

**Annual Notification to  
Parents/Guardians  
2025-2026**

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## ABSENCES

### Excused Absences (Ed. Code §§ 46010.1, 48200, 48205, 48980)

Except when attendance is excused, students between the ages of 6 and 18 years are required by law to attend school and parents must compel their students to do so. Students will be excused from school for the following reasons:

- (1) Illness of the student, including an absence for the benefit of the student's mental or behavioral health.
- (2) Quarantine under the direction of a county or city health officer.
- (3) Securing medical, dental, optometric, or chiropractic services.
- (4) Attendance of funeral services or grieving the death of a member of the student's immediate family or a person determined by the student's parent or guardian to be in such close association with the student as to be considered the student's immediate family, so long as the absence is not more than three days.
- (5) Seeking and assessing victim, grief, or other support services related to the death of an immediate family member or a person determined by the student's parent or guardian to be in such close association with the student as to be considered the student's immediate family, so long as such absence is not more than three days.
- (6) Jury duty.
- (7) Illness or medical appointment during school hours of a child of whom the student is the custodial parent, including absences to care for a sick child for which the school staff shall not require a note from a doctor.
- (8) For justifiable personal reasons, including, but not limited to, an attendance or appearance in court, attendance at a funeral service, observance of a holiday or ceremony of the student's religion, attendance at religious retreats, attendance at an employment conference, or attendance at an educational conference on the legislative or judicial process offered by a nonprofit organization when the student's absence is requested in writing by the parent and approved by the principal or a designated representative. Attendance at religious retreats cannot exceed one school day per semester.
- (9) Service as a member of a precinct board for an election.
- (10) Spending time with a member of the student's immediate family, who is an active duty member of the uniformed services, and has been called to duty for, is on leave from, or has immediately returned from, deployment; such absences will be granted for a period of time to be determined at the discretion of the Superintendent.
- (11) Attendance of the student's naturalization ceremony to become a United States citizen.
- (12) For the purpose of participating in a cultural ceremony or event. "Cultural" means relating to the habits, practices, beliefs, and traditions of a certain group of people.
- (13) Obtaining confidential medical services without parental consent.
- (14) For the purpose of engaging in a civic or political event, provided that the student is in middle school or high school and notifies the school ahead of the absence. A student may be excused for only one school day-long absence per school year for this purpose, unless the school administrator permits additional excused absences.
- (15) Participating in military entrance processing.

A student may not have their grade reduced or lose academic credit for any excused absence(s) if missed assignments and tests that can reasonably be provided are satisfactorily completed within a reasonable period of time.

## Absences for Religious Purposes (Ed. Code § 46014)

With parent written consent, a student may be excused from school to attend religious exercises or classes away from school. Such absences may not exceed four days per month. An excused student must nevertheless maintain his or her attendance at the minimum level of school days required for his or her grade.

## ATTENDANCE

### Attendance Options (Ed. Code §§ 35160.5, 46600 et seq., 48350 et seq., 48980)

**This section does not apply to students enrolled in Special Services Educational Programs (AcCEL/AAP/Court/Community Schools).**

California law requires all school boards to inform parents of all existing statutory attendance options and local attendance options available in the District. Students who attend schools other than those assigned by the District are referred to as “transfer students” throughout this Notice.

**Open Enrollment.** Whenever a student is attending a District school on the Open Enrollment List, as identified by the Superintendent of Public Instruction, he or she may apply to transfer to another school within or outside of the District, if the school to which he or she is transferring has a higher Academic Performance Index. Districts with a school on the Open Enrollment List must notify the parents at that school on or before the first day of the school year of their option to transfer to another public school. Information regarding the application process and applicable deadlines can be obtained from the District office.

**Interdistrict Transfers.** California law allows two or more school districts to enter into an agreement for the transfer of one or more students for a period of up to five years. New agreements may be entered into for additional periods of up to five years each. The agreement must specify the terms and conditions under which transfers are permitted or denied. Districts of residence may not deny a transfer of a student whose parent is active duty military where the district of proposed enrollment approves the application. No district is required to provide transportation to a student who transfers into the district. If either district denies a transfer request, a parent may appeal that decision to the county board of education within 30 calendar days from the date of the final denial. There are specified timelines in the law for the county board of education to make a decision.

### Residency Requirements (Ed. Code §§ 48200, 48204, 48204.3, 48204.4, 48206.3, 48207, 48208, 48853.5, 48980)

The District desires to admit all students who reside within the District boundaries or who fulfill the District residency requirements through other means as allowed by law. A student shall be deemed to have complied with the District’s residency requirements if any of the following are met:

**Residency.** The student’s parent or legal guardian resides within the District’s boundaries.

**Children of Military Service Members.** The student’s parent or legal guardian is transferred or is pending transfer to a military installation within the state while on active military duty pursuant to an official military order. The District must accept applications by electronic means for enrollment, including enrollment in a specific school or program within the District, and for course registration.

The parent must provide proof of residency in the District within 10 days after the published arrival date provided on official documentation.

**Licensed Children's Institution, Foster Home, or Family Home.** The student is placed within the District's boundaries in a regularly established licensed children's institution, a licensed foster home, or a family home pursuant to court order.

**Foster Children.** The student is a foster child who remains in his or her school of origin. When a student's foster student status is terminated by the juvenile court during the school year, former foster students in grades K through eighth must be allowed to finish the school year in his or her school of origin. Former foster students in grades ninth through twelfth must be allowed to continue attending their schools of origin through graduation.

**Interdistrict Attendance.** The student has been admitting through an interdistrict attendance option, such as an interdistrict attendance agreement, or Open Enrollment Act transfer.

**Emancipated Minor.** The student resides within the District's boundaries and whose parent or legal guardian has been relieved of responsibility, control, and authority through emancipation.

**Caregiving Adult.** The student lives with a caregiving adult within the District's boundaries and the caregiving adult submits an affidavit to that effect.

**State Hospital.** The student resides in a state hospital located within the District's boundaries.

**Parent's Employment.** The student's parent or legal guardian resides outside of the District's boundaries but is employed within the District's boundaries and lives with the student at the place of employment for a minimum of three days during the school week.

The District may deem a student to have met residency requirements for school attendance if at least one parent or legal guardian of the student is physically employed within the boundaries of that district for a minimum of 10 hours during the school week, subject to the right of the district of residence or the district of employment to prohibit the transfer on various grounds provided for in Education Code section 48204(b), paragraphs (2) to (6). The District is not required to admit the student to its school based on the employment of the parent, but it may not refuse to admit the student on the basis of race, ethnicity, sex, parental income, scholastic achievement, or any other arbitrary consideration. Once a student has been deemed to have residency and is enrolled in the District on this basis, the student does not have to reapply in the next school year to attend a school within the District, and the governing board shall allow the student to attend school through the 12th grade in the District if the parent so chooses and if at least one parent continues to be physically employed in the District.

**Students of Detained or Deported Parents.** The student's parent has departed California against his or her will, and the student can provide official documentation evidencing the departure; and the student moved outside of California as a result of his or her parent leaving the state against his or her will, and the student lived in California immediately before moving outside the state. The student must provide evidence of enrollment in a California public school immediately before moving outside the state. Deported parents may designate another adult to attend school meetings and to serve as an emergency contact. No charges or fees of any kind may be required for admission or attendance in these circumstances. This law applies to parents who were: (1) in the custody of a government agency and were transferred to another state; (2) subject to a lawful removal order and who were removed or were permitted to leave California voluntarily before being removed; and (3) subject to any additional circumstances consistent with these purposes, as determined by the District.

## Temporary Disability (Ed. Code §§ 48206.3, 48207, 48207.3, 48208, 48980)

A student whose temporary disability makes school attendance impossible or inadvisable must receive individual instruction either at home provided by the school district in which the student resides or in a hospital or other residential health facility, excluding state hospitals, provided by the school district in which the hospital or residential facility is located. “Temporary disability” means a physical, mental or emotional disability incurred while a student is enrolled in regular day classes or an alternative education program to which the student can reasonably be expected to return. “Temporary disability” does not include a disability that would qualify a student as a “student with exceptional needs” under Education Code section 56026.

A student with a temporary disability, who is in a hospital or other residential health facility, excluding a state hospital, located outside of the district in which the student’s parent resides, complies with the school district’s residency requirements for school attendance in the school district in which the hospital is located. Once the parent has notified the district in which the hospital is located of the student’s presence in the qualifying hospital, the district has five working days to notify the parent if individualized instruction shall be made available. If the determination is positive, individualized instruction will begin within five working days.

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

When a student receiving individual instruction is well enough to return to school, he or she must be allowed to return to the school that he or she attended immediately before receiving individual instruction was initiated. Absences from the student’s regular school program due to the student’s temporary disability are excused until the student is able to return to the regular school program.

## Students in Active Military Families - Residency Retention and Matriculation (Ed. Code §§ 48204.6, 48980)

A student living in the household of an active duty military service member must be allowed to continue attending the student’s school of origin for the remainder of the school year if the family moves.

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

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

## Migratory Children - Residency Retention and Matriculation (Ed. Code §§ 48204.7, 54441)

A currently migratory child is a child who has moved from one school district to another in order that the child, parent, or immediate family member might secure temporary or seasonal employment in an agricultural or fishing activity.

A currently migratory child must be allowed to continue attending the student's school of origin, regardless of any change of resident during that school year, for the duration of the student's status as a currently migratory child.

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

If the student's status as a currently migratory child ends during the school year, then the student is allowed to stay in his or her school of origin for the remainder of the school year if he or she is in grades 1-8, or through graduation if the student is in high school.

## Immigration Enforcement - “Know Your Rights” (Ed. Code § 234.7)

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

## Notice of Alternative Schools (Ed. Code § 58501)

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

- (1) Maximize the opportunity for students to develop the positive values of self-reliance, initiative, kindness, spontaneity, resourcefulness, courage, creativity, responsibility, and joy.
- (2) Recognize that the best learning takes place when the student learns because of his desire to learn.
- (3) Maintain a learning situation maximizing student self-motivation and encouraging the student in his own time to follow his own interests. These interests may be conceived by him totally and independently or may result in whole or in part from a presentation by his teachers of choices of learning projects.
- (4) Maximize the opportunity for teachers, parents and students to cooperatively develop the learning process and its subject matter. This opportunity shall be a continuous, permanent process.
- (5) Maximize the opportunity for the students, teachers, and parents to continuously react to the changing world, including but not limited to the community in which the school is located.

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

## Transfer of Victims of Bullying (Ed. Code § 46600)

School districts must approve the request of a bullying victim, as defined, to transfer to another school within the district. If the requested school is at capacity, the school district must accept a request for an alternate site. If the school district of residence has only one school available, the school district of residence must honor the student's interdistrict transfer request if the school district of proposed enrollment approves the transfer.

## COMPLAINTS

### Uniform Complaint Procedures (Ed. Code §§ 262.3, 33315; 5 C.C.R. §§ 4610, 4622, 4632)

The District has established Uniform Complaint Procedures ("UCP") to address allegations of unlawful discrimination, harassment, intimidation, and bullying, and complaints alleging violation of state or federal laws governing educational programs, the charging of unlawful pupil fees, and the non-compliance of the District's Local Control and Accountability Plan. See Appendix for the District's UCP.

The UCP addresses all allegations of unlawful discrimination, harassment, intimidation, or bullying against any protected group as identified in Education Code section 200 and 220, and Government Code section 11135, including any actual or perceived characteristics as set forth in Penal Code section 422.55 or on the basis of a person's association with a person or group with one or more of these actual or perceived characteristics in any program or activity conducted by the District that if funded directly by, or that receives or benefits from any state financial assistance. The UCP shall also be used when addressing complaints alleging failure to comply with state and/or federal laws in:

- Adult Education
- After School Education and Safety
- Agricultural Career Technical Education
- American Indian Education Centers and Early Childhood Education Program Assessments
- Bilingual Education
- California Peer Assistance and Review Programs for Teachers
- Career Technical and Technical Education; Career Technical; Technical Training
- Career Technical Education
- Child Care and Development
- Compensatory Education
- Consolidated Categorical Aid
- Course Periods Without Educational Content

- Economic Impact Aid
- Education of Students in Foster Care, Students Who Are Homeless, Former Juvenile Court Students Now Enrolled in a School District, and Children of Military Families
- Every Student Succeeds/No Child Left Behind
- Local Control Accountability Plans
- Migrant Education
- Physical Education Instructional Minutes
- Pupil Fees
- Reasonable Accommodations to a Lactating Student
- Regional Occupational Centers and Programs
- School Safety Plans
- State Preschool Health and Safety Issues
- Tobacco-Use Prevention Education
- Discriminatory Instructional Materials and Curricula
- Discrimination related to the refusal to approve the use or prohibit the use of any textbook, instructional material, supplemental instructional material, or other curriculum for classroom instruction or any book or other resource in a school library on the basis that it includes a study of the role and contributions of any individual or group consistent with the requirements of Education Code sections 51204.5 and 60040, unless the study of the role and contributions violates Education Code section 51501 or 60044.

The Director of Human Resources shall receive and investigate complaints submitted under the District's UCP and ensure District compliance with the law. For more information concerning the filing of uniform complaints, copies of the Board Policies and Administrative Regulations pertaining to the District's UCP are available free of charge upon request at the school office.

Except for complaints submitted under the District's Williams Complaint Procedures, a complainant may appeal a decision made under the District's UCP to the California Department of Education by filing a written appeal within 30 days of receiving the decision. The appeal must be accompanied by a copy of the complaint filed with the District and a copy of the District's decision.

A complainant may pursue available civil law remedies outside of the District's UCP. Civil law remedies that may be imposed by a court include, but are not limited to, injunctions, restraining orders, or other remedies or orders that may be available under state or federal discrimination, harassment, intimidation, or bullying laws, if applicable.

## **Uniform Complaint Procedures - Specific Complaints (Ed. Code §§ 48853, 48853.5, 49010, 49011, 49013, 49069.5, 51225.2, 52075; 5 C.C.R. § 4630)**

Complaints alleging non-compliance with specific state laws identified below may be submitted under the District's UCP. If a complainant is not satisfied with the District's decision, the complainant may appeal to the California Department of Education and will receive a written decision within 60 days.

**Pupil Fees.** A pupil enrolled in a public school shall not be required to pay a pupil fee for participation in an educational activity. A pupil fee includes, but is not limited to, all of the following: (1) a fee charged to a pupil as a condition for registering for school or classes, or as a condition for participation in a class or an extracurricular activity, regardless of whether the class or activity is elective or compulsory, or is for credit; (2) a security deposit, or other payment, that a pupil is required to make to obtain a lock, locker, book, class apparatus, musical instrument, clothes, or other materials

or equipment; and (3) a purchase that a pupil is required to make to obtain materials, supplies, equipment, or clothes associated with an educational activity. A complaint alleging the imposition of pupil fees for participation in educational activities may be filed with the school's principal under the UCP not later than one year from the date the alleged violation occurred. A complaint may be filed anonymously if the complainant provides evidence or information leading to evidence to support the complaint.

**Local Control Accountability Plan.** School districts, charter schools and county offices of education are required to adopt and annually update their Local Control Accountability Plans ("LCAPs"). A complaint alleging noncompliance with the LCAP may be filed under the District's UCP and may be filed anonymously. A complaint may be filed anonymously if the complainant provides evidence or information leading to evidence to support the complaint.

**Graduation and Coursework Requirements for Foster Youth, Homeless Students, Former Juvenile Court Students, Students Living in Active Duty Military Households, and Migratory and Newly Arrived Immigrant Students Participating in a "Newcomer Program."** State law outlines the rights afforded to students in foster care, who are homeless, who are former juvenile court school students, students living in the household of a parent who is an active duty member of the military, and migratory and newly arrived immigrant students participating in a "Newcomer Program," which is a program designed to meet the academic and transitional needs of newly arrived immigrant students including, but not limited to, rights regarding a student's school of origin, enrollment, credits, graduation, college, discipline, records, and/or certain non-educational rights. A notice summarizing the rights of foster youth is available online through the California Department of Education at <http://www.cde.ca.gov/ls/pf/fy/documents/fosteryouthrights.pdf>.

## **Special Education Program Complaints (5 C.C.R. §§ 3200-3205)**

Complaints regarding special education programs are no longer covered by the District's Uniform Complaint Procedures. Please refer to the Notice of Procedural Safeguards, Special Education Rights or Parents and Children under the IDEA and the California Education Code, which is available from your child's school or may be accessed here: <https://www.cde.ca.gov/sp/se/qa/pssummary.asp>, for more information about filing a complaint. Complaints alleging that a student was discriminated against due to his or her disability still fall under the Uniform Complaint Procedures.

## **Child Nutrition Program Complaints (5 C.C.R. §§ 15580-15584)**

Complaints related to Child Nutrition Programs established pursuant to the National School Lunch Program, Summer Food Service Program, Child and Adult Care Food Program, Special Milk Program, School Breakfast Program, and Food Distribution Program are no longer processed through the LEA's Uniform Complaint Procedures. Instead, complaints must be processed through the existing procedures outlined in the federal regulations and the new, related state regulations, California Code of Regulations, title 5, sections 15580-15584. A complaint must be submitted within one year of the date of the alleged violation, and may be filed by phone, e-mail, or letter. Please see California Code of Regulations, title 5, sections 15580-15584 for more information.

## **State Preschool Health and Safety Issues Complaints (Ed. Code § 8235.5; 5 C.C.R. §§ 4690-4694) [Remove this notice if the District does not operate a State preschool programs]**

Complaints regarding state preschool health and safety issues in LEAs exempt from licensing are now processed exclusively via the procedures set forth in the California Code of Regulations, title

5, sections 4690 through 4694, and are no longer processed through the LEA's Uniform Complaint Procedures. Complaints must be filed with the preschool program administrator, or his/her designee, and may be filed anonymously.

## Lactation Accommodations for Parenting Students (Ed. Code § 222)

A school operated by a school district or a county office of education, the California School for the Deaf, the California School for the Blind, and a charter school must provide reasonable accommodations to a lactating student on a school campus to express milk, breast-feed an infant child, or address other needs related to breastfeeding. Reasonable accommodations under this section include, but are not limited to, all of the following:

- Access to a private and secure room, other than a restroom, to express breast milk or breast-feed an infant child.
- Permission to bring onto a school campus a breast pump and any other equipment used to express breast milk.
- Access to a power source for a breast pump or any other equipment used to express breast milk.
- Access to a place to store expressed breast milk safely.
- A reasonable amount of time to accommodate the need to express breast milk or breast-feed an infant child.

A student may not incur an academic penalty as a result of her use of reasonable lactation accommodations and must be provided an opportunity to make up any work missed due to such use.

A complaint of noncompliance with the requirements of this provision may be filed under the District's Uniform Complaint Procedures. Complainants not satisfied with the District's decision may appeal the decision to the California Department of Education and receive a written decision within 60 days. If the District finds merit in a complaint, or if the Superintendent finds merit in an appeal, the District will provide a remedy to the affected student.

## Pregnant and Parenting Student Rights (Ed. Code §§ 221.51, 46015)

The District cannot apply any rule concerning a student's actual or potential parental, family, or marital status that treats students differently on the basis of sex. The District cannot exclude or deny any student from any educational program or activity, including class or extracurricular activity, solely on the basis of the student's pregnancy, childbirth, false pregnancy, termination of pregnancy, or recovery therefrom.

The District may require any student to obtain the certification of a physician or nurse practitioner that the student is physically and emotionally able to continue participation in the regular education program or activity.

Pregnant or parenting students cannot be required to participate in pregnant minor programs or alternative education programs. Pregnant or parenting students who voluntarily participate in alternative education programs will be given educational programs, activities, and courses equal to those they would have been in if participating in the regular education program.

The District must treat pregnancy, childbirth, false pregnancy, termination of pregnancy, and recovery therefrom in the same manner and under the same policies as any other temporary disabling condition.

Pregnant or parenting students are entitled to eight weeks of parental leave, which the student may take before the birth of the student's infant if there is a medical necessity and after childbirth during the school year in which the birth takes place, inclusive of any mandatory summer instruction, in order to protect the health of the student who gives or expects to give birth and the infant, and to allow the pregnant or parenting student to care for and bond with the infant. The student, if the student is 18 years of age or older, or, if the student is under 18 years of age, the person holding the right to make educational decisions for the student, shall notify the school of the student's intent to exercise this right. Failure to notify the school shall not reduce these rights. A pregnant or parenting student who does not wish to take all or part of the parental leave to which he or she is entitled shall not be required to do so. A pregnant or parenting student is entitled to receive more than eight weeks of parental leave if deemed medically necessary by the student's physician.

When a student takes parental leave, the supervisor of attendance shall ensure that absences from the student's regular school program are excused until the student is able to return to the regular school program or an alternative education program. During parental leave, the District shall not require a pregnant or parenting student to complete academic work or other school requirements.

A pregnant or parenting student may return to the school and the course of study in which he or she was enrolled before taking parental leave. Upon return to school after taking parental leave, a pregnant or parenting student is entitled to opportunities to make up work missed during his or her leave, including, but not limited to, makeup work plans and reenrollment in courses.

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

A student who chooses not to return to the school in which he or she was enrolled before taking parental leave is entitled to alternative education options offered by the District. A pregnant or parenting student who participates in an alternative education program shall be given educational programs, activities, and courses equal to those he or she would have been in if participating in the regular education program.

A student shall not incur an academic penalty as a result of his or her use of these accommodations. A complaint of noncompliance with these requirements by be filed with the District under its UCP.

## **Williams Complaint Procedures (Ed. Code § 35186; 5 C.C.R. §§ 4680, 4681)**

The District's Williams Complaint Procedures address the sufficiency of instructional materials, emergency or urgent facilities conditions that pose a threat to the health and safety of students or staff, and teacher vacancies or misassignments. See Appendix for the District's Williams Complaint Procedures. The school principal, or the designee of the Superintendent, shall make all reasonable efforts to investigate complaints submitted under the District's Williams Complaint Procedures.

**Nondiscrimination (Ed. Code § 200, 220, 234.1, 48985; 20 U.S.C. §§ 1681-1688, 6311-6312; 29 U.S.C. § 794; 42 U.S.C. §§ 2000d-d7, 12101-12213; 28 C.F.R. § 35.106; 34 C.F.R. §§ 104.8, 106.8, 106.9)**

State and/or federal law prohibit discrimination in the basis of race, color, national origin, or sex in federally financed education programs or activities. District programs and activities shall be free from discrimination, including harassment, intimidation, and bullying, based on any of the following actual or perceived characteristics:

- Age
- Ancestry
- Color
- Ethnicity
- Ethnic group identification
- Gender, including a person's gender identity and gender expression, which is a person's gender-related appearance and behavior whether or not stereotypically associated with a person's assigned sex at birth
- Genetic information
- Immigration status
- Lack of English skills
- Marital, family, or parental status
- Nationality or national origin
- Physical or mental disability
- Race
- Religion or religious creed, including agnosticism, atheism, and all aspects of religious belief, observance, and practice
- Sex, including discrimination against a student based on pregnancy, childbirth, false pregnancy, termination of pregnancy or recovery from pregnancy or childbirth-related conditions, or denial of lactation accommodations for lactating students
- Sexual orientation, including heterosexuality, homosexuality, and bisexuality

Harassment, intimidation, or bullying based upon a person's association with a person or group with one or more of these actual or perceived characteristics is also prohibited. The District's policy of nondiscrimination applies to all acts related to school activity or school attendance occurring within a school under the jurisdiction of the District, and to all acts of the Governing Board and the Superintendent in enacting policies and procedures that govern the District. Any questions or concerns about noncompliance can be directed to:

Tulare County Office of Education  
Director of Human Resources  
(559) 733-6300

See Appendix for the District's policy on Nondiscrimination/Harassment.

Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act prohibit discrimination against qualified disabilities individuals in federally financed education programs or activities. The District does not discriminate in admission or access to its programs or activities. In the event of a complaint regarding discrimination based upon an actual or perceived mental or physical disability, please contact:

Tulare County Office of Education  
Director of Human Resources  
(559) 733-6300

## **Sexual Harassment Policy and Title IX Sexual Harassment Complaint Procedures (Ed. Code § 231.5, 48980; 5 C.C.R. § 4917)**

See Appendix for the District's policy on sexual harassment and Title IX Sexual Harassment Complaint Procedures.

## **DISCIPLINE**

### **Rules; School Discipline (Ed. Code §§ 35291, 48980)**

The District's Governing Board has adopted rules and regulations pertaining to student discipline, including Board Policy 5144 and Administrative Regulations 5144. Parents may request a copy of such rules and regulations.

### **Required Parental Attendance (Ed. Code §§ 48900.1, 48914)**

Parents may be required to attend their student's class if he or she is suspended for unruly or disruptive conduct.

## **FACILITIES AND SAFETY**

### **Management Plan for Asbestos-Containing Material (40 C.F.R. §§ 763.84, 763.93)**

The District has, available upon request, a complete and updated management plan for asbestos-containing material.

### **Use of Pesticide Products (Ed. Code §§ 48980.3, 17611.5, 17612)**

All schools are required to provide parents with annual notice of expected pesticide use at schools.

See Appendix for a List of Pesticide Products, including name of each pesticide product, active ingredient(s) and the Internet address for further information. Please contact the school office at your child's school if you wish to receive written notification at least 72 hours prior to the application of an individual pesticide at your school. Each school will maintain a list of parents who want to be notified before individual pesticide applications are made. Prior to the application of any pesticide, the District will post a warning sign at the area to be treated at least 24 hours prior to the pesticide application and such sign will remain posted for at least 72 hours after the application. In the event of an emergency condition, advance notification and prior sign posting may not be feasible, but a warning sign will be posted immediately upon application of the pesticide.

For additional information regarding pesticides and pesticide use, please visit the Department of Pesticide Regulation's website at [www.cdpr.ca.gov](http://www.cdpr.ca.gov). Parents may view a copy of the school's integrated pest management plan at the school site office.

## **Firearm Safety and Safe Storage of Firearms Information (Ed. Code §§ 48986, 49391, 49392)**

Beginning with the 2023-2024 school year, school districts are required to include information in their Annual Notices related to the safe storage of firearms and California's child access prevention laws, which establish liability for parents and guardians who should have known that their child could gain access to a firearm at home. The information included in the Annual Notice must be informed by model content developed by the California Department of Education (CDE). Please see the attachment for this notice.

## **HEALTH & IMMUNIZATIONS**

### **Administration of Prescribed Medication (Ed. Code §§ 48980, 49423, 49480)**

Any student who is required to take, during the regular school day, medication prescribed for him or her by a physician and surgeon or ordered for him or her by a physician assistant, may be assisted by the school nurse or other designated school personnel if the District receives the following: (1) a written statement from the physician and surgeon or physician assistant detailing the name of the medication, method, amount, and time schedules by which the medication is to be taken, and (2) a written statement from the student's parent, indicating the desire that the District assist the student in the matters set forth in the statement of the physician and surgeon or physician assistant. These written statements must be provided at least annually and more frequently if the medication, dosage, frequency of administration, or reason for administration changes.

Any student who is required to take, during the regular school day, medication prescribed for him or her by a physician and surgeon or ordered for him or her by a physician assistant, may carry and self-administer prescription auto-injectable epinephrine if the District receives the following: (1) a written statement from the physician and surgeon or physician assistant detailing the name of the medication, method, amount, and time schedules by which the medication is to be taken, and confirming that the student is able to self-administer auto-injectable epinephrine, and (2) parent written consent to the self-administration, a release for the school nurse or other designated school personnel to consult with the health care provider of the student regarding any questions that may arise with regard to the medication, and an agreement to release the District and school personnel from civil liability if the self-administering student suffers an adverse reaction as a result of self-administering medication. These written statements must be provided at least

annually and more frequently if the medication, dosage, frequency of administration, or reason for administration changes. Students may be subject to disciplinary action pursuant to Education Code section 48900 for using auto-injectable epinephrine in a manner other than as prescribed.

Parents of any student on continuing medication for a non-episodic condition must inform the school nurse or other designated certificated school employee of the medication being taken, the current dosage and the name of the supervising physician. With parent consent, the school nurse may communicate with the student's physician and may counsel school personnel regarding the possible effects of the drug, as well as possible behavioral signs and symptoms of adverse side effects, omission, or overdose.

### **Administration of Anti-Seizure Medication (Ed. Code §§ 49468.2, 49468.3)**

Parents of a student diagnosed with seizures, a seizure disorder, or epilepsy who has been prescribed an emergency anti-seizure medication may request that their student's school have one or more of its employees receive voluntary training in the administration of the medication in the event that the student suffers a seizure when a school nurse is not available. Upon receipt of the parent's request, the District must notify the parent that their child may qualify for an individualized education program or Section 504 plan. Before an emergency anti-seizure medication or therapy treatment may be administered, the parent must provide a seizure action plan to the District.

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

Any student who is required to take, during the regular school day, medication prescribed for him or her by a physician or surgeon, may be assisted by the school nurse or other designated personnel if the District receives the following: (1) a written statement from the physician or surgeon detailing the medication name, method, amount, and time schedules by which the medication is to be taken, and (2) a written statement from the student's parent requesting that the District assist the student in the administration of medication set forth in the physician or surgeon's written statement. These written statements must be provided at least annually and more frequently if the medication, dosage, frequency of administration, or reason for administration changes.

Any student who is required to take, during the regular school day, medication prescribed for her or her by a physician or surgeon, may carry and self-administer inhaled asthma medication if the District receives the following: (1) a physician or surgeon's written statement confirming that the child is able to self-administer the medication and detailing the name of the medication, the method, amount and time schedules for administration, and (2) parent written consent to the self-administration, a release for the school nurse or other designated school personnel allowing them to consult with the student's physician, and an agreement to release the District and school personnel from civil liability in the event of an adverse reaction as a result of self-administering medication. These written statements must be provided to the school at least annually or more frequently if the medication, dosage, frequency of, or reason for, the administration changes. Students may be subject to disciplinary action pursuant to Education Code section 48900 for using inhaled asthma medication in a non-prescribed manner.

### **Physical Examination Exemptions (Ed. Code §§ 48980, 49451)**

Parents may exempt their student from physical examinations at school by annually filing a written statement with the school principal refusing such an exam. However, when there is a good reason to believe that a student exempted from physical examination is suffering from a recognized contagious or infectious

disease, he or she will be sent home and will not be permitted to return to school until school authorities are satisfied that any contagious or infectious disease does not exist.

## **Medical & Hospital Services Not Provided or Available for Athletic Activities (Ed. Code § 49471)**

The District does not provide or make available medical and hospital services for students who are injured while participating in athletic activities.

## **Medical & Hospital Services for Students (Ed. Code § 49472)**

The District does not provide or make available medical and/or hospital services for students injured on school grounds, or while being transported to or from any school activity or event.

## **Mental Health Services for Students (Ed. Code § 49428)**

Student mental health services are available through the following county and/or community organizations: Visalia Youth Services (VYS) 559-627-1490 (711 N. Court St., Visalia); Hope Horizon 559-688-2043 (327 S. "K" Street, Tulare); Sequoia Youth Services (SYS) 559-594-4969 (514 N. Kaweah Ave, Exeter.); Dinuba Children's Services (DCS) 559-591-6680 (144 S. "L" Street, Dinuba); Porterville Youth Services (PYS) 559-788-1200 (1055 W. Henderson Ave., Porterville); North Tulare County One-Stop (Ages 12-24) 559-627-2046 (201 N. Court St., Visalia); Central Tulare County One-Stop (Ages 12-24) 559-687-8713 (113 S. "M" Street, Tulare); South Tulare County One-Stop (Ages 12-24) 559-784-0312 (409 N. Main St., Porterville); Tulare County Warmline 1-877-306-2413; and the 24-Hour (CARE's) Unit Tulare County Mental Health Crisis Line 1-800-320-1616. Individuals with health insurance can also call the toll-free number on the back of their insurance card to learn how to access mental health services through their insurance.

## **Immunizations and Control of Communicable Disease (Ed. Code §§ 49403, 48216, 48980; H. & S. Code §§ 120335, 120370, 120372)**

The District cooperates with the local health officer in the control and prevention of communicable diseases in school-age children. If a parent consents in writing, the District may permit any person licensed as a physician and surgeon, or a health care practitioner (including a physician assistant, nurse practitioner, registered nurse, licensed vocation nurse, or nursing student who is acting under the supervision of a registered nurse as provided by law) who is acting under the direction of a supervising physician and surgeon, to administer an immunizing agent to his/her student.

Students must be immunized against certain diseases before being admitted to school, unless exempted for medical reasons. Students who had a signed waiver based on religious or personal beliefs on file by January 1, 2016 are exempt from the immunizations requirement until they complete the "grade span" they were in as of January 1, 2016. Grade spans are: (1) birth through preschool, (2) Kindergarten through 6th grade, and (3) 7th through 12th grade. Students entering the District for the first time or advancing to 7th grade after January 1, 2016 are no longer exempt from immunizations based on their religious or personal beliefs. Students who had a medical exemption issued before January 1, 2021 will be allowed continued enrollment until they enroll in the next grade span. The District must exclude from school any student who does not supply evidence of inoculation (for any of the diseases listed in Health &

Safety Code section 120335), and will notify the parent that he/she has two weeks to supply evidence that the student is immunized.

Students who have a medical exemption issued before December 31, 2020 will be allowed continued enrollment until they enroll in the next grade span. As of January 1, 2021, the District will only accept medical exemptions that are submitted on the California Department of Public Health's standardized, statewide medical exemption certification form.

## **Cancer Prevention Act/Human Papillomavirus Immunization (Ed. Code § 48980.4; H. & S. Code § 120336)**

HPV, or human papillomavirus, is a common virus that can cause cancers later in life. California law requires that students be advised to adhere to current immunization guidelines, as recommended by the Advisory Committee on Immunization Practices of the federal Centers for Disease Control and Prevention (CDC), the American Academy of Pediatrics, and the American Academy of Family Physicians, regarding full HPV immunization before admission or advancement to the eighth grade level of any private or public elementary or secondary school.

Per the CDC, children ages 11-12 years should get two doses of HPV vaccine, given 6 to 12 months apart. HPV vaccines can be given starting at age 9. Children who get the first dose before their 15th birthday only need two doses. Teens who get the first dose on or after their 15th birthday need three doses. The HPV vaccine series is most effective when given before a person is exposed to the virus. More information may be found on the CDC's webpage: <https://www.cdc.gov/hpv/parents/vaccine-for-hpv.html>. HPV vaccination can prevent over 90 percent of cancers caused by HPV. HPV vaccines are very safe, and scientific research shows that the benefits of HPV vaccination far outweigh the potential risks.

## **Child Nutrition; School Meals (Ed. Code §§ 49510-49520, 48980)**

Parents may apply for participation in the Free and Reduced Lunch Program offered by the District to provide nutritious meals to students whose parents qualify, based on annual household income. Information and applications are available through the school office.

## **INSTRUCTION**

### **Minimum and Staff Development Days (Ed. Code § 48980)**

A student's parent will be notified during the school year of any additional minimum days or pupil-free staff development days no later than one month before the actual date. Program calendars are provided to parents at the beginning of the school year; parents can contact the Community School, AAP or AcCEL school office in their area for additional copies.

### **Career Counseling and Course Selection (Ed. Code § 221.5)**

Counselors, teachers, instructors, administrators, and aides may not, on the basis of a student's sex, offer vocational or school program guidance to the student that is different from that offered to a student of the opposite sex in counseling, nor may a counselor differentiate career, vocational, or higher education

opportunities on the basis of the sex of the student counseled. Any District personnel acting in a career counseling or course selection capacity shall affirmatively explore with the student the possibility of careers or courses leading to careers that are nontraditional for that student's sex.

### **Right to Refrain From the Harmful or Destructive Use of Animals (Ed. Code § 32255 et seq.)**

Any student with a moral objection to dissecting, harming, or destroying animals shall notify his/her teacher regarding this objection. An alternative education project may be arranged if the teacher believes the alternative education project can provide the course of study in question. The alternative requires a comparable amount of time and effort, but must not be more arduous than the original project. The District requires a signed note from a parent indicating their child's objection.

### **Special Education (Ed. Code § 56000 et seq.; 20 U.S.C. § 1412; 35 C.F.R. § 300.111)**

Students with exceptional needs have a right to a free appropriate public education in the least restrictive environment. The District wants to locate, identify, and assess all children with disabilities whether homeless, wards of the state or enrolled in public or private schools. Parents should inform school officials if they have reason to believe their child has a disability requiring special services or accommodations. The child will be evaluated to determine whether he/she is eligible for free special instruction or services.

### **Excuse from Health Instruction Based on Religious and Moral Grounds (Ed. Code § 51240)**

Upon written request of a parent, a student shall be excused from any part of health instruction that conflicts with his/her religious training and beliefs (including personal moral convictions).

### **Comprehensive Sexual Health Education and HIV/AIDS Prevention (Ed. Code §§ 51938, 51939, 48980)**

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

A parent may request in writing that his/her student be excused from participating in HIV/AIDS prevention or comprehensive sexual health education. Students so excused by their parent shall be given an alternative educational activity.

Parents may inspect the written and audio visual educational materials used in comprehensive sexual health education and HIV/AIDS prevention education. Parents have a right to request that the District provide them a copy of Education Code sections 51930-51939.

Every student's parent will be notified prior to the commencement of any comprehensive sexual health education and HIV/AIDS prevention education instruction as to the date of such instruction and whether the instruction will be taught by District personnel or by outside consultants. If outside consultants are used, the name of the organization of each guest speaker will be identified. Parents have a right to request that the District provide them a copy of Education Code sections 51933, 51934, and 51938.

Anonymous, voluntary and confidential research and evaluation tools to measure students' health behaviors and risks, including tests, questionnaires, and surveys containing age-appropriate questions about the students' attitudes concerning or practices relating to sex may be administered to pupils in grades 7-12. Parents will be notified in writing and given the opportunity to review such tests, questionnaires and surveys and be informed that in order to excuse their student, they must state their request in writing. If a school receives a written request from a parent excusing a student from this activity, the student may not be subject to disciplinary action, academic penalty or other sanction and an alternative educational activity must be made available to the student.

### **Student Surveys, Tests, and Questionnaires Regarding Beliefs and Practices (Ed. Code §§ 51513, 60614; 20 U.S.C. § 1232h)**

No test, questionnaire, survey, or examination which has questions about a student's or his/her parents' beliefs and practices in sex, family life, morality, religion, political affiliations or beliefs, illegal, anti-social, self-incriminating, or demeaning behavior, mental or psychological problems, legally recognized privileged relationships (such as lawyer, physician, or minister), critical appraisals of individuals with whom you have close family relationships, or income (except as required by law to determine eligibility for participation in a program or for receiving financial assistance under such program) shall be administered without prior notification and written permission of the parent. Parents may inspect all instructional materials, including teacher's manuals, films, tapes or other supplementary material to be used in connection with any survey, analysis or evaluation.

### **California Assessment of Student Performance & Progress (CAASPP) (Ed. Code §§ 60604, 60615, 60640; 5 C.C.R. § 852.)**

Each year, parents will be notified regarding their student's participation in the CAASPP assessment system. Parents wanting to excuse their students from any or all parts of the CAASPP must submit a written request. Such written requests must be submitted to the school on an annual basis.

### **Notification of Potential Failing Grade (Ed. Code §§ 49063, 49067)**

Parents will be notified when a teacher has determined that your student is in danger of failing a course.

### **Teacher and Paraprofessional Qualifications (20 U.S.C. § 6312)**

Upon request, parents have a right to request information regarding the professional qualifications of the classroom teachers who instruct their student. Federal law allows parents to request the following

information: (1) If the student's teacher has met the state credential or license criteria for grade level and subject matter taught; (2) If the student's teacher is teaching under an emergency or other provisional status because of special circumstances; (3) If the teacher is teaching in the field of discipline of the certification of the teacher; and (4) If the student is receiving services from paraprofessional and, if so, their qualifications.

## **Educational Rights of High Mobility High School Students (Ed. Code §§ 49069.5, 51225.1, 51225.2)**

“High mobility” high school students, which include students who are in foster care, homeless, recent immigrants, migrant students, former juvenile court school pupils, or from military families, have the following rights when transferring to a new school after completion of their second year of high school:

- (1) Have the option to be exempted from all coursework and other requirements that are more than statewide course requirements for graduation, unless the District makes a finding that the student is reasonably able to complete the District's graduation requirements in time to graduate by the end of the fourth year of high school.
- (2) Have the option of attending a fifth year of high school in order to complete statewide graduation course requirements.
- (3) To consult with District staff and the student's educational rights holder regarding other options available to the student, including a fifth year of high school, possible credit recovery, and any transfer opportunities available through the California Community Colleges. Such consultation must also include a discussion of how remaining for a fifth year of high school or accepting an exemption from the local graduation coursework requirements may potentially impact the student's vocational plans or ability to gain admission to college, and also take into consideration the student's academic record and any other information relevant to making an informed decision.
- (4) Foster youth and homeless students have the right to consult with District staff and their educational rights holder regarding the option to remain in their school of origin.
- (5) Have their official transcript, reflecting the correct full and partial credits earned, sent to their new school within two business days. For foster youth, their official transcript must include a determination of the days of enrollment or seat time, or both if applicable, to ensure that transferring foster youth get full credit for coursework completed at their prior school.
- (6) Have their new school accept and issue the credits forwarded by the transferring school to prevent the student from unnecessarily retaking a course.
- (7) If exempted from local graduation requirements, and upon completion of statewide coursework requirements before the end of the fourth year of high school, the District may not require or request that the student graduate before the end of the student's fourth year of high school.

## **California College Guidance Initiative Data Sharing (Ed. Code § 60900.5(d))**

The California College Guidance Initiative (CCGI) works with California school districts to make applying for college and student financial aid a more streamlined experience for students. The CCGI currently receives enrollment data for all public school students in grades 6-12 from the California Department of Education. For more information about the CCGI, visit their website at <https://www.californiacolleges.edu/#/>.

Student transcript information may be shared with the CCGI in order to do both of the following: (a) provide students and their families with direct access to online tools and resources for college and career planning; and (b) enable a student to transit information shared with the CCGI to both institutions of higher education for purposes of admissions and academic placement, and the Student Aid Commission for purposes of determining eligibility for, and increasing uptake of, student financial aid.

## RECORDS

### **Student Records Policy (Ed. Code §§ 49063, 49064; 5 C.C.R. § 432)**

The District maintains mandatory permanent (kept indefinitely) and interim (may be destroyed after a stipulated length of time) student records. Mandatory permanent student records include the student's legal name; date of birth; method of verification of birth date; sex of student; name and address of parent of minor student; entering and leaving date of each school year and for any summer session or other extra session; subjects taken during each year, half-year, summer session, or quarter; if marks or credit are given, the mark or number of credits toward graduation allows for work taken; verification of or exemption from required immunizations; and date of high school graduation or equivalent. Mandatory interim student records include a log or record identifying those persons (except authorized school personnel) or organizations requesting or receiving information from the record; health information, including Child Health Developmental Disabilities Prevention Program verification or waiver; participation in special education programs including required tests, case studies, authorizations, and actions necessary to establish eligibility for admission or discharge; language training records; progress slips and/or notices; parental restrictions regarding access to directory information or related stipulations; parent or adult student rejoinders to challenged records and to disciplinary action; parental authorizations or prohibitions of student participation in specific programs; and results of standardized tests administered within the preceding three years. In addition, permitted student records (may be destroyed when no longer useful) are kept. Permitted student records include objective counselor and/or teacher ratings, standardized test results older than three years, routine discipline data, verified reports of relevant behavioral patterns, all disciplinary notices, and attendance records. The following position is responsible for maintaining all student records:

Administrator, Special Services  
(559) 730-2910

An access log or record of who has requested or received information from a student's records is kept at Tulare County Office of Education, 6200 S. Mooney Blvd., Visalia. The Education Code and the District's Administrative Regulation 5125 set forth the criteria under which school officials and employees may access, change, or delete information in a student's records.

### **Parent Access to Records (Ed. Code §§ 49063, 49065, 49069, 49070, 56504; 34 C.F.R. § 99.7)**

Parents of currently enrolled or former students have an absolute right of access to any and all student records related to their children that are maintained by the District. Parents have the right to inspect and review their children's student records during regular school hours within five business days of a request. The District may charge parents a reasonable fee not to exceed the actual copying cost for reproducing copies of student records.

Parents may challenge the content of a student record if there is an inaccuracy, an unsubstantiated personal conclusion or inference, a conclusion or inference outside of the observer's area of competence, a comment not based on the personal observation of a named person with the time and place of the observation noted, or if the student record includes misleading information or violates the student's privacy or other rights. The Superintendent or designee will meet with the parent and the certificated employee who recorded the information in question, if any, and presently employed by the District, within 30 days. The Superintendent will determine whether to sustain or deny the allegations. If the challenge is sustained, the changes will be made. If the challenge is denied, the parent may appeal the decision in writing to the District's governing board within 30 days of the refusal. The District's governing board will determine whether to sustain or deny the allegations within 30 days of receipt of an appeal. The decision of the District's governing board is final. The Superintendent and the District's governing board cannot order a student's grade to be changed unless the teacher who determined the grade is given an opportunity to state the reasons for which the grade was given and is included in all discussions relating to changing the grade.

### **Curriculum Review (Ed. Code §§ 49063, 49091.14)**

A prospectus of curriculum, including titles, descriptions, and instructions aims of every course offered, is available at the school site for parent review upon request. Copies are available for a reasonable fee not to exceed the actual copying cost.

### **Student Records Review (Ed. Code §§ 49063, 49064, 49076; 34 C.F.R. §§ 99.7, 99.31)**

The District may share student records with school officials and employees who have a legitimate educational interest. "School officials and employees" and "legitimate educational interest" are defined in the attached Administrative Regulation 5125.

### **Parental Consent to Release Student Information; No Parental Consent to Release Directory Information (Ed. Code §§ 49061(c), 49063, 49073, 49076, 49077; 10 U.S.C. § 503; 20 U.S.C. §§ 1232g, 7908; 34 C.F.R. § 99.37)**

Federal and state law require that the District obtain parent written consent prior to the disclosure of personally identifiable information contained in a student's records, except to the extent disclosure without consent is permitted by law (e.g. subpoena or court order). However, the District may disclose directory information without parental consent to certain entities. Directory information released to law enforcement agencies, employers and prospective employers, news media may include student's name, address, telephone number, date of birth, email address, major field of study, participation in officially recognized activities and sports, weight and height of members of athletic teams, dates of attendance, degrees and awards received, most recent educational agency or institution attended. Upon request by a military recruiter or an institution of higher education, the District must give the requester the names, addresses, and telephone numbers of its secondary students.

If you do not want the District to disclose directory information from your student's education records without your prior written consent, you must notify the District in writing by August 30<sup>th</sup>, 2025 using the attached Directory Information Opt-Out Form.

The District will not release directory information pertaining to a homeless student, unless a parent or student accorded parental rights has provided written consent that the directory information may be released.

## Transfer of Student Records (Ed. Code § 49068; 34 C.F.R. §§ 99.7, 99.34)

The District will forward student records, including transcripts, immunization records, and, when applicable, suspension notices, expulsion records, and individualized education programs, to other school districts that have requested the records and in which the student seeks or intends to enroll or is already enrolled so long as the disclosure is for purposes related to the student's enrollment or transfer.

## Student Records Complaints (Ed. Code § 49063; 20 U.S.C. § 1232g; 34 C.F.R. §§ 99.7, 99.63)

Parents have the right to file a complaint with the U.S. Department of Education concerning an alleged failure by the District to comply with the requirements of the General Education Provisions Act or FERPA. The name and address of the office that administers FERPA are:

Student Policy Compliance Office  
U.S. Department of Education  
400 Maryland Avenue, SW  
Washington, DC 20202

## HIGH SCHOOL ONLY

### College Admission Requirements/Career Technical Education (Ed. Code §§ 51229, 66204)

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

The University of California (UC) has three paths to eligibility for graduating high school seniors who plan to attend:

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

The following website links provide more information regarding UC admission requirements:

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

#### **California State University:**

The California State University (CSU) system has A-G standards that must be met in each of the following areas:

- (1) Specific high school courses

- (2) Grades in specified courses and test scores
- (3) Graduation from high school

The following website link provides more information regarding the CSU admission requirements:

<http://calstate.edu/apply>

### **Career Technical Education:**

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

The following website link provides more information regarding Career Technical Education:

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

### **Guidance Counseling:**

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

### **State Funds for Advanced Placement Exams (Ed. Code §§ 48980)**

The District may help pay for all or part of the costs of one or more advanced placement examinations that are charged to economically disadvantaged students pursuant to Education Code section 52242.

### **Cal Grant Program / Student Opt-Out (Ed. Code § 69432.9)**

Students will automatically be deemed Cal Grant applicants unless the parent, or the student if the student is 18 years or older, opts out by September 15<sup>th</sup>, 2025 during the student's eleventh grade year. Eleventh graders who are 18 years or older and parents of minor eleventh graders may contact the Principal at their child's school if they do not want their grade point averages reported to the California Student Aid Commission (CSAC) for purposes of the Cal Grant Program. Court/Community Schools plan to first submit senior grade point averages to CSAC on September 30<sup>th</sup>, 2025. Court/Community Schools must first submit senior grade point averages to CSAC no later than October 1 of each year.

### **Apprenticeship and Pre-Apprenticeship Programs (Ed. Code § 48980.5)**

The Department of Industrial Relations' Division of Apprenticeship Standards maintains a database of registered apprenticeship programs and pre-apprenticeship programs, which is accessible via the following website link: <https://www.dir.ca.gov/databases/das/aigstart.asp>. The District shall assist students in locating apprenticeship opportunities through this database, and may use contact information contained in the database to obtain information or materials, including, but not limited to, pamphlets or brochures.

## **APPENDIX**

# **TULARE COUNTY** **OFFICE OF EDUCATION**

## **Board/Superintendent Policy**

**Community Relations**  
**BP/SP 1312.3**

### **Uniform Complaint Procedures (UCP)**

### **Uniform Complaint Procedures (UCP) Policies and Procedures**

Tulare County Office of Education (TCOE)

6200 South Mooney Boulevard

Visalia, California 93277

(559) 733-6300

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

Adopted by our Governing Board (here and after “the board”) on December 13, 2024.

### **Uniform Complaint Procedures (UCP)**

This document contains rules and instructions about the filing, investigation and resolution of a Uniform Complaint Procedures (UCP) complaint regarding an alleged violation by the Tulare County Office of Education (TCOE) of federal or state laws or regulations governing educational programs.

This document presents information about how we process UCP complaints concerning particular programs or activities that are subject to the UCP.

A UCP complaint is a written and signed statement alleging a violation of federal or state laws or regulations, which may include an allegation of unlawful discrimination, harassment, intimidation or bullying. A signature may be handwritten, typed (including in an email) or electronically generated. Some complaints may be filed anonymously. A UCP complaint filed on behalf of an individual student may only be filed by that student or that student’s duly authorized representative.

A complainant is any individual, including a person’s duly authorized representative or an interested third party, public agency, or organization who files a written complaint alleging violation of federal or state laws or regulations, including allegations of unlawful discrimination, harassment, intimidation or bullying in programs and activities funded directly by the state or receiving any financial assistance from the state.

If the complainant is unable to put the complaint in writing, due to a disability or illiteracy, we shall assist the complainant in the filing of the complaint.

The Tulare County Office of Education (TCOE) developed the Uniform Complaint Procedures (UCP) process with policies and procedures adopted by the governing board or the authorized designee.

According to state and federal codes and regulations, the programs and activities subject to the UCP are:

- Accommodations for Pregnant and Parenting Pupils
- Adult Education
- After School Education and Safety
- Agricultural Career Technical Education
- Career technical and technical education and career technical and technical training programs
- Child care and development programs
- Compensatory Education
- Consolidated categorical aid programs
- Course Periods without Educational Content
- Discrimination, harassment, intimidation, or bullying against any protected group as identified under Education Code (EC) Sections 200 and 220 and Government Code Section 11135, including any actual or perceived characteristic as set forth in Penal Code Section 422.55, or on the basis of a person's association with a person or group with one or more of these actual or perceived characteristics, in any program or activity conducted by an educational institution, as defined in EC Section 210.3, that is funded directly by, or that receives or benefits from, any state financial assistance.
- Educational and graduation requirements for pupils in foster care, pupils who are homeless, pupils from military families, pupils formerly in Juvenile Court now enrolled in a school district, pupils who are migratory, and pupils participating in a newcomer program.
- Every Student Succeeds Act (ESSA)
- Instructional Materials and Curriculum: Diversity
- Local control and accountability plans (LCAP)
- Migrant Education
- Physical Education Instruction Minutes
- Pupil Fees
- Reasonable Accommodations to a Lactating Pupil
- Regional Occupational Centers and Programs
- School Plans for Student Achievement
- School site Councils
- State Preschool
- State Preschool Health and Safety Issues in LEAs Exempt from Licensing
- And any other state or federal educational program the State Superintendent of Public Instruction (SSPI) or designee deems appropriate.

The following complaints shall be referred to the specified agencies for appropriate resolution and are not subject to our UCP complaint procedures set forth in this document:

- (a) Allegations of child abuse shall be referred to the applicable County Department of Social Services (DSS), Protective Services Division or appropriate law enforcement agency.
- (b) Health and safety complaints regarding licensed facilities operating a Child Development Program shall be referred to DSS.

(c) Employment discrimination complaints shall be sent to the State Department of Fair Employment and Housing (DFEH). The complainant shall be notified in writing in a timely manner of any DFEH transferal.

### **The Responsibilities of the Tulare County Office of Education (TCOE)**

We shall have the primary responsibility to ensure compliance with applicable state and federal laws and regulations. We shall investigate and seek to resolve, in accordance with our approved UCP process, complaints alleging failure to comply with applicable state and federal laws and regulations including, but not limited to, allegations of discrimination, harassment, intimidation, or bullying or noncompliance with laws relating to all programs and activities we implement that are subject to the UCP.

### **The UCP Annual Notice**

We disseminate on an annual basis the UCP Annual Notice which is a written notice of our approved UCP complaint procedures to all of our students, employees, parents or guardians of its students, school and district advisory committee members, appropriate private school officials or representatives, and other interested parties.

This notice may be made available on our website and shall include the following:

- information regarding allegations about discrimination, harassment, intimidation, or bullying;
- the list of all federal and state programs within the scope of the UCP;
- the title of the position whose occupant is responsible for processing complaints, and the identity(ies) of the person(s) currently occupying that position, if known;
- a statement that the occupant responsible for processing complaints is knowledgeable about the laws and programs that they are assigned to investigate;
- a statement that in order to identify appropriate subjects of state preschool health and safety issues pursuant to Section 1596.7925 of the Health and Safety Code (HSC) a notice, separate from the UCP Annual Notice, shall be posted in each California state preschool program classroom in each school in the local educational agency notifying parents, guardians, pupils, and teachers of (1) the health and safety requirements under Title 5 of the California Code of Regulations (5 CCR) apply to California state preschool programs pursuant to HSC Section 1596.7925, and (2) the location at which to obtain a form to file a complaint.

### **Filing UCP Complaints**

All UCP complaints shall be filed no later than one year from the date the alleged violation occurred.

Complaints within the scope of the UCP are to be filed with the person responsible for processing complaints:

Title: Assistant Superintendent  
Unit or office: Human Resources  
Address: 6200 S. Mooney Blvd, Visalia CA 93277  
Mailing Address: P.O. Box 5091, Visalia CA 93278-5091  
Phone: (559) 733-6306  
Electronic mail address: [dedi.somavia@tcoe.org](mailto:dedi.somavia@tcoe.org)

A pupil fee includes a purchase that a pupil is required to make to obtain materials, supplies, equipment, or clothes associated with an educational activity.

A pupil fees complaint may be filed with the principal of a school or with our superintendent or their designee. A pupil fees complaint may be filed anonymously, that is, without an identifying signature, if the complaint provides evidence or information leading to evidence to support an allegation of noncompliance.

For complaints relating to Local Control and Accountability Plans (LCAP), the date of the alleged violation is the date when the reviewing authority approves the LCAP or annual update that we adopted. An LCAP complaint may be filed anonymously, that is, without an identifying signature, if the complaint provides evidence or information leading to evidence to support an allegation of noncompliance.

We advise complainants of the right to pursue civil law remedies that may be available under state or federal discrimination, harassment, intimidation or bullying laws, including, but not limited to, injunctions, restraining orders, or other remedies or orders that may also be available to complainants.

### **Investigating UCP Complaints**

The UCP complaint investigation is our administrative process for the purpose of gathering data regarding the complaint. We provide an opportunity for complainants and/or representatives to present evidence or information.

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

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

We ensure that complainants are protected from retaliation.

We investigate all allegations of unlawful discrimination, harassment, intimidation or bullying against any protected group. Unlawful discrimination, harassment, intimidation or bullying complaints shall be filed no later than six months from the date the alleged discrimination, harassment, intimidation or bullying occurred, or six months from the date the complainant first obtained knowledge of the facts of the alleged discrimination, harassment, intimidation or bullying.

### **UCP Complaint Resolution**

We will thoroughly investigate the UCP complaint and issue a written Investigation Report to the complainant within 60 calendar days from the date of the receipt of the complaint, unless the complainant agrees in writing to an extension of time.

This Investigation Report will contain the following elements:

- the findings of fact based on the evidence gathered;
- a conclusion that provides a clear determination for each allegation as to whether we are in compliance with the relevant law;
- corrective actions if we find merit in a complaint:
  - for complaints regarding Pupil Fees; LCAP; Physical Education Instructional Minutes, or Course Periods without Educational Content, the remedy shall go to all affected pupils, parents, and guardians,
  - for all other complaints within the scope of the Uniform Complaint Procedures the remedy shall go to the affected pupil,
  - with respect to a Pupil Fees complaint, corrective actions shall include reasonable efforts to ensure full reimbursement to all pupils, parents and guardians who paid a pupil fee within one year prior to the filing of the complaint;
- a notice of the complainant's right to appeal our Investigation Report to the Department of Education (CDE); and
- the procedures to be followed for initiating an appeal to the CDE.

### **UCP Complaint Appeal Process**

An appeal is a written and signed request by the complainant to the CDE seeking review of an LEA Investigation Report that was issued in response to a properly-filed complaint. A signature may be handwritten, typed (including in an email) or electronically-generated.

The complainant may appeal our Investigation Report of a UCP complaint to the CDE by filing a written appeal within 30 calendar days of the date. In order to request an appeal, the complainant must specify and explain the basis for the appeal, including at least one of the following:

- The Tulare County Office of Education (TCOE) failed to follow its complaint procedures, and/or
- the Investigation Report lacks material findings of fact necessary to reach a conclusion of law, and/or
- the material findings of fact in the Investigation Report are not supported by substantial evidence, and/or
- the legal conclusion in the Investigation Report is inconsistent with the law, and/or
- in a case in which we were found in noncompliance, the corrective actions fail to provide a proper remedy.

The appeal shall be sent with: (1) a copy of the locally filed complaint; and (2) a copy of the LEA Investigation Report.

All complaints and responses are public records.

## **UCP Requirements Regarding State Preschool Health and Safety Issues Pursuant to HSC Section 1596.7925:**

To file a UCP complaint regarding a state preschool health and safety issue pursuant to HSC Section 1596.7925 the complainant must file with the preschool program administrator or their designee in the Tulare County Office of Education (TCOE).

A state preschool health and safety issues complaint about problems beyond the authority of the preschool program administrator shall be forwarded in a timely manner, but not to exceed 10 working days to our official for resolution.

A state preschool health and safety issues complaint may be filed anonymously. A complainant who identifies themselves is entitled to a response if they indicate that a response is requested. A complaint form shall include a space to mark to indicate whether a response is requested. If EC Section 48985 is otherwise applicable, the response, if requested, and our Investigation Report shall be written in English and the primary language in which the complaint was filed.

A complaint form for a state preschool health and safety issue shall specify the location for filing a complaint. A complainant may add as much text to explain the complaint as they wish.

When investigating a UCP state preschool health and safety issue the preschool program administrator or the designee of our superintendent shall make all reasonable efforts to investigate any problem within his or her authority, and investigations shall begin within 10 calendar days of the receipt of the complaint. A valid complaint shall be remedied within a reasonable time period, but not to exceed 30 working days from the date the complaint was received. The resolution of the complaint shall be reported to the complainant within 45 working days of the initial filing. If the preschool program administrator makes this report, he or she shall also report the same information in the same timeframe to the designee of our superintendent.

### **Filing an Appeal Regarding UCP State Preschool Health and Safety Issues**

A complainant not satisfied with the resolution of the preschool program administrator or the designee of our superintendent has the right to describe the complaint at a regularly scheduled hearing of our board. A complainant will not be precluded from filing an appeal to the State Superintendent of Public Instruction (SSPI) if the complainant does not file a local appeal.

A complainant who is not satisfied with the resolution proffered by the preschool program administrator or the designee of our superintendent has the right to file an appeal to the SSPI within 30 calendar days of the date of the Investigation Report.

The complainant shall comply with the same appeal requirements of 5 CCR Section 4632 as in the section above 'UCP Complaint Appeal Process.'

The complainant shall include a copy of the Investigation Report and specify and explain the basis for the appeal, including at least one of the following:

- the preschool program administrator or the designee of our superintendent failed to follow its complaint procedures, and/or
- the Investigation Report lacks material findings of fact necessary to reach a conclusion of law, and/or
- material findings of fact in the Investigation Report are not supported by substantial evidence, and/or
- the legal conclusion in the Investigation Report is inconsistent with the law, and/or
- If the preschool program is found noncompliant, the corrective actions fail to provide a proper remedy.

The SSPI or his or her designee shall comply with the requirements of 5 CCR Section 4633 and shall provide a written Investigation Report for our agency to the State Board of Education describing the basis for the complaint, our response to the state preschool health and safety issues pursuant to HSC Section 1596.7925 complaint and its remedy or proposed remedy and, as appropriate, a proposed remedy for the issue described in the complaint, if different from our agency's remedy.

We shall report summarized data on the nature and resolution of all UCP state preschool health and safety issues complaints on a quarterly basis to the county superintendent of schools and our board. The summaries shall be publicly reported on a quarterly basis at a regularly scheduled meeting of our board. The report shall include the number of complaints by general subject area with the number of resolved and unresolved complaints.

*Legal References:*

20 United States Code [20 U.S.C.] Section 6301 et seq.

34 Code of Federal Regulations [34 CFR] sections 106.8, 34 CFR 299.10-13

California Education Code [EC] sections 200, 201, 210.1, 210.3, 220, 221.1, 222, 234.1, 243, 260, 8200-8488, 8500-8538, 12030, 17002, 17592.72, 33126, 33315, 35161, 46015, 48645.7, 48850, 48853, 48853.5, 48911, 48915.5, 48987, 49010-49013, 49069.5, 51210, 51222, 51223, 51225.1-51225.3, 51228.1-51228.3, 52059.5, 52075, 52300-52462, 52500-52616.18, 54440-54445, 64000, 64001, 65000.

California Government Code [GC] sections 11135, 11136

California Penal Code [PC] Section 422.55

California Code of Regulations Title 5 (5 CCR) Sections 4600-4640, 4690-4694

Policy adopted: 9/16/92

Tulare County Board of Education  
Visalia, California

Revised: 1/14/03, 12/8/04, 2/14/07, 7/9/14, 3/11/15, 5/12/21, 10/13/21, 11/09/22, 11/8/23, 12/13/24

**TULARE COUNTY**  
**OFFICE OF EDUCATION**

**Board/Superintendent Policy**

**Community Relations**  
**BP/SP 1312.4**

**Williams Complaint Policies and Procedures**

**Williams Complaint Policies and Procedures**

Tulare County Office of Education (TCOE)  
6200 South Mooney Boulevard  
Visalia, California 93277  
(559) 733-6300

Adopted by our Governing Board (here and after “the board”) on December 13, 2024.

**Williams Complaint Policies and Procedures**

This document contains rules and instructions about the filing, investigation and resolution of a Williams complaint.

The Tulare County Office of Education (TCOE) adopted the Uniform Complaint Procedures (UCP) process in accordance with California *Education Code (EC)* Section 35186 and Chapter 5.1 (commencing with Section 4680) of the California Code of Regulations, Title 5, (5 CCR), to help identify and resolve Williams complaints. regarding alleged deficiencies related to instructional materials, emergency or urgent facilities conditions that pose a threat to the health and safety of pupils or staff, and teacher vacancy or misassignment. TCOE is required to have local policies and procedures that enable Williams Complaints to be handled through its UCP process. This document presents information about how we process complaints concerning Williams Settlement issues. A UCP complaint is a written and signed statement by a complainant alleging a violation of state laws or regulations. A complainant is any individual, including a person’s duly authorized representative or an interested third party, public agency, or organization who files a written complaint alleging violation of state laws or regulations, regarding alleged deficiencies related to instructional materials, the condition of a facility that is not maintained in a clean or safe manner or in good repair, and teacher vacancy or misassignment. If a complainant is unable to put the complaint in writing, due to a disability or illiteracy, we shall assist the complainant in the filing of the complaint.

**The Responsibility of the Tulare County Office of Education (TCOE)**

The Tulare County Office of Education (TCOE) is required to have local policies and procedures that enable Williams Complaints to be handled through our UCP process, to post a classroom notice informing parents, guardians, pupils, and teachers of their rights to file a Williams complaint in each classroom in each school, and to provide a complaint form for Williams complaints regarding alleged deficiencies Page 2 of 5 related to instructional materials, conditions of facilities that are not maintained in a clean or safe manner or in good repair, and teacher vacancy or misassignment.

If a response is requested by the complainant, the response shall be made to the mailing address of the complainant indicated on the complaint.

If Education Code 48985 is applicable and 15 percent or more of the pupils in grades K – 12 enrolled in TCOE programs/schools speak a language other than English, the Williams Complaint Classroom Notice and the Williams Complaint Form shall be written in English and in the primary language of the

complainant. The complaint response, if requested, and final report shall be written in English and the primary language in which the complaint was filed.

A Williams Complaint about problems beyond the authority of the school principal shall be forwarded in a timely manner, but will not exceed 10 working days, to the appropriate TCOE official for resolution.

The principal or the designee of our superintendent, as applicable, shall make all reasonable efforts to investigate any problem within his or her authority.

The principal, or, where applicable, our superintendent or his or her designee shall remedy a valid complaint within a reasonable time period but not to exceed 30 working days from the date the complaint was received.

The principal or, where applicable, our superintendent or his or her designee, shall report to the complainant the resolution of the complaint within 45 working days of the initial filing, if complainant identifies himself or herself and requested a response.

The principal makes this report; the principal shall also report the same information in the same timeframe to our superintendent or his or her designee.

TCOE shall report summarized data on the nature and resolution of all complaints on a quarterly basis to the county superintendent of schools and the governing board.

The summaries shall be publicly reported on a quarterly basis at a regularly scheduled meeting of the governing board.

The report shall include the number of complaints by general subject area with the number of resolved and unresolved complaints.

The complaints and responses shall be available as public records.

### **The Williams Complaint Classroom Notice**

We make sure that the Williams Complaint Classroom Notice is posted in each classroom in each TCOE school and includes the following statements:

- (a) The notice shall address parents, guardians, pupils, and teachers.
- (b) There should be sufficient textbooks and instructional materials. For there to be sufficient textbooks and instructional materials each pupil, including English learners, must have a textbook or instructional materials, or both, to use in class and to take home.
- (c) School facilities must be clean, safe, and maintained in good repair.
- (d) There should be no teacher vacancies or misassignments.
- (e) The location at which to obtain a form to file a complaint in case of a shortage.

(Posting a notice downloadable from the Web site of the CDE shall satisfy this requirement.)

### **The Williams Complaint Form**

We make sure that the Williams complaint form is available for parents, guardians, pupils, and teachers to use.

Every TCOE school shall have a complaint form available for such Williams complaints.

A notice shall be posted in each classroom in each school in the school district, and include the following statements:

The Williams Complaint form shall include:

- A space to mark to indicate if a response is requested,
- A space to include contact information, including mailing address, if the complainant indicates that a response is requested.
- A statement that a pupil, including an English Learner, does not have standards - aligned textbooks or instructional materials or state adopted or TCOE adopted textbooks or other required instructional materials to use in class.
- A statement that a pupil does not have access to textbooks or instructional materials to use at home or after school. This does not require two sets of textbooks or instructional materials for each pupil.
- A statement that textbooks or instructional materials are in poor or unusable condition, having missing pages, or are unreadable due to damage.
- A statement that a pupil was provided photocopied sheets from only a portion of a textbook or instructional materials to address a shortage of textbooks or instructional materials.
- A statement that a condition poses an urgent or emergency threat to the health or safety of pupils or staff while at school. These projects may include, but are not limited to, the following types of facility repairs or replacements: including: gas leaks, nonfunctioning heating, ventilation, fire sprinklers, or air - conditioning systems, electrical power failure, major sewer line stoppage, major pest or vermin infestation, broken windows or exterior doors or gates that will not lock and that pose a security risk, abatement of hazardous materials previously undiscovered that pose an immediate threat to pupils or staff, structural damage creating a hazardous or uninhabitable condition, and any other emergency conditions TCOE determines appropriate.
- A statement that a school restroom has not been maintained or cleaned regularly, is not fully operational, or has not been stocked at all times with toilet paper, soap, and towels or functional hand dryers.
- A statement that the school has not kept all restrooms open during school hours when pupils are not in classes, and has not kept a sufficient number of restrooms open during school hours when pupils are in classes. This does not apply when the temporary closing of the restroom is necessary (1) for a documented pupil safety concern, (2) for an immediate threat to pupil safety, or (3) to repair the facility
- A statement that a semester begins and a teacher vacancy exists. (A position to which a single designated certificated employee has not been assigned at the beginning of the year for an entire year or, if the position is for a one - semester course, a position of which a single designated certificated employee has not been assigned at the beginning of the semester for an entire semester).
- A statement that a teacher who lacks credentials or training to teach English Learners is assigned to teach a class with one or more English Learners pupils in the class.
- A statement that a teacher is assigned to teach a class for which the teacher lacks subject matter competency.
- A space to identify the location where the complaint took place,
- A space to identify the course or grade level, if applicable,
- A space where the complainant describes the specific nature of the complaint in detail,
- A statement that the complainant may add as much text to explain the complaint as the complainant wishes, and

- A statement identifying the place to file the complaint that includes the office and address of the principal or his/her designee of the school in which the alleged violation took place.

### **Filing a Williams Complaint with the Tulare County Office of Education (TCOE)**

A Williams complaint shall be filed with the principal of the school or his or her designee, in which the complaint arises.

A Williams complaint may be filed anonymously.

The complainant need not use the Williams Complaint form to file a complaint.

### **How to Appeal a Williams Complaint**

A complainant who is not satisfied with the resolution of the principal or our superintendent or his or her designee, involving deficiencies related to instructional materials, the condition of a facility that is not maintained in a clean or safe manner or in good repair, and teacher vacancy or misassignment, has the right to describe the complaint to the governing board at a regularly scheduled meeting of the governing board.

A complainant who is not satisfied with the resolution proffered by the principal, or our superintendent or his or her designee, involving a condition of a facility that poses an emergency or urgent threat, as defined in paragraph (1) of subdivision (c) of EC Section 17592.72, has the right to file an appeal to the State Superintendent of Public Instruction within 15 calendar days of receiving the report.

Condition that pose an emergency or urgent threat (not cosmetic or nonessential) to the health and safety of pupils or staff while at school include the following:

- Gas leaks.
- Nonfunctioning heating, ventilation, fire sprinklers, or air-conditioning systems.
- Electrical power failure.
- Major sewer line stoppage.
- Major pest or vermin infestation.
- Broken windows or exterior doors or gates that will not lock and that pose a security risk.
- Abatement of hazardous materials previously undiscovered that pose an immediate threat to pupils or staff.
- Structural damage creating a hazardous or uninhabitable condition.

In regards to the resolution proffered by the principal, or our superintendent or his or her designee, involving a condition of a facility that poses an emergency or urgent threat, the complainant shall comply with the appeal requirements specified in 5 CCR Section 4632.

A complainant may appeal the Decision of an emergency or urgent threat to the CDE by filing a written appeal within 15 days of receiving the Decision.

The complainant shall specify the basis for the appeal of the Decision and whether the facts are incorrect and/or the law is misapplied.

The appeal shall be accompanied by:

1. A copy of the original locally filed complaint; and
2. A copy of our Decision of this original locally filed complaint.

**State Laws Cited:**

California Education Code Sections 1240, 17592.72, 35186, 35292.5, 48985.

California Code of Regulations, Title 5 [5 CCR] Sections 4680–4687.

Regulation Approved: 1/6/05

Tulare County Superintendent of Schools  
Visalia, California

Revised: 9/1/05, 1/10/07, 7/13/07, 3/27/09, 01/22/2015

Tulare County Board of Education  
Visalia, California

Converted to a Board Policy and adopted: 5/12/2021

Revised: 11/09/2022, 11/8/2023, 12/13/2024

## Directory Information Opt-Out Form 2025-2026

This form provides parents and guardians the opportunity to opt their student out of the release of directory information. Please read each section of the form carefully. If you have any questions about this form, please contact:

Tammy Bradford  
Assistant Superintendent/SELPA Director  
6200 S. Mooney Blvd, Visalia CA  
(559) 730-2910

Pursuant to the Family Educational Rights and Privacy Act (FERPA) and the California Education Code, the District may release directory information to certain persons or organizations, as specified in this annual notice, when it is requested. Directory information may be released to law enforcement agencies, employers and prospective employers, news media and may include student's name, address, telephone number, date of birth, email address, major field of study, participation in officially recognized activities and sports, weight and height of members of athletic teams, dates of attendance, degrees and awards received, most recent educational agency or institution attended. In the case of students who have been identified as having special needs or homeless, no material can be released without parent or guardian consent.

**Please note: This is an OPTIONAL form. The form should only be returned to the school if you wish to opt your child out of one of these areas.**

If you do not want your child's directory information released, please check the box below. This opt-out does not apply to directory information released for District yearbook purposes.

**I do not** want my child's directory information to be released.

For Grades 9-12 only:

**I do not** want my child's directory information to be released to military recruiters.  
 **I do not** want my child's directory information to be released to institutions of higher education.

The District may use and release such directory information to third parties for purposes, including, without limitation, compiling, completing, and printing the District's annual yearbook and/or awards listings. If you do not want your child's directory information released and/or used for such purposes, please check the box below.

**I do not** want my child's directory information to be released in yearbooks and awards listings.

**Parent/Guardian Signature:** \_\_\_\_\_ **Date:** \_\_\_\_\_

Student Name: \_\_\_\_\_ ID#: \_\_\_\_\_

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

School: \_\_\_\_\_ Grade: \_\_\_\_\_

## Students

### Discipline

The County Board desires to prepare students for responsible citizenship by fostering self-discipline and personal responsibility. The County Board believes that high expectations for student behavior, effective classroom management and parent involvement can minimize the need for discipline. Staff shall use preventive measures and positive conflict resolution whenever possible.

Board policies and regulations shall delineate acceptable student conduct and provide the basis for sound disciplinary practices. Each school shall develop disciplinary rules in accordance with the law to meet the school's individual needs.

When misconduct occurs, staff shall implement appropriate discipline and attempt to identify and address the causes of the student's behavior. Continually disruptive students may be assigned to alternative programs or removed from school in accordance with the law, Board policy and administrative regulation. At all times, the safety of students and staff and the maintenance of an orderly school environment shall be priorities in determining appropriate discipline.

The approved rules and procedures on school discipline are subject to review by the County Board, at an open meeting, to ensure that they are consistent with board policy and State/Federal statutes.

School staff shall enforce discipline rules fairly, consistently and without discrimination.

The County Superintendent or designee shall provide professional development as necessary to assist school staff members in developing classroom management skills and implementing effective disciplinary techniques.

*Legal Reference:*

*CIVIL CODE*

*1714.1 - Parental liability for child's misconduct*

*EDUCATION CODE*

*32280-32288 School Safety Plan*

*35146 - Closed Sessions*

*35291 - Rules*

*35291.5-35291.7 -School-adopted discipline rules*

*37223 - Weekend classes*

*44807.5 - Restriction from recess*

*48900-48923 - Suspension and expulsion*

*48980- 48985 - Notification of parents or guardians*

*49001 - Prohibition of Corporal Punishment*

*49330- 49334 - injurious objects*

*CODE OF REGULATIONS, TITLE 5*

*307 - Participation in school activities until departure of bus*

*353 - Detention after school*

*See Next Page for Management Resources*

## Students

### Discipline

*Management Resources:*

#### CSBA PUBLICATIONS

Frotevl'ng Oiu-- Schools:.. Governi-ngBoa'rd Strategies 10 G:0mbat  
School Violence, 1999

#### CDE PROGRAM ADVISORIES

1010.89 Physical Exercise as Corporal Punishment, CIL 89/9-3  
1223.88 Corporal Punishment, CIL: 88/9-5

#### WEBSITES

*CDE:*

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

*USDOE:*

<http://wt.wv.ed.gov>

Policy Adopted: 617100

Revised: 10/10/07

Tulare County Board of Education

Visalia, CA

**Students**

**Suspension And Removal/Due Process**

The County Board has established policies and standards of behavior in order to promote learning and protect the safety and well-being of all students. When these policies and standards are violated, it may be necessary to suspend or expel a student from regular classroom instruction.

Suspended or expelled students shall be denied the privilege of participation in all extracurricular activities during the period of suspension or expulsion.

Except where suspension for a first offense is warranted in accordance with the law, suspension shall be imposed only when other means of correction fail to bring about proper conduct. (Education Code 48900.5)

Expulsion is an action taken by the County Board for severe or prolonged breaches of discipline by a student. Except for single acts of a grave nature, expulsion is used only when there is a history of misconduct, when other forms of discipline, including suspension, have failed to bring about proper conduct, or when the student's presence causes a continuing danger to self or others.

The grounds for suspension and expulsion and the procedures for considering, recommending and/or implementing suspension and expulsion shall be those specified in law and/or administrative regulations.

**Student Due Process**

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

**Supervised Suspension Classroom**

The County Board recognizes that students who are suspended from school often have no supervision or guidance during the school hours when they are off campus and may fall behind in coursework.

The Board believes that, in many cases, it would be better to manage the student's behavior by keeping the student at school and providing him/her with supervision that is separated from the classroom.

The County Superintendent or designee shall establish a supervised classroom suspension programs which meets the requirements of law for students suspended for any of the reasons

## Students

### Suspension And Removal/Due Process

enumerated in Education Code 48900 and 48900.2, who pose no immediate danger or threat at school and for whom an expulsion action has not been initiated.

The County Superintendent or designee shall examine alternatives to off-campus suspension and may establish a suspension program which involves progressive discipline during the school day on campus; use of conferences between staff, parents/guardians and students; detention; student study teams or other assessment-related teams; and/or referral to school support services staff. The use of such alternatives does not preclude off-campus suspensions.

### **Required Parental Attendance**

The Tulare County Board of Education believes that parental involvement plays an important role in the resolution of classroom behavior problems. The county board expects that teachers will communicate with parents/guardians when behavior problems arise.

Whenever a student is suspended from a class by a teacher because he/she committed an obscene act, engaged in habitual profanity or vulgarity, disrupted school activities, or otherwise willfully defied valid staff authority, the teacher of the class from which the student was removed may provide that the student's parent/guardian attend a portion of a school day in the class from which the student was suspended. (Education Code 48900.1)

Before requiring parental attendance, the teacher shall make reasonable efforts to have the parent/guardian visit the class voluntarily. The teacher also may inform the parent/guardian about available resources and parent education opportunities. Teachers should reserve the option of required parental attendance for cases in which they have determined that it is the best strategy to promote positive interaction between the student and the parent/guardian and to improve classroom behavior.

The teacher shall apply this policy uniformly to all students within the classroom. This policy shall apply only to a parent/guardian who lives with the student. (Education Code 48900.1)

When a teacher requires parental attendance, the principal shall send a written notice to the parent/guardian stating that his/her attendance is pursuant to law. (Education Code 48900.1)

The notice shall specify that the attendance may be on either the date the student is scheduled to return to class or within one week thereafter.

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

## Students

### Suspension And Removal/Due Process

The principal or designee shall contact a parent/guardian who does not respond to the request to attend school. The County Board recognizes that parent/guardian compliance with this policy may be delayed, modified, or prevented for reasons such as serious illness/injury/disability, absence from town, or inability to get release time from work.

County Office regulations and school-site rules for student discipline shall include procedures for implementing parental attendance requirements. Parents/guardians shall be notified of this policy prior to its implementation. (Education Code 48900.1)

## Students

### Suspension And Removal/Due Process

#### Expulsion

Expulsion is an action taken by the Governing Board for severe or prolonged breaches of discipline by a student. Except for single act of a grave nature, expulsion shall be used only when there is a history of misconduct, when other forms of discipline, including suspension, have failed to bring about proper conduct, or when the student's presence causes a continuing danger to self or others.

#### **Decision Not to Enforce Order**

In cases where expulsion is mandatory pursuant to Education Code 48915(c), the enforcement of an expulsion order shall not be suspended by the County Board. In all other cases, the order for expulsion may be suspended by the County Board, on a case-by-case basis, pursuant to the requirements of law.

#### *Legal Reference:*

#### EDUCATION CODE

*212.5 - Sexual harassment*

*1981 - Enrollment of students in community school*

*17292.5 - Program for expelled students*

*35146 - Closed sessions (re suspensions)*

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

*35921.5 - Rules and procedures on school discipline*

*48660- 48666 - Community day schools*

*48900- 48926 - Suspension and expulsion*

*48950 - Speech and other communication*

*48973- 49079 - Privacy of student records*

#### CIVIL CODE

*47 -Privileged communication*

*48.8 - Defamation liability*

#### CODE OF CIVIL PROCEDURE

*1985-1997 -Subpoenas: means of production*

#### GOVERNMENT CODE

*11455.20- Contempt*

*54950-54962 - Ralph M Brown Act*

#### HEALTH AND SAFETY CODE

*11014.5 - Drug paraphernalia*

*11053-11056 - Standards and schedules*

#### LABOR CODE

*230.7 - Discharge or discrimination against employees for taking time off to appear in school on behalf of a child*

#### PENAL CODE

*31 - Principal of a crime, defined*

*240 -Assault defined*

*241.2 - Assault fines*

*242 - Battery defined*

**Students****Suspension And Removal/Due Process***Legal Reference continued***PENAL CODE**

243.2 -Battery on school property

243.4 - Sexual battery

245 -Assault with deadly weapon

245.6 - Hazing

261 - Rape defined

266c - Unlawful sexual intercourse

286 - Sodomy defined

288 - Lewd or lascivious acts

288a - Oral copulation

289 - Penetration of genital or anal opening

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

626.9- Gun-Free School Zone Act of 1995

626.10 - Dirks, daggers, knives, razors, or stun guns

868.5 - Supporting persons, attendance during testimony of a witness

**WELFARE AND INSTITUTIONS CODE**

729.6- Counseling

**UNITED STATES COJES. TITLE 18**

921 - Definitions, firearm

**UNITED STATES CO/J E, TITLE 20**

7151 - Gun free schools

**COURT DECISIONS**TH v. San Diego Unified School D.i.strict (2004) 122 Cal.App. 4<sup>th</sup> 1267W00dbzwy v. Dempsey (2003) 108 Cal.App.4<sup>th</sup> 421B0ard o(Educaticm of StJ.cn:ii:nent@ City Unified School District v.SacramenJo Count;vBoard of Eduofiltion and Kenneth R (2001) 85 Cal.App. 4<sup>th</sup> 1321Gan;ia v. Lo.sAngeie-sBoard of Education (1991) 123 Cal.App.3<sup>rd</sup> 807Fre,n:0ht '&nion High School District v. Santa Clara Countyl!Joard (1991) 235 Cal.App.3<sup>rd</sup> 1182John A. v. San Bernardino School District (1982) 33 Cal.3<sup>rd</sup> 301**ATTORNEY GENERAL OPINIONS**

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

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

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

*Management Resources***WEBSITES**CSBA: [htLp://www.csba.org](http://www.csba.org)California Attorney General's Office: <http://www.eaag.state.ea.us>California Department of Education: <http://lhlww.ode.ea.gov>US. Department of Education, Office of Safe and Drug-Free Schools:  
<http://lwww.ed.gr-Nltrbo.1.u/o/ices/l-'ist/osdfs/index:litmi>Policy Adopted: 8/7/91  
Revised: 6/7/00Tulare County Board of Education  
Visalia, CA

10/10/07

**Students****Suspension And Expulsion/Due Process For Students With Disabilities**

Rules and procedures for discipline of students with disabilities will conform with Tulare County/District SELPA policy 7077.

A student identified as an individual with disabilities pursuant to the Individuals with Disabilities Education Act (IDEA) is subject to the same grounds for suspension and expulsion which apply to students without disabilities.

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

A student who has not been officially identified as a student with disabilities pursuant to IDEA and who has engaged in behavior that violated the county office's code of student conduct may assert any of the protections under IDEA the procedural safeguards granted under this administrative regulation only if the county office had knowledge the student is disabled before the behavior that precipitated the disciplinary action occurred. (20 USC 1415(k)(5); 34 CFR 300.534)

The county office shall be deemed to have knowledge that the student had a disability if one of the following conditions exists: (20 USC 1415(k)(5); 34 CFR 300.534)

1. The parent/guardian has expressed concern to county office supervisory or administrative personnel in writing, or to a teacher of the student, or orally if the parent/guardian does not know how to write or has a disability that prevents a written statement, that the student is in need of special education or related services.
2. The parent/guardian has requested an evaluation of the student for special education pursuant to 34 CFR 300.300-300.311.
3. The teacher of the student or other county office personnel has expressed specific concerns directly to the county office's director of special education or to other supervisory county office personnel about a pattern of behavior demonstrated by the student.

The county office would be deemed to *not have knowledge* that a student is disabled if the parent/guardian has not allowed the student to be evaluated for special education services or has refused services. In addition, the county office would be deemed to *not have knowledge* if the county office conducted an evaluation pursuant to 34 CFR 300.300-300.311 and determined that the student was not an individual with a disability. When the county office is deemed to not have knowledge of the disability, the student shall be disciplined in accordance with procedures established for students without disabilities who engage in comparable behavior. (20 USC 1415(k)(5); 34 CFR 300.534)

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

## **Students**

### **Suspension And Expulsion/Due Process For Students With Disabilities** (Continued)

#### **Suspension**

The County Superintendent or designee may suspend a student with a disability for up to 10 consecutive school days for a single incident of misconduct, and for up to 20 school days in a school year, as long as the suspension(s) does not constitute a change in placement pursuant to 34 CFR 300.536. (Education Code 48903; 34 CFR 300.530)

The principal or designee shall monitor the number of days, including portions of days, in which a student with a valid individualized education program (IEP) has been suspended during the school year.

The county office shall determine, on a case-by-case basis, whether a pattern of removals of a student from his/her current educational placement for disciplinary reasons constitutes a change of placement. A *change of placement* shall be deemed to have occurred under any of the following circumstances: (34 CFR 300.536)

1. The removal is for more than 10 consecutive school days in a school year.
2. The student has been subjected to a series of removals that constitute a pattern because of all of the following:
  - a. The series of removals total more than 20 school days in a school year.
  - b. The student's behavior is substantially similar to his/her behavior in previous incidents that resulted in the series of removals.
  - c. Additional factors, such as the length of each removal, the total amount of time the student has been removed, and the proximity of the removals to one another, indicate change of placement.

If the removal has been determined to be a *change of placement* as specified in items #1-2 above, the student's IEP team shall determine the appropriate educational services. (34 CFR 300.530)

#### **Services During Suspension**

Any student with disabilities suspended for more than 20 school days in the same school year shall continue to receive services during the term of the suspension. School personnel, in consultation with at least one of the student's teachers, shall determine the extent to which services are needed as provided in 34 CFR 300.101(a), so as to enable the student to continue to participate in the general education curriculum in another setting and to progress toward meeting the goals as set out in his/her IEP. (20 USC 1412(a)(1)(A); 34 CFR 300.530)

If a student with disabilities is excluded from school bus transportation, the student shall be provided with an alternative form of transportation at no cost to the student or his/her parent/guardian, provided that transportation is specified in his/her IEP. (Education Code 48915.5)

**Students****Suspension And Expulsion/Due Process For Students With Disabilities** (Continued)**Interim Alternative Educational Placement Due to Dangerous Behavior**

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

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

The student's interim alternative education setting shall be determined by his/her IEP team. (20 USC 1415(k)(l)(G); 34 CFR 300.531)

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

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

**Procedural Safeguards/Manifestation Determination**

The following procedural safeguards shall apply when a student is suspended for more than 10 consecutive school days, when a series of removals of a student constitutes a pattern, or when a change of placement of a student is contemplated due to a violation of the county office's code of conduct.

1. Notice: On the date the decision to take disciplinary action is made, the parents/guardians of the student shall be notified of the decision and provided the procedural safeguards notice pursuant to 34 CFR 300.504. (20 USC 1415(k)(l)(H); 34 CFR 300.530)
2. Manifestation Determination Review: Immediately if possible, but in no case later than 10 school days after the date of the decision to take disciplinary action is made, a manifestation determination review shall be made of the relationship between the student's disability and the behavior subject to the disciplinary action. (20 USC 1415(k)(l)(E); 34 CFR 300.530)

## **Students**

### **Suspension And Expulsion/Due Process For Students With Disabilities** (Continued)

At the manifestation determination review, the county office, student's parent/guardian, and relevant members of the IEP team (as determined by the county office and parent/guardian) shall review all relevant information in the student's file, including the student's IEP, any teacher observations and any relevant information provided by the parents/guardians to determine whether the conduct in question was either of the following: (20 USC 1415(k)(l)(E); 34 CFR 300.530):

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

If the manifestation review team determines that a condition in either #a or #b above was met, the conduct shall then be determined to be a manifestation of the student's disability. (20 USC 1415(k)(l)(E); 34 CFR 300.530)

- 3. Determination that Behavior is a Manifestation of the Student's Disability: When the conduct has been determined to be a manifestation of the student's disability, the IEP team shall conduct a functional behavioral assessment, unless a functional behavioral assessment has been conducted before the occurrence of the behavior that resulted in the change of placement, and shall implement a behavioral intervention plan for the student. If a behavior intervention plan has already been developed, the IEP team shall review the behavioral intervention plan and modify it as necessary to address the behavior. (20 US 1415(k)(1)(F); 34 CFR 300.530)

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

- 4. Determination that Behavior is Not a Manifestation of the Student's Disability: If the manifestation determination review team determines that the student's behavior was not a manifestation of his/her disability, the student may be disciplined in accordance with the procedures for students without disabilities. (20 USC 1415(k)(l)(D); 34 CER 300.530)

The student shall receive services to the extent necessary to participate in the general education curriculum in another setting and to allow him/her to progress toward meeting the goals set out in his/her IEP. As appropriate, the student shall also receive a functional behavioral assessment and behavioral intervention services and modifications that are designed to address the behavior violation so that it does not recur. (20 USC 1415(k)(l)(D); 34 CFR 300.530)

## **Due Process Appeals**

If the parent/guardian disagrees with any county office decision regarding placement under 34 CFR 300.530 (suspension and removal for dangerous circumstances) or 34 CFR 300.531 (interim alternative placement) or the manifestation determination under 34 CFR 300.530(e), he/she may appeal the decision by requesting a hearing. The county office may request a hearing if the county office believes that maintaining the student's current placement is substantially likely to result in injury to the student or others.

**Students****Suspension And Expulsion/Due Process For Students With Disabilities** (Continued)

In order to request a hearing, the requesting party shall file a complaint pursuant to 34 CFR 300.507 and 300.508(a) and (b); 20 UCS 1415(k)(3); 34 CFR 300.532)

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

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

**Readmission**

Readmission procedures for students with disabilities shall be the same as those used for all students. Upon readmission, an IEP team meeting shall be convened.

**Suspension of Expulsion**

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

**Notification to Law Enforcement Authorities**

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

The principal or designee also shall notify appropriate city or county law enforcement authorities of acts by any student with a disability which may involve the possession or sale of narcotics or of a controlled substance or possession of weapons or firearms in violation of Penal Code 626.9 and 626.10. (Education Code 48902)

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

**Report to County Superintendent of Schools**

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

**Students****Suspension And Expulsion/Due Process For Students With Disabilities**

*Legal Reference:* **EDUCATION CODE**

35146 - *Closed sessions (re suspensions)* 35921 - *Rules (of governing board)*

48203 - *Reports of severance of attendance of disabled student*

48900- 48925 - *Suspension and expulsion*

56000 - *Special education, legislative findings and declarations*

56320 - *Educational needs; requirements*

56321 - *Development or revision of IEP*

56329 - *Independent educational assessment*

56340-56347- *Individual educational program teams*

56505 - *State hearing*

**PENAL CODE**

245 - *Assault with deadly weapon*

626.2 - *Entry upon a campus after written notice of suspension or dismissal without permission*

626.9- *Gun-Free School Zone Act*

626.10 - *Dirks, daggers, knives, razors or stun guns*

**UNITED STATES CODE, TITLE 18**

930-*Weapons*

1365 -*Serious bodily injury*

**UNITED STATES CODE, TITLE 20**

1412 - *State eligibility*

1415 -*Procedural safeguards*

**UNITED STATES CODE, TITLE 21**

812(c) - *Controlled substances*

**UNITED STATES CODE, TITLE 29**

706 - *Definitions*

794 - *Rehabilitation Act of 1973, Section 504*

**CODE OF FEDERAL REGULATIONS, TITLE 34**

104.35 - *Evaluation and placement*

104.36 -*Procedural safeguards*

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

300.530-300.537 - *Discipline procedures*

**COURT DECISIONS**

*Schaffer v. Weast* (2005) 125 S.Ct. 528

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

*M.P. v. Governmental Board of Grossmont & Union High School*

*District* (1994)858 F. Supp. 1044

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

*Management Resources: (see next page)*

**Students**

**Suspension-And Expulsion/Due Process For Students With Disabilities**

*Management Resources: FEDERAL REGISTER*

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

**WEBSITES**

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

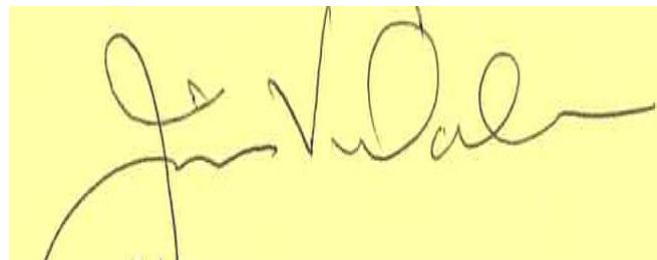
*US Department of Education Office of Special Education Programs:  
<http://www.ed.gov/about/offices/list/osers/osep/index.html>*

**SELPA PUBLICATIONS**

*Over the Rainbow Book Response to Hughes Bill - Positive Behavioral Intervention  
Program Guidelines*

*Support for School Staff Dealing with Students with Behavior  
Problems*

Regulation Approved: 7/5/00  
Revised: 2/26/08

A handwritten signature in black ink on a yellow background. The signature reads "Jen Dole" in a cursive, flowing style.

Tulare County Superintendent of Schools  
Visalia, CA

# **TULARE COUNTY OFFICE OF EDUCATION**

## **Board Policy**

**Students**  
**BP 5145.3**

**Nondiscrimination/Harassment**

### **Nondiscrimination/Harassment**

This policy shall apply to all acts constituting unlawful discrimination or harassment related to school activity or to school attendance occurring within a Tulare County Office of Education (TCOE) school or program, to acts which occur off campus or outside of school-related or school-sponsored activities but which may have an impact or create a hostile environment at school, and to all acts of the Tulare County Board of Education and the Tulare County Superintendent of Schools in enacting policies and procedures that govern the TCOE.

The County Board of Education and the County Superintendent of Schools is committed to provide a welcoming, safe, and supportive school environment that allows all students equal access and opportunities in academic and other educational support programs, services, and activities. Unlawful discrimination against a student in any TCOE school, program, or activity, including discriminatory harassment, intimidation, and bullying, is prohibited. Any form of retaliation against an individual who files or otherwise participates in the filing or investigation of a complaint or report regarding an incident of discrimination is also prohibited.

School personnel are required to take immediate steps to intervene when safe to do so when he or she witnesses an act of discrimination, harassment, intimidation, or bullying.

The county office designates the individual(s) identified below as the employee(s) responsible for coordinating the county office's efforts to comply with state and federal civil rights laws including Title IX of the Education Amendments of 1972, Section 504 of the Rehabilitation Act of 1973, Title II of the Americans with Disabilities Act, and the Age Discrimination Act of 1975, and to answer inquiries regarding the county office's nondiscrimination policies. The individual(s) shall also serve as the compliance officer(s) specified in AR 1312.3 – Uniform Complaint Procedures as the responsible employee(s) to handle complaints regarding unlawful discrimination, harassment, intimidation, or bullying based on actual ancestry, age, color disability, gender, gender identity, gender expression, nationality, race or ethnicity, religion, age, sex, sexual orientation, or association with a person or a group with one or more of these actual or perceived characteristics. The coordinator/compliance officer(s) may be contacted at:

Assistant Superintendent, Instructional Services (title or position) 7000 W. Doe Ave., Visalia CA 93291 (physical address) P.O. Box 5091, Visalia CA 93278-5091 (mailing address) (559) 733-6328 (telephone number)	Assistant Superintendent, Human Resources (title or position) 6200 S. Mooney Blvd., Visalia CA 93277 (physical address) P.O. Box 5091, Visalia CA 93278-5091 (mailing address) (559) 733-6306 (telephone number)
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Unlawful discrimination, including discriminatory harassment, intimidation, or bullying, includes physical, verbal, nonverbal, or written conduct against a student based on the student's actual or perceived race, color, ancestry, nationality, national origin, immigration status, ethnic group identification, ethnicity, age, religion, marital status, pregnancy, parental status, physical or mental disability, medical condition, sex, sexual orientation, gender, gender identity, gender expression, or genetic information, or the student's association with a person or group with one or more of these actual or perceived characteristics.

Unlawful discrimination also occurs when the prohibited conduct is so severe, persistent, or pervasive that it affects a student's ability to participate in or benefit from an educational program or activity; creates an intimidating, threatening, hostile, or offensive educational environment; has the effect of substantially or unreasonably interfering with a student's academic performance; or otherwise adversely affects a student's educational opportunities.

Unlawful discrimination also includes disparate treatment of students based on any one of the characteristics specified above with respect to the provision of opportunities for a student's participation in any TCOE school, program, or activity, or a student's receipt of educational benefits or services.

Because unlawful discrimination may occur when disciplining students, including suspension and expulsion, discipline shall be enforced in a fair, consistent, and non-discriminatory manner.

In accordance with law, all TCOE students shall be afforded the same rights, benefits, and protections. When, as permitted by law, the TCOE maintains sex-segregated facilities, such as restrooms and locker rooms, or offers sex-segregated programs and activities, such as physical education classes, students may choose to access facilities and participate in such programs and activities consistent with their gender identity. In addition, students may choose to participate in accordance with their gender identity in other circumstances where students are separated by gender, such as for class discussions, yearbook pictures, and field trips. (Education Code 221.5)

The Board also prohibits any form of retaliation against any individual who files or otherwise participates in the filing or investigation of a complaint or report regarding an incident of discrimination. Retaliation complaints shall be investigated and resolved in the same manner as a discrimination complaint.

Complaints alleging unlawful discrimination, including discriminatory harassment, intimidation, or bullying or retaliation, may be filed in accordance with the TCOE's uniform complaint procedures (UCP) specified in Board Policy 1312.3 - Uniform Complaint Procedures. For complaints of sexual harassment, it is the responsibility of the TCOE's Title IX Coordinator to determine whether the complaint should be addressed through UCP, or if the alleged conduct meets the federal definition of sexual harassment pursuant to 34 CFR 106.30, the complaint procedures established in 34 CFR 106.44-106.45. Regardless of whether a complainant complies with the writing, timeline, and/or other formal filing requirements, all complaints alleging unlawful discrimination, including discriminatory harassment, intimidation, or bullying, shall be investigated and prompt action shall be taken to stop the discrimination, prevent recurrence, and address any continuing effect on students.

Students who engage in unlawful discrimination, including discriminatory harassment, intimidation, retaliation, or bullying, in violation of law, Board policy, or administrative regulation shall be subject

to appropriate consequence or discipline, which may include suspension or expulsion for behavior that is severe or pervasive as defined in Education Code 48900.4.

## **Antidiscrimination Measures**

The County Board hereby incorporates by reference the policies, procedures, and measures implemented by the County Superintendent to prevent or address unlawful discrimination in TCOE schools, programs, and activities. TCOE nondiscrimination policies and practices shall be reviewed regularly, and action shall be taken to remove any identified barriers to student access to or participation in the educational program.

### *Legal Reference:*

#### EDUCATION CODE

200-262.4 – Educational equity; Prohibition of discrimination on the basis of sex  
48900.3 – Suspension or expulsion for act of hate violence  
48900.4 – Suspension or expulsion for threats or harassment  
48904 – Liability of parent/guardian for willful student misconduct  
48907 – Student exercise of free expression; rules and regulations  
48950 – Freedom of speech and other communication  
48985 – Notices to parents in language other than English  
49020-49023 – Athletic programs  
49060-49079 – Student records  
51204.5 – Social sciences instruction; contributions of specified groups  
51500 – Prohibited instruction or activity  
51501 – Nondiscriminatory subject matter  
60010 – Instructional materials; definition  
60040-60052 – Requirements for instructional materials

#### CIVIL CODE

1714.1 – Liability of parents/guardians for willful misconduct of minor

#### GOVERNMENT CODE

11135 – Unlawful discrimination

#### PENAL CODE

422.55 – Definition of hate crime

422.6 – Crimes, harassment

#### CODE OF REGULATIONS, TITLE 5

432 – Student record

4600-4670 – Uniform complaint procedures

4900-4965 – Nondiscrimination in elementary and secondary education programs

#### UNITED STATES CODE, TITLE 20

1681-1688 – Title IX of the Education Amendments of 1972

#### UNITED STATES CODE, TITLE 29

794 – Section 504 of the Rehabilitation Act of 1973

#### UNITED STATES CODE, TITLE 42

12101-12213 – Americans with Disabilities Act

2000d-2000d-7 – Title VI and Title VII Civil Rights Act of 1964 as amended

2000h-2-2000h-6 – Title IX of the Civil Rights Act of 1964

6101-6107 – Age Discrimination Act of 1975

#### CODE OF FEDERAL REGULATIONS, TITLE 28

35.107 – Designation of responsible employee and adoption of grievance procedures

#### CODE OF FEDERAL REGULATIONS, TITLE 34

100.3 – Prohibition of discrimination on basis of race, color or national origin

104.7 – Designation of responsible employee for Section 504

104.8 – Notice

- 106.30 – Discrimination on the basis of sex; definitions
- 106.44-106.45 – Grievance process for formal complaints of sexual harassment
- 106.8 – Designation of responsible employee and adoption of grievance procedures
- 110.25 – Prohibition of discrimination based on age
- 99.31 – Disclosure of personally identifiable information

#### **COURT DECISIONS**

- Donovan v. Poway Unified School District*, (2008) 167 Cal.App.4<sup>th</sup> 567
- Flores v. Morgan Hill Unified School District*, (2003) 324 F.3d 1130

*Management Resources:*

#### **CSBA PUBLICATIONS**

Legal Guidance on Rights of Transgender and Gender Nonconforming Students in Schools, October 2022

#### **CALIFORNIA OFFICE OF THE ATTORNEY GENERAL PUBLICATION**

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

#### **CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATION**

California Longitudinal Pupil Achievement Data System (CALPADS) Update FLASH #158: Guidance for Changing a Student's Gender in CALPADS, July 2019

#### **U.S. DEPARTMENT OF EDUCATION PUBLICATION**

Creating Inclusive and Nondiscriminatory School Environments for LGBTQI+ Students, June 2023

Guidance on Constitutionally Protected Prayer and Religious Expression in Public Elementary and Secondary Schools, May 2023

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

Dear Colleague Letter: Race and School Programming, August 2023

Dear Colleague Letter: Addressing Discrimination Against Jewish Students, May 2023

Supporting Students with Disabilities and Avoiding the Discriminatory Use of Student Discipline under Section 504 of the Rehabilitation Act of 1973, July 2022

Questions and Answers on the Title IX Regulations on Sexual Harassment, June 2022

Enforcement of Title IX of the Education Amendments of 1972 With Respect to Discrimination Based on Sexual Orientation and Gender Identity in Light of *Bostock v. Clayton County*, June 2021

Resolution Agreement Between the Arcadia USD, US Dept of Ed, OCR, & the US DOJ, CRD, (2013) OCR 09-12-1020, DOJ 169-12C-70

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

Dear Colleague Letter: Harassment and Bullying, October 2010

#### **U.S. DEPARTMENT OF JUSTICE & DEPARTMENT OF EDUCATION CIVIL RIGHTS JOINT PUBLICATIONS**

Dear Colleague Letter: Resource on Confronting Racial Discrimination in Student Discipline, May 2023

#### **U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES PUBLICATION**

Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition against National Origin Discrimination Affecting Limited English Proficient Persons, August 2013

#### **WEBSITES**

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

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

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

California Safe Schools Coalition:

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

<http://www.firstamendmentcenter.org>

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

U.S. Department of Justice, Civil Rights Division, Americans with Disabilities Act: <http://www.ada.gov>

**TULARE COUNTY OFFICE**  
**OF EDUCATION**

**Board Policy**

**Students**  
**BP 5145.7**  
**Sexual Harassment**

**Sexual Harassment**

The Tulare County Office of Education (TCOE) is committed to maintaining a safe school environment that is free from harassment and discrimination. Sexual harassment targeted at any student in a TCOE educational program, school or school-sponsored or school-related activity is prohibited. Retaliatory behavior or action against any person who reports, files a complaint, or testifies about sexual harassment or who otherwise supports a complainant in alleging sexual harassment is also prohibited.

Students who feel that they are being or have been sexually harassed on school grounds or at a school-sponsored or school-related activity by another student or an adult, or who have experienced off-campus sexual harassment that has a continuing effect on campus, are strongly encouraged to immediately contact their teacher, the principal or program administrator, TCOE's Title IX Coordinator, or any other available school employee.

Any employee who receives a report or observes an incident of sexual harassment shall notify the Title IX Coordinator so that steps may be taken to investigate and address the allegation in accordance with law and related TCOE regulations.

Once notified of a complaint or allegation of sexual harassment, the Title IX Coordinator shall ensure that it is addressed through TCOE's Title IX complaint procedures or uniform complaint procedures (UCP), as applicable. Because a complaint or allegation that is dismissed or denied under the Title IX complaint procedure may still be subject to consideration under state law, the Title IX Coordinator shall ensure that any implementation of the Title IX procedure concurrently meets the requirements of UCP.

The Title IX Coordinator shall offer supportive measures to the complainant and respondent, as deemed appropriate under the circumstances.

Upon completion of an investigation of a sexual harassment complaint, any student found to have engaged in sexual harassment or sexual violence in violation of this policy shall be subject to disciplinary action. For students in grades 4-12, disciplinary action may include suspension and/or expulsion pursuant to Education Code 48900.2, provided that, in imposing such discipline, the entire circumstances of the incident(s) shall be taken into account.

*Legal Reference:*

**EDUCATION CODE**

200-262.4 – Prohibition of discrimination

1040 – Duties and responsibilities; county boards of education

1042 – County boards; authority  
35160 – Authority of county boards  
35160.1 – Authority of county boards; legislative intent  
48900 – Grounds for suspension or expulsion  
48900.2 – Additional grounds for suspension or expulsion; sexual harassment  
48904 – Liability of parent/guardian for willful student misconduct  
48915 – Grounds for expulsion  
48980 – Parental notifications  
48985 – Notices to parents in language other than English

CIVIL CODE

51.9 – Liability for sexual harassment; business, service and professional relationships  
1714.1 – Liability of parents/guardians for willful misconduct of minor

GOVERNMENT CODE

12950.1 – Sexual harassment training

CODE OF REGULATIONS, TITLE 5

4600-4670 – Uniform complaint procedures

4900-4965 – Nondiscrimination in elementary and secondary education programs

UNITED STATES CODE, TITLE 20

1092 – Definition of sexual harassment

1221 – Application of laws

1232g – Family Educational Rights and Privacy Act

1681-1688 – Discrimination based on sex or blindness, Title IX

UNITED STATES CODE, TITLE 34

12291 – Definition of dating violence, domestic violence, and stalking

UNITED STATES CODE, TITLE 42

1983 – Civil action for deprivation of rights

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

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

CODE OF FEDERAL REGULATIONS, TITLE 34

99.1-99.67 – Family Educational Rights and Privacy

106.1-106.82 – Nondiscrimination on the basis of sex in education programs

Policy adopted: 9/15/93

Tulare County Board of Education  
Visalia, California

Revised: 1/11/06, 7/8/15, 5/14/25

**TULARE COUNTY OFFICE OF EDUCATION**  
**Administrative Regulation**

Students

AR 5145.71

**2020 Title IX Sexual Harassment Complaint Procedures**

The complaint procedures described in this administrative regulation shall be used to address any complaint governed by Title IX of the Education Amendments of 1972 alleging that a student, while in an education program or activity in which a Tulare County Office of Education (TCOE) school exercises substantial control over the context and respondent, was subjected to one or more of the following forms of sexual harassment: (34 CFR 106.30, 106.44)

1. A county office employee conditioning the provision of a county office aid, benefit, or service on the student's participation in unwelcome sexual conduct
2. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a student equal access to the county office's education program or activity
3. Sexual assault, dating violence, domestic violence, or stalking as defined in 20 USC 1092 or 34 USC 12291

All other sexual harassment complaints or allegations brought by or on behalf of students shall be investigated and resolved in accordance with BP/AR 1312.3 - Uniform Complaint Procedures. The determination of whether the allegations meet the definition of sexual harassment under Title IX shall be made by the district's Title IX Coordinator.

Because the complainant has a right to pursue a complaint under BP/AR 1312.3 for any allegation that is dismissed or denied under the Title IX complaint procedure, the Title IX Coordinator shall ensure that all requirements and timelines for BP/AR 1312.3 are concurrently met while implementing the Title IX procedure.

**Reporting Allegations/Filing a Formal Complaint**

A student who is the alleged victim of sexual harassment or the student's parent/guardian may submit a report of sexual harassment to the county office's Title IX Coordinator using the contact information listed in BP 5145.7 - Sexual Harassment or to any other available school employee, who shall forward the report to the Title IX Coordinator within one day of receiving the report.

Upon receiving such a report, the Title IX Coordinator shall inform the complainant of the right to file a formal complaint and the process for filing a formal complaint. (34 CFR 106.44)

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

Even if the alleged victim chooses not to file a formal complaint, the Title IX Coordinator shall file a formal complaint in situations when a safety threat exists. In addition, the Title IX Coordinator may file a formal complaint in other situations as permitted under the Title IX regulations, including as part of the county office's obligation to not be deliberately indifferent to known allegations of sexual harassment. In such cases, the Title IX Coordinator shall provide the alleged victim notices as required by the Title IX regulations at specific points in the complaint process.

The Title IX Coordinator, investigator, decision-maker, or a facilitator of an informal resolution process shall not have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent. Such persons shall receive training in accordance with 34 CFR 106.45. (34 CFR 106.45)

### Supportive Measures

Upon receipt of a report of Title IX sexual harassment, the Title IX Coordinator shall promptly contact the complainant to discuss the availability of supportive measures and shall consider the complainant's wishes with respect to the supportive measures implemented. Supportive measures shall be offered as appropriate, as reasonably available, and without charge to the complainant or the respondent before or after the filing of a formal complaint or where no formal complaint has been filed. Such measures shall be nondisciplinary, nonpunitive, and designed to restore or preserve equal access to the county office's education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the county office's educational environment or to deter sexual harassment. Supportive measures may include, but are not limited to, counseling, course-related adjustments, modifications of class schedules, mutual restrictions on contact, increased security, and monitoring of certain areas of the campus. (34 CFR 106.30, 106.44)

The county office shall maintain as confidential any supportive measures provided to the complainant or respondent, to the extent that maintaining such confidentiality would not impair the county office's ability to provide the supportive measures. (34 CFR 106.30)

### Emergency Removal from School

A student shall not be disciplined for alleged sexual harassment under Title IX until the investigation has been completed. However, on an emergency basis, the county office may remove a student from the county office's education program or activity, provided that the county office conducts an individualized safety and risk analysis, determines that removal is justified due to an immediate threat to the physical health or safety of any student or other individual arising from the allegations, and provides the student with notice and an opportunity to challenge the decision immediately following the removal. This authority to remove a student does not modify a student's rights under the Individuals with Disabilities Education Act or Section 504 of the Rehabilitation Act of 1973. (34 CFR 106.44)

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

## **Dismissal of Complaint**

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

Upon dismissal, the Title IX Coordinator shall promptly send written notice of the dismissal and the reasons for the dismissal simultaneously to the parties, and shall inform them of their right to appeal the dismissal of a formal complaint or any allegation in the complaint in accordance with the appeal procedures described in the section "Appeals" below. (34 CFR 106.45)

If a complaint is dismissed, the conduct may still be addressed pursuant to BP/AR 1312.3 - Uniform Complaint Procedures as applicable.

## **Informal Resolution Process**

When a formal complaint of sexual harassment is filed, the county office may offer an informal resolution process, such as mediation, at any time prior to reaching a determination regarding responsibility. The county office shall not require a party to participate in the informal resolution process or to waive the right to an investigation and adjudication of a formal complaint. (34 CFR 106.45)

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

1. Provides the parties with written notice disclosing the allegations, the requirements of the informal resolution process, the right to withdraw from the informal process and resume the formal complaint process, and any consequences resulting from participating in the informal resolution process, including that records will be maintained or could be shared.
2. Obtains the parties' voluntary, written consent to the informal resolution process
3. Does not offer or facilitate an informal resolution process to resolve allegations that an employee sexually harassed a student

## **Written Notice**

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

1. The county office's complaint process, including any informal resolution process
2. The allegations potentially constituting sexual harassment with sufficient details known at the time, including the identity of parties involved in the incident if known, the conduct allegedly constituting sexual harassment, and the date and location of the alleged incident if known. Such

notice shall be provided with sufficient time for the parties to prepare a response before any initial interview. If, during the course of the investigation, new Title IX allegations arise about the complainant or respondent that are not included in the initial notice, the Title IX Coordinator shall provide notice of the additional allegations to the parties.

3. A statement that the respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the complaint process
4. The opportunity for the parties to have an advisor of their choice who may be, but is not required to be, an attorney, and the ability to inspect and review evidence
5. The prohibition against knowingly making false statements or knowingly submitting false information during the complaint process

The above notice shall also include the name of the investigator, facilitator of an informal process, and decision-maker and shall inform the parties that, if at any time a party has concerns regarding conflict of interest or bias regarding any of these persons, the party should immediately notify the Title IX Coordinator.

### Investigation Procedures

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

1. Provide an equal opportunity for the parties to present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence
2. Not restrict the ability of either party to discuss the allegations under investigation or to gather and present relevant evidence
3. Provide the parties with the same opportunities to have others present during any grievance proceeding, including the opportunity to be accompanied to any related meeting or proceeding by the advisor of their choice, who may be, but is not required to be, an attorney
4. Not limit the choice or presence of an advisor for either the complainant or respondent in any meeting or grievance proceeding, although the county office may establish restrictions regarding the extent to which the advisor may participate in the proceedings as long as the restrictions apply equally to both parties
5. Provide, to a party whose participation is invited or expected, written notice of the date, time, location, participants, and purpose of all investigative interviews or other meetings, with sufficient time for the party to prepare to participate
6. Send in an electronic format or hard copy to both parties and their advisors, if any, the evidence obtained as part of the investigation that is directly related to the allegations raised in the complaint, and provide the parties at least 10 days to submit a written response for the investigator to consider prior to the completion of the investigative report
7. Objectively evaluate all relevant evidence, including both inculpatory and exculpatory evidence, and determine credibility in a manner that is not based on a person's status as a complainant, respondent, or witness

8. Create an investigative report that fairly summarizes relevant evidence and, at least 10 days prior to the determination of responsibility, send to the parties and their advisors, if any, the investigative report in an electronic format or a hard copy, for their review and written response

Questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence are offered to prove that someone other than the respondent committed the conduct alleged by the complainant or if the questions and evidence concern specific incidents of the complainant's prior sexual behavior with respect to the respondent and are offered to prove consent. (34 CFR 106.45)

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

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

### Written Decision

The County Superintendent shall designate an employee as the decision-maker to determine responsibility for the alleged conduct, who shall not be the Title IX Coordinator, or a person involved in the investigation of the matter. (34 CFR 106.45)

After the investigative report has been sent to the parties but before reaching a determination regarding responsibility, the decision-maker shall afford each party the opportunity to submit written, relevant questions that the party wants asked of any party or witness, provide each party with the answers, and allow for additional, limited follow-up questions from each party.

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

The written decision shall be issued within 60 calendar days of the receipt of the complaint.

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

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

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

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

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

### Appeals

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

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

An appeal must be filed in writing within 10 calendar days of receiving the notice of the decision or dismissal, stating the grounds for the appeal and including any relevant documentation in support of the appeal. Appeals submitted after this deadline are not timely and shall not be considered.

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

The county office's decision may be appealed to the California Department of Education within 30 days of the written decision in accordance with BP/AR 1312.3.

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

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

## Remedies

When a determination of responsibility for sexual harassment has been made against the respondent, the county office shall provide remedies to the complainant. Such remedies may include the same individualized services described above in the section "Supportive Measures," but need not be nondisciplinary or nonpunitive and need not avoid burdening the respondent. (34 CFR 106.45)

## Corrective/Disciplinary Actions

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

For students in grades 4-12, discipline for sexual harassment may include suspension and/or expulsion. After the completion of the complaint procedure, if it is determined that a student at any grade level has committed sexual assault or sexual battery at school or at a school activity off school grounds, the principal or Superintendent shall immediately suspend the student and shall recommend expulsion. (Education Code 48900.2, 48915)

Other actions that may be taken with a student who is determined to be responsible for sexual harassment include, but are not limited to:

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

When an employee is found to have committed sexual harassment or retaliation, the county office shall take appropriate disciplinary action, up to and including dismissal, in accordance with applicable law and collective bargaining agreement.

## Record-Keeping

The County Superintendent or designee shall maintain, for a period of seven years: (34 CFR 106.45)

1. A record of all reported cases and Title IX investigations of sexual harassment, any determinations of responsibility, any audio or audiovisual recording and transcript if applicable, any disciplinary sanctions imposed, any remedies provided to the complainant, and any appeal or informal resolution and the results therefrom

2. A record of any actions, including supportive measures, taken in response to a report or formal complaint of sexual harassment, including the district's basis for its conclusion that its response was not deliberately indifferent, the measures taken that were designed to restore or preserve equal access to the education program or activity, and, if no supportive measures were provided to the complainant, the reasons that such a response was not unreasonable in light of the known circumstances
3. All materials used to train the Title IX Coordinator, investigator(s), decision-maker(s), and any person who facilitates an informal resolution process. The county office shall make such training materials publicly available on its web site, or if the county office does not maintain a web site, available upon request by members of the public.

*Legal Reference:*

EDUCATION CODE

200-262.4 – Educational equity; prohibition of discrimination on the basis of sex

48900 – Grounds for suspension and/or expulsion

48900.2 – Additional grounds for suspension or expulsion; sexual harassment

48985 – Notices to parents in language other than English

GOVERNMENT CODE

12950.1 – Sexual harassment training

CIVIL CODE

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

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

CODE OF REGULATIONS, TITLE 5

4600-4670 – Uniform complaint procedures

4900-4965 – Nondiscrimination in elementary and secondary education programs

UNITED STATES CODE, TITLE 20

1092 – Definition of sexual assault

1221 – Application of laws

1681-1688 – Title IX of the Education Amendments of 1972; discrimination based on sex

UNITED STATES CODE, TITLE 34

12291 – Definition of dating violence, domestic violence, and stalking

UNITED STATES CODE, TITLE 42

1983 – Civil action for deprivation of rights

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

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

CODE OF FEDERAL REGULATIONS, TITLE 34

106.1-106.82 – Nondiscrimination on the basis of sex in education programs

99.1-99.67 – Family Educational Rights and Privacy

COURT DECISIONS

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

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

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

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

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

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

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

*Management Resources:*

**CSBA PUBLICATION**

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

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

**FEDERAL REGISTER**

Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance, May 19, 2020, Vol. 85, No. 97, pages 30026-30579

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

Sexual Harassment: It's Not Academic, September 2008

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

Q&A on Campus Sexual Misconduct, September 2017

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

Dear Colleague Letter: Title IX Coordinators, April 2015

**WEB SITES**

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

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

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



— Tuolumne County Superintendent of Schools  
Visalia, CA

Regulation approved: 5/18/1977

Revised: 10/1/1986

Revised and are numbered from AR 5146 to AR5145.71: 9/11/2024



TONY H. TAYLOR, Owner - Chief Executive Officer  
MARK S. TAYLOR, Owner - Vice President  
WAYNE E. TAYLOR, Chief Financial Officer

The following pesticides could be applied at your school or schools during the 2025-2026 school year.

1. Demon Max — Cypermethrin
2. Demand CS — Lambda-Cyhalothrin
3. Termidor — Fipronil
4. Cykick — Cyfluthrin
5. CT 511 — Pyrethrin
6. D-Force H.P.X> - Deltamethrin
7. Maxforce ant killer bait gel — Fipronil
8. Suspend Polyzone—DeItamethrin
9. Maxforce magnum roach bait gel — Fipronil
10. Suspend SC — Deltamethrin
11. Gentrol Aerosol — Hydroprene
12. Gentrol — Hydroprene
13. Advion WDG—Indoxacarb
14. Wisdom TC---- Bifenthrin
15. Maxforce Impact roach gel bait — clothianidin
16. Niban granular bait — orthoboric acid
17. Nyguard plus — pyriproxyfen
18. Cynoff EC- cypermethrin
19. Wasp-Freeze- d-trans allethrin, Phenothrin
20. Maxforce Complete granular insect bait — Hydramethylnon
21. Phantom — Chlorfenapyr
22. Alpine – Dinotefuran

Non pesticides

1. Glueboards for mice / rats
2. Lo-line — insect monitor stations

## Firearms Safety Memorandum

**To:** Parents and Guardians of Students in the **AcCEL Program**

**From:** Tim A. Hire

**Subject: California Law Regarding Safe Storage of Firearms**

The purpose of this memorandum is to inform and to remind parents and legal guardians of all students in the **AcCEL Program** of their responsibilities for keeping firearms out of the hands of children as required by California law. There have been many news reports of children bringing firearms to school. In many instances, the child obtained the firearm(s) from his or her home. **These incidents can be easily prevented by storing firearms in a safe and secure manner, including keeping them locked up when not in use and storing them separately from ammunition.**

To help everyone understand their legal responsibilities, this memorandum spells out California law regarding the storage of firearms. Please take some time to review this memorandum and evaluate your own personal practices to assure that you and your family are in compliance with California law.

- With very limited exceptions, California makes a person criminally liable for keeping any firearm, loaded or unloaded, within any premises that are under their custody and control where that person knows or reasonably should know that a child is likely to gain access to the firearm without the permission of the child's parent or legal guardian, and the child obtains access to the firearm and thereby (1) causes death or injury to the child or any other person; (2) carries the firearm off the premises or to a public place, including to any preschool or school grades Kindergarten through twelfth grade, or to any school-sponsored event, activity, or performance; **or** (3) unlawfully brandishes the firearm to others.<sup>1</sup>
  - Note:** The criminal penalty may be significantly greater if someone dies or suffers great bodily injury as a result of the child gaining access to the firearm.
- With very limited exceptions, California also makes it a crime for a person to negligently store or leave any firearm, loaded or unloaded, on their premises in a location where the person knows or reasonably should know that a child is likely to gain access to it without the permission of the child's parent or legal guardian, unless reasonable action is taken to secure the firearm against access by the child, even where a minor **never** actually accesses the firearm.<sup>2</sup>
- In addition to potential fines and terms of imprisonment, as of January 1, 2020, a gun owner found criminally liable under these California laws faces prohibitions from possessing, controlling, owning, receiving, or purchasing a firearm for 10 years.<sup>3</sup>

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<sup>1</sup> See California Penal Code sections 25100 through 25125 and 25200 through 25220.

<sup>2</sup> See California Penal Code section 25100(c).

- Finally, a parent or guardian may also be civilly liable for damages resulting from the discharge of a firearm by that person's child or ward.<sup>4</sup>

**Note:** Your county or city may have additional restrictions regarding the safe storage of firearms.

Thank you for helping to keep our children and schools safe. Remember that the easiest and safest way to comply with the law is to keep firearms in a locked container or secured with a locking device that renders the firearm inoperable.

Sincerely,

**Tim A. Hire**

Date published: 07/07/23  
California Department of Education

<sup>3</sup> See California Civil Code Section 29805.

<sup>4</sup> See California Civil Code Section 1714.3.

## Firearms Safety Memorandum

**To: Parents and Guardians of Students in Court and Community Schools**

**From: Tim A. Hire**

**Subject: California Law Regarding Safe Storage of Firearms**

The purpose of this memorandum is to inform and to remind parents and legal guardians of all students in Court and Community Schools of their responsibilities for keeping firearms out of the hands of children as required by California law. There have been many news reports of children bringing firearms to school. In many instances, the child obtained the firearm(s) from his or her home. **These incidents can be easily prevented by storing firearms in a safe and secure manner, including keeping them locked up when not in use and storing them separately from ammunition.**

To help everyone understand their legal responsibilities, this memorandum spells out California law regarding the storage of firearms. Please take some time to review this memorandum and evaluate your own personal practices to assure that you and your family are in compliance with California law.

- With very limited exceptions, California makes a person criminally liable for keeping any firearm, loaded or unloaded, within any premises that are under their custody and control where that person knows or reasonably should know that a child is likely to gain access to the firearm without the permission of the child's parent or legal guardian, and the child obtains access to the firearm and thereby (1) causes death or injury to the child or any other person; (2) carries the firearm off the premises or to a public place, including to any preschool or school grades Kindergarten through twelfth grade, or to any school-sponsored event, activity, or performance; **or** (3) unlawfully brandishes the firearm to others.<sup>5</sup>
  - **Note:** The criminal penalty may be significantly greater if someone dies or suffers great bodily injury as a result of the child gaining access to the firearm.
- With very limited exceptions, California also makes it a crime for a person to negligently store or leave any firearm, loaded or unloaded, on their premises in a location where the person knows or reasonably should know that a child is likely to gain access to it without the permission of the child's parent or legal guardian, unless reasonable action is taken to secure the firearm against access by the child, even where a minor **never** actually accesses the firearm.<sup>6</sup>
- In addition to potential fines and terms of imprisonment, as of January 1, 2020, a gun owner found criminally liable under these California laws faces prohibitions from possessing, controlling, owning, receiving, or purchasing a firearm for 10 years.<sup>7</sup>

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<sup>5</sup> See California Penal Code sections 25100 through 25125 and 25200 through 25220.

<sup>6</sup> See California Penal Code section 25100(c).

<sup>7</sup> See California Civil Code Section 29805.

- Finally, a parent or guardian may also be civilly liable for damages resulting from the discharge of a firearm by that person's child or ward.<sup>8</sup>

**Note:** Your county or city may have additional restrictions regarding the safe storage of firearms.

Thank you for helping to keep our children and schools safe. Remember that the easiest and safest way to comply with the law is to keep firearms in a locked container or secured with a locking device that renders the firearm inoperable.

Sincerely,

**Tim A. Hire**

Date published: 07/07/23  
California Department of Education

## Firearms Safety Memorandum

**To: Parents and Guardians of Students in Alternate Achievement Program**

**From: Tim A. Hire**

**Subject: California Law Regarding Safe Storage of Firearms**

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The purpose of this memorandum is to inform and to remind parents and legal guardians of all students in Court and Community Schools of their responsibilities for keeping firearms out of the hands of children as required by California law. There have been many news reports of children bringing firearms to school. In many instances, the child obtained the firearm(s) from his or her home. **These incidents can be easily prevented by storing firearms in a safe and secure manner, including keeping them locked up when not in use and storing them separately from ammunition.**

To help everyone understand their legal responsibilities, this memorandum spells out California law regarding the storage of firearms. Please take some time to review this memorandum and evaluate your own personal practices to assure that you and your family are in compliance with California law.

- With very limited exceptions, California makes a person criminally liable for keeping any firearm, loaded or unloaded, within any premises that are under their custody and control where that person knows or reasonably should know that a child is likely to gain access to the firearm without the permission of the child's parent or legal guardian, and the child obtains access to the firearm and thereby (1) causes death or injury to the child or any other person; (2) carries the firearm off the premises or to a public place, including to any preschool or school grades kindergarten through twelfth grade, or to any school-sponsored event, activity, or performance; **or** (3) unlawfully brandishes the firearm to others.<sup>9</sup>
  - **Note:** The criminal penalty may be significantly greater if someone dies or suffers great bodily injury as a result of the child gaining access to the firearm.
- With very limited exceptions, California also makes it a crime for a person to negligently store or leave any firearm, loaded or unloaded, on their premises in a location where the person knows or reasonably should know that a child is likely to gain access to it without the permission of the child's parent or legal guardian, unless reasonable action is taken to secure the firearm against access by the child, even where a minor **never** actually accesses the firearm.<sup>10</sup>
- In addition to potential fines and terms of imprisonment, as of January 1, 2020, a gun owner found criminally liable under these California laws faces prohibitions from possessing, controlling, owning, receiving, or purchasing a firearm for 10 years.<sup>11</sup>

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<sup>5</sup> See California Penal Code sections 25100 through 25125 and 25200 through 25220.

<sup>6</sup> See California Penal Code section 25100(c).

<sup>7</sup> See California Civil Code Section 29805.

- Finally, a parent or guardian may also be civilly liable for damages resulting from the discharge of a firearm by that person's child or ward.<sup>12</sup>

**Note:** Your county or city may have additional restrictions regarding the safe storage of firearms.

Thank you for helping to keep our children and schools safe. Remember that the easiest and safest way to comply with the law is to keep firearms in a locked container or secured with a locking device that renders the firearm inoperable.

Sincerely,

**Tim A. Hire**

Date published: 07/07/23  
California Department of Education

<sup>7</sup> See California Civil Code Section 29805.

<sup>8</sup> See California Civil Code Section 1714.3.

StudentsStudent Records; Confidentiality Definitions

**"Parent"** means a natural parent, adoptive parent, or legal guardian. If parents are divorced or legally separated, only the parent having legal custody of the student may challenge the content of a record, offer a written response to a record, or consent to release records to others. Either parent may grant consent if both parents notify the department, in writing, that such an agreement has been made. (Education Code 49061)

Once a student reaches the age of eighteen (18) or attends a postsecondary school, he/she alone shall exercise these rights and grant consent for the release of records. (Education Code 49061)

**"Student record"** means any item of information directly related to an identifiable student, other than directory information maintained by the department or required to be maintained by a department employee in the performance of his/her duties whether recorded in handwriting, print, tapes, film, microfilm or by other means. The student record shall include the student's health record. (Education Code 49061)

**"Student record"** shall not include informal notes about a student which a school employee keeps for private use and are not revealed to any person except a substitute. (Education Code 49061)

**"Student record"** means information relative to a student gathered within or without the department. Any information maintained for the purpose of second party review is considered a student record. [Code of Regulations, Title 5, 430(d)]

**"Adult student"** means a person who is or was enrolled in school and who is at least 18 years of age. [Code of Regulations, Title 5, 430(b)]

**"Eligible student"** means a person 16 years or older or who has completed grade 10. [Code of Regulations, Title 5, 430(c)]

**"School officials and employees"** are board members, department certificated employees and administrators. A "legitimate educational interest" is one held by officials and employees whose duties and responsibilities to the department require that they have access to student records. The custodian of records shall determine whether the person seeking access meets the required criteria.

**"Mandatory Permanent Student Records"**, which shall be kept indefinitely, include:

- 
- 1. Legal name of student.
- 2. Date and place of birth.
- 3. Method of verification of birth date.
- 
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StudentsStudent Records; Confidentiality (continued)

4. Sex of student.
5. Name and address of parent/guardian of minor student.
  - a. Address of minor student if different from the above.
  - b. Annual verification of parent's/guardian's name and address and student's residence.
6. Entering and leaving date of each school year.
7. Subjects taken during each year, half year, summer session or quarter, and marks or grades given.
8. Verification of required immunizations or waiver.
9. Date of high school graduation or equivalent. [Code of Regulations, Title 5, 432(b-1)]

"Mandatory Interim Student Records", which may be destroyed after a stipulated length of time, include:

1. A log identifying persons or agencies who request or receive information from the student record. log shall be accessible only to the legal parent, guardian, eligible student, dependent adult student, adult student or custodian of records.
2. Health information, including Child Health Development Disabilities Prevention Program verification or waiver.
3. Information on participation in special education programs, including required tests, case studies, authorizations, and evidence of eligibility for admission or discharge.
4. Language training records.
5. Progress slips/notifications required by Education Code 49066 and 49067.
6. Parental stipulations regarding access to directory information.
7. Parent/guardian or adult student rejoinders to challenged records and to disciplinary action.
8. Parental authorization or denial of student participation in specific programs.
9. Results of standardized tests given within the past three (3) years.  
[Code of Regulations, Title 5, 432(b-2)]

StudentsStudent Records; Confidentiality (continued)

"Permitted Records", kept only as currently useful, may include:

1. Objective counselor/teacher ratings.
2. Disciplinary notices and data.
3. Verified reports of relevant behavior patterns.
4. Standardized test results older than three (3) years.
5. Supplementary attendance records, [Code of Regulations, Title 5, 430(b-3)]

"Access" means a personal inspection and review of a record, an accurate copy of a record, or receipt of an accurate copy of a record, an oral description or communication of a record, and a request to release a copy of any record. (Education Code 49061)

When requirements of the Federal Family Educational Rights and Privacy Act (20 U.S.C. 1232g) conflict with the California Education Code, the department shall comply with the requirements of the Education Code. (See HEW Regulation 99.61)

Retention and Destruction of Student Records

1. No additions except routine updating shall be made to a student's record after high school graduation or permanent departure without prior consent of the parent/guardian or adult student. [Code of Regulations, Title 5, 437(a)]
2. Mandatory Permanent Student Records shall be kept in perpetuity. [Code of Regulations, Title 5, 437(b)]
3. Unless forwarded to another district, Mandatory Interim Student Records may be destroyed three (3) years after determining that their usefulness has ceased or that the student has left the department schools/classes. [Code of Regulations, Title 5, 437(c)]
4. Permitted Student Records may be destroyed when their usefulness ceases. They may be destroyed six (6) months after the student completes or withdraws from the educational program. [Code of Regulations, Title 5, 437(d)]
5. Records shall be destroyed in a way that guarantees they will not be viewed by the public, [Code of Regulations, Title 5, 437]

## Students

### Student Records; Confidentiality {continued}

#### Access Student Records

The custodian of records shall be responsible for the security of student records and shall assure that access is limited to authorized persons. [Code of Regulations, Title 5, 433(a)]

Access to student records and information shall not be denied to a parent because he/she is not the child's custodial parent. [Civil Code 4600.5(1)]

Those granted access are prohibited from releasing information to another person or agency without written permission from the parent/guardian or adult student (age 18 or older).

Certificated personnel will be available to interpret records where appropriate.

#### Access by Consent

Persons, agencies or organizations not afforded access rights may be granted access only, through written permission of the adult student or the parent/guardian with custody. (Education Code 49075)

Parental consent is not required when information is shared with other persons within educational institutions, agencies or organizations obtaining access, so long as they have a legitimate interest in the information. (Education Code 49076)

#### Log

For each student's record, the custodian of records shall keep a log identifying all persons, agencies or organizations requesting or receiving information from the record. The log does not have to be signed by:

1. Parents/guardians of adult students.
2. Students sixteen(16)years of age or older who have completed the tenth grade.
3. Parties obtaining department-approved directory information.
4. Parties who provide written parental consent. In this case, the consent notice shall be filed with the record.
5. Department officials or employees who have legitimate educational interest.

The log may be inspected by a parent/guardian, the custodian of records, and certain state/federal officials. (Education Code 49064)

StudentsStudent Records; Confidentiality (continued)Mandatory Access

The following persons or agencies shall have access to student records:

1. Natural parents, adoptive parents, or legal guardians of students younger than 18, during school hours within five days of the request. Upon request, qualified certificated staff will be available to interpret the records. (Education Code 49069)
2. Adult students (age 18 or older). (Education Code 49061)
3. Those so authorized in compliance with a court order. (Education Code 49077) If lawfully possible, the department shall first give the parent/ guardian or adult student three days' notice, telling who is requesting what records. [Code of Regulations, Title 5, 435(c)]

The following persons or agencies shall have access to those particular records which are relevant to the legitimate educational interests of the requester:

1. Natural or adoptive parents of a dependent student age 18 or older. (Education Code 49076)
2. Students 16 or older or who have completed the tenth grade. (Education Code 49076)
3. School officials and employees. (Education Code 49076)
4. School attendance and review board members and involved school officials and employees. (Education Code 49076)
5. Officials or employees of other public schools or school systems where educational programs leading to high school graduation are provided. (Education Code 49076)
6. Federal, State and local officials, as needed for program audits or compliance with law. (Education Code 49076)
7. Any district attorney who is participating in a truancy mediation program or in the presentation of evidence in a truancy petition. (Education Code 49076)
8. A prosecuting agency for consideration against a parent/guardian for failure to comply with the Compulsory Education Law. (Education Code 49076)
9. Any probation officer or district attorney conducting a criminal investigation or an investigation in regard to declaring a person a ward of the court or involving a violation of a condition of probation. (Education Code 49076)

StudentsStudent Records; Confidentiality (continued)Permitted Access

The department may release information from student records to the following:

1. Appropriate persons in an emergency if health and safety are at stake.
2. Agencies or organizations in connection with student's application for financial aid.
3. Accrediting associations.
4. Organizations conducting studies on behalf of educational institutions or agencies, as limited by Education Code 49076.
5. Officials and employees of private schools or school systems where the student is enrolled or intends to enroll, subject to parent's/guardian's rights in Education Code 49068.

Notification of Parents/Guardians

Upon initial enrollment and at the beginning of each year thereafter, the department shall notify parents/guardians in writing that they may inspect and review student records during regular school hours with the help of certificated staff when requested. Insofar as practicable, these notices shall be written in the student's home language. Parents/guardians shall also be told where they can be informed about:

1. What type of student records are kept.
2. Where the records are kept.
3. The titles of the officials responsible for maintaining the records.
4. The location of the log identifying those who request information from the records.
5. Department criteria for defining "school officials and employees" and for determining "legitimate educational interest."
6. Department policies for reviewing and expunging student records.
7. Department procedures for challenging the content of student records.
8. The cost, if any, charged for reproducing copies of records.
9. The categories of information defined as directory information pursuant to Education Code 49073.

## Students

### Student Records; Confidentiality (continued)

### Notification!!! Parents/Guardians (continued)

10. Any other rights and requirements set forth in Education Codes 49060-49078, and the right of the parents/guardians to file a complaint with the United States Department of Education concerning an alleged failure by the department to comply with the provisions of Section 438 of the Federal Education Provisions Act (20 U.S.C.A. 1232g). (Education Code 49063)
11. The location of all official student records if not centrally located.
12. The availability of qualified certificated personnel to interpret records when requested. (Education Code 49069)

### Reproduction of Student Records

To provide copies of any student record, the Department shall charge a reasonable fee, not to exceed the actual cost of reproducing, handling and mailing (if necessary). The custodian of records shall set the fee and update the amount yearly if actual costs change.

No charge shall be made for furnishing up to two transcripts or up to two verifications of various records for any former student. No charge shall be made to locate or retrieve any student record. (Education Code 49065)

### Withholding of Records

When school property has been willfully damaged or not returned upon demand, the department shall notify the student's parent/guardian in writing. If reparation is not made, the department may undertake procedures to withhold the student's grades, diploma and transcripts from the student until reparation is made. Such procedures shall parallel those established for student expulsion and afford the student his/her due process rights. A program of voluntary work shall be available when the student or parent/guardian is unable to pay for the damage. (Education Code 48904)

(cf. 5144.2 - Suspension and Expulsion/Due Process [Individuals with special needs]  
(cf. 5131.5 - Vandalism)

### Transfer of Student Records

1. When a student transfers to a school district or to a private school, the department shall forward a copy of his/her mandatory permanent records as requested by a district or private school. The original or a copy shall be retained permanently by this department.
2. Mandatory interim records shall also be sent upon request to California public school districts. Mandatory interim records may also be sent to out-of-state of private schools requesting them.

## Students

### Student Records; Confidentiality (continued)

#### Transfer of Student Records (continued)

1. Permitted records may be sent to any public school district or private school.
2. All student records shall be updated before they are transferred. (Code of Regulations, Title 5, 438(a & b))
3. Parent notification:
  - a. If the student transfers into the programs operated by the department from any school district or private school, the department shall inform the parent/guardian of his/her right to receive a copy of the permanent records received from the former school. The parent/guardian shall also be informed of his/her right to have a hearing in which to challenge the contents of that record. [Code of Regulations, Title 5 (a & b)]
  - b. If the student transfers out of state, the custodian of student records shall notify the parents/guardians, at their last known address, of their right to review, challenge, and receive a copy of the student record, if desired. (U.S. Department of Education Regulation 99.34)
4. Student records shall not be withheld from the requesting district because of any charges or fees owed by the student or parent/guardian. [Code of Regulations, Title 5, 438(c)]. If the department has been withholding a transcript from the student for such reasons, that information shall be forwarded to the new school along with the student's record. The department shall also notify the parent/guardian in writing that the decision to withhold grades and transcript will be enforced by the new school, (Education Code 48904.3)
5. The department shall withhold grades, diploma and transcripts from any student transferring into the classes/programs operated by the department whose misconduct caused a previous district to withhold them. When informed by the previous district that lawful compensation has been made, the department shall release these documents. (Education Code 48904.3)

#### Challenge Content of Student Records

Following inspection and review, the parent/guardian may challenge the content of any student record. (Education Code 49070) The right to challenge becomes the sole right of the student when the student becomes 18 or attends a post- secondary institution. (Education Code 49061)

StudentsStudent Records; Confidentiality (continued)Challenging Content of Student Records (continued)

The parent/guardian may file with the superintendent a written request to correct or remove from his/her child's records any information concerning the child which is alleged to be:

1. Inaccurate.
2. An unsubstantiated personal conclusion or inference.
3. A conclusion or inference outside of the observer's area of competence.
4. Not based on the personal observation of a named person, with the time and place of the observation noted. (Education Code 49070)

Within thirty (30) days of receipt of request, the superintendent or designee shall meet with the parent/guardian and with the employee (if still employed) who recorded the information in question. The superintendent shall then sustain or deny the allegations. If the allegations are sustained, the superintendent shall order the correction or removal and destruction of the information. (Education Code 49070)

If the superintendent denies the allegations, the parent/guardian may write within thirty (30) days to appeal the decision of the superintendent. Within thirty (30) days of receipt of written appeal, the superintendent shall meet with the parent/guardian and the employee (if still employed) who recorded the information in question. The superintendent shall then decide whether or not to sustain or deny the allegations. If the superintendent sustains any or all of the allegations, he/she shall immediately correct or remove and destroy the information from the student's records. (Education Code 49070)

Before any student grade is changed by the superintendent, the teacher who gave that grade shall be given the opportunity to say why the grade was given. Insofar as practicable, the teacher shall be included in all discussions related to the grade change. (Education Code 49070)

If the final decision of the superintendent is unfavorable to the parent/guardian, or if the parent/guardian accepts an unfavorable decision by the superintendent, the parent/guardian shall have the right to submit a written statement of objections. This statement shall become a part of the student's record until such time as the information in question is removed. (Education Code 49070)

The superintendent has the option of appointing a hearing panel to assist in the decision-making. The hearing panel may be used at the discretion of the superintendent, provided that the parent/guardian consents to releasing record information to panel members. (Education Code 49070, 49071)

StudentsStudent Records; Confidentiality (continued)Release of Directory Information

Directory information which may be disclosed by school officials consists of the following: student's name, address, telephone number, date and place of birth, major field of study, participation in officially recognized activities and sports, weight and height of athletic team members, dates of attendance, degrees and awards received, and most recent previous school attended.

Under no circumstances shall directory information be disclosed to a private profit-making entity other than employers, prospective employers, and representatives of the news media. Based on his/her determination of the best interest of the student, the superintendent may limit or deny the release of specific directory information to any public or private non-profit organization. (Education Code 49073)

Private schools and colleges may be given the names and addresses of students who are no longer enrolled, provided it is not used for other than purposes directly related to academic or professional goals. (Education Code 49073)

At the beginning of each school year, all parents/guardians shall be notified as to what directory information may be released regarding any student or former student. Directory information shall not be released regarding any student whose parent/guardian notifies the department in writing that such information may not be disclosed. (Education Code 49073)

Regulation approved: 9/5/90

Office of the Tulare County Superintendent  
of Schools, Visalia, CA

9/90