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Dear Parent or Guardian:

Welcome to a new school year. The handbook, *Rights and Responsibilities, Information for Parents, Guardians and Students*, describes your rights and responsibilities as a parent or guardian of a student in our District. Whether you read it online at [www.pgusd.org/schools](http://www.pgusd.org/schools) or in print form, please carefully review the handbook and become familiar with its contents.

It is important that you complete and return the bottom portion of this letter to your child's school.

If you have any questions regarding the material in this handbook, please contact your child's principal.

Sincerely,

Dr. Ralph Gómez Porras,  
Superintendent

***Please sign and return the bottom portion of this letter to your child's school.***

----- ✂ -----

By signing below, I am neither giving nor withholding my consent for my child/children to participate in any program. I am merely indicating that I have received and read this information regarding my rights and responsibilities.

\_\_\_\_\_  
Child's Name (please print)

\_\_\_\_\_  
Parent's or Guardian's Name (Please print)

\_\_\_\_\_  
Child's Grade

\_\_\_\_\_  
Parent's or Guardian's Signature

\_\_\_\_\_  
Child's School

\_\_\_\_\_  
Date



[www.pgusd.org](http://www.pgusd.org)

# RIGHTS AND RESPONSIBILITIES

2020-21

## *Information for Parents, Guardians and Students*

### **Board of Education**

Debbie Crandell, President

Cristy Dawson, Clerk

John Paff, Member

Brian Swanson, Member

Jon Walton, Member

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## **PARENTAL RIGHTS AND RESPONSIBILITIES**

The Governing Board recognizes that parents/guardians of District students have certain rights as well as responsibilities related to the education of their children. (*Refer to Board Policy and Regulations 5020 in the Attachments section.*)

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

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

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

The District encourages parents/guardians to support the learning environment of their children by monitoring attendance.

The following is a list of the rights you have as a parent or guardian of a child in public school. The rights listed are granted by federal or state laws and regulations. You have a right to review school rules regarding student discipline. If you wish to do so, please contact the school office. (Education Code §§48980, 35291)

### **A. STUDENT ATTENDANCE**

You have the right as a parent:

1. To obtain a copy of the Governing Board's policies and regulations on student discipline. (Education Code §35291)
2. To be informed that you may be required to attend your child's class if he or she is suspended for unruly or disruptive conduct. (Education Code §§48900.1, 48914)
3. To apply for enrollment of your child in a district in which you are employed for at least 10 hours per week; however, the district may have the right to deny the application under certain conditions. (Education Code §48204(b).)
4. Parents and Students Living at Parent's Place of Employment for a Minimum of 3 Days During the School Week. Parents may apply for enrollment of their child in a school district in which the parent is employed, and where the parent and child live at the parent's place of employment for a minimum of 3 days during the school week. (Education Code §48204(a)(7).)
5. Children of Military Service Members - Residency  
A student complies with a school district's residency requirements for school attendance if the student's parent is transferred or is pending transfer to a military installation within the state while on active military duty pursuant to an official military order. School districts must accept applications by electronic means for enrollment, including enrollment in a specific school or program within the District, and for course registration. The parent must provide proof of residency in the District within 10 days after the published arrival date provided on official documentation. (Education Code §48204.3)
6. Students in Active Duty Military Families / Residency Retention and Matriculation  
A student living in the household of an active duty military service member must be allowed to continue attending the student's school of origin for the remainder of the school year if the family moves.

A student from an active duty military family who is transitioning between school grade levels must be allowed to continue in the school district of origin and in the same attendance area of his/her school of origin. If the student is transitioning to middle school or high school, and the school designated for matriculation is in another school district, the local educational agency must allow the student to continue to the school designated for matriculation in that school district. The new school must immediately enroll the student, even if the child has outstanding fees, fines, textbooks, or other items or moneys due to the school last attended, or if the student is unable to produce clothing or records normally required for enrollment.

If the parent/guardian's military service ends during the school year, then the student is allowed to stay in his/her school of origin for the remainder of the school year if s/he is in grades 1-8, or through graduation if the student is in high school.

7. Residency Retention for the Students of Detained or Deported Parents. Students retain residency in a school district, regardless of the students' current residency, when both of the following requirements are met:
  - a) The student's parent or guardian has departed California against his or her will, and the student can provide official documentation evidencing the departure; and
  - b) The student moved outside of California as a result of his or her parent or guardian leaving the state against his or her will, and the student lived in California immediately before moving outside the state. The student must provide evidence of enrollment in a California public school immediately before moving outside the state.

Deported parents may designate another adult to attend school meetings and to serve as an emergency contact. No charges or fees of any kind, as allowed under Education Code section 48050, may be required for admission or attendance in these circumstances.

This law applies to parents who are: (1) in the custody of a government agency and are transferred to another state; (2) subject to a lawful removal order and who were removed or were permitted to leave California voluntarily before being removed; and (3) subject to any additional circumstances consistent with these purposes, as determined by the school district. (Education Code §48204.4)

8. Residency Retention for Migratory Children. Currently migratory children, who are enrolled in a school district due to a parent's or immediate family member's temporary or seasonal employment in an agricultural or fishing activity, as defined by Education Code section 54441, must be allowed to continue in their schools of origin, regardless of any change of residence during that school year, for the duration of their status as migratory children. When a student's status as a migratory child changes during the school year, the school district must: (1) allow K-8th graders to continue in their schools of origin for the remainder of that school year; and (2) allow 9-12th graders to continue in their schools of origin through graduation.

Migratory children and their parents/guardians must be informed of the impact that remaining in their schools of origin will have on their eligibility to receive migrant education services.

9. To request information about enrollment in alternative schools. (See attached Education Code §58501) *Refer to Regulation 5116.1 and Board Policies 5117 and 5117.1 in the Attachments section.*
10. To excuse a child from school to attend religious exercises or classes upon written notice. Such absences may not exceed four days per month. An excused child must nevertheless attend his/her attendance at the minimum level of school days required for his/her grade. (Education Code §46014) *Refer to Board Policy and Regulation 5113 in the Attachments section.*

11. To excuse your child from school for justifiable personal reasons upon written notice and approval by the Principal or designated representative. Personal reasons may include attendance at a religious retreat, not to exceed four hours per semester, and the observance of a religious holiday or ceremony. No child may have his/her grade reduced or lose academic credit for any absence(s) excused pursuant to Education Code section 48205 when missed assignments and tests that can reasonably be provided are satisfactorily completed within a reasonable period of time. (Education Code §48205) *Refer to Regulations 5113 and 6154 in the Attachments section.*
12. To receive the District's written policy on sexual harassment as it relates to students. (Education Code §231.5) *Refer to Board Policies 5145.3 and 5145.7 in the Attachments section.*
13. To receive notification of all current statutory attendance options and local attendance options. Parents will receive a written description of all options for meeting residency requirements for school attendance, all programmatic options offered within the local attendance areas, and any special programmatic options available on both an inter-district and intra-district basis. The notice will include a description of the procedure for application for alternative attendance areas or programs, an application form for requesting a change of attendance, and a description of the appeals process available, if any, for a parent or guardian denied a change of attendance. (Education Code §48980(h) and (i).)
14. To receive notification that, notwithstanding Education Code §48200, a pupil with a temporary disability who is in a hospital or other residential health facility, excluding a state hospital, which is located outside of the school district in which the pupil's parent or guardian resides shall be deemed to have complied with the residency requirements for school attendance in the school district in which the hospital is located, pursuant to Education Code § 48207. Once the parent has notified the District in which the hospital is located of the student's presence in qualifying hospital, the District has five working days to notify the parent if individualized instruction shall be made available. If the determination is positive, individualized instruction shall commence within five days.
15. To be notified of minimum days or staff development days. The following minimum days have been established for the 2020-21 school year (for students only): Nov. 25, 2020, Dec. 18, 2020, April 9, 2021 and May 28, 2021.
16. Attendance and participation in class are essential if the student is to gain the maximum benefit of the educational program. Regular and punctual school attendance of students is expected, encouraged and will be enforced. School attendance is an area which requires mutual cooperation between the schools, the parents and the student so that the whereabouts of each student will be known at all times during the school day. Education Code §48200 requires full time student attendance for all children between ages 6 and 18. The California Education Code and the Welfare and Institutions Code provide that legal action may be taken against a student and/or parent when a student is declared a habitual truant. (Education Code §48260 et seq.).
  - First declaration of a legal truant: A student who is absent without valid excuse on three or more days or tardy in excess of 30 minutes on three or more days in a school year.
  - Second declaration of a legal truant: A student, once reported as a legal truant, who is absent without a valid excuse on one or more days or is tardy on one or more days in a school year.
  - Declaration as a habitual truant: A student who has been declared to be a legal truant on three or more occasions in a school year. (Education Code §48262)

When a student is declared a habitual truant, he/she will be referred to the Monterey County District Attorney's Office. (Education Code §48263)

Verification of student absences is accepted only from parents or guardians. Excessive excused absences will also be monitored, as attendance, excused or unexcused, interferes with your child's educational progress. Excused absences exceeding 10% of the school year will be monitored and may require doctor verification of medical

difficulty and needs. If your child is going to miss school for a medical reason that exceeds two weeks they may be eligible for home-hospital instruction. Your child may be eligible for home independent study if he/she will be absent for reasons other than illness. It is the parent/guardian's obligation to notify the District of their child's need for individualized instruction in the home, in a hospital or other residential health facility.

## **B. CAMPUS SECURITY**

The Board believes that reasonable use of surveillance cameras will help the District achieve its goals for campus security. In consultation with the safety planning committee and relevant staff, the Superintendent or designee shall identify appropriate locations for the placement of surveillance cameras. Cameras shall not be placed in areas where students, staff, or community members have a reasonable expectation of privacy. *Refer to Board Policy 3515.*

Audio and video surveillance systems may be installed and used on school buses to monitor student behavior while traveling to and from school and school activities. *Refer to Board Policy and Regulation 5131.1.* The content of any recording may be a student record and may only be accessed in accordance with the district's policy and administrative regulation. Such recordings may be used in student disciplinary proceedings or referred to local law enforcement, as appropriate. *Refer to Board Policy and Regulation 5125.*

## **C. STUDENT DISCIPLINE**

1. Students are expected to respect themselves, respect others, and respect property. Therefore, students should be aware of possible consequences of their behavior. Disciplinary action taken by school officials is a direct consequence of unacceptable behavior by a student. Rules and regulations are established to maintain an atmosphere conducive to learning. Students who fail to comply with these rules and regulations will be counseled, reprimanded, suspended and/or expelled and/or arrested, as the laws are applied and dependent on the situation. All students shall comply with the regulations, pursue the required course of study, and submit to the authority of the teachers of the schools. (Education Code §48908)
2. The Board desires to prevent bullying by establishing a positive, collaborative school climate and clear rules for student conduct. The district may provide students instruction in the classroom or other school settings that promotes communication, social skills, and assertiveness skills and may involve parents/guardians, staff, and community members in the development of strategies to prevent and respond to bullying.
  - a. School staff shall receive related professional development, including information about early warning signs of harassing/intimidating behaviors and effective prevention and intervention strategies. Parents/guardians and students may be provided with similar information.
  - b. Students may submit a verbal or written complaint of conduct they consider to be bullying to a teacher or administrator and may also request that their name be kept in confidence. The Superintendent or designee may establish other processes whereby students may submit anonymous reports of bullying.
  - c. When a student is suspected of or reported to be using electronic or digital communications to engage in cyberbullying against other students or staff or to threaten district property, the investigation shall include documentation of the activity, identification of the source, and a determination of the impact or potential impact on school activity or school attendance. Students shall be encouraged to save and print any messages sent to them that they feel constitutes cyberbullying and to notify a teacher, principal, or other employee so that the matter may be investigated.
  - d. Cyberbullying conducted using district-owned equipment or on school premises, as well as off-campus cyberbullying that impacts school activity or school attendance, may be subject to discipline in accordance with district policies and regulations. If the student is using a social networking site or service that has terms of use that prohibit posting harmful material, the

Superintendent or designee also may file a complaint with the Internet site or service to have the material removed. *Refer to Board Policy and Regulation 5131, Policy 5131.3, and Policy and Regulation 6163.4 in the Attachments section.*

3. Students and parents may report incidents of misconduct, bullying and sexual harassment by submitting to a teacher or administrator a verbal or written complaint of conduct they consider to be bullying or any disrespectful behavior. Complaints of bullying or harassment shall be investigated and resolved in accordance with site-level grievance procedures. The Superintendent or designee shall work with the student and family to determine whether it is in the best interest of the student to maintain anonymity during the investigation. *Refer to Board Policy and Regulation 5131 in the Attachments section.*
4. Districts may regulate the possession or use of any cell phones, pagers or electronic signaling device while pupils are on campus, while attending school-sponsored activities, or while under the supervision and control of school district employees (Education Code §48901.5). *Refer to Board Policy 5146.*
5. The Pacific Grove Unified School District is committed to maintaining an orderly, purposeful and safe school environment free from weapons, drugs, tobacco, vandalism, and the threat of physical harm. We will take immediate action against students who threaten physical harm to anyone through the possession of, use of, or threatened use of weapons. Students will be immediately reported to law enforcement and suspended or expelled, in compliance with Board Policy and the law. Similar disciplinary steps will be taken in cases involving the sale of controlled substances at school, on the way to and from school, while going to or coming from a school sponsored activity, while at any school sponsored event and during lunch whether on or off school grounds. Such unlawful behavior will be reported to the police, followed by suspension and a recommendation for expulsion, as required by Board Policy and California law. *Refer to Board Policies 3513.3 and 5144.1 in the Attachments section.*
6. A pupil may not be suspended from school or recommended for expulsion unless the superintendent or the Principal of the school in which the pupil is enrolled determines that the pupil has committed an act as defined pursuant to one or more of the following subdivisions:
  - a. Caused, attempted to cause, or threatened to cause physical injury to another person; or willfully used force or violence upon the person of another, except in self-defense.
  - b. Possessed, sold, or otherwise furnished any firearm, knife, explosive, or other dangerous object unless, in the case of possession of any such object of this type, the pupil had obtained written permission to possess the item from a certificated school employee, which is concurred in by the Principal or the designee of the Principal.
  - c. Unlawfully possessed, used, sold, or otherwise furnished, or been under the influence of, any controlled substance listed in Chapter 2 (commencing with Section §11053) of Division 10 of the Health and Safety code, an alcoholic beverage, or an intoxicant of any kind, and then either sold, delivered, or otherwise furnished to any person another liquid, substance, or material and represented the liquid, substance, or material as a controlled substance, alcoholic beverage, or intoxicant.
  - d. Unlawfully offered, arranged, or negotiated to sell any controlled substance listed in Chapter 2 (commencing with §11053) of Division 10 of the Health and Safety Code, an alcoholic beverage, or an intoxicant of any kind and then either sold, delivered, or otherwise furnished to any person another liquid, substance, or material and represented the liquid, substance, or material as a controlled substance, alcoholic beverage, or intoxicant.
  - e. Committed or attempted to commit robbery or extortion.
  - f. Caused or attempted to cause damage to school property or private property.
  - g. Stolen or attempted to steal school property or private property.



- h. Possessed or used tobacco, or any products containing tobacco or nicotine products, including, but not limited to, cigarettes, cigars, miniature cigars, clove cigarettes, smokeless tobacco, snuff, chew packets, e-cigarettes, vaping devices and betel. However, this action does not prohibit use or possession by a pupil of his or her own prescription products.
- i. Committed an obscene act or engaged in habitual profanity or vulgarity.
- j. Unlawfully possessed or unlawfully offered, arranged, or negotiated to sell any drug paraphernalia, as defined in §11014.5 of the Health and Safety Code.
- k. Disrupted school activities or otherwise willfully defied the valid authority of supervisors, teachers, administrators, school officials, or other school personnel engaged in the performance of their duties.
- l. Knowingly received stolen school property or private property.
- m. Possessed an imitation firearm. As used in this section “imitation firearm” means a replica of a firearm that is so substantially similar in physical properties to an existing firearm as to lead a reasonable person to conclude that the replica is a firearm.
- n. Committed or attempted to commit a sexual assault as defined in §261, 266c, 286, 287, 288, or 289, or former section 288a of, the Penal Code or committed a sexual battery as defined in §243.3 of the Penal Code.
- o. Harassed, threatened, or intimidated a pupil who is a complaining witness or witness in a school disciplinary proceeding for the purpose of either preventing that pupil from being a witness or retaliating against that pupil for being a witness or both.
- p. Unlawfully offered, arranged to sell, negotiated to sell, or sold the prescription drug Soma.
- q. Engaged in, or attempted to engage in, hazing as defined in Education Code §48900(q).
- r. Engaged in an act of bullying as defined in Education Code §48900(r).
- s. A pupil may not be suspended or expelled for any of the acts enumerated unless that act is related to school activity or school attendance occurring within a school under the jurisdiction of the Superintendent or Principal or occurring within any other school district. A pupil may be suspended or expelled for acts which are enumerated in this section and related to school activity or attendance that occur at any time, including, but not limited to, any of the following:
  - 1) while on school grounds.
  - 2) while going to or coming from school.
  - 3) during the lunch period whether on or off the campus.
  - 4) during, or while going to or coming from a school sponsored activity.
- t. A pupil who aids or abets, as defined in Section 31 of the Penal Code, the infliction or attempted infliction of physical injury to another person may suffer suspension, but not expulsion, pursuant to the provisions of this section. Except that a pupil who has been adjudged by a juvenile court to have committed, as an aider and abettor, a crime of physical violence in which the victim suffered great bodily injury or serious bodily injury shall be subject to discipline pursuant to subdivision (a).
- u. As used in this section, “school property” includes, but is not limited to, electronic files and databases.

- v. A Superintendent or Principal is encouraged to provide alternatives to suspension or expulsion, using a research-based framework with strategies that improve behavioral and academic outcomes, that are age appropriate and designed to address and correct the pupil's specific misbehavior as specified in Section 48900.5.
- w. (1) It is the intent of the Legislature that alternatives to suspension or expulsion be imposed against any pupil who is truant, tardy, or otherwise absent from school activities  
  
(2) It is further the intent of the Legislature that the Multi-Tiered System of Supports, which includes restorative justice practices, trauma-informed practices, social and emotional learning, and schoolwide positive behavior interventions and support, may be used to help pupils gain critical social and emotional skills, receive support to help transform trauma-related responses, understand the impact of their actions, and develop meaningful methods for repairing harm to the school community.

7. Mandatory Suspension

The Principal or Superintendent of Schools shall immediately suspend, pursuant to §48911, and recommend expulsion of a pupil that he or she determines has committed any of the following acts at school or at a school activity off school grounds:

- a. Possessing, selling, or otherwise furnishing a firearm. This subdivision does not apply to an act of possessing a firearm if the pupil had obtained prior or written permission to possess the firearm from a certificated school employee, which is concurred in by the Principal or the designee of the Principal. This subdivision applies to an act of possessing firearm only if the possession is verified by an employee of a school district.
- b. Brandishing a knife at another person.
- c. Unlawfully selling a controlled substance listed in Chapter 2 (commencing with §11053) of Division 10 of the Health and Safety Code.
- d. Committing or attempting to commit a sexual assault as defined in subdivision (n) of § 48900 or committing a sexual battery as defined in subdivision (n) of §48900.
- e. Possession of an explosive.

8. Mandatory Expulsion

Education Code §48915(a): Except as provided in subdivisions (c) and (e), the Principal or the Superintendent of Schools shall recommend the expulsion of a pupil for any of the following acts committed at school or at a school activity off school grounds, unless the Principal or Superintendent finds that the expulsion is inappropriate, due to the particular circumstance or that an alternative means of correction would address the conduct:

- a. Causing serious physical injury to another person except in self-defense.
- b. Possession of any knife, explosive, or other dangerous object of no reasonable use to the pupil.
- c. Unlawful possession of any controlled substance listed in Chapter 2 (commencing with §11053) of Division 10 of the Healthy and Safety Code, except for: (1) the first offense for the sale of not more than one avoirdupois ounce of marijuana, other than concentrated cannabis; or (2) the possession of over-the-counter medication for use by the pupil for medical purposes or medication prescribed by a physician for the pupil.
- d. Robbery or extortion.

- e. Assault or battery, as defined in §240 and 242 of the Penal Code, upon any school employee. (Education Code §48915(a).)
9. If a school official releases your child from school to a peace officer for the purpose of removing him/her from the school premises, the school official shall take immediate steps to notify you or a responsible relative of your child, except when a student has been taken into custody as a victim of suspected child abuse. In those cases, the peace officer will notify the parent or guardian. (Education Code §48906)
  10. Parents or guardians are liable for all the damages caused by the willful misconduct of their minor children which result in death or injury to other students, school personnel, or damage to school property. Parents are also liable for any school property loaned to the student and willfully not returned. Parents' or guardians' liability may be as much as \$20,900 in damages and another maximum of \$20,900 for payment of a reward, if any. (Education Code §48904) The School District may withhold the grades, diplomas, or transcripts of the student responsible until such damages are paid or the property returned or until completion of a voluntary work program in lieu of payment of money. Education Code §48904, Civil Code § 1714.1) If your child commits an obscene act or engages in habitual profanity or vulgarity, disrupts school activities, or otherwise willfully defies the authority of school personnel, and is suspended for such misconduct, you may be required to attend a portion of a school day in your child's classroom. (Education Code §48900.1)
  11. Possession of a laser pointer by any student is prohibited on any elementary or secondary school premise, unless possession is for valid instruction. The beam of a laser pointer is prohibited from being directed into the eyes of another or into a moving vehicle or into the eyes of a guide dog. (Penal Code 417.27)
  12. The school Principal or designee may search the person of a student, the student's locker, backpack or purse if there is a reasonable suspicion to believe the student may have a concealed weapon, explosives, alcohol, narcotics, stolen property, or contraband. (U.S. Supreme Court Case: New Jersey v. T.L.O. (1985) 469 U.S. 325)
  13. The District may use surveillance footage, if applicable, in connection with student discipline and in accordance with District policy.

#### **D. STUDENT HEALTH**

You have the right as a parent:

1. To be informed that school authorities will notify students in grades 7 to 12 that they may be excused from school for the purpose of obtaining confidential medical services without your consent. (Education Code §46010.1)
2. To be informed that your child must be immunized against certain diseases before being admitted to school, unless exempted for medical or religious reasons. However, where there is a good reason to believe that your child is suffering from a recognized contagious or infectious disease, your child will be sent home and will not be permitted to return until school authorities are satisfied that any contagious or infectious disease does not exist. (Education Code §§49451 and 48216)

**Religious and Personal Beliefs Exemptions:** January 1, 2016 was the deadline for parents to exempt their children from required immunizations based on their religious or personal beliefs. Students who had a signed waiver based on religious or personal beliefs on file by January 1, 2016, are exempt from the immunization requirement until they complete the "grade span" they were in as of January 1, 2016. Grade spans are defined as: (1) birth through preschool, (2) Kindergarten through 6th grade, and (3) 7th through 12th grade. Students who entered the District for the first time, or who advanced to 7th grade, after July 1, 2016 are no longer be exempt from immunizations based on religious or personal beliefs.

**Medical Exemptions:** Students who have a medical exemption issued before December 31, 2020 will be allowed continued enrollment until they enroll in the next grade span. As of January 1, 2021, the District will only accept medical exemptions that are submitted on the California Department of Public Health's standardized, statewide medical exemption certification form. (Health and Safety Code §§120370(a)(2) and 120372(a).)

3. To consent to the immunization of your child whenever the immunization of children is permitted at the District. (Education Code §49403)
4. To request assistance in administering medication to your child during school hours. Such assistance requires your written authorization and that of a physician, surgeon or physician assistant detailing the method, amount and time schedules for taking the medication. (Education Code §49423)
5. Auto-Injectable Epinephrine / Inhaled Asthma Medication. You may provide a written statement to the school district allowing your child to carry and self-administer auto-injectable epinephrine and/or inhaled asthma medication. A physician or surgeon's statement confirming that your child is able to self-administer the medication and detailing the name of the medication, the method, amount and time schedules for administration must also accompany the request. In the case of auto-injectable epinephrine, a physician's assistant may also provide this written statement. The parent, foster-parent or guardian must also: (1) consent in writing to the self-administration, (2) provide a release for the school nurse or other designated school personnel allowing them to consult with the student's physician and (3) agree to release the district and school personnel from civil liability in the event of an adverse reaction to the medication. These written statements must be provided to the school at least annually or more frequently if the medication, dosage, frequency of, or reason for, the administration changes. Students may be subject to disciplinary action pursuant to Education Code section 48900 for using auto-injectable epinephrine or inhaled asthma medication in a non-prescribed manner. (Education Code §§48980, 49414, 49423, and 49423.1.)
6. To exempt your child from any physical examination upon your written notification. However, where there is a good reason to believe that your child is suffering from a recognized contagious or infectious disease, your child will be sent home and will not be permitted to return until school authorities are satisfied that any contagious or infectious disease does not exist. (Education Code §49451)
7. To purchase insurance for medical and hospital services for your child's injuries while participating in athletic activities since the District does not provide such medical and hospital services. (Education Code §49472)
8. To be informed of your obligation to notify appropriate school personnel (e.g., school nurse or designated employee) of your child's continuing medication regimen for a non-episodic condition. With your consent, the school nurse may communicate with your child's physician and may counsel school personnel regarding the possible effects of the drug on the child's physical, intellectual, and social behavior, as well as possible behavioral signs and symptoms of adverse side effects, omission, or overdose. (Education Code §49480)
9. To obtain information and apply for participation in the Free and Reduced Lunch Program offered by the District to provide nutritional meals to needy pupils. (Education Code §49510 et seq.)
10. To be notified in accordance with the requirements of the Healthy Schools Act of 2000 of all pesticides the District expects to apply during the year.
11. State law requires that for each child enrolling in the first grade, the parent must present a certificate, signed by a physician, verifying that the child has received a physical examination within the last 18 months. If your child does not receive this exam, you must file with the School District a waiver stating the reasons you are unable to obtain such services. You must understand that your child may be sent home if you fail to provide the certificate or waiver, or if your child is suspected to be suffering from a

contagious disease. You may find it convenient to have your child immunized at the same time that the physical examination is conducted.

12. All students must have an oral assessment by May 31<sup>st</sup> of their kindergarten or first grade year, whichever is his or her first year of public school. The assessment must be performed by a licensed dentist or other licensed or registered dental health professional. Parents may request a waiver in writing.
13. Anything to the contrary withstanding, the Governing Board of our school district will cooperate with the local health officer in measures necessary for the prevention and control of communicable diseases in school age children. For that purpose, the Board may use any funds, property and personnel of the District, and may permit a licensed physician and surgeon to administer an immunizing agent to any student whose parents have given written consent to the administration of such an immunizing agent. (Education Code §49403)
14. Between grades 6 and 8, your child may be screened for scoliosis (curvature of the spine), unless you submit a written denial of consent. (Education Code §49452.5)
15. Your child's vision will be checked by an authorized person between grades Kindergarten through 8, unless you present to the school a certificate from a physician or optometrist verifying prior testing or a letter stating it violates your faith in a recognized religious belief. (Education Code §§49455 and 49422)
16. The School District is required to provide for the testing of the sight and hearing of each student enrolled unless you submit a written denial of consent. (Education Code §49452)
17. Please see the attached memo from Director of Facilities and Transportation, **Matt Kelly**, regarding the annual Pest Control Procedure and Notification. Please contact the Director Kelly at (831) 646-6537 if you wish to receive written notification at least 72 hours prior to the application of an individual pesticide at your school. Prior to the application of any pesticide, the District will post a warning sign at the area to be treated at least 24 hours prior to the pesticide application and such sign will remain posted for at least 72 hours after the application. In the event of an emergency condition, advance notification and prior sign posting may not be feasible, but a warning sign will be posted immediately upon application of the pesticide. For additional information regarding pesticides and pesticide use, please visit the web site for the State of California's Department of Pesticide Regulation at <http://www.cdpr.ca.gov>. (Education Code §§48980.3 and 17612)
18. Student mental health services are available through the Pacific Grove Unified School District by contacting:

Clare Davies  
 Director of Student Services  
 435 Hillcrest Avenue  
 Pacific Grove, CA 93950  
 (831) 646-6523

#### **E. STUDENT RECORDS**

You have the right as a parent:

1. To be notified of the District's policies concerning student records maintained by the District. (Education Code §49063; 34 CFR Part 99.7) *Refer to Board Policy 5125 in the Attachments section.*
2. To know that your child's right to privacy prohibits the release of confidential information in your child's records to individuals other than yourself, your child (if 16 or older or having completed the 10<sup>th</sup>

grade), or certain authorized individuals without a court order or parental consent. (Education Code §49060 et seq.)

3. The Family Educational Rights and Privacy Act (FERPA) affords parents and students over 18 years of age (“eligible students”) certain rights with respect to the student’s education records. These rights are:

- a. The right to inspect and review the student’s education records within 45 days of the day the school receives a request for access.

Parents or eligible students should submit to the school Principal [or appropriate school official] a written request that identifies the record(s) they wish to inspect. The school official will make arrangements for access and notify the parent or eligible student of the time and place where the records may be inspected.

- b. The right to request the amendment of the student’s education records that the parent or eligible student believes are inaccurate.

Parents or eligible students may ask the school to amend a record that they believe is inaccurate. They should write the school Principal [or appropriate school official], clearly identify the part of the record they want changed, and specify why it is inaccurate. If the school decides not to amend the record as requested by the parent or eligible student, the school will notify the parent or eligible student of the decision and advise them of their right to a hearing regarding the request for amendment. Additional information regarding the hearing procedures will be provided to the parent or eligible student when notified of the right to a hearing.

- c. The right to consent to disclosures of personally identifiable information contained in the student’s education records, except to the extent that FERPA authorizes disclosure without consent.

One exception, which permits disclosure without consent, is disclosure to school officials with legitimate educational interests. A school official is a person employed by the school as an administrator, supervisor, instructor, or support staff member (including health or medical staff and law enforcement unit personnel); a person serving on the School Board; a person or company with whom the school has contracted to perform a special task (such as an attorney, auditor, medical consultant, or therapist); or a parent or student serving on an official committee, such as a disciplinary or grievance committee, or assisting another school official in performing his or her tasks.

A school official has a legitimate educational interest if the official needs to review an education record in order to fulfill his or her professional responsibility.

- d. The right to file a complaint with the U.S. Department of Education concerning alleged failures by the *School District* to comply with the requirements of FERPA. Contact:

Student Privacy Policy Office  
U.S. Department of Education  
400 Maryland Avenue, SW  
Washington, DC 20202  
1-800-872-5327

To prohibit the release of directory information on your child when you notify the District in writing not to release such information on your child by using the appropriate PGUSD Directory Information Opt-Out Form. The District has two opt-out forms: one specific to high school students; and one for elementary and middle school students, available on the District website at [pgusd.org](http://pgusd.org). The Directory Information Opt-Out Forms will also be included in the online registration packet. Otherwise, the District may release directory information as to any pupil or former pupil, provided that annual notice is given of the categories of information to be released and of the

recipients of said information. Directory information includes one or more of the following items: student's name; address; date of birth; major field of study; participation in officially recognized activities and sports; the weight and height of members of athletic teams; dates of attendance degrees and awards received; and most recent previous public or private school attended by the student. Directory information released to PTA's, PG Pride, Breakers Club, law enforcement agencies, military recruiters and institutions of higher education may include a student's name, address and phone number. Parents may request in writing that directory information not be released. To request the District withhold directory information, parents must complete the PGUSD Directory Information Opt-Out Form, and turn it into your child's school office within 10 days of registering for school. (2001 No Child Left Behind Act §9528(a)(2); 34 CFR §99.37(a)(3), Education Code §§49063 and 49073)

Homeless Students / Release of Directory Information. Written consent of the parent or that of the student, if accorded parental rights, must be obtained before directory information pertaining to a homeless student may be released. (Education Code §49073(c) and 20 USC §1232g)

Transfer of Suspension and Expulsion Disciplinary Records. The District will forward student records, including suspension and/or expulsion disciplinary records, to other schools that have requested the records and in which the student seeks or intends to enroll. (FERPA, 34 CFR Parts 99.7 and 99.34(a)(ii).)

## **F. STUDENT INSTRUCTION**

You have the right as a parent:

1. To substantiate your child's moral objection to dissecting, destroying or otherwise harming animals as part of an education project. Teachers of courses utilizing dead animals or animal parts will inform students of their right to object to participate in a particular project involving the harmful or destructive use of animals.

Your written note attesting to your child's objection may, at the teacher's option, entitle your child to participate in an alternative education project or to be excused from the project altogether. (Education Code §32255, et seq.)

2. To have your child with a temporary disability receive individual instruction if attendance at school is impossible or inadvisable. Individual instruction may be provided at your child's home, in a hospital or other residential health facility.

"Temporary disability" means a physical, mental or emotional disability incurred while a student is enrolled in regular day classes or an alternative education program to which the student can reasonably be expected to return. "Temporary disability" does not include a disability that would qualify a student as a "student with exceptional needs" under Education Code section 56026.

Individual instruction in a hospital, residential health facility, or in a student's home must commence no later than five working days after a school district determines that the student shall receive this instruction.

When a student receiving individual instruction is well enough to return to school, s/he must be allowed to return to the school that s/he attended immediately before receiving individual instruction, if the student returns during the school year in which the individual instruction was initiated.

Students enrolled in individual instruction in a hospital or other residential health facility for a partial week, are entitled to attend school in his/her school district of residence, or to receive individual instruction provided by the school district of residence in the student's home, on days in which he or she is not receiving individual instruction in a hospital or other residential health facility, if s/he is well enough to do so.

Absences from the student's regular school program due to the student's temporary disability are excused until the student is able to return to the regular school program. (Education Code §§ 48206.3, 48207, 48207.3, 48207.5, 48208, 48240 (c) and 48980(b).)

3. To be informed of District programs for students with special needs, including your right to have your child placed in an “appropriate” program, and to be consulted about the assessment and placement of your child. Students with exceptional needs have a right to a free appropriate public education. (Education Code §56000 et seq.)
4. To excuse your child from taking part in training in health, family life education, and sex education instruction which conflicts with your religious training, beliefs, and moral convictions or those of your child. (Education Code §51240)
5. To be informed, in writing, of sex education classes offered by the District and of your opportunity to inspect and review all instructional materials to be used in such classes. You may request, in writing, if you do not want your child to attend these classes. Your request will be valid for a school year but may be withdrawn by you at any time. This notice does not apply to human reproductive organs, which may appear in physiology, biology, zoology, general science, personal hygiene, or health textbooks, adopted pursuant to law. (Education Code §§51930 et seq. and 48980)
6. To be informed, in writing, of AIDS prevention instruction offered by the District for students in grades 7 through 12. You have a right to be notified of the purpose of the AIDS prevention instruction and that you may request, in writing, that your child not receive such instruction.

You have the right to request a copy of Education Code sections 51930-51939, which relates to sexual health and AIDS prevention instruction. (Education Code §51930 et seq.)

You also have the right to request, in writing, to view material that will be used and are available for inspection prior to the start of classes. You have a right to request, in writing, that your child not attend these classes. You may withdraw this request at any time.

School districts must ensure that all pupils receive sexual health instruction from adequately trained personnel in appropriate courses. In this District, staff are used. This instruction will emphasize that sexual abstinence and abstinence from intravenous drug use as the most effective means for AIDS prevention and avoiding sexually transmitted diseases. The instruction will also include development of refusal skills to assist pupils to overcome peer pressure and use effective decision-making skills to avoid high-risk activities. During this class, students in grades 7-12 may be asked to anonymously, voluntarily, and confidentially fill out evaluation and research tools such as surveys, tests, questionnaires measuring student attitudes toward health, sex, and risk behaviors. Parents are hereby notified that they have the opportunity to review the material and can request in writing that their child not participate. Copies of this Education Code §51938 can be requested from your school or district office or can be obtained online at [www.eginfo.ca.gov](http://www.eginfo.ca.gov) (Education Code §51938).

7. Personal Beliefs / Political Affiliations / Behavior / Close Family Relationships  
No test, questionnaire, survey, or examination which has questions about your or your child's: beliefs and practices in sex, family life, morality, religion, political affiliations or beliefs, illegal, anti-social, self-incriminating, or demeaning behavior, mental or psychological problems, legally recognized privileged relationships (such as lawyer, physician, or minister), critical appraisals of individuals with whom you have close family relationships, or income (except as required by law to determine eligibility for participation in a program or for receiving financial assistance under such program) shall be administered without prior notification and written permission of the parent or guardian. Parents may inspect all instructional materials, including teacher's manuals, films, tapes or other supplementary material to be used in connection with any survey, analysis or evaluation. (Education Code §§51513 and 60614 and 20 USC 1232h(a) and (b).)
8. To have a conference scheduled when a teacher has determined and informed you that your child is in danger of failing a course. (Education Code §49067)



9. You may request a meeting to review instructional materials and discuss the curriculum of your child's courses.
10. California Assessment of Student Performance and Progress (CAASPP) Exemption. Each year, parents and guardians will be notified regarding their student's participation in the CAASPP assessment system. Parents and guardians wanting to excuse their children from any or all parts of the CAASPP must submit a written request. Such written requests must be submitted to the school on an annual basis. If you have any questions, please contact your appropriate site Principal.
11. To be informed of the availability of state funds to cover the costs of advanced placement examination fees pursuant to Education Code section §52242. (Education Code §488980(k).)
12. A provision of Federal law requires all districts to notify parents of all children in Title I schools that they have the right to request and receive timely information on the professional qualifications of their children's classroom teachers and paraprofessionals. (20 USC §6312, Sec. 1112(e).)
13. The Board of Education has adopted student standards of proficiency as required by law in basic skills. Skills shall include, but are not limited to, reading comprehension, writing, computational skills, and other areas that the Board deems appropriate. The Superintendent shall ensure that they are articulated across the grade levels. (Board Policy 6146.5)
14. The District is committed to providing a tobacco-free environment. In accordance with state and federal law, smoking is prohibited in all District facilities and vehicles. In accordance with Board policy, the use of tobacco products is prohibited at all times on District grounds.
15. Career Counseling and Course Selection Parents/guardians will be notified, at least once, in advance of career counseling and course selection commencing with 7th grade course selection so that they may participate in the counseling sessions and decisions. (Education Code §221.5(d).)
16. Pregnant and Parenting Student Rights  
Rights Under Education Code Section 221.51  
Local educational agencies (including school districts, charter schools and county offices of education):
  - (a) Shall not apply any rule concerning a student's actual or potential parental, family, or marital status that treats students differently on the basis of sex.
  - (b) Shall not exclude nor deny any student from any educational program or activity, including class or extracurricular activity, solely on the basis of the student's pregnancy, childbirth, false pregnancy, termination of pregnancy, or recovery therefrom.
  - (c) May require any student to obtain the certification of a physician or nurse practitioner that the student is physically and emotionally able to continue participation in the regular education program or activity.
  - (d) Pregnant or parenting students shall not be required to participate in pregnant minor programs or alternative education programs. Pregnant or parenting students who voluntarily participate in alternative education programs shall be given educational programs, activities, and courses equal to those they would have been in if participating in the regular education program.
  - (e) Shall treat pregnancy, childbirth, false pregnancy, termination of pregnancy, and recovery therefrom in the same manner and under the same policies as any other temporary disabling condition.

Rights Under Education Code Section 46015

- (a)(1) pregnant or parenting students are entitled to eight weeks of parental leave, which the student may take 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, in order to protect the health of the student who gives or expects to give birth and the infant, and to allow the pregnant

or parenting student to care for and bond with the infant. The student, if the student is 18 years of age or older, or, if the student is under 18 years of age, the person holding the right to make educational decisions for the student, shall notify the school of the student's intent to exercise this right. Failure to notify the school shall not reduce these rights.

(2) A pregnant or parenting student who does not wish to take all or part of the parental leave to which s/he is entitled shall not be required to do so.

(3) A pregnant or parenting student is entitled to receive more than eight weeks of parental leave if deemed medically necessary by the student's physician.

(4) When a student takes parental leave, the supervisor of attendance shall ensure that absences from the student's regular school program are excused until the student is able to return to the regular school program or an alternative education program.

(5) During parental leave, a local educational agency shall not require a pregnant or parenting student to complete academic work or other school requirements.

(6) A pregnant or parenting student may return to the school and the course of study in which he or she was enrolled before taking parental leave.

(7) Upon return to school after taking parental leave, a pregnant or parenting student is entitled to opportunities to make up work missed during his or her leave, including, but not limited to, makeup work plans and reenrollment in courses.

(8) Notwithstanding any other law, a pregnant or parenting student may remain enrolled for a fifth year of instruction in the school in which the student was previously enrolled when it is necessary in order for the student to be able to complete state and any local graduation requirements, unless the local educational agency makes a finding that the student is reasonably able to complete the local educational agency's graduation requirements in time to graduate from high school by the end of the student's fourth year of high school.

(9) A student who chooses not to return to the school in which he or she was enrolled before taking parental leave is entitled to alternative education options offered by the local educational agency.

(10) A pregnant or parenting student who participates in an alternative education program shall be given educational programs, activities, and courses equal to those he or she would have been in if participating in the regular education program.

(11) A student shall not incur an academic penalty as a result of his or her use of these accommodations.

#### Non-Compliance Complaints

A complaint of noncompliance with these requirements may be filed under the District's Uniform Complaint Procedures.

### **G. CALIFORNIA HEALTHY KIDS SURVEY NOTIFICATION AND WITHDRAWAL FORM FOR THE CURRENT SCHOOL YEAR**

Each year, students at the 5<sup>th</sup>, 7<sup>th</sup>, 9<sup>th</sup>, and 11<sup>th</sup> grades participate in The Healthy Kids Survey sponsored by the California Department of Education. This is a very important survey that will help promote better health among our youth and combat problems such as drug abuse and violence. The survey gathers information on behaviors such as environmental and individual strengths and assets, alcohol, tobacco, other drug use, bullying and violence. You may examine the questionnaire in the school office or at the WestEd website at <https://www.wested.org/project/california-healthy-kids-survey-chks/>. Your child does not have to take the survey. Students who participate only have to answer the questions they want to answer, and they may stop taking it at any time. No names will be recorded or attached to the survey forms or data. The results will be made available

for analysis only under strict confidentiality controls. The survey will be administered in November/December. It will take about one class period to complete (about 50 minutes) and will be administered in your child's P.E. class.

The survey was developed by WestEd, a public, non-profit educational institution. If you have any questions about this survey, or about your rights, call the curriculum office at 831-646-6526.

*If you do not want your child to complete the survey, you must notify Ani Silva, Curriculum Director at the District Office by letter, email ([asilva@pgusd.org](mailto:asilva@pgusd.org)) or telephone (831-646-6526).*

## **H. MISCELLANEOUS:**

### **1. Anti-Discrimination (Federal)**

Title VI of the Civil Rights Act of 1964 and Title IX of the Education Amendments of 1972 prohibit discrimination on the basis of race, color, national origin, or sex (sex discrimination includes sexual harassment and discrimination against a student based on pregnancy, childbirth, false pregnancy, termination of pregnancy or recovery from pregnancy or childbirth-related conditions), marital, parental or family status in federally financed education programs or activities. The District does not discriminate in admission or access to its programs or activities. *Refer to Board Policy 4100 in the Attachments section.*

You have certain rights under the law, including Title VI of the Civil Rights Act of 1974, Title IX of the Education Amendments of 1972, §504 of the Rehabilitation Act of 1973, and the Individuals with Disabilities Education Act (IDEA, formerly known as EHA). A handicap or limited English language skills will not be a barrier to District programs. The California Department of Education and the Office for civil Rights of the U.S. Department of Education have authority to enforce these laws and all programs and activities that receive federal funds (Education Code 260, et seq., above cited federal statutes).

Any questions or concerns concerning noncompliance can be directed to your school Principal. The District's Title IX Coordinator is [insert name and contact information]. (34 CFR §§100.6, 106.9)

### **2. Anti-Discrimination (State)**

Discrimination, harassment, intimidation and bullying are prohibited in any program which receives state financial assistance on the basis of gender (which includes sex and a person's gender identity, gender expression and gender related appearance and behavior whether or not stereotypically associated with the person's assigned sex at birth), sex (sex discrimination includes sexual harassment and discrimination against a student based on pregnancy, child birth, false pregnancy, termination of pregnancy or recovery from pregnancy or childbirth-related conditions, or denial of lactation accommodations for lactating students), parental, family or marital status, age, race (includes ancestry, color, ethnicity, ethnic group identification, and ethnic background), national origin, nationality, immigration status, religion (includes all aspects of religious belief, observance and practice and includes agnosticism and atheism), mental or physical disability, genetic information, sexual orientation (includes heterosexuality, homosexuality, and bisexuality), or because a person is perceived to have one or more of the above characteristics or because a person associates with a person or group with one or more of these actual or perceived characteristics. Complaints may be filed with the Superintendent under the District's Uniform Complaint Procedure (attached).

### **3. Access to Programs, Activities, and Facilities Based on Gender Identity.**

Pursuant to state law, students may access sex-segregated programs, activities, and facilities, including locker room and restroom facilities, consistent with their gender identity. Any student may request the use of private or unisex restroom facilities for increased privacy. The District endeavors to protect the privacy of all students. ( Education Code §221.5(f).)

#### 4. Families in Transition/Homeless

Local educational agencies (LEA) provide the parents or guardians of homeless children and youth with opportunities to participate in the education of their children. (42 USC 11432[g][6][A][iv])

Homeless children and youth have equal access to the same free, appropriate public education, including a public preschool education, as is provided to other children and youth. If you have uncertain housing, a temporary address, or no permanent physical address, federal and California laws guarantee that your children may be enrolled in their previous school. If this describes your family's living situations, or if you are a student not living with a parent or guardian, please contact Director of Student Services Clare Davies at [cdavies@pgusd.org](mailto:cdavies@pgusd.org) or (831) 646-6523.

#### Immigration Enforcement- "Know Your Rights"

All students have the right to a free public education, regardless of immigration status or religious belief. For more information, please see the resources developed by the California Attorney General at <https://www.oag.ca.gov/immigrant/rights> (Education Code §234.7)

#### 5. Rehabilitation Act and ADA Act

Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act prohibit discrimination against qualified disabled persons in federally financed education programs or activities. The District does not discriminate in admission or access to its programs or activities. Please contact the District Program Coordinator with any questions. (34 CFR §104.8, 28 CFR §35.106 and 34 CFR §100.3)

#### 6. Uniform Complaint Procedures

It is the district's goal to resolve most parent/guardians concerns or complaints informally and/or at the level closest to the concern/complaint as possible with the assistance of the school site administrators. If this is not possible, or if parents/guardians wish to file a written complaint about a district policy, regulation, an employee, or unlawful discrimination, or alleged violations of federal or state laws/regulations; parents/guardians may initiate the formal complaint process.

Title 5 of the California Code of Regulations requires districts to adopt and provide Uniform Complaint Procedures to assist you with the procedure for and processing of complaints, the appeal and review procedures for complaints, and of available remedies at law. *Refer to Board Policy and Exhibit 1312.3 and Regulation and Exhibit 1312.4 in the Attachments section.*

The Governing Board designates the following compliance officer to receive and investigate all complaints and ensure District compliance with law:

Billie Mankey  
 Director II, Human Resources  
 435 Hillcrest Avenue  
 Pacific Grove, CA 93950  
 (831) 646-6507

#### Procedures for Filing Complaints

- a. Complaint forms are specific to the type of complaint (i.e., employee, program, discrimination, Williams, Uniform, etc.) The forms are available at any school site, the District office, the District website and in this handbook.
- b. The process begins by completing a complaint form and returning it to the site administrator, department head, the District Compliance Officer or the Superintendent. Complaints concerning

unlawful discrimination must be initiated no later than six (6) months from the date when the alleged discrimination occurred.

- c. The complaint process is handled in a confidential manner. Retaliation for a filing complaint is prohibited by law.

Contact the school Principal, Director of Human Resources or Superintendent's office for more information or to request an additional copy of these procedures. (Title 5 California Code Regulations §§4622, 4652, and 4671)

## **7. School Accountability Report Card (SARC)**

The SARC is available upon request, and is also on the District's website at [www.pgusd.org](http://www.pgusd.org). It contains information about the District and schools regarding the quality of programs and its progress toward achieving stated goals. A copy will be provided upon request. (Education Code §§33126, 32286, 35256, and 35258)

## **8. Management Plan for Asbestos**

You may request to review the complete updated management plan for asbestos containing material in school buildings. Staff, students, and parents/guardians shall be informed at least once each school year about any inspections, response actions, and post-response actions, including periodic re-inspection and surveillance activities that are planned or that are in progress. (40 CFR §§763.84(c) and 763.93)

## **9. Technology/Internet Use**

Computers and the internet provide teachers and students with access to global information that greatly enhances their classroom experiences. To avoid the misuse of technology and related communication services, students will receive age-appropriate instruction about the obligations and responsibilities inherent with having access to technology and related communication services.

Students, as district technology users, shall sign the District's Technology User Agreement and any associated Technology User Contracts, indicating that they understand and agree to abide by all obligations and responsibilities. *Refer to Policy and Regulations 6163.4 in the Attachments section.*

## **10. School District Committees**

Parents and community members are invited to apply for membership on any committee that is called to service by the Pacific Grove Unified School District. The purpose of District committees is to advise the school and/or Board of Education regarding school problems, needs and issues. Committees function to serve in an advisory capacity to the Board of Education. For further information please contact the Superintendent's Office, (831) 646-6510.

## **11. Pest Control Procedure and Notification**

To enhance the environmental safety of students and staff, the District has adopted an integrated pest control procedure and notification process.

Therefore, in determining when to control pests and whether to use mechanical, physical, chemical, cultural or biological means, the District shall follow the principles of integrated pest management. Procedures shall include the following:

- a. The choice of using a pesticide will be based on a review of all other available options and a determination that these options are not acceptable or not feasible. The full range of alternatives, including no action, will be considered.

- b. Selected non-chemical pest management methods will be used whenever possible to provide the desired control. Cost of staffing considerations alone will not be adequate justification for use of chemical control agents.
- c. The pest and the site of infestation shall be carefully identified. Strategies for managing the pest will be influenced by the pest species and whether that species poses a threat to people, property or the environment.
- d. When it is determined that a pesticide must be used, the least hazardous material will be chosen and applied in accordance with law.
- e. Staff, student and parents/guardians shall receive information about the district's integrated pest procedures and notification of any upcoming pesticide treatments. Notice of upcoming pesticide treatments shall also be posted in areas designated by the Superintendent or designee.
- f. The following records shall be maintained at each school site:
  - 1) Records of pesticide use at the site.
  - 2) Pest surveillance data sheets that record the number of pests or other indicators of pest populations that verify the need for treatments.
- g. Pesticide purchases shall be limited to amounts authorized by the Superintendent or designee for use during the year. Pesticides shall be stored in a secure site not accessible to students or unauthorized staff; they shall be stored and disposed of in accordance with EPA-registered label directions and state regulations.
- h. Persons applying pesticides shall follow label precautions and shall be trained in the principles and practices of integrated pest management.

Further information regarding our District schools, programs, policies and procedures is available to any interested person upon request to our District Office and at the District's website [pgusd.org](http://pgusd.org) (34 CFR Section 99.7(b).)

## **I. SPECIAL EDUCATION RIGHTS OF PARENTS AND CHILDREN**

### **Notice of Procedural Safeguards Revised October 2016**

Note: The term school district is used throughout this document to describe any public education agency responsible for providing your child's special education program. The term assessment is used to mean evaluation or testing. Federal and state laws are cited throughout this notice using English abbreviations, which are explained in a [glossary](#) on the last page of this notification.

#### **What is the Notice of Procedural Safeguards?**

This information provides you as parents, legal guardians, and surrogate parents of children with disabilities from three (3) years of age through age twenty-one (21) and students who have reached age eighteen (18), the age of majority, with an overview of your educational rights or procedural safeguards.

The Notice of Procedural Safeguards is required under the Individuals with Disabilities Education Act (in English, referred to as IDEA) and must be provided to you:

1. When you ask for a copy
2. The first time your child is referred for a special education assessment

3. Each time you are given an assessment plan to evaluate your child
4. Upon receipt of the first state or due process complaint in a school year, and
5. When the decision is made to make a removal that constitutes a change of placement

(20 USC 1415[d]; 34 CFR 300.504; EC 56301[d] [2], EC 56321, and 56341.1[g] [1])

### **What is the Individuals with Disabilities Education Act (IDEA)?**

IDEA is a federal law that requires school districts to provide a “free appropriate public education” (in English, referred to as FAPE) to eligible children with disabilities. A free appropriate public education means that special education and related services are to be provided as described in an individualized education program (in English, known as IEP) and under public supervision to your child at no cost to you.

### **May I participate in decisions about my child’s education?**

You must be given opportunities to participate in any decision-making meeting regarding your child’s special education program. You have the right to participate in IEP team meetings about the identification (eligibility), assessment, or educational placement of your child and other matters relating to your child’s FAPE. (20 USC 1414[d] [1]B–[d][1][D]; 34 CFR 300.321; EC 56341[b], 56343[c])

The parent or guardian, or the local educational agency (LEA), has the right to participate in the development of the IEP and to initiate their intent to electronically audiotape the proceedings of the IEP team meetings. At least 24 hours prior to the meeting, the parent or guardian shall notify the members of the IEP team of their intent to record a meeting. If the parent or guardian does not consent to the LEA audiotape recording an IEP meeting, the meeting shall not be recorded on an audiotape recorder.

Your rights include information about the availability of FAPE, including all program options, and all available alternative programs, both public and nonpublic. (20 USC 1401[3], 1412[a][3]; 34 CFR 300.111; EC 56301, 56341.1[g][1], and 56506)

### **Where can I get more help?**

When you have a concern about your child’s education, it is important that you contact your child’s teacher or administrator to talk about your child and any problems you see. Staff in your school district or special education local plan area (SELPA) may answer questions about your child’s education, your rights, and procedural safeguards. Also, when you have a concern, this informal conversation often solves the problem and helps to maintain open communication.

You may also want to contact one of the California parent organizations (Family Empowerment Centers and Parent Training Institutes), which were developed to increase collaboration between parents and educators to improve the educational system. Contact information for these organizations is found on the CDE special education [California Parent Organizations Web page](#).

Additional resources are listed at the end of this document to help you understand the procedural safeguards.

### **What if my child is deaf, hard of hearing, blind, visually impaired, or deaf-blind?**

The State Special Schools provide services to students who are deaf, hard of hearing, blind, visually impaired, or deaf-blind at each of its three facilities: the California Schools for the Deaf in Fremont and Riverside and at the California School for the Blind in Fremont. Residential and day school programs are offered to students from infancy to age 21 at both State Schools for the Deaf. Such programs are offered to students aged five through 21 at the California School for the Blind. The State Special Schools also offer assessment services and technical assistance. For more information about the State Special Schools, please visit the California Department of

Education (CDE), [State Special Schools Web page](#), or ask for more information from the members of your child's IEP team.

## **Notice, Consent, Assessment, Surrogate Parent Appointment, and Access to Records**

### **Prior Written Notice**

#### **When is a notice needed?**

This notice must be given when the school district proposes or refuses to initiate a change in the identification, assessment, or educational placement of your child with special needs or the provision of a free appropriate public education. (20 USC 1415[b][3] and (4), 1415[c][1], 1414[b][1]; 34 CFR 300.503; EC 56329 and 56506[a])

The school district must inform you about proposed evaluations of your child in a written notice or an assessment plan within fifteen (15) days of your written request for evaluation. The notice must be understandable and in your native language or other mode of communication, unless it is clearly not feasible to do so. (34 CFR 300.304; EC 56321)

#### **What will the notice tell me?**

The Prior Written Notice must include the following:

1. A description of the actions proposed or refused by the school district
2. An explanation of why the action was proposed or refused
3. A description of each assessment procedure, record, or report the agency used as a basis for the action proposed or refused
4. A statement that parents of a child with a disability have protection under the procedural safeguards
5. Sources for parents to contact to obtain assistance in understanding the provisions of this part
6. A description of other options that the IEP team considered and the reasons those options were rejected; and
7. A description of any other factors relevant to the action proposed or refused.

(20 USC 1415[b][3] and [4], 1415[c][1], 1414[b][1]; 34 CFR 300.503)

### **Parental Consent**

#### **When is my approval required for assessment?**

You have the right to refer your child for special education services. You must give informed, written consent before your child's first special education assessment can proceed. The parent has at least fifteen (15) days from the receipt of the proposed assessment plan to arrive at a decision. The assessment may begin immediately upon receipt of the consent and must be completed and an IEP developed within sixty (60) days of your consent.

#### **When is my approval required for services?**

You must give informed, written consent before your school district can provide your child with special education and related services.



**What are the procedures when a parent does not provide consent?**

If you do not provide consent for an initial assessment or fail to respond to a request to provide the consent, the school district may pursue the initial assessment by utilizing due process procedures.

If you refuse to consent to the initiation of services, the school district must not provide special education and related services and shall not seek to provide services through due process procedures.

If you consent in writing to the special education and related services for your child but do not consent to all of the components of the IEP, those components of the program to which you have consented must be implemented without delay.

If the school district determines that the proposed special education program component to which you do not consent is necessary to provide a free appropriate public education to your child, a due process hearing must be initiated. If a due process hearing is held, the hearing decision shall be final and binding.

In the case of reevaluations, the school district must document reasonable measures to obtain your consent. If you fail to respond, the school district may proceed with the reevaluation without your consent. (20 USC 1414[a][1][D] and 1414[c]; 34 CFR 300.300; EC 56506[e], 56321[c] and [d], and 56346).

**When may I revoke consent?**

If at any time subsequent to the initial provision of special education and related services, the parent of a child revokes consent in writing for the continued provision of special education and related services, the public agency:

1. May not continue to provide special education and related services to the child, but must provide prior written notice in accordance with 34 CFR Section 300.503 before ceasing such services
2. May not use the procedures in subpart E of Part 300 34 CFR (including the mediation procedures under 34 CFR Section 300.506 or the due process procedures under 34 CFR Sections 300.507 through 300.516) in order to obtain agreement or a ruling that the services may be provided to the child
3. Will not be considered to be in violation of the requirement to make a free appropriate public education (FAPE) available to the child because of the failure to provide the child with further special education and related services
4. Is not required to convene an IEP team meeting or develop an IEP under 34 CFR Sections 300.320 and 300.324 for the child for further provision of special education and related services

Please note, in accordance with 34 CFR Section 300.9 (c)(3), that if the parents revoke consent in writing for their child's receipt of special education services after the child is initially provided special education and related services, the public agency is not required to amend the child's education records to remove any references to the child's receipt of special education and related services because of the revocation of consent.

**Surrogate Parent Appointment****What if a parent cannot be identified or located?**

School districts must ensure that an individual is assigned to act as a surrogate parent for the parents of a child with a disability when a parent cannot be identified and the school district cannot discover the whereabouts of a parent.

A surrogate parent may also be appointed if the child is an unaccompanied homeless youth, an adjudicated dependent or ward of the court under the state Welfare and Institution Code, and is referred to special education or already has an IEP. (20 USC 1415[b][2] ; 34 CFR 300.519; EC 56050; GC 7579.5 and 7579.6)

## **Nondiscriminatory Assessment**

### **How is my child assessed for special education services?**

You have the right to have your child assessed in all areas of suspected disability. Materials and procedures used for assessment and placement must not be racially, culturally, or sexually discriminatory.

Assessment materials must be provided and the test administered in your child's native language or mode of communication and in the form most likely to yield accurate information on what the child knows and can do academically, developmentally, and functionally, unless it is clearly not feasible to so provide or administer.

No single procedure can be the sole criterion for determining eligibility and developing FAPE for your child. (20 USC 1414[b][1]-[3], 1412[a][6][B]; 34 CFR 300.304; EC 56001[j] and 56320)

## **Independent Educational Assessments**

### **May my child be tested independently at the district's expense?**

If you disagree with the results of the assessment conducted by the school district, you have the right to ask for and obtain an independent educational assessment for your child from a person qualified to conduct the assessment at public expense.

The parent is entitled to only one independent educational evaluation at public expense each time the public agency conducts an evaluation with which the parent disagrees.

The school district must respond to your request for an independent educational assessment and provide you information about where to obtain an independent educational assessment.

If the school district believes that the district's assessment is appropriate and disagrees that an independent assessment is necessary, the school district must request a due process hearing to prove that its assessment was appropriate. If the district prevails, you still have the right to an independent assessment but not at public expense. The IEP team must consider independent assessments.

District assessment procedures allow in-class observation of students. If the school district observes your child in his or her classroom during an assessment, or if the school district would have been allowed to observe your child, an individual conducting an independent educational assessment must also be allowed to observe your child in the classroom.

If the school district proposes a new school setting for your child and an independent educational assessment is being conducted, the independent assessor must be allowed to first observe the proposed new setting. (20 USC 1415[b][1] and [d][2][A]; 34 CFR 300.502; EC 56329[b] and [c])

## **Access to Educational Records**

### **May I examine my child's educational records?**

You have a right to inspect and review all of your child's education records, without unnecessary delay, including prior to a meeting about your child's IEP or before a due process hearing. The school district must provide you access to records and copies, if requested, within five (5) business days after the request has been made orally or in writing. (EC 49060, 56043[n], 56501[b][3], and 56504)

## **How Disputes Are Resolved**

### **Due Process Hearing**

#### **When is a due process hearing available?**

You have the right to request an impartial due process hearing regarding the identification, assessment, and educational placement of your child or the provision of FAPE. The request for a due process hearing must be filed within two years from the date you knew or should have known about the alleged action that forms the basis of the due process complaint. (20 USC 1415[b][6]; 34 CFR 300.507; EC 56501 and 56505[1])

### **Mediation and Alternative Dispute Resolution**

#### **May I request mediation or an alternative way to resolve the dispute?**

A request for mediation may be made either before or after a request for a due process hearing is made.

You may ask the school district to resolve disputes through mediation or alternative dispute resolution (ADR), which is less adversarial than a due process hearing. The ADR and mediation are voluntary methods of resolving a dispute and may not be used to delay your right to a due process hearing.

#### **What is a pre-hearing mediation conference?**

You may seek resolution through mediation prior to filing a request for a due process hearing. The conference is an informal proceeding conducted in a non-adversarial manner to resolve issues relating to the identification, assessment, or educational placement of a child or to a FAPE.

At the prehearing mediation conference, the parent or the school district may be accompanied and advised by nonattorney representatives and may consult with an attorney prior to or following the conference. However, requesting or participating in a prehearing mediation conference is not a prerequisite to requesting a due process hearing.

All requests for a prehearing mediation conference shall be filed with the Superintendent. The party initiating a prehearing mediation conference by filing a written request with the Superintendent shall provide the other party to the mediation with a copy of the request at the same time the request is filed.

The prehearing mediation conference shall be scheduled within fifteen (15) days of receipt by the Superintendent of the request for mediation and shall be completed within thirty (30) days after receipt of the request for mediation unless both parties agree to extend the time. If a resolution is reached, the parties shall execute a legally binding written agreement that sets forth the resolution. All discussions during the mediation process shall be confidential. All prehearing mediation conferences shall be scheduled in a timely manner and held at a time and place reasonably convenient to the parties. If the issues fail to be resolved to the satisfaction of all parties, the party who requested the mediation conference has the option of filing for a due process hearing. (EC 56500.3 and 56503)

### **Due Process Rights**

#### **What are my due process rights?**

1. Have a fair and impartial administrative hearing at the state level before a person who is knowledgeable of the laws governing special education and administrative hearings (20 USC 1415[f][1][A], 1415[f][3][A]-[D]; 34 CFR 300.511; EC 56501[b][4])
2. Be accompanied and advised by an attorney and/or individuals who have knowledge about children with disabilities (EC 56505 [e][1])
3. Present evidence, written arguments, and oral arguments (EC 56505[e][2])

4. Confront, cross-examine, and require witnesses to be present (EC 56505[e][3])
5. Receive a written or, at the option of the parent, an electronic verbatim record of the hearing, including findings of fact and decisions (EC 56505[e][4])
6. Have your child present at the hearing (EC 56501[c][1])
7. Have the hearing be open or closed to the public (EC 56501[c][2])
8. Receive a copy of all documents, including assessments completed by that date and recommendations, and a list of witnesses and their general area of testimony within five (5) business days before a hearing (EC 56505[e][7] and 56043[v])
9. Be informed by the other parties of the issues and their proposed resolution of the issues at least ten (10) calendar days prior to the hearing (EC 56505[e][6])
10. Have an interpreter provided (CCR 3082[d])
11. Request an extension of the hearing timeline (EC 56505[f][3])
12. Have a mediation conference at any point during the due process hearing (EC 56501[b] [2]), and
13. Receive notice from the other party at least ten days prior to the hearing that the other party intends to be represented by an attorney (EC 56507[a]). (20 USC 1415[e]; 34 CFR 300.506, 300.508, 300.512 and 300.515)

### **Filing a Written Due Process Complaint**

#### **How do I request a due process hearing?**

You need to file a written request for a due process hearing. You or your representative needs to submit the following information in your request:

1. Name of the child
2. Address of the residence of the child
3. Name of the school the child is attending
4. In the case of a homeless child, available contact information for the child and the name of the school the child is attending, and
5. A description of the nature of the problem, including facts relating to the problem(s) and a proposed resolution of the problem(s)

Federal and state laws require that either party filing for a due process hearing must provide a copy of the written request to the other party. (20 USC 1415[b][7], 1415[c][2]; 34 CFR 300.508; EC 56502[c][1])

Prior to filing for a due process hearing, the school district shall be provided the opportunity to resolve the matter by convening a resolution session, which is a meeting between the parents and the relevant members of the IEP team who have specific knowledge of the facts identified in the due process hearing request. (20 USC 1415[f][1][B]; 34 CFR 300.510)

#### **What does a resolution session include?**

Resolution sessions shall be convened within fifteen (15) days of receiving notice of the parents' due process hearing request. The sessions shall include a representative of the school district who has decision-making authority

and not include an attorney of the school district unless the parent is accompanied by an attorney. The parent of the child may discuss the due process hearing issue and the facts that form the basis of the due process hearing request.

The resolution session is not required if the parent and the school district agree in writing to waive the meeting. If the school district has not resolved the due process hearing issue within thirty (30) days, the due process hearing may occur. If a resolution is reached, the parties shall execute a legally binding agreement. (20 USC 1415[f][1][B]; 34 CFR 300.510)

### **Does my child's placement change during the proceedings?**

The child involved in any administrative or judicial proceeding must remain in the current educational placement unless you and the school district agree on another arrangement. If you are applying for initial admission of your child to a public school, your child will be placed in a public school program with your consent until all proceedings are completed. (20 USC 1415[j]; 34 CFR 300.518; EC 56505[d])

### **May the decision be appealed?**

The hearing decision is final and binding on both parties. Either party may appeal the hearing decision by filing a civil action in state or federal court within 90 days of the final decision. (20 USC 1415[i][2] and [3][A], 1415[l]; 34 CFR 300.516; EC 56505[h] and [k], EC 56043[w])

### **Who pays for my attorneys' fees?**

In any action or proceeding regarding the due process hearing, the court, in its discretion, may award reasonable attorneys' fees as part of the costs to you as parent of a child with a disability, if you are the prevailing party in the hearing. Reasonable attorneys' fees may also be made following the conclusion of the administrative hearing, with the agreement of the parties. (20 USC 1415[i][3][B]-[G]; 34 CFR 300.517; EC 56507[b])

Fees may be reduced if any of the following conditions prevail:

1. The court finds that you unreasonably delayed the final resolution of the controversy
2. The attorneys' hourly fees exceed the prevailing rate in the community for similar services by attorneys of reasonably comparable skill, reputation, and experience
3. The time spent and legal services provided were excessive, or
4. Your attorney did not provide to the school district the appropriate information in the due process request notice.

Attorneys' fees will not be reduced, however, if the court finds that the State or the school district unreasonably delayed the final resolution of the action or proceeding or that there was a violation of this section of law. (20 USC 1415[i][3][B]-[G]; 34 CFR 300.517)

Attorneys' fees relating to any meeting of the IEP team may not be awarded unless an IEP team meeting is convened as a result of a due process hearing proceeding or judicial action. Attorneys' fees may also be denied if you reject a reasonable settlement offer made by the district/public agency ten (10) days before the hearing begins and the hearing decision is not more favorable than the offer of settlement. (20 USC 1415[i][3][B]-[G]; 34 CFR 300.517)

### **To obtain more information or to file for mediation or a due process hearing, contact:**

Office of Administrative Hearings  
 Attention: Special Education Division  
 2349 Gateway Oaks Drive, Suite 200  
 Sacramento, CA 95833-4231  
 916-263-0880

FAX 916-263-0890

## **School Discipline and Placement Procedures for Students with Disabilities**

### **School Discipline and Alternative Interim Educational Settings**

#### **May my child be suspended or expelled?**

School personnel may consider any unique circumstances on a case-by-case basis when determining whether a change in placement is appropriate for a child with a disability who violates a code of student conduct from his or her setting to:

- An appropriate interim alternative education setting, another setting, or suspension for not more than ten (10) consecutive school days, and
- Additional removals of not more than ten (10) consecutive school days in the same school year for separate incidents of misconduct

#### **What occurs after a removal of more than ten (10) days?**

After a child with a disability has been removed from his or her current placement for ten (10) school days in the same school year, during any subsequent days of removal the public agency must provide services to enable the child to continue to participate in the general education curriculum and progress toward meeting the goals set out in the child's IEP. Also, a child will receive, as appropriate, a functional behavioral assessment and behavioral intervention services and modifications, which are designed to address the behavior violation so that it does not recur.

If a child exceeds ten (10) days in such a placement, an IEP team meeting must be held to determine whether the child's misconduct is caused by the disability. This IEP team meeting must take place immediately, if possible, or within ten (10) days of the school district's decision to take this type of disciplinary action.

As a parent, you will be invited to participate as a member of this IEP team. The school district may be required to develop an assessment plan to address the misconduct or, if your child has a behavior intervention plan, review and modify the plan as necessary.

#### **What happens if the IEP team determines that the misconduct is not caused by the disability?**

If the IEP team concludes that the misconduct was not a manifestation of the child's disability, the school district may take disciplinary action, such as expulsion, in the same manner as it would for a child without a disability. (20 USC 1415[k][1] and [7]; 34 CFR 300.530)

If you disagree with the IEP team's decision, you may request an expedited due process hearing, which must occur within twenty (20) school days of the date on which you requested the hearing. (20 USC 1415[k][2]; 34 CFR 300.531[c])

Regardless of the setting, the school district must continue to provide FAPE for your child. Alternative educational settings must allow the child to continue to participate in the general curriculum and ensure continuation of services and modifications detailed in the IEP. (34 CFR 300.530; EC 48915.5[b])

### **Children Attending Private School**

#### **May students who are parentally placed in private schools participate in publicly funded special education programs?**

Children who are enrolled by their parents in private schools may participate in publicly funded special education programs. The school district must consult with private schools and with parents to determine the services that will be offered to private school students. Although school districts have a clear responsibility to offer FAPE to students

with disabilities, those children, when placed by their parent in private schools, do not have the right to receive some or all of the special education and related services necessary to provide FAPE. (20 USC 1415[a][10][A]; 34 CFR 300.137 and 300.138; EC 56173)

If a parent of an individual with exceptional needs, who previously received special education and related services under the authority of the school district, enrolls the child in a private elementary school or secondary school without the consent of or referral by the local educational agency, the school district is not required to provide special education if the district has made FAPE available. A court or a due process hearing officer may require the school district to reimburse the parent or guardian for the cost of special education and the private school only if the court or due process hearing officer finds that the school district had not made FAPE available to the child in a timely manner prior to that enrollment in the private elementary school or secondary school and that the private placement is appropriate. (20 USC 1412[a][10][C]; 34 CFR 300.148; EC 56175)

### **When may reimbursement be reduced or denied?**

The court or hearing officer may reduce or deny reimbursement if you did not make your child available for an assessment upon notice from the school district before removing your child from public school. You may also be denied reimbursement if you did not inform the school district that you were rejecting the special education placement proposed by the school district, including stating your concerns and intent to enroll your child in a private school at public expense.

Your notice to the school district must be given either:

- At the most recent IEP team meeting you attended before removing your child from the public school, or
- In writing to the school district at least ten (10) business days (including holidays) before removing your child from the public school. (20 USC 1412[a][10][C]; 34 CFR 300.148; EC 56176)

### **When may reimbursement not be reduced or denied?**

A court or hearing officer must not reduce or deny reimbursement to you if you failed to provide written notice to the school district for any of the following reasons:

- The school prevented you from providing notice
- You had not received a copy of this Notice of Procedural Safeguards or otherwise been informed of the requirement to notify the district
- Providing notice would likely have resulted in physical harm to your child
- Illiteracy and inability to write in English prevented you from providing notice, or
- Providing notice would likely have resulted in serious emotional harm to your child

(20 USC 1412[a][10][C]; 34 CFR 300.148; EC 56177)

## **State Complaint Procedures**

### **When may I file a state compliance complaint?**

You may file a state compliance complaint when you believe that a school district has violated federal or state special education laws or regulations. Your written complaint must specify at least one alleged violation of federal and state special education laws. The violation must have occurred not more than one year prior to the date the complaint is received by the California Department of Education (CDE). When filing a complaint, you must forward a copy of the complaint to the school district at the same time you file a state compliance complaint with the CDE. (34 CFR 300.151–153; 5 CCR 4600)

Complaints alleging violations of federal and state special education laws or regulations may be mailed to:

California Department of Education  
 Special Education Division  
 Procedural Safeguards Referral Service  
 1430 N Street, Suite 2401  
 Sacramento, CA 95814

For complaints involving issues not covered by federal or state special education laws or regulations, consult your district's uniform complaint procedures.

To obtain more information about dispute resolution, including how to file a complaint, contact the CDE, Special Education Division, Procedural Safeguards Referral Service, by telephone at 800-926-0648; by fax at 916-327-3704; or by visiting the CDE, [Special Education Web page](#).

### Glossary of Abbreviations Used in This Notification

ADR: Alternative Dispute Resolution  
 CFR: Code of Federal Regulations  
 EC: California Education Code  
 FAPE: Free Appropriate Public Education  
 IDEA: Individuals with Disabilities Education Act  
 IEP: Individualized Education Program  
 OAH: Office of Administrative Hearings  
 SELPA: Special Education Local Plan Area  
 USC: United States Code

**Questions: Procedural Safeguards Referral Service** | [spceducation@cde.ca.gov](mailto:spceducation@cde.ca.gov) | 800-926-0648

Last Reviewed: Thursday, January 12, 2017

## J. NOTICE OF PARENT AND STUDENT RIGHTS UNDER SECTION 504, REHABILITATION ACT OF 1973

The Rehabilitation Act of 1973, which includes "Section 504," is a civil rights statute enacted by the United States Congress. The purpose of Section 504 is to prohibit discrimination against persons with disabilities participating in, or receiving benefits from, programs receiving federal financial assistance, and ensures that eligible disabled students have educational opportunities and benefits equal to those provided to non-disabled students.

Section 504 defines a student with a disability as one who: (a) has a physical or mental impairment that substantially limits one or more major life activities, such as learning; or (b) has a record of such an impairment; or (c) is regarded as having such an impairment.

Dual Eligibility: Some students may be eligible for educational services under both Section 504 and the Individuals with Disabilities Education Act ("IDEA").

The implementing regulations for Section 504, as set out in 34 CFR, Part 104, provide eligible students with disabilities and their parents with the following rights:

1. Parents' Rights: You have a right to be informed by the District of your rights under Section 504. (The purpose of this Notice form is to advise you of those rights.) 34 CFR 104.32.
2. FAPE: Your child has the right to a free appropriate public education designed to meet his/her individual educational needs as adequately as the needs of non-disabled students are met. 34 CFR 104.33



3. Free Education: Your child has the right to free educational services, with the exception of certain costs that are also imposed on non-disabled students or their parents. Insurers and similar third parties are not relieved of an otherwise valid obligation to provide or pay for services provided to a student who becomes eligible for services under Section 504. 34 CFR 104.33
4. LRE: Your child has a right to an educational placement in the least restrictive environment, which means that to the maximum extent appropriate, your child has the right to be educated with non-disabled students, and has the right to be educated in regular classes, unless your child's needs cannot be adequately met in the regular classroom, even with the use of supplementary aids and services. 34 CFR 104.34.
5. Comparable Facilities: Your child has a right to facilities, services, and activities that are comparable to those provided for non-disabled students. 34 CFR 104.35.
6. Evaluations: Your child has a right to an evaluation prior to an initial Section 504 placement and, if eligible for services under Section 504, before any subsequent significant change in placement. 34 CFR 104.35.
7. Testing Procedures: Testing and other evaluation procedures must conform to the requirements of 34 CFR 104.35 as to validation, administration, areas of evaluation, etc. The District shall consider information from a variety of sources, including, for example, aptitude and achievement tests, teacher recommendations, physical condition, social or cultural background, and adaptive behavior. 34 CFR 104.35.
8. Section 504 Student Study Team: Placement decisions must be made by a group of persons, including persons knowledgeable about your child, the meaning of the evaluation data, and the placement options, and placement decisions must be made in conformity with least restrictive environment and comparable facilities obligations. 34 CFR 104.35.
9. Re-evaluations: If eligible for services under Section 504, your child has a right to periodic re-evaluation, including prior to any significant change in placement. 34 CFR 104.35.
10. Prior Notice: You have the right to notice prior to any action by the District in regard to the identification, evaluation, or placement of your child. 34 CFR 104.36
11. Records: You have the right to examine relevant records of your student. 34 CFR 104.36
12. Due Process Procedures: You have the right to an impartial due process hearing if you wish to contest District action regarding your child's identification, evaluation, or educational placement, with opportunity for parental participation in the hearing and representation by an attorney, if you wish to retain one. 34 CFR 104.36
13. Review Procedures: You have the right to seek review in federal court if you disagree with the hearing officer's decision upon conclusion of a due process hearing. 34 CFR 104.36
14. Internal Procedures: If you disagree with the identification, evaluation, or placement of a student with disabilities under Section 504, you may, but are not required to, initiate the procedures covered in Administrative Regulation 6164.6, which is available on the District's website or upon request.
15. OCR Complaints: You have a right to file a complaint with the Office for Civil Rights. The following is the contact information for the regional office that covers California:

Office for Civil Rights  
U.S. Department of Education  
50 United Nations Plaza  
Mail Box 1200, Room 1545  
San Francisco, CA 94102

Telephone: (415) 486-5555  
 TDD (800) 877-8339  
 Facsimile: (415) 486-5570  
 Email: OCR.SanFrancisco@ed.gov

16. **Discipline Procedures:** When a student with a disability is suspended or expelled for more than 10 consecutive school days in one school year, or when there is a pattern of removals exceeding 10 school days, a significant change in placement has occurred and the District must conduct a manifestation determination review, unless the student is solely eligible under Section 504 and the conduct at issue is the illegal use or possession of alcohol or drugs and the student is currently engaged in the use of alcohol or drugs. In such instances of alcohol or drug use or possession, as well as in instances where the suspension(s) or expulsion is 10 days or less, the District may take the same disciplinary action against your child that it would take against a nondisabled student.

A manifestation determination review is conducted by the student's Section 504 Team at a meeting to which the student's parents will be invited to attend. The review will determine whether the student's behavior at issue was a manifestation of his/her disability, and this is done by answering two questions: 1) was the conduct in question caused by, or had a substantial relationship to, the student's disability; and, 2) was the conduct in question the direct result of the District's failure to implement the student's Section 504 plan. If the answer to both questions is "no," then the alleged misconduct shall be determined not to be a manifestation of the student's disability and the student may be disciplined for the conduct in question in the same manner as a student without disabilities. If the answer to either question is "yes," then the student may not be disciplined for the conduct in question.

You will be informed of the Section 504 Team's decision in writing and the right to request an impartial hearing on the issue. Neither your disagreement with the determination nor your request for an impartial hearing shall preclude the District from proceeding with disciplinary action. If, following an impartial hearing and the exhaustion of any judicial proceedings reviewing that decision, it is determined that the misconduct was caused by the student's disability or by a failure to implement a Section 504 plan, then the District shall reinstate the student to his/her prior educational program and shall promptly hold a Section 504 Team meeting to re-examine the student's current educational needs.

*REMINDER: The procedural safeguards outlined in this Notice apply only to eligible students under Section 504. Students protected by the IDEA are to follow IDEA procedures. For more information, please contact the District's Section 504 Coordinator, Clare Davies at (831)646-6523.*

## **K. COLLEGE ADMISSIONS REQUIREMENTS / CAREER TECHNICAL EDUCATION (Education Code section 51229)**

Parents of students enrolled in grades 9-12 have a right to receive annual notice of the following college admissions requirements and career technical education information:

### **A. College Admissions Requirements**

#### **University of California:**

There are three paths to eligibility for freshmen:

1. Eligibility in the Statewide Context - Students must complete specific coursework and college admissions tests and earn the required GPA and test scores.
2. Eligibility in the Local Context (ELC) - Students must rank in the top 4 percent of their graduating class at a participating California high school.
3. Eligibility by Examination Alone - Students must achieve specified high scores on their college admissions tests.

The following website links provide more information regarding University of California admission requirements:

<http://admission.universityofcalifornia.edu/>

[http://www.universityofcalifornia.edu/admissions/undergrad\\_adm/paths\\_to\\_adm/freshman/subject\\_reqs.html](http://www.universityofcalifornia.edu/admissions/undergrad_adm/paths_to_adm/freshman/subject_reqs.html)

**California State University:**

Most applicants who are admitted meet the standards in each of the following areas:

1. Specific high school courses
2. Grades in specified courses and test scores
3. Graduation from high school

The following website link provides more information regarding the California State University admission requirements:

[http://www.csumentor.edu/planning/high\\_school/](http://www.csumentor.edu/planning/high_school/)

B. Career Technical Education

Career Technical Education is a program of study that involves a multiyear sequence of courses that integrates core academic knowledge with technical and occupational knowledge to provide students with a pathway to postsecondary education and careers.

For more information, visit the California Department of Education's website at

<http://www.cde.ca.gov/ci/ct/>

Guidance Counseling

Students may meet with guidance counselors at their school to discuss college admission requirements and/or to enroll in career technical education courses.

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***This completes the “Notice of Parental Rights and Responsibilities” section. On the following pages are the referenced board policies and regulations (also available on the District’s website), and complaint forms.***

# ATTACHMENTS

# Pacific Grove Unified School District

## UNIFORM COMPLAINT PROCEDURES

Mandated Policy

The Governing Board recognizes that the District is responsible for ensuring that it complies with state and federal laws and regulations governing educational programs.

The District uniform complaint procedures (UCP) will be used to investigate the following complaints:

**1. Discrimination Complaints.** Any complaint alleging unlawful discrimination, harassment, intimidation, or bullying based on one or more of the following actual or perceived characteristics, or association with a person or group with one or more of the following actual or perceived characteristics: disability, sex, gender, gender identity, gender expression, nationality, race or ethnicity, immigration status, color, age, religion, sexual orientation, genetic information, marital, pregnancy, parental or family status or any other characteristics identified in Education Code sections 200 and 220, Government Code section 11135, or Penal Code section 422.55, in any District program or activity that receives or benefits from state financial assistance.

**2. Noncompliance Complaints.** Complaints alleging failure to comply with state or federal laws in adult education programs, consolidated categorical aid programs, migrant education, career technical and technical education programs, Regional Occupational Centers and Programs, state preschool program health and safety, foster and homeless youth services, lactating student accommodations, pregnant and parenting student parental leave and educational rights, physical education instructional minute requirements, educational content course requirements for grades 9-12, graduation requirements exemptions for former juvenile court school students, school safety planning, child care and development programs, child nutrition programs, and special education programs. (Title 5, Sections 4610, 4620)

**3. Student Fees Complaints.** Any complaint alleging District violation of the prohibition against requiring students to pay fees, deposits, or other charges for participation in educational activities. (Title 5, Section 4610)

**4. Local Control and Accountability Plan Noncompliance Complaints.** Any complaint alleging the District's noncompliance with legal requirements related to the implementation of the Local Control and Accountability Plan (LCAP). (Ed. Code § 52075)

**5. Rights of Homeless Students and Students in Foster Care.** The District's uniform complaint procedures cover complaints pertaining to the education of homeless students and students in foster care, including, but not limited to rights related to: (1) school placement; (2) access to academic, extracurricular and enrichment programs and activities; (3) educational services for students living in emergency shelters; (4) assignment of an educational liaison and the carrying out of the liaison's duties; (5) transfer of the complete educational record and credits earned to the next educational placement; (6) proper and timely transfer between schools of students in foster care; and (7) ensuring that no lowering of grades occurs due to a foster youth's absence due to a change in placement by a court or placing agency, or due to a verified court appearance or related court activity.

**6. Graduation and Coursework Requirements for Foster Youth, Homeless Students, Former Juvenile Court Students, Migratory and Newly Arrived Immigrant Students Participating in a**

# Pacific Grove Unified School District

## UNIFORM COMPLAINT PROCEDURES

Mandated Policy

**“Newcomer Program”, and Students Living in Active Duty Military Households** The District’s uniform complaint procedures cover complaints pertaining to the graduation and coursework rights of foster youth, homeless students, former juvenile court students, migratory and newly arrived immigrant students participating in a “newcomer program”, which is a program designed to meet the academic and transitional needs of newly arrived immigrant students, and students living in the households of parents/guardians who are active duty members of the military. Those rights under Education Code sections 54441, 51225.1 and 51225.2 include:

- a) exemption from local graduation and coursework requirements that are in addition to the statewide coursework requirements for graduation;
- b) credit or partial credit for coursework completed while attending another school;
- c) the option to remain in school for a fifth year to complete the school district’s graduation requirements; and
- d) not being required to accept the exemption or be denied enrollment in, or the ability to complete or retake, courses necessary to attend an institution of higher education, regardless of whether those courses are required for statewide graduation requirements.

**7. Lactation Accommodations for Parenting Students.** School districts must provide reasonable accommodations to lactating students on school campuses to express breast milk, breastfeed an infant child or address other needs related to breastfeeding. A student may not incur an academic penalty as a result of her use of reasonable lactation accommodations and must be provided an opportunity to make up any work missed due to such use. (Ed. Code § 222(f).)

**8. Assigning Students to Course Periods Without Educational Content.** Beginning with the 2016-2017 school year, school districts may not assign students in grades 9-12 to course periods without educational content for more than one week in any semester without written parental consent and related documentation. “Course periods without educational content” are defined to include course periods where: (1) a student is released early from school; (2) the student is assigned to a service, instructional work experience or to a course to assist a certificated employee, but is not expected to complete curricular assignments; or (3) where the student is not assigned to any course during the class period.

School districts are also prohibited, without written parental consent and related documentation, from enrolling 9-12th graders in classes they have previously completed and received a grade that is satisfactory to receive a high school diploma and to attend a California public institution of postsecondary education. (Ed. Code §§ 51228.1, 51228.2, and 51228.3.)

**9. Physical Education Instructional Minutes.** Students in grades 1-6 are required to receive, at minimum, 200 minutes of physical education instruction each 10 school days, exclusive of recesses and lunch periods. Unless exempted pursuant to Education Code section 51241, students in grades 7-12 are required to receive at least 400 minutes of physical education instruction each 10 school days.

# Pacific Grove Unified School District

## UNIFORM COMPLAINT PROCEDURES

Mandated Policy

High school students may be excused from physical education classes during one of grades 10, 11 or 12 for up to 24 clock hours in order to participate in automobile driver training, but must still attend a minimum of 7,000 minutes of physical education instruction during that school year.

Complaints regarding a school district's failure to comply with these physical education instructional minute requirements may be filed under the District's Uniform Complaint Procedures. (Ed. Code §§ 51210 and 51222.)

### 10. Juvenile Court School Student Graduation Requirements and Continuing Education

**Options.** School districts and county offices must exempt former juvenile court school students, who have transferred into a school district from a juvenile court school after completion of their second year of high school, from local graduation requirements that exceed state requirements and accept coursework satisfactorily completed while attending the juvenile court school, even if the student did not complete the entire course, and grant full or partial credit for courses earned while in juvenile court school. Juvenile court students who have qualified for a diploma have additional rights related to deferring or declining the issuance of a diploma in order to take additional coursework, continuing their education upon release from the juvenile detention facility, and community college transfer opportunities. Former and current juvenile court school students may file complaints of non-compliance with these requirements under the District's Uniform Complaint Procedures. (Ed. Code §§48645.7 and 51225.2)

**11. Pregnant or Parenting Students.** Any complaint alleging district noncompliance with requirements to provide a pregnant or parenting student the accommodations specified in Education Code 46015, including those related to the provision of parental leave, right of return to the school of previous enrollment or to an alternative education program, if desired, and possible enrollment in school for a fifth year of instruction to enable the student to complete state and Board-imposed graduation requirements. (Education Code 46015)

**12. School Plan for Student Achievement or School Site Council.** Any complaint alleging noncompliance with requirements related to the development of a school plan for student achievement or the establishment of a school site council, as required for the consolidated application for specified federal and/or state categorical funding. (Education Code 64000-64001, 65000-65001)

**13. Retaliation for Filing UCP Complaint.** Any complaint alleging retaliation against a complainant or other participant in the complaint process or anyone who has acted to uncover or report a violation subject to this policy

**14. Other Complaints.** Any other complaint as specified in a district policy

The Board encourages the early, informal resolution of complaints at the site level whenever possible. In the event that issues are not resolved informally, a written complaint of alleged noncompliance by the District may be filed using the District's UCP Complaint form (Exhibit 1312.3(a)) and in accordance with Administrative Regulation 1312.3.

# Pacific Grove Unified School District

## UNIFORM COMPLAINT PROCEDURES

Mandated Policy

Upon receipt of a written complaint from an individual, public agency or organization (Exhibit 1312.3(a), uniform complaint procedures shall be initiated. The Superintendent or designee shall distribute full information about these procedures.

The parties may utilize alternative methods to resolve the allegations in a complaint including, but not limited to, mediation. (Title 5, Section 4631) The Board recognizes that a neutral mediator can often suggest an early compromise that is agreeable to all parties in a dispute. In accordance with uniform complaint procedures, whenever all parties to a complaint agree to try resolving their problem through mediation, the Superintendent or designee shall initiate a mediation process before beginning a formal compliance investigation. The Superintendent or designee shall ensure that mediation results are consistent with state and federal laws and regulations.

The Board acknowledges and respects student and employee rights to privacy. The district shall protect all complainants from retaliation. In investigating complaints the confidentiality of the parties involve shall be protected to the extent required by law. For any complaint alleging retaliation or unlawful discrimination (such as disciplinary harassment, intimidation, or bullying), complaints shall be investigated in a manner that protects the confidentiality of the parties and the facts. Confidentiality in an investigation includes keeping the identity of the complainant confidential except to the extent necessary to carry out the investigation or proceedings, as determined by the Superintendent or designee on a case-by-case basis. (Title 5, Section 4621)

The Board prohibits retaliation in any form for the filing of a complaint, the reporting of instances of discrimination or participation in complaint procedures. Such participation shall not in any way affect the status, grades or work assignments of the complainant.

When an allegation that is not subject to UCP is included in a UCP complaint, the district shall refer the non-UCP allegation to the appropriate staff or agency using the policy most appropriate for the non-UCP allegation. The district shall investigate and, if appropriate, resolve the UCP-related allegation(s) through the district's UCP.

The Superintendent or designee shall provide training to district staff to ensure awareness and knowledge of current law and requirements related to UCP, including the steps and timelines specified in this policy and the accompanying administrative regulation.

The Superintendent or designee shall maintain a record of each complaint and subsequent related actions, including steps taken during the investigation and all information required for compliance with 5 CCR 4631 and 4633.

### Non-UCP Complaints

The following complaints shall not be subject to the district's UCP but shall be referred to the specified agency: (5 CCR 4611)



# Pacific Grove Unified School District

## UNIFORM COMPLAINT PROCEDURES

Mandated Policy

1. Any complaint alleging child abuse or neglect shall be referred to the County Department of Social Services Protective Services Division and the appropriate law enforcement agency.
2. Any complaint alleging health and safety violations by a child development program shall, for licensed facilities, be referred to Department of Social Services and shall, for licensing-exempt facilities, be referred to the appropriate Child Development regional administrator.
3. Any complaint alleging fraud shall be referred to the Legal, Audits and Compliance Branch of the California Department of Education.
4. Any complaint alleging employment discrimination or harassment shall be investigated and resolved by the district in accordance with the procedures specified in AR 4030 - Nondiscrimination in Employment, including the right to file the complaint with the California Department of Fair Employment and Housing.
5. Any complaint related to sufficiency of textbooks or instructional materials, emergency or urgent facilities conditions that pose a threat to the health or safety of students or staff, teacher vacancies and mis-assignments, or health and safety violations in any license-exempt California State Preschool Program shall be investigated and resolved in accordance with the procedures in AR 1312.4 - Williams Uniform Complaint Procedures. (Education Code 8235.5, 35186)
6. Any complaint not defined as a uniform complaint per Policy 1312.3.

### Legal Reference:

#### EDUCATION CODE

200-262.3 Prohibition of discrimination

222 Lactation accommodations for parenting students

8200-8498 Child care and development programs

8500-8538 Adult basic education

18100-18179 School libraries

35146 Closed sessions

35160 Authority of governing boards

44670.1-44671.5 School personnel staff development and resource centers

48645.5 and 48645.7 coursework, continuing education options and graduation deferral rights for former juvenile court school students

48850, 48852.5, 48852.7, 48853, 48853.5, 49069.5, 51225.1, 51225.2, 42 USC 11432 and 5 CCR §

4622 Homeless students and students in foster care

48985 Notices in language other than English

49013 Pupil fees

49060-49079 Student records

49490-49560 Child nutrition programs

51210, 51222 and 51223 Physical education instructional minutes

# Pacific Grove Unified School District

## UNIFORM COMPLAINT PROCEDURES

Mandated Policy

51225.1 and 51225.2 Graduation and coursework requirements for foster youth, homeless students, former juvenile court school student, and students living in active duty military households  
51228.1, 51228.2 and 51228.3 Assigning students to course periods without educational content  
51513 Personal beliefs

52075 Local Control and Accountability Plan  
52160-52178 Bilingual education programs  
52300-52483 Vocational education  
52500-52616.24 Adult schools  
52800-52863 School-based coordinated programs  
54000-54041 Economic impact aid programs  
54100-54145 Miller-Unruh Basic Reading Act  
54400-54425 Compensatory education programs  
54440-54445 Migrant education  
54460-54529 Compensatory education programs  
56000-56885 Special education programs  
59000-59300 Special schools and centers  
64000 Consolidated application process  
65000-65001 School Site Council  
GOVERNMENT CODE  
54957-54957.8 Closed sessions  
CODE OF REGULATIONS, TITLE 5  
3080 Application of section 4600-4671  
4600 – 4671 Uniform Complaint Procedures  
UNITED STATES CODE, TITLE 20  
1221 – 1232g General Education Provisions Act  
1681 – 1688 Discrimination based on sex or blindness, Title IX  
CODE OF FEDERAL REGULATIONS, TITLE 34  
100.1 – 100.13 Nondiscrimination  
CSBA Date – 10/97

# Pacific Grove Unified School District

## UNIFORM COMPLAINT PROCEDURES

Mandated Procedures

### Compliance Officers

The Governing Board designates the following compliance officer/s who shall be responsible for initially receiving all complaints, investigating as appropriate and/or delegating to the appropriate Program Administrator to investigate and ensure District compliance with law: (Title 5, Section 4621)

Director, Human Resources  
435 Hillcrest Avenue  
Pacific Grove, CA 93950  
(831)-646-6507

The Superintendent or designee shall ensure that employees designated to investigate complaints are knowledgeable about the laws and programs for which they are responsible. Such employees may have access to legal counsel as determined by the Superintendent or designee. (Title 5, Section 4621)

### Notifications

The district's UCP policy and administrative regulation shall be posted in all district schools and offices, including staff lounges and student government meeting rooms. (Education Code [234.1](#))

The Superintendent or designee shall meet the notification requirements of the Code of Regulations, Title 5, Section 4622, including the annual dissemination of District complaint procedures and information about available appeals, civil law remedies and conditions under which a complaint may be taken directly to the California Department of Education. The Superintendent or designee shall ensure that complainants understand that they may pursue other remedies, including actions before civil courts or other public agencies.

The above notification shall state that complainants may seek help from agencies such as legal assistance agencies, local mediation centers or the county office of education. Local resources include:

- Monterey County Office of Education
- Department of Fair Employment and Housing
- Office of Civil Rights
- Equal Employment Opportunity Commission

The Superintendent or designee shall ensure that all students and parents/guardians, including students and parents/guardians with limited English proficiency, have access to the relevant information provided in the district's policy, regulation, forms, and notices concerning the UCP.

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 the UCP 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 UCP information for parents/guardians with limited English proficiency.

# Pacific Grove Unified School District

## UNIFORM COMPLAINT PROCEDURES

Mandated Procedures

### Procedures

The following procedures shall be used to address only the complaints specified in Board Policy 1312.3. Compliance officers shall maintain a record of each complaint and subsequent related actions, including all information required for compliance with the Code of Regulations, Title 5, Section 4633.

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

### Filing of Complaint

#### 1. Complaints alleging unlawful discrimination, harassment, intimidation or bullying

Complaints alleging unlawful discrimination, harassment, intimidation or bullying may be filed by a person who alleges that he/she personally suffered unlawful discrimination or by a person who believes that an individual or any specific class of individuals has been subjected to unlawful discrimination. The complaint must be initiated no later than six months from the date when the alleged discrimination occurred or when the complainant first obtained knowledge of the facts of the alleged discrimination unless the time for filing is extended by the district superintendent or his or her designee, upon written request by the complainant setting forth the reasons for the extension. Such extension by the district superintendent or his or her designee shall be made in writing. The period for filing may be extended by the district superintendent or his or her designee for good cause for a period not to exceed 90 days following the expiration of the six month time period. The district superintendent shall respond immediately upon a receipt of a request for extension. (Title 5, Section 4630)

#### 2. Complaints alleging violations of federal or state law governing certain programs

A written complaint alleging District violation of applicable federal or state laws governing adult education programs, consolidated categorical aid programs, migrant education, career technical education and training programs, Regional Occupational Centers and Programs, child care and development programs, state preschool program health and safety, child nutrition programs, foster and homeless youth services, lactating student accommodations, pregnant and parenting student parental leave and educational rights, physical education instructional minute requirements, educational content course requirements for grades 9-12, former juvenile court school students' graduation, coursework and continuing education options, graduation and coursework requirements for foster youth, homeless students, migratory and newly arrived immigrant students participating in a "Newcomer Program" and students living in active duty military households, school safety planning or special education programs, may be filed by any individual, public agency, or organization. (Education Code Sections 222, 51210, 51222, 51223, 51225.1, 51225.2, 51228.1, 51228.2, 51228.3, and Title 5, Sections 4610 and 4630)

# Pacific Grove Unified School District

## UNIFORM COMPLAINT PROCEDURES

Mandated Procedures

### 3. Complaints regarding pupil fees and LCAP violations

Any complaint alleging noncompliance with law regarding the prohibition against requiring students to pay student fees, deposits, and charges or any requirement related to the LCAP, may be filed anonymously if the complaint provides evidence, or information leading to evidence, to support an allegation of noncompliance. A complaint about a violation of the prohibition against the charging of unlawful student fees may be filed with the principal of the school. However, those complaints must be filed no later than one year from the date the alleged violation occurred. (Education Code Sections 49013, 52075; Title 5 Section 4630)

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

If a complainant is unable to put a complaint in writing due to conditions such as illiteracy or other disabilities, District staff shall help him or her to file the complaint. (Title 5, Section 4600)

#### **Mediation**

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

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

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

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

#### **Investigation of Complaint**

The compliance officer will hold an investigative meeting with the complainant within five school days of receiving the complaint. The complainant, and his or her representative, will have an opportunity to present the complaint(s) and evidence or information leading to support the allegations of non-compliance with state and federal laws and/or regulations. (Title 5, Section 4631)

Parties to the dispute may discuss the complaint and question each other or each other's witnesses. If the complainant does not attend the meeting, the District representative will make a formal note of the occurrence and move forward in completing the investigation.

The District will investigate the complaint and issue the complainant a written report within 60 days from the date of the receipt of the complaint, unless the complainant agrees in writing to an extension of time. (Title 5, Section 4631)

# Pacific Grove Unified School District

## UNIFORM COMPLAINT PROCEDURES

Mandated Procedures

Refusal by the complainant to provide the investigator with documents or other evidence related to the allegations in the complaint, or to otherwise fail or refuse to cooperate in the investigation or engage in any other obstruction of the investigation, may result in the dismissal of the complaint because of a lack of evidence to support the allegations. (Title 5, Section 4631)

Refusal by the District to provide the investigator with access to records and/or other information related to the allegation in the complaint, or to otherwise fail or refuse to cooperate in the investigation or engage in any other obstruction of the investigation, may result in a finding based on evidence collected that a violation has occurred and may result in the imposition of a remedy in favor of the complainant. (Title 5, Section 4631)

### Response

The Board may consider the matter at its next regular Board meeting or at a special Board meeting convened in order to meet the 60-day time limit within which the complaint must be answered. The Board may decide not to hear the complaint, in which case the compliance officer's decision is final.

If the Board hears the complaint, the compliance officer shall send the Board's decision to the complainant within 60 days of the District's initially receiving the complaint or within the time period that has been specified in a written agreement with the complainant. (Title 5, Section 4631)

### Final Written Decision

The report of the District's decision shall be written in English and in the language of the complainant whenever feasible or required by law. If it is not feasible to write this report in the complainant's primary language, the District shall arrange a meeting at which a community member will interpret it for the complainant.

This written decision shall include:

1. The findings of fact based on the evidence gathered,
2. Conclusions of law,
3. Disposition of the complaint,
4. The rationale for the disposition,
5. Corrective actions, if they are warranted, including, with respect to a pupil fee complaint, a remedy that comports with Education Code sections 49013(d) and Title 5, Section 4600(u).
6. Notice of the complainant's right to appeal the District's decision to the California Department of Education (CDE), and

# Pacific Grove Unified School District

## UNIFORM COMPLAINT PROCEDURES

Mandated Procedures

7. Procedures to be followed for initiating an appeal to the CDE.  
(Title 5, Section 4631)

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

### Appeals to the California Department of Education

If dissatisfied with the District's decision, the complainant may appeal in writing to the California Department of Education within 15 days of receiving the District's decision. When appealing to the California Department of Education, the complainant must specify the reason(s) for appealing the District's decision and must include a copy of the locally filed complaint and the District's decision.  
(Title 5, Section 4632)

### Direct State Intervention

Complainants may ask the California Department of Education to directly intervene without waiting for action by the District when certain conditions exist, including, but not limited to, the following: (1) the complaint alleges that the District has failed to comply with its Uniform Complaint Procedures, including, but not limited to, the failure or refusal to cooperate with an investigation; (2) the complainant requests anonymity due to the danger of retaliation and complainant would suffer immediate and irreparable harm if complainant files a complaint with the District; (3) complainant alleges a failure to comply with special education due process procedures pursuant to state and federal law or a due process hearing order; (4) the complaint is related to special education and alleges facts that indicate that one or more students may be in immediate physical danger or that the health, safety, or welfare of one or more students is threatened; or (6) complainant alleges that the District failed to follow a student's individualized education plan.

See Code of Regulations, Title 5, Section 4650 for the full list of situations that may warrant direct state intervention.

See Policy #1312.3  
CSBA Date – 10/97

# Pacific Grove Unified School District

Community Relations

Exhibit #1312.3

## PACIFIC GROVE UNIFIED SCHOOL DISTRICT Uniform Complaint Form

**Please complete all information and return this form to:** **PGUSD Human Resource Office**  
**435 Hillcrest Avenue**  
**Pacific Grove, CA 93950**

*If you need help filling out the form please contact the Human Resources Director at 646-6507.*

<b>Date</b>	<b>Name of Complainant</b>	<b>School</b>	
<b>Address</b>	<b>City</b>	<b>State</b>	<b>Zip</b>
<b>Phone (Day)</b>	<b>Phone (Evening)</b>	<b>Phone (Cell)</b>	

\_\_\_\_\_  
**Name of Parent if not Complainant**

*Please check the appropriate box(es):*

- A.  I am filing a complaint alleging unlawful discrimination, harassment, intimidation, or bullying based on one or more of the following actual or perceived characteristics, or association with a person or group with one or more of the following actual or perceived characteristics: disability, gender, gender identity, gender expression, nationality, race or ethnicity, ethnic group identification, immigration status, color, age, religion, genetic information, sex or sexual orientation, marital, pregnancy, parental or family status or any other characteristics identified in Education Code sections 200 and 220, Government Code section 11135, or Penal Code section 422.55, in any District program or activity that receives or benefits from state financial assistance.
  
- B.  I am filing a complaint alleging a violation of federal or state laws governing any of the following: adult education, consolidated categorical aid programs, career technical and technical education, Regional Occupational Centers and Programs, migrant education, child care and development programs, state preschool program health and safety, foster and homeless youth services, lactating student accommodations, pregnant and parenting student parental leave and educational rights, physical education instructional minute requirements, educational content course requirements for grades 9-12, former juvenile court school students' graduation, coursework and continuing education options, graduation and coursework requirements for foster youth, homeless students, migratory and newly arrived immigrant students participating in a "Newcomer Program," and students living in active duty military households, child nutrition programs, special education or school safety planning.  
  
Please specify the program(s): \_\_\_\_\_.
  
- C.  I am filing a complaint alleging violation of the prohibition against requiring students to pay fees, deposits, or other charges for participation in educational activities.
  
- D.  I am filing a complaint alleging that the District has not complied with legal requirements related to the implementation of the Local Control and Accountability Plan (LCAP).
  
- E.  I am filing a complaint alleging violation of rights of homeless students and students in foster care.
  
- F. I am filing a complaint alleging violation of student rights regarding graduation and coursework requirements for foster youth, homeless students, former juvenile court students, migratory and new arrived immigrant student participating in a "Newcomer Program", and students living in active duty military households.
  
- G. I am filing a complaint alleging violation of lactation accommodations for parenting students.
  
- H. I am filing a complaint alleging violation by assigning students to course periods without educational content.
  
- I. I am filing a complaint alleging violation of required physical education instructional minutes.



# Pacific Grove Unified School District

Community Relations

Exhibit #1312.3

- J. I am filing a complaint alleging violation of graduation requirements and continuing education options for juvenile court school students.
- K. I am filing a complaint alleging violation of rights of pregnant or parenting students.
- L. I am filing a complaint alleging schools plans for student achieve or school site council.
- M. I am filing a complaint alleging retaliation for filing a UCP complaint.

Date and results of informal meeting and/or mediation (if applicable): \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(If you need additional space, you may attach a separate sheet of paper to this complaint form.)

**(For Office Use Only)**

\_\_\_\_\_  
**Date Received**

\_\_\_\_\_  
**Date Complainant was contacted**

\_\_\_\_\_  
**Expected Date of Written Response (60 working days)**

# Pacific Grove Unified School District

Community Relations

Exhibit #1312.3

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For each box that you checked, please specifically describe the nature of your complaint. Be as factual and specific as possible. Discrimination complaints must be initiated no later than six months from the date when the alleged discrimination occurred or when the complainant first obtained knowledge of the facts supporting the alleged discrimination. Therefore, you must as least indicate the approximate date of the alleged violation. If the violation has occurred over a period of time or is continuing, please indicate the time period in question.

**Details of the complaint (attach appropriate supporting documents):**

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**Specific remedy sought:**

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Within 60 calendar days following the receipt of the complaint a written report of the district's investigation shall be completed.

**Signature of Complainant:** \_\_\_\_\_

# PACIFIC GROVE UNIFIED SCHOOL DISTRICT

## WILLIAMS UNIFORM COMPLAINT PROCEDURES

### Types of Complaints

The district shall use the following procedures to investigate and resolve complaints when the complainant alleges that any of the following has occurred: (Education Code 35186; 5 CCR §§4680-4687)

1. Instructional materials
  - a. A student, including an English learner, does not have standards-aligned textbooks or instructional materials or state- or district-adopted textbooks or other required instructional materials to use in class.
  - b. A student does not have access to instructional materials to use at home or after school in order to complete required homework assignments. This does not require two sets of textbooks or instructional materials for each student.
  - c. Textbooks or instructional materials are in poor or unusable condition, have missing pages, or are unreadable due to damage.
  - d. A student was provided photocopied sheets from only a portion of a textbook or instructional materials to address a shortage of textbooks or instructional materials.
2. Teacher vacancy or misassignment
  - a. A semester begins and a certificated teacher is not assigned to teach the class.

*Vacancy* means a position to which a single designated certificated employee has not been assigned at the beginning of the year for an entire year or, if the position is for a one-semester course, a position to which a single designated certificated employee has not been assigned at the beginning of a semester for an entire semester. (Education Code 35186; 5 CCR § 4600)

*Beginning of the year or semester* means the first day classes necessary to serve all students enrolled are established with a single designated certificated employee assigned for the duration of the class, but not later than 20 working days after the first day students attend classes for that semester. (5 CCR § 4600)
  - b. A teacher who lacks credentials or training to teach English learners is assigned to teach a class with more than 20 percent English learner students in the class.
  - c. A teacher is assigned to teach a class for which the teacher lacks subject matter competency.

*Misassignment* means the placement of a certificated employee in a teaching or services position for which the employee does not hold a legally recognized certificate or credential or the placement of a certificated employee in a teaching or services

# PACIFIC GROVE UNIFIED SCHOOL DISTRICT

position that the employee is not otherwise authorized by statute to hold. (Education Code 35186; 5 CCR § 4600)

3. Facilities

- a. A condition poses an emergency or urgent threat to the health or safety of students or staff.

*Emergency or urgent threat* means structures or systems that are in a condition that poses a threat to the health and safety of students or staff while at school, including but not limited to gas leaks; nonfunctioning heating, ventilation, fire sprinklers, or air-conditioning systems; electrical power failure; major sewer stoppage; major pest or vermin infestation; broken windows or exterior doors or gates that will not lock and that pose a security risk; abatement of hazardous materials previously undiscovered that pose an immediate threat to students or staff; or structural damage creating a hazardous or uninhabitable condition. (Education Code 17592.72)

- b. A school restroom has not been cleaned, maintained, or kept open in accordance with Education Code 35292.5.

*Clean or maintained school restroom* means a school restroom has been cleaned or maintained regularly, is fully operational, or has been stocked at all times with toilet paper, soap, or paper towels or functional hand dryers. (Education Code 35292.5)

*Open restroom* means the school has kept all restrooms open during school hours when students are not in classes and has kept a sufficient number of restrooms open during school hours when students are in classes. This does not apply when the temporary closing of the restroom is necessary for student safety or to make repairs. (Education Code 35292.5)

4. Complaints regarding the noncompliance of a license-exempt California State Preschool Program (CSPP) with health and safety standards specified in Health and Safety Code [1596.7925](#) and related state regulations, including any complaint alleging that: (Education Code [8235.5](#); Health and Safety Code [1596.7925](#))

- a. The preschool does not have outdoor shade that is safe and in good repair.
- b. Drinking water is not accessible and/or readily available throughout the day.
- c. The preschool does not provide safe and sanitary restroom facilities with one toilet and handwashing fixture for every 15 children.
- d. Restroom facilities are not available only for preschoolers and kindergartners.
- e. The preschool program does not provide visual supervision of children at all times.
- f. Indoor or outdoor space is not properly contained or fenced or does not provide sufficient space for the number of children using the space at any given time.
- g. Playground equipment is not safe, in good repair, or age appropriate.

# PACIFIC GROVE UNIFIED SCHOOL DISTRICT

## **Filing of Complaint**

A complaint alleging any condition(s) specified above shall be filed with the principal or designee. The principal or designee shall forward a complaint about problems beyond his/her authority to the Superintendent or designee within 10 working days. (Education Code 35186; 5 CCR § 4680)

The principal or designee shall make all reasonable efforts to investigate any problem within his/her authority. He/she shall remedy a valid complaint within a reasonable time period not to exceed 30 working days from the date the complaint was received. (Education Code 35186; 5 CCR § 4685)

Complaints may be filed anonymously. If the complainant has indicated on the complaint form that he/she would like a response to his/her complaint, the principal or designee shall report the resolution of the complaint to him/her within 45 working days of the initial filing of the complaint. At the same time, the principal or designee shall report the same information to the Superintendent or designee. (Education Code 35186; 5 CCR §§ 4680, 4685)

When Education Code 48985 is applicable and the complainant has requested a response, the response shall be written in English and in the primary language in which the complaint was filed. (Education Code 35186)

If a complainant is not satisfied with the resolution of the complaint, he/she may describe the complaint to the Governing Board at a regularly scheduled hearing. (Education Code 35186; 5 CCR § 4686)

For complaints concerning a facility condition that poses an emergency or urgent threat to the health or safety of students or staff as described in item #3 above, a complainant who is not satisfied with the resolution proffered by the principal or Superintendent or designee may file an appeal to the Superintendent of Public Instruction within 15 days of receiving the district's response. The complainant shall comply with the appeal requirements specified in 5 CCR section 4632. (Education Code 35186; 5 CCR § 4687)

Complaints and written responses shall be public records. (Education Code 35186; 5 CCR § 4686)

## **Reports**

The Superintendent or designee shall report summarized data on the nature and resolution of all complaints to the Board and the County Superintendent of Schools on a quarterly basis. The report shall include the number of complaints by general subject area with the number of resolved and unresolved complaints. These summaries shall be publicly reported on a quarterly basis at a regularly scheduled Board meeting. (Education Code 35186; 5 CCR § 4686)

## **Forms and Notices**

The Superintendent or designee shall ensure a complaint form is available at each school. However, complainants need not use the district's complaint form in order to file a complaint. (Education Code 35186; 5 CCR § 4680)

# PACIFIC GROVE UNIFIED SCHOOL DISTRICT

## Community Relations

Regulation #1312.4

The Superintendent or designee shall ensure that the district's complaint form contains a space to indicate whether the complainant desires a response to his/her complaint and specifies the location for filing a complaint. A complainant may add as much text to explain the complaint as he/she wishes. (Education Code 35186; 5 CCR § 4680)

The Superintendent or designee shall ensure that a notice is posted in each classroom in each school containing the components specified in Education Code 35186. (Education Code 35186)

### EDUCATION CODE:

234.1 Prohibition of discrimination, harassment, intimidation, and bullying

1240 County superintendent of schools, duties

[8235-8239.1](#) California State Preschool Programs

17592.72 Urgent or emergency repairs, School Facility Emergency Repair Account

33126 School accountability report card

35186 Williams uniform complaint procedures

35292.5 Restrooms, maintenance and cleanliness

48985 Notice to parents in language other than English

60119 Hearing on sufficiency of instructional materials

### CODE OF REGULATIONS, TITLE 5

4600-4670 Uniform complaint procedures

[4680-4687](#) Williams uniform complaint procedures

### HEALTH AND SAFETY CODE

[1596.792](#) California Child Day Care Act; general provisions and definitions

[1596.7925](#) California Child Day Care Act; health and safety regulations

### UNITED STATES CODE, TITLE 20

[6314](#) Title I schoolwide program

### Management Resources:

#### WEB SITES

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

California County Superintendents Educational Services Association: <http://www.ccsesa.org>

California Department of Education, Williams case: <http://www.cde.ca.gov/eo/ce/wc>

State Allocation Board, Office of Public School Construction: <http://www.opsc.dgs.ca.gov>

# PACIFIC GROVE UNIFIED SCHOOL DISTRICT

## WILLIAMS UNIFORM COMPLAINT PROCEDURES

### NOTICE TO PARENTS/GUARDIANS: COMPLAINT RIGHTS

Parents/Guardians:

Education Code 35186 requires that the following notice be posted in your child's classroom:

1. There should be sufficient textbooks and instructional materials. For there to be sufficient textbooks and instructional materials, each student, including English learners, must have a textbook or instructional material, or both, to use in class and to take home to complete required homework assignments.
2. School facilities must be clean, safe, and maintained in good repair.
3. There should be no teacher vacancies or misassignments. There should be a teacher assigned to each class and not a series of substitutes or other temporary teachers. The teacher should have the proper credential to teach the class, including the certification required to teach English learners, if present. "Misassignment" means the placement of a certificated employee in a teaching or services position for which the employee does not hold a legally recognized certificate or credential, or placement in a teaching or services position for which the employee is not otherwise authorized by statute to hold.  
  
"Teacher Vacancy" means a position to which a single designated certificated employee has not been assigned at the beginning of the year for an entire year or, if the position is for a one-semester course, a position to which a single designated certificated employee has not been assigned at the beginning of a semester for an entire semester.
4. To file a complaint regarding the above matters, complaint forms can be obtained at the principal's office, district office, or can be downloaded from the school district's or California Department of Education's website.: <http://www.cde.ca.gov/re/cp/uc>. However, a complaint need not be filed using either the district's complaint form or the form from the California Department of Education.

# PACIFIC GROVE UNIFIED SCHOOL DISTRICT

Community Relations

Exhibit # 1312.4

## COMPLAINT FORM: WILLIAMS UNIFORM COMPLAINT PROCEDURE

Complaints may be filed anonymously. However, if you wish to receive a response to your complaint, you must provide your contact information below.

Response requested?  Yes  No

Date: \_\_\_\_\_

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Phone Number: Day: \_\_\_\_\_ Evening: \_\_\_\_\_

Email: \_\_\_\_\_

Issue(s) of the complaint: Please check all that apply:

1. Textbooks and instructional materials:

- A student lacks textbooks or instructional materials to use in class.
- A student does not have access to instructional materials to use at home or after school to complete homework assignments.
- Textbooks or instructional materials are in poor or unusable condition, have missing pages, or are unreadable due to damage.
- A student was provided photocopied sheets from only a portion of a textbook or instructional material to address a shortage of textbooks or instructional materials.

2. Teacher vacancy or misassignment:

- A semester begins and a certificated teacher is not assigned to teach the class.
- A teacher lacks credentials or training to teach English learners or is assigned to teach a class with more than 20% English learners in the class.
- A teacher is assigned to teach a class for which the teacher lacks subject matter competency.

3. Facility conditions:

- A condition exists that poses an emergency or urgent threat to the health or safety of students or staff as defined in Administrative Regulation 1312.4.

A school restroom has not been cleaned, maintained or kept open in accordance with Education Code 35292.5.

Please describe the subject(s) of your complaint in detail, including the date of the problem and specific location where the problem occurred (school, room number). You may attach additional pages if necessary to fully describe the situation:

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Please file this complaint with the person specified below at the following location:



# PACIFIC GROVE UNIFIED SCHOOL DISTRICT

**Community Relations**

Exhibit # 1312.4

Director II, Human Resources  
Pacific Grove Unified School District  
435 Hillcrest Avenue  
Pacific Grove, CA 93950

Please provide a signature below. If you wish to remain anonymous, a signature is not required. However, all complaints, even anonymous ones, should be dated. Please note that all complaints and responses are public records.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

# Pacific Grove Unified School District

## TOBACCO-FREE SCHOOLS/SMOKING

Mandated Policy

The Governing Board recognizes that the health hazards associated with smoking and the use of tobacco products, including the breathing of second-hand smoke, are inconsistent with its goal to provide a healthy environment for students and staff.

The Board further prohibits the use of tobacco products at any time in district-owned or leased buildings, on district property, and in district vehicles. (*Health and Safety Code* 104420 and 104559; *Labor Code* 6404.5; 20 USC 6083). This prohibition applies to all employees, students, and visitors at any school-sponsored instructional program, activity or athletic event on or off district property. Any written joint use agreement governing community use of district facilities or grounds shall include notice of the district's tobacco-free schools policy and consequences for violations of the policy.

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

Tobacco products include: (Business and Professions Code 22950.5; Education Code [48901](#))

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

This policy does not prohibit the use or possession of prescription products and other cessation aids that have been approved by the U.S. Department of Health and Human Services, Food and Drug Administration, such as nicotine patch or gum.

Smoking or use of any tobacco-related product or disposal of any tobacco-related waste is prohibited within 25 feet of any playground, except on a public sidewalk located within 25 feet of the playground. In addition, any form of intimidation, threat, or retaliation against a person for attempting to enforce this policy is prohibited. (*Health and Safety Code* [104495](#))

### Legal Reference

*BUSINESS AND PROFESSIONS CODE*

22950.5 Stop Tobacco Access to Kids Enforcement Act

*EDUCATION CODE*

# Pacific Grove Unified School District

Business

Policy #3513.3

## TOBACCO-FREE SCHOOLS/SMOKING

Mandated Policy

48900 Grounds for suspension/expulsion

48901 Prohibition against tobacco use by students

*HEALTH AND SAFETY CODE*

39002 Control of air pollution from nonvehicular sources

104350-104495 Tobacco use prevention, especially:

104495 Prohibition of smoking and tobacco waste on playgrounds

*PENAL CODE*

308 Unlawful to sell or furnish tobacco products to minors

*LABOR CODE*

3300 Employer, definition

6304 Safe and healthful workplace

6404.5 Occupational safety and health; use of tobacco products

UNITED STATES CODE, TITLE 20

6083 Nonsmoking policy for children's services

7111-7122 Student Support and Academic Enrichment Grants

CODE OF FEDERAL REGULATIONS, TITLE 21

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

PERB RULINGS

Eureka Teachers Assn. v. Eureka City School District (1992) PERB Order #955 (16 PERC 23168)

CSEA #506 and Associated Teachers of Metropolitan Riverside v. Riverside Unified School District (1989) PERB Order #750 (13 PERC 20147)

**POSITIVE SCHOOL CLIMATE**

The Governing Board is committed to providing and maintaining a positive learning environment for all students. As a means for achieving this goal, the Governing Board expects all staff to:

Create an environment which engenders safety and respect and does not expose students to embarrassment, or disparagement, verbal abuse, ridicule, or humiliation.

The Superintendent is directed to inform the school community of the Board's intent to create a positive school climate and to establish a procedure in which parents or students can inform the school administration if they believe there have been violations.

- |                   |  |
|-------------------|--|
| BP/AR 1312.1      | Complaints concerning district employees |
| BP/AR 1312.3      | Uniform complaint procedure              |
| BP/AR 4019.11     | Sexual Harassment                        |
| BP/AR 4044        | Complaints                               |
| Ed Code 233-233.8 |  |

## **PARENT RIGHTS AND RESPONSIBILITIES**

Mandated Policy

### **Parent Rights**

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

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

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

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

The District encourages parents/guardians to support the learning environment of their children by monitoring attendance.

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

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

### **Parent Responsibilities**

Parents/guardians may support the learning environment of their children by:

1. Monitoring attendance of their children
2. Ensuring that homework is completed and turned in on time
3. Encouraging their children to participate in extracurricular and co-curricular activities
4. Monitoring and regulating the television viewed by their children
5. Working with their children at home in learning activities that extend the classroom learning
6. Volunteering in their children's classroom(s) or for other school activities
7. Participating in decisions related to the education of their own children or the total school program as appropriate

**PARENT RIGHTS AND RESPONSIBILITIES**

Mandated Policy

Legal Reference:

EDUCATION CODE

49091.10-49091.19 Parental review of curriculum and instruction

51100-51102 Parent/guardian right

**PARENT RIGHTS AND RESPONSIBILITIES** Mandated Regulation

The rights of parents/guardians of District students include, but are not limited to, the following:

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

Parents/guardians may observe instructional and other school activities that involve their child in accordance with Board policy and administrative regulations adopted to ensure the safety of students and staff, prevent undue interference with instruction or harassment of school staff, and provide reasonable accommodation to parents/guardians. Upon written request by parents/guardians, the Superintendent or designee shall arrange for parental observation of a class or activity in a reasonable time frame and in accordance with Board policy and administrative regulations. (Education Code 49091.10)

Parents may observe their child as described above, via a webcam placed in the child's classroom, from a separate location at the school site, as long as the following has been completed:

- a. Parent has provided written consent
  - b. The site principal and the classroom teacher have been notified and provide their consent
  - c. The webcam images and feed are not recorded and the District ensures that they will not be broadcast to other than the identified, on-site location
  - d. The site principal or designee is present during the viewing of the live feed
  - e. The observation is limited to a pre-determined timeframe agreed-upon by all parties
  - f. A note is posted outside the classroom door, alerting all who enter that the live feed is occurring, including the designated timeframe
2. To meet, within a reasonable time of their request, with their child's teacher(s) and the principal of the school in which their child is enrolled (EC 51101)
  3. Under the supervision of District employees, to volunteer their time and resources for the improvement of school facilities and school programs, including, but not limited to, providing assistance in the classroom with the approval, and under the direct supervision, of the teacher (EC 51101)
  4. To be notified on a timely basis if their child is absent from school without permission (Education Code 51101)
  5. To receive the results of their child's performance and the school's performance on standardized tests and statewide tests (Education Code 51101)

**PARENT RIGHTS AND RESPONSIBILITIES** Mandated Regulation

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

6. To request a particular school for their child and to receive a response from the District (Education Code 51101)
7. To have a school environment for their child that is safe and supportive of learning (Education Code 51101)
8. To examine the curriculum materials of the class(es) in which their child is enrolled (Education Code 51101; 20 USC 1232h)

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

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

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

9. To be informed of their child's progress in school and of the appropriate school personnel whom they should contact if problems arise with their child (Education Code 51101)
10. To have access to the school records of their child (Education Code 51101)
11. To receive information concerning the academic performance standards, proficiencies or skills their child is expected to accomplish (EC 51101)
12. To be informed in advance about school rules, including disciplinary rules and procedures in accordance with Education Code 48980, attendance policies, dress codes and procedures for visiting the school (Education Code 51101)
13. To receive information about any psychological testing the school does involving their child and to deny permission to give the test (EC 51101)
14. To refuse to submit or to participate in any assessment, analysis, evaluation or monitoring of the quality or character of the student's home life; any form of parental screening or testing; any nonacademic home-based counseling program; parent training; or any prescribed family education service plan and to inspect any survey collecting personal information, as defined in 20 USC 1232h (Education Code 49091.18; 20 USC 1232h)



**PARENT RIGHTS AND RESPONSIBILITIES** Mandated Regulation

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

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

16. To question anything in their child's record that the parent/guardian feels is inaccurate or misleading or is an invasion of privacy and to receive a response from the school (Education Code 51101)
17. To provide prior written consent before their student participates in a survey containing the mental or psychological problems of the student or his/her family, the sexual behavior or attitudes or personal beliefs and practices in family life. (20 U.S.C. § 1232h; Education Code 51513)
18. To be provided written notice and given an opportunity to request that their child not participate in district administered anonymous and voluntary surveys regarding health risks and behaviors, relating to student's attitudes or practices related to sex in grades 7-12. (20 U.S.C. § 1232h; Education Code 51513 and 51938)
19. The Superintendent or designee shall obtain informed written parental consent before testing any student for a behavioral, mental or emotional evaluation. A general consent, including medical consent used to approve admission to or involvement in, a special education or remedial program or regular school activity, shall not constitute written consent for these purposes. (EC 49091.12)
20. Students in grades 7 to 12 shall have the right to obtain confidential medical care or confidential counseling related to the diagnosis or treatment of a drug or alcohol-related problem, or mental health treatment or counseling, without the consent of his/her parent/guardian. (Education Code 46010.1; 49091.12)
21. For parents/guardians of English Learners, to support their child's advancement towards literacy (Education Code 51101.1)
22. For parents/guardians of English learners, to be informed, through the school accountability report card, about statewide and local academic standards, testing programs, accountability measures, and school improvement efforts (Education Code 51101.1)
23. To be notified, as early in the school year as practicable pursuant to Education Code 48070.5, if their child is identified as being at risk of retention and of their right to consult with school personnel responsible for a decision to promote or retain their child and to appear such a decision (Education Code 51101)

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

**PARENT RIGHTS AND RESPONSIBILITIES** Mandated Regulation

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

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

School officials or law enforcement officials have the authority to investigate or intervene in cases of suspected child abuse, (Education Code 49091.12)

# Pacific Grove Unified School District

Students

Policy #5113

## **ABSENCES AND EXCUSES**

Mandated

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

### **Excused Absences**

Absence from school shall be excused only for health reasons, family emergencies and justifiable personal reasons, (listed in the regulation) as permitted by law, Board policy and administration regulations. (EC 46010, 48205)

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

Students should not be absent from school without their parents'/guardians' knowledge or consent except in cases of medical emergency or as authorized pursuant to Education Code 46010.1 for a confidential medical appointment.

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

### **Unexcused Absences/Truancy**

The Board desires to emphasize the importance of school attendance. The Superintendent or designee shall implement positive steps to reduce truancy, such as communication with parents/guardians and the use of student study teams.

Students who are habitual truants or habitually insubordinate or disorderly during attendance at school may be referred to the District attorney's office or to the county probation department.

When the student's attendance problems cannot be resolved or the student and parent/guardian have failed to respond to directives to correct the problem, a student who has been classified as truant may be referred to the District attorney or probation officer for truancy mediation.

A student's grades may be affected by excessive unexcused absences in accordance with Board policy. Students with excessive unexcused absences (25% of the school days in a quarter) may receive a failing grade and may not receive credit for the class(es).

#### Legal Reference:

#### EDUCATION CODE

1740 Employment of personnel to supervise attendance (county superintendent)

37201 School month

37223 Weekend classes

41601 Reports of average daily attendance

# Pacific Grove Unified School District

Students

Policy #5113

## ABSENCES AND EXCUSES

Mandated

42238-42251 Apportionments  
46000 Records (attendance)  
46010-46014 Absences  
46100-46119 Attendance in kindergarten and elementary schools  
46140-46147 Attendance in junior high and high schools  
48200-48208 Children ages 6-18 (compulsory full-time attendance)  
48210-48216 Exclusions from attendance  
48225.5 Work Permits  
48240-48246 Supervisors of attendance  
48260-48273 Truants  
48292 Filing complaint against parent  
48320-48325 School attendance review boards  
48340-48341 Improvement of student attendance  
48980 Parental notifications  
49067 Unexcused absences as cause of failing grade  
ELECTIONS CODE  
12302 Student participation on precinct boards  
FAMILY CODE  
6920-6929 Consent by minor  
VEHICLE CODE  
13202.7 Driving privileges; minors; suspension or delay for habitual truancy  
WELFARE AND INSTITUTIONS CODE  
601-601.4 Habitually truant minors  
11253.5 Compulsory school attendance  
CODE OF REGULATIONS, TITLE 5  
306 Explanation of absence  
420-421 Record of verification of absence due to illness and other causes  
ATTORNEY GENERAL OPINIONS  
66 Ops.Cal.Atty.Gen. 245, 249 (1983)  
COURT DECISIONS  
American Academy of Pediatrics et al v. Lungren et al (1997) 16 Cal.4th 307

### Management Resources:

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

# Pacific Grove Unified School District

Students

Regulation #5113

## ABSENCES AND EXCUSES

Mandated Regulation

### Excused Absences

A student's absence shall be excused for the following reasons, and the student shall be allowed to make up work for full credit, as assigned by the classroom teacher (additionally Ed Code 46010, 48205):

1. Personal illness
2. Quarantine under the direction of a county or city health officer
3. Medical, dental, optometric, or chiropractic appointments
4. Attendance at funeral services for a member of the immediate family
  - a. Excused absence in this instance shall be limited to one day if the service is conducted in California or three days if the service is conducted out of state.
  - b. "Immediate family" shall be defined as the parent or guardian, brother or sister, grandparent, or any other relative living in the household of the student.
5. Jury duty in the manner provided by law
6. Participation in religious instruction or exercises in accordance with District policy (Ed Code 46014)
  - a. In such instances, the student shall attend at least the minimum school day.
  - b. The student shall be excused for this purpose on no more than four school days per month.
  - c. The student's parent/guardian shall provide written consent for the absence.
7. The illness or medical appointment during school hours of a child to whom the student is the custodial parent, including absences to care for a sick child for which the school shall not require a doctor's note. (Education Code 48205)
8. Service as a member of a precinct board for an election pursuant to Elections Code 12303 (Education Code 48205)
9. To spend time with an immediate family member who is an active duty member of the uniformed services, as defined in Education Code [49701](#), and has been called to duty for deployment to a combat zone or a combat support position or is on leave from or has immediately returned from such deployment (Education Code [48205](#))

Such absence shall be granted for a period of time to be determined at the discretion of the Superintendent or designee. (Education Code [48205](#)).

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10. To attend his/her naturalization ceremony to become a United States citizen (Education Code 48205)
11. Work in the entertainment or allied industry (Education Code [48225.5](#))  
Such absence shall be excused provided that the student holds a work permit authorizing such work and is absent for a period of not more than five consecutive days and up to five absences per school year. (Education Code [48225.5](#))
12. Participation with a nonprofit performing arts organization in a performance for a public school audience (Education Code [48225.5](#))  
A student may be excused for up to five such absences per school year provided that the student's parent/guardian provides a written explanation of such absence to the school. (Education Code [48225.5](#))
13. Other reasons authorized at the discretion of the principal or designee based on the student's specific circumstances (Education Code [48205](#), [48260](#))

In addition, a student's absence shall be excused for justifiable personal reasons. Advance written request by the parent/guardian and approval of the principal or designee shall be required for absences for: (additionally Ed Code 48205)

1. Appearance in court
2. Attendance at a funeral service for a person other than a member of the student's immediate family
3. Observation of a holiday or ceremony of his/her religion
4. Attendance at religious retreats for no more than four hours during a semester
5. Attendance at an employment conference
6. Attendance at an education conference offered by a nonprofit organization on the legislative or judicial process

## Unexcused Absences

The Board desires to emphasize the importance of school attendance. Therefore, students with excessive unexcused absences (25% of the school days in a grading period) may receive a failing grade and may not receive credit for the class(es).

## Allowable Credit Due to Unexcused Absences

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Parents or guardians may be allowed, on a limited basis, to have students submit pre-approved class work or assignments for partial or full credit due to an unexcused absence.

- a. The parent/guardian must request approval from the site principal in advance of the absence. Parents are strongly discouraged from scheduling non-medical appointments, business or vacation travel during times when school is in session, as these are considered unexcused absences. Any parent contemplating family travel during school must contact the school at least two weeks prior to the absence to ascertain its probable impact on their child's academic and credit situation.
- b. Approval for allowable credit due to an unexcused absence may be granted for up to ten (10) days per school year if the absence is due to business or travel that has demonstrable educational value and the student's academic progress will not be impeded as a result.
- c. Teacher or Administrative pre-approved students absences for school sponsored events may be eligible for full credit outside of the allowable days noted in (b) above.
- d. The maximum number of days of allowable credit shall be ten (10) days per school year, except in unusual circumstances.
- e. Make-up work and/or tests will not be provided for unexcused absences in excess of the established limits.

### Method of Verification

When students who have been absent return to school, they must present a satisfactory explanation verifying the reason for the absence. The following methods may be used to verify student absences:

1. Written note from parent/guardian, parent representative, or student if 18 or older (EC 46012)
2. Conversation, in person or by telephone, between the verifying employee and the student's parent/guardian or parent representative. The employee shall subsequently record the following:
  - a. Name of student
  - b. Name of parent/guardian or parent representative
  - c. Name of verifying employee
  - d. Date or dates of absence
  - e. Reason for absence
3. Visit to the student's home by the verifying employee, or any other reasonable method that establishes the fact that the student was absent for the reasons stated. A written recording shall be made, including information outlined above.
4. Physician's verification

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- a. When excusing students for confidential medical services or verifying such appointments, District staff shall not ask the purpose of such appointments but may contact a medical office to confirm the time of the appointment.
- b. When a student has had 14 absences in the school year for illness verified by methods listed in 1 through 3 above, any further absences for illness must be verified by a physician.

### Explanation of Student Absences

#### A. Procedure for Parents to Explain Absences:

##### 1. Absence from School

If a student is absent from school, the parent or guardian should call the school that morning to report the absence or the student will be required to bring a note from the parent to the office upon returning to school within two (2) days of return to school.

##### 2. Tardiness to School

If a student will be late to school, parents are requested to call the school office prior to 9:30 a.m. to inform the school. Regardless of this call, the tardy will remain unexcused unless it qualifies as a justifiable or excused absence.

##### 3. Early Dismissal from School

If a parent wishes to have a student dismissed from school early, the parent shall sign the student out of school at the school office prior to leaving. Students are not permitted to leave the building or school grounds without prior approval.

#### B. The Board of Education treats all students equally regardless of age. Students who are 18 or older are responsible for abiding by all attendance regulations including absences, dismissal, tardiness and class cutting.

#### C. Failure to account for absences as described above will result in the absence being treated in the same manner as trancies.

### Truancy

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

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

- a. The student is truant



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- b. The parent/guardian is obligated to compel the student to attend school
  - c. The parent/guardian who fails to meet this obligation may be guilty of an infraction of the law and subject to prosecution pursuant to EC 48290-48297
  - d. The parent/guardian has the right to meet with appropriate school personnel to discuss solutions to the student's truancy
  - e. Alternative educational programs are available in the District
  - f. The student may be subject to arrest by a probation officer, a peace officer, a school administrator, an attendance supervisor or his/her designee under Ed Code 48264 if found away from home and absent from school without a valid excuse
  - g. The student may be subject to suspension, restriction or delay of his/her driving privilege pursuant to Vehicle Code 13202.7
  - h. It is recommended that the parent/guardian accompany the student to school and attend classes with the student for one day
2. Upon his/her first truancy, the student and, as appropriate, the parent or legal guardian, may be requested to attend a meeting with a school counselor or other school designee to discuss the root causes of the attendance issue and develop a joint plan to improve the student's attendance.
  3. Upon his/her second truancy within the same school year, a student may be given a written warning by a peace officer. A record of this warning may be kept at school for at least two years or until the student graduates or transfers from the school. If the student transfers, the record may be forwarded to the new school. The student may also be assigned to an after-school or weekend study program within the county. If the student fails to successfully complete this study program, he/she shall be subject to item #5 below.
  4. Upon his/her first or second truancy within the same school year, an appropriate District staff member shall make every effort to hold at least one conference with the student and parent/guardian and may discuss resources available for achieving regular school attendance, which may include:
    - a. Program changes
    - b. Referral of family to community agency
    - c. Referral to school psychologist or student study team
    - d. Modified day
    - e. Independent study
    - f. Special school projects, special programs
    - g. School furlough
    - h. Work-experience education
    - i. Alternative education
    - j. Referral for health checkup, medical examination

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5. Upon his/her third truancy within the same school year, the student shall be classified a habitual truant as defined in Education Code 48262 and may be referred to, and required to attend, an attendance review board, a truancy mediation program established by the District attorney or the probation officer, or a comparable program deemed acceptable by the Superintendent or designee. If the student does not successfully complete the truancy mediation program or other similar program, he/she shall be subject to item #6 below.
6. Upon his/her fourth truancy within the same school year, the student may be within the jurisdiction of the juvenile court that may adjudge the student to be a ward of the court pursuant to Section 601 of the Welfare and Institutions Code. If the student is adjudged a ward of the court, the student will be required to do one or more of the following:
  - (1) Performance at court-approved community services sponsored by either a public or private nonprofit agency for not less than 20 hours but not more than 40 hours over a period not to exceed 90 days, during a time other than the student's hours of school attendance or employment. The probation officer shall report to the court the failure of the student to comply with this paragraph.
  - (2) Payment of a fine by the student of not more than fifty dollars (\$50) for which a parent or legal guardian of the student may be jointly liable. The fine described in this paragraph shall not be subject to the assessments of Section 1464 of the Penal Code or any other applicable section.
  - (3) Attendance of a court-approved truancy prevention program.
  - (4) Suspension or revocation of driving privileges pursuant to Section 13202.7 of the Vehicle Code. This subsection shall apply only to a student who has attended a school attendance review board program, a program operated by a probation department acting as a school attendance review board, or a truancy mediation program. (Ed Code 48264.5)

A habitual truant may be referred to a school attendance review board or to the probation department. (Ed Code 48263)

When a student is referred to a school attendance review board or to the probation department, the Superintendent or designee shall provide the student and parent/ guardian, in writing, the name and address of the school attendance review board or probation department and the reason for the referral. This notice shall indicate that the student and parent/guardian will be required, along with a District staff member, to meet with the school attendance review board or probation officer to consider a proper disposition of the referral. (Ed Code 48263)

The Superintendent or designee shall gather and transmit to the County Superintendent of Schools the number of referrals and types of referrals made to the school attendance review board and the number of requests for petitions made to the juvenile court. (Ed Code 48273)

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### Parental Notifications

At the beginning of each school year, the Superintendent or designee shall:

1. Notify parents/guardians of the right to excuse a student from school in order to participate in religious exercises or to receive moral and religious instruction at their places of worship, or at other suitable places away from school property designated by a religious group, church, or denomination. (Education Code [46014](#), [48980](#))
2. Notify students in grades 7-12 and the parents/guardians of all students that school authorities may excuse any student from school to obtain confidential medical services without the consent of the student's parent/guardian. (Education Code [46010.1](#))
3. Notify parents/guardians that a student shall not have his/her grade reduced or lose academic credit for any excused absence if missed assignments and tests that can reasonably be provided are satisfactorily completed within a reasonable period of time, and include the full text of Education Code [48205](#) in the notice. (Education Code [48980](#))

# Pacific Grove Unified School District

## INTRADISTRICT OPEN ENROLLMENT

### Selection Procedures

1. The Superintendent or designee shall annually identify those schools which may have space available for additional students. A list of these schools and open enrollment applications shall be available at all school offices.
2. Students whose parents or guardians submit applications to the District by January 1 of the preceding school year shall be eligible for admission to their school of choice the following school year under the District's open enrollment policy.
3. Enrollment in a school of choice shall be determined in accordance with the enrollment priorities set forth in Board Policy 5116.1. After the enrollment priorities have been applied in accordance with Board policy, if there are more requests for a particular school than there are spaces available, and a waiting list shall be established in accordance with the date of receipt of the application to indicate the order in which students may be enrolled in schools with enrollments in excess of capacity as openings occur during the year. Late applicants during that year may be added to the waiting list in the order in which they apply.
4. The Superintendent or designee shall inform applicants by phone and/or mail as to whether their applications have been approved, denied, or placed on a waiting list. If the application is denied, the reasons for denial shall be stated.
5. Applicants who receive approval must confirm their enrollment within two weeks.
6. Admission to a particular school shall not be influenced by a student's academic or athletic performance except insofar as academic standards are required for admission to specialized schools or programs such as programs for gifted and talented students. Such standards shall be uniformly applied to all students.

Any complaints regarding the selection process should be taken to the Superintendent or designee.

### Capacity Determination

The Superintendent or designee shall review the capacity of each school and make annual adjustments as necessary, based upon pupil enrollment and available space. In doing so, the Superintendent or designee may consider the following factors:

- a. Historical, current and projected total school-wide pupil enrollment;
- b. Historical, current and projected total pupil enrollment by grade level in each school;
- c. Class size ratio requirements in any controlling collective bargaining agreement;
- d. District goals for maximum class size ratios by specific grade levels;
- e. Any conditions for receipt of state or federal funding based on limitations on class size; and

# Pacific Grove Unified School District

## INTRADISTRICT OPEN ENROLLMENT

f. Physical classroom space, taking into consideration historical, current and future classroom use needs and programmatic needs.

### Harmful or Dangerous Special Circumstances

Any decision to grant priority for attendance outside a student's current attendance area because of harmful or dangerous special circumstances shall be based upon one of the following: (Education Code 35160.5)

1. A written statement from a representative of an appropriate state or local agency, including, but not limited to, a law enforcement official, social worker, or properly licensed or registered professional, including, but not limited to, a psychiatrist, psychologist, marriage or family therapist, clinical social worker, professional clinical counselor, child counselor, or other professional.
2. A court order, including a temporary restraining order and injunction, issued by a judge.

Upon making such a finding, the Superintendent or designee may approve the student's transfer to a District school that is at capacity and otherwise closed to transfers. (Education Code 35160.5)

### Notifications

Notifications shall be sent to parents/guardians at the beginning of each year describing all current statutory attendance options and local attendance options available in the District, including: (Education Code 48980)

1. All options for meeting residency requirements for school attendance.
2. Program options offered within local attendance areas.
3. A description of any special program options available on both an interdistrict and intra-district basis.
4. A description of the procedure for application for alternative attendance areas or programs and the appeals process available, if any, when a change of attendance is denied.
5. A District application form for requesting a change of attendance.
6. The explanation of attendance options under California law as provided by the California Department of Education. (Education Code 48980)

## **INTERDISTRICT ATTENDANCE**

Because the Pacific Grove Unified School District is a “basic aid” district, the State does not provide funding to educate children who reside in other school districts. As a result, enrollment of students whose parents or guardians reside in other school districts reduces the educational resources available for resident students and increases class size. It is therefore the District’s general policy not to accept interdistrict transfer students who might otherwise be allowed to enroll under Education Code sections 46600 *et seq.* or subdivision (b) section 48204 of the Education Code.

### **School District of Choice**

The District elects not to be a “school district of choice” as defined in Education Code 48300 through 48316, and no transfers will be accepted pursuant to Education Code 48300 *et seq.*

### **Interdistrict Attendance Agreements**

The Board may enter an agreement with any other school district, for a term not to exceed five school years, for the interdistrict attendance of students who are residents of the Districts. The agreement shall specify the terms and conditions under which interdistrict attendance shall be permitted or denied. It may also contain standards agreed to by both districts for reapplication and/or revocation of the student’s permit. (Education Code 46600)

### **Interdistrict Attendance Permits**

The Board of Education delegates to the Superintendent or designee the authority to grant or deny interdistrict attendance permit requests. The Superintendent or designee may make exceptions to the District's general policy of denying interdistrict attendance permit requests under those circumstances set forth in this policy and Administrative Regulation #5117.

### **Victims of Bullying**

In accordance with law, students who have been determined to be victims of bullying as defined in Education Code section 48900, subdivision (r), shall be given priority consideration for an interdistrict transfer permit as set forth in Administrative Regulation #5117.

### **Annual Reapplication Required**

Once a student is admitted to a school on the basis of an interdistrict attendance permit, he/she shall not be required to reapply for an interdistrict transfer and shall be allowed to continue to attend the school in which he/she is enrolled, unless reapplication standards are otherwise specified in the interdistrict attendance agreement. Existing interdistrict attendance permits shall not be rescinded for students entering grade 11 or 12 in the subsequent school year. (Education Code 46600)

### **Updated and Accurate Information**

Any student enrolled in the District pursuant to this policy shall immediately notify the District of any change in circumstances which would affect the student’s eligibility for admittance under this policy. Failure to provide such notification may result in disenrollment and/or disqualification from future enrollment under this policy.

### **Falsification of Information**

**INTERDISTRICT ATTENDANCE**

In no event shall interdistrict attendance be approved, and any such permission for attendance previously approved shall be immediately revoked, if false information has been provided to the District in a student's interdistrict attendance application or in any initial or subsequent residency claim or documentation provided to the District.

Legal Reference:

EDUCATION CODE

8151 Apprentices, exemption from interdistrict attendance agreement

41020 Annual district audits

46600-46610 Interdistrict attendance agreements

48204 Residency requirements for school attendance

48209-48317 Student attendance alternatives

48900 Grounds for suspension or expulsion; definition of bullying

48915 Expulsion; particular circumstances

48915.1 Expelled individuals: enrollment in another district

48918 Rules governing expulsion procedures

48980 Notice at beginning of term

48985 Notice to parents in language other than English

52317 Admission of persons including nonresidents to attendance area; workers' compensation for pupils

# Pacific Grove Unified School District

## INTERDISTRICT ATTENDANCE

### Exceptions to General Policy

The Superintendent or designee may make exceptions to the District's general policy of denying interdistrict attendance permits only if capacity is available and only for the following students:

1. Students Moving Into the District in the Immediate Future. Interdistrict attendance permits may be approved for students whose parent(s) or guardian(s) provides written evidence that the family will be moving into the District in the immediate future and would like to the student to start the school year in the District.
2. Students of District Employees Living Outside the District Boundaries. Interdistrict attendance permits may be approved for students of District employees (certificated, classified, confidential or management) living outside of District boundaries and who are employed by the District for a minimum of 20 hours per week or 0.5 FTE. District employees whose children have been admitted under this policy must apply for readmission annually, and permits will only be approved for so long as the parent or guardian continues to be employed by the District for a minimum of 20 hours per week or 0.5 FTE.

Unless the Superintendent or designee grants an extension, the student's interdistrict attendance permit shall be revoked within 30 calendar days if for any reason the employee is released, resigns, or reduces his or her working hours below the minimum threshold.

3. Mid-Year Residency Changes. Interdistrict attendance permits may be approved for a student whose residency changes after mid-year and who notifies the District of the change of residency, in order to permit the student to continue his or her attendance in a District school only until the end of the current school semester. In cases where transferring to a new school district after the end of the current semester would cause a severe hardship, the Superintendent is authorized to grant the interdistrict attendance permit through the end of the current school year. Such permits shall not be renewed.
4. High School Seniors. Interdistrict attendance permits may be approved for students who have successfully completed their junior year in a District high school and wish to complete their senior year at the same school.

In determining whether to approve an interdistrict attendance permit, the Assistant Superintendent or designee shall consider the following factors:

- a. Whether there is available space to admit the student without disruption of the current student-teacher ratios.
- b. The student's school record, including any discipline and attendance problems



# Pacific Grove Unified School District

## INTERDISTRICT ATTENDANCE

- c. Whether educating the student may cost the District more than the District will receive in additional state aid and which may cause additional cumulative demands upon District resources.

### Victims of Bullying

Where a student has been determined by personnel of the District or his or her district of residence to have been the victim of an act of bullying as defined in Education Code 48900(r), committed by a student enrolled in the student's district of residence, at the request of the student's parent(s) or guardian(s), the student shall be given priority for interdistrict transfer under any existing interdistrict attendance agreement between the District and another district, subject to the terms of the interdistrict attendance agreement and a review of the individual student's circumstances. In the absence of an existing interdistrict attendance agreement between the District and another district, if a student desiring to transfer is determined to have been the victim of an act of bullying under Education Code 48900(r), the District shall give additional consideration to the creation of an interdistrict attendance permit. (Education Code 46600, 48900(r)) Students seeking to an interdistrict transfer on the basis that they were a victim of bullying under Education Code section 48900(r), must provide documentation confirming that they were in fact a victim of bullying within the past school year, as determined by their district of residence.

### Initial Requests

The Assistant Superintendent may approve or deny initial interdistrict attendance permit requests in accordance with applicable law and District policy and regulation. Within 30 days of the receipt of an interdistrict attendance permit request, the Assistant Superintendent shall notify the parent(s) or guardian(s) of a student who is denied interdistrict attendance regarding the process for appeal.

### Appeal Process

An appeal to the Superintendent may be filed within ten (10) calendar days of the date listed on the denial by the Assistant Superintendent. The parent(s) or guardian(s) of a student whose interdistrict transfer request has been denied will be offered an opportunity to meet with the Superintendent and within twenty (20) calendar days after the appeal was filed, the Superintendent will give his or her decision, in writing, to the parent(s) or guardian(s). Except in cases where good cause is shown, the record shall not be reopened to consider evidence or argument which was not presented in the initial interdistrict transfer request. Failure to appeal within the required time shall be considered as cause for denial of an appeal.

If denied by the Superintendent, an appeal to the Board of Education may be filed within ten (10) calendar days of the date listed on the denial by the Superintendent. Within thirty (30) calendar days after the appeal was filed, the Board of Education will conduct a hearing and give their decision, in

# Pacific Grove Unified School District

## **INTERDISTRICT ATTENDANCE**

writing, to the parent(s) or guardian(s). Failure to appeal within the required time shall be considered as cause for denial of an appeal.

If the Board of Education denies the appeal, the Superintendent or designee shall advise the person requesting the interdistrict attendance permit regarding the process for appeal to the County Board of Education as specified in Education Code 46601. (Education Code 46601)

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

### **Enrollment in ROC or ROP Program**

Interdistrict attendance agreements or permits shall not be required for students enrolling in an ROC or ROP program. (Education Code 52317)

### **Revocation**

A student's interdistrict attendance permit may be revoked at any time during the school year due to unsatisfactory attendance or tardiness, behavior, poor academic performance, disruption of the educational program, or because it is determined that a parent or guardian made false statements or misrepresentations in applying for the student's interdistrict attendance permit.

### **Transportation**

Transportation will not be provided for students attending a District school on an interdistrict attendance permit.

# Pacific Grove Unified School District

## INTERDISTRICT ATTENDANCE – OPEN ENROLLMENT ACT

Because the Pacific Grove Unified School District is a “basic aid” district, the State does not provide funding to educate children who reside in other school districts. As a result, enrollment of students whose parents or guardians reside in other school districts reduces the educational resources available for resident students and increases class size. For this reason, it is the general policy that the District does not accept interdistrict transfer students except under those limited circumstances described in Board Policy Number 5117. Accordingly, interdistrict transfer requests made pursuant to the Open Enrollment Act (commonly referred to as the Romero Bill), as set out at Education Code sections 48350 et seq. (“Open Enrollment Act transfers”), shall only be approved by the Superintendent or designee in accordance with the provisions of this Policy and any implementing regulations.

Due to suspension of the calculation of the Academic Performance Index (API), the California Department of Education (CDE) is no longer publishing an annual list of 1,000 Open Enrollment schools pursuant to the Open Enrollment Act/Romero Bill. Accordingly, the District considers transfers under the Open Enrollment Act/Romero Bill to be suspended and will not accept such transfers until such time as the CDE recommences publication of the annual list of 1,000 Open Enrollment schools.

### Definitions

“School district of residence” means the school district in which a student’s parent or guardian resides and in which the student would otherwise be required to enroll pursuant to Education Code section 48200.

“School district of enrollment” means a school district other than the student’s school district of residence in which the student’s parent or guardian intends to enroll the student pursuant to the Open Enrollment Act.

“Open enrollment school” means a school identified by the Superintendent of Public Instruction and the California Department of Education (CDE) on the annual list of 1,000 Open Enrollment schools under the Open Enrollment Act.

### Note to Parents and Guardians with Children Attending Open Enrollment Schools

The Superintendent or designee shall provide notice of the right to transfer to District students attending an Open Enrollment school, as identified by the CDE’s annual list of 1,000 Open Enrollment schools, on the first day of instruction of each school year, or, if the CDE has not released the annual list of Open Enrollment schools on the first day of instruction, within fourteen (14) days after the CDE releases the annual list of Open Enrollment schools.

### A. Application and Review Process

1. Priority enrollment opportunities at all District schools and programs shall be given to those applications received from students residing in the District and requesting transfers pursuant to the District’s intradistrict transfer policy (Board Policy No. 5116.1).
2. In order to ensure that District school sites, classrooms, grade levels, and programs, do not exceed established capacity, the Open Enrollment Act transfer applications will be accepted each year by the District Office, for a period of forty-five (45) calendar days only (“Application Period”), commencing sixty (60) calendar days before the first day of

**INTERDISTRICT ATTENDANCE – OPEN ENROLLMENT ACT**

the school year for which the student is requesting a transfer. Any applications received outside of the Application Period shall be returned to the applicant.

3. The application deadline specified in Paragraph A.2, does not apply to an application requesting an Open Enrollment Act transfer if the parent with whom the student resides is enlisted in the military and was relocated by the military within 90 days prior to submitting the application.
4. All completed Open Enrollment Act transfer applications received during the Application Period will be reviewed by the District Office, and parents/guardians will be notified in writing of approval or denial of their application within 60 days of receiving an application. (Education Code 48357)
5. A student whose Open Enrollment Act transfer application is approved must enroll in the District school to which the student has been admitted no later than fourteen (14) days from the date of notification of approval of his or her application.
6. If an Open Enrollment Act transfer application is denied, the District’s notice to parent or guardian shall provide the reason for denial. If the application is approved, the applicant’s school district of residence will be notified of such approval.

**B. Basis for Denial/Approval of Romero Bill Transfers by Superintendent or Designee**

1. The Superintendent or designee shall not approve the initial application of a student requesting an Open Enrollment Act transfer if the transfer would require the displacement, from the desired District school or program, of any other student who resides within the attendance area of that school or is currently enrolled in that school or program.
2. The Superintendent or designee may deny an Open Enrollment Act transfer application under any of the following circumstances:
  - a. If approval of the transfer application would result in a District school site, classroom, grade level, or program exceeding the District’s maximum student-teacher ratio or site or program capacity determination, as set forth in District policy or practice;
  - b. If approval of the transfer application would result in any adverse financial impact to the District, including, but not limited to:
    - i. If, as a result of the District’s continuing “basic aid” status, enrollment of a student requesting an Open Enrollment Act transfer would reduce the educational resources available for resident students;
    - ii. Any increase in a class or program size that would result in the District’s loss or any reduction of “class size reduction” program revenues or would require the District to violate a collective bargaining agreement with regard to class size reduction, or hire additional certificated or classified employees.

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- iii. Any increase in costs for facilities, through the addition or operation of additional classrooms or other instructional facilities; or
  - iv. Any unreimbursed transportation costs, except for transportation services for a special education student whose individualized education program (“IEP”) requires such services, pursuant to state and federal law.
- c. If the District Governing Board determines the transfer would negatively impact either of the following: (1) a court-ordered or voluntary desegregation plan of the District; or (2) the racial and ethnic balance of the District, as provided in state and federal law.
- d. If the applicant has been expelled for any amount of time, regardless of whether the expulsion was suspended, or the applicant has been suspended for any violation of California Education Code within one school year, or if the applicant has been cumulatively suspended for more than ten (10) schooldays, or suspended on more than three (3) separate occasions (regardless of the duration of the suspensions), within the previous two (2) school years.
- e. If the application does not meet the requirements for an Open Enrollment Act transfer or approval, or if the approval of the application would be inconsistent with the District’s policies and procedures.
3. In considering whether to approve or deny an Open Enrollment Act transfer application, the Superintendent or designee shall not consider a student’s previous academic achievement, physical condition, proficiency in the English language, family income, or any other characteristic set forth in Education Code section 200.
4. In addition to the requirements set forth in this Policy and any implementing regulations, students applying for Open Enrollment Act transfers who are requesting enrollment in a District program that serves gifted and talented students, must meet all additional requirements, including academic performance, which are used to determine eligibility for, or placement in, those programs.

**C. Terms of Approval**

- 1. Any student whose Open Enrollment Act transfer is approved must be enrolled in a District school with a higher Academic Performance Index (“API”) than the school in which the student was previously enrolled.
- 2. A student approved for an Open Enrollment Act transfer into a District school or program shall be deemed to have fulfilled the residency requirements for attendance in the District set out in Education Code section 48204, and shall not be required to reapply for enrollment in that school, regardless of whether the student’s school of residence remains on the CDE’s list of 1,000 Open Enrollment schools.
- 3. A student approved for an Open Enrollment Act transfer into a District school or program who wishes to matriculate to a middle or high school in the District or transfer to another District school shall be required to reapply for admission to the new District school pursuant to the requirements of this Board Policy and any applicable administrative regulations.-

**INTERDISTRICT ATTENDANCE – OPEN ENROLLMENT ACT**

4. Following a student’s enrollment in the District pursuant to this Policy, he or she will receive any credits towards graduation that were awarded by the student’s previous district of residence, and shall be eligible for graduation from the District upon completion of all state and local graduation requirements.

**D. Enrollment Priorities**

1. In the event that the number of qualified Open Enrollment Act transfer applicants for any school year exceeds the spaces available in a requested District school or program, applications shall be selected through a random, unbiased process that prohibits consideration of any student’s individual academic or athletic performance, or any of the other characteristics described in Section B.3 of this Policy, except that, students shall be assigned priority for approval as follows:
  - a. Priority Group 1: siblings of children who already attend the desired school or program;
  - b. Priority Group 2: students transferring from a Program Improvement (“PI”) school ranked in decile 1 on the API as determined pursuant to Education Code section 48352, subdivision (a).
2. If the number of students who request a particular District school exceeds the number of spaces available in that school or program, students in Priority Group 1 shall be selected through a lottery process until all the available spaces have been filled. If spaces at the desired school or program remain available following completion of that lottery process, students in Priority Group 2 shall be assigned the remaining spaces through a lottery process.

**Reference(s):**

EC 48350-48361

# Pacific Grove Unified School District

Students

Policy #5125

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## STUDENT RECORDS

Mandated Policy

The Governing Board recognizes the importance of keeping accurate, comprehensive student records as required by law. Procedures for maintaining the confidentiality of student records shall be consistent with state and federal law.

The Superintendent or designee shall establish regulations governing the identification, description and security of student records, as well as timely access for authorized persons. These regulations shall ensure parental rights to review, inspect and copy student records and shall protect the student and the student's family from invasion of privacy.

### Custodian of Records

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

All appropriate personnel shall receive training regarding district policies and procedures for gathering and handling sensitive student information.

The District shall not collect or solicit social security numbers or the last four digits of social security numbers of students or their parents/guardians, unless otherwise required to do so by state or federal law. (Education Code 49076.7)

No information or documents regarding the citizenship or immigration status of students or their family members shall be collected, except as required by state or federal law or as required to administer a state or federally supported educational program. The Superintendent or designee shall not disclose student records to a person, agency, or organization for immigration enforcement purposes without parental consent, a court order, or a judicial subpoena. If a district employee receives such a request, he/she shall immediately report the request to the Superintendent. The Superintendent shall report the request to the Board in a timely manner that ensures the confidentiality and privacy of any potentially identifying information. (Education Code 234.7) The Superintendent or designee shall not compile a list, registry, or database based on students' national origin, ethnicity, or religious belief, practice, or affiliation, nor shall he/she disclose student information to federal government authorities for the purpose of compiling such a list, registry, or database for purposes of immigration enforcement. Such information may only be compiled or exchanged with other local, state, or federal agencies if the information is aggregated and is not personally identifiable. (Government Code 8310.3)

Legal Reference:

EDUCATION CODE

234.7 Pupil protecting relating to immigration and citizenship status

# Pacific Grove Unified School District

Students

Policy #5125

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## STUDENT RECORDS

Mandated Policy

48201 Student records for transfer students who have been suspended/expelled  
48904-48904.3 Withholding grades, diplomas, or transcripts of pupils causing property damage or injury; transfer of pupils to new school Districts; notice to rescind decision to withhold  
48918 Rules governing expulsion procedures  
49060-49079 Pupil records  
49091.14 Parental review of curriculum  
CODE OF CIVIL PROCEDURE  
1985.3 Subpoena duces tecum  
FAMILY CODE  
3025 Access to records by non-custodial parents  
GOVERNMENT CODE  
6252-6260 Inspection of public records  
8310.3 Prohibited activity based on national origin  
HEALTH AND SAFETY CODE  
120440 Immunizations; disclosure of information  
WELFARE AND INSTITUTIONS CODE  
681 Truancy petitions  
16010 Health and education records of a minor  
CODE OF REGULATIONS, TITLE 5  
430-438 Individual pupil records  
16020-16027 Destruction of records of school Districts  
UNITED STATES CODE, TITLE 20  
1232g Family Educational Rights and Privacy Act  
CODE OF FEDERAL REGULATIONS, TITLE 34  
99.1-99.67 Family Educational Rights and Privacy  
99.3 Definition of "personally identifiable"  
300.501 Opportunity to examine records for parents of student with disability

### COURT DECISIONS

Falvo v. Owasso Independent School District, 220 F.3d. 1200 (10<sup>th</sup> Cir. 2000)

Management Resources:

### WEB SITES

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



## CONDUCT

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

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

Prohibited student conduct includes, but is not limited to:

1. Conduct that endangers students, staff, or others including, but not limited to, physical violence, possession of a firearm or other weapon, and terrorist threats
2. Conduct that disrupts the orderly classroom or school environment
3. Unlawful discrimination, including harassment, intimidation, or bullying of students or staff, including but not limited to cyberbullying as set forth in Board Policy 5131.3.
4. Damage to or theft of property belonging to students, staff or the District
5. Possession or use of a laser pointer, unless used for a valid instructional or other school-related purpose, including employment (Penal Code [417.27](#))

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

6. Use of profane, vulgar or abusive language
7. Plagiarism or dishonesty in school work or on tests
8. Inappropriate attire
9. Tardiness or unexcused absence from school
10. Failure to remain on school premises in accordance with school rules
11. Possession, use or being under the influence of tobacco, alcohol or other prohibitive drugs
12. Use of a cellular/digital telephone, pager, or other mobile communications device during instructional time, unless directed by teacher, administrator or other authorized District employee (see "Possession/Use of Cellular Phones and Other Electronic Communication Devices" below)

**CONDUCT**

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

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

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

**Possession/Use of Cellular Phones and Other Electronic Communication Devices**

The Governing Board may regulate the possession or use of any electronic signaling device that operates through the transmission or receipt of radio waves, including, but not limited to, paging and signaling equipment, by pupils of the school district while the pupils are on campus, while attending school-sponsored activities, or while under the supervision and control of school district employees. (Education Code 48901.5)

Electronic communication devices including, but not limited to, cellular phones for voice usage, digital imaging, text messaging, or other mobile communications devices such as wearable computing devices, portable electronic devices, tablets, digital media players, personal digital assistants (PDA's), pagers, portable game consoles, cameras, and laptop computers shall be turned off during the official instructional day, and at any other time directed by a district employee, except when being used for a valid instructional or other school-related purpose as determined by the teacher or other district employee. Any such devices may be used before and after the official instructional day.

It is the student's responsibility to ensure that their devices are turned off and secured at all times.

When a student uses any prohibited device, or uses a permitted device in an improper or illegal activity, a district employee may confiscate the device, which will be stored and returned to the student in accordance with the school's handbook. The district shall not be responsible for student devices, including any damage or loss of any device confiscated pursuant to this section.

No pupil shall be prohibited from possessing or using an electronic signaling device that is determined by a licensed physician and surgeon to be essential for the health of the pupil and use of which is limited to purposes related to the health of the pupil. If a student wishes to use an electronic communication device at an unauthorized time for medical purposes, his/her parent/guardian must submit a written request for permission to the school principal or designee to determine the validity of the request (Education Code 48901.5).

## CONDUCT

### **Bullying/Cyberbullying**

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

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

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

Students must immediately report conduct they consider to be bullying or cyberbullying to a school employee or through the district's anonymous, confidential reporting system. Reports of bullying/cyberbullying shall be investigated and resolved in accordance with Board Policy 5131.3 entitled "Bullying/Cyberbullying." A student may also file a formal complaint with the Superintendent or designee under the district's uniform complaint procedures (BP 1312.3).

When a student is suspected of or reported to be engaged in bullying or cyberbullying the principal, Superintendent, and/or designee will determine the extent to which the matter will be investigated in accordance with BP 5131.3.

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

#### Legal Reference:

#### EDUCATION CODE

[200-262.4](#) Prohibition of discrimination

[32280-32289](#) Comprehensive safety plan

[32261](#) Bullying

[35181](#) Governing board policy on responsibilities of students

[35291-35291.5](#) Rules

[44807](#) Duty concerning conduct of students

[48900-48925](#) Suspension or expulsion, especially:

[48908](#) Duties of students

[51512](#) Prohibition against electronic listening or recording device in classroom without permission

#### CIVIL CODE

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

## CONDUCT

### PENAL CODE

[288.2](#) Harmful matter with intent to seduce

[313](#) Harmful matter

[417.25-417.27](#) Laser scope

[528.5](#) Electronic impersonations

[647](#) Use of camera or other instrument to invade person's privacy; misdemeanor

[647.7](#) Use of camera or other instrument to invade person's privacy; punishment

[653.2](#) Electronic communication devices, threats to safety

### VEHICLE CODE

[Prohibition against use of electronic devices while driving](#)

### CODE OF REGULATIONS, TITLE 5

[300-307](#) Duties of pupils

### UNITED STATES CODE, TITLE 42

[2000h-2000h6](#) Title IX, 1972 Education Act Amendments

### UNITED STATES CODE, TITLE 47

[254](#) Universal service discounts (e-rate)

### COURT DECISIONS

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

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

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

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

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

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

### Management Resources:

#### CSBA PUBLICATIONS

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

#### CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

Bullying at School, 2003

#### NATIONAL SCHOOL BOARDS ASSOCIATION PUBLICATIONS

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

#### NATIONAL SCHOOL SAFETY CENTER PUBLICATIONS

Bullying in School: Fighting the Bullying Battle, 2006

#### WEB SITES

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

California Cybersafety for Children: <http://www.cybersafety.ca.gov>

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

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

**CONDUCT**

National School Boards Association: <http://www.nsba.org>  
National School Safety Center: <http://www.schoolsafety.us>  
U.S. Department of Education: <http://www.ed.gov>

## **CONDUCT**

### **EMPLOYEE EXPECTATIONS REGARDING STUDENT STANDARDS OF CONDUCT**

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

If a disruption occurs or a student uses any mobile communications device for improper activities, a school employee shall direct the student to turn off the device and/or shall confiscate it. If a school employee finds it necessary to confiscate a device, he/she shall return it, based on the school's handbook.

### **General Procedures**

Procedural due process as defined by legislative action and judicial guidelines shall be followed in all instances of suspension, expulsion, or other serious punishment.

School and classroom rules and regulations shall be made available to students and parents, preferably in written form.

### **Preventive and Remedial Disciplinary Procedures**

Appropriate preventive and remedial disciplinary actions shall be taken by school and district staff whenever circumstances require. These may include:

1. Classroom discussion of student responsibility, school procedures and reasons for them
2. Formation of class rules and procedures; participation in class and school government
3. Conference of teacher and student on steps he/she can take that will lead to improvement in behavior, including identification of causes, observations of classroom behavior
4. Conference of teacher with administrator and/or counselors
5. Conference of teacher and parent (with student if appropriate)
6. Removal from school sponsored activities
7. Oral reprimands, written or oral statements to students on the nature of the problem
8. Detention after school
9. Requiring student to perform school service on school grounds during nonschool hours.

# Pacific Grove Unified School District

Students

Regulations #5131

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## **CONDUCT**

10. Student sent to office, accompanied by written statement or cause for dismissal from class, followed by consultation with principal on action taken and possible future action
11. Suspensions of up to five days or less
12. Contact with local law enforcement
13. Family to make reparations for lost, stolen, or damaged property
14. Corporal punishment shall not be used as a disciplinary measure against any student. Corporal punishment includes the willful infliction of, or willfully causing the infliction of, physical pain on a student. (EC 49001)

For purposes of this policy, corporal punishment does not include an employee's use of force that is reasonable and necessary to protect the employee, students, staff or other persons or to prevent damage to district property. (EC 49001)

## **COMMUNICATION REGARDING DISCIPLINE AND STUDENT CONDUCT**

### **Communication to Students**

School site administrators will provide age appropriate and detailed communication at least twice each school year to all students regarding appropriate student behavior. Students in grades 4-8 will also receive specific and age appropriate information regarding the expectations and consequences pertaining to drugs, alcohol, tobacco, weapons, look-alikes, sexual harassment, and all forms of bullying, including cyberbullying.

The district may provide instruction in the classroom or other school settings that promotes positive student conduct, communication, social skills, and assertiveness skills and may involve parents/guardians, staff, and community members in the development of strategies to prevent inappropriate behavior and respond to bullying and any disrespectful behavior.

### **Communication to Staff**

School staff shall receive related professional development regarding the promotion of positive student conduct, including information about early warning signs of harassing/intimidating and bullying behaviors and effective prevention and intervention strategies.

### **Communication to Families**

Parent Handbooks (in the annual notification to parents section) will include specific information regarding the grounds for suspension and expulsion with a special emphasis on sexual harassment and bullying, including cyberbullying. Schools will be responsible for collecting acknowledgement forms signed by parents indicating that they have discussed the contents of the handbook with their children.

**CONDUCT**

Additionally, parents will be notified of their personal liability for lost, stolen or damaged district property resulting from their child's behavior.

**ADMINISTRATIVE RECORD-KEEPING**

All site administrators will keep records of significant student transgressions and misbehavior on the district student electronic data base system, to ensure a consistent and progressive discipline practice.

**REPORTING OF MISCONDUCT, BULLYING AND SEXUAL HARASSMENT**

Students and parents may submit to a teacher or administrator a verbal or written complaint of conduct they consider to be bullying, sexual harassment, or any disrespectful behavior to a teacher or administrator. As applicable, a student, parent, or employee may file a formal complaint with the Superintendent or designee in accordance with the district's uniform complaint procedures (BP 1312.3).

**Investigation of Complaints**

Reports of sexual harassment shall be promptly investigated and resolved in accordance with site-level grievance procedures specified in AR 5145.7 – Sexual Harassment. Reports of bullying shall be resolved in accordance with BP 5131.3. The superintendent or designee shall work with the student and family to determine whether it is in the best interest of the student to maintain anonymity during any investigation.



**BULLYING/CYBERBULLYING****Mandated Policy****Philosophy and Application**

The Board of Education is committed to providing a safe, positive learning environment for all students. The Board recognizes that bullying and cyberbullying create an atmosphere of fear and intimidation, detract from the safe environment necessary for student learning, and may lead to more serious violence. All forms of bullying by students are hereby prohibited.

This policy shall apply to all academic programs and extracurricular activities, including school-sponsored events away from school and while traveling to and from any school activity.

**Definition**

For the purposes of this policy, bullying shall mean verbal, written or physical conduct involving sexual harassment, hate violence, and/or harassment, threats, or intimidation by a student or group of students that has or is likely to have the effect of:

1. Causing a student to fear harm to the student or the student's property;
2. Physically, emotionally or mentally harming a student;
3. Interfering with a student's academic performance; or
4. Interfering with a student's ability to participate in or benefit from the school's services, activities, or privileges.

Bullying includes "cyberbullying" which is committed on or off campus through an electronic device and involves the creation or transmission of a communication such as:

1. An inappropriate message, text, sound, video, or image;
2. A post on a social networking site that involves a burn page, a credible impersonation, or a false profile; or
3. An act of cyber sexual bullying which involves a photograph or other visual recording of a nude, semi-nude or sexually explicit image of an identifiable minor.

The terms "bullying" and "cyberbullying" shall not be interpreted to infringe upon a student's right to engage in legally protected speech or conduct.

**Reports of Suspected Bullying and Cyberbullying**

Any student who believes that he/she is being, has been subjected to, or has witnessed bullying or cyberbullying shall immediately report the incident to a school employee and/or contact the district's anonymous, confidential reporting system. Parents and/or guardians, on behalf of their child, are similarly expected to immediately report incidents of bullying or cyberbullying to the principal and/or to contact the district's anonymous, confidential reporting system. Any reports of suspected bullying or cyberbullying will be forwarded to the school principal or designee.

Staff shall be alert and responsive to any reports of suspected bullying or cyberbullying. Upon witnessing an act of bullying, staff members are expected to immediately intervene, unless intervention would pose a threat to the staff member's safety. A school employee who witnesses or receives a report of suspected bullying must immediately report the alleged conduct to the principal or designee.

**BULLYING/CYBERBULLYING****Mandated Policy**

If applicable, a student, parent/guardian or employee may file a formal complaint with the Superintendent or designee in accordance with the district's uniform complaint procedures (BP 1312.3).

Any student who retaliates against another for reporting bullying or cyberbullying may be subject to disciplinary action.

**Investigation**

Upon receiving a report or complaint of suspected bullying or cyberbullying, the principal, Superintendent, and/or designee will determine the extent to which the matter will be investigated. Parent(s) of the students directly involved will be contacted and an investigation shall be conducted by school district administrators or by a third party designated by the school district. The investigation may include interviews with students, parents, and staff; review of school records; and identification of parent and family issues.

In determining whether alleged conduct constitutes a violation of this policy, the investigator should consider the surrounding circumstances, the nature of the behavior, past incidents or continuing patterns of behavior, the relationships between the parties involved and the context in which the alleged incidents occurred. Whether a particular action or incident constitutes a violation of this policy requires a determination based on all of the facts and surrounding circumstances. The investigation will be completed thoroughly and as soon as practicable.

The administration shall take appropriate steps to protect the privacy of accusers and/or victims and to assure that they are not subjected to retaliation.

**Disciplinary Action and Intervention**

Any student who engages in bullying or cyberbullying will be subject to disciplinary action and/or intervention including, but not limited to, warning, counseling, parent contact, detention, restriction of activities, exclusion, suspension, involuntary transfer, and expulsion. A student may be subject to discipline for off-campus bullying or cyberbullying, which occurs through an electronic act which is created or transmitted on or off the school site in accordance with Education Code Section 48900(r) and state and federal law. The superintendent or designee shall document and consider such issues as the effect of the conduct, whether the conduct is related to a school activity or attendance, and whether the conduct poses a substantial disruption.

Depending on the severity of the incident, the principal may also take additional steps to ensure student safety. These may include, but are not limited to, implementing a safety plan; separating and supervising the students involved; providing staff support for students; and developing a supervision plan with the parents. Any employee who permits bullying or cyberbullying may be subject to disciplinary action including, but not limited to, warning, suspension, transfer, and dismissal. Consequences shall be commensurate with the findings of the investigation. Any student who engages in bullying or cyberbullying of a student may also be subject to criminal prosecution.

School staff may receive professional development on bullying and cyberbullying, including information about early warning signs of bullying/cyberbullying behaviors and effective prevention and intervention strategies. Parents/guardians and students also may be provided with similar information.

**BULLYING/CYBERBULLYING**

**Mandated Policy**

The California Department of Education provides resources for parents, administrators, and students on how bullying can be prevented and addressed. Such resources are available on the California Department of Education's website at <http://www.cde.ca.gov>.

**Documentation**

The Superintendent or designee shall maintain a record of reported cases of bullying and cyberbullying to enable the district to monitor, address and prevent bullying and cyberbullying behavior in its schools.

**Communication of Policy**

Each school site administrator shall be responsible for implementing programs that are designed to promote positive social interactions, inform students of their rights and responsibilities under this policy, and notify students and parents about the district's anonymous, confidential reporting system.

School Discipline Plans (BP 5144.1 Suspension/Expulsion Due Process) shall prohibit bullying and cyberbullying. All parents and/or guardians will receive a copy of the School Discipline Plan upon registering their child at any school site in the district. Students in grades 6 through 12 will also receive a copy of the School Discipline Plan each year. School Discipline Plans shall be articulated among the district's schools sites to encourage consistent and developmentally appropriate application of this policy.

**SUSPENSION AND EXPULSION/DUE PROCESS**

Mandated Policy

The Governing Board 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 Superintendent 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.

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 and the accompanying administrative regulation.

Except when otherwise permitted by law, a student may be suspended or expelled only when his/her behavior is related to a school activity or school attendance occurring within any district school or other 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
4. During, going to, or coming from a school-sponsored activity

Suspended or expelled students shall be excluded from all school-related extra-curricular activities during the period of suspension or expulsion.

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

**Appropriate Use of Suspension and Expulsion**

Except when a student commits an act that violates Education Code [48900\(a\)-\(e\)](#) or his/her presence causes a danger to others, suspension shall be used only when other means of correction have failed to bring about proper conduct.

Except when a student commits an act listed in Education Code [48915\(c\)](#), the Superintendent or designee shall have the discretion to determine whether to recommend to the Board that the student be expelled.

To correct the behavior of any student who is subject to discipline, the Superintendent or designee shall, to the extent allowed by law, and consistent with the requirements of school safety and security,

**SUSPENSION AND EXPULSION/DUE PROCESS**

Mandated Policy

first use alternative disciplinary strategies specified in AR 5144 - Discipline. (Education Code [48900.5](#), [48900.6](#))

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

District staff shall not suspend any student in kindergarten through third grade for disruption or willful defiance. This limitation shall not apply to the right of a classroom teacher to suspend a student from the teacher's own classroom pursuant to Education Code 48910. (Education Code 48900(k))

No student in grades kindergarten through 12 shall be expelled for disruption or willful defiance. (Education Code 48900(k))

A student's parents/guardians shall be notified as soon as possible when there is an escalating pattern of misbehavior that could lead to classroom or school removal.

A student who reports to school authorities that another student has made a threat of violence involving a dangerous weapon may not be held liable for defamation unless the report was knowingly false. (Civil Code 48.8)

**Due Process**

The Board shall provide for the fair and equitable treatment of students facing suspension and expulsion by affording them their due process rights under the law. The Superintendent or designee shall comply with procedures for notices, hearings, and appeals as specified in law and administrative regulation. (Education Code [48911](#), [48915](#), [48915.5](#), [48918](#))

**Supervised Suspension Classroom**

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 may establish a supervised suspension classroom program which meets the requirements of law. (Education Code 48911.1)

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](#))

**SUSPENSION AND EXPULSION/DUE PROCESS**

Mandated Policy

**Decision Not to Enforce Expulsion Order**

Upon voting to expel a student, the Board may suspend enforcement of the expulsion order pursuant to the requirements of law and administrative regulation. (Education Code [48917](#))

**Maintenance and Monitoring of Outcome Data**

The Superintendent or designee shall annually present to the Board a report of the outcome data which the district is required to collect pursuant to Education Code [48900.8](#) and [48916.1](#), including 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, 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](#) Enrollment of students in community school

8239.1 Probation 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

**SUSPENSION AND EXPULSION/DUE PROCESS**

Mandated Policy

[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  
CODE OF CIVIL PROCEDURE  
[1985-1997](#) Subpoenas; means of production  
GOVERNMENT CODE  
[11455.20](#) Contempt  
[54950-54963](#) Ralph M. Brown Act  
HEALTH AND SAFETY CODE  
[11014.5](#) Drug paraphernalia  
[11053-11058](#) Standards and schedules  
LABOR CODE  
[230.7](#) Discharge or discrimination against employee for taking time off to appear in school on behalf of a child  
PENAL CODE  
[31](#) Principal of a crime, defined  
[240](#) Assault defined  
[241.2](#) Assault fines  
[242](#) Battery defined  
[243.2](#) Battery on school property  
[243.4](#) Sexual battery  
[245](#) Assault with deadly weapon  
[245.6](#) Hazing  
[261](#) Rape defined  
[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 witness

**SUSPENSION AND EXPULSION/DUE PROCESS**

Mandated Policy

WELFARE AND INSTITUTIONS CODE

[729.6](#) Counseling

UNITED STATES CODE, TITLE 18

921 Definitions, firearm

UNITED STATES CODE, TITLE 20

[1415](#)(K) Placement in alternative educational setting

[7961](#) Gun-free schools

COURT 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

Garcia v. Los Angeles Board of Education (1991) 123 Cal. App. 3d 807

Fremont Union High School District v. Santa Clara County Board (1991) 235 Cal. App. 3d 1182

John A. v. San Bernardino School District (1982) 33 Cal. 3d 301

ATTORNEY GENERAL OPINIONS

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

80 Ops.Cal.Atty.Gen. 347 (1997)

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

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

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

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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## **NONDISCRIMINATION/HARASSMENT**

### **Philosophy**

Students have the fundamental right to a safe and secure environment. Students and parents place their trust in school officials to take all reasonable steps to provide a setting that is free of humiliation, intimidation and threat. Accordingly, the district and staff shall not tolerate any incidents of unlawful discrimination, including harassment, intimidation, or bullying. To this end, the administration has the duty to implement programs that encourage students to behave with civility and common decency, and to establish and enforce codes of conduct that hold students accountable should they violate this policy.

### **Definitions**

For purposes of this policy, harassment consists of verbal or physical conduct relating to an individual's race, color, religion, ancestry, nationality, national origin, immigration status, ethnicity, ethnic group identification, marital or parental status, pregnancy, physical or mental disability, age, economic status, sex, sexual orientation, gender, gender identity, gender expression, genetic information religion, marital status, pregnancy, parental status, physical or mental disability, or any other legally protected category or association with a person or group with one or more of these actual or perceived characteristics when:

1. The harassing conduct is sufficiently severe, persistent or pervasive that it affects a student's ability to participate in or benefit from an educational program or activity or creates an intimidating, threatening or abusive educational environment; or
2. The harassing conduct has the purpose or effect of substantially or unreasonably interfering with an individual's academic performance; or
3. The harassing conduct otherwise adversely affects an individual's learning opportunities.

For the purposes of this policy, bullying occurs when a student is intimidated by verbal, written, or physical conduct or actions by one or more persons, as defined in Board Policy 5131.3. Bullying includes assault; extortion; oral or written threats; teasing; putdowns; name-calling; threatening looks, gestures, or actions; cruel rumors; false accusations; social isolation; and hazing, which is defined as ritualistic behavior that subjects persons to abusive or humiliating tasks and ridicule. Intimidation refers to actions that would inflict or attempt to inflict fear, humiliation, or injury.

### **Application**

This policy shall apply to all academic programs and extracurricular activities, including school-sponsored events away from school and while traveling to and from any school activity.

The Board of Education prohibits unlawful discrimination, including harassment, intimidation, or bullying of any student by any employee, student or other person in the district. Staff shall be alert and immediately responsive to any individual's conduct, which may interfere with a student's ability to participate in or benefit from school services, activities or privileges. Upon witnessing an act of unlawful discrimination, including harassment, intimidation, or bullying, staff members are expected

## **NONDISCRIMINATION/HARASSMENT**

to immediately intervene, unless intervention would pose a threat to the staff member's safety. All incidents of unlawful discrimination, including harassment, intimidation, or bullying are to be reported to the school principal for investigation.

Any student who feels that he/she is being or has been subjected to unlawful discrimination, including harassment, intimidation, or bullying shall immediately report the incident to a school employee. Any student who has witnessed unlawful discrimination, including harassment, intimidation, or bullying is expected to immediately report the incident to a school employee. Parents and/or guardians, on behalf of their child, are similarly expected to immediately report incidents of unlawful discrimination, including harassment, intimidation, or bullying to the principal. A school employee to whom a complaint is made shall report it to the principal or designee immediately. If the alleged offender is the principal or designee, the person reporting the complaint shall report the incident to the Superintendent or designee. Any student who retaliates against another for reporting unlawful discrimination, including harassment, intimidation, or bullying may be subject to disciplinary action as defined in this policy.

In addition, the student, parent, or employee may file a formal complaint with the Superintendent or designee in accordance with the district's uniform complaint procedures (BP 1312.3).

### **Investigation**

An investigation shall be conducted by school district officials or by a third party designated by the school district. The investigation shall include interviews of all students directly involved and contact with the parent(s) of the involved students. The investigation may include interviews with students, parents, and staff; review of school records; and identification of parent and family issues.

In determining whether alleged conduct constitutes a violation of this policy, the investigator should consider the surrounding circumstances, the nature of the behavior, past incidents or continuing patterns of behavior, the relationships between the parties involved and the context in which the alleged incidents occurred. Whether a particular action or incident constitutes a violation of this policy requires a determination based on all of the facts and surrounding circumstances. The investigation will be completed thoroughly and as soon as practicable.

The administration shall take appropriate steps to protect the privacy of accusers and/or victims and to assure that they are not subjected to retaliation for making a complaint.

### **Disciplinary Action/Intervention**

Any student who engages in unlawful discrimination, including harassment, intimidation, or bullying will be subject to disciplinary action and/or intervention including, but not limited to, warning, counseling, parent contact, detention, restriction of activities, exclusion, suspension, involuntary transfer, and expulsion (BP 5144). Depending on the severity of the incident, the principal may also take additional steps to ensure student safety. These may include, but are not limited to, implementing a safety plan; separating and supervising the students involved; providing staff support for students; and developing a supervision plan with the parents. Any employee who permits or engages in harassment or bullying may be subject to disciplinary action including, but not limited to, warning,

## **NONDISCRIMINATION/HARASSMENT**

suspension, transfer, and dismissal. Consequences shall be commensurate with the findings of the investigation. Any student or employee who engages in unlawful discrimination, including harassment, intimidation, or bullying of a student may also be subject to criminal prosecution.

### **Documentation**

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

### **Communication Of Policy**

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. The Superintendent or designee shall provide training and information on the scope and use of the policy and complaint procedures and take other measures designed to increase the school community's 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 educational program. The Superintendent or designee shall report his or her findings and recommendations to the Board after each review. Each school site administrator shall be responsible for implementing programs that are designed to promote positive social interactions and to inform students of their rights and responsibilities under this policy.

School Discipline Plans shall prohibit unlawful discrimination, including harassment, intimidation, or bullying. All parents and/or guardians will receive a copy of the School Discipline Plan upon registering their child at any school site in the District. Students in grades 6 through 12 will also receive a copy of the School Discipline Plan each year. School Discipline Plans shall be articulated among the district's schools sites to encourage consistent and developmentally appropriate application of this policy.

### Legal Reference:

#### EDUCATION CODE

[200-262.4](#) Prohibition of discrimination on the basis of sex, especially:

[221.5](#) Prohibited sex discrimination

[221.7](#) School-sponsored athletic programs; prohibited sex discrimination

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

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

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

[48907](#) Student exercise of free expression

[48950](#) Freedom of speech

[48985](#) Translation of notices

[49020-49023](#) Athletic programs

[51006-51007](#) Equitable access to technological education programs

## **NONDISCRIMINATION/HARASSMENT**

[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

CODE OF REGULATIONS, TITLE 5

[4621](#) District policies and procedures

[4622](#) Notice requirements

GOVERNMENT CODE

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

PENAL CODE

[422.55](#) Interference with constitutional right or privilege

[422.6](#) Crimes, harassment

CODE OF REGULATIONS, TITLE 5

[432](#) Student record

[4600-4687](#) Uniform complaint procedures

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

UNITED STATES CODE, TITLE 20

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

12101-12213 Title II equal opportunity for individuals with disabilities

UNITED STATES CODE, TITLE 29

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

CODE OF FEDERAL REGULATIONS, TITLE 28

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

UNITED STATES CODE, TITLE 42

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

[2000h-2-2000h-6](#) Title IX, 1972 Education Act Amendments

6101-6107 Age Discrimination Act of 1975

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

[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

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

Management Resources:

CSBA PUBLICATIONS

Providing a Safe, Nondiscriminatory School Environment for Transgender and Gender-Nonconforming Students, Policy Brief, February 2014

## **NONDISCRIMINATION/HARASSMENT**

Final Guidance Regarding Transgender Students, Privacy, and Facilities, March 2014  
Safe Schools: Strategies for Governing Boards to Ensure Student Success, 2011

### FIRST AMENDMENT CENTER PUBLICATIONS

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

### NATIONAL SCHOOL BOARDS ASSOCIATION PUBLICATIONS

Dealing with Legal Matters Surrounding Students' Sexual Orientation and Gender Identity, 2004

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

Dear Colleague Letter: Harassment and Bullying, October 2010

Notice of Non-Discrimination, January 1999

### WEB SITES

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

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

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

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

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

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

# Pacific Grove Unified School District

Students

Policy #5145.7

## SEXUAL HARASSMENT

Mandated Policy

The Governing Board is committed to maintaining a learning environment that is free of harassment. The Board prohibits the unlawful sexual harassment of any student by any employee, student, or other person at school or at any school-related activity.

The Principal or designee shall ensure that students receive age-appropriate information related to sexual harassment. Students shall be assured that they need not endure any form of sexual behavior or communication, including harassment because of sexual orientation. They shall further be assured that they need not endure, for any reason, any harassment that impairs the educational environment or a student's emotional well-being at school.

Any student who engages in the sexual harassment of anyone at school or a school-related activity shall be subject to disciplinary action. For students in grades K-3, this disciplinary action shall depend on the maturity of the students and the circumstances involved. For students in grades 4 through 12, the disciplinary action may include suspension and/or expulsion.

Any employee who engages in, permits or fails to report sexual harassment shall be subject to disciplinary action up to and including dismissal. In addition, criminal or civil charges may be brought against the alleged harasser; sexual harassment also may be considered a violation of laws relating to child abuse.

Students shall be informed that they should immediately contact a staff member if they feel they are being harassed. Within 24 hours, staff shall report complaints of sexual harassment to the principal or designee or to another District administrator. Staff shall similarly report any such incidents they may observe, even if the harassed student has not complained. (EC 212.6)

The principal or designee shall immediately investigate any report of the sexual harassment of a student. Upon verifying that sexual harassment occurred, he/she shall ensure that appropriate action is promptly taken to end the harassment, address its effects on the person subjected to the harassment, and prevent any further instances of the harassment. In addition, the student may file a formal complaint with the Superintendent or designee in accordance with the District's uniform complaint procedures.

The District prohibits retaliatory behavior against any complainant or any participant in the complaint process. Information related to a complaint of sexual harassment shall be confidential to the extent possible, and individuals involved in the investigation of such a complaint shall not discuss related information outside the investigation process.

### Legal Reference:

#### EDUCATION CODE

200-262.4 Prohibition of discrimination on the basis of sex

48900 Grounds for suspension or expulsion

48900.2 Additional grounds for suspension or expulsion; sexual harassment

48904 Liability of parent/guardian for willful student misconduct

48980 Notice at beginning of term

#### CIVIL CODE

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

1714.1 Liability of parents/guardians for willful misconduct of minor

# Pacific Grove Unified School District

Students

Policy #5145.7

## SEXUAL HARASSMENT

Mandated Policy

### 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

1221 Application of laws

1232g Family Educational Rights and Privacy Act

### UNITED STATES CODE, TITLE 42

1681 - 1688 Title IX, Discrimination

### UNITED STATES CODE, TITLE 42

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

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

### CODE OF FEDERAL REGULATIONS, TITLE 34

99.1-99.67 Family Educational Rights and Privacy

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

### COURT DECISIONS

Davis v. Monroe County Board of Education (1999) No. 97-843, 1999 U.S. Lexis 3452, -- U.S.--

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

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

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

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

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

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

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

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

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

### Management Resources:

### OFFICE OF CIVIL RIGHTS AND NATIONAL ASSOCIATION OF ATTORNEYS GENERAL

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

### OFFICE OF CIVIL RIGHTS

Sexual Harassment Guidance, 62 FR 49, 1997

### WEB SITES

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

**ELECTRONIC SIGNALING DEVICES (e.g., CELL PHONES, CAMERAS)**

The Board of Education believes that electronic signaling and imaging devices, e.g. cell phones and cameras, offer the opportunity for individuals to invade students' privacy, disrupt the educational program, and inappropriately share information. This could bring about substantial issues and problems for all students on our campus. Therefore, the Board of Education is directing the Superintendent to establish regulations that will assist in reducing the possibilities of inappropriate use of electronic signaling devices. (See BP 5131)

Legal Reference:

*EDUCATION CODE*

48901.5 Suspension or Expulsions



# Pacific Grove Unified School District

Instruction

Policy #6145

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## **EXTRA-CURRICULAR AND CO-CURRICULAR ACTIVITIES**

Mandated Policy

California Interscholastic Federation (CIF) by-laws have set forth minimum requirements for scholastic eligibility in order to participate in high school athletics. Additionally, the District has established scholastic and behavioral extra-curricular and co-curricular eligibility requirements for grades 6-12.

Extra-curricular and co-curricular activities are an integral but supplemental part of the educational program in grades 6-12 inclusive and they are encouraged as a way to enhance academic and career goals. The purpose of this policy is to emphasize that the primary responsibility of each student is to meet the academic challenge of learning, to establish minimum standards of academic performance and progress for eligibility, and to specify the minimum behavioral eligibility requirements expected of students as a pre-requisite or condition for participation in the District's extra-curricular and co-curricular programs.

### Legal Reference

#### EDUCATION CODE

35160 – Authority of governing boards commencing January 1, 1976

35179 – Interscholastic athletics; control and responsibility; associations or consortia of schools; discrimination

35291.5 – Rules and procedures on school discipline; adoption; enforcement; notice; filing; review

48900 – Grounds for suspension or expulsion; legislative intent

48930 – Purpose and privileges of student body organization

49020 – Legislative intent

## **HOMEWORK/MAKEUP WORK**

The Pacific Grove Unified School District recognizes that homework is an integral part of the instructional process for all students particularly when such work is directed to develop the student's ability to work independently, to improve and reinforce skills taught in the classroom, and to establish and promote integration of learned material and content with independent and conceptual thinking and decision-making skills.

Homework allows a student to practice skills and concepts learned in the classroom. Homework assignments can include, but are not limited to, completion of work begun in the classroom, creation of various projects, exploration of subjects and materials, and various mechanisms which reinforce skills taught in the basic curriculum.

Homework involves the cooperative efforts of the District, teacher, student and parents. The District is expected to establish and maintain an academic curriculum (courses that require written work) which will benefit from the application of homework assignments for students.

The teacher is expected to develop and implement a homework assignment program with written objectives which are given to both students and parents, which enhance independent study skills, and which will assist the student in meeting the objectives of the District's instructional standards of expected pupil achievement. Teachers are also expected to evaluate homework assignments and return it to students in a timely manner.

The student is expected to accept responsibility for his/her completion of assignments in a timely manner to the best of his/her ability.

Parents are expected to assist the teacher and student by incorporating homework time into the family routine, providing a quiet study area for the student in the home, by expecting the student to fulfill the assignment responsibilities, and by contacting the school when questions regarding homework and student performance arise.

In general, homework assigned at the elementary grade levels is expected to take 10 minutes per grade level. For example, 10 minutes for Kindergarten, 20 minutes for first, 30 minutes for second...60 minutes for Fifth. Assignments may include such things as reading, writing, math, and special projects which both reinforce basic skills learning and enhance the student's ability to work on an independent basis.

In general, homework assigned at the middle school level is expected to require approximately twenty minutes per academic class, or approximately two hours of the student's time outside of the school day on a regular basis. Homework may be specific to the content of a subject and is expected to incorporate reading, writing, and critical thinking skills application.

In general, homework assigned at the high school level is expected to require approximately thirty minutes per academic class or approximately two to three hours of the student's time outside of the school day on a regular basis. Homework may be specific to the content of a subject and is expected

**HOMEWORK/MAKEUP WORK**

to incorporate reading, writing, and critical thinking and independent study skills development and application.

Because individual student abilities differ and because students vary in abilities to use class time productively, variances in times spent by individual students in assignments outside of the school day may occur and homework can be differentiated to meet individual student learning needs.

Homework shall be assigned to a student suspended from school so that he/she may keep up with the progress of his/her classes. The homework assigned during suspension will be graded and assessed and the student will receive credit for that work.

The Superintendent shall be responsible for the development of procedures to ensure that this policy is implemented at all school sites.

Make-up Work

Students shall be given the opportunity to make up school work missed because of an excused absence and shall receive full credit for work that is turned in according to a reasonable make-up schedule. As determined by the teacher, the assignments and test shall be reasonably equivalent to, but not necessarily identical to, the assignments and test missed during the absence. (Education Code 48205)

The Superintendent or designee shall notify parents/guardians that no student may have his/her grade reduced or lose academic credit for any excused absence when missed assignments and tests are satisfactorily completed within a reasonable period of time. Such notification shall include the full text of Education Code [48205](#). (Education Code [48980](#))

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

Legal Reference:

EDUCATION CODE

[8420-8428](#) 21st Century High School After School Safety and Enrichment for Teens

[8482-8484.65](#) After School Education and Safety Program

[8484.7-8484.9](#) 21st Century Community Learning Centers

[48205](#) Absences for personal reasons

# Pacific Grove Unified School District

Instruction

Policy #6154

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## **HOMEWORK/MAKEUP WORK**

[48913](#) Completion of work missed by suspended student

48913.5 Homework assignments for suspended students

[48980](#) Parental notifications

UNITED STATES CODE, TITLE 20

[7171-7176](#) 21st Century Community Learning Centers

Management Resources:

CSBA PUBLICATIONS

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

WEB SITES

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

California State PTA: <http://www.capta.org>

**HOMEWORK/MAKEUP WORK**

**Homework**

The principal and staff at each school shall develop and regularly review a school site homework plan that includes guidelines for the assignment of homework and describes the responsibilities of students, staff and parents/guardians. The plan shall identify all of the following:

1. For each grade level, the amount of time that students shall be expected to spend on homework
2. For each grade level, the extent to which homework assignments shall systematically involve participation by parents/guardians
3. The means by which parents/guardians shall be informed about:
  - a. Homework expectations
  - b. How homework relates to the student's grades
  - c. How best to help their children
4. Techniques that will be taught to help students allocate their time wisely, meet their deadlines and develop good personal study habits
5. The access that students shall have to obtain:
  - a. Resource materials from the library media center
  - b. Assistance and/or tutoring through telephone help lines and/or after school centers
6. The means by which teachers shall coordinate assignments so that students do not receive an overload of homework one day and very little the next
7. For each grade level, the extent to which homework assignments shall emphasize independent research, reports, special reading and problem-solving activities

**Missed work and assignments for justifiable absences**

Class work missed shall be completed and submitted to the classroom teacher immediately upon returning to school regardless of the absence justification. Any exceptions shall be made only by the classroom teacher. Class work missed shall be addressed in one the following four methods, as previously approved by the classroom teacher:

1. turn in all homework before leaving
2. turn in homework immediately upon return
3. perform an alternative assignment
4. not be assigned any homework, and “weigh” final grade on completed assignments only

**STUDENT USE OF TECHNOLOGY**

Mandated Policy

The Governing Board intends that technological resources provided by the District be used in a safe, responsible, and proper manner in support of the instructional program and for the advancement of student learning.

The Superintendent or designee shall notify students and parents/guardians about authorized uses of district computers, user obligations and responsibilities, and consequences for unauthorized use and/or unlawful activities in accordance with district regulations and the district's Acceptable Use Agreement.

Before a student is authorized to use the District's technological resources, the student and his/her parent/guardian shall sign and return an Acceptable Use Agreement specifying user obligations and responsibilities. In that agreement, the student and his/her parent/guardian shall agree to not hold the district or any district staff responsible for the failure of any technology protection measures, violations of copyright restrictions, or user mistakes or negligence. They shall also agree to indemnify and hold harmless the District and District personnel for any damages or costs incurred.

The Superintendent or designee shall provide age-appropriate instruction regarding safe and appropriate behavior on social networking sites, chat rooms, and other Internet services. Such instruction shall include, but not be limited to, the dangers of posting personal information online, misrepresentation by online predators, how to report inappropriate or offensive content or threats, behaviors that constitute cyberbullying, and how to respond when subjected to cyberbullying.

The Superintendent or designee, with input from students and appropriate staff, shall regularly review this policy, the accompanying administrative regulation, and other relevant procedures to help ensure that the district adapts to changing technologies and circumstances.

**Use of District Computers for Online Services/Internet Access**

The Superintendent or designee shall ensure that all district computers with Internet access have a technology protection measure that blocks or filters Internet access to visual depictions that are obscene, child pornography, or harmful to minors, and that the operation of such measures is enforced. (20 USC 7131, 47 USC 254)

To reinforce these measures, the Superintendent or designee shall implement rules and procedures designed to restrict students' access to harmful or inappropriate matter on the Internet and to ensure that students do not engage in unauthorized or unlawful online activities. Staff shall supervise students while students are using online services and may have teacher aides, student aides, and volunteers assist in this supervision.

Student use of district computers to access social networking sites is prohibited. To the extent possible, the Superintendent or designee shall block access to such sites on district computers with Internet access.

## Legal Reference:

## EDUCATION CODE

[51006](#) Computer education and resources

[51007](#) Programs to strengthen technological skills

[60044](#) Prohibited instructional materials

**STUDENT USE OF TECHNOLOGY**

Mandated Policy

**PENAL CODE**

313 Harmful matter

502 Computer crimes, remedies

632 Eavesdropping on or recording confidential communications

653.2 Electronic communication devices, threats to safety

UNITED STATES CODE, TITLE 15

6501-6506 Children's Online Privacy Protection Act

UNITED STATES CODE, TITLE 20

7131 Internet safety

UNITED STATES CODE, TITLE 47

254 Universal service discounts (E-rate)

CODE OF FEDERAL REGULATIONS, TITLE 16

312.1-312.13 Children's Online Privacy Protection Act

CODE OF FEDERAL REGULATIONS, TITLE 47

54.520 Internet safety policy and technology protection measures, E-rate discounts

Management Resources:

CSBA PUBLICATIONS

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

FEDERAL TRADE COMMISSION PUBLICATIONS

How to Protect Kids' Privacy Online: A Guide for Teachers, December 2000

MY SPACE.COM PUBLICATIONS

The Official School Administrator's Guide to Understanding MySpace and Resolving Social Networking Issues

WEB SITES

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

American Library Association: <http://www.ala.org>

California Coalition for Children's Internet Safety: <http://www.cybersafety.ca.gov>

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

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

Federal Communications Commission: <http://www.fcc.gov>

Federal Trade Commission, Children's Online Privacy

Protection: <http://www.ftc.gov/privacy/privacyinitiatives/childrens.html>

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

Web Wise Kids: <http://www.webwisekids.org>

**STUDENT USE OF TECHNOLOGY****Mandated Policy**

The principal or designee shall oversee the maintenance of each school's technological resources and may establish guidelines and limits on their use. All instructional staff shall receive a copy of this administrative regulation, the accompanying Board policy, and the District's Acceptable Use Agreement describing expectations for appropriate use of the system and shall also be provided with information about the role of staff in supervising student use of technological resources. All students using these resources shall receive instruction in their proper and appropriate use.

Teachers, administrators, and/or library media specialists shall prescreen technological resources and online sites that will be used for instructional purposes to ensure that they are appropriate for the intended purpose and the age of the students.

**On-Line/Internet Services: User Obligations and Responsibilities**

Students are authorized to use District's equipment to access the Internet or other online services in accordance with Board policy, the user obligations and responsibilities specified below and the District's Acceptable Use Agreement.

1. The student in whose name an online services account is issued is responsible for its proper use at all times. Students shall keep personal account numbers and passwords private and shall only use the account to which they have been assigned.
2. Students shall use the District's system safely, responsibly and primarily for educational purposes.
3. Students shall not access, post, submit, publish or display harmful or inappropriate matter that is threatening, obscene, disruptive or sexually explicit, or that could be construed as harassment or disparagement of others based on their race/ethnicity, national origin, immigration status, sex, gender, sexual orientation, age, disability, religion or political beliefs.

Harmful matter includes matter, taken as a whole, which to the average person, applying contemporary statewide standards, appeals to the prurient interest and is matter which depicts or describes in a patently offensive way sexual conduct and which lacks serious literary, artistic, political or scientific value for minors. (Penal Code 313)

4. Unless otherwise instructed by school personnel, students shall not disclose, use, or disseminate personal identification information about themselves or others when using electronic mail, chat rooms, or other forms of direct electronic communication. Students are also cautioned not to disclose such information by other means to individuals contacted through the Internet without the permission of their parents/guardians.

Personal information includes the student's name, address, telephone number, Social Security number, or other individually identifiable information.

5. Students shall not use the system to encourage the use of drugs, alcohol or tobacco, nor shall they promote unethical practices or any activity prohibited by law, Board policy or administrative regulations.
6. Students shall not use the system to engage in commercial or other for-profit activities.



**STUDENT USE OF TECHNOLOGY**

**Mandated Policy**

7. Students shall not use the system to threaten, intimidate, harass, or ridicule other students or staff.
8. Copyrighted material shall be posted online only in accordance with applicable copyright laws. Any materials utilized for research projects should be given proper credit as with any other printed source of information.
9. Students shall not intentionally upload, download, or create computer viruses and/or maliciously attempt to harm or destroy district equipment or materials or manipulate the data of any other user, including so-called "hacking."
10. Students shall not attempt to interfere with other users' ability to send or receive email, nor shall they attempt to read, delete, copy, modify or use another individual's identity.
11. Students shall report any security problem or misuse of the services to the teacher or principal.

The district reserves the right to monitor use of the District's systems for improper use without advance notice or consent. Students shall be informed that computer files and electronic communications, including email, are not private and may be accessed by the District for the purpose of ensuring proper use.

Whenever a student is found to have violated Board policy, administrative regulation, or the District's Acceptable Use Agreement, the principal or designee may cancel or limit a student's user privileges or increase supervision of the student's use of the District's technological resources, as appropriate. Inappropriate use also may result in disciplinary action and/or legal action in accordance with law and Board policy.

## ANNUAL NOTIFICATION OF PLANNED PESTICIDE USE

Dear Parent or Guardian,

The Healthy Schools Act (HSA) of 2000 was signed into law in September 2000 and requires that all California school districts provide parents, guardians, and employees with annual written notification of expected pesticide use on school sites. This notification identifies the active ingredient(s) in each pesticide product and includes the internet address to the Department of Pesticide Regulation (DPR) for further information on the pesticides and their alternatives. Pacific Grove Unified School District will send out this Annual Notification at the beginning of every school year and post to it's website at <http://facilities.pgusd.org/ipm/>.

Pesticides are only used when absolutely necessary or when non-chemical measures are unsuccessful. Below are the pesticides the school district expects to apply during the school year, if necessary.

### 2020-2021 PESTICIDE/ HERBICIDE USE LIST

<u>PRODUCT</u>	<u>ACTIVE INGREDIENT(S)</u>
Round-Up Poison Ivy	Glyphosate + Tricloyr
Raid Wasp & Hornet	Prallethrin, Cypermethrin
Enforcer Wasp & Yellow Jacket Foam	Tetramethrin, Sumithrin
Termidor SC	Fipronil

You can find more information regarding these pesticides and pesticide use reduction at the Department of Pesticide Regulation's Web site at <http://www.cdpr.ca.gov>.

Parents, guardians, or employees may request prior notifications of pesticide applications. Forms can be submitted online or downloaded at <http://facilities.pgusd.org/ipm/>. Forms can also be picked up at the District office or in the front office at the individual school sites. People listed on this registry will be notified at least 72 hours before the pesticide will be applied.

If you have any questions, please contact:

Matt Kelly, Director of Facilities & Transportation  
435 Hillcrest Ave  
Pacific Grove, CA 93950  
Phone: (831) 646-6537  
E-Mail: [matt.kelly@pgusd.org](mailto:matt.kelly@pgusd.org)

### **Education Code Section 58501**

The following notice shall be sent along with the notification of parents and guardians required by Section 48980:

#### **"Notice of Alternative Schools**

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

(a) Maximize the opportunity for students to develop the positive values of self-reliance, initiative, kindness, spontaneity, resourcefulness, courage, creativity, responsibility, and joy.

(b) Recognize that the best learning takes place when the student learns because of his desire to learn.

(c) Maintain a learning situation maximizing student self-motivation and encouraging the student in his own time to follow his own interests. These interests may be conceived by him totally and independently or may result in whole or in part from a presentation by his teachers of choices of learning projects.

(d) Maximize the opportunity for teachers, parents and students to cooperatively develop the learning process and its subject matter. This opportunity shall be a continuous, permanent process.

(e) Maximize the opportunity for the students, teachers, and parents to continuously react to the changing world, including but not limited to the community in which the school is located.

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

Further, a copy shall be posted in at least two places normally visible to pupils, teachers, and visiting parents in each attendance unit for the entire month of March in each year.

*(Amended by Stats. 1981, Ch. 469, Sec. 3.)*