

County Operated Schools & Programs

Student Handbook 2023-2024



SAN JOAQUIN COUNTY OFFICE OF EDUCATION
Troy A. Brown, Ed.D., County Superintendent of Schools

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Partners



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SAN JOAQUIN BUILDING FUTURES ACADEMY

San Joaquin Building Futures Academy Mission Statement

By building positive relationships, offering rigorous learning and creative opportunities, we inspire students to discover self-confidence and develop their unique purpose.

San Joaquin Building Futures Academy

Creating a foundation for future success

San Joaquin Building Futures Academy Vision Statement

We will continually create new learning pathways and opportunities so our diverse learners can thrive in their future.

YOUTHBUILD

BUILDING BRIGHTER
FUTURES TOGETHER

SAN JOAQUIN BUILDING FUTURES ACADEMY

Welcome to our school! Our mission is to enable students to become productive members of the community by providing quality-learning opportunities leading students to:

- Develop an appreciation of self and others, while learning to become productive citizens,
- Develop individual talents, critical thinking and problem-solving skills,
- Develop workforce readiness,
- Complete a course of study resulting in a high school diploma

San Joaquin Building Futures Academy (SJBFA) is the educational provider for the San Joaquin County Office of Education's YouthBuild and Greater Valley Conservation Corps programs. In this program you will learn to become positive contributors to the community. Students interested in the building trades will also be given hands on training in construction and other building trades. You will learn how to work as part of a team towards goals established by your skilled instructors who will function as your employer while you attend San Joaquin Building Futures Academy. You will be expected to show your commitment to the school and vocational skills training by fully participating and making an effort to do the very best you can. You are taking on the responsibility of moving your life forward and becoming a leader for yourself, your family, the school, and the community.

We want you to be successful in this school. Should you have questions or concerns, please contact our main office at (209) 468-8140.

ADMISSION/REFERRAL SCREENING CRITERIA

Students may self-enroll into the school or be referred to San Joaquin Building Futures Academy by a local school district official, a School Attendance Review Board, the Juvenile Court, or by a Probation Officer.

Program partners such as the Probation Department and representatives from Peace Keepers may refer eligible students to be added to the interest list for consideration during the next enrollment opportunity.

ENROLLMENT PROCEDURES

Enrollment into SJBFA requires an application process that includes a series of orientation meetings. Prospective students will be required to go through mental toughness training/probationary period in order to be considered for any grant funded work experience programs available in the YouthBuild Program. It is the prospective student's responsibility to come to the school site and complete an enrollment application. Two copies of the students' transcripts from their previous schools must be turned in with the application. One copy must be an official copy, which is sealed in an envelope and signed by the registrar of the school.

Each student enrolled in our **YouthBuild San Joaquin program** will be required to take an initial drug test and be subject to random drug testing for the duration of the school year. Since we are a direct-entry program for multiple unions random drug testing is required for all **YouthBuild** participants. Students will also be assessed on the Test for Adult Basic Education test to determine appropriate placement for coursework.

Prospective students will receive a call from a school official notifying them of their orientation date and time. **Students are expected to share information with the enrollment official regarding any special education programs and services received currently by the student.**

In addition, the SJBFA handbook outlining the school rules, discipline procedures, and course offerings are explained. The student and family member's commitment to the school is encouraged.

GRADUATION PORTFOLIO PRESENTATION

YouthBuild Graduation (YBG) is a graduation requirement, in addition to the State of California's and the San Joaquin Building Futures Academy credit and proficiency requirements. It is a demonstration by students reflecting their acquisition of a comprehensive plan and readiness to graduate. This process may include the presentation of evidence supporting fulfillment of six criteria.

The criteria are:

- Concept of YouthBuild Pledge
- Community Contribution
- Comprehensive College/Career Plan
- Communication Skills
- Personal Awareness
- Personal Celebration

A YBG can be performed at any time during the school year following completion of all credits and proficiency requirements for graduation. Traditionally, most YBG's are held in the spring, just prior to the graduation ceremony. The performance is held at the SJBFA school site. Students may invite family and friends in addition to the panel members. Panel members may include the advisor, school administrator, a student representative, and one community member. Duration of the performance ranges from 30 to 90 minutes.

Students may present their YBG through various modes, including visual displays, auditory orations, audiovisual technology, and multimedia productions.



Subject	Credits
English	40
Mathematics	10
Algebra 1/Equivalent	10
World History/Culture/Geography	10
U.S. History/Geography	10
Science, Biological	10
Science, Physical	10
Visual & Performing Arts/Foreign Language	10
American Government/Civics	5
Economics	5
Community Service/Job Shadowing/Job Apprenticeship	5
College and Career Readiness	10
Total	135

(It is important that credits be awarded in subject areas that complete graduation requirements)

PORTFOLIO REQUIREMENT

Professional Portfolio is a graduation requirement for BFA students. The Portfolio will provide evidence of the student’s participation and certification for College and Career Readiness. Final evaluation decisions regarding student progress will be determined and recorded by the teacher of record.

Building Futures Academy

Ninth Grade Mathematics Placement Protocol

In 2015, the California Legislature enacted SB 359, the California Mathematics Placement Act of 2015, which mandates that schools adopt a fair, objective, and transparent mathematics placement policy for ninth-grade students. In compliance with SB 359, the San Joaquin County Office of Education has developed the following placement protocol*. For the full San Joaquin County Office of Education Math Placement Policy, please refer to **Appendix D**.

INITIAL PLACEMENT:

Ninth grade initial placement determination is made in spring of a student’s eighth grade year:

- Geometry or Algebra 2 - Student has completed Algebra I/Integrated Math 1 with a ‘C ‘ or better.
- Algebra I - Student meets 3 of the placement indicators.
- Algebra I - Student meets 2 or less of the placement indicators.

STUDENT PLACEMENT VERIFICATION:

Student placement will be reevaluated within 30 days of the ninth-grade year.

NINTH GRADE PLACEMENT INDICATORS *(including but not limited to):*

Initial Placement Indicators *(Most recent information from eighth grade year)*

1. Program Diagnostic Test: <ul style="list-style-type: none"> a. Exact Path Mathematics Assessment: Score of an eighth grade level equivalency or higher b. Exact Path Mathematics Assessment: Score of seventh grade level equivalency or lower
2. Course Grades: <ul style="list-style-type: none"> a. Algebra I: ‘B’ or higher in third quarter b. Algebra I: ‘C’ or lower in third quarter
3. Seventh grade CAASPP Scores <ul style="list-style-type: none"> a. Integrated Math 1: Score within Meets or Exceeds Standards b. Integrated Math 1A: Score within Nearly Met Standards or below
4. Teacher Recommendation

Placement Check *(Within 30 days of beginning ninth-grade)*

1. Program Diagnostic Test
2. Teacher Recommendation

**Students served by SJCOE Special Education programs follow their district of residence policies related to their academic coursework and progression in conjunction with their IEP.*

County Operated Schools and Programs

PARENT/LEGAL GUARDIAN/CAREGIVER/ADULT STUDENTS DUTIES AND RESPONSIBILITIES

A pupil's experience in SJBFA will depend largely upon the student's own efforts.

Please:

1. Make regular attendance at school your primary job.
2. Come to school every school day except when you are clearly ill.
3. Contact the SJBFA office at 209-468-8140 as soon as you know that you will be late or are not coming to school.
4. Keep regular sleep hours.
5. Be aware of and provide for your transportation needs.
6. Be aware of and provide for appropriate appearance and grooming.
7. Schedule all appointments, including medical and dental, before or after school hours.
8. Keep in contact with your teacher.
9. Attend all Student Success Team (SST) meetings concerning you.
10. Continue to arrange and support services you may be receiving outside the school setting such as counseling, medical monitoring, administration of medicine, etc.

ATTENDANCE

Regular attendance is essential for academic success. Students are required to attend school as scheduled, arrive on time, and remain in class until dismissed by the teacher-in-charge. Absences from school will be determined to be excused or unexcused pursuant to Education Code 48205:

- a) A pupil shall be excused from school when the absence is:
1. Due to the pupil's illness, including an absence for the benefit of the pupil's mental or behavioral health.
 2. Due to quarantine under the direction of a county or city health officer.
 3. For the purpose of having medical, dental, optometric, 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, including absences to care for a sick child, for which the school shall not require a note from a doctor.
 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 a religious retreat, 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.
11. For the purpose of participating in a cultural ceremony or event.
12. (A) For the purpose of a middle school or high school pupil engaging in a civic or political event, as provided in subparagraph (B), provided that the pupil notifies the school ahead of the absence.
 - (B) (i) A middle school or high school pupil who is absent pursuant to subparagraph (A) is required to be excused for only one school day-long absence per school year.
 - (ii) A middle school or high school pupil who is absent pursuant to subparagraph (A) may be permitted additional excused absences in the discretion of a school administrator, as described in subdivision (c) of Section 48260.
13. Authorized at the discretion of a school administrator, as described in subdivision (c) of Section 48260 of the Education Code.
 - b) A pupil absent from school under this section shall be allowed to complete all assignments and tests missed during the absence that can be reasonably provided and, upon satisfactory completion within a reasonable period of time, shall be given full credit 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.
 - c) For purposes of this section, attendance at religious retreats shall not exceed four hours per semester.
 - d) Absences pursuant to this section are deemed to be absences in computing average daily attendance and shall not generate state apportionment payments.
 - e) For purposes of this section, the following definitions apply:
 - (1) A "civic or political event" includes, but is not limited to, voting, poll working, strikes, public commenting, candidate speeches, political or civic forums, and town halls.
 - (2) "Cultural" means relating to the habits, practices, beliefs, and traditions of a certain group of people.
 - (3) "Immediate family" means to the parent or guardian, brother or sister, grandparent, or any other relative living in the household of the pupil.

For an excused absence, one of the following two conditions must be met:

1. Parent/legal guardian/caregiver/adult student must excuse the absence by telephone and/or
2. Written verification must be received the day the student returns to school

A parent/legal guardian/caregiver can excuse absences by calling the school Attendance Hotline at (209) 468- 8140. If your student is tardy, please contact the student's school site directly. Absences for illnesses beyond three consecutive days may require a doctor's note. Absences may only be cleared for the previous two weeks school was in session.

TRUANCY

Truancy and Intervention Mission: We construct a student support system with daily outreach to eliminate barriers that contribute to truancy.

The Intervention and Prevention Specialist, the Truancy Intervention and Prevention Administrator, along with student's teachers, will be monitoring your student's attendance frequently and will initiate appropriate intervention strategies as needed to address attendance patterns.

Student Support Engagement Meetings

Once a student has accrued 10 unexcused absences, the family and student will be required to attend a Student Support Meeting. During this meeting, the families/student will meet with a team made up of: Administrators, Teachers, Counselors, Family Intervention Specialists, Attendance Intervention Specialists, Probation and outside resources as needed. The goal of this meeting is to create a plan with the family/student that will be carried out to improve attendance and meet goals set out by the family/student.

IMPORTANT NOTICE: Senate Bill 1317 in 2011 (Penal Code 270.1), a parent or guardian of a pupil of six years in age or more who is in kindergarten or any of grades one through eighth grade can be prosecuted if their child becomes chronically truant. Students of ages 13 through 18 also can face legal proceedings. Parents, guardians, or persons in charge are responsible for their student's attendance at school.

Truant Definitions:

Truant: Any pupil subject to compulsory full-time education or compulsory continuation education who is absent from school without a valid excuse three full days, or tardy or absent for more than any 30-minute period during the school day without a valid excuse on three occasions in one school year, or any combination thereof, is a truant and shall be reported to the attendance supervisor or the superintendent of the school district. (EC Section 48260[a])

Habitual Truant: A pupil is deemed to be a habitual truant if he or she has been reported as a truant on three or more occasions in a school year, provided that an appropriate district employee has made a conscientious effort to hold at least one conference with a parent or guardian and the pupil, after sending either of the notices required by Section 48260 or Section 48261. A "conscientious effort" means attempting to communicate with the parents of the pupil at least once using the most cost-effective method possible, which may include electronic mail or a telephone call. (EC Section 48262)

Chronic Truant: Any pupil subject to compulsory full-time education or to compulsory continuation education who is absent from school without a valid excuse for ten percent or more of the school days in one school year, from the date of enrollment to the current date, is deemed a chronic truant, provided that the appropriate school district officer or employee has complied with EC sections 48260, 48260.5, 48261, 48262, 48263, 48291, and EC Section 48263.6.

The County Office of Education, pursuant to **Education Code 48260.5**, is required to notify you of the following information:

- (a) That the pupil is truant.
- (b) That the parent or guardian is obligated to compel the attendance of the pupil at school.
- (c) That parents or guardians who fail to meet this obligation may be guilty of an infraction and subject to prosecution pursuant to Article 6 (commencing with Section 48290) of Chapter 2 of Part 27.
- (d) That alternative educational programs are available in the district.
- (e) That the parent or guardian has the right to meet with appropriate school personnel to discuss solutions to the pupil's truancy.
- (f) That the pupil may be subject to arrest under **Education Code Section 48264**.
- (g) That the pupil may be subject to suspension, restriction, or delay of the pupil's driving

privilege pursuant to **Vehicle Code Section 13202.7**.

- (h) That it is recommended that the parent or guardian accompany the pupil to school and attend classes with the pupil for one day.

TRUANCY PROCESS

TIER 0: Daily notification of student absence via automated messaging and staff outreach.

TIER 1: Student and parent are contacted and notified by the teacher/campus safety technician (CST). Student is identified as a truant after **three unexcused absences. Truancy Letter #1 is mailed out.** (CA Ed. Code Section 48260.5)

TIER 2: Student and parent are contacted and notified by the teacher/CST. Student is identified as a truant after **five unexcused absences.**

TIER 3: Student is identified as a habitual truant after **10 unexcused absences. Truancy Letter #2 is mailed out.** Ed. Code Section 48260.5. A **mandatory** Student Support Meeting will be held at the school site to provide resources and identify barriers to daily attendance.

- A) CST, 654 probation assistants, and teaching staff will place phone calls home and site administrators will conduct home visits. Habitually truant students will be included in initial truancy sweeps.

TIER 4: Student is identified as chronically truant after **20 unexcused absences. Truancy Letter #3 is mailed out.** (CA Ed. Code Section 48260.5) Chronically truant students are eligible to be transferred to an intervention school site for additional support. Parents/legal guardians/care givers of chronically truant students will be referred to truancy workshops.

- A) Intervention and Prevention Specialists will conduct home visits to connect student/family with resources, strategize engagement, and provide support.

Truancy Letters

Truancy Letter #1 - 3 Absences

Truancy Letter #2 - 10 Absences

Truancy Letter #3 - 20 Absences

Truancy Intervention School Site Placement

- The **one**.Program provides placement at one of its Intervention Sites for students with identified truancy issues.
- Students may be placed directly at an Intervention Site from weekly enrollments if there is documentation from the previous school site which supports this placement.
- Chronically truant students are eligible for placement at an Intervention Site.

IMPORTANT NOTICE: Families receiving Temporary Aid to Needy Families (TANF): San Joaquin County Office of Education is required to notify the Human Services Agency of San Joaquin County if a TANF student becomes "**habitually truant.**" Human Services Agency is required to sanction (reduce) the TANF amount.

SCHOOL SCHEDULE

Students enrolled in SJBFA will be placed in one of the two programming aspects; Academics only or Academics and Work Skills Training. School staff will screen all applicants and put them in the appropriate program. San Joaquin Building Futures Academy release times are scheduled as follows:

Monday	8:30am- 2:00pm
Tuesday	8:30am- 2:00pm
Wednesday	8:30am- 1:00 pm
Thursday	8:30am- 2:00pm

**Above times are subject to change.*

HOLIDAYS

SJBFA recognizes the following holidays:

- | | |
|---|------------------------|
| • Tuesday, July 4, 2023 | Independence Day |
| • Monday, September 4, 2023 | Labor Day |
| • Monday - Friday, October 9-13, 2023 | Fall Break |
| • Friday, November 10, 2023 | Veterans Day |
| • Monday - Friday, November 20-24, 2023 | Thanksgiving Break |
| • Monday, December 25, 2023 – Friday, January 5, 2024 | Winter Break |
| • Monday, January 15, 2024 | Martin Luther King Day |
| • Monday - Tuesday, February 19-20, 2024 | Presidents' Day |
| • Monday – Friday, April 15-19, 2024 | Spring Break |
| • Monday, May 27, 2024 | Memorial Day |
| • Wednesday, June 19, 2024 | Juneteenth |

CURRICULUM

San Joaquin Building Futures Academy uses an integrated, thematic approach to instruction in all the core subject areas. Subjects such as language arts and history are combined in an effort to make learning more relevant and to help students process and retain information more efficiently. Lessons, assignments, and projects are centered around themes that bring continuity to the learning experience. [The High School Course Catalog](#) is posted on the SJCOE website and is available for review upon request.

Students have opportunities to individualize their instruction. Expectations are modified based on the abilities and areas of need for each student. Teachers, school counselors, parents, and students are encouraged to conference with one another to determine what content areas they will emphasize based upon student need; however, final determination of courses assigned in specific content areas rests with the academic counselor and teacher, with decisions based on evidence of student progress and assessments.

College Admission Requirements and Higher Education Information

Each school year, a school district shall provide the parents/guardians/caretakers of students in grades 9 through 12 with a written explanation of the requirements for admission to the California State University and the University of California. (Ed. Code, § 51229) [The information is posted in the Course Catalog.](#)

SJBFA STUDENT LEARNER OUTCOMES

Students will cultivate social responsibility:

- By developing the interpersonal skills necessary to pursue positive actions that contribute to the community.
- Through exploration and participation in activities and experiences within the community.
- By learning to adapt to various situations and empathizing with diverse people, ideas, beliefs, and behaviors.

Students will develop 21st century skills:

- By communicating effectively using appropriate language, media, and digital literacy.
- By applying critical thinking, creativity and innovation skills in reading, writing, listening, speaking, math, science, technology, and the arts.
- Demonstrating time management and organizational skills.
- Developing collaboration, teamwork and leadership skills.
- Displaying the self-awareness skills of identifying personal strengths and challenges.

Students will value lifelong learning:

- By exposing students to a variety of subjects; including art and career technical education, they will develop a post-secondary and career plan.
- Through developing college and career readiness skills that promote post-secondary opportunities including technical schools, trade schools, military service, and college.
- While applying a growth mindset to pursue future personal and professional goals.

REPORT CARDS

Credits and grades are awarded four times per school year, at the end of each reporting period. Students are awarded 0 to 15 credits per reporting period based on successful completion of assigned coursework and assessments.

Additional credits may be earned. Credit Recovery options are available via Directed Learning or Edmentum online credit recovery. These programs are provided on the recommendation of academic counselors and teachers and are designed to support students who are credit deficient.

REPORTING PERIODS

- Quarter 1 ends Friday, October 6, 2023
- Quarter 2 ends Friday, December 22, 2023
- Quarter 3 ends Friday, March 8, 2024
- Quarter 4 ends Thursday, May 23, 2024

NOTE: Report cards will be mailed after the end of the quarter/reporting period.

GRADE LEVEL DETERMINATION FOR SAN JOAQUIN BUILDING FUTURES ACADEMY IS AS FOLLOWS:

- 9th grade 0-33 credits
- 10th grade 34-67 credits
- 11th grade 68-101 credits
- 12th grade 102-135 credits

Total credits earned are based on the last official school transcript and are used for special events.

ASSESSMENT

Initial assessment is completed to determine individual pupil needs. This may include:

- review of existing special education records
- information on students in Licensed Care Institutes (LCI)
- academic pre-tests (to determine program placement)
- evaluation of transcripts
- informal teacher interview
- program orientation
- computer aided student assessment in math and language arts

- TABE (Test of Adult Basic Education)

Ongoing assessment of pupil progress occurs to plan for immediate/future needs and to measure effectiveness of instruction. This may include:

- portfolios
- projects (individual and/or group)
- tests in subject areas
- student study team meetings
- aptitude assessment
- interest assessment
- individual assessment information gathered through special education assessment procedures
- program writing assessments
- computer aided student assessment in math and language arts
- report cards
- writing rubric(s)
- YBG (YouthBuild Graduation)

State mandated tests include:

- English Language Proficiency for California (ELPAC)
- California Assessment of Student Progress and Performance (CAASPP)* Refer to **Appendix C**
- Physical Fitness Testing (PFT)

DIAGNOSTIC ASSESSMENT DATES

Fall August 4 – 31, 2023
Winter December 1 – 22, 2023
Spring April 1 – 30, 2024

Statewide Testing Notification

California students take several mandated statewide tests. These tests provide parents/guardians, teachers, and educators with information about how well students are learning and becoming college and career ready. The test results may be used for local, state, and federal accountability purposes.

The California Assessment of Student Performance and Progress (CAASPP) tests consist of the following:

- **Smarter Balanced Assessment Consortium Assessments**

The Smarter Balanced computer adaptive assessments are aligned with the Common Core State Standards (CCSS). English language arts/literacy (ELA) and mathematics tests are administered in grades three through eight and grade eleven to measure whether students are on track to college and career readiness. In grade eleven, results from the ELA and mathematics assessments can be used as an indicator of college readiness.

- **California Science Tests (CAST)**

The computer-based CAST measures students' achievement of the California Next Generation Science Standards (CA NGSS) through the application of their knowledge and skills of the Science and Engineering Practices, Disciplinary Core Ideas, and Crosscutting Concepts. The CAST is administered to all students in grades five and eight and once in high school (i.e., grade ten, eleven, or twelve).

- **California Alternate Assessments (CAAs)**

Only eligible students—students whose individualized education program (IEP) identifies the use of alternate assessments—may participate in the administration of the CAAs. Test examiners administer the computer-based CAAs for ELA, mathematics, and science one-on-one to students. Students in grades three through eight and grade eleven will take the CAA for ELA and mathematics. Test items developed for ELA and mathematics are aligned with the CCSS and are based on the Core Content Connectors.

Students in grades five and eight and once in high school (i.e., grade ten, eleven, or twelve) will take the CAA for Science. The CAA for Science embedded performance tasks are based on alternate achievement standards derived from the CA NGSS. Students taking the CAA for Science will take three embedded performance tasks in spring 2024.

- **California Spanish Assessment (CSA) for Reading/Language Arts**

The optional CSA for Reading/Language Arts in Spanish is aligned with the California Common Core State Standards en Español. This computer-based test allows students to demonstrate their Spanish skills in listening, reading, and writing mechanics.

Pursuant to California *Education Code* Section 60615, parents/guardians may annually submit to the school a written request to excuse their child from any or all of the CAASPP assessments.

English Language Proficiency Assessments for California (ELPAC)

The ELPAC is the required state test for English language proficiency (ELP) that must be given to students whose primary language is a language other than English. State and federal law require that local educational agencies administer a state test of ELP to eligible students in kindergarten through grade twelve. The California Department of Education (CDE) transitioned from the California English Language Development Test (CELDT) to the ELPAC as the state ELP assessment in 2018. The ELPAC is aligned with the 2012 California English Language Development Standards. It consists of two separate ELP assessments: one for the initial identification of students as English learners (ELs), and a second for the annual summative assessment to measure a student's progress in learning English and to identify the student's level of ELP..

Physical Fitness Test (PFT)

The physical fitness test for students in California schools is the FITNESSGRAM[®]. The main goal of the test is to help students in starting lifelong habits of regular physical activity.

Students in grades five, seven, and nine take the fitness test. The test has six parts that show a level of fitness that offer a degree of defense against diseases that come from inactivity. The test results can be used by students, teachers and parents.

INSURANCE

SJCOE participates in a Student Accident Insurance Program for all students. This program provides coverage for student accidents or injuries that occur during the hours and days when school is in session and while attending or participating in school-sponsored and supervised activities on or off school premises. The Student Accident Program is underwritten by QBE. This student accident insurance is an excess policy, which means if the student has primary insurance coverage, that coverage should pay first. If the student has no other insurance coverage, QBE may be considered the primary insurance. Please contact 468-4847 for more information.

ANNUAL NOTIFICATION FOR MEDI-CAL BILLING IN SCHOOLS

As part of the San Joaquin County Office of Education (SJCOE), County Operated Schools and Programs (COSP) participates in the Local Education Agency Medi-Cal Billing Option Program offered through the California Department of Health Care Services and the 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.

COSP can bill Medi-Cal for Early and Periodic Screening Diagnostic and Treatment (EPSDT) assessments and services for students in the areas of school nursing and mental health 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 300.622:

- Parental consent must be obtained before COSP can submit Medi-Cal claims for the student's billable health services. This is a one-time consent that can be revoked by the parent at any time.
- The services that COSP provides to the student 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 COSP. 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.
- COSP will provide annual written notice to parents before accessing their student's public insurance benefits (Medi-Cal).

SCHOOL SITE SURVEILLANCE

County Operated Schools and Programs has a surveillance system at 3100 Monte Diablo Avenue, Stockton. Images captured by the camera will be monitored by school personnel and may be referred to local law enforcement as appropriate. Any recording or image of a student collected by SJCOE is considered a "student record" and thus is subject to those laws regarding access, disclosure, and retention.

FACULTY

SJBFA teachers must possess valid teaching credentials issued by the Commission on Teacher Credentialing. The faculty includes credentialed counselors.

INTOUCH AUTODIALER PARENT NOTIFICATION SYSTEM AND SERVICE

SJBFA utilizes Intouch Autodialer, an automated system to contact parents/legal guardians/adult students via phone, text and email to communicate important information regarding school events and emergencies, such as testing dates, enrollment dates, special activities, and student absence notification. Please ensure all phone numbers and email addresses on file for your student are correct.

WELLNESS POLICY

The San Joaquin County Office of Education Wellness Policy is available for viewing on the San Joaquin

County Office of Educations website, <http://www.sjcoe.org/cospstatefedinfo>. A copy of the plan is on file in the Comprehensive Health Office at the Education Service Center, 2707 Transworld Drive, Stockton, California 95206. You may also obtain a copy at your student's school site.

COMPREHENSIVE SEXUAL HEALTH EDUCATION AND HIV/AIDS PREVENTION EDUCATION

The California Healthy Youth Act, which took effect January 2016, requires school districts to provide students with integrated, comprehensive, accurate and unbiased comprehensive sexual health and HIV/AIDS prevention education at least once in middle school and once in high school (grades 7 to 12 inclusive). Education lessons are provided in the classroom virtually and/or in - person as part of the regular COSP curriculum. Students on independent study work with their teachers to schedule attendance at health curriculum presentations.

The California Healthy Youth Act has five primary purposes:

1. To provide pupils with the knowledge and skills necessary to protect their sexual and reproductive health from HIV and other sexually transmitted infections and from unintended pregnancy;
2. To provide pupils with the knowledge and skills they need to develop healthy attitudes concerning adolescent growth and development, body image, gender, sexual orientation, relationships, marriage, and family;
3. To promote understanding of sexuality as a normal part of human development;
4. To ensure pupils receive integrated, comprehensive, accurate, and unbiased sexual health and HIV prevention instruction and provide educators with clear tools and guidance to accomplish that end;
5. To provide pupils with the knowledge and skills necessary to have healthy, positive, and safe relationships and behaviors

For information on the California Healthy Youth Act, California *Education Code (EC)* sections 51930–5193

**Comprehensive Sexual Health an HIV/AIDS Prevention Instruction
Parent/Legal Guardian/Caregiver Notification
For Students Grades 7-12
San Joaquin County Office of Education
County Operated Schools & Programs**

Dear Parent/Legal Guardian/Caregiver,

This is to notify you that your child in the **one**.Program will be participating in comprehensive sexual health education, HIV/AIDS prevention education as authorized by the California Youth Health Act (CA Ed. Code, § 51930-51939).

Dates (s) of Instruction: 2023-2024 Academic Year Instruction given in-person, virtually, and/or hybrid, by: **one**.Teachers and Delta Health staff

Outside Organization: Delta Health Care-Making Proud Choices

Outside Consultant Name: Stephanie Bentz (209) 444-8300

Parent/Legal Guardian/Caregiver, Important Information:

- Written and audiovisual educational materials used in comprehensive sexual health education and HIV/AIDS prevention education are available for inspection. (Ed. Code, § 51938) Please contact the school site.
- You have the right to review the instructional materials and curriculum.
- You have the right to request in writing that your child **not** receive comprehensive sexual health education or HIV/AIDS prevention education. (Ed. Code, § 51240)
- Your child shall not be subject to disciplinary action, academic penalty, or other sanction if the student's parent/legal guardian declines to permit the student to receive the instruction. (Ed. Code, § 51939)

AUTHORIZATION FOR MEDICATION ADMINISTRATION

Pursuant to Education Code section 49423, students who are required to take medication prescribed by a physician, surgeon, or physician assistant during the regular school day (including over-the-counter medications such as aspirin, cold medicine, etc.) may obtain assistance from a school nurse or other designated employee if the District receives a written statement from both the student’s physician, surgeon, or physician’s assistant (“Provider”), and the student’s parent/guardian authorizing the use of the medication and requesting assistance in its administration.

Except for certain self-administered medications (“epi-pen,” “inhaler,” or “insulin”) authorized for personal use, students may not self-medicate or possess any over-the-counter or prescription medication while on District property. Unless otherwise governed by an Individualized Education Plan or Section 504 Plan, completion of this Authorization and compliance with its obligations by the parent/guardian and student is required to maintain the privilege afforded by section 49423. In addition, pursuant to Education Code section 49480 and this Authorization, the school nurse is authorized to contact the Provider below to have any question, issue, or safety concern addressed regarding the proper storage, handling, or administration of the medication, and the possible effects of the drug on the student’s physical, intellectual, and social behavior, as well as possible behavioral signs and symptoms of adverse side effects, omission, or overdose. District employees may also communicate the existence of this Authorization to teachers and other employees who may supervise the Student.

Student Information

Student Name: _____ **School Year:** _____
Date of Birth: _____ **School ID:** _____
School: _____ **Grade:** _____

Parent/Guardian Authorization: I hereby authorize as follows:

_____ Designated District personnel may assist my child with medication administration, monitoring, and testing according to the Provider’s instructions and approval below.

_____ My child may carry and self-administer an auto-injector epinephrine pen, an asthma inhaler, or insulin according to the Provider’s instructions and approval below.

_____ The school nurse may communicate with the Provider and may communicate with District employees regarding the possible effects of the medication on my child’s physical, intellectual, and social behavior, as well as possible behavioral signs and symptoms of adverse side effects, omission of medication, or overdose.

I will provide the medications authorized by the Provider in original prescription containers, labeled with the name of the student, the name of the prescribing Provider, and the medication name, dosage, method, and time schedule for administration. If an over-the-counter medicine, it will be provided in the original, purchased container. I will pick up any remaining medication on the last day of the school year.

Waiver of Liability:

By signing below, I hereby release the District from any and all claims against the District and its personnel if my child suffers an adverse reaction as a result of self-administering auto-injectable epinephrine.

I understand that Education Code section 49407 states: “Notwithstanding any provision of any law, no school district, officer of any school district, school principal, physician, or hospital treating any child enrolled in any school in any district shall be held liable for the reasonable treatment of a child without the consent of a parent or guardian of the child when the child is ill or injured during regular school hours, requires reasonable medical treatment, and the parent or guardian cannot be reached, unless the parent or guardian has previously filed with the school district a written objection to any medical treatment other than first aid.” To the fullest extent allowed by Section 49407 and California law, I understand that I am waiving any potential claim I may have against the District, its officers, and employees regarding their assistance in compliance with this Authorization.

A new Authorization Form must be completed (1) when a medication, dosage, frequency of administration changes, or reason for administration changes; or (2) at the commencement of a new school year. I may revoke this Authorization, in writing, at any time, by providing written notice to COSP Health Services at (209) 313-2375.

Date: _____

Student Name: _____

Parent/Guardian Printed Name: _____

Signature: _____

Address: _____

Emergency Contact: _____ **Emergency Phone:** _____

Home Phone: _____ **Cell Phone:** _____

PROVIDER AUTHORIZATION
 (To be completed only by a California Provider issuing the prescription(s))

Patient/Student Name: _____

DOB: _____

Name of Medication	Dosage/Method of Admin/Time of Day	Discontinue Date
#1)		
#2)		
#3)		
#4)		

Special Instructions/Storage/Administration Procedures/Precautions:

#1) _____

#2) _____

#3) _____

#4) _____

_____ I authorize designated school district personnel to assist my patient with medication administration, monitoring, and testing according with these Instructions.

_____ I authorize my patient to carry and self-administer an auto-injector epinephrine pen, an asthma inhaler, or insulin according to instructions I have provided to my patient. I further confirm that the patient is able to self-administer an auto-injector epinephrine pen, an asthma inhaler, or insulin according to such instructions.

Print Name of Provider _____

CA Medical License Number _____

Provider's Signature _____

NPI# _____

ORP: Yes No

Provider's Telephone Number _____

Date: _____

Provider's Facsimile Number _____

TYPE 1 DIABETES INFORMATION

Type 1 diabetes in children is an autoimmune disease that can be fatal if untreated, and the guidance provided in this information sheet is intended to raise awareness about his disease.

Type 1 diabetes usually develops in children and young adults, but can occur at any age.

- According to the U.S. Centers for Disease Control and Prevention (CDC), cases of type 1 diabetes in youth increased nationally from 187,000 in 2018 to 244,000 in 2019, representing an increase of 25 per 10,000 youths to 35 per 10,000 youths, respectively.
- The peak age of diagnosis of type 1 diabetes is 13-14 years, but diagnosis can also occur much earlier or later in life.

Type 1 diabetes affects insulin production.

- As a normal function, the body turns the carbohydrates in food into glucose (blood sugar), the basic fuel for the body's cells.
- The pancreas makes insulin, a hormone that moves glucose from the blood into the cells.
- In type 1 diabetes, the body's pancreas stops making insulin, and blood glucose levels rise.
- Over time, glucose can reach dangerously high levels in the blood, which is called hyperglycemia.
- Untreated hyperglycemia can result in diabetic ketoacidosis (DKA), which is a life-threatening complication of diabetes.

Risk Factors Associated with Type 1 Diabetes

- It is recommended that students displaying warning signs associated with type 1 diabetes, which are described below, should be screened (tested) for the disease by their health care provider.
- Researchers do not completely understand why some people develop type 1 diabetes and others do not; however, having a family history of type 1 diabetes can increase the likelihood of developing type 1 diabetes.
- Other factors may play a role in developing type 1 diabetes, including environmental triggers such as viruses.
- Type 1 diabetes is not caused by diet or lifestyle choices.

Warning Signs and Symptoms Associated with Type 1 Diabetes

- Warning signs and symptoms of type 1 diabetes in children develop quickly, in a few weeks or months, and can be severe. If your child displays the warning signs below, contact your child's

primary health care provider or pediatrician for a consultation to determine if screening your child for type 1 diabetes is appropriate:

- Increased thirst.
- Increased urination, including bed-wetting after toilet training.
- Increased hunger, even after eating.
- Unexplained weight loss.
- Feeling very tired.
- Blurred vision.
- Very dry skin.
- Slow healing of sores or cuts.
- Moodiness, restlessness, irritability, or behavior changes.

- DKA is a complication of untreated type 1 diabetes. DKA is a medical emergency. Symptoms include:
 - Fruity breath.
 - Dry/flushed skin.
 - Nausea.
 - Vomiting.
 - Stomach pains.
 - Trouble breathing.
 - Confusion.

- **Types of Diabetes Screening Tests that are Available**

- Glycated hemoglobin (A1C) test:
 - A blood test measures the average blood sugar over two to three months.
 - An A1C level of 6.5 percent or higher on two separate tests indicates diabetes.
- Random (non-fasting) blood sugar test:
 - A blood sample is taken any time without fasting.
 - A random blood sugar level of 200 milligrams per deciliter (mg/dl) or higher suggests diabetes.
- Fasting blood sugar test:
 - A blood sample is taken after an overnight fast.
 - A level of 126 mg/dl or higher on two separate tests indicates diabetes.
- Oral glucose tolerance test:
 - A test measuring the fasting blood sugar level after an overnight fast with periodic testing for the next several hours after drinking a sugary liquid.
 - A reading of more than 200 mg/dl after two hours indicates diabetes.

Type 1 Diabetes Treatments

- There are no known ways to prevent type 1 diabetes. Once type 1 diabetes develops, medication is the only treatment.

- If your child is diagnosed with type 1 diabetes, their health care provider will be able to help develop a treatment plan.
- Your child's health care provider may refer your child to an endocrinologist, a doctor specializing in the endocrine system and its disorders, such as diabetes.

Please contact your student's school nurse, school administrator, or health care provider if you have any questions.

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. **Refer to Appendix E**

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 HIV prevention education, and assessments related to that 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 audiovisual 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 (Ed. Code, § 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 whether the instruction will be taught by District personnel or by outside consultants. If outside consultants or guest speakers are used, the notice shall include the date of the instruction, and the name of the organization or affiliation of each guest speaker will be identified. Parents have a right to request that the District provide them with a copy of Education Code sections 51933, 51934, and 51938. (Ed. Code, § 51938) If arrangements for instruction by outside consultants or guest speakers are made after the beginning of the school year, the Superintendent or designee shall notify parents/guardians no less than 14 days before instruction is given. (Ed. Code, § 51938)

3. **Excuse from Instruction in Health:** Upon written request of a parent or guardian, a pupil may be excused from any part of instruction in health which conflicts with the parent(s)' or guardian(s)' religious training or beliefs (including personal moral convictions). (Ed. Code, § 51240)
4. **Administration of Medication:** Medication prescribed by a physician or ordered by a physician assistant for a child may be administered during the school day by the school 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. In order for a

child to carry and self-administer prescription auto-injectable epinephrine or prescription inhaled asthma medication, the physician or physician assistant must also provide a written statement detailing the name of the medication, method, amount, and time schedules by which the medication is to be taken, and confirming that the pupil is able to self-administer auto-injectable epinephrine or prescription inhaled asthma medication. Parents must also provide a release for the school nurse or designated school personnel to consult with the pupil's health care provider regarding questions that may arise with regard to the medication, and releasing the District and its personnel from civil liability if the self-administering pupil suffers an adverse reaction as a result of self-administering auto-injectable epinephrine or prescription inhaled asthma medication. The written statements specified in this section shall be provided at least annually and more frequently if the medication, dosage, frequency of administration, or reason for administration changes. Forms for administering medication may be obtained from the Student Services or Health Services offices. (Ed. Code, §§ 49423, 49423.1, 49423.5, 49480)

5. **Students on Medication:** Parents are to notify the school nurse or other designated certificated school employee 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 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 Chapter 1 (commencing with section 120325) of part 2 of division 105 of the Health and Safety Code. The immunization exemption based on personal beliefs has been eliminated. (Health & Saf. 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 & Saf. Code, § 120335). A student may still be exempted from the immunization requirement based on medical condition or circumstances. A licensed physician or surgeon must transmit a completed medical exemption certification form from the California Department of Public Health directly to a local educational agency and the California Immunization Registry. The standardized medical exemption form shall be the only documentation of a medical exemption that shall be accepted by the district. (Health & Saf. Code, §§ 120370, 120372)

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. The health care practitioner may administer immunization for the prevention and control of diseases that present a current or potential outbreak as declared by a federal, state, or local public health officer. (Ed. Code, §§ 48216, 48980(a), 49403; Health & Saf. Code, §§ 120325, 120335)

7. **Physical Exams and Testing:** The District is required to conduct certain physical examinations and vision and hearing 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, and shall not be permitted to return until the school authorities are satisfied that any contagious or infectious disease does not exist. (Ed. Code, §§ 49451, 49452, 49452.5, 49455; Health & Saf. Code, § 124085) The District may provide for scoliosis screening of every female student in grade 7 and every male student in grade 8. (Ed. Code, §§ 49451, § 49452.5)
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. **Mental Health Services:** District shall notify students/parents/guardians/caregivers no less than twice each school year of the steps to initiate access to available pupil mental health services on campus and/or in the community. (Ed. Code, § 49428) The mental health services available include access to our mental health clinician team, which is made up of licensed mental health professionals. The team provides support and treats a wide range of mental health concerns, including but not limited to anxiety, depression, trauma, life transitions, grief, loss, relationships, and stress management. To initiate services, a parent/legal guardian/caregiver or student may authorize mental health treatment during the enrollment process or request services in person or in writing to a Site Administrator, Teacher, School Counselor or School-Based Mental Health Clinician at any time during the school year.
12. **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. § 1 04.32) 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: **Refer to Appendix E**

County Operated Schools and Programs
San Joaquin County Office of Education
P.O. Box 213030
Stockton, CA 95213-9030
209-468-4847

13. **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(i))

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

- (a) Due to the pupil's illness, including an absence for the benefit of the pupil's mental or behavioral health.
- (b) Due to quarantine under the direction of a county or city health officer.
- (c) For the purpose of having medical, dental, optometrical, or chiropractic services rendered.
- (d) 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.
- (e) For the purpose of jury duty in the manner provided for by law.
- (f) Due to the illness or medical appointment during school hours of a child of whom the pupil is the custodial parent.
- (g) 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.
- (h) For the purpose of serving as a member of a precinct board for an election pursuant to section 12302 of the Elections Code.
- (i) 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 of Education Code, 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.
- (j) For the purpose of attending the pupil's naturalization ceremony to become a

United States citizen.

- (k) For the purpose of participating in a cultural ceremony or event.
- (l) For the purpose of a middle or high school pupil engaging in a civic or political event, provided the pupil notifies the school in advance. A pupil absent pursuant to this section is required to be excused for only one day-long absence per year. A school administrator may permit additional absences pursuant to section 48260(c) of the Education Code.
- (m) Authorized at the discretion of a school administrator based on the facts of the pupil's circumstances, which are deemed to constitute a valid excuse, including, but not limited to, working for a period of not more than five consecutive days in the entertainment or allied industries if the pupil holds a work permit, or participating with a not-for-profit performing arts organization in a performance for a public school pupil audience for a maximum of up to five days per school year provided the pupil's parent or guardian provides a written note to the school authorities explaining the reason for the pupil's absence. (Ed. Code, §§ 48260, 48205, 48225.5)

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.

A "civic or political event" includes, but is not limited to, voting, poll working, strikes, public commenting, candidate speeches, political or civic forums, and town halls. (Ed. Code, § 48205)

"Cultural" means relating to the habits, practices, beliefs, and traditions of a certain group of people. (Ed. Code, § 48205)

"Immediate family," as used in this section refers to the parent or guardian, brother or sister, grandparent, or any relative living in the household of the pupil. (Ed. Code, § 48205)

14. **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:

Compliance Coordinator
San Joaquin County Office of Education
P.O. Box 213030
Stockton, CA 95213-9030
209-468-9243

15. **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 do not comply with state or federal law or regulations to:

Special Education Director
San Joaquin County Office of Education
P.O. Box 213030
Stockton, CA 95213-9030
209-468-4847

16. **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))

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, 7;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.
- d. A parent or guardian has the right to consent to disclosures of personally identifiable information contained in the student's educational records, except to the extent disclosure is authorized without consent.

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:

- (i) Inaccurate.
- (ii) An unsubstantiated personal conclusion or inference.
- (iii) A conclusion or inference outside of the observer's area of competence.
- (iv) Not based on the personal observation of a named person with the time and place of the observation noted.
- (v) Misleading.
- (vi) 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.

- e. 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 and the legitimate interest therefor to the extent required by law. Student Records Logs are located at the school office and are open to inspection by parents or guardians. (Ed. Code, § 49064)
 - f. 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, student, foster family agency, short-term residential treatment staff, or caregiver 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)
 - g. 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.
 - h. Parents and guardians will be charged (0) cents per page for the reproduction of student records.
 - i. 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))
 - j. Parents may obtain a copy of the District’s complete student records policy by contacting the Superintendent.
18. **Family Educational Rights and Privacy Act:** 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)

Students 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 non-school 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. No student shall be discriminated against based upon his or her decision to exercise his or her rights under this section. (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.

Home Instruction: The district in which the student resides is to provide individual instruction if the student is receiving the instruction in his or her home. Individual instruction in a pupil's home pursuant to Education Code section 48206.3 shall commence no later than five working days after a school district has determined that the pupil shall receive this instruction.

Hospital or Health Facility Instruction: The school district in which the hospital or other residential health facility, excluding a state hospital, is located must provide individual instruction to a student with a temporary disability. Within five working days of receipt of the notification, the district must determine whether the pupil will be able to receive individual instruction, and, if so, when the individual instruction will begin. Individual instruction will commence no later than five working days after a positive determination has been rendered. 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. A school district may continue to enroll a pupil with a temporary disability who is receiving individual instruction in a hospital or residential health facility to facilitate the timely reentry of the pupil in his or her prior school after the hospitalization has ended, or in order to provide a partial week of instruction. On days in which the student is not receiving individual instruction in a hospital or other residential health facility, he or she may attend school in his or her district of residence if well enough to do so. A pupil receiving individual instruction who is well enough to return to a school shall be allowed to return to the school, including a charter school, that he or she attended immediately before receiving individual instruction, if returning during the same school year. (Ed. Code, §§ 48206.3, 48207, 48207.3, 48207.5, 48208, 48980(b))

Pregnancy, childbirth, false pregnancy, termination of pregnancy, and recovery therefrom shall be treated in the same manner and under the same policies as any other temporary

disabling condition. (Ed. Code, § 221.51)

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 state while on active duty pursuant to an official military order. However, the parent must provide proof of residence in the school district within ten (10) days after the published arrival date provided on official documentation. (Ed. Code, § 48204.3) A student also complies with the residency requirement if the student’s parent/guardians were residents of the state but departed California against their will if the student provides official documentation evidencing the departure of her/his parent/guardians against their will; that the student moved outside of California as a result of her/his parent/guardians departing California against their will, and that the student lived and was enrolled in school in California immediately before moving outside of California. (Ed. Code, § 48204.4)
23. **Attendance Options:** 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))

Attached is a copy of the District’s Policy on Interdistrict and Intradistrict Transfers. Parents interested in interdistrict or intradistrict transfers should contact their district of residence. 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. However, a district may consider special circumstances that might be harmful or dangerous to a particular pupil in the current attendance area of the pupil, including physical threats of bodily harm or threats to the emotional stability of the pupil documented by a state or local agency, licensed or registered professional, or court order.

- 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 who transfers to another school in the district under these provisions.
 - Victims of Bullying: A school district of residence must approve an intradistrict transfer request for a victim of an act of bullying unless the requested school is at maximum capacity, in which case the district must accept an intradistrict transfer request for a different school within the district. A school district of residence may not prohibit the interdistrict transfer of a victim of an act of bullying if there is no available school for an intradistrict transfer and if the school district of proposed enrollment approves the transfer application. (Ed. Code, § 46600)
 - A school district of proposed enrollment shall ensure that pupils admitted under this law are selected through an unbiased process that prohibits an inquiry into or evaluation or consideration of whether a pupil should be enrolled based on academic or athletic performance, physical condition, English proficiency, family income, or any of the individual characteristics set forth in Education Code section 220 including, but not limited to, race or ethnicity, gender, gender identity, gender expression, and immigration status.
- 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 homeless child or youth, a current or former migratory child, a foster youth, the victim of an act of bullying, or 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.
 - If a pupil is a victim of an act of bullying and his or her school district of residence has only one school offering his or her grade level, such that there is no option for an intradistrict transfer, the pupil may apply for an interdistrict transfer, and the school district of residence shall not prohibit the transfer if the school district of proposed enrollment approves the application for transfer. (Ed. Code, § 46600)
 - A school district that elects to accept an interdistrict transfer pursuant to this subdivision shall accept all pupils who apply to transfer under this subdivision until the school district is at maximum capacity and shall ensure that pupils admitted under this subdivision are selected through an unbiased process that prohibits an inquiry into or evaluation or consideration of whether or not a pupil should be enrolled based on his or her academic, performance, athletic performance, physical condition, proficiency in English, family income, 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), actual or potential parental, family, or marital status, pregnancy (including childbirth, false pregnancy, termination of pregnancy, or recovery therefrom), nationality (includes citizenship, country of origin and national origin), immigration status, 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.
 - Upon request of the parent on behalf of a pupil eligible for transfer pursuant to this subdivision, a school district of enrollment will provide transportation assistance to a pupil who is eligible for free or reduced-price meals. (Ed. Code, § 46600)
 - A school district of enrollment may provide transportation assistance to any pupil admitted under this subdivision. (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.

c. Districts of Choice (Ed. Code, §§ 48300-48317): The law allows, but does not require, each school district to become a “district of choice”—that is, a district that accepts transfer students from outside the district under the terms of the referenced Education Code sections. The school board of a district that decides to become a “district of choice” must determine the number of students it is willing to accept in this category each year and make sure that the students are selected through an “unbiased process,” which prohibits district inquiries, evaluations, or consideration of enrollment based upon actual or perceived academic or athletic performance, physical condition, proficiency in English, any other personal characteristic as specified in Education Code section 200, and family income (except for purposes of determining attendance priority for students eligible for free or reduced-price meals). If the number of transfer applications exceeds the number of students the school board elects to accept, transfer approval must be determined by a random public drawing held at a regular board meeting. Other provisions of the “district of choice” option include:

- A school district of residence may deny a transfer if it will negatively affect the racial and ethnic balance of the district, or a court-ordered or voluntary desegregation plan. The district a student would be leaving may also limit the total number of students transferring out of the district each year to a specified percentage of its total enrollment, depending on the size of the district.
- A school district of residence shall not prohibit the transfer of a student who is a child of an active military duty parent or adopt policies to block or discourage students from applying for transfer to a school district of choice.
- No student who currently attends a school or lives within the attendance area of a school can be forced out of that school to make room for a student

- transferring under these provisions.
 - A school district of choice must give priority for attendance in the following order: 1) to siblings of students already attending school in the district; 2) to students eligible for free or reduced-price meals; and 3) to children of military personnel.
 - A school district of choice must post application information on its Internet Website, including any applicable form, transfer timeline, and explanation of the selection process.
 - A parent may request transportation assistance within the boundaries of the “district of choice.” The district is required to provide transportation only to the extent it already does so.
- d. Transferring a Student Convicted of a Felony/Misdemeanor: Education Code section 48929 authorizes the governing board of a school district to transfer a student enrolled in the district who has been convicted of a violent felony as defined in Penal Code section 667.5 or misdemeanor listed in Penal Code section 29805 to another school within the district when the student and victim of the crime are enrolled in the same school. The governing board has adopted a policy regarding such transfers at a regular meeting pursuant to Education Code section 48929. The policy requires: 1) notice to be provided to the student and student’s parent or guardian of the right to request to meet with the principal or designee of the school or District; and 2) that the school first attempt to resolve the conflict before transfer by using restorative justice, counseling, or other services. The policy also includes information regarding whether the transfer decision is subject to periodic review and the procedure used to conduct the review, and the process the board will use to consider and approve or disapprove the recommendation of the school principal or other school or school district designee to transfer the student.
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(f)) **Refer to Appendix F**
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. **Leaving School Grounds:** All San Joaquin County Office of Education campus locations are closed campuses.
- 28. **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)

In compliance with this section, attached to this Notice are the following documents:

- A schedule of activities involving the collection, disclosure, or use of personal information collected from students for the purpose of marketing or for selling that information (or otherwise providing that information to others for that purpose).
- A schedule of any survey containing one or more of the items referenced as (a)-(h) in the foregoing paragraph regarding “U.S. Department of Education Programs.”
- A schedule of any nonemergency, invasive physical examination or screening that is required as a condition of attendance, administered by the school and scheduled in advance, and not necessary to protect the immediate health and safety of any student. (20 U.S.C. § 1232h)

29. **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), actual or potential parental, family, or marital status, pregnancy (including childbirth, false pregnancy, termination of pregnancy, or recovery therefrom), nationality (includes citizenship, country of origin and national origin), immigration status, 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.; 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 Procedures 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, §§ 4610, 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.

- e. Written complaints may be made regarding:
 - i. Adult Education
 - ii. After School Education and Safety
 - iii. Agricultural Career Technical and/or Vocational Education
 - iv. American Indian Education Centers and American Indian Early Childhood Education
 - v. Bilingual Education
 - vi. California Peer Assistance and Review Programs for Teachers
 - vii. Consolidated Categorical Aid Programs
 - viii. Migrant Child Education Programs
 - ix. Every Student Succeeds Act (formerly No Child Left Behind)
 - x. Career Technical and Technical Education and Technical Training Programs
 - xi. Child Care and Development
 - xii. Child Nutrition
 - xiii. Compensatory Education

- xiv. Consolidated Categorical Aid
- xv. Economic Impact Aid
- xvi. Special Education
- xvii. “Williams Complaints”
- xviii. Pupil Fees
- xix. Instructional Minutes for Physical Education
- xx. Local Control Funding Formula (LCFF) and Local Control and Accountability Plan (LCAP)
- xxi. Pregnant and Parenting Pupils, including parental leave
- xxii. Student Parent Lactation Accommodations
- xxiii. Course Assignments already Completed or without Educational Content
- xxiv. Physical Education Instructional Minutes
- xxv. Foster Youth, Homeless Youth, former Juvenile Court School Student Services, Migrant Youth, and Pupils of Military Families
- xxvi. Regional Occupational Centers and Programs
- xxvii. Continued Education Options for Former Juvenile Court School Students
- xxviii. School Safety Plans
- xxix. School Plans for Student Achievement (SPSA)
- xxx. Tobacco-Use Prevention Education
- xxxi. Schoolsite Councils
- xxxii. State Preschool
- xxxiii. State Preschool Health and Safety Issues in Local Education Agencies Exempt From Licensing
- xxxiv. Any other district-implemented state categorical program that is not funded through the local control funding formula pursuant to Education Code section 64000
- xxxv. Any other educational programs the Superintendent deems appropriate

(Cal. Code Regs., tit. 5, §§ 4610(b), 4622, 4630; Ed. Code, §§ 222, 4845.7, 8200-8498, 8500-8538, 32289, 33315, 33380-33384, 35186, 41500-41513, 46015, 47606.5, 47607.3, 48853.5,

49013, 49069.5, 49490-49590, 49701, 51210, 51223, 51225.1, 51225.2, 51226-51226.1, 51228.1, 51228.2, 51228.3, 52060-52075, 52160-52178, 52300-52490, 52334.7, 52500-52616.24, 52800-52870, 54000-54029, 54400-54425, 54440-54445, 54460-54529, 56000-56867, 59000-59300, 64001; 20 U.S.C. §§ 1400, 4600, 6601, 6801, 7101, 7201, 7301 et. seq.; Health & Saf. Code, §§ 1596.792, 1596.7925, 104420)

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 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 California Code of Regulations, title 5, section 4621 and prepare a written decision. The time period may be extended by mutual written agreement of the parties.

- f. Williams Complaints: Complaints, including anonymous complaints, may be made and addressed on a shortened time line for the following areas: (Ed. Code, §§ 8235.5, 35186)
 - i. Insufficient textbooks and instructional materials;
 - ii. Emergency or urgent school facilities conditions that pose a threat to the health and safety of pupils;
 - iii. Noncompliance with the requirement of Education Code section 35292.6 to stock, at all times, at least half of the restrooms in the school with feminine hygiene products and to not charge students for the use of such products;
 - iv. Teacher vacancy or misassignment.
 - v. Noncompliance of a license-exempt California State Preschool Program (CSPP) with health and safety standards specified in Health and Safety Code section 1596.7925 and related state regulations.

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.

- g. Pupil Fees Complaints: A pupil enrolled in our District shall not be required to pay a pupil fee for participation in an educational activity that constitutes an integral

fundamental part of the district's educational program, including curricular and extracurricular activities. (Ed. Code, § 49010 et. seq.)

A pupil fee includes, but is not limited to, all of the following: a fee charged to a pupil as a condition for registering for school or classes, as a condition for participation in a class or an extracurricular activity, as a security deposit to obtain materials or equipment, or a purchase that a pupil is required to make to obtain materials or equipment for an educational activity.

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. A complainant not satisfied with the decision of the school may appeal the decision to the California Department of Education.

- h. Foster, homeless, former juvenile court pupils and pupils in military families: the District will post a standardized notice of the educational rights of pupils in foster care, pupils who are homeless, former juvenile court pupils now enrolled in a school district, and pupils in military families as specified in Education Code sections 48645.7, 48853, 48853.5, 49069.5, 51225.1, and 51225.2. This notice shall include complaint process information, as applicable.

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

Chief Human Resources Officer
San Joaquin County Office of Education
P.O. Box 213030
Stockton, CA 95213-9030
(209) 468-4820

Complaints Made Directly to the State Superintendent:

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

- i. Complaints alleging that the District failed to comply with the complaint procedures described herein, including failure or refusal to cooperate with the investigation.
- j. Complaints regarding Child Development and Child Nutrition programs not administered by the District.
- k. 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.
- l. Complaints alleging that the District failed or refused to implement a final decision

regarding a complaint originally filed with the District.

- m. Complaints alleging that the District took no action within sixty (60) days regarding a complaint originally filed with the District.
- n. 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.

Appeals:

- o. 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, §§ 4622, 4632)
 - i. Appeals must be filed within fifteen (15) days of receiving the District decision.
 - ii. Appeals must be in writing.
 - iii. Appeals must specify the reason(s) for appealing the District decision, including whether the facts are incorrect and/or the law has been misapplied.
 - iv. Appeals must include a copy of the original complaint and a copy of the District decision.
 - v. 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.
 - vi. If the school/District finds merit in a complaint, or the California Department of Education finds merit in an appeal, the school/District will 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.
- p. 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)
 - i. Reconsideration must be requested within thirty-five (35) days of receiving the Department of Education report.
 - ii. 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 given during student enrollment. 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 review upon request. Copies are available upon request for a reasonable fee not to exceed the actual copying cost. (Ed. Code, § 49091.14)
31. **Transitional Kindergarten:** The District may admit a child, who will have his/her fifth birthday between September 2 and April 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. **Pupil 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))
33. **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)
34. **Asbestos Management Plan:** The current management plan for asbestos-containing material in school buildings is available at the District Office. (40 C.F.R. § 763.93)
35. **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(j) and 52242)

36. **Every Student Succeeds Act (ESSA):** The Every Student Succeeds Act (ESSA) took full effect in 2018 to replace the No Child Left Behind Act in modifying the Elementary and Secondary Education Act of 1965 (ESEA). If updates are provided by the California Department of Education, the following notice may change and new 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 major or field of discipline for any degrees or certifications held by the teacher, and whether any instructional aides or paraprofessionals provide services to the parents’ child and, if so, their qualifications. In addition, parents have a right to notice when the parent’s child has been taught for four or more weeks by a teacher who is not highly qualified. (ESEA § 1112(e)(1)(A) (as amended by ESSA))
- **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. (ESEA § 1112(e)(1)(B) (as amended by ESSA))
- **School Identified for School Improvement:** A local educational agency shall promptly provide notice to a parent or parents of each student enrolled in an elementary school or a secondary school identified for school improvement (school that fails for two consecutive years to make adequate yearly progress as defined in the State’s plan), for comprehensive support and improvement activities or targeted support and improvement activities. The notice will be in an understandable and uniform format, and to the extent practicable, in a language the parents can understand. The notice will include an explanation of what the identification means; how the school compares in terms of academic achievement to other elementary schools or secondary schools served by the local educational agency and the State educational agency; the reasons for the identification; an explanation of what the school identified for school improvement is doing to address the problem of low achievement; an explanation of what the local educational agency or State educational agency is doing to help the school address the achievement problem; an explanation of how parents can become involved in addressing the academic issues that caused the school to be identified for school improvement; and an explanation of the parents’ option to transfer their child to another public school (with transportation provided by the agency when required or to obtain supplemental educational services for the child). (ESEA § 1116(b)(6) (as amended by ESSA))
- **Parent and Family Engagement:** ESSA requires the District to notify parents of a written parent and family engagement policy. (ESEA § 1116) (as amended by ESSA) (20 U.S.C. § 6318(b)). The policy must include how each school will:

convene an annual meeting to which all parents of participating students shall be invited and encouraged to attend, to inform parents of the requirements of this policy and the right of parents to be involved; offer a flexible number of meetings; involve parents in an organized and timely manner in the review and development of programs under this part including development of the parent and family engagement policy; provide parents timely notice about programs under this part, a description of the curriculum in use at the school, the forms of academic achievement, and if requested by parents, opportunities for regular meetings to formulate suggestions and participate in decisions related to the education of their children; allow parents to submit comments on the plan when the school makes it public; jointly develop a compact with parents describing the school's responsibility to provide high-quality curriculum in a supportive and effective learning environment and addresses the importance of communication between parents and teachers; provide assistance to parents of children served by the school in understanding academic standards, assessments, and the requirements of this part; provide materials and training to help parents work with their children to improve their children's achievement; educate teachers on the importance of parent outreach and communication; coordinate parent involvement in school programs; provide information related to school and parent programs in a format and language the parents can understand; adopt and implement model approaches to improving parental involvement; and provide other reasonable support for parental involvement activities as parents may request. This policy shall be provided in a format and, to the extent practicable, in a language that parents will understand.

Limited English Proficient Students: ESSA 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 (including content, instructional goals, and the use of English and native language); 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, declining initial enrollment and/or choosing another program. (ESEA § 1112(e)(3)(A) (as amended by ESSA)) In addition, the notice shall include the following: (1) whether the student is a long-term English learner or at risk of becoming a long-term English learner; (2) the manner in which the program will meet the needs of long-term English learners or those at risk of becoming long-term English learners; and (3) the manner in which the program will help long-term English learners or those at risk of becoming long-term English learners develop English proficiency and meet age-appropriate academic standards (Ed. Code, §§ 313.2, 440; 20 U.S.C. § 6312))

37. **Language Acquisition Program:** If the District implements a language acquisition program pursuant to Education Code section 310, it will: 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 District, including, but not limited to, a description of each program, the process to be followed in making a program selection, identification of any language to be taught in addition to English when the program includes instruction in another language, and the process to request establishment of a language acquisition program. (Ed. Code, § 310; Cal. Code Regs., tit. 5, §§ 11309, 11310)

38. **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:

Student Services Director
San Joaquin County Office of Education
P.O. Box 213030
Stockton, CA 95213-9030
209-468-4847

39. **Children In Homeless/Foster Care Situations, Former Juvenile Court School Students, Migrant Students, and Newcomers:** 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).) The District's liaison is the Foster and Homeless Youth Services Director and can be contacted at 209-468-9079.

A homeless child will be allowed to continue his/her education in their 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 will 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 will 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 will 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 will be 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 academic records, medical records, proof of immunization history, proof of residency, other documentation, or school uniforms. (Ed. Code, § 48852.7)

The District has designated the Foster and Homeless Youth Services Director as the

educational liaison for foster children and can be contacted at 209-468-9079. 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)

A foster child shall be allowed 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 due to the school last attended or if the child is unable to produce clothing or records normally required for enrollment, including academic records, medical records, immunization history, proof of residency, other documentation, or school uniforms. 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)

Upon receiving a transfer request or notification of a student in foster care, the District 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 who is in foster care, a homeless child or youth, a child of a military family, a former juvenile court school student, a migratory child, or a pupil participating in a newcomer program for recently arrived immigrant pupils and who transfers between schools under certain circumstances. (Ed. Code, §§ 51225.1, 51225.2)

The District shall accept coursework done by a student who is in foster care, a homeless child or youth, a child of a military family, a former juvenile court school student, a migratory child, or a pupil in a newcomer program while attending another school. The District will not require 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 pursuant to Title 5 of the California Code of Regulations.

The District official designated as the educational liaison for homeless and foster children is listed below at the following address:

Foster Youth & Homeless Director
San Joaquin County Office of Education
P.O. Box 213030
Stockton, CA95213-9030
209-468-4847

40. **Continued Education Options For Juvenile Court School Students:** A juvenile court school student, or the person holding the right to make educational decisions for the student,

may voluntarily defer or decline issuance of their diploma until after the student is released from the juvenile detention facility, thereby allowing the student to take additional coursework at a local education agency. The county office of education will notify the student, the person holding the right to make educational decisions for the student, and the student's social worker or probation officer of all of the following:

- a. The student's right to a diploma;
 - b. How taking coursework and meeting other educational requirements will affect the student's ability to gain admission to a post-secondary educational institution;
 - c. Information about transfer opportunities available through the California Community Colleges; and
 - d. The option to defer or decline the diploma and take additional coursework. (Ed. Code, §§ 48645.3(a), 48645.7)
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 school site or District may be provided on the school website or viewed at the school office. (Ed. Code, §§ 48980.3, 17611.5, 17612) **Refer to Appendix G**
43. **Pregnant and Parenting Pupils:** Pregnant and parenting pupils are entitled to accommodations that provide them with the opportunity to succeed academically while protecting their health and the health of their children. "Pregnant or parenting pupil" means a pupil who gives or expects to give birth or a parenting pupil who has not given birth and who identifies as the parent of the infant.

A pregnant or parenting pupil is entitled to eight weeks of parental leave. This leave may be taken before the birth of the pupil's infant if there is a medical necessity and/or after childbirth during the school year in which the birth takes place, inclusive of any mandatory summer instruction. A pregnant or parenting pupil is entitled to additional leave if deemed medically necessary by the student's physician. (Ed. Code, §§ 46015)

The person holding the student's educational rights (i.e. the pupil if over 18 or the parent if under 18) may notify the school of the student's intent to exercise this right. Leave may still be taken even if notice was not provided.

During the leave, the student's absences shall be deemed excused, and the student shall not be required to complete academic work or other school requirements.

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

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

A student who chooses not to return to the school in which he or she was enrolled before taking the leave is entitled to alternative education options offered by the local educational agency to include educational programs, activities, and courses equal to those he or she would have been in if participating in the regular education program.

A student will not incur any academic penalties as a result of using the accommodations in this section. (Ed. Code, § 46015)

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

44. **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 school day. 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 pursuant to Title 5 of the California Code of Regulations.

45. **PE Instructional Minutes:** The adopted course of study for grades 1 through 6 and instruction in grades 1 through 8 in an elementary school includes 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 pursuant to Title 5 of the California Code of Regulations.

46. **Course Assignments:** The 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 will the 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)

The 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 will the 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 school day. (Ed. Code, § 51228.2)

These sections do not apply to students in alternative schools, community day schools, continuation high schools or an opportunity school. The District may continue to authorize dual enrollment in community college, to run evening high school programs, and 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)

47. **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.

48. **Safe Storage of Firearms:** The District is required to provide parents notice of California's child access prevention laws and laws relating to the safe storage of firearms. The District has attached a memorandum describing such laws. (Ed. C, § 48986, 49392)

Firearms Safety Memorandum

To: Parents and Guardians of Students in the San Joaquin County Office of Education's County Operated Schools & Programs

From: Melanie Greene, Assistant Superintendent

Subject: California Law Regarding Safe Storage of Firearms

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

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

- With very limited exceptions, California makes a person criminally liable for keeping any firearm, loaded or unloaded, within any premises that are under their custody and control where that person knows or reasonably should know that a child is likely to gain access to the firearm without the permission of the child's parent or legal guardian, and the child obtains access to the firearm and thereby (1) causes death or injury to the child or any other person; (2) carries the firearm off the premises or to a public place, including to any preschool or school grades kindergarten through twelfth grade, or to any school-sponsored event, activity, or performance; **or** (3) unlawfully brandishes the firearm to others.¹
 - **Note:** The criminal penalty may be significantly greater if someone dies or suffers great bodily injury as a result of the child gaining access to the firearm.
- With very limited exceptions, California also makes it a crime for a person to negligently store or leave any firearm, loaded or unloaded, on their premises in a location where the person knows or reasonably should know that a child is likely to gain access to it without the permission of the child's parent or legal guardian, unless reasonable action is taken to secure the firearm against access by the child, even where a minor **never** actually accesses the firearm.²
- In addition to potential fines and terms of imprisonment, as of January 1, 2020, a gun owner found criminally liable under these California laws faces prohibitions from possessing, controlling, owning, receiving, or purchasing a firearm for 10 years.³
- Finally, a parent or guardian may also be civilly liable for damages resulting from the discharge of a firearm by that person's child or ward.⁴

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

¹ See California Penal Code sections 25100-25125 and 25200-25220.

² See California Penal Code section 25100(c).

³ See California Civil Code section 29805.

⁴ See California Civil Code section 1714.3.

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

Date published: July 1, 2023
California Department of Education

49. **Pupil Fees:** A pupil enrolled in a public school will 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:
 - i. All supplies, materials, and equipment needed to participate in educational activities must be provided to pupils free of charge.
 - ii. A fee waiver policy shall not make a pupil fee permissible.
 - iii. The Districts and its 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.
 - iv. The District and its schools 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 the District and its schools 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 District or school.
- b. Solicitation of voluntary donations of funds or property and voluntary participation in fundraising activities are not prohibited. The District and its schools, 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) **Refer to Appendix H**

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 Student Services Director 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.

In addition, the Student Aid Commission may have access to the grade point average (GPA) of all district students in grade 12 and, when required, verification of high school graduation or its equivalent of all students who graduated in the prior academic year, for use in the Cal Grant postsecondary financial aid program. However, such information shall not be submitted when a student, or his or her parent or guardian if the student is under 18 years of age, “opts out” or is permitted by the rules of the Student Aid Commission to provide test scores in lieu of his or her GPA. (Ed. Code, §§ 69432.9, 69432.92) No later than January 1 each year, the Superintendent

or designee shall notify each student in grade 11, and the student's parents/guardians if the student is under 18 years of age, that the student's GPA will be forwarded to the Student Aid Commission by October 1 unless the student opts out within a period of time specified in the notice, which shall not be less than 30 days. (Ed. Code, § 69432. 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

“KNOW YOUR EDUCATIONAL RIGHTS” IMMIGRATION ENFORCEMENT FROM THE CALIFORNIA ATTORNEY GENERAL

Your Child has the Right to a Free Public Education

- All children in the United States have a Constitutional right to equal access to free public education, regardless of immigration status and regardless of the immigration status of the students’ parents or guardians.
- In California:
 - All children have the right to a free public education.
 - All children ages 6 to 18 years must be enrolled in school.
 - All students and staff have the right to attend safe, secure, and peaceful schools.
 - All students have a right to be in a public school learning environment free from discrimination, harassment, bullying, violence, and intimidation.
 - All students have equal opportunity to participate in any program or activity offered by the school, and cannot be discriminated against based on their race, nationality, gender, religion, or immigration status, among other characteristics.

Information Required for School Enrollment

- When enrolling a child, schools must accept a variety of documents from the student’s parent or guardian to demonstrate proof of child’s age or residency.
- You never have to provide information about citizenship/immigration status to have your child enrolled in school. Also, you never have to provide a Social Security number to have your child enrolled in school.

Confidentiality of Personal Information

- Federal and state laws protect student education records and personal information. These laws generally require that schools get written consent from parents or guardians before releasing student information, unless the release of information is for educational purposes, is already public, or is in response to a court order or subpoena.
- Some schools collect and provide publicly basic student “directory information.” If they do, then each year, your child’s school district must provide parents/guardians with written

notice of the school’s directory information policy, and let you know of your option to refuse release of your child’s information in the directory.

Family Safety Plans if You Are Detained or Deported

- You have the option to provide your child’s school with emergency contact information, including the information of secondary contacts, to identify a trusted adult guardian who can care for your child in the event you are detained or deported.
- You have the option to complete a Caregiver’s Authorization Affidavit or a Petition for Appointment of Temporary Guardian of the Person, which may enable a trusted adult the authority to make educational and medical decisions for your child.

Right to File a Complaint

- Your child has the right to report a hate crime or file a complaint to the school district if he or she is discriminated against, harassed, intimidated, or bullied on the basis of his or her actual or perceived nationality, ethnicity, or immigration status.

For more information on resources for responding to immigration enforcement activities at California schools, or to file a complaint, please contact:

Bureau of Children's Justice
California Attorney General's Office
P.O. Box 944255
Sacramento, CA 94244-2550
Phone: (800) 952-5225
E-mail: BCJ@doj.ca.gov
<https://oag.ca.gov/bcj/complaint>

The Attorney General's publications can be downloaded at: <https://www.oag.ca.gov/bcj>

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 for parents of minor students to:

A. 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.

B. 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.

C. 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.

The San Joaquin County Office of Education (SJCOE) will develop and adopt 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. SJCOE will directly notify parents of these policies at least annually at the start of each school year and after any substantive changes. SJCOE 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. SJCOE 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:

1. Collection, disclosure, or use of personal information for marketing, sales or other distribution.
2. Administration of any unprotected information survey not funded in whole or in part by the Department of Education.
3. 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

College Admission Requirements and Higher Education Information

Each school year, a school district shall provide the parent of students in grades 9 through 12 with a written explanation of the requirements for admission to the California State University (“CSU”) and the University of California (“UC”) systems. (Ed. Code, § 51229)

To qualify for admission to the UC or CSU systems, high school students must meet the “Subject Requirements,” otherwise known as the “a-g” requirements. To learn more about college admission requirements, please visit the UC (www.universityofcalifornia.edu) or CSU (www.calstate.edu) websites or your student’s counseling office.

Career Technical Education (CTE): CTE may be offered by the District as career and workforce preparation for high school students, preparation for advanced training, and the upgrading of existing skills. CTE provides high school students who are 16 years of age or older with valuable career and technical education so students can: (1) enter the workforce with skills and competencies to be successful; (2) pursue advanced training in postsecondary educational institutions; or (3) upgrade existing skills and knowledge. A CTE course may also satisfy a graduation requirement and a subject matter requirement for admission to the UC and CSU.

To learn more about CTE, please visit www.cde.ca.gov/ci/ct. To learn more about the District’s career technical education classes, please visit the District’s website at: <https://www.sjcoe.org/StudentServices/>

Students are encouraged to meet with school counselors to help them choose courses at their school that will meet college admission requirements or to enroll in career technical education courses, or both.

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:

1. A physical injury which is inflicted on a child by another person other than by accidental means.
2. The sexual abuse, assault, or exploitation of a child, such as:
 - a. 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;
 - b. The willful infliction upon a child of any cruel or inhumane corporal punishment or any injury resulting in a traumatic condition; or
 - c. 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:

1. A mutual fight between minors;
2. 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
3. An injury caused by any force that is reasonable and necessary for a person employed by or engaged in a school:
 - a. To stop a disturbance threatening physical injury to people or damage to property;
 - b. For purposes of self-defense;
 - c. To obtain possession of weapons or other dangerous objects within control of a pupil; or
 - d. 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:

1. A Police or Sheriff's Department (not including a school district police department or school security department)
2. A County Probation Department if designated by the county to receive child abuse reports, or
3. 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.

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.

Choosing a Language Acquisition Program

Parents or guardians may choose a language acquisition program that best suits their child (EC Section 310). Language acquisition programs are educational programs designed to ensure English acquisition occurs as rapidly and effectively as possible. They provide instruction to English learners based on the state-adopted academic content standards, including English language development (ELD) standards (20 U.S.C. Section 6312[e][3][A][iii],[v]); EC Section 306[c]).

Language Acquisition Programs Offered

We are required to offer, at a minimum, a **Structured English Immersion (SEI)** program option (EC Section 305[a][2]).

Structured English Immersion Program: A language acquisition program for English learners in which nearly all classroom instruction is provided in English, but with curriculum and a presentation designed for students who are learning English. At minimum, students are offered Designated ELD and provided access to grade level academic subject matter content with Integrated ELD.

Parents or guardians may choose a language acquisition program that best suits their child. Schools in which the parents or guardians of 30 students or more per school or the parents or guardians of 20 students or more in any grade request a language acquisition program that is designed to provide language instruction shall be required to offer such a program to the extent possible (20 U.S.C. Section 6312[e][3][A][viii][III]); EC Section 310[a]).

Parents or guardians may provide input regarding language acquisition programs during the development of the Local Control and Accountability Plan (EC Section 52062). If interested in a different program from those listed above, please contact Brandy Thurman (209) 468-5916 to ask about the process.

About Language Acquisition Programs and Language Programs

Program Type	Characteristics
Language Acquisition Program (English Learners)	<p>The California Code of Regulations section 11309 requires that any language acquisition program provided by a school, district, or county shall:</p> <ul style="list-style-type: none">• Be designed using evidence-based research and included both Designated and Integrated English Language Development;• Be allocated sufficient resources by the local educational agency (LEA) to be effectively implemented, including, but not limited to, certificated teachers with the appropriate authorizations, necessary instructional materials, pertinent professional development for the proposed program, and opportunities for parent and community engagement to support the proposed program goals; and• Within a reasonable period of time, lead to:• Grade-level proficiency in English, and, when the program model includes instruction in another language, proficiency in that other language; and• Achievement of the state-adopted academic content standards in English, and, when the program model includes instruction in another language, achievement of the state-adopted academic content standards in the other language.
Language Program (non-English Learners)	<ul style="list-style-type: none">• Language programs offer students who are not English learners opportunities to be instructed in languages other than English• May lead to proficiency in language other than English

Student Code of Conduct

Dear Parent/Legal Guardian/Caregiver/Adult Student:

San Joaquin County Building Futures Academy (SJBFA) administration, teachers, and staff strive to create positive educational settings that are safe and productive for all students. Students in **SJBFA** are expected to adhere to a strict code of conduct while at school or any school sponsored event. Students are expected to follow all program and school rules at all times and **RESPECT THEMSELVES, OTHERS, AND THEIR PROPERTY**. Therefore, students should be aware of possible consequences for negative or inappropriate behavior. Disciplinary action taken by school officials is a direct consequence of unacceptable behavior by a student. The Superintendent has established policies and standards of behavior in order to promote learning and protect the safety and well-being of all students. When these policies and standards are violated, it may be necessary to suspend or expel a student from regular classroom instruction.

Every pupil shall attend school punctually and regularly; conform to the regulations of the school; obey promptly all the directions of his/her teacher and others in authority; be diligent in study; respectful to his/her teacher and others in authority; kind and courteous to classmates; and refrain entirely from the use of profane, vulgar, or abusive language. (CCR, Title 5, sec. 300).

Students 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 communication 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 non-school hours.

Field trips, Quests, and school-sponsored events are considered to be part of the educational program. Participants/spectators carry responsibilities as representatives of their schools. All rules of the Student Conduct Code apply.

It is noted by your signature/initials in the Acknowledgement of Receipt of Student Handbook and Annual Parent Notice of Rights and Responsibilities that you, as a parent/legal guardian/caregiver/adult student, have read and understand the Student Code of Conduct.

SJBFA is a **permissive program**. This means there is no legal requirement to enroll a student or to continue the enrollment of any student who:

- violates the rules stated in the Student Conduct Code,
- fails to achieve/meet minimum program expectations,
- otherwise presents himself/herself as a negative influence upon the program's other students or staff.

A STUDENT SHALL BE SUBJECT TO DISMISSAL IF ANY OF THESE SITUATIONS ARE EVIDENT.

SUSPENSION AND EXPULSION

GENERAL INFORMATION

A pupil shall not be suspended or expelled for any of the acts listed in Education Code 48900/48915 unless the act is related to a school activity or school attendance occurring within a school under the jurisdiction of the superintendent of the school district or principal or occurring within any other school district. A pupil may be suspended or expelled for acts that are listed in E.C.48900/48915 and related to a school activity or school attendance that occur at any time, including, but not limited to, any of the following:

- while on the school grounds
- while going to or coming from school
- during the lunch period whether on or off the campus
- during, or while going to or coming from a school-sponsored activity

The Assistant Superintendent, Program Administrator, or designee may suspend a student from a school site for any of the acts listed in the following pages for not more than five consecutive school days.

- Students accumulating 20 days of in-school and/or home suspension are subject to involuntary transfer to another school.
- Students may be suspended on the first offense if it is determined that the pupil's presence causes a danger to persons or property or threatens to disrupt the instructional process.
- A student can be removed from the classroom and school site via suspension for any of the acts listed in the following pages for the day of the offense and any additional days deemed necessary by the site administrator based on the severity of the offense.
- Students may be denied the privilege of participation in all extracurricular activities during the period of the suspension or expulsion.
- Appropriate law enforcement authorities will be notified as required by law.

As defined under Education Code section 48925 (d), suspension means removal of a pupil from ongoing instruction for adjustment purposes. Disciplinary action will be taken if a student's behavior is disruptive to the instructional process or causes a danger to persons or property even though the offense is not defined in this Student Conduct Code.

Parental involvement plays an important role in the resolution of classroom/program behavior problems. Site administrator or designee will communicate with parents/guardians when behavior problems arise.

OTHER MEANS OF CORRECTION

An individual committed an offense as defined in Education Code 48900 or 48915, was not suspended or expelled, but the matter was addressed with either no disciplinary action at all or other means of correction. Other means of correction includes but is not limited to:

- A conference between school personnel, the pupil's parent or guardian, and the pupil
- Referrals to the school counselor, psychologist, social worker, child welfare attendance personnel, or other school support service personnel for case management and counseling
- Study teams, guidance teams, resource panel teams, or other intervention-related teams that assess the behavior, and develop and implement individualized plans to address the behavior in partnership with the pupil and his or her parents
- Referral for a comprehensive psychosocial or psychoeducational assessment, including for purposes of creating an individualized education program, or a [Section504] plan
- Enrollment in a program for teaching prosocial behavior or anger management
- Participation in a restorative justice program
- A positive behavior support approach with tiered interventions that occur during the school day or campus

- After-school programs that address specific behavioral issues or expose pupils to positive activities and behaviors, including, but not limited to, those operated in collaboration with local parent and community groups
- Any of the alternatives described in Section 48900.6 [relating to “community service”]

POSITIVE BEHAVIOR INTERVENTION AND SUPPORTS (PBIS) an established systems approach focuses on creating and sustaining primary (school-wide), secondary (small group), and tertiary (individual) systems of support that improve lifestyle results (i.e., personal, health, social, family, work, recreation) for students and families. PBIS models integrate the following elements to address the needs of all students: decisions about the behavioral needs of students in the educational setting must be data-driven; all skill-building and professional development activities must be evidence-based; chosen strategies must be supported with structural supports and resources; and training, coaching, and evaluation should incorporate cultural and contextual lenses to maximize student outcomes.

RESTORATIVE PRACTICES (RP) is a preventive, early response, disciplinary model intended to improve relationships among stakeholders, while minimizing punitive disciplinary measures that result in chronic absenteeism, and high suspension and expulsion rates. The majority of researchⁱ finds that a whole-school approach offers the most promising evidence of success by establishing common values and norms, promoting a sense of belonging to the school community, and building trusting relationships—leaving fewer students in crisis and reducing the need for punitive discipline by dealing with behavioral and inter-personal issues quickly and deeplyⁱⁱ. In addition, a 2012 report from the U.S. Attorney General’s office states that restorative practices are especially helpful for children and youth who engage in and are harmed by bullying.

PARENT AND FAMILY ENGAGEMENT

Mission: We will enhance the overall success of students, families, schools and the community, by providing families the opportunity to take part in their student’s education.

Vision: Our goal is to create a sustainable culture of positive relationships between home, school and the community. We will provide an environment where families are valued and all students learn to their fullest potential.

“The San Joaquin County Office of Education, County Operated Schools and Programs, holds true to the belief that a child’s education is a shared duty between parents, families, teachers, administrators, support staff and the community at large. Our promise is that by providing activities and programs that reflect our commitment to the overall success of our families, together, we will enhance our children’s academic success.”

Parents and caregivers have the opportunity to participate in the Parent Project[®] parenting course throughout the year. This award winning course is designed to empower parents and help them change destructive adolescent behaviors. Parents will gain positive parenting skills that will increase their child’s attendance, grades and prosocial behavior. The course is offered throughout the school year. For additional information on this course, please reach out to the Family Engagement Specialist.



ⁱ Passarella, A. (2017). Restorative Practices in Schools: Prepared by the Open Society Institute Baltimore. Johns Hopkins School of Education Institute for Educational Policy. Retrieved from <http://www.attendanceworks.org>

ⁱⁱ Fronius, T., Persson, H., Guckenburg, S., Hurley, N., & Petrosino, A. (2016). Restorative Justice in U.S. Schools: A Research Review. San Francisco, CA: WestEd.

GROUND FORS SUSPENSION/EXPULSION E.C. 48900

- (a) (1) Caused, attempted to cause, or threatened to cause physical injury to another person.
(2) Willfully used force or violence upon the person of another, except in self-defense.
- (b) Possessed, sold, or otherwise furnished a firearm, knife, explosive, or other dangerous object, unless, in the case of possession of an object of this type, the pupil had obtained written permission to possess the item from a certificated school employee, which is concurred in by the principal or the designee of the principal.
- (c) Unlawfully possessed, used, sold, or otherwise furnished, or been under the influence of, a controlled substance listed in Chapter 2 (commencing with Section 11053) of Division 10 of the Health and Safety Code, an alcoholic beverage, or an intoxicant of any kind.
- (d) Unlawfully offered, arranged, or negotiated to sell a controlled substance listed in Chapter 2 (commencing with Section 11053) of Division 10 of the Health and Safety Code, an alcoholic beverage, or an intoxicant of any kind, and either sold, delivered, or otherwise furnished to a person another liquid, substance, or material and represented the liquid, substance, or material as a controlled substance, alcoholic beverage, or intoxicant.
- (e) Committed or attempted to commit robbery or extortion.
- (f) Caused or attempted to cause damage to school property or private property.
- (g) Stole or attempted to steal school property or private property.
- (h) Possessed or used tobacco, or products containing tobacco or nicotine products, including, but not limited to, cigarettes, cigars, miniature cigars, clove cigarettes, smokeless tobacco, snuff, chew packets, and betel. However, this section does not prohibit use or possession by a pupil of his or her own prescription products.
- (i) Committed an obscene act or engaged in habitual profanity or vulgarity.
- (j) Unlawfully possessed or unlawfully offered, arranged, or negotiated to sell drug paraphernalia, as defined in Section 11014.5 of the Health and Safety Code.
- (k) (1) Disrupted school activities or otherwise willfully defied the valid authority of supervisors, teachers, administrators, school officials, or other school personnel engaged in the performance of their duties.
(2) Except as provided in Section 48910, a pupil enrolled in kindergarten or any of grades 1 to 3 inclusive, shall not be suspended for any of the acts enumerated in this subdivision, and this subdivision shall not constitute grounds for a pupil enrolled in kindergarten or any of grades 1 to 12, inclusive, to be recommended for expulsion. This paragraph shall become inoperative on July 1, 2018, unless a later enacted statute that becomes operative before July 1, 2018, deletes or extends that date.
- (l) Knowingly received stolen school property or private property.
- (m) Possessed an imitation firearm. As used in this section, "imitation firearm" means a replica of a firearm that is so substantially similar in physical properties to an existing firearm as to lead a reasonable person to conclude that the replica is a firearm.
- (n) Committed or attempted to commit a sexual assault as defined in Section 261, 266c, 286, 288, 288a, or 289 of the Penal Code or committed a sexual battery as defined in Section 243.4 of the Penal Code.
- (o) Harassed, threatened, or intimidated a pupil who is a complaining witness or a witness in a school disciplinary proceeding for purposes of either preventing that pupil from being a witness or retaliating against that pupil for being a witness, or both.
- (p) Unlawfully offered, arranged to sell, negotiated to sell, or sold the prescription drug Soma.
- (q) Engaged in, or attempted to engage in, hazing. For purposes of this subdivision, "hazing" means a method of initiation or preinitiation into a pupil organization or body, whether or not the organization or body is officially recognized by an educational institution, which is likely to cause serious bodily injury or personal degradation or disgrace resulting in physical or mental harm to a former, current, or prospective pupil. For purposes of this subdivision, "hazing" does not include athletic events or school-sanctioned events.
- (r) Engaged in an act of bullying. For purposes of this subdivision, the following terms have the following meanings:

- (1) “Bullying” means any severe or pervasive physical or verbal act or conduct, including communications made in writing or by means of an electronic act, and including one or more acts committed by a pupil or group of pupils as defined in Section 48900.2, 48900.3, or 48900.4, directed toward one or more pupils that has or can be reasonably predicted to have the effect of one or more of the following:
- (A) Placing a reasonable pupil or pupils in fear of harm to that pupil’s or those pupils’ person or property.
 - (B) Causing a reasonable pupil to experience a substantially detrimental effect on his or her physical or mental health.
 - (C) Causing a reasonable pupil to experience substantial interference with his or her academic performance.
 - (D) Causing a reasonable pupil to experience substantial interference with his or her ability to participate in or benefit from the services, activities, or privileges provided by a school. Refer to **Appendix I**
- (2) (A) “Electronic act” means the creation and transmission originated on or off the school site, by means of an electronic device, including, but not limited to, a telephone, wireless telephone, or other wireless communication device, computer, or pager, of a communication, including, but not limited to, any of the following:
- (i) A message, text, sound, or image.
 - (ii) A post on a social network Internet Web site, including, but not limited to:
 - (I) Posting to or creating a burn page. “Burn page” means an Internet Web site created for the purpose of having one or more of the effects listed in paragraph (1).
 - (II) Creating a credible impersonation of another actual pupil for the purpose of having one or more of the effects listed in paragraph (1). “Credible impersonation” means to knowingly and without consent impersonate a pupil for the purpose of bullying the pupil and such that another pupil would reasonably believe, or has reasonably believed, that the pupil was or is the pupil who was impersonated.
 - (III) Creating a false profile for the purpose of having one or more of the effects listed in paragraph (1). “False profile” means a profile of a fictitious pupil or a profile using the likeness or attributes of an actual pupil other than the pupil who created the false profile.
 - (B) Notwithstanding paragraph (1) and subparagraph (A), an electronic act shall not constitute pervasive conduct solely on the basis that it has been transmitted on the Internet or is currently posted on the Internet.
- (3) “Reasonable pupil” means a pupil, including, but not limited to, an exceptional needs pupil, who exercises average care, skill, and judgment in conduct for a person of his or her age, or for a person of his or her age with his or her exceptional needs.
- (s) A pupil who aids or abets, as defined in Section 31 of the Penal Code, the infliction or attempted infliction of physical injury to another person may be subject to suspension, but not expulsion, pursuant to this section, except that a pupil who has been adjudged by a juvenile court to have committed, as an aider and abettor, a crime of physical violence in which the victim suffered great bodily injury or serious bodily injury shall be subject to discipline pursuant to subdivision (a).
 - (t) As used in this section, “school property” includes, but is not limited to, electronic files and databases.
 - (u) For a pupil subject to discipline under this section, a superintendent of the school district or principal may use his or her discretion to provide alternatives to suspension or expulsion that are age appropriate and designed to address and correct the pupil’s specific misbehavior as specified in Section 48900.5.
 - (v) It is the intent of the Legislature that alternatives to suspension or expulsion be imposed against a pupil who is truant, tardy, or otherwise absent from school activities.

(Amended by Stats. 2016, Ch. 419, Sec. 2.5. Effective January 1, 2017.)

48900.3. In addition to the reasons set forth in Sections 48900 and 48900.2, a pupil in any of grades 4 to 12, inclusive, may be suspended from school or recommended for expulsion if the superintendent or the principal of the school in which the pupil is enrolled determines that the pupil has caused, attempted to cause, threatened to cause, or participated in an act of, hate violence, as defined in subdivision (e) of Section 233.
(Amended by Stats. 1999, Ch. 646, Sec. 25. Effective January 1, 2000.)

48900.4. In addition to the grounds specified in Sections 48900 and 48900.2, a pupil enrolled in any of grades 4 to 12, inclusive, may be suspended from school or recommended for expulsion if the superintendent or the principal of the school in which the pupil is enrolled determines that the pupil has intentionally engaged in harassment, threats, or intimidation, directed against school district personnel or pupils, that is sufficiently severe or pervasive to have the actual and reasonably expected effect of materially disrupting classwork, creating substantial disorder, and invading the rights of either school personnel or pupils by creating an intimidating or hostile educational environment.
(Amended by Stats. 2002, Ch. 643, Sec. 2. Effective January 1, 2003.)

48900.7. *(a) In addition to the reasons specified in Sections 48900, 48900.2, 48900.3, and 48900.4, a pupil may be suspended from school or recommended for expulsion if the superintendent or the principal of the school in which the pupil is enrolled determines that the pupil has made terroristic threats against school officials or school property, or both.*

(b) For the purposes of this section, "terroristic threat" shall include any statement, whether written or oral, by a person who willfully threatens to commit a crime which will result in death, great bodily injury to another person, or property damage in excess of one thousand dollars (\$1,000), with the specific intent that the statement is to be taken as a threat, even if there is no intent of actually carrying it out, which, on its face and under the circumstances in which it is made, is so unequivocal, unconditional, immediate, and specific as to convey to the person threatened, a gravity of purpose and an immediate prospect of execution of the threat, and thereby causes that person reasonably to be in sustained fear for his or her own safety or for his or her immediate family's safety, or for the protection of school district property, or the personal property of the person threatened or his or her immediate family.

(Added by Stats. 1997, Ch. 405, Sec. 1. Effective January 1, 1998.)

GROUND FOR EXPULSION E.C. 48915

- (a)(1) Except as provided in subdivisions (c) and (e), the principal or the superintendent of schools shall recommend the expulsion of a pupil for any of the following acts committed at school or at a school activity off school grounds, unless the principal or superintendent determines that expulsion should not be recommended under the circumstances or that an alternative means of correction would address the conduct:
- (A) Causing serious physical injury to another person, except in self-defense.
 - (B) Possession of any knife or other dangerous object of no reasonable use to the pupil.
 - (C) Unlawful possession of any controlled substance listed in Chapter 2 (commencing with Section 11053) of Division 10 of the Health and Safety Code, except for either of the following:
 - (i) The first offense for the possession of not more than one avoirdupois ounce of marijuana, other than concentrated cannabis.
 - (ii) The possession of over-the-counter medication for use by the pupil for medical purposes or medication prescribed for the pupil by a physician.
 - (D) Robbery or extortion.
 - (E) Assault or battery, as defined in Sections 240 and 242 of the Penal Code, upon any school employee.
- (2) If the principal or the superintendent of schools makes a determination as described in paragraph (1), he or she is encouraged to do so as quickly as possible to ensure that the pupil does not lose instructional time.

- (b) Upon recommendation by the principal or the superintendent of schools, or by a hearing officer or administrative panel appointed pursuant to subdivision (d) of Section 48918, the governing board of a school district may order a pupil expelled upon finding that the pupil committed an act listed in paragraph (1) of subdivision (a) or in subdivision (a), (b), (c), (d), or (e) of Section 48900. A decision to expel a pupil for any of those acts shall be based on a finding of one or both of the following:
- (1) Other means of correction are not feasible or have repeatedly failed to bring about proper conduct.
 - (2) Due to the nature of the act, the presence of the pupil causes a continuing danger to the physical safety of the pupil or others.
- (c) The principal or superintendent of schools shall immediately suspend, pursuant to Section 48911, and shall recommend expulsion of a pupil that he or she determines has committed any of the following acts at school or at a school activity off school grounds:
- (1) Possessing, selling, or otherwise furnishing a firearm. This subdivision does not apply to an act of possessing a firearm if the pupil had obtained prior written permission to possess the firearm from a certificated school employee, which is concurred in by the principal or the designee of the principal. This subdivision applies to an act of possessing a firearm only if the possession is verified by an employee of a school district. The act of possessing an imitation firearm, as defined in subdivision (m) of Section 48900, is not an offense for which suspension or expulsion is mandatory pursuant to this subdivision and subdivision (d), but it is an offense for which suspension, or expulsion pursuant to subdivision (e), may be imposed.
 - (2) Brandishing a knife at another person.
 - (3) Unlawfully selling a controlled substance listed in Chapter 2 (commencing with Section 11053) of Division 10 of the Health and Safety Code.
 - (4) Committing or attempting to commit a sexual assault as defined in subdivision (n) of Section 48900 or committing a sexual battery as defined in subdivision (n) of Section 48900.
 - (5) Possession of an explosive.
- (d) As used in this section, “knife” means any dirk, dagger, or other weapon with a fixed, sharpened blade fitted primarily for stabbing, a weapon with a blade fitted primarily for stabbing, a weapon with a blade longer than 3 1/2 inches, a folding knife with a blade that locks into place, or a razor with an unguarded blade.
- (e) As used in this section, the term “explosive” means “destructive device” as described in Section 921 of Title 18 of the United States Code.

(Amended by Stats. 2012, Ch. 431, Sec. 3. Effective January 1, 2013.)

DISRUPTED OR WILLFULLY DEFYING VALID AUTHORITY 48900 (k)

Disruption or willfully defying valid authority of supervisors, teachers, administrators, school officials, or other school personnel engaged in the performance of their duties may include:

- leaving campus without permission
- failing to identify oneself
- forging, falsifying, altering or using forged school correspondence
- gambling and wagering
- loitering on or about any school campus
- unauthorized use of cellular telephone or any other electronic device, including taking pictures
- or other reasons a school administrator identifies as disruptive

PROHIBITION AGAINST TOBACCO USE E.C 48900 (h)

Students shall not possess, smoke, chew or use tobacco or any product containing tobacco or nicotine while on campus, while attending school-sponsored activities, or while under the supervision and control of San Joaquin Building Futures Academy (SJBFA) employees. Prohibited products include, but are not limited to, cigarettes, cigars, miniature cigars, clove cigarettes, smokeless tobacco, snuff, chew packets, and betel.

Students' possession or use of nicotine delivery devices, such as electronic cigarettes, electronic hookahs, and other vapor emitting devices, with or without nicotine content, that mimic the use of tobacco products any time is also prohibited. These prohibitions do not apply to a student's possession or use of his/her own prescription products, or other FDA-approved cessation aids such as nicotine patches or nicotine gum. Refer to **Appendix J**

DRESS CODE/ACCESSORIES

Inappropriate/Not Acceptable:

- Any **Red or Blue** clothing including shoes
- **Sagging**
- Items promoting violence, alcohol, drugs, weapons, gangs
- Other clothing deemed inappropriate/Unsafe by Staff

CELLULAR TELEPHONES OR USE OF ANY OTHER ELECTRONIC SIGNALING DEVICE

The San Joaquin Building Futures Academy (SJBFA) allows students to possess and use electronic signaling and communication devices while on campus before school and after school. The student is responsible for the well-being of the electronic device they bring to school. SJBFA is not responsible for any device that is lost, stolen or damaged at the school site. All electronic signaling and communication devices will be in the off mode and out of sight throughout instructional time, school activities and the nutrition period. Except with prior consent for health reasons, students shall not use during school hours personal electronic signaling devices including, but not limited to pagers; cellular/digital telephones for voice usage, digital imaging, or text messaging or other mobile communications devices. E.C. 48901.5

PARENT LIABILITY

The parent/legal guardian/caregiver of any minor whose willful misconduct results in injury or death to any pupil or any person employed by, or performing volunteer services for, a school district or private school or who willfully cuts, defaces, or otherwise injures in any way any property, real or personal, belonging to a school district or private school, or personal property of any school employee, shall be liable for all damages so caused by the minor.

Any school district or private school whose real or personal property has been willfully cut, defaced, or otherwise injured, or whose property is loaned to a pupil and willfully not returned upon demand of an employee of SJBFA authorized to make the demand may, after affording the pupil his or her due process rights, withhold the grades, diploma, and transcripts of the pupil responsible for the damage until the pupil or the pupil's parent/legal guardian/caregiver has paid for the damages.

SJBFA shall notify the parent/legal guardian/caregiver of the pupil in writing of the pupil's alleged misconduct before withholding the pupil's grades, diploma, or transcripts pursuant to this subdivision. When the minor and parent are unable to pay for the damages, or to return the property, the school district or private school shall provide a program of voluntary work for the minor in lieu of the payment of monetary damages. Upon completion of the voluntary work, the grades, diploma, and transcripts of the pupil shall be released. (E. C. 48904)

DURING SUSPENSION

- 1) The student is expected to be under the supervision of a parent/legal guardian/caregiver during school hours when serving suspension days at home (7:30 am - 2:30 pm). The student shall not appear on or

- about any school during the period of suspension unless coming to the office on official business with the parent/legal guardian/caregiver and by prior arrangement with a school administrator.
- 2) Student is not to attend any school-sponsored event on or off any school campus during suspension. This is extended to include weekend and holiday activities, and would include, but not be limited to, field trips, athletic events, theater events, proms, dances, and band events.
 - 3) If a student's suspension enters into an off session period, the consequences and restitution will be determined by an administrator.
 - 4) Violation of suspension rules may result in a minimum consequence of a warning and a maximum consequence of a referral to the appropriate law enforcement agency.
 - 5) The teacher may require the suspended student to complete any assignments and tests missed during the suspension.
 - 6) Instead of disciplinary action prescribed by this article, the Superintendent, Program Administrator or designee, may require a pupil to perform community service on school grounds during non-school hours. For the purposes of this section "community service" may include, but is not limited to, work performed on school grounds in the areas of outdoor beautification, campus betterment, and teacher or peer assistance programs. Any student that gets removed from SJBFA for disciplinary reasons will have an intervention/rehabilitation plan that must be fulfilled upon re-enrollment. Any intervention/rehabilitation plan could include but is not limited to the following:

RE-ADMITTANCE POLICY FOLLOWING DISCIPLINARY ACTION

Any student that get removed from SJBFA for disciplinary reasons will have an intervention/rehabilitation plan that must be fulfilled upon re-enrollment. Any intervention/rehabilitation plan could include but in not limited to the following:

- formal counseling sessions
- proof of enrollment into an academic/career skills program with attendance credit
- letter of re-admittance into San Joaquin Building Futures Academy, which addresses the disciplinary issue
- community service hours
- proof of employment for three consecutive months

Refer to http://www.sjcoe.org/COSP/Expulsion_Appeals.aspx for complete school policy including suspension and expulsion procedures as well as due process. Students and parents/legal guardians/caregivers have a right to appeal disciplinary action taken against a student. A meeting must be requested with the administrator/designee prior to any further appeal (E.C. 48914).

Confiscated materials will be returned to the parent/legal guardian/caregiver/adult student upon request. Confiscated materials may not be returned to students.

All students are responsible for all sections of the Student Conduct Code as stated. If you have questions or concerns about any of the information, or if you disagree with any student conduct code section, please telephone SJBFA at 468-8140.

STUDENT SUCCESS TEAM (SST)

SST meetings are held for students and attended by parents/legal guardians/caregivers, teachers, counselors, site administrator, and other school personnel, for the purpose of creating the best educational behavioral plan for the student. This process of intervention focuses on an individual student's academic and behavioral progress through communication among all parties.

STUDENT INTERNET ACCEPTABLE USE

Refer to **Appendix L**

Career Technical Education

Welcome to the San Joaquin County Office of Education Career Technical Education (CTE). Our mission is to provide quality career development and workforce preparation to ensure student success and employability.

We want you to be successful in this program. Should you have any questions or concerns, please contact the CTE office at 468-9105.

WHAT IS CAREER TECHNICAL EDUCATION?

Career Technical Education (CTE) provides opportunities for students to gain the academic and technical skills, coupled with knowledge and necessary training to succeed in future careers and to be lifelong learners. CTE is a multiyear sequence of courses that integrates hands-on learning with occupational knowledge to provide a seamless pathway to postsecondary education and careers. SJCOE offers high quality courses, taught by experienced instructors, that provide industry certifications and potential internships for students.

CTE SCHOOLWIDE LEARNER OUTCOMES

- Students will understand how personal skill development affects their employability.
- Students will understand key concepts in group dynamics, conflict resolution, and negotiation.
- Students will exhibit critical thinking skills, logical reasoning, and problem solving.
- Students will understand the principles of effective communication.
- Students will understand occupational safety issues including the avoidance of physical hazards in the work environment.
- Students will understand career paths and strategies for obtaining employment within their chosen fields.
- Students will understand all aspects of the industry including management and finance, required technical and production skills; underlying principles of technology, labor, community, health, and environmental issues.

ACADEMIC GROWTH

To successfully master the course curriculum, students must: Be prepared for class with appropriate materials, participate in class activities, follow classroom procedures and complete assignments

ATTENDANCE

Daily attendance and promptness are absolutely essential at CTE to maintain enrollment and develop work habits that lead to successful employment. All students are to be in class each day and on time. It is the student's responsibility to notify their instructor before class begins if they will be absent.

DRESS CODE

Students are enrolled in a program that will prepare them for a future career. Appropriate attire is required for all programs. The instructor will give specific dress requirements.

CTE STUDENT TRANSPORTATION

CTE does not provide transportation. Some classes require transportation to off campus CTE classroom sites and for the purpose of a CTE internship. It is the student/parent responsibility to provide transportation. If you are a minor and will be driving to an off campus CTE classroom site or for the purpose of an CTE internship, a **Student Permission to Drive** form must be approved and on file with the CTE office. Minors are not permitted to transport other students.

INSTRUCTIONAL STAFF

Teachers are selected on the basis of business and industry experience in their field, as well as their academic education and teaching ability. They are also hired for their ability to care for and work with diverse student populations. All of our teachers have appropriate credentials as required by the California Education Code.

CURRICULUM

The San Joaquin County Office of Education Career Technical Education Program uses a curriculum that will enable the CTE teacher to provide the kind of learning experiences and opportunities for the student to achieve educational objectives. Career preparation standard integrated lessons, assignments, and projects are centered on business related themes which bring real world application to the learning experience.

State model curriculum standards for CTE for grades 7-12 integrate the state's academic content standards with industry-specific knowledge and skills in 58 career pathways organized into 15 industry sectors:



Agriculture & Natural Resources



Arts, Media & Entertainment



Building & Construction
Trades



Business & Finance



Education, Child
Development, & Family
Services



Energy, Environment, & Utilities



Fashion & Interior Design



Health Science & Medical
Technology



Hospitality, Tourism, & Recreation



Information & Communication
Technologies



Manufacturing & Product



Development Marketing, Sales &
Services



Public Services



Transportation

The state's curriculum framework for CTE provides guidance in implementing the state content standards and provides guidance for implementing assessment standards.

360 Hour Course (Block Periods ranging from 100 -120 minutes)

- 5 Credits/Quarter
- 10 Credits/Semester

Stand-Alone CTE Programs and Courses

Duration, frequency, and requirements will be provided through course syllabus at enrollment. Varies by Program

Students that Enroll late (3 weeks after start date) or leave prior to completion

- Depends on course. 15 Hours = 1 Credit

Students are encouraged to meet with school counselors to help them choose courses at their school that will meet college admission requirements or to enroll in career technical education courses, or both.

To learn more about the career technical education classes, please visit the course catalog at: <https://www.sjcoe.org/StudentServices/>

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Appendix A

COMMUNITY RELATIONS

The Superintendent is committed to providing educational programs and services which meet state mandates and which reflect the needs of local school districts, the community and the region. That commitment extends to include the responsibility for keeping the community and the public fully informed of the developments within the County Office of Education.

Characteristics of Good Community Relations

The success of community relations depends to a great extent on how well people understand the County Office goals and accomplishments. Community relations is a function that evaluates public attitudes, shapes the policies of the organization in the public interest and produces a program of action to earn community understanding and respect.

The characteristics of an effective community relations program are:

- **Careful Planning and Organization**
Each program, department, and the County Office of Education as a whole should have a community relations plan.
- **A Systematic Plan and Provisions for Continuous Information**
On-going communication is necessary to ensure the message is available to the public.
- **Two-way Communication**
The County Office of Education can identify needs, values and expectations, and then be responsive.
- **Development of Strategy**
It is not just what is said and done, but how things are handled that leaves impressions about character and competence.
- **Internal and External Involvement**
Sound community relations works from the inside out. Staff must be informed and involved in the decisions that affect them.
- **Recognition of Its Importance to Management and Management Issues**
It helps managers know when to modify programs and services and keeps them close to the clients they serve. It enables managers to spot emerging issues early and avoid or minimize problems later.
- **Personal Communication**
Non-verbal signals as well as how staff speak and dress, treat others, function in a meeting, handle news media, conduct interviews and hold day-to-day conversations have the effect of representing the County Office of Education.

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 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

Legal Reference

EDUCATION CODE

1040 et seq. Duties, powers of boards
1240 et seq. General duties (superintendent)
1260 Powers to promote advancement of education
1262 Consultative and coordinative services
32210 Willful disturbance of public school or meeting
32211 Threatened disruption or interference with classes
35160 Authority
35292 Visits to schools (board members)
44810 Willful interference with classroom conduct
44811 Disruption of class work or extracurricular activities
49334 Injurious objects - notice to law enforcement agency
51512 Prohibited use of electronic listening or recording device

PENAL CODE

242.5 Assault or battery on school property
415.5 Disturbance of peace of school;
626 Definitions (re: disruption of schools)
626.4 Notice of withdrawal or consent; report; action on report; reinstatement of consent;
hearing; unlawful entry upon campus or facility; punishment
626.6 Committing act, or entry upon campus or facility to commit act, likely to interfere with peaceful
activities
626.8 Disruptive presence at schools
626.9-626.10 Bringing or possessing firearms or weapons on school grounds
627-627.3 Access to school premises
627.4 Refusal or revocation of registration
627.5 Hearing request following denial or revocation of registration
627.6 Posted signs
627.7 Refusal to leave
653 Loitering about schools or public places

WELFARE AND INSTITUTIONS CODE

729 Battery on school grounds by a minor

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 (vii) 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

Complaint Procedure

The Superintendent believes that the quality of the educational program can improve when San Joaquin County Office of Education (SJCOE) listens to complaints, considers differences of opinion, and resolves disagreements through an established, objective process.

The Superintendent encourages complainants to resolve problems early and informally whenever possible. If a problem remains unresolved, the individual should submit a formal complaint as early as possible in accordance with appropriate SJCOE procedures. SJCOE procedures shall be readily accessible to the public.

- cf:* 1312.1 Complaints Concerning Personnel or Programs
- 1312.2 Complaints Concerning Instructional Materials
- 1312.3 Uniform Complaint Procedures
- 1312.4 Williams Uniform Complaint Procedures
- 3320 Claims and Actions Against the County Office of Education

Legal Reference:

GOVERNMENT CODE

- 950 et seq. Actions against public employees
- 54957-54957.8 Closed sessions

CODE OF REGULATIONS. TITLE 5

- a) Application of section 4600-4671

4600-4671 Uniform complaint procedures

COMMUNITY RELATIONS

Complaints Concerning Personnel

The Superintendent places trust in San Joaquin County Office of Education (SJCOE) employees and intends to support employee actions in such a manner that they are freed from unwarranted, spiteful, or negative criticism and complaints.

The Superintendent directs that procedures be developed which permit the public to lodge complaints against employees and assure a thorough review while protecting the rights of SJCOE and its employees. All complaints are to be resolved expeditiously without disrupting the educational process.

Complaints made against a SJCOE employee will be referred to the Director of Human Resources for consideration and action according to established procedures. Complaints made against a SJCOE employee that allege discrimination, harassment, intimidation, bullying, or related retaliation, and/or that allege SJCOE has violated federal or state laws or regulations governing education programs will be processed under 1312.3 – Uniform Complaint Procedure or 5145.7 – Sexual Harassment or AR 4031 – Complaints Concerning Discrimination in Employment.

When complaints involve accusations of child abuse, the provisions of this policy and regulation shall be implemented only after the child-abuse reporting requirements specified in law and SJCOE policy have been completed.

Retaliation against complainants is prohibited. The Director of Human Resources may keep a complainant’s identity confidential, except to the extent necessary to investigate the complaint. SJCOE will not investigate anonymous complaints unless it so desires.

- cf:* 1312.2 Complaints Concerning Instructional Materials
1312.3 Uniform Complaint Procedures
4031 Complaints Concerning Discrimination in Employment
5145.3 Nondiscrimination/Harassment
5145.7 Sexual Harassment

Legal Reference:

EDUCATION CODE

- 33308.1 Guidelines on procedure for filing child abuse complaints
35146 Closed sessions
44031 Personnel file contents and inspection
44811 Disruption of public school activities

44932-44949 Resignation, dismissal and leaves of absence (rights of employee; procedures to follow)
48987 Child abuse guidelines

GOVERNMENT CODE

54957 Closed session; complaints re employees
54957.6 Closed session; salaries or fringe benefits

PENAL CODE

273 Cruelty or unjustifiable punishment of child
11164-11174.3 Child Abuse and Neglect Reporting Act

WELFARE AND INSTITUTIONS CODE

300 Minors subject to jurisdiction of juvenile court

(10/96)

COMMUNITY RELATIONS**Complaints Concerning Personnel**

The Director of Human Resources shall determine whether a complaint should be considered a complaint against the San Joaquin County Office of Education (SJCOE) and/or an individual employee and whether it should be resolved by the process for complaints concerning personnel and/or other SJCOE procedures. Complaints against SJCOE and/or an individual employee that allege discrimination, harassment, intimidation, bullying, or retaliation, and/or which allege that SJCOE has violated federal or state laws or regulations governing education programs will not be processed under this procedure. Such complaints will be processed under the 1312.3 – Uniform Complaint Procedure or 5145.7 – Sexual Harassment or AR 4031 – Complaints Concerning Discrimination in Employment.

In order to promote fair and constructive communication, the following procedures shall govern the resolution of complaints. Every effort should be made to resolve a complaint at the earliest possible stage.

1. Complaints concerning SJCOE personnel should be made directly by the complainant to the person against whom the complaint is lodged. If the complainant is uncomfortable doing so the complaint should be made directly to the Director of Human Resources. Parents/guardians/citizens are encouraged to communicate directly with the staff member in order to resolve concerns.
2. If the complaint is not resolved informally, the complainant may submit a written complaint to the Director of Human Resources. Complaints related to the Director of Human Resources shall be initially filed in writing with the Superintendent. Complaints related to the Superintendent shall be initially filed in writing with the San Joaquin County Board of Education.

A form (E 1312.1) will be provided for the complainant's convenience. If the complainant is unable to prepare the complaint in writing, staff shall help him/her do so.

3. When a written complaint is received, the employee against whom the complaint is made shall be notified within five calendar days or in accordance with collective bargaining agreements.
4. A written complaint must include:
 - a. The name of each employee involved.
 - b. A brief, but specific, summary of the complaint and the facts surrounding it.
 - c. A specific description of any prior attempt to discuss the complaint with the employee and the failure to resolve the matter.
5. The Director of Human Resources may designate an individual to investigate a complaint who will attempt to resolve the complaint to the satisfaction of the person(s) involved within 30 days, unless the complainant agrees in writing to an extension of time. If the complaint is resolved, the designated investigator will so advise all concerned parties, including the Director of Human Resources.

6. Parties should consider and accept the designated investigator's decision as final. However, the complainant, the employee complained against, or the investigator may ask to address the Director of Human Resources regarding the complaint.
7. If the Director of Human Resources cannot resolve the complaint, it may be heard by the Superintendent. No party to a complaint may address the Superintendent unless the Superintendent has received the written report concerning the complaint from the Director of Human Resources. The report shall contain, but is not limited to:
 - a. The name of each employee involved.
 - b. A brief but specific summary of the complaint and the facts surrounding it, sufficient enough to inform the Superintendent and the parties as to the precise nature of the complaint, and to allow the parties to prepare a response.
 - c. A copy of the signed original complaint.
 - d. A summary of the action taken by the Director of Human Resources with his/her specific finding that disposition of the case at that level has not been possible and the reasons why.

Refusal 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.

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 decision of the Superintendent shall be final as to remedies provided by SJCOE.

NOTIFICATIONS

The Director of Human Resources shall meet the notification requirements of the Code of Regulations, Title 5, Section 4622, including the annual dissemination of SJCOE complaint procedures and information about available appeals, civil law remedies, and conditions under which a complaint may be taken directly to the California Department of Education.

The Director of Human Resources shall ensure that complainants understand that they may pursue other remedies, including actions before civil court or other public agencies. Remedies may include court orders, preliminary injunctions, and/or restraining orders.

The above notification shall state that complainants may seek help from agencies such as legal assistance agencies, local mediation centers, or from private attorneys.

cf: 1312.3 Uniform Complaint Procedures
4031 Complaints Concerning Discrimination in Employment
4144 Grievances
5145.3 Nondiscrimination/Harassment
5145.7 Sexual Harassment

DEPARTMENTS OF FAIR EMPLOYMENT AND HOUSING

Santa Ana DFEH

28 Civic Center Plaza, Suite 538
Santa Ana, CA 92701-4010
(714) 558-4159

Sacramento DFEH

2000 "O" Street, Suite 120
Sacramento, CA 95814-5212
(916) 286-4095

Fresno DFEH

1900 Mariposa Mall, Suite 130
Fresno, CA 93721-2504
(209) 455-5373

San Bernardino DFEH

1845 S. Business Center Drive, #127
San Bernardino, CA 92408-3426
(909) 383-4711

Oakland DFEH

1330 Broadway, Suite 1326
Oakland, CA 94612-2512
(510) 286-4095

Ventura DFEH

5720 Ralston Street, Suite 302
Ventura, CA 93003-6081
(805) 654-4513

San Diego DFEH

110 W. "C" Street, Suite 1702
San Diego, CA 92010-3901
(619) 237-7405

Los Angeles DFEH

322 W. First Street, Suite 2126
Los Angeles, CA 90012-3112
(213) 897-1997

(3/01)

COMMUNITY RELATIONS

Uniform Complaint Procedures

As the primary employer for all San Joaquin County Office of Education (SJCOE) staff, it is the intent of the Superintendent to address and resolve any concerns and/or complaints in a prompt and equitable manner. The Superintendent recognizes that SJCOE is primarily responsible for ensuring that it complies with state and federal laws and regulations governing educational programs. Complaints against SJCOE and/or an individual that alleges sexual harassment or resulting retaliation will be processed under 5145.7 – Sexual Harassment or AR 4031 – Complaints Concerning Discrimination in Employment. Any person or group having a legitimate interest in the programs and services of SJCOE shall have the right to present a request, suggestion, or complaint concerning personnel, programs, materials, or operations. At the same time, the Superintendent has a duty to protect staff from unnecessary harassment. The Superintendent encourages the early, informal resolution of complaints at the site level whenever possible. To resolve complaints which cannot be resolved through such informal process, the Superintendent adopts the uniform system of complaint processes specified in 5 CCR §'s 4600-4670 and the accompanying administrative regulation.

The SJCOE uniform complaint procedures (UCP) shall be used to investigate and resolve the following complaints:

1. Any complaint alleging SJCOE violation of applicable state or federal law or regulations governing any program subject to the UCP which is offered by SJCOE, including:
 - Accommodations for pregnant and parenting pupils
 - Adult Education
 - After School Education and Safety
 - Agricultural Career Technical Education
 - Career Technical and Technical Education; Career Technical; Technical Training (State)
 - Career Technical Education (Federal)
 - Child Care and Development
 - Compensatory Education
 - Course periods without educational content
 - Education of pupils in Foster care, pupils who are homeless, former Juvenile Court pupils now enrolled in a school district, and pupils of military families
 - Every Student Succeeds Act / No Child Left Behind (Titles I–VII)
 - Local Control and Accountability Plans (LCAP)
 - Migrant Education
 - Physical Education instructional minutes
 - Pupil fees

- Reasonable accommodations to a lactating pupil
 - Regional Occupational Centers and Programs
 - School Plans for Student Achievement
 - School Safety Plans
 - School-Site Councils
 - State Preschool
 - State Preschool Health and Safety Issues in LEAs Exempt from licensing
2. Any complaint, by a student, employee, or other person participating in SJCOE programs or activities, alleging the occurrence of unlawful discrimination, harassment (except for sexual harassment), intimidation, or bullying against any person in SJCOE programs and activities, including, but not limited to, those programs or activities funded directly by or that receive or benefit from any state financial assistance, based on the person's actual or perceived characteristics of race or ethnicity, color, ancestry, nationality, national origin, ethnic group identification, age, religion, marital or parental status, pregnancy, physical or mental disability, sex, sexual orientation, gender, gender identity, gender expression, genetic information, gender non-conformance, gender stereotyping, or any other characteristic identified in Education Code §'s 200 or 220, Government Code § 11135, or Penal Code § 422.55, or on the basis of a person's association with a person or group with one or more of these actual or perceived characteristics.
 3. Any complaint alleging SJCOE noncompliance with the requirement to provide reasonable accommodation to a lactating student on school campus to express breast milk, breastfeed an infant child, or address other breastfeeding-related needs of the student.
 4. Any complaint alleging noncompliance with requirements to provide a pregnancy or parenting student the accommodations specified in Education Code 46015, including those related to the provision of parental leave, right of return to the school of previous enrollment or to an alternative education program, if desired, and possible enrollment in school for a fifth year of instruction to enable the student to complete state and SJCOE-program graduation requirements.
 5. Any complaint alleging noncompliance with the prohibition against requiring students to pay fees, deposits, or other charges for participation in educational activities.
 6. Any complaint alleging noncompliance with legal requirements of Education Code §'s 52060 – 52077 related to the implementation of the Local Control Accountability Plan (LCAP), including the development of an LCAP budget overview for parents/guardians.
 7. Any complaint alleging noncompliance with requirements related to the development of a school plan for student achievement or the establishment of a school site council.

8. Any complaint, by or on behalf of any student who is a foster youth, alleging noncompliance with any legal requirement applicable to the student regarding placement decisions, the responsibilities of the SJCOE's educational liaison to the student, the award of credit for coursework satisfactorily completed in another school, district, or country, school or records transfer, or the grant of an exemption from graduation requirements.
9. Any complaint, by or on behalf of a student who transfers into SJCOE programs after the second year of high school and is a homeless child or youth as defined in 42 USC § 11434(a), a former juvenile court school student currently enrolled in an SJCOE programs, a child of a military family as defined in Education Code § 49701, or a migrant student participating in a newcomer program as defined in Education Code § 51225.2 in the third or fourth year of high school, alleging grant of an exemption from graduation requirements.
10. Any complaint alleging noncompliance with the requirements of Education Code §'s 51228.1 and 51228.2 that prohibit the assignment of a student in grades 9 – 12 to 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 specified conditions.
11. Any complaint alleging noncompliance with the physical education instructional minutes requirement for students in elementary school.
12. Any complaint alleging retaliation against a complainant or other participant in the complaint process or anyone who has acted to uncover or report a violation subject to this policy.
13. Any other complaint as specified in a SJCOE policy.

The Superintendent recognizes that alternative dispute resolution (ADR) can, depending on the nature of the allegations, offer a process to reach a resolution to the complaint that is agreeable to all parties. ADR such as mediation may be offered to resolve complaints that involve more than one student and no adult. However, mediation shall not be offered or used to resolve any complaint involving sexual assault or where there is a reasonable risk that a party to the mediation would feel compelled to participate. The Superintendent or designee shall ensure that the use of ADR is consistent with state and federal laws and regulations.

SJCOE shall protect all complainants from retaliation. In investigating complaints, the confidentiality of the parties involved shall be protected as required by law. For any complaint alleging retaliation or unlawful discrimination (such as discriminatory harassment, intimidation, or bullying), the Superintendent or designee shall keep the identity of the complainant, and/or the subjects of the complaint if different from the complainant, confidential when appropriate and as long as the integrity of the complaint process is maintained.

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

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

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

Non-UCP Complaints

The following complaints shall not be subject to the SJCOE UCP but shall be referred to the specified agency:

1. Any complaint alleging child abuse or neglect shall be referred to the County Department of Social Services Protective Services Division, and the appropriate law enforcement agency.
2. Any complaint alleging health and safety violations by a child development program shall, for licensed facilities, be referred to Department of Social Services Protective Services Division, and shall, for licensing-exempt facilities, be referred to the appropriate Child Development regional administrator.
3. Any complaint alleging fraud shall be referred to the Legal, Audits and Compliance Branch of the California Department of Education.

Any complaint alleging employment discrimination or harassment shall be investigated and resolved by SJCOE in accordance with the procedures specified in AR 4030 – Nondiscrimination in Employment, including the right to file the complaint with the California Department of Fair Employment and Housing.

In addition, SJCOE Williams Uniform Complaint Procedures, AR 1312.4, shall be used to investigate and resolve any complaint related to the following:

1. Sufficiency of textbooks or instructional materials.
2. Emergency or urgent facilities conditions that pose a threat to the health or safety of students or staff.
3. Teacher vacancies and misassignments.
4. Health and safety violations in any license-exempt California State Preschool Program.

Legal Reference:

EDUCATION CODE

200-262.4 Prohibition of discrimination
222 Reasonable accommodations; lactating students
8200-8498 Childcare and development programs
8500-8538 Adult basic education
18100-18203 School libraries
33380-33384 California Indian Education Centers
32289 School safety plan, uniform complaint procedure
35186 Williams uniform complaint procedure
44500-44508 California Peer Assistance and Review Program for Teachers
46015 Parental leave for students
48853-48853.5 Foster youth
48985 Notices in language other than English
49010-49013 Student fees
49060-49079 Student records
49069.5 Rights of parents
49701 Interstate Compact on Educational Opportunity for Military Children
51210 Courses of study grades 1-6
51223 Physical education, elementary schools
51225.1-51225.2 Foster youth, homeless children, former juvenile court school students, military-connected students, migrant students, and newly arrived immigrant students; course credits; graduation requirements
51228.1-51228.3 Course periods without educational content
51226-51226.1 Career technical education
51228.1-51228.3 Course periods without educational content
52060-52077 Local control and accountability plan
52075 Complaint for lack of compliance with local control and accountability plan requirements
52160-52178 Bilingual education programs
52300-52490 Career-technical education
52500-52616.24 Adult schools
54400-54425 Compensatory education programs
54440-54445 Migrant Education
54460-54529 Compensatory education programs
56000-56867 Special education programs
59000-59300 Special schools and centers
64000-64001 School plan for student achievement
65000-65001 School site councils

GOVERNMENT CODE

11135 Nondiscrimination in programs or activities funded by state
12900-12996 Fair Employment and Housing Act

HEALTH AND SAFETY CODE

1596.792 California Child Day Care Act; general provisions and definitions
1596.7925 California Child Day Care Act; health and safety regulations
104420 Tobacco-Use Prevention Education

PENAL CODE

422.55 Hate crime; definition
422.6 Interference with constitutional right or privilege

CODE OF REGULATIONS, TITLE 5

3080 Applicability of uniform complaint procedures to complaints regarding students with disabilities
4600-4670 Uniform complaint procedures
4680-4687 Williams uniform complaint procedures
4900-4965 Nondiscrimination in elementary and secondary education programs

UNITED STATES CODE, TITLE 20

1221 Application of laws
1232g Family Educational Rights and Privacy Act
1681-1688 Title IX of the Education Amendments of 1972
6301-6577 Title I Improving the Academic Achievement of the Disadvantaged
6801-6871 Title III Language instruction for limited English proficient and immigrant students

UNITED STATES CODE, TITLE 29

794 Section 504 of Rehabilitation Act of 1973

UNITED STATES CODE, TITLE 42

2000d-2000e-17 Title VI and Title VII Civil Rights Act of 1964, as amended
2000h-2-2000h-6 Title IX of the Civil Rights Act of 1964
6101-6107 Age Discrimination Act of 1975
12101-12213 Title II equal opportunity for individuals with disabilities

CODE OF FEDERAL REGULATIONS, TITLE 28

35.107 Nondiscrimination on basis of disability; complaints

CODE OF FEDERAL REGULATIONS, TITLE 34

99.1-99.67 Family Educational Rights and Privacy Act
100.3 Prohibition of discrimination on basis of race, color or national origin

- 104.7 Designation of responsible employee for Section 504
- 106.8 Designation of responsible employee for Title IX
- 106.9 Notification of nondiscrimination on basis of sex
- 110.25 Notification of nondiscrimination on the basis of age

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:

Division Director of Human Resources
San Joaquin County Office of Education
2922 Transworld Drive, Stockton, CA 95206 (physical)
P.O. Box 213030, Stockton, CA 95213-9030 (mailing)
(209) 468-4820

The Division Director of Human Resources may assign another compliance officer to investigate and resolve a complaint. The Division 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 they have a bias or conflict of interest that would prohibit the fair investigation or resolution of the complaint. Any complaint against a compliance officer or that raises a concern about the compliance officer's ability to investigate the complaint fairly and without bias shall be filed with the Superintendent or designee who shall determine how the complaint will be investigated.

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 cover current state and federal laws and regulations governing the program, applicable processes for investigating and resolving complaints, including those alleging 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 Division 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 Division Director of Human Resources, or the administrator, shall consult with the Superintendent or designee or, if appropriate, the site administrator to implement one or more interim measures. The interim measures shall remain in place until the Division Director of Human Resources determines that they are no longer necessary or until SJCOE issues its final written decision, whichever occurs first.

Notifications

SJCOE UCP policy and administrative regulation shall be posted in all SJCOE school sites and offices, including staff lounges. The Division Director of Human Resources shall annually provide written notification of the SJCOE UCP, to students, employees, parents/guardians, of SJCOE students, SJCOE advisory committees, school advisory committee members, appropriate private school officials or representatives, and other interested parties.

The notice shall include:

1. A statement that SJCOE is primarily responsible for compliance with federal and state laws and regulations, including those related to prohibition of unlawful discrimination, harassment, intimidation, or bullying against any protected group and all programs and activities that are subject to UCP as identified in the section “Complaints Subject to UCP” in the accompanying Superintendents Policy.
2. A statement that a complaint regarding student fees or the Local Control and Accountability Plan (LCAP) may be filed anonymously if the complainant provides evidence or information leading to evidence to support the complaint.
3. A statement that a student enrolled in a public school shall not be required to pay a fee for participation in an educational activity that constitutes an integral fundamental part of SJCOE’s educational program, including curricular and extracurricular activities.
4. A statement that a complaint regarding student fees must be filed no later than one year from the date the alleged violation occurred.
5. A statement that SJCOE will post a standardized notice of the educational rights of foster youth, homeless student, former juvenile court school students now enrolled in SJCOE programs, children of military families, migrant students, and immigrant students enrolled in a newcomer program, as specified in Education Code §’s 48853, 47753.5, 49069.5, 51225.2, and the complaint process.
6. Identification of the responsible staff member(s), position(s), or unit(s) designated to receive complaints.
7. A statement that complaints will be investigated in accordance with SJCOE’s UCP and a written decision will be sent to the complainant within 60 days from the receipt of the complaint, unless this time period is extended by written agreement of the complainant.

8. A statement that the complainant has a right to appeal SJCOE's decision to California Department of Education (CDE) by filing a written appeal, including a copy of the original complaint and SJCOE's decision, within 15 days of receiving SJCOE's decision.
9. A statement advising the complainant of any civil law remedies, including but not limited to injunctions, restraining orders, or other remedies or orders that may be available under state or federal antidiscrimination laws, if applicable.
10. A statement that copies of SJCOE's UCP are available free of charge.

The annual notification and complete contact information of the compliance officer and information related to Title IX pursuant to Education Code § 221.61 shall 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 SJCOE 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 §'s 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.

SJCOE Responsibilities

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

The Division 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 §'s 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 Division 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 Division Director of Human Resources who shall maintain a log of complaints received, providing each with a code number and a date stamp.

All complaints shall be filed in writing and signed by the complainant. If a complainant is unable to put a complaint in writing due to conditions such as a disability or illiteracy, SJCOE staff shall assist in the filing of the complaint.

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 including adult education programs; After School Education and Safety programs; agricultural career technical education; American Indian education centers and early childhood education program assessments; bilingual education; California Peer Assistance and Review programs for teachers; state career technical and technical education, and technical training programs; federal career technical education; child care and development programs, child nutrition programs, compensatory education; consolidated categorical aid programs; Economic Impact Aid; the federal Every Student Succeeds Act; migrant education; school safety plans; special education programs; California State Preschool Programs; Tobacco-Use Prevention Education programs; and any other SJCOE-implemented state categorical program that is not funded through the local control funding formula pursuant to Education Code § 64000 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, or any requirement related to the LCAP may be filed anonymously if the complaint provides evidence, or information leading to evidence, to support an allegation of noncompliance. A complaint about a violation of the prohibition against the charging of unlawful student fees may be filed with the school site administrator or with the Superintendent or designee. 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 persons who allege that they have personally suffered unlawful discrimination, harassment, intimidation, bullying, or retaliation or by persons who believe 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 unlawful 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 Division 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 Division Director of Human Resources shall inform complainant or victim 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 in filing the complaint.

Mediation

Within three business days after receiving the complaint, the Division Director of Human Resources may informally discuss with all the parties, the possibility of using mediation. Mediation shall be offered to resolve complaints that involve more than one student and no adult. 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 parties agree to mediation, the Division Director of Human Resources shall make all arrangements for this process.

Before initiating the mediation of a complaint alleging unlawful discrimination, harassment, intimidation, bullying, or related retaliation, the Division Director of Human Resources shall ensure that all parties agree to make the mediator a party to relevant confidential information. The Division Director of Human Resources shall also notify all parties of the right to end the informal process at any time.

If the mediation process does not resolve the problem within the parameters of the law, the Division Director of Human Resources shall proceed with an investigation of the complaint.

The use of mediation shall not extend SJCOE's timelines for investigating and resolving the complaint unless the complainant agrees in writing to such an extension of time. If mediation is successful and the complaint is withdrawn, SJCOE shall take only the actions agreed upon through mediation. If mediation is unsuccessful, SJCOE shall then continue with subsequent steps specified in this administrative regulation.

Investigation of Complaint

Within 10 business days after the Division Director of Human Resources receives the complaint, the Division Director of Human Resources shall begin an investigation into the complaint.

Within one business day of initiating the investigation, the Division Director of Human Resources shall provide an opportunity for the complainant and/or representative to present the information contained in the complaint and shall notify the complainant and/or representative of the opportunity to present the Division Director of Human Resources with any evidence, or information leading to evidence, to support the allegations in the complaint. Such evidence of information may be presented at any time during the investigation.

In conducting the investigation, the Division 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 Division 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. At appropriate intervals, the Division Director of Human Resources shall inform both parties of the status of the investigation.

To investigate a complaint alleging unlawful discrimination, harassment, intimidation, bullying, or related retaliation, the Division Director of Human Resources 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 their 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.

Timeline for Final Decision

Unless extended by written agreement with complainant, the Division Director of Human Resources shall prepare and send to the complainant a written report, as described in the following section, within 60 calendar days of SJCOE's receipt of the complaint.

For any complaint alleging unlawful discrimination, harassment, intimidation, bullying, or related retaliation, the respondent shall be informed of any extension of the timeline agreed to by the complainant. The respondent also shall be sent SJCOE's final written decision at the same time it is provided to the complainant.

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 respondent.
 - b. Individual remedies offered or provided to the complainant or another person who was the subject of the complaint, but this information should not be shared with the respondent.
 - c. Systemic measures the school has taken to eliminate a hostile environment and prevent recurrence.
6. Notice of complainant's and respondent's right to appeal the decision within 15 days to the 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.

In consultation with legal counsel, information about the relevant part of a decision may be communicated to a victim who is not the complainant and to other parties who may be involved in implementing the decision or are affected by the complaint, as long as the privacy of the parties is protected. In a complaint alleging unlawful discrimination, harassment, intimidation, bullying, or related retaliation, notice of SJCOE's decision to the alleged victim shall include information about any sanction to be imposed upon the respondent that relates directly to the alleged victim.

If the complaint involves a limited-English-proficient student or parent/guardian and the student involved is enrolled in a school at which 15 percent or more of the students speak a single primary language other than English, then the decision shall also be translated into that language pursuant to Education Code § 48985. In all other instances, SJCOE shall ensure meaningful access to all relevant information for parents/guardians with limited-English proficiency.

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. The complainant may pursue available civil law remedies outside of SJCOE's complaint procedures, 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 Division 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 remedies that may be offered to the victim but not communicated to the respondent 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.

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.

When an employee is found to have committed unlawful discrimination harassment, intimidation, bullying or related retaliation, SJCOE shall take appropriate disciplinary action, up to and including dismissal, in accordance with applicable law and collective bargaining agreement.

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, bullying, or related retaliation that SJCOE does not tolerate, and how to report and respond to it.

When a complaint is found to have merit, an appropriate remedy shall be provided to the complainant or other affected person.

However, 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 SJCOE's final written decision on a complaint regarding any specified federal or state educational program subject to UCP may file an appeal in writing with 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.

When a respondent in any complaint alleging unlawful discrimination, harassment, intimidation, bullying, or related retaliation is dissatisfied with the final written decision, the respondent, in the same manner as the complainant, may file an appeal with CDE.

Upon notification by the CDE that SJCOE's decision has been appealed, 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.

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, or bullying against any person in SJCOE programs and activities, including, but not limited to, those programs or activities funded directly by or that receive or benefit from any state financial assistance, 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 any other characteristic identified in Education Code §§ 200 or 220, Government Code § 11135, or Penal Code § 422.55, or on the basis of a person’s association with a person or group with one or more of these actual or perceived characteristics. The UCP shall also be used to investigate and resolve the following complaints:

1. Any complaint alleging SJCOE violation of applicable state and/or federal laws or regulations governing 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.
2. Any complaint alleging SJCOE noncompliance with the requirement to provide reasonable accommodation to a lactating student on school campus to express breast milk, breastfeed an infant child, or address other breastfeeding-related needs of the student.
3. Any complaint alleging noncompliance with the prohibition against requiring students to pay fees, deposits, or other charges for participation in educational activities that constitute an integral fundamental part of the education program of SJCOE, including curricular and extracurricular activities.

4. Any complaints alleging noncompliance with the legal requirements related to the implementation of the Local Control Accountability Plan (LCAP) by SJCOE.
5. Any complaint, by or on behalf of any student who is a foster youth, alleging SJCOE noncompliance with any legal requirement applicable to the student regarding placement decisions, the responsibilities of the SJCOE's educational liaison to the student, the award of credit for coursework satisfactorily completed in another school or district, school transfer, or the grant of an exemption from graduation requirements.
6. Any complaint, by or on behalf of a homeless student as defined in 42 USC § 11434a, alleging SJCOE noncompliance with any requirement applicable to the student regarding the award of credit for coursework satisfactorily completed in another school or district or the grant of an exemption from graduation requirements.

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:

- a) 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.
 - b) 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.
 - c) 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.
7. Any complaint alleging SJCOE noncompliance with the requirements of Education Code §§ 51228.1 and 51228.2 that prohibit the assignment of a student to 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 specified conditions.
 8. Any complaint alleging SJCOE noncompliance with the physical education instructional minutes requirement for students in elementary school.
 9. Any complaint alleging SJCOE noncompliance with federal or state laws or regulations governing regional occupational centers and programs.
 10. Any complaint alleging SJCOE noncompliance with federal or state laws or regulations governing SJCOE's participation in any student financial assistance program authorized by Title IV.

11. Any complaint alleging retaliation against a complainant or other participant in the complaint process or anyone who has acted to uncover or report a violation subject to this policy.
12. Any other complaint as specified in a SJCOE policy.

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

The Director of Human Resources
2901 Arch Airport Road, Stockton, CA 95206 (physical)
P.O. Box 213030, Stockton, CA 95213-9030 (mailing)
FAX: (209) 468-9226

SJCOE ensures that the Director of Human Resources 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 Human Resources shall conduct and complete the investigation in accordance with 5 CCR §§ 4680-4687 and in accordance with local procedures adopted under 5 CCR § 4621.

Any complainant who is dissatisfied with the final written decision 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.

For complaints alleging unlawful discrimination based on state law (such as discriminatory harassment, intimidation, and bullying), the complainant may:

1. Pursue available civil law remedies outside of the SJCOE complaint procedures, including seeking assistance from mediation centers or public/private interest attorneys, 60 calendar days after the filing of an appeal with the CDE. (Ed. Code, § 262.3)
2. The 60 days moratorium does not apply to complaints seeking injunctive relief in state courts or to discrimination complaints based on federal law. (Ed. on Code, § 262.3)
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.

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.

COMMUNITY RELATIONS

Williams Uniform Complaint Procedures

Types of Complaints

The San Joaquin County Office of Education (SJCOE) shall use the procedures described in this administrative regulation only to investigate and resolve the following:

1. Complaints regarding the insufficiency of textbooks and instructional materials, including any complaint alleging that:
 - 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 student.
 - c. Textbooks or instructional materials are in poor or unusable condition, have missing pages, or are unreadable due to damage.
 - d. A student was provided photocopied sheets from only a portion of a textbook, or instructional materials, to address a shortage of textbooks or instructional materials.

2. Complaints regarding 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. Complaints regarding the condition of school facilities, including any complaint alleging that:

- 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 line stoppage; major pest or vermin infestation; broken windows or exterior doors or gates that will not lock and that pose a security risk; abatement of hazardous materials previously undiscovered that pose an immediate threat to students or staff; structural damage creating a hazardous or uninhabitable condition; or any other condition deemed appropriate.

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

In any SJCOE school serving any of grades 6 - 12 in which 40 percent or more of the students in the school or school attendance area are from low-income families, as defined in 20 USC 6314, a complaint may be filed alleging noncompliance with the requirement of Education Code § 35292.6 to stock, at all times, at least half of the restrooms in the school with feminine hygiene products and to not charge students for the use of such products.

Forms and Notices

The Superintendent or designee shall ensure a Williams complaint form is available at each school. However, complainants need not use SJCOE's complaint form in order to file a complaint.

The Superintendent or designee shall ensure that the complaint form specifies the location for filing a complaint and contains a space to indicate whether the complainant desires a response to the complaint. A complainant may add as much text to explain the complaint as desired.

The Superintendent or designee shall post in each classroom in each school a notice containing the components specified in Education Code § 35186.

Filing of Complaint

A complaint alleging any condition(s) specified in the section "Types of Complaints" above shall be filed with the Division Director of Human Resources at the following address:

Division Director of Human Resources
San Joaquin County Office of Education
2922 Transworld Drive, Stockton, CA 95206 (physical)
P.O. Box 213030, Stockton, CA 95213-9030 (mailing)
(209) 468-4820

Such complaints may also be filed with the program administrator where the complaint arises. The program administrator shall then forward all complaints to the Division Director of Human Resources in a timely manner. The Division Director of Human Resources shall forward a complaint about problems beyond their 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. Complaints may be filed anonymously.

Investigation and Response

The Division Director of Human Resources shall make all reasonable efforts to investigate any problem within their authority and shall remedy a valid complaint within a reasonable time period not to exceed 30 working days from the date the complaint was received.

If the complainant has indicated on the complaint form a desire to receive a response to the complaint, the Division Director of Human Resources shall report the resolution of the complaint to the complainant within 45 working days of the initial filing of the complaint. At the same time, the Division Director of Human Resources shall report the same information to the Superintendent or designee.

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, the complainant has the right to describe the complaint to the Superintendent.

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 in the section “Types of Complaints” above, a complainant who is not satisfied with the resolution provided by the Division Director of Human Resources, 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

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

Legal Reference:

EDUCATION CODE

234.1 Prohibition of discrimination, harassment, intimidation, and bullying
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 procedures
35292.5-35292.6 Restrooms, maintenance and cleanliness
48985 Notice to parents in language other than English
60119 Hearing on sufficiency of instructional materials

CODE OF REGULATIONS, TITLE 5

4600-4670 Uniform complaint procedures
4680-4687 Williams uniform complaint procedures

UNITED STATES CODE, TITLE 20

6314 Title I schoolwide program

COMMUNITY RELATIONS

Williams Uniform Complaint Procedures

Exhibit 1

**NOTICE TO PARENTS/GUARDIANS, STUDENTS, AND
TEACHERS:
COMPLAINT RIGHTS**

Parents/Guardians, Students, and Teachers:

Pursuant to Education Code 35186, you are hereby notified that:

1. There should be sufficient textbooks and instructional materials. For there to be sufficient textbooks and instructional materials, each student, including English-learners, must have a textbook or instructional material, or both, to use in class and to take home.
2. School facilities must be clean, safe, and maintained in good repair.
3. There should be no teacher vacancies or misassignments. There should be a teacher assigned to each class, not a series of substitutes or other temporary teachers. The teacher should have the proper credential to teach the class, including the certification required to teach English learners, if present.

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.

Misassignment – means the placement of a certificated employee in a teaching or services position for which the employee does not hold a legally recognized certificate or credential or the placement of a certificated employee in a teaching or services position that the employee is not otherwise authorized by statute to hold.

4. A complaint form may be obtained at the San Joaquin County Office of Education (SJCOE), or downloaded from the SJCOE website. You may also download a copy of the California Department of Education (CDE) complaint form from the following website <http://www.cde.ca.gov/re/cp/uc>. However, a complaint need not be filed using either the complaint form from SJCOE or the complaint form from the California Department of Education.

Exhibit 2

COMPLAINT FORM: WILLIAMS UNIFORM COMPLAINT PROCEDURE

Education Code 35186 creates a procedure for the filing of complaints concerning deficiencies related to instructional materials, conditions of facilities that are not maintained in a clean or safe manner or in good repair, teacher vacancy or misassignment. The complaint and response are public documents as provided by law. Complaints may be filed anonymously. However, if you wish to receive a response to your complaint, you must provide the contact information below.

Response requested? Yes No

CONTACT INFORMATION: (if response is requested)

Name: _____

Address: _____

Phone Number: Day: _____ Evening: _____

E-mail address, if any: _____

Location of the problem that is the subject of this complaint:

School name/address: _____

Course title/grade level and teacher name: _____

Room number/name of room/location of facility: _____

Date problem was observed: _____

Exhibit 2 (Continued)

COMPLAINT FORM: WILLIAMS UNIFORM COMPLAINT PROCEDURE

Only the following issues may be the subject of this complaint process. If you wish to complain about an issue not specified below, please contact SJCOE for the appropriate SJCOE complaint procedure.

Specific issue(s) of the complaint: (Please check all that apply. A complaint may contain more than one allegation).

1. Textbooks and instructional materials:

- ⑥ 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.
- ⑥ 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 student.
- ⑥ Textbooks or instructional materials are in poor or unusable condition, have missing pages, or are unreadable due to damage.
- ⑥ 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:

- ⑥ A semester begins and a teacher vacancy exists. A teacher vacancy is a position to which a single-designated certificated employee has not been assigned at the beginning of the school 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.
- ⑥ A teacher lacking credentials or training to teach English learners is assigned to teach a class with more than 20 percent English learners in the class.
- ⑥ A teacher is assigned to teach a class for which the teacher lacks subject matter competency.

Exhibit 2 (Continued)

COMPLAINT FORM: WILLIAMS UNIFORM COMPLAINT PROCEDURE

3. Facility conditions:

- ⑥ A condition exists that poses an emergency or urgent threat to the health or safety of students or staff while at school, including but not limited to, including 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, and any other conditions SJCOE determines appropriate.
- ⑥ A school restroom has not been cleaned or maintained regularly, is not fully operational, or has not been stocked at all times with toilet paper, soap, and paper towels or functional hand dryers.
- ⑥ The school has not kept all restrooms open during school hours when students are not in classes and has not kept a sufficient number of restrooms open during school hours when students are in classes. This does not apply when closing of the restroom is necessary for student safety or to make repairs.

Exhibit 2 (Continued)

COMPLAINT FORM: WILLIAMS UNIFORM COMPLAINT PROCEDURE

Please describe the issue of your complaint in detail. You may attach additional pages and include as much text as you feel necessary to describe the situation. For complaints regarding facilities conditions, please describe the emergency or urgent facilities condition and how that condition poses a threat to the health or safety of students or staff.

Exhibit 2 (Continued)

COMPLAINT FORM: WILLIAMS UNIFORM COMPLAINT PROCEDURE

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

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

Please provide a signature below. If you wish to remain anonymous, a signature is not required. However, all complaints, even anonymous ones, should be dated.

(Signature)

(Date)

(08/14)

Appendix B

STUDENTS

PROMOTION AND RETENTION

Upon the enrollment of a student within any San Joaquin County Office of Education school or program, an assessment shall be completed in the areas of:

1. word recognition/reading;
2. writing, and;
3. mathematics.

The following regulations apply to pupils who:

- are in grades 2 through 9;
- are enrolled for more than one full academic year;
- are enrolled at the beginning of the school year;
- will not be returned to their district of residence for the next academic year.

Student Identification to be Considered for Retention by Grade Level

As prescribed by law, the Superintendent or designee shall identify students who should be retained or who are at risk of being retained at the following grade levels (Education Code Section 48070.5):

- 1) Proficiency primarily in reading for students between:
 - a. grades two and three; and
 - b. grades three and four.

- 2) Proficiency primarily in reading, English, language arts, and mathematics for students between:
 - a. grades four and five; and
 - b. the end of the intermediate grades and the beginning of middle school grades;
 - c. grades seven and eight; and
 - d. the end of middle school grades and the beginning of high school grades (grade 9).

Criteria for Consideration of Retention

Students shall be identified on the basis of the following indicators:

- current student achievement (grades and/or credits earned);
- individual student goals as indicated on the Individual Learning Plan;
- composite performance on multiple assessments;
- portfolio of student work;
- school attendance;
- informal teacher records.

Students shall be assessed by the Smarter Balanced Assessment Program provided that the student is enrolled in the program during the administration of this assessment. Smarter Balanced Assessment Program results will be considered according to guidelines outlined in current Education Code.

Special Populations

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

Decisions regarding the promotion or retention of English Learners require special considerations. It is inappropriate to retain English Learners who have failed to meet academic standards in areas in which they have only been provided limited instruction. English Learners can be identified as being at risk of retention based on challenges they face in acquiring proficiency and mastering subject area content in English. English Learners determined to be at risk will be provided with supplemental instruction designed to meet their needs.

Designation of Teacher

1. The teacher making the recommendation for promotion/retention shall be the teacher who:
 - a. serves as the full-time credentialed teacher for the student during the entire instructional day for the student; or
 - b. provides more than 50% of the student's instruction for any school day.
2. The *Student Study Team* makes the recommendation for promotion/retention for those students enrolled in a departmentalized instructional program.

Teacher Determination for Student Retention

If a student is identified as performing below the minimum standards for promotion, the student shall be retained in his/her current grade level unless the student's teacher determines, in writing, that retention is NOT the appropriate intervention for the student's academic deficiencies. This determination shall specify the reasons that retention is NOT appropriate for the student and shall include recommendations for interventions other than retention that, in the opinion of the teacher, are necessary to assist the students in attaining acceptable levels of academic achievement.

If the teacher determines that retention is the appropriate intervention for the student's academic deficiencies, the teacher will develop a written action plan, which may include:

1. identification of specific areas of academic deficiencies;
2. recommendations for the provision for remedial instruction;
3. recommendations for specific materials and strategies the parent can utilize to improve the student's academic skill levels.

Requirement for Parent Notification of Student “At-Risk” of Retention [See Sample Letter, Appendix “A”]

When a student is identified as being at risk of retention, the Superintendent or designee shall so notify the student’s parent/guardian, in writing, as early in the school year as practicable. The student’s parent/guardian shall be provided a copy of the Board of Education’s policy on “Promotion and Retention,” and be provided an opportunity to consult with the teacher(s) responsible for the decision to promote or retain the student. (Education Code 48070.5)

Provision of Remedial Instruction

To the extent to which county offices of education are funded to provide systematic and intensive supplemental instruction to students retained pursuant to Education Code Section 48070.5, with parent/guardian consent, the Superintendent or designee may require a student who has been recommended for retention or identified as being at-risk of retention, to participate in a supplemental instructional program.

1. Such programs shall be offered during the summer, beyond the regular instructional day, or a combination thereof. However, a student shall not be removed from instruction of his/her regular day core curriculum.
2. The aforementioned services shall be provided to students in the following priority order:
 - a. students who have been recommended for retention or who have been identified as being at risk of retention pursuant to EC 48070.5;
 - b. students who have been identified as having a deficiency in mathematics, reading, or written expression based upon the results of tests administered by the county office or under the Smarter Balanced Assessment Program.

Final Teacher Recommendation for Retention/Promotion

1. The decision to promote or retain a student may be appealed consistent with Board policy, administrative regulations, and the law.
2. The burden shall be on the appealing party to show why the teacher’s decision should be overruled.
3. To appeal the teacher’s decision, the parent/guardian, and the student, if appropriate, shall submit a written request to the Superintendent or designee specifying the reasons why the teacher’s decision should be overruled. The appeal must be initiated within ten (10) school days of the determination of retention or promotion. The teacher shall be provided an opportunity to state orally and/or in writing the criteria on which his/her decision was based.
4. If the Superintendent or designee determines that the appealing party has overwhelmingly demonstrated that the teacher’s decision should be overruled, then the Superintendent or designee shall overrule the teacher’s decision.
5. If the decision is unfavorable to the appealing party, he/she shall have the right to submit a written statement, which shall become part of the student’s record.

Appendix C

CAASPP Testing 5 CCR § 852 **§ 852. Pupil Exemptions.**

(a) Each year the LEA shall notify parents or guardians of their pupil's participation in the CAASPP assessment system in accordance with Education Code section 60604.

(b) The notification to parents or guardians, as defined in subdivision (a), shall include a notice of the provisions outlined in Education Code section 60615.

(c) A parent or guardian may annually submit to the school a written request to excuse his or her child from any or all parts of any test provided pursuant to Education Code section 60640 for the school year. If a parent or guardian submits an exemption request after testing has begun, any test(s) completed before the request is submitted will be scored and the results reported to the parent or guardian and included in the pupil's records. An LEA and its employees may discuss the CAASPP assessment system with parents and may inform parents of the availability of exemptions under Education Code section 60615. The LEA and its employees shall not solicit or encourage any written exemption request on behalf of any child or group of children.

Note: Authority cited: Sections 33031 and 60640, Education Code. Reference: Sections 60604, 60605, 60607, 60612, 60615, 60640 and 60641, Education Code.

Appendix D

INSTRUCTION

Placement in Mathematics Courses

The Governing Board believes that a sound educational program must include the study of subjects that prepare students for admission to higher education and/or a fulfilling career. To the extent possible, San Joaquin Building Futures Academy (SJBFA) students shall be provided an opportunity to complete a sequence of mathematics courses recommended for admission into the University of California and California State University systems.

The Administrator or designee shall work with SJBFA teachers, counselors, and administrators and the representatives of feeder schools to develop consistent protocols for placing students in mathematics courses offered at SJBFA. Such placement protocols shall systematically take into consideration multiple objective academic measures that may include, but are not limited to, interim and summative assessments, placement tests that are aligned to state-adopted content standards in mathematics, classroom assignment and grades, and report cards.

Students shall be enrolled in mathematics courses based on the placement protocols. No student shall repeat a mathematics course which he/she has successfully completed based on the placement protocols of SJBFA.

When a student does not qualify to be enrolled in a higher level mathematics course based on a consideration of the objective measures specified in the placement protocols, he/she may nevertheless be admitted to the course based on the recommendation of a teacher or counselor who has personal knowledge of the student's academic ability.

The placement protocols shall specify a time within the first month of the school year when students shall be reevaluated to ensure that they are appropriately placed in mathematics courses and shall specify the criteria SJBFA will use to make this determination. Any student found to be misplaced shall be promptly placed in the appropriate mathematics course.

Within 10 school days of an initial placement decision or a placement decision upon reevaluation, a student and his/her parent/guardian who disagree with the placement of the student may appeal the decision to the Administrator or designee. The Administrator or designee shall decide whether or not to overrule the placement determination within 10 school days of receiving the appeal. The decision of the Administrator or designee shall be final.

SJBFA staff shall implement the placement protocols uniformly and without regard to students' race, sex, gender, nationality, ethnicity, socioeconomic background, or other subjective or discriminatory consideration in making placement decisions.

The Administrator or designee shall ensure that all teachers, counselors, and other SJBFA staff responsible for determining students' placement in mathematics courses receive training on the placement protocols.

Prior to the beginning of each school year, the Administrator or designee shall communicate the commitment of SJBFA to providing students with the opportunity to complete mathematics courses recommended for college admission, including approved placement protocols and the appeal process, to parents/guardians, students, teachers, school counselors, and administrators.

This policy and the mathematics placement protocols of SJBFA shall be posted on the SJBFA web site.

Annually, the Governing Board and the Administrator or designee shall review student data related to placement and advancement in the mathematics courses offered at SJBFA to ensure that students who are qualified to progress in mathematics courses based on their performance on objective academic measures are not held back in a disproportionate manner on the basis of their race, ethnicity, gender, or socioeconomic background. The Governing Board and Administrator shall also consider appropriate recommendations for removing any identified barriers to students' access to mathematics courses.

cf. SP 0410 Nondiscrimination in Programs and Services
BP 6146.1 High School Graduation Requirements

Legal Reference:

EDUCATION CODE

200-262.4 Prohibition of discrimination

48070.5 Promotion and retention; required policy

51220 Areas of study, grades 7-12

51224.5 Completion of Algebra I or Mathematics I

51224.7 California Mathematics Placement Act of 2015

51225.3 High school graduation requirements

51284 Financial literacy

60605 State-adopted content and performance standards in core curricular areas

60605.8 Common Core standards

(12/15)

Appendix E

STUDENTS

Parent Rights and Responsibilities

The Superintendent recognizes that parents/guardians of San Joaquin County Office of Education (SJCOE) students have certain rights as well as responsibilities related to the education of their children.

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

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

Parents/guardians shall have the opportunity to work with county-operated programs in a mutually supportive and respectful partnership and to help their children succeed in school.

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

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

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

cf:

4131 Staff Development

4231 Tuition Reimbursement

5145.6 Notifications to Parents and Students

6020 Parent Involvement

Legal Reference:

EDUCATION CODE:

- 33126 School accountability report card
- 35291 Disciplinary rules
- 48070.5 Promotion and retention of students
- 48985 Notice to parent in language other than English
- 49091.10-49091.19 Parental review of curriculum and instruction
- 49602 Confidentiality of pupil information
- 51100-51102 Parent/guardian rights
- 51513 Personal beliefs
- 60510 Disposal of surplus instructional materials

UNITED STATES CODE, TITLE 20

- 1232g Family Educational Rights and Privacy Act
- 1232h Protection of pupil rights

(11/02)

STUDENTS

Parent Rights and Responsibilities

Parent/Guardian Rights

The rights of parents/guardians of the San Joaquin County Office of Education (SJCOE) students include, but are not limited to, the following:

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

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

2. To meet, within a reasonable time of their request, with their child's teacher(s) and the program administrator or designee
3. Under the supervision of SJCOE employees, to volunteer their time and resources for the improvement of SJCOE facilities and programs, including, but not limited to, providing assistance in the classroom with the approval, and under the direct supervision, of the teacher
4. To be notified on a timely basis if their child is absent from the county-operated program without permission
5. To receive the results of their child's performance and the program's performance on standardized tests and statewide tests

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

6. To request a particular program for their child and to receive a response from the SJCOE
7. To have a program environment for their child that is safe and supportive of learning
8. To examine the curriculum materials of the class(es) in which their child is enrolled

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

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

The program may charge an amount not to exceed the cost of duplication.

9. To be informed of their child's progress in the program and of the appropriate program personnel whom they should contact if problems arise with their child
10. For parents/guardians of English learners, to support their child's advancement toward literacy

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

11. For parents/guardians of English learners, to be informed, through the school accountability report card, about statewide and local academic standards, testing programs, accountability measures and school improvement efforts
12. To have access to the program records of their child
13. To receive information concerning the academic performance standards, proficiencies or skills their child is expected to accomplish
14. To be informed in advance about program rules, including disciplinary rules and procedures in accordance with Education Code 48980, attendance policies, dress codes and procedures for visiting the program site
15. To be notified, as early in the academic year as practicable pursuant to Education Code 48070.5, if their child is identified as being at risk of retention and of their right to consult with program personnel responsible for a decision to promote or retain their child and to appeal such a decision
16. To receive information about any psychological testing the program does involving their child and to deny permission to give the test
17. To refuse to submit or to participate in any assessment, analysis, evaluation or monitoring of the quality or character of the student's home life, any form of parental screening or testing, any non-academic home-based counseling program, parent training, or any prescribed family education service plan and to inspect any survey collecting personal information
18. To participate as a member of a parent advisory committee, school site council or site-based management leadership team in accordance with any rules and regulations governing membership in these organizations

For parents/guardians of English learners, this right shall include the right to participate in program and SJCOE advisory bodies in accordance with federal and state law and regulations.

19. To question anything in their child's record that the parent/guardian feels is inaccurate or misleading or is an invasion of privacy and to receive a response from the program

20. To provide informed, written parental consent before their child is tested for a behavioral, mental or emotional evaluation. A general consent, including medical consent used to approve admission to or involvement in a special education or remedial program or regular program activity, shall not constitute written consent for these purposes.

Parent Responsibilities

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

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

cf:

0420 Program-Based Management
0510 School Accountability Report Card
1220 Citizen Advisory Committees
1240 Classroom Volunteers
1250 Visits to the School
1312.2 Complaints Concerning Instructional Materials
1312.4 Williams Uniform Complaint Procedures
3270 Sale and Disposal of Books, Equipment and Supplies
3515 Workplace Safety and Safety
5022 Student and Family Privacy Rights
5113 Absences and Excuses
5117 Inter-district Attendance
5121 Grades/Evaluation of Student Achievement
5125 Student Records – Release of Directory Information
5123 Promotion/Retention
5131.6 Students and Substance Abuse
5132 Dress and Grooming of Students
5141.3 Health Examinations
5142 Safety
6020 Parent Involvement
6141 Curriculum Development
6145 Extra-curricular and Co-curricular Activities
6146.1 High School Graduation Requirements

- 6146.4 Individuals with Exceptional Needs
- 6146.5 Elementary/Middle School Graduation Requirements
- 6162.52 High School Exit Examination
- 6164.2 Guidance/Counseling Services
- 6164.4 Identification of Individuals with Exceptional Needs
- 6164.6 Identification and Education Under Section 504
- 6171 Chapter I: Court and Community School/Day Center Program
- 6174 Education for English Language Learners

(3/05)

Appendix F

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 Human Resources 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 Human Resources.
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 Human Resources. Staff shall similarly report any such incidents they may observe, even if the harassed student has not complained.

The Director of Human Resources 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)

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 Human Resources. 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 Human Resources, whether or not the victim files a complaint.

In any case of sexual harassment involving the Director of Human Resources, 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 Human Resources 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 Human Resources 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 Human Resources 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 Human Resources 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 Human Resources 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 Human Resources 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 Human Resources 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 Human Resources 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.

To judge the severity of the harassment, the Director of Human Resources 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 Human Resources 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 Human Resources or designee shall notify the student who complained and explain the reason for the extension.
2. The Director of Human Resources 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 Human Resources shall ensure that the harassed student and his/her parent/guardian are informed of the procedures for reporting any subsequent problems. The Director of Human Resources 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 in-service 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 Human Resources 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 Human Resources 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)

Appendix G

HEALTHY SCHOOLS ACT OF 2000

Notice to all students, parents/legal guardians/caregivers, and employees of the San Joaquin County Office of Education.

Education Code section 17608 et seq. requires, among other things, that school districts notify parents/legal guardians/caregivers and staff about the use of pesticides at school. The purpose 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 expects to use the following pesticides at its campuses during the upcoming year: Pesticide Name E.P.A. Reg. Number Active Ingredient(s)

Name	EPA#	Description
Alpine WSG	499-561-ZA	Dinotefuran
Fendona CS	499-570-AA	Alpha-Cypermethrin
Tekko Pro	53883-335-AA	Novaluron, Pyriproxyfen

*No other pesticide are to be used unless an exemption is granted by the individual school

**Exterior Spray treatment may not be done when children are present

Pesticide Services provided by Clark Pest Control. See the attached list of pesticides that may be used for the current school year. *

Parents/legal guardians/caregivers of the San Joaquin County Operated Schools and Programs can register with the County's designee, Rachel Elias, to receive notification of individual pesticide applications by calling (209) 468-9044. 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.

WARNING

PESTICIDE-TREATED AREA

ADVERTENCIA

AREA TRATADA CON PESTICIDA

Name of Pesticide

- 1 Ditrac Rodent Bait
- 2 Suspend Polyzone
- 3 Talstar Professional
- 4 Advion Granular

Nombre del Pesticida

- 1 Ditrac Rodent Bait
- 2 Suspend Polyzone
- 3 Talstar Professional
- 4 Advion Granular

Manufacturer's Name; USEPA Registration No.

- 1 Bell Labs 12455-80
- 2 Bayer 432-1514
- 3 FMC 279-3206
- 4 Syngenta 100-1484

Nombre del Fabricante; No. de Registro de USEPA

- 1 Bell Labs 12455-80
- 2 Bayer 432-1514
- 3 FMC 279-3206
- 4 Syngenta 100-1484

Intended Application Date _____

Fecha Propuesta de Aplicacion _____

Application Date _____

Fecha de la Aplicacion _____

Treated Areas; Reason for Treatment

Exterior only: General Pest Control

Areas Tratada; Razon de la Aplicacion

School Name:

San Joaquin County Office of Education

Nombre de la Escuela:

ALWAYS BE SAFE

- 1. If you need more information ask
Name: James Foley
Title: Division Director
- 2. Do not play on the treated area
- 3. Wash your hands and exposed skin
if you touch the treated area

- 1. *Si necesita más información pregunte*
Nombre: _____
Título: _____
- 2. *No juegue en el área tratada*
- 3. *Lávese las manos y la piel expuesta si*
usted toca el área tratada

For record keeping only per Education Code requirement

Amount of Pesticide Used: _____

Appendix H

BUSINESS AND NON-INSTRUCTIONAL OPERATIONS

Student Fees and Charges

The Superintendent recognizes its responsibility to ensure that books, materials, equipment, supplies, and other resources necessary for students' participation in the educational program are made available to them. No student shall be required to pay any fees, deposits, or other charges for his/her participation in an educational activity which constitutes an integral fundamental part of the San Joaquin County Office of Education (SJCOE) programs, including curricular and extracurricular activities.

As necessary, the Superintendent may approve fees, deposits, and other charges which are specifically authorized by law. For such authorized fees, deposits, and charges, the SJCOE shall consider students' and parents/guardians' ability to pay when establishing fee schedules and granting waivers or exceptions.

Whenever a student or parent/guardian believes that an impermissible fee, deposit, or other charge is being required of the student for his/her participation in an educational activity, the student or his/her parent/guardian may file a complaint with the program administrator using the SJCOE's procedures in SP/AR 1312.3 - Uniform Complaint Procedures.

The program administrator or designee shall include information in the annual notification required by 5 CCR 4622 to be provided to all SJCOE programs' students, parents/guardians, employees, and other interested parties about the requirements relating to the prohibition against SJCOE requiring students to pay fees, deposits or other charges in order to participate in an educational activity, unless authorized by law, and the filing of complaints for alleged violations using the uniform complaint procedures.

cf:

1312.3 Uniform Complaint Procedures
1321 Solicitation of Funds from and by Students
3100 Budget
3290 Gifts, Grants and Bequests
3515.4 Recovery for Property Loss or Damage
3553 Free and Reduced Price Meals
4112.9/4212.9/4312.9 Employee Notifications
5143 Insurance
5145.6 Parental Notifications

Legal Reference:

EDUCATION CODE

8239 Preschool and wraparound child care services
8263 Child care eligibility
8760-8773 Outdoor science and conservation programs
17551 Property fabricated by students

19910-19911 Offenses against libraries
32033 Eye protective devices
32221 Insurance for athletic team member
32390 Fingerprinting program
35330-35332 Excursions and field trips
35335 School camp programs
38080-38085 Cafeteria establishment and use
38120 Use of school band equipment on excursions to foreign countries
39807.5 Payment of transportation costs
39837 Transportation of students to places of summer employment
48050 Residents of adjoining states
48052 Tuition for foreign residents
48904 Liability of parent or guardian
49010-49013 Student fees
49065 Charge for copies
49066 Grades, effect of physical education class apparel
49091.14 Prospectus of school curriculum
51810-51815 Community service classes
52612 Tuition for adult classes
52613 Nonimmigrant aliens
60410 Students in classes for adults

GOVERNMENT CODE

6253 Request for copy; fee

CALIFORNIA CONSTITUTION

Article 9, Section 5 Common school system

CODE OF REGULATIONS, TITLE 5

350 Fees not permitted
4622 Notice

UNITED STATES CODE, TITLE 8

1184 Foreign students

(6/93) 11/12

BUSINESS AND NON-INSTRUCTIONAL OPERATIONS

Student Fees and Charges

The San Joaquin County Office of Education (SJCOE) shall not require any student to pay any fees, deposits, or charges except as specifically authorized by law.

According to the California Constitution, the following fees and charges are permissible:

1. Insurance for athletic team members, with an exemption for financial hardship.
2. Insurance for medical or hospital service for students participating in field trips and excursions.
3. Expenses of students' participation in a field trip or excursion in connection with courses of instruction or program related social, educational, cultural, athletic, or school band activities, as long as no student is prohibited from making the field trip due to lack of funds.
4. School camp programs operated pursuant to Education Code 8760-8773 provided that the fee is not mandatory.
5. Personal property of the SJCOE fabricated by students, as long as the cost of the property does not exceed the cost of the materials provided by the SJCOE.
6. Home-to-school transportation and transportation between school and regional occupational centers, programs or classes, as long as the fee does not exceed the statewide average non-subsidized cost per student and so long as exemptions are made for indigent and disabled students.
7. Transportation to and from summer employment programs for youth.
8. Rental or lease of personal property needed for SJCOE purposes, such as caps and gowns used by seniors in graduation ceremonies.
9. Fees for Advanced Placement and International Baccalaureate Diploma examinations for college credit, so long as (1) taking the exam is not a course requirement; (2) the exam results have no impact on a pupil's grade or credit in a course; and (3) economically disadvantaged high school pupils who receive SJCOE funding towards the exam fee shall pay \$5.00 of the fee.
10. Fees for After School Education and Safety Programs, so long as no eligible student is denied the ability to participate because of an inability to pay the fee.
11. Fees for sale or lease of Internet appliances or personal computers to parents for the purpose of providing access to the SJCOE's educational computer network, at no more than cost, so long as the SJCOE provides network access for families who cannot afford it.
12. Deposit for band instruments, music, uniforms and other regalia which school band members take on excursions to foreign countries.
13. Fees for community service classes.
14. Eye safety devices, at a price not to exceed the SJCOE's actual costs.
15. Actual costs of duplication for copies of public records.
16. Actual costs of duplication for reproduction of the prospectus of school curriculum.
17. Actual cost of furnishing copies of any student's records except, if he/she is a former student, up to two transcripts or two verifications of his/her various records
18. Food sold at school subject to free and reduced price meal program eligibility and other restrictions specified in law.
19. Fines or reimbursements for lost or damaged SJCOE property or damage to library property.

20. Tuition for out-of-state and out-of-country residents.
21. Adult education books, materials, and classes as specified in law.
22. Fees for all or part of the cost of transportation for adult students.
23. Preschool and Child care and development services.
24. Parking on school grounds.
25. Charges for standardized physical education attire of a particular color and design, but there can be no mandate that the attire be purchased from the school or SJCOE, and no physical education grade of a student may be impacted based on the failure to wear standardized apparel “arising from circumstances beyond the control” of the student.
26. Charges for optional attendance as a spectator at school or SJCOE sponsored activities, or for “purely recreational” activities. (35 Cal.3d 899, 911, fn. 14.)

Fees Not Allowed

The Opinions of the Attorney General indicate that charges may not be levied for the following:

1. A deposit in the nature of a guarantee that the SJCOE would be reimbursed for loss to the SJCOE on account of breakage, damage to, or loss of school property.
2. An admission charge to an exhibit, fair, theater or similar activity for instruction or extracurricular purposes when a visit to such places is part of the SJCOE’s educational program.
3. A tuition fee or charge as a condition of enrollment in any class or course of instruction, including a fee for attendance in a summer or vacation school, a registration fee, a fee for a catalog of courses, a fee for an examination in a subject, a late registration or program change fee, a fee for the issuance of a diploma or certificate, or charge for lodging.
4. Membership fees in a student body or any student organization as a condition for enrollment or participation in athletic or other curricular or extracurricular activities sponsored by the school.
5. Charges to an apprentice, or his or her parents or guardian, for admission or attendance in any class pursuant to Section 3074 of the Labor Code.
6. Charges for textbooks and workbooks (except for adult classes).
7. Fees to process an inter-district transfer request by a pupil residing in another district.
8. Reimbursement for lost Average Daily Attendance revenue for absences from school.
9. Necessary supplies to include: art material for art classes and mechanical drawing sets; cloth for dressmaking classes; wood for carpentry classes; gym suits for physical education classes; bluebooks for a final examination; and paper on which to write a theme or report for a required assignment.

cf:

1340 Access to District Records
3550 Food Service/Child Nutrition Program
3551 Food Service Operations/Cafeteria Funds
3553 Free and Reduced Price Meals
3554 Other Food Sales
3515.4 Recovery for Property Loss or Damage
5142 Safety
5143 Insurance
6153 School-Sponsored Trips
6200 Adult Education
(6/93) 11/12

Appendix I

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)

Appendix J

BUSINESS AND NON-INSTRUCTIONAL OPERATIONS

Tobacco-Free Schools

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

The Superintendent prohibits smoking and/or the use of tobacco products at any time in any San Joaquin County Office of Education (SJCOE) owned or leased buildings, on SJCOE property, and in SJCOE vehicles.

This prohibition applies to all employees, students, and visitors at any school-sponsored instructional program, activity, or athletic event held on or off SJCOE property. Any written joint use agreement governing community use of SJCOE facilities or grounds shall include notice of SJCOE tobacco-free schools policy and consequences for violations of SJCOE policy.

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

Tobacco products include:

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

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

Smoking or use of any tobacco-related products and disposal of any tobacco-related waste are prohibited within 25 feet of any playground, except on a public sidewalk located within 25 feet of the playground. In addition, any form of intimidation, threat, or retaliation against a person for attempting to enforce this policy is prohibited.

cf: 1330 Facility Use Policy
3514 Safety
5131.62 Tobacco
6142.8 Smoke Free Education
6143 Courses of study

Legal Reference:

EDUCATION CODE

48900 Grounds for suspension/expulsion
48901 Prohibition against tobacco use by students

BUSINESS AND PROFESSIONS CODE

22950.5 Stop Tobacco Access to Kids Enforcement Act; definition

HEALTH AND SAFETY CODE

39002 Control of air pollution from nonvehicular sources
104350-104495 Tobacco use prevention, especially:
104495 Prohibition of smoking and tobacco waste on playgrounds
104559 Tobacco use prohibition
119405 Unlawful to sell or furnish electronic cigarettes to minors

LABOR CODE

3300 Employer, definition
6304 Safe and healthful workplace
6404.5 Occupational safety and health; use of tobacco products

UNITED STATES CODE, TITLE 20

6083 Nonsmoking policy for children's services
7111-7122 Student Support and Academic Enrichment Grants

CODE OF FEDERAL REGULATIONS, TITLE 21

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

(7/16)

BUSINESS AND NON-INSTRUCTIONAL OPERATIONS

Tobacco-Free Schools

Information about San Joaquin County Office of Education's (SJCOE) tobacco-free schools policy and enforcement procedures shall be communicated clearly to employees, parents/guardians, students, and the community.

The Superintendent or designee may disseminate this information through annual written notifications, SJCOE web sites, student and parent handbooks, and/or other appropriate methods of communication.

The Superintendent or designee shall ensure that signs stating "Tobacco use is prohibited" shall be prominently displayed at all entrances to SJCOE property.

Enforcement/Discipline

Any SJCOE employee or student who violates SJCOE's tobacco-free schools policy shall be asked to refrain from smoking and shall be subject to disciplinary action as appropriate.

Any other person who violates SJCOE's policy on tobacco-free schools shall be informed of SJCOE's policy and asked to refrain from smoking. If the person fails to comply with this request, the Superintendent or designee may:

1. Direct the person to leave SJCOE property;
2. Request local law enforcement assistance in removing the person from SJCOE premises;
and/or
3. If the person repeatedly violates the tobacco-free schools policy, prohibit him/her from entering SJCOE property for a specified period of time.

The Superintendent or designee shall not be required to physically eject a nonemployee who is smoking or to request that the nonemployee refrain from smoking under circumstances involving a risk of physical harm to SJCOE or any SJCOE employee.

cf:

1250 Visits to the School
4112.9/4212.9/4312.9 Employee Notifications
4118 Disciplinary Action
4218 Dismissal/Suspension/Disciplinary Action
5144 Discipline
5144.1 Suspension and Expulsion/Due Process

(03/11)

INSTRUCTION

Tobacco

The Superintendent recognizes the serious health risks presented by tobacco and desires to ensure that, through adoption of consistent policies, students are made aware of those risks and, to the extent possible, protected from them. The Superintendent or designee shall establish a coordinated school health system which includes a comprehensive behavioral health education component that teaches students the knowledge, skills, and attitudes they need in order to lead healthy lives and avoid high-risk behaviors, such as tobacco use.

The Superintendent or designee shall provide prevention intervention, and cessation education, information, activities, and/or referrals to students and shall ensure consistent enforcement of San Joaquin County Office of Education (SJCOE) policies prohibiting student possession and use of tobacco products.

Prohibition Against Tobacco Use

Students shall not possess, smoke, chew or use tobacco or any product containing tobacco or nicotine while on campus, while attending school-sponsored activities, or while under the supervision and control of SJCOE employees.

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

Tobacco products include:

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

These prohibitions do not apply to a student's possession or use of his/her own prescription products. However, student possession or use of prescription products in school shall be subject to SJCOE policy and regulation for addressing the administration of medications on campus.

Prevention Instruction

SJCOE shall provide developmentally appropriate tobacco-use prevention instruction for students at selected grade levels from K-12. Such instruction shall be aligned with state content standards and the state curriculum framework for health education and with any requirements of state and/or federal grant programs in which SJCOE participates.

Intervention/Cessation Services

SJCOE may provide or refer students to counseling, intensive education, and other intervention services to assist in the cessation of tobacco use. When appropriate, such intervention services may be provided as an alternative to suspension for tobacco possession.

Program Planning

The SJCOE tobacco-use prevention and intervention program shall be based on an assessment of tobacco-use problems in SJCOE schools and the community, an examination of existing services and activities in the community, and a determination of high-risk student populations that are most in need of SJCOE services.

The Superintendent or designee shall coordinate with the local health department in program planning and implementation. He/she may establish an advisory council including students, parents/guardians, SJCOE staff, representatives of the local health department and community organizations, law enforcement professionals, and/or others with demonstrated expertise in tobacco prevention and cessation.

The Superintendent or designee also shall coordinate tobacco-use prevention and intervention program with other SJCOE efforts to reduce students' use of illegal substances and to promote student wellness.

The Superintendent or designee shall select anti-tobacco programs based on the model program designs identified by the California Department of Education (CDE) and may modify the model to meet SJCOE needs.

The Superintendent or designee shall not accept for distribution any materials or advertisements that promote the use or sale of tobacco products. He/she also shall not accept tobacco-use prevention or intervention funds or materials from the tobacco industry or from any entity, which has received funding from the tobacco industry.

Program Evaluation

To evaluate the effectiveness of the program and ensure accountability by SJCOE, the Superintendent or designee shall biennially administer the California Healthy Kids Survey or other appropriate student survey at selected grade levels in order to assess student attitudes toward tobacco and student use of tobacco. He/she also shall annually report to the CDE if required, the data specified in Health and Safety Code 104450.

The results of program evaluations shall be used to refine program goals and objectives and make changes as needed to strengthen program implementation.

cf: 1220 Citizen Advisory Committee
1325 Advertising and Promotion
3290 Contributions and Gifts
3513.3 Tobacco-Free Schools
3514 Safety
5022 Student and Family Privacy Rights
5030 Student Wellness

5131 Conduct
5131.6 Student Substance Abuse
5144 Discipline
5144.1 Suspension and Expulsion/Due Process
5141.2 Suspension and Expulsion/Due Process (Individuals with Exceptional Needs)
5146 Married/Pregnant/Parenting Students
6142.8 Smoke Free Education
6143 Courses of Study

Legal Reference:

EDUCATION CODE

48900 Suspension or expulsion (grounds)
48900.5 Suspension, limitation on imposition; exception
48901 Smoking or use of tobacco prohibited
51202 Instruction in personal and public health and safety
60041 Instructional materials, portrayal of effects of tobacco use

BUSINESS AND PROFESSIONS CODE

22950.5 Stop Tobacco Access to Kids Enforcement Act; definitions

HEALTH AND SAFETY CODE

104350-104495 Tobacco-use prevention education
104559 Tobacco use prohibition
119405 Unlawful to sell or furnish electronic cigarettes to minors

PENAL CODE

308 Minimum age for tobacco possession

CODE OF REGULATIONS, TITLE 17

6800 Definition, health assessment
6844-6847 Child Health and Disability Prevention program; health assessments

UNITED STATES CODE, TITLE 20

7111-7117 Safe and Drug-Free Schools and Communities Act

CODE OF FEDERAL REGULATIONS, TITLE 21

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

(07/16)

INSTRUCTION

Tobacco-Use Prevention Education Program

San Joaquin County Office of Education (SJCOE) tobacco-use prevention program shall provide students in grades 6-12 instruction, which addresses the following topics:

1. Immediate and long-term undesirable physiologic, cosmetic, and social consequences of tobacco use;
2. Reasons that adolescents say they smoke or use tobacco;
3. Peer norms and social influences that promote tobacco use; and
4. Refusal skills for resisting social influences that promote tobacco use.

As appropriate, SJCOE shall provide or refer students in grades 7-12 to tobacco-use intervention and cessation activities.

These services shall be directed toward current users and shall be voluntary for students who desire assistance in ceasing the use of tobacco.

In addition to targeting students who currently use tobacco, SJCOE's program shall target students most at risk for beginning to use tobacco as identified through a local needs assessment.

SJCOE shall provide or refer every pregnant and parenting minor enrolled in SJCOE schools and/or programs to tobacco-use prevention services. Such services may be integrated with existing programs for pregnant and parenting minors and shall include:

1. Referral to perinatal and related support services;
2. Outreach services and assessment of smoking status;
3. Individualized counseling and advocacy services;
4. Motivational messages;
5. Cessation services, if appropriate;
6. Incentives to maintain a healthy lifestyle;
7. Follow-up assessment; and
8. Maintenance and relapse prevention services.

cf: 5131.6 Student Substance Abuse
5146 Married/Pregnant/Parenting Students
6142.8 Smoke Free Education
6143 Courses of Study

(07/09)

APPENDIX K

CALIFORNIA HIGH SCHOOL PROFICIENCY EXAMINATION

The California High School Proficiency Examination (CHSPE) is a testing program established by California law (*Education Code Section 48412*). If eligible to take the test, you can earn the legal equivalent of a high school diploma by passing the CHSPE. The CHSPE consists of two sections: an English-language Arts section and a Mathematics section. If you pass both sections of the CHSPE, the California State Board of Education will award you a Certificate of Proficiency, which by state law is equivalent to a high school diploma (although not equivalent to completing all coursework required for regular graduation from high school). Although federal agencies are not bound by state laws, the U.S. Office of Personnel Management has ruled that the Certificate of Proficiency shall be accepted in applications for federal civilian employment. The U.S. Department of Education and Federal Student Aid recognize the CHSPE as the equivalent of a high school diploma in applications for federal financial aid. All persons and institutions subject to California law that require a high school diploma for any purpose must accept the certificate as satisfying the requirement.

Passing the CHSPE does not, by itself, exempt minors from attending school. Minors who have a Certificate of Proficiency must also have verified parent/guardian permission to stop attending school. Many students who pass the CHSPE continue to attend school. State law provides that, if you leave school after passing the CHSPE and are no more than 18 years old, you may re-enroll in the district in which you were registered with no adverse consequences. If you do re-enroll you may be required to meet new or additional requirements established since you were previously enrolled. If you re-enroll and then leave school again, you may be denied re-admittance until the beginning of the following semester. Contact your guidance counselor or school administrator for further information and details about leaving school after passing the CHSPE.

Dropping out of school after registering for the CHSPE or while awaiting results is unlawful for those under 18 years old. It may also result in failing grades for courses in which you are enrolled.

For more information please visit <http://www.chspe.net> or contact your school counselor for assistance.

APPENDIX L

Student Acceptable Use Policy and Computer Use Agreement

The San Joaquin County Office of Education and the San Joaquin County Office of Education Data Processing Joint Powers Authority, hereinafter referred to as the “district”, authorizes students to use technology owned or otherwise provided by the district as necessary for instructional purposes. The use of district technology is a privilege permitted at the district's discretion and is subject to the conditions and restrictions set forth in applicable policies, administrative regulations, and this Acceptable Use Policy and Computer Use Agreement. The district reserves the right to suspend access at any time, without notice, for any reason.

The district expects all students to use technology responsibly in order to avoid potential problems and liability. The district may place reasonable restrictions on the sites, material, and/or information that students may access through the system.

Each student who is authorized to use district technology and their parent/guardian shall sign this Acceptable Use Policy and Computer Use Agreement as an indication that they have read and understand the agreement.

Definitions

District technology includes, but is not limited to, computers, the district's computer network including servers and wireless computer networking technology (wi-fi), the Internet, email, USB drives, wireless access points (routers), tablet computers, smartphones and smart devices, telephones, cellular telephones, personal digital assistants, pagers, MP3 players, wearable technology, any wireless communication device including emergency radios, and/or future technological innovations, whether accessed on or off site or through district-owned or personally owned equipment or devices.

Student Obligations and Responsibilities

Students are expected to use district technology safely, responsibly, and for educational purposes only. The student in whose name district technology is issued is responsible for its proper use at all times. Students shall not share their assigned online services account information, passwords, or other information used for identification and authorization purposes, and shall use the system only under the account to which they have been assigned.

Students are prohibited from using district technology for improper purposes, including, but not limited to, use of district technology to:

1. Access, post, display, or otherwise use material that is discriminatory, libelous, defamatory, obscene, sexually explicit, or disruptive.
2. Bully, harass, intimidate, or threaten other students, staff, or other individuals ("cyberbullying").
3. Disclose, use, or disseminate personal identification information (such as name, address, telephone number, Social Security number, or other personal information) of another student, staff member, or other person with the intent to threaten, intimidate, harass, or ridicule that person.
4. Infringe on copyright, license, trademark, patent, or other intellectual property rights.
5. Intentionally disrupt or harm district technology or other district operations (such as destroying district equipment, placing a virus on district computers, adding or removing a computer program without permission from a teacher or other district personnel, changing settings on shared computers).

APPENDIX L

6. Install unauthorized software.
7. "Hack" into any system to manipulate data of the district or other users.
8. Engage in or promote any practice that is unethical or violates any law or policy, administrative regulation, or district practice.
9. Bypass or disable any security software, settings, or configurations.

Privacy

Since the use of district technology is intended for educational purposes, students shall not have any expectation of privacy in any use of district technology.

The district reserves the right to monitor and record all use of district technology, including, but not limited to, access to the Internet or social media, communications sent or received from district technology, or other uses. Such monitoring/recording may occur at any time without prior notice for any legal purposes including, but not limited to, record retention and distribution and/or investigation of improper, illegal, or prohibited activity. Students should be aware that, in most instances, their use of district technology (such as web searches and emails) cannot be erased or deleted.

All passwords created for or used on any district technology are the sole property of the district. The creation or use of a password by a student on district technology does not create a reasonable expectation of privacy.

Personally Owned Devices

If a student uses a personally owned device to access district technology, they shall abide by all applicable policies, administrative regulations, and this Acceptable Use Policy and Computer Use Agreement. Any such use of a personally owned device may subject the contents of the device and any communications sent or received on the device to disclosure pursuant to a lawful subpoena or public records request.

Reporting

If a student becomes aware of any security problem (such as any compromise of the confidentiality of any login or account information) or misuse of district technology, they shall immediately report such information to the teacher or other district personnel.

Consequences for Violation

Violations of the law, policy, or this agreement may result in revocation of a student's access to district technology and/or discipline, up to and including suspension or expulsion. In addition, violations of the law, policy, or this agreement may be reported to law enforcement agencies as appropriate.

Student Acknowledgment

I have received, read, understand, and agree to abide by this Acceptable Use Policy and Computer Use Agreement and other applicable laws and district policies and regulations governing the use of district technology. I understand that there is no expectation of privacy when using district technology. I further understand that any violation may result in loss of user privileges, disciplinary action, and/or appropriate legal

APPENDIX L

action.

Name: _____ Student ID: _____
(Please print)

School: _____ Grade: _____

Signature: _____ Date: _____

Parent or Legal Guardian Acknowledgment

If the student is under 18 years of age, a parent/guardian must also read and sign the agreement.

As the parent/guardian of the above-named student, I have read, understand, and agree that my child shall comply with the terms of the Acceptable Use Agreement. By signing this Agreement, I give permission for my child to use district technology and/or to access the school's computer network and the Internet. I understand that, despite the district's best efforts, it is impossible for the school to restrict access to all offensive and controversial materials. I agree to release from liability, indemnify, and hold harmless the school, district, and district personnel against all claims, damages, and costs that may result from my child's use of district technology or the failure of any technology protection measures used by the district. Further, I accept full responsibility for supervision of my child's use of their access account if and when such access is not in the school setting.

Name: _____ Date: _____
(Please print)

Signature: _____

Appendix M

BUSINESS AND NON-INSTRUCTIONAL OPERATIONS

Firearms on School Grounds

The Superintendent is committed to providing a safe environment for students, staff, and visitors on campus. The Superintendent or designee shall consult with local law enforcement, insurance carriers, and other appropriate individuals and agencies to address the security of school campuses.

Possession of a firearm on or within 1,000 feet of school grounds is prohibited, except under the limited circumstances specified in Penal Code 626.9. School grounds include, but are not limited to, school buildings, fields, storage areas, and parking lots.

If a San Joaquin County Office of Education (SJCOE) employee observes or suspects that any unauthorized person is in possession of a firearm on or near school grounds or at a school activity, he/she shall immediately notify the administrator or designee and law enforcement.

The prohibition against the possession of firearms on school grounds shall be included in the SJCOE comprehensive safety plan and shall be communicated to staff, parents/guardians, and the community.

- cf.* 1112 News Media
3515 Campus Security
4158/4258/4358 Employee Security
5131.4 Student Disturbances
5131.7 Weapons and Dangerous Instruments

Legal Reference:

EDUCATION CODE

- 32281 Comprehensive safety plan
35160 Powers and duties of the board
38001.5 District security officers; requirements if carry firearm

PENAL CODE

- 626.9 Gun Free School Zone Act
830.32 District police department; district decision to authorize carrying of firearm
16150 Definition of ammunition
16520 Definition of firearm
26150-26225 Concealed weapons permit
30310 Prohibition against ammunition on school grounds

UNITED STATES CODE, TITLE 18

- 921 Definitions, firearms and ammunition
922 Firearms, unlawful acts
923 Firearm licensing

UNITED STATES CODE, TITLE 20

- 7151 Gun-Free Schools Act; student expulsions for possession of firearm
(12/17)

Appendix N

San Joaquin County Office of Education Policy SP 4119.21 (144) 4219.21 (144) 4319.21 (144)

ALL PERSONNEL

Professional Standards

The Superintendent expects San Joaquin County Office of Education (SJCOE) employees to maintain the highest ethical standards, exhibit professional behavior, follow superintendent policies and administrative regulations, abide by state and federal laws, and exercise good judgement when interacting with students and other members of the educational community. Employee conduct should enhance the integrity of SJCOE and advance the goals of SJCOE's educational programs and contribute to a positive educational climate.

The Superintendent encourages SJCOE employees to accept as guiding principles the professional standards and codes of ethics adopted by educational or professional associations to which they may belong.

Each employee should make a commitment to acquire the knowledge and skills necessary to fulfill their responsibilities and should focus on their contribution to the learning and achievement of SJCOE students.

Inappropriate Conduct

Inappropriate employee conduct includes, but is not limited to:

1. Engaging in any conduct that endangers students, staff, or others, including, but not limited to, physical violence, threats of violence, or possession of a firearm or other weapon.
2. Engaging in harassing or discriminatory behavior towards students, parents/guardians, staff, or community members, or failing or refusing to intervene when an act of discrimination, harassment, intimidation, or bullying against a student is observed.
3. Physically abusing, sexually abusing, neglecting, or otherwise willfully harming or injuring a child.
4. Engaging in inappropriate socialization or fraternization with a student or soliciting, encouraging, or maintaining an inappropriate written, verbal, or physical relationship with a student.
5. Possessing or viewing any pornography on school grounds, or possessing or viewing child pornography or other imagery portraying children in a sexualized manner at any time.
6. Using profane, obscene, or abusive language against students, parents/guardians, staff, or community members.
7. Willfully disrupting SJCOE or school operations by loud or unreasonable noise or other action.
8. Using tobacco, alcohol, or an illegal or unauthorized substance, or possessing or distributing any controlled substance, while in the workplace, on SJCOE property, or at a school-sponsored activity.
9. Being dishonest with students, parents/guardians, staff, or members of the public, including, but not limited to, falsifying information in employment records or other school records.

10. Divulging confidential information about students, SJCOE employees, or SJCOE operations to persons or entities not authorized to receive the information.
11. Using SJCOE equipment or other SJCOE resources for the employee's own commercial purposes or for political activities.
12. Using SJCOE equipment or communications devices for personal purposes while on duty, except in an emergency, during scheduled work breaks, or for personal necessity.
13. Employees shall be notified that computer files and all electronic communications, including, but not limited to, email and voice mail, are not private. To ensure proper use, the Superintendent or designee may monitor employee usage of SJCOE technological resources at any time without the employee's consent.
14. Causing damage to or engaging in theft of property belonging to students, staff, or the SJCOE.
15. Wearing inappropriate attire.

Reports of Misconduct

An employee who observes or has evidence of another employee's inappropriate conduct shall immediately report such conduct to the program administrator or Superintendent or designee. An employee who has knowledge of or suspects child abuse or neglect shall file a report pursuant to SJCOE's child abuse reporting procedures as detailed in AR 5141.4 - Child Abuse and Neglect.

Any reports of employee misconduct shall be promptly investigated. Any employee who is found to have engaged in inappropriate conduct in violation of law or Board policy shall be subject to disciplinary action and, in the case of a certificated employee, may be subject to a report to the Commission on Teacher Credentialing. The Superintendent or designee shall notify local law enforcement as appropriate.

Any employee who has knowledge but fails to report inappropriate conduct may also be subject to discipline.

The SJCOE prohibits retaliation against anyone who files a complaint against an employee or reports an employee's inappropriate conduct. Any employee who retaliates against any such complainant, reporter, or other participant in the SJCOE's complaint process shall be subject to discipline.

Notifications

The section(s) of the SJCOE's employee code of conduct addressing interactions with students shall be provided to parents/guardians at the beginning of each school year and shall be posted on school and/or SJCOE web sites.

cf: 0200 Goals of the County Office of Education
 0410 Nondiscrimination in Programs and Services
 1113 County Office of Education and School Websites
 4112.2 Certification
 4118 Classified Personnel: Disciplinary Action
 4119.1/4219.1/4319.1 Civil and Legal Rights

4131/4231/4331 Staff Development
4218 Certificated and Classified Personnel: Dismissal/Suspension/Disciplinary Action
5131 Conduct
5141.4 Child Abuse and Neglect (Reporting Procedures)
6163.4 Student Use of Technology

Legal Reference:

EDUCATION CODE

200-262.4 Education equity; prohibition of discrimination on the basis of sex
44050 Employee code of conduct; interaction with students
44242.5 Reports and review of alleged misconduct
48980 Parent/Guardian notifications

PENAL CODE

11164-11174.4 Child Abuse and Neglect Reporting Act

CODE OF REGULATIONS, TITLE 5

80303 Reports of change in employment status; alleged misconduct
80331-80338 Rules of conduct for professional educators

Policy Adopted: Nov. 17, 1993
Policy Amended: March 8, 2023
San Joaquin County Office of Education

Appendix O

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

Policy Adopted: Nov. 17, 1993

Amended: March 18, 2015

San Joaquin County Office of Education

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).*

Policy Adopted: Nov. 17, 1993
Amended: March 18, 2015
San Joaquin County Office of Education

