

San Joaquin County Office of Education
Special Education Programs

Parent Notice of Rights and Responsibilities
2017-2018



DATE: August 1, 2017

TO: Parents/Guardians/Care Providers

FROM: Brandie Brunni, Division Director
San Joaquin County Office of Education
Special Education Programs

RE: Parent Notice of Rights and Responsibilities

As required by Education Code, you will find attached the Annual Parent Notice of Rights and Responsibilities summarizing a variety of information potentially impacting your child's education. Please take some time to review the information that includes the Uniform Complaint Procedures, Special Education Procedural Safeguards (Parent Rights) and the process for filing a complaint regarding your child's special education program. Complete and sign the bottom portion of this page and return it to school with your child *within 5 days*. If, after reviewing the information you have questions, please contact the program administrator working with your child.

Student Name

School of Attendance

I have received the Annual Notice to Parents, including Uniform Complaint Procedures, Special Education Procedural Safeguards, (Parent Rights) and the process for filing a complaint regarding my child's special education program

Parent/Guardian/Care Provider

Date

PARENT NOTICE OF RIGHTS AND RESPONSIBILITIES

State law requires that parents or guardians be notified of their rights and responsibilities in certain matters pertaining to their children's education.

1. **Absence for Religious Exercises and Instruction:** Pupils may be excused, with written permission from a parent or guardian, in order to participate in religious exercises or receive moral and religious instruction away from school property. Every pupil so excused must attend at least the minimum school day. No pupil shall be excused from school for such purpose on more than four days per school month. (Ed. Code, § 46014)
2. **Comprehensive Sexual Health Education and HIV/AIDS Prevention Education:** A parent or guardian has the right to excuse their child from comprehensive sexual health education and HIV prevention education. A parent or guardian who wishes to exercise this right must state their request in writing. (Ed. Code, § 51938) A parent or guardian 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 with a copy of the California Healthy Youth Act (Education Code section 51930 et. seq).

Parents or guardians shall be notified in writing if the District plans to administer an anonymous, voluntary and confidential test, questionnaire or survey containing age-appropriate questions about the pupils' attitudes concerning or practices related to sex in grades 7 to 12 and given the opportunity to review the test, questionnaire or survey. A Parent or guardian has the right to excuse their child from the test, questionnaire, or survey by stating their request in writing. (Ed. Code, § 51938)

Every child'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.

3. **Excuse from Instruction in Health:** Upon written request of a parent, a pupil may be excused from any part of instruction in health which conflicts with the parent(s)' religious training or beliefs (including personal moral convictions). (Ed. Code, § 51240)
4. **Administration of Medication:** Medication prescribed by a physician for a child may be administered during the school day by a registered nurse or other designated school personnel, or self-administered by the child if the medication is prescription auto-injectable epinephrine or prescription inhaled asthma medication, but only if the parent consents in writing and provides detailed written instructions from a physician, or a physician assistant as specified by law. Forms for administering medication may be obtained from the school secretary. (Ed. Code, §§ 49423, 49423.1, 49423.5, 49480)

5. **Students on Medication:** Parents are to notify the principal if their child is on a continuing medication regimen. This notification shall include the name of the medication being taken, the dosage, and the name of the supervising physician. With parental consent, the principal or school nurse may confer with the physician regarding possible effects of the drug, including symptoms of adverse side effects, omission or overdose and counsel with school personnel as deemed appropriate. (Ed. Code, § 49480)

6. **Immunizations:** The District shall exclude from school any pupil who has not been immunized properly, unless the pupil is exempted from the immunization requirement pursuant to Health and Safety Code section 120370. The immunization exemption based on personal beliefs has been eliminated. (Health & Safety Code, § 120325). A student who, prior to January 1, 2016, submitted a letter or affidavit on file at the District, stating beliefs opposed to immunization, is permitted to enroll in that institution until the student enrolls in the next grade span. Grade span means: 1) birth to preschool; 2) kindergarten and grades 1 through 6, inclusive, including transitional kindergarten; and 3) grades 7 through 12, inclusive. On or after July 1, 2016, the District shall exclude from school for the first time or deny admittance or deny advancement to any student to the 7th grade unless the student has been immunized for his or her age as required by law. (Health & Safety Code, § 120335). A student may still be exempted from the immunization requirement based on medical condition or circumstances. A parent or guardian must file with the District a statement from a licensed physician saying that the immunization is not considered safe and is not recommended based upon the nature or duration of the medical condition or circumstances, including, but not limited to, the family medical history. (Health & Safety Code, § 120370)

A parent or guardian may consent in writing for a physician, surgeon, or health care practitioner acting under the direction of a supervising physician and surgeon to administer an immunizing agent to a pupil at school. (Ed. Code, §§ 48216, 48980(a), 49403, Health & Safety Code, §§ 120325, 120335)

7. **Physical Exams and Testing:** The District is required to conduct certain physical examinations and vision, hearing and scoliosis testing of students unless the parent has a current written objection on file. However, the child may be sent home if he or she is believed to be suffering from a recognized contagious or infectious disease. (Ed. Code, §§ 49451, 49452, 49452.5 and 49455; Health & Safety Code, § 124085)

8. **Confidential Medical Services:** For students in grades 7 through 12, the District may release a student for the purpose of obtaining confidential medical services without obtaining the consent of the student's parent or guardian. (Ed. Code, § 46010.1)

9. **Medical Coverage for Injuries:** Medical and hospital services for pupils injured at school or school-sponsored events, or while being transported, may be insured at parent's expense. No pupil shall be compelled to accept such services without his or her consent or, if the pupil is a minor, without the consent of a parent or guardian. (Ed. Code, § 49472)

10. **Medical and Hospital Services Not Provided:** The District does not provide medical and hospital services for students injured while participating in athletic activities. However, all members of school athletic teams must have accidental injury insurance that covers medical and hospital expenses. (Ed. Code, §§ 32221.5, 49471)
11. **Services for Students with Exceptional Needs or a Disability:** State and federal law require that a free and appropriate public education (FAPE) in the least restrictive environment be offered to qualified pupils with disabilities ages 3 through 21 years. Students classified as individuals with exceptional needs for whom a special education placement is unavailable or inappropriate may receive services in a private nonsectarian school. Please contact the local director of special education for specific information. (Ed. Code, § 56040 et seq.) In addition, services are available for students who have a disability which interferes with their equal access to educational opportunities. (Section 504 of the Rehabilitation Act of 1973, 34 C.F.R. §104.32) The District official listed below is responsible for handling requests for services under Section 504 and may be reached at the following address and telephone:

Brandie Brunni, Division Director-Special Education Programs
San Joaquin County Office of Education
2707 Transworld Drive
Stockton, CA 95206
209-468-9279

12. **No Academic Penalty for Excused Absence:** No pupil may have his or her grade reduced or lose academic credit for any absence or absences which are excused for the reasons specified below when missed assignments and tests that can reasonably be provided are satisfactorily completed within a reasonable period of time. (Ed. Code, §§ 48205, 48980(j))

A pupil shall be excused from school when the absence is:

- (1) Due to the pupil's illness.
- (2) Due to quarantine under the direction of a county or city health officer.
- (3) For the purpose of having medical, dental, optometrical, or chiropractic services rendered.
- (4) For the purpose of attending the funeral services of a member of the pupil's immediate family, so long as the absence is not more than one day if the service is conducted in California and not more than three days if the service is conducted outside California.
- (5) For the purpose of jury duty in the manner provided for by law.
- (6) Due to the illness or medical appointment during school hours of a child of whom the pupil is the custodial parent.

- (7) For justifiable personal reasons, including but not limited to, an appearance in court, attendance at a funeral service, observance of a holiday or ceremony of the pupil'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 pupil's absence is requested in writing by the parent or guardian and approved by the principal or a designated representative pursuant to uniform standards established by the governing board.
- (8) For the purpose of serving as a member of a precinct board for an election pursuant to section 12302 of the Elections Code.
- (9) For the purpose of spending time with a member of the pupil's immediate family, who is an active duty member of the uniformed services, as defined in Section 49701, and has been called to duty for, is on leave from, or has immediately returned from, deployment to a combat zone or combat support position. Absences granted pursuant to this paragraph shall be granted for a period of time to be determined at the discretion of the superintendent of the school district.
- (10) For the purpose of attending the pupil's naturalization ceremony to become a United States citizen.

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

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

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

"Immediate family," as used in this section refers to mother, father, grandmother, grandfather, or a grandchild of the pupil or of the spouse of the pupil, and the spouse, son, son-in-law, daughter, daughter-in-law, brother, or sister of the pupil, or any relative living in the immediate household of the pupil. (Ed. Code, § 48205)

13. **Equal Opportunity:** Equal opportunities for both sexes in all educational programs and activities run by the District is a commitment made by the District to all students. (Title IX of the Education Amendments of 1972.) Inquiries on all matters, including complaints, regarding the implementation of Title IX in the District may be referred to the District official listed below at the following address and telephone:

Ron Estes, Division Director-Operations
San Joaquin County Office of Education
2707 Transworld Drive, Stockton, CA 95206
(209) 468-9061

14. **Complaints (Special Education):** Parents may file a complaint concerning violations of federal or state law or regulations governing special education related services. Parents may submit a description of the manner in which the parent believes special education programs for handicapped do not comply with state or federal law or regulations to:

Brandie Brunni, Division Director-Special Education Programs
San Joaquin County Office of Education
2707 Transworld Drive
Stockton, CA 95206
209-468-9279

15. **Release of Student Information:** The District does not release information or records concerning a child to noneducational organizations or individuals without parent consent except by court order, receipt of a lawfully issued subpoena, or when otherwise allowed by law. The following categories of directory information may be made available to various persons, agencies or institutions unless the parent or guardian notifies the District in writing not to release such information:

Name, address, telephone, 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, diplomas and awards received, and most recent previous educational institution attended. (Ed. Code, §§ 49060 et seq., 49073, 20 U.S.C. § 1232g, 34 C.F.R. § 99.7) In accordance with state and federal law, the District may also make available photographs, videos, and class rosters.

Directory information will not be released regarding a pupil identified as a homeless child or youth unless a parent, or pupil accorded parental rights, has provided written consent that directory information may be released. (Ed. Code, § 49073(c), 20 U.S.C. § 1232g, 42 U.S.C. § 11434a(2))

16. **Information Obtained from Social Media:** A school district that considers a program to gather or maintain in its records any information obtained through social media of any enrolled student shall notify students and their parents or guardians about the proposed program and provide an opportunity for public comment at a regularly scheduled public meeting of the Governing board of the school district. The notification shall include, but is not limited to, an explanation of the process by which a student or a student's parent or guardian may access the student's records to examine the information gathered or maintained, and an explanation of the process by which a student or student's parent or guardian may request the removal of information or make corrections to information gathered or maintained. (Ed. Code, § 49073.6)

17. **Inspection of Student Records:** State law requires that the District notify parents of the following rights which pertain to student records. (Ed. Code, §§ 49063, 49069, 34 C.F.R. § 99.7)

a. A parent or guardian has the right to inspect and review student records relating directly to his or her child during school hours or obtain a copy of such records within five (5) business days of his/her request.

b. Any parent who wishes to review the types of student records and information contained therein may do so by contacting the principal at his/her child's school. The principal of each school is ultimately responsible for maintenance of student records.

c. A parent with legal custody has a right to challenge information contained in his/her child's records. Any determination to expunge a student's record is made after a review of said record(s) by site administrators and certificated staff. Following an inspection and review of student records, the parent may challenge the content of the student's record. The right to challenge becomes the sole right of the student when the student becomes eighteen (18) years of age.

A parent may file a written request with the Superintendent of the District to remove any information recorded in the written records 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.
- (5) Misleading.
- (6) In violation of the privacy or other rights of the pupil.

Within thirty (30) days, the Superintendent or designee shall meet with the parent/guardian and the certificated employee who recorded the information, if any, and if the person is still employed with the District, and sustain or deny the allegations. If the allegations are sustained, the Superintendent shall order the correction, removal or destruction of the information. If the Superintendent denies the allegations, the parent may appeal the decision to the Governing Board within thirty (30) days. The Board shall determine whether or not to sustain or deny the allegations. If the Board sustains the allegations, it shall order the Superintendent to immediately correct, remove or destroy the information from the written records of the student. (Ed. Code, § 49070)

If the final decision of the Board is unfavorable to the parents, or if the parent accepts an unfavorable decision by the District Superintendent, the parent shall have the right to submit a written statement of objections to the information. This statement shall become a part of the student's school record until such time as the information objected to is removed.

Both the Superintendent and the Board have the option of appointing a hearing panel in accordance with Education Code sections 49070-49071 to assist in the decision making. The decision as to whether a hearing panel is to be used shall be made at the discretion of the Superintendent or the Board and not of the challenging party.

d. A Student Records Log is maintained for each student. The Student Records Log lists persons, agencies or organizations requesting and/or receiving information from the records to the extent required by law. Student Records Logs are located at each school and are open to inspection by parents or guardians. (Ed. Code, § 49064)

e. School officials and employees having a legitimate educational interest, as well as persons identified in Education Code sections 49076 and 49076.5 and in the Family Educational Rights and Privacy Act, may access student records without first obtaining parental consent. "School officials and employees" are persons employed by the District as an administrator, supervisor, instructor, or support staff member (including health or medical staff and District-employed law enforcement personnel), a Board member, a person or company with whom the District has contracted to perform a special service (such as an attorney, auditor, medical consultant, or therapist), or a parent or student whose access to student records is legally authorized. A "legitimate educational interest" is one held by a school official or employee whose duties and responsibilities create a reasonable need for access. (Ed. Code, §§ 49063(d), 49076, 49076.5, 20 U.S.C. § 1232g)

f. Parents and guardians have the right to authorize the release of student records to themselves. Only parents and guardians with legal custody can authorize the release of student records to others.

g. Parents and guardians will be charged .25 cents per page for the reproduction of student records.

h. Parents have a right to file a complaint with the U.S. Department of Education for alleged violations of parent rights related to student records. (20 U.S.C. § 1232g(g))

i. Parents may obtain a copy of the District's complete student records policy by contacting the Superintendent.

18. **Family Educational Rights and Privacy Act:** In addition, parents have certain rights regarding student information and records which are guaranteed under federal law. A handout notifying parents of these rights is attached.

19. **Student Discipline:** District and School rules pertaining to student discipline are available to parents or guardians of district students in the school office. (Ed. Code, § 35291) **Student** may be subject to discipline for off-campus misconduct if the misconduct is related to school activity or attendance and causes or is reasonably likely to cause a substantial disruption to school activity. For example, a student using technology such as a home computer, cellular phone, or other electronic device may be disciplined for bullying, engaging in unlawful harassment, or making threats against students, staff, or district property even if such misconduct occurred off-campus and during nonschool hours. (Ed. Code, § 48900(r))
20. **Dissection of Animals:** If a student has a moral objection to dissecting (or otherwise harming or destroying) animals, or any part of an animal, the pupil must notify the teacher regarding such objection, and the objection must be substantiated with a note from the pupil's parent or guardian. If the pupil chooses to refrain from participating in such a project or test, and if the teacher believes that an adequate alternative education project or test is possible, then the teacher may work with the pupil to develop and agree upon an alternate education project or test for the purpose of providing the pupil an alternate avenue for obtaining the knowledge, information or experience required by the course of study. (Ed. Code, §§ 32255-32255.6)
21. **Temporary Disability:** A temporary disability which makes it impossible or inadvisable for a student to attend class may entitle the student to receive individualized instruction. It is the responsibility of the pupil's parent or guardian to notify the school district in which the pupil is deemed to reside of the pupil's need for individualized instruction. A student with a temporary disability who is in a hospital or other residential health facility, other than a state hospital, which is located outside the student's school district of residence shall be deemed to comply with the residency requirements of the school district in which the hospital is located. (Ed. Code, §§ 48206.3, 48207, 48208, 48980(b))
22. **Student Residency:** A student may be enrolled in the District if (1) the student's parent, legal guardian or other person having control and charge of the student resides in the District (Ed. Code, §48200); (2) the District has approved interdistrict attendance (Ed. Code, § 46600; (3) the student is placed in a regularly established children's institution, licensed foster home, or family home; (4) the student is a foster child who remains in his or her school of origin pursuant to Education Code Section 48853.5(f) and (g); (5) the student is emancipated and lives within the District; (6) the student lives in the home of an adult who has submitted a caregiver affidavit; (7) the student resides in a state hospital within the District; or (8) the student's parent or legal guardian resides outside of the boundaries of the school district but is employed and lives with the student at the place of his/her employment within the school district boundaries for a minimum of three days during the school week. (Ed. Code, § 48204). The law allows, but does not require, a district to accept a student for enrollment where at least one parent or legal guardian of the student is physically employed within the district's boundaries for a minimum of 10 hours during the school week. (Ed. Code, §48204). A student also complies with the residency requirements for school attendance in a school district if he or she is a student

whose parent is transferred or pending transfer to a military installation within the boundaries of the school district while on active duty pursuant to an official military order. (Ed. Code, § 48204.3)

23. **Attendance Options:** All districts must inform parents at the beginning of the school year how to enroll in a school within the district that is different than the one assigned. Students who attend schools other than those assigned by the district are referred to as “transfer students” throughout this notification. There is one process for choosing a school within the district which the parent lives (intradistrict transfer), and three separate processes for selecting schools in other districts (interdistrict transfer). (Ed. Code, § 48980(h))

Note: Placement of students in the San Joaquin County Office of Education Special Education Programs is determined by the students' Individualized Education Plan.

Attached is a copy of the District’s Policy of Interdistrict and Intradistrict Transfers. Parents interested in interdistrict or intradistrict transfers should contact their district of residency. The general requirements and limitations of each process are described as follows:

a. Choosing a School Within the District in Which Parent Lives: Education Code section 35160.5(b) requires the school board of each district to establish a policy that allows parents to choose the schools their children will attend, regardless of where the parent lives in the district. The law limits choice within a school district as follows:

- Students who live in the attendance area of a school must be given priority to attend that school over students who do not live in the school’s attendance area.
- In cases in which there are more requests to attend a school than there are openings, the selection process must be “random and unbiased,” which generally means students must be selected through a lottery process rather than on a first-come, first-served basis. A district cannot use a student’s academic or athletic performance as a reason to accept or reject a transfer.
- Each district must decide the number of openings at each school which can be filled by transfer students. Each district also has the authority to keep appropriate racial and ethnic balances among its schools, meaning that a district can deny a transfer request if it would upset this balance or would leave the district out of compliance with a court-ordered or voluntary desegregation program.
- A district is not required to provide transportation assistance to a student that transfers to another school in the district under these provisions.

- If a transfer is denied, a parent does not have an automatic right to appeal the decision. A district may, however, voluntarily decide to put in place a process for parents to appeal a decision.

b. **Choosing a School Outside the District in Which Parent Lives:** Parents have two different options for choosing a school outside the district in which they live. The two options are:

i. **Interdistrict Transfers** (Ed. Code, §§ 46600–46610): The law allows two or more 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. The law on interdistrict transfers also provides for the following:

- Once a pupil is enrolled in a school pursuant to an interdistrict transfer agreement, the pupil must be allowed to continue to attend the school in which he or she is enrolled without reapplying, unless revocation of the interdistrict transfer is a term and condition of the agreement between the districts; however, a district must not rescind existing transfer permits for pupils entering grade 11 or 12 in the subsequent school year.

- Upon request, a pupil determined to be the victim of an act of bullying by a pupil of the district of residence must be given priority for interdistrict attendance under any existing interdistrict attendance agreement or additional consideration for the creation of an interdistrict attendance agreement. (Ed. Code, §§ 46600(b), 48900(r))

- If either district denies a transfer request, a parent may appeal that decision to the county board of education. There are specified timelines in the law for filing an appeal and for the county board of education to make a decision.

- A school district of residence shall not prohibit the transfer of a student who is a child of an active military duty parent to a school district of proposed enrollment if the school district of proposed enrollment approves the transfer application. (Ed. Code, § 46600(d))

ii. **“Allen Bill” Transfers** (Ed. Code, § 48204(b)): The law allows, but does not require, each school district to adopt a policy whereby the student may be considered a resident of the school district in which his/her parents (or legal guardian(s)) physically work for a minimum of 10 hours during the school week if that is different from the school district in which the student resides. This code section does not require that a school district accept a student requesting a transfer on this basis, but a student may not be rejected on the basis of race/ethnicity, sex, parental income, academic achievement, or any other “arbitrary” consideration. Other provisions of Education Code section 48204(b) include:

- Either the district in which the parent (or legal guardian) lives or the district in which the parent (or legal guardian) physically works may prohibit the student's transfer if it is determined that there would be a negative impact on the district's desegregation plan.
- The district in which the parent (or legal guardian) physically works may reject a transfer if it determines that the cost of educating the student would be more than the amount of state funds the district would receive for educating the student.
- There are set limits (based on total enrollment) on the net numbers of students that may transfer out of a district under this law, unless the district approves a greater number of transfers.
- There is no required appeal process for a transfer that is denied. However, the district that declines to admit a student is encouraged to provide in writing to the parent the specific reasons for denying the transfer.

Note: Placement of students in the San Joaquin County Office of Education Special Education Programs is determined by the students' Individualized Education Plan.

24. **Sexual Harassment Policy:** Each student will receive a written copy of the district policy on sexual harassment. The purpose of this policy is to provide notification of the prohibition against sexual harassment as a form of sexual discrimination and to provide notification of available remedies. A copy of the District's policy on sexual harassment is attached. (Ed. Code, §§ 231.5, 48980(g))
25. **Notice of Alternative Schools:** California state law authorizes all school districts to provide for alternative schools. Section 58500 of the Education Code defines alternative school as a school or separate class group within a school which is operated in a manner designed to:
- a. Maximize the opportunity for students to develop the positive values of self-reliance, initiative, kindness, spontaneity, resourcefulness, courage, creativity, responsibility, and joy.
 - b. Recognize that the best learning takes place when the student learns because of the student's desire to learn.
 - c. Maintain a learning situation maximizing student self-motivation and encouraging the student in his or her own time to follow his or her own interests. These interests may be conceived by the student totally and independently or may result in whole or in part from a presentation by the student's teachers of choices of learning projects.
 - d. Maximize the opportunity for teachers, parents and students to cooperatively develop the learning process and its subject matter. This opportunity shall be a continuous permanent process.
 - e. Maximize the opportunity for the students, teachers, and parents to continuously react to the changing world, including but not limited to the community in which the school is located.

In the event any parent, pupil, or teacher is interested in further information concerning alternative schools, the county superintendent of schools, the administrative office of this district, and the principal's office in each attendance unit have copies of the law available for parent information. This law particularly authorizes interested persons to request the governing board of the district to establish alternative school programs in each district. (Ed. Code, § 58501)

26. **Nutrition Program:** The State Department of Education has established a statewide program to provide nutritious meals and milk at school for pupils, and to provide free meals to the neediest children. In some instances, nominal cash payments may be required. (Ed. Code, § 49510 et seq.)
27. **U.S. Department of Education Programs:** The following applies only to programs directly funded by the U.S. Department of Education:

All instructional materials, including teacher's manuals, films, tapes, or other supplementary material which will be used in connection with any survey, analysis, or evaluation shall be available for inspection by the parents or guardians of the children.

No student shall be required, as part of any applicable U.S. Department of Education funded program, to submit to a survey, analysis, or evaluation that reveals information concerning:

- a. political affiliations or beliefs of the student or student's parents;
- b. mental and psychological problems of the student or his/her family;
- c. sex behavior or attitudes;
- d. illegal, anti-social, self-incriminating or demeaning behavior;
- e. critical appraisals of other individuals with whom respondents have close family relationships;
- f. legally recognized privileged or analogous relationships, such as those of lawyers, physicians, and ministers;
- g. religious practices, affiliations, or beliefs of the student or student's parent; or
- h. income (other than that required by law to determine eligibility for participation in a program or for receiving financial assistance under such program)

without the prior consent of the student (if the student is an adult or emancipated minor), or in the case of an unemancipated minor, without the prior written consent of the parent.

(20 U.S.C. § 1232h)

28. **Uniform Complaint Procedures:**

Complaints Alleging Discrimination, Harassment, Intimidation, and Bullying:

State and federal law prohibit discrimination in education programs and activities. The District is primarily responsible for compliance with federal and state laws and regulations. (Cal. Code Regs., tit. 5, § 4620.)

Under state law, all pupils have the right to attend classes on school campuses that are safe, secure, and peaceful. (Ed. Code, § 32261.) State law requires school districts to afford all pupils equal rights and opportunities in education, regardless of their actual or perceived characteristics, such as disability (mental and physical), gender (includes gender identity, gender expression, and gender-related appearance and behavior whether or not stereotypically associated with the person's assigned sex at birth), nationality (includes citizenship, country of origin and national origin), race or ethnicity (includes ancestry, color, ethnic group identification and ethnic background), religion (includes all aspects of religious belief, observance and practice, including agnosticism and atheism), sexual orientation (heterosexuality, homosexuality or bisexuality), or association with a person or group with one or more of these actual or perceived characteristics. (Ed. Code, §§ 210-214, 220 et seq., 234 et seq., 66260–66264, Cal. Code Regs., tit. 5, § 4900 et seq., 20 U.S.C. § 1681 et seq., 29 U.S.C. § 794, 42 U.S.C. § 2000d et seq., 42 U.S.C. § 12101 et seq., 34 C.F.R. § 106.9) The District prohibits discrimination, harassment, intimidation, bullying, and retaliation in all acts related to school activity or attendance. In addition to being the subject of a complaint, a pupil engaging in an act of bullying as defined by Education Code section 48900(r) may be suspended from school or recommended for expulsion.

The District's Uniform Complaint Procedure may be used in cases where individuals or a group have suffered discrimination, harassment, intimidation, or bullying. (Cal. Code Regs., tit. 5, §§ 4610, 4630, 4650, Ed. Code, § 234 et seq., 48900(r).)

a. Any individual, public agency or organization has the right to file a written complaint alleging that he/she has personally suffered unlawful discrimination or that an individual or specific class of individuals has been subjected to unlawful discrimination. (Cal. Code Regs., tit. 5, § 4630(b)(1))

b. Copies of the District's complaint procedures are available free of charge. (Cal. Code Regs., tit. 5, § 4622)

c. Complaints must usually be filed with the superintendent/designee of the District.

d. Discrimination complaints must be filed within six (6) months of the date the alleged discrimination occurred, or within six (6) months of the date the complainant first obtained knowledge of the facts of the alleged discrimination. Within that six (6) month period, complainant may file a written request with the district superintendent or designee for an extension of up to ninety (90) days following the six (6) month time period. Extensions will not be automatically granted, but may be granted for good cause. (Cal. Code Regs., tit. 5, § 4630(b))

Complaints Other Than Discrimination, Harassment, Intimidation, and Bullying:

The District has a written complaint procedure which may be used in cases where any individual, public agency or organization alleges violations of state or federal law, other than those relating to discrimination, harassment, intimidation, and bullying.

- a. Written complaints may be made regarding:
- (1) Adult Education
 - (2) Consolidated Categorical Aid Programs
 - (3) No Child Left Behind Programs, including improving academic achievement, compensatory education, limited English proficiency and Migrant Education
 - (4) Career Technical Education
 - (5) Child Care and Development
 - (6) Child Nutrition
 - (7) Special Education
 - (8) “Williams Complaints”
 - (9) Pupil Fees
 - (10) Local Control Funding Formula (LCFF) and Local Control and Accountability Plan (LCAP)
 - (11) Student Parent Lactation Accommodations
 - (12) Course Assignments
 - (13) Physical Education Instructional Minutes
 - (14) Foster Youth, Homeless Youth, and former Juvenile Court School Student Services

(15) Regional Occupational Centers and Programs

(Cal. Code Regs., tit. 5, §§ 4610(b), 4630, Ed. Code, §§ 222, 35186, 47606.5, 47607.3, 48853.5, 49013, 49069.5, 51210, 51223, 51225.1, 51225.2, 51228.1, 51228.2, 51228.3, 52060-52075, and 52334.7.)

Any individual, public agency or organization has the right to file a written complaint alleging that the District has violated a federal or state law or regulation governing any program listed in items 1-15 above. (Cal. Code Regs., tit. 5, § 4630(b)(1))

Copies of the District's complaint procedures are available free of charge. (Cal. Code Regs., tit. 5, § 4622)

Complaints must usually be filed with the superintendent or designee of the District under the timelines established by District policy. (Cal. Code Regs., tit. 5, § 4630(b))

Within 60 days from the date of receipt of the complaint, the District's responsible officer or his/her designee shall conduct and complete an investigation of the complaint in accordance with local procedures adopted pursuant to 5 CCR § 4621 and prepare a written decision. The time period may be extended by mutual written agreement of the parties.

b. Williams Complaints: Complaints, including anonymous complaints, may be made and addressed on a shortened time line for the following areas: (Ed. Code, § 35186)

- (1) Insufficient textbooks and instructional materials;
- (2) Emergency or urgent school facilities conditions that pose a threat to the health and safety of pupils; or
- (3) Teacher vacancy or misassignment.

A complaint of noncompliance with Education Code section 35186 may be filed with the school principal or designee under the Uniform Complaint Procedures. A complainant not satisfied with the resolution of a Williams Complaint has the right to bring the complaint to the district governing board at a regularly scheduled hearing. In the case of a complaint regarding emergency or urgent school facilities conditions, a complainant has the right of appeal to the State Superintendent of Public Instruction.

c. Pupil Fees Complaints: A complaint of noncompliance with Education Code section 49010 et seq. may be filed with the school principal under the Uniform Complaint Procedures. A complaint shall be filed not later than one calendar year from the date the alleged violation occurred. A complaint may be filed anonymously if the complaint provides evidence or information leading to evidence to support an allegation of noncompliance.

Responsible Official: The District official responsible for processing complaints is listed below at the following address:

Ron Estes, Division Director-Operations
San Joaquin County Office of Education
2707 Transworld Drive
Stockton, CA 95206
(209) 468-9061

Complaints Made Directly to the State Superintendent:

Complaints may be filed directly with the State Superintendent of Public Instruction in the following cases:

- (1) Complaints alleging that the District failed to comply with the complaint procedures described herein, including failure or refusal to cooperate with the investigation.
- (2) Complaints regarding Child Development and Child Nutrition programs not administered by the District.
- (3) Complaints requesting anonymity, but only where complainant also provides clear and convincing evidence that complainant would be in danger of retaliation if filing complaint at District level.
- (4) Complaints alleging that the District failed or refused to implement a final decision regarding a complaint originally filed with the District.
- (5) Complaints alleging that the District took no action within sixty (60) days regarding a complaint originally filed with the District.
- (6) Complaints alleging immediate and irreparable harm as a result of applying a district-wide policy in conflict with state or federal law and that complaining at the local level would be futile.
- (7) Complaints relating to Special Education, but only if:
 - (a) District unlawfully refuses to provide a free appropriate public education to handicapped students; or
 - (b) District refuses to comply with due process procedures or fails to implement due process hearing order; or
 - (c) Children may be in immediate physical danger, or their health, safety or welfare is threatened; or

- (d) A handicapped pupil is not receiving the services specified in his/her Individual Educational Program (IEP); or
 - (e) The complaint involves a violation of federal law.
- (8) The District refuses to respond to the State Superintendent's request for information regarding a complaint originally filed with the District.

(Cal. Code Regs., tit. 5, §§ 4630, 4650)

Appeals:

a. Except for Williams Complaints, a complainant may appeal the District's decision to the California Department of Education. (Ed. Code, § 262.3(a), Cal. Code Regs., tit. 5, § 4632)

(1) Appeals must be filed within fifteen (15) days of receiving the District decision.

(2) Appeals must be in writing.

(3) Appeals must specify the reason(s) for appealing the District decision, including whether the facts are incorrect and/or the law has been misapplied.

(4) Appeals must include a copy of the original complaint and a copy of the District decision.

(5) Pupil fee complaints appealed to the California Department of Education will receive a written appeal decision within 60 days of the department's receipt of the appeal.

(6) If the school/District finds merit in a complaint, or the California Department of Education finds merit in an appeal, the school/District must provide a remedy to all affected pupils, parents, and guardians. For pupil fee complaints, this includes reasonable efforts by the school to ensure full reimbursement to all affected pupils, parents, and guardians, subject to procedures established through regulations adopted by the state board.

b. If a complaint is denied, in full or in part, by the Department of Education, the complainant may request reconsideration by the State Superintendent of Public Instruction. (Cal. Code Regs., tit. 5, § 4665)

(1) Reconsideration must be requested within thirty-five (35) days of receiving the Department of Education report.

(2) The original decision denying the complaint will remain in effect and enforceable unless and until the State Superintendent of Public Instruction modifies that decision.

Civil Law Remedies:

In addition to the above-described complaint procedure, or upon completion of that procedure, complainants may have civil law remedies under state or federal discrimination, harassment, intimidation or bullying laws. These civil law remedies can include, but are not limited to, injunctions and restraining orders. These civil law remedies are granted by a court of law and may be used, in part, to prevent the District from acting in an unlawful manner. Delay in pursuing civil law remedies before a court of law may result in loss of rights to those remedies. Any questions regarding civil law remedies should be directed to an attorney. (Ed. Code, § 262.3(b), Cal. Code Regs., tit. 5, § 4622)

29. **Pupil-Free Staff Development Day and Minimum Day Schedule:** A copy of the District's pupil-free staff development day and minimum day schedules is attached for reference. A pupil's parent or guardian will be notified during the school year of any additional minimum days and pupil-free staff development days no later than one month before the actual date. (Ed. Code, §48980(c))
30. **Review of Curriculum:** A prospectus of curriculum, including titles, descriptions, and instructional aims of every course offered by each public school, is available at the school site for parent review upon request. Copies are available upon request for a reasonable fee not to exceed the actual copying cost. (Ed. Code, §§ 49063, 49091.14)
31. **Transitional Kindergarten:** A school district or charter school may admit a child, who will have his/her fifth birthday after December 2, to a transitional kindergarten at the beginning of or at any time during the school year with parental/guardian approval if:
 - (a) the governing board or body determines that the admittance is in the best interests of the child, and
 - (b) the parent/guardian is given information on the advantages and disadvantages and any other explanatory information on the effects of early admittance. (Ed. Code, § 48000)
32. **High School Exit Examination:** Administration of the high school exit exam is suspended through the 2017-2018 school year. The successful passing of the high school exit exam by each student completing grade 12 is no longer a condition of receiving a diploma of graduation or a condition for graduating from high school through the 2017-2018 school year. (Ed. Code, § 60851.5) Until July 21, 2018, the governing board or body of a school district, county office of education, or charter school must grant a high school graduation diploma to any student who completed grade 12 in the 2003-2004 school year or subsequent school year and met all the applicable graduation requirements other than passing the high school exit exam. (Ed. Code, § 60851.6)

33. **Child Find System; Policies and Procedures:** Any parent suspecting that a child has exceptional needs may request an assessment for eligibility for special education services through the Director of Student Services and/or Special Education, or his/her designee. Policy and procedures shall include written notification to all parents of their rights pursuant to Education Code section 56300 et seq. (Ed. Code, § 56301, 34 C.F.R. § 104.32(b))
34. **School Accountability Report:** Parents/guardians may request a hard copy of the School Accountability Report Card which is issued annually for each school of the District. (Ed. Code, § 35256)
35. **Asbestos Management Plan:** An updated management plan for asbestos-containing material in school buildings is available at the District Office. (40 C.F.R. § 763.93)
36. **Assistance to Cover Costs of Advanced Placement Examination Fees:** 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. (Ed. Code, §§ 48980(k) and 52242)
37. **Every Student Succeeds Act (ESSA):** The California Department of Education is in the process of transitioning from the requirements of the No Child Left Behind Act to the new Every Student Succeeds Act. Both of these laws modify the Elementary and Secondary Education Act of 1965 (ESEA). New provisions will apply in the 2017-2018 school year. As updates are provided by the California Department of Education, the following parent notice requirements may change and new notice requirements may be added.

- **Information Regarding Professional Qualifications of Teachers, Paraprofessionals, and Aides:** Upon request, parents have a right to information regarding the professional qualifications of their student's classroom teachers, paraprofessionals, and aides. This includes whether the teacher meets the state qualifications and licensing criteria for the grades and subjects he/she teachers, whether the teacher is teaching under an emergency permit or other provisional status because of special circumstances, the teacher's college major, whether he/she has any advanced degrees and the subject(s) of those degrees, and whether any instructional aides or paraprofessionals provide services to the parents' child and, if so, their qualifications. (Section 1111(h)(6)(A) of the ESEA, as amended by NCLB)

- **Information Regarding Individual Student Reports on Statewide Assessments:** Upon request, parents have a right to information on the level of achievement of their student on every State academic assessment administered to the student. (20 U.S.C. § 6311(h)(6))

- **Limited English Proficient Students:** The Act requires notice be given to parents of limited English proficient students regarding limited English

proficiency programs, not later than 30 days after the beginning of the school year (or, for students identified later in the school year, within two weeks). Notice includes: the reasons for the identification of the student as limited English proficient; the need for placement in a language instruction educational program; the student's level of English proficiency and how such level was assessed; the status of the student's academic achievement; the methods of instruction used in the available programs; how the recommended program will meet the student's needs; the exit requirements for the program; how the program meets the objectives of the student's IEP, if applicable, and; parent options for removing a student from a program and/or declining initial enrollment. (Section 3302(a) of the ESEA, as amended by NCLB)

- **Program Improvement Schools:** Parents shall be notified when their child's school is identified a "program improvement" school. Parents must be notified as to what the identification means, how the school compares to other District schools, the reasons for the identification, how the low achievement is being addressed by the school, District, or State, and how the parents can be involved. The parents must also be notified about the opportunities for school choice and supplemental instruction. (20 U.S.C. § 6316(b)(6))

The information provided above is available upon request from each child's school or the district office. Additional notices that may be required shall be sent separately. (20 U.S.C. §§ 6301 et seq.)

38. **Language Acquisition Program:** If a school district implements a language acquisition program pursuant to Education Code section 310, it must do the following: 1) comply with the kindergarten and grades 1-3, inclusive, class size requirements specified in Education Code section 42238.02 and (2) provide the parent or legal guardian of a minor pupil annually, or upon the pupil's enrollment, with information on the types of language programs available to pupils enrolled in the school district, including, but not limited to, a description of each program.
39. **Military Recruiter Information:** Education Code section 49073.5 requires that school districts disclose the names, addresses and telephone numbers of high school students to military recruiters upon request, unless parents request that this information not be released without prior written consent. Parents have the option of making such a request. If parents do not wish this information to be provided to military recruiters, they must notify the District office of this fact in writing. The writing should be directed to the District official listed below at the following address:

Brandie Brunni, Division Director-Special Education Programs
San Joaquin County Office of Education
2707 Transworld Drive
Stockton, CA 95206
(209) 468-9279

40. **Children In Homeless/Foster Care Situations and Former Juvenile Court School Students:** Each local district shall designate a staff person as a liaison for homeless children who shall ensure the dissemination of public notice of the educational rights of students in homeless situations. (Ed. Code, § 48852.5, 42 U.S.C. § 11432(g)(1)(J)(ii),)

A district serving a homeless child must allow the child to continue his/her education in the school of origin through the duration of homelessness at the point of any change or any subsequent change in residence once a child becomes a homeless child. If the child's status changes before the end of the academic year so that he/she is not homeless, the district must allow a child in high school to continue his/her education in the school of origin through graduation. For a child in grades K through 8, the district must allow the formerly homeless child to continue his/her education in the school of origin until the end of the academic school year. A homeless child transitioning between school grade levels must be allowed to continue in the school district of origin in the same attendance area. If a homeless child is transitioning to a middle or high school where the school designated for matriculation is in another school district, the homeless child must be allowed to continue to the school designated for matriculation in that school district. The new school is required to enroll the child immediately regardless of any outstanding fees, fines, textbooks or other items or moneys due to the school last attended or if the child is unable to produce clothing or records normally required for enrollment, including medical records, proof of immunization history, and proof of residency. (Ed. Code, § 48852.7)

Each local district shall also designate a staff person as the educational liaison for foster children. The educational liaison shall disseminate a standardized notice to foster children that has been developed by the State Department of Education and includes complaint process information. (Ed. Code, § 48853.5)

The district serving the foster child shall allow the foster child to continue his/her education in the school of origin under specified circumstances. If it is determined that it is in the best interests of the foster child to transfer to a school other than the school of origin, the foster child shall immediately be enrolled in the new school, regardless of any outstanding fees, fines, textbooks, or other items or moneys owed to the school last attended or if the child is unable to produce clothing or records normally required for enrollment, including immunization history. The last school attended must provide all records to the new school within two business days of receiving the request. (Ed. Code, §§ 48853, 48853.5)

The district receiving a transfer request or notification of a student in foster care shall, within two business days, transfer the student out of school and deliver the educational information and records to the next educational placement. Grades and credits will be

calculated as of the day the student left school and no lowering of grades will occur as a result of the student's absence due to the decision to change placement or for a verified court appearance or related court activity. (Ed. Code, § 49069.5)

The district shall exempt from local graduation requirements a student in foster care or a student who is a homeless child or youth or who is a former juvenile court school student and who transfers between schools under certain circumstances. (Ed. Code, §51225.1)

A district shall accept coursework done by a student in foster care or who is a homeless child or youth or who is a former juvenile court school student while attending another school. The district is prohibited from requiring those students to retake courses or partial courses they have satisfactorily completed elsewhere. (Ed. Code, § 51225.2)

A complaint of noncompliance alleging violations of these sections, except for Education Code section 48852.7, may be filed under the District's Uniform Complaint Procedures and Title 5 of the California Code of Regulations.

41. **Sex Equity In Career Planning:** Parents shall be notified in advance of career counseling and course selection commencing with course selection in Grade 7, to promote sex equity and allow parents to participate in counseling sessions and decisions. (Ed. Code, § 221.5(d))

42. **Pesticide Products:** All schools are required to provide parents or guardians with annual written notice of expected pesticide use at schools. The attached list provides the name of each pesticide product, the active ingredient(s) and the Internet address for further information. Parents or guardians may request prior notice of individual pesticide applications at the school. If a parent wishes to be notified every time a pesticide is going to be applied, he or she must complete the attached form and return it to his or her child's school. A copy of the integrated pest management plan for the schoolsite or District may be provided on the school website or viewed at the school office. (Ed. Code, §§ 48980.3, 17611.5, 17612)

43. **Student Parent Lactation Accommodations:** The District is required to provide reasonable accommodations to a lactating student on a school campus to address breast-feeding needs. (Ed. Code, §222)

A student may not be penalized academically because of the reasonable accommodations provided during the schoolday. A student must also be given the opportunity to make up missed work.

A complaint of noncompliance may be filed under the District's Uniform Complaint Procedures and Title 5 of the California Code of Regulations.

44. **PE Instructional Minutes:** The adopted course of study for grades 1 through 6 and instruction in grades 1 through 8 in an elementary school must include physical education for not less than 200 minutes each ten school days, exclusive of recesses and the lunch period. (Ed. Code, §§ 51210, 51223)

A complaint of noncompliance may be filed under the District's Uniform Complaint Procedures and Title 5 of the California Code of Regulations.

45. **Course Assignments:** A school district is prohibited from assigning a student enrolled in any of grades 9 through 12 to any course period without educational content for more than one week in any semester, except under specified conditions. Under no circumstances can a district assign a student enrolled in any of grades 9 through 12 to a course period without educational content because there are not sufficient curricular course offerings for the student to take during the relevant period of the designated school day. (Ed. Code, § 51228.1)

A school district is prohibited from assigning a student enrolled in grades 9 through 12 to a course that the student has previously completed and received a grade determined by the district to be sufficient to satisfy the requirements and prerequisites for admission to the California public post-secondary schools and the minimum high school graduation requirements, except under specified conditions. Under no circumstances can a district assign a student enrolled in any of grades 9 through 12 to a course the student has previously completed and received a sufficient grade, as specified, because there are not sufficient curricular course offerings for the student to take during the relevant period of the designated schoolday. (Ed. Code, § 51228.2)

These sections do not apply to students in alternative schools, community day schools, continuation high schools or an opportunity school. A district may continue to authorize dual enrollment in community college, to run evening high school programs, to offer independent study, work experience education, and other specified courses.

A complaint of noncompliance may be filed under the District's Uniform Complaint Procedures and Title 5 of the California Code of Regulations. (Ed. Code, § 51228.3)

46. **Regional Occupational Centers and Programs/County Offices of Education Programs/Adult Education Programs:** A regional occupational center or program, county office of education program, or adult education program must meet specified requirements for certification by the Superintendent of Public Instruction in order to provide an employment training program for adults or to authorize an education program beyond secondary education that leads to a degree or certificate. (Ed. Code, § 52334.7)

A complaint alleging that a local agency violated federal or state laws or regulations governing adult education programs under Education Code section 52501 or regional occupational centers and programs may be filed under the District's Uniform Complaint Procedures and Title 5 of the California Code of Regulations. A complaint alleging that a county office of education violated federal or state laws or regulations governing the county office's participation in any student financial assistance program authorized by Title IV may also be filed under the Uniform Complaint Procedures and Title 5 of the California Code of Regulations.

47. **Pupil Fees:** A pupil enrolled in a public school must not be required to pay a pupil fee for participation in an educational activity. (Ed. Code, § 49011)

(a) The following requirements apply to prohibited pupil fees:

- (1) All supplies, materials, and equipment needed to participate in educational activities must be provided to pupils free of charge.
- (2) A fee waiver policy shall not make a pupil fee permissible.
- (3) School districts and schools shall not establish a two-tier educational system by requiring a minimal educational standard and also offering a second, higher educational standard that pupils may only obtain through payment of a fee or purchase of additional supplies that the school district or school does not provide.
- (4) A school district or school shall not offer course credit or privileges related to educational activities in exchange for money or donations of goods or services from a pupil or a pupil's parents or guardians, and a school district or school shall not remove course credit or privileges related to educational activities, or otherwise discriminate against a pupil, because the pupil or the pupil's parents or guardians did not or will not provide money or donations of goods or services to the school district or school.

(b) Solicitation of voluntary donations of funds or property and voluntary participation in fundraising activities are not prohibited. School districts, schools, and other entities are not prohibited from providing pupils prizes or other recognition for voluntarily participating in fundraising activities. (Ed. Code, § 49010 et seq.)

A complaint of noncompliance may be filed under the District's Uniform Complaint Procedures and Title 5 of the California Code of Regulations. (Ed. Code, § 49013)

Notification of Rights Under FERPA for Elementary and Secondary Schools

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

(1) The right to inspect and review the student’s education records within 45 days of the day the School receives a request for access.

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

(2) The right to request amendment of the student’s education records that the parent or eligible student believes are inaccurate, misleading, or otherwise in violation of the student’s privacy rights under FERPA.

Parents or eligible students may ask the School to amend a record that they believe is inaccurate or misleading. They should write the School principal, clearly identify the part of the record they want changed, and specify why it is inaccurate or misleading.

If the School decides not to amend the record as requested by the parent or eligible student, the School will notify the parent or eligible student of the decision and advise the parent or eligible student of the right to a hearing regarding the request for amendment. Additional information regarding the hearing procedures will be provided to the parent or eligible student when notified of the right to a hearing.

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

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

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

Upon request, the School discloses education records, without prior consent, to officials of another school district in which a student seeks or intends to enroll.

(4) The right to file a complaint with the U.S. Department of Education concerning alleged failures by the school to comply with the requirements of FERPA. The name and address of the Office that administers FERPA are:

Family Policy Compliance Office
U.S. Department of Education
400 Maryland Avenue, SW
Washington, DC 20202-5920

Policies and Procedures

Parental Consent for Medi-Cal Billing in Schools

San Joaquin County Office of Education

San Joaquin County Office of Education participates in the LEA Medi-Cal Billing Option Program offered through the California Department of Health Care Services and Centers for Medicaid Services. The program allows for the school district to receive federal reimbursement funds for some health services provided to Medi-Cal eligible students while they are at school. The funds are reinvested back into the school programs to benefit students and their families.

San Joaquin County Office of Education can bill Medi-Cal for assessments and services for IEP students, as well as for students who, upon assessment, do not qualify for Special Education Services. The area of service include speech, psychology, occupational therapy, physical therapy and nursing services.

Consistent with the following codes of Federal Regulations:

34 CFR 300.154(d)(2)(iv), 34 CFR 300.154(d)(2)(v), 34 CFR 99.30 and 34 CFR 30.622:

- Parental consent must be obtained before SJCOE can submit Medi-Cal claims for student's billable health services. This is a one-time consent that can be revoked by the parent at any time.
- The services that SJCOE provides to the students will not be affected in any way by the parent's consent or refusal.
- The parent/student will never pay a fee for health services provided to the student by SJCOE.
- The parent/student's Medi-Cal benefits will never be affected in any way.
- The student's medical/educational records may be disclosed to Medi-Cal for the purpose of authenticating claims.
- SJCOE will provide annual written notice to parents before accessing their child's public insurance benefits (Medi-Cal).

STUDENTS

Interdistrict Attendance Appeals

Filing Procedure

An appeal must be filed within thirty (30) calendar days of the refusal or failure of a district to permit interdistrict transfer of attendance. Failure to appeal within the required time is good cause of denial of an appeal. Parents/guardians must first investigate and exhaust any appeals process which exists within the district of denial.

The appellant shall mail, email, fax, or hand-deliver the completed, signed, and dated appeal to the Superintendent/designee of the San Joaquin County Office of Education, and shall also provide a copy to the Superintendent/designee of both school districts.

An appeal shall be accepted only upon verification by the County Board's designee that appeals within the school district have been exhausted. Please note that the appeal must be **received** (not postmarked) by the County Office of Education within thirty (30) days of the denial of the Interdistrict Attendance Transfer request.

Setting Date for Hearing Before the County Board

If the written appeal is complete and appropriate the Superintendent/designee will set a hearing on the matter at a regular or special meeting of the County Board to be held no later than thirty (30) days following receipt of the appeal. If it is impractical to schedule the hearing within thirty (30) days the Superintendent or County Board may extend the time period for up to five (5) additional school days. The Superintendent/designee may approve a request for postponement filed by the appellant or school district for good cause, provided the request is filed in writing at least five (5) calendar days prior to the scheduled hearing date.

The Superintendent/designee will notify the appellant and the appropriate personnel of both school districts of the date, time, and place of the hearing, and the nature of the matter to be heard.

Administrative Review

Upon receipt of appeal, the matter will be reviewed by the Assistant Superintendent of County Operated Schools and Programs or Administrator/designee. The Administrator will, as soon as possible, confer with the appellant and representatives of both school districts to gather information and confirm that district avenues for appeal have been exhausted. After doing so, the Administrator will prepare a written summary with all appeal documents to the County Board.

Limitations on County Board Authority

There are limits on the types of appeals the County Board can hear. For example, the County Board has **no authority** to consider the following interdistrict attendance appeals or issues:

1. To determine the specific school within the school district where the pupil will be enrolled. This authority is reserved for the school district of attendance.
2. Denial of an interdistrict attendance request based on parent employment within the district, if the request was filed under Education Code 48204(b), commonly referred to as “Allen Bill Transfers.”
3. Denial of an interdistrict attendance request by a pupil under consideration for expulsion or who has been expelled, pursuant to Education Code Sections 48915 and 48918 during the term of the expulsion [Education Code 46601(c)(5)].
4. Denial of an **intradistrict** attendance request between schools within the same district [Education Code 35160.5(b)].
5. A dispute over the placement of a special education pupil or the services provided to a pupil with disabilities. Such a dispute should be handled by the district of attendance through special education laws and procedures.
6. A determination by a school district regarding the validity of a caregiver affidavit [Education Code 48204(a)(1)(B)(4) and Family Code 6550, et.seq.].

Filing a Written Statement

The appellant, appellant’s attorney or representative may file additional written statements and/or documents to support the original appeal. These statements and documents should be submitted no later than ten (10) calendar days before the appeal is to be heard. Copies must also be submitted to both districts.

Each school district may submit, no later than four (4) school days prior to the hearing, a statement clearly describing the school district’s response/position on the matter. The denying district is strongly encouraged to provide a written response. Documentation to support the denial should be provided with the district’s written statements, such as contract provisions for class size, student transcripts, attendance or discipline data, etc. Copies should be submitted at the same time to the appellant and the other district.

All parties to the appeal are urged to attend the hearing. The student may participate in the hearing at the parent’s discretion. Non-attendance by either party may constitute grounds for ruling against that party.

Hearing Before the County Board

The hearing before the County Board will be conducted in closed session unless open session is requested by the parent, as these hearings involve consideration or presentation of protected pupil records. Persons to be heard will be limited to the pupil, parent or person having custody of the pupil, counsel for the pupil, representatives of the involved school districts, except that the Superintendent/designee may present, but is not required to present, the results of any staff investigation of the matter. Members of the County Board may question any of the parties at the hearing.

Decision

The County Board shall grant or deny the appeal, or, if any new information is presented that has not been considered at the local level, the matter may be remanded to the school districts for reconsideration.

Following the close of the hearing, the County Board will deliberate and vote in open session. The vote will be on the following question: "Shall the pupil, (name), be permitted to attend in the school district of desired attendance, (school district name), for the (year) school year?" If the County Board determines that the appeal should be granted, the County Board may order any of the following options:

1. The attendance is for any school (at the district's discretion), not at a specific school.
2. The student's attendance in the requested district is for the duration of the present school year, or subsequent school year, depending on the appeal request.
3. The student shall be admitted to the school district of requested attendance without delay.

The Superintendent shall notify in writing all parties to the matter of the decision of the County Board. The decision of the County Board shall be final and binding, unless either party appeals to the court of competent jurisdiction.

**PROCEDURES FOR FILING
INTERDISTRICT ATTENDANCE APPEAL**

Please read Superintendent Policy 5117 (SP 5117) – Interdistrict Attendance **and** Administrative Regulation 5117.1 (AR 5117.1) – Interdistrict Attendance Appeals.

1. Complete, sign, and date the San Joaquin County Office of Education Interdistrict Attendance Appeal Form on E 5117.1 (b). Attach as many additional pages as you need to fully respond to each of the information items listed.
2. Attach a copy of your original request for Interdistrict Attendance Transfer (IDA Form 1 from your district of attendance) along with a copy of the denial (IDA Form 2 from the denying district). In the event the district has not responded to your request for transfer within thirty (30) days of your request, the Board will accept the date-stamped copy of your request filed with the district in order to proceed with the appeal. Also attach any documentation (i.e., letters from the district, doctors, teachers, pending house contracts, etc.) you wish the Board to consider when hearing your appeal.
3. Make three (3) copies of the complete appeal. You must provide one (1) copy to the Superintendent/designee of the school district of residence **and** one (1) copy to the Superintendent/designee of the school district of requested attendance. Keep one (1) copy for your records.
4. You must mail, email, fax or hand-deliver the Interdistrict Attendance Appeal Form, along with the above mentioned documents to:

**Attn: Assistant Superintendent
County Operated Schools and Programs
San Joaquin County Office of Education**

Mailing Address:
**P.O. Box 213030
Stockton, CA 95213-9030**

Delivery Address:
**2707 Transworld Drive
Stockton, CA 95206**

Fax: **(209) 468-4951 or (209) 468-4984**

Questions or requests for information should be directed to: **(209) 468-9265 or (209) 468-9215**

SAN JOAQUIN COUNTY OFFICE OF EDUCATION
INTERDISTRICT ATTENDANCE APPEAL FORM

Appellant's (Parent's) Name

Appellant's Signature

Residence Address (Street, City, Zip)

Mailing Address if different from Residence Address (Street or P.O. Box, City, Zip)

Preferred Telephone Number

Alternate Telephone Number

Pupil's Name

Pupil's Date of Birth

Grade in School

School District of Residence

School District of Requested Attendance

Date You Applied for Transfer This Year

Date(s) of Action by School District to Deny
Interdistrict Attendance

The hearing before the County Board will be conducted in closed session unless open session is requested by the parent, as these hearings involve consideration or presentation of protected pupil records.

If you prefer the hearing be conducted in open session, check the box below:

Open Session Hearing

Provide and attach responses to each question on page 2 of appeal form. You may attach additional pages to fully answer each question. Please write on one side of page only.

1. What reasons did you give for interdistrict transfer in your application to the school district? *Attach a copy of your application for Interdistrict Attendance Transfer (IDA Form 1).*
2. Summarize the content and the result of all meetings or phone calls you had with local school district personnel to discuss alternatives for your child. *(These alternatives may have included transfer to another school or program in the district; modification of existing program; identifying and resolving points of disagreement or misunderstanding; reconsideration of the school district's decision).*
3. State your understanding of why the school district(s) denied your request for interdistrict attendance. *Attach a copy of the district's denial of your Interdistrict Attendance Transfer request (IDA Form 2).*
4. State why you believe the decision(s) of the school district(s) should be set aside *(changed to approve your appeal).*

STUDENTS

Interdistrict Attendance

The San Joaquin County Office of Education (SJCOE) recognizes that each school district has primary responsibility for the education of its school age residents. In exercising that responsibility, each district makes decisions based on what is best for its students. The SJCOE acknowledges the principle that campuses shall be safe, secure, and peaceful. The SJCOE also recognizes that parents/guardians and students have the right to an appeal process beyond the local jurisdiction.

An appeal may be filed with the San Joaquin County Board of Education (County Board) if:

1. The Board of a school district refuses to enter into an interdistrict attendance transfer agreement within thirty (30) calendar days after the person having legal custody of any student(s) has requested the Board to do so and the appeal processes of the denying district(s) have been exhausted; or,
2. The district(s) failed to respond during the school year in progress to a request by the person having legal custody of any student(s) for interdistrict transfer of attendance within thirty (30) calendar days; or,
3. Within fourteen (14) calendar days following the commencement of instruction in a new term in each of the school districts respectively, and thirty (30) or more calendar days after a written request for an interdistrict attendance transfer for the next school year was filed with the district of residence.

An appeal must be filed within thirty (30) calendar days of the refusal or failure to permit interdistrict transfer of attendance. Failure to appeal within the required time is good cause for denial of an appeal. An appeal shall be accepted only upon verification by the Board's designee that appeal within the districts have been exhausted. The County Board shall, within thirty (30) calendar days after filing of the appeal, determine if the student should be permitted to attend in the district in which (s)he desires to attend and for what period of time. If it is impractical to schedule the hearing within thirty (30) days, the Superintendent or County Board may extend the time period for up to five (5) additional school days.

If the interdistrict attendance appeal involves school districts located in different counties, the appeal will be heard by the County Board for the district denying an agreement or refusing or failing to enter into an agreement. If both districts in different counties deny an agreement, or refuse or fail to enter into an agreement, the County Board for the district of residence shall hear the appeal. If the appeal is granted, the County Board for the other district will be asked to agree. If the two County Boards do not then agree, the pupil's appeal shall be denied.

The SJCOE shall base its decision on a review of the original evidence presented to the district issuing the denial. If new evidence or grounds for the request are presented that the County Board believes would have affected the original decision, the County Board may remand the matter for further consideration by the districts. In all other cases, the appeal shall be granted or denied on its merits.

The Superintendent is directed to develop the administrative regulation necessary to carry out the appeal process.

cf: 5111 Admission

Legal References:

EDUCATION CODE

46600-46611 Interdistrict attendance computation

46621 Newly formed, changed or joint district

48204 Residency requirements for school attendance

48209-48209.16 Student attendance alternatives

48915 Expulsion

48915.1 Expelled individuals: enrollment in another district

48918 Rules governing expulsion procedures

48980 Notice at beginning of term

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

STUDENTS

Sexual Harassment

Prohibited sexual harassment includes, but is not limited to, unwelcome sexual advances, request for sexual favors, and other verbal, visual, or physical conduct of a sexual nature against another person of the same or opposite gender, in the educational setting when made on the basis of sex and under any of the following conditions:

1. Submission to the conduct is explicitly or implicitly made a term or condition of an individual's academic status or progress;
2. Submission to or rejection of the conduct by an individual is used as the basis for academic decisions affecting the individual;
3. The conduct has the purpose or effect of unreasonably interfering with the other individual's academic performance; creating an intimidating, hostile, or offensive educational environment; or of adversely affecting the other individual's evaluation, advancement, assigned duties, or any other condition of education or career development;
4. Submission to or rejection of the conduct by the individual is used as the basis for any decision affecting the individual regarding services, honors, programs, or activities available at or through the San Joaquin County Office of Education (SJCOE).

Types of conduct which are prohibited throughout SJCOE and SJCOE-sponsored programs, whether committed by a supervisor, a teacher, another student, any other employee, or non-employee and which may constitute sexual harassment include, but are not limited to, the following actions:

1. Unwelcome leering, sexual flirtations or propositions;
2. Unwelcome sexual slurs, leering, epithets, threats, verbal abuse, derogatory comments, or sexually degrading descriptions;
3. Graphic verbal comments about an individual's body or overly personal conversation;
4. Sexual jokes, notes, stories, drawings, pictures, obscene gestures, derogatory posters, cartoons, or computer-generated images of sexual nature;
5. Spreading sexual rumors;
6. Teasing or sexual remarks about students enrolled in a predominantly single-sex class;

7. Massaging, grabbing, fondling, stroking, or brushing the body;
8. Touching an individual's body or clothes in a sexual way;
9. Purposefully cornering or blocking normal movements or any physical interference with a school activity when directed at an individual on the basis of sex;
10. Limiting a student's access to educational tools;
11. Displaying sexually suggestive objects;
12. Sexual assault, sexual battery, or sexual coercion;
13. Sexual comments, innuendoes, or slurs, oral or in writing, regarding a person's sexual orientation;
14. Verbal comments or taunting students for either exhibiting what is perceived as a stereotypical characteristic for the student's sex, or for failing to conform to stereotypical notions of masculinity or femininity;
15. Any act of retaliation against an individual who reports a violation of the SJCOE sexual harassment policy or who participates in the investigation of a sexual harassment complaint.

All SJCOE personnel have the responsibility of maintaining an educational environment free of sexual harassment. This responsibility includes discussing the SJCOE sexual harassment policy when asked and assuring students that they are not required to endure sexually insulting, degrading, or exploitative treatment, or any other form of sexual harassment.

SJCOE will make its best effort to investigate and resolve all complaints within five working days of receiving notice of harassing behavior, regardless of whether a formal complaint has been filed. SJCOE shall be considered to have "notice" of the need for an investigation upon receipt of information from a student who believes he/she has been subjected to harassment, the student's parent/guardian, an employee who received a complaint from a student, or any employee or student who witnessed the behavior.

Notifications

A copy of the SJCOE sexual harassment policy and regulation shall:

1. Be included in the notifications that are sent to parents/guardians at the beginning of each school year;
2. Be displayed in a prominent location near each school office;

3. Be provided as part of any orientation program conducted for new students at the beginning of each quarter, semester, or summer session;
4. Appear in any school or SJCOE publication that sets forth the comprehensive rules, regulations, procedures, and standards of conduct for SJCOE.

Complaints of sexual harassment and retaliation resulting from a sexual harassment complaint shall be handled in accordance with the following procedure:

Notice and Receipt of Complaint

Any student who believes he/she has been subjected to sexual harassment or who has witnessed such harassment may file a complaint with any employee. Within 24 hours of receiving a complaint, the employee shall report it to the Director of Operations and Support Services. In addition, any employee who observes an incident of sexual harassment involving a student shall, within 24 hours, report this observation to the Director of Operations and Support Services, whether or not the victim files a complaint.

In any case of sexual harassment involving the Director of Operations and Support Services, to whom the complaint would ordinarily be made, the employee who receives the student's report or who observes the incident shall, instead, report to the Superintendent.

If the Director of Operations and Support Services receives an anonymous complaint or media report about alleged sexual harassment, he/she shall determine whether it is reasonable to pursue an investigation considering the specificity and reliability of the information, the seriousness of the alleged incident, and whether any individuals can be identified who were subjected to the alleged harassment.

Investigation of Complaint

1. The Director of Operations and Support Services shall promptly initiate an impartial investigation of all complaints of sexual harassment within five school days after receiving notice of the harassing behavior, regardless of whether a formal complaint has been filed. In so doing, he/she shall talk individually with:
 - a. The student or parent/guardian who is complaining;
 - b. The person accused of harassment;
 - c. Anyone who saw the harassment take place;
 - d. Anyone mentioned as having related information.
2. When a student or parent/guardian has complained or provided information about sexual harassment, the Director of Operations and Support Services shall describe the SJCOE

- complaint procedure and discuss what actions are being sought by the student in response to the complaint.
3. The student who is complaining shall have an opportunity to describe the incident, identify witnesses who may have relevant information, provide other evidence of the harassment, and put his/her complaint in writing. If the student requests confidentiality, he/she shall be informed that such a request may limit the ability of SJCOE to investigate.
 4. The Director of Operations and Support Services or designee shall discuss the complaint only with the people described above. When necessary to carry out his/her investigation or for other good reasons that apply to the particular situation, the Director of Operations and Support Services or designee also may discuss the complaint with the following persons:
 - a. The Superintendent or designee;
 - b. The parent/guardian of the student who complained;
 - c. The parent/guardian of the person accused of harassing someone;
 - d. A teacher or staff member whose knowledge of the students involved may help in determining who is telling the truth;
 - e. Law enforcement and/or child protective services;
 - f. Legal counsel for SJCOE.
 5. The Director of Operations and Support Services or designee shall determine whether interim measures are necessary during and pending the results of the investigation, such as placing students in separate classes or transferring a student to a class taught by a different teacher.
 6. In cases of student-on-student harassment, when the student who complained, the person accused of harassment, and their parents so agree, the Director of Operations and Support Services or designee may arrange for them to resolve the complaint informally with the help of a counselor, teacher, administrator, or trained mediator. The student who complained shall never be asked to work out the problem directly with the accused person unless such help is provided, and he/she shall be advised of the right to end the informal process at any time.
 7. In reaching a decision about the complaint, the Director of Operations and Support Services may take into account.
 - a. Statements made by the persons identified above;
 - b. The details and consistency of each person's account;
 - c. Evidence of how the complaining student reacted to the incident;
 - d. Evidence of past instances of harassment by the accused person;
 - e. Evidence of past harassment complaints that were found to be untrue.

8. To judge the severity of the harassment, the Director of Operations and Support Services may take into consideration:
 - a. How the misconduct affected one or more students' education;
 - b. The type, frequency, and duration of the misconduct;
 - c. The number of persons involved in the harassing conduct and at whom the harassment was directed;
 - d. The age and sex of the person accused of harassment, the student who complained, and the relationship between them;
 - e. The subject(s) of harassment;
 - f. The place and situation where the incident occurred;
 - g. Other incidents at the school, including incidents of other types of harassment.

Written Report on Findings and Follow-Up

1. No more than 30 days after receiving the complaint under 5145.7-Sexual Harassment, the Director of Operations and Support Services shall write a report of his/her findings, decision, steps taken during the investigation, and reasons for the decision and shall present this report to the student who complained and the person accused. The report should include the findings of fact based on the evidence gathered, the conclusion of law, disposition of the complaint, the rationale for such a disposition, and corrective actions, if any are warranted. The timeline for reporting the results may be extended for good cause. If an extension is needed, the Director of Operations and Support Services or designee shall notify the student who complained and explain the reason for the extension.
2. The Director of Operations and Support Services shall give the Superintendent or designee a written report of the complaint and investigation. If he/she verifies that sexual harassment occurred, this report shall describe the actions he/she took to end the harassment, address the effects of the harassment on the person harassed and the campus community, and prevent retaliation or further harassment.
3. The Director of Operations and Support Services shall ensure that the harassed student and his/her parent/guardian are informed of the procedures for reporting any subsequent problems. The Director of Operations and Support Services shall make follow-up inquiries to see if there have been any new incidents or retaliation and shall keep a record of this information.
4. If an investigation of an allegation of sexual harassment against a student or employee reveals evidence of harassment by an employee or a student, SJCOE will pursue an investigation of that issue as well.

Enforcement

The Superintendent or designee shall take appropriate actions to reinforce the SJCOE sexual harassment policy. As needed, these actions may include any of the following:

1. Removing vulgar or offending graffiti;
2. Providing staff inservice and student instruction or counseling about how to recognize harassment and how to respond;
3. Disseminating and/or summarizing SJCOE policies and procedures regarding sexual harassment;
4. Consistent with the laws regarding the confidentiality of student and personnel records, communicating the response to parents/guardians and the community;
5. Notifying Child Protective Services;
6. Taking appropriate disciplinary action. In addition, the Director of Operations and Support Services may take disciplinary measures against any person who is found to have made a complaint of sexual harassment that he/she knew was not true.

Superintendent's Designee

The Superintendent designates the Director of Operations and Support Services for these procedures.

- cf:*
- 1312 Uniform Complaint Procedure
 - 4118 Suspension/Disciplinary Action
 - 4119.23/4219.23/4319.23 Unauthorized Release of Confidential/Privileged Information
 - 4131/4231/4331 Staff Development
 - 5125 Student Records
 - 5131 Conduct
 - 5131.2 Bullying
 - 5131.5 Vandalism and Graffiti
 - 5144.1 Suspension and Expulsion/Due Process
 - 5144.2 Suspension and Expulsion/Due Process (Students with Disabilities)
 - 5141.41 Child Abuse Prevention and Reporting Procedures
 - 5145.3 Nondiscrimination/Harassment
 - 5145.6 Parent Notifications

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

Dear Colleague Letter: Harassment and Bullying, October 2010

(3/12)

STUDENTS

Sexual Harassment

The San Joaquin County Office of Education (SJCOE) recognizes that sexual harassment can cause embarrassment, feeling of powerlessness, loss of self-confidence, reduced ability to perform schoolwork, and increased absenteeism or tardiness. SJCOE also recognizes that sexual harassment, like other disruptive or violent behavior, is conduct that disrupts a student's ability to learn and the ability of SJCOE to educate its students in a safe environment. This policy applies to the unlawful sexual harassment of any student by any employee, student, or other person at school or at any school-related activity or program.

This policy, and its accompanying administrative regulation, contains information about and procedures that will apply to sexual harassment complaints and retaliation resulting from a sexual harassment complaint in any activity or program filed by, or on behalf of, students at the site level. All complaints alleging discrimination and/or all other forms of harassment will be processed pursuant to 1312.3 - Uniform Complaint Procedure.

Definitions

Pursuant to definitions set forth in Education Code 252.5, the following categories of conduct are included within the scope of sexual harassment, which is a form of sexual discrimination.

Education Code 212.5 provides that prohibited sexual harassment includes, but is not limited to, unwelcome sexual advances, requests for sexual favors, and other verbal, visual, or physical conduct of a sexual nature when:

1. Submission to the conduct is explicitly or implicitly made a term or condition of an individual's academic status or progress.
2. Submission to or rejection of the conduct by an individual is used as the basis for academic decisions affecting the individual.
3. The conduct has the purpose or effect of having a negative impact on the individual's academic performance, or of creating an intimidating, hostile or offensive educational environment.
4. Submission to or rejection of the conduct by the individual is used as the basis for any decision affecting the individual regarding benefits and services, honors, programs, or activities available at or through the school.

Sexual Harassment includes, but is not limited to, the following actions:

1. Verbal Harassment: Such as repeated, unsolicited derogatory comments or slurs, or continued request for social or sexual contact after being advised such is unwelcome.
2. Physical Harassment: Such as physical interference or contact which is unwelcome or which impedes normal work movement when directed at an individual.
3. Visual Harassment: Such as derogatory posters, cartoons, or drawings, staring, or leering.
4. Sexual Favors: Such as sexual advances which condition an educational benefit in exchange for sexual favors or which may be perceived as such.

The Superintendent or designee shall ensure that students annually receive age-appropriate information related to sexual harassment and the appropriate complaint procedure. Students shall be assured that they need not endure any form of sexual behavior or communication, including harassment because of sexual orientation. They shall further be assured that they need not endure, for any reason, any harassment which impairs the educational environment or a student's emotional well-being at school. Students complaining of sexual harassment shall not be required to work out the problem directly with the individual alleged to be harassing him/her.

Any student who engages in the sexual harassment of anyone at school or a school-related activity shall be subject to disciplinary action, which may include suspension and/or expulsion.

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

Obligations of All Employees

1. All employees (administrators, certificated staff, and classified staff) are responsible for familiarizing themselves with all SJCOE sexual discrimination policies and complaint procedures (including sexual harassment complaint procedures). Employees are responsible to be familiar with their duties in reporting incidents of sexual harassment which they observe or of which they otherwise have knowledge.
2. Within 24 hours of knowing of a complaint, employees shall report to the Director of Operations and Support Services any conduct on the part of other employees or non-employees, such as sales representatives or service vendors, who sexually harass any student.
3. All employees shall cooperate with any investigation of an alleged act of sexual discrimination/harassment conducted by SJCOE or by an appropriate state or federal agency.

4. No employee of SJCOE shall take any action to discourage a victim of harassment from reporting such an instance. In addition, SJCOE prohibits any retaliation against the complaining party or other involved parties. Any person who violates this prohibition is subject to disciplinary action.
5. Because different procedures apply after a formal governmental administrative charge or complaint is filed, any supervisor receiving such a charge or complaint is directed to report it immediately to the Director of Operations and Support Services.
6. Although it is the goal of this policy to identify and prevent sexually harassing behavior, if the problems and/or concerns arise, the affected student is urged to make use of the process set forth with the administrative regulation – AR 5145.7. However, any student has an absolute right to file a complaint with the Office of Civil Rights at any time within 180 days of the alleged harassment. (Office of Civil Rights, U.S. Department of Education, 50 Beale Street, Suite 7200, San Francisco, CA 94105. Phone (415) 486-5555)

Information on the sexual harassment policy and complaint procedure shall be annually disseminated to students, staff, and parents/guardians. All publications containing a summary of the policy will identify where the full policy can be obtained.

Students shall be informed that they should immediately contact a staff member if they feel they are being harassed. Within 24 hours, staff shall report complaints of sexual harassment to the Director of Operations and Support Services. Staff shall similarly report any such incidents they may observe, even if the harassed student has not complained.

The Director of Operations and Support Services shall immediately investigate, or designate an individual to investigate, any report of the sexual harassment of a student. Upon verifying that sexual harassment occurred, he/she shall ensure that appropriate action is promptly taken to end the harassment, address its effects on the person subjected to the harassment and on others in the campus community, and prevent any further instances of the harassment.

SJCOE prohibits retaliatory behavior against any complainant or any participant in the complaint process. All allegations of retaliation resulting from a sexual harassment complaint will be processed pursuant 5145.7 – Sexual Harassment. Information related to a complaint of sexual harassment shall be confidential to the extent possible, and individuals involved in the investigation of such a complaint shall not discuss related information outside the investigation process.

- cf:*
- 0410 Nondiscrimination in Programs and Activities
 - 1312 Uniform Complaint Procedures
 - 1312.1 Complaints Concerning Personnel
 - 1312.3 Uniform Complaint Procedures
 - 4031 Complaints Concerning Discrimination in Employment
 - 4118 Suspension/Disciplinary Action
 - 4119.11/4219.11/4319.11 Sexual Harassment
 - 4119.23/4219.23/4319.23 Unauthorized Release of Confidential/Privileged Information)
 - 4218 Dismissal/Suspension/Disciplinary Action
 - 5125 Student Records
 - 5131 Conduct
 - 5131.2 Bullying
 - 5131.5 Vandalism
 - 5141.4 Child Abuse Reporting Procedures
 - 5141.41 Child Abuse Prevention
 - 5144.1 Suspension and Expulsion/Due Process
 - 5144.2 Suspension and Expulsion/Due Process (Students with Disabilities)
 - 5145.3 Nondiscrimination/Harassment
 - 5145.7 Sexual Harassment

Legal Reference:

EDUCATION CODE

200-240 Prohibition of discrimination on the basis of sex, especially:

212.5 Sexual harassment

212.6 Sexual harassment policy

230 Particular practices prohibited

48900 Grounds for suspension or expulsion

48900.2 Additional grounds for suspension or expulsion, sexual harassment

48904 Liability of parent/guardian for willful student misconduct

48980 Notice at beginning of term

CIVIL CODE

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

1714.1 Liability of parents/guardians for willful misconduct of minor

CODE OF REGULATIONS, TITLE 5

4600-4687 Uniform complaint procedures

4900-4965 Nondiscrimination in elementary and secondary education programs

UNITED STATES CODE, TITLE 20

1681-1688 Title IX, 1972 Education Act Amendments

UNITED STATES CODE, TITLE 42

2000d & 2000e et seq. Title VI & Title VII, Civil Rights Act of 1964 as amended

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

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

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

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

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

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

Davis v. Monroe County Board of Education (1996, 11th Cir.) 74 F.3d 1186

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

CODE OF FEDERAL REGULATIONS, TITLE 34

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

(3/12)

HEALTHY SCHOOLS ACT OF 2000

Notice to all students, parents/guardians and employees of the San Joaquin County Office of Education, Special Education Programs:

Assembly Bill 2260 went into effect on January 1, 2001. This legislation enacted Education Code sections 17608 et seq. which require, among other things, that school districts notify parents and staff about the use of pesticides at school. The purpose of this legislation is to reduce exposure to toxic pesticides through information and application of an integrated pest management system at schools. Towards this end, and pursuant to the requirements of this legislation, please be advised of the following:

The San Joaquin County Office of Education, Special Education Programs may use pesticides at its campuses during the upcoming year (please refer to list on other side).

Parents/guardians can register with the District's designee, Brandie Brunni, to receive notification of individual pesticide applications by calling (209) 468-9279. Persons who register for this notification shall be notified at least seventy-two (72) hours prior to the application, except in emergencies, and will be provided the name and active ingredient(s) of the pesticide as well as the intended date of application.

If you wish to access information on pesticides and pesticide use reduction developed by the Department of Pesticide Regulation pursuant to California Food and Agricultural Code section 13184, you can do so by accessing the Department's web-site at www.cdpr.ca.gov.



PEST CONTROL
World's Best

CHEMICAL PESTICIDE NOTICE

COUNTY: San Joaquin DATE: 6/23/17

Dear Customer:

Thank you for selecting **ORKIN PEST CONTROL** to perform your pesticide application requirements. In accordance with the laws and regulations of the State of California we are required to provide you with the following information prior to application of pesticides to your property. Please take a few moments to read and become familiar with the content.

“State law requires that you be given the following information: CAUTION—PESTICIDES ARE TOXIC CHEMICALS. Structural Pest Control Companies are registered and regulated by the Structural Pest Control Board and apply pesticides which are registered and approved for use by the California Department of Pesticide Regulation. Registration is granted when the state finds that based on existing scientific evidence, there are no appreciable risks if proper use conditions are followed or that the risks are outweighed by the benefits. The degree of risk depends upon the degree of exposure, so exposure should be minimized.”

Check (✓) box that applies

The pests to be controlled are: ants, roaches, silverfish, rats, mice.

SEE YOUR ORKIN SERVICE AGREEMENT FOR ANY OTHER PESTS TO BE CONTROLLED.

The pesticides to be used are:

- | | | |
|---|---|--|
| <input checked="" type="checkbox"/> Exciter (pyrethrins) | <input checked="" type="checkbox"/> Maxforce Fly Spot Bait (imidacloprid) | <input checked="" type="checkbox"/> Fastrac (bromethalin) |
| <input checked="" type="checkbox"/> Cykick/Cykick (cyfluthrin) | <input checked="" type="checkbox"/> Advance Dual Choice 360A | <input checked="" type="checkbox"/> Delta Dust (deltamethrin) |
| <input checked="" type="checkbox"/> Phantom (chlorfenapyr) | <input checked="" type="checkbox"/> Boric Acid | <input checked="" type="checkbox"/> Talstar Pro (bifenthrin) |
| <input checked="" type="checkbox"/> Termidor (fipronil) | <input checked="" type="checkbox"/> Advion Cockroach Bait Gel (indoxacarb) | <input checked="" type="checkbox"/> Talstar PL (bifenthrin) |
| <input checked="" type="checkbox"/> Gentrol IGR (hydroprene) | <input checked="" type="checkbox"/> Tri Die Dust (pyrethrin) | <input checked="" type="checkbox"/> Final (brodifacoum) |
| <input checked="" type="checkbox"/> Precor IGR (methoprene) | <input checked="" type="checkbox"/> Avert (abamectin) | <input checked="" type="checkbox"/> Mother Earth D (diatomaceous earth) |
| <input checked="" type="checkbox"/> Siege PBS (hydramethylnon) | <input checked="" type="checkbox"/> Liquatox (sodium diphacinone) | <input checked="" type="checkbox"/> Tempo SC (cyfluthrin) |
| <input checked="" type="checkbox"/> Pyrethrin | <input checked="" type="checkbox"/> Precor 2000 (methoprene) | <input checked="" type="checkbox"/> Premise Foam (imidacloprid) |
| <input checked="" type="checkbox"/> Bedlam (sumithrin) | <input checked="" type="checkbox"/> Contrac (bromadiolone) | <input checked="" type="checkbox"/> First Strike (difehialone) |
| <input checked="" type="checkbox"/> Maxforce (hydramethylnon) | <input checked="" type="checkbox"/> EcoPCO ACU (2-phenethyl propionate) | |
| <input checked="" type="checkbox"/> Other (specify) <u>Alpine WSG</u> | <input checked="" type="checkbox"/> Other (specify) <u>Arlon (Indoxacarb)</u> | <input checked="" type="checkbox"/> Other (specify) <u>Cimexa (Silica Gel)</u> |

If within 24 hours following application you experience symptoms similar to common seasonal illness comparable to the flu, contact your physician or the poison control center and your pest control operator immediately. (Other symptoms not typical of influenza): Bleeding, eye irritation, skin irritation.

For further information contact any of the following:

ORKIN PEST CONTROL

- for Health Questions — County Health Dept.
- for Application Information — County Agriculture Commissioner
- for Regulatory Information — Structural Pest Control Board, Sacramento

or write to: Structural Pest Control Board, 2005 Evergreen Street, Suite 1500, Sacramento, California 95815
916.561.8708 800.737.8188.

REV. 9/2016 PEST

I acknowledge receipt of a chemical pesticide notice prior to any pesticide application.

	<u>6/23/17</u>		<u>6/23/17</u>
Inspector Signature	Date	Customer Signature	Date

LOCATION

Model Notification of Rights Under the Protection of Pupil Rights Amendment (PPRA)

PPRA affords parents certain rights regarding our conduct of surveys, collection and use of information for marketing purposes, and certain physical exams. These include the right to:

- Consent before students are required to submit a survey that concerns one or more of the following protected areas (“protected information survey”) if the survey is funded in whole or in part by a program of the U.S. Department of Education (ED)--
 1. Political affiliations or beliefs of the student or student’s parent;
 2. Mental or psychological problems of the student or student’s family;
 3. Sex behavior or attitudes;
 4. Illegal, anti-social, self-incriminating, or demeaning behavior;
 5. Critical appraisals of others with whom respondents have close family relationships;
 6. Legally recognized privileged relationships, such as with lawyers, doctors, or ministers;
 7. Religious practices, affiliations, or beliefs of the student or parents; or
 8. Income, other than as required by law to determine program eligibility.

- Receive notice and an opportunity to opt a student out of –
 1. Any other protected information survey, regardless of funding;
 2. Any non-emergency, invasive physical exam or screening required as a condition of attendance, administered by the school or its agent, and not necessary to protect the immediate health and safety of a student, except for hearing, vision, or scoliosis screening, or any physical exam or screening permitted or required under State law; and
 3. Activities involving collection, disclosure, or use of personal information obtained from students for marketing or to sell or otherwise distribute the information to others.

- Inspect, upon request and before administration or use --
 1. Protected information surveys of students;
 2. Instruments used to collect personal information from students for any of the above marketing, sales, or other distribution purposes; and
 3. Instructional material used as part of the education curriculum.

These rights transfer from the parents to a student who is 18 years old or an emancipated minor under State law.

San Joaquin County Office of Education Special Education Programs has developed and adopted policies, in consultation with parents, regarding these rights, as well as arrangements to protect student privacy in the administration of protected surveys and the collection, disclosure, or use of personal information for marketing,

sales, or other distribution purposes. **San Joaquin County Office of Education Special Education Programs** will directly notify parents of these policies at least annually at the start of each school year and after any substantive changes. **San Joaquin County Office of Education Special Education Programs** will also directly notify, such as through U.S. Mail or email, parents of students who are scheduled to participate in the specific activities or surveys noted below and will provide an opportunity for the parent to opt his or her child out of participation of the specific activity or survey. San Joaquin County Office of Education Special Education Programs will make this notification to parents at the beginning of the school year if the District has identified the specific or approximate dates of the activities or surveys at that time. For surveys and activities scheduled after the school year starts, parents will be provided reasonable notification of the planned activities and surveys listed below and be provided an opportunity to opt their child out of such activities and surveys. Parents will also be provided an opportunity to review any pertinent surveys. Following is a list of the specific activities and surveys covered under this requirement:

- Collection, disclosure, or use of personal information for marketing, sales or other distribution.
- Administration of any unprotected information survey not funded in whole or in part by the Department of Education.
- Any non-emergency, invasive physical examination or screening as described above.

Parents/eligible students who believe their rights have been violated may file a complaint with:

Family Policy Compliance Office
U.S. Department of Education
400 Maryland Avenue, SW
Washington, D.C. 20202-5920

CHILD ABUSE REPORTING GUIDELINES AND PROCEDURES

The following information will assist parents and guardians in determining whether or not child abuse has occurred and, if so, how to file a complaint of child abuse with local law enforcement. This information has been taken from the California Child Abuse and Neglect Reporting Act in the California Penal Code and from sections of the California Education Code.

Child Abuse Can Be Any of the Following:

- A physical injury which is inflicted on a child by another person other than by accidental means.
- The sexual abuse, assault, or exploitation of a child, such as:
 - The negligent treatment or maltreatment of a child by a person responsible for the child's welfare under circumstances indicating harm or threatened harm to the child's health or welfare, whether the harm or threatened harm is from acts or omissions on the part of the responsible person;
 - The willful infliction upon a child of any cruel or inhumane corporal punishment or any injury resulting in a traumatic condition; or
 - The willful harming or injuring of a child or endangering of the person or the health of a child where the person responsible for the child's welfare is a licensee, administrator, or employee of any facility licensed to care for children or an administrator or employee of a public or private school or other institution or agency.

Child Abuse Does *Not* Include:

- A mutual fight between minors;
- An injury that is caused by the actions of a peace officer using reasonable and necessary force within the scope of his or her employment; or
- An injury caused by any force that is reasonable and necessary for a person employed by or engaged in a school:
 - To stop a disturbance threatening physical injury to people or damage to property;
 - For purposes of self-defense;
 - To obtain possession of weapons or other dangerous objects within control of a pupil; or

- To exercise the degree of control reasonably necessary to maintain order, protect property, protect the health and safety of pupils, and maintain proper and appropriate conditions conducive to learning.

How to File a Complaint of Child Abuse Committed at a School Site

Parents and guardians of pupils have the right to file a complaint against a school employee or other person that they suspect has engaged in abuse of a child at a school site. To file a complaint, the parent or guardian must file a formal report with an appropriate local law enforcement agency. An appropriate law enforcement agency may be one of the following:

- A Police or Sheriff's Department (not including a school district police department or school security department)
- A County Probation Department if designated by the county to receive child abuse reports, or
- A County Welfare Department/County Child Protective Services.

The complaint may be filed over the telephone, in person, or in writing. A complaint may also be filed at the same time with your school district or county office of education. School districts and county offices of education, however, do not investigate child abuse allegations.

The local law enforcement agency is required to investigate all complaints.

In addition, if the child is disabled and enrolled in special education, a separate complaint may be filed by the parent or guardian with the California Department of Education (CDE) according to Title 5 of the California Code of Regulations Section 4650(a)(7)(C). The CDE does not, however, investigate allegations of child abuse but rather investigates the conditions that may involve immediate physical danger or threaten the health, safety, or welfare of the child or children or which may result in denial of a free and appropriate public education.

If the complaint of child abuse is "substantiated" or confirmed by the local law enforcement agency, meaning that the report of child abuse or neglect, as determined by the law enforcement investigator who conducted the investigation, is, based upon the evidence, more likely to have occurred than not, then a report of the investigation will be transmitted by the law enforcement agency to the governing board of the local school district or County Office of Education. A confirmed report of child abuse or neglect received by a governing board of a school district or County Office of Education will be subject to the provisions of California Education Code section 44031, which gives school employees certain rights regarding personnel information and records.

In addition, a confirmed report shall be forwarded by the law enforcement agency that investigated the complaint to the California Department of Justice according to California Penal Code Section 11169 and notice will be provided to the alleged child abuser that he or she has been reported to the Child Abuse Central Index, as maintained by the Department of Justice.

This guidance is mandatory only to the extent that it cites a specific statutory and/or regulatory requirement. Any portion of this guidance that is not supported by a specific statutory and/or regulatory requirement is not prescriptive pursuant to California Education Code Section 33308.5.

COMMUNITY RELATIONS

Visits to the Schools/Programs

It is the policy of the San Joaquin County Office of Education (SJCOE) to welcome visits by parents/guardians/surrogates and other interested persons to schools and centers operated by SJCOE. Besides inviting parents/guardians and the community to open house activities and other special events, the deputy superintendent or designee shall develop procedures which facilitate visits during regular school days when all visitors must first immediately register at the school office. Individuals who wish to visit or have business on the campus of any public school/center operated by SJCOE must make their presence known to the SJCOE site administrator or designee before proceeding to the classroom.

The deputy superintendent, or designee, shall post at every entrance to each county-operated program a notice setting forth school hours, visitor registration location and requirements, penalties for refusing to leave school grounds, and any other announcements required by the local law enforcement agency in order to pursue the arrest of persons found loitering or trespassing.

The administrators, teachers, and staff seek to provide for the successful educational, emotional, and social development of all students. Uninterrupted, protected educational time is paramount to accomplish this goal. Observations will be reasonable so as not to disrupt classroom instruction.

The following are the visitation regulations for programs operated by SJCOE:

- 1) Parents/guardians may observe instructional and other school activities that involve their child in accordance with superintendent's policies and administrative regulations adopted to ensure the safety of students and staff, prevent undue interference with instruction or harassment of school staff, and provide reasonable accommodations to parents/guardians. To ensure minimum interruption of the regular classroom program, school visits should be first arranged in advance with the teacher and program administrator or designee for an agreeable time. Upon request, the superintendent or designee shall arrange for parental observation of a class or activity in a reasonable time frame.
- 2) If a conference is desired, an appointment should be set with the teacher for a time before school, after school or during the teacher's preparation period.
- 3) Each visitor/observer, including but not limited to a student's guardian/parent/surrogate, must check in with the site administrator or designee before the commencement of each visit/observation.
- 4) All visitors must register. Visitors shall, upon request, furnish the administrator or designee with the following information:

- a) Name, address, and occupation;
 - b) Purpose for entering school grounds;
 - c) Proof of identity; and
 - d) Other information consistent with the provisions of law.
- 5) An employee must be present for the duration of the visitation. The length of visitation should be agreed upon by the administrator, teacher, and parent to be within reasonable duration.
 - 6) The behavior of each visitor/observer, including but not limited to a student's guardian/parent/surrogate, during a school/visitation must be supportive of the school and classroom environment, e.g., no cell phones. Visitors should refrain from conversations with, including but not limited to teachers, students or staff during the visit or observation unless the purpose of the visit is a prearranged and scheduled meeting with the teacher, staff, etc.
 - 7) No electronic listening or recording devices may be used by students or visitors in a classroom without the teacher and program director or administrator's permission.
 - 8) Possession of unauthorized dangerous instruments, weapons or devices is prohibited on school premises, on any public right-of-way immediately adjacent to school property, or any other place where a teacher and student(s) are required to be in connection with assigned school activities.
 - 9) The principal or designee may refuse to register any visitor if it has been reasonably concluded that the visitor's presence or actions would disrupt the school, students, or employees; threaten the health and safety of students or staff; would result in damage to property; or would result in the distribution or use of a controlled substance. The principal or designee or school security officer may revoke a visitor's registration if there is a reasonable basis for concluding that the visitor's presence on school grounds would interfere or is interfering with the peaceful conduct of school activities or would disrupt or is disrupting the school, students or staff. Any person the program administrator or designee asks to leave school grounds shall promptly comply.
 - 10) All staff members should watch for strangers on program grounds and ask such persons if they have registered in the program office. Staff shall inform the program administrator when anyone present refuses to comply with the registration requirement.
 - 11) The SJCOE recognizes that under California law, any person whose conduct materially disrupts classwork or extracurricular activities or causes a disturbance on school grounds may be guilty of a misdemeanor and subject to a fine, imprisonment, or both. Any visitor who fails to register within a reasonable time after entering the school grounds, who fails to leave upon request of the program administrator or designee, or who returns after leaving

pursuant to such a request has committed an unlawful act. When such conduct occurs, the superintendent may take action leading to the imposition of these penalties.

Appeal Procedure

Any person who is denied registration or whose registration is revoked may appeal to the superintendent or assistant superintendent by submitting, within five (5) days after the person's departure from school grounds, a written request for a hearing. This request must state why he/she believes the denial or revocation was improper and must provide an address to which the hearing notice may be sent. Upon receipt of the request for a hearing, the superintendent or assistant superintendent shall promptly mail a notice of the hearing to the person requesting it. A hearing before the superintendent or assistant superintendent shall be held within seven (7) days after receipt of the request. (Penal Code 627.5)

Legal References:

EDUCATION CODE

32212 Willful disturbance, public schools or meetings

35160 Governing board powers and duties

PENAL CODE

627-627.6 Access to school premises

COMMUNITY RELATIONS

Visits to the Schools

The San Joaquin County Office of Education (SJCOE) encourages parents/guardians and interested members of the community to visit the schools, view the educational program, and offer constructive comments.

Besides inviting parents/guardians and the community to open house activities and other special events, the deputy superintendent or designee shall develop procedures, which facilitate visits during regular school days when all visitors must first register at the school office.

The program administrator or designee may refuse to register any visitor whose acts or presence he/she judges would disrupt normal school operation, threaten the health and safety of students or staff, or cause property damage.

To ensure minimum interruption of the regular classroom program, school visits should be first arranged with the teacher and program administrator or designee. If a conference is desired, an appointment should be set with the teacher for a time before school, after school, or during the teacher's preparation period.

The SJCOE recognizes that under California law, any person whose conduct materially disrupts class work or extracurricular activities or cause a disturbance on school grounds may be guilty of a misdemeanor and an subject to a fine, imprisonment, or both. When such conduct occurs, the Superintendent may take action leading to the imposition of these penalties.

Possession of unauthorized dangerous instruments, weapons or devices is prohibited on school premises, on any public right-of-way immediately adjacent to school property, or any other place where a teacher and student(s) are required to be in a connection with assigned school activities.

cf: 1112 News Media
3514 Safety
3515 Security
4158 Employee Protection
5131.7 Weapons and Dangerous Instruments

STUDENTS

Bullying

The San Joaquin County Office of Education (SJCOE) Operated Programs recognizes the harmful effects of bullying on student learning and school attendance and desires to provide safe school environments that protect students from physical and emotional harm. County Office employees shall establish student safety as a high priority and shall not tolerate bullying of any student.

No student or group of students shall, through physical, written, verbal, or other means, harass, sexually harass, threaten, intimidate, cyberbully, cause bodily injury to, or commit hate violence against any other student or school personnel.

Cyberbullying includes the transmission of harassing communications, direct threats, or other harmful texts, sounds, or images on the Internet, social media, or other technologies using a telephone, computer, or any wireless communication device. Cyberbullying also includes breaking into another person's electronic account and assuming that person's identity in order to damage that person's reputation.

Strategies for bullying prevention and intervention shall be developed with involvement of key stakeholders in accordance with law, SJCOE policy, and administrative regulation governing the development of comprehensive safety plans and shall be incorporated into such plans.

Bullying Prevention

To the extent possible, SJCOE and school strategies shall focus on prevention of bullying by establishing clear rules for student conduct and strategies to establish a positive, collaborative school climate. Students shall be informed, through student handbooks and other appropriate means, of SJCOE and school rules related to bullying, mechanisms available for reporting incidents or threats, and the consequences for perpetrators of bullying.

SJCOE may provide students with instruction, in the classroom or other educational settings, that promotes effective communication and conflict resolution skills, social skills, character/values education, respect for cultural and individual differences, self-esteem development, assertiveness skills, and appropriate online behavior.

SJCOE staff shall receive related professional development, including information about early warning signs of harassing/intimidating behaviors and effective prevention and intervention strategies.

Based on an assessment of bullying incidents at school, the Superintendent or designee may increase supervision and security in areas where bullying most often occurs, such as classrooms, playgrounds, hallways, restrooms, cafeterias.

Intervention

Students are encouraged to notify school staff when they are being bullied or suspect that another student is being victimized. In addition, the Superintendent or designee shall develop means for students to report threats or incidents confidentially and anonymously.

School staff who witness bullying shall immediately intervene to stop the incident when it is safe to do so.

As appropriate, the Superintendent or designee shall notify the parents/guardians of victims and perpetrators. Action may also involve school counselors, mental health counselors, and/or law enforcement.

Complaints and Investigation

Students may submit to a teacher or administrator a verbal or written complaint of conduct they consider to be bullying. Complaints of bullying shall be investigated and resolved in accordance with SJCOE uniform complaint procedures specified in AR 1312.3 - Uniform Complaint Procedures.

When a student is reported to be engaging in bullying off campus, the Superintendent or designee shall investigate and document the activity and shall identify specific facts or circumstances that explain the impact or potential impact on school activity, school attendance, or the targeted student's educational performance.

When the circumstances involve cyberbullying, individuals with information about the activity shall be encouraged to save and print any electronic or digital messages sent to them that they feel constitute cyberbullying and to notify a teacher, the principal, or other employee so that the matter may be investigated.

If the student is using a social networking site or service that has terms of use that prohibit posting of harmful material, the Superintendent or designee also may file a complaint with the Internet site or service to have the material removed.

Discipline

Any student who engages in bullying on school premises, or off campus in a manner that causes or is likely to cause a substantial disruption of a school activity or school attendance, shall be subject to discipline, which may include suspension or expulsion, in accordance with SJCOE policies and regulations.

cf: 0420 School Plan/Site Council
1220 Citizen Advisory Committees
1312.3 Uniform Complain Procedures
4131 Staff Development
5131 Conduct
5136 Gangs
5138 Conflict Resolution/Peer Mediation
5144.2 Suspension and Expulsion/Due Process (Students with Disabilities)
5145.2 Freedom of Speech/Expression
5145.3 Nondiscrimination/Harassment
5145.7 Sexual Harassment
6020 Parent Involvement
6163.4 Student Use of Technology
6142.8 Comprehensive Health Education

Legal Reference:

EDUCATION CODE

200-262.4 Prohibition of discrimination
32282 Comprehensive safety plan
35181 Governing board policy on responsibilities of students
35291-35291.5 Rules
48900-48925 Suspension or expulsion
48985 Translation of notices

PENAL CODE

647 Use of camera or other instrument to invade person's privacy; misdemeanor
647.7 Use of camera or other instrument to invade person's privacy; punishment
653.2 Electronic communication devices, threats to safety

UNITED STATES CODE, TITLE 47

254 Universal service discounts (e-rate)

(4/13)

COMMUNITY RELATIONS

Uniform Complaint Procedure

Except as the Superintendent may otherwise specifically provide in other SJCOE policies, these uniform complaint procedures (UCP) shall be used to investigate and resolve only the complaints specified in SP 1312.3.

Compliance Officer

The Superintendent expects that complaints of alleged noncompliance or discrimination brought by students, employees, parents/guardians, or other members of the community will be resolved in a prompt and equitable manner.

The Superintendent designates the following position as the Noncompliance/Nondiscrimination Coordinator to receive and investigate complaints and to ensure SJCOE compliance with the law:

Director of Human Resources
San Joaquin County Office of Education
2901 Arch Airport Road, Stockton, CA 95206 (physical)
P.O. Box 213030, Stockton, CA 95213-9030 (mailing)
(209) 468-4820

The Director of Human Resources may assign another compliance officer to investigate and resolve a complaint. The Director of Human Resources shall promptly notify the complainant if another compliance officer is assigned to the complaint.

In no instance shall a compliance officer be assigned to a complaint in which he/she has a bias or conflict of interest that would prohibit him/her from fairly investigating or resolving the complaint. Any complaint against or implicating a compliance officer may be filed with the Superintendent or designee.

The Superintendent or designee shall ensure that employees assigned to investigate and resolve complaints receive training and are knowledgeable about the laws and programs at issue in the complaints to which they are assigned. Training provided to such employees shall include current state and federal laws and regulations governing the program, applicable processes for investigating and resolving complaints, including those involving alleged unlawful discrimination, harassment, intimidation, bullying, or related retaliation, applicable standards for reaching decisions on complaints, and appropriate corrective measures. Assigned employees may have access to legal counsel as determined by the Superintendent or designee.

The Director of Human Resources or, if necessary, any appropriate administrator shall determine whether interim measures are necessary during and pending the result of an investigation. If interim measures are determined to be necessary, the Director of Human Resources or the administrator shall consult with the Superintendent, the Superintendent's designee, or, if appropriate, the site administrator to implement, if possible, one or more interim measures. The interim measures may remain in place until the Director of Human Resources determines that they are no longer necessary or until the SJCOE issues its final written decision, whichever occurs first.

Notifications

SJCOE UCP policy and administrative regulation shall be posted in all county-operated school sites and offices, including staff lounges. The Director of Human Resources shall annually provide written notification of the SJCOE UCP, including information regarding unlawful student fees, local control and accountability plan (LCAP) requirements, and requirements related to the educational rights of foster youth and homeless students, to students, employees, parents/guardians, advisory committees, appropriate private school officials or representatives, and other interested parties. (5 CCR § 4622)

The annual notification and complete contact information of the compliance officer may be posted on the SJCOE web site and, if available, provided through SJCOE-supported social media.

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

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

The notice shall:

1. Identify the person(s), position(s), or unit(s) responsible for receiving complaints.
2. Advise the complainant of any civil law remedies that may be available to him/her under state or federal discrimination, harassment, intimidation, and bullying laws, if applicable.
3. Advise the complainant of the appeal process, including, if applicable, the complainant's right to take a complaint directly to the California Department of Education (CDE) or to

pursue remedies before civil courts or other public agencies, such as the U.S. Department of Education's Office for Civil Rights (OCR) in cases involving unlawful discrimination, harassment, intimidation, bullying, or related retaliation.

4. Include statements that:
 - a. SJCOE has the primary responsibility to ensure compliance with applicable state and federal laws and regulations governing educational programs.
 - b. The complaint review shall be completed within 60 calendar days from the date of receipt of the complaint unless the complainant agrees in writing to an extension of the timeline.
 - c. A complaint alleging unlawful discrimination, harassment, intimidation, bullying, or related retaliation must be filed not later than six months from the date it occurred, or six months from the date the complainant first obtained knowledge of the facts of the alleged unlawful discrimination. The time for filing may be extended for up to 90 days by the Superintendent or designee for good cause upon written request by the complainant setting forth the reasons for the extension.
 - d. A lactating student on a school campus shall be provided reasonable accommodation to express breast milk, breastfeed an infant child, or address other breastfeeding-related needs of the student.
 - e. A student enrolled in a public school shall not be required to pay a fee for his/her participation in an educational activity that constitutes an integral fundamental part of the educational program of SJCOE, including curricular and extracurricular activities.
 - f. The Board is required to adopt and annually update the LCAP in a manner that includes meaningful engagement of parents/guardians, students, and other stakeholders in the development and/or review of the LCAP.
 - g. A foster youth shall receive information about educational rights related to his/her educational placement, enrollment in and checkout from school, as well as the responsibilities of the SJCOE liaison for foster youth to ensure and facilitate these requirements and to assist the student in ensuring proper transfer of his/her credits, records, and grades when he/she transfers between schools or between SJCOE and another district.
 - h. A foster youth or homeless student who transfers into a county-operated high school or between county-operated high schools shall be notified of the SJCOE's responsibility to:
 - (1) Accept any coursework or part of the coursework that the student has satisfactorily completed in another public school, juvenile court school, or a nonpublic, nonsectarian school or agency, and to issue full or partial credit for the coursework

- completed.
- (2) Not require the student to retake any course or a portion of a course which he/she has satisfactorily completed in another public school, juvenile court school, or a nonpublic, nonsectarian school or agency.
 - (3) If the student has completed his/her second year of high school before the transfer, provide the student information about SJCOE-adopted coursework and SJCOE-imposed graduation requirements from which he/she may be exempted pursuant to Education Code 51225.1.
- i. A student shall not be assigned a course without educational content for more than one week in any semester or to a course the student has previously satisfactorily completed, without meeting specific conditions.
 - j. The course of study for a student in elementary school must include physical education for not less than 200 minutes each ten school days, exclusive of recesses and the lunch period.
 - k. SJCOE shall comply with federal and state laws or regulations governing its participation in any student financial assistance program authorized by Title IV as provided in Education Code § 52334.7.
 - l. SJCOE shall comply with all federal and state laws or regulations governing regional occupational centers and programs as provided in Education Code § 52334.7
 - m. The complainant has a right to appeal the decision of SJCOE to the CDE by filing a written appeal within 15 calendar days of receiving the decision.
 - n. The appeal to the CDE must include a copy of the complaint filed with the SJCOE and a copy of the SJCOE's decision.
 - o. Copies of the SJCOE UCP are available free of charge.

SJCOE Responsibilities

All UCP-related complaints shall be investigated and resolved within 60 calendar days of the SJCOE's receipt of the complaint unless the complainant agrees in writing to an extension of the timeline.

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

All parties involved in the allegations shall be notified when a complaint is filed and when a decision or ruling is made. However, the Director of Human Resources shall keep all complaints or allegations of unlawful discrimination, harassment, intimidation, bullying, or related retaliation confidential except when disclosure is necessary to carry out the investigation, take subsequent corrective action, conduct ongoing monitoring, or maintain the integrity of the process.

Filing of Complaint

The complaint shall be presented to the Director of Human Resources who shall maintain a log of complaints received.

All complaints shall be filed in accordance with the following:

1. A written complaint alleging SJCOE violation of applicable state or federal law or regulations governing adult education programs, consolidated categorical aid programs, migrant education, career technical and technical education and training programs, child care and development programs, child nutrition programs, and special education programs may be filed by any individual, public agency, or organization.
2. Any complaint alleging noncompliance with the law regarding the prohibition against requiring students to pay student fees, deposits, charges, and regarding noncompliance with the LCAP requirements may be filed anonymously if the complaint provides evidence or information leading to evidence to support an allegation of noncompliance. A complaint about a violation of the prohibition against the charging of unlawful student fees may be filed with the school site administrator. However, any such complaint shall be filed no later than one year from the date the alleged violation occurred.
3. A complaint alleging unlawful discrimination, harassment, intimidation, bullying, or related retaliation may be filed by a person who alleges that he/she personally suffered unlawful discrimination, harassment, intimidation, bullying, or retaliation or by a person who believes that an individual, or any specific class of individuals, has been subjected to unlawful discrimination, harassment, intimidation, bullying, or retaliation. The complaint shall be initiated no later than six months from the date when the alleged discrimination, harassment, intimidation, bullying, or retaliation occurred or when the complainant first obtained knowledge of the facts of the alleged discrimination, harassment, intimidation, bullying, or related retaliation. The time for filing may be extended for up to 90 days by the Superintendent or designee for good cause upon written request by the complainant setting forth the reasons for the extension.
4. When a complaint alleging unlawful discrimination, harassment, intimidation, bullying, or related retaliation is filed anonymously, the Director of Human Resources shall pursue an

investigation or other response as appropriate, depending on the specificity and reliability of the information provided and the seriousness of the allegation.

5. When the complainant or alleged victim of unlawful discrimination, harassment, intimidation, bullying, or related retaliation requests confidentiality, the Director of Human Resources shall inform him/her that the request may limit the ability of SJCOE to investigate the conduct or take other necessary action. When honoring a request for confidentiality, SJCOE shall nevertheless take all reasonable steps to investigate and resolve/respond to the complaint consistent with the request.
6. If a complainant is unable to put a complaint in writing due to conditions such as a disability or illiteracy, SJCOE staff shall help him/her in the filing the complaint.

Mediation

The Director of Human Resources may informally discuss with the complainant the possibility of using mediation. However, mediation shall not be offered or used to resolve any complaint involving an allegation of sexual assault or where there is a reasonable risk that a party to the mediation would feel compelled to participate. If the complainant agrees to mediation, the Director of Human Resources shall make all arrangements for this process.

Investigation of Complaint

The Director of Human Resources is encouraged to hold an investigative meeting within 10 calendar days of receiving the complaint or an unsuccessful attempt to mediate the complaint. This meeting shall provide an opportunity for the complainant and/or his/her representative to repeat the complaint(s) orally and present any evidence, or information leading to evidence, to support the allegations in the complaint. Such evidence or information may be presented at any time during the investigation.

In conducting the investigation, the Director of Human Resources also shall collect all documents and review all available records, notes, or statements related to the complaint, including any additional evidence or information received from the parties during the course of the investigation. The Director of Human Resources shall individually interview all witnesses with information pertinent to the complaint, and may visit any reasonably accessible location where the relevant actions are alleged to have taken place. To investigate a complaint alleging unlawful discrimination, harassment, intimidation, bullying, or related retaliation, the compliance officer shall interview the alleged victim(s), any alleged offenders, and other relevant witnesses privately, separately, and in a confidential manner. As necessary, additional staff or legal counsel may conduct or support the investigation.

Refusal by the complainant to provide the investigator with documents or other evidence related to the allegations in the complaint, to fail or refuse to cooperate in the investigation, or to 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.

The accused and/or his/her representative and SJCOE representatives shall also have an opportunity to present any evidence or information relevant to the complaint.

Refusal by the accused and/or by SJCOE to provide the investigator with access to records and/or other information related to the allegations in the complaint, to fail or refuse to cooperate in the investigation, or to 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.

The Director of Human Resources shall apply a "preponderance of the evidence" standard in determining the veracity of the factual allegations in a complaint. This standard is met if the allegation is more likely to be true than not.

Report of Findings

Within 60 calendar days of receiving the complaint, the Director of Human Resources shall prepare and send to the complainant a written report of the investigation and decision, as described below, unless the complainant agrees in writing to an extension of time.

If an investigation of an allegation of harassment, gender-based or otherwise, against an employee yields evidence that a student was subjected to harassment by other students, or if the investigation of an allegation against other students yields evidence of harassment by an employee, SJCOE will pursue an investigation on that issue as well.

Final Written Decision

The report of the decision shall be in writing and sent to the complainant.

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

This report shall include:

1. The findings of fact based on the evidence gathered. In reaching a factual determination, the following factors may be taken into account:
 - a. Statements made by any witnesses.
 - b. The relative credibility of the individuals involved.

- c. How the complaining individual reacted to the incident.
 - d. Any documentary or other evidence relating to the alleged conduct.
 - e. Past instances of similar conduct by any alleged offenders.
 - f. Past false allegations made by the complainant.
- 2. Conclusion(s) of law.
 - 3. Disposition of the complaint.
 - 4. Rationale for such disposition.

For complaints of unlawful discrimination, harassment, intimidation, bullying, or related retaliation, the disposition of the complaint shall include a determination for each allegation as to whether retaliation or unlawful discrimination has occurred.

The determination of whether a hostile environment exists may involve consideration of the following:

- a. How the misconduct affected one or more students' education.
 - b. The type, frequency, and duration of the misconduct.
 - c. The relationship between the alleged victim(s) and offender(s).
 - d. The number of persons engaged in the conduct and at whom the conduct was directed.
 - e. The size of the school, location of the incidents, and context in which they occurred.
 - f. Other incidents at the school involving different individuals.
- 5. Corrective action(s), including any actions that have been taken or will be taken to address the allegations in the complaint and including, with respect to a student fees complaint, a remedy that comports with Education Code § 49013 and 5 CCR § 4600.

For complaints of unlawful discrimination, harassment, intimidation, bullying, or related retaliation, the decision may, as required by law, include:

- a. The corrective actions imposed on the individual found to have engaged in the conduct that relate directly to the subject of the complaint.

- b. Individual remedies offered or provided to the complainant or another person who was the subject of the complaint.
 - c. Systemic measures the school has taken to eliminate a hostile environment and prevent recurrence.
6. Notice of complainant's right to appeal the decision within 15 days to the California Department of Education (CDE), and procedures to be followed for initiating such an appeal. The decision may also include follow-up procedures to prevent recurrence or retaliation and for reporting any subsequent problems.

For complaints alleging unlawful discrimination, harassment, intimidation, bullying, or related retaliation complaints based on state law, the decision shall also include a notice to the complainant that:

- 1. He/she may pursue available civil law remedies outside of the complaint procedures of SJCOE, including seeking assistance from mediation centers or public/private interest attorneys, 60 days after filing of an appeal with the CDE.
- 2. The 60 days moratorium does not apply to complaints seeking injunctive relief in state courts or to discrimination complaints based on federal law.
- 3. Complaints alleging discrimination based on race, color, national origin, sex, gender, disability, or age may also be filed with the U.S. Department of Education, Office for Civil Rights at www.ed.gov/ocr within 180 days of the alleged discrimination.

Corrective Actions

When a complaint is found to have merit, the Director of Human Resources shall adopt any appropriate corrective action permitted by law. Appropriate corrective actions that focus on the larger school or SJCOE environment may include, but are not limited to, actions to reinforce SJCOE policies; training for faculty, staff, and students; updates to school policies; or school climate surveys.

For complaints involving unlawful discrimination, harassment, intimidation, bullying, or related retaliation, appropriate corrective actions that focus on the victim may include, but are not limited to, the following:

- 1. Counseling.
- 2. Academic support.

3. Health services.
4. Assignment of an escort to allow the victim to move safely about campus.
5. Information regarding available resources and how to report similar incidents or retaliation.
6. Separation of the victim from any other individuals involved, provided the separation does not penalize the victim.
7. Restorative justice.
8. Follow-up inquiries to ensure that the conduct has stopped and there has been no retaliation.
9. Determination of whether any past actions of the victim that resulted in discipline were related to the treatment the victim received and described in the complaint.

For complaints involving unlawful discrimination, harassment, intimidation, bullying, or related retaliation, appropriate corrective actions that focus on a student offender may include, but are not limited to, the following:

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

SJCOE may also consider training and other interventions for the larger school community to ensure that students, staff, and parents/guardians understand the types of behavior that constitute unlawful discrimination, harassment, intimidation, or bullying, that SJCOE does not tolerate it, and how to report and respond to it.

If a complaint alleging noncompliance with the laws regarding student fees, deposits, and other charges, physical education instructional minutes for students in elementary schools, or any requirement related to the LCAP is found to have merit, SJCOE shall provide a remedy to all

affected students and parents/guardians subject to procedures established by regulation of the State Board of Education.

For complaints alleging noncompliance with the laws regarding student fees, SJCOE shall attempt in good faith, by engaging in reasonable efforts, to identify and fully reimburse all affected students and parents/guardians who paid the unlawful student fees within one year prior to the filing of the complaint.

Appeals to the California Department of Education

Any complainant who is dissatisfied with the final written decision made by SJCOE may file an appeal in writing to the CDE within 15 calendar days of receiving the decision of SJCOE.

When appealing to the CDE, within 15 days of receiving the decision, the complainant must specify the reason(s) for appealing the decision and whether the facts are incorrect and/or the law has been misapplied. The appeal shall be accompanied by a copy of the locally filed complaint and the decision.

Upon notification by the CDE that the complainant has appealed the decision made by SJCOE, the Superintendent or designee shall forward the following documents to the CDE:

1. A copy of the original complaint.
2. A copy of the written decision.
3. A summary of the nature and extent of the investigation conducted by SJCOE, if not covered by the decision.
4. A copy of the investigation file including, but not limited to, all notes, interviews, and documents submitted by the parties and gathered by the designated investigator.
5. A report of any action taken to resolve the complaint.
6. A copy of SJCOE uniform complaint procedures.
7. Other relevant information requested by the CDE.

The CDE may directly intervene in the complaint without waiting for action by SJCOE when one of the conditions listed in 5CCR § 4650 (Basis of Direct State Intervention) exists, including in those cases where SJCOE has not taken action within 60 calendar days of the date the complaint was filed.

(3/16)

COMMUNITY RELATIONS

Exhibit 1

San Joaquin County Office of Education

Uniform Complaint Procedures Annual Notification

To: Students, Employees, Parents or Guardians of its students, School and District Advisory Committees, Appropriate Private School Officials or Representatives, and Other Interested Parties

San Joaquin County Office of Education (SJCOE) has the primary responsibility to insure compliance with applicable state and federal laws and regulations and has established procedures to address allegations of unlawful discrimination, harassment, intimidation, bullying and complaints alleging violation of state or federal laws governing educational programs.

SJCOE shall investigate and seek to resolve complaints using policies and procedures known as the Uniform Complaint Procedures (UCP) adopted by the San Joaquin County Board of Education. UCP complaints may be based on unlawful discrimination, harassment (all forms of harassment aside from sexual harassment which will be processed under 5145.7 – Sexual Harassment or AR 4031 – Complaints Concerning Discrimination in Employment), intimidation, and bullying based on actual or perceived characteristics of race or ethnicity, color, ancestry, nationality, national origin, ethnic group identification, age, religion, marital or parental status, physical or mental disability, sex, sexual orientation, gender, gender identity, gender expression, gender non-conformance, gender stereotyping, genetic information, or on the basis of a person’s association with a person or group with one or more of these actual or perceived characteristics. The UCP shall also be used when addressing complaints alleging failure to comply with the prohibition against student requirements to pay fees, deposits, or other charges for participation in educational activities, state and/or federal laws in adult education programs, consolidated categorical aid programs, migrant education, career technical and technical education and training programs, child care and developmental programs, child nutrition programs, special education programs, and safety planning requirements. In addition, the UCP shall be used when addressing complaints alleging noncompliance with the requirements of the Local Control Accountability Plan (LCAP) by SJCOE.

Complaints must be filed in writing with the following compliance officer:

Director of Operations and Support Services
2901 Arch-Airport Road, Stockton, CA 95206 (physical)

P.O. Box 213030, Stockton, CA 95213-9030 (mailing)

FAX: (209) 468-9102

SJCOE ensures that the Director of Operations and Support Services responsible for compliance and/or investigations is knowledgeable about the laws/programs that he/she is assigned to investigate.

Complaints alleging unlawful discrimination, harassment, intimidation, bullying, or related retaliation must be filed within six months from the date the alleged discrimination, harassment, intimidation, bullying, or retaliation occurred or the date the complainant first obtained knowledge of the facts of the alleged discrimination, harassment, intimidation, bullying, or retaliation.

Complaints will be investigated and a written decision or report will be sent to the complainant within 60 days from the receipt of the complaint. This 60 day time period may be extended by written agreement of the complainant. The Director of Operations and Support Services shall conduct and complete the investigation in accordance with sections 5 CCR 4680-4687 and in accordance with local procedures adopted under section 5 CCR 4621.

For complaints alleging discrimination, harassment, intimidation, bullying, or related complaints and for complaints regarding noncompliance with student fees, deposits, and other charges, the complainant has a right to appeal the decision made by SJCOE to the California Department of Education (CDE) by filing a written appeal within 15 days of receiving the decision. The complainant must specify the reason(s) for appealing the decision and whether the facts are incorrect and/or the law has been misapplied. The appeal must include a copy of the locally filed complaint and the decision.

Civil law remedies may be available under state or federal discrimination, harassment, intimidation, and bullying laws, if applicable. In appropriate cases, an appeal may be filed pursuant to Education Code Section 262.3. A complainant may pursue available civil law remedies outside of the UCP. Complainants may seek assistance from mediation centers or public/private interest attorneys. Civil law remedies that may be imposed by a court include, but are not limited to, injunctions and restraining orders.

For complaints alleging noncompliance with the requirements of the Local Control Accountability Plan (LCAP) by SJCOE, the complainant has the right to appeal the decision made by SJCOE to the State Superintendent of Public Instruction (SPI) by filing a written appeal within 15 days of receiving a decision. The complainant must specify the reason(s) for appealing the decision and whether the facts are incorrect and/or the law has been misapplied. The appeal must include a copy of the locally filed complaint and the decision. The complainant shall receive a written appeal decision within 60 days of the SPI's receipt of the appeal.

A copy of UCP shall be available free of charge. SJCOE will provide written notice of the revised UCP to all parents and students in SJCOE educational programs by publication on the SJCOE website. Beginning in the 2013-2014 school year, SJCOE will publish a summary of the revised UCP in the annual notification to parents, and in any applicable student handbooks. SJCOE will provide written notice of the revised UCP through its internal email system to all staff who regularly interact with students, including school site administrators, teachers, psychologists, counselors, other services providers, and instructional assistants, and will ensure the revised UCP are included in any applicable employee handbooks beginning in the 2013-2014 school year.

COMMUNITY RELATIONS

Williams Uniform Complaint Procedures

Types of Complaints

The San Joaquin County Office of Education (SJCOE) shall use the following procedures to investigate and resolve complaints when the complainant alleges that any of the following has occurred:

1. Textbooks and instructional materials:
 - a. A student, including an English-learner, does not have standards-aligned textbooks or instructional materials or state- or SJCOE-adopted textbooks, or other required instructional materials to use in class.
 - b. A student 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.
 - c. Textbooks or instructional materials are in poor or unusable condition, have missing pages, or are unreadable due to damage.
 - d. A student was provided photocopied sheets from only a portion of a textbook, or instructional materials, to address a shortage of textbooks or instructional materials.

2. Teacher vacancy or misassignment:
 - a. A semester begins and a teacher vacancy exists.
 - b. A teacher who lacks credentials or training to teach English-learners is assigned to teach a class with more than 20 percent English-learner students in the class.
 - c. A teacher is assigned to teach a class for which the teacher lacks subject matter competency.

Teacher vacancy – means a position to which a single-designated certificated employee has not been assigned at the beginning of the year for an entire year or, if the position is for a one-semester course, a position to which a single-designated certificated employee has not been assigned at the beginning of a semester for an entire semester.

Beginning of the year or semester – means the first day classes necessary to serve all the students enrolled are established with a single-designated certificated employee assigned for the duration of the class, but not later than 20 working days after the first day students attend classes for that semester.

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

credential, or the placement of a certificated employee in a teaching or services position that the employee is not otherwise authorized by statute to hold.

3. Facilities:

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

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

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

Clean or maintained school restroom – means a school restroom has been cleaned or maintained regularly, is fully operational, or has been stocked at all times with toilet paper, soap, and paper towels or functional hand dryers.

Open restroom – means, except as necessary for student safety or to make repairs, the school has kept all restrooms open during school hours when students are not in classes and has kept a sufficient number of restrooms open during school hours when students are in classes.

4. High school exit examination intensive instruction and services:

A student, including an English learner, who has not passed the exit exam by the end of grade 12 was not provided the opportunity to receive intensive instruction and services pursuant to Education Code 37254(d)(4) & (5) after completion of grade 12 for two consecutive academic years or until the student has passed both parts of the exam, whichever comes first.

Filing of Complaint

A complaint alleging any condition(s) specified in items #1-4 above shall be filed with the Director of Operations and Support Services at the following address:

Director of Operations and Support Services

San Joaquin County Office of Education
2901 Arch-Airport Road, Stockton, CA 95206 (physical)
P.O. Box 213030, Stockton, CA 95213-9030 (mailing)
(209) 468-9061

Such complaints may also be filed with the program administrator where the complaint arises. The program administrator shall then forward all complaints to the SJCOE Director of Operations and Support Services in a timely manner. The Director of Operations and Support Services shall forward a complaint about problems beyond his/her authority to the Superintendent or designee in a timely manner, but not to exceed 10 working days. SJCOE shall have a complaint form (E 1312.4) available for such Williams Complaints.

Investigation and Response

The Director of Operations and Support Services shall make all reasonable efforts to investigate any problem within his/her authority. He/she shall remedy a valid complaint within a reasonable time period not to exceed 30 working days from the date the complaint was received.

Complaints may be filed anonymously. If the complainants have identified themselves and indicated on the complaint form that he/she would like a response to his/her complaint, the Director of Operations and Support Services shall report the resolution of the complaint to him/her within 45 working days of the initial filing of the complaint. If a response is requested, the response shall be made to the mailing address of the complainant as indicated on the complaint form. At the same time, the Director of Operations and Support Services shall report the same information to the Superintendent.

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

If a complainant is not satisfied with the resolution of a complaint, he/she has the right to describe the complaint to the Superintendent and the County Board of Education at a regularly scheduled meeting.

For any complaint concerning a facilities condition that poses an emergency or urgent threat to the health or safety of students or staff as described in item #3a above, a complainant who is not satisfied with the resolution provided by the Director of Operations and Support Services, or Superintendent, may file an appeal to the State Superintendent of Public Instruction within 15 days of receiving the response. Complainant shall comply with the appeal requirements of 5 CCR 4632.

All complaints and written responses shall be public records.

Reports

The Director of Operations and Support Services shall report summarized data on the nature and resolution of all complaints on a quarterly basis to the Superintendent and the County Board of Education. The report shall include the number of complaints by general subject area with the number of resolved and unresolved complaints. These summaries shall be publicly reported on a quarterly basis at a regularly scheduled County Board of Education meeting.

Forms and Notices

The Director of Operations and Support Services shall ensure that the SJCOE complaint form contains a space to indicate whether the complainant desires a response to his/her complaint and specifies the location for filing a complaint. A complainant may add as much text to explain the complaint as he/she wishes. However, complainants need not use the SJCOE Williams complaint form in order to file a complaint.

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

cf: 1340 Access to Public Records
4112.2 Certification
4113 Assignments
6162.52 High School Exit Examination
6179 Supplemental Instruction

Legal Reference:

EDUCATION CODE

1240 County superintendent of schools, duties
17592.72 Urgent or emergency repairs, School Facility Emergency Repair Account
33126 School Accountability Report Card
35186 Williams uniform complaint procedure
35292.5 Restrooms, maintenance and cleanliness
37254 Supplemental instruction based on failure to pass exit exam by end of grade 12
48985 Translation of notices
60119 Hearing on sufficiency of instructional materials

CODE OF REGULATIONS, TITLE 5

4600-4687 Uniform complaint procedures
4680-4687 Williams complaints

(11/10)

District schedule of pupil-free, staff development days and minimum days will be sent home the first week of school.