to the student under this policy. (Education Code 46015)

No student shall be required to take all or part of the parental leave. (Education Code 46015)

When a student takes parental leave, the attendance supervisor shall ensure that absences from the regular school program are excused until the student is able to return to the regular school program or an alternative education program. A student who is pregnant or parenting, or has related conditions, shall not be required to complete academic work or other school requirements during the period of the parental leave. (Education Code 46015)

Following the leave, a student who is pregnant or parenting, or has related conditions, may elect to return to the school and the course of study in which the student was enrolled before taking parental leave or to an alternative education option provided by the district.

Upon return to school, a student who is pregnant or parenting shall have opportunities to make up work missed during the leave, including, but not limited to, makeup work plans and reenrollment in courses. (Education Code 46015)

When necessary to complete high school graduation requirements, the student may remain enrolled in school for a fifth year of instruction, unless the Superintendent or designee makes a finding that the student is reasonably able to complete district graduation requirements in time to graduate by the end of the fourth year of high school. (Education Code 46015)

**MARRIED/PREGNANT/PARENTING STUDENTS (continued)****Accommodations**

When necessary, the district shall provide reasonable accommodations to enable a student who is pregnant or parenting to access the educational program.

Additionally, a student who is pregnant, experiences a false pregnancy, or terminates a pregnancy, or who must recover from any of these, shall have access to any services available to other students with temporary medical conditions. (34 CFR 106.40)

The district shall provide reasonable accommodations to any lactating student to express breast milk, breastfeed an infant child, or address other needs related to breastfeeding. A student shall not incur an academic penalty for using any of these reasonable accommodations, and shall be provided the opportunity to make up any work missed due to such use. Reasonable modifications include, but are not limited to: (Education Code 222)

1. Access to a private and secure room, other than a restroom, to express breast milk or breastfeed an infant child
2. Permission to bring onto a school campus a breast pump and any other equipment used to express breast milk
3. Access to a power source for a breast pump or any other equipment used to express breast milk
4. Access to a place to store expressed breast milk safely
5. A reasonable amount of time to accommodate the student's need to express breast milk or breastfeed an infant child

**Complaints**

Any complaint alleging discrimination on the basis of a student's actual or potential pregnancy, marital, or parental status, district noncompliance with the requirements of Education Code 46015, or district noncompliance with the requirement to provide reasonable accommodations for lactating students, shall be investigated and resolved in accordance with Board Policy/Administrative Regulation 1312.3 – Uniform Complaint Procedures.

**Program Evaluation**

The Superintendent or designee shall periodically report to the Board regarding the effectiveness of district strategies to support married, pregnant, and parenting students, which may include data on student participation in district programs and services, academic achievement, attendance, graduation rate, and/or student feedback on district programs and services.

**MARRIED/PREGNANT/PARENTING STUDENTS (continued)**

*Legal Reference:*

EDUCATION CODE

221.51 Nondiscrimination; married, pregnant, and parenting students

222 Reasonable accommodations; lactating students

222.5 Pregnant and parenting students, notification of rights

230 Sex discrimination

8200-8498 Child Care and Development Services Act

46015 Parental leave

48205 Excused absences

48206.3 Temporary disability, definition

48220 Compulsory education requirement

48410 Persons exempted from continuation classes

48980 Parental notifications

49553 Nutrition supplements for pregnant/lactating students

51220.5 Parenting skills and education

51745 Independent study

52610.5 Enrollment of pregnant and parenting students in adult education

CIVIL CODE

51 Unruh Civil Rights Act

FAMILY CODE

7002 Description of emancipated minor

HEALTH AND SAFETY CODE

104460 Tobacco prevention services for pregnant and parenting students

CODE OF REGULATIONS, TITLE 5

4600-4670 Uniform complaint procedures

4950 Nondiscrimination, marital and parental status

CODE OF REGULATIONS, TITLE 22

101151-101239.2 General licensing requirements for child care centers

101351-101439.1 Infant care centers

UNITED STATES CODE, TITLE 20

1681-1688 Title IX, Education Act Amendments

UNITED STATES CODE, TITLE 42

1786 Special supplemental nutrition program for women, infants, and children

CODE OF FEDERAL REGULATIONS, TITLE 7

246.1-246.28 Special supplemental nutrition program for women, infants, and children

CODE OF FEDERAL REGULATIONS, TITLE 34

106.40 Marital or parental status

ATTORNEY GENERAL OPINIONS

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

COURT DECISIONS

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

*Management Resources:*

CALIFORNIA WOMEN'S LAW CENTER PUBLICATIONS

Pregnant Students and Confidential Medical Services, 2013

Educational Rights of Pregnant and Parenting Teens: Title IX and California State Law Requirements, 2012

The Civil Rights of Pregnant and Parenting Teens in California Schools, 2002

U.S. DEPARTMENT OF EDUCATION PUBLICATIONS

Supporting the Academic Success of Pregnant and Parenting Students under Title IX of the Education Amendments of 1972, rev. June 2013

**MARRIED/PREGNANT/PARENTING STUDENTS** (continued)

WEB SITES

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

*California Women's Law Center: <http://www.cwlc.org>*

*U.S. Department of Agriculture, Women, Infants, and Children Program: <http://www.fns.usda.gov/wic>*

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

Policy

adopted: January 4, 2012

revised: April 2, 2014

revised: June 29, 2016

revised: February 6, 2019

revised: July, 2024

revised: June 25, 2025

**BIGGS UNIFIED SCHOOL DISTRICT**

Biggs, California

**DROPOUT PREVENTION**

The Board of Trustees expects all students to remain in school until graduation in order to acquire critical knowledge and skills and be prepared for postsecondary education and/or employment. The Superintendent or designee shall identify factors that impede student success in school and shall implement integrated, systemic support and strategies that address dropout prevention and promote timely intervention and recovery.

*(cf. 6011 - Academic Standards)*  
*(cf. 6146.1 - High School Graduation Requirements)*  
*(cf. 6146.2 - Certificate of Proficiency/High School Equivalency)*  
*(cf. 6146.5 - Elementary/Middle School Graduation Requirements)*

The Superintendent or designee, in collaboration with parents/guardians, school staff, and community agencies and organizations as appropriate, shall develop districtwide and schoolwide strategies that support regular school attendance for all students. Dropout prevention strategies shall include efforts to provide a safe and positive learning environment that engages and motivates students, encourages students' connectedness to the schools, offers meaningful educational opportunities, and promotes student health and well-being.

*(cf. 5136 - Gangs)*  
*(cf. 5137 - Positive School Climate)*  
*(cf. 5146 - Married/Pregnant/Parenting Students)*  
*(cf. 6171 - Title I Programs)*  
*(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)*

In order to make up lost instructional time and offset absences, the district may implement attendance recovery programs. Any attendance recovery program shall be provided as a voluntary, limited-term option for a classroom-based, regular education program for students in grades TK-12 in accordance with Education Code 46211.

In addition, the Superintendent or designee shall develop strategies to provide targeted support to individual students who are at risk of dropping out of school. Students may be identified based on indicators such as chronic absenteeism, truancy, or tardiness; below-grade-level academic achievement as evidenced by student assessment results and/or teacher evaluations; and personal, social, health, or economic circumstances that may affect student performance and behavior in school.

*(cf. 5113 - Absences and Excuses)*  
*(cf. 5113.1 - Chronic Absence and Truancy)*  
*(cf. 5123 - Promotion/Acceleration/Retention)*  
*(cf. 6162.5 - Student Assessment)*  
*(cf. 6162.51 - State Academic Achievement Tests)*  
*(cf. 6162.52 - High School Exit Examination)*

**DROPOUT PREVENTION** (continued)

Strategies to support students at risk of dropping out of school may include, but are not limited to:

1. Meetings and/or home visits with the student and parent/guardian to identify and address barriers to the student's success and inform them of the state's compulsory education law

*(cf. 6020 - Parent Involvement)*

2. Individualized instruction that responds to the needs and unique learning styles of students
3. Supplemental instruction during or outside the school day that is designed to help students overcome academic deficiencies, including attendance recovery programs

*(cf. 6176 - Weekend/Saturday Classes)*

*(cf. 6177 - Summer Learning Programs)*

*(cf. 6179 - Supplemental Instruction)*

4. Enrollment in alternative or specialized educational programs

*(cf. 6158 - Independent Study)*

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

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

*(cf. 6178 - Career Technical Education)*

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

*(cf. 6181 - Alternative Schools/Programs of Choice)*

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

*(cf. 6184 - Continuation Education)*

*(cf. 6185 - Community Day School)*

5. Assistance locating employment or work-based learning opportunities which link classroom learning with real-world experiences

*(cf. 5113.2 - Work Permits)*

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

6. Academic guidance and personal counseling services

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

7. Referral to a student success team, school attendance review board, or other team that addresses persistent attendance problems

*(cf. 6164.5 - Student Success Teams)*

8. Referral to school and/or community support services, such as a student assistance program, substance abuse program; health services or school nurse, school social

**DROPOUT PREVENTION** (continued)

worker or social services; school counselor, school psychologist or other student support personnel for case management and counseling; and other resources

*(cf. 1020 - Youth Services)*

*(cf. 5030 - Student Wellness)*

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

*(cf. 5141.6 - School Health Services)*

9. Continued monitoring of student attendance, including tracking student attendance and identifying students with attendance problems as early as possible, so the school may provide appropriate support services and interventions
10. Employment of qualified outreach consultants to perform duties related to dropout identification, prevention, intervention, and recovery as assigned
11. Creating small, personalized learning communities to facilitate monitoring and support
12. Offering courses or programs that connect schoolwork with college and career success, including career technical education

The strategies may be incorporated into the district's local control and accountability plan and linked to district goals for student engagement, school climate, and student achievement.

*(cf. 0450 - Comprehensive School Safety Plan)*

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

The Superintendent or designee shall ensure that employees are trained to support at-risk students and are prepared to implement intervention strategies or to make appropriate referrals to support services.

*(cf. 4131 - Staff Development)*

*(cf. 4231 - Staff Development)*

*(cf. 4331 - Staff Development)*

When a student leaves school prior to the end of a school year, or when a student successfully completed the prior school year but did not begin attending the next grade or school that the student was expected to attend or had pre-registered to attend, the Superintendent or designee shall make efforts to determine whether the student has dropped out or has transferred to another educational setting. The Superintendent or designee may contact the student's parents/guardians to verify school enrollment and, if necessary, shall implement intervention and recovery efforts.

The Superintendent or designee shall maintain required documentation for students who transfer from or otherwise withdraw from a school in the district. (20 USC 6311)

## **DROPOUT PREVENTION (continued)**

The Superintendent or designee shall annually report to the Board on measures of student engagement, including school attendance rates, chronic absenteeism rates, middle school and high school dropout rates, and high school graduation rates. The Board shall monitor district progress in increasing student retention in school and may require revisions in district plans and strategies as needed.

(cf. 0500 – Accountability)

### *Legal Reference:*

#### EDUCATION CODE

35160 Authority of governing board

48200 Compulsory education

48260-48273 Truancy

48400-48403 Compulsory continuation education

48430-48438 Continuation education

48660-48666 Community day schools

49600-49604 Educational counseling

51260-51269 Gang and substance abuse prevention curriculum

51745-51749.3 Independent study

52060-52077 Local control and accountability plan

52300-52334 Regional occupational centers and programs

52890 Qualifications and duties of outreach consultants

54690-54697 Partnership academies

60900-60901 California Longitudinal Pupil Achievement Data System

64000-64001 Single plan for student achievement

#### WELFARE AND INSTITUTIONS CODE

18986.40-18986.46 Interagency children's services programs

#### UNITED STATES CODE, TITLE 20

6301-6322 Title I programs

### *Management Resources:*

#### CSBA PUBLICATIONS

California High School Graduation and Dropout Rates, Fact Sheet, May 2013

#### WEB SITES

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

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

California Dropout Research Project: <http://www.cdrp.ucsb.edu>

California Student Assistance Program Resource Center: <http://www.casapresources.org>

National Dropout Prevention Center: <http://www.dropoutprevention.org>

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

(7/05 11/05) 8/14

Policy  
adopted: January 4, 2012  
revised: October 1, 2014  
revised: September 11, 2024

**BIGGS UNIFIED SCHOOL DISTRICT**  
Biggs, California

**CHILD CARE AND DEVELOPMENT \*\*If needed; no such program in this District\*\***

The Governing Board desires to provide child care and development services which meet the developmental needs of children and offer a convenient child care alternative for parents/guardians in the community.

Upon approval by the Board, the district shall enter into a contract with the California Department of Social Services (CDSS) for the provision of child care and development services by the district.

The district shall work cooperatively with the local child care and development planning council, public and private agencies, parents/guardians, and other community members to assess child care needs in the community, establish program priorities, obtain ongoing feedback on program quality, and supply information about child care options.

The Board shall approve for the district's child care and development program a written philosophical statement, goals, and objectives that reflect the cultural and linguistic characteristics of the families to be served and address the program components specified in 5 CCR 18272-18281 and the accompanying administrative regulation. (5 CCR 18271)

When a district child care program is physically closed by local or state public health order, the district shall provide distance learning when required to do so as a condition of funding or when required by law.

**Eligibility, Enrollment, and Disenrollment**

Child care admissions policies and procedures shall be in writing and available to the public. Such policies and procedures shall include criteria designating those children whose needs can be met by the child care center's program and services, the ages of children who will be accepted, program activities, any supplementary services provided, any field trip provisions, any transportation arrangements, food service provisions, and health examination requirements. (5 CCR 18105; 22 CCR 101218)

The Superintendent or designee shall ensure that subsidized child care services are provided to eligible families to the extent that state and/or federal funding is available and in accordance with enrollment priorities specified in Welfare and Institutions Code 10271 and 5 CCR 18106.

To the extent that space is available after the enrollment of children who are eligible for subsidized services, priority for admissions shall be given to district students, children of district students, and children of district employees.

So long as the district has submitted a completed incidental medical services plan to CDSS, a child may be enrolled in the district's child care and development program prior to approval of the plan. Accordingly, for a child with disabilities, the child may attend the district's child care and development program prior to the approval of an incidental medical services plan or amended plan or operation, so long as the forms have been submitted to CDSS. (Health and Safety Code 1596.802)

A child's eligibility for transitional kindergarten enrollment shall not impact family eligibility for a child care or preschool program. (Education Code 48000)

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A child shall not be expelled or unenrolled from the district's child care and development program, nor shall the child's parents/guardians be persuaded or encouraged to voluntarily unenroll from the program based on the child's behavior, unless in accordance with the procedures specified in the accompanying administrative regulation.

When necessary due to a reduction in state reimbursements, families shall be disenrolled from subsidized child care and development services as specified in the accompanying administrative regulation.

**Fees and Charges**

Except when offering a program that is prohibited by law from charging any fees, the Superintendent or designee may charge fees for services in accordance with law and the accompanying administrative regulation.

**Staffing**

The Superintendent or designee shall ensure that individuals working in child care and development programs have the necessary qualifications, experience, and training, and have satisfied all legal requirements.

**Facilities**

Upon recommendation of the Superintendent or designee, the Board may approve any of the following for the provision of child care and development services:

1. The use of existing district facilities that have capacity
2. Renovation or improvement of district facilities to make them suitable for such services
3. Purchase of relocatable child care facilities
4. Inclusion of child care facilities in any new construction
5. Agreement with a public agency or community organization for the use of community facilities

The Superintendent or designee shall ensure that facilities used for child care services meet all applicable health and safety standards. (5 CCR 18020; 22 CCR 101238-101239.2)

**Complaints**

For a licensed child care center, any complaint alleging health and safety violations shall be referred to CDSS. (5 CCR 4611)

Any other alleged violation of state or federal laws governing child care and development programs shall be investigated and resolved using the district's procedures in BP/AR 1312.3 - Uniform Complaint Procedures.

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**Program Evaluation**

The Superintendent or designee shall annually conduct an evaluation of the district's child care and development services in accordance with state requirements. The results of the evaluation shall be used to develop an action plan which establishes program goals and objectives for the coming year and addresses any areas identified as needing improvement. (5 CCR 18279-18281)

**CHILD CARE AND DEVELOPMENT \*\*If needed; no such program in this District\*\***

**Licensing**

All district child care and development services shall be licensed by the California Department of Social Services, unless exempted pursuant to Health and Safety Code 1596.792 or 22 CCR 101158.

The license shall be posted in a prominent, publicly accessible location in the facility. (Health and Safety Code 1596.8555

Licensed child care centers shall be subject to the requirements of Health and Safety Code 1596.70-1597.21, 22 CCR 101151-101239.2, and, when applicable, 22 CCR 101451-101539.

**Program Components**

The district's child care and development program shall include the following components:

1. The use of a developmental profile reflecting each child's physical, cognitive, social, and emotional development to plan and conduct developmentally and age appropriate activities (Welfare and Institutions Code 10209.5; 5 CCR 18272)

Program staff shall complete the developmental profile for each child who is enrolled in the program for at least 10 hours per week and for any child with disabilities regardless of the number of hours enrolled. The profile shall be completed within 60 days of enrollment and at least once every six months thereafter for children of all ages. (Welfare and Institutions Code 10209.5; 5 CCR 18270.5, 18272)

2. An educational program that complies with Welfare and Institutions Code 10208 and 5 CCR 18273, including the provision of services that are developmentally, linguistically, and culturally appropriate and inclusive of children with special needs

For any child enrolled in a general child care and development program or migrant child care and development program who has been identified as a dual language learner pursuant to Welfare and Institutions Code 10209.6, the child's teacher or other designated staff member shall conduct a family language and interest interview that includes, at a minimum, an inquiry and a discussion about the strengths and interests of the child, the language background of the child, and the needs of parents/guardians or family members of the child to support the language and development of the child. However, the family shall not be compelled to complete the family language survey for identification purposes or participate in the family language and interest interview. (Welfare and Institutions Code 10209.6)

3. A staff development program which complies with 5 CCR 18274

4. Parent/guardian involvement and education that comply with 5 CCR 18275 and includes an orientation, at least two individual conferences per year, meetings with program staff, an advisory committee, participation in daily activities, and information regarding their child's progress

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5. A health and social services component that complies with 5 CCR 18276 and includes referrals to appropriate community agencies as needed
6. A community involvement component that complies with 5 CCR 18277
7. As applicable, a nutrition component that ensures children in the program are provided nutritious meals, beverages, and snacks that meet state and federal standards and have access to drinking water throughout the day, including meal times (Health and Safety Code 1596.808; 5 CCR 18278; 42 USC 1766)
8. Programs that promote age-appropriate structured and unstructured opportunities for physical activity and that limit the amount of time spent in sedentary activities to an appropriate level
9. An annual plan for program evaluation which conforms with the state's system and includes a self-evaluation, parent/guardian survey, and environment rating scale (5 CCR 18270.5, 18279, 18280, 18281)

**Health and Safety**

When a child enrolls or reenrolls in a licensed child care program, the center shall provide the child's parent/guardian with written information on the risks and effects of lead exposure, blood lead testing recommendations and requirements, and options for obtaining blood lead testing, including any state or federally funded programs that offer free or discounted tests. (Health and Safety Code 1596.7996)

If a licensed child care center is located in a building that was constructed before January 1, 2010, the center shall have its drinking water tested for lead contamination levels every five years. The center shall notify the parents/guardians of enrolled children of the requirement to test a facility's drinking water and of the test results. If notified of elevated lead levels, the center shall immediately make inoperable and cease using the fountains and faucets where elevated lead levels may exist and shall obtain a potable source of water for children and staff at that location. (Health and Safety Code 1597.16)

**Staffing**

The district's child care and development program shall maintain at least the minimum adult-child and teacher-child ratios specified in Welfare and Institutions Code 10275.5 and 5 CCR 18290-18292 based on the ages of the children served.

All persons employed at a licensed district child care center and all volunteers who provide care and supervision to children at such a center shall be immunized against influenza, pertussis, and measles. If a person meets all other requirements for employment or volunteering, as applicable, but needs additional time to obtain and provide immunization records, the person may be employed or volunteer conditionally for a maximum of 30 days upon signing and submitting a written statement attesting that the person has received the required immunizations.

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Employees and volunteers shall be immunized against influenza between August 1 and December 1 of each year. (Health and Safety Code 1596.7995)

A person shall be exempt from the above immunization requirements only under any of the following circumstances: (Health and Safety Code 1596.7995)

1. The person submits a written statement from a licensed physician declaring either that immunization is not safe because of the person's physical condition or medical circumstances or that the person has evidence of current immunity to influenza, pertussis, and measles.
2. In the case of the influenza vaccine, the person submits a written declaration declining the vaccination.
3. In the case of the influenza vaccine required during the first year of employment or volunteering, the vaccine is not timely because the person was hired after December 1 of the previous year and before August 1 of the current year.

Documentation of the required immunizations or exemptions from immunization shall be maintained in the employee's personnel file. (Health and Safety Code 1596.7995)

In addition to the above immunization requirements, teachers employed in a licensed child care center shall present evidence of a current tuberculosis clearance and meet other requirements specified in Health and Safety Code 1597.055. (Health and Safety Code 1597.055)

**Eligibility and Enrollment**

The district's subsidized child care and development services may be available to infants and children through 12 years of age and to individuals with disabilities through 21 years of age in accordance with their individualized education program and Welfare and Institutions Code 10213.5. (Welfare and Institutions Code 10213.5, 10273; 5 CCR 18089, 18407, 18422)

To participate in the district's subsidized child care program, families shall document both an eligibility basis and need for care as follows: (Welfare and Institutions Code 10271 and 10271.5)

1. The family is eligible for subsidized services on the basis of being:
  - a. A current aid recipient
  - b. Income eligible
  - c. Homeless
  - d. The family's children are recipients of child protective services or have been identified as being or at risk of being abused, neglected, or exploited

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e. A member of the household is certified to receive benefits from Medi-Cal, CalFresh, the California Food Assistance Program, the California Special Supplemental Nutrition Program for Women, Infants, and Children, the federal Food Distribution Program on Indian Reservations, Head Start, Early Head Start, or any other means-tested government program as determined by the California Department of Social Services.

2. The family has a need for child care based on either of the following:

a. The parents/guardians are participating in vocational training leading directly to a recognized trade, paraprofession, or profession; are engaged in an educational program for English language learners or to attain a high school diploma or general educational development certificate; are employed or seeking employment; are seeking permanent housing for family stability; or are incapacitated

b. The child is identified by a legal, medical, or social services agency, the district liaison for homeless students, a Head Start program, or an emergency or transitional shelter as being a recipient of protective services, as being or at risk of being neglected, abused, or exploited, or as experiencing homelessness

The Superintendent or designee shall consult the county's centralized eligibility list, when available, or shall maintain a district waiting list in accordance with admission priorities. As vacancies occur, applicants shall be contacted in order of their priority. (5 CCR 18106)

First priority for enrollment shall be given to neglected or abused children who are recipients of child protective services, or children who are at risk of being neglected or abused, upon written referral from a legal, medical, or social services agency. If unable to enroll a child in this category, the district shall refer the child's parent/guardian to local resource and referral services so that services for the child can be located. (Welfare and Institutions Code 10271)

Second priority for enrollment shall be given to families, regardless of the number of parents in the home, who are income eligible, as defined in Welfare and Institutions Code 10271.5. Families with the lowest gross monthly income in relation to family size shall be admitted first. If two or more families are in the same priority in relation to income, the family that has a child with disabilities shall be admitted first or, if there is no child with disabilities, the family in which the primary home language is a language other than English shall be admitted first. If there is no family of the same priority in which the primary home language is a language other than English, the family of the same priority that has been on the waiting list for the longest time shall be admitted first. (Welfare and Institutions Code 10271 and 10271.5)

The district shall allow eligible children 11-12 years of age to combine enrollment in a before-school or after-school program with subsidized child care services during the time that the before-school or after-school program does not operate. Children 11-12 years of age, except for children with disabilities, shall be eligible for subsidized child care services only for the portion of care needed that is not available in a before-school or after-school program. (Welfare and Institutions Code 10273)

After all children eligible for subsidized services have been enrolled, the district may enroll other children in accordance with the priorities established by the Governing Board.

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The district's decision to approve or deny services shall be communicated to the parent/guardian through a written Notice of Action mailed or delivered within 30 days from the date the application is signed by the parent/guardian. (5 CCR 18094, 18118)

Upon establishing eligibility for services, a family shall be eligible for and shall receive services for not less than 24 months before having the family's eligibility or need recertified and shall not be required to report changes to income or other changes for at least 24 months. If such eligibility ends before the end of the child care and services program year, eligibility shall be extended until the end of the program year as long as applicable age-eligibility requirements specified in Welfare and Institutions Code 10213.5 are met. (Welfare and Institutions Code 10271)

However, a family establishing eligibility on the basis of income shall report any increases in income that exceed the threshold for ongoing income eligibility specified in Welfare and Institutions Code 10271.5, and the family's ongoing eligibility shall be recertified at that time. At any time, a family may voluntarily report income or other changes which shall be used, as applicable, to reduce the family's fees, increase the family's services, or extend the period of eligibility before recertification. (Welfare and Institutions Code 10271)

The Superintendent or designee shall mail or deliver a Notice of Action to a parent/guardian at least 14 calendar days before any intended change in services, including, but not limited to, an increase or decrease in fees, an increase or decrease in the amount of services, or termination of services, due to any of the following circumstances: (5 CCR 18095, 18119)

1. A determination made during recertification or the update of the application that the need or eligibility requirements are no longer being met or the fee or amount of service needs to be modified
2. Failure of the parent/guardian to document the family's need or eligibility after the district requested such documentation in writing
3. An indication by the parent/guardian that the service is no longer wanted
4. The death of a parent/guardian or child
5. The conclusion of a limited-term agreement, provided that the parent/guardian has been informed in writing of the date that the services would terminate

The Superintendent or designee shall establish and maintain a basic data file for each family receiving child care and development services including, but not limited to, the completed and signed application for services, documentation used to determine the child's eligibility and need, and copies of all Notices of Action. (5 CCR 18081, 18095)

**Fees and Charges**

Except when offering a program that is prohibited by law from charging any fees, the Superintendent or designee may charge fees for services according to the state fee schedule, the actual cost of services, or

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the maximum daily/hourly rate specified in the contract, whichever is least. (Welfare and Institutions Code 10260, 10271, 10290, 10291, 10436; 5 CCR 18078, 18108-18110) No fee shall be charged to a family that is receiving CalWORKS cash aid, an income-eligible family whose child is enrolled in a part-day California State Preschool Program, or a family whose income level, in relation to family size, is less than the first entry in the fee schedule. (Welfare and Institutions Code 10291; 5 CCR 18110)

In addition, any family receiving child care on the basis of having neglected or abused children who are recipients of child protective services, or children who are at risk of being neglected or abused, upon written referral from a legal, medical, or social services agency, may be exempt from these fees for up to 12 months. (Welfare and Institutions Code 10271 and 10291)

Fees shall be assessed at initial enrollment and reassessed when a family is recertified or experiences a change in status. Fees shall be considered delinquent after seven days from the date that fees are due. Parents/guardians shall be notified in the event that fees are delinquent. If a reasonable plan for payment of the delinquent fees has not been provided by the parents/guardians, services shall be terminated if all delinquent fees are not paid within two weeks of such notification. Parents/guardians shall receive a copy of the district's regulations regarding fee collection at the time of initial enrollment into the program. (Welfare and Institutions Code 10290; 5 CCR 18082, 18114, 18115)

The Superintendent or designee shall establish a process that involves parents/guardians in determining whether to require parents/guardians to provide diapers. This process shall also be used to determine whether and how much to charge parents/guardians for field trip expenses, within the limit specified in law. A child shall not be denied participation in a field trip due to the parent/guardian's inability or refusal to pay the fee, and no adverse action shall be taken against a parent/guardian for that inability or refusal. (Welfare and Institutions Code 10292)

District child care centers shall post in a prominent location adjacent to the license at the child care facility the rates, and discounts or scholarship policies if any. (Welfare and Institutions Code 10288)

**Expulsion/Unenrollment and Suspension Based on Behavior**

The district's child care and development program shall not expel or unenroll a child or persuade or encourage a child's parents/guardians to voluntarily unenroll from the program based on the child's behavior, unless the district first takes the following actions to address the child's behavior: (Welfare and Institutions Code 10491)

1. In writing, inform the parents/guardians of the child's persistent and serious challenging behaviors and consult with the parents/guardians and teacher, and if available engage an early childhood mental health consultant, in an effort to maintain the child's safe participation in the program
2. If the child has an individualized family service plan (IFSP) or individualized education program (IEP), contact, with written parent/guardian consent, the agency or district employee responsible for such plan or program to seek consultation in regard to serving the child
3. If appropriate, consider completing a comprehensive screening to identify the

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needs of the child, including, but not limited to, screening the child's social and emotional development, referring the parents/guardians to community resources, and implementing behavior supports within the program

If the district has taken the actions specified in Items #1-3 above and the child's continued enrollment would present a serious safety threat to the child or other enrolled children, the district shall refer the parents/guardians to other potentially appropriate placements, the local child care resource and referral agency, or any other referral service available in the local community. The district shall, to the greatest extent possible, support direct transition to a more appropriate placement. The district may then unenroll the child. The district shall have up to 180 days to complete the actions described above. (Welfare and Institutions Code 10491.1)

A child shall not be suspended from the district's child care and development program, nor shall a child's parent/guardian be encouraged or persuaded to prematurely pick up a child before the program day ends, except as a last resort in extraordinary circumstances, when a safety threat exists that cannot be eliminated or reduced without the removal of the child. (Welfare and Institutions Code 10491.1)

Before determining that a suspension is necessary, the district shall collaborate with the child's parents/guardians and, as needed, shall use appropriate community resources to determine that no other reasonable option is appropriate. (Welfare and Institutions Code 10491.1)

When suspension is deemed necessary, the district shall help the child return to full participation in the program as soon as possible while ensuring safety, by doing all of the following: (Welfare and Institutions Code 10491.1)

1. Continuing to engage with the child's parents/guardians and continuing to use appropriate community resources
2. Developing a written plan to document the action and supports needed
3. Providing referrals to appropriate community resources
4. If the child has an IFSP or IEP, contacting, with written parent/guardian consent, the agency responsible for the child's IFSP or IEP, to seek consultation on servicing the child

Upon enrollment, the parents/guardians of each child shall be notified, in writing, of the limitations on expulsion, suspension, or any form of disenrollment and how the parents/guardians may file an appeal to CDSS in the event of expulsion or suspension. If the district suspends or expels a child from the child care and development program, the district shall, at least 24 hours before the effective date of the suspension or expulsion, issue the child's parents/guardians a written "Notice of Action, Recipient of Services," as described in 5 CCR 18095, informing the parents/guardians of the right to file an appeal of the action directly with CDSS no later than 14 calendar days after receiving the notice. (Welfare and Institutions Code 10491.1)

If a child is suspected of having a developmental delay, disability, or mental health issue, the child's parent/guardian shall be referred, if appropriate, to the mental health system, the state's early

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intervention program, or the district's special education program regarding evaluation for services under the Individuals with Disabilities Education Act (IDEA). Children with disabilities may only be suspended or expelled in conformance with the procedures and limitations of the IDEA.

**Disenrollment**

As necessary, families shall be disenrolled from subsidized child care and development services in the following order: (Welfare and Institutions Code 10272.5)

1. Families with the highest income in relation to family size shall be disenrolled first.
2. If two or more families have the same income ranking, children who have been enrolled in child care services the longest shall be disenrolled first.
3. If two or more families have the same income, children without disabilities shall be disenrolled first.
4. Families whose children are receiving child protective services or are at risk of neglect or abuse, regardless of family income, shall be disenrolled last.

**Health Examination and Immunizations**

Prior to or within six weeks of enrollment, a child enrolling in a child care center shall obtain a physical examination and evaluation and receive age-appropriate immunizations. (Welfare and Institutions Code 10271)

A child may be exempted from the immunization requirements only if a licensed physician indicates that immunization should not be given and specifies how long this exemption is expected to be needed. (22 CCR 101220.1)

A medical exemption shall be submitted using the standardized medical exemption certification form developed by California Department of Public Health (CDPH) and transmitted using the California Immunization Registry. The request shall include, but not be limited to, a description of the medical basis for which the exemption for each individual immunization is sought and whether the medical exemption is permanent or temporary, including the date upon which a temporary medical exemption will expire. All medical exemptions shall not extend beyond the current grade span of the student, and a temporary exemption shall not exceed one year. (Health and Safety Code 120372)

If there is good cause to believe that a child is suffering from a recognized contagious or infectious disease, the child shall be temporarily excluded from the child care and development program until it is determined that the child is not suffering from that contagious or infectious disease. (Welfare and Institutions Code 10271)

District child care centers shall disclose immunization information to the local health department and CDPH in accordance with Health and Safety Code 120440, and maintain the confidentiality of such

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information in the same manner as other students records in accordance with law and as specified in Administrative Regulation 5125 - Student Records. (Health and Safety Code 120440)

**Attendance**

Sign-in and sign-out sheets shall be used daily for all children for attendance accounting purposes. Attendance records shall include verification of excused absences, including the child's name, date(s) of absence, specific reason for absence, and signature of parent/guardian or the district's authorized representative if verification is made by telephone. (5 CCR 18065, 18066)

Absences shall be excused for the following reasons:

1. Illness or quarantine of the child or of the parent/guardian (Welfare and Institutions Code 10213.5)
2. Family emergency (Welfare and Institutions Code 10213.5)

A family emergency shall be considered to exist when unforeseen circumstances cause the need for immediate action, such as may occur in the event of a natural disaster or when a member of the child's immediate family dies, has an accident, or is required to appear in court.

3. Time spent with a parent/guardian or other relative as required by a court of law (Welfare and Institutions Code 10213.5)
4. Time spent with a parent/guardian or other relative which is clearly in the best interest of the child (Welfare and Institutions Code 10213.5)

An absence shall be considered to be in the best interest of the child when the time is spent with the child's parent/guardian or other relative for reasons deemed justifiable by the program coordinator or site supervisor.

Except for children who are recipients of child protective services or are at risk of abuse or neglect, excused absences in the best interest of the child shall be limited to 10 days during the contract period. (5 CCR 18066)

When a child has been absent and the family has not been in communication with the program coordinator or site supervisor for seven consecutive calendar days, the district shall attempt to contact the parent/guardian through a variety of communication methods, including one attempt in writing which may be through electronic means, informing the parent/guardian that failure to communicate with the district may result in termination of child care services. The district shall keep documentation of all such communication attempts in the family's data file, and, if there has been no communication for a total of 30 consecutive calendar days, issue a Notice of Action to disenroll the family on the basis of abandonment of care. (5 CCR 18066.5)

Parents/guardians shall be notified of the policies and procedures related to excused absences for child care and development services. (5 CCR 18066)

**CHILD CARE AND DEVELOPMENT****Rights of Parents/Guardians**

At the time a child is accepted into a licensed child care and development center, the child's parent/guardian or authorized representative shall be notified of the rights specified in 22 CCR 101218.1, including, but not limited to, the right to enter and inspect the child care facility and the right to be informed, upon request, of the name and type of association to the center of any adult who has been granted a criminal record exemption. (Health and Safety Code 1596.857; 22 CCR 101218.1)

The written notice of parent/guardian rights also shall be permanently posted within the facility in a location accessible to parents/guardians. Notwithstanding these rights, access to the facility may be denied to an adult whose behavior presents a risk to children present in the facility or to noncustodial parents/guardians when so requested by the responsible parent/guardian. (Health and Safety Code 1596.857)

In addition, if a parent/guardian disagrees with any district action to deny a child's eligibility for subsidized child care services, disenroll the child due to a funding shortage, increase or decrease fees, increase or decrease the amount of services, terminate services, or otherwise change the level of services, the parent/guardian may file a request for a hearing with the Superintendent or designee within 14 calendar days of the date the Notice of Action was received. Within 10 calendar days of receiving the request for a hearing, the Superintendent or designee shall notify the parent/guardian of the time and place of the hearing, which, to the extent possible, shall be convenient for the parent/guardian. (5 CCR 18120)

The hearing shall be conducted in accordance with the procedures specified in 5 CCR 18120 by a district administrator who is at a staff level higher in authority than the staff person who made the contested decision. Within 10 calendar days after the hearing, the district administrator shall mail or deliver a written decision to the parent/guardian. If the parent/guardian disagrees with the written decision, the parent/guardian may, within 14 calendar days, appeal the decision to the Child Development Division. (5 CCR 18120-18122)

**Coordinating Transitions**

When a child in the district's child care and development program transfers to a local public school, the district's child care and development program administrator shall provide the child's parent/guardian with information from the previous year which is beneficial to the student and the student's teacher, including, but not limited to, developmental issues, social interaction abilities, health background, and diagnostic assessments, if any. The program administrator shall transfer this information to the student's elementary school, with permission of the student's parent/guardian. (Welfare and Institutions Code 10315)

To facilitate the transition of a child with a disability, the district designates the individual listed below as the main point of contact for coordinating and completing, with other agencies and persons, the transition of a child and family from infant/toddler programs to preschool (Part C to Part B of IDEA),

## Students

AR 5148(k)

### CHILD CARE AND DEVELOPMENT

including establishing practices to educate and support families during the transition: (Government Code 95008)

D. Kaelin  
(Superintendent)  
300 B St.  
(address)  
868-1281  
(telephone number)  
dkaelin@biggs.org  
(email)

### Records

The Superintendent or designee shall maintain records, in accordance with Board Policy/Administrative Regulation 3580 – District Records and Board Policy/Administrative Regulation 5125 – Student Records, of enrollment, attendance, types of families served, income received from all families participating in the district's child care and development program, and any other records required under the state contract.

Regulation  
approved: June 14, 2023  
revised: December, 2024

**BIGGS UNIFIED SCHOOL DISTRICT**

Biggs, California

**BEFORE/AFTER SCHOOL PROGRAMS**

The Board of Trustees desires to provide learning opportunities for students beyond the regular school day that support the regular education program in a supervised environment. The content of such programs shall be coordinated with the district's vision and goals for student learning, local control and accountability plan, curriculum, and academic standards.

Each program offered by the district shall be planned through a collaborative process as required by law. (Education Code 8422, 8482.5, 46120)

The district shall prioritize offering Expanded Learning Opportunities Programs (ELO) at school sites in the lowest income communities, as determined by prior year percentages of students eligible for free and reduced-price meals, while maximizing the number of schools and neighborhoods with ELOs across their attendance area. (Education Code 46120)

To the extent feasible, the district shall give priority to establishing expanded learning opportunities beyond the regular school day in low-performing schools and/or programs that serve low-income and other at-risk students.

Any expanded learning opportunities, including but not limited to After School Education and Safety Program (ASES), 21st Century Community Learning Center Program (21st CCLC), 21st Century High School After School Safety and Enrichment for Teens Program (ASSETs), Expanded Learning Opportunities Program (ELO) or any other program to be established pursuant to Education Code 8421, 8482.3 or 8484.75 shall be approved by the Board. Additionally, the Board shall declare its operational intent to run an ELO to the Superintendent of Public Instruction as specified in Education Code 46120.

The Superintendent or designee shall ensure that all staff who directly supervise students in any expanded learning opportunity programs possess appropriate knowledge and experience. As needed, staff and volunteers shall receive ongoing training related to their job responsibilities.

Each before-school, after-school, summer, vacation, or intersessional expanded learning opportunity program shall include academic and enrichment elements in accordance with law and administrative regulation, and may be used in conjunction with attendance recovery programs. Additionally, each program may include support services that reinforce the educational component and promote student health and well-being.

No fee shall be charged for participation in the program.

However, for the ASSETs program, a family fee shall be waived or reduced for families with students who are eligible for free or reduced-price meals. (Education Code 8422)

## BEFORE/AFTER SCHOOL PROGRAMS

For ASES, 21st CCLC, and/or Expanded Learning Opportunities programs, no fee shall be charged for a student who is eligible for free or reduced-price meals, or a student experiencing homelessness, or in foster care. Family fees shall be calculated on a sliding scale that considers family income and ability to pay. (Education Code 8482.6, 46120)

Eligible students who are 11 or 12 years of age shall be placed in a before-school or after-school program, if and when available, rather than subsidized child care and development services. During the time that the before-school or after-school program does not operate, such students may be provided the option of enrolling in child care and development services in accordance with the enrollment priorities established in AR 5148 - Child Care and Development. (Welfare and Institutions Code 10273)

The Board and the Superintendent or designee shall monitor student participation rates and shall identify multiple measures that shall be used to evaluate program effectiveness. Such measures may include, but are not limited to, student outcome data; program self-assessments; feedback from staff, participating students, and parents/guardians; and observations of program activities.

Every three years, the Superintendent or designee shall review the after-school program plan, including, but not limited to, program goals, program content, and outcome measures. Documentation of the program plan shall be maintained for a minimum of five years in accordance with law and as specified in Board Policy / Administrative Record 3580 – District Records and Board Policy / Administrative Record 5125 – Student Records. (Education Code 8482.3, 46120)

### ***State Description***

*Ed. Code 17260-17268 Plans and specifications for school facilities*  
*Ed. Code 35021.3 After-school physical recreation instructors*  
*Ed. Code 45125 Criminal record check*  
*Ed. Code 45330 Paraprofessionals; instructional aides*  
*Ed. Code 45340-45349 Paraprofessionals; instructional aides*  
*Ed. Code 49024 Criminal background check; Activity Supervisor Clearance Certificate*  
*Ed. Code 49430-49434 Nutrition standards*  
*Ed. Code 49540-49546 Child care food program*  
*Ed. Code 49553 Free or reduced-price meals*  
*Ed. Code 69430-69460 Cal Grant program*  
*Ed. Code 8263 Eligibility and priorities for subsidized child development services*  
*Ed. Code 8263.4 Enrollment of students ages 11-12 years*  
*Ed. Code 8273.1 Family fees, exemptions*  
*Ed. Code 8350-8359.1 Programs for CalWORKS recipients*  
*Ed. Code 8360-8370 Personnel qualifications*  
*Ed. Code 8420-8428 21st Century After-School Program for Teens*  
*Ed. Code 8482-8484.65 After School Education and Safety Program*  
*Ed. Code 8484.7-8484.9 21st Century Community Learning Centers*  
*Ed. Code 8490-8490.7 Distinguished After School Health Recognition Program*

### ***Federal Description***

## **BEFORE/AFTER SCHOOL PROGRAMS**

*20 USC 6311 State plan*

*20 USC 6314 Title I schoolwide program*

*20 USC 7171-7176 21st Century Community Learning Centers*

*42 USC 11434a Education for homeless children and youths*

*42 USC 1766-1766a Child and Adult Care Food Program*

*7 CFR 226.17 Child care center nutrition standards*

### **Management Resources Description**

*California Department of Education Publication 21st Century Community Learning Centers (21st CCLC)*

*FAQs Elementary/Middle School Programs, September 2016*

*California Department of Education Publication 21st Century High School After School Safety and Enrichment for Teens Program Frequently Asked Questions, March 2012*

*California Department of Education Publication A Crosswalk Between the Quality Standards for Expanded Learning and Program Quality Assessment Tools, 2014*

*California Department of Education Publication California After School Physical Activity Guidelines, 2009*

*California Department of Education Publication Quality Program Improvement Plan for Expanded Learning Programs in California 2016-17, November 2016*

*California Department of Education Publication Quality Standards for Expanded Learning in California: Creating and Implementing a Shared Vision of Quality, 2014*

*California Department of Education Publication Request for Application for Programs Proposing to Serve High School Students, September 2016*

*U.S. Department of Education Publication 21st Century Community Learning Centers, Nonregulatory Guidance, February 2003*

*Website California Department of Education, Before and After School*

*Website U.S. Department of Agriculture*

*Website California School-Age Consortium*

*Website Partnership for Children and Youth*

*Website California Healthy Kids Survey*

*Website Commission on Teacher Credentialing*

*Website CSBA*

*Website U.S. Department of Education*

Policy

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revised: December, 2024

**BIGGS UNIFIED SCHOOL DISTRICT**

Biggs, California

**BEFORE/AFTER SCHOOL PROGRAMS****Definitions**

*Expanded learning opportunities* means before school, after school, summer, vacation, and/or intersessional learning programs that focus on developing the academic, social, emotional, and physical needs and interests of students through hands-on, engaging learning experiences. Expanded learning opportunities does not mean an extension of instructional time, but rather, opportunities to engage students in enrichment, play, nutrition, and other developmentally appropriate activities. (Education Code 8482.1, 46120)

*Intersession program* means an expanded learning program offered by a district on non-school days, including, but not limited to, summer school. (Education Code 48853.5)

*Offer access*, with regard to an Expanded Learning Opportunities (ELO) program, means to recruit, advertise, publicize, or solicit through culturally and linguistically effective and appropriate communication channels. (Education Code 46120)

*Provide access*, with regard to an ELO, means to enroll a student in an ELO. If a parent/guardian has signed an ELO registration form and that form is on file, the student shall be considered enrolled in the ELO. (Education Code 46120)

*Unduplicated student* means a student enrolled in a district who is either classified as an English learner, eligible for a free or reduced-price meal, or is a foster youth. (Education Code 42238.02, 46120)

**Grades TK-9**

The district's After School Education and Safety (ASES) program or 21st Century Community Learning Center (21st CCLC) program shall serve students in any of grades TK-9 as the district may determine based on local needs. (Education Code 8482.3, 8484.7, 8484.75, 8484.8)

The district's 21st CCLC program shall primarily serve students in Title I schoolwide programs. (Education Code 8484.8; 20 USC 7173)

The district's Expanded Learning Opportunities (ELO) program shall serve students in grades TK-6. (Education Code 46120)

The district's programs shall be planned through a collaborative process that includes parents/guardians, students, and representatives of participating schools, governmental agencies, including city and county parks and recreation departments, local law enforcement, community organizations, and the private

## **BEFORE/AFTER SCHOOL PROGRAMS**

sector. As appropriate, the Superintendent or designee may include other stakeholders in such collaborative process. (Education Code 8482.5, 8484.75, 46120)

The district shall offer access to ELO to all unduplicated students in grades TK-6 and provide access to such program to at least 50 percent of enrolled unduplicated students. (Education Code 46120)

The district shall offer access to ELO to all classroom-based unduplicated students in grades TK-6. The district shall provide access to any unduplicated student whose parent/guardian requests placement in an ELO.

The district shall provide transportation to any student who attends a school that is not operating an ELO so that the student may attend at a location that is providing an ELO and return to the original location or another location that is established by the district. (Education Code 46120)

The Superintendent or designee shall ensure that the plan to provide access to full-day learning programs the year before kindergarten addresses the needs of children and their families as specified in BP 6170.1 - Transitional Kindergarten. (Education Code 8322)

The district's ASES, 21st CCLC, and ELO program(s) shall be operated in accordance with the following:

### **1. Program Elements**

- a. The program shall include an educational and literacy element in which tutoring or homework assistance is provided in language arts, mathematics, history and social science, computer training, and/or science. (Education Code 8482.3, 8484.75, 46120)
- b. The program shall include an educational enrichment element which may include, but is not limited to, fine arts, career technical education, recreation, technology, physical fitness, and prevention activities. (Education Code 8482.3, 8484.75, 46120)

### **2. Nutrition**

- a. Snacks or meals made available in the program shall conform to nutrition standards specified in Education Code 49430-49434 or 42 USC 1766 as applicable. (Education Code 8482.3, 8484.75, 46120; 42 USC 1766-1766a; 7 CFR 226.17)

## **BEFORE/AFTER SCHOOL PROGRAMS**

- b. The district's before-school program shall offer a breakfast meal as described in Education Code 49553 for all program participants. (Education Code 8483.1, 8484.75)
- 3. Location of Program
  - a. The program may be offered at one or multiple school sites and/or at an easily available and accessible off-campus facility. (Education Code 8482.3, 8484.75)
  - b. When there is a significant barrier to student participation in either the before-school or after-school component of a program at the school of attendance, the Superintendent or designee may, with the approval of the Superintendent of Public Instruction, provide services at another school site. Such transfer of services shall occur only if the school to which the program will be transferred agrees to receive students from the transferring school and has an existing grant of the same type as the transferring school, or does not have a 10-percent lower percentage of students eligible for free or reduced-price meals than the transferring school. A significant barrier includes any of the following: (Education Code 8482.8, 8484.75)
    - i. Fewer than 20 students participating in the program component
    - ii. Extreme transportation constraints, including, but not limited to, desegregation busing, busing for magnet or open enrollment schools, or student dependence on public transportation
    - iii. A reduction in the program grant of an existing school due to its merging into a new school opened by the district or the splitting of its students with a new school

In such cases, the district shall arrange for safe, supervised transportation between school sites; ensure communication among staff in the regular school program, staff in the before-school or after-school program, and parents/guardians; and ensure alignment of the educational and literacy elements with the regular school program of participating students. (Education Code 8482.8, 8484.75)
- 4. Staffing

## **BEFORE/AFTER SCHOOL PROGRAMS**

- a. All staff members who directly supervise students shall, at a minimum, meet the qualifications for an instructional aide. (Education Code 8483.4, 8484.75, 45330, 45344, 45344.5)
  - b. All program staff and volunteers shall be subject to the health screening and fingerprint clearance requirements in law and Board policy. (Education Code 8483.4, 8484.75)
  - c. The student-to-staff ratio shall be no more than 20 to 1, except that programs serving transitional kindergarten or kindergarten students shall maintain a student-to-staff member ratio of no more than 10 to 1 (Education Code 8483.4, 8484.75, 46120)
5. Hours of Operation
- a. A before-school program shall not operate for less than one and one-half hours per regular school day. (Education Code 8483.1, 8484.75)
  - b. An after-school program shall begin immediately upon the conclusion of the regular school day and shall operate a minimum of 15 hours per week and at least until 6 p.m. on every regular school day. (Education Code 8483, 8484.75)
  - c. An ELO shall provide in-person before or after school expanded learning opportunities that, when added to daily instructional minutes, recess, and meals, shall not be less than nine hours of combined instructional time, recess, meals, and expanded learning opportunities per instructional day. (Education Code 46120)
6. Admissions
- a. Every student attending a school operating a program is eligible to participate in the program, subject to program capacity. (Education Code 8482.6, 8484.75)
  - b. If the number of students wishing to participate in the program exceeds program capacity, students shall be selected for enrollment based on the following guidelines:
    - i. First priority for enrollment shall be given to students who are identified as homeless youth, as defined by the McKinney-Vento Homeless Assistance Act (42 USC 11434a), at the time they apply for

**BEFORE/AFTER SCHOOL PROGRAMS**

enrollment or at any time during the school year, to students who are identified by the program as being in foster care, and to students who are eligible for free or reduced-price meals. (Education Code 8483, 8483.1, 8484.75)

The district is not required to disenroll a current student in order to secure the enrollment of a student who has priority for enrollment. (Education Code 8483, 8483.1)

The district shall inform the parent/guardian of a student experiencing homelessness or foster youth, or student eligible for free or reduced price meals, of the right of the child to receive priority enrollment and how to request priority enrollment. (Education Code 8483, 8484.75)

If a student experiencing homelessness or a foster youth will be moving during an intersession period, the student's educational rights holder, or in the case of an American Indian Student, Indian custodian, may determine which school the student attends for the intersession periods. (Education Code 48850, 48853.5)

- ii. Second priority for enrollment of middle or junior high school students shall be given to students who attend daily. (Education Code 8483, 8483.1, 8484.75)
- iii. Third priority for enrollment shall be given to students identified as in need of academic remediation or support in accordance with Board policy or administrative regulation.
- iv. Any remaining capacity shall be filled by students selected at random.
- v. A waiting list shall be established to accommodate additional students if space becomes available.

7. Attendance/Early Release

- a. Each student admitted into a district program shall be expected to attend the full number of hours that the program is in operation every day that the student participates.

An ELO offered pursuant to Education Code 46120 does not have an attendance requirement, but the district may track student attendance for safety and continuous quality improvement purposes.

**BEFORE/AFTER SCHOOL PROGRAMS**

- b. When necessary, a student's parent/guardian may request, in writing, that the Superintendent or designee approve the reasonable late daily arrival for the before-school program or the reasonable early daily release from the after-school program.

The Superintendent or designee shall not approve such a request if the student would be attending less than one-half of the daily program hours.

8. Summer/Intersession/Vacation Programs

- a. ELOs shall offer no less than nine hours of in-person expanded learning opportunities per day for at least 30 non-school days, during extended school year or intersession periods (Education Code 46120)
- b. A before-school program operating during summer, intersession, and/or vacation days shall be offered for a minimum of two hours per day.

An after-school program offered during summer, intersession, and/or vacation days may be operated for either three hours or six hours per day in accordance with Education Code 8483.76. When both before-school and after-school programs are offered for the same students on such days, they shall be operated for a minimum of four and one-half hours per day. (Education Code 8483, 8483.1, 8483.2, 8483.76)

- c. A program offered during summer, intersession, and/or vacation periods may open eligibility to every student attending a school in the district, with priority for enrollment given to students enrolled in the school that received the grant. (Education Code 8483.76)
- d. To address the needs of students and school closures, the program may be conducted at an off-site location or an alternate school site.

When a district is temporarily prevented from operating an ELO because of a school or program site closure due to emergency conditions specified in Education Code 8482.8 or 41422, the Superintendent or designee shall complete and submit to the California Department of Education (CDE) any necessary forms or records substantiation the need for closure, including a resolution adopted by the Governing Board. (Education Code 46120)

The program shall notify the California Department of Education (CDE) of the change of location and shall include a plan to provide safe transportation pursuant to Education Code 8484.6. (Education Code 8483.76)

## **BEFORE/AFTER SCHOOL PROGRAMS**

- e. Any program operating for six hours per day shall provide at least one nutritionally adequate free or reduced-price meal to each eligible student during each program day. (Education Code 8483.76)
- f. For any program operating six hours per day, district procedures pertaining to student attendance and early release as specified in item #7 above shall apply. (Education Code 8483.76)

## **Grades 9-12**

The district's 21st Century High School After School Safety and Enrichment for Teens (ASSETs) Program shall serve students in any of grades 9-12 as the district may determine based on local needs. (Education Code 8421)

The district's ASSETs program shall be planned through a collaborative process that includes parents/guardians, students, and representatives of participating schools, governmental agencies including city and county parks and recreation departments, local law enforcement, community organizations, and, if appropriate, the private sector. (Education Code 8422)

The program shall be operated in accordance with the following guidelines:

- 1. Program Elements
  - a. The program shall include an academic assistance element that is coordinated with the regular academic program and includes, but is not limited to, at least one of the following: (Education Code 8421)
    - i. Tutoring
    - ii. Career exploration, including activities that help students develop the knowledge and skills that are relevant to their career interests and reinforce academic content
    - iii. Homework assistance
    - iv. College preparation, including information about the Cal Grant program pursuant to Education Code 69430-69460
  - b. The program shall include an enrichment element that may include, but is not limited to: (Education Code 8421)
    - i. Community service

## **BEFORE/AFTER SCHOOL PROGRAMS**

- ii. Career and technical education
    - iii. Job readiness
    - iv. Opportunities for mentoring and tutoring younger students
    - v. Service learning
    - vi. Arts
    - vii. Computer and technology training
    - viii. Physical fitness
    - ix. Recreation activities
  - c. The program shall include a nutritional snack and/or meal and a physical activity element. (Education Code 8423)
  - d. The program shall provide for access to, and availability of, computers and technology. (Education Code 8423)
  - e. The Superintendent or designee shall assess students' preferences for program activities. (Education Code 8423)
2. Location of Program
- a. The district's program may operate on one or multiple school sites or at another location approved by CDE. (Education Code 8421)
  - b. If applying for a location off school grounds, the Superintendent or designee shall ensure that safe transportation is available for students, if necessary, and the program is at least as available and accessible as similar programs conducted on school sites. (Education Code 8421)
3. Hours of Operation
- a. The district's program shall operate for a minimum of 15 hours per week. (Education Code 8421)
  - b. The district's program may be operated either after school only or for any combination of after school, before school, weekends, summer, intersession, and vacations. (Education Code 8422)

## BEFORE/AFTER SCHOOL PROGRAMS

### Volunteers

The Superintendent or designee may establish a registry of volunteer after-school physical recreation instructors and other before-school and after-school program volunteers. (Education Code 35021.3)

To be included in the registry, a volunteer shall submit to a criminal background check pursuant to Education Code 45125. The volunteer shall also submit current contact information to the district and shall update that information whenever the information changes. (Education Code 35021.3)

The Superintendent or designee may use a volunteer registered with the district or may select another person to provide physical recreation to students after school hours or to provide other services. (Education Code 35021.3)

### Reports

The Superintendent or designee shall annually submit to CDE outcome-based data, including, but not limited to: (Education Code 8427, 8482.3, 8484)

1. For participating students, school day attendance on an annual basis and program attendance on a semi-annual basis
2. Evidence of a program quality improvement process that is data driven and based on CDE program quality standards

### ***State Description***

*Ed. Code 17260-17268 Plans and specifications for school facilities*

*Ed. Code 35021.3 After-school physical recreation instructors*

*Ed. Code 45125 Criminal record check*

*Ed. Code 45330 Paraprofessionals; instructional aides*

*Ed. Code 45340-45349 Paraprofessionals; instructional aides*

*Ed. Code 49024 Criminal background check; Activity Supervisor Clearance Certificate*

*Ed. Code 49430-49434 Nutrition standards*

*Ed. Code 49540-49546 Child care food program*

*Ed. Code 49553 Free or reduced-price meals*

*Ed. Code 69430-69460 Cal Grant program*

*Ed. Code 8263 Eligibility and priorities for subsidized child development services*

*Ed. Code 8263.4 Enrollment of students ages 11-12 years*

*Ed. Code 8273.1 Family fees, exemptions*

*Ed. Code 8350-8359.1 Programs for CalWORKS recipients*

*Ed. Code 8360-8370 Personnel qualifications*

*Ed. Code 8420-8428 21st Century After-School Program for Teens*

*Ed. Code 8482-8484.65 After School Education and Safety Program*

*Ed. Code 8484.7-8484.9 21st Century Community Learning Centers*

## **BEFORE/AFTER SCHOOL PROGRAMS**

*Ed. Code 8490-8490.7 Distinguished After School Health Recognition Program*

### **Federal Description**

20 USC 6311 State plan  
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20 USC 7171-7176 21st Century Community Learning Centers  
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California Department of Education Publication 21st Century Community Learning Centers (21st CCLC) FAQs Elementary/Middle School Programs, September 2016  
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