

ABSENCES AND EXCUSES

The Board of Trustees believes that regular attendance plays an important role in student achievement. ~~Children between ages 6 and 18 are subject to compulsory, full-time education, except when otherwise exempted.~~ The Board shall work with parents/guardians and students to ensure their compliance with all state attendance laws, and may use appropriate legal means to correct problems of chronic absence or truancy.

~~(cf. 5112.1—Exemptions from Attendance)~~

~~(cf. 5112.2—Exclusions from Attendance)~~

~~(cf. 5113.1—Chronic Absence and Truancy)~~

~~Excused Absences~~

~~Absence~~ **In accordance with law, Board policy, and administrative regulation, absence** from school shall be excused only for health reasons, family emergencies, and justifiable personal reasons **as specified in Education Code 48205, and work in the entertainment or allied industry as permitted pursuant to Education Code 48225.5,** ~~as permitted by law, Board policy, and administrative regulations.~~ (Education Code 48205)

When a student's absence from school is excused, the student's teacher shall determine identical or reasonably equivalent assignments and tests to those missed during the absence which the student shall be permitted to complete for full credit within a reasonable amount of time as determined by the teacher. (Education Code 48205, 48225.5)

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

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

~~(cf. 5145.6—Parental Notifications)~~

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

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

The Board shall, by resolution entered into its minutes, approve reasonable methods that may be used to verify student absences due to illness or quarantine. (5 CCR 421)

ABSENCES AND EXCUSES (continued)**Policy Reference Disclaimer:**

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State	Description
5 CCR 306	Explanation of absence
5 CCR 420-424	Record of verification of absence due to illness and other causes
Ed. Code 1740	Employment of personnel to supervise attendance
Ed. Code 37201	School month
Ed. Code 37223	Weekend classes
Ed. Code 41601	Reports of average daily attendance
Ed. Code 42238-42250.1	Apportionments
Ed. Code 46000	Attendance records
Ed. Code 46010-46015	Absences
Ed. Code 46110-46120	Attendance in kindergarten and elementary schools
Ed. Code 46140-46148	Attendance in junior high and high schools
Ed. Code 48200-48208	Children ages 6-18; compulsory full-time attendance
Ed. Code 48210-48216	Exclusions from attendance
Ed. Code 48225.5	Work permit; excused absence; entertainment or allied industries; participation in not-for-profit performing arts organization
Ed. Code 48240-48246	Supervisors of attendance
Ed. Code 48260-48273	Truants
Ed. Code 48292	Filing complaint against parent
Ed. Code 48320-48324	School attendance review boards
Ed. Code 48340-48341	Improvement of student attendance
Ed. Code 48980	Parent/Guardian notifications
Ed. Code 49067	Unexcused absences as cause of failing grade
Ed. Code 49701	Provisions of the Interstate Compact on Educational Opportunities for Military Children
Elec. Code 12302	Student participation on precinct boards
Fam. Code 6920-6930	Consent by minor for medical treatment
W&I Code 11253.5	Compulsory school attendance; eligibility for aid
W&I Code 601-601.5	Habitually truant minors

ABSENCES AND EXCUSES (continued)**Management Resources**

Attorney General Opinion
 Attorney General Opinion
 Court Decision

CSBA Publication

Website

Website

Description

66 Ops.Cal.Atty.Gen. 244 (1983)
 87 Ops.Cal.Atty.Gen. 168 (2004)
 American Academy of Pediatrics et al v.
 Lungren et al (1997) 16 Cal.4th 307
 Seize the Data: Using Chronic Absence, Policy
 Brief, December 2010 Data to Drive Student
 Engagement, March 2024
 CSBA District and County Office of Education
 Legal Services
 CSBA

Cross References-Codes

0450
 3516
 4119.41
 4219.41
 4319.41
 5000
 5020
 5112.1
 5112.2
 5112.5
 5113.1
 5113.11
 5113.12
 5121
 5131
 5131.4
 5141.21

 5141.22
 5141.33
 5144.1
 5145.6
 5145.6-E(1)
 5146
 5147
 6020
 6111
 6112
 6141.2
 6145

Description

Comprehensive Safety Plan
 Emergencies And Disaster Preparedness Plan
 Employees With Infectious Disease
 Employees With Infectious Disease
 Employees With Infectious Disease
 Concepts And Roles
 Parent Rights And Responsibilities
 Exemptions From Attendance
 Exclusions From Attendance
 Open/Closed Campus
 Chronic Absence And Truancy
 Attendance Supervision
 District School Attendance Review Board
 Grades/Evaluation Of Student Achievement
 Conduct
 Student Disturbances
 Administering Medication And Monitoring
 Health Conditions
 Infectious Diseases
 Head Lice
 Suspension And Expulsion/Due Process
 Parent/Guardian Notifications
 Parent/Guardian Notifications
 Married/Pregnant/Parenting Students
 Dropout Prevention
 Parent Involvement
 School Calendar
 School Day
 Recognition Of Religious Beliefs And Customs
 Extracurricular And Cocurricular Activities

ABSENCES AND EXCUSES (continued)

Cross References-Codes (continued)

6154	Homework/Makeup Work
6158	Independent Study
6164.2	Guidance/Counseling Services
6173.2	Education Of Children Of Military Families
6176	Weekend/Saturday Classes
6177	Summer Learning Programs
6183	Home And Hospital Instruction
6184	Continuation Education
6185	Community Day School

*Legal Reference:*EDUCATION CODE*1740 Employment of personnel to supervise attendance (county superintendent)-**37201 School month**37223 Weekend classes**41601 Reports of average daily attendance-**42238 42250.1 Apportionments**46000 Records (attendance)**46010 46014 Absences**46100 46119 Attendance in kindergarten and elementary schools-**46140 46147 Attendance in junior high and high schools**48200 48208 Children ages 6-18 (compulsory full time attendance)**48210 48216 Exclusions from attendance**48240 48246 Supervisors of attendance-**48260 48273 Truants**48292 Filing complaint against parent**48320 48324 School attendance review boards-**48340 48341 Improvement of student attendance-**49067 Unexcused absences as cause of failing grade**49701 Provisions of the interstate compact on educational opportunities for military children-*ELECTIONS CODE*12302 Student participation on precinct boards*FAMILY CODE*6920 6929 Consent by minor*VEHICLE CODE*13202.7 Driving privileges; minors; suspension or delay for habitual truancy-*WELFARE AND INSTITUTIONS CODE*601 601.4 Habitually truant minors-**11253.5 Compulsory school attendance-*CODE OF REGULATIONS, TITLE 5*306 Explanation of absence**420 421 Record of verification of absence due to illness and other causes-*ATTORNEY GENERAL OPINIONS*87 Ops. Cal. Atty. Gen. 168 (2004)**66 Ops. Cal. Atty. Gen. 244 (1983).*COURT DECISIONS*American Academy of Pediatrics et al v. Lungren et al (1997) 16 Cal.4th 307*

ABSENCES AND EXCUSES (continued)

Management Resources:

CSBA PUBLICATIONS

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

WEB SITES

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

ABSENCES AND EXCUSES

Excused Absences

Subject to any applicable limitation, condition, or other requirement specified in law, a student's absence shall be excused for the following reasons:

1. Personal illness, including absence for the benefit of the student's mental or behavioral health: (Education Code 48205)
2. Quarantine under the direction of a county or city health officer: (Education Code 48205)
3. Medical, dental, optometrical, or chiropractic appointment: (Education Code 48205)
4. Attendance at funeral services **or grieving the death of** ~~for~~ a member of the student's immediate family: **or, as determined by the student's parent/guardian, a person so closely associated with the student as to be considered the student's immediate family** (Education Code 48205)

A student may be excused for this reason for up to five days for each incident (Education Code 48205)

~~Such absence shall be limited to one day if the service is conducted in California or three days if the service is conducted out of state. (Education Code 48205)~~

5. Jury duty in the manner provided by law: (Education Code 48205)
6. Illness or medical appointment of a child to whom the student is the custodial parent: (Education Code 48205)
7. Upon advance written request by the parent/guardian and the approval of the principal or designee, justifiable personal reasons including, but not limited to: (Education Code 48205)
 - a. **Attendance or** Appearance in court
 - b. Attendance at a funeral service
 - c. Observance of a religious holiday or ceremony
 - d. Attendance at religious retreats ~~not to exceed four hours per semester~~ **for no more than one school day each semester**
 - e. Attendance at an employment conference

ABSENCES AND EXCUSES (continued)

- f. Attendance at an educational conference on the legislative or judicial process offered by a nonprofit organization
8. Service as a member of a precinct board for an election pursuant to Elections Code 12302- (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)
 10. Attendance at the student's naturalization ceremony to become a United States citizen- (Education Code 48205)
 11. Participation in a cultural ceremony or event which relates to the habits, practices, beliefs, and traditions of a certain group of people- (Education Code 48205)
 12. For a middle school or high school student, engagement in a civic or political event, provided that the student notifies the school ahead of the absence. Unless otherwise permitted by the Superintendent or designee, students shall be limited to one such school day-long absence ~~per~~ each school year. (Education Code 48205)
 13. When a student's immediate family member or, as determined as determined by the student's parent/guardian, a person so closely associated with the student as to be considered the student's immediate family has died: (Education Code 48205)
 - a. To access services from a victim services organization or agency
 - b. To access grief support services
 - ~~12.c.~~ To participate in safety planning or take other actions, including, but not limited to, temporary or permanent relocation, to increase the safety of the student, an immediate family member of the student, or a person determined by the student's parent/guardian to be in such close association with the student as to be considered immediate family
 - ~~13.~~ Such absence shall be excused for not more than three days for each incident. (Education Code 48205)
 14. Participation in religious exercises or to receive moral and religious instruction at the student's place of worship or other suitable place away from school property as designated by the religious group, church, or denomination- (Education Code 46014)

ABSENCES AND EXCUSES (continued)

Absence for student participation in religious exercises or instruction shall not be considered an absence for the purpose of computing ~~A~~average ~~D~~daily ~~A~~attendance (ADA) if the student attends at least the minimum school day as specified in ~~AR~~ **Administrative Regulation** 6112 – School Day, and is not excused from school for this purpose on more than four days ~~per each~~ school month. (Education Code 46014)

15. ~~Work in the entertainment or allied industry. (Education Code 48225.5)~~ **Work for** For a student who holds a work permit authorizing work in the entertainment or allied industries for a period of not more than five consecutive days **while working in such industry**. For this purpose, student absence shall be excused for a maximum of up to five absences **each**~~per~~ school year. (Education Code 48225.5)
- ~~15.~~16. 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 each~~ school year provided that the student's parent/guardian provides a written explanation of such absence to the school. (Education Code 48225.5)

- ~~16.~~17. Other reasons authorized at the discretion of the principal or designee based on the student's specific circumstances. (Education Code 48205, 48260)

For the purpose of the absence described above, *immediate family* means the student's parent/guardian, ~~brother or sister~~**sibling**, grandparent, or any other relative living in the student's household. (Education Code 48205)

Method of Verification

Student absence to care for a child for whom the student is the custodial parent shall not require a physician's note. (Education Code 48205)

For other absences, the student shall, upon returning to school following the absence, present a satisfactory explanation, either in person or by written note, verifying the reason for the absence. Absences shall be verified by the student's parent/guardian, other person having charge or control of the student, or the student if age 18 or older. (Education Code 46012; 5 CCR 306)

When an absence is planned, the principal or designee shall be notified prior to the date of the absence when possible.

The following methods may be used to verify student absences:

1. Written, **digital, or audio message** ~~note, fax, email, or voice mail~~ from parent/guardian or parent representative.

ABSENCES AND EXCUSES (continued)

2. Conversation, in person or by telephone, between the verifying employee and the student's parent/guardian or parent representative. The employee shall subsequently record the following:
 - a. Name of student
 - b. Name of parent/guardian or parent representative
 - c. Name of verifying employee
 - d. Date(s) of absence
 - e. Reason for absence
3. Visit to the student's home by the verifying employee, or any other reasonable method which establishes the fact that the student was absent for the reasons stated. The employee shall document the verification and include the information specified in Item #2 above.
4. Physician's verification.
 - a. When excusing students for confidential medical services or verifying such appointments, District staff shall not ask the purpose of such appointments but may request a note from the medical office to confirm the time of the appointment.
 - b. **If a student shows a pattern of chronic absenteeism due to illness, the District staff may require physician verification of any further student absences** ~~When a student has had 10 absences in the school year for illness verified by methods listed in #1-3 above, any further absences for illness shall be verified by a physician.~~

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)

ABSENCES AND EXCUSES (continued)

2. Notify students in grades 7-12 and the parents/guardians of all students enrolled in the District 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 a 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. Such notice shall include the full text of Education Code 48205. (Education Code 48980)

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Ed. Code 48260-48273	Truants

ABSENCES AND EXCUSES (continued)**STATE** (continued)

Ed. Code 48292	Filing complaint against parent
Ed. Code 48320-48324	School attendance review boards
Ed. Code 48340-48341	Improvement of student attendance
Ed. Code 48980	Parent/Guardian notifications
Ed. Code 49067	Unexcused absences as cause of failing grade
Ed. Code 49701	Provisions of the Interstate Compact on Educational Opportunities for Military Children
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Fam. Code 6920-6930	Consent by minor for medical treatment
W&I Code 11253.5	Compulsory school attendance; eligibility for aid
W&I Code 601-601.5	Habitually truant minors

MANAGEMENT RESOURCES

Attorney General Opinion
Attorney General Opinion
Court Decision

CSBA Publication

Website

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DESCRIPTION

66 Ops.Cal.Atty.Gen. 244 (1983)
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~~Improving Student Achievement by Addressing Chronic Absence, Policy Brief, December 2010~~
Seize the Data: using Chronic Absence Data to Drive Student Engagement, March 2024
CSBA District and County Office of Education
Legal Services
CSBA

CROSS REFERENCES-CODES

0450

0470

3516

4119.41

4219.41

4319.41

5000

5020

5112.1

5112.2

DESCRIPTION

Comprehensive Safety Plan
COVID-19 Mitigation Plan
Emergencies And Disaster Preparedness Plan
Employees With Infectious Disease
Employees With Infectious Disease
Employees With Infectious Disease
Concepts And Roles
Parent Rights And Responsibilities
Exemptions From Attendance
Exclusions From Attendance

ABSENCES AND EXCUSES (continued)

CROSS REFERENCES-CODES (continued)

5112.5	Open/Closed Campus
5113.1	Chronic Absence And Truancy
5113.11	Attendance Supervision
5113.12	District School Attendance Review Board
5121	Grades/Evaluation Of Student Achievement
5131	Conduct
5131.4	Student Disturbances
5141.21	Administering Medication And Monitoring Health Conditions
5141.22	Infectious Diseases
5141.33	Head Lice
5144.1	Suspension And Expulsion/Due Process
5145.6	Parent/Guardian Notifications
5145.6-E(1)	Parent/Guardian Notifications
5146	Married/Pregnant/Parenting Students
5147	Dropout Prevention
6020	Parent Involvement
6111	School Calendar
6112	School Day
6141.2	Recognition Of Religious Beliefs And Customs
6145	Extracurricular And Cocurricular Activities
6154	Homework/Makeup Work
6158	Independent Study
6164.2	Guidance/Counseling Services
6173.2	Education Of Children Of Military Families
6176	Weekend/Saturday Classes
6177	Summer Learning Programs
6183	Home And Hospital Instruction
6184	Continuation Education
6185	Community Day School

SUSPENSION AND EXPULSION/DUE PROCESS

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

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

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

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

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

Appropriate Use of Suspension Authority

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

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

~~No student in grades K-3 may be suspended for disruption or willful defiance except by a teacher pursuant to Education Code 48910. (Education Code 48900)~~

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

SUSPENSION AND EXPULSION/DUE PROCESS

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

On-Campus Suspension

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

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

Authority to Expel

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

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

1. Possessing a firearm ~~which~~ that is not an imitation firearm, as verified by a certificated employee, unless the student had obtained prior written permission to possess the item from a certificated school employee, with the principal or designee's concurrence
2. Selling or otherwise furnishing a firearm
3. Brandishing a knife at another person
4. Unlawfully selling a controlled substance listed in Health and Safety Code 11053-11058
5. Committing or attempting to commit a sexual assault as defined in Penal Code 261, 266c, 286, 287, 288, 289, or former 288a, or committing a sexual battery as defined in Penal Code 243.4
6. Possessing an explosive as defined in 18 USC 921

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

SUSPENSION AND EXPULSION/DUE PROCESS

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

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

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

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

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

Due Process

The Board shall provide for the fair and equitable treatment of students facing suspension and/or expulsion by affording ~~them their~~ the students 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)

Maintenance and Monitoring of Outcome Data

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

SUSPENSION AND EXPULSION/DUE PROCESS

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 (SED) students, English Learners (ELs), **Long-Term English Learners (LTELs)**, Foster Youth, Students with Disabilities (SWDs) and Homeless students. Based on the data, the Board shall address any identified disparities in the imposition of student discipline and determine whether and how the District is meeting its goals for improving school climate as specified in its Local Control and Accountability Plan (LCAP).

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STATE	DESCRIPTION
CCP. 1985-1997	Production of evidence; means of production
Civ. Code 47	Privileged communication
Civ. Code 48.8	Defamation liability
Ed. Code 17292.5	Program for expelled students; facilities
Ed. Code 1981-1983	Enrollment of students in community school
Ed. Code 212.5	Sexual harassment
Ed. Code 233	Hate violence
Ed. Code 32260-32262	Interagency School Safety Demonstration Act of 1985
Ed. Code 35145	Open board meetings
Ed. Code 35146	Closed sessions regarding suspensions
Ed. Code 35291	Rules for government and discipline of schools
Ed. Code 35291.5	Rules and procedures on school discipline
Ed. Code 48645.5	Former juvenile court school students; enrollment
Ed. Code 48660-48666	Community day schools
Ed. Code 48853-48853.5	Foster youth
Ed. Code 48900-48927	Suspension and expulsion
Ed. Code 48950	Speech and other communication
Ed. Code 48980	Parent/Guardian notifications
Ed. Code 49073-49079	Privacy of student records
Ed. Code 52052	Numerically significant student subgroups
Ed. Code 52060-52077	Local control and accountability plan
Ed. Code 64000-64001	Consolidated application
Ed. Code 8489-8489.1	Prohibition against expulsion of preschool student
Gov. Code 11455.20	Informal hearing procedures
Gov. Code 54950-54963	The Ralph M. Brown Act

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

H&S Code 11014.5

H&S Code 11053-11059

Lab. Code 230.7

Pen. Code 240

Pen. Code 241.2

Pen. Code 242

Pen. Code 243.2

Pen. Code 243.4

Pen. Code 245

Pen. Code 245.6

Pen. Code 261

Pen. Code 266c

Pen. Code 286

Pen. Code 287

Pen. Code 288

Pen. Code 289

Pen. Code 31

Pen. Code 417.27

Pen. Code 422.55

Pen. Code 422.6

Pen. Code 422.7

Pen. Code 422.75

Pen. Code 626.10

Pen. Code 626.2

Pen. Code 626.9

Pen. Code 868.5

W&I Code 224.1

W&I Code 729.6

FEDERAL

18 USC 921

20 USC 1415(K)

20 USC 7961

USC 11431-11435

Drug paraphernalia

Controlled substances; standards and schedules

Employee time off to appear in school on behalf of a child

Assault defined

Assault fines

Battery defined

Battery on school property

Sexual battery

Assault with deadly weapon

Hazing

Rape defined

Unlawful sexual intercourse

Sodomy defined

Oral Copulation

Lewd or lascivious acts with child under age 14

Penetration of genital or anal openings

Principal of a crime; defined

Laser pointers

Definition of hate crime

Crimes; harassment

Aggravating factors for punishment

Enhanced penalties for hate crimes

Dirks, daggers, knives, razors, or stun guns

Entry upon campus after written notice of suspension or dismissal without permission

Gun-Free School Zone Act of 1995

Supporting person; attendance during testimony of witness

Indian child; definition

Counseling

DESCRIPTION

Definitions; firearms and ammunition

Students with disabilities; placement in alternative educational setting

Gun-Free Schools Act 42

Education of homeless children and youths

SUSPENSION AND EXPULSION/DUE PROCESS

MANAGEMENT RESOURCES	DESCRIPTION
Attorney General Opinion	80 Ops.Cal.ATY.Gen.348 (1997)
Attorney General Opinion	80 Ops.Cal.ATY.Gen.85 (1997)
Attorney General Opinion	80 Ops.Cal.ATY.Gen.91 (1997)
Attorney General Opinion	80 Ops.Cal.ATY.Gen.146 (1997)
Court Decision	Board of Education of Sacramento City Unified School District v. Sacramento County Board of Education and Kenneth H. (2001) 85 Cal.App.4th 1321
Court Decision	Fremont Union High School District v. Santa Clara County Board (1991) 235 Cal. App. 3d 1182
Court Decision	Garcia v. Los Angeles Board of Education (1981) 123 Cal. App. 3d 807 Court Decision John A. v. San Bernardino School District (1982) 33 Cal. 3d 301
Court Decision	T.H. v. San Diego Unified School District (2004) 122 Cal. App. 4th 1267
Court Decision	Woodbury v. Dempsey (2003) 108 Cal. App. 4th 421
U.S. DOE Publication	Guiding Principles for Creating Safe, Inclusive, Supportive and Fair School Climates, March 2023
U.S. DOE, Office for Civil Rights and U.S. Department of Justice, Civil Rights Division Publication	Resource on Confronting Racial Discrimination in Student Discipline, May 2023
U.S. DOE Publication	School Climate and Student Discipline Resources
U.S. DOE, Office for Civil Rights Publication	Dear Colleague Letter on the Nondiscriminatory Administration of School Discipline, January 2014

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

Website	CSBA District and County Office of Education Legal Services
Website	U.S. Department of Education, Office of Safe and Healthy Students
Website	California Attorney General's Office
Website	California Department of Education
Website	CSBA
Website	U.S. Department of Education, Office for Civil Rights

CROSS REFERENCES-CODES**DESCRIPTION**

0450	Comprehensive Safety Plan
0460	Local Control And Accountability Plan
1114	District-Sponsored Social Media
1114	District-Sponsored Social Media
1312.3	Uniform Complaint Procedures
1312.3-E(1)	Uniform Complaint Procedures
1312.3-E(2)	Uniform Complaint Procedures
1313	Civility
3513.3	Tobacco-Free Schools
3513.4	Drug And Alcohol Free Schools
3515	Campus Security
3515.21	Unmanned Aircraft Systems (Drones)
3515.3	District Police/Security Department
3515.31	School Resource Officers
3515.4	Recovery For Property Loss Or Damage
3516.2	Bomb Threats
4158	Employee Security
4258	Employee Security
4358	Employee Security

SUSPENSION AND EXPULSION/DUE PROCESS**CROSS REFERENCES-CODES (continued)**

5000	Concepts And Roles
5112.1	Exemptions From Attendance
5112.5	Open/Closed Campus
5113	Absences And Excuses
5113.1	Chronic Absence And Truancy
5113.11	Attendance Supervision
5116.2	Involuntary Student Transfers
5117	Interdistrict Attendance
5119	Students Expelled From Other Districts
5125	Student Records
5125.2	Withholding Grades, Diploma Or Transcripts
5131	Conduct
5131.1	Bus Conduct
5131.2	Bullying
5131.4	Student Disturbances
5131.5	Vandalism And Graffiti
5131.6	Alcohol And Other Drugs
5131.62	Tobacco
5131.63	Steroids
5131.7	Weapons And Dangerous Instruments
5137	Positive School Climate
5138	Conflict Resolution/Peer Mediation
5142	Safety
5144	Discipline
5144.2	Suspension And Expulsion/Due Process (Students With Disabilities)
5144.4	Required Parental Attendance
5145.12	Search And Seizure
5145.2	Freedom Of Speech/Expression
5145.3	Nondiscrimination/Harassment
5145.6	Parent/Guardian Notifications
5145.6-E(1)	Parent/Guardian Notifications
5145.7	Sexual Sex Discrimination and Sex-Based Harassment
5145.71	Title IX Sexual Sex Discrimination and Sex-Based Harassment Complaint Procedures
5145.71-E(1)	Title IX Sexual Sex Discrimination and Sex-Based Harassment Complaint Procedures
5145.9	Hate-Motivated Behavior
5148.3	Preschool/Early Childhood Education
6145	Extracurricular And Cocurricular Activities
6145.2	Athletic Competition
6145.5	Student Organizations And Equal Access
6145.8	Assemblies And Special Events
6153	School-Sponsored Trips
6154	Homework/Makeup Work

SUSPENSION AND EXPULSION/DUE PROCESS

CROSS REFERENCES-CODES (continued)

6158	Independent Study
6161.2	Damaged Or Lost Instructional Materials
6163.4	Student Use Of Technology
6163.4-E(1)	Student Use Of Technology
6164.6	Identification And Education Under Section 504
6173	Education For Homeless Children
6173-E(1)	Education For Homeless Children
6173-E(2)	Education For Homeless Children
6173.1	Education For Foster Youth
6173.4	Education for American Indian Students
6184	Continuation Education
6185	Community Day School
9000	Role Of The Board
9321	Closed Session
9321-E(1)	Closed Session
9321-E(2)	Closed Session
9322	Agenda/Meeting Materials

SUSPENSION AND EXPULSION/DUE PROCESS

Definitions

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

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

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

Notice of Regulations

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

Grounds for Suspension and Expulsion: Grades K-12

Acts for which a student, including a Student with Disabilities (SWD), may be suspended or expelled shall be only those specified as follows and in the sections “Additional Grounds for Suspensions and Expulsion: Grades 4-12”, and ~~“Additional Grounds for Suspension and Expulsion: 9-12”~~ below:

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

SUSPENSION AND EXPULSION/DUE PROCESS (continued)

2. Possessed, sold, or otherwise furnished any firearm, knife, explosive, or other dangerous object, unless, in the case of possession of any object of this type, the student had obtained written permission to possess the item from a certificated school employee, with the principal or designee's concurrence (Education Code 48900(b))
3. Unlawfully possessed, used, sold, otherwise furnished, or was under the influence of any controlled substance as defined in Health and Safety Code 11053-11059, alcoholic beverage, or intoxicant of any kind (Education Code 48900(c))
4. Unlawfully offered, arranged, or negotiated to sell any controlled substance as defined in Health and Safety Code 11053-11059, alcoholic beverage, or intoxicant of any kind, and then sold, delivered, or otherwise furnished to any person another liquid, substance, or material and represented the same as a controlled substance, alcoholic beverage, or intoxicant (Education Code 48900(d))
5. Committed or attempted to commit robbery or extortion (Education Code 48900(e))
6. Caused or attempted to cause damage to school property or private property (Education Code 48900(f))
7. Stole or attempted to steal school property or private property (Education Code 48900(g))
8. Possessed or used tobacco or products containing tobacco or nicotine products, including, but not limited to, cigars, cigarettes, miniature cigars, clove cigarettes, smokeless tobacco, snuff, chew packets, and betel, except that this restriction shall not prohibit a student from using or possessing ~~his/her own~~ prescription products (Education Code 48900(h))
9. Committed an obscene act or engaged in habitual profanity or vulgarity (Education Code 48900(i))
10. Unlawfully possessed, offered, arranged, or negotiated to sell any drug paraphernalia, as defined in Health and Safety Code 11014.5 (Education Code 48900(j))

SUSPENSION AND EXPULSION/DUE PROCESS (continued)

11. Knowingly received stolen school property or private property (Education Code 48900(l))

12. Possessed an imitation firearm (Education Code 48900(m))

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

13. Committed or attempted to commit a sexual assault as defined in Penal Code 261, 266c, 287, 286, 288, 289, or former 288a, or committed a sexual battery as defined in Penal Code 243.4 (Education Code 48900(n))

14. Harassed, threatened, or intimidated a student who is a complaining witness or witness in a school disciplinary proceeding for the purpose of preventing that student from being a witness and/or retaliating against that student for being a witness (Education Code 48900(o))

15. Unlawfully offered, arranged to sell, negotiated to sell, or sold the prescription drug Soma (Education Code 48900(p))

16. Engaged in, or attempted to engage in, hazing (Education Code 48900(q))

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

17. Engaged in an act of bullying (Education Code 48900(r))

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

SUSPENSION AND EXPULSION/DUE PROCESS (continued)

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

Bullying also includes an act of cyber sexual bullying by a student through the dissemination of, or the solicitation or incitement to disseminate, a photograph or other visual recording that depicts a nude, semi-nude, or sexually explicit photograph or other visual recording of an identifiable minor, when such dissemination is to another student or to school personnel by means of an electronic act and has or can be reasonably predicted to have one or more of the effects of bullying described above. Cyber sexual bullying does not include a depiction, portrayal, or image that has any serious literary, artistic, educational, political, or scientific value or that involves athletic events or school-sanctioned activities.

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

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

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

Burn page means an Internet ~~web site~~ **website** created for the purpose of causing a reasonable student any of the effects of bullying described above. (Education Code 48900(r))

Credible impersonation means to knowingly and without consent impersonate a student for the purpose of bullying the student and such that the student would reasonably believe, or has a reasonably believed, that the student was or is the student who was impersonated.

SUSPENSION AND EXPULSION/DUE PROCESS (continued)

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

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

Suspension, including supervised suspension as described in Section 48911.1, shall be imposed only when other means of correction fail to bring about proper conduct. However, a pupil, including an individual with exceptional needs, as defined in Section 56026, may be suspended for any of the reasons enumerated in Section 48900 upon a first offense, if the principal or superintendent of schools determines that the pupil violated subdivision (a), (b), (c), (d), or (e) of Section 48900 or that the pupil's presence causes a danger to persons. Other means of correction shall be implemented in accordance with Education Code 48900.5.

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

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

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

Additional Grounds for Suspension and Expulsion: Grades 4-12

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

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

SUSPENSION AND EXPULSION/DUE PROCESS (continued)

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

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

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

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

~~Additional Grounds for Suspension and Expulsion: Grades 9-12~~

~~Any students in grades 9-12 may be suspended, but not expelled, for disrupting school activities or otherwise willfully defying the valid authority of supervisors, teachers, administrators, other school officials, or other school personnel engaged in the performance of their duties. (Education Code 48900(k))~~

Suspension from Class by a Teacher

A teacher may suspend a student from class for the remainder of the day and the following day for any of the acts specified in Education Code 48900 and listed as Items #1-19 under “Grounds for Suspension and Expulsion: Grades K-12” above or for disruption or willful defiance at any grade level, ~~including grades K-8~~. (Education Code 48910)

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

SUSPENSION AND EXPULSION/DUE PROCESS (continued)

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

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

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

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

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

Suspension by Superintendent, Principal or Principal's Designee

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

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

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

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

SUSPENSION AND EXPULSION/DUE PROCESS (continued)

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

Length of Suspension

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

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

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

Due Process Procedures for Suspension

Suspensions shall be imposed in accordance with the following procedures:

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

This conference may be omitted if the Superintendent, principal, or designee determines that an emergency situation exists involving a clear and present danger to the lives, safety, or health of students or school personnel. If a student is suspended without this conference, the student, the student's parent/guardian, or if the student is a Foster Youth, the Foster Youth's educational rights holder, attorney, and county social worker, or if the student is an Indian child, the Indian child's tribal social worker and, if applicable, county social worker, shall be notified of the student's right

SUSPENSION AND EXPULSION/DUE PROCESS (continued)

to a conference and the right to return to school for the purpose of the conference. The conference shall be held within two school days, unless the student waives the right to it or is physically unable to attend for any reason. In such a case, the conference shall be held as soon as the student is physically able to return to school for the conference. (Education Code 48911)

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

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

4. In addition, the notice ~~may~~ shall state the date and time when the student may return to school.
5. **Parent/Guardian Conference:** Whenever a student is suspended, school officials may conduct a meeting with the parent/guardian to discuss the cause(s) and duration of the suspension, the school policy involved, and any other pertinent matter. (Education Code 48914)

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

SUSPENSION AND EXPULSION/DUE PROCESS (continued)

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

Suspension by the Board

The Board may suspend a student for any of the acts listed under "Grounds for Suspension and Expulsion: Grades K-12", **and** "Additional Grounds for Suspension and Expulsion: Grades 4-12", and additional "Grounds for Suspension and Expulsion: Grades 9-12" above and within the limits specified under "Suspension by Superintendent, Principal, or Designee," above. (Education Code 48912)

SUSPENSION AND EXPULSION/DUE PROCESS (continued)

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

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

The Board shall provide the student and parent/guardian with written notice of the closed session by registered or certified mail or personal service. Upon receiving this notice, the student or parent/guardian may request a public meeting, and this request shall be granted if made in writing within 48 hours after receipt of the Board's notice. However, any discussion that conflicts with any other student's right to privacy still shall be held in closed session. (Education Code 35146, 48912)

On-Campus Suspension

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

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

SUSPENSION AND EXPULSION/DUE PROCESS (continued)

At the time a student is assigned to an on-campus suspension classroom, the principal or designee shall notify the student's parent/guardian or if the student is a Foster Youth, the Foster Youth's educational rights holder, attorney, and county social worker, or if applicable, if the student is an Indian child, the Indian child's tribal social worker and, if applicable, county social worker, in person, by email, or by telephone. When the assignment is for longer than one class period, this notification shall be made in writing. (Education Code 48911.1)

Superintendent or Principal's Authority to Recommend Expulsion

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

1. Causing serious physical injury to another person, except in self-defense
2. Possession of any knife or other dangerous object of no reasonable use to the student
3. Unlawful possession of any controlled substance as listed in Health and Safety Code 11053-111059, except for:
 - a. The first offense for the possession of not more than one ounce of marijuana, other than concentrated cannabis
 - b. The student's possession of over-the-counter medication for use by the student for medical purposes
 - c. Medication prescribed for the student by a physician
4. Robbery or extortion
5. Assault or battery, as defined in Penal Code 240 and 242, upon any school employee

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

SUSPENSION AND EXPULSION/DUE PROCESS (continued)

Student's Right to Expulsion Hearing

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

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

If the Board finds it impractical during the regular school year to comply with these time requirements for conducting an expulsion hearing, the Superintendent or designee may, for good cause, extend the time period by an additional five school days. Reasons for the extension shall be included as a part of the record when the expulsion hearing is held. (Education Code 48918(a))

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

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

Stipulated Expulsion

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

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

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

SUSPENSION AND EXPULSION/DUE PROCESS (continued)

Rights of Complaining Witness

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

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

1. Receive five days' notice of the scheduled testimony at the hearing
2. Have up to two adult support persons present at the hearing at the time the witness testifies
3. Have a closed hearing during the time the witness testifies

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

Written Notice of the Expulsion Hearing

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

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

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

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

SUSPENSION AND EXPULSION/DUE PROCESS (continued)

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

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

6. The right to inspect and obtain copies of all documents to be used at the hearing
7. The opportunity to confront and question all witnesses who testify at the hearing
8. The opportunity to question all evidence presented and to present oral and documentary evidence on the student's behalf, including witnesses

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

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

If the student facing expulsion is a ~~Homeless~~ student **experiencing homelessness**, the Superintendent or designee shall also send notice of the hearing to the District liaison for Homeless students at least 10 calendar days prior to the hearing. (Education Code 48918.1)

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

Conduct of Expulsion Hearing

1. **Closed Session:** Notwithstanding Education Code 35145, the Board shall conduct a hearing to consider the expulsion of the student in a session closed to the public unless the student requests in writing at least five days prior to the hearing that the hearing be a public meeting. If such a request is made, the meeting shall be public to the extent that privacy rights of other students are not violated. (Education Code 48918)
2. Whether the expulsion hearing is held in closed or public session, the Board may meet in closed session to deliberate and determine whether the student should be expelled. If the Board admits any other person to this closed session, the parent/guardian, the student, and the counsel of the student also shall be allowed to attend the closed session. (Education Code 48918(c))

If a hearing that involves a charge of sexual assault or sexual battery is to be conducted in public, a complaining witness shall have the right to testify in closed session when

SUSPENSION AND EXPULSION/DUE PROCESS (continued)

testifying in public would threaten serious psychological harm to the witness and when there are no alternative procedures to avoid the threatened harm, including, but not limited to, videotaped deposition or contemporaneous examination in another place communicated to the hearing room by closed-circuit television. (Education Code 48918(c))

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

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

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

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

5.4. Presentation of Evidence: Technical rules of evidence shall not apply to the expulsion hearing, but relevant evidence may be admitted and used as proof only if it is the kind of evidence on which reasonable persons can rely in the conduct of serious affairs. The decision of the Board to expel shall be supported by substantial evidence that the student committed any of the acts pursuant to Education Code 48900 and listed in "Grounds for Suspension and Expulsion: Grades K-12", and "Additional Grounds for Suspension and Expulsion: Grades 4-12", and "~~Additional Grounds for Suspension and Expulsion: Grades 9-12~~" above. (Education Code 48918(h))

SUSPENSION AND EXPULSION/DUE PROCESS (continued)

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

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

7.5. Testimony by Complaining Witnesses: The following procedures shall be observed when a hearing involves allegations of sexual assault or sexual battery by a student: (Education Code 48918, 48918.5)

- a. Any complaining witness shall be given five days' notice before being called to testify.
- b. Any complaining witness shall be entitled to have up to two adult support persons, including, but not limited to, a parent/guardian or legal counsel, present during the testimony.
- c. Before a complaining witness testifies, support persons shall be admonished that the hearing is confidential.
- d. The person presiding over the hearing may remove a support person who is disrupting the hearing.
- e. If one or both support persons are also witnesses, the hearing shall be conducted in accordance with Penal Code 868.5.
- f. Evidence of specific instances of prior sexual conduct of a complaining witness shall be presumed inadmissible and shall not be heard unless the person conducting the hearing determines that extraordinary circumstances require the evidence to be heard. Before such a determination is made, the complaining witness shall be given notice and an opportunity to oppose the introduction of this evidence. In the hearing on the admissibility of this evidence, the complaining witness shall be entitled to be represented by a parent/guardian, legal counsel, or other support person. Reputation or opinion evidence regarding the sexual behavior of a complaining witness shall not be admissible for any purpose.
- g. In order to facilitate a free and accurate statement of the experiences of the complaining witness and to prevent discouragement of complaints, the District shall provide a nonthreatening environment.

SUSPENSION AND EXPULSION/DUE PROCESS (continued)

- (1) The District shall provide a room separate from the hearing room for the use of the complaining witness before and during breaks in testimony.
- (2) At the discretion of the person conducting the hearing, the complaining witness shall be allowed reasonable periods of relief from examination and cross-examination during which the complaining witness may leave the hearing room.
- (3) The person conducting the hearing may:
 - (a) Arrange the seating within the hearing room so as to facilitate a less intimidating environment for the complaining witness
 - (b) Limit the time for taking the testimony of a complaining witness to normal school hours, if there is no good cause to take the testimony during other hours
 - (c) Permit one of the support persons to accompany the complaining witness to the witness stand

§.6. Decision: The Board's decision as to whether to expel a student shall be made within 40 school days after the student is removed from school, unless the student requests in writing that the decision be postponed. (Education Code 48918(a))

Alternative Expulsion Hearing: Hearing Officer or Administrative Panel

Instead of conducting an expulsion hearing itself, the Board may contract with the county hearing officer or with the Office of Administrative Hearings of the State of California for a hearing officer. The Board may also appoint an impartial administrative panel composed of three or more certificated personnel, none of whom shall be members of the Board or on the staff of the school in which the student is enrolled. (Education Code 48918)

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

The hearing officer or administrative panel shall, within three school days after the hearing, determine whether to recommend expulsion of the student to the Board. If expulsion is not recommended, the expulsion proceeding shall be terminated and the student shall be immediately reinstated and permitted to return to the classroom instructional program from which the referral was made, unless another placement is requested in writing by the student's

SUSPENSION AND EXPULSION/DUE PROCESS (continued)

parent/guardian. Before the student's placement decision is made by the student's parent/guardian, the Superintendent or designee shall consult with the parent/guardian and District staff, including the student's teachers, regarding other placement options for the student in addition to the option to return to the classroom instructional program from which the student's expulsion referral was made. The decision to not recommend expulsion shall be final. (Education Code 48918(e))

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

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

Final Action by the Board

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

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

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

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

SUSPENSION AND EXPULSION/DUE PROCESS (continued)

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

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

Written Notice to Expel

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

1. The specific offense committed by the student for any of the causes for suspension or expulsion listed above under "Grounds for Suspension and Expulsion: Grades K-12" ~~or; "Additional Grounds for Suspension and Expulsion: Grades 4-12", or "Additional Grounds for Suspension and Expulsion: Grades 9-12"~~ (Education Code 48900.8)
2. The fact that a description of readmission procedures will be made available to the student and parent/guardian (Education Code 48916)
3. Notice of the right to appeal the expulsion to the County Board (Education Code 48918)
4. Notice of the alternative educational placement to be provided to the student during the time of expulsion (Education Code 48918)
5. Notice of the student's or parent/guardian's obligation to inform any new district in which the student seeks to enroll of the student's status with the expelling district, pursuant to Education Code 48915.1 (Education Code 48918)

Decision to Suspend Expulsion Order

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

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

SUSPENSION AND EXPULSION/DUE PROCESS (continued)

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

1. The Board may, as a condition of the suspension of enforcement, assign the student to a school, class, or program appropriate for the student's rehabilitation. This rehabilitation program may provide for the involvement of the student's parent/guardian in the student's education. However, a parent/guardian's refusal to participate in the rehabilitation program shall not be considered in the Board's determination as to whether the student has satisfactorily completed the rehabilitation program. (Education Code 48917)
2. During the period when enforcement of the expulsion order is suspended, the student shall be on probationary status. (Education Code 48917)
3. The suspension of the enforcement of an expulsion order may be revoked by the Board if the student commits any of the acts listed under "Grounds for Suspension and Expulsion: Grades K-12", ~~or "Additional Grounds for Suspension and Expulsion: Grades 4-12", or "Additional Grounds for Suspension and Expulsion: Grades 9-12"~~ above, or violates any of the District's rules and regulations governing student conduct. (Education Code 48917)
4. When the suspension of enforcement of an expulsion order is revoked, a student may be expelled under the terms of the original expulsion order. (Education Code 48917)
5. Upon satisfactory completion of the rehabilitation assignment, the Board shall reinstate the student in a District school. Upon reinstatement, the Board may order the expunging of any or all records of the expulsion proceedings. (Education Code 48917)
6. The Superintendent or designee shall send written notice of any decision to suspend the enforcement of an expulsion order during a period of probation to the student or parent/guardian. The notice shall inform the parent/guardian of the right to appeal the expulsion to the County Board, the alternative educational placement to be provided to the student during the period of expulsion, and the student's or parent/guardian's obligation to inform any new District in which the student seeks to enroll of the student's status with the expelling District, pursuant to Education Code 48915.1(b). (Education Code 48918(j))
7. Suspension of the enforcement of an expulsion order shall not affect the time period and requirements for the filing of an appeal of the expulsion order with the County Board. (Education Code 48917)

SUSPENSION AND EXPULSION/DUE PROCESS (continued)

Appeal

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

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

Notification to Law Enforcement Authorities

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

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

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

Placement During Expulsion

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

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

SUSPENSION AND EXPULSION/DUE PROCESS (continued)

3. Not housed at the school site attended by the student at the time of suspension

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

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

Readmission After Expulsion

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

1. The Superintendent or designee shall hold a conference with the student's parent/guardian, or other person holding the right to make educational decisions for the student, and the student. At the conference, the student's rehabilitation plan shall be reviewed and the Superintendent or designee shall verify that the provisions of this plan have been met. School regulations shall be reviewed and the student and the student's parent/guardian or other person holding the right to make educational decisions for the student shall be asked to indicate in writing their willingness to comply with these regulations.
2. The Superintendent or designee shall transmit to the Board a recommendation regarding readmission. The Board shall consider this recommendation in closed session. If a written request for open session is received from the student's parent/guardian or other person holding the right to make educational decisions for the student, or adult student, it shall be honored to the extent that privacy rights of other students are not violated.
3. If the readmission is granted, the Superintendent or designee shall notify the student and the student's parent/guardian, or other person holding the right to make educational decisions for the student, by registered mail, of the Board's decision regarding readmission.
4. The Board may deny readmission only if it finds that the student has not satisfied the conditions of the rehabilitation plan or that the student continues to pose a danger to campus safety or to other District students or employees. (Education Code 48916)

SUSPENSION AND EXPULSION/DUE PROCESS (continued)

5. If the Board denies the readmission of a student, the Board shall determine either to continue the student's placement in the alternative educational program initially selected or to place the student in another program that serves expelled students, including placement in a county community school.
6. The Board shall provide written notice to the expelled student and the student's parent/guardian, or other person holding the right to make educational decisions for the student, describing the reasons for denying readmittance into the regular program. This notice shall indicate the Board's determination of the educational program which the Board has chosen. The student shall enroll in that program unless the parent/guardian chooses to enroll the student in another school District.

No student shall be denied readmission into the District based solely on the student's arrest, adjudication by a juvenile court, formal or informal supervision by a probation officer, detention in a juvenile facility, enrollment in a juvenile court school, or other such contact with the juvenile justice system. (Education Code 48645.5)

Maintenance of Records

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

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

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

Policy Reference Disclaimer:

These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the Board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

STATE

CCP. 1985-1997
Civ. Code 47
Civ. Code 48.8
Ed. Code 17292.5
Ed. Code 1981-1983
Ed. Code 212.5
Ed. Code 233
Ed. Code 32260-32262

DESCRIPTION

Production of evidence; means of production
Privileged communication
Defamation liability
Program for expelled students; facilities
Enrollment of students in community school
Sexual harassment
Hate violence
Interagency School Safety Demonstration Act of 1985

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

Ed. Code 35145	Open board meetings
Ed. Code 35146	Closed sessions regarding suspensions
Ed. Code 35291	Rules (for government and discipline of schools)
Ed. Code 35291.5	Rules and procedures on school discipline
Ed. Code 48645.5	Former juvenile court school students; enrollment
Ed. Code 48660-48666	Community day schools
Ed. Code 48853-48853.5	Foster youth
Ed. Code 48900-48927	Suspension and expulsion
Ed. Code 48950	Speech and other communication
Ed. Code 48980	Parent/Guardian notifications
Ed. Code 49073-49079	Privacy of student records
Ed. Code 52052	Numerically significant student subgroups
Ed. Code 52060-52077	Local control and accountability plan
Ed. Code 64000-64001	Consolidated application
Ed. Code 8489-8489.1	Prohibition against expulsion of preschool student
Gov. Code 11455.20	Informal hearing procedures
Gov. Code 54950-54963	The Ralph M. Brown Act
H&S Code 11014.5	Drug paraphernalia
H&S Code 11053-11059	Controlled substances; standards and schedules
Lab. Code 230.7	Employee time off to appear in school on behalf of a child
Pen. Code 240	Assault defined
Pen. Code 241.2	Assault fines
Pen. Code 242	Battery defined
Pen. Code 243.2	Battery on school property
Pen. Code 243.4	Sexual battery
Pen. Code 245	Assault with deadly weapon
Pen. Code 245.6	Hazing
Pen. Code 261	Rape defined
Pen. Code 266c	Unlawful sexual intercourse
Pen. Code 286	Sodomy defined
Pen. Code 287	Oral Copulation
Pen. Code 288	Lewd or lascivious acts with child under age 14
Pen. Code 288a	Oral copulation; defined
Pen. Code 289	Penetration of genital or anal openings
Pen. Code 31	Principal of a crime; defined
Pen. Code 417.27	Laser pointers
Pen. Code 422.55	Definition of hate crime
Pen. Code 422.6	Crimes; harassment
Pen. Code 422.7	Aggravating factors for punishment
Pen. Code 422.75	Enhanced penalties for hate crimes

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

Pen. Code 626.10	Dirks, daggers, knives, razors, or stun guns
Pen. Code 626.2	Entry upon campus after written notice of suspension or dismissal without permission
Pen. Code 626.9	Gun-Free School Zone Act of 1995
Pen. Code 868.5	Supporting person; attendance during testimony of witness
W&I Code 224.1	Indian child; definition
W&I Code 729.6	Counseling

FEDERAL

18 USC 921	DESCRIPTION Definitions; firearms and ammunition
20 USC 1415(K)	Students with disabilities; placement in alternative educational setting
20 USC 7961	Gun-Free Schools Act
42 USC 11431-11435	Education of homeless children and youths

MANAGEMENT RESOURCES

Attorney General Opinion	DESCRIPTION 80 Ops.Cal.Atty.Gen. 348 (1997)
Attorney General Opinion	80 Ops.Cal.Atty.Gen. 85 (1997)
Attorney General Opinion	80 Ops.Cal.Atty.Gen. 91 (1997)
Attorney General Opinion	84 Ops.Cal.Atty.Gen. 146 (2001)
Court Decision Board of Education of	Sacramento City Unified School District v. Sacramento County Board of Education and Kenneth H. (2001) 85 Cal.App.4th 1321
Court Decision	Fremont Union High School District v. Santa Clara County Board (1991) 235 Cal. App. 3d 1182
Court Decision	Garcia v. Los Angeles Board of Education (1991) 1981) 123 Cal. App. 3d 807
Court Decision	John A. v. San Bernardino School District (1982) 33 Cal. 3d 301
Court Decision	T.H. v. San Diego Unified School District (2004) 122 Cal. App. 4th 1267
Court Decision	Woodbury v. Dempsey (2003) 108 Cal. App. 4th 421

SUSPENSION AND EXPULSION/DUE PROCESS (continued)

MANAGEMENT RESOURCES (continued)

U.S. DOE Publication	Guiding Principles for Creating Safe, Inclusive, Supportive, and Fair School Climates, March 2023
U.S. DOE, Office for Civil Rights and U.S. Department of Justice , Civil Rights Division Publication	Dear Colleague Letter on the Nondiscriminatory Administration of School Discipline, January 2014 Resource on Confronting Racial Discrimination in Student Discipline, May 2023
U.S. DOE Publication	School Climate and Student Discipline Resources
Website	CSBA District and County Office of Education Legal Services
Website	U.S. Department of Education, Office of Safe and Healthy Students
Website	California Attorney General's Office
Website	California Department of Education
Website	CSBA
Website	U.S. Department of Education, Office for Civil Rights

CROSS REFERENCES-CODES

	DESCRIPTION
0450	Comprehensive Safety Plan
0460	Local Control And Accountability Plan
1114	District-Sponsored Social Media
1312.3	Uniform Complaint Procedures
1312.3-E(1)	Uniform Complaint Procedures
1312.3-E(2)	Uniform Complaint Procedures
1313	Civility
3513.3	Tobacco-Free Schools
3513.4	Drug And Alcohol Free Schools
3515	Campus Security
3515.21	Unmanned Aircraft Systems (Drones)
3515.3	District Police/Security Department
3515.31	School Resource Officers
3515.4	Recovery For Property Loss Or Damage
3516.2	Bomb Threats
4158	Employee Security
4258	Employee Security
4358	Employee Security
5000	Concepts And Roles
5112.1	Exemptions From Attendance
5112.5	Open/Closed Campus

SUSPENSION AND EXPULSION/DUE PROCESS (continued)**CROSS REFERENCES-CODES (continued)**

5113	Absences And Excuses
5113.1	Chronic Absence And Truancy
5113.11	Attendance Supervision
5116.2	Involuntary Student Transfers
5117	Interdistrict Attendance
5119	Students Expelled From Other Districts
5125	Student Records
5125.2	Withholding Grades, Diploma Or Transcripts
5131	Conduct
5131.1	Bus Conduct
5131.2	Bullying
5131.4	Student Disturbances
5131.5	Vandalism And Graffiti
5131.6	Alcohol And Other Drugs
5131.62	Tobacco
5131.63	Steroids
5131.7	Weapons And Dangerous Instruments
5137	Positive School Climate
5138	Conflict Resolution/Peer Mediation
5142	Safety
5144	Discipline
5144.2	Suspension And Expulsion/Due Process (Students With Disabilities)
5144.4	Required Parental Attendance
5145.12	Search And Seizure
5145.2	Freedom Of Speech/Expression
5145.3	Nondiscrimination/Harassment
5145.6	Parent/Guardian Notifications
5145.6-E(1)	Parent/Guardian Notifications
5145.7	Sexual Sex Discrimination and Sex-Based Harassment
5145.71	Title IX Sex Discrimination and Sex-Based Sexual Harassment Complaint Procedures
5145.71-E(1)	Title IX Sex Discrimination and Sex-Based Sexual Harassment Complaint Procedures
5145.9	Hate-Motivated Behavior
5148.3	Preschool/Early Childhood Education
6145	Extracurricular And Cocurricular Activities
6145.2	Athletic Competition
6145.5	Student Organizations And Equal Access
6145.8	Assemblies And Special Events
6153	School-Sponsored Trips

SUSPENSION AND EXPULSION/DUE PROCESS (continued)

CROSS REFERENCES-CODES (continued)

6154	Homework/Makeup Work
6158	Independent Study
6161.2	Damaged Or Lost Instructional Materials
6163.4	Student Use Of Technology
6163.4-E(1)	Student Use Of Technology
6164.6	Identification And Education Under Section 504
6173	Education For Homeless Children
6173-E(1)	Education For Homeless Children
6173-E(2)	Education For Homeless Children
6173.1	Education For Foster Youth
6184	Continuation Education
6185	Community Day School
9000	Role Of The Board
9321	Closed Session
9321-E(1)	Closed Session
9321-E(2)	Closed Session
9322	Agenda/Meeting Materials

NONDISCRIMINATION/HARASSMENT

The Board of Trustees desires to provide a welcoming, safe, and supportive school environment that allows all students equal access to and opportunities in the District's academic, extracurricular, and other educational support programs, services, and activities. The Board prohibits, at any District school or school activity, unlawful discrimination, including discriminatory harassment, intimidation, and bullying, ~~targeted at~~ of any student by anyone; based on the student's actual or perceived race; color; ancestry; nationality; national origin; immigration status; ethnic group identification; ethnicity; age; religion; marital status; pregnancy, **childbirth, termination of pregnancy or lactation, including related medical conditions or recovery**; parental, marital, and family status; physical or mental disability; medical condition; sex; **sex stereotypes; sex characteristics**; sexual orientation; gender; gender identity; gender expression; or genetic information, or, association with a person or group with one or more of these actual or perceived characteristics.

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

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

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

Because unlawful discrimination ~~may~~**could** occur when disciplining students, including suspension and expulsion, the Superintendent or designee shall ensure that staff enforce discipline rules fairly, consistently, and in a non-discriminatory manner, as specified in Board Policy and Administrative Regulation 5144-Discipline, Board Policy and Administrative Regulation 5144.1-Suspension and Expulsion/Due Process, and Administrative Regulation 5144.2-Suspension and Expulsion/Due Process (Students With Disabilities).

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

NONDISCRIMINATION/HARASSMENT(continued)

The Superintendent and/or designee shall facilitate students' access to the educational program by publicizing the District's nondiscrimination policy and related complaint procedures to students, parents/guardians, and employees. In addition, the Superintendent or designee shall post the District's policies prohibiting discrimination, harassment, intimidation, and bullying and other required information on the District's website in a manner that is easily accessible to parents/guardians and students, in accordance with law and the accompanying administrative regulation. (Education Code 234.1, 234.6; 34 CFR 106.8)

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 District's educational program. The Superintendent or designee shall report the findings and recommendations to the Board after each review.

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

Students who engage in unlawful discrimination, including discriminatory harassment, intimidation, retaliation, or bullying, in violation of law, Board policy, or administrative regulation shall be subject to appropriate consequence or discipline, which may include suspension or expulsion when the behavior is severe or pervasive as defined in Education Code 48900.4. Any employee who permits or engages in prohibited discrimination, including discriminatory harassment, intimidation, retaliation, or bullying, shall be subject to Disciplinary action, up to and including dismissal.

Suspension, including supervised suspension as described in Section 48911.1, shall be imposed only when other means of correction fail to bring about proper conduct. However, a pupil, including an individual with exceptional needs, as defined in Section 56026, may be suspended for any of the reasons enumerated in Section 48900 upon a first offense, if the principal or superintendent of schools determines that the pupil violated subdivision (a), (b), (c), (d), or (e) of Section 48900 or that the pupil's presence causes a danger to persons. Other means of correction shall be implemented in accordance with Education Code 48900.5.

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

NONDISCRIMINATION/HARASSMENT(continued)

~~All allegations~~ **Allegations** of unlawful discrimination in the District programs and activities shall be brought, investigated, and resolved in accordance with Board Policy 1312.3-Uniform Complaint Procedures, **when required by law. However, complaints alleging sex discrimination, including sex-based harassment, under Title IX shall be investigated and resolved in accordance with the procedures specified in 34 CFR 106.44 and 106.45 and Administrative Regulation 5145.71 – Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures.**

Record-Keeping

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

Policy Reference Disclaimer:

These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the Board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

STATE	DESCRIPTION
5 CCR 432	Student records
5CCR 4600-4670	Uniform complaint procedures
5CCR 4900-4965	Nondiscrimination in elementary and secondary educational programs receiving state or federal financial assistance
Civ. Code 1714.1	Liability of parent or guardian for act of willful misconduct by a minor
Ed. Code 17585	School modernization project; all-gender restroom
Ed. Code 200-262.4	Prohibition of discrimination
Ed. Code 33353	California Interscholastic Federation; standardized incident form
Ed. Code 35292.5	School restrooms; all-gender restrooms
Ed. Code 48900.3	Suspension or expulsion for act of hate violence
Ed. Code 48900.4	Suspension of expulsion for harassment, threats, or intimidation
Ed. Code 48900.5	Suspension; other means of correction
Ed. Code 48904	Liability of parent/guardian for willful student misconduct
Ed. Code 48907	Exercise of free expression; time, place and manner rules and regulations
Ed. Code 48950	Speech and other communication
Ed. Code 48985	Notices to parents in language other than English

NONDISCRIMINATION/HARASSMENT(continued)**STATE** (continued)

Ed. Code 49020-49023	Athletic programs
Ed. Code 49060-49079	Student records
Ed. Code 51204.5	Social sciences instruction; contributions of specified groups
Ed. Code 51500	Prohibited instruction or activity
Ed. Code 51501	Nondiscriminatory subject matter
Ed. Code 60010	Instruction materials; definition
Ed. Code 60040-60052	Requirements for instructional materials
Gov. Code 11135	Prohibition of discrimination
Pen. Code 422.55	Definition of hate crimes
Pen. Code 422.6	Crimes; harassment

FEDERAL

20 USC 1681-1688	DESCRIPTION Title IX of the Education Amendments of 1972; discrimination based on sex
28 CFR 35.107	Nondiscrimination on basis of disability; complaints
29 USC 794	Rehabilitation Act of 1973; Section 504
34 CFR 100.3	Prohibition of discrimination on the basis of race, color or national origin
34 CFR 104.7	Section 504; Designation of responsible employee and adoption of grievance procedures
34 CFR 104.8	Notice of Nondiscrimination on the Basis of Handicap
34 CFR 106.8 106.1-106.82	Designation of coordinator; dissemination of policy, and adoption of grievance procedures Discrimination on the basis of sex; effectuating Title IX
34 CFR 106.30	Discrimination on the basis of sex; definitions
34 CFR 44-106.45	Grievance process for formal complaints of sexual harassment
34 CFR 110.25	Prohibition of discrimination based on age
34 CFR 99.31	Disclosure of personally identifiable information
42 USC 12101.12213	Americans with Disabilities Act
42 USC 2000d-2000e-17	Title VI and Title VII Civil Rights Act of 1964, as amended
42 USC 2000h-2-2000h-6	Title IX and the Civil Rights Act of 1964
42 USC 6101-6107	Age Discrimination Act of 1975

MANAGEMENT RESOURCES **DESCRIPTION**

CA Office of the Attorney General Publication	Promoting a Safe and Secure Learning Environment for All: Guidance and Model Policies to Assist California's K-12 Schools in Responding to Immigration Issues, April 2018
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NONDISCRIMINATION/HARASSMENT(continued)

CA Office of the Attorney General Publications	Guidance to School Officials re: Legal Requirements for Providing Inclusive Curricula and Books, January 2024
CSBA Publication	Instructional Materials Adoptions: State and local governing board processes, roles, and responsibilities, February 2024
CSBA Publication	Fact Sheet: Instructional Materials Adoption: Local governing board responsibilities, February 2024
CSBA Publication	Reference: State Roles, Responsibilities, and Process for Instructional Materials Adoption, February 2024
Court Decision	Donovan v. Poway Unified School District (2008) 167 Cal.App.4 th 567
Court Decision	Flores v. Morgan Hill Unified School District (2003, 9 th Cir.) 324 F.3d 1130
Federal Register	Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance, April 29, 2024, Vol. 89, No. 83, pages 33474-33896
CSBA Publication	Legal Guidance on Rights of Transgender and Gender Nonconforming Students in School, October 2022
California Department of Education Publication	California Longitudinal Pupil Achievement Data System (CALPADS) Updated FLASH #158: Guidance for Changing a Student's Gender in CALPADS, July 2019
U.S DOE, Office for Civil Rights Publication	Resolution Agreement Between the Arcadia USD, US Dept. of Ed, OCR, & the US DOJ, CRD, (2013) OCR 09-12-1020, DOJ 169-12C-70
U.S. Dept. Of Health & Human Services Publication	Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons, August 2003
U.S. DOE Publication	Guidance on Constitutionally Protected Prayer and Religious Expression in Public Elementary and Secondary Schools, May 2023

NONDISCRIMINATION/HARASSMENT(continued)**MANAGEMENT RESOURCES** (continued)

U.S. DOE, Office for Civil Rights Publication	Dear Colleague Letter: Protecting Students from Discrimination, such as Harassment, Based on Race, Color, or National Origin, Including Shared Ancestry or Ethnic Characteristics, May 2024
U.S. DOE, Office for Civil Rights Publication	Dear Colleague Letter: Discrimination, including Harassment, Based on Shared Ancestry or Ethnic Characteristics, November 2023
U.S. DOE, Office for Civil Rights Publication	Questions and Answers on the Title IX Regulations on Sexual Harassment, June 2022
U.S. DOE, Office for Civil Rights Publication	U.S. Department of Education Toolkit: Creating Inclusive and Nondiscriminatory School Environments for LGBTQI+ Students, June 2023
U.S. DOE, Office for Civil Rights Publication	Supporting Students with Disabilities and Avoiding the Discriminatory Use of Student Discipline under Section 504 of the Rehabilitation Act of 1973, July 2022
U.S. DOE, Office for Civil Rights and DOJ, Civil Rights Division Publication	Dear Colleague Letter: Resource on Confronting Racial Discrimination in Student Discipline, May 2023
U.S. DOE Publication	Guidance on Constitutionally Protected Prayer and Religious Expression in Public Elementary and Secondary Schools. May 2023
U.S. DOE, Office for Civil Rights Publication	Dear Colleague Letter: Addressing Discrimination Against Jewish Students, May 2023
U.S. DOE, Office for Civil Rights Publication	Enforcement of Title IX of the Education Amendments of 1972 With Respect to Discrimination Based on Sexual Orientation and Gender Identity in Light of <i>Bostock v. Clayton County</i> , June 2021
U.S. DOE, Office for Civil Rights Publication	Dear Colleague Letter: Race and School Programming, August 2023
U.S. DOE, Office for Civil Rights Publication	Examples of Policies and Emerging Practices for Supporting Transgender Students, May 2016

NONDISCRIMINATION/HARASSMENT(continued)**MANAGEMENT RESOURCES** (continued)

Website	CSBA District and County Office of Education Legal Services
Website	First Amendment Center
Website	California Interscholastic Federation
Website	California Office of the Attorney General
Website	California Safe Schools Coalition
Website	CSBA
Website	California Department of Education
Website	U.S. Department of Education, Office for Civil Rights

CROSS REFERENCES-CODES	DESCRIPTION
0410	Nondiscrimination In District Programs And Activities
0415	Equity
0450	Comprehensive Safety Plan
0450	Comprehensive Safety Plan
0470	COVID-19 Mitigation Plan
1114	District-Sponsored Social Media
1114	District-Sponsored Social Media
1240	Volunteer Assistance
1312.1	Complaints Concerning District Employees
1312.2	Complaints Concerning Instructional Materials
1312.3	Uniform Complaint Procedures
1312.3-E(1)	Uniform Complaint Procedures
1312.3-E(2)	Uniform Complaint Procedures
1312.4	Williams Uniform Complaint Procedures
1313	Civility
1340	Access To District Records
3515.4	Recovery For Property Loss Or Damage
3530	Risk Management/Insurance
3553	Free And Reduced Price Meals
3580	District Records
4112.6	Personnel Files
4112.9	Employee Notifications
4112.9-E(1)	Employee Notifications

NONDISCRIMINATION/HARASSMENT(continued)**CROSS REFERENCES-CODES** (continued)

4118	Dismissal/Suspension/Disciplinary Action
4119.11	Sex Discrimination and Sex-Based Harassment
4119.21	Professional Standards
4119.21-E(1)	Professional Standards
4119.23	Unauthorized Release Of Confidential/Privileged' Information
4131	Staff Development
4212.6	Personnel Files
4212.9	Employee Notifications
4212.9-E(1)	Employee Notifications
4218	Dismissal/Suspension/Disciplinary Action
4219.11	Sex Discrimination and Sex-Based Harassment
4219.21	Professional Standards
4219.21-E(1)	Professional Standards
4219.23	Unauthorized Release Of Confidential/Privileged Information
4231	Staff Development
4312.6	Personnel Files
4312.9	Employee Notifications
4312.9-E(1)	Employee Notifications
4319.11	Sex Discrimination and Sex-Based Harassment
4319.21	Professional Standards
4319.21-E(1)	Professional Standards
4319.23	Unauthorized Release Of Confidential/Privileged Information
4331	Staff Development
5000	Concepts And Roles
5030	Student Wellness
5111	Admission
5113.1	Chronic Absence And Truancy
5113.12	District School Attendance Review Board
5125	Student Records
5125.1	Release Of Directory Information
5125.1-E(1)	Release Of Directory Information
5125.3	Challenging Student Records
5131	Conduct
5131.2	Bullying
5131.5	Vandalism And Graffiti
5132	Dress And Grooming
5137	Positive School Climate
5138	Conflict Resolution/Peer Mediation
5141.22	Infectious Diseases

NONDISCRIMINATION/HARASSMENT(continued)**CROSS REFERENCES-CODES** (continued)

5141.27	Food Allergies/Special Dietary Needs
5141.4	Child Abuse Prevention And Reporting
5141.52	Suicide Prevention
5144	Discipline
5144.1	Suspension And Expulsion/Due Process
5144.2	Suspension And Expulsion/Due Process (Students With Disabilities)
5145.12	Search And Seizure
5145.2	Freedom Of Speech/Expression
5145.6	Parent/Guardian Notifications
5145.6-E(1)	Parent/Guardian Notifications
5145.7	Sexual Sex Discrimination and Sex-Based Harassment
5145.71	Title IX Sexual Sex Discrimination and Sex-Based Harassment Complaint Procedures
5145.71-E(1)	Title IX Sexual Harassment Complaint Procedures
5145.9	Hate-Motivated Behavior
5146	Married/Pregnant/Parenting Students
6142.1	Sexual Health And HIV/AIDS Prevention Instruction
6142.8	Comprehensive Health Education
6143	Courses Of Study
6144	Controversial Issues
6145	Extracurricular And Cocurricular Activities
6145.2	Athletic Competition
6153	School-Sponsored Trips
6159.4	Behavioral Interventions For Special Education Students
6161.1	Selection And Evaluation Of Instructional Materials
6161.1-E(1)	Selection And Evaluation Of Instructional Materials
6161.11	Supplementary Instructional Materials
6163.1	Library Media Centers
6163.4	Student Use Of Technology
6163.4-E(1)	Student Use Of Technology
6164.2	Guidance/Counseling Services
6173.1	Education For Foster Youth
7110	Facilities Master Plan

Students

AR 5145.3(a)

NONDISCRIMINATION/HARASSMENT

The District designates the individual(s) identified below as the **Compliance Officer(s)**. The employee(s) is responsible for coordinating the District's efforts to comply with applicable state and federal civil rights laws, including Title IX of the Education Amendments of 1972, Section 504 of the Rehabilitation Act of 1973, Title II of the Americans with Disabilities Act, and the Age Discrimination Act of 1975, and to answer inquiries regarding the District's nondiscrimination policies. The individual(s) shall also serve as the **eCompliance eOfficer(s)** specified in ~~AR~~ **Administrative Regulation** 1312.3 - Uniform Complaint Procedures as the responsible employee to handle complaints alleging unlawful discrimination of a student, and the **Title IX Coordinator** specified in **Administrative Regulation 5145.7 – Sex Discrimination and Sex-Based Harassment** as the responsible employee to handle complaints alleging unlawful sex discrimination and sex-based harassment, as permitted by law. ~~targeting a student, including discriminatory harassment, intimidation, or bullying, based on the student's actual or perceived race, color, ancestry, nationality, national origin, immigration status, ethnic group identification, ethnicity, age, religion, marital status, parental status, physical or mental disability, sex, sexual orientation, gender, gender identity, gender expression, genetic information, or any other legally protected status or association with a person or group with one or more of these actual or perceived characteristics.~~ The ~~e~~Coordinator/**eCompliance eOfficer(s)** may be contacted at: (Education Code 234.1; 5 CCR 4621)

Assistant Superintendent of ~~Instructional~~ **Instruction and Support Services**
350 W. Brookside Ave.
Beaumont, CA 92223
(951) 845-1631
iss@beaumontusd.k12.ca.us

~~(cf. 1312.1 – Complaints Concerning District Employees)~~
~~(cf. 1312.3 – Uniform Complaint Procedures)~~

Measures to Prevent Discrimination

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

1. Publicize the District's nondiscrimination policy and related complaint procedures, including the ~~e~~Coordinator/**eCompliance eOfficer's** contact information, to students, parents/guardians, employees, volunteers, and the general public by posting them on ~~the District's web site and other~~ **in** prominent locations and providing easy access to them through District-supported **communications social media**, ~~when available.~~

NONDISCRIMINATION/HARASSMENT (continued)

2. Post the District's policies and procedures prohibiting discrimination, harassment, student sex-based harassment, intimidation, bullying, and cyberbullying, including a section on social media bullying that includes all of the references described in Education Code 234.6 as possible forums for social media, in a prominent location on the District's web site website in a manner that is easily accessible to parents/guardians and students (Education Code 234.1, 234.6)
3. ~~Post in a prominent and conspicuous location on the District and school web sites information regarding Title IX prohibitions against discrimination based on a student's sex, gender, gender identity, pregnancy, and parental status, including the following: (Education Code 221.61)~~ Post the definition of sex discrimination and harassment as described in Education Code 230, including the rights set forth in Education Code 221.8, in a prominent location on the District's website in a manner that is easily accessible to parents/guardians and students (Education Code 234.6)
4. Post in a prominent location on the District website in a manner that is easily accessible to parents/guardians and students information regarding Title IX prohibitions against discrimination based on a student's sex; sex characteristics; sexual orientation; gender; gender identity; pregnancy, childbirth, termination of pregnancy or lactation, including related medical conditions or recovery; and parental, marital, and family status, including the following: (Education Code 221.6, 221.61, 234.6)
 - a. The name and contact information of the District's Title IX eCoordinator, including the phone number and email address
 - b. The rights of students and the public and the responsibilities of the District under Title IX, including a list of rights as specified in Education Code 221.8 and web links to information about those rights and responsibilities located on the ~~web sites~~websites of the Office for Equal Opportunity and the U.S. Department of Education's Office for Civil Rights (OCR)
 - c. A description of how to file a complaint of noncompliance ~~with Title IX in accordance with AR 1312.3—Uniform Complaint Procedures~~, which shall include:
 - (1) An explanation of the statute of limitations within which a complaint must be filed after an alleged incident of discrimination has occurred and how a complaint may be filed beyond the statute of limitations
 - (2) An explanation of how the complaint will be investigated and how the complainant may further pursue the complaint, including web links to this information on the OCR's ~~web site~~website
 - (3) A web link to the OCR complaints form and the contact information for the office, including ~~the~~ phone number and email address for the office

~~(cf. 1113—District and School Web Sites)~~

~~(cf. 1114—District Sponsored Social Media)~~

NONDISCRIMINATION/HARASSMENT (continued)

5. By April 1, 2025, post-CDE's standardized incident form to track racial discrimination, harassment, or hazing that occurs at high school sporting games or events, including information on how to submit a completed incident form to the District (Education Code 33353)
6. Post in a prominent location on the District's website and include in each handbook, catalog, announcement, bulletin, and application form for students, parents/guardians or other authorized legal representative, and employees, the Title IX notice of nondiscrimination which includes the following: (34 CFR 106.8)
 - a. The District does not discriminate on the basis of sex in any education program or activity that it operates
 - b. Inquiries about the application of Title IX may be referred to the District's Title IX Coordinator and/or OCR
 - c. The name or title, office and email address, and telephone number of the District's Title IX Coordinator
 - d. How to locate the District's nondiscrimination policy and the District's grievance procedures for Title IX complaints
 - e. How to report conduct that may constitute sex discrimination under Title IX
 - f. How to make a complaint of Title IX sex discrimination

If necessary due to the format or size of any publication specified above, the District may include only the statement that the District prohibits sex discrimination in any education program or activity that it operates, that individuals may report concerns or questions to the Title IX Coordinator, and the location of the complete notice on the District's website.

The District shall not distribute a publication stating that the District treats students, employees or applicants differently on the basis of sex, unless such treatment is permitted by Title IX.

7. Post a link to statewide CDE-compiled resources, including community-based organizations, that provide support to youth who have been subjected to school-based discrimination, harassment, intimidation, or bullying and to their families. (Education Code 234.5)

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

NONDISCRIMINATION/HARASSMENT (continued)

- 3.8. Provide to students a handbook that contains age-appropriate information that clearly describes the District's nondiscrimination policy, procedures for filing a complaint, and resources available to students who feel that they have been the victim of any such behavior. ~~(Education Code 234.1)~~
- 4.9. Annually notify all students and parents/guardians of the District's nondiscrimination policy, including its responsibility to provide a safe, nondiscriminatory school environment for all students, including transgender and gender-nonconforming students.

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

~~(cf. 5145.6—Parental Notifications)~~

- 5.10. ~~The Superintendent or designee shall~~ eEnsure that students and parents/guardians, including those with limited English proficiency, are notified of how to access the relevant information provided in the District's nondiscrimination policy and related complaint procedures, notices, and forms in a language they can understand.

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

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

Such training and information shall include details of guidelines the District may use to provide a discrimination-free environment for all District students. ~~, including transgender and gender-nonconforming students.~~

~~(cf. 1240—Volunteer Assistance)~~

~~(cf. 4131—Staff Development)~~

~~(cf. 4231—Staff Development)~~

~~(cf. 4331—Staff Development)~~

NONDISCRIMINATION/HARASSMENT (continued)

12. Provide to certificated employees serving students in grades 7-12 information on existing school and community resources related to the support of lesbian, gay, bisexual, transgender, queer, and questioning (LGBTQ+) students, or related to the support of students who may face bias or bullying on the basis of any of the actual or perceived characteristics in Penal Code 422.55, including immigration status; Education Code 220; and disability, gender, gender identity, gender expression, nationality, race or ethnicity, religion, sexual orientation; or association with a person or group with one or more of these actual or perceived characteristics. (Education Code 234.1)
13. For the 2025-2026 school year through the 2029-2030 school year, provide annually to certificated employees serving students in grades 7-12 at least one hour of training to support LGBTQ+ cultural competency in accordance with Education Code 218.3.
- 7.14. At the beginning of each school year, inform school employees that any employee who witnesses any act of unlawful discrimination, including discriminatory harassment, intimidation, or bullying, against a student is required to intervene if it is safe to do so. (Education Code 234.1)
- &15. At the beginning of each school year, inform each principal or designee of the District's responsibility to provide appropriate assistance or resources to protect students from threatened or potentially discriminatory behavior and ensure their privacy rights.

~~Enforcement of District Policy~~

~~The Superintendent or designee shall take appropriate actions to reinforce BP 5145.3—Nondiscrimination/Harassment. As needed, these actions may include any of the following:~~

- ~~1. Removing vulgar or offending graffiti~~
- ~~2. Providing training to students, staff, and parents/guardians about how to recognize unlawful discrimination, how to report it or file a complaint, and how to respond~~
- ~~3. Disseminating and/or summarizing the District's policy and regulation regarding unlawful discrimination~~
- ~~4. Consistent with laws regarding the confidentiality of student and personnel records, communicating to students, parents/guardians, and the community the school's response plan to unlawful discrimination or harassment~~

~~(cf. 4112.6/4212.6/4312.6—Personnel Files)~~

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

~~(cf. 5125—Student Records)~~

NONDISCRIMINATION/HARASSMENT (continued)

5. ~~Taking appropriate disciplinary action against students, employees, and anyone determined to have engaged in wrongdoing in violation of District policy, including any student who is found to have filed a complaint of discrimination that he/she knew was not true~~

~~(cf. 4118 Dismissal/Suspension/Disciplinary Action)~~

~~(cf. 4218 Dismissal/Suspension/Disciplinary Action)~~

~~(cf. 5144 Discipline)~~

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

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

~~(cf. 6159.4 Behavioral Interventions for Special Education Students)~~

Process for Initiating and Responding to Complaints

~~Any student who feels that he/she has~~ **Students who feel that they have** been subjected to unlawful discrimination described above or in District policy is strongly encouraged to immediately contact the **C**ompliance **O**fficer, principal, or any other staff member. In addition, ~~any student~~ **students** who observes any such incident is strongly encouraged to report the incident to the **e**Compliance **o**fficer or principal, **regardless of** whether ~~or not~~ the alleged victim files a complaint.

Any school employee who observes an incident of unlawful discrimination, including discriminatory harassment, intimidation, retaliation, or bullying, or to whom such an incident is reported shall report the incident to the **e**Compliance **o**fficer, **Title IX Coordinator**, or principal within a ~~school day~~ **one workday**, **regardless of** whether ~~or not~~ the alleged victim files a complaint.

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

When a ~~verbal~~ report of unlawful discrimination, including discriminatory harassment, intimidation, retaliation, or bullying, is made to or received by the principal ~~or~~ , **C**ompliance **o**fficer, or **Title IX Coordinator**, the principal, **Compliance Officer**, or **Title IX Coordinator** shall notify the student or parent/guardian of the right to file a formal complaint in accordance with **Administrative Regulation 1312.3 – Uniform Complaint Procedures** or, for complaints of sex discrimination, including sex-based harassment, the right to initiate the **Title IX grievance procedures as specified in Administrative Regulation 5145.71 – Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures**. ~~he/she shall make a note of the report and encourage the student or parent/guardian to file the complaint in writing, pursuant to the provisions in AR 1312.3 – Uniform Complaint Procedures.~~ Once notified verbally or in writing, the **principal or eCompliance o**fficer **or Title IX Coordinator** shall begin the investigation and shall implement immediate measures necessary to stop the discrimination and ensure that all students have access to the educational program and a safe school environment. Any interim measures adopted to address unlawful discrimination shall, to the extent possible, not disadvantage the complainant or a student who is the victim of the alleged unlawful discrimination.

NONDISCRIMINATION/HARASSMENT (continued)

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

(cf. 5141.4—Child Abuse Prevention and Reporting)

Transgender and Gender-Nonconforming Students

~~Gender identity of a student means the student's gender-related identity, appearance, or behavior as determined from the student's internal sense of his/her gender, whether or not that gender-related identity, appearance, or behavior is different from that traditionally associated with the student's physiology or assigned sex at birth.~~

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

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

~~Gender-nonconforming student means a student whose gender expression differs from stereotypical expectations.~~

~~Transgender student means a student whose gender identity is different from the gender he/she was assigned at birth.~~

~~Regardless of whether they are sexual in nature, acts of verbal, nonverbal, or physical aggression, intimidation, or hostility that are based on sex, gender identity, or gender expression, or that have the purpose or effect of producing a negative impact on the student's academic performance or of creating an intimidating, hostile, or offensive educational environment are prohibited. Examples of types of conduct which are prohibited in the District and which may constitute gender-based harassment include, but are not limited to:~~

- ~~1. Refusing to address a student by a name and the pronouns consistent with his/her gender identity~~
- ~~2. Disciplining or disparaging a student or excluding him/her from participating in activities for behavior or appearance that is consistent with his/her gender identity or that does not conform to stereotypical notions of masculinity or femininity, as applicable~~
- ~~3. Blocking a student's entry to the restroom that corresponds to his/her gender identity~~
- ~~4. Taunting a student because he/she participates in an athletic activity more typically favored by a student of the other sex~~

NONDISCRIMINATION/HARASSMENT (continued)

5. ~~Revealing a student's transgender status to individuals who do not have a legitimate need for the information, without the student's consent~~
6. ~~Use of gender specific slurs~~
7. ~~Physical assault of a student motivated by hostility toward him/her because of his/her gender, gender identity, or gender expression~~

~~The District's uniform complaint procedures (AR 1312.3) shall be used to report and resolve complaints alleging discrimination against transgender and gender nonconforming students.~~

~~Examples of bases for complaints include, but are not limited to, the above list, as well as improper rejection by the District of a student's asserted gender identity, denial of access to facilities that correspond with a student's gender identity, improper disclosure of a student's transgender status, discriminatory enforcement of a dress code, and other instances of gender-based harassment.~~

~~To ensure that transgender and gender nonconforming students are afforded the same rights, benefits, and protections provided to all students by law and Board policy, the District shall address each situation on a case by case basis, in accordance with the following guidelines:~~

1. ~~Right to privacy: A student's transgender or gender nonconforming status is his/her private information and the District shall only disclose the information to others with the student's prior written consent, except when the disclosure is otherwise required by law or when the District has compelling evidence that disclosure is necessary to preserve the student's physical or mental well being. In any case, the District shall only allow disclosure of a student's personally identifiable information to employees with a legitimate educational interest as determined by the District pursuant to 34 CFR 99.31. Any District employee to whom a student's transgender or gender nonconforming status is disclosed shall keep the student's information confidential. When disclosure of a student's gender identity is made to a District employee by a student, the employee shall seek the student's permission to notify the compliance officer. If the student refuses to give permission, the employee shall keep the student's information confidential, unless he/she is required to disclose or report the student's information pursuant to this administrative regulation, and shall inform the student that honoring the student's request may limit the District's ability to meet the student's needs related to his/her status as a transgender or gender nonconforming student. If the student permits the employee to notify the compliance officer, the employee shall do so within three school days.~~

~~As appropriate given the student's need for support, the compliance officer may discuss with the student any need to disclose the student's transgender or gender nonconformity status or gender identity or gender expression to his/her parents/guardians and/or others, including other students, teacher(s), or other adults on campus. The District shall offer support services, such as counseling, to students who wish to inform their parents/guardians of their status and desire assistance in doing so.~~

NONDISCRIMINATION/HARASSMENT (continued)

~~(cf. 1340—Access to District Records)~~

~~(cf. 3580—District Records)~~

2. ~~Determining a Student's Gender Identity: The compliance officer shall accept the student's assertion of his/her gender identity and begin to treat the student consistent with his/her gender identity unless District personnel present a credible and supportable basis for believing that the student's assertion is for an improper purpose.~~

3. ~~Addressing a Student's Transition Needs: The compliance officer shall arrange a meeting with the student and, if appropriate, his/her parents/guardians to identify and develop strategies for ensuring that the student's access to education programs and activities is maintained. The meeting shall discuss the transgender or gender-nonconforming student's rights and how those rights may affect and be affected by the rights of other students and shall address specific subjects related to the student's access to facilities and to academic or educational support programs, services, or activities, including, but not limited to, sports and other competitive endeavors. In addition, the compliance officer shall identify specific school site employee(s) to whom the student may report any problem related to his/her status as a transgender or gender-nonconforming individual, so that prompt action can be taken to address it. Alternatively, if appropriate and desired by the student, the school may form a support team for the student that will meet periodically to assess whether the arrangements for the student are meeting his/her educational needs and providing equal access to programs and activities, educate appropriate staff about the student's transition, and serve as a resource to the student to better protect the student from gender-based discrimination.~~

4. ~~Accessibility to Sex Segregated Facilities, Programs, and Activities: When the District maintains sex segregated facilities, such as restrooms and locker rooms, or offers sex-segregated programs and activities, such as physical education classes, intermural sports, and interscholastic athletic programs, students shall be permitted to access facilities and participate in programs and activities consistent with their gender identity. To address any student's privacy concerns in using sex-segregated facilities, the District shall offer available options such as a gender neutral or single-use restroom or changing area, a bathroom stall with a door, an area in the locker room separated by a curtain or screen, access to a staff member's office, or use of the locker room before or after the other students. However, the District shall not require a student to utilize these options because he/she is transgender or gender-nonconforming. In addition, a student shall be permitted to participate in accordance with his/her gender identity in other circumstances where students are separated by gender, such as for class discussions, yearbook pictures, and field trips. A student's right to participate in a sex-segregated activity in accordance with his/her gender identity shall not render invalid or inapplicable any other eligibility rule established for participation in the activity.~~

~~(cf. 6145—Extracurricular and Coextracurricular Activities)~~

~~(cf. 6145.2—Athletic Competition)~~

~~(cf. 6153—School Sponsored Trips)~~

~~(cf. 7110—Facilities Master Plan)~~

NONDISCRIMINATION/HARASSMENT (continued)

~~5. — Student Records: A student's legal name or gender as entered on the mandatory student record required pursuant to 5 CCR 432 shall only be changed with proper documentation. However, at the written request of a student or, if appropriate, his/her parents/guardians, the District shall use the student's preferred name and pronouns consistent with his/her gender identity on all other District related documents. Such preferred name may be added to the student's record and official documents as permitted by law.~~

~~(cf. 5125 Student Records)~~

~~(cf. 5125.1 Release of Directory Information)~~

~~6. — Names and Pronouns: If a student so chooses, District personnel shall be required to address the student by a name and the pronouns consistent with his/her gender identity, without the necessity of a court order or a change to his/her official District record. However, inadvertent slips or honest mistakes by District personnel in the use of the student's name and/or consistent pronouns will, in general not constitute a violation of this administrative regulation or the accompanying District policy.~~

~~7. — Uniforms/Dress Code: A student has the right to dress in a manner consistent with his/her gender identity, subject to any dress code adopted on a school site.~~

~~(cf. 5132 Dress Code)~~

Policy Reference Disclaimer:

These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the Board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State	Description
5 CCR 432	Student records
5 CCR 4600-4670	Uniform complaint procedures
5 CCR 4900-4965	Nondiscrimination in elementary and secondary educational programs receiving state or federal financial assistance
Civ. Code 1714.1	Liability of parent or guardian for act of willful misconduct by a minor
Ed. Code 17585	School modernization project; all-gender restroom
Ed. Code 200-262.4	Prohibition of discrimination
Ed. Code 33353	California Interscholastic Federation; standardized incident form
Ed. Code 35292.5	School restrooms; all-gender restrooms
Ed. Code 48900.3	Suspension or expulsion for act of hate violence

NONDISCRIMINATION/HARASSMENT (continued)**State** (continued)

Ed. Code 48907	Exercise of free expression; time, place, and manner rules and regulations
Ed. Code 48950	Speech and other communication
Ed. Code 48985	Notices to parents in language other than English
Ed. Code 49020-49023	Athletic programs
Ed. Code 49060-49079	Student records
Ed. Code 51204.5	Social sciences instruction; contributions of specified groups
Ed. Code 51500	Prohibited instruction or activity
Ed. Code 51501	Nondiscriminatory subject matter
Ed. Code 60010	Instructional materials; definition
Ed. Code 60040-60052	Requirements for instructional materials
Gov. Code 11135	Prohibition of discrimination
Pen. Code 422.55	Definition of hate crime
Pen. Code 422.6	Crimes; harassment

Federal

	Description
20 USC 1681-1688	Title IX of the Education Amendments of 1972; discrimination based on sex
28 CFR 35.107	Nondiscrimination on basis of disability; complaints
29 USC 794	Rehabilitation Act of 1973; Section 504
34 CFR 100.3	Prohibition of discrimination on basis of race, color or national origin
34 CFR 104.7	Section 504; Designation of responsible employee and adoption of grievances procedures
34 CFR 104.8	Notice of Nondiscrimination on the Basis of Handicap
34 CFR 106.81-106.82	Discrimination on the basis of sex; effectuating Title IX
34 CFR 110.25	Prohibition of discrimination based on age
34 CFR 99.31	Disclosure of personally identifiable information
42 USC 12101-12213	Americans with Disabilities Act
42 USC 2000d-2000e-17	Title VI and Title VII Civil Rights Act of 1964, as amended
42 USC 2000h-2-2000h-6	Title IX of the Civil Rights Act of 1964
42 USC 6101-6107	Age Discrimination Act of 1975

NONDISCRIMINATION/HARASSMENT (continued)

Management Resources	Description
34 CFR 106.30 CA Office of the Attorney General Publication	Discrimination on the basis of sex; definitions Promoting a Safe and Secure Learning Environment for All: Guidance and Model Policies to Assist California's K-12 Schools in Responding to Immigration Issues, April 2018
CA Office of the Attorney General Publication	Guidance to School Officials re: Legal Requirements for Providing Inclusive Curricula and Books, January 2024
CSBA Publication	Instructional Materials Adoptions: State and local governing board processes, roles, and responsibilities, February 2024
CSBA Publication	Fact Sheet: Instructional Materials Adoption: Local governing board responsibilities, February 2024
CSBA Publication	Reference: State Roles, Responsibilities, and Process for Instructional Materials Adoption, February 2024
California Department of Education Publication	California Longitudinal Pupil Achievement Data System (CALPADS) Update FLASH #158: Guidance for Changing a Student's Gender in CALPADS, July 2019
Court Decision	Donovan v. Poway Unified School District (2008) 167 Cal.App.4th 567
Court Decision	Flores v. Morgan Hill Unified School District (2003, 9th Cir.) 324 F.3d 1130
Federal Register	Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance, April 29, 2024, Vol. 89, No. 83, pages 33474-33896
CSBA Publication	Legal Guidance on Rights of Transgender and Gender Nonconforming Students in Schools, October 2022
U.S DOE, Office for Civil Rights Publication	Resolution Agreement Between the Arcadia USD, US Dept of Ed, OCR, & the US DOJ, CRD (2013) OCR 09-12-1020, DOJ 169-12C-70
U.S. Department of Education Publication	Guidance on Constitutionally Protected Prayer and Religious Expression in Public Elementary and Secondary Schools, May 2023
U.S. Dept. of Health & Human Services Publication	Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons, August 2013

NONDISCRIMINATION/HARASSMENT (continued)

Management Resources (continued)

U.S. DOE Publication	Guidance on Constitutionally Protected Prayer and Religious Expression in Public Elementary and Secondary Schools, May 2023
U.S. DOE, Office for Civil Rights Publication	Dear Colleague Letter: Protecting Students from Discrimination, such as Harassment, Based on Race, Color, or National Origin, Including Shared Ancestry or Ethnic Characteristics, May 2024
U.S. DOE, Office for Civil Rights Publication	Dear Colleague Letter: Discrimination, including Harassment, Based on Shared Ancestry or Ethnic Characteristics, November 2023
U.S. DOE & U.S. DOJ Civil Rights Divisions Pub	Dear Colleague Letter: Resource on Confronting Racial Discrimination in Student Discipline, May 2023
U.S. DOE, Office for Civil Rights Publication	Enforcement of Title IX of the Education Amendments of 1972 With Respect to Discrimination Based on Sexual Orientation and Gender Identity in Light of <i>Bostock v. Clayton County</i> , June 2021
U.S. DOE, Office for Civil Rights Publication	Dear Colleague Letter: Addressing Discrimination Against Jewish Students, May 2023
U.S. DOE, Office for Civil Rights Publication	U.S. Department of Education Toolkit: Creating Inclusive and Nondiscriminatory School Environments for LGBTQI+ Students, June 2023
U.S. DOE, Office for Civil Rights Publication	Questions and Answers on the Title IX Regulations on Sexual Harassment, June 2022
U.S. DOE, Office for Civil Rights Publication	Supporting Students with Disabilities and Avoiding the Discriminatory Use of Student Discipline under Section 504 of the Rehabilitation Act of 1973
U.S. DOE, Office for Civil Rights Publication	Dear Colleague Letter: Race and School Programming, August 2023
Website	CSBA District and County Office of Education Legal Services
Website	First Amendment Center
Website	California Interscholastic Federation
Website	California Office of the Attorney General
Website	California Safe Schools Coalition
Website	CSBA
Website	California Department of Education
Website	U.S. Department of Education, Office for Civil Rights

NONDISCRIMINATION/HARASSMENT (continued)

Cross References - Codes	Description
0410	Nondiscrimination In District Programs And Activities
0415	Equity
0450	Comprehensive Safety Plan
1114	District-Sponsored Social Media
1240	Volunteer Assistance
1312.1	Complaints Concerning District Employees
1312.2	Complaints Concerning Instructional Materials
1312.2-E(1)	Complaints Concerning Instructional Materials
1312.3	Uniform Complaint Procedures
1312.3-E(1)	Uniform Complaint Procedures
1312.3-E(2)	Uniform Complaint Procedures
1312.4	Williams Uniform Complaint Procedures
1312.4-E(1)	Williams Uniform Complaint Procedures
1312.4-E(2)	Williams Uniform Complaint Procedures
1313	Civility
1340	Access To District Records
3515.4	Recovery For Property Loss Or Damage
3530	Risk Management/Insurance
3553	Free And Reduced Price Meals
3580	District Records
4112.6	Personnel Files
4112.9	Employee Notifications
4112.9-E(1)	Employee Notifications
4118	Dismissal/Suspension/Disciplinary Action
4119.11	Sex Discrimination and Sex-Based Harassment
4119.21	Professional Standards
4119.21-E(1)	Professional Standards
4119.23	Unauthorized Release Of Confidential/Privileged Information
4131	Staff Development
4212.6	Personnel Files
4212.9	Employee Notifications
4212.9-E(1)	Employee Notifications
4218	Dismissal/Suspension/Disciplinary Action
4219.11	Sex Discrimination and Sex-Based Harassment
4219.21	Professional Standards
4219.21-E(1)	Professional Standards
4219.23	Unauthorized Release Of Confidential/Privileged Information

NONDISCRIMINATION/HARASSMENT (continued)**Cross References – Codes** (continued)

4231	Staff Development
4312.6	Personnel Files
4312.9	Employee Notifications
4312.9-E(1)	Employee Notifications
4319.11	Sex Discrimination and Sex-Based Harassment
4319.21	Professional Standards
4319.21-E(1)	Professional Standards
4319.23	Unauthorized Release Of Confidential/Privileged Information
4331	Staff Development
5000	Concepts And Roles
5030	Student Wellness
5111	Admission
5113.1	Chronic Absence And Truancy
5113.12	District School Attendance Review Board
5116.2	Involuntary Student Transfers
5125	Student Records
5125.1	Release Of Directory Information
5125.1-E(1)	Release Of Directory Information
5125.3	Challenging Student Records
5131	Conduct
5131.2	Bullying
5131.5	Vandalism And Graffiti
5132	Dress And Grooming
5137	Positive School Climate
5138	Conflict Resolution/Peer Mediation
5141.22	Infectious Diseases
5141.27	Food Allergies/Special Dietary Needs
5141.4	Child Abuse Prevention And Reporting
5141.52	Suicide Prevention
5144	Discipline
5144.1	Suspension And Expulsion/Due Process
5144.2	Suspension And Expulsion/Due Process (Students With Disabilities)
5145.12	Search And Seizure
5145.2	Freedom Of Speech/Expression
5145.6	Parent/Guardian Notifications
5145.6-E(1)	Parent/Guardian Notifications
5145.7	Sex Discrimination and Sex-Based Harassment
5145.71	Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures
5145.71-E(1)	Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures
5145.9	Hate-Motivated Behavior

NONDISCRIMINATION/HARASSMENT (continued)

Cross References – Codes (continued)

5146	Married/Pregnant/Parenting Students
6142.1	Sexual Health And HIV/AIDS Prevention Instruction
6142.8	Comprehensive Health Education
6143	Courses Of Study
6144	Controversial Issues
6145	Extracurricular And Cocurricular Activities
6145.2	Athletic Competition
6153	School-Sponsored Trips
6159.4	Behavioral Interventions For Special Education Students
6161.1	Selection And Evaluation Of Instructional Materials
6161.1-E(1)	Selection And Evaluation Of Instructional Materials
6161.11	Supplementary Instructional Materials
6163.1	Library Media Centers
6163.4	Student Use Of Technology
6163.4-E(1)	Student Use Of Technology
6164.2	Guidance/Counseling Services
6173.1	Education For Foster Youth
7110	Facilities Master Plan

PARENTAL PARENT/GUARDIAN NOTIFICATIONS

~~The Board of Trustees recognizes that notifications are essential to effective communication between the school and the home.~~ The Board of Trustees desires to promote effective communication from the District and/or school to families to keep families informed regarding educational programs, school operations, and the legal rights of students and parents/guardians. The Superintendent or designee shall send ~~students and~~ parents/guardians all notifications required by law, including notifications ~~the Superintendent or designee believes will promote~~ **familial understanding and involvement**, ~~about their legal rights, and any other notifications he/she believes will promote parental understanding and involvement.~~

~~(cf. 5020 Parent Rights and Responsibilities)
(cf. 5022 Student and Family Privacy Rights)
(cf. 6020 Parent Involvement)~~

Notice of rights and responsibilities of parents/guardians ~~as specified in Education Code 48980,~~ **as specified in Education Code 48980**, shall be sent at the beginning of each academic year and may be provided by regular mail, in electronic form when so requested by the parent/guardian, or by any other method normally used by the District for written communication with parents/guardians. (Education Code 48981,~~48982~~)

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

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

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

Notifications shall be presented in an understandable and uniform format. ~~and, to the extent practicable, in a language that parents/guardians can understand.~~

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

PARENTAL PARENT/GUARDIAN NOTIFICATIONS (continued)

Whenever 15 percent or more of the students enrolled in a District school speak a single primary language other than English, as determined from the California Department of Education (CDE) census data collected pursuant to Education Code 52164, all notices sent to the parent/guardian of any such student shall, in addition to being written in English, be written in the primary language, and may be responded to either in English or the primary language. (Education Code 48981, 48985)

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

Policy Reference Disclaimer: These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the Board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State	Description
17 CCR 2950-2951	Hearing tests
17 CCR 6000-6075	School attendance immunization requirements
22 CCR 101218.1	Child care licensing; parent/guardian rights
5 CCR 11303	Reclassification of English learners
5 CCR 11511.5	English language proficiency assessment; test results
5 CCR 11523	Notice of proficiency examinations
5 CCR 17782	Notice of Action; application for services
5 CCR 17783	Notice of Action; recipient of services
5 CCR 18066	Child care policies regarding excused and unexcused absences
5 CCR 18094-18095	Notice of Action; child care services
5 CCR 18114	Notice of delinquent fees; child care services
5 CCR 18118-18119	Notice of Action; child care services
5 CCR 3052	Behavioral intervention
5 CCR 4622	Uniform complaint procedures
5 CCR 4631	Uniform complaint procedures; notification of decision and right to appeal
5 CCR 4917	Notification of sexual harassment policy
5 CCR 852	Exemptions from state assessments
5 CCR 863	Reports of state assessment results
Civ. Code 1798.29	District records; breach of security
Ed. Code 17288	Building standards for university campuses
Ed. Code 17612	Notification of pesticide use
Ed. Code 221.5	Equal opportunity
Ed. Code 231.5	Sexual harassment policy

PARENTAL PARENT/GUARDIAN NOTIFICATIONS (continued)**State** (continued)

Ed. Code 234.1	Student protections relating to discrimination, harassment, intimidation, and bullying
Ed. Code 234.7	Student protections relating to immigration and citizenship status
Ed. Code 262.3	Appeals for discrimination complaints; information regarding availability of civil remedies
Ed. Code 310	Language acquisition programs
Ed. Code 313	Reclassification of English learners; parental consultation
Ed. Code 313.2	Long-term English learner; notification
Ed. Code 32221.5	Insurance for athletic team members
Ed. Code 32255-32255.6	Student's right to refrain from harmful or destructive use of animals
Ed. Code 32390	Voluntary program for fingerprinting students
Ed. Code 33479-33479.9	The Eric Parades Sudden Cardiac Arrest Prevention Act
Ed. Code 35160.5	Extracurricular and cocurricular activities
Ed. Code 35178.4	Notice of accreditation status
Ed. Code 35182.5	Advertising in the classroom
Ed. Code 35183	School dress code; uniforms
Ed. Code 35186	Complaints concerning deficiencies in instructional materials and facilities
Ed. Code 35211	Driver training; district insurance, parent/guardian liability
Ed. Code 35256	School Accountability Report Card
Ed. Code 35258	School Accountability Report Card
Ed. Code 35291	Rules for student discipline
Ed. Code 35292.6	School maintenance
Ed. Code 37616	Consultation regarding year-round schedule
Ed. Code 39831.5	School bus rider rules and information
Ed. Code 41329	School closures and consolidation
Ed. Code 440	English language proficiency assessment; instruction in English language development
Ed. Code 44050	Employee code of conduct; interaction with students
Ed. Code 44808.5	Permission to leave school grounds
Ed. Code 46010.1	Notice regarding excuse to obtain confidential medical services
Ed. Code 46014	Regulations regarding absences for religious purposes
Ed. Code 46015	Accommodations for pregnant and parenting pupils
Ed. Code 46162	Alternative schedule for junior high and high school; public hearing with notice
Ed. Code 46600-46611	Interdistrict attendance agreements

PARENTAL PARENT/GUARDIAN NOTIFICATIONS (continued)**State** (continued)

Ed. Code 48000	Minimum age of admission
Ed. Code 48070.5	Promotion and retention of students
Ed. Code 48204	Residency requirements
Ed. Code 48205	Absence for personal reasons
Ed. Code 48206.3	Students with temporary disabilities; individual instruction; definitions
Ed. Code 48207-48208	Students with temporary disabilities in hospitals
Ed. Code 48213	Prior notice of exclusion from attendance
Ed. Code 48216	Immunization and exclusion from attendance
Ed. Code 48260.5	Notice regarding truancy
Ed. Code 48262	Need for parent conference regarding truancy
Ed. Code 48263	Referral to school attendance review board or probation department
Ed. Code 48301	Interdistrict transfers
Ed. Code 48412	Certificate of proficiency
Ed. Code 48432.3	Voluntary enrollment in continuation education
Ed. Code 48432.5	Involuntary transfers of students
Ed. Code 48850-48859	Education of foster youth and homeless students
Ed. Code 48900.1	Parental attendance required after suspension
Ed. Code 48904	Liability of parent/guardian for willful student misconduct
Ed. Code 48904-48904.3	Withholding grades, diplomas, or transcripts
Ed. Code 48906	Notification of release of student to peace officer
Ed. Code 48911	Notification in case of suspension
Ed. Code 48911.1	Assignment to supervised suspension classroom
Ed. Code 48912	Closed sessions; consideration of suspension
Ed. Code 48915.1	Expelled students; enrollment in another district
Ed. Code 48916	Readmission procedures
Ed. Code 48918	Rules governing expulsion procedures
Ed. Code 48929	Transfer of student convicted of violent felony or misdemeanor
Ed. Code 48980	Parent/Guardian notifications
Ed. Code 48980.3	Notification of pesticide use
Ed. Code 48981	Time and means of notification
Ed. Code 48982	Parent signature acknowledging receipt of notice
Ed. Code 48983	Contents of notice
Ed. Code 48984	Activities prohibited unless notice given
Ed. Code 48985	Notices to parents in language other than English
Ed. Code 48985.5	Synthetic drug use
Ed. Code 48986	Safe storage of firearms
Ed. Code 48987	Child abuse information
Ed. Code 49013	Use of uniform complaint procedures for complaints regarding student fees

PARENTAL PARENT/GUARDIAN NOTIFICATIONS (continued)**State** (continued)

Ed. Code 49063	Notification of parental rights
Ed. Code 49067	Student evaluation; student in danger of failing course
Ed. Code 49068	Transfer of permanent enrollment and scholarship record
Ed. Code 49069.7	Absolute right to access
Ed. Code 49070	Challenging content of student record
Ed. Code 49073	Release of directory information
Ed. Code 49073.6	Student records; social media
Ed. Code 49076	Access to student records
Ed. Code 49077	Access to information concerning a student in compliance with court order
Ed. Code 49392	Threats of homicide at school
Ed. Code 49403	Cooperation in control of communicable disease and immunizations
Ed. Code 49423	Administration of prescribed medication for student
Ed. Code 49451	Physical examinations: parent's refusal to consent
Ed. Code 49452.5	Screening for scoliosis
Ed. Code 49452.6	Type 1 diabetes informational materials
Ed. Code 49452.7	Information on type 2 diabetes
Ed. Code 49452.8	Oral health assessment
Ed. Code 49455.5	Eye examination for purpose of eyeglasses
Ed. Code 49456	Results of vision or hearing test
Ed. Code 49471-49472	Insurance
Ed. Code 49475	Student athletes; concussions and head injuries
Ed. Code 49476	Student athletes; opioid fact sheet
Ed. Code 49480	Continuing medication regimen for nonepisodic conditions
Ed. Code 48980.4	Notice regarding full human papillomavirus (HPV) immunization
Ed. Code 49510-49520	Duffy-Moscone Family Nutrition Education and Services Act of 1970
Ed. Code 51225.1	Exemption from district graduation requirements
Ed. Code 51225.2	Course credits
Ed. Code 51225.3	High school graduation requirements
Ed. Code 51225.31	Graduation from high school; exemption for eligible students with special needs
Ed. Code 51225.8	Completion and submission of FAFSA and CADAA
Ed. Code 51229	Course of study for grades 7-12
Ed. Code 51513	Personal beliefs; privacy
Ed. Code 51749.5	Independent study
Ed. Code 51938	HIV/AIDS and sexual health instruction
Ed. Code 52062	Local control and accountability plans and the statewide system of support
Ed. Code 52164	Language census

PARENTAL PARENT/GUARDIAN NOTIFICATIONS (continued)**State** (continued)

Ed. Code 52164.1	Census-taking methods; determination of primary language; assessment of language skills
Ed. Code 52164.3	Reassessment of English learners; notification of results
Ed. Code 52242	Advanced placement examination fees
Ed. Code 54444.2	Migrant education programs; parent involvement
Ed. Code 56301	Child-find system; policies regarding written notification rights
Ed. Code 56321	Special education: proposed assessment plan
Ed. Code 56321.5-56321.6	Notice of parent rights pertaining to special education
Ed. Code 56329	Written notice of right to findings; independent assessment
Ed. Code 56341.1	Development of individualized education program; right to audio record meeting
Ed. Code 56341.5	Individualized education program team meetings
Ed. Code 56343.5	Individualized education program meetings
Ed. Code 56366.45	Change in status of a nonpublic, nonsectarian school or agency
Ed. Code 56521.1	Behavioral intervention
Ed. Code 58501	Alternative schools; notice required prior to establishment
Ed. Code 60615	Exemption from state assessment
Ed. Code 60641	California Assessment of Student Performance and Progress
Ed. Code 60900.5	Use of CalPADS data
Ed. Code 69432.9	Submission of grade point average to Cal Grant program
Ed. Code 8212	Complaints related to preschool health and safety issues
Ed. Code 8483	Before/after school program; enrollment priorities
Ed. Code 8489	Expulsion and suspension procedures in childcare and development services programs
Ed. Code 8489.1	Expulsion and suspension procedures in childcare and development services programs
H&S Code 104420	Tobacco use prevention
H&S Code 104855	Availability of topical fluoride treatment
H&S Code 116277	Lead testing of potable water at schools and requirements to remedy
H&S Code 120365-120375	Immunizations
H&S Code 120440	Sharing immunization information
H&S Code 124100-124105	Health screening and immunizations

PARENTAL PARENT/GUARDIAN NOTIFICATIONS (continued)**State** (continued)

H&S Code 1596.8555	Administration of child day care licensing; posting license
H&S Code 1596.857	Right to enter child care facility
H&S Code 1597.16	Licensed child care centers; lead testing
Pen. Code 626.81	Notice of permission granted to sex offender to volunteer on campus
Pen. Code 627.5	Hearing request following denial or revocation of registration
W&I Code 10228	Child care providers; posting of rates, discounts, and scholarships

Federal

	Description
20 USC 1232g	Family Educational Rights and Privacy Act (FERPA) of 1974
20 USC 1232h	Privacy rights
20 USC 1415	Procedural safeguards
20 USC 6311	State plan
20 USC 6312	Local educational agency plan
20 USC 6318	Parent and family engagement
20 USC 7704	Impact Aid; policies and procedures related to children residing on Indian lands
20 USC 7908	Armed forces recruiter access to students
34 CFR 104.32	District responsibility to provide free appropriate public education
34 CFR 104.36	Procedural safeguards
34 CFR 104.8	Nondiscrimination
34 CFR 106.9	Severability
34 CFR 200.48	Teacher qualifications
34 CFR 222.94	Impact Aid; district responsibilities
34 CFR 300.300	Parent consent for special education evaluation
34 CFR 300.322	Parent participation in IEP team meetings
34 CFR 300.502	Independent educational evaluation of student with disability
34 CFR 300.503	Prior written notice regarding identification, evaluation, or placement of student with disability
34 CFR 300.504	Procedural safeguards notice for students with disabilities
34 CFR 300.508	Due process complaint
34 CFR 300.530	Discipline procedures
34 CFR 99.30	Disclosure of personally identifiable information
34 CFR 99.34	Student records; disclosure to other educational agencies

PARENTAL PARENT/GUARDIAN NOTIFICATIONS (continued)**Federal** (continued)

34 CFR 99.37	Disclosure of directory information
34 CFR 99.7	Student records; annual notification
40 CFR 763.84	Asbestos inspections, response actions and post-response actions
40 CFR 763.93	Asbestos management plans
42 USC 11431-11435	McKinney-Vento Homeless Assistance Act
42 USC 1758	Child nutrition programs
7 CFR 245.5	Eligibility criteria for free and reduced-price meals
7 CFR 245.6a	Verification of eligibility for free and reduced-price meals

Management Resources

U.S. Department of Agriculture
Publication
Website

Website

Description

Civil Rights Compliance and Enforcement -- Nutrition Programs and Services, FNS Instruction 113-1, 2005
CSBA District and County Office of Education Legal Services
U.S. Department of Agriculture, Food and Nutrition Service

Cross References - Code

0410	Description Nondiscrimination In District Programs And Activities
0450	Comprehensive Safety Plan
0460	Local Control And Accountability Plan
0510	School Accountability Report Card
1240	Volunteer Assistance
1312.3	Uniform Complaint Procedures
1312.3-E(1)	Uniform Complaint Procedures
1312.3-E(2)	Uniform Complaint Procedures
3231	Impact Aid
3260	Fees And Charges
3312	Contracts
3513.3	Tobacco-Free Schools
3514	Environmental Safety
3514.2	Integrated Pest Management
3515.5	Sex Offender Notification
3517	Facilities Inspection
3517-E(1)	Facilities Inspection
3543	Transportation Safety And Emergencies
3550	Food Service/Child Nutrition Program
3551	Food Service Operations/Cafeteria Fund
3553	Free And Reduced Price Meals

PARENTAL PARENT/GUARDIAN NOTIFICATIONS (continued)**Cross References – Code** (continued)

3553	Free And Reduced Price Meals
3555	Nutrition Program Compliance
3555-E(1)	Nutrition Program Compliance
3580	District Records
4112.2	Certification
4219.21	Professional Standards
4219.21-E(1)	Professional Standards
4222	Teacher Aides/Paraprofessionals
4319.21	Professional Standards
4319.21-E(1)	Professional Standards
5000	Concepts And Roles
5020	Parent Rights And Responsibilities
5022	Student And Family Privacy Rights
5030	Student Wellness
5111	Admission
5111.1	District Residency
5112.2	Exclusions From Attendance
5112.5	Open/Closed Campus
5113	Absences And Excuses
5113.1	Chronic Absence And Truancy
5116.1	Intradistrict Open Enrollment
5116.2	Involuntary Student Transfers
5117	Interdistrict Attendance
5119	Students Expelled From Other Districts
5123	Promotion/Acceleration/Retention
5125	Student Records
5125.1	Release Of Directory Information
5125.1-E(1)	Release Of Directory Information
5125.2	Withholding Grades, Diploma Or Transcripts
5125.3	Challenging Student Records
5131.61	Drug Testing
5132	Dress And Grooming
5141.21	Administering Medication And Monitoring Health Conditions
5141.3	Health Examinations
5141.31	Immunizations
5141.32	Health Screening For School Entry
5141.6	School Health Services
5142.1	Identification And Reporting Of Missing Children
5143	Insurance

PARENTAL PARENT/GUARDIAN NOTIFICATIONS (continued)**Cross References – Code** (continued)

5144	Discipline
5144.1	Suspension And Expulsion/Due Process
5144.2	Suspension And Expulsion/Due Process (Students With Disabilities)
5144.4	Required Parental Attendance
5145.12	Search And Seizure
5145.3	Nondiscrimination/Harassment
5145.7	Sexual Harassment
5145.8	Refusal To Harm Or Destroy Animals
5146	Married/Pregnant/Parenting Students
5148	Child Care And Development
5148.2	Before/After School Programs
5148.3	Preschool/Early Childhood Education
6020	Parent Involvement
6111	School Calendar
6112	School Day
6117	Year-Round Schedules
6142.1	Sexual Health And HIV/AIDS Prevention Instruction
6142.2	World Language Instruction
6142.8	Comprehensive Health Education
6143	Courses Of Study
6145.2	Athletic Competition
6146.1	High School Graduation Requirements
6146.11	Alternative Credits Toward Graduation
6146.2-E(1)	Certificate Of Proficiency/High School Equivalency
6154	Homework/Makeup Work
6158	Independent Study
6159	Individualized Education Program
6159.1	Procedural Safeguards And Complaints For Special Education
6159.2	Nonpublic, Nonsectarian School And Agency Services For Special Education
6159.4	Behavioral Interventions For Special Education Students
6162.51	State Academic Achievement Tests
6162.8	Research
6164.2	Guidance/Counseling Services
6164.4	Identification And Evaluation Of Individuals For Special Education
6164.6	Identification And Education Under Section 504
6170.1	Transitional Kindergarten
6173	Education For Homeless Children

PARENTAL PARENT/GUARDIAN NOTIFICATIONS (continued)**Cross References – Code** (continued)

6173-E(1)	Education For Homeless Children
6173-E(2)	Education For Homeless Children
6173.1	Education For Foster Youth
6173.3	Education For Juvenile Court School Students
6173.4	Education For American Indian Students
6175	Migrant Education Program
6178	Career Technical Education
6181	Alternative Schools/Programs Of Choice
6183	Home And Hospital Instruction
6184	Continuation Education
6190	Evaluation Of The Instructional Program
9310	Board Policies

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

PARENTAL PARENT/GUARDIAN NOTIFICATIONS (continued)

Legal Reference: (continued)

EDUCATION CODE (continued)

48207-48208 Students with temporary disabilities in hospitals
 48213 Prior notice of exclusion from attendance
 48216 Immunization
 48260.5 Notice regarding truancy
 48262 Need for parent conference regarding truancy
 48263 Referral to school attendance review board or probation department
 48301 Interdistrict transfers
 48350-48361 Open Enrollment Act
 48354 Option to transfer from school identified under Open Enrollment Act
 48357 Status of application for transfer from school identified under Open Enrollment Act
 48412 Certificate of proficiency
 48432.3 Voluntary enrollment in continuation education
 48432.5 Involuntary transfers of students
 48850-48859 Education of foster youth and homeless students
 48900.1 Parental attendance required after suspension
 48904 Liability of parent/guardian for willful student misconduct
 48904.3 Withholding grades, diplomas, or transcripts
 48906 Notification of release of student to peace officer
 48911 Notification in case of suspension
 48911.1 Assignment to supervised suspension classroom
 48912 Closed sessions; consideration of suspension
 48915.1 Expelled students; enrollment in another district
 48916 Readmission procedures
 48918 Rules governing expulsion procedures
 48929 Transfer of student convicted of violent felony or misdemeanor
 48980 Required notification at beginning of term
 48980.3 Notification of pesticide use
 48981 Time and means of notification
 48982 Parent signature acknowledging receipt of notice
 48983 Contents of notice
 48984 Activities prohibited unless notice given
 48985 Notices to parents in language other than English
 48987 Child abuse information
 49013 Use of uniform complaint procedures for complaints regarding student fees
 49063 Notification of parental rights
 49067 Student evaluation; student in danger of failing course 49068 Transfer of permanent enrollment and scholarship record 49069 Absolute right to access
 49070 Challenging content of student record 49073 Release of directory information

Legal Reference continued: (see next page)

PARENTAL PARENT/GUARDIAN NOTIFICATIONS (continued)*Legal Reference: (continued)*EDUCATION CODE (continued)~~49073.6 Student records, social media~~~~49076 Access to student records~~~~49077 Access to information concerning a student in compliance with court order~~~~49403 Cooperation in control of communicable disease and immunization~~~~49423 Administration of prescribed medication for student~~~~49451 Physical examinations: parent's refusal to consent~~~~49452.5 Screening for scoliosis~~~~49452.7 Information on type 2 diabetes~~~~49452.8 Oral health assessment~~~~49456 Results of vision or hearing test~~~~49471-49472 Insurance~~~~49475 Student athletes; concussions and head injuries~~~~49480 Continuing medication regimen for nonepisodic conditions~~~~49510-49520 Duffy Mosecone Family Nutrition Education and Services Act of 1970~~~~49557.5 Child Hunger Prevention and Fair Treatment Act of 2017; notice of negative balance in meal account~~~~51225.1 Exemption from district graduation requirements~~~~51225.2 Course credits; foster youth and homeless students, former juvenile court school students and military connected~~~~51225.3 Graduation requirements; courses that satisfy college entrance criteria~~~~51229 Course of study for grades 7-12~~~~51513 Personal beliefs; privacy~~~~51938 HIV/AIDS and sexual health instruction~~~~52164 Language census~~~~52164.1 Census taking methods; determination of primary language; assessment of language skills~~~~52164.3 Reassessment of English learners; notification of results~~~~54444.2 Migrant education programs; parent involvement~~~~56301 Child find system; policies regarding written notification rights~~~~56321 Special education: proposed assessment plan~~~~56321.5-56321.6 Notice of parent rights pertaining to special education~~~~56329 Written notice of right to findings; independent assessment~~~~56341.1 Development of individualized education program; right to audio record meeting~~~~56341.5 Individualized education program team meetings~~~~56343.5 Individualized education program meetings~~~~56521.1 Behavioral intervention~~~~58501 Alternative schools; notice required prior to establishment~~~~60615 Exemption from state assessment~~~~60641 California Assessment of Student Performance and Progress~~~~60850-60859 High school exit examination~~~~69432.9 Submission of grade point average to Cal Grant program~~CIVIL CODE~~1798.29 District records, breach of security~~HEALTH AND SAFETY CODE~~1596.857 Right to enter child care facility~~~~104420 Tobacco use prevention~~*Legal Reference continued: (see next page)*

PARENTAL PARENT/GUARDIAN NOTIFICATIONS (continued)

Legal Reference: (continued)

HEALTH AND SAFETY CODE (continued)

~~104855 Availability of topical fluoride treatment~~

~~116277 Lead testing of school drinking water~~

~~120365-120375 Immunizations~~

~~120440 Sharing immunization information~~

~~124100-124105 Health screening and immunizations~~

PENAL CODE

~~626.81 Notice of permission granted to sex offender to volunteer on campus~~

~~627.5 Hearing request following denial or revocation of registration~~

CIVIL CODE

~~1798.29 District records, breach of security~~ CODE OF

REGULATIONS, TITLE 5

~~852 Exemptions from state assessments 863 Reports of state~~

~~assessment results 3052 Behavioral intervention~~

~~4622 Notification of uniform complaint procedures~~

~~4631 Uniform complaint procedures; notification of decision and~~

~~right to appeal 4702 Student transfer from school identified under~~

~~Open Enrollment Act~~

~~4917 Notification of sexual harassment policy 11303 Reclassification~~

~~of English learners~~

~~11511.5 English language proficiency assessment; test results 11523~~

~~Notice of proficiency examinations~~

~~18066 Child care policies regarding excused and unexcused~~

~~absences 18094-18095 Notice of Action; child care services~~

~~18114 Notice of delinquent fees; child care services 18118-18119 Notice~~

~~of Action; child care services~~ CODE OF REGULATIONS, TITLE 17

~~2951 Hearing tests~~

~~6040 Time period to obtain needed immunizations~~ UNITED STATES

CODE, TITLE 20

~~1232g Family Educational and Privacy Rights Act 1232h Privacy rights~~

~~1415 Procedural safeguards~~

~~6312 Local education agency plans 6318 Parent and family engagement~~

~~7012 Instruction in English language development 7908 Armed forces~~

~~recruiter access to students~~ UNITED STATES CODE, TITLE 42

~~1758 Child nutrition programs~~

~~11431-11435 McKinney Vento Homeless Assistance Act~~ CODE OF

FEDERAL REGULATIONS, TITLE 7

~~245.5 Eligibility criteria for free and reduced price meals~~

~~245.6 a Verification of eligibility for free and reduced price meals~~

Legal Reference continued: (see next page)

PARENTAL PARENT/GUARDIAN NOTIFICATIONS (continued)

Legal Reference: (continued)

CODE OF FEDERAL REGULATIONS, TITLE 34

99.7 Student records, annual notification

99.30 Disclosure of personally identifiable information

99.34 Student records, disclosure to other educational agencies

99.37 Disclosure of directory information

104.32 District responsibility to provide free appropriate public education

104.36 Procedural safeguards

104.8 Nondiscrimination

106.9 Dissemination of policy, nondiscrimination on basis of sex

200.48 Teacher qualifications

300.300 Parent consent for special education evaluation

300.322 Parent participation in IEP team meetings

300.502 Independent educational evaluation of student with disability

300.503 Prior written notice regarding identification, evaluation, or placement of student with disability

300.504 Procedural safeguards notice for students with disabilities

300.508 Due process complaint

300.530 Discipline procedures

CODE OF FEDERAL REGULATIONS, TITLE 40

763.84 Asbestos inspections, response actions and post-response actions

763.93 Asbestos management plans

Management Resources:

U.S. DEPARTMENT OF AGRICULTURE PUBLICATIONS

Unpaid Meal Charges: Guidance and Q&A, SP 23 2017, March 2017

Civil Rights Compliance and Enforcement — Nutrition Programs and Services, FNS Instruction 113-I, 2005

WEB SITES

U.S. Department of Agriculture, Food and Nutrition Service:

<http://www.fns.usda.gov>

Students

BP 5145.7(a)

~~SEXUAL~~ **SEX DISCRIMINATION AND SEX-BASED HARASSMENT**

The Board of Trustees is committed to maintaining a **welcoming, safe, and supportive** school environment that is free from ~~harassment and discrimination and harassment~~. The Board prohibits, at school or at school-sponsored or school-related activities, ~~sexual—sex discrimination and sex-based~~ **harassment**, as defined in the accompanying administrative regulation, targeted at any student, based on the student's actual or perceived sex; sex stereotypes; sex characteristics; sexual orientation; gender; gender identity; gender expression; pregnancy, childbirth, termination of pregnancy or lactation, including related medical conditions or recovery; and, parental, marital, and family status. ~~by anyone.~~

~~Additionally, The Board also prohibits retaliatory behavior or action against any person who reports, files a complaint~~ **complains** or testifies about, ~~or otherwise supports a complainant in alleging sexual harassment.~~ **conduct that reasonably may constitute sex discrimination, including sex-based harassment.**, reports such conduct, or otherwise participates or refuses to participate in the complaint process established for the purpose of this policy. (Education Code 220.1; 34 CFR 106.71)

~~(cf. 0410—Nondiscrimination in District Programs and Activities)~~

~~(cf. 5131—Conduct)~~

~~Cf. 5131.2—Bullying)~~

~~(cf. 5137—Positive School Climate)~~

~~(cf. 5145.3—Positive School Climate)~~

The District strongly encourages students who feel that they are being or have ~~been sexually harassed~~ **experienced sex discrimination, including sex-based harassment**, on school grounds or at a school-sponsored or school-related activity ~~or by another student or an adult who has experienced off-campus sexual harassment that~~ **when the conduct** has a continuing effect on campus to immediately contact their teacher, the principal, the District's Title IX Coordinator, or any other available school employee. ~~Any employee who receives a report or observes an incident of sexual harassment shall notify the Title IX Coordinator.~~

~~Any employee who receives a report or observes an incident of sex discrimination, including sex-based harassment, by or against a student in a District education program or activity shall report the incident to the Title IX Coordinator. within one workday.~~

Once notified, the Title IX Coordinator shall ensure the complaint ~~or allegation~~ is addressed through **Administrative Regulation 5145.71 – Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures**. ~~Title IX complaint procedures or uniform complaint procedures, as applicable, and shall offer supportive measures to the complainant.~~

~~(cf. 1312.1—Complaints Concerning District Employees)~~

~~(cf. 1312.3—Uniform Complaint Procedures)~~

~~(cf. 5141.4—Child Abuse Prevention and Reporting)~~

~~(cf. 5145.71—Title IX Sexual Harassment Complaint Procedures)~~

~~(cf. 6142.1—Sexual Health and HIV/AIDS Prevention Instruction)~~

SEXUAL-SEX DISCRIMINATION AND SEX-BASED HARASSMENT (continued)

The Superintendent or designee inform students and parents/guardians of the District's sexual harassment policy by disseminating it through parent/guardian notifications, publishing it on the District's web site, and including it in student and staff handbooks. All District staff shall be trained regarding the policy.

The Title IX Coordinator shall offer and coordinate supportive measures to be provided to the complainant and, if the District has begun grievance procedures or offered an informal resolution process to the respondent, offer and coordinate supportive measures to be provided to the respondent as deemed appropriate under the circumstances.

The Superintendent or designee shall ensure that all District staff are trained regarding the District's sex discrimination and sex-based harassment policy, and that all employees receive training related to their duties under Title IX as specified in Administrative Regulation 4119.11/4219.11/4319.11 – Sex Discrimination and Sex-Based Harassment. (34 CFR 106.8)

Instruction/Information

The Superintendent or designee shall ensure that all District students receive age-appropriate information on ~~sexual~~ sex discrimination and sex-based harassment. Such instruction and information shall include:

1. What acts and behavior constitute ~~sexual~~ sex discrimination and sex-based harassment, including the fact that ~~sexual~~ sex discrimination and sex-based harassment could occur between people of the same sex and could involve sexual violence
2. A clear message that students do not have to endure ~~sexual~~ sex discrimination and sex-based harassment under any circumstance
3. Encouragement to report observed incidents of ~~sexual~~ sex discrimination and sex-based harassment even when the alleged victim of the ~~discrimination or~~ harassment has not complained
4. A clear message that student safety is the District's primary concern, and that any separate rule violation involving an alleged victim or any other person reporting a ~~sexual~~ sex discrimination or sex-based harassment incident will be addressed separately and will not affect the manner in which the ~~sexual~~ sex discrimination or sex-based harassment complaint will be received, investigated, or resolved
5. A clear message that, regardless of a complainant's noncompliance with the writing, timeline, or other formal filing requirements, every ~~sexual~~ sex discrimination and sex-based harassment allegation that involves a student, whether as the complainant, respondent, or victim of the ~~discrimination or~~ harassment, shall be investigated and action shall be taken to respond to harassment, prevent recurrence, and address any continuing effect on students

~~SEXUAL~~ **SEX DISCRIMINATION AND SEX-BASED HARASSMENT** (continued)

6. Information about the District's procedures for investigating complaints and the person(s) to whom a report of ~~sexual~~ **sex discrimination and sex-based** harassment should be made
7. Information about the rights of students and parents/guardians to file a civil or criminal complaint, as applicable, including the right to file a civil or criminal complaint while the District investigation of a ~~sexual~~ **sex discrimination and sex-based** harassment complaint continues
8. A clear message that, when needed, the District will implement supportive measures to ensure a safe school environment for a student who is the complainant or victim of ~~sexual~~ **sex discrimination and sex-based** harassment and/or other students during an investigation

Disciplinary Actions

Upon completion of an investigation of a ~~sexual~~ **sex discrimination and sex-based** harassment ~~complaint~~, any student found to have engaged in ~~sexual~~ **sex discrimination and sex-based** harassment or sexual violence, in violation of this policy, shall be subject to disciplinary action. For students in grades 4-12, disciplinary action may include suspension and/or expulsion, provided that, in imposing such discipline, the entire circumstances of the incident(s) shall be taken into account.

~~(cf. 5144—Discipline)~~

~~(cf. 5144.1—Suspension and Expulsion/Due Process)~~

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

Upon investigation of a ~~sexual~~ **sex discrimination and sex-based** harassment ~~complaint~~, any employee found to have engaged in ~~sexual~~ **sex discrimination against, and/or sex-based** harassment or sexual violence toward any student shall be subject to disciplinary action, up to and including dismissal, in accordance with law and the applicable collective bargaining agreement.

~~(cf. 4117.7—Employment Status Report)~~

~~(cf. 4118—Dismissal/Suspension/Disciplinary Action)~~

~~(cf. 4119.11/4219.11/4319.11—Sexual Harassment)~~

~~(cf. 4218—Dismissal/Suspension/Disciplinary Action)~~

Record-Keeping

~~In accordance with law, the Superintendent or designee shall maintain a record of all reported cases of sexual harassment to enable the District to monitor, address, and prevent repetitive harassing behavior in District schools.~~

~~SEXUAL~~SEX DISCRIMINATION AND SEX-BASED HARASSMENT (continued)

The Superintendent or designee shall maintain records in accordance with law, including in accordance with 34 CFR 106.8 as specified in Administrative Regulation 5145.71 – Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures, and District policies and regulations, of all reported cases of sex-based harassment to enable the District to monitor, address, and prevent repetitive harassing behavior in District schools.

(cf. 3580—District Records)

Policy Reference Disclaimer: These references are not intended to be part of the policy itself, not do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State	Description
5 CCR 432	Student records
5 CCR 4600-4670	Uniform complaint procedures
5 CCR 4900-4965	Nondiscrimination in elementary and secondary educational programs receiving state or federal financial assistance
Civ. Code 1714.1	Liability of parent or guardian for act of willful misconduct by a minor
Civ. Code 51.9	Liability for sexual harassment; business, service and professional relationships
Ed. Code 200-262.4	Prohibition of discrimination
Ed. Code 220.1	Prohibition of retaliation related to educational equity
Ed. Code 220.3	Prohibition of disclosure of information related to student's sexual orientation, gender identity, or gender expression
Ed. Code 220.5	Prohibition of policies requiring disclosure of information related to student's sexual orientation, gender identity, or gender expression
Ed. Code 35292.5	School restrooms; all-gender restrooms
Ed. Code 48900	Grounds for suspension or expulsion
Ed. Code 48900.2	Additional grounds for suspension or expulsion; sexual harassment
Ed. Code 48904	Liability of parent/guardian for willful student misconduct
Ed. Code 48980	Parent/Guardian notifications
Ed. Code 48985	Notices to parents in language other than English
Ed. Code 49060-49079	Student records
Gov. Code 12950.1	Sexual harassment training

SEXUAL-SEX DISCRIMINATION AND SEX-BASED HARASSMENT (continued)

Federal	Description
20 USC 1092	Definition of sexual assault
20 USC 1221	Application of laws
20 USC 1232g	Family Educational Rights and Privacy Act (FERPA) of 1974
20 USC 1681-1688	Title IX of the Education Amendments of 1972; discrimination based on sex
34 CFR 106.1-106.82	Nondiscrimination on the basis of sex in education programs
34 CFR 99.1-99.67	Family Educational Rights and Privacy
34 USC 12291	Definition of dating violence, domestic violence, and stalking
42 USC 1983	Civil action for deprivation of rights
42 USC 2000d-2000d-7	Title VI, Civil Rights Act of 1964
42 USC 2000e-2000e-17	Title VII, Civil Rights Act of 1964, as amended
Management Resources	Description
Court Decision	Gebser v. Lago Vista Independent School District (1998) 524 U.S. 274
Court Decision	Oona by Kate S. v. McCaffrey (1998, 9th Cir.) 143 F.3d 473
Court Decision	Reese v. Jefferson School District (2001, 9th Cir.) 208 F.3d 736
Court Decision	Davis v. Monroe County Board of Education (1999) 526 U.S. 629
Court Decision	Doe v. Petaluma City School District (1995, 9th Cir.) 54 F.3d 1447
Court Decision	Donovan v. Poway Unified School District (2008) 167 Cal.App.4th 567
Court Decision	Flores v. Morgan Hill Unified School District (2003, 9th Cir.) 324 F.3d 1130
Federal Register	Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance, April 29, 2024, Vol. 89, No. 83, pages 33474-33896
CSBA Publication	Legal Guidance on Rights of Transgender and Gender Nonconforming Students in Schools, October 2022
CSBA Publication	Safe Schools: Strategies for Governing Boards to Ensure Student Success, 2011
CSBA Publication	Providing a Safe, Nondiscriminatory School Environment for Transgender and Gender-Nonconforming Students, Policy Brief, February 2014

~~SEXUAL~~SEX DISCRIMINATION AND SEX-BASED HARASSMENT (continued)**Management Resources** (continued)

California Department of Education Publication	Longitudinal Pupil Achievement Data System (CALPADS) Update FLASH #158: Guidance for Changing a Student's Gender in CALPADS, July 2019
U.S. DOE, Office for Civil Rights Publication	Sexual Harassment: It's Not Academic, September 2008
U.S. DOE, Office for Civil Rights Publication	Revised Sexual Harassment Guidance: Harassment of Students by School Employees, Other Students, or Third Parties, January 2001
U.S. DOE, Office for Civil Rights Publication	Examples of Policies and Emerging Practices for Supporting Transgender Students, May 2016
Website	CSBA District and County Office of Education Legal Services
Website	California Department of Education
Website	CSBA
Website	U.S. Department of Education, Office for Civil Rights

Cross References - Codes

	Description
0410	Nondiscrimination In District Programs And Activities
0450	Comprehensive Safety Plan
1114	District-Sponsored Social Media
1312.1	Complaints Concerning District Employees
1312.3	Uniform Complaint Procedures
1312.3-E(1)	Uniform Complaint Procedures
1312.3-E(2)	Uniform Complaint Procedures
1313	Civility
3515.4	Recovery For Property Loss Or Damage
3530	Risk Management/Insurance
3580	District Records
4117.7	Employment Status Reports

SEXUAL-SEX DISCRIMINATION AND SEX-BASED HARASSMENT (continued)**Cross References – Codes** (continued)

4118	Dismissal/Suspension/Disciplinary Action
4119.11	Sex Discrimination and Sex-Based Harassment
4119.12	Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures
4131	Staff Development
4218	Dismissal/Suspension/Disciplinary Action
4219.11	Sex Discrimination and Sex Harassment
4219.12	Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures
4219.21	Professional Standards
4219.21-E(1)	Professional Standards
4231	Staff Development
4317.7	Employment Status Reports
4319.11	Sex Discrimination and Sex-Based Harassment
4319.12	Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures
4319.21	Professional Standards
4319.21-E(1)	Professional Standards
5125	Student Records
5131	Conduct
5131.2	Bullying
5131.5	Vandalism And Graffiti
5132	Dress And Grooming
5137	Positive School Climate
5138	Conflict Resolution/Peer Mediation
5141.4	Child Abuse Prevention And Reporting
5141.52	Suicide Prevention
5144	Discipline
5144.1	Suspension And Expulsion/Due Process
5144.2	Suspension And Expulsion/Due Process (Students With Disabilities)
5145.2	Freedom Of Speech/Expression
5145.3	Nondiscrimination/Harassment
5145.6	Parent/Guardian Notifications
5145.6-E(1)	Parent/Guardian Notifications
5145.71	Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures
5145.71-E(1)	Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures
5145.9	Hate-Motivated Behavior
6142.1	Sexual Health And HIV/AIDS Prevention Instruction

SEXUAL-SEX DISCRIMINATION AND SEX-BASED HARASSMENT (continued)**Cross References – Codes** (continued)

6142.8	Comprehensive Health Education
6145	Extracurricular And Cocurricular Activities
6145.2	Athletic Competition
6163.4	Student Use Of Technology
6163.4-E(1)	Student Use Of Technology

*Legal Reference:*EDUCATION CODE*200-262.4 Prohibition of discrimination on the basis of sex**48900 Grounds for suspension or expulsion**48900.2 Additional grounds for suspension or expulsion; sexual harassment**48904 Liability of parent/guardian for willful student misconduct**48980 Notice at beginning of term**48985 Notices, report, statements and records in primary language*CIVIL CODE*51.9 Liability for sexual harassment; business, service and professional relationships**1714.1 Liability of parents/guardians for willful misconduct of minor*GOVERNMENT CODE*12950.1 Sexual harassment training*CODE OF REGULATIONS, TITLE 5*4600-4687 Uniform complaint procedures**4900-4965 Nondiscrimination in elementary and secondary education programs*UNITED STATES CODE, TITLE 20*1092 Definition of sexual assault**1221 Application of laws**1232g Family Educational Rights and Privacy Act**1681-1688 Title IX of the Education Amendments of 1972*UNITED STATES CODE, TITLE 34*12291 Definition of dating violence, domestic violence, and stalking*UNITED STATES CODE, TITLE 42*1983 Civil action for deprivation of rights**2000d-2000d-7 Title VI, Civil Rights Act of 1964**2000e-2000e-17 Title VII, Civil Rights Act of 1964 as amended*CODE OF FEDERAL REGULATIONS, TITLE 34*99.1-99.67 Family Educational Rights and Privacy**Legal Reference: (continued next page)*

SEXUAL-SEX DISCRIMINATION AND SEX-BASED HARASSMENT (continued)

Legal References: (continued)

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

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Flores v. Morgan Hill Unified School District, (2003, 9th Cir.) 324 F.3d 1130-

Reese v. Jefferson School District, (2001, 9th Cir.) 208 F.3d 736

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

Gebser v. Lago Vista Independent School District, (1998) 524 U.S. 274

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

Management Resources:

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

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Dear Colleague Letter: Transgender Students, May 2016

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

Dear Colleague Letter: Title IX Coordinators, April 2015

Questions and Answers on Title IX and Sexual Violence, April 2014

Dear Colleague Letter: Sexual Violence, April 4, 2011

Sexual Harassment: It's Not Academic, September 2008

Revised Sexual Harassment Guidance: Harassment of Students by School Employees, Other Students, or Third Parties, January 2001

WEB SITES

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

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

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

TITLE IX SEX DISCRIMINATION AND SEX-BASED ~~SEXUAL HARASSMENT~~ COMPLAINT PROCEDURES

The complaint procedures described in this administrative regulation shall be used to address any complaint governed by Title IX of the Education Amendments of 1972 alleging that a District student, while in an education program or activity, was subjected to ~~one or more of the following forms of sexual harassment: (34 CFR 106.30)~~ conduct on or after August 1, 2024, including, but not limited to, conduct that is under the authority of the District, that constitutes sex discrimination, including sex-based harassment. For conduct that occurred prior to this date, the District should utilize its policies in place at the time the alleged sex discrimination, including sex-based harassment, occurred, so long as they are in accordance with the applicable statutes and regulations.

Sex discrimination and sex-based harassment include but are not limited to, sex-based conduct as specified in Administrative Regulation 5145.7 – Sex Discrimination and Sex-Based Harassment.

Basic Requirements

When implementing Title IX grievance procedures, the District shall: (34 CFR 106.45)

1. ~~Treat complainants and respondents equitably A District employee conditioning the provision of a District aid, benefit, or service on the student's participation in unwelcome sexual conduct~~
2. ~~Ensure that the Title IX Coordinator or designee, investigator, or decision-maker does not have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a student equal access to the District's education program or activity~~

The investigator and the decision-maker may be the same person as the Title IX Coordinator or designee.

3. ~~Presume that the respondent is not responsible for the alleged sex discrimination, including sex-based harassment, until a determination is made at the conclusion of the grievance procedures Sexual assault, dating violence, domestic violence, or stalking as defined in 20 USC 1092 or 34 USC 12291~~
4. Establish reasonably prompt timeframes for the major stages of the grievance procedures, such as evaluation of whether to dismiss or investigate a complaint, investigation, decision, and appeals if any
5. Establish a process that allows for the reasonable extension of timeframes on a case-by-case basis for good cause with notice to the parties that includes the reason for the delay

**TITLE IX ~~SEXUAL~~ SEX DISCRIMINATION AND SEX-BASED HARASSMENT
COMPLAINT PROCEDURES**
(continued)

Additionally, the District shall not disclose personally identifiable information obtained while implementing Title IX complaint procedures unless the District has obtained prior written consent from a person with the legal right to consent to the disclosure; the information is disclosed to a parent/guardian or other authorized legal representative with the legal right to receive disclosures on behalf of the person whose personally identifiable information is at issue; to take action to address conduct that reasonably may constitute sex discrimination under Title IX, including sex-based harassment, in the District's education program or activity; as required by federal law, regulations, or as a condition to a federal award; as required by state or local law; or to the extent such disclosures are not otherwise in conflict with Title IX. (34 CFR 106.44)

If either party is a student with a disability, the Title IX Coordinator or designee shall consult with one or more members, as appropriate, of the student's Individualized Education Program (IEP) or 504 team, to determine how to comply with the requirements of the Individuals with Disabilities Education Act (IDEA) or Section 504 of the Rehabilitation Act of 1973.

Filing a Complaint

Upon receiving information from an allegation of sex discrimination, include sex-based harassment, the Title IX Coordinator or designee shall notify the individual(s) specified in law of the Title IX grievance procedures, and of the informal resolution process, if available and appropriate.

A complaint is an oral or written request that can objectively be understood by the Title IX Coordinator or designee as a request for the District to investigate and make a determination about alleged sex discrimination, including sex-based harassment. (34 CFR 106.21)

Complaints of sex discrimination and sex-based harassment may only be brought by a student, or former student, who was participating or attempting to participate in the District's education program or activity at the time of the alleged sex-based harassment, a parent/guardian or other authorized legal representative with the legal right to act on behalf of the student, or the Title IX Coordinator or designee. (34 CFR 106.45)

If the alleged victim chooses not to bring a complaint, or withdraws any or all of the allegations in a complaint, and in the absence or termination of an information resolution process, the Title IX Coordinator or designee shall consider whether to initiate a complaint. To do so, the Title IX Coordinator or designee shall first consider the following factors: (34 CFR 106.44)

1. The victim's request not to proceed with initiation of a complaint
2. The victim's reasonable safety concerns regarding initiation of a complaint

**TITLE IX ~~SEXUAL~~ SEX DISCRIMINATION AND SEX-BASED HARASSMENT
COMPLAINT PROCEDURES (continued)**

3. The risk that additional acts of sex discrimination, including sex-based harassment, would occur if a complaint is not initiated
4. The severity of the alleged sex discrimination or sex-based harassment, including whether the discrimination, if established, would require the removal of a respondent from campus or imposition of another disciplinary sanction to end the discrimination and prevent its recurrence
5. The age and relationship of the parties, including whether the respondent is an employee of the District
6. The scope of the alleged sex discrimination, including information suggesting a pattern; ongoing sex discrimination, including sex-based harassment; or sex discrimination, including sex-based harassment, alleged to have impacted multiple individuals
7. The availability of evidence to assist a decision-maker in determining whether sex discrimination, including sex-based harassment, occurred
8. Whether the District could end the alleged sex discrimination, including sex-based harassment, and prevent its recurrence without initiating the Title IX grievance procedures

If, after considering these factors, the Title IX Coordinator determines that the alleged conduct presents an imminent and serious threat to the health and safety of the complainant or another person, or that the conduct as alleged prevents the District from ensuring equal access to a District program or activity on the basis of sex, the Title IX Coordinator may initiate a complaint.

If the Title IX Coordinator initiates a complaint, the Title IX Coordinator shall provide the alleged victim notice of the complaint, as well as other notices as required by the Title IX regulations at specific points in the complaint process. The Title IX Coordinator shall also address reasonable concerns about the victim's safety or the safety of others, including providing supportive measures as described in "Supportive Measures" below, and taking other appropriate prompt and effective steps to ensure that sex discrimination, including sex-based harassment, does not continue or recur within the District. (34 CFR 106.44)

The Title IX Coordinator or designee, investigator, decision-maker, other person who is responsible for implementing the District's grievance procedures or has the authority to modify or terminate supportive measures, or a facilitator of an informal resolution process shall not have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent. Such persons shall receive training in accordance with 34 CFR 106.8. (34 CFR 106.44)

**TITLE IX ~~SEXUAL~~SEX DISCRIMINATION AND SEX-BASED HARASSMENT
COMPLAINT PROCEDURES** (continued)

The Title IX Coordinator shall monitor the District for barriers to reporting information about conduct that reasonably may constitute sex discrimination, including sex-based harassment, under Title IX, and take steps reasonably calculated to address such barriers. (34 CFR 106.44, 106.45)

~~All other sexual harassment complaints shall be investigated and responded to pursuant to AR 1312.3—Uniform Complaint Procedures.~~

~~(cf. 1312.3—Uniform Complaint Procedures)~~

~~A report of sexual harassment shall be submitted directly to or forwarded to the District's Title IX Coordinator using the contact information listed in AR 5145.7—Sexual Harassment.~~

~~(cf. 5145.7—Sexual Harassment)~~

~~Upon receiving such a report, the Title IX Coordinator shall inform the complainant of the process for filing a formal complaint.~~

~~Even if the alleged victim chooses not to file a formal complaint, the Title IX Coordinator shall file a formal complaint in situations in which a safety threat exists. In addition, the Title IX Coordinator may file a formal complaint in other situations as permitted under the Title IX regulations. In such cases, the alleged victim is not a party to the case, but will receive notices as required by the Title IX regulations at specific points in the complaint process.~~

~~A formal complaint, with the complainant's physical or digital signature, may be filed with the Title IX Coordinator in person, by mail, by email, or by any other method authorized by the District. (34 CFR 106.30)~~

~~The Superintendent or designee shall ensure that the Title IX Coordinator, investigator, decision maker, or a facilitator of an informal resolution process does not have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent, and that such persons receive training in accordance with 34 CFR 106.45. (34 CFR 106.45)~~

Supportive Measures

Upon receipt of a report of Title IX sex discrimination or sex-based harassment, the Title IX Coordinator or designee shall offer and coordinate supportive measures. Supportive measures may vary depending on what the District determines to be reasonably available and shall not unreasonably burden either the complainant or respondent. Supportive measures shall be provided without charging a fee to the complainant or respondent and be designed to protect the safety of the complainant, respondent, and the District's educational environment, and to provide support during any grievance procedures implemented as specified in 34 CFR 106.45,

TITLE IX SEX DISCRIMINATION AND SEX-BASED SEXUAL COMPLAINT PROCEDURES (continued)

or informal resolution process as specified in 34 CFR 106.44. The District shall not impose such measures for punitive or disciplinary reasons. Supportive measures may include, but are not limited to, counseling; extensions of deadlines and other course related adjustments; changes in class, work, housing, or extracurricular or any other activity regardless of whether there is a comparable alternative; campus escort services; modifications of class schedules; mutual restrictions on contact; changes in class locations; increased security; monitoring of certain areas of the campus; and, training and education programs related to sex-based harassment. (34 CFR 106.2, 106.44) ~~sexual harassment, even if a formal complaint is not filed, the Title IX Coordinator shall promptly contact the complainant to discuss the availability of supportive measures which are nondisciplinary, nonpunitive, and do not unreasonably burden the other party. Such measures may include, but are not limited to, counseling, course-related adjustments, modifications of class schedules, mutual restrictions on contact, increased security, and monitoring of certain areas of the campus. The Title IX Coordinator shall consider the complainant's wishes with respect to supportive measures. (34 CFR 106.30, 106.44)~~

Unless there is an allegation of sex-based harassment or retaliation, the District may provide supportive measures without altering the alleged discriminatory conduct. (34 CFR 106.44) Upon the conclusion of any grievance procedures implemented as specified in 34 CFR 106.45 or informal resolution process as specified in 34 CFR 106.44, the District may continue with the supportive measures, or modify or terminate such measures, as appropriate. (34 CFR 106.44)

The District shall provide a complainant or respondent for whom supportive measures have been implemented with a timely opportunity to seek, from an impartial employee with authority to modify or reverse the supportive measures, modification or reversal of the District's decision to provide, deny, modify, or terminate such measures, and to seek additional modification or termination of the supportive measures if circumstances materially change. (34 CFR 106.44)

The District shall not disclose information about supportive measures to any person other than the person to whom they apply, including informing one party of supportive measures provided to another party, unless the disclosure is necessary to providing the supportive measures, or restoring or preserving a party's access to the District's education program or activity. (34 CFR 106.44)

Emergency Removal from School

A student shall not be disciplined for alleged sex discrimination, including sex-based harassment, under Title IX until the investigation has been completed. However, on an emergency basis, the District may remove a student from the District's education program or activity, provided that the District conducts an individualized safety and risk analysis, determines that removal is justified due to an imminent and serious threat to the health or

**TITLE IX SEX DISCRIMINATION AND SEX-BASED ~~SEXUAL HARASSMENT~~
COMPLAINT PROCEDURES** (continued)

safety of a complainant or any student, employee, or other individual arising from the allegations, and provides the respondent with notice and an opportunity to challenge the decision immediately following the removal. This authority to remove a student does not modify a student's rights under the IDEA or Section 504 of the Rehabilitation Act of 1973. (34 CFR 106.44)

~~On an emergency basis, the District may remove a student from the District's education program or activity, provided that the District conducts an individualized safety and risk analysis, determines that removal is justified due to an immediate threat to the physical health or safety of any student or other individual arising from the allegations, and provides the student with notice and an opportunity to challenge the decision immediately following the removal. This authority to remove a student does not modify a student's rights under the Individuals with Disabilities Education Act or Section 504 of the Rehabilitation Act of 1973. (34 CFR 106.44)~~

If a District employee is the respondent, the employee may be placed on administrative leave during the pendency of the formal complaint process. (34 CFR 106.44)

Dismissal of Complaint

The Title IX Coordinator or designee may dismiss a complaint if: (34 CFR 106.45)

1. The District is unable to identify the respondent after taking reasonable steps to do so
2. The respondent is not participating in the District's education program or activity and is not employed by the District
3. The District determines that the conduct alleged in the complaint, even if proven, would not constitute sex discrimination, including sex-based harassment, under Title IX

Before dismissing the complaint, the Title IX Coordinator shall make reasonable efforts to clarify the allegations with the complainant.

4. The complainant voluntarily withdraws any or all of the allegations in the complaint, the Title IX Coordinator declines to initiate a complaint, and the Title IX Coordinator determines that, without the complainant's withdrawn allegations, the conduct that remains alleged in the complaint, if any, would not constitute sex discrimination, including sex-based harassment, under Title IX, even if proven

The Title IX Coordinator shall determine whether to dismiss or investigate any complaint of sex discrimination, including sex-based harassment, within 10 business days, unless such timeline is extended in accordance with this administrative regulation.

**TITLE IX SEX DISCRIMINATION AND SEX-BASED SEXUAL HARASSMENT
COMPLAINT PROCEDURES** (continued)

~~The Title IX Coordinator shall dismiss a formal complaint if the alleged conduct would not constitute sexual harassment as defined in 34 CFR 106.30 even if proved. The Title IX Coordinator shall also dismiss any complaint that did not occur in the District's education program or activity or did not occur against a person in the United States, and may dismiss a formal complaint if the complainant notifies the District in writing that the complainant would like to withdraw the complaint or any allegations in the complaint, the respondent is no longer enrolled or employed by the District, or sufficient circumstances prevent the District from gathering evidence sufficient to reach a determination with regard to the complaint. (34 CFR 106.45)~~

Upon dismissal, the Title IX Coordinator shall promptly **notify the complainant of the dismissal and the reasons for the dismissal.** ~~, and simultaneously to the parties, send written notice of the dismissal and the reasons for the dismissal.~~ **Additionally, if the dismissal occurs after the respondent has been notified of the allegations, the Title IX Coordinator shall provide such notification to the respondent, which shall occur simultaneously to both parties if the notification is in writing. The Title IX Coordinator shall also inform the complainant, and the respondent if the dismissal occurs after the respondent has been notified of the allegations, of their right to appeal. Dismissals may be appealed on the following bases: (34 CFR 106.45)**

1. A procedural irregularity that would change the outcome
2. New evidence that would change the outcome and that was not reasonably available when dismissal was made
3. The Title IX Coordinator, investigator, or decision-maker had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that would change the outcome

If the dismissal is appealed, the District shall: (34 CFR 106.45)

1. Notify the parties of any appeal, including notice of the allegations, if notice was not previously provided to the respondent
2. Implement appeal procedures equally for the parties
3. Ensure that the decision-maker for the appeal did not take part in an investigation of the allegations or dismissal of the complaint
4. Ensure that the decision-maker for the appeal has been trained consistent with the Title IX regulations
5. Provide the parties a reasonable and equal opportunity to make a statement in support of, or challenging, the outcome

**TITLE IX SEX DISCRIMINATION AND SEX-BASED ~~SEXUAL HARASSMENT~~
COMPLAINT PROCEDURES** (continued)

6. Notify the parties of the result of the appeal and the rationale for the result

If a complaint is dismissed, the Title IX Coordinator or designee shall offer supportive measures as described above in “Supportive Measures” to the complainant. Additionally, the respondent shall be offered supportive measures if the complaint was dismissed because the complainant, voluntarily withdrew any or all of the allegations in the complaint and the District determined that without the withdrawn allegations the conduct, even if proven, would not constitute sex discrimination, including sex-based harassment, under Title IX, or if the complaint was dismissed because the District determined, after taking reasonable efforts to clarify the allegations of the complaint, that the alleged conduct would not constitute sex discrimination, including sex-based harassment, even if proven. The Title IX Coordinator shall also take other appropriate prompt and effective steps to ensure that sex discrimination, including sex-based harassment, does not continue or recur within the District’s education program or activity. (34 CFR 106.45) ~~on the grounds that the alleged conduct does not constitute sexual harassment as defined in 34 CFR 106.30, the conduct may still be addressed pursuant to BP/AR 1312.3 – Uniform Complaint Procedures as applicable.~~

If a complaint is dismissed, the conduct may still be addressed pursuant to Board Policy/Administrative Regulation 1312.3- Uniform Complaint Procedures as applicable.

Informal Resolution Process

At any time prior to determining whether sex discrimination, including sex-based harassment, occurred under the complaint procedures specified in 34 CFR 106.45, the District may offer, if it is determined to be appropriate upon receiving information about conduct that reasonably may constitute sex discrimination under Title IX or when a complaint of sex discrimination is made, an informal resolution process, such as mediation, to the complainant and respondent. However, the District shall not offer an informal resolution process if the complaint alleges that an employee engaged in sex-based harassment of an elementary or secondary school student or that such process would conflict with federal, state, or local law. (34 CFR 106.44)

The District shall not require or pressure a party to participate in the informal resolution process, or to waive the right to an investigation and determination of a complaint as a condition of participation in the District’s education program or activity, or exercise of any other right. The District may decline to offer an informal resolution process including, but not limited to, when the District determines that the alleged conduct would present a future risk of harm to others. (34 CFR 106.44)

The District may facilitate an informal resolution process provided that the District, prior to initiating such process: (34 CFR 106.44)

~~When a formal complaint of sexual harassment is filed, the District may offer an informal resolution process, such as mediation, at any time prior to reaching a determination regarding~~

**TITLE IX SEX DISCRIMINATION AND SEX-BASED SEXUAL HARASSMENT
COMPLAINT PROCEDURES** (continued)

~~responsibility. The District shall not require a party to participate in the informal resolution process or to waive the right to an investigation and adjudication of a formal complaint. (34 CFR 106.45)~~

~~The District may facilitate an informal resolution process provided that the District: (34 CFR 106.45)~~

1. Provides the parties with written notice disclosing the allegations, the requirements of the informal resolution process; the right to withdraw from the informal process and resume the formal complaint process; ~~the inability to initiate or resume complaint procedures arising from the same allegations once the informal resolution process is concluded; the potential terms that may be requested or offered in an informal resolution agreement, including that the agreement would only be binding on the parties; and the information that the District will maintain and whether and how the District could disclose such information for use in Title IX grievance procedures if such procedures are initiated or resumed~~ any consequences resulting from participating in the informal resolution process, including that records will be maintained or could be shared.
2. Obtains the parties' voluntary, ~~written~~ consent to the informal resolution process
3. Does not offer or facilitate an informal resolution process to resolve allegations that an employee sexually harassed a student

~~The Title IX Coordinator or designee shall ensure that the facilitator of the informal resolution process is not the same person as the investigator or decision-maker of any ongoing or newly initiated complaint process specified in 34 CFR 106.45, does not have a conflict of interest or bias for or against complaints or respondents generally or an individual complainant or respondent, and receives training in accordance with 34 CFR 106.8. (34 CFR 106.44) If the District' facilitates an informal resolution process, the Title IX Coordinator shall, to the extent necessary, take other appropriate prompt and effective steps to ensure that sex discrimination, including sex-based harassment, does not continue or recur within the District' education program or activity. (34 CFR 106.45)~~

Formal Complaint Process ~~Notice of Allegations~~

~~If the District initiates a formal Title IX investigation, complaint is filed, the Title IX Coordinator or designee shall provide the known parties with written notice of the following: (34 CFR 106.45)~~

1. The District's complaint process, including any informal resolution process

TITLE IX SEX DISCRIMINATION AND SEX-BASED SEXUAL HARASSMENT
COMPLAINT PROCEDURES (continued)

2. Sufficient information, available at the time, to allow parties to respond to the allegations, including, to the extent available, the identity of parties involved in the incident(s), the conduct allegedly constituting sex discrimination, including sex-based harassment, and the date(s) and location(s) of the alleged incident. ~~The allegations potentially constituting sexual harassment with sufficient details known at the time, including the identity of parties involved in the incident if known, the conduct allegedly constituting sexual harassment, and the date and location of the alleged incident if known.~~

Such notice shall be provided with sufficient time for the parties to prepare a response before any initial interview.

If, during the course of the investigation, ~~new Title IX allegations arise~~ the District investigates allegations about the complainant or respondent that are not included in the initial notice, the Title IX Coordinator shall provide notice of the additional allegations to the parties.

3. A statement that ~~retaliation is prohibited~~
4. A statement that the parties are entitled to an equal opportunity to access the relevant and not otherwise impermissible evidence or an accurate description of such evidence as specified ~~respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the complaint process~~
- ~~4. The opportunity for the parties to have an advisor of their choice who may be, but is not required to be, an attorney, and the ability to inspect and review evidence~~
- ~~5. The prohibition against knowingly making false statements or knowingly submitting false information during the complaint process~~

The above notice ~~may~~ shall also include the name of the investigator, facilitator of an informal process, and decision-maker and shall ~~inform the parties that, if at any time a party has concerns regarding conflict of interest or bias regarding any of these persons, the party should immediately notify the Title IX Coordinator or designee.~~ provide either party with no less than three calendar days to raise concerns of conflict of interest or bias regarding any of these persons.

Consolidation of Complaints

The District may consolidate complaints of sex discrimination, including sex-based harassment, against more than one respondent; by more than one complainant against one or more respondents; or by one party against another party, when the allegations of sex

**TITLE IX SEX DISCRIMINATION AND SEX-BASED SEXUAL HARASSMENT
COMPLAINT PROCEDURES** (continued)

discrimination, including sex-based harassment, arise out of the same facts or circumstances. (34 CFR 106.45)

Investigation Procedures

The District shall provide for adequate, reliable, and impartial investigation of complaints. (34 CFR 106.45)

During the investigation process, the District's **designated investigator** shall: (34 CFR 106.45)

1. Provide an equal opportunity for the parties to present **fact** witnesses, ~~including fact and expert witnesses,~~ and other inculpatory and exculpatory evidence **that is relevant and not otherwise impermissible**
2. **Review all evidence gathered through the investigation and determine which evidence is relevant and which evidence is impermissible regardless of relevance** ~~Not restrict the ability of either party to discuss the allegations under investigation or to gather and present relevant evidence~~
3. Provide ~~each the party parties with an equal the same opportunities~~ **opportunity** to access evidence that is relevant, and not otherwise impermissible, to the allegations of **sex discrimination, including sex-based harassment, by:** ~~have others present during any grievance proceeding, including the opportunity to be accompanied to any related meeting or proceeding by the advisor of their choice, who may be, but is not required to be, an attorney~~
 - a. Providing an equal opportunity to access either the relevant and not otherwise impermissible evidence or an accurate description of such evidence

If an accurate description is provided, the District shall, upon request of any party, provide the parties with an equal opportunity to access the relevant and permissible evidence.
 - b. Providing a reasonable opportunity to respond to the evidence or to the accurate description of the evidence
 - c. Taking reasonable steps to prevent and address the parties' unauthorized disclosure of information and evidence obtained solely through the grievance procedures
4. Take reasonable steps to protect the privacy of parties and witnesses which do not restrict the ability of the parties to obtain and present evidence, including, by speaking to witnesses; consulting with family members, confidential resources, or advisors; or

**TITLE IX SEX DISCRIMINATION AND SEX-BASED SEXUAL HARASSMENT
COMPLAINT PROCEDURES** (continued)

~~otherwise preparing for or participating in the grievance procedures. Not limit the choice or presence of an advisor for either the complainant or respondent in any meeting or grievance proceeding, although the District may establish restrictions regarding the extent to which the advisor may participate in the proceedings as long as the restrictions apply equally to both parties.~~

5. ~~Objectively evaluate all evidence that is relevant and not otherwise impermissible, including both inculpatory and exculpatory evidence, including that credibility determinations will not be based on a person's status as complainant, respondent, or witness. Provide, to a party whose participation is invited or expected, written notice of the date, time, location, participants, and purpose of all investigative interviews or other meetings, with sufficient time for the party to prepare to participate.~~
6. ~~Exclude as impermissible the following types of evidence, and questions seeking that evidence: Send in an electronic format or hard copy to both parties and their advisors, if any, the evidence that is directly related to the allegations raised in the complaint, and provide the parties at least 10 days to submit a written response for the investigator to consider prior to the completion of the investigative report.~~
 - a. ~~Evidence that is protected under a privilege recognized by state or federal law or evidence that is provided to a confidential employee, unless the person to whom the privilege or confidentiality is owed has voluntarily waived the privilege.~~
 - b. ~~A party's or witness's records that are made or maintained by a physician, psychologist, or other recognized professional or paraprofessional in connection with the provision of treatment to the party or witness, unless the District obtains that party's or witness's voluntary, written consent for use in its grievance procedures.~~
 - c. ~~Evidence that related to the complainant's sexual interests or prior sexual conduct, unless evidence about the complainant's prior sexual conduct is offered to prove that someone other than the respondent committed the alleged conduct or is evidence about specific incidents of the complainant's prior sexual conduct with the respondent that is offered to prove consent to the alleged sex-based harassment.~~

~~The fact of prior consensual sexual conduct between the complainant and respondent does not by itself demonstrate or imply the complainant's consent to the alleged sex-based harassment or preclude determination that sex-based harassment occurred.~~

- ~~7. Objectively evaluate all relevant evidence, including both inculpatory and exculpatory evidence, and determine credibility in a manner that is not based on a person's status as a complainant, respondent, or witness.~~

**TITLE IX SEX DISCRIMINATION AND SEX-BASED SEXUAL HARASSMENT
COMPLAINT PROCEDURES (continued)**

- ~~8. Create an investigative report that fairly summarizes relevant evidence and, at least 10 days prior to the determination of responsibility, send to the parties and their advisors, if any, the investigative report in an electronic format or a hard copy, for their review and written response~~
- ~~9. After sending the investigative report to the parties and before reaching a determination regarding responsibility, afford each party the opportunity to submit written, relevant questions that the party wants asked of any party or witness, provide each party with the answers, and allow for additional, limited follow up questions from each party~~

~~Questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence are offered to prove that someone other than the respondent committed the conduct alleged by the complainant or if the questions and evidence concern specific incidents of the complainant's prior sexual behavior with respect to the respondent and are offered to prove consent.~~

~~Privacy rights of all parties to the complaint shall be maintained in accordance with applicable state and federal laws.~~

~~If the complaint is against an employee, rights conferred under an applicable collective bargaining agreement shall be applied to the extent they do not conflict with the Title IX requirements.~~

The District shall ensure that the decision-maker is able to question parties and witnesses adequately to assess a party's or witness's credibility to the extent credibility is both in dispute and relevant to evaluating one or more allegations of sex-based harassment. (34 CFR 106.45)

If the complaint is against an employee, rights conferred under an applicable collective bargaining agreement shall be applied to the extent they do not conflict with the Title IX requirements.

The investigator shall complete the investigation within 150 days after the Title IX Coordinator determines to proceed with an investigation, unless such timeline is extended in accordance with this administrative regulation.

Written Decision

The Superintendent shall designate an employee as the decision-maker to determine responsibility for the alleged conduct, who may ~~shall not~~ be the Title IX Coordinator or designee or the investigator so long as there is no conflict of interest or bias. ~~a person involved in the investigation of the matter.~~ (34 CFR 106.45)

**TITLE IX SEX DISCRIMINATION AND SEX-BASED SEXUAL HARASSMENT
COMPLAINT PROCEDURES** (continued)

Following an investigation and evaluation of all relevant and not otherwise impermissible evidence, the District shall: (34 CFR 106.45)

1. Use the preponderance of the evidence standard of proof to determine whether sex discrimination, including sex-based harassment, has occurred
2. Notify the parties in writing of the determination of where sex discrimination, including sex-based harassment, occurred

The notification shall include the rationale for such determination and the procedures and permissible bases for the complainant and respondent to appeal, if applicable.

~~The decision maker shall issue, and simultaneously provide to both parties, a written decision as to whether the respondent is responsible for the alleged conduct. (34 CFR 106.45)~~

~~The written decision shall be issued within 15045 calendar days after the investigation is completed, unless such time is extended in accordance with this administrative regulation of the receipt of the complaint.~~

~~The timeline may be temporarily extended for good cause with written notice to the complainant and respondent of the extension and the reasons for the action. (34 CFR 106.45)~~

~~In making this determination, the District shall use the "preponderance of the evidence" standard for all formal complaints of sexual harassment. The same standard of evidence shall be used for formal complaints against students as for complaints against employees. (34 CFR 106.45)~~

~~The written decision shall include the following: (34 CFR 106.45)~~

- ~~1. Identification of the allegations potentially constituting sexual harassment as defined in 34 CFR 106.30~~
- ~~2. A description of the procedural steps taken from receipt of the formal complaint through the written decision, including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, and hearings held if the District includes hearings as part of the grievance process~~
- ~~3. Findings of fact supporting the determination~~

**TITLE IX SEX DISCRIMINATION AND SEX-BASED SEXUAL HARASSMENT
COMPLAINT PROCEDURES** (continued)

4. ~~Conclusions regarding the application of the District's code of conduct to the facts~~
5. ~~A statement of, and rationale for, the result as to each allegation, including a decision regarding responsibility, any disciplinary sanctions the District imposes on the respondent, and whether remedies designed to restore or preserve equal access to the District's educational program or activity will be provided by the District to the complainant~~
6. ~~The District's procedures and permissible bases for the complainant and respondent to appeal~~

Appeals of the Decision

Either party may appeal the District's decision ~~or dismissal~~ of a formal complaint or any allegation in the complaint, ~~if the party believes that a procedural irregularity affected the outcome, new evidence is available that could affect the outcome, or a conflict of interest or bias by the Title IX Coordinator, investigator(s), or decision maker(s) affected the outcome.~~ If an appeal is filed, ~~the District shall:~~ (34 CFR 106.45)

When conducting an appeal, the District shall permit a final appeal to the Governing Board using a process that is in accordance with law and otherwise consistent with the appeal process as specified in Administrative Regulation 1312.3 – Uniform Complaint Procedures.

Either party has the right to file a complaint with the U.S. Department of Education's Office for Civil Rights within 180 days of the date of the most recently alleged misconduct.

The complainant shall be advised of any civil law remedies, including, but not limited to, injunctions, restraining orders, or other remedies or orders that may be available under state or federal antidiscrimination laws, if applicable.

1. ~~Notify the other party in writing when an appeal is filed and implement appeal procedures equally for both parties~~
2. ~~Ensure that the decision maker(s) for the appeal is trained in accordance with 34 CFR 106.45 and is not the same decision maker(s) who reached the determination regarding responsibility or dismissal, the investigator(s), or the Title IX Coordinator~~
3. ~~Give both parties a reasonable, equal opportunity to submit a written statement in support of, or challenging, the outcome.~~
4. ~~Issue a written decision describing the result of the appeal and the rationale for the result~~

**TITLE IX SEX DISCRIMINATION AND SEX-BASED SEXUAL HARASSMENT
COMPLAINT PROCEDURES** (continued)

~~5. Provide the written decision simultaneously to both parties~~

~~An appeal must be filed in writing within 10 calendar days of receiving the determination, stating the grounds for the appeal and including any relevant documentation in support of the appeal. Appeals submitted after this deadline are not timely and shall not be considered. Either party has the right to file a complaint with the U.S. Department of Education's Office for Civil Rights.~~

~~A written decision shall be provided to the parties within 20 calendar days from the receipt of the appeal.~~

Extension of Timelines

Any timelines specified in this administrative regulation may be extended by the District for good cause, with written notice to the parties. The written notice shall specify the reasons for the extension. (34 CFR 106.45)

Remedies

~~When there is a determination that of responsibility for sexual discrimination, including sex-based harassment, has occurred, the Title IX Coordinator shall coordinate the provision and implementation of remedies to the complainant and other persons the District identifies as having had equal access to the District's education program or activity limited or denied by sex discrimination, including sex-based harassment; coordinate the imposition of any disciplinary sanctions on a respondent described in "Disciplinary Actions" below, including notification to the complainant of any such disciplinary actions; and take other appropriate prompt and effective steps to ensure that sex discrimination, including sex-based harassment, does not continue or recur within the District's education program or activity. harassment has been made against the respondent, the District shall provide remedies to the complainant. Such remedies may include the same individualized services described above in the section "Supportive Measures," but need not be nondisciplinary or nonpunitive and need not avoid burdening the respondent. (34 CFR 106.45)~~

Corrective/Disciplinary Actions

The District shall not impose any disciplinary sanctions or other actions against a respondent, other than supportive measures as described above in the section "Supportive Measures," until the complaint procedure has been completed and a determination of responsibility has been made. (34 CFR 106.44)

For students in grades 4-12, discipline for sexual harassment may include suspension and/or expulsion. After the completion of the complaint procedure, if it is determined that a student at any grade level has committed sexual assault or sexual battery at school or at a school

**TITLE IX SEX DISCRIMINATION AND SEX-BASED ~~SEXUAL HARASSMENT~~
COMPLAINT PROCEDURES** (continued)

activity off school grounds, the principal or Superintendent shall immediately suspend the student and shall recommend expulsion. (Education Code 48900.2, 48915)

(cf. 5144—Discipline)

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

Other actions that may be taken with a student who is determined to be responsible for **sex discrimination and/or sex-based harassment** ~~sexual harassment~~ include, but are not limited to:

1. Transfer from a class or school as permitted by law
2. Parent/guardian conference
3. Education of the student regarding the impact of the conduct on others
4. Positive behavior support
5. Referral of the student to a student success team

(cf. 6164.5—Student Success Teams)

6. Denial of participation in extracurricular or cocurricular activities or other privileges as permitted by law

(cf. 6145—Extracurricular and Cocurricular Activities)

When an employee is found to have committed **sex discrimination, including sex-based harassment**, ~~sexual harassment~~ or retaliation, the District shall take appropriate disciplinary action, up to and including dismissal, in accordance with applicable law and collective bargaining agreement.

The District shall not discipline a party, witness, or others participating in the grievance procedures for making a false statement or for engaging in consensual sexual conduct based solely on the District's determination of whether sex discrimination, including sex-based harassment, occurred. (34 CFR 106.45)

(cf. 4117.7/4317.7—Employment Status Report)

(cf. 4118—Dismissal/Suspension/Disciplinary Action)

(cf. 4119.11/4219.11/4319.11—Sexual Harassment)

(cf. 4218—Dismissal/Suspension/Disciplinary Action)

Record-Keeping

The Superintendent or designee shall maintain, for **at least** a period of seven years: **(34 CFR 106.45)** ~~a record of all reported cases and Title IX investigations of sexual harassment, any determinations of responsibility, any audio or audiovisual recording and transcript if~~

**TITLE IX SEX DISCRIMINATION AND SEX-BASED SEXUAL HARASSMENT
COMPLAINT PROCEDURES** (continued)

~~applicable, any disciplinary sanctions imposed, any remedies provided to the complainant, any appeal or informal resolution and the results therefrom, and responses made pursuant to 34 CFR 106.44. (34 CFR 106.45)~~

1. For each complaint of sex discrimination, including sex-based harassment, records documenting any informal resolution process or formal investigation procedures
2. For each notification the Title IX Coordinator or designee receives of information about conduct that reasonably may constitute sex discrimination under Title IX, including sex-based harassment, records documenting the actions taken to fulfill the District's obligations as specified in 34 CFR 106.44, including supportive measures offered and implemented
3. All materials used to train District employees; the Title IX Coordinator and designee(s); investigator(s), decision-maker(s), and other person(s) who are responsible for implementing the District's grievance procedures or have the authority to modify or terminate supportive measures; and any person who facilitates an informal resolution process

The District shall make such training materials available upon request by members of the public.

For complaints containing allegations of childhood sexual assault, the Superintendent or designee shall also indefinitely maintain the following: (Code of Civil Procedures 340.1):

1. A record of the allegation(s)
2. A record of the investigation procedures followed
3. A record of the written determination
4. A record of the corrective action implemented, if any
5. A record of any appeals and the outcome of the same
6. All training materials addressing the prohibition and investigation of childhood sexual assault

~~The Superintendent or designee shall also maintain for a period of seven years all materials used to train the Title IX Coordinator, investigator(s), decision maker(s), and any person who facilitates an informal resolution process. The District shall make such training materials publicly available on its web site, or if the District does not maintain a web site, available upon request by members of the public. (34 CFR 106.45)~~

**TITLE IX SEX DISCRIMINATION AND SEX-BASED SEXUAL HARASSMENT
COMPLAINT PROCEDURES (continued)**

Legal Reference:

EDUCATION CODE

200 262.4 Prohibition of discrimination on the basis of sex

48900 Grounds for suspension or expulsion

48900.2 Additional grounds for suspension or expulsion; sexual harassment

48985 Notices, report, statements and records in primary language

CIVIL CODE

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

1714.1 Liability of parents/guardians for willful misconduct of minor

GOVERNMENT CODE

12950.1 Sexual harassment training

CODE OF REGULATIONS, TITLE 5

4600 4670 Uniform complaint procedures

4900 4965 Nondiscrimination in elementary and secondary education programs

UNITED STATES CODE, TITLE 20

1092 Definition of sexual assault

1221 Application of laws

1232g Family Educational Rights and Privacy Act

1681 1688 Title IX of the Education Amendments of 1972

UNITED STATES CODE, TITLE 34

12291 Definition of dating violence, domestic violence, and stalking

UNITED STATES CODE, TITLE 42

1983 Civil action for deprivation of rights

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

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

CODE OF FEDERAL REGULATIONS, TITLE 34

99.1 99.67 Family Educational Rights and Privacy

106.1 106.82 Nondiscrimination on the basis of sex in education programs

COURT DECISIONS

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

Flores v. Morgan Hill Unified School District, (2003, 9th Cir.) 324 F.3d 1130

Reese v. Jefferson School District, (2000, 9th Cir.) 208 F.3d 736

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

Gebser v. Lago Vista Independent School District, (1998) 524 U.S. 274

Oona by Kate S. v. McCaffrey, (1998, 9th Cir.) 143 F.3d 473

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

Management Resources:

CSBA PUBLICATIONS

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

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

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

Q&A on Campus Sexual Misconduct, September 2017

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

Dear Colleague Letter: Title IX Coordinators, April 2015

Sexual Harassment: It's Not Academic, September 2008

TITLE IX SEX DISCRIMINATION AND SEX-BASED SEXUAL HARASSMENT
COMPLAINT PROCEDURES (continued)

Revised Sexual Harassment Guidance: Harassment of Students by School Employees, Other Students, or Third Parties, January 2001

WEB SITES

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

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

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

State References

5 CCR 4600-4670

5 CCR 4900-4965

Civ. Code 1714.1

Civ. Code 51.9

Ed. Code 200-262.4

Ed. Code 200-270

Ed. Code 48900

Ed. Code 48900.2

Ed. Code 48985

Gov. Code 129.50.1

Federal References

20 USC 1092

20 USC 1221

20 USC 1232g

20 USC 1681-1688

34 CFR 106.1-106.82

34 CFR 99.1-99.67

34 USC 12291

42 USC 1983

42 USC 2000d-2000d-7

42 USC 2000e-2000e-17

U.S. DOJ, FBI Publication

Court Decision

Description

Uniform complaint procedures

Nondiscrimination in elementary and secondary educational programs receiving state or federal financial assistance

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

Liability for sexual harassment; business; service and professional relationships

Prohibition of discrimination

Prohibition of discrimination

Grounds for suspension or expulsion

Additional grounds for suspension or expulsion; sexual harassment

Notices to parents in language other than English

Sexual harassment training

Description

Definition of sexual assault

Application of laws

Family Education Rights and Privacy Act (FERPA) of 1974

Title IX of the Education Amendments of 1972; discrimination based on sex

Nondiscrimination on the basis of sex in education programs

Family Educational Rights and Privacy

Definition of dating violence, domestic, violence, and stalking

Civil action for deprivation of rights

Title VI. Civil Rights Act of 1964

Title VII. Civil Right Act of 1964, as amended

National Incident- Based Reporting System

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

**TITLE IX SEX DISCRIMINATION AND SEX-BASED SEXUAL HARASSMENT
COMPLAINT PROCEDURES** (continued)

Management Resources References

	Description
Court Decision	Doe v. Petaluma City School District (1995, 9 th Cir.) 54 F.3d 1447
Court Decision	Gebser v. Lago Vista Independent School District (1998) 524 U.S. 274
Court Decision	Oona by Kate S. v. McCaffrey (1998, 9 th Cir.) 143 F. 3d 473
Court Decision	Reese v. Jefferson School District (2000, 9 th Cir.) 208 F. 3d 736
Court Decision	Donovan v. Poway Unified School District (2008) 167 Cal.App. 4 th 567
Court Decision	Flores v. Morgan Hill Unified School District (2003, 9 th Cir.) 324.F.3d 1130
CSBA Publication	Providing a Safe, Nondiscriminatory School Environment for Transgender and Gender-Nonconforming Students, Policy Brief, February 2014
CSBA Publication	Safe Schools: Strategies for Governing Boards to Ensure Student Success, 2011
Federal Register	Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance, April 29, 2014, Vol. 89. NO.83, pages 33474-33896
U.S. DOE, Office for Civil Rights Publication	Sexual Harassment; It's Not Academic, September 2008
U.S. DOE, Office for Civil Rights Publication	Examples of Policies and Emerging Practices of Supporting Transgender Students, May 2016
Website	U.S. Department of Justice, Federal Bureau of Investigation
Website	CSBA District and County Office of Education Legal Services
Website	California Department of Education
Website	CSBA
Website	U.S. Department of Education, Office of Civil Rights
Website	U.S. Department of Education, Office of Civil Rights

Cross References-Codes

	Description
0410	Nondiscrimination In District Programs And Activities
1312.3	Uniform Complaint Procedures
1312.3-E(1)	Uniform Complaint Procedures

TITLE IX SEX DISCRIMINATION AND SEX-BASED SEXUAL HARASSMENT
COMPLAINT PROCEDURES (continued)

Cross References-Codes (continued)

1312.3-E(2)	Uniform Complaint Procedures
1313	Civility
3552	Summer Meal Programs
3580	District Records
4030	Nondiscrimination in Employment
4117.7	Employment Status Reports
4118	Dismissal/Suspension/ Disciplinary Action
4119.11	Sex Discrimination and Sex-Based Harassment
4131	Staff Development
4218	Dismissal/Suspension/Disciplinary Action
4219.11	Sex Discrimination and Sex-Based Harassment
4317.7	Employment Status Reports
4319.11	Sex Discrimination and Sex-Based Harassment
5030	Student Wellness
5141.4	Child Abuse Prevention And Reporting
5141.52	Suicide Prevention
5144	Discipline
51441.1	Suspension And Expulsion/Due Process
5145.3	Nondiscrimination/Harassment
5145.7	Sex Discrimination and Sex-Based Harassment
5145.9	Hate-Motivated Behavior
5146	Married/Pregnant/Parenting Students
6145	Extracurricular Activities
6159	Individualized Education Program
6164.5	Student Success Teams
6164.6	Identification And Education Under Section 504
5144.1	Suspension And Expulsion/ Due Process
5145.3	Nondiscrimination/Harassment
5145.7	Sex Discrimination and Sex-Based Harassment
5145.9	Hate-Motivated Behavior
5146	Married/Pregnant/Parenting Students
6145	Extracurricular And Cocurricular Activities
6159	Individualized Education Program
6164.5	Student Success Teams
6164.6	Indentification And Education Under Section 504

Students

E(1) 5145.71(a)

Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures

NOTICE OF TITLE IX NONDISCRIMINATION

The Code of Federal Regulations, Title 34, Section 106.8 requires the District to issue the following notification to students at all grade levels, and their parents/guardians or other authorized legal representative: The District does not discriminate on the basis of sex and prohibits sex discrimination, including sex-based harassment, in any education program or activity that it operates. The prohibition against discrimination on the basis of sex is required by federal law (20 USC 1681-1688; 34 CFR Part 106) and extends to employment. The District also prohibits retaliation against any student for filing a complaint or exercising any right granted under Title IX.

The District is required, as specified in Title IX, to take prompt, and equitable action to address any potential Title IX violations that are brought to its attention. Any inquiries about the application of Title IX, this notice, and who is protected by Title IX may be referred to the District's Title IX Coordinator, to the Assistant Secretary for Civil Rights of the U.S. Department of Education, or both.

The District has designated and authorized the following employee(s) as the District's Title IX Coordinator to address concerns or inquiries regarding discrimination on the basis of sex, including sex-based harassment:

Student Services Coordinator
350 W. Brookside Avenue
Beaumont, CA 92223
(951) 845-1631
afernandes@beaumontusd.k12.ca.us

Any individual may report sex discrimination, including sex-based harassment, to the Title IX Coordinator or any other school employee at any time, including during non-business hours, by mail, phone, or email. During District business hours, reports may also be made in person. Upon receiving an allegation of sex harassment, including sex-based harassment, the Title IX Coordinator will promptly notify the parties, in writing, of the applicable District complaint procedure.

To view an electronic copy of the District's policies and administrative regulations on sex discrimination, including sex-based harassment, including the grievance process that complies with 34 CFR 106.45, please see Board Policy and Administrative Regulation 5145.7 - Sex Discrimination and Sex-Based Harassment and Administrative Regulation 5145.71 - Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures on the District's website at beaumontusd.us/apps/pages/titleix.

Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures

To inspect or obtain a copy of the District's sex discrimination and sex-based harassment policies and administrative regulations, please contact:

Student Services Coordinator
350 W. Brookside Avenue
Beaumont, CA 92223
(951) 845-1631
afernandes@beaumontusd.k12.ca.us

Materials used to train employees; the Title IX Coordinator; investigator(s), decision-maker(s), and other person(s) who are responsible for implementing the District's grievance procedures or have the authority to modify or terminate supportive measures; and any person(s) who facilitates an informal resolution process, are also publicly available on the District's website or at the District office upon request.

Policy Reference Disclaimer:

These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the Board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State

5 CCR 4600-4670

5 CCR 4900-4965

Civ. Code 1714.1

Civ. Code 51.9

Ed. Code 200-262.4270

Ed. Code 200-262.4

Ed. Code 48900

Ed. Code 48900.2

Ed. Code 48985

Gov. Code 12950.1

Description

Uniform complaint procedures

Nondiscrimination in elementary and secondary educational programs receiving state or federal financial assistance

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

Liability for sexual harassment; business, service and professional relationships

Prohibition of discrimination on the basis of sex

Prohibition of discrimination

Grounds for suspension or expulsion

Additional grounds for suspension or expulsion; sexual harassment

Notices to parents in language other than English

Sexual harassment training

Federal

20 USC 1092

20 USC 1221

Description

Definition of sexual assault

Application of laws

Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures

Federal (continued)

20 USC 1232g	Family Educational Rights and Privacy Act (FERPA) of 1974
20 USC 1681-1688	Title IX of the Education Amendments of 1972; discrimination based on sex
34 CFR 106.1-106.82	Nondiscrimination on the basis of sex in education programs
34 CFR 99.1-99.67	Family Educational Rights and Privacy
34 USC 12291	Definition of dating violence, domestic violence, and stalking
42 USC 1983	Civil action for deprivation of rights
42 USC 2000d-2000d-7	Title VI, Civil Rights Act of 1964
42 USC 2000e-2000e-17	Title VII, Civil Rights Act of 1964, as amended

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Court Decision	Oona by Kate S. v. McCaffrey (1998, 9th Cir.) 143 F.3d 473
Court Decision	Reese v. Jefferson School District (2001, 9th Cir.) 208 F.3d 736
Court Decision	Donovan v. Poway Unified School District (2008) 167 Cal.App.4th 567
Court Decision	Flores v. Morgan Hill Unified School District (2003, 9th Cir.) 324 F.3d 1130
Federal Register	Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance May 19, 2020, Vol. 85, No. 97, pages 30026-30579 April 29, 2024, Vol. 89, No. 83, pages 33474-33896
U.S. Department of Justice, Federal Bureau of Investigation Publication	National Incident-Based Reporting System
CSBA Publication	Providing a Safe, Nondiscriminatory School Environment for Transgender and Gender-Nonconforming Students, Policy Brief, February 2014
CSBA Publication	Safe Schools: Strategies for Governing Boards to Ensure Student Success, 2011

Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures

Management Resources (continued)

U.S. DOE, Office for Civil Rights	Sexual Harassment: It's Not Academic, September 2008
U.S. DOE, Office for Civil Rights Publication	Q&A on Campus Sexual Misconduct, September 2017
Website	CSBA
Website	U.S. Department of Education, Office for Civil Rights
Website	U.S. Department of Justice, Federal Bureau of Investigation
U.S. DOE, Office for Civil Rights Publication	Revised Sexual Harassment Guidance: Harassment of Students by School Employees, Other Students, or Third Parties, January 2001
U.S. DOE, Office for Civil Rights Publication	Examples of Policies and Emerging Practices for Supporting Transgender Students, May 2016
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4119.11	Sexual Harassment
4131	Staff Development
4218	Dismissal/Suspension/Disciplinary Action
4219.11	Sexual Harassment
4317.7	Employment Status Reports
4319.11	Sexual Harassment
5030	Student Wellness
5141.4	Child Abuse Prevention And Reporting
5141.52	Suicide Prevention
5144	Discipline
5144.1	Suspension And Expulsion/Due Process

Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures

Cross References-Codes (continued)

5145.3	Nondiscrimination/Harassment
6145	Extracurricular And Cocurricular Activities
6159	Individualized Education Program
6164.5	Student Success Teams
6164.6	Identification And Education Under Section 504