



# EDUCATION IN REVIEW

## Annual Notification 2019-20 school year

Dear parent or guardian,

On behalf of the Board of Education I am pleased to present our Education in Review document. School districts are required to annually notify pupils, parents and guardians of their rights and responsibilities, pursuant to California Education Code Section 48980. An acknowledgement of receipt of this notice must be signed by the parent or guardian and returned to the school as required by Section 48982. Other sections of the Education Code require additional notifications. The law further requires that your signature be kept on file as verification that you have read your rights (Education Code Section 48980). A place for your signature has been provided on the "School Emergency Card." Your signature does not indicate consent for your child to participate in any program. Explanation regarding a particular code section may be requested of any school administrator. Please accept our appreciation for your assistance in helping us comply with these regulations.

Jerry Almendarez  
Superintendent

## INSTRUCTIONAL PROGRAM

### Right to refrain from harmful or destructive use of animals (Ed. Code 32255 and Ed. Code 32255.4)

Requires the district to notify pupils of their right to refrain from harmful or destructive use of animals. Companion sections (Ed. Code 32255 et seq.) further requires a pupil to notify his or her teacher regarding this

objection, which must be confirmed by a note from the parent. Permits teacher, upon notification, to assist the pupil to develop and agree upon an alternative. Prohibits teachers from being arbitrary or capricious. Permits pupils to pursue grievance procedures in existing law.

### Pupils with moral objections to dissection or otherwise harming or destroying animals: (Ed. Code 32255.1)

(a) Any pupil with a moral objection to dissecting or otherwise harming or destroying animals, or any parts thereof, shall notify his or her teacher regarding this objection.

(b) If the pupil chooses to refrain from participation in an education project involving the harmful or destructive use of animals, and if the teacher believes that an adequate alternative education project is possible, then the teacher may work with the pupil to develop and agree upon an alternate education project to provide the pupil an alternate avenue for obtaining the knowledge, information, or experience required by the course of study.

(c) The alternative education project shall require a comparable time and effort investment by the pupil. It shall not, as a means of penalizing the pupil, be more arduous than the original project.

(d) The pupil shall not be discriminated against based upon his or her decision to exercise his or her rights pursuant to this chapter.

(e) Pupils choosing an alternative educational project shall pass all examinations of the respective course of study to receive credit for that course of study. However, if tests require the harmful or destructive use

of animals, a pupil may, similarly, seek alternative tests.

(f) A pupil's objection to participating in an educational project shall be substantiated by a note from his or her parent or guardian.

### Alternative schools (Ed. Code 58501)

State law authorizes all school districts to provide for alternative schools. Section 58500 of the Education Code defines an alternative school as a school or separate class within a school which is operated in a manner designed to:

(a) Maximize the opportunity for students to develop the values of self-reliance, initiative, kindness, spontaneity, resourcefulness, courage, creativity, responsibility and joy.

(b) Recognize that the best learning takes place when the student learns because of his desire to learn.

(c) Maintain a learning situation maximizing student self-motivation and encouraging the student in his own time to follow his own interests.

(d) Maximize the opportunity for teachers, parents and students to cooperatively develop the learning process and its subject matter.

(e) Maximize the opportunity for the students, teachers and parents to continuously react to the changing world, including the community in which the school is located.

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

# Education Code and Board Policy Define Rights, Responsibilities

request the governing board of the district to establish alternative school programs in each district.

Further, a copy shall be posted in at least two places normally visible to pupils, teachers, and visiting parents in each attendance unit, for the entire month of March of each year.

## **Request by parent or guardian to establish program (Ed. Code 58502)**

The parent or guardian of any pupil may request the governing board of a school district to establish an alternative school program or programs in the district pursuant to this chapter.

## **Sexual equity, career counseling (Ed. Code 221.5)**

No school counselor shall, on the basis of the sex of a student, offer vocational or school program guidance to students of one sex that is different from that offered to students of the opposite sex, or, in counseling students, differentiate career, vocational or higher education opportunities on the basis of the sex of the student counseled. Any school personnel acting in a career counseling or course selection capacity to any pupil shall affirmatively explore with such pupil the possibility of careers, or courses leading to such careers, that are nontraditional for that pupil's sex. The parents or legal guardians of the pupil are hereby notified that they may participate in such counseling sessions and decisions in advance of career counseling and course selection for the seventh grade.

## **Regulations regarding absences for religious purposes (Ed. Code 46014)**

With the written consent of their parents or guardians, pupils may be excused from school to participate in religious exercises or to receive moral and religious instruction at their respective places of worship or at other suitable place or places away

from school property designated by the religious group, church, or denomination, which shall be in addition and supplementary to the instruction in manners and morals required elsewhere in this code. Such absence shall not be deemed an unqualified absence in computing average daily attendance, if all of the following conditions are complied with:

(a) The governing board of the district, in its discretion, shall first adopt a resolution permitting pupils to be absent from school for such exercises or instruction.

(b) The board shall adopt regulations governing the attendance of pupils at such exercises or instruction and the reporting thereof.

(c) Each excused pupil shall attend school at least the minimum school day for his grade for elementary schools, and as provided by the relevant provisions of the rules and regulations of the State Board of Education for secondary schools.

(d) No pupil shall be excused from school for such purpose more than four days per school month.

## **Grade reduction/loss of credit and excused absences (Ed. Code 48980(j), 48204, and 48205)**

No pupil may have his or her grade reduced or lose academic credit for any absence or absences excused pursuant to Education Code 48205 when missed assignments and tests that reasonably can be provided are satisfactorily completed within a reasonable period of time. Consistent school attendance is crucial to positive academic performance, and whenever possible medical and other appointments should be scheduled outside of school hours.

## **Excused pupil absences as defined by Education Code 48205:**

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

(1) Due to his or her illness.

(2) Due to quarantine under the direction of a county or city health officer.

(3) For the purpose of having medical, dental, optometrical, or chiropractic services rendered.

(4) For the purpose of attending funeral services of a member of his or her immediate family, so long as the absence is not more than one day if the services is in California and not more than three days if the services are out of state.

(5) For the purpose of jury duty in the manner provided for by law.

(6) Due to the illness or medical appointment during school hours of a child of whom the pupil is the custodial parent.

(7) For justifiable personal reasons, including, but not limited to, an appearance in court, attendance at a funeral service, observance of a holiday or ceremony of his or her religion, attendance at religious retreats, or attendance at an employment conference, or attendance at an educational conference on the legislative or judicial process offered by a non-profit organization, when the pupil's absence has been requested in writing by the parent or guardian and approved by the principal or designee pursuant to uniform standards established by the governing board.

(8) For the purpose of serving as a member of a precinct board for an election pursuant to Section 12302 of the Elections Code.

(9) For the purpose of spending time with a member of the pupil's immediate family, who is an active duty member of the uniformed services, as defined in EC § 49701, and has been called to duty for, is on leave from, or has immediately returned from deployment to a combat zone or combat support position. Absences granted pursuant to this paragraph shall be granted for a period of time to be determined at the

# Education Code and Board Policy Define Rights, Responsibilities

discretion of the superintendent of the school district.

(10) For the purpose of attending the pupil's naturalization ceremony to become a United States citizen.

(b) A pupil absent from school under this section shall be allowed to complete all assignments and tests missed during the absence that can be reasonably provided and, upon satisfactory completion within a reasonable period of time, shall be given full credit. Therefore, the teacher of any class from which a pupil is absent shall determine the tests and assignments shall be reasonably equivalent to, but not necessarily identical to, the tests and assignments that the pupil missed during the absence.

(c) For purposes of this section, attendance at religious retreats shall not exceed four hours per semester.

(d) Absences pursuant to this section are deemed to be absences in computing average daily attendance and shall not generate state apportionment payments.

(e) "Immediate family," as used in this section, has the same meaning as that set forth in Section 45194, except that references therein to "employee" shall be deemed to be references to "pupil."

## **Pupils with temporary disabilities; individual instruction (Ed. Code 48206.3, 48980b)**

(a) Except for the pupils receiving individual instruction provided pursuant to Section 48206.5, a pupil with a temporary disability which makes attendance in the regular day classes or alternative education program impossible or inadvisable shall receive individual instruction provided by the district of residence.

(b) For purposes of this section, the following means:

(1) "Individual instruction" is that provided to an individual pupil in a hospital or other residential health facility, excluding state hospitals, the

pupil's home, or other circumstances prescribed by regulations adopted by the State Board of Education.

(2) "Temporary disability" is a physical, mental, or emotional disability incurred while a pupil is enrolled in regular day classes or in an alternative education program, and after which the pupil can reasonably be expected to return to regular day classes or alternative program without special intervention. This definition shall not include a disability for which a pupil is identified as an individual with exceptional needs.

Pupils with temporary disabilities in hospitals outside of school district (Ed. Code 48207)

A pupil with a temporary disability who is in a hospital or other residential health facility, excluding a state hospital, which is located outside of the school district in which the pupil's parent or guardian resides shall be deemed to have complied with the residency requirements for school attendance in the school district in which the hospital is located.

## **Presence of pupils with temporary disabilities in qualifying hospitals (Ed. Code 48208)**

(a) It shall be the primary responsibility of the parent or guardian of a pupil with a temporary disability to notify the district in which the pupil is deemed to reside of the pupil's presence in a qualifying hospital.

(b) Upon receipt of notification pursuant to subdivision (a), the school district shall do all of the following:

(1) Within five working days of receipt of the notification, determine whether the pupil will be able to receive individualized instruction, and, if the determination is positive, when the individualized instruction may commence. Individualized instruction shall commence no later than five working days after the

positive determination has been rendered.

(2) Provide the pupil with individualized instruction. The district may enter into an agreement with the school district in which the pupil previously attended regular day classes or an alternative education program, to have the school district the pupil previously attended provide the pupil with individualized instruction.

(3) Within five working days of the commencement of individualized instruction, provide the school district in which the pupil previously attended regular day classes or an alternative education program with written notice that the pupil shall not be counted by that district for purposes of computing average daily attendance, effective the date on which individualized instruction began.

## **Foster pupils (Ed. Code 48850)**

Requires district's educational liaison to ensure pupils in foster care receive stable school placement that is in the best interest of the child, placement in least restrictive educational programs, access to academic resources, services, and extracurricular and enrichment activities available to all pupils, full and partial credits for coursework taken, and meaningful opportunities to meet state pupil academic achievement standards. Foster and homeless youth are allowed educational rights, such as: immediate enrollment, attendance at the school or origin, enrollment in local comprehensive school, partial credits, graduation with state minimum requirements and access to academic resources, services and extracurricular activities. Complaints alleging a violation of those rights may be filed under the Uniform Complaints Procedures.

# Education Code and Board Policy Define Rights, Responsibilities

## **The Every Child Succeeds Act (ESSA) and the McKinney Vento Act of 2001**

Ensure educational rights and protections for children experiencing homelessness. If you have uncertain housing, a temporary address or no permanent physical address, your child is guaranteed enrollment in school by the federal McKinney-Vento Act and California state law and will have access to all academic and other eligible programs.

It is the district's goal to be proactive in meeting the needs of its homeless population. Although funds and resources are limited, the CJUSD is committed to being sensitive to each family's situation and needs, to the immediate enrollment of homeless children. CJUSD will assist homeless families in obtaining medical or any other records required if necessary. The district also will strive to ensure equal access to all education and activity programs and to provide parents and students with information necessary for success in school and with any other services as per need and available resources.

If a dispute arises over school selection or enrollment, the student must be immediately enrolled in the school in which he/she is seeking placement pending the resolution of the dispute. The school should refer the parent or guardian to the District's homeless liaison at 909-580-6525.

## **Excuse from health, family life and sex education due to religious beliefs (Ed. Code 51240)**

Whenever any part of the instruction in health, family life education, and sex education conflicts with the religious training and beliefs of the parent or guardian of any pupil, the pupil, on written request of the parent or guardian, shall be excused from the part of the training which conflicts with such religious training and beliefs. As used in this section,

“religious training and beliefs” includes personal moral conviction.

## **Sex education (Ed. Code 51550)**

No pupil shall attend any class in which human reproductive organs and their functions and processes are described, illustrated or discussed, unless the parents or guardians of each pupil enrolled in such class shall be first notified in writing of the opportunity to review such instructional materials, and also notified in writing of the right to request in writing that the student not attend such class. Such request shall be valid for the school year but may be withdrawn by the parents or guardians at any time.

## **Fifth Grade Puberty/Hygiene**

Due to reduced staffing, CJUSD discontinued its program covering puberty and hygiene information with fifth graders through a video and discussion facilitated by school nurses, as of 2012-13.

## **California Comprehensive Sexual Health and HIV/AIDS Prevention Education Act (Ed. Code 51930-51937)**

The intent of this provision is to:

- (1) Provide students with the knowledge and skill to protect their sexual and reproductive health.
- (2) Encourage pupils to develop healthy attitudes concerning adolescent growth and development, body image, gender roles, sexual orientation, dating, marriage, and family.

Students in grades 7<sup>th</sup> and 9<sup>th</sup> will receive their sexual health and HIV/AIDS prevention instruction during their Science and Physical Education classes. (Board Policy 6142.1)

At the beginning of each school year or at the time of a student's enrollment, the district shall notify parents/guardians about instruction in comprehensive sexual health

education and HIV prevention education. (Ed. Code 48980, 51938)

Parents have a right to request a copy of the Education Code sections 51930-51939 related to the California Healthy Youth Act and may inspect the comprehensive sexual health or HIV prevention education materials. The notice shall specify that any parent/guardian may request that his or her child or ward not receive instruction in AIDS and/or sexually transmitted disease prevention. This instruction includes that issued by a teacher, guest speaker or outside agency. No pupil shall attend the AIDS and/or sexually transmitted disease instruction if a written request that he or she not attend has been received by the school.

## **Role of parents and guardians (Ed. Code 51937)**

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

## **Sexual Health and HIV/AIDS prevention education; Notice to parent or guardian; Excuse of child from participation (Ed. Code 51938-51939)**

# Education Code and Board Policy Define Rights, Responsibilities

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

(a) At the beginning of each school year, or for a pupil who enrolls in a school after the beginning of the school year, at the time of that pupil's enrollment, each school district shall notify the parent or guardian of each pupil about instruction in comprehensive sexual health education and HIV/AIDS prevention education and research on pupil health behaviors and risks planned for the coming year. The notice shall do all of the following:

(1) Advise the parent or guardian that written and audiovisual educational materials used in comprehensive sexual health education and HIV/AIDS prevention education are available for inspection.

(2) Advise the parent or guardian whether the comprehensive sexual health education or HIV/AIDS prevention education will be taught by school district personnel or by outside consultants.

(3) Include information explaining the parent's or guardian's right to request a copy of this chapter.

(4) Advise the parent or guardian that the parent or guardian may request in writing that his or her child not receive comprehensive sexual health education or HIV/AIDS prevention education.

(5) The use of outside consultants or guest speakers as described in paragraph (2) of subdivision is with the discretion of the school district.

Notwithstanding Section 51513, anonymous, voluntary, and confidential research and the evaluation tools to measure a pupils' health behaviors and risks, including tests, questionnaires, and surveys containing age appropriate questions about the pupil's attitudes concerning

practices relating to sex may be administered to any pupil in grades 7 to 12, inclusive, if the parent or guardian is notified in writing that this test, questionnaire, or survey is to be administered and the pupil's parent or guardian is to be given the opportunity to review the test, questionnaire, or survey and to request in writing that his or her child not participate.

## **Effect of request by a parent or guardian to excuse a pupil from participation in sexual health or HIV/AIDS education (Ed. Code 51939)**

(a) A pupil may not attend any class in comprehensive sexual education or HIV/AIDS prevention education or participate in any anonymous, voluntary, and confidential test, questionnaire, or survey on pupil health behaviors and risks, if the school has received a written request from the pupil's parent or guardian excusing the pupil from participation.

(b) A pupil may not be subject to disciplinary action, academic penalty, or other sanction if the pupil's parent or guardian declines to permit the pupil to receive comprehensive sexual health education or HIV/AIDS prevention education or to participate in anonymous, voluntary, and confidential tests, questionnaires, or surveys on pupil health behaviors and risks.

(c) While comprehensive sexual health education, HIV/AIDS prevention education, or anonymous, voluntary, and confidential test, questionnaire, or survey on pupil health behaviors and risks is being administered, an alternative educational activity shall be made available to pupils whose parents or guardians have requested that they not receive the instruction or participate in the test, questionnaire, or survey.

## **Materials Which Contain Questions about Personal Beliefs or Practices (Ed. Code 51513, 20 USC 1232h)**

Prohibits use of testing, questionnaires, surveys or exams questioning pupil's personal beliefs or practices in specified areas unless parent is notified in writing that such questionnaires are to be administered and parent gives written permission.

## **Student and family privacy rights (Board Policy 5022, Administrative Regulation 5022)**

The Board prohibits district staff to administer or distribute to students, survey instruments that are designed for the purpose of collecting personal information for marketing or selling that information.

The schools will make instructional materials available for inspection by the parents, if those materials will be used in connection with an educational funded survey, questionnaire, or activity in which their child participates.

If a student participates in a survey, questionnaire, or other activity regarding information about their beliefs and practices, the school officials and staff members shall not request or disclose the students' identity.

The district may administer to students in grades 7-12, anonymous, voluntary, and confidential research and evaluation tools to measure student health risks and behaviors, including tests and surveys about the student's attitudes or practices related to sex as long as the parents/guardians are provided written notice and given an opportunity to request that their child not participate. (Ed. Code 51938) The parents/guardians shall also be notified of any substantive change in this policy and administrative regulation within a reasonable period of time after adoption of the change. (20 USC 1232h)

# Education Code and Board Policy Define Rights, Responsibilities

Any district restriction regarding the collection of personal information shall not apply to collection, disclosure, or use of personal information collected from students for the purpose of developing, evaluating or providing educational products or services for, or to, students or educational institutions. (20 USC 1232h).

## **Course prospectus (Ed. Code 49091.14)**

School districts shall provide parents with written notification of their right to review a course prospectus which compiles the curriculum and instructional aims.

## **School accountability report cards (Ed. Codes 33126 and 35258)**

Upon parent or guardian request, districts must provide a hard copy of the school accountability report card and make a concerted effort to notify parents. A school accountability report card is also available through the internet.

The content of the report card defined under Ed Code 33126, amended for 2008-2009, is to include revised estimated expenditures per pupil and types of services funded, e.g., personnel salaries; schools identified by governing board as having insufficient textbooks or instructional materials including percentage of pupils lacking sufficient standards-aligned textbooks or instructional materials by subject area; and career technical education data measures, as specified.

The governing board of each district is responsible for ensuring that each school in its district publishes a School Accountability Report Card.

(a) The School Accountability Report Card shall include, but is not limited to, the conditions listed in Education Code Section 33126.

(b) Not less than triennially, the governing board of each school district shall compare the content of

the district's School Accountability Report Card to the model School Accountability Report Card adopted by the State Board of Education. Variances among school districts shall be permitted to account for local needs.

(c) The governing board of each school district shall annually issue a School Accountability Report Card for each school in the school district, publicize such reports, and notify parents or guardians of students that a copy will be provided upon request.

## **Schools: Accreditation (Ed. Code 35178.4)**

Requires a school district to notify each parent or guardian a pupil in a school that has lost its accreditation status and the potential consequences of the school's loss of status, in writing or by posting the information on the school district's or the school's Internet Web site, or by any combination of these methods.

## **English Learner (20 USCS 7012(a)(8)(A))**

School districts must notify parents of limited English proficient students, no later than 30 days after the beginning of the school year the following information:

1. The reasons for the identification of their child as limited English proficient and in need of placement in LEP.

2. Their child's level of English proficiency, how such level was assessed, and the status of the child's academic achievement.

3. The methods of instruction used in the program in which their child is participating and the methods of instruction used in other available programs, including how such programs differ in content, instructional goals, and the use of English and a native language in instruction. Parents/Guardians may choose a language acquisition program that best suits their child.

4. How the program in which their child is participating will meet the educational strengths and needs of their child.

5. How the program will specifically help their child learn English, and meet age appropriate academic achievement standards for grade promotion and graduation.

6. The specific exit requirements for the program, including the expected rate of transition from such program into classrooms that are not tailored for limited English proficient children, and the expected rate of graduation from secondary school for such program if Title I funds are used for children in secondary schools.

7. In the case of a child with a disability, how such program meets the objectives of the individualized education program of the child.

8. The parents have the right to decline or opt out of the language instruction programs or to choose another program or method of instruction, if available, and be assisted by the school district in selecting among various programs and methods of instruction.

Parents may provide input regarding language acquisition programs during the Local Control and Accountability Plan (EC 52062).

## **Designation of Pupil as Limited English Proficient or Fluent English Proficient (Ed. Code 52164.3)**

Each school district shall re-assess pupils whose primary language is other than English, whether they are designated as limited English proficient, or fluent English proficient, when a parent or guardian, teacher, or school site administrator claims that there is a reasonable doubt about the accuracy of the pupil's designation. In all cases of reassessment, the parent or guardian of the pupil shall be notified of the result. This notice shall be given orally when school personnel have

# Education Code and Board Policy Define Rights, Responsibilities

reason to think that a written notice will not be understood.

## **Intradistrict Choice Policy (Ed. Code 35160.5(b))**

Requires a district to adopt rules and regulations establishing a policy of open enrollment within the district for residents of the district. Requirement not applicable to districts with only one school, or schools that do not serve any of the same grade levels.

## **Higher education (Ed. Code 48980d)**

Because of the increasing importance of attending college after high school, parents are advised to develop a savings plan for their children's future higher education costs. It is recommended that parents explore their investment options, including, but not limited to, U.S. Savings Bonds.

## **Internet access (Ed. Code 48980i and Board Policy 6163.4)**

The Board recognizes the educational value of electronic information resources; however, the protection of students from inappropriate electronic information is of paramount concern. Internet users must be aware that inappropriate use of electronic information resources can be a violation of local, state, and federal laws. Violations can lead to disciplinary action including suspension, expulsion, and/or prosecution when appropriate.

In the Colton Joint Unified School District, the acceptable use of electronic information resources shall be for the educational uses directly related to the established curriculum. Students may access electronic information resources only after they have completed and have on file the Electronic Information User Resources Contract that is appropriately signed.

## **Contract for Electronic Products or Services (Ed. Code 35182.5)**

If the district enters into a contract for electronic products or services that requires advertising to students, it must provide notice to the parents.

## **Promotion/retention/acceleration of pupils (Ed. Code 48070.5 and Board Policy 5123)**

The governing board of each district is responsible for developing a policy regarding the promotion, acceleration and retention of elementary and middle school students. Parents will be notified by school staff as early in the school year as possible if their children are at risk of being retained. Board Policies 5123 and 4024 outlines the following promotion requirements for grades K-8.

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

With regards to special education students, the determination as to the appropriate standards for promotion or retention should be made as part of the IEP process.

The retention of English language learners is determined by teachers and shall be based upon the students not making adequate progress in their designated program.

English language learners may still be considered at risk and shall be eligible for interventions designed to assist students to learn English and to acquire core academic content knowledge.

When any student in grades 2-9 is retained or recommended for

retention, the Superintendent or designee shall offer programs of direct, systematic, and intensive supplemental instruction in accordance with Education Code 37252.2 and Board policy.

## **Retention (Ed. Code 51101(a)(16))**

School districts shall notify parents and guardians as early in the school year as practicable if their child is at risk for retention and of their right to consult with school personnel, and to appeal a decision to retain or promote their child.

## **Rights of Parents and Guardians Who Lack English Fluency (Ed Code 51101.1)**

Cautions that parent or guardian's lack of English fluency should not preclude parent or guardian from exercising their rights. Requires the district to take reasonable steps to ensure all parents and guardians of pupils who speak a language other than English are properly notified in English and in their home language as required by EC §48985 (15 percent rule) of the rights and opportunities available to them. Encourages schools with a substantial number of pupils with a home language other than English to establish parent centers with staff that can communicate with the parents or guardians in their native language.

## **Graduation requirements (Board Policy 6146.1)**

Graduation is based upon the completion of the required courses and total semester credits.

Students at Bloomington, Colton and Grand Terrace high schools must earn 220 semester credits as follows: 40 credits in English, 30 credits in history/social science, 20 credits in science, 20 credits in math, 10 credits in visual and performing arts, foreign language, or career and technical education, and 20 credits in physical

# Education Code and Board Policy Define Rights, Responsibilities

education. Electives may be taken as needed to complete the required number of semester credits. A student taking career technical education courses in lieu of the visual and performing arts or foreign language requirement pursuant to Education Code 51225.3 should review the eligibility requirements applicable to California State University and the University of California to determine if the career technical education courses to be offered pursuant to this section are approved to satisfy those eligibility requirements.

Graduation requirements for Slover Mountain High School are the same as those above, with the following exceptions:

- (a) Students must earn 200 credits.
- (b) 20 credits in physical education.
- (c) Semester credits beyond the required 20 credits in physical education may be included as electives in the 200 semester credits.
- (d) 10 semester credits must be earned in residence.

Graduation requirements for Washington Alternative High School are the same as those for the comprehensive high schools except:

- (a) Students must earn 200 semester credits.
- (b) 10 semester credits must be earned in residence.

Foster youth and homeless students are permitted to waive district adopted graduation requirements under certain circumstances and be awarded a diploma based on completion of state minimum graduation requirements.

## **College Preparatory Courses (Ed. Code 51229)**

The district shall provide parents or guardians of minor pupils in grades nine through 12 with written notification explaining college admission requirements and a list of current University of California and California State University websites that help pupils and their families

learn about college admission requirements. The notice will also include information about career technical education and websites where pupils can learn more. The notice will also explain how pupils can meet with school counselors to help them choose courses that will meet college admission requirements and/or enroll in career technical education courses.

## **Advanced Placement Examination Fees (Ed. Code 48980(k))**

Districts shall annually notify parents of the availability of state funds to cover the costs of advanced placement examination fees pursuant to Ed. Code 52244.

## **Career Planning (Ed Code 221.5)**

Requires the notification to parents about sex equity related to career counseling and course selection opportunities commencing with course selections for grade 7. Also informs parents of their right to participate in the counseling sessions and decisions.

## **Advanced Education (Ed. Code 48800)**

Existing law authorizes the governing board of a school district to authorize pupils to attend a community college, but the principal is prohibited from recommending more than 5% of the total number of pupils who completed that certain grade level immediately prior to the time of recommendation. Exempts from this 5%, a pupil recommended by his or her principal for enrollment in a college-level advanced scholastic session course, if specified criteria are met. These students are given low enrollment priority.

## **Pupil Counseling: Intensive Instruction Services (Ed Code 52378)**

The Middle and High School Supplemental Counseling Program offered by the district will include individualized review of career goals of pupils and academic and career-related opportunities and intensive instruction services for students not meeting grade level performance standards.

## **Staff Development (Ed. Code 48980c)**

Staff members in the Colton Joint Unified School District attend workshops for the purpose of improving their instructional skills.

All elementary schools will have shortened schedules (minimum days) every Wednesday for the purpose of staff training. Minimum and late-start days for middle and high schools vary by site. Please check your school's calendar for scheduling.

Other minimum days and non-student staff development days are reflected on the 2019-20 School Calendar available at each school site.

The instructional minutes per year at all schools, including those with minimum days, exceed the state minimum requirement.

## **Compliance Officer**

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

Director of School Improvement and Accountability Colton Joint Unified School District; District Office, 1212 Valencia Drive, Colton, California 92324, (909) 580-5000.

## **PUPIL RECORDS**

Rights to pupil records (Family Educational Rights and Privacy Act of 1974, California Code of Regulations Section 431)

The governing board of the Colton Joint Unified School District

# Education Code and Board Policy Define Rights, Responsibilities

has adopted policies for student records and information consistent with the Family Educational Rights and Privacy Act of 1974. Under that act and the District's policies, parents of students currently enrolled (or students at least 18 years old) have the right to:

- (1) Inspect and review the student's educational records.
- (2) Request the amendment of the student's educational records to ensure that they are not inaccurate, misleading, or otherwise in violation of the student's privacy or other rights.
- (3) Consent to disclosures or personally identifiable information contained in the student's education records (See Directory Information).
- (4) File with the U.S. Department of Education a complaint concerning alleged failures by the District to comply with the requirements of the act.
- (5) Obtain a copy of the District's Board Policy 5022, Student and Family Privacy Rights from the Superintendent of Schools, Colton Joint Unified School District, 1212 Valencia Dr., Colton, CA 92324.

## **Pupil records information (Ed. Code 49063)**

It is the responsibility of each school to maintain official records of currently enrolled students. These records include identifying data, academic work, level of achievement, attendance data, scores on aptitude and psychological tests, interest inventory results, health data, family information, teacher/ counselor observations, and verified reports of behavior problems.

The principal is responsible for all written records at the school; the director of Pupil Personnel Services is responsible for all written records of students at the District level.

The following procedure is used to review school records:

(1) Parents of minor children may request to inspect and review records at any time.

(2) The school official will have the parent complete a written request to review the record.

(3) Only designated school officials shall make the record available. This shall be done within five days of the request.

(4) The designated official shall assist those who have a right to access by interpreting pupil information contained in the written record.

(5) Copies of the record will be provided upon request of the parents. Copies cost twenty cents per page.

Parents have the right to challenge student records by filing a written request with the superintendent. This request should be to correct or remove information recorded in the written record which they allege to be inaccurate, an unsubstantiated personal conclusion or inference, a conclusion or inference outside of the observer's area of competence, or not based on the personal observation of a person with the time and place of the observation noted. District officials will investigate the complaint and render an opinion within 30 days. For a complete description of the process to challenge written records, parents can request a copy of Ed. Code 49070 from the Superintendent's Office or the Office of Student Services.

## **Confidentiality of Information About Individuals with Exceptional Needs (Ed. Code 56515(c))**

A school district may not release information from the educational records of an individual with exceptional needs to any public agency without the consent of the parent or guardian, unless the school district has not received funds available under any program administered by the Secretary of State.

## **Pupil Records: Inspection and Production (Ed. Code 49069)**

Parents of currently enrolled or former pupils have an absolute right to access any and all pupil records related to their children which are maintained by school districts.

Requires school districts to adopt procedures for the granting of requests by parents for copies of all pupil records, or to inspect and review records during school hours, provided that the requested access shall be granted no later than five business days following the date of the request. Procedures shall include the notification to the parent of the location of all official pupil records if not centrally located and the availability of the qualified certificated personnel to interpret records if requested.

## **Withholding Grades for Property Damage (Ed. Code 48904)**

Authorizes a district to withhold grades, diploma, and transcript of pupil who willfully damages school property, after affording pupil due process. Requires written notice to parent of alleged misconduct before withholding records. Requires a district to establish procedures for withholding.

## **Reciprocal Withholding of Grades (Ed. Code 48904.3)**

Requires a district to which pupil transfers, upon receiving notice that a district has withheld records of pupil under Ed. Code 48904, to also withhold records until such time that it receives notice from the district initiating decision to withhold, that decision has been rescinded.

## **Level of Student Achievement (20 USCS 6311(h)(6)(B))**

School districts shall provide each parent with information on the level of achievement of the parent's child

# Education Code and Board Policy Define Rights, Responsibilities

in each of the state academic assessments required under law.

## **Physical Performance Test (Ed. Code 60800, 5 CCR 863)**

Requires the governing board of a school district to report the aggregate results of its physical performance testing in their annual school accountability report card.

## **Directory information (Ed. Code 49073)**

The following items are considered to be directory information and may be released without parent consent unless parents indicate, in writing, information not to be released without prior consent: student name, student identification number, address, telephone number, district provided email address, date of birth, class roster information, participation in officially recognized activities and sports, weight and height of athletic team members, dates of attendance, photo, degrees and awards, field of study, and last school attended. Directory information regarding a pupil identified as homeless shall not be released unless a parent, or pupil given parental rights, has provided written consent that directory information may be released. Directory information does not include citizenship status, immigration status, place of birth, or national origin (AB 699).

## **Military Recruiter Access (20 USCS 7908)**

School districts receiving NCLB funds shall provide, on a request made by military recruiters or an institution of higher learning, access to high school student names, address, and telephone listings. School districts shall provide parents with notice of the option to request that the student's name, address and telephone number not be released without prior written parental consent.

## HEALTH SERVICES

### California Local Educational Agency Program

Your school district, in cooperation with the California Department of Health Services and Education, has a program to allow the District reimbursement with Federal Medicaid dollars for selected health services provided to eligible students at school. In accordance with the Local Education Agency rules and guidelines, we are notifying you that eligible student records may be forwarded to the District's billing agency. These records will be forwarded in a confidential manner. Our vendor holds a contract with the District that contains a specific confidentiality clause to ensure information is not disclosed inappropriately; further, our vendor is HIPPA compliant (Federal Health Insurance Portability & Accountability Act).

School health services currently provided to all students will not be changed by this program. Students will not be denied services they require to attend school, and parents will never be billed for services by the school district.

### **Pupil Health: Diabetes Screening (Ed. Code 49452.7)**

Requires each school district, on or after July 1, 2010, to provide a type 2 diabetes information sheet developed by the State Department of Education to the parent or legal guardian of incoming 7th grade pupils.

### **Pupil Vision Screenings (Ed. Code 49455)**

Beginning in 2015-16, during the kindergarten year or upon first enrollment or entry of a pupil into the district, and again in grades 2, 5, and 8, the pupil's vision shall be appraised by the school nurse or other

authorized person as specified in Section 49452.

The screenings will include tests for visual acuity, including far and near vision. Color vision will be tested once and only in male pupils.

Students will also undergo vision and hearing screening based on a referral from the classroom teacher and/or during the assessment for qualification for special education services. A parent or guardian may opt a student out of the hearing or vision screenings for these purposes by submitting a written request to the school of attendance.

### **Pupil Health: Oral Health Assessment (Ed. Code 49452.8)**

Requires public schools to send a notification of the assessment requirement, including a standardized form that can be used for an assessment or on which the parent or legal guardian can indicate one of several specified reasons why an oral health assessment by a licensed dentist or other registered dental health professional cannot be completed for any pupil enrolled in kindergarten in a public school, or in first grade if pupil was not previously enrolled in kindergarten in a public school.

### **Child health & disabilities prevention program (Health & Safety Codes, 124085, 124100, and 124105)**

Recommends notice to parents of kindergarten and first grade pupils of requirement for physical examination for first grade enrollment and availability of free health screening through local health departments.

The governing board shall exclude from school, not more than five days, any first grade pupil who has not provided either a certificate or a waiver on or before the 90th day after the pupil's entrance into first grade. This exclusion may occur if

# Education Code and Board Policy Define Rights, Responsibilities

school officials have contacted the pupil's parent or guardian at least twice between the first day of school and the 90th day, and the parent or guardian refuses to provide either a certificate or a waiver.

## **Disclosure of Immunization Status, Immunization Information Systems (HSC 120440)**

Provides that, notwithstanding Ed. Code 49075 and 49076 (relating to pupil records), schools may disclose information from pupils' medical record to local health departments operating countywide or regional immunization information and reminder systems, and the State Department of Health Services. Authorizes parent to refuse to permit record sharing. Requires a district that provides information to an immunization system to inform parent of following: information shared; name and address of State Department of Health Services and immunization registry; information shared will be treated as confidential; right to examine any immunization related information shared and to correct any errors; right to refuse to allow information to be shared, or to receive immunization reminder notifications at any time. Notification may be provided by ordinary mail and must include reasonable means for refusal, such as a return receipt form or telephone number contact.

## **Confidential medical service (Ed. Code 46010.1)**

Students will be released without parent or guardian consent for the purpose of obtaining confidential medical services.

## **Immunization for communicable diseases (Ed. Code 49403)**

(a) The governing board shall cooperate with the local health office in measures necessary for the prevention and control of communicable diseases in school

children. The board may use funds, property, and personnel of the district, and may permit any person licensed as a physician and surgeon or a registered nurse acting under the direction of a supervising physician and surgeon to administer an immunizing agent to pupils whose parents have consented in writing to its administration.

(b) A registered nurse, acting under the direction of a supervising physician and surgeon, may perform immunization techniques within the course of a school immunization program provided that the administration of an immunizing agent is upon the standing orders of a supervising physician and surgeon and in accordance with such written regulations as the State Department of Health may adopt pursuant to Section 303.5 of the Health and Safety Code.

Effective August 1, 1997, all children entering kindergarten shall be fully immunized against Hepatitis B and must have two doses of the measles-mumps-rubella vaccine. Effective August 1, 1999, all children entering the 7th grade must have completed three Hepatitis B, and a second Measles Mumps and Rubella immunization prior to enrollment.

Effective July 1, 2011, all children entering seventh through twelfth grade shall be fully immunized against Pertussis (whooping cough), by receiving an immunization on or after the child's tenth birthday.

Effective July 1, 2019, California schools are required to check immunization records for all new student admissions at TK/Kindergarten through 12th grade and all students advancing to 7th grade before entry. Requirements for K - 12 admission also apply to transfer pupils.

All children entering TK/Kindergarten through 12th grade are required to have 4 Polios, 5 Diphtheria, Tetanus, and Pertusis, 3

Hepatitis B's, 2 Measles Mumps Rubellas, and 2 Varicellas. Students are required to have had 2 Varicellas and 1 Tdap before 7th grade.

## **Exclusion of Pupils Not Immunized; Exceptions Ed Code 48216, HSC 120365 and 120370**

Requires a district to exclude pupils not properly immunized. Parents can find information about where to have their students immunized by visiting the district's web site at [www.cjusd.net](http://www.cjusd.net), going to the "Enrollment Information" page and pulling up the Community Resource Directory. They can also request a copy of the directory from the Student Services Department. Note: Schools need to apply in concert for immediate enrollment requirements for homeless and foster youth.

## **Administration of Medication (Ed. Code 49423)**

At the beginning of each school year, the Superintendent or the designee shall notify the parents/guardians that students who need to take prescribed medication during the school day may be assisted by a school nurse or designated school personnel or allowed to self-administer certain medication as long as the district receives written statements from the student's physician and parent/guardian in accordance with the law, Board policy and administrative regulation. (Ed Code 48980, 49423).

Ed. Code 49423 describes for parents the conditions under which school personnel may assist students taking medication at school and under which students may self administer prescription auto injectable epinephrine.

Any pupil who is required to take, during the regular school day, medication prescribed for him/her by a physician, may be assisted by the school nurse or other designated

# Education Code and Board Policy Define Rights, Responsibilities

school personnel if the school district receives (1) a written statement from such physician detailing the method, amount, and time schedules by which such medication is to be taken and (2) a written statement from the parents or guardians of the pupil indicating the desire that the school district assist the pupil in the matters set forth in the physician's statement.

**Administration of Epilepsy Medication - EC 49414.7** - If a pupil with epilepsy has been prescribed an emergency antiseizure medication by his or her health care provider, the pupil's parent or guardian may request the pupil's school to have one or more of its employees receive training on a voluntary basis in the administration of an emergency antiseizure medication in the event that the pupil suffers a seizure when a nurse is not available.

## **Inhaled Asthma Medication (Ed Code 49423.1)**

Describes process by which school personnel may assist pupils or by which pupils may self-administer inhaled asthma medication at school.

## **Parent's refusal to consent (Physical Examination) (Ed. Code 49451)**

A parent or guardian having control or charge of any child enrolled in the public schools may file annually with the principal of the school in which he is enrolled a statement in writing, signed by the parent or guardian, stating that he will not consent to a physical examination of his child. Thereupon the child shall be exempt from any physical examination, but whenever there is a good reason to believe that the child is suffering from a recognized contagious or infectious disease, he shall be sent home and shall not be permitted to return until the school authorities are satisfied that any contagious or infectious disease does not exist.

## **Medical and Hospital Services Not Provided (Ed Code 49471)**

Requires a district maintaining middle or high schools to notify in writing, parent or guardian of each pupil participating in athletic activity, when district does not provide medical and hospital services for pupils injured while participating in athletic activities.

## **Medical and hospital services for pupils (Ed. Code 49472)**

The governing board of any school district which does not employ at least five physicians as full time supervisors of health may provide medical or hospital service through (1) nonprofit membership corporations, (2) through group, blanket or individual policies of accident insurance or (3) policies of liability insurance from authorized insurers for injuries to pupils of the district arising from accidents occurring while in or on buildings and other premises of the district during the time such pupils are required to be attending on a regular day school or while being transported by the district to and from the school or to and from any other school sponsored activities. No pupils shall be compelled to accept such service without his consent, or if a minor without the consent of his parent or guardian. The cost of the insurance or membership may be paid from funds of the district or by the insured pupil, parent or guardian.

## **Pupils insurance for athletic teams (Ed. Code 32221.5)**

Requires school districts that elect to operate an interscholastic athletic team or teams, to include a specified statement regarding no-cost or low-cost local, state, or federally sponsored health insurance programs it offers, in other letters and printed materials.

## **Continuing medication regimen for nonepisodic conditions (Ed. Code 49480)**

The parents or legal guardians of any public school pupil on a continuing medication regimen for a nonepisodic condition shall inform the school of the medicine, the current dosage, and name of the supervising physician, and by the written consent of the parents or legal guardians, the school nurse or other designated employee of the school may communicate with the physician and counsel with school personnel regarding the possible effects of the drug on the child's intellectual, physical and social behavior and adverse side effects, omission or overdose.

## **Availability of free and reduced meals (Ed. Code 49510)**

The Colton Joint Unified School District provides free and reduced price meals for students who qualify under the National School Lunch and Breakfast Programs each year. Eligibility for free and reduced price meals is based upon household size and income.

Households that receive food stamps or CalWORKs benefits may not have to complete an application for free or reduced price meals. School officials will determine eligibility based on information obtained from the food stamp/CalWORKs office. These families should complete an application if they are not notified of their eligibility by the first day of school. Families will be notified of their eligibility, but those who do not want their children to receive free meals must contact the school.

All other students will receive applications to request free or reduced meals based on income. Forms may be returned at any time to the child's school. Information will remain confidential.

# Education Code and Board Policy Define Rights, Responsibilities

Households approved for free or reduced price meals must notify the school of income increases of \$50 or more per month or changes in family size.

For more information, call the school district's Nutrition Services Department at 580-5000 ext. 6650

## **Health exams at no cost to eligible students (Administrative Regulation 5141.32)**

The Child Health and Disability Program (CHDP) provide state reimbursed health examinations at no cost to eligible students, including those who (1) are certified as eligible to receive Medi-Cal, (2) are not certified as eligible for Medi-Cal but have a family income at or below the level established annually by the Department of Health Services (DHS), or (3) are attending a Head Start or State Preschool program. Annual eligibility criteria for the CHDP program are available on the DHS website and in its CHDP School Handbook: "School Entry Health Examination Requirements."

## **Concussion and Head Injuries - EC 49475**

A school district that elects to offer athletic programs must immediately remove from a school-sponsored athletic activity for the remainder of the day an athlete who is suspected of sustaining a concussion or head injury during that activity. The athlete may not return to that activity until he or she is evaluated by, and receives written clearance from a licensed healthcare provider. On a yearly basis, a concussion and head injury information sheet must be signed and returned by the athlete and the athlete's parent or guardian before the athlete's initiating practice or competition. This requirement does not apply to an athlete engaging in an athletic activity during the regular

school day or as part of a physical education course.

Effective January 1, 2015, limits full contact football practice sessions to twice per week for no more than ninety minutes per session.

## **Married/Pregnant/Parenting Students (Ed Code 222)**

School districts shall not discriminate against any student on the basis of the student's marital status, pregnancy, breastfeeding, childbirth, pregnancy related medical condition, false pregnancy, termination of pregnancy, or related recovery. Pregnant and parenting students shall retain the right to participate in any comprehensive school or educational alternative program. the classroom setting shall be the preferred instructional strategy unless an alternative is necessary to meet the needs of the student and/or his/her child. The school shall provide any reasonable accommodation to any lactating student to express breast milk, breastfeed an infant child, or address other needs related to breastfeeding without academic penalty.

## SCHOOL SAFETY

### **Discipline Rules and Procedures (Ed. Code 51101(a)(12))**

School districts shall inform parents and guardians about school rules, including disciplinary rules and procedures, attendance policies, dress codes and procedures for visiting the school.

### **Discipline (Ed. Codes 35291, 35291.5, 35291.7)**

The governing board of any school district shall prescribe rules not inconsistent with law or with the rules prescribed by the State Board of Education, for the government and discipline of the schools under its jurisdiction. The governing board of

each school district which maintains any of grades 1-12 shall notify the parent or guardian of all pupils registered in schools of the district that procedures related to student discipline are available through the school principal.

(a) On or before December 1, 1987, and at least every four years thereafter, each public school shall adopt rules and procedures on student discipline. The discipline rules and procedures shall be consistent with any policies adopted by the governing board and state statutes governing school discipline. In developing these rules and procedures, each school shall solicit the participation, views, and advice of one representative selected by each of the following groups: (1) Parents, (2) Teachers, (3) School administrators, (4) School security personnel, if any, and (5) For junior high schools and high schools, pupils enrolled in the school.

Meetings for the development of the rules and procedures should be held within the school's existing resources, during non-classroom hours, and on normal school days.

The final version of the rules and procedures on school discipline with attendance regulations shall be adopted by a panel comprised of the school principal or designee, and a representative selected by classroom teachers employed at the school.

It shall be the duty of each employee of the school to enforce the rules and procedures on school discipline adopted under this section.

(b) The governing board of each school district shall prescribe procedures to provide written notice to continuing pupils at the beginning of each school year and to transfer pupils at the time of their enrollment in the school and to their parents or guardians regarding the school discipline rules and procedures adopted pursuant to subdivision (a).

# Education Code and Board Policy Define Rights, Responsibilities

## **Duty concerning conduct of pupil (Ed. Code Section 44807)**

Every teacher in the public schools shall hold pupils to a strict account for their conduct on the way to and from school, on the playgrounds, or during recess.

## **Tobacco Free Campus (HSC 104420, 104495)**

Requires a district and county office receiving Tobacco Use Prevention (TUPE) funds to adopt and enforce the tobacco free campus policy, to communicate policy to school staff, parents, pupils and community, and to post signs stating "Tobacco Use Prohibited" at all entrances to the school. Under 104495, smoking or use of any tobacco-related product and disposal of any tobacco-related waste within 25 feet of a school playground, except on a public sidewalk located within 25 feet of the playground, is prohibited. This includes the possession, sale, furnishing, and/or use of electronic cigarettes, or related substances (included but not limited to liquids and oils) used in electronic cigarettes, or smokeless non-tobacco cigarettes; also known as an e-cigarette, personal vaporizer or PV, e-hookah, or any form of electronic inhaler that vaporizes a liquid/oil solution into an aerosol mist and/or vapor, whether it contains nicotine or not is not allowed.

## **Duties of pupils (California Code of Regulations, Title 5, Section 300)**

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

## **Hazing (Ed. Code 32051)**

No student, or other person in attendance, at any public or private educational institution shall conspire to engage in hazing. "Hazing" now

includes initiation into the student body pursuant to Ed.Code 32050.

## **Grounds for suspension or expulsion of pupils (Ed. Code Sections 48900, 48900C.4 48900.2, 48900.3, 48900.4, 48901.5, 48915, 212.6)**

The following offenses are grounds for suspension or expulsion in the Colton Joint Unified School District:

(a)(1) Caused, attempted to cause, or threatened to cause physical injury to another person; (a)(2) Willfully used force or violence upon the person of another, except in self-defense.

(b) Possessed, sold, or furnished any firearm, knife, explosive, or other dangerous object, unless, in the case of possession of an object of this type, the pupil had obtained written permission to possess the item from a certificated school employee, which is concurred in by the principal or the designee of the principal.

(c) Unlawfully possessed, used, sold, or otherwise furnished, or been under the influence of, a controlled substance, alcoholic beverage, or intoxicant of any kind.

(d) Unlawfully offered, arranged, or negotiated to sell any substance represented as a controlled substance, an alcoholic beverage, or intoxicant of any kind, and either sold, delivered, or otherwise furnished to a person another liquid, substance, alcoholic beverage or intoxicant.

(e) Committed or attempted to commit robbery or extortion.

(f) Caused or attempted to cause damage to school or private property.

(g) Stole or attempted to steal school property or private property.

(h) Possessed or used tobacco, or any products containing tobacco or nicotine, including, but not limited to, cigarettes, cigars, miniature cigars, clove cigarettes, smokeless tobacco, snuff, chew packets, and betel. However, this section does not

prohibit use or possession by a pupil of his or her own prescription products.

(i) Committed an obscene act or engaged in habitual profanity or vulgarity.

(j) Possessed or unlawfully offered, arranged, or negotiated to sell any drug paraphernalia.

(k) Disrupted school activities or willfully defied the authority of supervisors, teachers, administrators, school officials, or other personnel engaged in school duties.

(l) Knowingly received stolen school property or private property.

(m) Possessed an imitation firearm. As used in this section, "imitation firearm" means a replica of a firearm that is so substantially similar in physical properties to an existing firearm as to lead a reasonable person to conclude that the replica is a firearm.

(n) Committed or attempted to commit a sexual assault as defined in Sections 261, 266c, 286, 288, 288a, or 289 of the Penal Code or committed sexual battery as defined in Section 243.4 of the Penal Code.

(o) Harassed, threatened, or intimidated a pupil who is a complaining witness or witness in a school disciplinary proceeding for the purpose of either preventing that pupil from being a witness or retaliating against that pupil for being a witness, or both

(p) Unlawfully offered, arranged to sell, negotiate to sell, or sold the prescription drug Soma.

(q) Engaged in, or attempted to engage in, hazing. For the purposes of this subdivision, "hazing" means a method of intimidation or preinitiation into a pupil organization or body, whether or not the organization or body is officially recognized by an educational institution, which is likely to cause serious bodily injury or personal degradation or disgrace resulting in physical or mental harm to a former,

# Education Code and Board Policy Define Rights, Responsibilities

current, or prospective pupil. For the purposes of this subdivision, “hazing” does not include athletic events or school-sanctioned events.

(r) Engaged in an act of bullying. For purposes of this subdivision, the following terms have the following meanings:

(1) "Bullying" and/or "Cyberbullying" means any severe or pervasive physical or verbal act or conduct, including communications made in writing or by means of an electronic act, and including one or more acts committed by a pupil or group of pupils as defined in Section 48900.2, 48900.3, or 48900.4, directed toward one or more pupils that has or can be reasonably predicted to have the effect of one or more of the following:

## 48900

(A) Placing a reasonable pupil or pupils in fear of harm to that pupil's or those pupils' person or property.

(B) Causing a reasonable pupil to experience a substantially detrimental effect on his or her physical or mental health.

(C) Causing a reasonable pupil to experience substantial interference with his or her academic performance.

(D) Causing a reasonable pupil to experience substantial interference with his or her ability to participate in or benefit from the services, activities, or privileges provided by a school.

(2) "Electronic act" means the creation and transmission originated on or off the school site, by means of an electronic device, including, but not limited to, a telephone, wireless telephone or other wireless communication device, computer, or pager, of a communication, including, but not limited to any of the following:

(i) A message, text, sound, or image.

(II) A post on a social network Internet website, including, but not limited to:

(I) Posting to or creating a burn page. "Burn page" means an internet

website created for the purpose of having one or more effects listed in paragraph (1).

(II) Creating a credible impersonation of another actual pupil for the purpose of one or more of the effects listed in (1). "Credible impersonation" means to knowingly and without consent impersonate a pupil for the purpose of bullying the pupil and such that another pupil would reasonably believe, or has reasonably believed, that the pupil was or is the pupil who was impersonated.

(III) Creating a false profile for the purpose of having one or more of the effects listed in (1). "False profile" means a profile of a fictitious pupil or a profile using the likeness or attributes of an actual pupil other than the pupil who created the false profile. (B) Notwithstanding paragraph (1) and subparagraph (A), an electronic act shall not constitute pervasive conduct solely on the basis of being transmitted on the internet or is currently posted on the internet.

(3) "Reasonable pupil" means a pupil, including, but not limited to, an exceptional needs pupil, who exercises average care, skill, and judgment in conduct for a person of his or her age, or for a person of his or her age with his or her exceptional needs.

(s) A pupil shall not be suspended or expelled for any of the acts enumerated in this section, unless that act is related to school activity or school attendance occurring within a school under the jurisdiction of the superintendent of the school district or principal or occurring within any other school district. A pupil may be suspended or expelled for acts that are enumerated in this section and related to school activity or attendance that occur at any time.

(t) A pupil who aids or abets the infliction or attempted infliction of physical injury to another person may be subject to suspension, but not expulsion, except that a pupil who has

been adjudged by a juvenile court to have committed, as an aider and abettor, a crime of physical violence in which the victim suffered great bodily injury or serious bodily injury shall be subject to discipline.

(u) As used in this section, "school property" includes, but is not limited to, electronic files and databases.

(v) A superintendent of the school district or principal may use his or her discretion to provide alternatives to suspension or expulsion, including, but not limited to, counseling and an anger management program, for a pupil subject to discipline under this section.

(w) It is the intent of the Legislature that alternatives to suspension or expulsion be imposed against a pupil who is truant, tardy, or otherwise absent from school activities.

48900.2 Sexual harassment

48900.3 Caused, attempted to cause, threatened to cause, or participated in an act of hate violence

48900.4 Intentionally engaged in threats, harassment, or intimidation

48900.7 Made terroristic threats against school officials, school property, or both

48915 (A) Causing serious physical injury to another person, except in self-defense. (B) Possession of any knife or other dangerous object of no

reasonable use to the pupil. (C) Unlawful possession of any controlled substance listed in Chapter 2 (commencing with Section 11053) of Division 10 of the Health and Safety Code, except for either of the following:

(i) The first offense for the possession of not more than one avoirdupois ounce of marijuana, other than concentrated cannabis.

(ii) The possession of over-the-counter medication for use by the pupil for medical purposes or medication prescribed for the pupil by a physician.

# Education Code and Board Policy Define Rights, Responsibilities

(D) Robbery or extortion.

(E) Assault or battery, as defined in Sections 240 and 242 of the Penal Code, upon any school employee.

(c)(1) Possessing, selling, or otherwise furnishing a firearm

(c)(2) Brandishing a knife at another person.

(c)(3) Unlawfully selling a controlled substance listed in Chapter 2 (commencing with Section 11053) of Division 10 of the Health and Safety Code.

(c)(4) Committing or attempting to commit a sexual assault as defined in subdivision (n) of Section 48900 or committing a sexual battery as defined in subdivision (n) of Section 48900.

(c)(5) Possession of an explosive.

## **Laser pointers (Penal Code 417.27)**

Possession of a laser pointer by a student on any elementary or secondary school campus is prohibited, unless possession is for valid instruction. This statute further prohibits directing the beam of a laser pointer into the eyes of another person, into a moving vehicle or into the eyes of a guide dog.

## **Communication Regarding Threats of Violence (Civil Code 48.8)**

An oral or written communication by any person to a school principal or by a student to a teacher, school counselor, or school nurse regarding a threat of violence or potential violence on school grounds involving the use of a firearm or other dangerous weapon is a privileged communication. A viable action for defamation will arise only upon a showing by clear and convincing evidence that the communication was made with knowledge of its falsity or with reckless disregard for the truth or falsity of that communication.

## **Electronic signaling device; possession or use (Ed. Code 48901.5)**

Authorizes a district to regulate the possession or use of any electronic signaling device, including cell phones and pagers.

## **Sexual harassment (Ed. Code 231.5, 48980i)**

It is unlawful for students or employees to engage in sexual harassment, which is defined as unwelcome sexual advances, requests for sexual favors, and other verbal, visual, or physical conduct of a sexual nature, made by someone in the work or educational setting. The conduct must be considered by a reasonable person of the same gender as the victim to be sufficiently severe or pervasive to have a negative impact upon the individual's academic performance or to create an intimidating, hostile, or offensive environment.

Any student who feels he or she has been subject to sexual harassment may file a formal complaint by completing a District "Bullying/Harassment Complaint Form" (available at any school or at the District Office) or provide a letter outlining the complaint. The letter must include the name, address, and telephone number of the person making the complaint, the name of the school or department, the name of the employee or student involved, the statement of complaint, including all facts, dates, and policy involved, a statement of relief sought, and signature of the person filing the complaint.

An investigation by the Assistant Superintendent of Human Resources will take place within 30 days.

## **Sexual Harassment Required Written Policy (Ed. Code 48980 and Ed. Code 231.5)**

Requires each district to have a written policy regarding sexual harassment. Requires a copy of the district sexual harassment policy to be displayed in a prominent location,

provided as part of any orientation for new students, distributed to all employees, and included in publications that set forth standards of conduct for the district.

## **Child Abuse Complaint Guidelines (Ed. Code 33308.1)**

Requires the State Department of Education to adopt guidelines to be disseminated to parents or guardians, describing procedures to follow in filing a complaint of child abuse against a school employee.

In addition, all district employees are considered mandated reporters, required by law to report cases of child abuse and neglect whenever there is reasonable suspicion. All complaints must be filed through a formal report with an appropriate local law enforcement agency.

## **Parent Attendance of Suspended Student School Day (Ed. Code 48900.1)**

Parents or guardians must be provided with notice prior to a school district adopting a policy authorizing teachers to require the parent or guardian of a suspended pupil to attend a portion of a school day in the class of the suspended pupil.

The parent or guardian of a pupil who has been suspended for reasons specified in subdivision (i) or (k) of Section 48900 may attend a portion of a school day in his or her child's or ward's classroom. The policy shall take into account reasonable factors that may prevent compliance with a notice to attend. The parent or guardian shall be limited to the class from which the pupil was suspended.

## **Liability of parents or guardians (Ed. Code 48904)**

The parents or guardians of any minor whose willful misconduct results in injury or death to any pupil or any school district employee or volunteer, or who willfully vandalizes any property belonging to a school

# Education Code and Board Policy Define Rights, Responsibilities

district or employee shall be liable for all damages. The liability of the parent shall not exceed \$10,000.

Any pupil, or the parents or guardians of any minor pupil shall also be held liable for all property belonging to the district lent to the pupil and not returned on demand by the district. After affording the pupil due process rights, the withholding of grades, diploma, and transcripts may be included as part of any disciplinary action until the pupil or parents make restitution to the district for any damages incurred.

## **Sun Protective Clothing & Sunscreen (Ed. Code 35183.5)**

Each schoolsite shall allow for outdoor use during the schoolday, articles of sun-protective clothing, including, but not limited to, hats. Each schoolsite may set a policy related to the type of sun-protective clothing, including, but not limited to, hats, that pupils will be allowed to use outdoors pursuant to paragraph (1). Specific clothing and hats determined by the school district or schoolsite to be gang-related or inappropriate apparel may be prohibited by the dress code policy. Each schoolsite shall allow pupils the use of sunscreen during the schoolday without a physician's note or prescription. Each schoolsite may set a policy related to the use of sunscreen by pupils during the schoolday. For purposes of this subdivision, sunscreen is not an over-the-counter medication. Nothing in this subdivision requires school personnel to assist pupils in applying sunscreen.

## **Dress and Grooming Administrative Regulation 5132)**

1. No head coverings are allowed to be worn on school grounds except for sun protective hats that fit the following description: must be plain white, tan, or neutral color canvas with a 2-4 inch brim that follows the entire circumference of the hat. It

must be flexible enough to fit in a pocket, backpack, purse, book bag or locker. It may not be altered or customized in any way and the chinstrap or strings must match the color of the hat and may not be worn indoors. The hat may include the official school logo. Hoods and unadorned beanies may be worn outdoors ONLY during inclement weather, as determined by the site principal.

2. Clothing, accessories, body art, and/or personal items including, but not limited to, backpacks and folders shall be free of writing, pictures, or other insignia which are crude, vulgar, profane, or sexually suggestive, which bear weapons, drug, alcohol or tobacco company advertising, promotions, and likeness, or which advocates gang affiliations, ethnic, racial, or religious prejudice.

3. Any clothing or accessory that is a safety hazard to the wearer or others is not allowed.

4. Clothing shall be sufficient enough to conceal undergarments at all times. See-through fabrics, halter tops, tube tops, off-the-shoulder or low-cut tops, bare midriffs and skirts or shorts, or ripped clothing shorter than mid-thigh are prohibited. Sleepwear/loungewear (including but not limited to pajama bottoms and slippers) is prohibited. Excessively baggy pants/shorts, banded or tucked pant leg bottoms, and hanging belt straps are not allowed. Skin must be visible between shorts and knee high socks.

5. Any attire or accessory containing a professional sport team name or logo is prohibited.

6. Students shall be permitted to wear college theme attire or accessories.

7. Shoes must be worn at all times. For elementary and middle school only: flip-flops or backless shoes are not acceptable, sandals must have heel straps.

8. Glasses, other than prescription, shall not be worn inside school buildings or outside of buildings if they are a disruption to school activities.

9. Student Identification Badges will be supplied by each Middle School and High School. While on campus during the school day students must have their own ID Badges in their possession and readily available to show when a District staff member requests a student to identify themselves by their ID Badge. The badge must be clearly visible (not to be covered by pins, stickers, etc.).

Each school will develop their own ID Badge replacement policy; however, a minimal charge will be assessed each time a replacement is issued. This policy will be published and made known to parents and students through their handbook or other means of communication. The students who have financial difficulty will be offered alternatives to this charge..

10. Students participating in student activities, performances, or athletic events would be exempt during these activities.

## **Truancy Definitions (Ed. Code 48262, 48260, 48263.6)**

Any pupil is deemed a habitual truant who has been reported as a truant three or more times per school year.

A pupil subject to compulsory full-time education or to compulsory continuation education who is absent from school without a valid excuse three full days in one school year or tardy or absent for more than a 30-minute period during the school day without a valid excuse on three occasions in one school year, or any combination thereof, shall be classified as a truant and shall be reported to the attendance supervisor or to the

# Education Code and Board Policy Define Rights, Responsibilities

superintendent of the school district.

Any pupil subject to compulsory full-time education or to compulsory continuation education who is absent from school without a valid excuse for 10 percent or more of the schooldays in one school year, from the date of enrollment to the current date, is deemed a chronic truant.

## **Arrest of Truants/ School Attendance Review Boards (Ed. Code 48263 and 48264)**

The attendance supervisor or his or her designee, a peace officer, a school administrator or his or her designee, or a probation officer may arrest or assume temporary custody, during school hours, of any minor subject to compulsory full-time education or to compulsory continuation education found away from his or her home and who is absent from school without valid excuse within the county, city, or city and county, or school district.

A student who is truant may be referred to a School Attendance Review Board (SARB) or probation officer; notice to district attorney or probation officer participating in truancy mediation program.

## **School safety plans (Ed. Code 35294.6 and EC 32280)**

Each Colton Joint Unified School District school site has a Comprehensive School Safety Plan, in consultation with the fire department, which includes a disaster preparedness plan and emergency procedures. Copies are available to read at each school office and at the Safety and Security Services Department. Fire and emergency drills are held periodically at each school.

Starting in the 2000-01 school year, each school shall include in its

School Accountability Report Card information about its School Safety Plan. The report card will outline the key elements of the School Safety Plan, which is completed each year by March 1. A new mandatory component of the school safety plan is a discrimination and harassment policy and Active Shooter drills.

## **Disaster Preparedness**

The following procedures will be observed by all District schools in the event of a disaster:

Students will remain at school until regular dismissal time or longer should the safety of the students make it necessary. Prior to regular dismissal time, students may be excused to the custody of their parents or someone with written authorization from the parents if safety allows such action.

Students who ride buses will be transported to their regular bus stops at the usual time, if possible. Otherwise, they will remain at school until they can be transported. Parents of these students or the parents' designee may pick up students at school, also. District emergency numbers are: 580-5000 ext. 6525, and 6502.

For direction or information, tune in to the following radio frequencies: KCKC, 1350 AM; KMEN, 1290 AM; KLFE, 1240 AM; KCAL, 1410 AM (Spanish).

In addition to the immediate emergency procedures described above, the District's Board of Education has adopted a Disaster Plan which outlines actions for catastrophes. A copy of this plan is on file at each school site and educators are familiar with them. Teachers will share the information with students throughout the year.

## **Persistently Dangerous School, Victim of Violent Criminal Offense, Option to Transfer (20 USC 7912)**

Section 20 USC 7912 requires that each state receiving funds under the Elementary and Secondary Education Act of 1965 establish and implement a statewide policy requiring that pupils attending a persistently dangerous public school, or pupils who become victims of a violent criminal offense while in or on the grounds of a public school that they attend, be allowed to attend a safe public school operated by the local education agency, including a public charter school.

NCLB requires school districts that have any schools identified as Persistently Dangerous to notify parents of that school that it has been identified as a Persistently Dangerous School and offer pupils the option to transfer to a safe school within the district. Notification regarding status of school and offer to transfer may be made simultaneously. Notification must be timely, e.g., within ten school days from the date the district learns the school has been identified as persistently dangerous. Under 5 CCR § 11992, persistently dangerous is defined as the specified sum of firearm violations by non-pupils on school grounds or during school-sponsored activities plus expulsions for certain violations of EC § 48915(a) and (c) and § 48900.3 over course of three school years. Options to transfer to a safe school within the district must also be made to pupils who become victims of violent criminal offenses, at school pupil attends. Those offers to transfer should occur within 14 calendar days.

## **School Busses, Passenger Safety (Ed. Code 39831.5)**

Starting in the 2000-01 school year, upon registration, parents or guardians of students not previously transported in a school bus shall receive written information on school bus safety. This statute applies to grades K-6.

# Education Code and Board Policy Define Rights, Responsibilities

## **Megan's Law sex offender notification (Penal Code 290.4)**

Penal Code 290.4 requires the Department of Justice to operate services where members of public may provide a list of six persons on an approved form, and inquire whether any of the persons are required to register as sex offenders and subject to public notification.

Parents and other community members have the right to check with local law enforcement agencies for a listing of sex offenders in their neighborhoods.

Police and sheriff's departments have information about registered sex offenders on CD-ROM that are available for public viewing. For more information, contact the police or sheriff's department.

## **Fingerprint Program (Ed. Code 48980)**

The governing board of any school district may offer a Fingerprint Program for all children enrolled in Kindergarten or newly enrolled in that District. Each parent or guardian shall be informed of the school fingerprinting program when he or she first enrolls the child in the public school. At that time, the parent or guardian shall declare, in writing, whether or not he/she consents to the program. If the parent or guardian does consent, he/she shall pay the applicable fee. (Ed. Code 32390.)

## **SPECIAL EDUCATION PROGRAM - RIGHTS OF PARENT**

### **Special Education Programs Timelines (Ed. Code 56043)**

Specifies that each parent has the right to examine and receive copies of school records within five business days after the request of the parent has been made, and that each parent has the right to a response from the school district. Requires that if any school record includes information on more

than one pupil, the parent has the right to inspect and review only the information relating to their child. Requires a school district to provide a parent, on the request of the parent, a list of the types and locations of schools records, collect, maintained, or used by the district.

### **Special education students (Individuals with Disabilities Education Act) (Ed. Code 56301)**

Students who qualify for special education have a right to a free and appropriate public education in the least restrictive environment. Prior to any evaluation, the parent will be given an assessment plan for parent approval. Information regarding assessment will be provided to the parent. After the assessment is completed, an Individual Education Plan will be developed with the parent which defines the special education program for the student.

Parents are provided written information regarding their rights and how to obtain free or low-cost legal services regarding an appropriate educational program for their child.

### **Special Education: Assessment, Due Process (Ed. Code 56329)**

As part of the assessment plan for special education evaluation, the parents are notified that upon completion of the assessment, an individualized education program team meeting will be held. The purpose of the meeting will be to discuss the assessment, the educational recommendations, and the reasons for the recommendations. Additionally, the parents are entitled to a copy of the assessment report and the documentation of determination of eligibility.

### **Child-find system; policies and procedures (Ed. Code 56301)**

Each district, special education local plan area, or county office shall

establish written policies and procedures for a continuous child-find system including children with disabilities who are homeless or wards of the state. Policies and procedures are to include written notification to all parents of their rights regarding identification, referral, assessment, instructional planning, implementation, review, and procedures for initiating referral for assessment. Ed. Code 56301 also requires the notification of parent rights in specified circumstances.

## **COMPLAINT PROCEDURES FOR FUNDED PROGRAMS**

### **Uniform Complaint Procedures (Board Policy 1312.3 and Administrative Regulation 1312.3)**

Copies of the complaint policies shall be available free of charge.

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

The district shall follow uniform complaint procedures when addressing complaints alleging unlawful discrimination, harassment, intimidation or bullying against any person based on his/her actual or perceived characteristics or race or ethnicity, color, ancestry, nationality, national origin, immigration status, ethnic group identification, age, genetic information, religion, marital or parental status, registered domestic partner status, political beliefs or affiliation, pregnancy, childbirth, breastfeeding, pregnancy related medical condition, physical or mental status, disability, sex, sexual

# Education Code and Board Policy Define Rights, Responsibilities

orientation, gender, gender identity, gender expression, or genetic information, or any other characteristic identified in Education Code 200 or 220, Government Code 11135 Penal Code 422.55 or based on his/her association with a person or group with one or more of these actual or perceived characteristics in any District program or activity that receives or benefits from state financial assistance. (5 CCR 4610) Uniform complaint procedures shall also be used when addressing complaints alleging failure to comply with state and/or federal laws in adult education programs, After School Education and Safety, agricultural vocational education, American Indian Education Centers and early childhood, consolidated categorical aid programs, education program assessments, career technical and technical education and career technical and technical training programs, child care and development programs, child nutrition programs, deficiencies in pre-school health and safety requirements, discrimination, harassment, intimidation, bullying, student lactation accommodations, lesbian, gay, bisexual, transgender, and questioning (LGBTQ) resources, migrant education, foster youth and homeless youth educational program options, lactation accommodations, local control funding formula (LCFF) and local control accountability plans (LCAP), No Child Left Behind Act (2001) programs (Titles I-VII), including improving academic achievement, compensatory education, English Learner programs and migrant education (Replaced by the Every Student Succeeds Act (ESSA) in 2016-2017, physical education, instructional minutes, pupil instruction-course periods without educational content or previously completed courses, Regional occupational Centers and Programs, school safety plans, special education

programs, and tobacco use prevention education. (5 CCR 4610) Any complaint alleging bullying in district programs and activities, regardless of whether the bullying is based on a person's actual or perceived characteristics as identified in Education Code 200 or 220, Government Code 11135 or Penal Code 422.55. Any complaint alleging district violation of the prohibition against requiring students to pay fees, deposits, or other charges for participation in educational activities. Any complaint alleging that the district has not complied with legal requirements related to the implementation of the local control and accountability plan. Any complaint alleging retaliation against a complainant or other participant in the complaint process or anyone who has acted to uncover or report a violation subject to this policy. Complaints related to sufficiency of textbooks or instructional material, emergency or urgent facilities conditions that pose a threat to the health or safety of students or staff, and teacher vacancies and mis-assignments shall be investigated pursuant to the District's Williams uniform complaint procedure (AR 1312.4). The Board encourages the early, informal resolution of complaints at the site level whenever possible. The Board acknowledges and respects every individual's right to privacy. Complaints shall be investigated in a manner that protects the confidentiality of the parties and the integrity of the process. This may include keeping the identity of the complainant confidential, as appropriate and except to the extent necessary to carry out the investigation or proceedings, as determined by the Superintendent or designee, on a case-by-case basis.

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

## **AR 1312.3 Uniform Complaint Procedures**

### **Compliance Officer**

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

Director of Student Services, Colton Joint Unified School District; District Office, 325 Hermosa St., Colton, California 92324, (909) 580-6525

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

### **Notifications**

The Superintendent or designee shall meet the notification requirements of 5 CCR 4622, including the annual dissemination of District complaint procedures to students, employees, parents/ guardians, the district advisory committee, school advisory committees, appropriate private school officials or representatives and other interested parties and information about available appeals, civil law remedies and conditions under which a complaint may be taken directly to the California Department of Education. The Superintendent or designee shall ensure that complainants understand that they may pursue other remedies, including actions before civil courts or other public agencies.

# Education Code and Board Policy Define Rights, Responsibilities

## Procedures

The following procedures shall be used to address all complaints which allege that the District has violated federal or state laws or regulations governing educational programs. Compliance officers shall maintain a record of each complaint and subsequent related actions, including all information required for compliance with 5 CCR 4632. All parties involved in allegations shall be notified when a complaint is filed, when a complaint meeting or hearing is scheduled and when a decision or ruling is made.

### Step 1: Filing of Complaint

Any individual, public agency or organization may file a written complaint of alleged noncompliance by the District.

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

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

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

### Step 2: Investigation of Complaint

The compliance officer is encouraged to hold an investigative meeting within ten days of receiving the complaint or an unsuccessful attempt

to mediate the complaint. This meeting shall provide an opportunity for the complainant and/or his/her representative to repeat the complaint orally.

The complainant and/or his/her representative and the District's representatives shall also have an opportunity to present information relevant to the complaint. Parties to the dispute may discuss the complaint and question each other or each other's witnesses. (5 CCR 4631)

A complainant's refusal to provide the District's investigator with documents or other evidence related to the allegations in the complaint, or his/her failure to cooperate in the investigation, may result in the dismissal of the complaint because of a lack of evidence to support the allegations.

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

### Step 3: Response

Within 30 days of receiving the complaint, the compliance officer shall prepare and send to the complainant a written report of the District's investigation and decision, as described in Step #4 below. If the complainant is dissatisfied with the compliance officer's decision, he/she may, within five days, file his/her complaint in writing with the Board. The Board may consider the matter at its next regular Board meeting or at a special Board meeting convened in order to meet the 60-day time limit within which the complaint must be answered. The Board may decide not to hear the complaint, in which case

the compliance officer's decision shall be final.

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

### Step 4: Final Written Decision

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

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

The decision shall include:

1. The findings of fact based on the evidence gathered. (5 CCR 4631)
2. The conclusion(s) of the law (5 CCR 4631)
3. Disposition of the complaint. (5 CCR 4631)
4. Rationale for such disposition (5 CCR 4631)
5. Corrective actions, if any are warranted (5 CCR 4631)

Notice of the complainant's right to appeal the decision within 15 days to the California Department of Education, and procedures to be followed for initiating such an appeal (5 CCR 4631, 4652)

For discrimination complaints, notice that the complainant must wait until 60 days have elapsed from the filing of an appeal with the California Department of Education before pursuing civil law remedies (5 CCR 4631; Education Code 262.3)

If an employee is disciplined as a result of the complaint, this report shall simply state that effective action was taken and that the employee was

# Education Code and Board Policy Define Rights, Responsibilities

informed of the District expectations. The report shall not give any further information as to the nature of the disciplinary action.

## **Appeals to the California Department of Education**

If dissatisfied with the District's decision, the complainant may appeal in writing to the California Department of Education within 15 days of receiving the District's decision. For good cause, the Superintendent of Public Instruction may grant an extension for filing appeals. (5 CCR 4652)  
When appealing to the California Department of Education, the complainant must specify the reason(s) for appealing the District's decision and must include a copy of the locally filed complaint and the District's decision. (5 CCR 4652)  
The California Department of Education may directly intervene in the complaint without waiting for action by the District when one of the conditions listed in 5 CCR 4650 exists. In addition, the California Department of Education may also intervene in those cases where the District has not taken action within 60 calendar days of the date the complaint was filed with the District.

## **Civil Law Remedies**

A complainant may pursue available civil law remedies outside of the District's complaint procedures. Complainants may seek assistance from mediation centers or public/private interest attorneys. Civil law remedies that may be imposed by a court include, but are not limited to, injunctions and restraining orders. For discrimination complaints, however, a complainant must wait until 60 days have elapsed from the filing of an appeal with the California Department of Education before pursuing civil law remedies. The moratorium does not apply to injunctive relief and is applicable only if the District has

appropriately, and in a timely manner, apprised the complainant of his/her right to file a complaint in accordance with 5 CCR 4622. (10/96 10/97) 3/02

## **WILLIAMS UNIFORM COMPLAINT PROCEDURES (AR 1312.4)**

### Types of Complaints

The District shall investigate and resolve complaints when the complainant alleges that any of the following has occurred:

#### 1. Instructional materials

A student, including an English learner, does not have standards-aligned textbooks or instructional materials to use at home or after school. Textbooks or instructional materials are in poor or unusable condition.

#### 2. Teacher vacancy or miss-assignment

A semester begins and a teacher vacancy exists and a teacher who lacks credentials to teach English learners is assigned to teach a class with more than 20 percent English learner pupils in the class, and/or a teacher is assigned to teach a class for which the teacher lacks competency.

#### 3. Facilities

A condition poses an emergency or urgent threat to the health or safety of students or staff including access to clean and maintained student restrooms.

### Filing of Complaint

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

For complaints concerning a facility condition that poses an emergency or urgent threat to the health or safety of students, a complainant who is not satisfied with the resolution proffered by the

principal, Superintendent, or designee may file an appeal to the Superintendent of Public Instruction.

Complaints and written responses shall be public records.

### Reports

The Superintendent or designee shall report summarized data on the nature and resolution of all complaints on a quarterly basis to the Board and the County Superintendent of Schools. The report shall include the number of complaints by general subject area with the number of resolved and unresolved complaints.

### Forms and Notices

The Superintendent or designee shall ensure that the district's complaint form contain a space to indicate whether the complainant desires a response to his/her complaint and specifies the location for filing a complaint. A complainant may add as much text to explain the complaint as he/she wishes.

The Superintendent or designee shall ensure that a notice is posted in each classroom of each school containing the components specified in Education Code 35186. Amended by AB 831, Cha. 118 Statutes of 2005.

## **NONDISCRIMINATION**

### **Handicapped Pupils (Rehabilitation Act of 1973, Section 504)**

Requires notice of non discrimination on basis of sex, handicap, race, national origin, or lack of English skills. Notice must include availability of reasonable accommodations for handicapped pupils.

### **Compliance Officer**

The Governing Board designates the following compliance officer to receive and investigate complaints

# Education Code and Board Policy Define Rights, Responsibilities

and to ensure District compliance with Section 504:

Director of Student Services, Colton Joint Unified School District; District Office, Hermosa Center- 325 Hermosa Ave Colton, CA 92324 909-580-6525.

## **Discrimination (Title VI, Civil Rights Act of 1964 & Title IX, Educational Amendment Act of 1972**

Requires implementation of specific and continuing steps to notify students and parents that the school district does not discriminate on the basis of race, color, ancestry, national origin, immigration status, ethnic group identification, ethnicity age, religion, marital status, registered domestic partner status, political beliefs or affiliation, pregnancy, childbirth, breastfeeding, pregnancy related medical conditions, parental status, physical or mental status, disability, sex, sexual orientation, gender, gender identity, gender expression, or genetic information; the perception of one or more of such characteristics; or association with a person or group with one or more of these actual or perceived characteristics. Requires notification in native language if service area contains a community of minority persons with limited English language skills. Notification must state that district will take steps to assure that the lack of English will not be a barrier to admission and participation in district programs.

Parents/guardians are notified that all children are provided rights by law to a free public education regardless of immigration status or religious beliefs.

Complaints regarding access to district programs, services, activities and facilities should be directed to the

Director of Students Services, as the designated district compliance officer.

## **Nondiscrimination in district programs and activities (Ed. Code 200; 5 CCR 4900; 20 USC 1681; 29 USC 794; 42 USC 2000d; 42 USC 12101**

State and federal law prohibits discrimination in education programs and activities. State law, EC §§ 200 en seq. requires districts to afford all pupils regardless of disability, gender, sex, nationality, race or ethnicity, color, national origin, ancestry, physical or mental status, immigration status, religion, sexual orientation, gender identity, gender expression, pregnancy, childbirth, breastfeeding, pregnancy related medical conditions, marital status, registered domestic partner status, age, genetic information, political belief or affiliation, or any other characteristic that is contained in the definition of hate crimes set forth in Section 422.55 of the Penal Code, equal rights and opportunities in education. Ed. Code 201(e) states there is an urgent need to teach and inform pupils about their rights, as guaranteed by the constitution, to increase pupil awareness and understanding of their rights and the rights of others, with the intention of promoting tolerance and sensitivity in schools and society. Title VI of the Civil Rights Act of 1964 prohibits discrimination on the basis of race, color and national origin. Title IX, Educational Amendment Act of 1972, prohibits discrimination on the basis of sex. The Americans with Disabilities Act and Section 504 prohibits discrimination on the basis of disability. A school district or the California Department of Education may investigate complaints regarding discrimination through the Uniform Complaint Procedure. The Office for Civil Rights has authority to enforce federal laws in all programs and activities that receive federal funds.

## **Nondiscrimination/ Harassment (Board Policy 0410)**

District programs and activities shall be free from discrimination, including harassment intimidation, or bullying, with respect to the actual or perceived sex, sexual orientation, gender, gender expression, gender identity, ethnicity, ethnic group identification, race, ancestry, nationality, national origin, immigration status, religion, color, mental or physical disability, age, marital status, registered domestic partner status, parental status, political beliefs or affiliation, pregnancy, childbirth, pregnancy related medical conditions, breastfeeding or genetic information or on the basis of a person's association with a person or group with one or more of these actual or perceived characteristics.

The Board is committed to equal educational opportunities for all individuals. When district employees witness an act of discrimination, harassment, intimidation or bullying they are required to intervene when it is safe to do so. District programs and activities shall be free from discrimination based on gender, sex, gender identity, gender expression, race, ethnicity, color, religion, ancestry, national origin, immigration status, ethnic group, marital or parental status, domestic partner status, pregnancy, childbirth, breastfeeding, pregnancy related medical condition, physical or mental status, disability, age, genetic information, political belief or affiliation, sexual orientation or the perception of one or more of such characteristics. The Board shall promote programs which ensure that discriminatory practices are eliminated in all District activities.

District programs and facilities, viewed in their entirety, shall be readily accessible to and usable by individuals with disabilities. In

# Education Code and Board Policy Define Rights, Responsibilities

addition, new construction and alterations to facilities existing before January 26, 1992 shall be accessible when viewed in their entirety.

The superintendent or the designee shall ensure that the District provides auxiliary aids and services where necessary to afford individuals with disabilities equal opportunity to participate in the benefits of a service, program or activity. These aids and services may include, but are not limited to: qualified interpreters or readers, assistive listening devices, note takers, written materials, taped text, and Braille or large print materials.

Individuals with disabilities shall notify the superintendent or principal if they have a disability that requires special assistance or services. Reasonable notification should be given prior to the school-sponsored function, program or meeting.

All inquiries related to non-discrimination and sexual harassment may be directed to: Assistant Superintendent, of Human Resources, Title IX Coordinator; Colton Joint Unified School District, 1212 Valencia Dr., Colton, CA 92324; Telephone: (909) 580-5000.

## FEDERAL REGISTER ASBESTOS MANAGEMENT PLAN (Title 40 California Federal Regulations 763.93)

The District is required to inform the public that:

(1) A copy of any Colton Joint Unified School District school site Asbestos Hazard Emergency Response Act Management Plan is available for inspection in the office of the school and the District Office.

(2) This plan contains information about inspections, response actions and post-response action activities.

To review the plan, contact the Assistant Superintendent of Business at 580-5000 ext. 6601. Any person requesting to review the plan will be required to complete a form to

document the request. Application review and report preparation will require a maximum of five days.

## Notifications of pesticide use (Ed. Code 48980.3)

Requires annual notification to include information regarding pesticide products applied to school facilities. The District utilizes Integrated Pest Management (IPM) methods to control insect populations. Parents may request the notification of individual pesticide applications in the event of an emergency application. The district shall post warning signs at each area of the school where pesticides are to be used 24 hours prior to application. This posting will remain for 72 hours after application.

## Pesticide Products (Ed. Code 17612 and Ed. Code 17610.1)

The parents or guardians of students enrolled in school shall receive written notification containing the name of all pesticide products expected to be applied at the school during the upcoming year. The notice shall also identify active ingredients in each pesticide and provide the internet address developed by the Department of Pesticide Regulation to access information on pesticides and pesticide use reduction. Ed. Code 17610.1 prohibits application of certain pesticides on school sites.

## ATTENDANCE OPTIONS

### School Attendance Alternatives (Ed. Code 48980(h))

The governing board of each school district will annually review the enrollment options available to the pupils within its school district and that the school districts strive to make available enrollment options that meet the diverse needs, potential, and interests of the pupils of California.

## Residency Requirements for School Attendance (Ed. Codes 35160.5, 46600, 48204)

### Board Policy 5116.1 - Intradistrict

Open Enrollment: This policy establishes a program of open enrollment that is available to pupils whose parents or guardians currently reside within district attendance boundaries and to pupils who have otherwise established residence pursuant to provisions of Ed. Code 48204. The policy allows parents to select the school the child shall attend. Requests for specific schools may be denied based on space availability.

A pupil may also comply with residency requirements by being placed in a foster home or licensed children's institution within the boundaries of the district, being a foster child who remains in his or her school of origin, an emancipated pupil who resides within the district, living in the home of a caregiving adult located within the district, living with a parent or guardian for more than three days per week in the parent/guardian's place of employment.

Residency investigations may be initiated by the district in the event false or unreliable evidence of residency has been provided.

Board Policy 5117 - Interdistrict attendance: This policy establishes that two or more school districts may enter an agreement to allow a pupil to attend a district outside the district of residence. Such transfers are subject to local board policy and approval. Parents must submit an application for transferring to another school district within the established timelines. The application shall be submitted on a district form specifically for this purpose. After receiving the application, the school district must notify the parent or guardian in writing of provisional acceptance or denial of the application. A parent or guardian who is denied transfer to another school district may appeal the

# Education Code and Board Policy Define Rights, Responsibilities

decision to the county board of education. Requests for Inter-District Attendance may be denied based on space availability.

Ed. Code 46601 requires notification to applicant of right of appeal to county board when interdistrict attendance permit is denied.

Tina Petersen, Ed.D, *Assistant Superintendent, Educational Services*

## **School Site Selection (Ed. Code 17213.1)**

A District must provide notice to residents in the immediate area before commencing work on a preliminary endangerment assessment regarding a possible school site. (Ed. Code 17210.1.) When the District submits the assessment to the Department of Toxic Substances Control, the District must publish a notice in a local newspaper of general circulation indicating that the assessment has been submitted. The District must also post the notice at the proposed school site.

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**Education in Review is published annually by the Colton Joint Unified School District to share policies and general information with the community. Please direct comments to the Communications Department, 580-5000 Ext. 6507.**

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