

Parent and Student Rights and Responsibilities 2022 - 2023

Grades K - 12



Desert Sands Unified School District publishes this Handbook for Parents and Students annually to present information that may be useful to parents and students and to comply with state and federal laws regarding notification to parents and students of their educational rights.

Included in this handbook:

Informational Directory

- Desert Sands Unified School District Board of Education
- Desert Sands Unified School District Administration
- Desert Sands Unified School District Schools

Referenced Codes and Policies relating to important information regarding parent and student rights. This information should be read carefully.

- California Education Code
- Code of Federal Regulations
- Desert Sands Unified School District
 - Board Policies
 - Administrative Regulations
- Health and Safety Code
- Public Law
- United States Code

If you have any questions or concerns regarding any information contained in the Handbook, please contact the principal at your child's school.

Tenemos un Manual en español si lo prefieren.

DESERT SANDS UNIFIED SCHOOL DISTRICT

47-950 Dune Palms Rd., La Quinta, California 92253

(760) 777-4200

BOARD OF EDUCATION

Ana M. Conover - President

Wendy Jonathan - Vice President/Clerk

Tricia Pearce - Member

Linda Porras - Member

Vacant - Member

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Angela Randolph, Ed.D. - Director, State and Federal Programs

Mike Kint - Senior Director, Elementary Curriculum,
Instruction & Assessment

David Gustafson, Ed.D. - Senior Director, Secondary Curriculum,
Instruction & Assessment

ELEMENTARY SCHOOLS (K-5)

Dr. Reynaldo J. Carreon, Jr. Academy	47-368 Monroe St.	Indio	(760) 863-1544
Carrillo Ranch	43-775 Madison St.	Indio	238-9700
James Earl Carter	74-251 Hovley Lane	Palm Desert	862-4370
Amelia Earhart	45-250 Dune Palms Rd.	Indio	200-3720
Gerald Ford	44-210 Warner Trail	Indian Wells	772-4120
Benjamin Franklin	77-800 Calle Tampico	La Quinta	238-9424
Herbert Hoover	44-300 Monroe St.	Indio	775-3820
Andrew Jackson	82-850 Kenner St.	Indio	775-3830
Lyndon B. Johnson	44-640 Clinton St.	Indio	863-3680
John F. Kennedy	45-100 Clinton St.	Indio	775-3840
Abraham Lincoln	74-100 Rutledge Way	Palm Desert	862-4340
James Madison	80-845 Avenue 46	Indio	775-3850
James Monroe	42-100 Yucca Lane	Bermuda Dunes	772-4130
Richard Oliphant	41-633 Gore Street	Indio	834-3231
Ronald Reagan	39-800 Liberty Dr.	Palm Desert	772-0456
Theodore Roosevelt	83-200 Dr. Carreon Blvd.	Indio	775-3860
Harry S. Truman	78-870 Avenue 50	La Quinta	777-4240
Martin Van Buren	47-733 Van Buren St.	Indio	775-3870
George Washington Charter	45-768 Portola Ave.	Palm Desert	862-4350

MIDDLE SCHOOLS (6-8)

Desert Ridge Academy	79-767 Avenue 39	Indio	393-5500
John Glenn	79-655 Miles Ave.	Indio	200-3700
Indio	81-195 Miles Ave.	Indio	775-3800
Thomas Jefferson	83-089 Highway 111	Indio	863-3660
La Quinta	78-900 Avenue 50	La Quinta	777-4220
Colonel Mitchell Paige	43-495 Palm Royale Dr.	La Quinta	238-9710
Palm Desert Charter	74-200 Rutledge Way	Palm Desert	862-4320

HIGH SCHOOLS (9-12)

Indio High School	81-750 Avenue 46	Indio	775-3550
La Quinta High School	79-255 Blackhawk Way	La Quinta	772-4150
Palm Desert High School	74-910 Aztec Road	Palm Desert	862-4300
Shadow Hills High School	39-225 Jefferson St.	Indio	393-5400
Amistad High School (Continuation)	83-501 Dillon Road	Indio	775-3570
Summit High School (Continuation)	43-330 Palm Royale Dr.	La Quinta	238-9760
Horizon (Alternative School) K-12	43-330 Palm Royale Dr.	La Quinta	238-9720

LEARNING CENTERS

Adams Early Childhood Learning Center	50-800 Desert Club Dr.	La Quinta	777-4260
Eisenhower Community Education Center	83-391 Dillon Ave.	Indio	775-3810



DESERT SANDS UNIFIED SCHOOL DISTRICT

47-950 Dune Palms Road • La Quinta, California 92253 • (760) 777-4200 • FAX: (760) 771-8505

BOARD OF EDUCATION: Ana M. Conover, Wendy Jonathan, Tricia Pearce, Linda Porras, *Vacant*
SUPERINTENDENT: Kelly May-Vollmar, Ed.D.

Dear Educational Community,

Welcome to the Desert Sands Unified School District. You are a valued member of a district dedicated to the vision of successfully preparing all students for college, career, and life. Representing 27,000 students, 2,800 employees, and a 752 square mile attendance zone, the Desert Sands Unified School District proudly serves the communities of Bermuda Dunes, Palm Desert, Indian Wells, Indio, La Quinta, and parts of Rancho Mirage and Coachella.

The district's vision, mission, and values statements serve as an anchor for how each of us will listen, learn, and lead as we work collaboratively to ensure the very best educational experiences and outcomes for every student of DSUSD. Our mission, vision, and values statements are located on the subsequent page.

Please review this handbook to get better acquainted with our student and parent rights and responsibilities, and to better set the stage for a successful school year. We understand that in addition to your review of this document, ongoing communication is vital to the achievement of all of our collective goals. Please refer to our district [website](#) and the district mobile app for frequently updated district information. We also encourage you to locate your individual school information on their website and talk with your school about access to the ParentView app allowing for up to date information on how your child is doing in school.

We look forward to a year where we listen, learn, and grow TOGETHER!

Sincerely,

Kelly May-Vollmar, Ed.D.
Superintendent, DSUSD



The Future Is Here!

DESERT SANDS UNIFIED SCHOOL DISTRICT

OUR MISSION

To inspire and nurture every student...one opportunity at a time.

OUR VISION

We will be the district of choice to successfully prepare every student for college, career, and life.

OUR VALUES

Relationships

We believe that meaningful collaboration is vital to our success and that trust, open, and honest communication build positive relationships.

Therefore, we deliberately make personal and meaningful connections with students, parents, staff, and community members.

Respect

We believe that the unique contributions made by each member of our educational community make us stronger.

Therefore, we demonstrate consideration, thoughtfulness, attentiveness, politeness, courtesy, civility, and deference in our interactions with others.

Innovation

We believe in innovation as a mindset that propels continuous improvement.

Therefore, we demonstrate the innovator's mindset by constantly introducing new ways of doing things so that outcomes are improved.

Inclusion

We believe that inclusion embraces all forms of human differences and abilities.

Therefore, we promote access to educational opportunities and social emotional support in a safe, secure, and nurturing climate of high expectations.

Teamwork

We believe that together we are stronger.

Therefore, we model positive relationships and unity of purpose in our interactions with others.

Kindness

We believe that kindness promotes and inspires a positive school and work culture as well as a healthy community.

Therefore, we engage in various activities that define, promote, and encourage kindness, empathy, and generosity.

Equity

We believe that student and staff outcomes are not predicted by race, ethnicity, or socioeconomic status, and that everyone can attain mastery of essential skills given appropriate time and resources.

Therefore, we demonstrate high expectations for all and build self-efficacy to ensure success.

Excellence

We believe that setting high standards helps us realize our vision.

Therefore, we model continuous improvement and high expectations for all.

Service

We believe that positive customer and community service distinguishes the district and gives it a competitive edge.

Therefore, we model timely and professional interactions with our community.



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EQUITY and NONDISCRIMINATION

Nondiscrimination and Complaint Procedures

It is a policy of the Desert Sands Unified School District not to discriminate on the basis of actual or perceived race, religion, color, national origin, immigration status, ethnic group, age, pregnancy, marital or parental status, physical or mental disability, medical condition, genetic information, veteran status, gender, sex, sexual orientation, or other protected categories for access to its educational programs and activities, or in the recruitment and employment of personnel, or for membership in advisory groups or committees, in compliance with Title VI, Civil Rights Act; Title IX Education Amendments; Section 504, Rehabilitation Act; and Age Discrimination Act. The District will take steps to assure that the lack of English will not be a barrier to admission and participation in district programs. This nondiscrimination policy covers admission and access to, and treatment and employment in, the District's programs and activities, including vocational education. Complaints, inquiries, or translation requests related to gender equity, nondiscrimination and uniform complaint procedures should be directed to: Joseph Hyde, Assistant Superintendent, Personnel Services, Desert Sands Unified School District, 47-950 Dune Palms Road, La Quinta, CA 92253, (760) 771-8687. Inquiries related to Section 504 should be directed to: Larry Bellanich, Director, Child Welfare & Attendance, Desert Sands Unified School District, 47-950 Dune Palms Road, La Quinta, CA 92253, (760) 771-8611. (Federal Regulation, Title IX)

Uniform Complaint Procedures

The Governing Board recognizes that the district has the primary responsibility to ensure compliance with applicable state and federal laws and regulations governing educational programs. The Board encourages early resolution of complaints whenever possible. To resolve complaints which may require a more formal process, the Board adopts the uniform system of complaint processes specified in 5 CCR 4600-4670 and the accompanying administrative regulation.

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

1. Any complaint alleging district violation of applicable state or federal law or regulations governing adult education programs, After School Education and Safety programs, agricultural vocational education, American Indian education centers and early childhood education program assessments, bilingual education, peer assistance and review programs for teachers, career technical and technical education and training programs, child care and migrant development programs, child nutrition programs, compensatory education, consolidated categorical aid programs, Economic Impact Aid, English learner programs, federal education programs in Title I-VII, migrant education, Regional Occupational Centers and Programs, school safety plans, special education programs, State Preschool Programs, Tobacco-Use Prevention Education programs, and any other district-implemented program which is listed in Education Code 64000(a)
2. Any complaint alleging the occurrence of unlawful discrimination (such as discriminatory harassment, intimidation, or bullying) against any student, employee, or other person participating in district 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, immigration status, ethnic group identification, age, religion, marital status, pregnancy, parental status, physical or mental disability, sex, sexual orientation, gender, gender identity, gender expression, or genetic information, or any other characteristic identified in Education Code 200 or 220, Government Code 11135, or Penal Code 422.55, or based on his/her association with a person or group with one or more of these actual or perceived characteristics (5 CCR 4610)
3. Any complaint alleging district 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 (Education Code 222)
4. Any complaint alleging district noncompliance with the prohibition against requiring students to pay fees, deposits, or other charges for participation in educational activities (5 CCR 4610)
5. Any complaint alleging district noncompliance with legal requirements related to the implementation of the local control and accountability plan (Education Code 52075)

6. Any complaint, by or on behalf of any student who is a foster youth, alleging district noncompliance with any legal requirement applicable to the student regarding placement decisions, the responsibilities of the district'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 Board-imposed graduation requirements (Education Code 48853, 48853.5, 49069.5, 51225.1, 51225.2)
7. Any complaint, by or on behalf of a homeless student as defined in 42 USC 11434a, a former juvenile court school student, or a child of a military family as defined in Education Code 49701 who transfers into the district after his/her second year of high school, alleging district 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 Board-imposed graduation requirements (Education Code 51225.1, 51225.2)
8. Any complaint alleging district noncompliance with the requirements of Education Code 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 (Education Code 51228.3)
9. Any complaint alleging district noncompliance with the physical education instructional minutes requirement for students in elementary school (Education Code 51210, 51223)
10. 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
11. Any other complaint as specified in a district policy

The Board 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 acceptable 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.

The district 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 subject of the complaint if he/she is 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, the district 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 district's UCP.

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

The Superintendent or designee shall maintain records of all UCP complaints and the investigations of those complaints in accordance with applicable law and district policy. (BP 1312.3)

Non-UCP Complaints

The following complaints shall not be subject to the district's UCP but shall be referred to the specified agency: (5 CCR 4611)

1. Any complaint alleging child abuse or neglect shall be referred to the County Department of Social Services, the County 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 the Department of Social Services 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 the district in accordance with the procedures specified in AR 4030 - Nondiscrimination in Employment.

Any complaint related to sufficiency of textbooks or instructional materials, emergency or urgent facilities conditions that pose a threat to the health or safety of students or staff, or teacher vacancies and misassignments shall be investigated and resolved in accordance with the procedures in AR 1312.4 - Williams Uniform Complaint Procedures. (Education Code 35186)

In addition, the district's Williams Uniform Complaint Procedures, AR 1312.4, shall be used to investigate and resolve any complaint related to sufficiency of textbooks or instructional materials, emergency or urgent facilities conditions that pose a threat to the health or safety of students or staff, or teacher vacancies and misassignments. (Education Code 35186)

Uniform Complaint Procedures

Except as the Governing Board may otherwise specifically provide in other district policies, these uniform complaint procedures (UCP) shall be used to investigate and resolve the complaints specified in BP 1312.3. (AR 1312.3)

Compliance Officers

The district designates the individual(s) identified below as the employee(s) responsible for coordinating the district's response to complaints and for complying with state and federal civil rights laws. The individual(s) also serve as the compliance officer(s) specified in AR 5145.3 - Nondiscrimination/Harassment as the responsible employee(s) to handle complaints regarding unlawful discrimination (such as discriminatory harassment, intimidation, or bullying). The individual(s) shall receive and coordinate the investigation of complaints and shall ensure district compliance with law.

Joseph Hyde, Ed. D.

Assistant Superintendent, Personnel Services

47-950 Dune Palms Road

La Quinta, CA 92253

(760) 771-8687

joseph.hyde@desertsands.us

The compliance officer who receives a complaint may assign another compliance officer to investigate and resolve the complaint. The compliance officer shall promptly notify the complainant and respondent, if applicable, if another compliance officer is assigned to the complaint.

In no instance shall a compliance officer be assigned to a complaint in which he/she has a bias or conflict of interest that would prohibit him/her from fairly investigating or resolving the complaint. Any complaint against 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 (such as discriminatory harassment, intimidation, or bullying), 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 compliance officer 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 compliance officer or the administrator shall consult with the Superintendent, the Superintendent's designee, or, if appropriate, the site principal to implement one or more interim measures. The interim measures shall remain in place until the compliance officer determines that they are no longer necessary or until the district issues its final written decision, whichever occurs first.

Notifications

The district's UCP policy and administrative regulation shall be posted in all district schools and offices, including staff lounges and student government meeting rooms. (Education Code 234.1)

The Superintendent or designee shall annually provide written notification of the district's UCP to students, employees, parents/guardians of district students, district advisory committee members, school advisory committee members, appropriate private school officials or representatives, and other interested parties. The notification shall include information regarding the prohibition of discrimination, harassment, intimidation, and bullying; unlawful student fees; local control and accountability plan (LCAP) requirements; and requirements related to the educational rights of foster youth, homeless students, former juvenile court school students, and children of military families. (Education Code 262.3, 48853, 48853.5, 49010-49013, 49069.5, 51225.1, 51225.2, 52075; 5 CCR 4622)

The notice shall:

1. Identify the person(s), position(s), or unit(s) responsible for receiving complaints
2. Advise the complainant of any civil law remedies that may be available to him/her under state or federal antidiscrimination laws, if applicable
3. Advise the complainant of the appeal process, including, if applicable, the complainant's right to take a complaint directly to the California Department of Education (CDE) or to pursue remedies before civil courts or other public agencies, such as the U.S. Department of Education's Office for Civil Rights (OCR) in cases involving unlawful discrimination (such as discriminatory harassment, intimidation, or bullying).
4. Include statements that:
 - a. The district has the primary responsibility to ensure compliance with applicable state and federal laws and regulations governing educational programs.
 - b. The complaint review shall be completed within 60 calendar days from the date of receipt of the complaint unless the complainant agrees in writing to an extension of the timeline.
 - c. A complaint alleging retaliation or unlawful discrimination (such as discriminatory harassment, intimidation, or bullying) must be filed not later than six months from the date it occurred, or six months from the date the complainant first obtained knowledge of the facts of the alleged unlawful discrimination. The time for filing may be extended for up to 90 days by the Superintendent or designee for good cause upon written request by the complainant setting forth the reasons for the extension.
 - d. Complaints should be filed in writing and signed by the complainant. If a complainant is unable to put his/her complaint in writing, for example, due to conditions such as a disability or illiteracy, district staff shall assist him/her in the filing of the complaint
 - e. If a complaint is not filed in writing but the district receives notice of any allegation that is subject to the UCP, the district shall take affirmative steps to investigate and address the allegations, in a manner appropriate to the particular circumstances.

If the allegation involves retaliation or unlawful discrimination (such as discriminatory harassment, intimidation, or bullying) and the investigation confirms that discrimination has occurred, the district will take steps to prevent recurrence of discrimination and correct its discriminatory effects on the complainant, and on others, if appropriate.

- f. A student enrolled in a public school shall not be required to pay a fee for his/her participation in an educational activity that constitutes an integral fundamental part of the district's educational program, including curricular and extracurricular activities.
- g. The Board is required to adopt and annually update the LCAP in a manner that includes meaningful engagement of parents/guardians, students, and other stakeholders in the development and/or review of the LCAP.
- h. A foster youth shall receive information about educational rights related to his/her educational placement, enrollment in and checkout from school, as well as the responsibilities of the district liaison for foster youth to ensure and facilitate these requirements and to assist the student in ensuring proper transfer of his/her credits, records, and grades when he/she transfers between schools or between the district and another district.
- i. A foster youth, homeless student, former juvenile court school student, or child of a military family who transfers into a district high school or between district high schools as applicable shall be notified of the district's responsibility to:
 - i. 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

- ii. 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
- iii. If the student has completed his/her second year of high school before the transfer, provide the student information about district-adopted coursework and Board-imposed graduation requirements from which he/she may be exempted pursuant to Education Code 51225.1
- j. The complainant has a right to appeal the district's decision to CDE by filing a written appeal within 15 calendar days of receiving the district's decision.

In any complaint alleging unlawful discrimination (such as discriminatory harassment, intimidation, or bullying), the respondent also shall have the right to file an appeal with CDE in the same manner as the complainant, if he/she is dissatisfied with the district's decision.

- k. The appeal to CDE must include a copy of the complaint filed with the district and a copy of the district's decision.
- l. Copies of the district's UCP are available free of charge.

The annual notification, complete contact information of the compliance officer(s), and information related to Title IX as required pursuant to Education Code 221.61 shall be posted on the district web site and may be provided through district-supported social media, if available.

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 the district's policy, regulation, forms, and notices concerning the UCP.

If 15 percent or more of students enrolled in a particular district school speak a single primary language other than English, the district's policy, regulation, forms, and notices concerning the UCP shall be translated into that language, in accordance with Education Code 234.1 and 48985.

In all other instances, the district shall ensure meaningful access to all relevant UCP information for parents/guardians with limited English proficiency.

District Responsibilities

All UCP-related complaints shall be investigated and resolved within 60 calendar days of the district's receipt of the complaint unless the complainant agrees in writing to an extension of the timeline. (5 CCR 4631)

For complaints alleging unlawful discrimination (such as discriminatory harassment, intimidation, or bullying), the district shall inform the respondent when the complainant agrees to an extension of the timeline for investigating and resolving the complaint.

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

All parties involved in the allegations shall be notified when a complaint is filed and when a decision or ruling is made. However, the compliance officer shall keep all complaints or allegations of retaliation or unlawful discrimination (such as discriminatory harassment, intimidation, or bullying) 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. (5 CCR 4630, 4964)

All complainants shall be protected from retaliation.

Filing of Complaint

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

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, district staff shall assist him/her in the filing of the complaint. (5 CCR 4600)

Complaints shall also be filed in accordance with the following rules, as applicable:

1. A complaint alleging district violation of applicable state or federal law or regulations governing the programs specified in the accompanying Board policy (item #1 of the section "Complaints Subject to the UCP") may be filed by any individual, public agency, or organization. (5 CCR 4630)
2. Any complaint alleging noncompliance with law regarding the prohibition against requiring students to pay student fees, deposits, and 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 principal of the school 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. (Education Code 49013, 52075; 5 CCR 4630)
3. A complaint alleging unlawful discrimination (such as discriminatory harassment, intimidation, or bullying) may be filed only by a person who alleges that he/she personally suffered the unlawful discrimination or by a person who believes that an individual or any specific class of individuals has been subjected to it. The complaint shall be initiated no later than six months from the date when the alleged unlawful discrimination occurred, or six months from the date when the complainant first obtained knowledge of the facts of the alleged unlawful discrimination. The time for filing may be extended for up to 90 days by the Superintendent or designee for good cause upon written request by the complainant setting forth the reasons for the extension. (5 CCR 4630)
4. When a complaint alleging unlawful discrimination (such as discriminatory harassment, intimidation, or bullying) is filed anonymously, the compliance officer 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 of unlawful discrimination (such as discriminatory harassment, intimidation, or bullying) or the alleged victim, when he/she is not the complainant, requests confidentiality, the compliance officer shall inform him/her that the request may limit the district's ability to investigate the conduct or take other necessary action. When honoring a request for confidentiality, the district shall nevertheless take all reasonable steps to investigate and resolve/respond to the complaint consistent with the request.

Mediation

Within three business days after the compliance officer receives the complaint, he/she 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 compliance officer shall make all arrangements for this process.

Before initiating the mediation of a complaint alleging retaliation or unlawful discrimination (such as discriminatory harassment, intimidation, or bullying), the compliance officer shall ensure that all parties agree to make the mediator a party to relevant confidential information. The compliance officer 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 law, the compliance officer shall proceed with his/her investigation of the complaint.

The use of mediation shall not extend the district'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, then the district shall take only the actions agreed upon through the mediation. If mediation is unsuccessful, the district shall then continue with subsequent steps specified in this administrative regulation.

Investigation of Complaint

Within 10 business days after the compliance officer receives the complaint, the compliance officer shall begin an investigation into the complaint.

Within one business day of initiating the investigation, the compliance officer shall provide the complainant and/or his/her representative with the opportunity to present the information contained in the complaint to the compliance officer and shall notify the complainant and/or his/her representative of the opportunity to present the compliance officer with any evidence, or information leading to evidence, to support the allegations in the complaint. Such evidence or information may be presented at any time during the investigation.

In conducting the investigation, the compliance officer shall collect all available 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. He/she shall individually interview all available 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 compliance officer shall inform both parties of the status of the investigation.

To investigate a complaint alleging retaliation or unlawful discrimination (such as discriminatory harassment, intimidation, or bullying), the compliance officer shall interview the alleged victim(s), any alleged offenders, and other relevant witnesses privately, separately, and in a confidential manner. As necessary, additional staff or legal counsel may conduct or support the investigation.

A complainant's refusal to provide the district's investigator with documents or other evidence related to the allegations in the complaint, failure or refusal to cooperate in the investigation, or engagement in any other obstruction of the investigation may result in the dismissal of the complaint because of a lack of evidence to support the allegation. Similarly, a respondent's refusal to provide the district's investigator with documents or other evidence related to the allegations in the complaint, failure or refusal to cooperate in the investigation, or engagement in any other obstruction of the investigation may result in a finding, based on evidence collected, that a violation has occurred and in the imposition of a remedy in favor of the complainant. (5 CCR 4631)

In accordance with law, the district shall provide the investigator with access to records and other information related to the allegation in the complaint and shall not in any way obstruct the investigation. Failure or refusal of the district to cooperate in the investigation may result in a finding based on evidence collected that a violation has occurred and in the imposition of a remedy in favor of the complainant. (5 CCR 4631)

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

Report of Findings

Unless extended by written agreement with the complainant, the compliance officer shall prepare and send to the complainant, and respondent if there is one, a written report, as described in the section "Final Written Decision" below, within 60 calendar days of the district's receipt of the complaint. (5 CCR 4631)

Final Written Decision

The district's decision on how it will resolve the complaint shall be in writing and shall be sent to the complainant and respondent. (5 CCR 4631)

In consultation with district 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 (such as discriminatory harassment, intimidation, and bullying), notice of the district'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 attends 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. In all other instances, the district shall ensure meaningful access to all relevant information for parents/guardians with limited English proficiency.

For all complaints, the decision shall include: (5 CCR 4631)

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. The conclusion(s) of law
3. Disposition of the complaint
4. Rationale for such disposition

For complaints of retaliation or unlawful discrimination (such as discriminatory harassment, intimidation, or bullying), 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. The manner in which 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 (such as discriminatory harassment, intimidation, or bullying), 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 the complainant's and respondent's right to appeal the district's decision to CDE within 15 calendar days, and procedures to be followed for initiating such an appeal

The decision may also include follow-up procedures to prevent recurrence or retaliation and for reporting any subsequent problems.

For complaints alleging unlawful discrimination based on state law (such as discriminatory harassment, intimidation, and bullying), the decision shall also include a notice to the complainant that:

1. He/she may pursue available civil law remedies outside of the district's complaint procedures, including seeking assistance from mediation centers or public/private interest attorneys, 60 calendar days after the filing of an appeal with CDE. (Education 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. (Education 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.

Corrective Actions

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

For complaints involving retaliation or unlawful discrimination (such as discriminatory harassment, intimidation, or bullying), appropriate 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 escort to allow the victim to move safely about campus
5. Information regarding available resources and how to report similar incidents or retaliation
6. Separation of the victim from any other individuals involved provided the separation does not penalize the victim

7. Restorative justice
8. Follow-up inquiries to ensure that the conduct has stopped and there has been no retaliation
9. Determination of whether any past actions of the victim that resulted in discipline were related to the treatment the victim received and described in the complaint

For complaints involving retaliation or unlawful discrimination (such as discriminatory harassment, intimidation, or bullying), 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 retaliation or unlawful discrimination (such as discriminatory harassment, intimidation, or bullying), the district shall take appropriate disciplinary action, up to and including dismissal, in accordance with applicable law and collective bargaining agreement.

The district 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 (such as discriminatory harassment, intimidation, or bullying), that the district does not tolerate it, 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.

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, the district shall provide a remedy to all affected students and parents/guardians subject to procedures established by regulation of the State Board of Education. (Education Code 49013, 51223, 52075)

For complaints alleging noncompliance with the laws regarding student fees, the district 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. (Education Code 49013; 5 CCR 4600)

Appeals to the California Department of Education

Any complainant who is dissatisfied with the district's final written decision of a complaint regarding any specified federal or state educational program subject to the UCP may file an appeal in writing with CDE within 30 calendar days of receiving the district's decision. (Education Code 222, 48853, 48853.5, 49013, 49069.5, 51223, 51225.1, 51225.2, 51228.3, 52075; 5 CCR 4632)

When a respondent in any complaint alleging unlawful discrimination (such as discriminatory harassment, intimidation, and bullying) is dissatisfied with the district's final written decision, he/she, in the same manner as the complainant, may file an appeal with CDE.

The complainant or respondent shall specify the basis for the appeal of the decision and how the facts of the district's decision are incorrect and/or the law has been misapplied. The appeal shall be sent to CDE with a copy of the original locally filed complaint and a copy of the district's decision in that complaint. (5 CCR 4632)

Upon notification by CDE that the complainant or respondent has appealed the district's decision, the Superintendent or designee shall forward the following documents to CDE: (5 CCR 4633)

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 the district, 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 investigator
5. A report of any action taken to resolve the complaint
6. A copy of the district's uniform complaint procedures

7. Other relevant information requested by CDE

Williams Uniform Complaint Procedures

Types of Complaints

The district shall use the procedures described in this administrative regulation only to investigate and resolve the following: (Education Code 35186; 5 CCR 4680-4683)

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 district-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, including any complaint alleging that:
 - 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 learners 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 the semester for an entire semester. (Education Code 35186; 5 CCR 4600)

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. (5 CCR 4600)

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. (Education Code 35186; 5 CCR 4600)

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 poses 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. (Education Code 17592.72)

- 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, or paper towels or functional hand dryers. (Education Code 35292.5)

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. (Education Code 35292.5)

Filing of Complaint

A complaint alleging any condition(s) specified in the section “Types of Complaints” above shall be filed with the principal or designee at the school in which the complaint arises. The principal or designee shall forward a complaint about problems beyond his/her authority to the Superintendent or designee in a timely manner, but not to exceed 10 working days. (Education Code 35186; 5 CCR 4680)

Investigation and Response

The principal or designee shall make all reasonable efforts to investigate any problem within his/her authority. He/she shall remedy a valid complaint within a reasonable time period not to exceed 30 working days from the date the complaint was received. (Education Code 35186; 5 CCR 4685)

Complaints may be filed anonymously. If the complainant has indicated on the complaint form that he/she would like a response to the complaint, the principal or designee shall report the resolution of the complaint to him/her at the mailing address indicated on the complaint form within 45 working days of the initial filing of the complaint. At the same time, the principal or designee shall report the same information to the Superintendent or designee. (Education Code 35186; 5 CCR 4680, 4685)

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. (Education Code 35186)

If a complainant is not satisfied with the resolution of a complaint, he/she has the right to describe the complaint to the Governing Board at a regularly scheduled meeting. (Education Code 35186; 5 CCR 4686)

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 proffered by the principal or Superintendent or designee may file an appeal to the Superintendent of Public

Instruction within 15 days of receiving the district’s response. The complainant shall comply with the appeal requirements specified in 5 CCR 4632. (Education Code 35186; 5 CCR 4687)

All complaints and written responses shall be public records. (Education Code 35186; 5 CCR 4686)

Reports

On a quarterly basis, the Superintendent or designee shall report to the Board 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. (Education Code 35186; 5 CCR 4686)

Forms and Notices

The Superintendent or designee shall ensure a Williams complaint form is available at each school. However, complainants need not use the district’s complaint form in order to file a complaint. (Education Code 35186; 5 CCR 4680)

The Superintendent or designee shall ensure that the district’s complaint form contains a space to indicate whether the complainant desires a response to his/her complaint and specifies the location for filing a complaint. A complainant may add as much text to explain the complaint as he/she wishes. (Education Code 35186; 5 CCR 4680)

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

Sexual Harassment

The Governing Board is committed to maintaining a safe school environment that is free from harassment and discrimination. The Board prohibits, at school or at school-sponsored or school-related activities, sexual harassment targeted at any student by anyone. The Board also prohibits retaliatory behavior or action against any person who reports, files a complaint or testifies about, or otherwise supports a complainant in alleging sexual harassment.

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

All complaints and allegations of sexual harassment by and against students shall be investigated and resolved in accordance with law and district procedures. The Title IX Coordinator shall review the allegations to determine the applicable procedure for responding to the complaint. All complaints that meet the definition of sexual harassment under Title IX shall be investigated and resolved in accordance with AR 5145.71 - Title IX Sexual Harassment Complaint Procedures. Other sexual harassment complaints shall be investigated and resolved pursuant to BP/AR 1312.3 - Uniform Complaint Procedures. If sexual harassment is found following an investigation, the Title IX Coordinator, or designee in consultation with the Title IX Coordinator, shall take prompt action to stop the sexual harassment, prevent recurrence, implement remedies, and address any continuing effects. (AR 5145.7)

Definitions

Sexual harassment includes, but is not limited to, unwelcome sexual advances, unwanted requests for sexual favors, or other unwanted verbal, visual, or physical conduct of a sexual nature made against another person of the same or opposite sex in the educational setting, under any of the following conditions: (Education Code 212.5; 5 CCR 4916)

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

Any prohibited conduct that occurs off campus or outside of school-related or school-sponsored programs or activities will be regarded as sexual harassment in violation of district policy if it has a continuing effect on or creates a hostile school environment for the complainant or victim of the conduct.

For purposes of applying the complaint procedures specified in Title IX of the Education Amendments of 1972, sexual harassment is defined as any of the following forms of conduct that occurs in an education program or activity in which a district school exercises substantial control over the context and respondent: (34 CFR 106.30, 106.44)

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

Examples of Sexual Harassment

Examples of types of conduct which are prohibited in the district and which may constitute sexual harassment under state and/or federal law, in accordance with the definitions above, include, but are not limited to:

1. Unwelcome leering, sexual flirtations, or propositions
2. Unwelcome sexual slurs, 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, derogatory posters, notes, stories, cartoons, drawings, pictures, obscene gestures, or computer-generated images of a 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. Impeding or blocking movements or any physical interference with school activities when directed at an individual on the basis of sex
10. Displaying sexually suggestive objects
11. Sexual assault, sexual battery, or sexual coercion
12. Electronic communications containing comments, words, or images described above

Title IX Sexual Harassment Complaint Procedures

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

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

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

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

Reporting Allegations/Filing a Formal Complaint

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

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

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

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

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

Supportive Measures

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

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

Emergency Removal from School

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

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

Dismissal of Complaint

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

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

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

Informal Resolution Process

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

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

1. Provides the parties with written notice disclosing the allegations, the requirements of the informal resolution process, the right to withdraw from the informal process and resume the formal complaint process, and any consequences resulting from participating in the informal resolution process, including that records will be maintained or could be shared.
2. Obtains the parties' voluntary, written consent to the informal resolution process

Written Notice

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

1. The district's complaint process, including any informal resolution process
2. The allegations potentially constituting sexual harassment with sufficient details known at the time, including the identity of parties involved in the incident if known, the conduct allegedly constituting sexual harassment, and the date and location of the alleged incident if known. Such notice shall be provided with sufficient time for the parties to prepare a response before any initial interview.

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

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

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

Investigation Procedures

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

1. Provide an equal opportunity for the parties to present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence
2. Not restrict the ability of either party to discuss the allegations under investigation or to gather and present relevant evidence
3. Provide the parties with the same opportunities to have others present during any grievance proceeding, including the opportunity to be accompanied to any related meeting or proceeding by the advisor of their choice, who may be, but is not required to be, an attorney

4. Not limit the choice or presence of an advisor for either the complainant or respondent in any meeting or grievance proceeding, although the district may establish restrictions regarding the extent to which the advisor may participate in the proceedings as long as the restrictions apply equally to both parties
5. Provide, to a party whose participation is invited or expected, written notice of the date, time, location, participants, and purpose of all investigative interviews or other meetings, with sufficient time for the party to prepare to participate
6. Send in an electronic format or hard copy to both parties and their advisors, if any, the evidence obtained as part of the investigation that is directly related to the allegations raised in the complaint, and provide the parties at least 10 days to submit a written response for the investigator to consider prior to the completion of the investigative report
7. Objectively evaluate all relevant evidence, including both inculpatory and exculpatory evidence, and determine credibility in a manner that is not based on a person's status as a complainant, respondent, or witness
8. Create an investigative report that fairly summarizes relevant evidence and, at least 10 days prior to the determination of responsibility, send to the parties and their advisors, if any, the investigative report in an electronic format or a hard copy, for their review and written response

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

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

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

Written Decision

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

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

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

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

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

In making this determination, the decision-maker shall use the "preponderance of the evidence" standard for all formal complaints of sexual harassment. (34 CFR 106.45)

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

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

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

Appeals

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

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

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

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

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

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

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

Remedies

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

Corrective/Disciplinary Actions

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

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

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

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

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

Record-Keeping

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

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

Title IX Coordinator/Compliance Officer

The district designates the following individual(s) as the responsible employee(s) to coordinate its efforts to comply with Title IX of the Education Amendments of 1972 in accordance with AR 5145.71 - Title IX Sexual Harassment Complaint Procedures, as well as to oversee investigate, and/or resolve sexual harassment complaints processed under AR 1312.3 - Uniform Complaint Procedures. The Title IX Coordinator(s) may be contacted at:

Joseph Hyde, Ed. D.
Assistant Superintendent, Personnel Services
47-950 Dune Palms Road
La Quinta, CA 92253
(760) 771-8687
joseph.hyde@desertsands.us

Inquiries about the application of Title IX to the district may be directed to the district's Title IX Coordinator and/or to the Assistant Secretary for Civil Rights, U.S. Department of Education. (34 CFR 106.8)

ENROLLMENT

The Desert Sands Unified School District currently provides comprehensive educational programs for school age children enrolled in Transitional Kindergarten and grades 1 through 12. The programs listed in this handbook are available to all students who reside in our school district.

Intradistrict Transfer Open Enrollment

A student whose parent/guardian resides within the Desert Sands Unified School District is eligible to attend any school within the district if there is space available. Parent/guardian must apply online at Desert Sands Unified School District on the Child Welfare and Attendance web page. Approval of the applications will be based on a random, unbiased selection process. To be eligible, the application must be submitted online December through February to be eligible for admission to their school of choice the following school year under the District's open enrollment policy. Please refer to the district's website under Child Welfare and Attendance for information on which schools may have space available for transfer requests. Parents/guardians will be notified by mail/email of approval or denial. (Education Code Section 35160.5) (BP 5116.1)

Interdistrict Transfers

Students who reside outside the boundaries of Desert Sands Unified School District, and wish to attend a school in the Desert Sands Unified School District, must contact their school district of residence to apply for an inter-district transfer agreement between December and February to be eligible for admission to their school of choice the following school year. These applications will be approved on availability and must be renewed each school year. (Education Code Section 46660) (AR 5117)

Meeting Residency Requirements

Evidence of residency may be established by documentation showing the name and address of the parent/guardian within the district, including, but not limited to, any of the following:

1. Property tax payment receipt
2. Rental property contract, lease, or payment receipt
3. Utility service contract, statement, or payment receipt
4. Pay stub
5. Voter registration
6. Correspondence from a government agency
7. Declaration of residency executed by the student's parent/guardian
8. If the student is an unaccompanied youth as defined in 42 USC 11434a, a declaration of residency executed by the student
9. If the student is residing in the home of a caregiving adult within district boundaries, an affidavit executed by the caregiving adult in accordance with Family Code 6552 (AR 5111.1)

Parent Employment (Allen Bill)

A parent or guardian who is physically employed within the Desert Sands Unified School District boundaries for a minimum of 10 hours per week can enroll their student through the Allen Bill option. Parents or guardians can enroll their student(s) directly to DSUSD by completing an application, and providing verification of employment within our district boundaries (i.e. pay stub, verification of employment on business letterhead). Submit the completed application with employment verification to the Child Welfare and Attendance Office.

ATTENDANCE POLICY

Absence and Excuses

The Governing Board believes that regular attendance plays an important role in student achievement. The Board shall work with parents/guardians and students to ensure their compliance with all state attendance laws, and may use appropriate legal means to correct problems of chronic absence or truancy. (BP/AR 5113)

Excused Absence

Absence from school shall be excused only for health reasons, family emergencies, and justifiable personal reasons, as permitted by law, Board policy, and administrative regulations. (Education Code 48205)

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

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

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

Effect of Absence on Grades/Credits

A student shall not have a grade reduced or lose academic credit for any absence if missed assignments and tests that can reasonably be provided are satisfactorily completed within a reasonable period of time. Students shall not be absent from school without their parents/guardians' knowledge or consent, except in cases of medical emergency or, as authorized pursuant to Education Code 46010.1, for a confidential medical appointment. (AR 5113) (BP 5121) (BP 6154)

Excused Absences

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

1. Personal illness
2. Quarantine under the direction of a county or city health officer
3. Medical, dental, optometrical, or chiropractic appointment
4. Attendance at funeral services for a member of the student's immediate family. Such absence shall be limited to one day if the service is conducted in California or three days if the service is conducted out of state.
5. Jury duty in the manner provided by law
6. Illness or medical appointment of a child to whom the student is the custodial parent
7. Upon advance written request by the parent/guardian and the approval of the principal or designee, justifiable personal reasons including, but not limited to:
 - a. Appearance in court
 - b. Attendance at a funeral service
 - c. Observance of a religious holiday or ceremony
 - d. Attendance at religious retreats for no more than four hours per semester
 - e. Attendance at an employment conference
 - f. Attendance at an educational conference on the legislative or judicial process offered by a nonprofit organization
8. Service as a member of a precinct board for an election pursuant to Elections Code 12302
9. To spend time with an immediate family member who is an active duty member of the uniformed services, as defined in Education Code 49701, and has been called to duty for deployment to a combat zone or a combat support position or is on leave from or has immediately returned from such deployment. Such absence shall be granted for a period of time to be determined at the discretion of the Superintendent or designee.

10. Attendance at a naturalization ceremony to become a United States citizen
11. Participation in religious exercises or to receive moral and religious instruction at the student's place of worship or other suitable place away from school. Absence for student participation in religious exercises or instruction shall not be considered an absence for the purpose of computing average daily attendance if the student attends at least the minimum school day as specified in AR 6112 - School Day, and is not excused from school for this purpose on more than four days per school month.
12. Work in the entertainment or allied industry. Such absence shall be excused provided that the student holds a work permit authorizing such work and is absent for a period of not more than five consecutive days and up to five absences per school year.
13. Participation with a nonprofit performing arts organization in a performance for a public school audience
A student may be excused for up to five such absences per school year provided that the student's parent/guardian provides a written explanation of such absence to the school.
14. Other reasons authorized at the discretion of the principal or designee based on the student's specific circumstances

For the purpose of the absences described above, immediate family means the student's parent/guardian, brother or sister, grandparent, or any other relative living in the student's household.

A pupil absent from school under this section shall be allowed to complete all assignments and tests missed during the absence that can be reasonably provided and, upon satisfactory completion within a reasonable period of time, shall be given full credit therefore. The teacher of 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.

Method of Verification

Student absence to care for a child for whom the student is the custodial parent shall not require a physician's note. For other absences, the student shall, upon returning to school following the absence, present a satisfactory explanation verifying the reason for the absence. Absences shall be verified by the student's parent/guardian, other person having charge or control of the student, or the student if age 18 or older. When an absence is planned, the principal or designee shall be notified prior to the date of the absence when possible.

The following methods may be used to verify student absences:

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

Chronic Absence and Truancy

Definitions

Chronic absentee means a student who is absent for any reason on 10 percent or more of the school days in the school year, when the total number of days the student is absent is divided by the total number of days the student is enrolled and school was actually taught in the regular day schools of the district, exclusive of Saturdays and Sundays. (Education Code 60901(c)(1)).

Truant means a student who is absent from school without a valid excuse three full days in one school year, 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. (Education Code 48260)

Habitual truant means a student who has been reported as a truant three or more times within the same school year, provided the district has made a conscientious effort to hold at least one conference with the student and his/her parent/guardian after either of the two previous reports. (Education Code 48262, 48264.5)

Chronic truant means a student who has been absent from school without a valid excuse for 10 percent or more of the school days in one school year, from the date of enrollment to the current date, provided the district has met the requirements of Education Code 48260-48263 and 48291. (Education Code 48263.6) (AR 5113.1)

Addressing Chronic Absence

When a student is identified as a chronic absentee, the Superintendent or designee shall communicate with the student and his/her parent/guardian to determine the reason(s) for the excessive absences, ensure the student and parent/guardian are aware of the adverse consequences of poor attendance, and jointly develop a plan for improving the student's school attendance.

The student may be referred to a student success team or school-site attendance review team to assist in evaluating the student's needs and identifying strategies and programs that may assist him/her.

A student who is struggling academically may be offered tutoring or other supplemental instruction, extended learning opportunities, and/or alternative educational options as appropriate.

Whenever chronic absenteeism is linked to a health issue or nonschool condition, the Superintendent or designee may recommend school or community resources and/or collaborate with community agencies and organizations to address the needs of the student and his/her family.

Addressing Truancy

The attendance supervisor shall investigate a complaint from any person that a parent/guardian has violated the state compulsory education laws contained in Education Code 48200-48341. (Education Code 48290)

When a student has been identified as a truant, as defined above, the following steps shall be implemented based on the number of trancies he/she has committed:

1. Initial truancy
 - a. The student shall be reported to the attendance supervisor. (Education Code 48260)
 - b. The student's parent/guardian shall be notified by the most cost-effective method possible, which may include email or a telephone call, that: (Education Code 48260.5)
 - (1) The student is truant.
 - (2) The parent/guardian is obligated to compel the student to attend school. If the parent/guardian fails to meet this obligation, he/she may be guilty of an infraction of the law and subject to prosecution pursuant to Education Code 48290-48296.
 - (3) Alternative educational programs are available in the district.
 - (4) The parent/guardian has the right to meet with appropriate school personnel to discuss solutions to the student's truancy.
 - (5) The student may be subject to arrest or held in temporary custody by a probation officer, a peace officer, a school administrator or designee, or attendance supervisor or designee (Education Code 48264) if found away from home and absent from school without a valid excuse.

- (6) The student may be subject to suspension, restriction, or delay of his/her driving privilege pursuant to Vehicle Code 13202.7.
 - (7) It is recommended that the parent/guardian accompany the student to school and attend classes with the student for one day.
 - c. The student may be required to attend makeup classes on one day of a weekend pursuant to Education Code 37223. (Education Code 48264.5)
 - d. The student and, as appropriate, his/her parent/guardian may be requested to attend a meeting with a school counselor or other school designee to discuss the root causes of the attendance issue and develop a joint plan to improve the student's attendance (Education Code 48264.5)
 - e. The Superintendent or designee may notify the district attorney and/or probation officer of the name of each student who has been classified as a truant and the name and address of the student's parents/guardians. (Education Code 48260.6)
2. Second truancy
- a. Any student who has once been reported as a truant shall again be reported to the Superintendent or designee as a truant if he/she is absent from school without a valid excuse one or more days or is tardy on one or more days. (Education Code 48261)
 - b. The student may be required to attend makeup classes on one day of a weekend pursuant to Education Code 37223. (Education Code 48264.5)
 - c. The student may be assigned to an after-school or weekend study program within the county. If the student fails to successfully complete this study program, he/she shall be subject to item #3 below. (Education Code 48264.5)
 - d. An appropriate district staff member shall make a conscientious effort to hold at least one conference with the student and his/her parent/guardian by communicating with the parent/guardian at least once using the most cost-effective method possible, which may include email or telephone call. (Education Code 48262)
 - e. The student may be given a written warning by a peace officer. A record of that warning may be kept at the school for not less than two years or until the student graduates or transfers from the school. If the student transfers, the record may be forwarded to the new school (Education code 48264.5)
 - f. The Superintendent or designee may notify the district attorney and/or probation officer when the student continues to be classified as a truant after the parents/guardians have been notified in accordance with item #1b above. (Education Code 48260.6)
3. Third truancy (habitual truancy)
- a. A student who is habitually truant, irregular in school attendance, or habitually insubordinate or disorderly during attendance at school may be referred to, and required to attend, a school attendance review board (SARB) program, a truancy mediation program established by the district attorney or the probation officer, or a comparable program deemed acceptable by the Superintendent or designee. (Education Code 48263, 48264.5)
 - b. Upon making a referral to the SARB or the probation department, the Superintendent or designee shall provide the student and parent/guardian, in writing, the name and address of the SARB or probation department and the reason for the referral. This notice shall indicate that the student and parent/guardian shall be required, along with the district staff person making the referral, to meet with the SARB or a probation officer to consider a proper disposition of the referral. (Education Code 48263)
 - c. If the student does not successfully complete the truancy mediation program or other similar program, he/she shall be subject to item #4 below. (Education Code 48264.5)
 - d. If the Superintendent or designee determines that available community services cannot resolve the problem of the truant or insubordinate student or if the student and/or his/her parents/guardians have failed to respond to the directives of the district or to services provided, the Superintendent or designee may so notify the district attorney and/or the probation officer. (Education Code 48263)
4. Fourth truancy
- a. Upon his/her fourth truancy within the same school year, the student may be referred to the jurisdiction of the juvenile court. (Education Code 48264.5; Welfare and Institutions Code 601)

- b. If a student has been adjudged by the county juvenile court to be a habitual truant, the Superintendent or designee shall notify the juvenile court and the student's probation or parole officer whenever the student is truant or tardy on one or more days without a valid excuse in the same or succeeding school year, or is habitually insubordinate or disorderly at school. The juvenile court and probation or parole officer shall be notified within 10 days of the violation. (Education Code 48267)
5. Absence for 10 percent of school days (chronic truancy)
- a. The Superintendent or designee shall ensure that the student's parents/guardians are offered language-accessible support services to address the student's truancy.
 - b. If a chronically truant student is at least age six years and is in any of grades K-8, the Superintendent or designee shall notify the student's parents/guardians that failure to reasonably supervise and encourage the student's school attendance may result in the parent/guardian being found guilty of a misdemeanor pursuant to Penal Code 270.1.

An attendance supervisor or designee, peace officer, probation officer, or school administrator or designee may arrest or assume temporary custody, during school hours, of any minor student found away from his/her home who is absent from school without a valid excuse. Any person arresting or assuming temporary custody of a minor student shall deliver the student and make reports in accordance with Education Code 48265 and 48266. (Education Code 48264, 48265, 48266)

District School Attendance Review Board

The Governing Board recognizes that poor school attendance and behavior problems negatively impact student achievement and put students at greater risk of dropping out of school. The Superintendent or designee shall establish a comprehensive and integrated system for the early identification of attendance problems and shall implement strategies to encourage students' attendance. After other interventions have been exhausted, students with a pattern of unexcused absences may be referred to a school attendance review board (SARB), in accordance with applicable law, in order to receive intensive guidance and assistance. The SARB shall maintain a continuing inventory of community resources, including alternative educational programs.

The Superintendent or designee shall collaborate with the SARB and appropriate community agencies, including, but not limited to, law enforcement agencies, child welfare agencies, and health services, to provide school-based and/or community-based interventions tailored to the specific needs of the student. The Board shall appoint members to the district's SARB, who may include a parent/guardian as well as representatives of various agencies including, but not limited to, school districts; the county probation department; the county welfare department; the County Superintendent of Schools; law enforcement agencies; community-based youth service centers; school guidance personnel; child welfare and attendance personnel; school or county health care personnel; school, county, or community mental health personnel; the county district attorney's office; and the county public defender's office. The district's SARB shall provide support to improve student attendance and behavior through proactive efforts focused on building positive school environments and improved school connectedness, early identification and immediate intervention to re-engage students with poor attendance or behavior, and intensive intervention with students and families to address severe or persistent attendance or behavior issues. (BP 5113.12)

To Encourage School Attendance

The Superintendent or designee shall develop strategies that focus on prevention of attendance problems, which may include, but are not limited to, efforts to provide a safe and positive school environment, relevant and engaging learning experiences, school activities that help develop students' feelings of connectedness with the school, school-based health services, and incentives and rewards to recognize students who achieve excellent attendance or demonstrate significant improvement in attendance. The Superintendent or designee also shall develop strategies that enable early outreach to students as soon as they show signs of poor attendance.

The Superintendent or designee shall consult with students, parents/guardians, school staff and community agencies, as appropriate, to identify factors contributing to chronic absence and truancy. Intervention for students with serious attendance problems shall be designed to meet the specific needs of the student and may include, but are not limited to, health care referrals, transportation assistance, counseling for mental or emotional difficulties, academic supports, efforts to address school or community safety concerns, discussions with the student and parent/guardian about their attitudes regarding schooling, or other strategies to remove identified barriers to school attendance. The Superintendent or designee may collaborate with child welfare services, law enforcement, courts, public health care agencies, other government agencies, and/or medical, mental health, and oral health care providers to make alternative educational programs and support services available for students and families.

Students who are identified as truant shall be subject to the interventions specified in law and administrative regulation. A student's truancy, tardiness, or other absence from school shall not be the basis for his/her suspension or expulsion. Alternative strategies and positive reinforcement for attendance shall be used whenever possible.

The Superintendent or designee shall periodically report to the Board regarding the district's progress in improving student attendance rates for all students and for each numerically significant student population. Such information shall be used to evaluate the effectiveness of strategies implemented to reduce chronic absence and truancy and to make changes as needed. As appropriate, the Superintendent or designee shall engage school staff in program evaluation and improvement and in the determination of how to best allocate available community resources.

EDUCATIONAL SERVICES

School Accountability Report Card (SARC)

A school accountability report card is available to parents/guardians at their request. Please contact your child's school or the Educational Services Division at (760) 771-8602. (Education Code Section 35256) (BP/AR 0510)

Grading of Student

Grades serve a valuable instructional purpose by helping students and parents/guardians identify the student's areas of strength and those areas needing improvement. Parents/guardians and students have the right to receive course grades that represent an accurate evaluation of the student's academic performance.

Teachers shall evaluate a student's work in relation to standards which apply to all students at his/her grade level. Teachers shall inform students and parents/guardians how student achievement will be evaluated in the classroom.

Grades will be based solely on the quality of the student's academic work and his/her mastery of course content and district standards. Students shall have the opportunity to demonstrate this mastery through a variety of methods including, but not limited to, tests, projects, portfolios, and/or class discussion.

When grades are given for any course of instruction taught, the grade given to each pupil shall be the grade determined by the teacher of the course and the determination of the pupil's grade by the teacher, in the absence of clerical or mechanical mistake, fraud, bad faith, or incompetency, shall be final. A grade challenge must occur no later than one semester following the period for which the grade was given. (Education Code Section 49066)

A written report shall be sent to, or a conference shall be held, with the student's parent/guardian in the event the student is in danger of failing the course. (Education Code Sections 49066-49067)

An incomplete grade is given when a student's work is not finished because of illness or other absence. If not made up within six weeks, the incomplete will become an F.

When school property has been willfully damaged or not returned upon demand, the principal or designee shall inform the parent/guardian in writing of the responsible student's alleged misconduct and the reparation that may be due.

This notice shall include a statement that the district may withhold grades, diploma or transcripts from the student and parent/guardian until reparation is made. (BP/AR 5121, AR 5125.2)

Challenging Courses by Examinations

The Governing Board recognizes the occasional need to allow students in grades 9-12 to take examinations which assist in the proper placement of students in the course of study. Students may receive credit by demonstrating a competency through examination and/or performance.

The examination given to students under this policy shall be a comprehensive examination which shall cover all of the objectives of the course being challenged. Successful completion of the examination shall be at a level which indicates mastery of the content and/or reasonable chance for success in the next higher course. (BP 6155)

Coursework and Graduation Requirements: Children of Military Families

If you are a military family, your child may qualify to be exempted from local graduation coursework requirements that are beyond the California state requirements. Please make an appointment with the school counselor to review your child's options for graduation. All coursework that was completed at another school outside of the Desert Sands Unified School District will be issued full or partial credit. Contact your school counselor for more information. (BP 6146.1)

Physical Education

Desert Sands Unified School District recognizes the positive benefits of physical activity for student health and academic achievement. The district provides a physical education program that builds interest and proficiency in movement skills and encourages students' lifelong fitness through physical activity.

Desert Sands Unified School District's physical education program includes a variety of kinesthetic activities, including team and individual sports, as well as aesthetic movement forms, such as dance. An appropriate alternative activity shall be provided for students with a physical disability that may restrict excessive physical exertion.

According to California Education Code and Board Policy, instruction in physical education shall be provided for a total period of time of not less than 200 minutes each 10 school days for students in grades 1 through 6, and not less than 400 minutes each 10 school days for students in grades 7 through 12. Parents and guardians of students in grades 1 through 5 receive an annual notice explaining the responsibility of the district to provide physical education, and information on where to direct questions or concerns.

If you have questions regarding physical education minutes/schedules, you should contact your child's classroom teacher, or the site principal. If after meeting, you have concerns regarding PE instructional minutes, you may contact Michael Wilhite at the district office by calling (760) 771-8685. If you are still unable to resolve your concern, you may utilize the Uniform Complaint Procedure (UCP). The UCP form can be accessed on the district website, your school, or the district office. (BP/AR 6142.7)

State-Mandated Pupil Testing

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.

California Assessment of Student Performance and Progress (CAASPP)

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 math assessments can be used as an indicator of college readiness.
- California Science Tests (CAST) - The computer-based CAST measures student's achievement of the California Next Generation Science Standards (CA NGSS) through 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, eight, and once in high school.

- California Alternate Assessments (CAA) - Only eligible students, whose individualized education plan (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 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 during the school year.
- California Spanish Assessment (CSA) for Reading/Language Arts - The optional CSA for Reading/Language Arts 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. The District and its employees may discuss the CAASPP program with their parents and guardians and may inform them of the availability of exemptions under Education Code Section 60615. However, the District and its employees shall not solicit or encourage any written exemption request on behalf of any student or groups of students. (Education Code Section 852)

Homeless Education

The McKinney-Vento Homeless Assistance Act for Homeless Children and Youth entitles all homeless school-aged children to the same free and appropriate public education that is provided to non-homeless students. Every school district must appoint a liaison to assist these students. To contact the Desert Sands Unified School District Homeless Liaison, Xochitl Velazquez, please email Xochitl.Velazquez@desertsands.us or call (760) 771-8612, 18231.

A homeless student is defined as a person between the ages of birth (Early Head Start and Head Start Programs) and twenty-two (special education students) who lacks a *fixed, regular, and adequate* nighttime residence and may temporarily:

1. Staying in a shelter (family shelter, domestic violence shelter, youth shelter) or Federal Emergency Management Agency (FEMA) trailer
2. Sharing housing with other(s) due to loss of housing, economic hardship, natural disaster, lack of adequate housing, or similar reason
3. Living in a car, park, campground, abandoned building, or other inadequate accommodations (i.e. lack of water, electricity, or heat)
4. Temporarily living in a motel or hotel due to loss of housing, economic hardship, natural disaster, or similar reason
5. Be abandoned, runaway, or pushed out youth or migrant youth that qualifies as homeless because he/she is living in circumstances described above.

A homeless student has the right to attend either the *school of origin*, defined as the school that the student was last enrolled or attended when last housed or any school attended in the past fifteen (15) months; or the current school of residence. If a dispute arises over school selection or enrollment, the parent/guardian has the right to dispute the school's decision by contacting the district's homeless liaison through the Child Welfare and Attendance office, and following the district's dispute resolution policy.

The law requires the immediate enrollment of homeless students, which is defined as "attending class and participating fully in school activities". Schools cannot delay or prevent the enrollment of a student due to the lack of school or immunization records or other documentation usually required for enrollment. It is the responsibility of the district homeless liaison and school staff to refer parents to programs and services for which the student is eligible. Referrals may include, but are not limited to: free nutrition, special education services, mental health services, tutoring, English Language Learners programs, Gifted and Talented Education program, preschool, before and after school services or any other program offered by the school or district. Referrals may also include community agencies to address the student's and student family's mental and physical needs. As appropriate, the district shall ensure that transportation is provided at the request of the parent/guardian/unaccompanied homeless youth, to and from the school of origin, if feasible.

Unaccompanied youth; such as teen parents not living with their parent or guardian or students that have runaway or have been pushed out of their homes, have access to these same rights.

When a homeless student who has completed their second year of high school transfers into the district from another school district or transfers between high schools within the district, they may be exempted from all coursework and other graduation requirements adopted by the Board that are in addition to the statewide coursework requirements specified in Education Code 51225.3, unless the district makes a finding that the student is reasonably able to complete the additional requirements in time to graduate by the end of the student's fourth year of high school.

The Superintendent or designee shall notify any student who is granted an exemption and, as appropriate, the person holding the right to make educational decisions for the student if any of the requirements that are waived will affect the student's ability to gain admission to postsecondary educational institution and shall provide information about transfer opportunities available through the California Community Colleges. Students experiencing homelessness have the right to apply for financial aid to seek education beyond high school.

Foster Youth Educational Placement

Students in foster care are entitled to the same free and appropriate public education that is provided to students not in foster care. Every school district must appoint a liaison to assist these students. To contact the Desert Sands Unified School District Foster Youth Liaison, Xochitl Velazquez, please email Xochitl.Velazquez@desertsands.us or call (760) 771-8612, 18231.

A foster youth has the right to attend either the *school of origin*, defined as the school that the student was last enrolled or attended when last housed or any school attended in the past fifteen (15) months; or the current school of residence. If a dispute arises over school selection or enrollment, the parent/guardian has the right to dispute the school's decision by contacting the district's foster youth liaison through the Child Welfare and Attendance office, and following the district's dispute resolution policy.

The law requires the immediate enrollment of foster youth. Schools cannot delay or prevent the enrollment of a student due to the lack of school or immunization records or other documentation usually required for enrollment. It is the responsibility of the district homeless liaison and school staff to refer parents to programs and services for which the student is eligible. Referrals may include, but are not limited to: free nutrition, special education services, mental health services, tutoring, English Language Learners programs, Gifted and Talented Education program, preschool, before and after school services or any other program offered by the school or district. Referrals may also include community agencies to address the student's and student family's mental and physical needs. As appropriate, the district shall collaborate with the local child welfare agency to determine how transportation will be provided, arranged and funded in a cost-effective manner to enable foster youth to remain in their school of origin.

When a foster youth who has completed their second year of high school transfers into the district from another school district or transfers between high schools within the district, they may be exempted from all coursework and other graduation requirements adopted by the Board that are in addition to the statewide coursework requirements specified in Education Code 51225.3, unless the district makes a finding that the student is reasonably able to complete the additional requirements in time to graduate by the end of the student's fourth year of high school.

The Superintendent or designee shall notify any student who is granted an exemption and, as appropriate, the person holding the right to make educational decisions for the student if any of the requirements that are waived will affect the student's ability to gain admission to postsecondary educational institution and shall provide information about transfer opportunities available through the California Community Colleges.

Physical Fitness Testing

The physical fitness test (PFT) 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. (Education Code Section 60800)

District Strategies for Title 1 Parent Involvement

To ensure that parents/guardians of students participating in Title I programs are provided with opportunities to be involved in their children's education, the Superintendent or designee shall:

1. Involve parents/guardians of participating students in the joint development of the Title I local educational agency (LEA) plan pursuant to 20 USC 6312 and the process of school review and improvement pursuant to 20 USC 6316 (20 USC 6318)

The Superintendent or designee may:

- a. Invite input on the LEA plan from other district committees and school site councils
 - b. Communicate with parents/guardians through the district newsletter, web site, or other methods regarding the LEA plan and the opportunity to provide input
 - c. Ensure there is an opportunity at a public Board meeting for public comment on the LEA plan prior to the Board's approval of the plan or revisions to the plan
 - d. Ensure school-level policies on parent involvement address the role of school site councils and other parents/guardians as appropriate in the development and review of school plans.
2. Provide coordination, technical assistance, and other support necessary to assist Title I schools in planning and implementing effective parent involvement activities to improve student academic achievement and school performance (20 USC 6318)

The Superintendent or designee may:

- a. Assign person(s) in the district office to serve as a liaison to the schools regarding Title I parent involvement issues
 - b. Provide training for the principal or designee of each participating school regarding Title I requirements for parent involvement, leadership strategies, and communication skills to assist him/her in facilitating the planning and implementation of parent involvement activities
 - c. Provide ongoing district-level workshops to assist school site staff and parents/guardians in planning and implementing improvement strategies, and seek input from parents/guardians in developing the workshops
 - d. Provide information to schools about the indicators and assessment tools that will be used to monitor progress
3. Build the capacity of schools and parents/guardians for strong parent involvement

The Superintendent or designee shall: (20 USC 6318)

- a. Assist parents/guardians in understanding such topics as the state's academic content standards and academic achievement standards, state and local academic assessments, the requirements of Title I, and how to monitor a child's progress and work with educators to improve the achievement of their children
- b. Provide materials and training to help parents/guardians work with their children to improve their children's achievement, such as literacy training and using technology, as appropriate, to foster parent involvement
- c. Educate teachers, student services personnel, principals, and other staff, with the assistance of parents/guardians, in the value and utility of parent/guardian contributions and in how to reach out to, communicate with, and work with parents/guardians as equal partners, implement and coordinate parent/guardian programs, and build ties between parents/guardians and the schools
- d. To the extent feasible and appropriate, coordinate and integrate parent involvement programs and activities with Head Start, Home Instruction Programs for Preschool Youngsters, public preschool, and other programs, and conduct other activities, such as parent resource centers, that encourage and support parents/guardians in more fully participating in their children's education
- e. Ensure that information related to school and parent/guardian programs, meetings, and other activities is sent to the parents/guardians of participating students in a format and, to the extent practicable, in a language the parents/guardians can understand
- f. Provide other such reasonable support for parent involvement activities as parents/guardians may request
- g. Inform parents/guardians and parent organizations of the existence and purpose of parent information and resource centers in the state that provide training, information, and support to parents/guardians of participating students

In addition, the Superintendent or designee may:

- a. Involve parents/guardians in the development of training for teachers, principals, and other educators to improve the effectiveness of such training

- b. Provide necessary literacy training, using Title I funds if the district has exhausted all other reasonably available sources of funding for such training
 - c. Pay reasonable and necessary expenses associated with parent involvement activities, including transportation and child care costs, to enable parents/guardians to participate in school-related meetings and training sessions
 - d. Train parents/guardians to enhance the involvement of other parents/guardians
 - e. Arrange school meetings at a variety of times or, when parents/guardians are unable to attend such conferences, conduct in-home conferences between parents/guardians and teachers or other educators who work directly with participating students
 - f. Adopt and implement model approaches to improving parent involvement
 - g. Establish a districtwide parent advisory council to provide advice on all matters related to parent involvement in Title I programs
 - h. Develop appropriate roles for community-based organizations and businesses in parent involvement activities
 - i. Make referrals to community agencies and organizations that offer literacy training, parent education programs, and/or other services that help to improve the conditions of parents/guardians and families
 - j. Provide a master calendar of district activities and district meetings
 - k. Provide information about opportunities for parent involvement through the district newsletter, web site, or other written or electronic means
 - l. Engage parent-teacher organizations to actively seek out and involve parents/guardians through regular communication updates and information sessions
 - m. To the extent practicable, provide translation services at school sites and at meetings involving parents/guardians as needed
 - n. Provide training and information to members of district and school site councils and advisory committees to help them fulfill their functions
 - o. Regularly evaluate the effectiveness of staff development activities related to parent involvement
 - p. Include expectations for parent/guardian outreach and involvement in staff job descriptions and evaluations
4. Coordinate and integrate Title I parent involvement strategies with Head Start, public preschool, and other programs (20 USC 6318)

The Superintendent or designee may:

- a. Identify overlapping or similar program requirements
 - b. Involve district and school site representatives from other programs to assist in identifying specific population needs
 - c. Schedule joint meetings with representatives from related programs and share data and information across programs
 - d. Develop a cohesive, coordinated plan focused on student needs and shared goals
5. Conduct, with involvement of parents/guardians, an annual evaluation of the content and effectiveness of the parent involvement policy in improving the academic quality of the schools served by Title I (20 USC 6318)

The Superintendent or designee shall:

- a. Ensure that the evaluation include the identification of barriers to greater participation in parent involvement activities, with particular attention to parents/guardians who are economically disadvantaged, are disabled, have limited English proficiency, have limited literacy, or are of any racial or ethnic minority background (20 USC 6318)
- b. Use the evaluation results to design strategies for more effective parent involvement and, if necessary, to recommend changes in the parent involvement policy (20 USC 6318)
- c. Assess the district's progress in meeting annual objectives for the parent involvement program, notify parents/guardians of this review and assessment through regular school communications mechanisms, and provide a copy to parents/guardians upon their request (Education Code 11503)

The Superintendent or designee may:

- a. Use a variety of methods, such as focus groups, surveys, and workshops, to evaluate the satisfaction of parents/guardians and staff with the quality and frequency of district communications
 - b. Gather and monitor data regarding the number of parents/guardians participating in district activities and the types of activities in which they are engaged
6. Involve parents/guardians in the activities of schools served by Title I (20 USC 6318)

The Superintendent or designee may:

- a. Include information about school activities in district communications to parents/guardians
- b. To the extent practicable, assist schools with translation services or other accommodations needed to encourage participation of parents/guardians with special needs
- c. Establish processes to encourage parent/guardian input regarding their expectations and concerns for their children

The district's Board policy and administrative regulation containing parent involvement strategies shall be incorporated into the LEA plan and distributed to parents/guardians of students participating in Title I programs. (20 USC 6318) (AR 6020)

School-Level Policies for Title I Schools

At each school receiving Title I funds, a written policy on parent involvement shall be developed jointly with and agreed upon by parents/guardians of participating students. Such policy shall describe the means by which the school will: (20 USC 6318)

1. Convene an annual meeting, at a convenient time, to which all parents/guardians of participating students shall be invited and encouraged to attend, in order to inform parents/guardians of their school's participation in Title I and to explain Title I requirements and the right of parents/guardians to be involved
2. Offer a flexible number of meetings, such as meetings in the morning or evening, for which related transportation, child care, and/or home visits may be provided as such services relate to parent involvement
3. Involve parents/guardians in an organized, ongoing, and timely way in the planning, review, and improvement of Title I programs, including the planning, review, and improvement of the school's parent involvement policy and, if applicable, the joint development of the plan for schoolwide programs pursuant to 20 USC 6314

The school may use an existing process for involving parents/guardians in the joint planning and design of the school's programs provided that the process includes adequate representation of parents/guardians of participating students.

4. Provide the parents/guardians of participating students all of the following:
 - a. Timely information about Title I programs
 - b. A description and explanation of the school's curriculum, forms of academic assessment used to measure student progress, and the proficiency levels students are expected to meet
 - c. If requested by parents/guardians, opportunities for regular meetings to formulate suggestions and to participate, as appropriate, in decisions related to their children's education, and, as soon as practicably possible, responses to the suggestions of parents/guardians
5. If the schoolwide program plan is not satisfactory to the parents/guardians of participating students, submit any parent/guardian comments when the school makes the plan available to the district
6. Jointly develop with the parents/guardians of participating students a school-parent compact that outlines how parents/guardians, the entire school staff, and students will share responsibility for improved student academic achievement and the means by which the school and parents/guardians will build a partnership to help students achieve state standards

This compact shall address:

- a. The school's responsibility to provide high-quality curriculum and instruction in a supportive and effective learning environment that enables participating students to achieve the state's student academic achievement standards.
- b. Ways in which parents/guardians will be responsible for supporting their children's learning, such as monitoring attendance, homework completion, and television viewing; volunteering in the classroom; and participating, as appropriate, in decisions related to their children's education and the positive use of extracurricular time.

- c. The importance of communication between teachers and parents/guardians on an ongoing basis through, at a minimum:
 - (1) Parent-teacher conferences in elementary schools, at least annually, during which the compact shall be discussed as it relates to the student’s achievement.
 - (2) Frequent reports to parents/guardians on their children’s progress.
 - (3) Reasonable access to staff, opportunities to volunteer and participate in their child’s classroom, and observation of classroom activities.
- 7. Build the capacity of the school and parents/guardians for strong parent involvement by implementing the activities described in items #3a-f in the section “District Strategies for Title I Schools” above.
- 8. To the extent practicable, provide full opportunities for the participation of parents/guardians with limited English proficiency, parents/guardians with disabilities, and parents/guardians of migrant children, including providing information and school reports required under 20 USC 6311(h) in a format and language such parents/guardians can understand.

If the school has a parent involvement policy that applies to all parents/guardians, it may amend that policy to meet the above requirements. (20 USC 6318)

Each school’s parent involvement policy shall be made available to the local community and distributed to parents/guardians of participating students in an understandable and uniform format and, to the extent practicable, provided in a language the parents/guardians can understand. (20 USC 6318)

Each school receiving Title I funds shall annually evaluate the effectiveness of its parent involvement policy. Such evaluation may be conducted during the process of reviewing the school’s single plan for student achievement in accordance with Education Code 64001.

The principal or designee, jointly with parents/guardians of participating students, shall periodically update the school’s policy to meet the changing needs of parents/guardians and the school. (20 USC 6318)

District Strategies for Non-Title I Schools

For each school that does not receive federal Title I funds, the Superintendent or designee shall, at a minimum:

- 1. Engage parents/guardians positively in their children’s education by helping them develop skills to use at home that support their children’s academic efforts at school and their children’s development as responsible members of society (Education Code 11502, 11504)

The Superintendent or designee may:

- a. Provide or make referrals to literacy training and/or parent education programs designed to improve the skills of parents/guardians and enhance their ability to support their children’s education
 - b. Provide information, in parent handbooks and through other appropriate means, regarding academic expectations and resources to assist with the subject matter
 - c. Provide parents/guardians with information about students’ class assignments and homework assignments
- 2. Inform parents/guardians that they can directly affect the success of their children’s learning, by providing them with techniques and strategies that they may use to improve their children’s academic success and to assist their children in learning at home (Education Code 11502, 11504)

The Superintendent or designee may:

- a. Provide parents/guardians with information regarding ways to create an effective study environment at home and to encourage good study habits
- b. Encourage parents/guardians to monitor their children’s school attendance, homework completion, and television viewing
- c. Encourage parents/guardians to volunteer in their child’s classroom and to participate in school advisory committees

3. Build consistent and effective communication between the home and school so that parents/guardians may know when and how to assist their children in support of classroom learning activities (Education Code 11502, 11504)

The Superintendent or designee may:

- a. Ensure that teachers provide frequent reports to parents/guardians on their children's progress and hold parent-teacher conferences at least once per year with parents/guardians of elementary school students
 - b. Provide opportunities for parents/guardians to observe classroom activities and to volunteer in their child's classroom
 - c. Provide information about parent involvement opportunities through district, school, and/or class newsletters, the district's website, and other written or electronic communications
 - d. To the extent practicable, provide notices and information to parents/guardians in a format and language they can understand
 - e. Develop mechanisms to encourage parent/guardian input on district and school issues
 - f. Identify barriers to parent/guardian participation in school activities, including parents/guardians who are economically disadvantaged, are disabled, have limited English proficiency, have limited literacy, or are of any racial or ethnic minority background
 - g. Encourage greater parent/guardian participation by adjusting meeting schedules to accommodate parent/guardian needs and, to the extent practicable, by providing translation or interpreter services, transportation, and/or child care
4. Train teachers and administrators to communicate effectively with parents/guardians (Education Code 11502, 11504)

The Superintendent or designee may:

- a. Provide staff development to assist staff in strengthening two-way communications with parents/guardians, including parents/guardians who have limited English proficiency or limited literacy
 - b. Invite input from parents/guardians regarding the content of staff development activities pertaining to home-school communications
5. Integrate parent involvement programs into school plans for academic accountability
- The Superintendent or designee may:
- a. Include parent involvement strategies in school reform or school improvement initiatives
 - b. Involve parents/guardians in school planning processes

Release of Directory Information

The Superintendent or designee may authorize the release of student directory information to representatives of the news media, prospective employers, military or nonprofit organizations as provided by law. Unless prohibited by the parent/guardian in accordance with law, directory information which school officials may disclose consists of the following: student's name, address, telephone number, electronic mail address, date and place of birth, major field of study, participation in officially recognized activities and sports, weight and height of athletic team members, dates of attendance, degrees and awards received, and most recent previous school attended.

Employers and prospective employers shall have access to directory information unless the parent/guardian has in writing denied this release. Military services representatives shall have access to directory information unless parent/guardian has in writing denied this release.

Under no circumstances shall directory information be disclosed to a private profit-making entity other than employers, prospective employers, military, and representatives of the news media. Private schools and colleges may be given the names and addresses of 12th grade students and students who are no longer enrolled provided they use this information only for purposes directly related to the institution's academic or professional goals. (Education Code Section 49073) (BP 5125.1)

Photo/Video Student Permission

Desert Sands Unified School District actively promotes the programs and activities of the district, schools, staff, and students. The district educates the community via printed materials, news releases, advertising, photo displays, videos, media interviews, social media, websites, and all other available resources. Voluntary authorization from parents/guardians is requested annually to allow Desert Sands to use photos, videos, recordings, and comments from students in the promotion of the district and schools, without compensation in any manner. All materials remain the property of Desert Sands Unified School District or its authorized representatives.

Permission does not extend to a student's participation in public events such as graduations, performances, field trips, sporting events, etc.

Unless parents/guardians specifically decline to authorize use, the district considers permission as granted. The selection is available via online registration or paper permission form requested from school office staff. Parents/guardians should direct any questions regarding other photo use, such as classroom projects, school photos, and yearbook to the school principal.

Submitting GPAs for Cal Grants

With the implementation of Assembly Bill 2160, California public high schools are required to submit for all graduating seniors a Cal Grant high school Grade Point Average (GPA) to the California Student Aid Commission. The GPA is a requirement to be considered for a Cal Grant award and for the completion of the Free Application for Federal Student Aid (FAFSA). Each grade 12 pupil will be deemed a Cal Grant applicant unless the student or parent has opted out of the high school's submission of GPAs to the Commission. If you do not want your school to report a GPA to the California Aid Commission, please provide your request in writing to your high school counselor no later than January 1 of your junior year. (AR 5121)

Student Wellness

The Governing Board recognizes the link between student health and learning and desires to provide a comprehensive program promoting healthy eating and physical activity for district students. The Superintendent or designee shall coordinate and align district efforts to support student wellness through health education, physical education and activity, health services, nutrition services, psychological and counseling services, and a safe and healthy school environment. In addition, the Superintendent or designee shall develop strategies for promoting staff wellness and for involving parents/guardians and the community in reinforcing students' understanding and appreciation of the importance of a healthy lifestyle.

To encourage consistent health messages between the home and school environment, the Superintendent or designee may disseminate health information to parents/guardians through newsletters, handouts, parent/guardian meetings, district or school website, and other communications. Outreach to parents/guardians shall emphasize the relationship between student health and academic performance. (BP/AR 5030)

Sexual Health and HIV/AIDS Prevention Instruction

The Governing Board desires to provide a well-planned, integrated sequence of medically accurate and inclusive instruction on comprehensive sexual health and human immunodeficiency virus (HIV) prevention. The district's educational program shall provide students with the knowledge and skills necessary to protect them from sexually transmitted infections and unintended pregnancy and to have healthy, positive, and safe relationships and behaviors. The district's educational program shall also promote understanding of sexuality as a normal part of human development and the development of healthy attitudes and behaviors concerning adolescent growth and development, body image, gender, sexual orientation, relationships, marriage, and family.

Comprehensive sexual health education and HIV prevention education is offered to all students in grades 7-12, including at least once in middle school and at least once in high school. (Education Code 51934)

The district's curriculum shall support the purposes of the California Healthy Youth Act as specified in Education Code 51930-51939, be unbiased and inclusive of all students in the classroom, and be aligned with the state's content standards. The district shall respect the rights of parents/guardians to supervise their children's education on these subjects and to impart values regarding human sexuality to their children.

The Superintendent or designee shall identify appropriate methods for informing the school community about subjects related to the district's comprehensive sexual health and HIV prevention education. The Superintendent or designee shall use such identified methods to inform parents/guardians of students in grades 6-12 about human trafficking prevention resources, as required pursuant to Education Code 49381. (BP/AR 6142.1)

Please visit the following link for more information: DSUSD Health Curriculum

Surveys

In order to facilitate the collection of data needed by researchers to evaluate the effectiveness of comprehensive sexual health education and other unintended pregnancy prevention efforts, the law permits schools to administer anonymous, voluntary, confidential, age-appropriate surveys or questionnaires in which students are asked about their sexual activities and attitudes in order to measure their health behaviors and risks. Parents/guardians must be notified of any planned surveys or questionnaires, be given the opportunity to review these surveys or questionnaires and, in grades 7-12, be given the opportunity to request in writing that their child not participate. Schools may not adopt an active consent or "opt-in" policy for these surveys or questionnaires for students in grades 7 to 12. (EC § 51938(c).) Prior to grade 7, parents must give active consent in order for their child to participate. (BP/AR 5022)

Course Selection and Career Counseling

Students in Desert Sands Unified School District periodically receive counseling services from school personnel; in addition, students in grades 7-12 are counseled on alternatives for careers and courses of study. Parents/guardians of these students may participate in such counseling sessions and decisions. Desert Sands Unified School District believes a comprehensive counseling program helps promote academic achievement and serves the diverse needs of all district students. Students are encouraged to arrange meetings with counseling staff to discuss academic, social or personal difficulties, as well as other issues that may impact student learning.

The counseling program helps students establish immediate and long-range educational plans, achieve academic standards, and complete the required curriculum in accordance with their individual needs, abilities and interests.

Counseling staff support students in planning for the future and help them become aware of their career potential. Academic planning for higher education shall include information about courses needed for admission to colleges and universities, standardized admission tests, financial aid, and scholarships. (Education Code Section 221.5 (d)) (BP/AR 6164.2)

Advanced Placement & International Baccalaureate Exam Fees

Eligible high school students may receive financial assistance to cover the costs of the advanced placement examination fees or the International Baccalaureate examination fees, or both. Please contact your school counselor for information. (BP/AR 3260) (BP 6141.5)

Religious Instruction

Desert Sands Unified School District recognizes that students' education would be incomplete without an understanding of the role of religion in society. As appropriate for a particular course, teachers may objectively discuss the influences of various religions, using religious works and symbols to illustrate their relationship with culture, literature or the arts. Instruction about religion shall not promote or denigrate the beliefs or customs of any particular religion or sect, nor should a preference be shown for one religious viewpoint over another.

Students may express their beliefs about religion in their homework, artwork and other class work if the expression is germane to the assignment. Such work shall be judged by ordinary academic standards.

Permissive absence may be granted for governing board approved religious exercises or instruction. (Education Code Section 46014) (BP/AR 6141.2)

Career Technical Education

Desert Sands Unified School District desires to provide a comprehensive career and technical education (CTE) program in grades 9-12, which integrates core academic instruction with technical and occupational instruction in order to increase student achievement, graduation rates, and readiness for postsecondary education and employment. The district's CTE program is designed to help students develop the academic, career, and technical skills needed to succeed in a knowledge-

and skills-based economy. Programs include a rigorous academic component and provide students with a strong experience and understanding of all aspects of an industry.

The focus of district CTE programs is on preparing students to enter current or emerging high-skill, high-wage, and/or high-demand occupations. CTE pathways opportunities may be offered through CTE pathways, California Partnership Academies, college credit courses, work-based learning opportunities, apprenticeship programs, or other programs that expose students to career options while preparing them for future careers in a given industry or interest area.

The district continues to develop partnerships with local businesses and industries to ensure that course sequences, career technical and integrated curriculum, classroom instruction and projects, and assessments have real-world relevance and reflect labor market needs and priorities. The district also collaborates with postsecondary institutions to ensure that the district's program is articulated with postsecondary programs in order to provide a sequential course of study. Articulation opportunities may include dual or concurrent enrollment in community college courses.

All CTE opportunities are offered without regard to any actual or perceived characteristic protected from discrimination by law.

ENGLISH LEARNER EDUCATION

English Learner Program

Desert Sands Unified School District implements an English learner education program in accordance with existing state and federal laws. The guiding principles for educating English Learners are:

1. Valuing Language and Culture as Assets: English learners receive instruction that values their home cultures and primary languages as assets and builds upon them for new learning.
2. Ensuring Equity in Intellectual Richness: English learners benefit from the same high expectations of learning established for all students and routinely engage in intellectually rich tasks and texts across the disciplines.
3. Building Content Knowledge and Language in Tandem: English learners engage in instruction that promotes content and language learning in tandem across all disciplines, including ELA, mathematics, social studies, science, the fine arts, and other subjects.
4. Attending to Specific Language Learning Needs: English learners' content and language learning is fostered when targeted language instruction builds into and from content learning and attends specifically to English language proficiency levels and prior educational experiences in the primary language and English.
5. Integrating Domains of Communication: English learners develop full proficiency in English in the domains of listening, speaking, reading, and writing, consistent with expectations for all students.
6. Providing Appropriate Scaffolding: English learners thrive in instructional environments where teachers intentionally support them to fully engage with intellectually challenging content using strategic scaffolding. Scaffolding is tailored to student needs with the ultimate goal of student autonomy.
7. Evaluating Progress Appropriately: English learners' progress in developing content knowledge and academic English are best evaluated with intentional, appropriate, and valid assessment tools that take into account English language proficiency levels and cultural backgrounds. Formative assessment practices allow teachers to adjust instruction and provide feedback in a timely manner.
8. Sharing the Responsibility: English learners' positive educational experiences and academic success is a responsibility shared by all educators, the family, and the community.

The district determines the language classification of all students as they enroll based on information obtained from parents through the completion of the home language survey. Students who have a home language other than English are assessed for English language proficiency in listening, speaking, reading, and writing. English learners will receive daily standards-based English Language Development in listening, speaking, reading, and writing.

The school district provides annual language assessment data to parents/guardians. A pamphlet on Programs for English Learners is available at each school site outlining the program options. This is available in both English and Spanish.

Instructional Programs for English Learners

School districts and county offices of education must, at a minimum, provide ELs with a Structured English Immersion (SEI) program. SEI programs provide nearly all classroom instruction in English, but with curriculum and a presentation designed for students who are learning English. (EC sections 305 [a][2], 306[c][3]). Parents or legal guardians of the students enrolled in the school may choose a language acquisition program that best suits their child. DSUSD program options are Structured English Immersion (SEI) and Dual-Language Immersion (DLI). If interested in a different program from those listed above, please contact Angela Randolph at 760-771-8662 regarding the process or complete this form.

Structured English Immersion (SEI): A language acquisition program for English learners in which nearly all classroom instruction is provided in English with primary support provided as applicable. The curriculum and instruction is designed for students who have not yet acquired reasonable fluency in English. Students are offered English Language Development (ELD) and access to grade level academic subject matter content.

Dual-Language Immersion (DLI) Program A language acquisition program also referred to as Two-Way Immersion that provides language learning and academic instruction for native speakers of English and native speakers of another language with the goals of high academic achievement, first and second language proficiency, and cross-cultural understanding. This program begins in Kindergarten (K) and continues through the twelfth grade.

Depending on parent choice and student eligibility , the student will be placed in a Structured English Immersion (SEI) or a Dual Language Immersion (DLI) classroom. English learner parents/guardians are invited to participate in the English Learner Advisory Committee (ELAC) held at their school site. Parents are also encouraged to participate in the District English Learner Advisory Committee (DELAC) at the District Education Center. (Education Code Section 52164)

Parents/guardians are encouraged to become involved in the school and to participate in the English Learner Advisory Committee (ELAC) held at each school site. Parents are selected by ELAC to participate in DELAC at the District Education Center. (Education Code Section 52164)

DSUSD Process to Request Establishment of a Language Acquisition Program

Parents or guardians may choose a language acquisition program that best suits their child. 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. [EC 306(c), 310; 20 USC 6312(e)(3)(A)(iii), (v)] School districts and county offices of education must, at a minimum, provide ELs with a structured English immersion (SEI) program. SEI programs provide nearly all classroom instruction in English, but with curriculum and a presentation designed for students who are learning English. (EC sections 305 [a][2], 306[c][3]) Parents or legal guardians of the students enrolled in the school may choose a language acquisition program that best suits their child.

How to Enroll Your Child in a Language Acquisition Program:

DSUSD program options are Structured English Immersion (SEI) and Dual-Language Immersion (DLI). If parents or guardians are interested in a different program than those listed above, a parent or guardian may submit a written request to the DSUSD Designee, Angela Randolph at 760-771-8662 regarding the process. 5 CCR section 11311 requires that schools assist parents in clarifying their request.

How to Request the Establishment of a New Program at a School:

Schools in which the parents or legal guardians of 30 pupils or more per school or the parents or legal guardians of 20 pupils 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. [EC 310(a)] A parent or guardian may submit a written request to the Designee, Angela Randolph Angela.randolph@desertsands.us or by phone at 760-771-8662.

Receiving and Tracking Parent Requests:

DSUSD is required to maintain written records of parent requests for three years, (including verbal requests) which include:

1. The date of the request
2. Parent and Child Names
3. Description of Request
4. Grade level
5. School Site

Reaching a Threshold

When the parents of 30 pupils or more enrolled in a school, or when the parents of 20 pupils or more in the same grade enrolled in a school, request the same or substantially similar type of a language acquisition or language program, the school responds by notifying the LEA immediately and taking the following three actions:

1. Communication:
 - a. Within 10 school days of reaching a threshold described above, the LEA notifies the parents of pupil attending the school, the school's teachers, administrators, and the LEA's English learner parent advisory committee and parent advisory committee, in writing, of the parents' requests for a language acquisition program.
2. Cost and Resource Analysis:
 - a. The LEA then identifies costs and resources necessary to implement any new language acquisition or language program, including but not limited to:
 - i. Certificated teachers with the appropriate authorizations
 - ii. Necessary instructional materials
 - iii. Pertinent professional development for the proposed program
 - iv. Opportunities for parent and community engagement to support the proposed program goals
3. Determination:
 - a. Having completed the cost and resource analysis, the LEA determines, within 60 calendar days of reaching a threshold described above, whether it is possible to implement the requested language acquisition or language program. At that time, the LEA provides notice, in writing, to parents of pupils attending the school, the school's teachers, and administrators of its determination.
 - b. Determination to implement a program at the school:
 - i. In the case that the LEA determines it can implement the requested program, the LEA creates and publishes a reasonable timeline of actions necessary to implement the program. As a part of the implementation, the LEA confers with school personnel, including administrators, and teachers with the authorizations required to provide or oversee programs and services for English learners, regarding the design and content of language acquisition programs.
 - c. Determination not to implement a program at the school:
 - i. In the case that the LEA determines it is not possible to implement the program requested by parents, the LEA provides a written explanation of the reason(s) why the program cannot be provided.

*Parents may inquire about program changes at their home school however these requests are routed centrally through the district State and Federal Programs Department.

English Language Proficiency Assessments

The English Language Proficiency Assessments for California (ELPAC) consist of the following:

- Initial ELPAC - The Initial ELPAC is administered to all students entering a California public school for the first time and whose home language is not English. The Initial ELPAC is the test used to determine if a student is an English learner or is fluent in English.

- Summative ELPAC - The Summative ELPAC is administered annually in the spring to all English learners to assess and monitor EL students' progress toward English language proficiency.
- Alternate Initial ELPAC - Only eligible students, whose individualized education plan (IEP) identifies the use of alternate assessments, may participate in the administration of the Alternate Initial ELPAC to determine if a student is an English learner or is fluent in English.
- Alternate Summative ELPAC - Only eligible students, whose individualized education plan (IEP) identifies the use of alternate assessments, may participate in the administration of the Alternate Summative ELPAC to determine if a student is an English learner or is fluent in English.

The Initial and Summative ELPAC assessments are aligned with the 2012 English Language Development Framework. The required assessments are administered to English learners in grades TK through grade twelve. (Education Code Section Sections 313 and 60810)

NOTICE OF ALTERNATIVE SCHOOLS

California State law authorized all school districts to provide for alternative schools. Section 58550 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:

- Maximize the opportunity for students to develop the positive values of self-reliance, initiative, kindness, spontaneity, resourcefulness, courage, creativity, responsibility, and joy.
- Recognize that the best learning takes place when the student learns because of his/her desire to learn.
- Maintain a learning situation maximizing student self-motivation and encouraging the student in his/her own time to follow his/her own interest. These interests may be conceived by him/her totally and independently or may result in whole or in part from a presentation by his/her teachers of choices of learning projects.
- Maximize the opportunity for teachers, parents/guardians, and students to cooperatively develop the learning process and its subject matter. This opportunity shall be a continuous, permanent process.
- Maximize the opportunity for the students, teachers, and parents/guardians 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/guardian, 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 your 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)

ASSIGNMENT TO ALTERNATIVE PROGRAMS

It should be noted that these alternative placements are in addition to categorically aided Special Education places for students with disabilities. Assignment to alternative programs is the placement of a student, with appropriate consideration of due process, in a program designed to meet the student's particular needs. Alternative programs may be located at the student's home or at another site.

- Prior to the placement in an alternative program, the school principal or designee shall confer with the student and the student's parents/guardians about the student's need to be in an alternative program.

CONTINUATION SCHOOL

The Desert Sands Unified School District Board of Education has established two continuation high schools (Amistad High School and Summit High School) to meet the needs of a select group of students, to meet the intent of the Legislature and to fulfill the purposes of Education Code Sections 48430, 48432. Continuation education is intended to:

1. Provide an opportunity for completion of the required academic courses of instruction for graduation from high school

2. Provide a program of individualized instruction which may emphasize occupational orientation or a work-study program
3. Provide a specially designed program of individualized instruction and intensive guidance services to meet the special needs of students with behavior or severe attendance problems
4. Provide a flexible program combining the features of the preceding three educational objectives

Students, at age sixteen, may voluntarily request assignment to continuation school. If so, this assignment may be made subject to available space and approval by the Superintendent or designee.

Involuntary transfer of a student to the continuation high school shall require a finding that the student has committed an act enumerated in Education Code Section 48900 or has been habitually truant or irregular in attendance. The decision to make the involuntary transfer of a student to the continuation high school shall be made by the Superintendent or designee(s), none of whom are members of the staff of the school in which the student is enrolled (Education Code Section 48432.5).

The Director of Child Welfare and Attendance shall be responsible for ensuring that all necessary notifications and hearings are conducted in a legal manner and in a way consistent with the requirements of the Education Code. No involuntary transfer will be made without due process.

An involuntary transfer to continuation school shall be made for no longer than the end of the semester following the semester during which the offenses leading to the transfer occurred. However, at the request of a student or parent/guardian, the Superintendent or designee shall conduct an annual review of the involuntary transfer. Satisfactory behavior and attendance while enrolled at the continuation high school shall be a requirement for a student's return to regular high school.

Voluntary Enrollment

With the consent of the Superintendent or designee, a student may voluntarily enroll in continuation classes in order to receive special attention such as individualized instruction. Students so enrolled may return to the regular high school at the beginning of the following school year, or at any time the Superintendent or designee gives consent. (Education Code Section 48432.5)

HEALTH ISSUES

Medical and Hospital Services for Students

The medical costs of student accidents are normally the responsibility of the parent/guardian. Student accident insurance solves many problems in advance. Every year, the Desert Sands Unified School District provides parents/guardians with applications for school time accident insurance. The contract is made between the parent/guardian and the insurance company. The Desert Sands Unified School District only supplies the application forms. This low cost accident insurance helps pay for the medical costs if a child is injured while under the jurisdiction of the school. The principal of your child's school will provide you with further information upon request. The application form is included in this handbook. (Education Code Section 49472 & 48206.3)

Home and Hospital Program for Students With Temporary Disabilities

A student with a temporary disability, whose physician determines school attendance is impossible or inadvisable shall be entitled to receive individual instruction at home or in a hospital or other residential health facility, excluding state hospitals (Education Code 48206.3) Temporary disability means physical, mental, or emotional disability incurred while a student is enrolled in regular day classes or an alternative education program, and after which the student can reasonably be expected to return to regular day classes or the alternative education program in which the student is enrolled. Temporary disability does not include a disability that would qualify a student for special education pursuant to Education Code 56026. (Education Code 48206.3) Students who currently receive services through an IEP must have an IEP meeting to consider the request for Home/Hospital instruction.

Parents/guardians shall notify the principal or designee when their child is temporarily disabled and their child's physician determines school attendance is impossible or inadvisable, requiring needs individual instruction at home or in a hospital or other residential health facility. To facilitate timely initiation of home and hospital services, a parent/guardian may obtain from their child's school site, a Request for Home/Hospital instruction form that that child's physician may use to request instruction for the student. No later than five working days after receiving notification from a parent/guardian that a student has a temporary disability, the Superintendent or designee shall determine whether the student will be able to receive individual instruction at home or in a hospital or residential health facility (Education Code 48208). The Superintendent or designee may require verification through any reasonable means that the student is temporarily disabled and needs individual instruction.

Individual instruction at a student's home or in a hospital or other residential health facility shall begin no later than five working days after the Superintendent or designee makes the determination that the student is eligible to receive individual instruction (Education Code 48207.5, 48208). A student receiving individual instruction in a hospital or residential health facility for a partial week shall be entitled to attend school or receive individual instruction at home on days in which the student is not receiving individual instruction in the hospital or other residential health facility, if the student is well enough to do so (Education Code 48207.3). The district's attendance supervisor shall ensure that the absences of any temporarily disabled students receiving individual instruction at home or in a hospital or other residential health facility are excused until the student is able to return to the regular school program (Education Code 48240). A student receiving individual instruction who is well enough to return to school shall be allowed to return to the school that the student attended immediately before receiving individual instruction, if the return occurs during the school year in which the individual instruction was initiated (Education Code 48207.3).

Liability for Emergency Treatment

It is necessary for each student to have on file in the school office one or more local/current/working emergency telephone numbers to be used by the principal when appropriate situations arise. The following section from the California Education Code is relevant to this issue:

“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/ guardian of the child when the child is ill or injured during regular school hours, requires reasonable medical treatment, and the parent/ guardian cannot be reached, unless the parent/guardian has previously filed with the school district a written objection to any medical treatment other than first aid.” (Education Code Section 49407)

Continuing Program of Medication

State law requires that the parent/guardian notify the school when their child is on continuing medication for a non-episodic condition. Permission for the school nurse to communicate with the physician and to counsel with school personnel regarding the possible effects of the drug is only with written permission of the parent/guardian. (Education Code Section 49480)

If your child is on continuing medication, it is your responsibility to notify the school on the Health Record and Emergency Card (C).

Administration of Prescribed Medication for Student

The school nurse or other designated school employee will administer prescribed medication during the school hours only upon written request of both the California physician and the parent/guardian. Parents/guardians whose children need this service to be performed must obtain the official district form from their school of attendance and return it completed to the principal/school site. (Education Code Sections 49423 and 49480)

Medical treatment is the responsibility of the parent/guardian and family physician. Medication, both prescription and over the counter, when given at school involves special or serious problems where it is deemed absolutely necessary by the physician that the medication is given during school hours. The parent/guardian is urged, with the help of your child's physician, to work out a schedule of giving medication at home, outside of school hours, whenever possible.

In the event that it is necessary to administer medication during school hours, authorized school personnel will assist in carrying out the physician's recommendations. Medication will be stored in a secure location as defined by school policy.

If medication (both prescription and over the counter) is to be administered at school, all of the following conditions must be met:

1. Completion of an authorization form for the administration of medication at school by both the parent/guardian and physician. This must include the condition for which the medication is to be given, name, dosage, route, and specific instructions for emergency treatment.
2. Authorization must be signed by a California licensed physician and medication distributed by a California licensed pharmacy.
3. It is the responsibility of the parent/guardian to deliver and pick up the medication from the school site.
4. Medication must be in a pharmacy labeled container with the child's name, name of drug, correct dosage, and date prescription was filled. Loose, unlabeled pills will not be accepted. (Ask the pharmacy to provide a second labeled container for school use.)
5. An appropriate measuring device must accompany all liquid medication. (Silverware is not an appropriate device)
6. A separate form is required for each medication.
7. Medication left in the school office at the end of the academic school year will be disposed of.

This medication request is valid for the duration of one academic year. Whenever there is change in medication, dose, time, or route, the parent/guardian and physician must complete a new form.

Immunizations

The Board of Education requires parents/guardians to show evidence of meeting statutory immunization requirements upon entrance into school. Per SB 277 Medical Exemptions will be accepted when the following criteria are met:

Starting January 1, 2021, all new medical exemptions for school and child care entry must be issued through CAIR-ME. Parents and physicians can register and create an account in CAIR-ME at any time. Once registered, parents can log in to CAIR-ME to request a medical exemption. Parents take the exemption request number to their child's physician who can log in to CAIR-ME to issue the exemption. Once the exemption is issued, the physician prints the two page form and provides a copy to the parents to give to their child's school or child care facility.

Medical exemptions can only be issued through the California Immunization Registry – Medical Exemption website ([CAIR-ME](#)) by physicians licensed in California. Schools and child care facilities may only accept from parents new medical exemptions that are issued using CAIR-ME.

Parents' Right to Refuse Physical Examination

A parent/guardian may file an annual written statement with the school principal to notify the school that he/she will not consent to a physical examination of his/her child. The child will be exempt from physical examinations; however, whenever there is good reason to believe that the child is suffering from a recognized contagious or infectious disease, the child shall be sent home and not permitted to return until the school authorities are satisfied that the disease does not exist. (Education Code Section 49451)

Vision and Hearing Testing

Upon first enrollment in a California school district, the governing board of a school is required to provide for the testing of vision and hearing of each student by duly qualified supervisors of health. State mandate includes hearing and vision screenings annually for the following grades: TK/K, 2nd, 5th, and 8th. The hearing screening is required for 10th grade. Children will be exempt if parent/guardian notify the school principal in writing that such appraisal is in conflict with their religious beliefs. (Education Code Section 49452 and Section 49455)

Scoliosis Screening

This program is currently suspended by the California Department of Finance. (www.mandates.gov)

Head Lice Prevention and Control

The Board of Education, in conjunction with the California Department of Public Health (CDPH), recognizes head lice require treatment, but not pose a risk of disease transmission.

If a student is found with active head lice, he/she may be excluded from school by the principal or designee; if the student is suspected of having head lice he/she shall be allowed to stay in school until the end of the school day. The parent/guardians shall receive information about the recommended treatment procedures, ways to check the hair and other resources. The parent/guardian of an excluded student must accompany the child upon returning to school, which can be the next day, if the child received the recommended head lice treatment. The student will have their head checked by school designated personnel to determine active head lice or/nit status before returning to class.

A letter will be sent home to notify classroom parents/guardians that a case of active head lice is suspected and ask them to check their child for head lice. This letter will include information on the head lice treatment.

The principal and school nurse shall work with the parents/guardians of any students who are considered to have a chronic case of head lice in order to help minimize the student's absences from school.

Staff shall maintain the privacy of students identified as having head lice. For further information, see the CDPH Head Lice webpage: <http://cdph.ca.gov/healthinfo/discond/Pages/HeadLice.aspx> (BP 5141.33)

Confidential Medical Service

Requires students in grades 7 through 12 and all parents/guardians to be notified that law permits school authorities to excuse students in grade 7 through 12 to obtain confidential medical services without consent of a parent/guardian. (Education Code Section 46010.1)

District Reimbursement for Health Services

Desert Sands Unified School District, in cooperation with the California Departments of Health Services and Education, has a program to allow the District to be reimbursed with state Medi-Cal dollars for selected health services (such as vision and hearing screenings, health assessments) provided to eligible students at school. In accordance with Local Education Agency rules and guidelines, we are notifying you that eligible student records may be forwarded to the District's billing agency. These records will be forwarded in a confidential manner. Our vendor holds a contract with the District that contains a specific confidentiality clause to ensure information is not disclosed inappropriately; further, our vendor is HIPPA compliant (Federal Health Insurance Portability & Accountability Act).

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

STUDENTS

Duty To Remain At School

A student may not leave the school premises at recess, or at any other time before the regular hour of closing school, except in case of emergency, or with the approval of the principal of the school. (Reg. 77, No. 39) All Desert Sands schools have closed campuses. (C.C.R. Title 5, Section 33)

Notice of Free and Reduced-Price Meals

Free and reduced-price breakfast and lunch are available to students whose parents/guardians qualify. Information regarding qualification is available at the school site offices, the District office and in your student packet. Meal applications can also be filled out online by accessing the Desert Sands Unified School District Website. (Education Code Section 49500)

Question And Apprehension By Law Enforcement

The Governing Board believes that the safety of district students and staff is essential to achieving the goal of student learning. In accordance with standards specified in law, law enforcement officers may interview and question students on school premises and may remove them when appropriate.

When any law enforcement officer requests an interview with a student, the principal or designee shall request the officer's identity, his/her official capacity, and the legal authority under which the interview is to be conducted. The principal or designee shall maintain a record of all documentation relative to law enforcement interviews of students.

The principal or designee shall accommodate the interview in a way that causes the least possible disruption for the student and school and provides the student appropriate privacy.

Except in cases of child abuse or neglect, the principal or designee shall notify the student's parent/guardian when a law enforcement officer requests an interview on school premises.

At the law enforcement officer's discretion and with the student's approval, the principal or designee may be present during the interview.

Except in cases of child abuse or neglect, the principal or designee shall attempt to notify the student's parent/guardian as soon as practicable after the law enforcement officer has interviewed the student on school premises.

If a minor student is removed from school into the custody of law enforcement, the principal or designee shall immediately notify the parent/guardian or responsible relative regarding the student's release and the place to which he/she is reportedly being taken, except when the minor has been taken into custody as a victim of suspected child abuse. (Education Code 48906) (BP 5145.11)

Search and Seizure

The Governing Board is fully committed to promoting a safe learning environment and, to the extent possible, eliminating the possession and use of weapons, illegal drugs, and other controlled substances by students on school premises and at school activities. (BP 5145.12)

Use of Metal Detectors

The Board believes that the presence of weapons in the schools threatens the district's ability to provide the safe and orderly learning environment to which district students and staff are entitled. The Board also believes that metal detector searches offer a reasonable means to keep weapons out of the schools and mitigate the fears of students and staff.

Use of Contraband Detection Dogs

In an effort to keep the schools free of dangerous contraband, the district may use specially trained, nonaggressive dogs to sniff out and alert staff to the presence of substances prohibited by law or Board policy.

Video Surveillance

Schools in the District may use perimeter video surveillance for purposes of security and student safety. Schools utilizing video surveillance are clearly marked with signage at the main entrances. Under normal circumstances, unauthorized persons may not view videos taken on school grounds. Requests to view videos must go through the District Personnel Office for staff members and in cases involving students, the Director of Security. Each request will be evaluated based on cause.

Use of a cellular or other mobile communications device during instructional time

Mobile communication devices shall be turned off during instructional time. However, a student shall not be prohibited from possessing or using a mobile communication device under any of the following circumstances: (Education Code 48901.5, 48901.7) (BP 5131.8)

(a) The governing body of a school district, a county office of education, or a charter school may adopt a policy to limit or prohibit the use by its pupils of smartphones while the pupils are at a school site or while the pupils are under the supervision and control of an employee or employees of that school district, county office of education, or charter school.

(b) Notwithstanding subdivision (a), a pupil shall not be prohibited from possessing or using a smartphone under any of the following circumstances:

(1) In the case of an emergency, or in response to a perceived threat of danger.

(2) When a teacher or administrator of the school district, county office of education, or charter school grants permission to a pupil to possess or use a smartphone, subject to any reasonable limitation imposed by that teacher or administrator.

(3) When a licensed physician and surgeon determines that the possession or use of a smartphone is necessary for the student's health and well-being.

(4) When the possession or use of a smartphone is required in a pupil's individualized education program. (Education Code 48901.7)

Weapons and Dangerous Instruments

The Governing Board recognizes that students and staff have the right to a safe and secure campus free from physical and psychological harm and desires to protect them from the dangers presented by firearms and other weapons.

The Board prohibits any student from possessing weapons, imitation firearms, or other dangerous instruments, as defined in law and administrative regulation, in school buildings, on school grounds or buses, at school-related or school-sponsored activities away from school, or while going to or coming from school.

Under the power granted to the Board to protect the safety of students, staff, and others on district property and to maintain order and discipline in the schools, any school employee is authorized to confiscate any prohibited weapon, imitation firearm, or dangerous instrument from any student on school grounds. (BP 5131.7)

Possession of Pepper Spray

To prevent potential misuse that may harm students or staff, students are prohibited from carrying tear gas or tear gas weapons such as pepper spray on campus or at school activities. (BP 5131.7)

Student Retention

When a student is recommended for retention or is identified as being at risk for retention, the Superintendent or designee shall provide opportunities for remedial instruction to assist the student in overcoming his/her academic deficiencies. Such opportunities may include but are not limited to tutorial programs, after-school programs, summer school programs, and/or the establishment of a student study team.

The Superintendent or designee shall identify students who should be retained or who are at risk of being retained. Students between grades 2 and 3, and grades 3 and 4 shall be identified primarily on the basis of their level of proficiency in reading. Proficiency in reading, English language arts and mathematics shall be the basis for identifying students between grades 4 and 5, between intermediate and middle school grades, and between middle school grades and high school grades (Education Code Section 48070.5)

When a student is identified as being at risk of retention, the Superintendent or designee shall notify the student's parents/guardians as early in the school year as practicable. The student's parents/guardians shall be provided an opportunity to consult with the teacher responsible for the decision to promote or retain the student. (Education Code Section 48070.5)

The teacher's decision to promote or retain a student may be appealed consistent with Board policy, administrative regulations, and law.

The burden shall be on the appealing party to show why the teacher's decision should be overruled. (Education Code Section 48070.5)

To appeal a teacher's decision, the appealing party 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 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.

Within 30 days of receiving the request, the Superintendent or designee shall determine whether or not to overrule the teacher's decision. Prior to making this determination, the Superintendent or designee may meet with the appealing party and the teacher. If the Superintendent or designee determines that the appealing party has overwhelmingly proven that the teacher's decision should be overruled, he/she shall overrule the teacher's decision. (AR/BP 5123)

Student Records

(EC 49063, 49068, 49069, 49073, 34 CFR 99.7; 20 USC 1232(g)) Maintaining educational records pertaining to each student is a necessary function of the school district. A file is maintained for each student who has enrolled in this District and it contains records regarding the history of a pupil's development and educational progress. The District protects the privacy of such records. These files are located at the pupil's school and at District administrative offices. All active pupil records are under the supervision of the school principal, all inactive records are under the supervision of the District Custodian of Records.

The release of all student information, including educational records, is done in accordance with safeguards and procedures established by the California Education Code (EC 49060 et seq.) and the Family Educational Rights and Privacy Act (FERPA). FERPA affords parents, students over 18 years of age, pupils 14 years of age and older that are identified as both homeless and an unaccompanied youth ("eligible students"), and individuals who have completed and signed a Caregiver's Authorization Affidavit with certain rights with respect to the student's pupil records. They are:

1. The right to inspect and review the student's education records within five (5) business days of receipt of request. Parents or eligible students should submit to the school principal (or appropriate school official) a written request that identifies the record(s) they wish to inspect. The principal or custodian of records will make arrangements for access and notify the parent or eligible student of the time and place where the records may be inspected. Certificated personnel can be made available to interpret records, if requested. The District reserves the right to charge up to 10 cents per page if copies are requested of these records. If the cost of obtaining student records prevents the parent from exercising the right to receive such copy or copies, the copy or copies shall be reproduced at no cost. (EC 56504). Establishment of financial hardship shall be made utilizing the federal guidelines for free and reduced lunch. Parents who are claiming financial hardship will be required to submit documentation, which will establish that they have met such guidelines.
2. The right to request the amendment of the student's education records that the parent or eligible student believes is inaccurate or misleading. Any challenge to school records must be submitted in writing to the school principal. A parent challenging school records must clearly identify the part of the record they want changed, and show it is
 - 1) inaccurate,
 - 2) an unsubstantiated personal conclusion or inference,
 - 3) a conclusion or inference outside the observer's area of competence,
 - 4) not based on the personal observation of a named person with the time and place of the observation noted,
 - 5) misleading, or
 - 6) in violation of the privacy or other rights of the student.

If you wish to challenge the content of these records, procedures for doing so may be obtained from the school principal or the District Custodian of Records/Director of Child Welfare and Attendance, 47-950 Dune Palms Road, La Quinta, CA 92253, (760) 771-8612. If the District decides not to amend the record as requested by the parent or eligible student, the District will notify the parent or eligible student of the decision and advise them of their right to a hearing regarding the request for amendment. Additional information regarding the hearing procedures will be provided to the parent or eligible student upon notification 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 or state law 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 district 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 acting on the District's behalf (such as an attorney, auditor, medical consultant or therapist); a person or company performing an institutional function or service under a contract with the District, including technology and software support services, or services or functions for which the District would otherwise use its own employee; or a parent or student serving on an official committee, such as attendance, disciplinary or grievance committee, or assisting another school official performing his or her tasks. A school official has a legitimate educational interest if the official needs to review an education record in order to fulfill his or her professional responsibility. Upon request from officials of another school district in which a student seeks or intends to enroll, the District shall disclose education records without parental consent. There are other exceptions which permit the disclosure of personally identifiable information without parental consent, including the release of directory information as specified herein.
4. The right to file a complaint with the United States Department of Education concerning alleged failures by the District to comply with the requirements of FERPA. The name and address of the Office that administers FERPA is: Family Policy Compliance Office, U. S. Department of Education, 400 Maryland Avenue SW, Washington, DC 20202-4605.
5. When a student moves to a new District, the District will forward the student's records upon the request of the new school district within ten (10) days.
 "Education records" do not include:
 - a) Instructional, supervisory or administrative notes by District staff that are made only for that staff member's use or the use his/her substitute
 - b) Records of a law enforcement unit that were created for use by the law enforcement unit
 - c) Employee records made for personnel use
 - d) Records of a doctor, psychologist, psychiatrist or other treatment provider and/or assistant regarding a student who is 18 years or older or who is attending a postsecondary educational institution. In this case, "treatment" does not include remedial instructional measure.

In addition, a caseworker or other representative of a state or local child welfare agency or tribal organization that has legal responsibility for the care and protection of a student, provided that the information is directly related to providing assistance to address the student's educational needs shall also have access to the student's current or most recent records.(Education Code 49076; 20 USC 1232(g)).

A foster family agency with jurisdiction over a currently enrolled or former pupil, a short-term residential treatment program staff responsible for the education or case management of a student, and a caregiver who has direct responsibility for the care of a pupil may access the current or most recent records of grades, transcripts, attendance, discipline, online communications on school platforms, any IEPs or Section 504 plans maintained by the responsible LEA of that pupil. The above-referenced individuals may access the pupil records listed above solely for the purpose of monitoring the pupil's educational progress, updating and maintaining the pupil's education records as required by Welfare and Institutions Code 16010, and to ensure the pupil has access to educational services, supports and activities, including enrolling the pupil in school, assisting the pupil with homework, class assignments, and college and scholarship applications, and enrolling the pupil in extracurricular activities, tutoring and other after school or summer enrichment programs. (AR 5125)

Refusal to Harm or Destroy Animals

At the beginning of each academic year, the district shall notify parents/guardians, in writing, of students' right to refrain from instruction involving harm or destruction of animals. (Education Code 48980, 48981) In addition, each teacher of a course that uses live or dead animals or animal parts shall inform students of their right to refrain from the harmful or destructive use of animals. (Education Code 32255.4) Students who wish to refrain from such instruction shall notify the

teacher and shall provide a note from their parent/guardian substantiating the objection. (Education Code 32255.1) A teacher's determination of whether a student may pursue an alternative project or be excused from the project shall not be arbitrary or capricious. (Education Code 32255.3) If the teacher believes an adequate alternative project is possible, he/she may work with the student to develop and agree upon an alternative project which would provide the knowledge, information or experience required by the course of study. Alternative projects include but are not limited to the use of video tapes, models, films, books and computers. The alternative project shall involve time and effort comparable to that required by the original project. (Education Code 32255, 32255.1) Students who participate in an alternative project shall pass all course examinations in order to receive course credit. Students may request an alternative test, however, if a regular examination requires the harmful or destructive use of animals. (Education Code 32255.1) This right shall apply to all K-12 courses, except classes and activities conducted as part of agricultural education that provide instruction on the care, management and evaluation of domestic animals. (Education Code 32255.5, 32255.6) (AR 5145.8)

Student Use of Technology

The Governing Board believes the use of technology in school provides students greater opportunities to learn, engage, communicate, and develop skills that will prepare them for work, life, and society. The Governing Board intends that technological resources provided by the District be used in a safe, responsible, ethical, legal, and proper manner in support of the instructional program and for the advancement of student learning. All students using these resources shall receive annual instruction in their proper and appropriate use. (BP 6163.4)

Use of District Computers for Online Services/Internet Access

The Superintendent or designee shall ensure that all District computers with Internet access have a technology protection measure that blocks or filters Internet access to visual depictions that are obscene, child pornography, or harmful to minors, and that the operation of such measures is enforced.

To reinforce these measures, the Superintendent or designee shall implement rules and procedures designed to restrict students' access to harmful or inappropriate matters on the Internet and to ensure that students do not engage in unauthorized or unlawful online activities. Staff shall supervise students while they are using online services during class, and may have teacher aides, student aides, and volunteers assist in this supervision. The District is not responsible for the failure of technology protection measures. Students shall not attempt to circumvent technology protection measures on District devices.

The Superintendent or designee also shall establish regulations to address the safety and security of students when using electronic mail, messaging sites or apps, chat rooms, and other forms of direct electronic communication.

Disclosure, use, and dissemination of any student's personal identification information are prohibited.

The District's Responsible Use Policy Agreement shall establish expectations for appropriate student conduct when using the Internet or other forms of electronic communication, including, but not limited to, prohibitions against:

1. Accessing, posting, submitting, publishing, or displaying harmful matter that is threatening, obscene, disruptive, or sexually explicit, that violates any law, or that could reasonably be construed as harassment or disparagement of others based on their race/ethnicity, national origin, sex, gender, sexual orientation, age, disability, religion, or political beliefs.
2. Intentionally uploading, downloading, or creating computer viruses or attempting to harm or destroy district equipment or materials or manipulate the data of any other user, including so-called "hacking."
3. Distributing personal identification information, including the name, address, telephone number, social security number, or other personally identifiable information, of another student, staff member, or other person with the intent to threaten, intimidate, harass, ridicule, or otherwise harm that person.

Discipline

The principal of each school shall ensure that students and parents/guardians are notified in writing of all Board policies, administrative regulations, and individual school rules related to discipline at the beginning of each school year. Transfer students and their parents/guardians shall be so advised upon enrollment. The notice shall state that these rules and regulations are available on request at the principal's office in all district schools. (AR 5144)

Corporal Punishment

Corporal punishment shall not be used as a disciplinary measure against any student. Corporal punishment includes the willful infliction of, or willfully causing the infliction of, physical pain on a student. (Education Code 49000, 49001)

For purposes of this policy, corporal punishment does not include an employee's use of force that is reasonable and necessary to protect the employee, students, staff or other persons or to prevent damage to district property. (Education Code 49001)

STUDENTS - Suspension and Expulsion/Due Process

Suspension And Expulsion/Due Process

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

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

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

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

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

Appropriate Use of Suspension Authority

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

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

No student in grades K-8 may be suspended for disruption or willful defiance, except by a teacher pursuant to Education Code 48910. (Education Code 48900)

Students shall not be suspended or expelled for truancy, tardiness, or absenteeism from assigned school activities.

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

Authority to Expel

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

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

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

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

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

A vote to expel a student shall be taken in an open session of a Board meeting.

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

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

No child enrolled in a preschool program shall be expelled except under limited circumstances as specified in AR 5148.3 - Preschool/Early Childhood Education.

Due Process

The Board shall provide for the fair and equitable treatment of students facing suspension and/or expulsion by affording them their due process rights under the law. The Superintendent or designee shall comply with procedures for notices, hearings, and appeals as specified in law and administrative regulation. (Education Code 48911, 48915, 48915.5, 48918)

Maintenance and Monitoring of Outcome Data

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

In presenting the report to the Board, the Superintendent or designee shall disaggregate data on suspensions and expulsions by school and by numerically significant student subgroups, including, but not limited to, ethnic subgroups, socioeconomically disadvantaged students, English learners, students with disabilities, foster youth, and homeless students. Based on the data, the Board shall address any identified disparities in the imposition of student discipline and shall determine whether and how the district is meeting its goals for improving school climate as specified in its local control and accountability plan. (BP 5144.1)

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

1. Reassignment to another education program or class at the same school where the student will receive continuing instruction for the length of day prescribed by the Governing Board for students of the same grade level
2. Referral to a certificated employee designated by the principal to advise students
3. Removal from the class, but without reassignment to another class or program, for the remainder of the class period without sending the student to the principal or designee as provided in Education Code 48910

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

Notice of Regulations

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

Grounds for Suspension and Expulsion: Grades K-12

Acts for which a student, including a student with disabilities, may be suspended or expelled shall be only those specified as follows and in the sections "Additional Grounds for Suspension and Expulsion: Grades 4-12" and "Additional Grounds for Suspension and Expulsion: Grades 9-12" below:

1. Caused, attempted to cause, or threatened to cause physical injury to another person; willfully used force or violence upon another person, except in self-defense; or committed as an aider or abettor, as adjudged by a juvenile court, a crime of physical violence in which the victim suffered great or serious bodily injury (Education Code 48900(a) and (t))
2. Possessed, sold, or otherwise furnished any firearm, knife, explosive, or other dangerous object, unless, in the case of possession of any object of this type, the student had obtained written permission to possess the item from a certificated school employee, with the principal or designee's concurrence (Education Code 48900(b))
3. Unlawfully possessed, used, sold, otherwise furnished, or was under the influence of any controlled substance as defined in Health and Safety Code 11053-11058, alcoholic beverage, or intoxicant of any kind (Education Code 48900(c))
4. Unlawfully offered, arranged, or negotiated to sell any controlled substance as defined in Health and Safety Code 11053-11058, alcoholic beverage, or intoxicant of any kind, and then sold, delivered, or otherwise furnished to any person another liquid, substance, or material and represented same as such controlled substance, alcoholic beverage, or intoxicant (Education Code 48900(d))
5. Committed or attempted to commit robbery or extortion (Education Code 48900(e))
6. Caused or attempted to cause damage to school property or private property (Education Code 48900(f))
7. Stole or attempted to steal school property or private property (Education Code 48900(g))
8. Possessed or used tobacco or products containing tobacco or nicotine products, including, but not limited to, cigars, cigarettes, miniature cigars, clove cigarettes, smokeless tobacco, snuff, chew packets, and betel, except that this restriction shall not prohibit a student from using or possessing prescription products (Education Code 48900(h))
9. Committed an obscene act or engaged in habitual profanity or vulgarity (Education Code 48900(i))
10. Unlawfully possessed, offered, arranged, or negotiated to sell any drug paraphernalia, as defined in Health and Safety Code 11014.5 (Education Code 48900(j))

11. Knowingly received stolen school property or private property (Education Code 48900(l))
12. Possessed an imitation firearm. Imitation firearm means a replica of a firearm that is so substantially similar in physical properties to an existing firearm as to lead a reasonable person to conclude that the replica is a firearm. (Education Code 48900(m))
13. Committed or attempted to commit a sexual assault as defined in Penal Code 261, 266c, 286, 288, 288a, or 289, or committed a sexual battery as defined in Penal Code 243.4 (Education Code 48900(n))
14. Harassed, threatened, or intimidated a student who is a complaining witness or witness in a school disciplinary proceeding for the purpose of preventing that student from being a witness and/or retaliating against that student for being a witness (Education Code 48900(o))
15. Unlawfully offered, arranged to sell, negotiated to sell, or sold the prescription drug Soma (Education Code 48900(p))
16. Engaged in, or attempted to engage in, hazing (Education Code 48900(q))
Hazing means a method of initiation or pre-initiation into a student organization or body, whether or not the organization or body is officially recognized by an educational institution, which is likely to cause serious bodily injury or personal degradation or disgrace resulting in physical or mental harm to a former, current, or prospective student. Hazing does not include athletic events or school-sanctioned events. (Education Code 48900(q))
17. Engaged in an act of bullying (Education Code 48900(r))

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

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

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

Electronic act means the creation or transmission 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: (Education Code 48900(r))

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

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

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

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

Additional Grounds for Suspension and Expulsion: Grades 4-12

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

1. Committed sexual harassment as defined in Education Code 212.5 (Education Code 48900.2)
Sexual harassment means conduct which, when considered from the perspective of a reasonable person of the same gender as the victim, is sufficiently severe or pervasive as to have a negative impact upon the victim's academic performance or to create an intimidating, hostile, or offensive educational environment. (Education Code 212.5, 48900.2)
2. Caused, attempted to cause, threatened to cause, or participated in an act of hate violence as defined in Education Code 233 (Education Code 48900.3)
Hate violence means any act punishable under Penal Code 422.6, 422.7, or 422.75. Such acts include injuring or intimidating a victim, interfering with the exercise of a victim's civil rights, or damaging a victim's property because of the victim's race, ethnicity, religion, nationality, disability, gender, gender identity, gender expression, or sexual orientation; a perception of the presence of any of those characteristics in the victim; or the victim's association with a person or group with one or more of those actual or perceived characteristics. (Education Code 233; Penal Code 422.55)
3. Intentionally engaged in harassment, threats, or intimidation against district personnel or students that is sufficiently severe or pervasive to have the actual and reasonably expected effect of materially disrupting classwork, creating substantial disorder, and invading the rights of school personnel or students by creating an intimidating or hostile educational environment (Education Code 48900.4)

Additional Grounds for Suspension and Expulsion: Grades 9-12

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

Suspension from Class by a Teacher

A teacher may suspend a student from class for the remainder of the day and the following day for any of the acts specified in Education Code 48900 and listed as items #1-18 under "Grounds for Suspension and Expulsion: Grades K-12" above or for disruption or willful defiance at any grade level, including grades K-8. (Education Code 48910)

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

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

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

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

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

Suspension by Superintendent, Principal or Principal's Designee

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

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

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

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

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

Length of Suspension

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

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

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

Due Process Procedures for Suspension

Suspensions shall be imposed in accordance with the following procedures:

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

This conference may be omitted if the Superintendent, principal, or designee determines that an emergency situation exists involving a clear and present danger to the lives, safety, or health of students or school personnel. If a student is suspended without this conference, both the parent/guardian and student shall be notified of the student's right to return to school for the purpose of the conference and the conference shall be held within two school days, unless the student waives the right to it or is physically unable to attend for any reason. In such a case, the conference shall be held as soon as the student is physically able to return to school. (Education Code 48911)

2. Administrative Actions: All requests for student suspension are to be processed by the principal or designee. A school employee shall report the suspension, including the name of the student and the cause for the suspension, to the Superintendent or designee. (Education Code 48911)
3. Notice to Parents/Guardians: At the time of the suspension, a school employee shall make a reasonable effort to contact the parent/guardian by telephone or in person. Whenever a student is suspended, the parent/guardian shall also be notified in writing of the suspension. (Education Code 48911)

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

In addition, the notice may state the date and time when the student may return to school.

4. Parent/Guardian Conference: Whenever a student is suspended, school officials may request a meeting with the parent/guardian to discuss the cause(s) and duration of the suspension, the school policy involved, and any other pertinent matter. (Education Code 48914)

If school officials request to meet with the parent/guardian, the notice may state that the law requires the parent/guardian to respond to such requests without delay. However, no penalties may be imposed on the student for the failure of the parent/guardian to attend such a conference. The student may not be denied reinstatement solely because the parent/guardian failed to attend the conference. (Education Code 48911)

5. Extension of Suspension: If the Board is considering the expulsion of a suspended student from any school or the suspension of a student for the balance of the semester from continuation school, the Superintendent or designee may, in writing, extend the suspension until such time as the Board has made a decision, provided the following requirements are followed: (Education Code 48911)
 - a. The extension of the original period of suspension is preceded by notice of such extension with an offer to hold a conference concerning the extension, giving the student an opportunity to be heard. This conference may be held in conjunction with a meeting requested by the student or parent/guardian to challenge the original suspension.
 - b. The Superintendent or designee determines, following a meeting in which the student and the student's parent/guardian were invited to participate, that the student's presence at the school or at an alternative school would endanger persons or property or threaten to disrupt the instructional process. (Education Code 48911)
 - c. If the student involved is a foster youth, the Superintendent or designee shall notify the district liaison for foster youth of the need to invite the student's attorney and a representative of the appropriate county child welfare agency to attend the meeting. (Education Code 48853.5, 48911, 48918.1)
 - d. If the student involved is a homeless child or youth, the Superintendent or designee shall notify the district liaison for homeless students. (Education Code 48918.1)

In lieu of or in addition to suspending a student, the Superintendent, principal, or designee may provide services or require the student to participate in an alternative disciplinary program designed to correct the behavior and keep the student in school.

Suspension by the Board

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

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

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

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

On-Campus Suspension

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

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

At the time a student is assigned to an on-campus suspension classroom, the principal or designee shall notify the student's parent/guardian in person or by telephone. When the assignment is for longer than one class period, this notification may be made in writing. (Education Code 48911.1)

Superintendent or Principal's Authority to Recommend Expulsion

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

1. Causing serious physical injury to another person, except in self-defense
2. Possession of any knife or other dangerous object of no reasonable use to the student
3. Unlawful possession of any controlled substance as listed in Health and Safety Code 11053-11058, except for (a) the first offense for the possession of not more than one ounce of marijuana, other than concentrated cannabis, or (b) the student's possession of over-the-counter medication or other medication prescribed by a physician
4. Robbery or extortion
5. Assault or battery, as defined in Penal Code 240 and 242, upon any school employee

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

Student's Right to Expulsion Hearing

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

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

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

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

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

Stipulated Expulsion

After a determination that a student has committed an expellable offense, the Superintendent, principal, or designee shall offer the student and parent/guardian the option to waive a hearing and stipulate to the expulsion or to a suspension of the expulsion under certain conditions. The offer shall be made only after the student or parent/guardian has been given written notice of the expulsion hearing pursuant to Education Code 48918.

The stipulation agreement shall be in writing and shall be signed by the student and parent/guardian. The stipulation agreement shall include notice of all the rights that the student is waiving, including the waiving of the right to have a full hearing, to appeal the expulsion to the County Board of Education, and to consult legal counsel.

A stipulated expulsion agreed to by the student and parent/guardian shall be effective upon approval by the Board.

Rights of Complaining Witness

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

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

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

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

Written Notice of the Expulsion Hearing

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

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

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

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

Legal counsel means an attorney or lawyer who is admitted to the practice of law in California and is an active member of the State Bar of California. Nonattorney adviser means an individual who is not an attorney or lawyer, but who is familiar with the facts of the case and has been selected by the student or student's parent/guardian to provide assistance at the hearing.

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

Additional Notice of Expulsion Hearing for Foster Youth and Homeless Students

If the student facing expulsion is a foster student, the Superintendent or designee shall also send notice of the hearing to the student's attorney and a representative of an appropriate child welfare agency at least 10 days prior to the hearing. (Education Code 48918.1) If the student facing expulsion is a homeless student, the Superintendent or designee shall also send notice of the hearing to the district liaison for homeless students at least 10 days prior to the hearing. (Education Code 48918.1) Any notice for these purposes may be provided by the most cost-effective method possible, including by email or a telephone call. (Education Code 48918.1)

Conduct of Expulsion Hearing

1. Closed Session: Notwithstanding Education Code 35145, the Board shall conduct a hearing to consider the expulsion of the student in a session closed to the public unless the student requests in writing at least five days prior to the hearing that the hearing be a public meeting. If such a request is made, the meeting shall be public to the extent that privacy rights of other students are not violated. (Education Code 48918)

Whether the expulsion hearing is held in closed or public session, the Board may meet in closed session to deliberate and determine whether or not the student should be expelled. If the Board admits any other person to this closed session, the parent/guardian, the student, and the counsel of the student also shall be allowed to attend the closed session. (Education Code 48918(c))

If a hearing that involves a charge of sexual assault or sexual battery is to be conducted in public, a complaining witness shall have the right to testify in closed session when testifying in public would threaten serious psychological harm to the witness and when there are no alternative procedures to avoid the threatened harm, including, but not limited to, a videotaped deposition or contemporaneous examination in another place communicated to the hearing room by closed-circuit television. (Education Code 48918(c))

2. Record of Hearing: A record of the hearing shall be made and may be maintained by any means, including electronic recording, as long as a reasonably accurate and complete written transcription of the proceedings can be made. (Education Code 48918(g))
3. Subpoenas: Before commencing a student expulsion hearing, the Board may issue subpoenas, at the request of either the student or the Superintendent or designee, for the personal appearance at the hearing of any person who actually witnessed the action that gave rise to the recommendation for expulsion. After the hearing has commenced, the Board or the hearing officer or administrative panel may issue such subpoenas at the request of the student or the County Superintendent of Schools or designee. All subpoenas shall be issued in accordance with Code of Civil Procedure 1985-1985.2 and enforced in accordance with Government Code 11455.20. (Education Code 48918(i))

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

If the Board determines, or if the hearing officer or administrative panel finds and submits to the Board, that a witness would be subject to unreasonable risk of harm by testifying at the hearing, a subpoena shall not be issued to compel the personal attendance of that witness at the hearing. However, that witness may be compelled to testify by means of a sworn declaration as described in item #4 below. (Education Code 48918(i))

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

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

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

5. Testimony by Complaining Witnesses: The following procedures shall be observed when a hearing involves allegations of sexual assault or sexual battery by a student: (Education Code 48918, 48918.5)
 - a. Any complaining witness shall be given five days' notice before being called to testify.
 - b. Any complaining witness shall be entitled to have up to two adult support persons, including, but not limited to, a parent/guardian or legal counsel, present during the testimony.
 - c. Before a complaining witness testifies, support persons shall be admonished that the hearing is confidential.
 - d. The person presiding over the hearing may remove a support person who is disrupting the hearing.
 - e. If one or both support persons are also witnesses, the hearing shall be conducted in accordance with Penal Code 868.5.
 - f. Evidence of specific instances of prior sexual conduct of a complaining witness shall be presumed inadmissible and shall not be heard unless the person conducting the hearing determines that extraordinary circumstances require the evidence to be heard. Before such a determination is made, the complaining witness shall be given notice and an opportunity to oppose the introduction of this evidence. In the hearing on the admissibility of this evidence, the complaining witness shall be entitled to be represented by a parent/guardian, legal counsel, or other support person. Reputation or opinion evidence regarding the sexual behavior of a complaining witness shall not be admissible for any purpose.

- g. In order to facilitate a free and accurate statement of the experiences of the complaining witness and to prevent discouragement of complaints, the district shall provide a nonthreatening environment.
 1. The district shall provide a room separate from the hearing room for the use of the complaining witness before and during breaks in testimony.
 2. At the discretion of the person conducting the hearing, the complaining witness shall be allowed reasonable periods of relief from examination and cross-examination during which the complaining witness may leave the hearing room.
 3. The person conducting the hearing may:
 - a. Arrange the seating within the hearing room so as to facilitate a less intimidating environment for the complaining witness
 - b. Limit the time for taking the testimony of a complaining witness to normal school hours, if there is no good cause to take the testimony during other hours
 - c. Permit one of the support persons to accompany the complaining witness to the witness stand
6. Decision: The Board's decision as to whether to expel a student shall be made within 40 school days after the student is removed from school, unless the student requests in writing that the decision be postponed. (Education Code 48918(a))

Alternative Expulsion Hearing: Hearing Officer or Administrative Panel

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

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

The hearing officer or administrative panel shall, within three school days after the hearing, determine whether to recommend expulsion of the student to the Board. If expulsion is not recommended, the expulsion proceeding shall be terminated and the student shall be immediately reinstated and permitted to return to the classroom instructional program from which the referral was made, unless another placement is requested in writing by the student's parent/guardian. Before the student's placement decision is made by the student's parent/guardian, the Superintendent or designee shall consult with the parent/guardian and district staff, including the student's teachers, regarding other placement options for the student in addition to the option to return to the classroom instructional program from which the student's expulsion referral was made. The decision to not recommend expulsion shall be final. (Education Code 48918(e))

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

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

Final Action by the Board

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

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

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

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

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

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

Written Notice to Expel

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

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

Decision to Suspend Expulsion Order

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

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

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

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

Appeal

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

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

Notification to Law Enforcement Authorities

Prior to the suspension or expulsion of any student, the principal or designee shall notify appropriate city or county law enforcement authorities of any student acts of assault which may have violated Penal Code 245. (Education Code 48902)
The principal or designee shall notify appropriate city or county law enforcement authorities of any student acts which may involve the possession or sale of narcotics or of a controlled substance, or of any student acts involving the possession, sale, or furnishing of firearms, explosives, or other dangerous weapons in violation of Education Code 48915(c)(1) or (5) or Penal Code 626.9 and 626.10. (Education Code 48902)

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

Placement During Expulsion

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

1. Appropriately prepared to accommodate students who exhibit discipline problems

2. Not provided at a comprehensive middle, junior, or senior high school or at any elementary school, unless the program is offered at a community day school established at any of these
3. Not housed at the school site attended by the student at the time of suspension

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

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

Readmission After Expulsion

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

1. The Superintendent or designee shall hold a conference with the parent/guardian and the student. At the conference, the student's rehabilitation plan shall be reviewed and the Superintendent or designee shall verify that the provisions of this plan have been met. School regulations shall be reviewed and the student and parent/guardian shall be asked to indicate in writing their willingness to comply with these regulations.
2. The Superintendent or designee shall transmit to the Board a recommendation regarding readmission. The Board shall consider this recommendation in closed session. If a written request for open session is received from the parent/guardian or adult student, it shall be honored to the extent that privacy rights of other students are not violated.
3. If the readmission is granted, the Superintendent or designee shall notify the student and parent/guardian, by registered mail, of the Board's decision regarding readmission.
4. The Board may deny readmission only if it finds that the student has not satisfied the conditions of the rehabilitation plan or that the student continues to pose a danger to campus safety or to other district students or employees. (Education Code 48916)
5. If the Board denies the readmission of a student, the Board shall determine either to continue the student's placement in the alternative educational program initially selected or to place the student in another program that serves expelled students, including placement in a county community school.
6. The Board shall provide written notice to the expelled student and parent/guardian describing the reasons for denying readmittance into the regular program. This notice shall indicate the Board's determination of the educational program which the Board has chosen. The student shall enroll in that program unless the parent/guardian chooses to enroll the student in another school district. (Education Code 48916)

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

Maintenance of Records

The district shall maintain a record of each suspension and expulsion, including its specific cause(s). (Education Code 48900.8) Expulsion records of any student shall be maintained in the student's mandatory interim record and sent to any school in which the student subsequently enrolls upon a written request by that school. (Education Code 48918(k)) The Superintendent or designee shall, within five working days, honor any other district's request for information about an expulsion from this district. (Education Code 48915.1)

Student Assistance Program

Student Assistance Program Services: The district-wide Student Assistance Program (S.A.P.) offers additional educational services, support and counseling referrals to all TK-12 students/families. The district's goal is to offer respectful, confidential services, coordinate prevention, intervention and support programs, and remove all barriers to positive academic and personal achievement in safe and drug-free schools. These services include individualized student/family appointments and are especially helpful with both normal developmental challenges and serious problems like violence, gangs, tobacco, alcohol and other drug use, suicide or any other serious problem that creates a barrier to learning. Student/families may call the S.A.P. office directly at the District Education Center from 7:30 a.m. to 4:30 p.m. Monday thru Friday at: (760) 238-9770 to speak confidentially to the trained staff. In addition, site administrators, counselors, and other staff provide referrals to this program and can assist the student/family in obtaining information about how to use these services. (BP 5131.6)

Suspension and Expulsion/Due Process (Students With Disabilities)

A student identified as an individual with a disability pursuant to the Individuals with Disabilities Education Act (IDEA), 20 USC 1400-1482, is subject to the same grounds and procedures for suspension and expulsion which apply to students without disabilities, except as otherwise specified in this administrative regulation.

Suspension

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

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

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

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

If a student's removal is determined to be a change of placement as specified in items #1-2 above, or the student is suspended for more than 10 school days in the same school year, the student's IEP team shall determine the appropriate educational services. Such services shall be designed to enable the student to continue to participate in the general education curriculum in another setting, to progress toward meeting the goals set out in his/her IEP, and to address the student's behavior violation so that it does not recur. (20 USC 1412(a)(1)(A); 34 CFR 300.530)

If the IEP of a student with a disability requires the district to provide the student with transportation, the district shall provide the student with an alternative form of transportation at no cost to him/her or to his/her parent/guardian, when he/she is to be excluded from school bus transportation. (Education Code 48915.5)

Interim Alternative Educational Placement Due to Dangerous Behavior

The district may unilaterally place a student with a disability in an appropriate interim alternative educational setting for up to 45 school days, without regard to whether the behavior is a manifestation of the student's disability, when the student commits one of the following acts while at school, going to or from school, or at a school-related function: (20 USC 1415(k)(1)(G); 34 CFR 300.530)

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

The student's interim alternative educational setting shall be determined by his/her IEP team. (20 USC 1415(k)(1)(G); 34 CFR 300.531)

On the date the decision to take disciplinary action is made, the student's parent/guardian shall be notified of the decision and provided the procedural safeguards notice pursuant to 34 CFR 300.504. (20 USC 1415(k)(1)(H); 34 CFR 300.530)

A student who has been removed from his/her current placement because of dangerous behavior shall receive services, although in another setting, to the extent necessary to allow him/her to participate in the general education curriculum and to progress toward meeting the goals set out in his/her IEP. As appropriate, the student shall also receive a functional behavioral assessment. And behavioral intervention services and modifications that are designed to address the behavior violation so that it does not recur.

Manifestation Determination

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

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

At the manifestation determination review, the district, the student's parent/guardian, and relevant members of the IEP team (as determined by the district and parent/guardian) shall review all relevant information in the student's file including the student's IEP, any teacher observations, and any relevant information provided by the parents/guardians to determine whether the conduct in question was either of the following: (20 USC 1415(k)(1)(E); 34 CFR 300.530)

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

If the manifestation review team determines that either of the above conditions applies, the student's conduct shall then be determined to be a manifestation of his/her disability. (20 USC 1415(k)(1)(E); 34 CFR 300.530)

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

The student shall be returned to the placement from which he/she was removed, unless the parent/guardian and Superintendent or designees agree to a change of placement as part of the modification of the behavioral intervention plan. (20 USC 1415(k)(1)(F); 34 CFR 300.530)

4. Determination that Behavior is Not a Manifestation of the Student's Disability: When it has been determined that the student's conduct was not a manifestation of his/her disability, the student may be disciplined in accordance with the procedures for students without disabilities. However, the student's IEP team shall determine services necessary to enable him/her to participate in the general education curriculum in another setting and to allow him/her to progress toward meeting the goals set out in his/her IEP. (20 USC 1415(k)(1)(D); 34 CFR 300.530)

As appropriate, the student also shall receive a functional behavioral assessment and behavioral intervention services and modifications that are designed to address the behavior violation so that it does not recur. (20 USC 1415(k)(1)); 34 CFR 300.530)

Due Process Appeals

If the parent/guardian disagrees with any district decision regarding placement under 34 CFR 300.530 (suspension and removal for dangerous circumstances) or 34 CFR 300.531 (interim alternative placement), or the manifestation determination under 34 CFR 300.530(e), he/she may appeal the decision by requesting a hearing. The district may request a hearing if the district believes that maintaining the student's current placement is substantially likely to result in injury to the student or others. In order to request a due process hearing, the requesting party shall file a complaint pursuant to 34 CFR 300.507 and 300.508(a) and (b). (20 USC 1415(k)(3); 34 CFR 300.532.

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

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

Readmission

Readmission procedures for students with disabilities shall be the same as those adopted for students without disabilities. Upon readmission of a student with disabilities, an IEP team meeting shall be convened to review and, as necessary, modify the student's IEP.

Decision Not to Enforce Expulsion Order

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

Notification to Law Enforcement Authorities

Law enforcement notification requirements involving students with disabilities shall be the same as those specified for all students in AR 5144.1 - Suspension and Expulsion/Due Process.

When giving any required notification concerning a student with disabilities to any law enforcement official, the principal or designee shall require the law enforcement official to certify in writing that he/she will not disclose the student's information or records to any other person without the prior written consent of the student's parent/guardian. (Education Code 49076)

Report to County Superintendent of Schools

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

Procedures for Students Not Yet Eligible for Special Education Services

A student who has not been determined to be eligible for special education and related services and who has violated the district's code of student conduct may nevertheless assert any of the protections under IDEA, if the district had knowledge of the student's disability. (20 USC 1415(k)(5); 34 CFR 300.534)

Knowledge means that, before the occurrence of the behavior that precipitated the disciplinary action, one of the following occurred: (20 USC 1415(k)(5); 34 CFR 300.534)

1. The parent/guardian, in writing, has expressed concern to district supervisory or administrative personnel, or to a teacher of the student, that the student is in need of special education or related services.
2. The parent/guardian has requested an evaluation of the student for special education pursuant to 20 USC 1414(a)(1)(B) or 34 CFR 300.300-300.311.
3. The teacher of the student or other district personnel has expressed specific concerns directly to the district's director of special education or other supervisory district personnel about a pattern of behavior demonstrated by the student.

However, the district shall not be deemed to have knowledge of a student's disability if the student's parent/guardian has not allowed him/her to be evaluated for special education services or has refused services or, after evaluating the student pursuant to 34 CFR 300.300-300.311, the district determined that he/she was not an individual with a disability.

When the district is deemed to not have knowledge of a student's disability, the student shall be disciplined in accordance with procedures established for students without disabilities who engage in comparable behavior. (20 USC 1415(k)(5); 34 CFR 300.534)

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

Child Find

Federal and state 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. Any parent suspecting a child has exceptional needs due to a disability may request an assessment for eligibility for special education services through their child's school site or by contacting the Special Education Department at the District Office. (EC 56301, BP 6164.4)

Students with Disabilities and Special Education

Students learn in a variety of ways with most students learning effectively in a traditional school setting. Students with disabilities may be eligible to receive special education services. These services are based on assessments and determined by an Individualized Education Program (IEP) team, which includes the student's parent(s) as equal participants. Special education services are designed to meet the unique educational needs of students with disabilities and are provided at no cost to parents. To the maximum extent appropriate, students with disabilities are to be educated with their nondisabled peers in the general education environment at the school they would attend if nondisabled. The general education classroom with all appropriate supplementary aids and services where the student has the greatest opportunity to be integrated with their nondisabled peers is the first educational setting for an IEP team to consider. An IEP team should only remove a student from the general education classroom and environment when the nature or severity of a student's disability is such that education in general classes with the use of supplemental aids and services cannot be achieved satisfactorily.

Parents of school-age children who suspect their child may have a disability and may need special education services should contact the administrator of their neighborhood public school. Parents of non-enrolled preschool-age children who suspect their child may have a disability and may be eligible for special education services should contact Adams Early Childhood Learning Center at (760) 777-4260.

Further information concerning special education programs and services provided, you may request the Riverside County Special Education Local Plan Area Notice of Procedural Safeguards and Parents' Rights, which can be obtained at any school site or by contacting the Special Education office at (760) 771-8652.

Students With Disabilities Under Section 504 Of The Rehabilitation Act Of 1973

Section 504 of the Rehabilitation Act of 1973 (Section 504) is a federal civil rights law that prohibits discrimination against individuals with disabilities in programs and activities that receive financial assistance from the U.S. Department of Education. Discrimination, harassment, intimidation, and/or bullying in any form toward individuals on the basis of their actual or perceived disability is unacceptable and will not be tolerated. The District will promptly investigate any complaints of disability-based discrimination, harassment, intimidation and/or bullying, and take reasonable actions to stop future incidents.

The District has specific responsibilities related to the provision of a Free Appropriate Public Education (FAPE) to school age individuals with disabilities under Section 504. The District has a responsibility to identify, evaluate, and if eligible, provide pupils with disabilities the same opportunity to benefit from educational programs, services and activities as provided to their non-disabled peers. To qualify for Section 504 protections, the pupil must have a mental or physical impairment, which substantially limits one or more major life activity. Students who meet this the federal definition of persons with disabilities under Section 504, a Section 504 Plan may be developed which indicates the accommodations, supplementary aids and/or services that will be provided to assist the student in accessing the general education program. Section 504 must provide nonacademic and extracurricular services and activities in a manner that ensures that individuals with disabilities have an equal opportunity to participate. Parents or guardians must be notified in writing of any District decisions regarding the evaluation, identification, and/or educational placement of their student and their right to participate in and/or appeal these decisions under Section 504.

For further information about Section 504 and/or assistance in filing an appeal, complaint (see Uniform Complaint Procedures) or to conduct an informal mediation or impartial hearing regarding Section 504, contact the District's Section 504 Coordinator in the Child Welfare and Attendance office at 760-771-8612.

Inspection Of Special Education Records

Upon request, parents or guardians of children with exceptional needs may examine and receive copies of the student's records within five business days after a request is received and prior to any Individualized Education Program meeting, hearing or resolutions session regarding their child. (EC 56043(N))

Nondiscrimination Policy

Discrimination in education programs is prohibited by state and federal law. Education Code 200 et seq. requires school district to afford all pupils regardless of gender, gender identity, gender expression, sex, race, color, religion, natural origin, ethnic group identification, immigration status, mental or physical disability, sexual orientation, or the perception of one or more of such characteristics, equal rights and opportunities in accessing educational programs, activities and facilities. The Americans with Disabilities Act and Section 504 of the Vocational Rehabilitation Act of 1973 prohibit discrimination on the basis of disability. The District assures that lack of English language skills will not be a barrier to admission or participation in district programs. Complaints of unlawful discrimination are investigated through the Uniform Complaint Procedure. Such complaints must be filed no later than six months after knowledge of the alleged discrimination was first obtained. Questions or concerns regarding these rights or allegations of discrimination based on disability should be directed to Charity Plaxton-Hennings, Senior Director, of Special Education.

Special Education Complaints

Parents or guardians have a right to file a written complaint with the school if they believe the school is in violation of federal or state law governing the identification or placement of special education students, or similar issues. Procedures are available from your building principal. (EC 56500.2)

Special Education Due Process Hearings

Parents or guardians have the right to file a request with the Office of Administrative Hearings to initiate a due process hearing relating to special education rights. (EC 56502)

SCHOOL BUS TRANSPORTATION

Bus Conduct

Bus transportation is a privilege and not a right. The district shall provide bus transportation to students who reside beyond reasonable limits from the school of assignment. Please refer to section Board Policy 3541.

Parental consent to transport pupils is necessary in which the parent/guardian shares responsibility with the student for the conduct of said student. Violation of the Rules of Conduct for School Bus Passengers may result in a student losing the right to the privilege of bus transportation. A citation system shall be followed to identify student passengers who violate the Rules of Conduct. Upon receipt of a citation, the principal shall conduct the necessary investigation and take disciplinary action as appropriate which may include suspension of transportation privileges. (BP 5131.1)

All pupils of the Desert Sands Unified School District shall behave in a proper manner while on the bus showing courteous consideration for the rights of other students. All passengers shall obey the following rules:

1. Follow the bus driver's instructions at all times.
2. Board and leave the bus only at your assigned bus stop.
3. Arrive at the bus stop 5 minutes before, but not more than 10 minutes before, the bus is scheduled to leave. Stand in line and wait for the bus.
(The bus will not wait for students at any stop.)
4. Fill seats as directed by the driver and remain in your seat while on the bus. If a bus is equipped with seat belts they must be used.
5. Report to the bus driver, vandalism or damage to the bus.
6. Report lost or found articles to the bus driver.
7. When getting off the bus, cross the street in the crosswalk. Follow the bus driver's instructions. Never cross the street behind the bus.
8. Do not smoke on the bus.
9. Do not use profanity or abusive language.
10. Do not talk to the driver except when necessary.
11. Do not speak loudly while on the bus. Speak quietly or not at all.
12. Do not eat or drink while on the bus. Water is permitted.
13. Do not put your head, arms or any part of your body outside the bus at any time.
14. Do not litter or damage the bus. Parents/Guardians must pay for damage caused by vandalism.
15. Do not throw anything within the bus or out of the bus.
16. Do not open or use the emergency exits except in an emergency, as directed by the bus driver.
17. Respect others' personal space. Keep hands and feet to yourself.

Pupils who violate any of the above rules of conduct will be given a bus citation. Written citations will be given by the bus driver to the Principal. The Principal will notify the parent/guardian and the pupil. Each citation will be investigated to determine facts and a parent/guardian-pupil conference will be held if necessary.

The consequences for receiving a citation are as follows:

1st Offense: Verbal Warning

2nd Offense: Written warning using the Misconduct Citation form; parent communication

3rd Offense: Written citation using the Misconduct Citation form and removal of transportation for one week; SST recommended

4th Offense: Written citation using the Misconduct Citation form and removal of transportation for two weeks; follow-up SST recommended

5th Offense: Written citation using the Misconduct Citation form and removal of transportation for one month; follow-up SST recommended

6th Offense: Written citation using the Misconduct Citation form and removal of transportation for the remainder of the school year; follow-up SST recommended

Appendix A - Parents' Right To Know Information

At the beginning of each school year, school districts receiving Title I funds are required to notify parents whose student(s) attend a Title I school that they may request, and the agency will provide the parents on request (and in a timely manner) information regarding the professional qualifications of the student's classroom teachers, including at a minimum:

1. Whether the student's teacher:
 - a. Has met State qualification and licensing criteria for the grade levels and subject areas in which the teacher provides instruction;
 - b. Is teaching under emergency or other provisional status through which State qualification or licensing criteria have been waived; and
 - c. Is teaching in the field of discipline of the certification of the teacher.
2. Whether the child is provided services by paraprofessionals and, if so, their qualifications.

If you would like this information, please contact Clayton Hill at 760-771-8695.

Title I LEA-Level Parent and Family Engagement Policy Desert Sands Unified School District January 25, 2021

1.0 The local governing board of each local educational agency (LEA), or agency, receiving Title I, Part A funding shall establish and implement a written parent and family engagement policy and program. (California Education Code [EC] sections [§§] 11500-11504, 51101[b]; 20 United States Code [U.S.C.] § 6318[a][1], 6318[a][2])

1.1 Desert Sands Unified School District has received input from parents and community stakeholders and has developed and distributed to, parents and family members of participating children, an LEA-level written parent and family engagement policy. (20 U.S.C. § 6318[a][2].)

Input is gathered through parent/guardian surveys, LCAP Advisory Committee, and the DSUSD district parent advisory committees (District Advisory Committee (DAC), District English Learner Advisory (DELAC), Migrant Parent Advisory Committee, Native American Parent Advisory Committee, African American Parent Advisory Committee (AAPAC). Desert Sands Unified School District (DSUSD), with parents and family members, has jointly developed, mutually agreed upon, and distributed to, parents and family members of participating children served under Title I, Part A a written Local Educational Agency (LEA) parent and family engagement policy. (20 U.S.C. § 6318[a][2].) The policy is distributed to families through School Messenger, Peach Jar, site newsletters, and posted on the district's website.

The LEA incorporates the Parent and Family Engagement Policy into the LEA level plan. (20 U.S.C. § 6312, 6318[a][2]) The Desert Sands Unified School District includes family engagement activities in the Local Control and Accountability Plan (LCAP). These actions and services, and expenditures addressing family engagement, include meaningful participation and opportunities to provide input on decisions. Actions and strategies are also included in the LCAP Federal Addendum.

To involve parents and family members in the Title I program at Desert Sands Unified School District, the following practices have been established:

- a. The Desert Sands Unified School District involves parents and family members in the joint development of the agency's plan, and in the development of support and improvement plans. (20 U.S.C. § 6318[a][2][A])

The Desert Sands Unified School District annually surveys parents and family members to gather feedback about successes and areas of improvement around the LCAP, the LCAP Federal Addendum, as well as school goals and actions. Stakeholder feedback is also gathered at school meetings, and district and school advisory committee meetings. The information gathered is used to revise the district's LCAP, the LCAP Federal Addendum, and the sites' School Plan for Student Achievement (SPSA).

District staff work collaboratively with site administrators to plan and implement parent and family engagement activities. Site principals collaborate together to plan and coordinate activities and best practices. Activities include Coffee with the Principal, Literacy/Math nights, parent Information nights and workshops and family events. Activities for each site are described in the school's Parent and Family Engagement Policy, school-parent compact, and are included in the School Plan for Student Achievement.

- b. Desert Sands Unified School District provides the coordination, technical assistance, and other support necessary to assist and build the capacity of all participating schools within the LEA in planning and implementing effective parent and family involvement activities to improve student academic achievement and school performance, and how this may include meaningful consultation with various stakeholders (20 U.S.C. § 6318[a][2][B]).

District staff work collaboratively with site administrators to plan and implement parent professional development and annual training opportunities for English Learner Advisory Committee (ELAC), Title I and School Site Council (SSC).

- c. The LEA coordinates and integrates Title I, Part A parent and family engagement strategies with parent and family engagement strategies, to the extent feasible and appropriate, with other relevant Federal, State, and local laws and programs. (20 U.S.C. § 6318[a][2][C])

Parent and family engagement activities for programs, including State Preschool, English Learners, after school programs (ASES) and Special Education are coordinated with those offered through Title I, Part A.

- d. The LEA conducts, with the meaningful involvement of parents and family members, an annual evaluation of the content and effectiveness of the parent and family engagement policy in improving the academic quality of the schools served under Title I, Part A. (20 U.S.C. § 6318[a][2][D])

The Desert Sands Unified School District annually gathers input and feedback from the LCAP Advisory Committee, and the DSUSD district parent advisory committees (District Advisory Committee (DAC), District English Learner Advisory (DELAC), Migrant Parent Advisory Committee, Native American Parent Advisory Committee, African American Parent Advisory Committee (AAPAC) to evaluate the effectiveness of the parent and family engagement policy.

The LEA identifies the following:

- 1. Barriers to greater participation by parents in activities authorized by this section (with particular attention to parents who are economically disadvantaged, are disabled, have limited English proficiency, have limited literacy, or are of any racial or ethnic minority background). (20 U.S.C. § 6318[a][2][D][i])

The Desert Sands Unified School District identifies barriers through the annual evaluation of the content and effectiveness of the parent and family engagement policy. Processes and actions are put into place to address the needs of families and to ensure information is provided in a language and format easily understood by families.

- 2. The needs of parents and family members to assist with the learning of their children, including engaging with school personnel and teachers. (20 U.S.C. § 6318[a][2][D][ii])

Parent-teacher conferences and parent workshops are offered to further support families with strategies to engage with the school. Strategies include:

- a. Questions to ask during parent conferences,
- b. How to contact their child's teacher, and
- c. Assistance with completing school forms, surveys and College and Career Readiness documents and accessing Parent VUE

- 3. Strategies to support successful school and family interactions. (20 U.S.C. § 6318[a][2][D][iii])

Each school develops a site parent and family engagement policy and school parent compact designed to meet the needs of their families. Schools host family information nights, such as Math or Literacy Nights, informal meetings with the principal, and other opportunities for families to engage with the staff. The compact describes how families and school staff share the responsibility for improving student achievement and how the school and families will collaborate to assist students to achieve the state academic standards.

- a. The LEA uses the findings of such evaluation in section 1.1(d) of the CE program instrument to design evidence-based strategies for more effective parental involvement, and to revise, if necessary, the parent and family engagement policy. (20 U.S.C. § 6318[a][2][E])

The results of the annual evaluation from the sites are used to design evidenced-based strategies to improve family engagement, and revise the Parent and Family Engagement Policy, as needed. Through the annual evaluation of the content and effectiveness of the Parent and Family Engagement Policy, processes and actions are put into place to address the needs of families and to ensure information is provided in a language and format easily understood by families. The Desert Sands Unified School District annually gathers input and feedback from district advisory committees to continue to revise the Parent and Family Engagement Policy as needed.

- b. The LEA involves parents in activities of schools served under Title I, Part A to adequately represent the needs of the population served by such agency for the purposes of developing, revising, and reviewing the Parent and Family Engagement Policy. (20 U.S.C. § 6318[a][2][F])

Each school designates family members to serve on the District Advisory Committee (DAC) and the District English Learner Committee (DELAC). The DAC, DELAC, Migrant PAC, and the African American and Native American Education Program PACs review a variety of data sources and provide input and feedback using this information to develop, revise and review the Parent and Family Engagement Policy.

1.2 The LEA policy on parent and family engagement for all schools (including Title I and non-Title I) in the LEA shall be consistent with the goals and purposes listed below. (EC §§ 11502, 11504, 11506)

- a) Engage parents and family members positively in their children's education by providing assistance and training on topics such as state academic standards and assessments to develop knowledge and skills to use at home to support their children's academic efforts at school and their children's development as responsible future members of our society. (EC § 11502[a])

All schools develop site parent and family engagement plans to address the needs of parents at their school. Each school offers parent and family engagement activities to assist families with supporting learning at home. Information and resources are shared with families at parent information nights, CAASPP workshops, Title I parent information nights, Literacy and Math nights, parent-teacher conferences, parent workshops, as well as on the website and materials sent home.

- b) Inform parents that they can directly affect the success of their children's learning, by providing parents with techniques and strategies that they may utilize to improve their children's academic success and to assist their children in learning at home. (EC §11502[b])

- c) Information and resources are provided to parents on strategies to assist their children's learning at home through parent outreach through parent meetings and family nights as well as through community partnerships and workshops that directly support parents with techniques and strategies to help improve their child's academic, social and emotional health and success. Parent and family education are communicated through social media as well as posted on our district website.

- d) Build consistent and effective two-way communication between family members and the school so that parents and family members may know when and how to assist their children in support of classroom learning activities. (EC § 11502[c])

The Desert Sands Unified School District has implemented an effective two-way communication tool that allows for text, email, phone calls and document sharing as a response to parent feedback. The district and school communicate to families on a regular basis to share information and resources on ways to support their students' education. Information about the effectiveness of communication at each site is contained in the annual LCAP survey and used to improve services annually.

e) Train teachers, school administrators, specialized instructional support personnel, and other staff to communicate effectively with parents as equal partners. (EC § 11502[d])

District leadership provides resources, professional development and information to school site administration, support staff and teachers for effectively communicating with families.

f) Integrate and coordinate parent and family engagement activities with the local control and accountability plan (LCAP), as applicable, with other programs. (EC § 11502[e])

Each site annually develops a School Plan for Student Achievement which include goals, actions, strategies and expenditures for family engagement in addition to goals to improve academic achievement and the learning environment. Parent and family engagement activities for programs, State Preschools, English Learners, after school programs (ASES) and Special Education are coordinated with those offered through Title 1, Part A.

1.3 Parents and family members of children receiving Title I, Part A services shall be involved in the decisions regarding how funds reserved are allotted for parental involvement activities. (20 U.S.C. Section 6318[a][3][B])

The Desert Sands Unified School District reserves at least one percent of the Title I, Part A allocation to support district-wide family engagement activities. Family engagement activities are included in the district's LCAP and the LCAP Federal Addendum.

1.4 Funds reserved by an LEA shall be used to carry out activities and strategies consistent with the LEA's Parent and Family Engagement Policy, including not less than one of the following: (20 U.S.C. § 6318[a][3][D])

- a) Supporting schools and nonprofit organizations in providing professional development for LEA and school personnel regarding parent and family engagement strategies. (20 U.S.C. § 6318[a][3][D][i])
- b) Supporting programs that reach parents and family members at home, in the community, and at school. (20 U.S.C. § 6318[a][3][D][ii])
- c) Disseminating information on best practices focused on parent and family engagement, especially best practices for increasing the engagement of economically disadvantaged parents and family members. (20 U.S.C. § 6318[a][3][D][iii])
- d) Collaborating, or providing sub grants to schools to enable such schools to collaborate, with community-based or other organizations or employers with a record of success in improving and increasing parent and family engagement. (20 U.S.C. § 6318[a][3][D][iv])
- e) Engaging in any other activities and strategies that the LEA determines are appropriate and consistent with such agency's Parent and Family Engagement Policy. (20 U.S.C. § 6318[a][3][D][v])

Each school designates a SSC and ELAC representative who serves on the district's DAC and DELAC. The committees review input gathered from stakeholders about family engagement activities, parent workshops, professional development, home to school communication and attendance and engagement. This information is used to annually update the LCAP, including actions and services for family engagement, parent workshops and professional development.

**The Parent and Family Engagement Policy will be reviewed and included in the annual review of the Local Control and Accountability Plan Federal Addendum.*

***The policy will be updated periodically to meet changing needs of parents and family members and the LEA. The LEA will maintain a process for involving parents and family members in planning and designing the school's programs and will include adequate representation of parents and family members of children receiving Title I, Part A services.*

Desert Sands Unified School District's Title I, Part A LEA Parent and Family Engagement Policy was developed jointly and agreed on with parents and family members of children participating in Title I, Part A programs on 1/25/2021. The LEA will distribute the Policy to all parents and family members of participating Title I, Part A students annually on or before September 1st.

Signature Page



Enter Name and Title of Authorized Official

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California Department of Education

April 2020