

**Students**

**CONCEPTS AND RULES**

The Board of Trustees shall make every effort to maintain a safe, positive school environment and student services that promote student welfare and academic achievement. The Board expects students to make good use of learning opportunities by demonstrating regular attendance, appropriate conduct and respect for others.

- (cf. 5113 - Absences and Excuses)
- (cf. 5131 - Conduct)
- (cf. 5137 - Positive School Climate)

The Board is fully committed to providing equal educational opportunities and keeping the schools free from discriminatory practices. The Board shall not tolerate the intimidation or harassment of any student for any reason.

- (cf. 5145.3 - Nondiscrimination/Harassment)

The Superintendent or designee shall establish and keep parents/guardians and students well informed about school and district rules and regulations related to attendance, health examinations, records, grades and student conduct. When conducting hearings related to discipline, attendance and other student matters, the Board shall afford students their due process rights in accordance with law.

- (cf. 5125 - Student Records)
- (cf. 5144 - Discipline)
- (cf. 5144.1 - Suspension and Expulsion/Due Process)
- (cf. 5145.6 - Parental Notifications)
- (cf. 9000 - Role of the Board)

Legal Reference:

EDUCATION CODE

- 35160 Authority of governing boards
- 35160.1 Broad authority of school districts
- 35291-35291.5 Rules

Policy Adopted: 10/15/08

ORCUTT UNION SCHOOL DISTRICT  
Orcutt, California

**PARENT RIGHTS AND RESPONSIBILITIES**

The Board of Trustees recognizes that parents/guardians of district students have certain rights as well as responsibilities related to the education of their children.

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

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

Parents/guardians shall have the opportunity to work with schools in a mutually supportive and respectful partnership and to help their children succeed in school. (Education Code 51100)

(cf. 5022 - Student and Family Privacy Rights)  
(cf. 6020 - Parent Involvement)

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

(cf. 4131 - Staff Development)  
(cf. 4231 - Staff Development)  
(cf. 4331 - Staff Development)

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

(cf. 5145.6 - Parental Notifications)

The Superintendent or designee shall take all reasonable steps to ensure that all parents/guardians who speak a language other than English are properly notified in English, and in their home language of the rights and opportunities available to them pursuant to Education Code 48985. (Education Code 51101.1)

**PARENT RIGHTS AND RESPONSIBILITIES**

Legal Reference:

EDUCATION CODE

33126 School accountability report card

35291 Disciplinary rules

48070.5 Promotion and retention of students

48985 Notice to parent in language other than English

49091.10-49091.19 Parental review of curriculum and instruction

49602 Confidentiality of pupil information

51100-51102 Parent/guardian rights

51513 Personal beliefs

60510 Disposal of surplus instructional materials

UNITED STATES CODE, TITLE 20

1232g Family Educational Rights and Privacy Act

1232h Protection of pupil rights

Management Resources:

WEB SITES

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

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

**NON CUSTODIAL PARENTS**

The Board of Trustees recognizes the right of parents/guardians to be involved in the education of their children and desires to balance that right with the district's need to ensure the safety of students while at school.

(cf. 5020 - Parent Rights and Responsibilities)  
(cf. 6020 - Parent Involvement)

The parent/guardian who enrolls a child in a district school shall be presumed to be the child's custodial parent/guardian and shall be held responsible for the child's welfare.

School officials shall presume that both parents/guardians have equal rights regarding their child, including, but not limited to, picking the student up after school or otherwise removing the student from school, accessing student records, participating in school activities, or visiting the school. When a court order restricts access to the child or to his/her student information, a parent/guardian shall provide a copy of the certified court order to the principal or designee upon enrollment or upon a change in circumstances.

(cf. 3516 - Emergencies and Disaster Preparedness Plan)  
(cf. 5111.1 - District Residency)  
(cf. 5125 - Student Records)  
(cf. 5141 - Health Care and Emergencies)  
(cf. 5142 - Safety)  
(cf. 6159 - Individualized Education Program)

In the event of an attempted violation of a court order that restricts access to a student, the principal or designee shall contact the custodial parent and local law enforcement officials and shall make the student available only after one or both of these parties consent.

**Legal Reference:**

**EDUCATION CODE**

- 48204 Residency requirements
- 49061 Definitions
- 49069 Absolute right to access
- 49091.10-49091.19 Parental review of curriculum and instruction
- 49408 Emergency information
- 56028 Definition, parent for special education
- 51100-51102 Parent/guardian rights

**FAMILY CODE**

- 3002 Joint legal custodies, definition
- 3006 Sole legal custody, definition

**Students**

BP 5021 (b)

**NON CUSTODIAL PARENTS**

3025 Parental access to records

6550-6552 Caregivers

GOVERNMENT CODE

810-996.6 Government Claims Act

6205-6211 Confidentiality of residence for victims of domestic violence

**Management Resources:**

**WEB SITES**

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

California Association of Supervisors of Child Welfare and Attendance:

<http://www.cascwa.org>

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

Policy Adopted: 12/9/09

ORCUTT UNION SCHOOL DISTRICT  
Orcutt, California

**STUDENT AND FAMILY PRIVACY RIGHTS**

The Board of Trustees respects the rights of students and their parents/guardians with regard to the privacy of their personal beliefs and the confidentiality of their personal information.

- (cf. 5020 - Parent Rights and Responsibilities)
- (cf. 5021 - Noncustodial Parents)
- (cf. 5125 - Student Records)
- (cf. 5125.1 - Release of Directory Information)
- (cf. 6162.8 - Research)

The Superintendent or designee may collect, disclose, or use students' personal information for the exclusive purpose of developing, evaluating, or providing educational products or services for or to students or educational institutions, such as the following: (20 USC 1232h)

1. College or other postsecondary education recruitment or military recruitment
2. Book clubs, magazines, and programs providing access to low-cost literary products
3. Curriculum and instructional materials used by elementary and secondary schools
4. Tests and assessments to provide cognitive, evaluative, diagnostic, clinical, aptitude, or achievement information about students (or to generate other statistically useful data for the purpose of securing such tests and assessments) and the subsequent analysis and public release of the aggregate data from such tests and assessments

- (cf. 6162.5 - Student Assessment)
- (cf. 6162.51 - State Academic Achievement Tests)

5. The sale by students of products or services to raise funds for school-related or education-related activities

- (cf. 1321 - Solicitation of Funds from and by Students)

6. Student recognition programs

- (cf. 5126 - Awards for Achievement)

The Superintendent or designee shall consult with parents/guardians regarding the development of regulations pertaining to other uses of personal information, which shall, at a minimum, address the following: (20 USC 1232h)

**STUDENT AND FAMILY PRIVACY RIGHTS**

1. Arrangements for protecting student privacy when collecting, disclosing, or using students' individually identifiable information for any purpose
  2. Arrangements to protect student privacy in the administration of surveys that may request information about the personal beliefs and practices of students and their families
  3. The rights of parents/guardians to inspect the following, and any applicable procedures for granting reasonable access to the following in a reasonable period of time:
    - a. Survey instruments requesting information about their personal beliefs and practices or those of their children
    - b. Instructional materials used as part of their children's educational curriculum
    - c. Instruments used in the collection of personal information for the purpose of marketing or sale
  4. Any nonemergency physical examinations or screenings that the school may administer
- (cf. 0420 - School Plans/Site Councils)  
(cf. 1220 - Citizen Advisory Committee)  
(cf. 1230 - School-Connected Organizations)

The Superintendent or designee shall notify parents/guardians of the adoption or continued use of the district's policy pertaining to the rights specified in items #1-4 above. (20 USC 1232h)

(cf. 5145.6 – Parental Notifications)

Legal Reference:

EDUCATION CODE

234.7 Student protections relating to immigration and citizenship status

49076.7 Privacy of student records; social security numbers

49450-49457 Physical examinations

49602 Confidentiality of personal information received during counseling

51101 Parents Rights Act of 2002

51513 Test, questionnaire, survey or examination concerning personal beliefs

51514 Nonremoval of survey questions pertaining to sexual orientation or gender identity

51938 Sexual Health and HIV/AIDS Prevention Education Act; notice and parental excuse

UNITED STATES CODE, TITLE 20

1232g Family Educational Rights and Privacy Act

1232h Protection of pupil rights

**Students**

BP 5022 (c)

**STUDENT AND FAMILY PRIVACY RIGHTS**

Management Resources:

WEB SITES

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

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

U.S. Department of Education, Family Policy Compliance Office:  
<http://www.ed.gov/offices/OM/fpc/>

Policy Adopted: 05/09/18

ORCUTT UNION SCHOOL DISTRICT  
Orcutt, California



**STUDENT WELLNESS**

The Board of Trustees 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, 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.

(cf. 3513.3 - Tobacco-Free Schools)

(cf. 5131.6 - Alcohol and Other Drugs)

(cf. 5141 - Health Care Emergencies)

(cf. 5141.22 - Infectious Diseases)

(cf. 5141.3 - Health Examination)

(cf. 5141.31 - Immunizations)

(cf. 5141.6 – School Health Services)

(cf. 6142.1- Sexually Transmitted Diseases and HIV/AIDS Prevention Instruction)

(cf. 6164.2 - Guidance/Counseling Services)

**School Wellness Council**

The Superintendent or designee shall encourage parents/guardians, students, food service employees, physical education teachers, school health professionals, Board members, school administrators, and members of the public to participate in the development, implementation, and periodic review and update of the district's student wellness policy. (42 USC 1758b, 7 CFR 210.30)

To fulfill this requirement, the Superintendent or designee may appoint a school wellness council or other district committee and a wellness coordinator. The Council may include representatives of the groups listed above, as well as health educators, curriculum directors, counselors, before-and after-school program staff, health practitioners, and/or others interested in school health issues.

(cf. 1220 - Citizen Advisory Committees)

The Superintendent or designee may make available to the public and school community a list of the names, position titles, and contact information of the wellness council members.

The wellness council shall advise the district on health-related issues, activities, policies, and programs. At the discretion of the Superintendent or designee, the duties of the council may also include the planning, implementation, and evaluation of activities to promote health within the school or community.

**STUDENT WELLNESS**

Goals for Nutrition, Physical Activity, and other Wellness Activities

The Board shall adopt goals for nutrition promotion and education, physical activity, and other school- based activities that promote student wellness. In developing such goals, the Board shall review and consider evidence-based strategies and techniques. (42 USC 8b; 7 CFR 210.30)

(cf. 0000 - Mission)  
(cf. 0200 – Core Values for the School District)

The district's nutrition education and physical education programs shall be based on research, shall be consistent with the expectations established in the state's curriculum frameworks and content standards, and shall be designed to build the skills and knowledge that all students need to maintain a healthy lifestyle.

(cf. 6011 - Academic Standards)  
(cf. 6142.7 – Physical Education and Activity)  
(cf.6142.8 – Comprehensive Health Education) (cf. 6143 - Courses of Study)

The nutrition education program shall include, but is not limited to, information about the benefits of healthy eating for learning, disease prevention, weight management, and oral health. Nutrition education shall be provided as part of the health education program and, as appropriate, shall be integrated into other academic subjects in the regular educational program, before- and after-school programs, summer learning programs, and school garden programs.

(cf. 5148.2 - Before/After School Programs)  
(cf. 6177 – Summer Learning Programs)

All students shall be provided opportunities to be physically active on a regular basis. Opportunities for moderate to vigorous physical activity shall be provided through physical education and recess and may also be provided through school athletic programs, extracurricular programs, before- and/or after-school programs, summer learning programs, programs encouraging students to walk or bicycle to and from school, in-class physical activity breaks, and other structured and unstructured activities.

(cf. 6145 - Extracurricular and Cocurricular Activities)  
(cf. 6145.2 - Athletic Competition)

The Board may enter into a joint use agreement or memorandum of understanding to make district facilities or grounds available for recreational or sports activities outside the school day and/or to use community facilities to expand students' access to opportunity for physical activity.

**STUDENT WELLNESS**

Professional development may be regularly offered to the nutrition program director, managers, and staff, as well as health education teachers, physical education teachers, coaches, activity supervisors, and other staff as appropriate to enhance their knowledge and skills related to student health and wellness.

(cf. 4131 – Staff Development)

(cf. 4231 – Staff Development)

(cf. 4331 – Staff Development)

In order to ensure that students have access to comprehensive health services, the district may provide access to health services at or near district schools and/or may provide referrals to community resources.

The Board recognizes that a safe, positive school environment is also conducive to students' physical and mental health and thus prohibits bullying and harassment of all students, including bullying on the basis of weight or health condition.

(cf. 5131.2 – Bullying)

(cf. 5145.3 – Nondiscrimination/Harassment)

The Superintendent or designee shall encourage staff to serve as positive role models for healthy eating and physical fitness. He/she shall promote work-site wellness and may provide opportunities for regular physical activity among employees.

**Nutritional Guidelines for Foods Available at School**

For all foods available on each campus during the school day, the district shall adopt nutritional guidelines which are consistent with 42 USC 1758, 1766, 1773 and 1779 and federal regulations and which support the objectives of promoting student health and reducing childhood obesity. (42 USC 1758b)

In order to maximize the district's ability to provide nutritious meals and snacks, all schools shall participate in available federal school nutrition programs, including the National School Lunch and School Breakfast Programs and after-school snack programs, to the extent possible. When approved by the California Department of Education, the district may sponsor a summer meal program.

(cf. 3550 – Food Service/Child Nutrition Program)

(cf. 3553 - Free and Reduced Price Meals)

(cf. 5141.27 – Food Allergies/Special Dietary Needs)

(cf. 5148 – Child Care and Development)

(cf. 5148.3 – Preschool/Early Childhood Education)

The Superintendent or designee shall provide access to free, potable water during meal times in the food service area in accordance with Education Code 38086 and 42 USC 1758, and shall encourage students' consumption of water by educating them about the health benefits of water and serving water in an appealing manner.

**STUDENT WELLNESS**

The Board believes that foods and beverages sold to students at district schools, including those available outside the district's food services program, should support the health curriculum and promote optimal health. Nutritional standards adopted by the district for all foods and beverages, student stores, vending machines, or other venues, shall meet or exceed state and federal nutritional standards.

(cf. 3312 - Contracts)  
(cf. 3554 - Other Food Sales)

The Superintendent or designee shall encourage school organizations to use healthy food items or non-food items for fundraising purposes.

He/she also shall encourage school staff to avoid the use of non-nutritious foods as a reward for students' academic performance, accomplishments, or classroom behavior. School staff shall encourage school organizations to support the district's nutrition education program by considering nutritional quality when selecting any snacks which they may donate for occasional class parties. Class parties or celebrations shall be held after the lunch period when possible.

To reinforce the district's nutrition education program, the Board prohibits the marketing and advertising of foods and beverages that do not meet nutrition standards for the sale of foods and beverages on campus during the school day. (7 CFR 210.30)

(cf. 1325 - Advertising and Promotion)

**Program Implementation and Evaluation**

The Superintendent shall designate the individual(s) identified below as the individual(s) responsible for ensuring that each school site complies with the district's wellness policy. (42 USC 1758b; 7 CFR 210.30 )

Assistant Superintendent, Business Services  
(805)938-8900

(cf. 0500 - Accountability)  
(cf. 3555 – Nutrition Program Compliance)

The Superintendent or designee shall assess the implementation and effectiveness of this policy at least once every three years (42 USC 1758b; 7 CFR 210.30).

The assessment shall include the extent to which district schools are in compliance with this policy, the extent to which this policy compares to model wellness policies available from the U.S. Department of Agriculture, and a description of the progress made in attaining the goals of the wellness policy. (42 USC 1758b)

**STUDENT WELLNESS**

The Superintendent or designee shall invite feedback on district and school wellness activities from food service personnel, school administrators, the wellness council, parents/guardians, students, teachers, before- and after-school program staff, and/or other appropriate persons.

The Board and the Superintendent or designee shall establish indicators that will be used to measure the implementation and effectiveness of the district activities related to student wellness. Such indicators may include, but are not limited to:

1. Descriptions of the district's nutrition education, physical education, and health education curricula and the extent to which they align with state academic content standards and legal requirements
2. An analysis of the nutritional content of school meals and snacks served in all district programs, based on a sample of menus and production records
3. Student participation rates in school meal and/or snack programs, including the number of students enrolled in the free and reduced-price meals program compared to number of students eligible for that program
4. Extent to which foods sold on campus outside the food services program, such as through vending machines, student stores, or fundraisers, comply with national standards
5. Results of the state's physical fitness test
6. Number of minutes of physical education offered at each grade span, and the estimated percentage of class time spent in moderate to vigorous physical activity
7. A description of district efforts to provide additional opportunities for physical activity outside of the physical education program
8. A description of other districtwide or school-based wellness activities offered, including the number of sites and/or students participating, as appropriate

As feasible, the assessment report may include a comparison of results across multiple years, a comparison of district data with county, statewide, or national data, and/or a comparison of wellness data with other student outcomes such as academic indicators or student discipline rates.

In addition, the Superintendent or designee shall prepare and maintain the proper documentation and records needed for the administrative review of the district's wellness policy conducted by the California Department of Education (CDE) every three years.

**STUDENT WELLNESS**

The assessment results of both the district and state evaluations shall be submitted to the Board for the purposes of evaluating policy and practice, recognizing accomplishments, and making policy adjustments as needed to focus district resources and efforts on actions that are most likely to make a positive impact on student health and achievement.

Notifications

The Superintendent or designee shall inform about the content and implementation of the district's wellness policy and shall make the policy, and any updates to the policy, available to the public on an annual basis. He/she shall also inform the public of the district's progress towards meeting the goals of the wellness policy, including the availability of the triennial district assessment. (49432; 42 USC 1758b, 7 CFR 210.30)

(cf. 5145.6 - Parental Notifications)

Records

The Superintendent or designee shall retain records that document compliance with 7 CFR 210.30, including, but not limited to, the written student wellness policy, documentation of the triennial assessment of the wellness policy for each school site, and documentation demonstrating compliance with the community involvement requirements, including requirements to make the policy and assessment results available to the public. (7 CFR 210.30)

Legal Reference:

EDUCATION CODE

- 33350-33354 CDE responsibilities re: physical education
  - 38086 Free fresh drinking water
  - 49430-49434 Pupil Nutrition, Health, and Achievement Act of 2001
  - 49490-49494 School breakfast and lunch programs
  - 49500-49505 School meals
  - 49510-49520 Nutrition
  - 49530-49536 Child Nutrition Act
  - 49540-49546 Child care food program
  - 49547-49548.3 Comprehensive nutrition services
  - 49550-49561 Meals for needy students
  - 49565-49565.8 California Fresh Start pilot program
  - 49570 National School Lunch Act
  - 51210 Course of study, grades 1-6
  - 51210.1-51210.2 Physical education, grades 1-6
  - 51210.4 Nutrition education
  - 51220 Course of study, grades 7-12
  - 51222 Physical education
  - 51223 Physical educations, elementary schools
  - 51795-51796.5 School instructional gardens
  - 51880-51921 Comprehensive health education
- CODE OF REGULATIONS, TITLE 5

**STUDENT WELLNESS**

15500-15501 Food sales by student organizations

15510 Mandatory meals for needy students'

15530-15535 Nutrition education

15550-15565 School lunch and breakfast programs

UNITED STATES CODE, TITLE 42

1751-1769 National School Lunch Program, especially:

1758b Local wellness policy

1771-1791 Child Nutrition Act, including: 1773 School Breakfast Program

1779 Rules and regulations, Child

Nutrition Act CODE OF FEDERAL

REGULATIONS, TITLE 7

210.1-210.31 National School Lunch Program

220.1-220.21 National School Breakfast Program

COURT DECISIONS

Frazer v. Dixon Unified School District, (1993) 18

Cal.App.4th 781

Management Resources:

CSBA PUBLICATIONS

Integrating Physical Activity into the School Day, Governance Brief, April 2016

Increasing Access to Drinking Water in Schools, Policy Brief, April 2013

Mentoring for Success: A Guide for Assessing and Strengthening Student Wellness Policies, rev. 2012 Nutrition Standards for Schools: Implications for Student Wellness, Policy Brief, rev. April 2012 Student Wellness: A Healthy Food and Physical Activity Policy Resource Guide, rev. 2012

Building Healthy Communities: A School Leader's Guide to Collaboration and Community Engagement, 2009

Safe Routes to School: Program and Policy Strategies for School Districts, Policy Brief, 2009

Physical Education and California Schools, Policy Brief, rev. October 2007

School-Based Marketing of Foods and Beverages: Policy Implications for School Boards, Policy Brief, March 2006

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

Physical Education Framework for California Public Schools, Kindergarten Through Grade Twelve, 2009 Health Framework for California Public Schools, Kindergarten Through

Grade Twelve, 2003 CALIFORNIA PROJECT LEAN PUBLICATIONS

Policy in Action: A Guide to Implementing Your Local School Wellness Policy,

October 2006 CENTER FOR COLLABORATIVE SOLUTIONS

Changing Lives, Saving Lives: A Step-by-Step Guide to Developing Exemplary Practices in Healthy Eating, Physical Activity, and Food Security in Afterschool Programs, January 2015

CENTERS FOR DISEASE CONTROL AND PREVENTION PUBLICATIONS

School Health Index for Physical Activity and Healthy Eating: A Self-Assessment and Planning Guide: A Self-Assessment and Planning Guide, 2012

FEDERAL REGISTER

Rules and Regulations, July 29, 2016, Vol. 81, Number 146, pages 50151-50170

NATIONAL ASSOCIATION OF STATE BOARDS OF EDUCATION PUBLICATIONS

Fit, Healthy and Ready to Learn, 2000

**STUDENT WELLNESS**

**U.S. DEPARTMENT OF AGRICULTURE PUBLICATIONS**

Dietary Guidelines for Americans, 2015

**WEB SITES**

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

Action for Healthy Kids: <http://www.actionforhealthykids.org>

Alliance for a Healthier Generation: <http://www.healthiergeneration.org>

California Department of Education, Nutrition Services Division:

<http://www.cde.ca.gov/ls/nu> California Department of Public Health:

<http://www.cdph.ca.gov>

California Healthy Kids Resource Center:

<http://www.californiahealthykids.org> California Project LEAN

(Leaders Encouraging Activity and Nutrition):

<http://www.californiaprojectlean.org>

California School Nutrition Association:

<http://www.calsna.org> Center for Collaborative Solutions:

<http://www.cscenter.org>

Centers for Disease Control and Prevention:

<http://www.cdc.gov> Dairy Council of California:

<http://www.dairycouncilofca.org>

National Alliance for Nutrition and Activity:

<http://www.cspinet.org/nutritionpolicy/nana.html>

National Association of State Boards of Education: <http://www.nasbe.org>

School Nutrition Association: <http://www.schoolnutrition.org>

Society for Nutrition Education: <http://www.sne.org>

U.S. Department of Agriculture, Food Nutrition Service,  
wellness policy:

[http://www.fns.usda.gov/tn/Healthy/wellnesspolicy\\_steps.html](http://www.fns.usda.gov/tn/Healthy/wellnesspolicy_steps.html)

U.S. Department of Agriculture, Healthy Meals Resource

System: <http://healthymeals.fns.usda.gov>

Policy Adopted: 04/12/2017

ORCUTT UNION SCHOOL DISTRICT  
Orcutt, California



## **Students**

BP 5111 (a)

### **ADMISSION**

The Board of Trustees encourages the enrollment and appropriate placement of all school-aged children in school. The Superintendent or designee shall inform parents/guardians of students entering a district school at any grade level about admission requirements and shall assist them with enrollment procedures.

Before enrolling any child in a district school, the Superintendent or designee shall verify the student's age, residency, immunization and any other eligibility criteria specified in law the accompanying administrative regulation, or applicable Board policy or administrative regulation.

(cf. 5111.1 - District Residency)

(cf. 5125 – Student Records)

(cf. 5141.3 - Health Examinations)

(cf. 5141.31 - Immunizations)

The Superintendent or designee shall ensure that the enrollment of a homeless or foster child or a child of a military family is not delayed because of outstanding fees or fines owed to the child's last school or for his/her inability to produce previous academic, medical, or other records normally required for enrollment.

(cf. 6173 – Education for Homeless Children)

(cf. 6173.1 – Education for Foster Youth)

(cf. 6173.2 – Education of Children of Military Families)

In addition, no child shall be denied enrollment in a district school solely on the basis of his/her 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 contact with the juvenile justice system. (Education Code 48645.5)

(cf. 5119 - Students Expelled from Other Districts)

(cf. 6173.3 - Education for Juvenile Court School Students)

The Superintendent or designee shall not inquire into or request documentation of a student's citizenship or immigration status, and shall not deny a student enrollment in a district school on the basis of the citizenship or immigration status of the student or his/her parents/guardians. Any information obtained about a student's or parent/guardian's citizenship or immigration status shall not be shared without parent/guardian consent or a lawful judicial order, in accordance with laws pertaining to the confidentiality of student records.

(cf. 0410 - Nondiscrimination in District Programs and Activities)

(cf. 5145.3 - Nondiscrimination/Harassment)

The district's enrollment application shall include information about the health care options and enrollment assistance available to families within the district. The district shall not discriminate against any child for not having health care coverage and shall not use any information relating to a child's health care coverage or his/her interest in learning about health care coverage in any manner that would harm the child or his/her family. (Education Code 49452.9)

(cf. 0410 - Nondiscrimination in District Programs and Activities)

**ADMISSION**

Legal Reference:

EDUCATION CODE

46300 Computation of average daily attendance, inclusion of kindergarten and transitional kindergarten

46600 Agreements for admission of pupils desiring interdistrict attendance

48000 Minimum age of admission (kindergarten)

48002 Evidence of minimum age required to enter kindergarten or first grade

48010 Minimum age of admission (first grade)

48011 Admission from kindergarten or other school; minimum age

48050-48053 Nonresidents

48200 Children between ages of 6 and 18 years (compulsory full-time education)

48350-48631 Open Enrollment Act

48850-48859 Educational placement of foster youth

48645.5 Enrollment of former juvenile court school students

49076 Access to records by persons without written consent or under judicial order

49408 Information of use in emergencies

49700-49704 Education of children of military families

HEALTH AND SAFETY CODE

120325-120380 Education and child care facility immunization requirements

121475-121520 Tuberculosis tests for students

CODE OF REGULATIONS, TITLE 5

200 Promotion from kindergarten to first grade

201 Admission to high school

CODE OF REGULATIONS, TITLE 17

6000-6075 School attendance immunization requirements

UNITED STATES CODE, TITLE 42

11431-11435 McKinney Homeless Assistance Act

COURT DECISIONS

Plyler v. Doe, 457 U.S. 202 (1982)

Management Resources:

CSBA PUBLICATIONS

Legal Guidance on Providing All Children Equal Access to Education, Regardless of Immigration Status, February 2017

U.S. DEPARTMENT OF JUSTICE CIVIL RIGHTS DIVISION AND U.S. DEPARTMENT OF EDUCATION OFFICE FOR CIVIL RIGHTS JOINT PUBLICATIONS

Fact Sheet: Information on the Rights of All Children to Enroll in School

Dear Colleague Letter: School Enrollment Procedures, May 8, 2014

WEB SITES

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

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

U.S. Department of Education, Office for Civil Rights:

<http://www2.ed.gov/about/offices/list/ocr>

U.S. Department of Justice: <http://www.justice.gov>

**EXEMPTIONS FROM ATTENDANCE**

Each child between the ages of 6 and 18 shall be subject to compulsory full-time education. (Education Code 48200)

However, the Board of Trustees may grant exemptions from compulsory attendance to a student as allowed by law and in the best interest of the student. Exemptions shall not be used to remove a student who is a disciplinary problem.

- (cf. 5111 - Admission)
- (cf. 5112.2 - Exclusions from Attendance)
- (cf. 5112.3 - Student Leave of Absence)
- (cf. 5113.2 - Work Permits)
- (cf. 5144 - Discipline)
- (cf. 5144.1 - Suspension and Expulsion/Due Process)
- (cf. 6158 - Independent Study)
- (cf. 6183 - Home and Hospital Instruction)

Legal Reference:

EDUCATION CODE

- 33190 Affidavit by persons conducting private school instruction
- 46113 Minimum school day for grades four through eight
- 48200-48341 Compulsory education law
- 48400-48454 Compulsory continuation education
- 48800.5 Petition for enrollment as special full-time student

LABOR CODE

- 1295.5 Employment of minors; performance of sports-attending services
- 1390-1399 Employment of minors
- UNITED STATES CODE, TITLE 20
- 1681-1688 Title IX, Discrimination
- UNITED STATES CODE, TITLE 29

- 794 Section 504 of the Rehabilitation Act of 1973
- CODE OF FEDERAL REGULATIONS, TITLE 34

- 106.40 Marital or parental status

COURT DECISIONS

- Thomas v. Atascadero Unified School District, (1987) 662 Scup. 342

**Students**

**STUDENT LEAVE OF ABSENCE**

The Board of Trustees recognizes the importance of regular school attendance in promoting student achievement. However, the Board also recognizes that, in rare circumstances, it may be beneficial for a student to participate in opportunities outside the school which contribute to his/her educational experience.

The Superintendent or designee may grant student leaves of absence for the purpose of supervised travel, study, training, or work not available to the student under another educational option. Such leave may be granted to student 15 years of age or older in the regular program and to a student age 16-18 in the continuation education program. (Education Code 48232, 48416).

No more than one percent of the students enrolled and attending a school shall be granted a leave of absence during any school year. (Education Code 48232, 48416)

(cf. 6158 Independent Study)  
(cf. 6184 Continuation Education)

When feasible, students shall be encouraged to instead enroll in the district's independent study program to allow for greater contact and coordination with district staff.

Legal Reference:

EDUCATION CODE

48232 Leave of absence for students aged 15 at time of commencement of leave

48416 Leave of absence for students aged 16 to 18 inclusive

FAMILY CODE

7000-7002 Emancipation of minors law

7050 Purposes for which emancipated minor considered an adult

**OPEN/CLOSED CAMPUS**

Closed Campus

In order to keep students in a supervised, safe and orderly environment, the Board of Trustees establishes a closed campus at all district schools.

Students shall not leave the school grounds at any time during the school day without expressed permission of school authorities. Students who leave school without authorization shall be considered to have an unexcused absence and be subject to disciplinary action.

(cf. 5113 - Absences and Excuses)

(cf. 5113.1 – Chronic Absence and Truancy)

Student handbooks shall fully explain all rules and disciplinary procedures involved in the maintenance of the closed campus.

(cf. 5144 - Discipline)

Legal Reference:

EDUCATION CODE

35160 Authority of the Board

35160.1 Broad authority of school district

44808.5 Permission for pupils to leave school grounds; notice

48980 Annual notifications to parents/guardians

## **Students**

### **ABSENCES AND EXCUSES**

The Board of Trustees 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 state attendance laws, and may use appropriate legal means to correct the problems of excessive absence or truancy.

(cf. 5112.1 - Exemptions from Attendance)  
(cf. 5112.2 - Exclusions from Attendance)  
(cf. 5113.1 - Chronic Absence and Truancy)  
(cf. 5121 - Grades/Evaluation of Student Achievement)  
(cf. 5113.1 - Truancy)

#### **Excused Absences**

Absence from school shall be excused only for health reasons, family emergencies and justifiable personal reasons, as permitted by law, Board policy and administration 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 class participation is an integral part of students' learning experiences, parents/guardians and students shall be encouraged to schedule medical appointments during non-school hours.

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.

The Board shall, by resolution entered into its minutes, approve reasonable methods that may be used to verify student absences due to illness or quarantine. (5 CCR 421)

#### *Legal Reference:*

EDUCATION CODE  
1740 Employment of personnel to supervise attendance (county superintendent)  
37223 Weekend classes  
41601 Reports of average daily attendance  
42238-42250.1 Apportionments  
46000 Records (attendance)  
46010-46014 Absences  
46100-46119 Attendance in kindergarten and elementary schools  
46140-46147 Attendance in junior high and high schools  
48200-48208 Children ages 6-18 (compulsory full-time attendance)  
48210-48216 Exclusions from attendance

**Students**

**ABSENCES AND EXCUSES**

48240-48246 Supervisors of attendance  
48260-48273 Truants  
48292 Filing complaint against parent  
48320-48324 School attendance review boards  
48340-48341 Improvement of student attendance  
*48980 Parental notifications*  
49067 Unexcused absences as cause of failing grade  
49701 Provisions of the interstate compact on educational opportunities for military children  
ELECTIONS CODE  
12302 Student participation on precinct boards  
FAMILY CODE  
6920-6929 Consent by minor for medical treatment  
VEHICLE CODE  
13202.7 Driving privileges; minors; suspension or delay for habitual truancy  
WELFARE AND INSTITUTIONS CODE  
601-601.4 Habitually truant minors  
11253.5 Compulsory school attendance  
CODE OF REGULATIONS, TITLE 5  
306 Explanation of absence  
420-421 Record of verification of absence due to illness and other causes  
ATTORNEY GENERAL OPINIONS  
87 Ops.Cal.Atty.Gen. 168 (2004)  
66 Ops.Cal.Atty.Gen.244 (1983)  
COURT DECISIONS  
American Academy of Pediatrics et al v. Lungren et al (1997) 16 Cal.4th 307

*Management Resources:*

CSBA PUBLICATIONS  
Improving Student Achievement by Addressing Chronic Absence, Policy Brief, December 2010  
WEB SITES  
CSBA: <http://www.csba.org>

Policy Adopted: 08/09/2017 ORCUTT UNION SCHOOL DISTRICT  
Orcutt, California

## **Students**

### **CHRONIC ABSENCE AND TRUANCY**

The Board of Trustees believes that absenteeism whatever the cause, may be an early warning sign of poor academic achievement and may put students at risk of dropping out of school. The Board desires to ensure that all students attend school in accordance with the state's compulsory education law and take full advantage of educational opportunities provided by the district.

(cf. 5113 – Absences and Excuses)

(cf. 5113.11 - Attendance Supervision)

The Superintendent or designee shall establish a system to accurately track student attendance in order to identify individual students who are chronic absentees and truants, as defined in law and administrative regulation and to identify patterns of absence throughout the district.

The Superintendent or designee shall consult with students, parents/guardians, school staff, and other community agencies, as appropriate, to identify factors contributing to chronic absences and truancy.

The Superintendent, attendance supervisor, or designee shall develop a tiered approach to reducing chronic absence. Such an approach shall include strategies for preventing 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, letters alerting parents/guardians to the value of regular school attendance, and incentives and rewards to recognize students who achieve excellent attendance or demonstrate significant improvement in attendance.

The tiered approach shall also provide for early outreach to students as soon as they show signs of poor attendance or if they were chronically absent in the prior school year. Early intervention may include personalized outreach, individual attendance plans, and/or mentoring to students with moderate levels of chronic absence, with additional intensive, interagency wrap-around services for students with the highest level of absence.

(cf. 0410 - Nondiscrimination in District Programs and Activities)

(cf. 5126 - Awards for Achievement)

(cf. 5131 - Conduct)

(cf. 5131.2 - Bullying)

(cf. 5141.6 - School Health Services)

(cf. 5145.3 - Nondiscrimination/Harassment)

Students with serious attendance problems shall be provided with interventions specific to their needs, which 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, attendance supervisor, 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.

(cf. 1400 - Relations Between Other Governmental Agencies and the Schools)

(cf. 5030 - Student Wellness)



**CHRONIC ABSENCE AND TRUANCY**

- (cf. 5146 - Married/Pregnant/Parenting Students)
- (cf. 5147 - Dropout Prevention)
- (cf. 6158 - Independent Study)
- (cf. 6164.2 - Guidance/Counseling Services)
- (cf. 6164.5 - Student Success Teams)
- (cf. 6173 - Education for Homeless Children)
- (cf. 6173.1 - Education for Foster Youth)
- (cf. 6173.2 - Education of Children of Military Families)
- (cf. 6179 - Supplemental Instruction)
- (cf. 6181 - Alternative Schools/Programs of Choice)
- (cf. 6183 - Home and Hospital Instruction)
- (cf. 6184 - Continuation Education)
- (cf. 6185 - Community Day School)

The Superintendent or designee shall ensure that staff assigned to fulfill attendance-related duties are trained in implementing a trauma-informed approach to chronic absence and receive information about the high correlation between chronic absence and exposure to adverse childhood experiences.

- (cf. 4131 - Staff Development)

Students who are identified as truant shall be subject to the interventions specified in law and administrative regulation.

- (cf. 5113.12 - District School Attendance Review Board)

A student's truancy, tardiness, or other absence from school shall not be the basis for his/her out-of-school suspension or expulsion. Alternative disciplinary strategies and positive reinforcement for attendance shall be used whenever possible.

- (cf. 5144 - Discipline)
- (cf. 5144.1 - Suspension and Expulsion/Due Process)

The Superintendent, attendance supervisor, or designee shall periodically report to the Board regarding student attendance patterns in the district including rates of chronic absence and truancy districtwide and for each school, grade level, and numerically significant student subgroup as defined in Education Code 52052. Such information shall be used to evaluate the effectiveness of strategies implemented to reduce chronic absence and truancy and to develop annual goals and specific actions for student attendance and engagement to be included in the district's local control and accountability plan and other applicable school district plans. 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.

- (cf. 0500 - Accountability)
- (cf. 0400 - Comprehensive Plans)
- (cf. 0420 - School Plans/Site Councils)
- (cf. 0450 - Comprehensive Safety Plan)
- (cf. 0460 - Local Control and Accountability Plan)

Legal Reference:  
EDUCATION CODE

**CHRONIC ABSENCE AND TRUANCY**

1740 - 1742 Employment of personnel to supervise attendance (county superintendent)

37223 Weekend classes

46000 Records (attendance)

46010-46014 Absences

46110-46119 Attendance in kindergarten and elementary schools

46140-46147 Attendance in junior high and high schools

48200-48208 Children ages 6-18 (compulsory full-time attendance)

48225.5 Work permits, entertainment and allied industries

48240-48246 Supervisors of attendance

48260-48273 Truants

48290-48296 Failure to comply; complaints against parents

48320-48325 School attendance review boards

48340-48341 Improvement of student attendance

48400-48403 Compulsory continuation education

48900 Suspension and expulsion

49067 Unexcused absences as cause of failing grade

52052 Academic Performance Index; numerically significant student subgroups

60901 Chronic absence

**GOVERNMENT CODE**

54950-54963 The Ralph M. Brown Act

**PENAL CODE**

270.1 Chronic truancy; parent/guardian misdemeanor

272 Parent/guardian duty to supervise and control minor child; criminal liability for truancy

830.1 Peace officers

**VEHICLE CODE**

13202.7 Driving privileges; minors; suspension or delay for habitual truancy

**WELFARE AND INSTITUTIONS CODE**

256-258 Juvenile hearing officer

601-601.4 Habitually truant minors

11253.5 Compulsory school attendance

**CODE OF REGULATIONS, TITLE 5**

306 Explanation of absence

420-421 Record of verification of absence due to illness and other causes

**COURT DECISIONS**

L.A. v. Superior Court of San Diego County, (2012) 209 Cal.App.4th 976

Management Resources:

**ATTENDANCE WORKS PUBLICATIONS**

District Attendance Tracking Tool

For School Board Members: Frequently Asked Questions About Chronic Absence

School Attendance Tracking Tool

Bringing Attendance Home: Engaging Parents in Preventing Chronic Absence, 2015

The Power of Positive Connections: Reducing Chronic Absence Through PEOPLE: Priority Early

Outreach for Positive Linkages and Engagement, 2014

**CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS**

School Attendance Review Board: A Road Map for Improved School Attendance and Behavior, rev. 2018

**WEB SITES**

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

**Students**

BP 5113.1 (d)

**CHRONIC ABSENCE AND TRUANCY**

Attendance Works: <http://www.attendanceworks.org>

California Association of Supervisors of Child Welfare and Attendance: <http://www.cascwa.org>

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

California Healthy Kids Survey: <http://chks.wested.org>

California School Climate, Health, and Learning Survey System: <http://www.cal-schls.wested.org>

Policy Adopted: 02/10/21

ORCUTT UNION SCHOOL DISTRICT  
Orcutt, California

## **Students**

BP 5113.2 (a)

### **WORK PERMITS**

The Board of Trustees recognizes that part-time employment can provide students with income as well as job experience that can help them develop appropriate workplace skills and attitudes. Upon obtaining an offer of employment, district students who are minors shall obtain work permits from the Superintendent or designee in accordance with law, regardless of whether the employment will occur when school is in session and/or not in session.

(cf. 6178 - Career Technical Education)

In determining whether to grant or continue a work permit, the Superintendent or designee shall consider whether employment is likely to significantly interfere with the student's schoolwork. Students granted work permits must demonstrate and maintain a 2.0 grade point average and satisfactory school attendance. On a case-by-case basis, the Superintendent or designee may approve a maximum work hour limit that is lower than the limit specified in law and administrative regulation.

(cf. 5121 - Grades/Evaluation of Student Achievement)

Students with work permits may be exempted from attendance in a full-time day school provided they attend part-time classes. (Education Code 48230)

(cf. 5112.1 - Exemptions from Attendance)

Work permits shall be limited to part-time employment as defined by law, except when the Superintendent or designee determines that circumstances warrant the granting of a permit for full-time employment.

Any student authorized to work full time when school is in session shall be enrolled in part-time continuation classes. A student age 14 or 15 who receives a permit to work full time shall also be enrolled in a work experience education program. (Education Code 49130, 49131, 49135)

(cf. 6178.1 - Work Experience Education)

(cf. 6184 - Continuation Education)

Legal Reference:

#### **EDUCATION CODE**

48230 Exemption from full-time school attendance for students with work permits

48231 Exemption from compulsory attendance for students entering attendance area near end of term

49100-49101 Compulsory attendance

49110-49119 Permits to work

49130-49135 Permits to work full time

49140-49141 Exceptions

49160-49165 Employment of minors; duties of employers

49180-49183 Violations

51760-51769.5 Work experience education

52300-52499.66 Career technical education

**Students**

BP 5113.2 (b)

**WORK PERMITS**

**LABOR CODE**

1285-1312 Employment of minors

1391-1394 Working hours for minors

**CODE OF REGULATIONS, TITLE 5**

16023-16027 District records, retention and destruction

**CODE OF REGULATIONS, TITLE 8**

11701-11707 Prohibited and dangerous occupations for minors

11750-11763 Work permits and conditions, minor employed in entertainment industry

**CODE OF FEDERAL REGULATIONS, TITLE 29**

570.1-570.129 Child labor regulations

**ATTORNEY GENERAL OPINIONS**

18 Ops.Cal. Atty.Gen. 114 (1951)

**Management Resources:**

**CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS**

Work Permit Handbook for California Schools: Laws and Regulations Governing the Employment of Minors, 2007

**CALIFORNIA DEPARTMENT OF INDUSTRIAL RELATIONS PUBLICATIONS**

Child Labor Laws, 2000

**WEB SITES**

California Department of Education, Work Experience Education:

<http://www.cde.ca.gov/ci/ct/we>

California Department of Education, Office of Regional Occupational Centers and Programs and Workforce Development: <http://www.cde.ca.gov/ci/ct/wd>

California Department of Industrial Relations: <http://www.dir.ca.gov>

Policy Adopted: 10/15/08

ORCUTT UNION SCHOOL DISTRICT  
Orcutt, California

**SCHOOL ATTENDANCE BOUNDARIES**

The Board of Trustees shall establish school attendance boundaries in order to maximize the efficient use of district facilities and effective administration of district schools. The Superintendent or designee shall periodically review school attendance boundaries and, as necessary, make recommendations to the Board for boundary adjustments.

When reviewing school attendance boundaries, the Superintendent or designee shall consider the following factors:

1. School enrollment data, including declining enrollment patterns
2. Facility capacity and design, including potential commercial and residential developments
3. School feeder patterns, including maintaining, to the extent practicable, continuity of student attendance
4. Federal, state, or court mandates
5. Community input
6. Student safety
7. Transportation capacity
8. Community and neighborhood identity
9. Geographic features of the district, including traffic patterns
10. Educational programs, such as magnet schools and charter schools

(cf. 7160 - Charter School Facilities)

11. Consistency between municipal boundaries and high school boundaries
12. Other factors

(cf. 5116.1- Intradistrict Open Enrollment)

(cf. 5117 - Interdistrict Attendance)

**SCHOOL ATTENDANCE BOUNDARIES**

Students residing in a community facilities district shall have priority, to the extent provided by law, for attendance at schools financed in whole or in part by the community facilities district. The degree of priority must reflect the proportion of each school's financing provided through the community facilities district. (Government Code 53312.7)

(cf. 7212 - Mello-Roos Districts)

In order to alleviate overcrowding, the Superintendent or designee may place some students in a school outside of their attendance area. Parents/guardians of students who are attending schools outside of their attendance area shall be notified of the school their child will be attending as soon as possible. If available, transportation shall be provided for such students.

(cf. 3541 - Transportation Routes and Services)

*Legal Reference:*

EDUCATION CODE

35160 Authority of governing boards

35160.1 Broad authority of school districts

35160.5 District policies; rules and regulations

35291 Rules

35350 Transportation of students

35351 Assignment of students to particular schools

GOVERNMENT CODE

53311-53317.5 Establishment of community facilities district

CALIFORNIA CONSTITUTION

Article I, Section 31 Discrimination based on race, sex, color, ethnicity

COURT DECISIONS

Crawford v. Huntington Beach Union High School District (2002) 98 Cal.App.4th 1275

Crawford v. Board of Education (1976) 17 Cal.3d 280

Jackson v. Pasadena City School District (1963) 59 Cal.2d 876

Management Resources:

WEB SITES

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

**INTRADISTRICT OPEN ENROLLMENT**

The Board of Trustees desires to provide enrollment options that meet the diverse needs and interests of district students and parents/guardians, while also maximizing the efficient use of district facilities and resources. The Superintendent or designee shall establish procedures for the selection and transfer of students among district schools in accordance with law, Board policy, and administrative regulation.

(cf. 5116.2 - Involuntary Student Transfers)  
(cf. 5117 - Interdistrict Attendance)

The parents/guardians of any student who resides within district boundaries may apply to enroll their child in any district school, regardless of the location of residence within the district. (Education Code 35160.5)

(cf. 5111.1 - District Residency)

The Board shall annually review this policy. (Education Code 35160.5, 48980)

**Enrollment Priorities**

No student currently residing within a school's attendance area shall be displaced by another student transferring from outside the attendance area. (Education Code 35160.5)

(cf. 5116 – School Attendance Boundaries)

The Superintendent or designee shall grant priority for the enrollment of a student in a district school, including a charter school, outside of his/her attendance area, if the student;

1. Is enrolled in a district school designated by the California Department of Education as “persistently dangerous.” (20 USC 7912; 5 CCR 11992)

(cf. 0450 - Comprehensive Safety Plan)

2. Is a victim of a violent crime while on school grounds (20 USC 7912)
3. Is a victim of an act of bullying committed by another district student, as determined through an investigation following the parent/guardian's submission of a written complaint with the school, district, or local law enforcement agency pursuant to Education Code 234.1 (Education Code 46600)

If the district school requested by the student is at maximum capacity, the Superintendent or designee shall accept an intradistrict transfer request for another district school. (Education Code 46600)

(cf. 1312.3 - Uniform Complaint Procedures)  
(cf. 5131.2 - Bullying)



**INTRADISTRICT OPEN ENROLLMENT**

4. Is experiencing special circumstances that might be harmful or dangerous to the student in the current attendance area, including but not limited to, threats of bodily harm or threats to the emotional stability of the student. Any such student may transfer to a district school that is at capacity and otherwise closed to transfers. To grant priority under these circumstances, the Superintendent or designee must have received either:

(Education Code 35160.5)

a. A written statement from a representative of an appropriate state or local agency, such as a law enforcement official, social worker, or a properly licensed or registered professional, such as a psychiatrist, psychologist, ~~or~~ marriage and family therapist, clinical social worker, or professional clinical counselor

b. A court order, including a temporary restraining order and injunction

5. Is a sibling of another student already in attendance at that school.

6. Has a parent/guardian assigned to that school as his/her primary place of employment.

**Application and Selection Process**

The Superintendent or designee shall calculate each school's capacity in a nonarbitrary manner using student enrollment and available space. (Education Code 35160.5)

Except for priorities listed above, the Superintendent or designee shall use a random, unbiased selection process to determine which students shall be admitted whenever the school receives admission requests that are in excess of the school's capacity. (Education Code 35160.5)

Enrollment decisions shall not be based on a student's academic or athletic performance, except that existing entrance criteria for specialized schools or programs may be used

provided that the criteria are uniformly applied to all applicants. Academic performance may be used to determine eligibility for, or placement in, programs for gifted and talented students. (Education Code 35160.5)

(cf. 6172 - Gifted and Talented Student Program)

In general, the district shall not be obligated to provide transportation for students who attend school outside their attendance area.

However, upon parent/guardian request, the district shall provide transportation assistance to any student who is eligible for free or reduced-price meals and whose enrollment in a district school outside the student's attendance area is a result of being a victim of bullying. (Education Code 46600)

(cf. 3250 - Transportation Fees)

(cf. 3540 - Transportation)

**INTRADISTRICT OPEN ENROLLMENT**

**Transportation**

Legal Reference:

**EDUCATION CODE**

200 Prohibition against discrimination

35160.5 District policies; rules and regulations

35291 Rules

35351 Assignment of students to particular schools

46600-46611 Interdistrict attendance agreements

48200 Compulsory attendance

48204 Residency requirements for school attendance

48300-48316 Student attendance alternatives, school district of choice program

48350-48361 Open Enrollment Act

48980 Notice at beginning of term

**CODE OF REGULATIONS, TITLE 5**

11992-11994 Definition of persistently dangerous schools

**UNITED STATES CODE, TITLE 20**

6311 State plans

6313 Eligibility of schools and school attendance areas; funding allocation

7912 Transfers from persistently dangerous schools

**COURT DECISIONS**

Crawford v. Huntington Beach Union High School District, (2002) 98 Cal.App.4th 1275

**ATTORNEY GENERAL OPINIONS**

85 Ops.Cal.Atty.Gen. 95 (2002)

Management Resources:

**CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS**

**Public School Choice, FAQs**

Every Student Succeeds Act - Update #8, July 14, 2017

**U.S. DEPARTMENT OF EDUCATION PUBLICATIONS**

Unsafe School Choice Option, May 2004

**WEB SITES**

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

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

U.S. Department of Education, <http://www.ed.gov>

Policy Adopted: 02/12/20

ORCUTT UNION SCHOOL DISTRICT  
Orcutt, California

**INTERDISTRICT ATTENDANCE**

The Board of Trustees recognizes that parents/guardians of students who reside within the geographic boundaries of one district may, for a variety of reasons, desire to enroll their children in a school in another district.

**Interdistrict Attendance Agreements and Permits**

The Board may enter into an agreement with any other school district, for a term not to exceed five school years, for the interdistrict attendance of students who are residents of the districts. (Education Code 46600)

The agreement shall specify the terms and conditions under which interdistrict attendance shall be permitted or denied. It also may contain standards agreed to by both districts for reapplication and/or revocation of the student's permit. (Education Code 46600)

Upon receiving a permit for transfer into the district that has been approved by the student's district of residence, or upon receiving a written request from the parent/guardian of a district student who wishes to enroll in another district, the Superintendent or designee shall review the request and may approve or deny the permit subject to the terms and conditions of the interdistrict attendance agreement.

**Transportation**

Upon parent/guardian request, the district shall provide transportation assistance to a student receiving an interdistrict transfer who is eligible for free and reduced-price meals and is the child of an active duty military parent/guardian or a victim of bullying, as defined in Education Code 46600. (Education Code 46600)

(cf. 3553 - Free and Reduced Price Meals)

The district shall not provide transportation beyond any school attendance area. Upon request of a student's parent/guardian, the Superintendent or designee may authorize transportation for interdistrict transfer students to and from designated bus stops within the attendance area of the school that the student attends if space is available.

Legal Reference:

EDUCATION CODE

8151 Apprentices, exemption from interdistrict attendance agreement

41020 Annual district audits

46600-46610 Interdistrict attendance agreements

48204 Residency requirements for school attendance

48300-48317 Student attendance alternatives; school district of choice program

48900 Grounds for suspension or expulsion; definition of bullying

**Students**

BP 5117 (b)

**INTERDISTRICT ATTENDANCE**

48915 Expulsion; particular circumstances

48915.1 Expelled individuals: enrollment in another district

48918 Rules governing expulsion procedures

48980 Notice at beginning of term

48985 Notices to parents in language other than English

52317 Regional Occupational center/Program, enrollment of students, interdistrict attendance

**CALIFORNIA CONSTITUTION**

Article 1, Section 31 Nondiscrimination on the basis of race, sex, color, ethnicity, or national origin

**ATTORNEY GENERAL OPINIONS**

87 Ops.Cal.Atty.Gen. 132 (2004)

84 Ops.Cal.Atty.Gen. 198 (2001)

**COURT DECISIONS**

Walnut Valley Unified School District v. the Superior Court of Los Angeles County, (2011) 192 Cal.App.4<sup>th</sup> 234

Crawford v. Huntington Beach Union High School District, (2002) 98 Cal.App.4<sup>th</sup> 1275

Management Resources:

**CSBA PUBLICATIONS**

Transfer Law Comparison, Fact Sheet, March 2011

**WEB SITES**

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

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

Policy Adopted: 02/12/20

ORCUTT UNION SCHOOL DISTRICT  
Orcutt, California

**GRADES/EVALUATION OF STUDENT ACHIEVEMENT**

The Board of Trustees believes that grades serve a valuable instructional purpose by helping students and parents/guardians understand performance expectations and identifying 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.

(cf. 5020 - Parent Rights and Responsibilities)  
(cf. 5125.2 – Withholding Grades, Diploma or Transcripts)

The Superintendent or designee shall establish a uniform grading system that shall be applied to all students in that course and grade level. Teachers shall inform students and parents/guardians how academic performance will be evaluated in the classroom.

(cf. 0410 - Nondiscrimination in District Programs and Activities)

A grade assigned by the teacher shall not be changed by the Board or the Superintendent except as provided by law, Board policy and administrative regulation. (Education Code 49066)

(cf. 5125.3 - Challenging Student Records)

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.

(cf. 6020 - Parent Involvement)  
(cf. 6011 - Academic Standards)

Grades should be based on impartial, consistent observation of the quality of the student's work and his/her mastery of course content and objectives. Students shall have the opportunity to demonstrate this mastery through a variety of methods such as classroom participation, homework, tests and portfolios.

When reporting student grades to parents/guardians, teachers may add narrative descriptions, observational notes and/or samples of classroom work in order to better describe student progress in specific skills and subcategories of achievement.

**Unexcused Absences**

If a student misses class without an excuse and does not subsequently turn in homework, take a test or fulfill another class requirement which he/she missed, the teacher may lower the student's grade for nonperformance.

(cf. 6154 - Homework/Makeup Work)

**GRADES/EVALUATION OF STUDENT ACHIEVEMENT**

**Legal Reference:**

**EDUCATION CODE**

48070 Promotion and retention

48205 Excused absences

48904-48904.3 Withholding grades, diplomas, or transcripts

49066 Grades; finalization; physical education class

49067 Mandated regulations regarding student's achievement

49069.5 Students in foster care, grades and credits

51242 Exemption from physical education based on participation in interscholastic athletics

69432.9 Cal Grant program; notification of grade point average

76000-76002 Enrollment in community college

**CODE OF REGULATIONS, TITLE 5**

10060 Criteria for reporting physical education achievement, high schools

30008 Definition of high school grade point average for student aid eligibility

**UNITED STATES CODE, TITLE 20**

1232g Family Education Rights and Privacy Act (FERPA)

**COURT DECISIONS**

Owasso Independent School District v. Falvo (2002) 122 S.Ct. 934

Las Virgenes Educators Association v. Las Virgenes Unified School District (2nd Appellate District 2001) 86 Cal.App.4th 1

Swany v. San Ramon Valley Unified School District (N.D.Cal. 1989) 720 F.Supp. 764

Johnson v. Santa Monica-Malibu Unified School District Board of Education (App. 2 Dist. 1986) 224 Cal. Rptr. 885, 179 C.A. 3d 593

**Management Resources:**

**CDE PUBLICATIONS**

Research-Supported Strategies to Improve the Accuracy and Fairness of Grades, Governance Brief, July 2016

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

**CORRESPONDENCE**

Report Cards and Transcripts for Students with Disabilities, October 17, 2008

**WEB SITES**

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

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

California Student Aid Commission: <http://www.csac.ca.gov>

**PROMOTION/ACCELERATION/RETENTION**

The Board of Trustees expects students to progress through each grade level within one school year. To accomplish this, instruction shall be designed to accommodate the variety of ways that students learn and include strategies for addressing academic deficiencies when needed.

Students shall progress through the grade levels by demonstrating growth in learning and meeting grade-level standards of expected student achievement.

(cf. 6011 - Academic Standards)

(cf. 6146.1 - High School Graduation Requirements)

(cf. 6146.5 - Elementary/Middle School Graduation Requirements)

(cf. 6170.1 - Transitional Kindergarten)

When high academic achievement is evident, the teacher may recommend a student for acceleration into a higher grade level. The student's maturity level shall be taken into consideration in making a determination to accelerate a student.

Teachers shall identify students who should be retained or who are at risk of being retained at their current grade level as early as possible in the school year and as early in their school careers as practicable. Such students shall be identified at the following grade levels: (Education Code 48070.5)

1. Between grades 2 and 3
2. Between grades 3 and 4
3. Between grades 4 and 5
4. Between grades 6 and 7
5. Between grades 8 and 9

Students shall be identified for retention on the basis of failure to meet minimum levels of proficiency, as indicated by grades and the following additional indicators of academic achievement:

- Student achievement of school site results-based targets and/or
- Norm-referenced test results (State Achievement Test) results and/or,
- Other individualized or group assessments as needed including the district/s Northwest Evaluation Association Assessment Program

(cf. 5121 - Grades/Evaluation of Student Achievement)

Students between grades 2 and 3 and grades 3 and 4 shall be identified primarily on the

**PROMOTION/ACCELERATION/RETENTION**

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

(cf. 6142.91 - Reading/Language Arts Instruction)

(cf. 6142.92 - Mathematics Instruction)

If a student does not have a single regular classroom teacher, the Superintendent or designee shall specify the teacher(s) responsible for the decision to promote or retain the student. (Education Code 48070.5)

The teacher's decision to promote or retain a student may be appealed in accordance with AR 5123 - Promotion/Acceleration/Retention.

When any student in grades 2-9 is recommended for retention or is identified as being at risk for retention, the Superintendent or designee shall offer an appropriate program of remedial instruction to assist the student in meeting grade-level expectations. (Education Code 48070.5)

(cf. 6176 - Weekend/Saturday Classes)

(cf. 6177 - Summer Learning Programs)

(cf. 6179 - Supplemental Instruction)

Legal Reference:

EDUCATION CODE

Promotion/retention following one year of kindergarten

46300 Method of computing average daily attendance

48010 Admittance to first grade

48011 Promotion/retention following one year of kindergarten

48070-48070.5 Promotion and retention

56345 Elements of individualized education plan

60640-60649 California Assessment of Student Performance and Progress

CODE OF REGULATIONS, TITLE 5

200-202 Admission and exclusion of students

Management Resources:

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

FAQs Promotion, Retention, and Grading (students with disabilities)

FAQs Pupil Promotion and Retention

Kindergarten Continuance Form

WEB SITES

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

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



## **Students**

### **STUDENT RECORDS**

The Board of Trustees recognizes the importance of keeping accurate, comprehensive student records as required by law. The Superintendent or designee shall establish administrative regulations governing the identification, collection, retention, and security of student records. These regulations shall ensure the rights of authorized persons to have timely access to student records while maintaining the confidentiality of student records consistent with state and federal law.

(cf. 3580 - District Records)  
(cf. 4040 - Employee Use of Technology)  
(cf. 5125.1 - Release of Directory Information)  
(cf. 5125.3 - Challenging Student Records)

The Superintendent or designee shall designate a certificated employee to serve as custodian of records, with responsibility for student records at the district level. At each school, the principal or a certificated designee shall act as custodian of records for students enrolled at that school. The custodian of records shall be responsible for implementing Board policy and administrative regulation regarding student records. (5 CCR 431)

All appropriate personnel shall receive training regarding district policies and procedures for gathering and handling sensitive student information.

(cf. 4131 - Staff Development)  
(cf. 4231 - Staff Development)  
(cf. 4331 - Staff Development)

The district shall not collect or solicit social security numbers or the last four digits of social security numbers of students or their parents/guardians, unless otherwise required to do so by state or federal law. (Education Code 49076.7)

No information or documents regarding the citizenship or immigration status of students or their family members shall be collected, except as required by state or federal law or as required to administer a state or federally supported educational program. The Superintendent or designee shall not disclose student records to a person, agency, or organization for immigration enforcement purposes without parental consent, a court order, or a judicial subpoena. If a district employee receives such a request, he/she shall immediately report the request to the Superintendent. The Superintendent shall report the request to the Board in a timely manner that ensures the confidentiality and privacy of any potentially identifying information. (Education Code 234.7)

(cf. 5145.13 - Response to Immigration Enforcement)

**STUDENT RECORDS**

The Superintendent or designee shall not compile a list, registry, or database based on students' national origin, ethnicity, or religious belief, practice, or affiliation, nor shall he/she disclose student information to federal government authorities for the purpose of compiling such a list, registry, or database for purposes of immigration enforcement. Such information may only be compiled or exchanged with other local, state, or federal agencies if the information is aggregated and is not personally identifiable. (Government Code 8310.3)

**Student Records from Social Media**

The Superintendent or designee may gather and maintain information from the social media of any district student, provided that the district first notifies students and parents/guardians about the proposed program, offers an opportunity for public comment at a regularly scheduled Board meeting, and gathers only information that directly pertains to school safety or student safety. (Education Code 49073.6)

- (cf. 0450 - Comprehensive Safety Plan)
- (cf. 5131.2 - Bullying)
- (cf. 5145.6 - Parental Notifications)
- (cf. 9322 - Agenda/Meeting Materials)
- (cf. 9323 - Meeting Conduct)

**Contract for Digital Storage, Management, and Retrieval of Student Records**

The Superintendent or designee may enter into a contract with a third party for the digital storage, management, and retrieval of student records and/or to authorize a third party provider of digital software to access, store, and use student records, provided that the contract meets the requirements of Education Code 49073.1 and other applicable state and federal laws.

- (cf. 3312 - Contracts)

**Legal Reference:**

**EDUCATION CODE**

234.7 Student protections relating to immigration and citizenship status

17604 Contracts

48201 Student records for transfer students who have been suspended/expelled

48853.5 Foster youth; placement, immunizations

48902 Notification of law enforcement of specified violations

48904-48904.3 Withholding grades, diplomas, or transcripts

48918 Rules governing expulsion procedures

48980 Parental notifications

48985 Notices in parent/guardian's primary language

**STUDENT RECORDS**

49060-49079 Student records  
49091.14 Parental review of curriculum  
51747 Independent study  
56041.5 Rights of students with disabilities  
56050 Surrogate parents  
56055 Foster parents  
69432.9 Cal Grant program; notification of grade point average  
**BUSINESS AND PROFESSIONS CODE**  
22580-22582 Digital privacy  
22584-22585 Student Online Personal Information Protection Act  
22586-22587 Early Learning Personal Information Protection Act  
**CODE OF CIVIL PROCEDURE**  
1985.3 Subpoena duces tecum  
**FAMILY CODE**  
3025 Access to records by noncustodial parents  
6552 Caregiver's authorization affidavit  
**GOVERNMENT CODE**  
6252-6260 Inspection of public records  
**HEALTH AND SAFETY CODE**  
120440 Immunizations; disclosure of information  
**PENAL CODE**  
245 Assault with deadly weapon  
**WELFARE AND INSTITUTIONS CODE**  
681 Truancy petitions  
701 Juvenile court law  
16010 Health and education records of a minor  
**CODE OF REGULATIONS, TITLE 5**  
430-438 Individual student records  
16020-16027 Destruction of records of school districts  
**UNITED STATES CODE, TITLE 20**  
1232g Family Educational Rights and Privacy Act  
1232h Protection of Pupil Rights Amendment  
**UNITED STATES CODE, TITLE 26**  
152 Definition of dependent child  
**UNITED STATES CODE, TITLE 42**  
11434a McKinney-Vento Homeless Assistance Act; definitions  
**CODE OF FEDERAL REGULATIONS, TITLE 16**  
Part 312 Children's Online Privacy Protection Rule  
**CODE OF FEDERAL REGULATIONS, TITLE 34**  
99.1-99.67 Family Educational Rights and Privacy  
300.501 Opportunity to examine records for parents of student with disability  
Management Resources:

**STUDENT RECORDS**

**CSBA PUBLICATIONS**

Legal Guidance on Providing All Children Equal Access to Education, Regardless of Immigration Status, February 2017

**CALIFORNIA OFFICE OF THE ATTORNEY GENERAL PUBLICATIONS**

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

**FEDERAL REGISTER**

Final Rule and Analysis of Comments and Changes, Family Educational Rights and Privacy, December 9, 2008, Vol. 73, No. 237, pages 74806-74855

**NATIONAL SCHOOL BOARDS ASSOCIATION PUBLICATIONS**

Data in the Cloud: A Legal and Policy Guide for School Boards on Student Data Privacy in the Cloud Computing Era, April 2014

**U.S. DEPARTMENT OF EDUCATION PUBLICATIONS**

IDEA and FERPA Confidentiality Provisions, 2014

Joint Guidance on the Application of the Family Educational Rights and Privacy Act (FERPA) and the Health Insurance Portability and Accountability Act of 1996 (HIPAA) to Student Health Records, 2008

Balancing Student Privacy and School Safety: A Guide to the Family Educational Rights and Privacy Act for Elementary and Secondary Schools, October 2007

**WEB SITES**

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

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

National School Boards Association: <http://www.nsba.org>

U.S. Department of Education, Family Policy Compliance Office:  
<http://www.ed.gov/gen/guid/fpco>

Policy Adopted: 08/12/20

ORCUTT UNION SCHOOL DISTRICT  
Orcutt, California

**Students****RELEASE OF DIRECTORY INFORMATION**

The Board of Trustees recognizes the importance of maintaining the confidentiality of directory information and therefore authorizes the release of such information only in accordance with law, Board policy, and administrative regulation.

The Superintendent or designee may release student directory information to representatives of the news media or nonprofit organizations in accordance with Board policy and administrative regulation.

(cf. 1112 - Media Relations)

The Superintendent or designee may limit or deny the release of specific categories of directory information to any public or private nonprofit organization based on his/her determination of the best interests of district students. (Education Code 49073)

Colleges and prospective employers, including military recruiters, shall have access to directory information. Military recruiters shall have access to a student's name, address, and telephone number, unless the parent/guardian has specified that the information not be released in accordance with law and administrative regulation. (20 USC 7908; 10 USC 503; Education Code 49603)

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

(cf. 1113 - District and School Web Sites)

## Legal Reference:

## EDUCATION CODE

49061 Definitions

49063 Notification of parents of their rights

49073 Release of directory information

49073.5 Directory information; military representatives; telephone numbers

49603 Public high schools; military recruiting

## UNITED STATES CODE, TITLE 10

503 Military recruiter access to directory information

## UNITED STATES CODE, TITLE 20

1232g Family Educational Rights and Privacy Act

7908 Armed forces recruiter access to students and student recruiting information

## CODE OF FEDERAL REGULATIONS, TITLE 34

99.1-99.67 Family Educational Rights and Privacy

## Management Resources:

## WEB SITES

U.S. Department of Education, Family Policy Compliance Office:

<http://www.ed.gov/policy/gen/guid/fpc/index.htm>

Policy Adopted: 10/15/08

ORCUTT UNION SCHOOL DISTRICT  
Orcutt, California

## **Students**

BP 5126 (a)

### **AWARDS FOR ACHIEVEMENT**

The Board of Trustees encourages excellence as a goal for all students and wishes to publicly recognize students for exemplary achievements in academic, artistic, extracurricular, athletic, and community service activities.

(cf. 5121 - Grades/Evaluation of Student Achievement)

(cf. 5127 - Graduation Ceremonies and Activities)

#### **District/School Awards**

Student awards may include verbal recognition, a letter, a certificate, a Board resolution, public ceremony, trophy, gift, or plaque.

The Superintendent or designee shall develop criteria for the selection award recipients.

#### **Golden State Seal Merit Diploma**

At graduation from high school, students whose academic achievements in core curriculum areas have been outstanding shall receive special recognition.

The Superintendent or designee shall identify graduating high school students who have demonstrated mastery of the high school curriculum qualifying them for the Golden State Seal Merit Diploma. (Education Code 51454)

(cf. 6162.51 - State Academic Achievement Tests)

#### **State Seal of Biliteracy**

The district shall present the State Seal of Biliteracy to each graduating high school student who has attained a high level of proficiency in speaking, reading, and writing in one or more languages in addition to English. (Education Code 51460-51464)

(cf. 6142.2 - World Language Instruction)

(cf. 6174 - Education for English Language Learners)

In order to affirm the value of bilingualism and encourage students' enrollment in world language programs, the Superintendent or designee may present awards at appropriate grade levels to recognize the pursuit and/or attainment of grade-level proficiency in one or more languages in addition to English. The Superintendent or designee may also present awards to

English learners who are reclassified as fluent English proficient to recognize proficiency in both English and the student's native language.

## Students

BP 5126 (b)

### State Seal of Civic Engagement

The Superintendent or designee shall present the State Seal of Civic Engagement to each student who demonstrates excellence in civics education and participation and has demonstrated an understanding of the U.S. Constitution, the California Constitution, and the democratic system of government. (Education Code 51470-51474)

All district students shall be afforded the opportunity to earn the State Seal of Civic Engagement, regardless of their background, communities, or experiences. No student shall be denied such opportunity based on academic ability, alternative school setting, or unique or unconventional expression of civic engagement.

(cf. 0410 - Nondiscrimination in District Programs and Activities)

(cf. 0415 - Equity)

(cf. 6157 - Distance Learning)

(cf. 6158 - Independent Study)

(cf. 6159 - Individualized Education Program)

(cf. 6172 - Gifted and Talented Student Program)

(cf. 6181 - Alternative Schools/Programs of Choice)

(cf. 6183 - Home and Hospital Instruction)

(cf. 6184 - Continuation Education)

#### Legal Reference:

##### EDUCATION CODE

220 Nondiscrimination

35160 Authority of governing boards

35310-35319 Scholarship and loan funds

44015 Awards to employees and students

51243-51245 Credit for private school foreign language instruction

51450-51455 Golden State Seal Merit Diploma

51460-51464 State Seal of Biliteracy

51470-51474 State Seal of Civic Engagement

52164.1 Assessment of English language skills of English learners

##### GOVERNMENT CODE

54950-54963 Brown Act open meeting laws

##### CODE OF REGULATIONS, TITLE 5

876 Golden State Seal Merit Diploma

1632 Credit for private school foreign language instruction

11510-11516 California English Language Development Test

11517.6-11519.5 English Language Proficiency Assessments for California

#### Management Resources:

##### CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

SSCE Implementation Guidance

##### WEB SITES

**Students**

BP 5126 (c)

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

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

Californians Together: <http://www.californianstogether.org>

Policy Adopted: 03/10/21

ORCUTT UNION SCHOOL DISTRICT  
Orcutt, California



**GRADUATION CEREMONIES AND ACTIVITIES**

High school and junior high graduation ceremonies shall be held to recognize those students who have earned a diploma by successfully completing the required course of study, satisfying district standards, and passing any required assessments. The Governing Board believes that these students deserve the privilege of a public celebration that recognizes the significance of their achievement and encourages them to continue the pursuit of learning throughout their lives.

(cf. 6011 - Academic Standards)

(cf. 6143 - Courses of Study)

(cf. 6146.1 - High School Graduation Requirements)

(cf. 6146.4 - Differential Graduation and Competency Standards for Students with Disabilities)

At the discretion of the Superintendent or designee, a student who will complete graduation requirements during the summer may be allowed to participate in graduation exercises without receiving a diploma. When the requirements have been satisfied, a diploma shall be sent to the student.

High school students who have passed a high school equivalency test or the California High School Proficiency Examination must also meet district graduation requirements in order to participate in graduation ceremonies.

(cf. 6146.2 - Certificate of Proficiency/High School Equivalency)

Invocations, prayers, or benedictions shall not be included in graduation ceremonies. The school or district shall not sponsor other ceremonies or programs for graduates that include prayer.

(cf. 1330 - Use of School Facilities)

(cf. 5145.2 - Freedom of Speech/Expression)

**Honors and Awards**

To honor superior academic achievement, graduation ceremonies shall include recognition of valedictorian(s) and salutatorian(s). Valedictorian(s) and salutatorian(s) shall be selected based on established criteria and procedures that use multiple measures of academic performance.

(cf. 5121 - Grades/Evaluation of Student Achievement)

The Superintendent or designee shall identify other school-sponsored awards which may be given during graduation exercises. A separate awards program may be held to recognize graduating students receiving other school and nonschool awards.

(cf. 5126 - Awards for Achievement)

**GRADUATION CEREMONIES AND ACTIVITIES**

Graduation Attire

The Superintendent or designee may require graduating students to wear ceremonial attire, such as cap and gown, at the ceremony.

(cf. 3260 - Fees and Charges)

Any graduating student who has completed basic training and is an active member of any branch of the United States Armed Forces may, at his/her option, wear his/her military dress uniform at the ceremony. (Education Code 35183.3)

**Disciplinary Considerations**

Students are expected to comply with district and school policies, regulations, and rules throughout the school session, including during graduation and related events. Students shall not be denied the privilege of participating in graduation ceremonies and activities except as discipline in cases of serious misconduct. In no event shall a student be denied participation in graduation ceremonies unless the principal or designee has informed the student and the student's parents/guardians of the misconduct and has given them an opportunity to respond.

(cf. 5131 - Conduct)

(cf. 5144 - Discipline)

During the graduation ceremony, a student may be removed from the ceremony for conduct that is disruptive or that poses a risk to safety.

High school seniors shall be notified of this policy in advance, through the student handbook or other means, and shall be required to acknowledge receiving it.

**Legal Reference:**

**EDUCATION CODE**

35183.1 Graduation ceremonies; tribal regalia or recognized object of religious/cultural significance

35183.3 Graduation ceremonies; military dress uniforms

38119 Lease of personal property; caps and gowns

48904 Liability of parent or guardian; withholding of grades, diplomas, transcripts

51225.5 Honorary diplomas; foreign exchange students

51410-51412 Diplomas

**COURT DECISIONS**

Workman v. Greenwood Community School Corporation, (2010) Case No. 1:2010cv00293

**GRADUATION CEREMONIES AND ACTIVITIES**

Cole v. Oroville Union High School District, (2000, 9th Cir.) 228 F.3d 1092

Santa Fe Independent School District v. Doe, (2000) 530 U.S. 290

Lee v. Weisman, (1992) 505 U.S. 577

Sands v. Morongo Unified School District, (1991) 53 Cal. 3d 863

Lemon v. Kurtzman, (1971) 403 U.S. 602

Management Resources:

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

Pupil Fees, Deposits and Other Charges, Fiscal Management Advisory 17-01, July 28, 2017

U.S. DEPARTMENT OF EDUCATION PUBLICATIONS

Guidance on Constitutionally Protected Prayer in Public Elementary and Secondary Schools, February 2003

WEB SITES

AASA The School Superintendents Association: <http://www.aasa.org>

Antidefamation League: <https://www.adl.org>

California Department of Education, High School: <http://www.cde.ca.gov/ci/gs/hs/>

U.S. Department of Education: <http://www.ed.gov>

Policy Adopted: 06/05/19

ORCUTT UNION SCHOOL DISTRICT  
Orcutt, California

**CONDUCT**

The Board of Trustees believes that all students have the right to be educated in a safe and positive learning environment free from disruptions. Students shall be expected to exhibit appropriate conduct that does not infringe upon the rights of others or interfere with the school program while on school grounds, going to or coming from school, at school activities, or on district transportation.

(cf. 0450 – Comprehensive Safety Plan)

(cf. 5131.1 - Bus Conduct)

(cf. 5137 – Positive School Climate)

(cf. 6145.2 - Athletic Competition)

The Superintendent or designee shall ensure that each school site develops standards of conduct and discipline consistent with district policies and administrative regulations. Students and parents/guardians shall be notified of district and school rules related to conduct.

Prohibited student conduct includes, but is not limited to:

1. Conduct that endangers students, staff, or others, including, but not limited to, physical violence, possession of a firearm or other weapon, and terrorist threats

(cf. 5131.7 - Weapons and Dangerous Instruments)

(cf. 5142 - Safety)

2. Discrimination, harassment, intimidation, or bullying of students or staff, including sexual harassment, hate-motivated behavior, cyberbullying, hazing or initiation activity, extortion, or any other verbal, written, or physical conduct that causes or threatens to cause violence, bodily harm, or substantial disruption to the school program

(cf. 5131.2 – Bullying)

(cf. 5145.3 – Nondiscrimination/Harassment)

(cf. 5145.7 – Sexual Harassment)

(cf. 5145.9 – Hate-Motivated Behavior)

3. Conduct that disrupts the orderly classroom or school environment

(cf. 5131.4 - Student Disturbances)

4. Willful defiance of staff's authority

5. Damage to or theft of property belonging to students, staff, or the district

(cf. 3515.4 - Recovery for Property Loss or Damage)

(cf. 5131.5 – Vandalism and Graffiti)

6. Obscene acts or use of profane, vulgar, or abusive language

(cf. 5145.2 - Freedom of Speech/Expression)

**CONDUCT**

7. Possession, use, or being under the influence of tobacco, alcohol, or other prohibited substances  
  
(cf. 5131.6 - Alcohol and Other Drugs)  
(cf. 5131.62 - Tobacco)  
(cf. 5131.63 - Steroids)
8. Possession or use of a laser pointer, unless used for a valid instructional or other school-related purpose with prior permission of the principal or designee (Penal Code 417.27)
9. Use of a cellular/digital telephone, smart watch, pager, or other mobile communication device during instructional time or in an unauthorized manner in violation of district policy

Such devices shall be turned off in class, except when being used for a valid instructional or other school-related purpose as determined by the teacher or other district employee, and at any other time directed by a district employee. Any device with a camera, video, or voice recording function shall not be used in any manner which infringes on the privacy rights of any other person.

No student shall be prohibited from possessing or using an electronic signaling device that is determined by a licensed physician or surgeon to be essential for the student's health and the use of which is limited to purposes related to the student's health. (Education Code 48901.5)

(cf. 5131.8 - Mobile Communication Devices)  
(cf. 6163.4 - Student Use of Technology)

10. Plagiarism or dishonesty in school work or on tests  
  
(cf. 5131.9 - Academic Honesty)  
(cf. 6162.54 - Test Integrity/Test Preparation)  
(cf. 6162.6 - Use of Copyrighted Materials)
11. Wearing of any attire that violates district or school dress codes, including gang-related apparel  
  
(cf. 5132 - Dress and Grooming)  
(cf. 5136 - Gangs)
12. Tardiness or unexcused absence from school  
  
(cf. 5113 - Absences and Excuses)  
(cf. 5113.1 – Chronic Absence and Truancy)  
(cf. 5113.11 - Attendance Supervision)  
(cf. 5113.12 - District School Attendance Review Board)
13. Failure to remain on school premises in accordance with school rules  
  
(cf. 5112.5 – Open/Closed Campus)

**CONDUCT**

Employees are expected to enforce standards of conduct and, if they observe or receive a report of a violation of these standards, to appropriately intervene or call for assistance. If an employee believes a matter has not been resolved, he/she shall refer the matter to his/her supervisor or administrator for further investigation.

When a school official suspects that a search of a student or his/her belongings will turn up evidence of the student's violation of the law or school rules, such a search shall be conducted in accordance with BP/AR 5145.12 - Search and Seizure.

(cf. 5145.12 - Search and Seizure)

When a student uses any prohibited device, or uses a permitted device in an unauthorized manner, a district employee may confiscate the device. The employee shall store the item in a secure manner until it is returned to the student or turned over to the principal or designee, as appropriate.

Students who violate district or school rules and regulations may be subject to discipline including, but not limited to, suspension, expulsion, transfer to alternative programs, referral to a student success team or counseling services, or denial of participation in extracurricular or cocurricular activities or other privileges in accordance with Board policy and administrative regulation. The Superintendent or designee shall notify local law enforcement as appropriate.

(cf. 1400 - Relations Between Other Governmental Agencies and the Schools)

(cf. 5020 - Parent Rights and Responsibilities)

Cf. 5127 – Graduation Ceremonies and Activities)

(cf. 5138 – Conflict Resolution/Peer Mediation)

(cf. 5144 - Discipline)

(cf. 5144.1 - Suspension and Expulsion/Due Process)

(cf. 5144.2 - Suspension and Expulsion/Due Process (Students with Disabilities))

(cf. 6020 - Parent Involvement)

(cf. 6145 - Extracurricular and Cocurricular Activities)

(cf. 6159.4 – Behavioral Interventions for Special Education Students)

(cf. 6164.2 – Guidance/Counseling Services)

(cf. 6164.5 – Student Success Teams)

(cf. 6184 - Continuation Education)

(cf. 6185 - Community Day School)

Students also may be subject to discipline, in accordance with law, Board policy, or administrative regulation, for any off-campus conduct during nonschool hours which poses a threat or danger to the safety of students, staff, or district property, or substantially disrupts school activities.

Legal Reference:

EDUCATION CODE

200-262.4 Prohibition of discrimination

**CONDUCT**

32280-32289 Comprehensive safety plan  
35181 Governing board policy on responsibilities of students  
35291-35291.5 Rules  
44807 Duty concerning conduct of students  
48900-48925 Suspension or expulsion  
51512 Prohibition use of electronic listening or recording device in classroom without permission

**CIVIL CODE**

1714.1 Liability of parents and guardians for willful misconduct of minor

**PENAL CODE**

288.2 Harmful matter with intent to seduce  
313 Harmful matter  
417.25-417.27 Laser scope or laser pointer  
647 Use of camera or other instrument to invade person's privacy; misdemeanor  
653.2 Electronic communication devices, threats to safety

**VEHICLE CODE**

23123-23124 Prohibitions against use of electronic devices while driving

**CODE OF REGULATIONS, TITLE 5**

300-307 Duties of students

**UNITED STATES CODE, TITLE 42**

20 USC 1681-1688 Title IX, 1972 Education Act Amendments

**COURT DECISIONS**

J.C. v. Beverly Hills Unified School District, (2010) 711 F. Supp.2d 1094  
LaVine v. Blaine School District (2001, 9th Cir.) 257 F.3d 981  
Emmett v. Kent School District No. 415, (2000) 92 F.Supp. 1088  
Bethel School District No. 403 v. Fraser, (1986) 478 U.S. 675  
New Jersey v. T.L.O., (1985) 469 U.S. 325  
Tinker v. Des Moines Independent Community School District, (1969) 393 U.S. 503

**Management Resources:**

**CSBA PUBLICATIONS**

Safe Schools: Strategies for Governing Boards to Ensure Student Success, 2011  
Providing a Safe, Nondiscriminatory School Environment for All Students, Policy Brief, April, 2010

**CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS**

Bullying at School, 2003

**WEB SITES**

CSBA: <http://www.csba.org>  
California Department of Education, Safe Schools Office: <http://www.cde.ca.gov/lr/ss>  
Center for Safe and Responsible Internet Use: <http://www.ewa.org/organization/center-safe-and-responsible-internet-use>  
National School Safety Center: <http://www.schoolsafety.us>  
U.S. Department of Education: <http://www.ed.gov>

## **Students**

BP 5131.1 (a)

### **BUS CONDUCT**

In order to help ensure the safety and well-being of students, bus drivers, and others, the Board of Trustees expects students to exhibit appropriate and orderly conduct at all times when using school transportation, including while preparing to ride, riding, or leaving the bus.

(cf. 0450 - Comprehensive Safety Plan)

(cf. 3516 - Emergencies and Disaster Preparedness Plan)

(cf. 3540 - Transportation)

(cf. 3541.2 - Transportation for Students with Disabilities)

(cf. 3543 - Transportation Safety and Emergencies)

(cf. 5131 - Conduct)

The Superintendent or designee shall establish regulations related to student conduct on buses, bus driver authority, and the suspension of riding privileges. He/she shall make these rules available to parents/guardians, students, and other interested parties. (5 CCR 14103)

(cf. 3452 - School Bus Drivers)

Students found to be in violation of the district's bus conduct rules shall be subject to discipline in accordance with Board policy and administrative regulation.

(cf. 5144 - Discipline)

(cf. 5144.1 - Suspension and Expulsion/Due Process)

The Superintendent or designee may deny a student the privilege of using school transportation upon the student's continued disorderly conduct or his/her persistent refusal to submit to the authority of the driver. (5 CCR 14103)

#### **Bus Surveillance Systems**

The Board believes that the use of surveillance systems on school buses will help to deter misconduct and improve discipline, ensure the safety of students and bus drivers, and prevent vandalism. Therefore, surveillance systems may be installed and used on school buses to monitor student behavior while traveling to and from school and school activities.

(cf. 3515 - Campus Security)

The Superintendent or designee shall notify students, parents/guardians, and staff that surveillance may occur on any school bus and that the contents of a recording may be a student record and, as such, may be used in student disciplinary proceedings or referred to local law enforcement, as appropriate. In addition, a prominent notice shall be placed in each bus stating that the bus is equipped with a surveillance monitoring system.

(cf. 5125 - Student Records)



**BUS CONDUCT**

Legal Reference:

EDUCATION CODE

35160 Authority of governing boards

39800 Transportation

39839 Transportation of guide dogs, signal dogs, service dogs

44808 Duty to supervise conduct of students

48900 Grounds for suspension and expulsion

48918 Expulsion procedures

49060-49079 Student records

49073-49079 Privacy of student records

GOVERNMENT CODE

6253-6270 California Public Records Act

CODE OF REGULATIONS, TITLE 5

14103 Authority of the driver

CODE OF REGULATIONS, TITLE 13

1200-1228 General provisions, school bus regulations

UNITED STATES CODE, TITLE 20

1232g Family Educational Rights and Privacy Act

CODE OF FEDERAL REGULATIONS, TITLE 34

99.1-99.67 Family Educational Rights and Privacy

Management Resources:

NATIONAL INSTITUTE OF JUSTICE PUBLICATIONS

The Appropriate and Effective Use of Security Technologies in U.S. Schools: A Guide for Schools and Law Enforcement Agencies, 1999

WEB SITES

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

California Department of Education, Office of School Transportation:

<http://www.cde.ca.gov/ls/tn>

U.S. Department of Education, Family Policy Compliance Office:

<http://www.ed.gov/policy/gen/guid/fpco>

**BULLYING**

The Board of Trustees recognizes the harmful effects of bullying on student well-being, student learning, and school attendance and desires to provide safe school environments that protect students from physical and emotional harm. No individual or group shall, through physical, written, verbal, visual, or other means, harass, sexually harass, threaten, intimidate, cyberbully, cause bodily injury to, or commit hate violence against any student or school personnel, or retaliate against them for filing a complaint or participating in the complaint resolution process.

(cf. 5131 - Conduct)

(cf. 5136 - Gangs)

(cf. 5145.3 - Nondiscrimination/Harassment)

(cf. 5145.7 - Sexual Harassment)

(cf. 5145.9 - Hate-Motivated Behavior)

The Superintendent or designee shall develop strategies for addressing bullying in district schools with the involvement of students, parents/guardians, and staff. As appropriate, the Superintendent or designee may also collaborate with social services, mental health services, law enforcement, courts, and other agencies and community organizations in the development and implementation of effective strategies to promote safety in schools and the community.

(cf. 1220 - Citizen Advisory Committees)

(cf. 1400 - Relations Between Other Governmental Agencies and the Schools)

(cf. 6020 - Parent Involvement)

Such strategies may be incorporated into the comprehensive safety plan and, to the extent possible, into the local control and accountability plan and other applicable district and school plans.

(cf. 0420 - School Plans/Site Councils)

(cf. 0450 - Comprehensive Safety Plan)

(cf. 0460 – Local Control and Accountability Plan)

Any complaint of bullying shall be investigated and, if determined to be discriminatory, resolved in accordance with law and the district's uniform complaint procedures specified in AR 1312.3. If, during the investigation, it is determined that a complaint is about nondiscriminatory bullying, the principal or designee shall inform the complainant and shall take all necessary actions to resolve the complaint.

(cf. 1312.3 - Uniform Complaint Procedures)

If the Superintendent or designee believes it is in the best interest of a student who has been the victim of an act of bullying, as defined in Education Code 48900, the Superintendent or designee shall advise the student's parents/guardians that the student may transfer to another school. If the parents/guardians of a student who has been the victim of an act of bullying requests a transfer for the student pursuant to Education Code 46600, the Superintendent or designee shall allow the

transfer in accordance with law and district policy on intradistrict or interdistrict transfer, as applicable.

(cf. 5116.1 - Intradistrict Open Enrollment)  
(cf. 5117 - Interdistrict Attendance)

Any employee who permits or engages in bullying or retaliation related to bullying shall be subject to disciplinary action, up to and including dismissal.

(cf. 4118 – Dismissal/Suspension/Disciplinary Action)  
(cf. 4119.21/4219.21/4319.21 - Professional Standards)  
(cf. 4218 - Dismissal/Suspension/Disciplinary Action)

Legal Reference:

EDUCATION CODE

200-262.4 Prohibition of discrimination

32282 Comprehensive safety plan

32283.5 Bullying; online training

35181 Governing board policy on responsibilities of students

35291-35291.5 Rules

46600 Student transfers

48900-48925 Suspension or expulsion

48985 Translation of notices

52060-52077 Local control and accountability plan

PENAL CODE

422.55 Definition of hate crime

647 Use of camera or other instrument to invade person's privacy; misdemeanor

647.7 Use of camera or other instrument to invade person's privacy; punishment

653.2 Electronic communication devices, threats to safety

CODE OF REGULATIONS, TITLE 5

4600-4670 Uniform complaint procedures

UNITED STATES CODE, TITLE 47

254 Universal service discounts (e-rate)

CODE OF FEDERAL REGULATIONS, TITLE 28

35.107 Nondiscrimination on basis of disability; complaints

CODE OF FEDERAL REGULATIONS, TITLE 34

104.7 Designation of responsible employee for Section 504

106.8 Designation of responsible employee for Title IX

110.25 Notification of nondiscrimination on the basis of age

COURT DECISIONS

Wynar v. Douglas County School District, (2013) 728 F.3d 1062

J.C. v. Beverly Hills Unified School District, (2010) 711 F.Supp.2d 1094

Lavine v. Blaine School District, (2002) 279 F.3d 719

Management Resources:

CSBA PUBLICATIONS

Final Guidance: AB 1266, Transgender and Gender Nonconforming Students, Privacy, Programs, Activities & Facilities, Legal Guidance, March 2014

Providing a Safe, Nondiscriminatory School Environment for Transgender and Gender-Nonconforming Students, Policy Brief, February 2014  
Addressing the Conditions of Children: Focus on Bullying, Governance Brief, December 2012  
Safe Schools: Strategies for Governing Boards to Ensure Student Success, 2011

Building Healthy Communities: A School Leaders Guide to Collaboration and Community Engagement, 2009

Cyberbullying: Policy Considerations for Boards, Policy Brief, July Revised 2010

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

Bullying Module

California's Social and Emotional Learning: Guiding Principles, 2018

Social and Emotional Learning in California: A Guide to Resources, 2018

Health Education Content Standards for California Public Schools: Kindergarten Through Grade Twelve, 2008

Bullying at School, 2003

CALIFORNIA OFFICE OF THE ATTORNEY GENERAL PUBLICATIONS

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

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

Guidance to America's Schools: Bullying of Students with Disabilities, October 2014

Dear Colleague Letter: Responding to Bullying of Students with Disabilities, October 2014

Dear Colleague Letter: Guidance on Schools' Obligations to Protect Students from Student-on-Student Harassment on the Basis of Sex; Race, Color and National Origin; and Disability, October 26, 2010

Dear Colleague Letter: Harassment and Bullying, October 2010

WEB SITES

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

California Department of Education, Safe Schools Office: <http://www.cde.ca.gov/ls/ss>

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

Center on Great Teachers and Leaders: <http://gtlcenter.org>

Collaborative for Academic Social and Emotional Learning: <http://casel.org>

Common Sense Media: <http://www.commonsensemedia.org>

National School Safety Center: <http://www.schoolsafety.us>

Partnership for Children and Youth: <http://www.partnerforchildren.org>

U.S. Department of Education: <http://www.ed.gov>

Policy Adopted: 02/12/20

ORCUTT UNION SCHOOL DISTRICT  
Orcutt, California

**STUDENT DISTURBANCES**

The Board of Trustees desires to provide orderly campuses that create a positive school environment and are conducive to learning. When students initiate or are involved in a campus disturbance that has the potential to threaten the safety of students or staff, the Superintendent or designee may request law enforcement assistance.

The Superintendent or designee and the principal of each school shall establish a school disturbance response plan that is intended to curb disruptions which may lead to riots, violence, or vandalism at school or at school-sponsored events. In developing each school's plan, the Superintendent or designee shall consult with local law enforcement authorities to create guidelines for law enforcement support and intervention.

(cf. 0450 - Comprehensive Safety Plan)  
(cf. 3516 - Emergencies and Disaster Preparedness Plan)  
(cf. 5131.5 - Vandalism, Theft and Graffiti)

Staff are encouraged to be alert to conditions at school that may lead to a disturbance, such as racial or cultural conflict, student protests, or gang intimidation and confrontations. Staff who believe that a disturbance is imminent, or who see a disturbance occurring, shall immediately contact the principal and invoke the school disturbance response plan.

(cf. 4131 - Staff Development)  
(cf. 5136 - Gangs)  
(cf. 5145.2 - Freedom of Speech/Expression)  
(cf. 5145.9 - Hate-Motivated Behavior)

Students who participate in a campus disturbance shall be subject to disciplinary action in accordance with Board policy and administrative regulations.

(cf. 3515 - Campus Security)  
(cf. 5144 - Discipline)  
(cf. 5144.1 - Suspension and Expulsion/Due Process)  
(cf. 5144.2 - Suspension and Expulsion: Due Process (Students with Disabilities))

Legal Reference:

EDUCATION CODE

- 32210 Willful disturbances of public school or meeting
- 32211 Threatened disruption or interference with classes
- 32280-32288 School safety plans
- 35160 Authority of governing boards
- 38000-38005 Security patrols
- 44810 Willful interferences with classroom conduct

**STUDENT DISTURBANCES**

44811 Disruption of classwork or extracurricular activities

48900 Grounds for suspension or expulsion

48907 Student exercise of free expression

51512 Prohibited use of electronic listening or recording device

**PENAL CODE**

243.5 Assault or battery on school property

403-420 Crimes against the public peace, especially:

415 Fighting; noise; offensive words

415.5 Disturbance of peace of school

416 Assembly to disturb peace; refusal to disperse

626-626.10 Crimes on school grounds

627-627.7 Access to school premises

653b Loitering about schools or public places

Management Resources:

**CSBA PUBLICATIONS**

911! A Manual for Schools and the Media During a Campus Crisis, 2001

U.S. DEPARTMENT OF EDUCATION PUBLICATIONS

Practical Information on Crisis Planning: A Guide for Schools and Communities, May 2003

**WEB SITES**

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

California Department of Education, Safe Schools Office: <http://www.cde.ca.gov/ls/ss>

U.S. Department of Education, Emergency Planning:

<http://www.ed.gov/admins/lead/safety/emergencyplan>

Policy Adopted: 03/11/09

ORCUTT UNION SCHOOL DISTRICT  
Orcutt, California

**VANDALISM AND GRAFFITI**

The Board of Trustees desires to enhance student learning by striving to provide an environment where students and staff can feel safe and secure and can take pride in their school. To that end, the Superintendent or designee shall develop strategies for preventing graffiti and vandalism on school grounds, including collaborating with local law enforcement and city and county officials, as appropriate, to help develop a coordinated response to graffiti and vandalism in the community.

(cf. 0450 - Comprehensive Safety Plan)

(cf. 1400 - Relations Between Other Governmental Agencies and the Schools)

(cf. 3515 - Campus Security)

(cf. 3515.3 - District Police/Security Department)

(cf. 5131.7 - Positive School Climate)

(cf. 5136 - Gangs)

(cf. 5138 - Conflict Resolution/Peer Mediation)

Students and staff are encouraged to report any graffiti or vandalism to the principal or designee for investigation. The principal or designee shall determine whether the incident necessitates an investigation pursuant to the district's sexual harassment, hate-motivated behavior, or nondiscrimination grievance procedure.

(cf. 5145.3 - Nondiscrimination/Harassment)

(cf. 5145.7 - Sexual Harassment)

(cf. 5145.9 - Hate-Motivated Behavior)

As appropriate, the principal or designee may contact local law enforcement in instances when the graffiti are repetitive, identifies particular targets or groups, identifies the perpetrator, and/or contains incitements to violence, threats, or intimidation. Photographs or other evidence of the vandalism or graffiti shall be preserved as necessary for investigation by the district or law enforcement and as evidence in any district disciplinary proceedings.

The principal or designee shall ensure that graffiti on school grounds is removed and covered as soon as possible, and if practicable before the beginning of the school day.

A student who commits an act of vandalism or graffiti on school grounds shall be subject to disciplinary action, including, but not limited to, suspension or expulsion in accordance with Board policy and administrative regulation. If reparation for damages is not made, the district also may withhold the student's grades, diploma, and/or transcripts in accordance with law.

**VANDALISM AND GRAFFITI**

(cf. 3515.4 - Recovery for Property Loss or Damage)

(cf. 5125.2 - Withholding Grades, Diploma or Transcripts)

(cf. 5131 - Conduct)

(cf. 5144 - Discipline)

(cf. 5144.1 - Suspension and Expulsion/Due Process)

Legal Reference:

**EDUCATION CODE**

48900 Grounds for suspension or expulsion

48904 Willful misconduct, limit of liability of parent or guardian

48904.3 Withholding grades, diplomas, or transcripts of pupils causing property damage or injury

**CIVIL CODE**

51.7 Right to be free from violence

52.1 Discrimination liability

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

**GOVERNMENT CODE**

53069.5 Reward for information

**PENAL CODE**

594 Vandalism

594.1 Aerosol containers of paint

594.2 Intent to commit vandalism or graffiti

594.6 Vandalism or graffiti, community service

640.5 Graffiti; facilities or vehicles of governmental entity

640.6 Graffiti

**CODE OF REGULATIONS, TITLE 5**

305 Student responsible for care of property

Management Resources:

**WEB SITES**

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

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



## **STUDENTS**

### **ALCOHOL AND DRUGS**

The Board of Trustees believes that the use of alcohol or other drugs adversely affects a student's ability to achieve academic success, is physically and emotionally harmful, and has serious social and legal consequences. The Superintendent or designee shall develop a comprehensive programs and activities to foster safe, healthy, and drug-free environments that support academic achievement

(cf. 0450 – Comprehensive Safety Plan)  
(cf. 4020 – Drug and Alcohol-Free Workplace)  
(cf. 5137 – Positive School Climate)

The Superintendent or designee shall consult with principals, teachers, other school personnel, students and parents/guardians when developing the district's program.

The Superintendent or designee shall clearly communicate to all students, staff and parents/guardians the district's policies, regulations and school rules related to the use of alcohol and other drugs on school campuses or at school activities.

(cf. 5131.61 – Drug Testing)  
(cf. 5131.62 – Tobacco)  
(cf. 5131.63 – Steroids)

Staff should encourage students to participate as responsible partners in efforts to maintain a safe, constructive school climate.

(cf. 5137 – Positive School Climate)

### **Instruction**

The district shall provide science-based preventative instruction which has been proven effective in helping students avoid the use of alcohol and other drugs.

(cf. 6142.1 – Sexual Health and HIV/AIDS Prevention Instruction)  
(cf. 6142.8 – Comprehensive Health Education)  
(cf. 6143 – Courses of Study)

All instruction and related materials shall consistently state that unlawful use of alcohol or other drugs is prohibited. Instruction shall not include any message on responsible use of drugs or alcohol when such use is illegal. (Health and Safety Code 11999.2)

## **STUDENTS**

**BP 5131.6 (b)**

The district shall offer staff development activities for staff who implement the comprehensive drug and alcohol prevention and intervention program.

### **Intervention, Referral, and Student Assistance Programs**

The Superintendent or designee shall inform school staff, students, and parents/guardians about early warning signs which may indicate alcohol and other drug use and about appropriate agencies offering intervention programs, counseling, referral, and other student assistance programs.

The Board strongly encourages any student who is using alcohol or drugs to discuss the matter with his/her parent/guardian or with any staff member. Students who disclose their use of alcohol or other drugs when seeking help from an intervention or recovery program shall not be disciplined for such use.

(cf. 5141.52 - Suicide Prevention)

### **Enforcement/Discipline**

Students shall not possess, use, or sell alcohol or other drugs and related paraphernalia on school grounds or at school-sponsored activities.

(cf. 3513.3 - Tobacco-Free Schools)

(cf. 3513.4 - Drug and Alcohol Free Schools)

(cf. 5131 - Conduct)

(cf. 5131.61 - Drug Testing)

(cf. 5131.63 - Steroids)

(cf. 5145.11 - Questioning and Apprehension by Law Enforcement)

(cf. 5145.12 - Search and Seizure)

The Superintendent or designee shall clearly communicate to all students, staff, and parents/guardians the district's policies, regulations, and school rules related to the use of alcohol and other drugs.

The Superintendent or designee shall take appropriate action to eliminate possession, use or sale of alcohol and other drugs and related paraphernalia on school grounds or at school-sponsored activities.

(cf. 5131 – Conduct)

(cf. 5145.11 – Questioning and Apprehension)

(cf. 5145.12 – Search and Seizure)

Any student found by the Board to be selling a controlled substance listed in Health and Safety Code 11053-11058 shall be expelled in accordance with BP/AR 5144.1 - Suspension and Expulsion/Due Process. A student found to have committed another drug or alcohol offense, including possession or intoxication, shall be referred to appropriate behavioral interventions or student assistance programs, and may be subject to discipline on a case-by-case basis.

## STUDENTS

BP 5131.6 (C)

(cf. 5144 – Discipline)  
(cf. 5144.1 – Suspension and Expulsion/Due Process)  
(cf. 6145 – Extracurricular and Cocurricular Activities)

### Legal Reference:

#### EDUCATION CODE

44049 Known or suspected alcohol or drug abuse by student  
44645 In-service training anabolic steroids  
48900 Suspension or expulsion (grounds)  
48900.5 Suspension, limitation on imposition; exception  
48901 Smoking or use of tobacco prohibited  
48901.5 Prohibition of electronic signaling devices  
48902 Notification of law enforcement authorities; civil or criminal immunity  
48909 Narcotics or other hallucinogenic drugs  
48915 Expulsion; particular circumstances  
49602 Confidentiality of pupil information  
51202 Instruction in personal and public health and safety  
51203 Instruction on alcohol, narcotics and restricted dangerous drugs  
51210 Areas of study  
51220 Areas of study, grades 7 to 12  
51260-51269 Drug education  
60041 Instructional materials  
60110-60115 Instructional materials on alcohol and drug education

#### BUSINESS AND PROFESSIONS CODE

25608 Alcohol on school property; use in connection with instruction

#### HEALTH AND SAFETY CODE

11032 Narcotics, restricted dangerous drugs and marijuana  
11053-11058 Standards and schedules  
11353.6 Juvenile Drug Trafficking and Schoolyard Act  
11357 Unauthorized possession of marijuana; possession in school or on school grounds  
11361.5 Destruction of arrest or conviction records  
11372.7 Drug program fund; uses  
11802 Joint school-community alcohol abuse primary education and prevention program  
11999-11999.3 Alcohol and drug program funding; no unlawful use  
124175-124200 Adolescent family life program (Dept. of Health Services)

#### PENAL CODE

13860-13864 Suppression of drug abuse in schools

#### VEHICLE CODE

13202.5 Drug and alcohol related offenses by person under age of 21, but aged 13 or over;

#### WELFARE AND INSTITUTIONS CODE

828 Disclosure of information re minors  
828.1 Disclosure of criminal records; protection of vulnerable staff and students

#### UNITED STATES CODE, TITLE 20

5812 National education goals  
7101-7184 Safe and Drug-Free Schools and Communities Act

## **STUDENTS**

**BP 5131.6 (D)**

### MANAGEMENT RESOURCES: WEB SITES

California Department of Education, Alcohol, Tobacco and Other Drug Prevention:  
<http://www.cde.ca.gov/ls/he/at>

California Healthy Kids:  
<http://www.californiahealthykids.org>

U.S. Department of Education, Office of Safe and Drug Free Schools:  
<http://www.ed.gov/about/offices/list/osdfs/index.html>

Policy Adopted: 1/10/18

**ORCUTT UNION SCHOOL DISTRICT**  
**Orcutt, California**

**WEAPONS AND DANGEROUS INSTRUMENTS**

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

- (cf. 0450 - Comprehensive Safety Plan)
- (cf. 3515.3 – District Police/Security Department)
- (cf. 5116.1 - Intradistrict Open Enrollment)
- (cf. 5131 - Conduct)
- (cf. 5144 - Discipline)

**Possession of Weapons**

The Board prohibits any student from possessing weapons, imitation firearms, or 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.

- (cf. 4158/4258/4358 – Employee Security)

Unless he/she has obtained prior written permission as specified below, student possessing, or threatening others with any weapon, dangerous instrument, or imitation firearm shall be subject to suspension and/or expulsion in accordance with law, Board policy and administrative regulation.

- (cf. 5144 – Discipline)
- (cf. 5144.1 - Suspension and Expulsion/Due Process)
- (cf. 5144.2 - Suspension and Expulsion/Due Process (Individuals with Disabilities))

The principal or designee shall notify law enforcement authorities when any student possesses a firearm, explosive, or other prohibited weapon or dangerous instrument without permission, sells or furnishes a firearm, or commits any act of assault with a firearm or other weapon. (20 USC 7151; Education Code 48902; Penal Code 245, 626.9, 626.10)

- (cf. 3515.2 - Disruptions)

**Advance Permission for Possession of a Weapon for Educational Use**

The parent/guardian of a student who desires to possess a firearm, imitation firearm, or other prohibited weapon on school grounds for an educational purpose shall, at least five days in advance of the planned possession, submit a written request to the principal which explains the planned use of the weapon and the duration. The student shall also submit a written explanation from the staff person responsible for the school-sponsored activity or class.

The principal may grant permission for such possession when he/she determines that it is necessary for a school-sponsored activity or class or as part of the educational program. Factors that shall be considered include, but are not limited to, the planned use of the weapon, the duration and location of the planned use, whether an audience is expected, and any perceived adverse effects to the safety and well-being of students or staff. If the principal grants such permission, he/she shall provide the student and staff person with a written explanation regarding any limitations and the permissible duration of the student's possession.

When the principal or designee grants permission, he/she shall take all necessary precautions to ensure the safety of all persons on school grounds, including, but not limited to, inspecting a firearm to verify that no live ammunition is present. Any weapon allowed shall be stored in a locked vehicle or in an appropriate, locked container before and after its authorized use.

A student granted permission to possess a ~~firearm~~ weapon may be suspended and/or expelled if he/she possesses or uses the weapon inappropriately.

**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.

**Reporting of Dangerous Objects**

The Board encourages students to promptly report the presence of weapons, injurious objects, or other suspicious activity to school authorities. The identity of a student who reports such activity shall remain confidential to the extent permitted by law.

(cf. 5125 - Student Records)

The Superintendent or designee shall develop strategies designed to facilitate student reporting of the presence of injurious objects on school grounds, such as tip hotlines, electronic transmissions, or other methods that preserve the student's anonymity. Incident reports and records shall not identify the student who reported the possession. The Superintendent or designee also shall inform staff, students, and parents/guardians that students who report the presence of injurious objects on school campuses are to be protected and their identity shielded.

**Advance Permission for Possession of a Weapon for Educational Use**

Legal Reference:

EDUCATION CODE

35291 Governing board to prescribe rules for discipline of the schools

48900 Grounds for suspension/expulsion

48902 Notification of law enforcement authorities

48915 Required recommendation for expulsions

48916 Readmission

49330-49335 Injurious objects

PENAL CODE

245 Assault with deadly weapon

417.4 Imitation firearm; drawing or exhibiting

626.9 Gun-Free School Zone Act of 1995

626.10 Dirks, daggers, knives, razor or stun gun; bringing or possessing in school

653k Switchblade knife

16100-17350 Definitions

12401-12404 Tear gas weapon (pepper spray)

25200-25225 Firearms, access to children

30310 Prohibition against ammunition on school grounds

UNITED STATES CODE, TITLE 20

6301-7941 No Child Left Behind Act, especially:

7151 Gun-Free Schools Act

Management Resources:

CSBA PUBLICATIONS

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

CALIFORNIA DEPARTMENT OF EDUCATION COMMUNICATIONS

0401.01 Protecting Student Identification in Reporting Injurious Objects

U.S. DEPARTMENT OF EDUCATION PUBLICATIONS

Guidance Concerning State and Local Responsibilities Under the Gun-Free Schools Act, January 2004

WEB SITES

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

California Department of Education, Safe Schools: <http://www.cde.ca.gov/lr/ss>

National Alliance for Safe Schools: <http://www.safeschools.org>

National School Safety Center: <http://www.schoolsafety.us>

U.S. Department of Education, Office of Safe and Drug Free Schools:

<http://www.ed.gov/about/offices/list/osdfs>

**Students**

**ACADEMIC HONESTY**

The Board of Trustees believes that academic honesty and personal integrity are fundamental components of a student's education and character development. The Board expects that students will not cheat, lie, plagiarize or commit other acts of academic dishonesty.

(cf. 5131 - Conduct)  
(cf. 6162.6 - Use of Copyrighted Materials)

Students, parents/guardians, staff and administrators shall be responsible for creating and maintaining a positive school climate that encourages honesty. Students found to have committed an act of academic dishonesty shall be subject to district and school-site discipline rules.

(cf. 5137 - Positive School Climate)  
(cf. 5144 - Discipline)

The Superintendent or designee may establish a committee comprised of students, parents/guardians, staff, administrators and members of the public to develop standards of academic honesty, measures of preventing dishonesty, and specific consequences for acts of dishonesty. Any recommendations for discipline shall be incorporated into the school's site level discipline rules.

(cf. 1220 - Citizen Advisory Committee)

Legal Reference:  
EDUCATION CODE  
35291-35291.5 Rules

Policy Adopted: 10/15/08

ORCUTT UNION SCHOOL DISTRICT  
Orcutt, California



**TOBACCO**

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

The Superintendent or designee shall provide prevention, intervention, and cessation education, information, activities, and/or referrals to district students and shall ensure consistent enforcement of district policies prohibiting student possession and use of tobacco products.

**Prohibition Against Tobacco Use**

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

(cf. 3513.3 – Tobacco-Free Schools)

(cf. 5131 – Conduct)

(cf. 5144 – Discipline)

(cf. 5144.1 – Suspension and Expulsion/Due Process)

(cf. 5144.2 – Suspension and Expulsion/Due Process (Students with Disabilities))

Smoking means inhaling, exhaling, burning, or carrying of any lighted or heated cigar, cigarette, pipe, tobacco, or plant product intended for inhalation, whether natural or synthetic, in any manner or form, and includes the use of an electronic smoking device that creates aerosol or vapor or of any oral smoking device for the purpose of circumventing the prohibition of smoking. (Business and Professions Code 22950.5; Education Code 48901)

Tobacco products include: (Business and Professions Code 22950.5; Education Code 48901)

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

These prohibitions do not apply to a student's possession or use of his/her own prescription products. However, student possession or use of prescription products in school shall be subject to the district's policy and regulation for addressing the administration of medications on campus. (Education Code 48900)

## **Students**

BP 5131.62 (b)

### **TOBACCO**

(cf. 5141.21 - Administering Medication and Monitoring Health Conditions)

#### **Prevention Instruction**

The district shall provide developmentally appropriate tobacco-use prevention instruction for students at selected grade levels from TK-12 pursuant to Education Code 51202. Such instruction shall be aligned with state content standards and the state curriculum framework for health education and with any requirements of state and/or federal grant programs in which the district participates.

(cf. 6142.8 – Comprehensive Health Education)

(cf. 6143 – Courses of Study)

#### **Intervention/Cessation Services**

The district may provide or refer students to counseling, intensive education, and other intervention services to assist in the cessation of tobacco use. Such intervention services shall be provided as an alternative to suspension for tobacco possession.

(cf. 1020 - Youth Services)

(cf. 5146 - Married/Pregnant/Parenting Students)

(cf. 6164.2 - Guidance/Counseling Services)

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

(cf. 1220 – Citizen Advisory Councils)

(cf. 1400 – Relations Between Other Governmental Agencies and the Schools)

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

(cf. 5131.6 - Alcohol and Other Drugs)

(cf. 5131.63 - Steroids)

The Superintendent or designee shall select tobacco-use prevention programs based on the model program designs identified by the California Department of Education (CDE) and may adapt the model to meet district needs. (Health and Safety Code 104420)

#### **Legal Reference:**

##### **EDUCATION CODE**

48900 Suspension or expulsion (grounds)

48900.5 Suspension, limitation on imposition; exception

48901 Smoking or use of tobacco prohibited

51202 Instruction in personal and public health and safety

60041 Instructional materials, portrayal of effects of tobacco use

**TOBACCO**

**BUSINESS AND PROFESSIONS CODE**

22950.5 Stop Tobacco Access to Kids Enforcement Act; definitions

**HEALTH AND SAFETY CODE**

104350-104495 Tobacco use prevention education

104559 Tobacco use prohibition

119405 Unlawful to sell or furnish electronic cigarettes to minors

**PENAL CODE**

308 Minimum age for tobacco possession

**CODE OF REGULATIONS, TITLE 17**

6800 Definition, health assessment

6844-6847 Child Health and Disability Prevention program; health assessments

**UNITED STATES CODE, TITLE 20**

7111-7117 Student Support and Academic Enrichment Grants

**CODE OF FEDERAL REGULATIONS, TITLE 21**

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

**ATTORNEY GENERAL OPINIONS**

88 Ops.Cal.Atty.Gen. 8 (2005)

Management Resources:

**CDE PUBLICATIONS**

TUPE Acceptance of Funds Guidance

Health Education Content Standards for California Public Schools: Kindergarten Through Grade

Twelve, 2008.

Health Framework for California Public Schools: Kindergarten Through Grade Twelve, 2003

Getting Results: Part II California Action Guide to Tobacco Use Prevention Education, 2000

**WEST ED PUBLICATIONS**

Guidebook for the California Healthy Kids Survey

**WEB SITES**

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

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

California Department of Education, Tobacco-Use Prevention Education

<http://www.cde.ca.gov/ls/he/at/tupe.asp>

California Department of Public Health, Tobacco Control:

<http://www.cdph.ca.gov/programs/tobacco>

California Healthy Kids Resource Center: <http://www.californiahealthykids.org>

California Healthy Kids Survey: <http://www.wested.org/hks>

Centers for Disease Control and Prevention Smoking and Tobacco Use:

<http://www.cdc.gov/tobacco>

U.S. Surgeon General: <http://www.surgeongeneral.gov>

## **Students**

BP 5131.63 (a)

### **STERIODS**

The Board of Trustees recognizes that the use of steroids and other performance-enhancing supplements presents a serious health and safety hazard. As part of the district's drug prevention and intervention efforts, the Superintendent or designee and staff shall make every reasonable effort to prevent students from using steroids or other performance-enhancing supplements.

Students in grades 7-12 shall receive a lesson on the effects of steroids as part of their health, physical education, or drug education program.

(cf. 5131.6 - Alcohol and Other Drugs)  
(cf. 6142.8 - Comprehensive Health Education)

Students participating in interscholastic athletics are prohibited from using steroids and dietary supplements banned by the U.S. Anti-Doping Agency as well as the substance synephrine. (Education Code 49030)

(cf. 5131.61 - Drug Testing)  
(cf. 6145.2 - Athletic Competition)

Before participating in interscholastic athletics, a student athlete and his/her parent/guardian shall sign a statement that the student athlete pledges not to use androgenic/anabolic steroids and dietary supplements banned by the U.S. Anti-Doping Agency and the substance synephrine, unless the student has a written prescription from a licensed health care practitioner to treat a medical condition.

A student who is found to have violated the agreement or this policy shall be restricted from participating in athletics and shall be subject to disciplinary procedures including, but not limited to, suspension or expulsion in accordance with law, Board policy, and administrative regulation.

(cf. 5144 - Discipline)  
(cf. 5144.1 - Suspension and Expulsion/Due Process)  
(cf. 6145 - Extracurricular and Cocurricular Activities)

Coaches shall educate students about the district's prohibition and the dangers of using steroids and other performance-enhancing supplements.

(cf. 4127/4227/4327 - Temporary Athletic Team Coaches)

**Students**

BP 5131.63 (b)

**STERIODS**

The Superintendent or designee shall ensure that district schools do not accept sponsorships or donations from supplement manufacturers that offer muscle-building supplements to students.

(cf. 1325 - Advertising and Promotion)

**Legal Reference:**

**EDUCATION CODE**

49030-49034 Performance-enhancing supplements

51260-51269 Drug education, especially:

51262 Use of anabolic steroids; legislative finding and declaration

**CIVIL CODE**

1812.97 Warning statement; posting in athletic facilities

**HEALTH AND SAFETY CODE**

110423.2 Dietary supplements

**Management Resources:**

**CALIFORNIA INTERSCHOLASTIC FEDERATION BYLAWS**

California Interscholastic Federation Constitution and Bylaws 2005-06

**WEB SITES**

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

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

California Interscholastic Federation: <http://www.cifstate.org>

National Center for Drug Free Sport: <http://www.drugfreesport.com>

National Institute on Drug Abuse: <http://www.nida.nih.gov>

U.S. Anti-Doping Agency: <http://www.usantidoping.org>

Policy Adopted: 5/12/10

ORCUTT UNION SCHOOL DISTRICT  
Orcutt, California

## **Students**

BP 5132 (a)

### **DRESS AND GROOMING**

The Board of Trustees believes that appropriate dress and grooming contribute to a productive learning environment. The Board expects students to wear clothes that are suitable for the school activities in which they participate. Students' clothing must not present a health or safety hazard or likely cause a substantial disruption to the educational process.

(cf. 4119.22/4219.22/4319.22 - Dress and Grooming)

District and school rules pertaining to student attire shall be included in student handbooks, may be posted in school offices and classrooms, and may be periodically reviewed with all students as necessary.

Students shall not be prohibited from dressing in a manner consistent with their gender identity or gender expression or with their religious or cultural observance.

(cf. 5145.3 - Nondiscrimination/Harassment)

(cf. 5145.7 - Sexual Harassment)

In addition, the dress code shall not discriminate against students based on hair texture and protective hairstyles, including, but not limited to, braids, locks, and twists. (Education Code 212.1)

The principal or designee is authorized to enforce this policy and shall inform any student who does not reasonably conform to the dress code. The dress code shall not be enforced in a manner that discriminates against a particular viewpoint or results in a disproportionate application of the dress code based on students' gender, sexual orientation, race, ethnicity, household income, or body type or size.

(cf. 0410 - Nondiscrimination in District Programs and Activities)

(cf. 0415 - Equity)

(cf. 5145.2 - Freedom of Speech/Expression)

School administrators, teachers, and other staff shall be notified of appropriate and equitable enforcement of the dress code.

(cf. 4131 - Staff Development)

(cf. 4231 - Staff Development)

(cf. 4331 - Staff Development)

**DRESS AND GROOMING**

When practical, students shall not be directed to correct a dress code violation during instructional time or in front of other students.

Repeated violations or refusal to comply with the district's dress code may result in disciplinary action.

(cf. 5144 - Discipline)

**Gang-Related Apparel**

The principal, staff, and parents/guardians at a school may establish a reasonable dress code that prohibits students from wearing gang-related apparel when there is evidence of a gang presence that disrupts or threatens to disrupt the school's activities. Such a proposed dress code shall be presented to the Board, which shall approve the plan upon determining that it is necessary to protect the health and safety of the school environment. The dress code policy may be included in the school's comprehensive safety plan. (Education Code 35183)

(cf. 0450 - Comprehensive Safety Plan)

(cf. 5136 - Gangs)

When determining specific items of clothing that may be defined as gang apparel, the school shall ensure that the determination is free from bias based on race, ethnicity, national origin, immigration status, or other protected characteristics.

**Uniforms**

The Board may approve a school-initiated dress code requiring students at the school to wear a school uniform whenever the Board determines that such a dress code will promote student achievement, a positive school climate, and/or student safety.

The Superintendent or designee shall establish procedures whereby parents/guardians may choose to have their children exempted from the school uniform policy. Students shall not be penalized academically, otherwise discriminated against, or denied attendance to school if their parents/guardians so decide. (Education Code 35183)

The Superintendent or designee shall ensure that resources are identified to assist economically disadvantaged students in obtaining uniforms. (Education Code 35183)

Legal Reference:

**DRESS AND GROOMING**

EDUCATION CODE

212.1 Nondiscrimination based on race or ethnicity

220 Nondiscrimination

32281 School safety plans

35183 School dress codes; uniforms

35183.5 Sun-protective clothing

48907 Student exercise of free expression

49066 Grades; effect of physical education class apparel

COURT DECISIONS

Jacobs v. Clark County School District, (2008) 26 F. 3d 419

Harper v. Poway Unified School District, (2006) 445 App. 3d 166

Marvin H. Jeglin et al v. San Jacinto Unified School District et al (C.D. Cal. 1993) 827 F. Supp. 1459

Arcadia Unified School District v. California Department of Education, (1992) 2 Cal. 4th 251

Hazelwood School District v. Kuhlmeier, (1988) 108 S. Ct. 562

Hartzell v. Connell (1984) 35 Cal. 3d 899

Tinker v. Des Moines Independent Community School District, (1969) 393 U.S. 503

Policy Adopted: 12/11/19

ORCUTT UNION SCHOOL DISTRICT  
Orcutt, California



**GANGS**

The Board of Trustees desires to keep district schools free from the threats or harmful influence of any groups or gangs which exhibit behavior disruptive to the school environment and/or the safety and well-being of students. The Board additionally desires to provide support and intervention to students who are members of gangs to enable them to successfully disengage from gang involvement and be successful in school.

(cf. 0450 - Comprehensive Safety Plan)  
(cf. 3513.4 - Drug and Alcohol Free Schools)  
(cf. 5131.4 - Student Disturbances)  
(cf. 5131.6 - Alcohol and Other Drugs)  
(cf. 5131.7 - Weapons and Dangerous Instruments)  
(cf. 5137 - Positive School Climate)

Gang violence prevention shall start as early as possible and include, but not be limited to, age-appropriate education that focuses on developing emotional and social competence, increasing prosocial peer bonds, strengthening attachment and commitment to school, and enhancing cooperative learning skills. Prevention shall also include improving parent/guardian involvement in and support for their children's academic progress, as well as ongoing gang awareness education for parents/guardians, including gang identifiers.

(cf. 5020 - Parent Involvement)  
(cf. 6164.2 - Guidance/Counseling Services)

The Superintendent or designee shall take steps to deter gang activity on school campuses, including threats and intimidation of students and staff, recruitment or intimidation of students to join gangs, bullying, fighting, criminal activities, and confrontations between members of different gangs.

(cf. 5131.2 - Bullying)

The Superintendent or designee shall ensure that school rules of conduct and any school dress code prohibiting gang-related apparel are enforced consistently. If a student exhibits signs of gang affiliation, staff shall so inform the principal or designee and the student's parent/guardian.

(cf. 5132 - Dress and Grooming)

The Superintendent or designee shall provide periodic in-service training which helps staff to identify gangs and gang symbols, recognize early manifestations of disruptive activities, and respond appropriately to gang behavior. Staff shall be informed about conflict management techniques and alerted to intervention measures and community resources. The Superintendent or designee shall also provide staff development on social and emotional learning, classroom management, interactive teaching, and cooperative learning skills.

(cf. 4131 - Staff Development)  
(cf. 4231 - Staff Development)  
(cf. 4331 - Staff Development)

**GANGS**

The Superintendent or designee may consider gang activity prevention and intervention when developing programs outside of the school day.

- (cf. 5148 - Child Care and Development)
- (cf. 5148.2 - Preschool/Early Childhood Education)
- (cf. 5148.3 - Before/After School Programs)
- (cf. 6145 - Extracurricular and Cocurricular Activities)
- (cf. 6145.2 - Athletic Competition)

The Superintendent or designee shall collaborate with child welfare services, mental health agencies, social services, and local law enforcement authorities in the prevention and intervention of gang activity.

- (cf. 1400 - Relations Between Other Governmental Agencies and the Schools)

Legal Reference:

EDUCATION CODE

- 32282 School safety plans
- 35183 Gang-related apparel
- 48907 Student exercise of free expression
- 48950 Student freedom of speech
- 51264 Educational in-service training; CDE guidelines
- 51265 Gang violence and drug and alcohol abuse prevention in-service training
- 51266-51266.5 Model gang and substance abuse prevention curriculum

PENAL CODE

- 186.22 Participation in criminal street gang
  - 13826-13826.7 Gang violence suppression
- UNITED STATES CODE, TITLE 20
- 7101-7122 Safe and Drug-Free Schools and Communities Act

Management Resources:

LOS ANGELES POLICE DEPARTMENT PUBLICATIONS

Why Young People Join Gangs

NATIONAL GANG CENTER PUBLICATIONS

Strategic Planning Tool

Gangs in Schools, March 2019

Parents' Guide to Gangs, July 2015

WEB SITES

California Cities Gang Prevention Network: <http://www.ccgpn.org>

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

Gang Resistance Education and Training: <http://www.great-online.org/GREAT-Home>

Los Angeles Police Department, Gangs:

[http://www.lapdonline.org/get\\_informed/content\\_basic\\_view/1396](http://www.lapdonline.org/get_informed/content_basic_view/1396)

Homeboy Industries: <http://homeboyindustries.org>

National Gang Center: <http://www.nationalgangcenter.gov>

**HEALTH CARE AND EMERGENCIES**

The Board of Trustees recognizes the importance of taking appropriate action whenever an emergency threatens the safety, health, or welfare of a student at school or during school-sponsored activities.

(cf. 0450 - Comprehensive Safety Plan)

(cf. 3516 - Emergencies and Disaster Preparedness Plan)

(cf. 5141.21 - Administering Medication and Monitoring Health Conditions)

(cf. 5141.22 - Infectious Diseases)

(cf. 5142 - Safety)

The Superintendent or designee shall develop procedures to ensure that first aid and/or medical attention is provided as quickly as possible when student accidents and injuries occur and that parents/guardians are notified as appropriate.

(cf. 3530 - Risk Management/Insurance)

(cf. 5143 - Insurance)

(cf. 6145.2 - Athletic Competition)

The Superintendent or designee shall ask parents/guardians to provide emergency contact information in order to facilitate communication in the event of an accident or illness.

District staff shall appropriately report and document student accidents.

**Automated External Defibrillators**

The Board authorizes the Superintendent or designee to place automated external defibrillators (AEDs) at designated school sites for use by school employees in an emergency.

The Superintendent or designee shall develop guidelines for employees regarding these devices and shall ensure that employees receive information that describes sudden cardiac arrest, the school's emergency response plan, and the proper use of an AED. The guidelines shall also specify the placement, security, and maintenance of the AED.

**HEALTH CARE AND EMERGENCIES**

The authorization of AEDs in district schools shall not be deemed to create a guarantee that an AED will be present or will be used in the case of an emergency, or that a trained employee will be present and/or able to use an AED in an emergency, or that the AED will operate properly.

Legal Reference:

EDUCATION CODE

32040-32044 First aid equipment

49300-49307 School safety patrols

49407 Liability for treatment

49408 Emergency information

49409 Athletic events; physicians and surgeons; emergency medical care; immunity

49417 Automated external defibrillators

49470 Medical and hospital services for athletic program

49471 Medical and hospital services not provided or available

49472 Medical and hospital services for pupils

49474 Ambulance services

51202 Instruction in personal and public health and safety

CIVIL CODE

1714.21 Defibrillators; CPR; immunity from civil liability

FAMILY CODE

6550-6552 Caregivers

HEALTH AND SAFETY CODE

1797.196 Automatic external defibrillators, immunity from civil liability

1797.200 Emergency medical services agency

1799.102 Personal liability immunity

CODE OF REGULATIONS, TITLE 8

5193 California Blood borne Pathogens Standard

CODE OF REGULATIONS, TITLE 22

100031-100042 Automated external defibrillators

Management Resources:

WEB SITES

American Heart Association: <http://www.americanheart.org>

American Red Cross: <http://www.redcross.org>

California Department of Health Services: <http://www.dhs.ca.gov>

Policy Adopted: 9/11/19

ORCUTT UNION SCHOOL DISTRICT  
Orcutt, California

**HEALTH EXAMINATIONS**

The Board of Trustees recognizes that periodic health examinations of students may lead to the detection and treatment of conditions that impact learning. Health examinations also may help in determining whether special adaptations of the school program are necessary.

The Superintendent or designee shall verify that students have complied with legal requirements for a comprehensive health screening, an oral health assessment, and immunizations at school entry. In addition, the district shall administer tests for vision, hearing and scoliosis as required by law.

(cf. 5141.26 - Tuberculosis Testing)

(cf. 5141.31 - Immunizations)

(cf. 5141.32 – Health Screening for School Entry)

(cf. 5141.6 - School Health Services)

All students who participate as cheerleaders, song leaders, or athletes in organized competitive sports shall first undergo a medical examination and submit documentation of medical clearance to the district. Upon sustaining an injury or serious illness, a student may be required to have another examination before participating further. This requirement does not apply to participants in occasional play day or field day activities.

(cf. 5143 - Insurance)

(cf. 6145.2 - Athletic Competition)

The Superintendent or designee shall ensure that staff employed to examine students exercise proper care of each student and that examination results are kept confidential. Records related to these examinations shall be available only in accordance with law.

(cf. 5125 - Student Records)

**Legal Reference:****EDUCATION CODE**

44871-44879 Employment qualifications

48980 Parental Notifications

49400-49413 General powers-school boards (re pupil health)

49422 Supervision of health and physical development

49450-49457 Physical examinations (of pupils)

49460-49466 Development of standardized health assessments

**HEALTH AND SAFETY CODE**

120325-120380 Immunization against communicable diseases

121475-121520 Tuberculosis tests for pupils

124025-124110 Child Health and Disability Prevention Program

**CODE OF REGULATIONS, TITLE 5**

590-596 Vision screening

3027 Hearing and vision screening for special education

3028 Audio logical screening

**UNITED STATES CODE, TITLE 10**

1232g Family Educational Rights and Privacy Act

1232h Protection of student rights

**HEALTH EXAMINATIONS**

Management Resources:

**CSBA PUBLICATIONS**

Expanding Access to School Health Services: Policy Considerations for Governing Boards, November 2008

Promoting Oral Health for California's Students: New Roles, New Opportunities for Schools, November 2008

**CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS**

Standards for Scoliosis Screening in California Public Schools, 2007

A Guide for Vision Testing in California Public Schools, 2005

**U.S. DEPARTMENT OF EDUCATION PUBLICATIONS**

Joint Guidance on the Application of FERPA and HIPAA to Student Health Records, November 2008

**WEB SITES**

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

California Department of Education, Health Services/ School Nursing

<http://www.cde.ca.gov/ls/he/hn>

California Department of Education, Type 2 Diabetes Information:

<http://www.cde.ca.gov/ls/he/hn/type2diabetes.asp>

U.S. Department of Education: <http://www.ed.gov>

Policy Adopted: 04/14/11

ORCUTT UNION SCHOOL DISTRICT  
Orcutt, California

## **Students**

BP 5141.4 (a)

### **CHILD ABUSE PREVENTION AND REPORTING**

#### Child Abuse Prevention

The Board of Trustees is committed to supporting the safety and well-being of district students and desires to facilitate the prevention of and response to child abuse and neglect. The Superintendent or designee shall develop and implement strategies for preventing, recognizing, and promptly reporting known or suspected child abuse and neglect.

The Superintendent or designee may provide a student who is a victim of abuse with school-based mental health services or other support services and/or may refer the student to resources available within the community as needed.

(cf. 6164.2 - Guidance/Counseling Services)

#### Child Abuse Reporting

The Superintendent or designee shall establish procedures for the identification and reporting of such incidents in accordance with law.

(cf. 4119.21/4219.21/4319.21 - Professional Standards)

(cf. 5145.7 - Sexual Harassment)

Procedures for reporting child abuse shall be included in the district and/or school comprehensive safety plan. (Education Code 32282)

(cf. 0450 - Comprehensive Safety Plan)

District employees who are mandated reporters, as defined by law and administrative regulation, are obligated to report all known or suspected incidents of child abuse and neglect.

The Superintendent or designee shall provide training regarding the duties of mandated reporters.

#### Legal Reference:

##### EDUCATION CODE

32280-32288 Comprehensive school safety plans

33195 Heritage schools, mandated reporters

33308.1 Guidelines on procedure for filing child abuse complaints

44252 Teacher credentialing

44690-44691 Staff development in the detection of child abuse and neglect

44807 Duty concerning conduct of students

48906 Notification when student released to peace officer

48987 Dissemination of reporting guidelines to parents

**Students**

BP 5141.4 (b)

**CHILD ABUSE PREVENTION AND REPORTING**

49001 Prohibition of corporal punishment

51220.5 Parenting skills education

51900.6 Sexual abuse and sexual assault awareness and preventions

**PENAL CODE**

152.3 Duty to report murder, rape, or lewd or lascivious act

273a Willful cruelty or unjustifiable punishment of child; endangering life or health

288 Definition of lewd or lascivious act requiring reporting

11164-11174.4 Child Abuse and Neglect Reporting Act

**WELFARE AND INSTITUTIONS CODE**

15630-15637 Dependent adult abuse reporting

**CODE OF REGULATIONS, TITLE 5**

4650 Filing complaints with CDE, special education students

**UNITED STATES CODE, TITLE 42**

11434a McKinney-Vento Homeless Assistance Act; definitions

**COURT DECISIONS**

Camreta v. Greene (2011) 131 S.Ct. 2020

**Management Resources:**

**CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS**

Health Education Content Standards for California Public Schools, Kindergarten Through Grade Twelve

Health Framework for California Public Schools, Kindergarten Through Grade Twelve

**WEB SITES**

California Attorney General's Office, Suspected Child Abuse Report Form:

[http://www.ag.ca.gov/childabuse/pdf/ss\\_8572.pdf](http://www.ag.ca.gov/childabuse/pdf/ss_8572.pdf)

California Department of Education, Safe Schools: <http://www.cde.ca.gov/ls/ss/ap>

California Department of Social Services, Children and Family Services Division:

<http://www.childsworld.ca.gov>

U.S. Department of Health and Human Services, Child Welfare Information Gateway:

<https://www.childwelfare.gov/can>

Policy Adopted: 05/13/15

ORCUTT UNION SCHOOL DISTRICT  
Orcutt, California



**ADMINISTERING MEDICATION AND MONITORING HEALTH CONDITIONS**

The Governing Board believes that regular school attendance is critical to student learning and that students who need to take medication prescribed or ordered for them by their authorized health care providers should have an opportunity to participate in the educational program.

(cf. 5113 - Absences and Excuses)  
(cf. 5113.1 - Chronic Absence and Truancy)

Any medication prescribed for a student with a disability who is qualified to receive services under the Individuals with Disabilities Education Act or Section 504 of the Rehabilitation Act of 1973 shall be administered in accordance with the student's individualized education program or Section 504 services plan, as applicable.

(cf. 5141.24 - Specialized Health Care Services)  
(cf. 6159 - Individualized Education Program)  
(cf. 6164.6 – Identification and Education Under Section 504)

For the administration of medication to other students during school or school-related activities, the Superintendent or designee shall develop protocols which shall include options for allowing a parent/guardian to administer medication to his/her child at school, designate other individuals to do so on his/her behalf, and, with the child's authorized health care provider's approval, request the district's permission for his/her child to self-administer a medication or self-monitor and/or self-test for a medical condition. Such processes shall be implemented in a manner that preserves campus security, minimizes instructional interruptions, and promotes student safety and privacy.

(cf. 1250 – Visitors/Outsiders)  
(cf. 5141 - Health Care Emergencies)  
(cf. 5141.22 - Infectious Diseases)  
(cf. 5141.23 - Asthma Management)  
(cf. 5141.27 - Food Allergies/Special Dietary Needs)  
(cf. 6116 – Classroom Interruptions)

The Superintendent or designee shall make epinephrine auto-injectors available at each school for providing emergency medical aid to any person suffering, or reasonably believed to be suffering, from an anaphylactic reaction. (Education Code 49414)

Because of the conflict between state and federal law regarding the legality of medicinal cannabis, the Board prohibits the administration of medicinal cannabis to students on school grounds by parents/guardians or school personnel.

**Administration of Medication by School Personnel**

When allowed by law, medication prescribed to a student by an authorized health care provider

## Students

BP 5141.21 (b)

may be administered by a school nurse or, when a school nurse or other medically licensed person is unavailable and the physician has authorized administration of medication by unlicensed personnel for a particular student, by other designated school personnel with appropriate training. School nurses and other designated school personnel shall administer medications to students in accordance with law, Board policy, administrative regulation, and, as applicable, the written statement provided by the student's parent/guardian and authorized health care provider. Such personnel shall be afforded appropriate liability protection.

(cf. 3530 - Risk Management/Insurance)

(cf. 4119.42/4219.42/4319.42 – Exposure Control Plan for Bloodborne Pathogens)

(cf. 4119.43/4219.43/4319.43 – Universal Precautions)

The Superintendent or designee shall ensure that school personnel designated to administer any medication receive appropriate training and, as necessary, retraining from qualified medical personnel before any medication is administered. At a minimum, the training shall cover how and when such medication should be administered, the recognition of symptoms and treatment, emergency follow-up procedures, and the proper documentation and storage of medication. Such trained, unlicensed designated school personnel shall be supervised by, and provided with immediate communication access to, a school nurse, physician, or other appropriate individual.

The Superintendent or designee shall maintain documentation of the training, ongoing supervision, as well as annual written verification of competency of such other designated school personnel.

(cf. 4131 – Staff Development)

(cf. 4231 – Staff Development)

(cf. 4331 – Staff Development)

### Legal Reference:

#### EDUCATION CODE

48980 Notification at beginning of term

49407 Liability for treatment

49408 Emergency information

49414 Emergency epinephrine auto-injectors

49414.5 Providing school personnel with voluntary emergency training

49422-49427 Employment of medical personnel, especially:

49423 Administration of prescribed medication for student

49423.1 Inhaled asthma medication

49480 Continuing medication regimen; notice

#### BUSINESS AND PROFESSIONS CODE

2700-2837 Nursing, especially:

2726 Authority not conferred

2727 Exceptions in general

3501 Definitions

4119.2 Acquisition of epinephrine auto-injectors

## Students

BP 5141.21 (c)

### HEALTH AND SAFETY CODE

11362.7-11362.85 Medicinal cannabis

### CODE OF REGULATIONS, TITLE 5

600-611 Administering medication to students

### UNITED STATES CODE, TITLE 20

1232 g Family Educational Rights and Privacy Act of 1974

1400-1482 Individuals with Disabilities Education Act

### UNITED STATES CODE, TITLE 21

812 Schedules of controlled substances

844 Penalties for possession of controlled substance

### UNITED STATES CODE, TITLE 29

794 Rehabilitation Act of 1973, Section 504

### COURT DECISIONS

American Nurses Association v. Torlakson, (2013) 57 Cal.4th 570

Management Resources:

### AMERICAN DIABETES ASSOCIATION PUBLICATIONS

Glucagon Training Standards for School Personnel: Providing Emergency Medical Assistance to Pupils with Diabetes, May 2006

Training Standards for the Administration of Epinephrine Auto-Injectors, rev. 2015

Legal Advisory on Rights of Students with Diabetes in California's K-12 Public Schools, August 2007

Program Advisory on Medication Administration, 2005

### NATIONAL DIABETES EDUCATION PROGRAM PUBLICATIONS

Helping the Student with Diabetes Succeed: A Guide for School Personnel, June, 2003

### WEB SITES

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

American Diabetes Association: <http://www.diabetes.org>

California Department of Education, Health Services and School Nursing:

<http://www.cde.ca.gov/ls/he/hn>

National Diabetes Education Program: <http://www.ndep.nih.gov>

U.S. Department of Health and Human Services, National Institutes of Health, National Heart, Lung and Blood Institute, asthma information:

<http://www.nhlbi.nih.gov/health/public/lung/index.htm#asthma>

Policy Adopted: 02/12/20

ORCUTT UNION SCHOOL DISTRICT  
Orcutt, California

## **Students**

BP 5141.22 (a)

### **INFECTIOUS DISEASES**

The Board of Trustees desires to protect students from risks posed by exposure to infectious diseases while providing a high-quality education for all students. The Superintendent or designee shall collaborate with local and state health officials to develop and regularly update a comprehensive plan ~~to~~ for disease prevention that promotes preventative measures, mitigation, education, communication, and training of students and staff. All measures to limit the spread of infectious diseases shall be nondiscriminatory and ensure that equity is promoted.

(cf. 0400 - Comprehensive Plans)

(cf. 0410 - Nondiscrimination in District Programs and Activities)

(cf. 0415 - Equity)

(cf. 0450 - Comprehensive Safety Plan)

(cf. 1312.3 - Uniform Complaint Procedures)

(cf. 1400 - Relations Between Other Governmental Agencies and the Schools)

(cf. 3516 - Emergencies and Disaster Preparedness Plan)

(cf. 5141.21 - Administering Medication and Monitoring Health Conditions)

(cf. 5141.26 - Tuberculosis Testing)

(cf. 5141.3 - Health Examinations)

(cf. 5141.31 - Immunizations)

(cf. 5141.32 - Health Screening for School Entry)

(cf. 5141.6 - Student Health and Social Services)

(cf. 5145.3 - Nondiscrimination/Harassment)

(cf. 6020 - Parent Involvement)

The Superintendent or designee shall regularly review resources available from health experts to ensure that district programs and operations are based on the most up-to-date information.

The district's comprehensive health education program shall provide age-appropriate information about the nature and symptoms of communicable diseases, their transmission, and how to help prevent the spread of contagious diseases.

(cf. 6142.1 - Sexual Health and HIV/AIDS Prevention Instruction)

(cf. 6142.8 - Comprehensive Health Education)

If the local health officer notifies the district of an outbreak of a communicable disease, or the imminent and proximate threat of a communicable disease outbreak or epidemic that threatens the public's health, the district shall take any action that the health officer deems necessary to control the spread of the disease. The district shall comply with all applicable state and federal privacy laws in regard to any such information received from the local health officer. (Health and Safety Code 120175.5)

#### **Universal Precautions**

Students and staff shall observe universal precautions in order to prevent exposure to bloodborne pathogens and to prevent the spread of infectious diseases.

(cf. 4119.42/4219.42/4319.42 - Exposure Control Plan for Bloodborne Pathogens)

## **Students**

BP 5141.22 (b)

### **INFECTIOUS DISEASES**

(cf. 4119.43/4219.43/4319.43 - Universal Precautions)

The Superintendent or designee shall inform students of the precautions to be used in cases of exposure to blood or other body fluids through injury, accident, or classroom instruction.

(cf. 5141 - Health Care and Emergencies)

(cf. 6145.2 - Athletic Competition)

#### **Students with Infectious Diseases**

The Superintendent or designee shall exclude students from on-campus instruction only in accordance with law, Board policy, and administrative regulation. Because bloodborne pathogens such as hepatitis B virus, hepatitis C virus, and human immunodeficiency virus (HIV) are not casually transmitted, the presence of infectious conditions of this type is not, by itself, sufficient reason to exclude students from attending school.

(cf. 5112.2 - Exclusions from Attendance)

(cf. 6164.6 - Identification and Education Under Section 504)

Parents/guardians are encouraged to inform the Superintendent or designee if their child has an infectious disease so that school staff may work cooperatively with the student's parents/guardians to minimize exposure to other diseases in the school setting. If necessary, the Superintendent or designee shall inform the local health official of any potential outbreak. The Superintendent or designee shall ensure that student confidentiality and privacy rights are strictly observed in accordance with law.

(cf. 4119.23/4219.23/4319.23 - Unauthorized Release of Confidential/Privileged Information)

(cf. 5022 - Student and Family Privacy Rights)

(cf. 5125 - Student Records)

#### **Legal Reference:**

##### **EDUCATION CODE**

48210-48216 Persons excluded

49060-49069.7 Student records

49073-49079 Privacy of pupil records

49403 Cooperation in control of communicable disease and immunization of pupils

49405 Smallpox control

49406 Examination for tuberculosis (employees)

49408 Information of use in emergencies

49602 Confidentiality of student information

51202 Instruction in personal and public health and safety

##### **CALIFORNIA CONSTITUTION**

Article 1, Section 1 Right to Privacy

##### **CIVIL CODE**

56-56.37 Confidentiality of Medical Information Act

1798-1798.78 Information Practices Act

##### **HEALTH AND SAFETY CODE**

**INFECTIOUS DISEASES**

120175.5 Local health officers and communicable diseases  
120230 Exclusion for communicable disease  
120325-120380 Immunization against communicable diseases  
120875-120895 AIDS information  
120975-121023 Mandated blood testing and confidentiality to protect public health  
121475-121520 Tuberculosis tests for pupils  
CODE OF REGULATIONS, TITLE 8  
5193 Blood borne pathogens  
CODE OF REGULATIONS, TITLE 17  
2500-2511 Communicable disease reporting requirements  
UNITED STATES CODE, TITLE 20  
1232g Family Educational and Privacy Rights Act  
1400-1482 Individuals with Disabilities Education Act  
UNITED STATES CODE, TITLE 29  
794 Section 504 of the Rehabilitation Act of 1973  
CODE OF FEDERAL REGULATIONS, TITLE 45  
164.500-164.534 Privacy of individually identifiable health information  
COURT DECISIONS  
Thomas v. Atascadero Unified School District, (1986) 662 F.Supp. 376  
Management Resources:  
CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS  
Science Safety Handbook for California Public Schools, 2014  
U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES PUBLICATIONS  
School District (K-12) Pandemic Influenza Planning Checklist  
WEB SITES  
CSBA: <http://www.csba.org>  
California Department of Education: <http://www.cde.ca.gov>  
California Department of Public Health: <http://www.cdph.ca.gov>  
Centers for Disease Control and Prevention: <http://www.cdc.gov>

Policy Adopted: 11/4/20

ORCUTT UNION SCHOOL DISTRICT  
Orcutt, California

**TUBERCULOSIS TESTING**

The Board of Trustees recognizes that tuberculosis poses a public health threat. Treatment of active cases of this disease is the most effective means of controlling its spread.

The number of tuberculosis cases in our county is on the rise. The County Public Health officer therefore requires tuberculosis testing, and follow-up if appropriate, before students enter school.

The Superintendent or designee may require a tuberculosis skin test when qualified medical personnel reasonably suspect that a student has active tuberculosis. If there is an outbreak of tuberculosis at any school, the Superintendent or designee may require all students at the school to undergo tuberculosis skin tests.

Students known to have had a positive tuberculosis skin test shall be excluded from school until they provide evidence of a follow-up x-ray and appropriate medical care or are no longer suspected of having active tuberculosis.

(cf. 5112.2 - Exclusions from Attendance)  
(cf. 5141.3 - Health Examinations)

All district staff shall receive information on how tuberculosis is spread and how it can be prevented and treated.

(cf. 4119.43 - Universal Precautions)  
(cf. 5141.22 - Infectious Diseases)

Legal Reference:

EDUCATION CODE

49450 Rules to insure proper care and secrecy

49451 Parent's refusal to consent

HEALTH AND SAFETY CODE

120875 Providing information to school districts on AIDS, AIDS-related conditions and Hepatitis B

120880 Information to employees of school district

120230 Exclusion of persons from school

121475-121520 Tuberculosis tests for pupils

## **Students**

BP 5141.31 (a)

### **IMMUNIZATIONS**

To protect the health of all students and staff and to curtail the spread of infectious diseases, the Board of Trustees shall cooperate with state and local health agencies to encourage and facilitate immunization of all district students against preventable diseases.

(cf. 1400 - Relations between Other Governmental Agencies and the Schools)

(cf. 5141.22 - Infectious Diseases)

(cf. 5141.26 – Tuberculosis Testing)

(cf. 6142.8 – Comprehensive Health Education)

Each students enrolling for the first time in a district school, preschool or child care and development program or, enrolling in or advancing to grade 7 shall present an immunization record from any authorized private or public health care provider certifying that the student has received all required immunizations in accordance with law. Students shall be excluded from school or exempted from immunization requirements only as allowed by law.

(cf. 5112.1 - Exemptions from Attendance)

(cf. 5112.2 - Exclusions from Attendance)

(cf. 5148 - Child Care and Development)

(cf. 5148.3 – Preschool/Early Childhood Education)

Transfer students shall be requested to present immunization records upon registration at a district schools if possible.

(cf. 6173 – Education for Homeless Children)

(cf. 6173.1 – Education for Foster Youth)

(cf. 6173.2 – Education of Children of Military Families)

Legal Reference:

EDUCATION CODE

44871 Qualifications of supervisor of health

46010 Total days of attendance

48216 Immunization

48853.5 Immediate enrollment of foster youth

48980 Required notification of rights

49403 Cooperation in control of communicable disease and immunizations

49426 Duties of school nurses

49701 Flexibility in enrollment of children of military families

51745-51749.6 Independent study

HEALTH AND SAFETY CODE

120325-120380 Immunization against communicable disease especially:

120335 Immunization requirement for admission

120372 Statewide medical exemption electronic standardized form

120395 Information about meningococcal disease, including recommendation for vaccination



**IMMUNIZATIONS**

120440 Disclosure of immunization information

CODE OF REGULATIONS, TITLE 5

430 Student records

CODE OF REGULATIONS, TITLE 17

6000-6075 School attendance immunization requirements

UNITED STATES CODE, TITLE 20

1232g Family Educational Rights and Privacy Act

UNITED STATES CODE, TITLE 42

11432 Immediate enrollment of homeless children

CODE OF FEDERAL REGULATIONS, TITLE 34

99.1-99.67 Family Educational Rights and Privacy

Management Resources:

CALIFORNIA DEPARTMENT OF PUBLIC HEALTH

Exemptions FAQs

Guide to Immunization Requirements for Pre-kindergarten (Child Care)

Guide to Immunization Requirements for K-12th Grade

Parents' Guide to Immunizations Required for Pre-kindergarten (Child Care)

Parents' Guide to Immunizations Required for School Entry

Vaccinations and Medical Exemptions Questions and Answers

California Immunization Handbook for Pre-kindergarten (Child Care) Programs and

Schools, 10th Edition, July 2019

EDUCATION AUDIT APPEALS PANEL PUBLICATIONS

Guide for Annual Audits of Local Education Agencies and State Compliance Reporting-

U.S. DEPARTMENT OF EDUCATION GUIDANCE

Family Educational Rights and Privacy Act (FERPA) and H1N1, October 2009

WEB SITES

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

California Department of Public Health, Immunization Branch:

<http://www.cdph.ca.gov/programs/cid/dcdc/pages/immunize.aspx>

California Department of Public Health, Shots for Schools: <http://shotsforschools.org>

California Health & Human Services Agency: <http://www.chhs.ca.gov/>

Centers for Disease Control and Prevention: <http://www.cdc.gov>

Education Audit Appeals Panel: <http://www.eaap.ca.gov>

U.S. Department of Education: <http://www.ed.gov>

Policy Adopted: 03/10/21

ORCUTT UNION SCHOOL DISTRICT  
Orcutt, California

**SUICIDE PREVENTION**

The Governing Board recognizes that suicide is a leading cause of death among youth and that school personnel who regularly interact with students are often in a position to recognize the warning signs of suicide and to offer appropriate referral and/or assistance. In an effort to reduce suicidal behavior and its impact on students and families, the Superintendent or designee shall develop measures and strategies for suicide prevention, intervention, and postvention.

In developing policy and strategies for suicide prevention and intervention, the Superintendent or designee shall consult with school and community stakeholders such as school health professionals, school counselors, school psychologists, school social workers, administrators, other staff, parents/guardians, students, suicide prevention experts, local health agencies, mental health professionals, and community organizations, law enforcement; and, in developing policy for grades K-6, the county mental health plan. (Education Code 215).

(cf. 1220 - Citizen Advisory Committees)

(cf. 1400 - Relations Between Other Governmental Agencies and the Schools)

The Board shall ensure that measures and strategies for students in grades K-6 are age appropriate and delivered and discussed in a manner that is sensitive to the needs of young students. (Education Code 215)

Such measures and strategies for suicide prevention, intervention, and postvention shall include, but are not limited to:

1. Staff development on suicide awareness and prevention for teachers, school counselors, and other district employees who interact with students as described in the accompanying administrative regulation

(cf. 4131 - Staff Development)

(cf. 4231 - Staff Development)

(cf. 4331 - Staff Development)

2. Instruction to students in problem-solving and coping skills to promote students' mental, emotional, and social health and well-being, as well as instruction in recognizing and appropriately responding to warning signs of suicidal intent in others

(cf. 6142.8 - Comprehensive Health Education)

3. Methods for promoting a positive school climate that enhances students' feelings of connectedness with the school and that is characterized by caring staff and harmonious interrelationships among students

## Students

BP 5141.52 (b)

(cf. 5131 - Conduct)  
(cf. 5131.2 - Bullying)  
(cf. 5137 - Positive School Climate)  
(cf. 5145.3 - Nondiscrimination/Harassment)  
(cf. 5145.7 - Sexual Harassment)  
(cf. 5145.9 - Hate-Motivated Behavior)

4. The provision of information to parents/guardians regarding risk factors and warning signs of suicide, the severity of the suicide problem among youth, the district's suicide prevention curriculum, basic steps for helping suicidal youth, and/or school and community resources that can help youth in crisis
5. Encouragement for students to notify appropriate school personnel or other adults when they are experiencing thoughts of suicide or when they suspect or have knowledge of another student's suicidal intentions
6. Crisis intervention procedures for addressing suicide threats or attempts
7. Counseling and other postvention strategies for helping students, staff, and others cope in the aftermath of a student's suicide

As appropriate, these measures and strategies shall specifically address the needs of students who are at high risk of suicide, including, but not limited to, students who are bereaved by suicide; students with disabilities, mental illness, or substance use disorders; students who are experiencing homelessness or who are in out-of-home settings such as foster care; and students who are lesbian, gay, bisexual, transgender, or questioning youth. (Education Code 215)

If a referral is made for mental health or related services for a student in grade K-6 who is a Medi-Cal beneficiary, the Superintendent or designee shall coordinate and consult with the county mental health plan. (Education Code 215)

(cf. 5141.6 - School Health Services)

District employees shall act only within the authorization and scope of their credential or license. Nothing in this policy shall be construed as authorizing or encouraging district employees to diagnose or treat mental illness unless they are specifically licensed and employed to do so. (Education Code 215)

The Board shall review, and update as necessary, this policy at least every five years. (Education Code 215)

The Superintendent or designee shall post this policy on the district's web site, in a prominent location and in a manner that is easily accessible to parents/guardians and students. (Education Code 234.6)

Legal Reference:

EDUCATION CODE

215 Student suicide prevention policies

215.5 Suicide prevention hotline contact information on student identification cards

216 Suicide prevention online training programs

## Students

BP 5141.52 (a)

234.6 Posting suicide prevention policy on web site  
32280-32289.5 Comprehensive safety plan  
49060-49079 Student records  
49602 Confidentiality of student information  
49604 Suicide prevention training for school counselors  
GOVERNMENT CODE  
810-996.6 Government Claims Act  
PENAL CODE  
11164-11174.3 Child Abuse and Neglect Reporting Act  
WELFARE AND INSTITUTIONS CODE  
5698 Emotionally disturbed youth; legislative intent  
DOUBLE CHECK #S ON CSBA SAMPLE: 5850-5883 Mental Health Services Act  
COURT DECISIONS  
Corals v. Bennett (Ontario-Montclair School District), (2009) 567 F.3d 554  
Management Resources:  
CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS  
Health Education Content Standards for California Public Schools, Kindergarten Through Grade Twelve, 2008  
Health Framework for California Public Schools, Kindergarten Through Grade Twelve, 2019  
CENTERS FOR DISEASE CONTROL AND PREVENTION PUBLICATIONS  
School Connectedness: Strategies for Increasing Protective Factors Among Youth, 2009  
NATIONAL ASSOCIATION OF SCHOOL PSYCHOLOGISTS PUBLICATIONS  
Preventing Suicide, Guidelines for Administrators and Crisis Teams, 2015  
U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES PUBLICATIONS  
Preventing Suicide: A Toolkit for High Schools, 2012  
National Strategy for Suicide Prevention: Goals and Objectives for Action, rev. 2012  
WEB SITES  
American Association of Suicidology: <http://www.suicidology.org>  
American Foundation for Suicide Prevention: <http://afsp.org>  
American Psychological Association: <http://www.apa.org>  
American School Counselor Association: <http://www.schoolcounselor.org>  
California Department of Education, Mental Health: <http://www.cde.ca.gov/ls/cg/mh>  
California Department of Health Care Services, Mental Health Services:  
<http://www.dhcs.ca.gov/services/MH>  
Centers for Disease Control and Prevention, Mental Health: <http://www.cdc.gov/mentalhealth>  
National Association of School Psychologists: <http://www.nasponline.org>  
National Institute for Mental Health: <http://www.nimh.nih.gov>  
Suicide Prevention Resource Center: <http://www.sprc.org/about-suicide>  
Suicide Prevention Lifeline: <http://suicidepreventionlifeline.org>  
Trevor Project: <http://thetrevorproject.org>  
U.S. Department of Health and Human Services, Substance Abuse and Mental Health Services Administration: <http://www.samhsa.gov>

Policy Adopted: 06/10/20

ORCUTT UNION SCHOOL DISTRICT  
Orcutt, California

**DISCIPLINE**

The Board of Trustees is committed to providing a safe, supportive, and positive school environment which is conducive to student learning and achievement and to prepare students for responsible citizenship by fostering self-discipline and personal responsibility. The Board believes that high expectations for student behavior, use of effective school and classroom management strategies, provision of appropriate intervention and support, and parent/guardian involvement can minimize the need for disciplinary measures that exclude students from instruction as a means for correcting student misbehavior.

(cf. 5113.1 – Chronic Absence and Truancy)  
(cf. 5131 - Conduct)  
(cf. 5131.1 - Bus Conduct)  
(cf. 5131.2 - Bullying)  
(cf. 5137 - Positive School Climate)  
(cf. 5145.9 - Hate-Motivated Behavior)  
(cf. 6020 - Parent Involvement)

The Superintendent or designee shall develop effective, age-appropriate strategies for maintaining a positive school climate and correcting student misbehavior at district schools. The strategies shall focus on providing students with needed supports; communicating clear, appropriate, and consistent expectations and consequences for student conduct; and ensuring equity and continuous improvement in the implementation of district discipline policies and practices.

(cf. 5138 - Conflict Resolution/Peer Mediation)  
(cf. 6164.2 - Guidance/Counseling Services)

In addition, the Superintendent or designee's strategies for correcting student misconduct shall reflect the Board's preference for the use of positive interventions and alternative disciplinary measures over exclusionary discipline measures.

Disciplinary measures that may result in loss of instructional time or cause students to be disengaged from school, such as detention, suspension and expulsion, shall be imposed only when required or permitted by law or when other means of correction have been documented to have failed. (Education Code 48900.5)

(cf. 5020 - Parent Rights and Responsibilities)  
(cf. 5144.1 - Suspension and Expulsion/Due Process)  
(cf. 5144.2 - Suspension and Expulsion/Due Process (Students with Disabilities))  
(cf. 6159.4 - Behavioral Interventions for Special Education Students)  
(cf. 6164.5 - Student Success Teams)

**DISCIPLINE**

School personnel and volunteers shall not allow any disciplinary action taken against a student to result in the denial or delay of a school meal. (Education Code 49557.5)

(cf. 3550 - Food Service/Child Nutrition Program)  
(cf. 3551 - Food Service Operations/Cafeteria Fund)  
(cf. 3553 - Free and Reduced Price Meals)

Seclusion and behavioral restraint are prohibited as a means of discipline and shall not be used to correct student behavior except as permitted pursuant to Education Code 49005.4 and in accordance with district regulations. (Education Code 49005.2)

(cf. 5131.41 - Use of Seclusion and Restraint)

The administrative staff at each school may develop disciplinary rules to meet the school's particular needs consistent with law, Board policy, and district regulations. The Board, at an open meeting, shall review the approved school discipline rules for consistency with Board policy and state law. Site-level disciplinary rules shall be included in the district's comprehensive safety plan. (Education Code 35291.5, 32282)

(cf. 0450 - Comprehensive Safety Plan)  
(cf. 9320 - Meetings and Notices)

At all times, the safety of students and staff and the maintenance of an orderly school environment shall be priorities in determining appropriate discipline. When misconduct occurs, staff shall attempt to identify the causes of the student's behavior and implement appropriate discipline. When choosing between different disciplinary strategies, staff shall consider the effect of each option on the student's health, well-being, and opportunity to learn.

Staff shall enforce disciplinary rules fairly, consistently and in accordance with the district's nondiscrimination policies.

(cf. 0410 - Nondiscrimination in District Programs and Activities)  
(cf. 0415 - Equity)  
(cf. 5145.3 - Nondiscrimination/Harassment)  
(cf. 5145.7 – Sexual Harassment)

The Superintendent or designee shall provide professional development as necessary to assist staff in developing the skills needed to effectively implement the disciplinary strategies adopted for district schools, including, but not limited to, knowledge of school and classroom management skills and their consistent application, effective accountability and positive intervention techniques, and the tools to form strong, cooperative relationships with parents/guardians.

**DISCIPLINE**

(cf. 4131 - Staff Development)  
(cf. 4231 - Staff Development)  
(cf. 4331 - Staff Development)

District goals for improving school climate, based on suspension and expulsion rates, surveys of students, staff, and parents/guardians regarding their sense of school safety and connectedness to the school community, and other local measures, shall be included in the district's local control and accountability plan, as required by law.

(cf. 0460 - Local Control and Accountability Plan)  
(cf. 3100 - Budget)

At the beginning of each school year, the Superintendent or designee shall report to the Board regarding disciplinary strategies used in district schools in the immediately preceding school year and their effect on student learning.

Legal Reference:

EDUCATION CODE

32280-32289 School safety plans  
35146 Closed sessions  
35291 Rules  
35291.5-35291.7 School-adopted discipline rules  
37223 Weekend classes  
44807.5 Restriction from recess  
48900-48926 Suspension and expulsion  
48980-48985 Notification of parents or guardians  
49005-49006.4 Seclusion and restraint  
49330-49335 Injurious objects  
49550-49562 Meals for needy students  
52060-52077 Local control and accountability plan

CIVIL CODE

1714.1 Parental liability for child's misconduct

CODE OF REGULATIONS, TITLE 5

307 Participation in school activities until departure of bus  
353 Detention after school

UNITED STATES CODE, TITLE 20

1400-1482 Individuals with Disabilities Education Act

UNITED STATES CODE, TITLE 29

794 Section 504 of the Rehabilitation Act of 1973

UNITED STATES CODE, TITLE 42

1751-1769 School Lunch Program

1773 School Breakfast Program

Management Resources:

**DISCIPLINE**

**CSBA PUBLICATIONS**

Recent Legislation on Discipline: AB 240, Fact Sheet, March 2015

The Case for Reducing Out-of-School Suspensions and Expulsions, Fact Sheet, April 2014

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

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

Maximizing Opportunities for Physical Activity during the School Day, Fact Sheet, 2009

**CDE PROGRAM ADVISORIES**

Classroom Management: A California Resource Guide for Teachers and Administrators of Elementary and Secondary Schools, 2000

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

**PUBLICATIONS**

Dear Colleague Letter on the Nondiscriminatory Administration of School Discipline, January 2014

**WEB SITES**

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

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

Public Counsel: <http://www.fixschooldiscipline.org>

USDOE, Office for Civil Rights: <http://www.ed.gov/about/offices/list/ocr>

Policy Adopted: 03/13/19

ORCUTT UNION SCHOOL DISTRICT  
Orcutt, California



**SUSPENSION AND EXPULSION/DUE PROCESS**

The Board of Trustees 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.

(cf. 5131 - Conduct)

(cf. 5131.1 - Bus Conduct)

(cf. 5131.2 - Bullying)

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 other 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  
(cf. 5112.5 - Open/Closed 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.

(cf. 0410 - Nondiscrimination in District Programs and Activities)

**Appropriate Use of Suspension Authority**

Except when a student commits an act that 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)

(cf. 5138 - Conflict Resolution/Peer Mediation)

(cf. 5144 - Discipline)

## **Students**

BP 5144.1 (b)

(cf. 6142.4 - Service Learning/Community Service Classes)

(cf. 6164.2 - Guidance/Counseling Services)

(cf. 6164.5 - Student Success Teams)

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.

(cf. 5113 - Absences and Excuses)

(cf. 5113.1 - Chronic Absence and Truancy)

### **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 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  
  
(cf. 5131.7 - Weapons and Dangerous Instruments)
2. Selling or otherwise furnishing a firearm
3. Brandishing a knife at another person
4. Unlawfully selling a controlled substance listed in Health and Safety Code 11053-11058
5. 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
6. 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 is 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

## **Students**

BP 5144.1 (c)

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)

## **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)

(cf. 5119 - Students Expelled from Other Districts)

(cf. 5144.2 - Suspension and Expulsion/Due Process (Students with Disabilities))

## **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, foster youth, and students with disabilities, 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.

(cf. 0460 - Local Control and Accountability Plan)

### **Legal Reference:**

EDUCATION CODE

212.5 Sexual harassment

233 Hate violence

1981-1981.5 Enrollment of students in community school

8239.1 Prohibition against expulsion of preschool student

17292.5 Program for expelled students

32261 Interagency School Safety Demonstration Act of 1985

35145 Open board meetings

## **Students**

BP 5144.1 (d)

35146 Closed sessions (regarding suspensions)  
35291 Rules (for government and discipline of schools)  
35291.5 Rules and procedures on school discipline  
48645.5 Readmission; contact with juvenile justice system  
48660-48666 Community day schools  
48853.5 Foster youth  
48900-48927 Suspension and expulsion  
48950 Speech and other communication  
48980 Parental notifications  
49073-49079 Privacy of student records  
52052 Numerically significant student subgroups  
52060-52077 Local control and accountability plan  
64000-64001 Consolidated application  
CIVIL CODE  
47 Privileged communication  
48.8 Defamation liability  
CODE OF CIVIL PROCEDURE  
1985-1997 Subpoenas; means of production  
GOVERNMENT CODE  
11455.20 Contempt  
54950-54963 Ralph M. Brown Act  
HEALTH AND SAFETY CODE  
11014.5 Drug paraphernalia  
11053-11058 Standards and schedules  
LABOR CODE  
CONFIRM # ON CSBA WEBSITE 230.7  
Employee time off to appear in school on behalf of a child  
PENAL CODE  
31 Principal of a crime, defined  
240 Assault defined  
241.2 Assault fines  
242 Battery defined  
243.2 Battery on school property  
243.4 Sexual battery  
245 Assault with deadly weapon  
245.6 Hazing  
261 Rape defined  
266c Unlawful sexual intercourse  
286 Sodomy defined  
288 Lewd or lascivious acts with child under age 14  
288a Oral copulation  
289 Penetration of genital or anal openings  
417.27 Laser pointers  
422.55 Hate crime defined  
422.6 Interference with exercise of civil rights  
422.7 Aggravating factors for punishment  
422.75 Enhanced penalties for hate crimes

## Students

BP 5144.1 (e)

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

626.9 Gun-Free School Zone Act of 1995

626.10 Dirks, daggers, knives, razors or stun guns

868.5 Supporting person; attendance during testimony of witness

### WELFARE AND INSTITUTIONS CODE

729.6 Counseling

UNITED STATES CODE, TITLE 18

921 Definitions, firearm

UNITED STATES CODE, TITLE 20

1415(K) Placement in alternative educational setting

7961 Gun free schools

UNITED STATES CODE, TITLE 42

11432-11435 Education of homeless children and youths

### COURT DECISIONS

T.H. v. San Diego Unified School District (2004) 122 Cal. App. 4th 1267

Woodbury v. Dempsey (2003) 108 Cal. App. 4th 421

Board of Education of Sacramento City Unified School District v. Sacramento County Board of Education and Kenneth H., (2001) 85 Cal.App.4th 1321

Garcia v. Los Angeles Board of Education (1991) 123 Cal.App.3d 807

Fremont Union High School District v. Santa Clara County Board (1991) 235 Cal. App. 3d 1182

Garcia v. Los Angeles Board of Education (1991) 123 Cal. App. 3d 807

John A. v. San Bernardino School District (1982) 33 Cal. 3d 301

### ATTORNEY GENERAL OPINIONS

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

80 Ops.Cal. Atty.Gen 348 (1997)

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

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

### Management Resources:

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

Dear Colleague Letter on the Nondiscriminatory Administration of School Discipline, January 2014

### WEB SITES

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

California Attorney General's Office: <http://www.oag.ca.gov>

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

U.S. Department of Education, Office for Civil Rights:

<http://ed.gov/about/offices/list/ocr/docs/crdc-2012-data-summary.pdf>

U.S. Department of Education, Office of Safe and Drug-Free Schools:

<http://www2.ed.gov/about/offices/list/oese/oshs>

Policy Adopted: 06/10/20

ORCUTT UNION SCHOOL DISTRICT  
Orcutt, California

**FREEDOM OF SPEECH/EXPRESSION**

**On-Campus Expression**

Students shall have the right to exercise freedom of speech and of the press including, but not limited to, the use of bulletin boards; the distribution of printed materials or petitions; the wearing of buttons, badges, and other insignia; and the right of expression in official publications. (Education Code 48907)

Students are prohibited from making any expressions or distributing or posting any materials that are obscene, libelous, or slanderous. Students also are prohibited from making any expressions that so incites students as to create a clear and present danger of the commission of unlawful acts on school premises, the violation of school rules, or substantial disruption of the school’s orderly operation. (Education Code 48907)

(cf. 5145.7 – Sexual Harassment)  
(cf. 5145.9 – Hate-Motivated Behavior)

The use of “fighting words” or epithets is prohibited in those instances where the speech is abusive and insulting, rather than a communication of ideas, and the speech is used in an abusive manner in a situation that presents an actual danger that it will cause a breach of the peace.

The Superintendent or designee shall not discipline any student solely on the basis of speech or other communication that would be constitutionally protected when engaged in outside of school, but may impose discipline for harassment, threats, or intimidation unless constitutionally protected. (Education Code 48950)

(cf. 5137 – Positive School Climate)  
(cf. 5144 – Discipline)  
(cf. 5144.1 – Suspension and Expulsion/Due Process)  
(cf. 5144.2 – Suspension and Expulsion/Due Process: Students with Disabilities)

**Off-Campus Expression**

A student shall be subject to discipline for off-campus expression, including expression on off-campus Internet web sites, when such expression poses a threat to the safety of other students, staff, or school property, or substantially disrupts the educational program. The Superintendent or designee shall document the impact the expression had or could be expected to have on the school program.

**Students**

BP 5145.2 (b)

**FREEDOM OF SPEECH/EXPRESSION**

Legal Reference:

Education Code

48907 Exercise of free expression; rules and regulations

48950 Speech and other communication

51520 Prohibited solicitations on school premises

CALIFORNIA CONSTITUTION

Article 1, Section 2 Freedom of speech and expression

U.S. CONSTITUTION

Amendment 1 Freedom of speech and expression

WEB SITE

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

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

Policy Adopted: 3/11/09

ORCUTT UNION SCHOOL DISTRICT  
Orcutt, California

**NONDISCRIMINATION/HARASSMENT**

The Board of Trustees desires to provide a safe school environment that allows all students equal access and opportunities in the district's academic, extracurricular, and other educational support programs, services, and activities. The Board prohibits, at any district school or school activity, unlawful discrimination, including discriminatory harassment, intimidation and bullying, targeted at any student by anyone, based on the student's actual or perceived race, color, ancestry, nationality, national origin, immigration status, ethnicity, 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 association with a person or group with one or more of these actual or perceived characteristics.

This policy shall apply to all acts constituting unlawful discrimination or harassment related to school activity or to school attendance occurring within a district school, and to acts which occur off campus or outside of school-related or school-sponsored activities but which may have an impact or create a hostile environment at school.

(cf. 0410 - Nondiscrimination in District Programs and Activities)

(cf. 5131 – Conduct)

(cf. 5131.2 – Bullying)

(cf. 5137 - Positive School Climate)

(cf. 5145.7 - Sexual Harassment)

(cf. 5145.9 - Hate-Motivated Behavior)

(cf. 5146 - Married/Pregnant/Parenting Students)

(cf. 6164.6 - Identification and Education Under Section 504)

Unlawful discrimination, including discriminatory harassment, intimidation, or bullying, may result from physical, verbal, nonverbal, or written conduct based on one of the categories listed above. Unlawful discrimination also occurs when prohibited conduct is so severe, persistent, or pervasive that it affects a student's ability to participate in or benefit from an educational program or activity; creates an intimidating, threatening, hostile, or offensive educational environment; has the effect of substantially or unreasonably interfering with a student's academic performance; or otherwise adversely affects the student's educational opportunities.

Unlawful discrimination also includes disparate treatment of students based on one of the categories above with respect to the provision of opportunities to participate in school programs or activities or the provision or receipt of educational benefits or services.

The Board also prohibits any form of retaliation against any individual who files or participates in the reporting of unlawful discrimination, files or participates in the filing of a complaint, or investigates or participates in the investigation of a complaint or report alleging unlawful discrimination. Retaliation complaints shall be investigated and resolved in the same manner as a discrimination complaint.

The Superintendent or designee shall facilitate students' access to the educational program by publicizing the district's nondiscrimination policy and related complaint procedures to students, parents/guardians, and employees. In addition, the Superintendent or designee shall post the



**NONDISCRIMINATION/HARASSMENT**

district's policies prohibiting discrimination, harassment, intimidation, and bullying and other required information on the district's web site in a manner that is easily accessible to parents/guardians and students, in accordance with law and the accompanying administrative regulation.

The Superintendent or designee shall provide training and/or information on the scope and use of the policy and complaint procedures and take other measures designed to increase the school community's understanding of the requirements of law related to discrimination. The Superintendent or designee shall regularly review the implementation of the district's nondiscrimination policies and practices and, as necessary, shall take action to remove any identified barrier to student access to or participation in the district's educational program. The Superintendent or designee shall report his/her findings and recommendations to the Board after each review.

- (cf. 1312.3 - Uniform Complaint Procedures)
- (cf. 1330 - Use of Facilities)
- (cf. 4131 - Staff Development)
- (cf. 4231 - Staff Development)
- (cf. 4331 - Staff Development)
- (cf. 6145 - Extracurricular and Cocurricular Activities)
- (cf. 6145.2 - Athletic Competition)
- (cf. 6164.2 - Guidance/Counseling Services)

Regardless of whether a complainant complies with the writing, timeline, and/or other formal filing requirements, all complaints alleging unlawful discrimination, including discriminatory harassment, intimidation, or bullying, shall be investigated and prompt action taken to stop the discrimination, prevent recurrence, and address any continuing effect on students.

Students who engage in unlawful discriminatory harassment, intimidation, retaliation, or bullying, in violation of law, Board policy, or administrative regulation shall be subject to appropriate consequence or discipline, which may include suspension or expulsion for behavior that is severe or pervasive as defined in Education Code 48900.4. Any employee who permits or engages in prohibited discrimination, including discriminatory harassment, intimidation, bullying or retaliation shall be subject to disciplinary action, up to and including dismissal.

- (cf. 4118/4218 - Dismissal/Suspension/Disciplinary Action)
- (cf. 4119.21/4219.21/4319.21- Professional Standards)
- (cf. 5144 - Discipline)
- (cf. 5144.1 - Suspension and Expulsion/Due Process)
- (cf. 5144.2 - Suspension and Expulsion/Due Process (Students with Disabilities))
- (cf. 5145.2 – Freedom of Speech/Expression)

**NONDISCRIMINATION/HARASSMENT**

Record-Keeping

The Superintendent or designee shall maintain a record of all reported cases of unlawful discrimination, including discriminatory harassment, intimidation, or bullying, to enable the district to monitor, address, and prevent repetitive prohibited behavior in district schools.

(cf. 3580 - District Records)

Legal Reference:

EDUCATION CODE

200-262.4 Prohibition of discrimination  
48900.3 Suspension or expulsion for act of hate violence  
48900.4 Suspension or expulsion for threats or harassment  
48904 Liability of parent/guardian for willful student misconduct  
48907 Student exercise of free expression  
48950 Freedom of speech  
48985 Translation of notices  
49020-49023 Athletic programs  
49060-49079 Student records  
51500 Prohibited instruction or activity  
51501 Prohibited means of instruction  
60044 Prohibited instructional materials

CIVIL CODE

1714.1 Liability of parents/guardians for willful misconduct of minor

GOVERNMENT CODE

11135 Nondiscrimination in programs or activities funded by state

PENAL CODE

422.55 Definition of hate crime  
422.6 Crimes, harassment

CODE OF REGULATIONS, TITLE 5

432 Student record  
4600-4670 Uniform Complaint Procedures  
4900-4965 Nondiscrimination in elementary and secondary education programs

UNITED STATES CODE, TITLE 20

1681-1688 Title IX of the Education Amendments of 1972

UNITED STATES CODE, TITLE 29

794 Section 504 of Rehabilitation Act of 1973

UNITED STATES CODE, TITLE 42

2000d-2000e-17 Title VI and Title VII Civil Rights Act of 1964, as amended  
2000h-2-2000h-6 Title IX of the Civil Rights Act of 1964

6101-6107 Age Discrimination Act of 1975

12101-12213 Title II equal opportunity for individuals with disabilities

CODE OF FEDERAL REGULATIONS, TITLE 28

**NONDISCRIMINATION/HARASSMENT**

35.107 Nondiscrimination on basis of disability; complaints

CODE OF FEDERAL REGULATIONS, TITLE 34

99.31 Disclosure of personally identifiable information

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

104.7 Designation of responsible employee for Section 504

104.8 Notice

106.8 Designation of responsible employee for Title IX

106.9 Notification of nondiscrimination on basis of sex

110.25 Prohibition of discrimination based on age

**COURT DECISIONS**

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

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

Management Resources:

**CSBA PUBLICATIONS**

Updated Legal Guidance: Protecting Transgender and Gender Nonconforming Students Against Sex Discrimination, March 2017

**CALIFORNIA OFFICE OF THE ATTORNEY GENERAL PUBLICATIONS**

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

**FIRST AMENDMENT CENTER PUBLICATIONS**

Public Schools and Sexual Orientation: A First Amendment Framework for Finding Common Ground, 2006

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

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

Dear Colleague Letter: Title IX Coordinators, April 2015

Resolution Agreement Between the Arcadia Unified School District, U.S. Department of Education, Office for Civil Rights, and the U.S. Department of Justice, Civil Rights Division, (2013) OCR 09-12-1020, DOJ 169-12C-70

Dear Colleague Letter: Harassment and Bullying, October 2010

Notice of Non-Discrimination, Fact Sheet, August 2010

**U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES PUBLICATIONS**

Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons, August 2003

**WEB SITES**

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

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

California Safe Schools Coalition: <http://www.casafeschools.org>

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

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

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

**PARENTAL NOTIFICATIONS**

The Board of Trustees desires to promote effective communication between the school and the home and to keep parents/guardians informed regarding educational programs, school operations, and the legal rights of students and their parents/guardians. The Superintendent or designee shall send parents/guardians all notifications required by law and any other notifications the Superintendent believes will promote parental understanding and involvement.

(cf. 5020 - Parent Rights and Responsibilities)  
(cf. 5022 - Student and Family Privacy Rights)  
(cf. 6020 - Parent Involvement)

Notice of the rights and responsibilities of parents/guardians as specified in Education Code 48980 shall be sent at the beginning of each academic year and may be provided either by regular mail, in electronic form when so requested by the parent/guardian, or by any other method normally used to communicate with parents/guardians in writing. (Education Code 48981)

No activity specified in Education Code 48980 shall be undertaken with respect to any particular student unless the student's parent/guardian has been informed of such action through the annual notification or other separate special notification. Such notice shall state the activity that will be undertaken and the approximate date on which the activity will occur. (Education Code 48983-48984)

The annual notification shall include a request that the parent/guardian sign the notice and return it to the school or, if the notice is provided in electronic format, that the parent/guardian submit a signed acknowledgment of receipt of the notice to the school. The parent/guardian's signature is an acknowledgment of receipt of the information but does not indicate that consent to participate in any particular program has been given or withheld. (Education Code 48982)

Whenever a student enrolls in a district school during the school year, the student's parents/guardians shall be given all required parental notifications at that time.

Notifications shall be presented in an understandable and uniform format and, to the extent practicable, in a language that parents/guardians can understand.

Whenever 15 percent or more of the students enrolled in a district school speak a single primary language other than English, as determined from the California Department of Education census data collected pursuant to Education Code 52164, all notices sent to the parent/guardian of any such student shall, in addition to being written in English, be written in the primary language, and may be responded to either in English or the primary language. (Education Code 48981, 48985)

**PARENTAL NOTIFICATIONS**

Whenever an employee learns that a student's parent/guardian is unable to understand the district's printed notifications for any reason, the employee shall inform the principal or designee, who shall work with the parent/guardian to establish other appropriate means of communication.

Legal Reference:

**EDUCATION CODE**

- 221.5 Prohibited sex discrimination
- 231.5 Sexual harassment policy
- 234.7 Student protections relating to immigration and citizenship status
- 262.3 Appeals for discrimination complaints; information regarding availability of civil remedies
- 310 Language Acquisition programs
- 313 Reclassification of English learners, parental consultation
- 313.2 Long-term English learner, notification
- 440 English language proficiency assessment; instruction in English language development
- 8483 Before/after school program; enrollment priorities
- 17288 Building standards for university campuses
- 17611.5-17612 Notification of pesticide use
- 32221.5 Insurance for athletic team members
- 32255-32255.6 Right to refuse harmful or destructive use of animals
- 32390 Fingerprint program; contracts; funding; consent of parent/guardian
- 33479.3 The Eric Pareds Sudden Cardiac Arrest Prevention Act
- 35160.5 Extracurricular and cocurricular activities
- 35178.4 Notice of accreditation status
- 35182.5 Advertising in the classroom
- 35183 School dress codes; uniforms
- 35186 Complaints concerning deficiencies in instructional materials and facilities
- 35211 Driver training; district insurance, parent/guardian liability
- 35256 School accountability report card
- 35258 School accountability report card
- 35291 Rules for student discipline
- 37616 Consultation regarding year-round schedule
- 39831.5 School bus rider rules and information
- 44050 Employee codes of conduct, employee interactions with students
- 44808.5 Permission to leave school grounds
- 46010.1 Notice regarding excuse to obtain confidential medical services
- 46014 Regulations regarding absences for religious purposes
- 46600-46611 Interdistrict attendance agreements
- 48000 Minimum age of admission
- 48070.5 Promotion or retention of students

**PARENTAL NOTIFICATIONS**

- 48204 Residency requirements
- 48205 Absence for personal reasons
- 48206.3 Students with temporary disabilities; individual instruction; definitions
- 48207-48208 Students with temporary disabilities in hospitals
- 48213 Prior notice of exclusion from attendance
- 48216 Immunization
- 48260.5 Notice regarding truancy
- 48262 Need for parent conference regarding truancy
- 48263 Referral to School Attendance Review Board or probation department
- 48301 Interdistrict transfers
- 48412 Certificate of proficiency
- 48432.3 Voluntary enrollment in continuation education
- 48432.5 Involuntary transfers of students
- 48850-48859 Education of foster youth and homeless students
- 48900.1 Parental attendance required after suspension
- 48904 Liability of parent/guardian for willful student misconduct
- 48904.3 Withholding grades, diplomas, or transcripts
- 48906 Notification of release of student to peace officer
- 48911 Notification in case of suspension
- 48911.1 Assignment to supervised suspension classroom
- 48912 Closed sessions; consideration of suspension
- 48915.1 Expelled individuals: enrollment in another district
- 48916 Readmission procedures
- 48918 Rules governing expulsion procedures
- 48929 Transfer of student convicted of violent felony or misdemeanor
- 48980 Required notification at beginning of term
- 48980.3 Notification of pesticide use
- 48981 Time and means of notification
- 48982 Parent signature acknowledging receipt of notice
- 48983 Contents of notice
- 48984 Activities prohibited unless notice given
- 48985 Notices to parents in language other than English
- 48987 Child abuse information
- 49013 Use of uniform complaint procedures for complaints regarding student fees
- 49063 Notification of parental rights
- 49067 Student evaluation; student in danger of failing course
- 49068 Transfer of permanent enrollment and scholarship record
- 49069 Absolute right to access
- 49070 Challenging content of student record
- 49073 Release of directory information
- 49073.6 Student records, social media

## **Students**

BP 5145.6(d)

### **PARENTAL NOTIFICATIONS**

- 49076 Access to student records
  - 49077 Access to information concerning a student in compliance with court order
  - 49403 Cooperation in control of communicable disease and immunization
  - 49423 Administration of prescribed medication for student
  - 49451 Physical examinations: parent's refusal to consent
  - 49452.5 Screening for scoliosis
  - 49452.7 Information on type 2 diabetes
  - 49452.8 Oral health assessment
  - 49456 Results of vision or hearing test
  - 49471-49472 Insurance
  - 49475 Student athletes; concussions and head injuries
  - 49476 Student athletes; opioid fact sheet
  - 49480 Continuing medication regimen for nonepisodic conditions
  - 49510-49520 Duffy-Moscone Family Nutrition Education and Services Act of 1970
  - 49557.5 Child Hunger Prevention and Fair Treatment Act of 2017; notice of negative balance in meal account
  - 51225.1 Exemption from district graduation requirements
  - 51225.2 Course credits
  - 51225.3 Graduation requirements; courses that satisfy college entrance criteria
  - 51229 Course of study for grades 7-12
  - 51513 Personal beliefs; privacy
  - 51938 HIV/AIDS and sexual health instruction
  - 52164 Language census
  - 52164.1 Census-taking methods; determination of primary language; assessment of language skills
  - 52164.3 Reassessment of English learners; notification of results
  - 54444.2 Migrant education programs; parent involvement
  - 56301 Child-find system; policies regarding written notification rights
  - 56321 Special educations: proposed assessment plan
  - 56321.5-56321.6 Notice of parent rights pertaining to special education
  - 56329 Written notice of right to findings; independent assessment
  - 56341.1 Development of individualized education program; right to audio record meeting
  - 56341.5 Individualized education program team meetings
  - 56343.5 Individualized education program meetings
  - 56521.1 Behavioral intervention
  - 58501 Alternative schools: notice required prior to establishment
  - 60615 Exemption from state assessment
  - 60641 California Assessment of Student Performance and Progress
  - 69432.9 Submission of grade point average to Cal Grant program
- CIVIL CODE**
- 1798.29 District records, breach of security
- HEALTH AND SAFETY CODE**
- 1596.857 Right to enter child care facility

**PARENTAL NOTIFICATIONS**

1597.16 Licensed child care centers, lead testing  
104420 Tobacco use prevention  
104855 Availability of topical fluoride treatment  
116277 Lead testing of school drinking water  
120365-120375 Immunizations  
120440 Sharing immunization information  
124100-124105 Health screening and immunizations

**PENAL CODE**

626.81 Notice of permission granted to sex offender to volunteer on campus  
627.5 Hearing request following denial or revocation of registration

**CODE OF REGULATIONS, TITLE 5**

852 Exemptions from state assessments  
863 Reports of state assessment results  
3052 Behavioral intervention  
4622 Notification of uniform complaint procedures  
4631 Uniform complaint procedures; notification of decision and right to appeal  
4917 Notification of sexual harassment policy  
11303 Reclassification of English learners  
11511.5 English language proficiency assessment; test results  
11523 Notice of proficiency examinations  
18066 Child care policies regarding excused and unexcused absences  
18094-18095 Notice of Action; child care services  
18114 Notice of delinquent fees; child care services  
18118-18119 Notice of Action; child care services  
**CODE OF REGULATIONS, TITLE 17**

2951 Hearing tests  
6040 Time period to obtain needed immunizations

**UNITED STATES CODE, TITLE 20**

1232g Family Educational and Privacy Rights Act  
1232h Privacy rights  
1415 Procedural safeguards  
6311 State plans  
6312 Local education agency plans  
6316 Academic assessment and local education agency school improvement  
6318 Parent and family engagement  
7704 Impact Aid; policies and procedures related to children residing on Indian lands  
7908 Armed forces recruiter access to students  
**UNITED STATES CODE, TITLE 42**

1758 Child nutrition programs  
11431-11435 McKinney-Vento Homeless Assistance Act

**CODE OF FEDERAL REGULATIONS, TITLE 7**

245.5 Eligibility criteria for free and reduced-price meals  
245.6a Verification of eligibility for free and reduced-price meals



**PARENTAL NOTIFICATIONS**

**CODE OF FEDERAL REGULATIONS, TITLE 34**

- 99.7 Student records, annual notification
- 99.30 Disclosure of personally identifiable information
- 99.34 Student records, disclosure to other educational agencies
- 99.37 Disclosure of directory information
- 104.32 District responsibility to provide free appropriate public education
- 104.36 Procedural safeguards
- 104.8 Nondiscrimination
- 106.8 Notification of contact information for Title IX coordinator
- 106.9 Dissemination of policy, nondiscrimination on basis of sex
- 200.48 Teacher qualifications
- 222.94 Impact Aid; district responsibilities
- 300.300 Parent consent for special education evaluation
- 300.322 Parent participation in IEP team meetings
- 300.502 Independent educational evaluation of student with disability
- 300.503 Prior written notice regarding identification, evaluation, or placement of student with disability
- 300.504 Procedural safeguards notice for students with disabilities
- 300.508 Due process complaint
- 300.530 Discipline procedures

**CODE OF FEDERAL REGULATIONS, TITLE 40**

- 763.84 Asbestos inspections, response actions and post-response actions
- 763.93 Asbestos management plans

**Management Resources:**

**U.S. DEPARTMENT OF AGRICULTURE PUBLICATIONS**

Civil Rights Compliance and Enforcement -- Nutrition Programs and Services, FNS  
Instruction 113-1, 2005

**WEB SITES**

U.S. Department of Agriculture, Food and Nutrition Service: <http://www.fns.usda.gov>

**SEXUAL HARASSMENT**

The Board of Trustees 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.

(cf. 0410 - Nondiscrimination in District Programs and Activities)

(cf. 5131 – Conduct)

(cf. 5131.2 – Bullying)

(cf. 5137 - Positive School Climate)

(cf. 5145.3 – Nondiscrimination/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 has 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.

Once notified, the Title IX Coordinator shall ensure the complaint or allegation is addressed through AR 5145.71 - Title IX Sexual Harassment Complaint Procedures or BP/AR 1312. 3 Uniform Complaint Procedures, as applicable. Because a complaint or allegation that is dismissed or denied under the Title IX complaint procedure may still be subject to consideration under state law, the Title IX Coordinator shall ensure that any implementation of AR 5145.71 concurrently meets the requirements of BP/AR 1312.3.

(cf. 1312.1 - Complaints Concerning District Employees)

(cf. 1312.3 - Uniform Complaint Procedures)

(cf. 5141.4 - Child Abuse Prevention and Reporting)

(cf. 5145.71 - Title IX Sexual Harassment Complaint Procedures)

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

The Superintendent or designee shall inform students and parents/guardians of the district's sexual harassment policy by disseminating it through parent/guardian notifications, publishing it on the district's web site, and including it in student and staff handbooks. All district staff shall be trained regarding the policy.

**Instruction/Information**

The Superintendent or designee shall ensure that all district students receive age- appropriate information on sexual harassment. Such instruction and information shall include:

1. What acts and behavior constitute sexual harassment, including the fact that sexual harassment could occur between people of the same sex and could involve sexual violence
2. A clear message that students do not have to endure sexual harassment under any circumstance

**SEXUAL HARASSMENT**

3. Encouragement to report observed incidents of sexual harassment, even when the alleged victim of the harassment has not complained
4. A clear message that student safety is the district's primary concern, and that any separate rule violation involving an alleged victim or any other person reporting a sexual harassment incident will be addressed separately and will not affect the manner in which the sexual harassment complaint will be received, investigated, or resolved
5. A clear message that, regardless of a complainant's noncompliance with the writing, timeline, or other formal filing requirements, every sexual harassment allegation that involves a student, whether as the complainant, respondent, or victim of the harassment, shall be investigated and action shall be taken to respond to harassment, prevent recurrence, and address any continuing effect on students
6. Information about the district's procedures for investigating complaints and the person(s) to whom a report of sexual harassment should be made
7. Information about the rights of students and parents/guardians to file a civil or criminal complaint, as applicable, including the right to file a civil or criminal complaint while the district investigation of a sexual harassment complaint continues
8. A clear message that, when needed, the district will implement supportive measures to ensure a safe school environment for a student who is the complainant or victim of sexual harassment and/or other students during an investigation.

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

(cf. 5144 - Discipline)

(cf. 5144.1 - Suspension and Expulsion/Due Process)

(cf. 5144.2 - Suspension and Expulsion/Due Process (Students with Disabilities))

Upon investigation of a sexual harassment complaint, any employee found to have engaged in sexual harassment or sexual violence toward any student shall be subject to disciplinary action, up to and including dismissal, in accordance with laws, and the applicable collective bargaining agreement.

(cf. 4117.7/4317.7 – Employment Status Report

(cf. 4118/4218 - Dismissal/Suspension/Disciplinary Action)

(cf. 4119.11/4219.11/4319.11 - Sexual Harassment)

**SEXUAL HARASSMENT**

**Record-Keeping**

In accordance with the law, the Superintendent or designee shall maintain a record of all reported cases of sexual harassment to enable the district to monitor, address, and prevent repetitive harassing behavior in district schools.

(cf. 3580 - District Records)

**Legal Reference:**

**EDUCATION CODE**

200-262.4 Prohibition of discrimination on the basis of sex

48900 Grounds for suspension or expulsion

48900.2 Additional grounds for suspension or expulsion; sexual harassment 48904 Liability of parent/guardian for willful student misconduct

48904 Liability of parent/guardian for willful student misconduct

48980 Notice at beginning of term

48985 Notices, report, statements and records in primary language

**CIVIL CODE**

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

1714.1 Liability of parents/guardians for willful misconduct of minor

**GOVERNMENT CODE**

12950.1 Sexual harassment training CODE OF REGULATIONS, TITLE 5

4600-4687 Uniform complaint procedures

4900-4965 Nondiscrimination in elementary and secondary education programs UNITED STATES CODE, TITLE 20

1221 Application of laws

1232g Family Educational Rights and Privacy 1681-1688 Title IX of the Education Amendments of 1972

UNITED STATES CODE, TITLE 34

12991 Definition of dating violence, domestic violence, and stalking

UNITED STATES CODE, TITLE 42

1983 Civil action for deprivation of rights 2000d-

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

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

CODE OF FEDERAL REGULATIONS, TITLE 34

99.1-99.67 Family Educational Rights and Privacy

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

**COURT DECISIONS**

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

Flores v. Morgan Hill Unified School District, (2003, 9th Cir.) 324 F.3d 1130

Reese v. Jefferson School District, (2000, 9th Cir.) 208 F.3d 736

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

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

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

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

**Management Resources:**

**CSBA PUBLICATIONS**

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

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

**Students**

BP 5145.7 (d)

**SEXUAL HARASSMENT**

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

Q&A on Campus Sexual Misconduct, September 2017

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

Dear Colleague Letter: Title IX Coordinators, April 2015

Sexual Harassment: It's Not Academic, September 2008

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

**WEB SITES**

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

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

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

Policy Adopted: 02/10/21

ORCUTT UNION SCHOOL DISTRICT

Orcutt, California

**Students**

**REFUSAL TO HARM OR DESTROY ANIMALS**

The Board of Trustees supports the right of students to refrain from participating in instruction which involves dissecting or otherwise harming or destroying animals when they have a moral objection to such activities.

Students shall not be discriminated against because of a decision to exercise this right. (Education Code 32255.1)

(cf. 5145.2 - Freedom of Speech/Expression)

After notifying the teacher of his/her objection pursuant to law and administrative regulations, the student shall be excused from the project and may be provided an appropriate alternative project. The Board encourages staff, whenever possible, to provide an alternative project that teaches the same knowledge and skills as the original project. In any case, staff shall ensure the effective use of students' time by providing instructional activities relevant to the course of study.

Legal Reference:

EDUCATION CODE

32255-32255.6 Student's right to refrain from harmful/destructive use of animals

48980 Parental notifications at beginning of term

48981-48984 Method and content of notification; signature required

Policy Adopted: 10/15/08

ORCUTT UNION SCHOOL DISTRICT  
Orcutt, California

**HATE-MOTIVATED BEHAVIOR**

The Board of Trustees is committed to providing a safe learning environment that protects students from discrimination, harassment, intimidation, bullying, and other behavior motivated by a person's hostility towards another person's real or perceived ethnicity, national origin, immigrant status, sex, gender, sexual orientation, religious belief, age, disability, or any other physical or cultural characteristic. The Superintendent or designee shall design strategies to promote harmonious relationships among students, prevent incidents of hate-motivated behavior to the extent possible, and address such incidents if they occur.

- (cf. 0410 - Nondiscrimination in District Programs and Activities)
- (cf. 0450 - Comprehensive Safety Plan)
- (cf. 3515.4 - Recovery for Property Loss or Damage)
- (cf. 5131- Conduct)
- (cf. 5131.2 - Bullying)
- (cf. 5131.5 - Vandalism, and Graffiti)
- (cf. 5136 - Gangs)
- (cf. 5137 - Positive School Climate)
- (cf. 5141.52 - Suicide Prevention)
- (cf. 5145.3 - Nondiscrimination/Harassment)
- (cf. 5145.7 - Sexual Harassment)

The Superintendent or designee shall collaborate with regional programs and community organizations to promote safe environments for youth. Such collaborative efforts shall focus on ensuring an efficient use of district and community resources, developing effective prevention strategies and response plans, providing assistance to students affected by hate-motivated behavior, and/or educating students who have perpetrated hate-motivated acts.

- (cf. 1020 - Youth Services)
- (cf. 1400 - Relations between Other Governmental Agencies and the Schools)
- (cf. 1700 - Relations Between Private Industry and the Schools)
- (cf. 5148.2 - Before/After School Programs)

The district shall provide students with age-appropriate instruction that includes the development of social-emotional learning promotes their understanding of and respect for human rights, diversity, and acceptance in a multicultural society, and provides strategies to manage conflicts constructively.

- (cf. 5138 - Conflict Resolution/Peer Mediation)
- (cf. 6142.3 - Civic Education)
- (cf. 6142.4 - Service Learning/Community Service Classes)
- (cf. 6142.94 - History-Social Science Instruction)

**HATE-MOTIVATED BEHAVIOR**

As necessary, the district shall provide counseling, guidance, and support to students who are victims of hate-motivated behavior and to students who exhibit such behavior.

(cf. 6164.2 - Guidance/Counseling Services)

The Superintendent or designee shall ensure that the rules prohibiting hate-motivated behavior and procedures for reporting a hate-motivated incident are provided to students and parents/guardians.

The Superintendent or designee shall provide-staff training on recognizing and preventing hate-motivated behavior and on effectively enforcing rules for appropriate student conduct.

(cf. 4131 - Staff Development)

(cf. 4231 - Staff Development)

(cf. 4331 - Staff Development)

**Complaint Process**

A student or parent/guardian who believes the student is a victim of hate-motivated behavior is strongly encouraged to report the incident to a teacher, the principal, or other staff member.

Any staff member who is notified that hate-motivated behavior has occurred, observes such behavior, or otherwise becomes aware of an incident shall immediately contact the principal or the compliance officer responsible for coordinating the district's response to complaints and complying with state and federal civil rights laws. As appropriate, he/she shall also contact law enforcement.

(cf. 3515.3 - District Police/Security Department)

(cf. 5145.11 - Questioning and Apprehension by Law Enforcement)

Any complaint of hate-motivated behavior shall be investigated and, if determined to be discriminatory, shall be resolved in accordance with law and the district's uniform complaint procedures specified in AR 1312.3 - Uniform Complaint Procedures. If, during the investigation, it is determined that a complaint is about nondiscriminatory behavior, the principal or designee shall inform the complainant and shall take all necessary actions to resolve the complaint.

(cf. 1312.1 - Complaints Concerning District Employees)

(cf. 1312.3 - Uniform Complaint Procedures)

(cf. 5144 - Discipline)

(cf. 5144.1 - Suspension and Expulsion/Due Process)

(cf. 5144.2 - Suspension and Expulsion/Due Process (Students with Disabilities))



**HATE-MOTIVATED BEHAVIOR**

Legal Reference:

EDUCATION CODE

200-262.4 Prohibition of discrimination

32282 School safety plans

48900.3 Suspension for hate violence

48900.4 Suspension or expulsion for threats or harassment

PENAL CODE

422.55-422.86 Definition of hate crimes

422.6 Crimes, harassment

CODE OF REGULATIONS, TITLE 5

4600-4670 Uniform complaint procedures

4900-4965 Nondiscrimination in elementary and secondary education programs

CODE OF FEDERAL REGULATIONS, TITLE 28

35.107 Nondiscrimination on basis of disability; complaints

CODE OF FEDERAL REGULATIONS, TITLE 34

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

104.7 Designation of responsible employee for Section 504

106.8 Designation of responsible employee for Title IX

110.25 Prohibition of discrimination based on age

Management Resources:

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

Bullying at School, 2003

CALIFORNIA OFFICE OF THE ATTORNEY GENERAL PUBLICATIONS

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

U.S. DEPARTMENT OF EDUCATION, OFFICE FOR CIVIL RIGHTS & NATIONAL ASSOCIATION OF ATTORNEYS GENERAL PUBLICATIONS

Dear Colleague Letter: Harassment and Bullying, October 2010

Dear Colleague Letter: Prohibited Disability Harassment, July 2000

WEB SITES

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

California Association of Human Relations Organizations: <http://www.cahro.org>

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

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

United States Department of Education, Office of Civil Rights:

<http://www.ed.gov/offices/OCR/index.html>

U.S. Department of Justice: <http://www.justice.gov>

## **Students**

BP 5145.12 (a)

### **SEARCH AND SEIZURE**

As necessary to protect the health, safety and welfare of students and staff, school officials may search students, their property and/or district property under their control, and may seize illegal, unsafe and prohibited items. The Governing Board requires that discretion, good judgment and common sense be exercised in all cases of search and seizure.

#### **Individual Searches**

School officials may search individual students, their property and district property under their control, when there is a reasonable suspicion that the search will uncover evidence that the student is violating the law, Board policy, administrative regulation, or other rules of the district or the school.

Employees shall not conduct strip searches or body cavity searches of any student. (Education Code 49050)

Searches of individual students shall be conducted in the presence of at least two district employees.

The principal or designee shall notify the parent/guardian of a student subjected to an individualized search as soon as possible after the search.

(cf. 5145.11 - Questioning and Apprehension)

#### **Student Lockers/Desks**

The principal or designee may conduct a general inspection of school properties that are within the control of students, such as lockers and desks, on a regular, announced basis, with students standing by their assigned lockers or desks. Any items contained in a locker or desk shall be considered to be the property of the student to whom the locker or desk was assigned.

Because lockers and desks are under the joint control of the student and the district, school officials shall have the right and ability to open and inspect any school locker or desk without student permission or prior notice when they have reasonable suspicion that the search will uncover evidence of illegal possessions or activities or when odors, smoke, fire and/or other threats to health, welfare or safety emanate from the locker or desk.

In an effort to keep the schools free of drugs, the district may use specially trained nonaggressive dogs to sniff out and alert staff to the presence of substances prohibited by

**SEARCH AND SEIZURE**

law or Board policy. The dogs may sniff the air around lockers, desks, or vehicles on district property or at district-sponsored events as long as they are not allowed to sniff within the close proximity of any students.

(cf. 5131.6 - Alcohol and Other Drugs)

Legal Reference:

**EDUCATION CODE**

32280-32288 School safety plans

35160 Authority of governing boards

35160.1 Broad authority of school districts

49050-49051 Searches by school employees

49330-49334 Injurious objects

**PENAL CODE**

626.9 Firearms

626.10 Dirks, daggers, knives or razor; bringing into or possession of upon or within public school ground; exception

**COURT DECISIONS**

B.C. v. Plumas, (9th Cir. 1999) 192 F.3d 1260

O'Connor v. Ortega, (1987) 107 S.Ct. 1492

New Jersey v. T.L.O., (1985) 469 U.S. 325

Horton v. Goose Creek Independent School District, (5th Cir. 1982) 690 F.2d 470

Zamora v. Pomeroy, (10th Cir. 1981) 639 F.2d 662

**ATTORNEY GENERAL OPINIONS**

83 Ops.Cal.Atty.Gen. 257 (2000)

75 Ops.Cal.Atty.Gen. 155 (1992)

Management Resources:

**WEB SITES**

California Attorney General's Office: <http://caag.state.ca.us>

CDE, Safe Schools and Violence Prevention Office: <http://www.cde.ca.gov/spbranch/safety>

Policy Adopted      10/15/08

ORCUTT UNION SCHOOL DISTRICT  
Orcutt, California

**RESPONSE TO IMMIGRATION ENFORCEMENT**

The Governing Board is committed to the success of all students and believes that every school site should be a safe and welcoming place for all students and their families irrespective of their citizenship or immigration status.

District staff shall not solicit or collect information or documents regarding the citizenship or immigration status of students or their family members or provide assistance with immigration enforcement at district schools, except as may be required by state and federal law. (Education Code 234.7)

(cf. 5111 - Admission)  
(cf. 5111.1 - District Residency)

No student shall be denied equal rights and opportunities nor be subjected to unlawful discrimination, harassment, intimidation, or bullying in the district's programs and activities on the basis of his/her immigration status. (Education Code 200, 220, 234.1)

(cf. 0410 - Nondiscrimination in District Programs and Activities)  
(cf. 5131.2 - Bullying)  
(cf. 5145.3 - Nondiscrimination/Harassment)  
(cf. 5145.9 - Hate-Motivated Behavior)

The Superintendent or designee shall notify parents/guardians regarding their children's right to a free public education regardless of immigration status or religious beliefs and their rights related to immigration enforcement. (Education Code 234.7)

(cf. 5145.6 - Parental Notifications)

Consistent with requirements of the California Office of the Attorney General, the Superintendent or designee shall develop procedures for addressing any requests by a law enforcement officer for access to district records, school sites, or students for the purpose of immigration enforcement.

(cf. 1340 - Access to District Records)  
(cf. 3580 - District Records)  
(cf. 5125 - Student Records)  
(cf. 5125.1 - Release of Directory Information)

The Superintendent or designee shall report to the Board in a timely manner any requests for information or access to a school site by an officer or employee of a law enforcement agency for the purpose of enforcing the immigration laws. Such notification shall be provided in a manner that ensures the confidentiality and privacy of any potentially identifying information. (Education Code 234.7)

**RESPONSE TO IMMIGRATION ENFORCEMENT**

**Legal Reference:**

**EDUCATION CODE**

200 Educational equity

220 Prohibition of discrimination

234.1 Safe Place to Learn Act

234.7 Student protections relating to immigration and citizenship status

48204.4 Evidence of residency for school enrollment

48980 Parental notifications

48985 Notices to parents in language other than English

**GOVERNMENT CODE**

8310.3 California Religious Freedom Act

**PENAL CODE**

422.55 Definition of hate crime

627.1-627.6 Access to school premises, outsiders

**UNITED STATES CODE, TITLE 20**

1232g Family Educational Rights and Privacy Act

**COURT DECISIONS**

Plyler v. Doe, 457 U.S. 202 (1982)

**Management Resources:**

**CSBA PUBLICATIONS**

Legal Guidance on Providing All Children Equal Access to Education, Regardless of Immigration Status, February 2017

**CALIFORNIA OFFICE OF THE ATTORNEY GENERAL PUBLICATIONS**

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

**WEB SITES**

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

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

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

California Department of Fair Employment and Housing: <http://www.dfeh.ca.gov>

California Department of Justice: <http://www.justice.gov>

U.S. Department of Education, Office for Civil Rights:

<http://www.ed.gov/about/offices/list/ocr>

U.S. Immigration and Customs Enforcement: <http://www.ice.gov>

U.S. Immigration and Customs Enforcement, Online Detainee Locator System:

<http://locator.ice.gov/odls>

**MARRIED/PREGNANT/PARENTING STUDENTS**

The Board of Trustees recognizes that responsibilities related to marriage, pregnancy or parenting and related responsibilities may disrupt a student's education and increase the chance of a student dropping out of school. The Board therefore desires to support married, pregnant, and parenting students to continue their education, attain strong academic and parenting skills, and promote the healthy development of their children.

- (cf. 5113.1 - Chronic Absence and Truancy)
- (cf. 5147 - Dropout Prevention)
- (cf. 6011 - Academic Standards)
- (cf. 6164.5 - Student Success Teams)

The district shall not exclude or deny any student from any educational program or activity, including any class or extracurricular activity, solely on the basis of the student's pregnancy, childbirth, false pregnancy, termination of pregnancy, or related recovery. In addition, the district shall not adopt any rule concerning a student's actual or potential parental, family, or marital status that treats students differently on the basis of sex. (Education Code 221.51, 230; 5 CCR 4950; 34 CFR 106.40)

- (cf. 0410 - Nondiscrimination in District Programs and Activities)

The Superintendent or designee shall annually notify parents/guardians at the beginning of the school year of the rights and options available to pregnant and parenting students under the law. In addition, pregnant and parenting students shall be notified of the rights and options available to them under the law through annual school year welcome packets and through independent study packets. (Education Code 222.5, 48980)

- (cf. 5145.6 - Parental Notifications)

For school-related purposes, a student under the age of 18 who enters into a valid marriage shall have all the rights and privileges of students who are 18 years old, even if the marriage has been dissolved. (Family Code 7002)

**Education and Support Services for Pregnant and Parenting Students**

Pregnant and parenting students shall retain the right to participate in the regular education program or alternative education programs. The classroom setting shall be the preferred instructional strategy unless an alternative is necessary to meet the needs of the individual student and/or the student's child.

- (cf. 6158 - Independent Study)
- (cf. 6181 - Alternative Schools/Programs of Choice)
- (cf. 6184 - Continuation Education)
- (cf. 6200 - Adult Education)

## **Students**

BP 5146 (b)

### **MARRIED/PREGNANT/PARENTING STUDENTS**

Any alternative education program, activity, or course that is offered separately to pregnant or parenting students, including any class or extracurricular activity, shall be equal to that offered to other district students. A student's participation in such programs shall be voluntary. (Education Code 221.51; 5 CCR 4950)

If required for students with any other temporary disabling condition, the Superintendent or designee may require a student, based on pregnancy, childbirth, false pregnancy, termination of pregnancy, or related recovery, to obtain certification from a physician or nurse practitioner indicating that the student is physically and emotionally able to continue participation in the regular education program or activity. (Education Code 221.51; 5 CCR 4950; 34 CFR 106.40)

(cf. 6142.7 - Physical Education and Activity)  
(cf. 6145 - Extracurricular and Cocurricular Activities)  
(cf. 6183 - Home and Hospital Instruction)

A student shall be excused for absences to care for a sick child for whom the student is the custodial parent. A note from a physician shall not be required for such an absence. (Education Code 48205)

(cf. 5113 - Absences and Excuses)

#### **Parental Leave**

A pregnant or parenting student shall be entitled to eight weeks of parental leave in order to protect the health of the student who gives or expects to give birth and the infant, and to allow the pregnant or parenting student to care for and bond with the infant. Such leave may be taken before the birth of the student's infant if there is a medical necessity and after childbirth during the school year in which the birth takes place, inclusive of any mandatory summer instruction. The Superintendent or designee may grant parental leave beyond eight weeks if deemed medically necessary by the student's physician. (Education Code 46015; 34 CFR 106.40)

The student, if age 18 years or older, or the student's parent/guardian shall notify the school of the student's intent to take parental leave. No student shall be required to take all or part of the parental leave. (Education Code 46015)

When a student takes parental leave, the attendance supervisor shall ensure that absences from the regular school program are excused until the student is able to return to the regular school program or an alternative education program. A pregnant or parenting student shall not be required to complete academic work or other school requirements during the period of the parental leave. (Education Code 46015)

(cf. 5113.11 - Attendance Supervision)

**MARRIED/PREGNANT/PARENTING STUDENTS**

Following the leave, a pregnant or parenting student may elect to return to the school and the course of study in which the student was enrolled before taking parental leave or to an alternative education option provided by the district. Upon return to school, a pregnant or parenting student shall have opportunities to make up work missed during the leave, including, but not limited to, makeup work plans and reenrollment in courses. (Education Code 46015)

When necessary to complete high school graduation requirements, the student may remain enrolled in school for a fifth year of instruction, unless the Superintendent or designee makes a finding that the student is reasonably able to complete district graduation requirements in time to graduate by the end of the fourth year of high school. (Education Code 46015)

(cf. 6146.1 - High School Graduation Requirements)

(cf. 6146.11 - Alternative Credits Toward Graduation)

(cf. 6146.2 - Certificate of Proficiency/High School Equivalency)

**Accommodations**

When necessary, the district shall provide accommodations to pregnant or parenting students to access the educational program.

A pregnant student shall have access to any services available to other students with temporary disabilities or medical conditions. (34 CFR 106.40)

The school shall provide reasonable accommodations to any lactating student to express breast milk, breastfeed an infant child, or address other needs related to breastfeeding. A student shall not incur an academic penalty for using any of these reasonable accommodations, and shall be provided the opportunity to make up any work missed due to such use. Reasonable accommodations include, but are not limited to: (Education Code 222)

1. Access to a private and secure room, other than a restroom, to express breast milk or breastfeed an infant child
2. Permission to bring onto a school campus a breast pump and any other equipment used to express breast milk
3. Access to a power source for a breast pump or any other equipment used to express breast milk
4. Access to a place to store expressed breast milk safely
5. A reasonable amount of time to accommodate the student's need to express breast milk or breastfeed an infant child



**MARRIED/PREGNANT/PARENTING STUDENTS**

## Complaints

Any complaint alleging discrimination on the basis of pregnancy or marital or parental status, district noncompliance with the requirements of Education Code 46015, or district noncompliance with the requirement to provide reasonable accommodations for lactating students shall be addressed through the district's uniform complaint procedures in accordance with 5 CCR 4600-4670 and BP/AR 1312.3 - Uniform Complaint Procedures. A complainant who is not satisfied with the district's decision may appeal the decision to the California Department of Education (CDE). If the district or CDE finds merit in an appeal, the district shall provide a remedy to the affected student. (Education Code 222, 46015; 5 CCR 4600-4670)

(cf. 1312.3 - Uniform Complaint Procedures)

## Program Evaluation

The Superintendent or designee shall periodically report to the Board regarding the effectiveness of district strategies to support married, pregnant, and parenting students, which may include data on participation in district programs and services, academic achievement, school attendance, graduation rate, and/or student feedback on district programs and services.

(cf. 0500 - Accountability)

(cf. 6162.5 - Student Assessment)

(cf. 6190 - Evaluation of the Instructional Program)

## Legal Reference:

## EDUCATION CODE

221.51 Nondiscrimination; married, pregnant, and parenting students

222 Reasonable accommodations; lactating students

222.5 Pregnant and parenting students, notification of rights

230 Sex discrimination

8200-8498 Child Care and Development Services Act

46015 Parental leave

48205 Excused absences

48206.3 Temporary disability, definition

48220 Compulsory education requirement

48410 Persons exempted from continuation classes

48980 Parental notifications

49553 Nutrition supplements for pregnant/lactating students

51220.5 Parenting skills and education

51745 Independent study

52610.5 Enrollment of pregnant and parenting students in adult education

## CIVIL CODE

51 Unruh Civil Rights Act

## FAMILY CODE

**MARRIED/PREGNANT/PARENTING STUDENTS**

7002 Description of emancipated minor

HEALTH AND SAFETY CODE

104460 Tobacco prevention services for pregnant and parenting students

CODE OF REGULATIONS, TITLE 5

4600-4670 Uniform complaint procedures

4950 Nondiscrimination, marital and parental status

CODE OF REGULATIONS, TITLE 22

101151-101239.2 General licensing requirements for child care centers

101351-101439.1 Infant care centers

UNITED STATES CODE, TITLE 20

1681-1688 Title IX, Education Act Amendments

UNITED STATES CODE, TITLE 42

1786 Special supplemental nutrition program for women, infants, and children

CODE OF FEDERAL REGULATIONS, TITLE 7

246.1-246.28 Special supplemental nutrition program for women, infants, and children

CODE OF FEDERAL REGULATIONS, TITLE 34

106.40 Marital or parental status

ATTORNEY GENERAL OPINIONS

87 Ops.Cal.Atty.Gen. 168 (2004)

COURT DECISIONS

American Academy of Pediatrics et al v. Lungren et al (1997) 16 Cal.4th 307

Management Resources

CALIFORNIA WOMEN'S LAW CENTER PUBLICATIONS

Educational Rights of Pregnant and Parenting Teens: Title IX and California State Law Requirements, 2012

Pregnant Students and Confidential Medical Services, 2013

The Civil Rights of Pregnant and Parenting Teens in California Schools, 2002

U.S. DEPARTMENT OF EDUCATION PUBLICATIONS

Supporting the Academic Success of Pregnant and Parenting Students under Title IX of the Education Amendments of 1972, rev. June 2013

WEB SITES

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

California Women's Law Center: <http://www.cwlc.org>

U.S. Department of Agriculture, Women, Infants, and Children Program: <http://www.fns.usda.gov/wic>

U.S. Department of Education: <http://www.ed.gov>

Policy Adopted: 03/13/19

ORCUTT UNION SCHOOL DISTRICT  
Orcutt, California

**CHILD CARE AND DEVELOPMENT**

The Board of Trustees desires to provide child care and development services which meet the developmental needs of children and offer a convenient child care alternative for parents/guardians in the community.

- (cf. 5148.2 - Before/After School Programs)
- (cf. 5148.3 - Preschool/Early Childhood Education)
- (cf. 6164.4 - Identification and Evaluation of Individuals for Special Education)

The Board shall approve for the district's child care and development program a written philosophical statement, goals, and objectives that reflect the cultural and linguistic characteristics of the families to be served and address the program components specified in 5 CCR 18272-18281 and administrative regulation. (5 CCR 18271)

- (cf. 0000 - Vision)
- (cf. 0200 - Goals for the School District)

**Eligibility and Enrollment**

Child care admissions policies and procedures shall be in writing and available to the public. Such policies and procedures shall include criteria designating those children whose needs can be met by the center's program and services, the ages of children who will be accepted, program activities, any supplementary services provided, any field trip provisions, any transportation arrangements, food service provisions, and a health examination requirement. (5 CCR 18105; 22 CCR 101218)

- (cf. 0410 – Nondiscrimination in District Programs and Activities)
- (cf. 3540 - Transportation)
- (cf. 3550 - Food Service/Child Nutrition Program)
- (cf. 5141.22 - Infectious Diseases)
- (cf. 5141.3 - Health Examinations)
- (cf. 5141.31 - Immunizations)

The Superintendent or designee shall ensure that subsidized child care is provided to eligible families to the extent that state and/or federal funding is available and shall establish enrollment priorities in accordance with Education Code 8263 and 5 CCR 18106.

To the extent that space is available after the enrollment of children who are eligible for subsidized services, priority for admissions shall be given to district students, children of district students, and children of district employees.

- (cf. 5111.1 - District Residency)
- (cf. 5146 - Married/Pregnant/Parenting Students)

**CHILD CARE AND DEVELOPMENT**

**Staffing**

The Superintendent or designee shall ensure that individuals working in child care and development programs have the necessary qualifications and have satisfied all legal requirements.

- (cf. 1240 - Volunteer Assistance)
- (cf. 4112.2 - Certification)
- (cf. 4112.4/4212.4/4312.4 - Health Examinations)
- (cf. 4112.5/4312.5 - Criminal Record Check)
- (cf. 4131 - Staff Development)
- (cf. 4331 - Staff Development)

**Complaints**

For a licensed child care center, any complaint alleging health and safety violations shall be referred to the California Department of Social Services. For a license-exempt facility, such complaints shall be referred to the appropriate Child Development regional administrator. Any other alleged violation of state or federal laws governing child care and development programs shall be investigated and resolved using the district's procedures in BP/AR 1312.3 - Uniform Complaint Procedures.

- (cf. 1312.3 - Uniform Complaint Procedures)

**Program Evaluation**

The Superintendent or designee shall annually conduct an evaluation of the district's child care and development services in accordance with state requirements. The evaluation report shall be submitted to the Board and the CDE along with an action plan which establishes program goals and objectives for the coming year and addresses any areas identified as needing improvement. (5 CCR 18279-18281)

- (cf. 0500 - Accountability)

**Legal Reference:**

**EDUCATION CODE**

- 8200-8499.10 Child Care and Development Services Act, including:
  - 8200-8209 General provisions for child care and development services
  - 8210-8216 Resource and referral program
  - 8220-8226 Alternative payment program
  - 8230-8233 Migrant child care and development program
  - 8235-8239 California state preschool program
  - 8240-8244 General child care programs
  - 8250-8252 Programs for children with special needs
  - 8263 Eligibility and priorities for subsidized child development services
    - 8263.3 Disenrollment of families due to reduced funding levels
    - 8263.4 Enrollment of students ages 11-12 years

**CHILD CARE AND DEVELOPMENT**

8273-8273.3 Fees

8278.3 Child Care Facilities Revolving Fund

8360-8370 Personnel qualifications

8400-8409 Contracts

8482-8484.6 After-school education and safety program

8484.7-8484.8 21st Century community learning centers

8493-8498 Facilities

8499-8499.7 Local planning councils

49540-49546 Child care food program

49570 National School Lunch program

56244 Staff development funding

**HEALTH AND SAFETY CODE**

1596.70-1596.895 California Child Day Care Act

1596.90-1597.21 Day care centers

120325-120380 Immunization requirements

**CODE OF REGULATIONS, TITLE 5**

4610-4687 Uniform complaint procedures

18000-18434 Child care and development programs, especially:

18012-18122 General requirements

18180-18192 Federal and state migrant programs

18210-18213 Severely handicapped program

18220-18231 Alternative payment program

18240-18248 Resource and referral program

18270-18281 Program quality, accountability

18290-18292 Staffing ratios

18295 Waiver of qualifications for site supervisor

18300-18308 Appeals and dispute resolution

80105-80125 Commission on Teacher Credentialing, child care and development permits

**CODE OF REGULATIONS, TITLE 22**

101151-101239.2 General requirements, licensed child care centers, including:

101151-101163 Licensing and application procedures

101212-101231 Continuing requirements

101237-101239.2 Facilities and equipment

**UNITED STATES CODE, TITLE 42**

1751-1769 School lunch programs

9831-9852 Head Start programs

9858-9858q Child care and development block grant

**CODE OF FEDERAL REGULATIONS, TITLE 7**

210.1-210.31 National School Lunch program

**CODE OF FEDERAL REGULATIONS, TITLE 45**

98.2-98.93 Child care and development fund

**COURT DECISIONS**

**CHILD CARE AND DEVELOPMENT**

CBS Inc. v. The Superior Court of Los Angeles County, State Department of Social Services, (2001) 91 Cal.App.4th 892

Management Resources:

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

14-03a Revised Child Care and Development Fee Schedule, Management Bulletin, September 2014

Uniform Complaint Procedures, 2014

12-07 Disenrollment due to Maximum Reimbursable Amount Reduction, Management Bulletin, July 2012

Keeping Children Healthy in California's Child Care Environment: Recommendations to Improve Nutrition and Increase Physical Activity, 2010

**WEB SITES**

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

California Association for the Education of Young Children: <http://www.caeyc.org>

California Child Development Administrators Association: <http://www.ccdaa.org>

California Department of Education, Early Education and Support Division:

<http://www.cde.ca.gov/sp/cd>

California Department of Education, Early Education Management Bulletins:

<http://www.cde.ca.gov/sp/cd/ci/allmbs.asp>

California Department of Social Services, Licensing Information: <http://ccl.d.ca.gov/PG492.htm>

California Head Start Association: <http://caheadstart.org>

California School-Age Consortium: <http://calsac.org>

Commission on Teacher Credentialing: <http://www.ctc.ca.gov>

National Association for the Education of Young Children: <http://www.naeyc.org>

U.S. Department of Education: <http://www.ed.gov>

Policy Adopted: 01/13/16

ORCUTT UNION SCHOOL DISTRICT  
Orcutt, California

**BEFORE/AFTER SCHOOL PROGRAMS**

The Board of Trustees desires to provide before-school and/or after-school enrichment programs that support the regular education program in a supervised environment. In order to increase academic achievement of participating students, the content of such programs shall be coordinated with the district's vision and goals for student learning, local control and accountability plan, its curriculum, and academic standards.

- (cf. 0000 - Mission)
- (cf. 0200 – Core Values for the School District)
- (cf. 0460 – Local Control and Accountability Plan)
- (cf. 5148 - Child Care and Development)
- (cf. 6011 – Academic Standards)
- (cf. 6176 - Weekend/Saturday Classes)
- (cf. 6177 - Summer Learning Programs)
- (cf. 6179 - Supplemental Instruction)

To the extent feasible, the district shall give priority to establishing before-school and/or after-school programs in low-performing schools and/or programs that serve low-income and other at-risk students.

- (cf. 1400 - Relations Between Other Governmental Agencies and the Schools)
- (cf. 6020 - Parent Involvement)

Any program to be established shall be approved by the Board and the principal of each participating school. (Education Code 8421, 8482.3)

The Superintendent or designee shall ensure that all staff who directly supervise students in the district's before-school and/or after-school program possess appropriate knowledge and experience. As needed, staff and volunteers shall receive ongoing training related to their job responsibilities.

- (cf. 1240 - Volunteer Assistance)
- (cf. 4131 - Staff Development)
- (cf. 4222 - Teacher Aides/Paraprofessionals)
- (cf. 4231 - Staff Development)

The program shall include academic and enrichment elements in accordance with law and administrative regulation. In addition, the program may include support services that reinforce the educational component and promote student health and well-being.

- (cf. 0450 - Comprehensive Safety Plan)
- (cf. 3550 - Food Service/Child Nutrition Program)
- (cf. 5030 - Student Wellness)
- (cf. 5131.6 - Alcohol and Other Drugs)
- (cf. 6142.7 - Physical Education and Activity)

**BEFORE/AFTER SCHOOL PROGRAMS**

Schools that are eligible for state or grant funding to provide after school programs shall follow the grant guidelines which may include no fees for participation in the program.

A fee for participation in before/after school childcare programs may be charged to participating families based on the actual cost of services. The fee may be waived or subsidized based on economic disadvantage or other critical needs in accordance with Education Code 8263 and 8350.

(cf. 3260 - Fees and Charges)

In regard to the After School Education and Safety program and/or 21st Century Community Learning Center program, no fee shall be charged for a student identified as a homeless or foster youth. (Education Code 8482.6)

(cf. 3260 - Fees and Charges)

(cf. 3553 - Free and Reduced Price Meals)

(cf. 6173 - Education for Homeless Children)

(cf. 6173.1 - Education for Foster Youth)

The Board and the Superintendent or designee shall monitor student participation rates in ASES or 21<sup>st</sup> CCLC programs and shall identify multiple measures that shall be used to evaluate program effectiveness. Such measures may include, but are not limited to, student outcome data; program self-assessments; feedback from staff, participating students, and parents/guardians; and observations of program activities.

(cf. 0500 - Accountability)

Legal Reference:

**EDUCATION CODE**

8263 Eligibility and priorities for subsidized child development services

8273.1 Family fees, exemptions

8350-8359.1 Programs for CalWORKS recipients

8360-8370 Personnel qualifications

8420-8428 21st Century After-School Program for Teens

8482-8484.6 After School Education and Safety Program

8484.7-8484.9 21st Century Community Learning Centers

8490-8490.7 Distinguished After School Health Recognition Program

17264 New construction; accommodation of before- and after-school programs

35021.3 After-school physical recreation instructors

45125 Criminal record check

45330 Paraprofessionals; instructional aides

45340-45349 Paraprofessionals; instructional aides

49024 Criminal background check; Activity Supervisor Clearance Certificate

49430-49436 Nutrition standards

49540-49546 Child Care Food Program

49553 Free or reduced-price meals



**BEFORE/AFTER SCHOOL PROGRAMS**

60851.1 Suspension of high school exit examination

69530-69547.9 Cal Grant program

UNITED STATES CODE, TITLE 20

6311 State plans

6314 Title I school wide programs

7171-7176 21st Century community learning centers

UNITED STATES CODE, TITLE 42

1766-1766a Child and Adult Care Food Program

11434a Education for homeless children and youths

CODE OF FEDERAL REGULATIONS, TITLE 7

226.17 Child care center nutrition standards

Management Resources:

Quality Program Improvement Plan for Expanded Learning Programs in California 2016-17, November 2016

Request for Application for Programs Proposing to Serve High School Students, September 2016

21st Century Community Learning Centers (21st CCLC) FAQs Elementary/Middle School Programs, September 2016

A Crosswalk Between the Quality Standards for Expanded Learning and Program Quality Assessment Tools, 2014

Quality Standards for Expanded Learning in California: Creating and Implementing a Shared Vision of Quality, 2014

21st Century High School After School Safety and Enrichment for Teens Program Frequently Asked Questions, March 2012

California After School Physical Activity Guidelines, 2009

21st Century Community Learning Centers, Nonregulatory Guidance, February 2003

WEB SITES

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

California Department of Education, Before and After School:  
<http://www.cde.ca.gov/ls/ba>

California Healthy Kids Survey: <https://chks.wested.org>

California School-Age Consortium: <http://calsac.org>

Commission on Teacher Credentialing: <http://www.ctc.ca.gov>

Partnership for Children and Youth: <http://partnerforchildren.org>

U.S. Department of Agriculture: <http://www.fns.usda.gov/cnd/care/afterschool.htm>

U.S. Department of Education: <http://www.ed.gov>

Policy Adopted: 08/09/17

ORCUTT UNION SCHOOL DISTRICT  
Orcutt, California

**PRESCHOOL/EARLY CHILDHOOD EDUCATION**

The Board of Trustees recognizes the value of high-quality preschool experiences to enhance children's social-emotional development, knowledge, skills, abilities and attributes necessary for a successful transition into the elementary education program. The Board desires to provide children ages 3-4 years' access to developmentally appropriate activities in a safe, adequately supervised, and cognitively rich environment.

The Superintendent or designee shall collaborate with the local child care and development planning council, the county office of education, other public agencies, organizations, and/or private preschool providers to assess the availability of preschool programs in the community and the extent to which the community's preschool needs are being met. The Board encourages the development of a comprehensive districtwide and/or community-wide plan to increase children's access to high-quality preschool programs.

(cf. 1400 - Relations Between Other Governmental Agencies and the Schools)

(cf. 1700 - Relations Between Private Industry and the Schools)

(cf. 5148 - Child Care and Development)

The Superintendent or designee shall provide information about preschool options in the community to parents/guardians upon request.

**District Preschool Programs**

When the Board determines that it is feasible, the district may contract with the California Department of Education (CDE) to provide preschool services in facilities at or near district schools, either directly or through a subcontract with a public or private provider.

District preschool programs shall comply with all health and safety laws and regulations, including, when applicable, licensure requirements pursuant to 22 CCR 101156.

The Board shall approve for the district's preschool program a written philosophical statement, goals, and objectives that reflect the cultural and linguistic characteristics of the families to be served and address the program components specified in 5 CCR 18272-18281 and the accompanying administrative regulation. (5 CCR 18271)

The Board shall set priorities for establishing or expanding services as resources become available, giving consideration to the benefits of providing early education programs for at-risk children and/or children residing in the attendance areas of the lowest performing district schools.

(cf. 6171 - Title I Programs)

**PRESCHOOL/EARLY CHILDHOOD EDUCATION**

Preschool classrooms shall be addressed in the district's facilities master plan, including an assessment as to whether adequate and appropriate space exists on school sites. As necessary, the Superintendent or designee shall provide information to the Board regarding facilities financing options for preschool classrooms and/or facilities available through partnering organizations or agencies.

(cf. 1330.1 - Joint Use Agreements)  
(cf. 7110 - Facilities Master Plan)  
(cf. 7210 - Facilities Financing)

Because parents/guardians are essential partners in supporting the development of their children, the Superintendent or designee shall involve them in program planning.

(cf. 5020 - Parent Rights and Responsibilities)  
(cf. 6020 - Parent Involvement)

The Superintendent or designee shall coordinate the district's preschool program, transitional kindergarten program, and elementary education program to provide a developmental continuum that builds upon children's growing skills and knowledge.

(cf. 6011 - Academic Standards)  
(cf. 6170.1 - Transitional Kindergarten)

The district's program shall be aligned with preschool learning foundations and curriculum frameworks developed by the California Department of Education which identify the knowledge, skills, and competencies that children typically attain as they complete their first or second year of preschool. The program shall be designed to facilitate children's development in essential skills in the areas of language and literacy, mathematics, physical development, health, visual and performing arts, science, history-social science, English language development, and social-emotional development.

The district's preschool program shall provide appropriate services to support the needs of at-risk children.

(cf. 0415 - Equity)  
(cf. 6164.4 - Identification and Evaluation of Individuals for Special Education)  
(cf. 6173 - Education for Homeless Children)  
(cf. 6173.1 - Education for Foster Youth)  
(cf. 6173.2 - Education of Children of Military Families)  
(cf. 6174 - Education for English Language Learners)  
(cf. 6175 - Migrant Education Program)

## **Students**

BP 5148.3 (c)

### **PRESCHOOL/EARLY CHILDHOOD EDUCATION**

To maximize the ability of children to succeed in the preschool program, the program shall support children's health through proper nutrition and physical activity and shall provide or make referrals to available health and social services as needed.

(cf. 3550 - Food Services/Child Nutrition Program)

(cf. 5030 - Student Wellness)

(cf. 5141.31 - Immunizations)

(cf. 5141.32 - Health Screening for School Entry)

(cf. 5141.6 - School Health Services)

The district shall encourage volunteerism in the program and shall communicate frequently with parents/guardians of enrolled children regarding their child's progress.

(cf. 1240 - Volunteer Assistance)

The Superintendent or designee shall ensure that administrators, teachers, and paraprofessionals in district preschool programs possess the appropriate permit(s) issued by the Commission on Teacher Credentialing, meet any additional qualifications established by the Board, and participate in professional development opportunities designed to continually enhance their knowledge and skills.

(cf. 4112.2 - Certification)

(cf. 4112.4/4212.4/4312.4 - Health Examinations)

(cf. 4112.5/4212.5/4312.5 - Criminal Record Check)

(cf. 4131 - Staff Development)

(cf. 4222 - Teacher Aides/Paraprofessionals)

(cf. 4231 - Staff Development)

(cf. 4331 - Staff Development)

Preschool admissions policies and procedures shall be in writing and available to the public. Such policies and procedures shall include criteria designating those children whose needs can be met by the program and services, the ages of children who will be accepted, program activities, any supplementary services provided, any field trip provisions, any transportation arrangements, food service provisions, and a health examination requirement. (CCR 18105; 22 CCR 101218)

The Superintendent or designee shall ensure that subsidized preschool is provided to eligible families to the extent that state and/or federal funding is available and shall establish enrollment priorities in accordance with Education Code 8263 and 5 CCR 18106.

The Superintendent or designee shall recommend strategies to link the district's preschool program with other available child care and development programs in the district or community in order to assist families whose child care needs extend beyond the length of time that the district's part-day preschool program is offered.

The Superintendent or designee shall develop and implement an annual plan of evaluation which conforms to state requirements. (5 CCR 18279)

**PRESCHOOL/EARLY CHILDHOOD EDUCATION**

The district's Williams uniform complaint procedures, with modifications as necessary, shall be used to investigate and resolve complaints alleging violation of applicable health or safety requirements for license-exempt programs operating under the California State Preschool Program. However, licensed programs shall refer complaints alleging health and safety violations to the California Department of Social Services. (Education Code 8235.5; 5 CCR 4610, 4611)

(cf. 1312.4 - Williams Uniform Complaint Procedures)

The Superintendent or designee shall regularly report to the Board regarding enrollment in district preschool programs and the effectiveness of the programs in preparing preschoolers for transition into the elementary education program.

(cf. 0500 - Accountability)

Legal Reference:

**EDUCATION CODE**

8200-8499.10 Child Care and Development Services Act, especially:  
8200-8209 General provisions for child care and development services  
8230-8233 Migrant child care and development program  
8235-8239.1 California State Preschool Program  
8240-8244 General child care and development programs  
8250-8252 Programs for children with special needs  
8263 Eligibility and priorities for subsidized child development services  
8263.3 Disenrollment of families due to reduced funding levels  
8264.8 Center-based child care programs, staffing ratios  
8273.1 Family fees  
8360-8370 Personnel qualifications  
8400-8409 Contracts  
8493-8498 Facilities  
8499.3-8499.7 Local child care and development planning councils  
44065 Interchange between certificated and classified positions  
44256 Credential types  
48000 Transitional kindergarten  
48985 Notification, primary language other than English

**HEALTH AND SAFETY CODE**

1596.70-1596.895 California Child Day Care Act  
1596.90-1597.21 Day care centers  
120325-120380 Immunization requirements

**CODE OF REGULATIONS, TITLE 5**

4600-4670 Uniform complaint procedures  
4690-4694 Health and safety complaints in license-exempt preschool programs  
18000-18434 Child care and development programs, especially:  
18130-18136 California State Preschool Program  
18295 Waiver of qualifications for site supervisor  
80105-80125 Permits authorizing service in child development programs

**UNITED STATES CODE, TITLE 20**

1400-1482 Individuals with Disabilities Education Act  
6311-6322 Title I, relative to preschool  
6371-6376 Early Reading First

**Students**

BP 5148.3 (e)

**PRESCHOOL/EARLY CHILDHOOD EDUCATION**

6381-6381k Even Start family literacy programs  
6391-6399 Education of migratory children  
UNITED STATES CODE, TITLE 42  
9831-9852c Head Start programs  
9858-9858r Child Care and Development Block Grant  
CODE OF FEDERAL REGULATIONS, TITLE 45  
1301-1310 Head Start

Management Resources:

CSBA

**PUBLICATIONS**

What Boards of Education Can Do About Kindergarten Readiness, Governance Brief, May 2016?

CALIFORNIA DEPARTMENT OF EDUCATION

PUBLICATIONS? California Preschool Learning Foundations

Dream Big for Our Youngest Children: Final Report of the California Early Learning Quality

Improvement System Advisory Committee, 2010

Preschool English Learners: Principles and Practices to Promote Language, Literacy, and Learning, 2<sup>nd</sup> ed. 2009

Prekindergarten Learning Development Guidelines, 2000

First Class: A Guide for Early Primary Education, 1999

U.S. DEPARTMENT OF EDUCATION PUBLICATIONS

Policy Statement on Expulsion and Suspension Policies in Early Childhood Settings, 2016

Good Start, Grow Smart, April 2002

**WEB SITES**

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

California Association for the Education of Young Children: <http://www.caeyc.org>

California Children and Families Commission: <http://www.cafc.ca.gov>

California County Superintendents Educational Services Association:  
<http://www.ccsesa.org>

California Department of Education:

<http://www.cde.ca.gov> California Head Start Association:

<http://caheadstart.org> California Preschool Instructional

Network: <http://www.cpin.us> Child Development Policy

Institute: <http://www.cdpi.net>

Cities, Counties, and Schools Partnership: <http://www.ccspartnership.org>

First 5 Association of California: <http://www.cafc.ca.gov>

National Institute for Early Education Research:

<http://nieer.org> U.S. Department of Education:

<http://www.ed.gov>

Policy Adopted: 03/10/21

ORCUTT UNION SCHOOL DISTRICT  
Orcutt, California