



# MARIN COUNTY

## OFFICE OF EDUCATION

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July 17, 2024

The Honorable Judge Mark Talamantes  
Marin County Superior Court  
P.O. Box 4988  
San Rafael, CA 94913-4988

Rod Kerr, Foreperson  
Marin County Civil Grand Jury  
3501 Civic Center Drive, Room #275  
San Rafael, CA 94903

Re: Response to the Marin County Civil Grand Jury Report: *To Learn or Not to Learn: Are Children with Learning Differences Set Up for Success?*

Dear Judge Talamantes and Foreperson Kerr,

The Marin County Office of Education has received the Marin County Civil Grand Jury Report *To Learn or Not to Learn: Are Children with Learning Differences Set Up for Success?* dated June 6, 2024. The Marin County Civil Grand Jury has requested a response to Findings 1-7 (F1-F7) and Recommendations 1-4 (R1-R4). Attached please find the provided *Response Form* and a detailed summary of the Marin County Office of Education's and the Marin County Superintendent of Schools' responses.

Should the members of the Marin County Civil Grand Jury require any additional information, please contact Janelle Campbell, Assistant Superintendent at [jcampbell@marinschools.org](mailto:jcampbell@marinschools.org).

Thank you for your interest in and support of the effective delivery of special education services in our public schools.

Sincerely,

Patricia Garbarino, President  
Marin County Board of Education

John Carroll  
Marin County Superintendent of Schools

PDF file sent to [CourtroomL@marin.courts.ca.gov](mailto:CourtroomL@marin.courts.ca.gov) and [foreperson@MarinCivilGrandJury.org](mailto:foreperson@MarinCivilGrandJury.org)

## RESPONSE FORM: 2023-2024 Marin Civil Grand Jury Report

Report Title: To Learn or Not to Learn: Are Children with Learning Differences Set Up for Success?

Respondent/Agency Name: Marin County Office of Education/Marin County Superintendent of Schools

Submitter Name: John Carroll Title: Marin County Superintendent of Schools

### FINDINGS

- Agree with the findings numbered: 5
- Disagree *partially* with the findings numbered: 1, 2, 3, 4, 6, 7
- Disagree *wholly* with the findings numbered: N/A

(Attach a **statement** specifying any portions of the findings that are disputed; include an explanation of the reasons therefor.)

### RECOMMENDATIONS

- Recommendations numbered 1,2 have been implemented.  
(Attach a **summary** describing the implemented actions.)
- Recommendations numbered N/A have not yet been implemented, but will be implemented in the future.  
(Attach a **timeframe** for the implementation.)
- Recommendations numbered N/A require further analysis.  
(Attach an **explanation** and the scope and parameters of an analysis or study, and a **timeframe** for the matter to be prepared for discussion by the officer or director of the agency or department being investigated or reviewed, including the governing body of the public agency when applicable. This **timeframe shall not exceed six months** from the date of publication of the grand jury report.)
- Recommendations numbered 3,4 will not be implemented because they are not warranted or are not reasonable.  
(Attach an **explanation**.)

Date: July 17, 2024 Signed: John Carroll

Number of pages attached: 231

**Marin County Office of Education and Marin County Superintendent of Schools Response to  
Marin County Civil Grand Jury Report: To Learn or Not to Learn: Are Children with Learning  
Differences Set Up for Success?  
July 17, 2024**

**FINDINGS**

- F1:** Communication with parents and guardians regarding special education services and resources at every child's development stage is critical to identifying whether children have learning differences.

**Response: Partially Agree**

Communication with parents and guardians regarding special education services is critical when all general education interventions have been exhausted or the student is demonstrating acute educational needs that cannot be addressed without the provision of special education support and services. The requirement to support students through general education before identifying a child as disabled is explained in Education Code section 56303, which states that a "pupil shall be referred for special educational instruction and services only after the resources of the regular education program have been considered and, where appropriate utilized." Thus, early communications with parents and guardians typically center on developmental milestones and age/grade level behavioral/academic expectations, not the provision of special education services.

At the same time, to ensure that all parents and guardians are aware of the availability of special education services, California Education Code 56301 requires that every school district provides annual notice to all families of children enrolled in public schools regarding special education and the "Child Find" process (see example 2023-2024 Annual Notice attached). All Marin County school districts are meeting their Child Find obligations under state and federal law via the release of this notice on an annual basis.

When general education supports are not successful in addressing a student's needs, and consistent with California Education Code 56301, all children in Marin County who are *or may be* in need of special education and related services, shall be identified, located, and assessed. These Child Find processes look different in every school district and at every grade level. It is when the Child Find process has been triggered and a student is suspected of having a disability that explicit communication related to special education services takes place.

Specifically, once the Child Find process is activated, parents and guardians are entitled to a more explicit and lengthy statement that provides a full explanation of parent's rights in thirteen identified categories. That statement of rights, commonly referred to as "Procedural Safeguards," must be provided to parents at least once per school year, including upon initial referral for special education services (see sample Procedural Safeguards attached).

It is important to recognize that other state-funded programs also carry obligations to inform, train, and support parents of children with special needs. For example, Matrix

Parent Network and Resource Center is part of a state-mandated and funded network called Family Empowerment Centers. These Centers are funded to ensure, in part, to assist parents to better understand their child's educational and developmental needs, effectively communicate with service providers, serve as a resource for the Individualized Education Program (IEP) process, participate in school reform and improvement activities, promote alternative dispute resolution, and support positive relationships between parents and professionals. Further, the California Office of Administrative Hearings, Special Education Division, provides access to information about special education as well as resources for parents who wish to access free or low-cost advocacy or legal support.

- F2:** Many school districts do not have sufficient information on their website to inform parents and guardians of their rights under federal and state laws to have their children assessed to determine whether they are entitled to special education services.

**Response: Partially Agree**

At the time the Grand Jury Report, *To Learn or Not to Learn: Are Children with Learning Differences Set Up for Success?*, was released, our records indicated that only three (3) out of the seventeen (17) Marin County school districts did not have information about special education available on their website. With that said, there are currently no statutes, federal or state, that require school districts to post information on their website to inform parents/guardians of their rights under federal and/or state laws related to having their children assessed to determine special education eligibility. Although websites do serve an important function for school districts related to generalized one-way communication with the community, there are much more effective and proactive ways in which school districts elect to communicate with families regarding the federal and state laws regarding special education, such as in-person meetings, phone calls, student study teams meetings, and Individualized Education Program (IEP) meetings.

- F3:** Each school district should have information on its website describing the services available for students with learning differences.

**Response: Partially Agree**

All parents/guardians should know what services are available to students with disabilities under the Individuals with Disabilities Education Act (IDEA) on a large scale. The IDEA and related federal regulations require the Special Education Local Plan Area (SELPA) to ensure a continuum of program options are available to meet the needs of students with disabilities for special education and related services. One part of this process is the development of an annual service plan. As identified in California Education Code 56205(b)(2), the annual service plan includes a description of services to be provided by each local educational agency, including the nature of the services and the physical location at which the services will be provided, including alternative schools, opportunity schools and classes, community day schools operated by districts, community schools operated by county offices, and juvenile court schools. The Marin County SELPA's Service Plan is adopted and submitted to the California Department of Education on an annual basis (see 2024-2025 Annual Service Plan attached). Following approval by the CDE, the Service Plan is posted on the Marin County SELPA's website.

Additionally, the Marin County SELPA has a description of special education programming available within Marin County school districts consistent with the California Education Code 56361 requirement for a continuum of special education programming options to be available within each SELPA. This information is updated on an annual basis and can be accessed on the SELPA website (see [www.marinschools.org/domain/59](http://www.marinschools.org/domain/59)).

It would be misleading to attempt to describe the specific services available under IDEA on each district's website. Doing so would remove the "Individualized" from the Individualized Education Program (IEP). Every student with an IEP is unique and the range of services available to a student is dependent on the identified needs of the student and therefore is not something that can be meaningfully prepackaged into a list or description for public consideration.

- F4:** The Special Education Information System is a valuable tool that, when used consistently, will increase the likelihood that students with learning differences will have their Individualized Education Programs effectively administered, thereby increasing the chances of success for those students.

**Response: Partially Agree**

The Special Education Information System (SEIS) is a valuable tool that supports school districts with online access to develop IEPs, manage special education data, submit California Longitudinal Pupil Achievement Data System (CALPADS) reports, and track Individualized Education Program (IEP) service delivery. However, there are no findings in the report that suggest that the use of SEIS specifically or exclusively is connected to an increase in the effective administration of IEPs, or in student success.

- F5:** Many school districts do not use the Special Education Information System to track whether the district has provided the service hours required by Individualized Education Programs.

**Response: Agree**

- F6:** Data is not available electronically in Marin school districts to ascertain whether the districts are providing the service hours required by their students' Individualized Education Programs.

**Response: Partially Agree**

While digital Individualized Education Program (IEP) service delivery data may not be available across all districts in Marin County, school districts are required to track IEP service delivery on an individual student level. If a parent/guardian has a question regarding the delivery of services to their student, the parent/guardian may request records from their school district to help determine if the school district is providing the special education services at the frequency and duration indicated in the last agreed upon IEP.

- F7:** The co-teaching method can reduce the negative connotations of a special education class by including the resource specialist in the general education classroom to assist students with learning differences.

**Response: Partially Agree**

Co-teaching is one method of instruction to assist students with learning differences in the general education classroom that may work to reduce any negative connotations associated with special education service delivery.

**RECOMMENDATIONS**

- R1:** Each school district should inform parents and guardians at least annually about special education services and resources available to their students, such as Matrix and the Special Education Local Plan Area.

**Response: The recommendation has been implemented**

This recommendation has been implemented. School districts in Marin County are currently providing notice to families annually about special education, including the facilitation of an annual Individualized Education Program (IEP) meeting with parents/guardians to discuss special education services.

- R2:** Each school district should develop and implement targeted communication strategies tailored to all parents and guardians regarding their student's rights concerning learning differences.

**Response: The recommendation has been implemented**

This recommendation has been implemented. Marin County school districts are currently using a variety of targeted communication methods with parents/guardians, including emails, website postings, phone calls, and in-person conferences.

- R3:** Each school district should use the Special Education Information System service tracking module to track every student's Individualized Education Programs allocated service hours and the hours provided to each student.

**Response: The recommendation will not be implemented**

There are no findings that each school district in Marin County is not effectively tracking Individualized Education Program (IEP) service delivery. Further, all Marin County school districts are using a service delivery tracking system consistent with the California Department of Education's guidelines<sup>1</sup>. Marin County school districts have the autonomy to select and utilize the service tracking tool that works best for their district and their district's data collection and reporting systems. Therefore, the recommendation is not warranted.

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<sup>1</sup>"LEAs should have a clear, documented process for tracking the implementation of IEP services throughout the year in preparation for any audits; have a clear understanding of how your special education data systems tracks services; ensure all service providers are clear on their obligation to provide services consistent with the IEP" (IEP Implementation Data Collection; CDE Presentation for the SELPA Administrators of California, April 29, 2024). Presentation materials are attached.

**R4:** The Marin County Office of Education should analyze each school district's Individualized Education Programs compliance data and make the results available to the public in its annual report.

**Response: The recommendation will not be implemented**

As noted in this report on page 12, the California Department of Education is required to establish a rigorous data collection process and evaluation program for monitoring the delivery of special education services to students with Individualized Education Programs (IEPs). The responsibility for monitoring and analyzing service delivery rests with the California Department of Education.



**2023-24**

**ANNUAL NOTICE  
TO PARENTS & GUARDIANS**

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## PARENT NOTICE OF RIGHTS AND RESPONSIBILITIES

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

1. **Every Student Succeeds Act (ESSA):** The Every Student Succeeds Act (ESSA) took full effect in 2018 to replace the No Child Left Behind Act in modifying the Elementary and Secondary Education Act of 1965 (ESEA). If updates are provided by the California Department of Education, the following notice may change and new information may be added.
  - **Information Regarding Professional Qualifications of Teachers, Paraprofessionals, and Aides:** Upon request, parents have a right to information regarding the professional qualifications of their student's classroom teachers, paraprofessionals, and aides. This includes whether the teacher meets the state qualifications and licensing criteria for the grades and subjects he/she teaches, whether the teacher is teaching under an emergency permit or other provisional status because of special circumstances, the major or field of discipline for any degrees or certifications held by the teacher, and whether any instructional aides or paraprofessionals provide services to the parents' child and, if so, their qualifications. In addition, parents have a right to notice when the parent's child has been taught for four or more weeks by a teacher who is not highly qualified. (ESEA § 1112(e)(1)(A) (as amended by ESSA))
  - **Information Regarding Individual Student Reports on Statewide Assessments:** Upon request, parents have a right to information on the level of achievement of their student on every State academic assessment administered to the student. (ESEA § 1112(e)(1)(B) (as amended by ESSA))
  - **School Identified for School Improvement:** A local educational agency shall promptly provide notice to a parent or parents of each student enrolled in an elementary school or a secondary school identified for school improvement (school that fails for two consecutive years to make adequate yearly progress as defined in the State's plan) for comprehensive support and improvement activities or targeted support and improvement activities. The notice will be in an understandable and uniform format, and to the extent practicable, in a language the parents can understand. The notice will include an explanation of what the identification means; how the school compares in terms of academic achievement to other elementary schools or secondary schools served by the local educational agency and the State educational agency; the reasons for the identification; an explanation of what the school identified for school improvement is doing to address the problem of low achievement; an explanation of what the local educational agency or State educational agency is doing to help the school address the achievement problem; an explanation of how parents can become involved in addressing the academic issues

that caused the school to be identified for school improvement; and an explanation of the parents' option to transfer their child to another public school (with transportation provided by the agency when required or to obtain supplemental educational services for the child). (ESEA § 1111(c-d) (as amended by ESSA))

### **NOTIFICATION OF THE AVAILABILITY OF SUPPLEMENTAL SERVICES FOR A SCHOOL IDENTIFIED FOR IMPROVEMENT**

San Rafael City Schools utilizes categorical fund dollars to supplement programs and services to students, especially in the areas of math, reading, language arts, and English Language Development. All funds are used for identified students and/or the specified purpose, and all compliance requirements will be fully met. Staff development, parent education and participation, guidance, evaluation, assessment and planning are also required elements of the program.

Title I funding is based on student low income percentages as determined by families specifying income levels in the Aeries Parent Portal Data Confirmation, or an Alternate Income form. Students are identified for Title I academic assistance in grades K-12 by performing below grade level based upon district and school assessments. Teachers identify students in grades K-5 who are performing significantly below grade level according to the criteria identified in the district K-5 Assessment. Students are identified for Title I academic help in grades 6-12 by performing below grade level expectations.

Examples of Support for English Language Arts (ELA), English Language Development (ELD), & Mathematics include: extended time for targeted students, supplemental instructional materials that support the core program, and specialized and targeted academic interventions. In addition, support personnel like reading/math/ELD coaches, intervention teachers, and community liaisons provide supplemental services to improve the academic success of identified students. Funds are also used to enhance school climate, parent engagement, family support, & learning environment by providing training and workshop opportunities, parent support materials, parent orientations, home visits, and Kinder Academy.

(ESEA § (A1111(d) (as amended by ESSA))

- **Parent Involvement:** The San Rafael City Schools Board of Education believes that parents are the first and most important teachers in the lives of children and that all parents have hopes and goals for their children. The Board defines the term "parent" as any caregiver or guardian who is primarily responsible for the care of a child. Research and experience tell us that when parents are actively engaged, children, families, and schools all benefit. The Board believes that all parents have resources, experiences and skills to contribute to members of the school community including teachers, students and other parents. The Board believes "engagement" is evolving and unique to each family.

Parents or guardians shall be notified of their rights to be informed about and to participate in their children's education and of the opportunities available to them to do so. The district's local control and accountability plan (LCAP) shall include goals and strategies for parent/guardian involvement and family engagement. Title I is a TK through grade 12 program that provides additional academic support and learning opportunities for students at schools with high percentages of socioeconomically disadvantaged children. The program is intended to help ensure that all students meet state academic standards. Eligible students are low achieving, low income students, and schools receive a certain amount of money per eligible student. San Rafael City Schools recognizes the necessity and value of parent involvement to support student success and academic achievement (Education Code 42238.02, 52060).

#### **Parent Involvement Board Policy 6020**

*The Governing Board recognizes that parents/guardians are their children's first and most influential teachers and that sustained parent/guardian involvement in the education of their children contributes greatly to student achievement and a positive school environment. The Superintendent or designee shall work with parents/guardians and family members to jointly develop and agree upon policy and strategies to meaningfully involve parents/guardians and family members in district and school activities at all grade levels; advisory, decision-making, and advocacy roles; and activities to support learning at home.*

*Parents/guardians shall be notified of their rights to be informed about and to participate in their children's education and of the opportunities available to them to do so.*

*The district's local control and accountability plan (LCAP) shall include goals and strategies for parent/guardian involvement and family engagement, including district efforts to seek parent/guardian input in district and school site decision making and to promote parent/guardian participation in programs for English learners, foster youth, students eligible for free and reduced-price meals, and students with disabilities. (Education Code 42238.02, 52060)*

*The Superintendent or designee shall regularly evaluate and report to the Board on the effectiveness of the district's parent/guardian and family engagement efforts, including, but not limited to, input from parents/guardians, family members, and school staff on the adequacy of involvement opportunities and on barriers that may inhibit participation.*

#### **Title I Schools**

*The Superintendent or designee shall involve parents/guardians and family members in establishing district expectations and objectives for meaningful parent/guardian and family engagement in schools supported by Title I funding, developing strategies that describe how the district will carry out each activity listed in 20 USC 6318, as contained in the accompanying administrative regulation, and implementing and evaluating such programs, activities, and procedures. As appropriate, the Superintendent or designee shall conduct outreach to all parents/guardians and family members. (Education Code 11503; 20 USC 6318)*

*When the district's Title I, Part A allocation exceeds the amount specified in 20 USC 6318, the Board shall reserve at least one percent of the funding to implement parent/guardian and family engagement activities and shall distribute at least 90 percent of those reserved funds to eligible schools, with priority given to high-need schools as defined in 20 USC 6631. The Superintendent or designee shall involve parents/guardians and family members of participating students in decisions regarding how the district's Title I funds will be allotted for parent/guardian and family engagement activities (20 USC 6318) Expenditures of such funds shall be consistent with the activities specified in this policy and shall include at least one of the following :(20 USC 6318)*

- 1. Support for schools and nonprofit organizations in providing professional development for district and school staff regarding parent/guardian and family engagement strategies, which may be provided jointly to teachers, principals, other school leaders, specialized instructional support personnel, paraprofessionals, early childhood educators, and parents/guardians and family members*
- 2. Support for programs that reach parents/guardians and family members at home, in the community, and at school*
- 3. Dissemination of information on best practices focused on parent/guardian and family engagement, especially best practices for increasing the engagement of economically disadvantaged parents/guardians and family members*
- 4. Collaboration, or the provision of subgrants to schools to enable collaboration, with community-based or other organizations or employers with a record of success in improving and increasing parent/guardian and family engagement*
- 5. Any other activities and strategies that the district determines are appropriate and consistent with this policy*

*If the district also receives funds under federal Title IV, Part E, to coordinate and enhance family engagement programs, the Superintendent or designee shall inform parents/guardians and organizations of the existence of Title IV. (20 USC 6318)*

*The district's Board policy and administrative regulation containing parent/guardian and family engagement strategies shall be incorporated into the district's LCAP in accordance with 20 USC 6312. (20 USC 6318)*

*The Superintendent or designee shall ensure that each school receiving Title I funds develops a school-level parent/guardian and family engagement policy in accordance with 20 USC 6318.*

*District and school-level parent/guardian and family engagement policies and administrative regulations shall be distributed to parents/guardians of students participating in Title I programs and shall be available to the local community. Parents/guardians shall be notified of the policy in an understandable and uniform format and, to the extent practicable, provided in a language the parents/guardians can understand.(20 USC 6318)*

#### **Non-Title I Schools**

*The Superintendent or designee shall develop and implement strategies applicable to each school that does not receive federal Title I funds to encourage the involvement and support of parents/guardians in the education of their children, including, but not limited to, strategies describing how the district and schools will address the purposes and goals described in Education Code 11502. (Education Code 11504)*

**Board policy approved: 3/8/2021 Last Revised: 3/8/2021**

**Regulation 6020 Parent Involvement**

***District Strategies for Title I Schools***

*To ensure that parents/guardians and family members of students participating in Title I programs are provided with opportunities to be involved in their children's education, the district Shall:*

*1. Involve parents/guardians and family members in the joint development of a district plan that meets the requirements of 20 USC 6312 and in the development of school support and improvement plans pursuant to 20 USC 6311 (20 USC 6318)*

*The Superintendent or designee may:*

- a. In accordance with Education Code 52063, establish a district-level parent advisory committee and as applicable, an English learner parent advisory committee to review and comment on the plan district's local control and accountability plan (LCAP) in accordance with the review schedule established by the Governing Board*
- b. Invite input on the plan from other district committees and school site councils*
- c. Communicate with parents/guardians through the district newsletter, web site, or other methods regarding the plan and the opportunity to provide input*
- d. Provide copies of working drafts of the plan to parents/guardians in an understandable and uniform format and, to the extent practicable, in a language the parents/guardians can understand*
- e. Ensure that there is an opportunity at a public Board meeting for public comment on the plan prior to the Board's approval of the plan or revisions to the plan*
- f. Ensure that school-level policies on parent/guardian and family engagement address the role of school site councils and other parents/guardians as appropriate in the development and review of school plans*

*2. Provide coordination, technical assistance, and other support necessary to assist and build the capacity of Title I schools in planning and implementing effective parent/guardian and family engagement activities to improve student academic achievement and school performance, which may include meaningful consultation with employers, business leaders, and philanthropic organizations or individuals with expertise in effectively engaging parents/guardians and family members in education (20 USC 6318)*

*The Superintendent or designee may:*

- a. Assign district personnel to serve as a liaison to the schools regarding Title I parent/guardian and family engagement issues*
- b. Identify funding and other resources, including community resources and services, that may be used to strengthen district and school parent/guardian and family engagement programs*
- c. Provide training for the principal or designee of each participating school regarding Title I requirements for parent/guardian and family engagement, leadership strategies, and communication skills to assist in facilitating the planning and implementation of related activities*
- d. With the assistance of parents/guardians, provide information and training to teachers and other staff regarding effective parent/guardian involvement practices and legal requirements*

*e. Provide information to schools about the indicators and assessment tools that will be used to monitor progress*

*3. To the extent feasible and appropriate, coordinate and integrate Title I parent/guardian and family engagement strategies with parent/guardian and family engagement strategies of other relevant federal, state, and local programs and ensure consistency with federal, state, and local laws (20 USC 6318)*

*The Superintendent or designee may:*

- a. Identify overlapping or similar program requirements*
- b. Involve district and school site representatives from other programs to assist in identifying specific population needs*
- c. Schedule joint meetings with representatives from related programs and share data and information across programs*
- d. Develop a cohesive, coordinated plan focused on student needs and shared goals*

*4. Conduct, with meaningful involvement of parents/guardians and family members, an annual evaluation of the content and effectiveness of the parent/guardian and family engagement policy in improving the academic quality of the schools served by Title I, including identification of: (20 USC 6318)*

- a. Barriers to greater participation in parent/guardian and family engagement activities, with particular attention to parents/guardians who are economically disadvantaged, are disabled, have limited English proficiency, have limited literacy, or are of any racial or ethnic minority background*
- b. The needs of parents/guardians and family members, so they can better assist with their children's learning and engage with school personnel and teachers*
- c. Strategies to support successful school and family interactions*

*The Superintendent or designee may:*

- a. Use a variety of methods, such as focus groups, surveys, and workshops, to evaluate the satisfaction of parents/guardians and staff with the quality and frequency of district communications*
- b. Gather and monitor data regarding the number of parents/guardians and family members participating in district activities and the types of activities in which they are engaged*
- c. Recommend to the Board measures to evaluate the impact of the district's parent/guardian and family engagement efforts on student achievement*

*The Superintendent or designee shall notify parents/guardians of this review and assessment through regular school communications mechanisms and shall provide a copy of the assessment to parents/guardians upon their request. (Education Code 11503)*

*5. Use the findings of the evaluation conducted pursuant to item #4 above to design evidence-based strategies for more effective parent/guardian and family involvement and, if necessary, to revise the parent/guardian and family engagement policy (20 USC 6318)*

*The Superintendent or designee may:*

- a. Analyze data from the evaluation to identify parent/guardian and family engagement activities that have been successful and those activities that have had lower participation or less meaningful involvement by parents/guardians*
- b. Analyze parent/guardian and family participation to determine the level of participation by traditionally underrepresented groups*
- c. With the involvement of parents/guardians, recommend and draft proposed policy revisions to submit to the Board for consideration*

*6. Involve parents/guardians in the activities of schools served by Title I, which may include*

*establishing a parent advisory board comprised of a sufficient number and representative group of parents/guardians or family members served by the district to adequately represent the needs of the population served by the district for the purposes of developing, revising, and reviewing the parent/guardian and family engagement policy (20 USC 6318)*

*The Superintendent or designee may:*

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

*In addition, the district shall promote the effective involvement of parents/guardians and support a partnership among the school, parents/guardians, and the community to improve student achievement by implementing the actions specified in item #7 of the section "School-Level Policies for Title I Schools" below. (20 USC 6318)*

### ***School-Level Policies for Title I Schools***

*At each school receiving Title I funds, a written policy on parent/guardian and family engagement shall be developed jointly with the parents/guardians and family members of participating students. The school policy shall describe the means by which the school will: (20 USC 6318)*

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

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

- 4. Provide the parents/guardians of participating students all of the following:*
  - a. Timely information about Title I programs*
  - b. A description and explanation of the school's curriculum, forms of academic assessment used to measure student progress, and the achievement levels of the challenging state academic standards*
  - c. If requested by parents/guardians, opportunities for regular meetings to formulate suggestions and to participate, as appropriate, in decisions related to their children's education. The district shall respond to any such as soon as practicably possible*
- 5. If the schoolwide program plan is not satisfactory to the parents/guardians of participating students, submit any parent/guardian comments when the school makes the plan available to the district*

6. Jointly develop with the parents/guardians of participating students a school-parent compact that outlines how parents/guardians, the entire school staff, and students will share responsibility for improved student academic achievement and the means by which the school and parents/guardians will build a partnership to help students achieve state standards

This compact shall address:

- a. The school's responsibility to provide high-quality curriculum and instruction in a supportive and effective learning environment that enables participating students to achieve the state's challenging academic achievement standards
- b. Ways in which parents/guardians will be responsible for supporting their children's learning, volunteering in the classroom, and participating, as appropriate, in decisions related to their children's education and the positive use of extracurricular time
- c. The importance of communication between teachers and parents/guardians on an ongoing basis through, at a minimum:
  - (1) Parent-teacher conferences in elementary schools, at least annually, during which the compact shall be discussed as it relates to the student's achievement
  - (2) Frequent reports to parents/guardians on their children's progress
  - (3) Reasonable access to staff, opportunities to volunteer and participate in their child's classroom, and observation of classroom activities
  - (4) Regular two-way, meaningful communication between family members and school staff, and, to the extent practicable, in a language that family members can understand

7. Promote the effective involvement of parents/guardians and support a partnership among the school, parents/guardians, and the community to improve student achievement through the following actions:

- a. Assist parents/guardians in understanding such topics as the state academic standards, state and local academic assessments, the requirements of Title I, and how to monitor a child's progress and work with educators to improve the achievement of their children
- b. Provide parents/guardians with materials and training, such as literacy training and using technology (including education about the harms of copyright piracy), as appropriate, to help them work with their children to improve their children's achievement
- c. With the assistance of parents/guardians, educate teachers, specialized instructional support personnel, principals and other school leaders, and other staff, in the value and utility of parent/guardian contributions and in how to reach out to, communicate with, and work with parents/guardians as equal partners, implement and coordinate parent/guardian programs, and build ties between parents/guardians and the schools
- d. To the extent feasible and appropriate, coordinate and integrate parent/guardian involvement programs and activities with other federal, state, and local programs, including public preschool programs, and conduct other activities, such as parent resource centers, that encourage and support parents/guardians in fully participating in their children's education
- e. Ensure that information related to school and parent/guardian programs, meetings, and other activities is sent to the parents/guardians of participating students in a format and, to the extent practicable, in a language the parents/guardians can understand
- f. Provide other such reasonable support for parent/guardian involvement activities as parents/guardians may request

In addition, the school plan may include strategies to:

- a. Involve parents/guardians in the development of training for teachers, principals, and other educators to improve the effectiveness of such training
- b. Provide necessary literacy training, using Title I funds if the district has exhausted all other reasonably available sources of funding for such training
- c. Pay reasonable and necessary expenses associated with parent/guardian involvement activities, including transportation and child care costs, to enable parents/guardians to participate in school-related meetings and training sessions
- d. Train parents/guardians to enhance the involvement of other parents/guardians

- e. Arrange school meetings at a variety of times or, when parents/guardians are unable to attend such conferences, conduct in-home conferences between parents/guardians and teachers or other educators who work directly with participating students, in order to maximize parent/guardian involvement and participation
- f. Adopt and implement model approaches to improving parent/guardian involvement
- g. Establish a parent advisory council to provide advice on all matters related to parent/guardian involvement in Title I programs
- h. Develop appropriate roles for community-based organizations and businesses in parent/guardian involvement activities
- i. Make referrals to community agencies and organizations that offer literacy training, parent/guardian education programs, and/or other services that help to improve the conditions of parents/guardians and families
- j. Provide a master calendar of district/school activities and meetings
- k. Provide information about opportunities for parent/guardian and family engagement through the district newsletter, web site, or other written or electronic means
- l. Engage parent-teacher organizations to actively seek out and involve parents/guardians through regular communication updates and information sessions
- m. To the extent practicable, provide translation services at school sites and at meetings involving parents/guardians and family members as needed
- n. Provide training and information to members of district and school site councils and advisory committees to help them fulfill their functions
- o. Provide ongoing workshops to assist school site staff, parents/guardians, and family members in planning and implementing improvement strategies, and seek their input in developing the workshops
- p. Regularly evaluate the effectiveness of staff development activities related to parent/guardian and family engagement
- q. Include expectations for parent/guardian outreach and involvement in staff job descriptions and evaluations

8. To the extent practicable, provide opportunities for the informed participation of parents/guardians and family members (including parents/guardians and family members with limited English proficiency, parents/guardians with disabilities, and parents/guardians of migrant children), including providing information and school reports required under 20 USC 6311(h) in a format and language such parents/guardians can understand

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

Each school receiving Title I funds shall annually evaluate the effectiveness of its parent/guardian and family engagement policy. Such evaluation may be conducted during the process of reviewing the school plan for student achievement in accordance with Education Code 64001.

The school's policy shall be periodically updated to meet the changing needs of parents/guardians and the school. (20 USC 6318)

#### **District Strategies for Non-Title I Schools**

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

- 1. Engage parents/guardians and family members positively in their children's education by providing assistance and training on topics such as state academic standards and assessments to increase their knowledge and skills to use at home to support their children's academic efforts at school and their children's development as responsible members of society (Education Code 11502, 11504)

*The Superintendent or designee may:*

- a. Provide or make referrals to literacy training and/or parent education programs designed to improve the skills of parents/guardians and enhance their ability to support their children's education*
- b. Provide information, in parent handbooks and through other appropriate means, regarding academic expectations and resources to assist with the subject matter*
- c. Provide parents/guardians with information about students' class assignments and homework assignments*

*2. Inform parents/guardians that they can directly affect the success of their children's learning, by providing them with techniques and strategies that they may use to improve their children's academic success and to assist their children in learning at home (Education Code 11502, 11504)*

*The Superintendent or designee may:*

- a. Provide parents/guardians with information regarding ways to create an effective study environment for their children at home and to encourage good study habits*
- b. Encourage parents/guardians to monitor their children's school attendance, homework completion, and television viewing*
- c. Encourage parents/guardians to volunteer in their child's classroom and to participate in school advisory committees*
- 3. Build consistent and effective two-way communication between the home and school so that parents/guardians and family members may know when and how to assist their children in support of classroom learning activities (Education Code 11502, 11504)*

*The Superintendent or designee may:*

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

*4. Train teachers, administrators, specialized instructional support personnel, and other staff to communicate effectively with parents/guardians as equal partners (Education Code 11502, 11504)*

*The Superintendent or designee may:*

- a. Provide staff development to assist staff in strengthening two-way communications with parents/guardians, including parents/guardians who have limited English proficiency or limited literacy*

*b. Invite input from parents/guardians regarding the content of staff development activities pertaining to home-school communications*

*5. Integrate and coordinate parent/guardian and family engagement activities within the LCAP with other activities*

*The Superintendent or designee may:*

*a. Include parent/guardian and family engagement strategies in school reform or school improvement initiatives*

*b. Involve parents/guardians and family members in school planning processes*

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- **Limited English Proficient Students:** ESSA requires notice be given to parents of limited English proficient students regarding limited English proficiency programs, not later than 30 days after the beginning of the school year (or, for students identified later in the school year, within two weeks). Notice includes: the reasons for the identification of the student as limited English proficient; the need for placement in a language instruction educational program; the student's level of English proficiency and how such level was assessed; the status of the student's academic achievement; the methods of instruction used in the available programs (including content, instructional goals, and the use of English and native language); the exit requirements for the program; how the program meets the objectives of the student's IEP, if applicable; and, parent options for removing a student from a program, declining initial enrollment and/or choosing another program. (ESEA §-1112(e)(3)(A) (as amended by ESSA)) In addition, the notice shall include the following: (1) whether the student is a long-term English learner or at risk of becoming a long-term English learner; (2) the manner in which the program will meet the needs of long-term English learners or those at risk of becoming long-term English learners; and (3) the manner in which the program will help long-term English learners or those at risk of becoming long-term English learners develop English proficiency and meet age-appropriate academic standards. (Ed. Code, §§ 313.2, 440; 20 U.S.C. § 6312)

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

- 2. Language Acquisition Programs:** Parents or guardians may choose a language acquisition program that best suits their child (*EC* Section 310). Language acquisition programs are educational programs designed to ensure English acquisition occurs as rapidly and effectively as possible. They provide instruction to English learners based on the state-adopted academic content standards, including English language development (ELD) standards.

## LANGUAGE ACQUISITION PROGRAM

### ■ Language Acquisition Programs Offered

San Rafael City Schools offers the following language acquisition programs:

**English Language Mainstream:** A language acquisition program that provides instruction in English only, and is based on grade-level state standards. Students continue to receive additional and appropriate instruction in order to meet the requirements to be reclassified as fluent English proficient (FEP). Primary language may be used to prompt student understanding. Universal Access is offered through differentiated instruction in all academic content areas.

**Structured English Immersion Program:** A language acquisition program in grades TK-8 for English learners in which nearly all classroom instruction is provided in English, but with curriculum and a presentation designed for students who are learning English. At minimum, TK-8 students from all ELPAC Proficiency Levels are offered Designated ELD and provided access to grade level academic subject matter content through Integrated ELD.

**Newcomer Academy:** Up to a yearlong, optional program available to all SRCS students, provided space is available, in grades 2-5 that have been enrolled in U.S. schools for less than a year. The program is designed to provide specialized and intensive support in the early stages of English language acquisition, carefully scaffolded content learning, culturally responsive teaching strategies, and social-emotional learning and support as students acclimate to their new learning environment.

**Bridge Newcomer Academy:** A language acquisition program designed for 16 and 17 year old newcomer students who do not have a clear path to graduation in a comprehensive high school. The Bridge Academy is an optional program that provides a new pathway to graduation by enrolling students in a 1-2 year educational program that allows students to gain graduation credit and then transfer to our Adult School. Bridge students are recent immigrants entering U.S. schools after 10th grade who have no previous high school experience.

**Dual-Language Immersion Program (DLI):** A two-way language acquisition program that provides language learning and academic instruction for native speakers of English and native speakers of another language, with the goals of high academic achievement, first and second language proficiency, and cross-cultural understanding.

Parents or guardians may choose a language acquisition program that best suits their child. Schools in which the parents or guardians of 30 students or more per school or the parents or guardians of 20 students or more in any grade request a language acquisition program that is designed to provide language instruction shall be required to offer such a program to the extent possible. Parents or guardians may provide input regarding language acquisition programs during the development of the Local Control Accountability Plan (EC Section 52062). If interested in a different program from those listed above, please contact Education Services at 415-492-3222 to ask about the process.

Although schools have an obligation to serve all EL students, parents or guardians of English learners have a right to decline or opt their children out of a school's EL program or out of

particular EL services within an EL program. If parents or guardians opt their children out of a school's EL program or specific EL services, the children retain their status as English learners. The school remains obligated to take the affirmative steps required by Title VI of the Civil Rights Act of 1964 and the appropriate actions required by the Equal Educational Opportunity Act of 1974 to provide EL students access to its educational programs.

### **Policy 6174: Education For English Learners**

*The Governing Board intends to provide English learners with challenging curriculum and instruction that maximize the attainment of high levels of proficiency in English, advance multilingual capabilities, and facilitate student achievement in the district's regular course of study.*

*English learners shall be provided differentiated English language development instruction which is targeted to their English proficiency level. Such instruction shall be based on sound instructional theory, be aligned with state content standards, emphasize inquiry-based learning and critical thinking skills, and be integrated across all subject areas.*

*No middle or high school student who is an English learner shall be denied enrollment in any of the following: (Education Code 60811.8)*

*1. Courses in the core curriculum areas of reading/language arts, mathematics, science, and history/social science, courses required to meet state and local high school graduation requirements, or courses required for middle school grade promotion*

*However, an English learner who has been enrolled in a school in the United States for less than 12 months or is enrolled in a program designed to develop the basic English skills of newly arrived immigrant students may be denied participation in any such course, if the course of study provided to the student is designed to remedy academic deficits incurred during participation and reasonably calculated to enable the student to attain parity of participation in the standard instructional program within a reasonable length of time after the student enters the school system.*

*2. A full course load of courses specified in Item #1 above*

*3. Other courses that meet the "A-G" course requirements for college admission or are advanced courses such as honors or Advanced Placement courses, on the sole basis of the student's classification as an English learner*

*The district shall identify in its local control and accountability plan (LCAP) goals and specific actions and services to enhance student engagement, academic achievement, and other outcomes for English learners.*

*The Superintendent or designee shall encourage parent/guardian and community involvement in the development and evaluation of programs for English learners. The Superintendent or designee may also provide an English development literacy training program for parents/guardians and community members so that they may better support students' English language development.*

### **Staff Qualifications and Training**

*The Superintendent or designee shall ensure that all staff employed to teach English learners possess the appropriate authorization from the Commission on Teacher Credentialing.*

*The district shall provide effective professional development to teachers (including teachers in classroom settings that are not the settings of language instruction educational programs), administrators, and other school or community-based organization personnel to improve the instruction and assessment of English learners and enhance staff's ability to understand and use curricula, assessment, and instructional strategies for English learners. Such professional development shall be of sufficient intensity and duration to produce a positive and lasting impact on teachers' performance in the classroom. (20 USC 6825)*

*Staff development shall also address the sociocultural needs of English learners and provide opportunities for teachers to engage in supportive, collaborative learning communities.*

### ***Identification and Assessment***

*The Superintendent or designee shall maintain procedures for the early identification of English learners and an assessment of their proficiency using the English Language Proficiency Assessments for California (ELPAC). To oversee test administration, the Superintendent or designee shall annually designate a district ELPAC coordinator and a site coordinator for each test site in accordance with 5 CCR 11518.40-11518.45.*

*Once identified as an English learner, a student shall be annually assessed for language proficiency until the student is reclassified based on criteria specified in the accompanying administrative regulation.*

*In addition, English learners' academic achievement in English language arts, mathematics, science, and any additional subject required by law shall be assessed using the California Assessment of Student Performance and Progress. As necessary, the test shall be administered with testing variations in accordance with 5 CCR 853. English learners who are in their first 12 months of attending a school in the United States shall be exempted from taking the English language arts assessment to the extent allowed by federal law. (Education Code 60603, 60640; 5 CCR 853)*

*Formative assessments may be utilized to analyze student performance and appropriately adapt teaching methodologies and instructions.*

### ***Language Acquisition Programs***

*The district shall offer research-based language acquisition programs that are designed to ensure English acquisition as rapidly and as effectively as possible and that provide instruction to students on the state-adopted academic content standards, including the English language development standards. (Education Code 306; 5 CCR 11300)*

*At a minimum, the district shall offer a structured English immersion program which includes designated and integrated English language development. In the structured English immersion program, nearly all of the classroom instruction shall be provided in English, but with the curriculum and presentation designed for students who are learning English. (Education Code 305-306; 5 CCR 11309)*

*For the purpose of determining the amount of instruction to be conducted in English in the structured English immersion program, "nearly all" means that all classroom instruction shall be*

*conducted in English except for clarification, explanation, and support as needed.*

*In addition, language acquisition programs offered by the district may include, but are not limited to, the following: (Education Code 305-306)*

*1. A dual-language immersion program that provides integrated language learning and academic instruction for native speakers of English and native speakers of another language, with the goals of high academic achievement, first and second language proficiency, and cross-cultural understanding*

*2. A transitional or developmental program for English learners that provides literacy and academic instruction in English and a student's native language and that enables an English learner to achieve English proficiency and academic mastery of subject matter content and higher order thinking skills, including critical thinking, in order to meet state academic content standards*

*The district's language acquisition programs for grades K-3 shall comply with class size requirements specified in Education Code 42238.02. (Education Code 310)*

*In establishing the district's language acquisition programs, the Superintendent or designee shall consult with parents/guardians and the community during the LCAP development process. The Superintendent or designee shall also consult with administrators, teachers, and other personnel*

*with appropriate authorizations and experience in establishing a language acquisition program. (Education Code 305)*

*At the beginning of each school year or upon a student's enrollment, parents/guardians shall be provided information on the types of language acquisition programs available to students enrolled in the district, including, but not limited to, a description of each program, the process to be followed in making a program selection, identification of any language to be taught in addition to English when the program includes instruction in another language, and the process to request establishment of a language acquisition program. (Education Code 310; 5 CCR 11310)*

*Whenever a student is identified as an English learner based on the results of the ELPAC, the student's parents/guardians may choose a language acquisition program that best suits their child. To the extent possible, any language acquisition program requested by the parents/guardians of 30 or more students at the school or by the parents/guardians of 20 or more students at any grade level shall be offered by the school. (Education Code 310; 5 CCR 11311)*

### ***Reclassification***

*When an English learner is determined based on state and district reclassification criteria to have acquired a reasonable level of English proficiency pursuant to Education Code 313 and 52164.6, or upon request by the student's parent/guardian, the student shall be transferred from a language acquisition program into an English language mainstream classroom.*

*The District must reclassify a student from EL to proficient in English by using a process*

*and criteria that includes, but is not limited to the following:*

- a. Assessment of English language proficiency. (EC Section 313[f][1]; 5 CCR Section 11303[a])*
- b. Teacher evaluation that includes, but is not limited to, the student's academic performance. The term "teacher" refers to the classroom teacher and other certificated staff with direct responsibility for teaching or placement decisions of the student. (EC Section 313[f][2]; 5 CCR Section 11303[b])*
- c. Opportunities for parent opinion, consultation, and involvement during the reclassification process. (EC Section 313[f][3]; 5 CCR Section 11303[c])*
- d. Comparison of student's performance in basic skills against an empirically established range of performance in basic skills, based upon the performance of English proficient students of the same age, which demonstrates whether the student is sufficiently proficient in English to participate effectively in a curriculum designed for students of the same age whose native language is English. (EC Section 313[f][4]; 5 CCR sections 11302, 11303[d])*

*Regardless of the physical form of such a record and to ensure transfer of documentation, each LEA must maintain the following in the student's permanent record:*

- (a) Language and academic performance assessments;*
- (b) Participants in the reclassification process; and*
- (c) Any decisions regarding reclassification. (5 CCR Section 11305)*

*The District must monitor the progress of reclassified pupils for a minimum of four years to ensure correct classification, placement, and additional academic support, as needed. (20 U.S.C. Section 6841[a][4][5]; 5 CCR Section 11304; Castañeda v. Pickard [5th Cir. 1981] 648 F.2d 989)*

*Until July 1, 2029, the Superintendent or designee may, with Board approval, and as specified in BP 5117 - Interdistrict Attendance, enter into an instruction collaboration agreement (ICA) with another school district, county office of education, or charter school to offer the same or similar*

*courses and coursework to students who have been impacted by teacher shortages, disruptions, or cancellations, or teacher shortages to dual language immersion programs. (Education Code 48345)*

### ***Program Evaluation***

To evaluate the effectiveness of the district's educational program for English learners, the Superintendent or designee shall report to the Board, at least annually, regarding:

1. Progress of English learners towards proficiency in English
2. The number and percentage of English learners reclassified as fluent English proficient
3. The number and percentage of English learners who are or are at risk of being classified as long-term English learners in accordance with Education Code 313.1
4. The achievement of English learners on standards-based tests in core curricular areas
5. For any language acquisition program that includes instruction in a language other than English, student achievement in the non-English language in accordance with 5 CCR 11309
6. Progress toward any other goals for English learners identified in the district's LCAP
7. A comparison of current data with data from at least the previous year in regard to Items #1-6 above
8. A comparison of data between the different language acquisition programs offered by the district

The Superintendent or designee shall also provide the Board with regular reports from any district or schoolwide English learner advisory committees.

Board policy approved: 12/8/08 Last Revised: 7/17/23

### **Regulation 6174: Education For English Learners Definitions**

#### ***Learners Definitions***

*English learner means a student who is age 3-21 years, who is enrolled or is preparing to enroll in an elementary or secondary school, and whose difficulties in speaking, reading, writing, or understanding the English language may be sufficient to deny the student the ability to meet state academic standards, the ability to successfully achieve in classrooms where the language of instruction is English, or the opportunity to participate fully in society. An English learner may include a student who was not born in the United States or whose native language is a language other than English; a student who is Native American or Alaska Native, or a native resident of the outlying areas, who comes from an environment where a language other than English has had a significant impact on the individual's level of English language proficiency; or a student who is migratory, whose native language is a language other than English, and who comes from an environment where a language other than English is dominant. (Education Code 306; 20 USC 7801)*

*Designated English language development means instruction provided during a time set aside in the regular school day for focused instruction on the state-adopted English language development standards to assist English learners to develop critical English language skills necessary for academic content learning in English. (5 CCR 11300)*

*Integrated English language development means instruction in which the state-adopted English language development standards are used in tandem with the state-adopted academic content standards. Integrated English language development includes specially designed academic instruction in English. (5 CCR 11300)*

*Native speaker of English means a student who has learned and used English at home from early childhood and English has been the primary means of concept formation and communication. (Education Code 306)*

### ***Identification and Assessments***

*Upon enrollment in the district, each student's primary language shall be determined through the use of a home language survey. (Education Code 52164.1; 5 CCR 11307, 11518.5)*

*Any student who is identified as having a primary language other than English as determined by the home language survey, and who has not previously been identified as an English learner by a California public school or for whom there is no record of results from an administration of an English language proficiency test, shall be initially assessed for English proficiency using the English Language Proficiency Assessments for California (ELPAC). Prior to administering the ELPAC, the Superintendent or designee shall notify the student's parent/guardian in writing that the student will be administered the initial ELPAC. (Education Code 313, 52164.1; 5 CCR 11518.5)*

*Administration of the ELPAC, including the use of variations and accommodations in test administration when authorized, shall be conducted in accordance with test publisher instructions and 5 CCR 11518.5-11518.37.*

*Based on the initial assessment, the student shall be classified either as initially fluent in English proficient or as an English learner. The Superintendent or designee shall notify the student's parent/guardian, in writing, of the results of the ELPAC initial assessment within 30 calendar days after the student's date of initial enrollment, or, if administered prior to the student's initial date of enrollment, up to 60 calendar days prior to such enrollment, but not before July 1 of the school year of the student's initial enrollment. The notice shall indicate whether the student met the ELPAC initial assessment criterion for proficiency and include the district's contact information for use if the parent/guardian has questions or concerns regarding the student's classification. (5 CCR 11518.5)*

*Each year after a student is identified as an English learner and until the student is redesignated as English proficient, the summative assessment of the ELPAC shall be administered to the student during a four-month period after January 1 as determined by the California Department of Education. (Education Code 313)*

*The Superintendent or designee shall notify parents/guardians of their child's results on the summative assessment of the ELPAC within 30 calendar days following receipt of the results from the test contractor or, if the results are received from the test contractor after the last day of instruction for the school year, within 15 working days of the start of the next school year. (Education Code 52164.1; 5 CCR 11518.15)*

*The parent/guardian of a student participating in, or identified for participation in, a language instruction program supported by federal Title I or Title III funds shall receive notification of the assessment of the student's English proficiency. Such notice shall be provided no later than 30 calendar days after the beginning of the school year or, if the student is identified for program participation during the school year, within two weeks of the student's placement in the program. The notice shall include all of the following: (Education Code 313.2, 440; 20 USC 6312)*

- 1. The reason for the identification of the student as an English learner and the need for placement in a language acquisition program*
- 2. The level of English proficiency, how the level was assessed, and the status of the student's academic achievement*
- 3. A description of the language acquisition program in which the student is, or will be, participating, including a description of all of the following:*
  - 1. The methods of instruction used in the program and in other available programs, including how such programs differ in content, instructional goals, and the use of English and a native language in instruction*
  - 2. The manner in which the program will meet the educational strengths and needs of the student*
  - 3. The manner in which the program will help the student develop English proficiency and meet age-appropriate academic standards for grade promotion and graduation*
  - 4. The specific exit requirements for the program, the expected rate of transition*

*from the program into classes not tailored for English learners, and the expected rate of graduation from secondary school if applicable*

- 5. When the student has been identified for special education, the manner in which the program meets the requirements of the student's IEP*
  
- 4. As applicable, the identification of a student as a long-term English learner or at risk of becoming a long-term English learner, as defined in Education Code 313.1, and the manner in which the program for English language development instruction will meet the educational strengths and needs of such students and help such students develop English proficiency and meet age-appropriate academic standards*
  
- 5. Information about the parent/guardian's right to have the student immediately removed from a program upon the parent/guardian's request*
  
- 6. Information regarding a parent/guardian's option to decline to enroll the student in the program or to choose another program or method of instruction, if available*
  
- 7. Information designed to assist a parent/guardian in selecting among available programs, if more than one program or method is offered*

### ***Language Acquisition Programs***

*Whenever parents/guardians of enrolled students, and those enrolled for attendance in the next school year, request that the district establish a specific language acquisition program in accordance with Education Code 310, such requests shall be addressed through the following process: (5 CCR 11311)*

- 1. The school shall make a written record of each request, including any request submitted verbally, that includes the date of the request, the names of the parent/guardian and student making the request, a general description of the request, and the student's grade level on the date of the request. As needed, the school shall assist the parent/guardian in clarifying the request. All requests shall be maintained for at least three years from the date of the request.*
  
- 2. The school shall monitor requests on a regular basis and notify the Superintendent or designee when the parents/guardians of at least 30 students enrolled in the school, or at least 20 students in the same grade level, request the same or a substantially similar type of language acquisition program. If the requests are for a multilingual program model, the district shall*

consider requests from parents/guardians of students enrolled in the school who are native English speakers in determining whether this threshold is reached.

3. If the number of parents/guardians described in Item #2 is attained, the Superintendent or designee shall:

1. Within 10 days of reaching the threshold, notify the parents/guardians of students attending the school, the school's teachers, administrators, and the district's English learner parent advisory committee and parent advisory committee, in writing, of the requests for a language acquisition program

2. Identify costs and resources necessary to implement any new language acquisition program, including, but not limited to, certificated teachers with the appropriate authorizations, necessary instructional materials, pertinent professional development for the proposed program, and opportunities for parent/guardian and community engagement to support the proposed program goals

3. Within 60 calendar days of reaching the threshold number of parents/guardians described in Item #2 above, determine whether it is possible to implement the requested language acquisition program and provide written notice of the determination to parents/guardians of students attending the school, the school's teachers, and administrators

4. If a determination is made to implement the language acquisition program, create and publish a reasonable timeline of actions necessary to implement the program. If a determination is made that it is not possible to implement the program, provide a written explanation of the reason(s) the program cannot be provided.

The district shall notify parents/guardians at the beginning of each school year or upon the student's enrollment regarding the process to request a language acquisition program, including a dual-language immersion program, for their child. The notice shall also include the following: (5 CCR 11309, 11310)

1. A description of the programs provided, including structured English immersion

2. Identification of any language to be taught in addition to English when the program includes instruction in a language other than English

3. The manner in which the program is designed using evidence-based research and includes both designated and integrated English language development

4. *The manner in which the district has allocated sufficient resources to effectively implement the program, including, but not limited to, certificated teachers with the appropriate authorizations, necessary instructional materials, pertinent professional development, and opportunities for parent/guardian and community engagement to support the program goals*

5. *The manner in which the program will, within a reasonable period of time, lead to language proficiency and achievement of the state-adopted content standards in English and, when the program includes instruction in another language, in that other language*

6. *The process to request establishment of a language acquisition program not offered at the school*

7. *For any dual-language immersion program offered, the specific languages to be taught. The notice also may include the program goals, methodology used, and evidence of the proposed program's effectiveness.*

*The district shall provide additional and appropriate educational services to English learners for the purposes of overcoming language barriers and academic deficits in other areas of the core curriculum. (5 CCR 11302)*

### ***Reclassification/Redesignation***

*English learners shall be reclassified as fluent English proficient when they are able to comprehend, speak, read, and write English well enough to receive instruction in an English language mainstream classroom and make academic progress at a level substantially equivalent to that of students of the same age or grade whose primary language is English and who are in the regular course of study. (Education Code 52164.6)*

*The criteria for determining whether an English learner shall be reclassified as fluent English proficient shall include, but not be limited to: (Education Code 313, 52164.6; 5 CCR 11303)*

1. *Assessment of English language proficiency using an objective assessment instrument, including, but not limited to, the ELPAC*

2. *Evaluation by the student's classroom teacher and any other certificated staff with direct responsibility for teaching or placement decisions related to the student, including, but not limited to, a review of the student's curriculum mastery and academic performance*

3. *Parent/guardian involvement, including:*

1. *Notice to parents/guardians of language reclassification and placement, including a description of the reclassification process and the parent/guardian's opportunity to participate*

2. *Encouragement of parent/guardian participation in the district's reclassification procedure, including seeking parent/guardian opinion and*

*consultation during the reclassification process*

*3. Provision of an interpreter for the parent/guardian, when necessary*

*4. Comparison of student performance on an objective assessment of basic skills in English against an empirically established range of performance in basic skills, based on the performance of English proficient students of the same age, which demonstrates whether the student is sufficiently proficient in English to participate effectively in a curriculum designed for students of the same age whose native language is English*

*The student's language proficiency assessments, the participants in the reclassification process, and any decisions regarding reclassification shall be retained in the student's permanent record. (5 CCR 11305)*

*The Superintendent or designee shall monitor the progress of reclassified students to ensure their correct classification and placement. (5 CCR 11304)*

*The Superintendent or designee shall monitor students for at least four years following their reclassification to ensure the students have not prematurely exited, any academic deficit incurred through participation in the English learner program has been remedied, and the students are meaningfully participating in the standard instructional program compared to students who had never participated in an English learner program. (5 CCR 11304; 20 USC 6841)*

### *Advisory Committees*

*A school-level English Learner Advisory Committee (ELAC) shall be established when there are more than 20 English learners at the school. Parents/guardians of English learners, elected by parents/guardians of English learners at the school, shall constitute committee membership in at least the same percentage as English learners represent of the total number of students in the school. The school may designate for this purpose an existing school-level advisory committee provided that it meets these criteria for committee membership. (Education Code 52176; 5 CCR11308)*

*The ELAC shall be responsible for assisting in the development of a schoolwide needs assessment, recommending ways to make parents/guardians aware of the importance of regular school attendance, and advising the principal and school staff in the development of a detailed master plan for English learners for the individual school and submitting the plan to the Board for consideration for inclusion in the district master plan. (Education Code 52176)*

*When the district has more than 50 English learners, the Superintendent or designee shall establish a District English Learner Advisory Committee (DELAC), the majority of whose membership shall be composed of parents/guardians of English learners who are not employed by the district. Alternatively, the district may use a subcommittee of an existing districtwide advisory committee on which parents/guardians of English learners have membership in at least the same percentage as English learners represent of the total number of students in the district. (Education Code 52176)*

*The DELAC shall advise the Board on at least the following tasks: (5 CCR 11308)*

- 1. Developing a district master plan for education programs and services for English learners, taking into consideration the school site plans for English learners*
- 2. Conducting a districtwide needs assessment on a school-by-school basis*
- 3. Establishing a district program, goals, and objectives for programs and services for English learners*
- 4. Developing a plan to ensure compliance with applicable teacher or instructional aide requirements*
- 5. Administering the annual language census*
- 6. Reviewing and commenting on the district's reclassification procedures*
- 7. Reviewing and commenting on the required written parental notifications*

*In order to assist the advisory committee in carrying out its responsibilities, the Superintendent or designee shall ensure that DELAC and ELAC committee members receive appropriate training and materials. This training shall be planned in full consultation with the members. (5 CCR 11308)*

#### ***LCAP Advisory Committee***

*When there are at least 15 percent English learners in the district, with at least 50 students who are English learners, a district-level English learner parent advisory committee shall be established to review and comment on the district's local control and accountability plan (LCAP). Such advisory committee shall provide input regarding the district's existing language acquisition programs and language programs, and, where possible, the establishment of other such programs, in accordance with BP 0460 - Local Control and Accountability Plan. The committee shall be composed of a majority of parents/guardians of English learners. If the DELAC acts as the ELAC pursuant to Education Code 52063 and 52062, the DELAC shall also review and comment on the development or annual update of the LCAP. (Education Code 52062, 52063; 5 CCR 11301, 15495)*

*The DELAC may also serve as the LCAP English learner advisory committee.*

***Regulation approved: 12/8/08 Last Revised: 7/17/23***

- 3. School Accountability Report:** Parents/guardians may request a hard copy of the School Accountability Report Card which is issued annually for each school of the District. (Ed. Code, § 35256)

#### **[School Accountability Report Cards. English 2021-22](#)**

- 4. Review of Curriculum:** A prospectus of curriculum, including titles, descriptions, and instructional aims of every course offered by each public school, is available at the school

site for review upon request. Copies are available upon request for a reasonable fee not to exceed the actual copying cost. (Ed. Code, § 49091.14)

5. **Pupil-Free Staff Development Day and Minimum Day Schedule:** A copy of the District's pupil-free staff development day and minimum day schedules is attached for reference. A pupil's parent or guardian will be notified during the school year of any additional minimum days and pupil-free staff development days no later than one month before the actual date. (Ed. Code, § 48980(c))
6. **Transitional Kindergarten:** The District may admit a child, who will have his/her fifth birthday between September 2 and April 2, to a transitional kindergarten at the beginning of or at any time during the school year with parental/guardian approval if:
  - a. the governing board or body determines that the admittance is in the best interests of the child, and
  - b. the parent/guardian is given information on the advantages and disadvantages and any other explanatory information on the effects of early admittance. (Ed. Code, § 48000)
7. **PE Instructional Minutes:** The adopted course of study for grades 1 through 6 and instruction in grades 1 through 8 in an elementary school includes physical education for not less than 200 minutes each ten school days, exclusive of recesses and the lunch period. (Ed. Code, §§ 51210, 51223)

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

8. **Equal Opportunity:** Equal opportunities for both sexes in all educational programs and activities run by the District is a commitment made by the District to all students. (Title IX of the Education Amendments of 1972) (34 C.F.R. § 106.8) Inquiries on all matters, including complaints, regarding the implementation of Title IX in the District may be referred to the District official listed below at the following address and telephone:

Senior Director, Human Resources  
San Rafael City Schools  
310 Nova Albion Way  
San Rafael, CA 94903  
415-492-3531  
[communications@srgs.org](mailto:communications@srgs.org)

Director of Student Services  
San Rafael City Schools  
310 Nova Albion Way  
San Rafael, CA 94903  
415-492-3220  
[communications@srgs.org](mailto:communications@srgs.org)

- 9. Sex Equity In Career Planning:** Parents shall be notified in advance of career counseling and course selection commencing with course selection in Grade 7, to promote sex equity and allow parents to participate in counseling sessions and decisions. (Ed. Code, § 221.5(d))
- 10. Course Assignments:** The District is prohibited from assigning a student enrolled in any of grades 9 through 12 to any course period without educational content for more than one week in any semester, except under specified conditions. Under no circumstances will the District assign a student enrolled in any of grades 9 through 12 to a course period without educational content because there are not sufficient curricular course offerings for the student to take during the relevant period of the designated school day. (Ed. Code, § 51228.1)

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

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

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

- 11. Pupil Fees:** A pupil enrolled in a public school will not be required to pay a pupil fee for participation in an educational activity. (Ed. Code, § 49011)
- a. The following requirements apply to prohibited pupil fees:
    - i. All supplies, materials, and equipment needed to participate in educational activities must be provided to pupils free of charge.
    - ii. A fee waiver policy shall not make a pupil fee permissible.
    - iii. The District and its schools shall not establish a two-tier educational system by requiring a minimal educational standard and also offering a second, higher educational standard that pupils may only obtain through payment of a fee or purchase of additional supplies that the school district or school does not provide.

iv. The District and its schools shall not offer course credit or privileges related to educational activities in exchange for money or donations of goods or services from a pupil or a pupil's parents or guardians, and the District and its schools shall not remove course credit or privileges related to educational activities, or otherwise discriminate against a pupil, because the pupil or the pupil's parents or guardians did not or will not provide money or donations of goods or services to the District or school.

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

A complaint of noncompliance may be filed under the District's Uniform Complaint Procedure 6s and Title 5 of the California Code of Regulations. (Ed. Code, § 49013)

**12. Assistance to Cover Costs of Advanced Placement Examination Fees:** The District may help pay for all or part of the costs of one or more advanced placement examinations that are charged to economically disadvantaged students. (Ed. Code, §§ 48980(j), 52242)

**13. College Admission Requirements and Higher Education Information:**

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

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

For a list of District courses that have been certified by the University of California as satisfying the requirements for admission to the UC and CSU systems, please refer to: <https://doorways.ucop.edu/list>.

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

CTE course may also satisfy a graduation requirement and a subject matter requirement for admission to the UC and CSU.

To learn more about CTE, please visit <https://www.cde.ca.gov/ci/ct/>

To learn more about the District's career technical education classes, please visit the District's website at: [www.sracs.org](http://www.sracs.org).

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

Courses required by the District in order to graduate from high school satisfy or do not satisfy the UC/CSU admission requirements as follows:

<b>SUBJECTS</b>	<b>San Rafael High School District Graduation Requirements</b>	<b>CSU and UC Entrance Requirements</b>
<b>ENGLISH</b>	<b>4 Years</b>	<b>4 Years</b>
<b>MATHEMATICS</b>	<b>2 Years</b>	<b>3 Years / 4 Recommended</b> <i>Algebra 1, Geometry and Algebra 2</i>
<b>SOCIAL STUDIES</b>	<b>3.5 Years</b> <i>Ethnic Studies</i> <i>World History</i> <i>US History</i> <i>Government</i>	<b>2 Years</b> <i>World History</i> <i>US History /Government</i>
<b>SCIENCE</b>	<b>2 Years</b> <i>1 Year Biological Science</i> <i>1 Year Physical Science</i>	<b>2 Years / 3 Recommended</b> <i>1 Year Biological Science</i> <i>1 Year Physical Science</i>
<b>LANGUAGE OTHER THAN ENGLISH (LOTE)</b>	<b>1 Year of Language other than English (LOTE)</b> <b>OR</b> <b>1 Year Fine Arts</b>	<b>2 Years / 3 Recommended</b> <b>Same Language</b>
<b>FINE ARTS</b>	<b>1 Year of Fine Arts or</b> <b>1 Year of Language other than English(LOTE)</b>	<b>1 Year</b> <i>Drama, Music or Visual Arts</i>
<b>PHYS. ED.</b>	<b>2 Years</b>	-----

<b>ELECTIVES</b>	<b>75 Credits</b> <i>Elective courses and courses taken after fulfilling graduation requirements</i>	<b>1 year</b> <i>Either courses specific to the elective (G) subject area or courses taken after fulfilling a-g requirements</i>
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Investing and considering appropriate investment options for future college or university education is important. (Ed. Code, § 48980(d)) Any questions regarding investment options should be directed to a financial advisor.

- 14. Regional Occupational Centers and Programs/County Offices of Education Programs/Adult Education Programs:** A regional occupational center or program, county office of education program, or adult education program must meet specified requirements for certification by the Superintendent of Public Instruction in order to provide an employment training program for adults or to authorize an education program beyond secondary education that leads to a degree or certificate. (Ed. Code, § 52334.7) A complaint alleging that a local agency violated federal or state laws or regulations governing adult education programs under Education Code section 52501 or regional occupational centers and programs may be filed under the District’s Uniform Complaint Procedures and Title 5 of the California Code of Regulations. A complaint alleging that a county office of education violated federal or state laws or regulations governing the county office’s participation in any student financial assistance program authorized by Title IV may also be filed under the Uniform Complaint Procedures and Title 5 of the California Code of Regulations.
- 15. Pupil Find System; Policies and Procedures:** Any parent suspecting that a child has exceptional needs may request an assessment for eligibility for special education services through the Director of Student Services and/or Special Education, or his/her designee. Policy and procedures shall include written notification to all parents of their rights pursuant to Education Code section 56300 et seq. (Ed. Code, § 56301; 34 C.F.R. § 104.32(b))
- 16. Services for Students with Exceptional Needs or a Disability:** State and federal law require that a free and appropriate public education (FAPE) in the least restrictive environment be offered to qualified pupils with disabilities ages 3 through 21 years. Students classified as individuals with exceptional needs for whom a special education placement is unavailable or inappropriate may receive services in a private nonsectarian school. Please contact the local director of special education for specific information. (Ed. Code, § 56040 et seq.)

Director of Special Education  
 San Rafael City Schools  
 310 Nova Albion Way  
 San Rafael, CA 94903  
 415-492-3220  
[communications@srcs.org](mailto:communications@srcs.org)

In addition, services are available for students who have a disability which interferes with their equal access to educational opportunities. (Section 504 of the Rehabilitation Act of 1973, 34 C.F.R. § 104.32) The District official listed below is responsible for handling requests for services under Section 504 and may be reached at the following address and telephone:

Director of Student Services  
San Rafael City Schools  
310 Nova Albion Way  
San Rafael, CA 94903  
415-492-3222  
[communications@srcs.org](mailto:communications@srcs.org)

**Policy 6164.6: Identification And Education Under Section 504**

*The Board of Education believes that all children, including children with disabilities, should have the opportunity to learn in a safe and nurturing environment. The Superintendent or designee shall work to identify children with disabilities who reside within the jurisdiction of the district in order to ensure that they receive educational and related services required by law.*

*The Superintendent or designee shall provide qualified students with disabilities with a free appropriate public education (FAPE), as defined under Section 504 of the federal Rehabilitation Act of 1973. Such students shall receive regular or special education and related aids and services designed to meet their individual educational needs as adequately as the needs of nondisabled students are met. (34 CFR 104.33)*

*In addition, qualified students with disabilities shall be provided an equal opportunity to participate in programs and activities that are integral components of the district's basic education program, including, but not limited to, extracurricular athletics, interscholastic sports, and/or other nonacademic activities. (34 CFR 104.37)*

*The district's local control and accountability plan shall include goals and specific actions to improve student achievement and other outcomes of students with disabilities. At least annually, the Superintendent or designee shall assess the district's progress in attaining the goals established for students with disabilities and shall report these results to the Board. (Education Code 52052, 52060)*

*In providing services to students with disabilities under Section 504, the Superintendent or designee shall ensure district compliance with law, including providing the students and their parents/guardians with applicable procedural safeguards and required notifications. Any dispute as to the identification, evaluation, or placement of any student with a disability shall be resolved in accordance with the processes specified in the "Procedural Safeguards" section of the accompanying administrative regulation.*

*The Superintendent or designee shall maintain a list of impartial hearing officers who are qualified and willing to conduct Section 504 hearings. To ensure impartiality, such officers shall*

*not be employed by or under contract with the district in any other capacity except as hearing officer and shall not have any professional or personal involvement that would affect their impartiality or objectivity in the matter.*

**Board policy approved: 12/8/2008 Revised: 7/23/2018**

**Regulation 6164.6: Identification And Education Under Section 504**

*The Superintendent designates the following position as the district's 504 Coordinator to implement the requirements of Section 504 of the federal Rehabilitation Act of 1973: (34 CFR 104.7)*

*Director of Student Services  
San Rafael City Schools  
310 Nova Albion Way  
San Rafael 94903  
(415) 492-3220  
[communications@srcs.org](mailto:communications@srcs.org)*

***Definitions***

*For the purpose of implementing Section 504, the following terms and phrases shall have only the meanings specified below:*

*Free appropriate public education (FAPE) means the provision of either regular or special education and related aids and services, designed to meet the student's individual educational needs of a student with disabilities as adequately as the needs of students without disabilities are met, at no cost to the student or his/her parent/guardian except when a fee is specifically authorized by law for all students. (34 CFR 104.33)*

*Student with a disability means a student who has a physical or mental impairment which substantially limits one or more major life activities. (28 CFR 35.108)*

*Physical impairment means any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more body systems, such as neurological, musculoskeletal, special sense organs, respiratory (including speech organs), cardiovascular, reproductive, digestive, genito-urinary, immune, hemic, lymphatic, skin, and endocrine. (28 CFR 35.108)*

*Mental impairment means any mental or psychological disorder, such as intellectual disability, organic brain syndrome, emotional or mental illness, and specific learning disability. (28 CFR 35.108)*

*Substantially limits major life activities means limiting a person's ability to perform functions, as compared to most people in the general population, such as caring for himself/herself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, writing, communicating, and working. Major life activities also include major bodily functions such as functions of the immune system, special sense organs and skin, normal cell growth, digestive, bowel, bladder,*

neurological, brain, respiratory, circulatory, cardiovascular, endocrine, hemic, lymphatic, musculoskeletal, and reproductive functions, as well as the operation of an individual organ within a body system. The determination of whether an impairment substantially limits a student's major life activities shall be made without regard to the ameliorative effects of mitigating measures other than ordinary eyeglasses or contact lenses. Mitigating measures are measures that an individual may use to eliminate or reduce the effects of an impairment, including, but not limited to, medications, medical supplies or equipment, prosthetic devices, assistive devices, reasonable modifications or auxiliary aids or services, learned behavioral or adaptive neurological modifications, psychotherapy, behavioral therapy, or physical therapy. (42 USC 12102; 28 CFR 35.108)

### ***Referral, Identification, and Evaluation***

*Any action or decision to be taken by the district involving the referral, identification, or evaluation of a student with disabilities shall be in accordance with the following procedures:*

- 1. A parent/guardian, teacher, other school employee, student success team, or community agency may refer a student to the principal or 504 Coordinator for identification as a student with a disability under Section 504.*
- 2. Upon receipt of any such referral, the principal, 504 Coordinator, or other qualified individual with expertise in the area of the student's suspected disability shall consider the referral and determine whether an evaluation is appropriate. This determination shall be based on a review of the student's school records, including those in academic and nonacademic areas of the school program; consultation with the student's teacher(s), other professionals, and the parent/guardian, as appropriate; and analysis of the student's needs.*

*If it is determined that an evaluation is unnecessary, the principal or 504 Coordinator shall inform the parents/guardians in writing of this decision and of the procedural safeguards, as described in the "Procedural Safeguards" section below.*

- 3. If a student needs or is believed to need special education or related services under Section 504, the district shall conduct an evaluation of the student prior to his/her initial placement. (34 CFR 104.35)*

*Prior to conducting an initial evaluation of a student for eligibility under Section 504, the district shall obtain written parent/guardian consent.*

*The district's evaluation procedures shall ensure that tests and other evaluation materials: (34 CFR 104.35)*

1. *Have been validated and are administered by trained personnel in conformance with the instruction provided by the test publishers*
2. *Are tailored to assess specific areas of educational need and are not merely designed to provide a single general intelligence quotient*
3. *Reflect the student's aptitude or achievement or whatever else the tests purport to measure rather than his/her impaired sensory, manual, or speaking skills, except where those skills are the factors that the tests purport to measure*

### ***Section 504 Services Plan and Placement***

*Services and placement decisions for students with disabilities shall be determined as follows:*

1. *A multi-disciplinary 504 team shall be convened to review the evaluation data in order to make placement decisions.*

*The 504 team shall consist of a group of persons knowledgeable about the student, the meaning of the evaluation data, and the placement options. (34 CFR 104.35)*

*In interpreting evaluation data and making placement decisions, the team shall draw upon information from a variety of sources, including aptitude and achievement tests, teacher recommendations, physical condition, social or cultural background, and adaptive behavior. The team shall also ensure that information obtained from all such sources is documented and carefully considered and that the placement decision is made in conformity with 34 CFR 104.34. (34 CFR 104.35)*

2. *If, upon evaluation, a student is determined to be eligible for services under Section 504, the team shall meet to develop a written 504 services plan which shall specify the types of regular or special education services, accommodations, and supplementary aids and services necessary to ensure that the student receives FAPE.*

*The parents/guardians shall be invited to participate in the meeting and shall be given an opportunity to examine all relevant records.*

3. *If the 504 team determines that no services are necessary for the student, the record of the team's meeting shall reflect whether or not the student has been identified as a person with a disability under Section 504 and shall state the basis for the determination that no special services are presently needed. The student's parent/guardian shall be informed in writing of his/her rights and procedural safeguards, as described in the "Procedural*

*Safeguards" section below.*

4. *The student shall be placed in the regular educational environment, unless the district can demonstrate that the education of the student in the regular environment with the use of supplementary aids and services cannot be achieved satisfactorily. The student shall be educated with those who are not disabled to the maximum extent appropriate to his/her individual needs. (34 CFR 104.34)*
5. *The district shall complete the identification, evaluation, and placement process within a reasonable time frame. The district shall adhere to this time frame regardless of any extended school breaks or times that school is otherwise not in session.*
6. *A copy of the student's Section 504 services plan shall be kept in his/her student record. The student's teacher(s) and any other staff who provide services to the student shall be informed of the plan's requirements.*

*If a student transfers to another school within the district, the principal or designee at the school from which the student is transferring shall ensure that the principal or designee at the new school receives a copy of the plan prior to the student's enrollment in the new school.*

### ***Review and Reevaluation***

*The 504 team shall monitor the progress of the student and, at least annually, shall review the effectiveness of the student's Section 504 services plan to determine whether the services are appropriate and necessary and whether the student's needs are being met as adequately as the needs of students without disabilities are met. In addition, each student with a disability under Section 504 shall be reevaluated at least once every three years.*

*A reevaluation of the student's needs shall be conducted before any subsequent significant change in placement. (34 CFR 104.35)*

### ***Procedural Safeguards***

*The Superintendent or designee shall notify the parents/guardians of students with disabilities of all actions and decisions by the district regarding the identification, evaluation, or educational placement of their children. He/she also shall notify the parents/guardians of all the procedural safeguards available to them if they disagree with the district's action or decision, including an opportunity to examine all relevant records and an impartial hearing in which they shall have the right to participate. (34 CFR 104.36)*

*If a parent/guardian disagrees with any district action or decision regarding the identification, evaluation, or educational placement of his/her child under Section 504, he/she may request a Section 504 due process hearing within 30 days of that action or decision.*

*. Prior to requesting a Section 504 due process hearing, the parent/guardian may, at his/her discretion, but within 30 days of the district's action or decision, request an administrative review of the action or decision. The Coordinator shall designate an appropriate administrator to meet with the parent/guardian to attempt to resolve the issue and the administrative review shall be held within 14 days of receiving the parent/guardian's request. If the parent/guardian is not satisfied with the resolution of the issue, or if the parent/guardian did not request an administrative review, he/she may request a Section 504 due process hearing.*

*A Section 504 due process hearing shall be conducted in accordance with the following procedures:*

- 1. The parent/guardian shall submit a written request to the Coordinator within 30 days of receiving the district's decision or, if an administrative review is held, within 14 days of the completion of the review. The request for the due process hearing shall include:
  - 1. The specific nature of the decision with which he/she disagrees*
  - 2. The specific relief he/she seeks*
  - 3. Any other information he/she believes is pertinent to resolving the disagreement**
- 2. Within 30 days of receiving the parent/guardian's request, the Superintendent or designee and 504 Coordinator shall select an impartial hearing officer. This 30-day deadline may be extended for good cause or by mutual agreement of the parties.*
- 3. Within 45 days of the selection of the hearing officer, the Section 504 due process hearing shall be conducted and a written decision mailed to all parties. This 45-day deadline may be extended for good cause or by mutual agreement of the parties.*
- 4. The parties to the hearing shall be afforded the right to:
  - 1. Be accompanied and advised by legal counsel and by individuals with special knowledge or training related to the problems of students with disabilities under Section 504*
  - 2. Present written and oral evidence*
  - 3. Question and cross-examine witnesses*
  - 4. Receive written findings by the hearing officer stating the decision and explaining the reasons for the decision**

*If desired, either party may seek a review of the hearing officer's decision by a federal court of competent jurisdiction.*

#### ***Notifications***

*The Superintendent or designee shall ensure that the district has taken appropriate steps to notify students and parents/guardians of the district's duty under Section 504. (34 CFR 104.32)*

**Regulation approved: 12/8/2008 Revised: 7/23/2018**

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

Director of Special Education  
San Rafael City Schools  
310 Nova Albion Way  
San Rafael, CA 94903  
415-492-3531  
[communications@srcs.org](mailto:communications@srcs.org)

- 18. Temporary Disability:** A temporary disability which makes it impossible or inadvisable for a student to attend class may entitle the student to receive individualized instruction. It is the responsibility of the pupil's parent or guardian to notify the school district in which the pupil is deemed to reside of the pupil's need for individualized instruction.

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

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

individual instruction, if returning during the same school year. (Ed. Code, §§ 48206.3, 48207, 48207.3, 48207.5, 48208, 48980(b))

Pregnancy, childbirth, false pregnancy, termination of pregnancy, and recovery therefrom shall be treated in the same manner and under the same policies as any other temporary disabling condition. (Ed. Code, § 221.51)

- 19. Pregnant and Parenting Pupils:** Pregnant and parenting pupils are entitled to accommodations that provide them with the opportunity to succeed academically while protecting their health and the health of their children. "Pregnant or parenting pupil" means a pupil who gives or expects to give birth or a parenting pupil who has not given birth and who identifies as the parent of the infant.

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

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

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

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

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

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

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

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

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

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

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

- 21. Children in Homeless/Foster Care Situations, Former Juvenile Court School Students, Migrant Students, and Newcomers:** Each local district shall designate a staff person as a liaison for homeless children who shall ensure the dissemination of public notice of the educational rights of students in homeless situations. (Ed. Code, § 48852.5; 42 U.S.C. § 11432(g)(1)(J)(ii)) The District's liaison is Lori Owens and can be contacted at [lowens@srcs.org](mailto:lowens@srcs.org) 415-492-3589.

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

The District has designated Lori Owens as the educational liaison for foster children and can be contacted at 415-492-3589. The educational liaison will disseminate a standardized notice to foster children that has been developed by the State Department of Education and includes complaint process information. (Ed. Code, § 48853.5)

A foster child shall be allowed to continue his/her education in the school of origin under specified circumstances. If it is determined that it is in the best interests of the foster child to transfer to a school other than the school of origin, the foster child shall immediately

be enrolled in the new school, regardless of any outstanding fees, fines, textbooks, or other items or moneys owed to the school last attended or if the child is unable to produce clothing or records normally required for enrollment, including academic records, medical records, immunization history, proof of residency, other documentation, or school uniforms. The last school attended must provide all records to the new school within two business days of receiving the request. (Ed. Code, §§ 48853, 48853.5)

Upon receiving a transfer request or notification of a student in foster care, the District shall, within two business days, transfer the student out of school and deliver the educational information and records to the next educational placement. Grades and credits will be calculated as of the day the student left school and no lowering of grades will occur as a result of the student's absence due to the decision to change placement or for a verified court appearance or related court activity. (Ed. Code, § 49069.5)

The District shall exempt from local graduation requirements, or consult with the student and their educational rights holder about the option to remain in school for a fifth year to complete the local graduation requirements, a student who is in foster care, a homeless child or youth, a child of a military family, a former juvenile court school student, a migratory child, or a pupil participating in a newcomer program for recently arrived immigrant pupils and who transfers between schools under certain circumstances. (Ed. Code, §§ 51225.1, 51225.2)

The District shall accept coursework done by a student who is in foster care, a homeless child or youth, a child of a military family, a former juvenile court school student, a migratory child, or a pupil in a newcomer program while attending another school. The District will not require those students to retake courses or partial courses they have satisfactorily completed elsewhere. (Ed. Code, § 51225.2)

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

- 22. Continued Education Options For Juvenile Court School Students:** A juvenile court school student, or the person holding the right to make educational decisions for the student, may voluntarily defer or decline issuance of their diploma until after the student is released from the juvenile detention facility, thereby allowing the student to take additional coursework at a local education agency. The county office of education will notify the student, the person holding to right to make educational decisions for the student, and the student's social worker or probation officer of all of the following:
- a. The student's right to a diploma;
  - b. How taking coursework and meeting other educational requirements will affect the student's ability to gain admission to a post-secondary educational institution;
  - c. Information about transfer opportunities available through the California Community Colleges; and
  - d. The option to defer or decline the diploma and take additional coursework. (Ed. Code, §§ 48645.3(a), 48645.7)

- 23. U.S. Department of Education Programs:** The following applies only to programs directly funded by the U.S. Department of Education:

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

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

- a. political affiliations or beliefs of the student or student's parents;
- b. mental and psychological problems of the student or his/her family;
- c. sex behavior or attitudes;
- d. illegal, anti-social, self-incriminating or demeaning behavior;
- e. critical appraisals of other individuals with whom respondents have close family relationships;
- f. legally recognized privileged or analogous relationships, such as those of lawyers, physicians, and ministers;
- g. religious practices, affiliations, or beliefs of the student or student's parent; or
- h. income (other than that required by law to determine eligibility for participation in a program or for receiving financial assistance under such program) without the prior consent of the student (if the student is an adult or emancipated minor), or in the case of an unemancipated minor, without the prior written consent of the parent. (20 U.S.C. § 1232h)

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

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

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

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

C. Inspect, upon request and before administration or use:

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

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

San Rafael City Schools district has adopted policies, in consultation with parents, regarding these rights, as well as arrangements to protect student privacy in the administration of protected surveys and the collection, disclosure, or use of personal information for marketing, sales, or other distribution purposes. San Rafael City Schools will directly notify parents of these policies at least annually at the start of each school year and after any substantive changes. San Rafael City Schools will also directly notify, such as through U.S. Mail or email, parents of students who are scheduled to participate in the specific activities or surveys noted below and will provide an opportunity for the parent to opt his or her child out of participation of the specific activity or survey. San Rafael City Schools will make this notification to parents at the beginning of the school year if the District has identified the specific or approximate dates of the activities or surveys at that time. For surveys and activities scheduled after the school year starts, parents will be provided reasonable notification of the planned activities and surveys listed below and be provided an opportunity to opt their child out of such activities and surveys. Parents will also be provided an opportunity to review any pertinent surveys. The following is a list of the specific activities and surveys covered under this requirement:

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

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

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

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

Name, address, telephone, date of birth, email address, major field of study, participation in officially recognized activities and sports, weight and height of members of athletic teams, dates of attendance, diplomas and awards received, and most recent previous educational institution attended. (Ed. Code, §§ 49060 et seq., 49073; 20 U.S.C. § 1232g; 34 C.F.R. § 99.7) In accordance with state and federal law, the District may also make available photographs, videos, and class rosters.

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

- 25. Military Recruiter Information** 20 U.S.C. section 7908 requires that school districts disclose the names, addresses and telephone numbers of high school students to military recruiters upon request, unless parents request that this information not be released without prior written consent. Parents have the option of making such a request. If parents do not wish this information to be provided to military recruiters, they must notify the District office of this fact in writing. The writing should be directed to the District official listed below at the following address:

Director of Student Services  
San Rafael City Schools  
310 Nova Albion Way  
San Rafael, CA 94903  
415-492-3232  
[communications@srcs.org](mailto:communications@srcs.org)

- 26. Inspection of Student Records** State law requires that the District notify parents of the following rights which pertain to student records. (Ed. Code, §§ 49063, 49069.7; 34 C.F.R. § 99.7)
- a. A parent or guardian has the right to inspect and review student records relating directly to his or her child during school hours or obtain a copy of such records within five (5) business days of his/her request.
  - b. Any parent who wishes to review the types of student records and information contained therein may do so by contacting the principal at his/her child's school.

The principal of each school is ultimately responsible for maintenance of student records.

- c. A parent with legal custody has a right to challenge information contained in his/her child's records. Any determination to expunge a student's record is made after a review of said record(s) by site administrators and certificated staff. Following an inspection and review of student records, the parent may challenge the content of the student's record. The right to challenge becomes the sole right of the student when the student becomes eighteen (18) years of age.
- d. A parent or guardian has the right to consent to disclosures of personally identifiable information contained in the student's educational records, except to the extent disclosure is authorized without consent.

A parent may file a written request with the Superintendent of the District to remove any information recorded in the written records concerning the child which is alleged to be:

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

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

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

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

- e. A Student Records Log is maintained for each student. The Student Records Log lists persons, agencies or organizations requesting and/or receiving information

from the records and the legitimate interests therefor to the extent required by law. Student Records Logs are located at each school and are open to inspection by parents or guardians. (Ed. Code, § 49064)

- f. School officials and employees having a legitimate educational interest, as well as persons identified in Education Code sections 49076 and 49076.5 and in the Family Educational Rights and Privacy Act, may access student records without first obtaining parental consent. "School officials and employees" are persons employed by the District as an administrator, supervisor, instructor, or support staff member (including health or medical staff and District-employed law enforcement personnel), a Board member, a person or company with whom the District has contracted to perform a special service (such as an attorney, auditor, medical consultant, or therapist), or a parent, student, foster family agency, short-term residential treatment staff, or caregiver whose access to student records is legally authorized. A "legitimate educational interest" is one held by a school official or employee whose duties and responsibilities create a reasonable need for access. (Ed. Code, §§ 49063(d), 49076, 49076.5; 20 U.S.C. § 1232g)
- g. Parents and guardians have the right to authorize the release of student records to themselves. Only parents and guardians with legal custody can authorize the release of student records to others.
- h. Parents and guardians won't be charged for the reproduction of student records.
- i. Parents have a right to file a complaint with the U.S. Department of Education for alleged violations of parent rights related to student records. (20 U.S.C. § 1232g(g))
- j. Parents may obtain a copy of the District's complete student records policy by contacting the Superintendent.

**27. Family Educational Rights and Privacy Act:** Parents have certain rights regarding student information and records which are guaranteed under federal law.

### **Notification of Rights Under FERPA for Elementary and Secondary School**

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

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

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

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

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

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

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

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

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

In addition, the Student Aid Commission may have access to the grade point average (GPA) of all district students in grade 12 and, when required, verification of high school graduation or its equivalent of all students who graduated in the prior academic year, for use in the Cal Grant postsecondary financial aid program. However, such information shall not be submitted when a student, or his or her parent or guardian if the student is under 18 years of age, "opts out" or is permitted by the rules of the Student Aid Commission to provide test scores in lieu of his or her GPA. (Ed. Code, §§ 69432.9, 69432.92) No later than January 1 each year, the Superintendent or designee shall notify each student in grade 11, and the student's parents/guardians if the student is under 18 years of age, that the student's GPA will be forwarded to the Student Aid Commission by October 1 unless the student opts out within a period of time specified in the notice, which shall not be less than 30 days. (Ed. Code, § 69432.9)

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

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

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

## **28. “KNOW YOUR EDUCATIONAL RIGHTS” IMMIGRATION ENFORCEMENT FROM THE CALIFORNIA ATTORNEY GENERAL**

### **Your Child Has the Right to a Free Public Education**

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

### **Information Required for School Enrollment**

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

### **Confidentiality of Personal Information**

- Federal and state laws protect student education records and personal information. These laws generally require that schools get written consent from parents or guardians before releasing student information, unless the release of information is for educational purposes, is already public, or is in response to a court order or subpoena.

- Some schools collect and provide publicly basic student “directory information.” If they do, then each year, your child’s school district must provide parents/guardians with written notice of the school’s directory information policy, and let you know of your option to refuse release of your child’s information in the directory.

### **Family Safety Plans If You Are Detained or Deported**

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

### **Right to File a Complaint**

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

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

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

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

- 29. Leaving School Grounds:** The Governing Board of the San Rafael City Schools District, pursuant to section 44808.5 of the Education Code, has decided to permit the pupils enrolled at Madrone, San Rafael and Terra Linda High School to leave the school grounds during the lunch period. Section 44808.5 of the Education Code further states: “Neither the school district nor any officer or employee thereof shall be liable for the conduct or safety of any pupil during such time as the pupil has left the school grounds pursuant to this section.” (Ed. Code, § 44808.5)
- 30. Notice of Alternative Schools** California state law authorizes all school districts to provide for alternative schools. Section 58500 of the Education Code defines alternative

school as a school or separate class group within a school which is operated in a manner designed to:

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

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

- 31. Dissection of Animals:** If a student has a moral objection to dissecting (or otherwise harming or destroying) animals, or any part of an animal, the pupil must notify the teacher regarding such objection, and the objection must be substantiated with a note from the pupil's parent or guardian. If the pupil chooses to refrain from participating in such a project or test, and if the teacher believes that an adequate alternative education project or test is possible, then the teacher may work with the pupil to develop and agree upon an alternate education project or test for the purpose of providing the pupil an alternate avenue for obtaining the knowledge, information or experience required by the course of study. No student shall be discriminated against based upon his or her decision to exercise his or her rights under this section. (Ed. Code, §§ 32255-32255.6)
- 32. Comprehensive Sexual Health Education and HIV/AIDS Prevention Education:** A parent or guardian has the right to excuse their child from comprehensive sexual health education, HIV prevention education, and assessments related to that education. A parent or guardian who wishes to exercise this right must state their request in writing. (Ed. Code, § 51938) A parent or guardian may inspect the written and audiovisual educational

materials used in comprehensive sexual health education and HIV/AIDS prevention education. Parents have a right to request that the District provide them with a copy of the California Healthy Youth Act. (Ed. Code, § 51930 et. seq.)

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

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

**33. Excuse from Instruction in Health:** Upon written request of a parent or guardian, a pupil may be excused from any part of instruction in health which conflicts with the parent(s)' or guardian(s)' religious training or beliefs (including personal moral convictions). (Ed. Code, § 51240)

**34. Student Discipline:** District and school rules pertaining to student discipline are available to parents or guardians of district students in the school office. (Ed. Code, § 35291) Students may be subject to discipline for off-campus misconduct if the misconduct is related to school activity or attendance and causes or is reasonably likely to cause a substantial disruption to school activity. For example, a student using technology such as a home computer, cellular phone, or other electronic device may be disciplined for bullying, engaging in unlawful harassment, or making threats against students, staff, or district property even if such misconduct occurred off-campus and during non-school hours. (Ed. Code, § 48900(r)).

**Note:** Refer to the district's Student Intervention and School Discipline Matrix attached on the last pages of this document.

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

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

- a. Due to the pupil's illness, including an absence for the benefit of the pupil's mental or behavioral health.
- b. Due to quarantine under the direction of a county or city health officer.
- c. For the purpose of having medical, dental, optometrical, or chiropractic services rendered.
- d. For the purpose of attending the funeral services of a member of the pupil's immediate family, so long as the absence is not more than one day if the service is conducted in California and not more than three days if the service is conducted outside California.
- e. For the purpose of jury duty in the manner provided for by law.
- f. Due to the illness or medical appointment during school hours of a child of whom the pupil is the custodial parent, including absences to care for a sick child for which the school shall not require a doctor's note.
- g. For justifiable personal reasons, including, but not limited to, an appearance in court, attendance at a funeral service, observance of a holiday or ceremony of the pupil's religion, attendance at religious retreats, attendance at an employment conference, or attendance at an educational conference on the legislative or judicial process offered by a nonprofit organization, when the pupil's absence is requested in writing by the parent or guardian and approved by the principal or a designated representative pursuant to uniform standards established by the governing board.
- h. For the purpose of serving as a member of a precinct board for an election pursuant to section 12302 of the Elections Code.
- i. For the purpose of spending time with a member of the pupil's immediate family, who is an active duty member of the uniformed services, as defined in section 49701 of the Education Code, and has been called to duty for, is on leave from, or has immediately returned from, deployment to a combat zone or combat support position. Absences granted pursuant to this paragraph shall be granted for a period of time to be determined at the discretion of the superintendent of the school district.
- j. For the purpose of attending the pupil's naturalization ceremony to become a United States citizen.
- k. For the purpose of participating in a cultural ceremony or event.
- l. For the purpose of a middle or high school pupil engaging in a civic or political event, provided the pupil notifies the school in advance. A pupil absent pursuant to this section is required to be excused for only one day-long absence

per year. A school administrator may permit additional absences pursuant to section 48260(c) of the Education Code.

- m. Authorized at the discretion of a school administrator based on the facts of the pupil's circumstances, which are deemed to constitute a valid excuse, including, but not limited to, working for a period of not more than five consecutive days in the entertainment or allied industries if the pupil holds a work permit, or participating with a not-for-profit performing arts organization in a performance for a public school pupil audience for a maximum of up to five days per school year provided the pupil's parent or guardian provides a written note to the school authorities explaining the reason for the pupil's absence. (Ed. Code, §§ 48260, 48205, 48225.5)

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

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

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

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

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

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

- 36. Absence for Religious Exercises and Instruction:** Pupils may be excused, with written permission from a parent or guardian, in order to participate in religious exercises or receive moral and religious instruction away from school property. Every pupil so excused must attend at least the minimum school day. No pupil shall be excused from school for such purpose on more than four days per school month. (Ed. Code, § 46014)
- 37. Student Residency:** A student may be enrolled in the District if (1) the student's parent, legal guardian or other person having control and charge of the student resides in the District (Ed. Code, § 48200); (2) the District has approved interdistrict attendance (Ed. Code, § 46600); (3) the student is placed in a regularly established children's institution,

licensed foster home, or family home; (4) the student is a foster child who remains in his or her school of origin pursuant to Education Code section 48853.5(f) and (g); (5) the student is emancipated and lives within the District; (6) the student lives in the home of an adult who has submitted a caregiver affidavit; (7) the student resides in a state hospital within the District; or (8) the student's parent or legal guardian resides outside of the boundaries of the school district but is employed and lives with the student at the place of his/her employment within the school district boundaries for a minimum of three days during the school week. (Ed. Code, § 48204) The law allows, but does not require, a district to accept a student for enrollment where at least one parent or legal guardian of the student is physically employed within the district's boundaries for a minimum of 10 hours during the school week. (Ed. Code, § 48204) A student also complies with the residency requirements for school attendance in a school district if he or she is a student whose parent is transferred or pending transfer to a military installation within the state while on active duty pursuant to an official military order. However, the parent must provide proof of residence in the school district within ten (10) days after the published arrival date provided on official documentation. (Ed. Code, § 48204.3) A student also complies with the residency requirement if the student's parent/guardians were residents of the state but departed California against their will if the student provides official documentation evidencing the departure of her/his parent/guardians against their will; that the student moved outside of California as a result of her/his parent/guardians departing California against their will; and that the student lived and was enrolled in school in California immediately before moving outside of California. (Ed. Code, § 48204.4)

- 38. Attendance Options:** Students who attend schools other than those assigned by the District are referred to as "transfer students" throughout this notification. There is one process for choosing a school within the District in which the parent lives (intradistrict transfer), and three separate processes for selecting schools in other districts (interdistrict transfer). (Ed. Code, § 48980(h))

Attached is a copy of the District's Policy on Interdistrict and Intradistrict Transfers. Parents interested in interdistrict or intradistrict transfer should contact the Enrollment Department. The general requirements and limitations of each process are described as follows:

- a. **Choosing a School Within the District in Which Parent Lives:** Education Code section 35160.5(b) requires the school board of each district to establish a policy that allows parents to choose the schools their children will attend, regardless of where the parent lives in the district. The law limits choice within a school district as follows:
  1. Students who live in the attendance area of a school must be given priority to attend that school over students who do not live in the school's attendance area.

2. In cases in which there are more requests to attend a school than there are openings, the selection process must be "random and unbiased," which generally means students must be selected through a lottery process rather than on a first-come, first-served basis. A district cannot use a student's academic or athletic performance as a reason to accept or reject a transfer. However, a district may consider special circumstances that might be harmful or dangerous to a particular pupil in the current attendance area of the pupil, including physical threats of bodily harm or threats to the emotional stability of the pupil documented by a state or local agency, licensed or registered professional, or court order.
3. Each district must decide the number of openings at each school which can be filled by transfer students. Each district also has the authority to keep appropriate racial and ethnic balances among its schools, meaning that a district can deny a transfer request if it would upset this balance or would leave the district out of compliance with a court-ordered or voluntary desegregation program.
4. A district is not required to provide transportation assistance to a student who transfers to another school in the district under these provisions.
5. If a transfer is denied, a parent does not have an automatic right to appeal the decision. A district may, however, voluntarily decide to put in place a process for parents to appeal a decision.
6. Victims of Bullying: A school district of residence must approve an intradistrict transfer request for a victim of an act of bullying unless the requested school is at maximum capacity, in which case the district must accept an intradistrict transfer request for a different school within the district. A school district of residence may not prohibit the interdistrict transfer of a victim of an act of bullying if there is no available school for an intradistrict transfer and if the school district of proposed enrollment approves the transfer application. (Ed. Code, § 46600)
7. A school district of proposed enrollment shall ensure that pupils admitted under this law are selected through an unbiased process that prohibits an inquiry into or evaluation or consideration of whether a pupil should be enrolled based on academic or athletic performance, physical condition, English proficiency, family income, or any of the individual characteristics set forth in Education Code section 220, including, but not limited to, race or ethnicity, gender, gender identity, gender expression, and immigration status.

- b. **Choosing a School Outside the District in Which Parent Lives:** Parents have two different options for choosing a school outside the district in which they live. The two options are:
- i. **Interdistrict Transfers** (Ed. Code, §§ 46600–46610): The law allows two or more districts to enter into an agreement for the transfer of one or more students for a period of up to five years. New agreements may be entered into for additional periods of up to five years each. The agreement must specify the terms and conditions under which transfers are permitted. The law on interdistrict transfers also provides for the following:
- a. Once a pupil is enrolled in a school pursuant to an interdistrict transfer agreement, the pupil must be allowed to continue to attend the school in which he or she is enrolled without reapplying, unless revocation of the interdistrict transfer is a term and condition of the agreement between the districts; however, a district must not rescind existing transfer permits for pupils who have started their grade 11 or 12 school year.
- b. Upon request, a pupil determined to be the victim of an act of bullying by a pupil of the district of residence must be given priority for interdistrict attendance under any existing interdistrict attendance agreement or additional consideration for the creation of an interdistrict attendance agreement. (Ed. Code, §§ 46600(b), 48900(r))
- c. If either district denies a transfer request, a parent may appeal that decision to the county board of education. There are specified timelines in the law for filing an appeal and for the county board of education to make a decision.
- d. A school district of residence shall not prohibit the transfer of a student who is a homeless child or youth, a current or former migratory child, a foster youth, the victim of an act of bullying, or a child of an active military duty parent to a school district of proposed enrollment if the school district of proposed enrollment approves the transfer application.
- e. If a pupil is a victim of an act of bullying and his or her school district of residence has only one school offering his or her grade level, such that there is no option for an intradistrict transfer, the pupil may apply for an interdistrict transfer, and the school district of residence shall not prohibit the transfer if the school district of

proposed enrollment approves the application for transfer. (Ed. Code, § 46600)

- f. A school district that elects to accept an interdistrict transfer pursuant to this subdivision shall accept all pupils who apply to transfer under this subdivision until the school district is at maximum capacity and shall ensure that pupils admitted under this subdivision are selected through an unbiased process that prohibits an inquiry into or evaluation or consideration of whether or not a pupil should be enrolled based on his or her academic, performance, athletic performance, physical condition, proficiency in English, family income, actual or perceived characteristics, such as disability (mental and physical), gender (includes gender identity, gender expression, and gender-related appearance and behavior whether or not stereotypically associated with the person's assigned sex at birth), actual or potential parental, family, or marital status, pregnancy (including childbirth, false pregnancy, termination of pregnancy, or recovery therefrom), nationality (includes citizenship, country of origin and national origin), immigration status, race or ethnicity (includes ancestry, color, ethnic group identification and ethnic background), religion (includes all aspects of religious belief, observance and practice, including agnosticism and atheism), sexual orientation (heterosexuality, homosexuality or bisexuality), or association with a person or group with one or more of these actual or perceived characteristics. (Ed. Code, § 46600)
  - g. Upon request of the parent on behalf of a pupil eligible for transfer pursuant to this subdivision, a school district of enrollment will provide transportation assistance to a pupil who is eligible for free or reduced-price meals. (Ed. Code, § 46600)
  - h. A school district of enrollment may provide transportation assistance to any pupil admitted under this subdivision. (Ed. Code, § 46600(d))
- ii. "Allen Bill" Transfers (Ed. Code, § 48204(b)): The law allows, but does not require, each school district to adopt a policy whereby the student may be considered a resident of the school district in which his/her parents (or legal guardian(s)) physically work for a minimum of 10 hours during the school week if that is different from the school district in which the student resides. This code section does not require that a school district accept a student requesting a transfer on this basis, but a student may not be rejected on the basis of race/ethnicity, sex, parental income, academic

achievement, or any other "arbitrary" consideration. Other provisions of Education Code section 48204(b) include:

- a. Either the district in which the parent (or legal guardian) lives or the district in which the parent (or legal guardian) physically works may prohibit the student's transfer if it is determined that there would be a negative impact on the district's desegregation plan.
  - b. The district in which the parent (or legal guardian) physically works may reject a transfer if it determines that the cost of educating the student would be more than the amount of state funds the district would receive for educating the student.
  - c. There are set limits (based on total enrollment) on the net numbers of students that may transfer out of a district under this law, unless the district approves a greater number of transfers.
  - d. There is no required appeal process for a transfer that is denied. However, the district that declines to admit a student is encouraged to provide in writing to the parent the specific reasons for denying the transfer.
- c. Transferring a Student Convicted of a Felony/Misdemeanor: Education Code section 48929 authorizes the governing board of a school district to transfer a student enrolled in the district who has been convicted of a violent felony as defined in Penal Code section 667.5 or misdemeanor listed in Penal Code section 29805 to another school within the district when the student and victim of the crime are enrolled in the same school. The governing board has adopted a policy regarding such transfers at a regular meeting pursuant to Education Code section 48929. The policy requires: 1) notice to be provided to the student and student's parent or guardian of the right to request to meet with the principal or designee of the school or District; and 2) that the school first attempt to resolve the conflict before transfer by using restorative justice, counseling, or other services. The policy also includes information regarding whether the transfer decision is subject to periodic review and the procedure used to conduct the review, and the process the board will use to consider and approve or disapprove the recommendation of the school principal or other school or school district designee to transfer the student.

**Policy 5117: Interdistrict Attendance**  
**ELEMENTARY SCHOOLS**

*California state law and the rules and regulations of the State Board of Education clearly indicate the principle that students should attend schools in their districts of residency. The*

*Board of Education believes that children should attend elementary schools where they live, and supports the concept of neighborhood schools. The Board shall consider requests for interdistrict attendance agreements in accordance with this general principle.*

*The Board recognizes that students who reside in one school district may wish to attend school in another school district for a variety of reasons. Because of capacity issues within the district and due to limited resources, the Board will consider approving such transfers on a case-by-case basis through an interdistrict transfer agreement with another school district. In the case of a student wishing to transfer into the district, the request will be considered when class enrollment or program availability will permit the attendance of an out-of-district student.*

*The Superintendent or designee of the district shall review all requests for interdistrict attendance agreements. The Superintendent is authorized to grant or deny interdistrict attendance requests.*

#### ***Grounds for Approval***

*The decision to admit out-of-district students is discretionary. When capacity exists, applications may be approved based on the following priorities, listed in order (with the top priority listed first):*

- 1. Students whose siblings are ongoing interdistrict transfer students.*
- 2. Students whose parents/guardians are employees of the San Rafael City Schools.*
- 3. Students whose requests are based on a desire to ensure educational continuity.*
- 4. Parents or guardians who have compelling personal needs, such as employment and childcare, which can be addressed through the enrollment of their students in San Rafael City Schools.*
- 5. A pupil who has been determined by personnel of either the school district of residence or the school district of proposed enrollment to have been the victim of an act of bullying, as defined in subdivision (r) of Section 48900.*

*Notwithstanding these priorities, the Superintendent/designee may grant a transfer if, in the judgment of the Superintendent/designee, the parents/guardians provide evidence of extraordinary circumstances warranting a transfer.*

*The Superintendent or designee may deny applications for interdistrict transfers due to space limitations or other non-discriminatory reasons. The Superintendent or designee may also revoke an interdistrict transfer permit for non-discriminatory reasons.*

*The parent/guardian of a student whose transfer request is denied may appeal the denial to the Board. An appeal to the Board must be in writing and must be received by the Superintendent/designee within 30 calendar days of the date of the notice of denial. The Superintendent/designee shall thereafter provide notice to the parent/guardian of the date the*

*Board shall consider the appeal. The parent/guardian may submit a written statement to the Board up to 10 days prior to the Board meeting. The Superintendent/designee may submit a written statement to the Board up to 5 days prior to the Board meeting. At the Board meeting, the parent/guardian and the Superintendent/designee shall each be provided an opportunity to address the Board regarding the appeal. The student/parent shall receive notice, in writing, of the Board's action regarding the appeal.*

*If the appeal is denied, notice of appeal rights to the Marin County Board of Education shall also be provided. An appeal to the County Board shall be accepted by that board only upon verification that appeals within the district have been exhausted. (Education Code 46601.)*

*Students who have been expelled from other school districts may not be admitted to the district on interdistrict attendance agreements during the period of their expulsions. Students who are under consideration for expulsion or who have been expelled may not appeal interdistrict attendance denials while expulsion proceedings are pending, or during the term of the expulsion.*

*Transportation will not be provided for students attending the district on interdistrict attendance agreements.*

### **HIGH SCHOOLS**

*All interdistrict attendance agreement requests, either into or out of the district, shall be approved or denied by the Superintendent or designee, acting for the Board based upon criteria in AR 5117.*

#### ***School Assignment***

*Students may request assignment to San Rafael or Terra Linda High Schools. The District does not accept interdistrict transfers into Madrone High School. If an interdistrict attendance request into the District is approved, the Superintendent or designee shall determine the school to which a student shall be assigned.*

#### ***Term of Transfer***

*All interdistrict transfers are for one school year only and expire on the last day of that school year. Existing interdistrict attendance permits shall not be rescinded for students after June 30 following completion of grade 10 or for students entering grades 11 or 12 (Education Code 46600).*

***Participation in Open Enrollment Intradistrict Transfer Process*** *Students with approved interdistrict transfers attending San Rafael or Terra Linda High School may participate in the*

*District's Open Enrollment intradistrict transfer process as provided by Board Policy (cf. 5116.1-Intradistrict Transfer-Open Enrollment).*

***Grounds for Approval***

*The Superintendent or designee shall approve a request for transfer for the following reasons:*

- 1. To permit currently enrolled 9th and 10th grade students to complete the current semester when the student and parent/guardian have moved their primary residence outside of the district boundaries during that school year provided the students meet the criteria listed in the Interdistrict Attendance Contract. If the parent/guardian fails to immediately inform the District that they have moved their primary residence outside of district boundaries, the Superintendent or designee may immediately revoke the transfer and the student may be required to exit San Rafael City Schools- High School District within 10 calendar days.*
- 2. To permit currently enrolled 11th and 12th grade students to continue attending school in the district through graduation when the student and parent/guardian have moved their primary residence outside of the district boundaries during the student's 11th and 12th grade school year provided the students meet the criteria listed in the Interdistrict Attendance Contract. 9th and 10th, grade siblings who are concurrently enrolled in the same school may complete the school year provided they meet the criteria listed in the Interdistrict Attendance Contract, but must enroll in their district of residence when their older sibling graduates.*
- 3. To permit students who with their parent/guardian have temporarily vacated their primary residence within district boundaries while the residence is under construction to continue attending school in the district during the period of construction.*
- 4. To permit children of San Rafael City Schools District employees to attend District schools under the following conditions:*
  - Employee must be a member of the district management team, regular school year certificated employee, confidential classified employee, or employee covered by the classified bargaining unit.*
  - Employee must have permanent status in the District, with a .5 FTE or greater assignment.*

- *Children of employees will be defined as the natural, adopted, and step-children currently residing with a District employee as described above, or the children of an employee's registered Domestic Partner currently residing with the employee.*
- 5. *A pupil who has been determined by personnel of either the school district of residence or the school district of proposed enrollment to have been the victim of an act of bullying, as defined in subdivision (r) of Section 48900, committed by a pupil of the school district of residence shall, at the request of the parent, be given priority for interdistrict attendance.*

### ***Denial of Transfer – Appeal***

*The parent/guardian of a student whose transfer request is denied may appeal the denial to the Board. An appeal to the Board must be in writing and must be received by the Superintendent/designee within 30 calendar days of the date of the notice of denial. The Superintendent/designee shall thereafter provide notice to the parent/guardian of the date the Board shall consider the appeal. The parent/guardian may submit a written statement to the Board up to 10 days prior to the Board meeting. The Superintendent/designee may submit a written statement to the Board up to 5 days prior to the Board meeting. At the Board meeting, the parent/guardian and the Superintendent/designee shall each be provided an opportunity to address the Board regarding the appeal. The student/parent shall receive notice, in writing, of the Board's action regarding the appeal.*

*If the appeal is denied, notice of appeal rights to the Marin County Board of Education shall also be provided. An appeal to the County Board shall be accepted by that board only upon verification that appeals within the district have been exhausted. (Education Code 46601.)*

*Students who have been expelled from other school districts may not be admitted to the district on interdistrict attendance agreements during the period of their expulsions. Students who are under consideration for expulsion or who have been expelled may not appeal interdistrict attendance denials while expulsion proceedings are pending, or during the term of the expulsion.*

*Transportation will not be provided for students attending the district on interdistrict attendance agreements.*

### ***Denial or Revocation of a Transfer Due to Falsification or Fraud***

*The Superintendent or designee will deny a transfer, or revoke an existing transfer, if material information provided on the transfer form, or provided in support of a transfer is discovered to be false or fraudulent. The denial for false or fraudulent information may be appealed to the Superintendent but his/her decision is final.*

***Board policy approved: 12/8/2008 Revised: 04/24/2023***

**Regulation 5117: Interdistrict Attendance**

**ELEMENTARY SCHOOLS**

*General Information Requests for interdistrict attendance permits, both incoming and outgoing, shall be submitted to the employee in charge of interdistrict requests and reviewed by the Superintendent or designee. All requests, whether into or out of the district, are for one school year only and must be renewed annually. For transfers into the District, the student and parent/guardian must sign an Interdistrict Transfer Student Contract annually.*

*Each transfer request will be judged on its individual merits. All factual information and supporting documentation submitted with the transfer request will be subject to verification. Any transfer request containing or based upon false information will be denied or revoked, and the parent or guardian responsible will be referred to legal authorities as provided by law.*

***Requests for Interdistrict Attendance Permits Into the District***

- 1. The parent/guardian must first obtain approval for the student's transfer from the student's current district of residence on the appropriate form.*
- 2. The Superintendent or designee will consider all requests for interdistrict attendance permits that are approved by the district of residence and submitted to the San Rafael City Schools by June 1 for the following school year. Applicants will be advised by July 1 as to whether their applications have been approved, denied, or wait-listed. Each applicant will be notified in writing of the final disposition of the request not later than 14 days after the beginning of the subsequent school year.*
- 3. The Superintendent or designee may deny requests for interdistrict attendance permits if the district's facilities are overcrowded at the relevant grade level and based on other non arbitrary considerations. Regarding special programs at all elementary grade levels, the capacities per class (calculated as a District average) are identified as follows:  
\* Special Day Class – 8  
\* Resource Specialist Program – 15 (caseload per certificated staff member)  
\* Designated Instructional Services – 35 (caseload per certificated staff member)*
- 4. If the request for transfer is approved, the district retains the authority to determine the specific school to which the student will be assigned. However, the district will attempt to accommodate a parent/guardian's request for placement in a specific school site, subject to the priorities and policies established in the district's residency regulations.*

5. *If the request for transfer is denied, the parent/guardian may appeal the denial to the Board. An appeal to the Board must be in writing and must be received by the Superintendent or designee within 30 calendar days of the date of the notice of denial. The Superintendent or designee shall thereafter provide notice to the parent/guardian of the date the Board shall consider the appeal. The parent/guardian may submit a written statement to the Board up to 10 days prior to the Board meeting. The Superintendent or designee may submit a written statement to the Board up to 5 days prior to the Board meeting. At the Board meeting, the parent/guardian and the Superintendent or designee shall each be provided an opportunity to address the Board regarding the appeal. The student/parent shall receive notice, in writing, of the Board's action regarding the appeal.*

*If the appeal is denied, notice of appeal rights to the Marin County Board of Education shall also be provided. An appeal to the County Board shall be accepted by that board only upon verification that appeals within the district have been exhausted. (Education Code 46601.) There is no appeal process specific to a denial based on parent employment within District boundaries.*

*The Board requires that all requests for interdistrict attendance and the required supporting documentation be certified by the parent, guardian, childcare provider or caregiver under penalty of perjury. The Superintendent or designee is responsible for confirming the accuracy of information contained in such requests and documentation; investigating any suspicion that information has been falsified; reporting such violations to the appropriate law enforcement agencies; and reporting such activities to the Board.*

#### ***Requests for Renewal of Interdistrict Attendance Permits Into the District***

*Requests for renewal of interdistrict attendance permits into the district will be reviewed according to the process for new interdistrict attendance permits, with the following exceptions:*

1. *A request for renewal of an interdistrict attendance permit must be submitted by April 1<sup>st</sup>. Applicants will be advised by June 1 whether the application is approved or denied. Applications that are approved may be subject to participation in a lottery, should the number of applicants at the student's school site exceed capacity at that site. Lottery procedures, including relevant priorities, are described in the district's intradistrict attendance policy and regulations.*
2. *A request for renewal of an interdistrict attendance permit submitted after April 1 will be processed as a new request.*

### **Grounds for Approval**

*The Superintendent or designee may approve interdistrict attendance permits when capacity within the district exists. Students whose requests are denied solely because of lack of capacity within the district will be placed on a waiting list, and their applications will be reconsidered if space becomes available.*

*Applications may be approved based on the following priorities, listed in order (with the top priority listed first):*

- 1. A student whose sibling is an ongoing interdistrict transfer student enrolled with San Rafael City Schools.*
- 2. A student whose parent or guardian is an employee of the San Rafael City Schools.*
- 3. A student whose request is based on a desire to ensure educational continuity.*
- 4. Parents or guardians who have compelling personal needs which can be addressed through the enrollment of their students in San Rafael City Schools.*
- 5. A pupil who has been determined by personnel of either the school district of residence or the school district of proposed enrollment to have been the victim of an act of bullying, as defined in subdivision (r) of Section 48900, committed by a pupil of the school district of residence shall, at the request of the parent, be given priority for interdistrict attendance.*

*Regarding priority 2, an "employee" must be a member of the district management team, regular year certificated employee, confidential classified employee, or employee covered by the classified bargaining unit. Employees must have permanent status in the District, with a .5 FTE or greater assignment. Children of employees will be defined as the natural, adopted, and step-children currently residing with a District employee as described above, or the children of an employee's registered Domestic Partner currently residing with the employee.*

*Regarding priority 3, above, "educational continuity" includes such considerations as the desire to complete the highest grade at a site or continuing education in the district after a number of years as a district student. Transfer requests also may be approved to allow a student to complete a school year when the parent or guardian has moved out of the district during the year, or to continue attendance if the student will be living out of the district for less than one school year. Students who have moved out of the district and wish to remain in the district for the remainder of the year may stay pending approval by the new district of residence or an appeal of that district's decision to the relevant County Office of Education, and a positive recommendation by the school principal.*

*Regarding priority 4 “compelling personal needs” can include parent employment, childcare, or any other challenging hardship which could be alleviated through student enrollment with San Rafael City Schools.*

*Notwithstanding these priorities, the Superintendent/designee may grant a transfer if, in the judgment of the Superintendent/designee, the parents/guardians provide evidence of extraordinary circumstances (such as a threat of physical harm to a student) warranting a transfer.*

*Applications will be approved or denied by the Superintendent or designee. Applicants will be notified in writing if the request is denied, will be given the reason for the denial, and provided with a copy of BP/AR 5117. Denials by the district may be appealed to the Board within thirty days of the district’s final decision.*

#### ***Grounds for Revocation***

*Pursuant to Education Code section 46600, the following are the terms and conditions under which an interdistrict attendance permit may be revoked:*

- 1. Determination by the district that the transfer request or supporting documentation was based upon false or fraudulent information.*
- 2. Failure to comply with the requirements of the Interdistrict Transfer Student Contract, which include demonstrating acceptable academic performance, attendance, and behavior. The Contract must be signed by both the student and the parent or guardian.*
- 3. Determination by the district that the conditions on which the interdistrict attendance permit approval was based are no longer met. It is the responsibility of the parent or guardian to notify the district within ten (10) days if any of the conditions justifying the transfer approval change. The student may be permitted, within the discretion of the Superintendent or designee, to complete the school year in the district with the approval of the district of residence.*
- 4. Determination by the district that the continuing presence of the student is not in the student’s best educational interest, or will interfere with the needs of other students, or both*

*The District will give ten (10) days’ notice to a parent or guardian prior to the revocation of an interdistrict attendance permit.*

#### ***Requests for Interdistrict Attendance Agreements Out of the District***

*Applications that are approved by the district must also be approved by the receiving district. Parents should advise the San Rafael City Schools of the final disposition of their request within five days of notification by the receiving district or the relevant County Office of Education, in the case of an appeal.*

- 1. The student, parent/guardian must obtain the appropriate interdistrict transfer request form from the Superintendent's office.*
- 2. The Superintendent or designee may approve a request for transfer if the transfer satisfies a compelling social, medical, educational or familial need of a student. The request may be denied if the needs of the student can be met within the student's District of Residence.*
- 3. The Superintendent or designee may contact the principal of the student's school of attendance for his/her recommendation on whether or not the transfer request meets the Board criteria for approval.*
- 4. Requests shall be approved for students with an approved interdistrict transfer the prior year.*
- 5. If the request is denied, the Superintendent will notify the student, parent/guardian of the denial and of their appeal rights. (Education Code 46601)*

### **HIGH SCHOOLS**

#### **General Information**

- 1. All communication shall be in writing using appropriate forms.*
- 2. The Superintendent or designee may request any information needed to verify the validity of the request from the student, parent/guardian, other district personnel, and/or school personnel from the student's school of residence and last school of attendance.*

*If other public or private service agencies or professionals are involved, the Superintendent or designee may consult with such agencies or individuals for additional information.*
- 3. The Superintendent or designee may require proof of continued residency and may investigate fraudulent claims of residency.*
- 4. Students shall remain enrolled in their current school of attendance until the transfer request process is complete.*
- 5. A student who transfers from one school to another without a change in his/her home residence may forfeit the right to compete in interscholastic athletics as per California Interscholastic Federation (CIF) guidelines. Parents should contact a school's principal/designee to determine how a transfer might impact their child's athletic eligibility.*
- 6. Students with an approved interdistrict transfer enrolled at San Rafael or Terra Linda High School may participate in Open Enrollment as provided by Board Policy.*

*(cf. 5116.1- Intradistrict Transfers - Open Enrollment)*

7. *All interdistrict transfers, whether into or out of the District, are for one school year only and must be renewed annually. The student and parent/guardian must also sign an Interdistrict Attendance Contract annually.*
8. *A student who intends to apply for an interdistrict transfer into the San Rafael City Schools-High School District must observe a district timeline. Completed applications for the following school year will be accepted for consideration by April 1 of each year. A completed application is one that has been filled out and signed by the student's parent AND approved by the student's district of residency. Incomplete applications and those submitted after April 1 of the calendar year prior to the requested school year will not be considered.*
9. *A pupil who has been determined by personnel of either the school district of residence or the school district of proposed enrollment to have been the victim of an act of bullying, as defined in subdivision (r) of Section 48900, committed by a pupil of the school district of residence shall, at the request of the parent, be given priority for interdistrict attendance.*

### ***Grounds for Approval***

*The Superintendent or designee shall approve a request for transfer for the following reasons:*

1. *To permit currently enrolled 9<sup>th</sup> and 10<sup>th</sup> grade students to complete the current semester when the student and parent/guardian have moved their primary residence outside of the district boundaries during that school year provided the students meet the criteria listed in the Interdistrict Attendance Contract. If the parent/guardian fails to immediately inform the District that they have moved their primary residence outside of district boundaries, the Superintendent or designee may immediately revoke the transfer and the student may be required to exit San Rafael City Schools- High School District within 10 calendar days.*
2. *To permit currently enrolled 11<sup>th</sup> and 12<sup>th</sup> grade students to continue attending school in the district through graduation when the student and parent/guardian have moved their primary residence outside of the district boundaries during the student's 11<sup>th</sup> and 12<sup>th</sup> grade school year provided the students meet the criteria listed in the Interdistrict Attendance Contract. 9<sup>th</sup> and 10<sup>th</sup>, grade siblings who are concurrently enrolled in the same school may complete the school year provided they meet the criteria listed in the Interdistrict Attendance Contract, but must enroll in their district of residence when their older sibling graduates.*
3. *To permit students who with their parent/guardian have temporarily vacated their primary residence within district boundaries while the residence is under construction to continue attending school in the district during the period of construction.*
4. *To permit children of San Rafael City Schools District employees to attend District schools under the following conditions:*

- *Employee must be a member of the district management team, regular school year certificated employee, confidential classified employee, or employee covered by the classified bargaining unit.*
  - *Employee must have permanent status in the District, with a .5 FTE or greater assignment.*
  - *Children of employees will be defined as the natural, adopted, and step-children currently residing with a District employee as described above, or the children of an employee's registered Domestic Partner currently residing with the employee.*
5. *A pupil who has been determined by personnel of either the school district of residence or the school district of proposed enrollment to have been the victim of an act of bullying, as defined in subdivision (r) of Section 48900, committed by a pupil of the school district of residence shall, at the request of the parent, be given priority for interdistrict attendance.*

***Requests for Interdistrict Attendance Agreements into the District***

*Completed applications for the following school year will be accepted for consideration by April 1st of each year.*

1. *The student, parent/guardian must first obtain approval for the student's transfer from the student's current district of residence on the appropriate form. This form should be obtained from the student's district of residence. As noted in #8 of General Information above, a strict timeline must be followed for an interdistrict transfer to be considered by the San Rafael City Schools- High School District.*
2. *If the transfer request is approved, the Superintendent or designee shall determine the school (San Rafael High School or Terra Linda High School) to which the student shall be assigned. The Superintendent or designee shall notify the parent/guardian in writing of the transfer approval and school assignment, and shall include a copy of BP/AR 5117 - Interdistrict Attendance- High Schools.*
3. *If the transfer request is denied, the Superintendent or designee shall notify the parent/guardian in writing of the denial and of their appeal rights (Education Code 46601) and shall include a copy of BP/AR 5117- Interdistrict Attendance-High Schools.*
4. *The Superintendent or designee shall notify the student's district of residence of the decision to approve or deny the request.*
5. *The Superintendent or designee may deny initial requests for interdistrict attendance permits if school facilities are overcrowded at the relevant grade level, if specialized programs (such as special education programs, English-language development classes, or academy based programs) are heavily impacted, or based on other considerations that are not arbitrary. However, once a student is admitted, the district may not deny him/her continued attendance because of overcrowded facilities at the relevant grade level.*
6. *The Superintendent or designee will deny a transfer, or revoke an existing transfer, if material information provided on the transfer form, or provided in support of a transfer, or submitted in support of the initial claim of residency, is discovered to be false or*

*fraudulent. The student may be required to exit the San Rafael City Schools- High School District within ten (10) calendar days.*

- 7. If the request for transfer is denied, the parent/guardian may appeal the denial to the Board. An appeal to the Board must be in writing and must be received by the Superintendent or designee within 30 calendar days of the date of the notice of denial. The Superintendent or designee shall thereafter provide notice to the parent/guardian of the date the Board shall consider the appeal. The parent/guardian may submit a written statement to the Board up to 10 days prior to the Board meeting. The Superintendent or designee may submit a written statement to the Board up to 5 days prior to the Board meeting. At the Board meeting, the parent/guardian and the Superintendent or designee shall each be provided an opportunity to address the Board regarding the appeal. The student/parent shall receive notice, in writing, of the Board's action regarding the appeal.*

*If the appeal is denied, notice of appeal rights to the Marin County Board of Education shall also be provided. An appeal to the County Board shall be accepted by that board only upon verification that appeals within the district have been exhausted. (Education Code 46601.) There is no appeal process specific to a denial based on parent employment within District boundaries.*

#### ***Revocation or Non-Renewal of Transfer***

*Each interdistrict attendance permit shall be subject to certain terms and conditions of enrollment. The student and parent/guardian must sign an Interdistrict Attendance Contract annually. The principal of a student's school of attendance may recommend to the Superintendent or designee that a student's permit be revoked or not renewed and the student returned to his/her district of residence because of a student's violation of the specific terms and conditions of the Interdistrict Attendance Contract, poor attendance, improper behavior, failing grades, GPA below 2.5 in any grading period, or when falsification of information is discovered on the Interdistrict application forms.*

***Regulation approved: 12/8/2008 Revised: 11/14/2022***

**Note :** The Request for Interdistrict Transfer Form can be found on the last pages of this document.

#### ***Policy 5116.1: Intradistrict Open Enrollment***

*The Governing Board 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.*

*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 their residence within the district.*

*(Education Code 35160.5)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)*

*The Superintendent or designee shall grant priority for the enrollment of a student in a district school outside of the student's attendance area, if the student:*

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

- 4. Is currently enrolled in a district school identified by CDE for comprehensive support and improvement, with priority given to the lowest academically achieving students from low-income families as determined pursuant to 20 USC 6313(a)(3) (20 USC 6311)*
- 5. 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)*

- 1. A written statement from a representative of an appropriate state or local agency, including, but not necessarily limited to, a law enforcement official or a social worker, or a properly licensed or registered professional, including, but not necessarily limited to, a psychiatrist, psychologist, marriage and family therapist, clinical social worker, or professional clinical counselor*

2. *A court order, including a temporary restraining order and injunction*
6. *Is a sibling of another student already attending that school*
7. *Has a parent/guardian whose primary place of employment is that school*

### **Application and Selection Process**

*In order to ensure that priorities for enrollment in district schools are implemented in accordance with law and Board policy, applications for intradistrict open enrollment shall be submitted between August 17 and March 15 of the school year preceding the school year for which the transfer is requested.*

*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 the enrollment priorities listed above, the Superintendent or designee shall use a random, unbiased selection process to determine which students shall be admitted whenever a district 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. However, existing entrance criteria may be used for enrolling students in specialized schools or programs, provided that the criteria are uniformly applied to all applicants. In addition, academic performance may be used to determine eligibility for, or placement in, programs for gifted and talented students. (Education Code 35160.5)*

### **Transportation**

*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)*

*Board policy approved: 12/8/2008 Revised: 7/7/2022*

### **Regulation 5116.1: Intradistrict Open Enrollment**

#### **Transfers for Victims of a Violent Criminal Offense**

*Within a reasonable amount of time, not to exceed 14 calendar days, after it has been determined that a student has been the victim of a violent criminal offense while on school grounds, the student's parents/guardians shall be offered an option to transfer their child to an eligible school identified by the Superintendent or designee. In making the determination that a student has been a victim of a violent criminal offense, the Superintendent or designee shall consider the specific*

circumstances of the incident and consult with local law enforcement as appropriate. Examples of violent criminal offenses include, but are not limited to, attempted murder, battery with serious bodily injury, assault with a deadly weapon, rape, sexual battery, robbery, extortion, or hate crimes.

The Superintendent or designee shall consider the needs and preferences of the affected student and parent/guardian in making the offer. If the parent/guardian elects to transfer the student, the transfer shall be completed as soon as practicable.

### **Transfers from a "Persistently Dangerous" School**

Upon receipt of notification from the California Department of Education (CDE) that a district school has been designated as "persistently dangerous," intradistrict transfers shall be granted as follows:

1. Within 10 days of receipt of the notification from CDE, the Superintendent or designee shall provide parents/guardians of students attending the school with notice of the school's designation. Along with this notification, or at least 14 calendar days before the start of the school year, the Superintendent or designee shall provide a list of other district schools to which any student of the school that is designated as persistently dangerous may transfer.
2. Parents/guardians who desire to transfer their child out of the school shall provide a written response to the Superintendent or designee and shall rank-order their preferences from among all schools identified by the Superintendent or designee as eligible to receive transfer students.
3. The Superintendent or designee shall consider the needs and preferences of students and parents/guardians before making an assignment, but is not obligated to accept the parent/guardian's preference if the assignment is not feasible due to space constraints or other considerations. The Superintendent or designee shall notify the parents/guardians of the assigned school.
4. For students whose parents/guardians accept the offer, the transfer shall be made as quickly as possible. If the parents/guardians decline the assigned school, the student may remain in the current school.

The transfer shall remain in effect as long as the student's school of origin is identified as "persistently dangerous." The Superintendent or designee may choose to make the transfer permanent based on the educational needs of the student, parent/guardian preferences, and other factors affecting the student's ability to succeed if returned to the school of origin.

The Superintendent or designee shall cooperate with neighboring districts to develop an interdistrict transfer program in the event that space is not available in a district school.

### **Other Intradistrict Open Enrollment**

*Except for transfers for victims of a violent crime and from a "persistently dangerous school," the following procedures shall apply to intradistrict open enrollment:*

- 1. The Superintendent or designee shall identify those schools which may have space available for additional students. A list of those schools and open enrollment applications shall be available at each school site, the district office, and on the district's website.*
- 2. After the enrollment priorities have been applied in accordance with Board policy, if there are more requests for a particular school than there are spaces available, a random drawing shall be held from the applicant pool. A waiting list shall be established to indicate the order in which applicants may be accepted if openings occur during the year. Late applicants shall not be added to the waiting list for the current year but shall instead wait for a subsequent lottery.*
- 3. The Superintendent or designee shall provide written notification to applicants as to whether their applications have been approved, denied, or placed on a waiting list. If the application is denied, the reasons for denial shall be stated.*
- 4. Approved applicants must confirm their enrollment within 10 school days.*

*Any student who is granted a transfer out of a school that had been identified by CDE for comprehensive support and improvement shall be allowed to remain in the school of enrollment until completing the highest grade offered at that school. (20 USC 6311)*

*A student granted intradistrict enrollment under other circumstances shall not be required to reapply for readmission but may be subject to displacement due to excessive enrollment.*

*Any complaints regarding the open enrollment process shall be submitted in accordance with the applicable complaint procedure.*

### ***Notifications***

*Notifications shall be sent to parents/guardians at the beginning of each school year describing all current statutory attendance options and local attendance options available in the district. Such notification shall include: (Education Code 35160.5, 48980)*

- 1. All options for meeting residency requirements for school attendance*
- 2. Program options offered within local attendance areas*
- 3. A description of any special program options available on both an interdistrict and intradistrict basis*
- 4. A description of the procedure for application for alternative attendance areas or programs and the appeals process available, if any, when a change of attendance is denied*

5. *A district application form for requesting a change of attendance*
6. *The explanation of attendance options under California law as provided by CDE*

**Regulation approved: 1/25/2010 Revised: 7/7/2022**

**Policy 5116.2: Involuntary Student Transfers**

*The Governing Board desires to enroll students in the school of their choice, but recognizes that circumstances sometimes necessitate the involuntary transfer of some students to another school or program in the district. The Superintendent or designee shall develop procedures to facilitate the transition of such students into their new school of enrollment.*

*As applicable, when determining the best placement for a student who is subject to involuntary transfer, the Superintendent or designee shall review all educational options for which the student is eligible, the student's academic progress and needs, the enrollment capacity at district schools, and the availability of support services and other resources.*

*Whenever a student is involuntarily transferred, the Superintendent or designee shall provide timely written notification to the student and his/her parent/guardian and an opportunity for the student and parent/guardian to meet with the Superintendent or designee to discuss the transfer.*

***Students Convicted of Violent Felony or Misdemeanor***

*A student may be transferred to another district school if he/she is convicted of a violent felony, as defined in Penal Code 667.5(c), or a misdemeanor listed in Penal Code 29805 and is enrolled at the same school as the victim of the crime for which he/she was convicted. (Education Code 48929)*

*Before transferring such a student, the Superintendent or designee shall attempt to resolve the conflict using restorative justice, counseling, or other such services. He/she shall also notify the student and his/her parents/guardians of the right to request a meeting with the principal or designee. (Education Code 48929)*

*Participation of the victim in any conflict resolution program shall be voluntary, and he/she shall not be subjected to any disciplinary action for his/her refusal to participate in conflict resolution.*

*The principal or designee shall submit to the Superintendent or designee a recommendation as to whether or not the student should be transferred. If the Superintendent or designee determines that a transfer would be in the best interest of the students involved, he/she shall submit such recommendation to the Board for approval.*

*The Board shall deliberate in closed session to maintain the confidentiality of student information, unless the parent/guardian or adult student submits a written request that the matter be addressed in open session and doing so would not violate the privacy rights of any other student. The Board's decision shall be final.*

*The decision to transfer a student shall be subject to periodic review by the Superintendent or designee.*

*The Superintendent or designee shall annually notify parents/guardians of the district's policy authorizing the transfer of a student pursuant to Education Code 48929. (Education Code 48980)*

### ***Other Involuntary Transfers***

*Students may be involuntarily transferred under either of the following circumstances:*

- 1. If a high school student commits an act enumerated in Education Code 48900 or is habitually truant or irregular in school attendance, he/she may be transferred to a continuation school. (Education Code 48432.5)*
- 2. If a student is expelled from school for any reason, is probation-referred pursuant to Welfare and Institutions Code 300 or 602, or is referred by a school attendance review board or another formal district process, he/she may be transferred to a community day school. (Education Code 48662)*

***Board Policy approved: 8/8/2022***

- 39. Mental Health Services:** The District shall notify pupils and parents or guardians no less than twice each school year of the steps to initiate access to available pupil mental health services on campus and/or in the community. (Ed. Code, § 49428) The mental health services available include, but are not limited to: Individual school-based counseling, small group school-based counseling, check-in/check out with a school counselor, access to the Wellness Centers and programs, referrals to community based organizations for mental health support, and access to Care Solace. To initiate services, a parent or student may contact their school site administrator or teacher in person, via phone, or in writing. The school staff may contact the parent to gather additional information prior to initiating services with the student.
- 40. Immunizations:** The District shall exclude from school any pupil who has not been immunized properly, unless the pupil is exempted from the immunization requirement pursuant to Chapter 1 (commencing with section 120325) of part 2 of division 105 of the Health and Safety Code. The immunization exemption based on personal beliefs has been eliminated. (Health & Saf. Code, § 120325) A student who, prior to January 1, 2016, submitted a letter or affidavit on file at the District, stating beliefs opposed to immunization, is permitted to enroll in that institution until the student enrolls in the next grade span. Grade span means: 1) birth to preschool; 2) kindergarten and grades 1 through 6, inclusive, including transitional kindergarten; and 3) grades 7 through 12, inclusive. On or after July 1, 2016, the District shall exclude from school for the first time or deny admittance or deny advancement to any student to the 7<sup>th</sup> grade unless the student has been immunized for his or her age as required by law. (Health & Saf. Code, § 120335) A student may still be exempted from the immunization requirement based on

medical condition or circumstances. A licensed physician or surgeon must transmit a completed medical exemption certification form from the California Department of Public Health directly to the local educational agency and the California Immunization Registry. The standardized medical exemption form shall be the only documentation of a medical exemption that shall be accepted by the District. (Health & Saf. Code, §§ 120370, 120372)

A parent or guardian may consent in writing for a physician, surgeon, or health care practitioner acting under the direction of a supervising physician and surgeon to administer an immunizing agent to a pupil at school. The health care practitioner may administer immunizations for the prevention and control of diseases that present a current or potential outbreak as declared by a federal, state, or local public health officer. (Ed. Code, §§ 48216, 48980(a), 49403; Health & Saf. Code, §§ 120325, 120335)

**41. Physical Exams and Testing:** The District is required to conduct certain physical examinations and vision and hearing testing of students, unless the parent has a current written objection on file. However, the child may be sent home if he or she is believed to be suffering from a recognized contagious or infectious disease, and shall not be permitted to return until the school authorities are satisfied that any contagious or infectious disease does not exist. (Ed. Code, §§ 49451, 49452, 49452.5, 49455; Health & Saf. Code, § 124085) The District may provide for scoliosis screening of every female student in grade 7 and every male student in grade 8. (Ed. Code, § 49452.5)

**42. Type 1 Diabetes:**

**1. Type 1 Diabetes Information:**

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

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

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

(c) Type 1 diabetes affects insulin production.

- As a normal function, the body turns the carbohydrates in food into glucose (blood sugar), the basic fuel for the body's cells.
- The pancreas makes insulin, a hormone that moves glucose from the blood into the cells.

- In type 1 diabetes, the body's pancreas stops making insulin, and blood glucose levels rise.
- Over time, glucose can reach dangerously high levels in the blood, which is called hyperglycemia.
- Untreated hyperglycemia can result in diabetic ketoacidosis (DKA), which is a life-threatening complication of diabetes.

## 2. Risk Factors Associated with Type 1 Diabetes

(a) It is recommended that students displaying warning signs associated with type 1 diabetes, which are described below, should be screened (tested) for the disease by their health care provider.

(b) Researchers do not completely understand why some people develop type 1 diabetes and others do not; however, having a family history of type 1 diabetes can increase the likelihood of developing type 1 diabetes.

(c) Other factors may play a role in developing type 1 diabetes, including environmental triggers such as viruses.

(d) Type 1 diabetes is not caused by diet or lifestyle choices.

## 3. Warning Signs and Symptoms Associated with Type 1 Diabetes

(a) Warning signs and symptoms of type 1 diabetes in children develop quickly, in a few weeks or months, and can be severe. If your child displays the warning signs below, contact your child's primary health care provider or pediatrician for a consultation to determine if screening your child for type 1 diabetes is appropriate:

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

(b) DKA is a complication of untreated type 1 diabetes. DKA is a medical emergency. Symptoms include:

- Fruity breath.
- Dry/flushed skin.
- Nausea.
- Vomiting.
- Stomach pains.
- Trouble breathing.

- Confusion.

#### 4. Types of Diabetes Screening Tests that are Available

(a) Glycated hemoglobin (A1C) test:

- A blood test measures the average blood sugar over two to three months.
- An A1C level of 6.5 percent or higher on two separate tests indicates diabetes.

(b) Random (non-fasting) blood sugar test:

- A blood sample is taken any time without fasting.
- A random blood sugar level of 200 milligrams per deciliter (mg/dl) or higher suggests diabetes.

(c) Fasting blood sugar test:

- A blood sample is taken after an overnight fast.
- A level of 126 mg/dl or higher on two separate tests indicates diabetes.

(d) Oral glucose tolerance test:

- A test measuring the fasting blood sugar level after an overnight fast with periodic testing for the next several hours after drinking a sugary liquid.
- A reading of more than 200 mg/dl after two hours indicates diabetes.

#### 5. Type 1 Diabetes Treatments

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

(b) If your child is diagnosed with type 1 diabetes, their health care provider will be able to help develop a treatment plan.

(c) Your child's health care provider may refer your child to an endocrinologist, a doctor specializing in the endocrine system and its disorders, such as diabetes.

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

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

**44. Condom Availability Program:** High school students can obtain condoms at Wellness Centers or other designated locations. Related safe sex information shall be provided at the same locations, and designated trained Wellness or health staff will make the condoms available. A licensed health care professional will be available for consultation and to refer to additional resources as needed. Verbal and/or written information shall be

available to all students obtaining condoms which stresses that abstinence is the only 100% effective method of preventing pregnancy and sexually transmitted infections and which does not condone or in any way encourage sexual activity among or with minors. Students shall receive additional information as appropriate and necessary regarding the proper use of condoms and their effectiveness. Youth friendly clinic information is also included with the condom packet. Student participation in this program is voluntary and falls under the state mandate allowing students to seek confidential reproductive health services.

- 45. Medical and Hospital Services Not Provided:** The District does not provide medical and hospital services for students injured while participating in athletic activities. However, all members of school athletic teams must have accidental injury insurance that covers medical and hospital expenses. (Ed. Code, §§ 32221.5, 49470, 49471)
- 46. Students on Medication:** Parents are to notify the school nurse or other designated certificated school employee if their child is on a continuing medication regimen. This notification shall include the name of the medication being taken, the dosage, and the name of the supervising physician. With parental consent, the school nurse may confer with the physician regarding possible effects of the drug, including symptoms of adverse side effects, omission or overdose and counsel with school personnel as deemed appropriate. (Ed. Code, § 49480)
- 47. Administration of Medication:** Medication prescribed by a physician or ordered by a physician assistant for a child may be administered during the school day by the school nurse or other designated school personnel, or self-administered by the child if the medication is prescription auto-injectable epinephrine or prescription inhaled asthma medication, but only if the parent consents in writing and provides detailed written instructions from a physician, or a physician assistant as specified by law. In order for a child to carry and self-administer prescription auto-injectable epinephrine or prescription inhaled asthma medication, the physician or physician assistant must also provide a written statement detailing the name of the medication, method, amount, and time schedules by which the medication is to be taken, and confirming that the pupil is able to self-administer auto-injectable epinephrine or prescription inhaled asthma medication. Parents must also provide a release for the school nurse or designated school personnel to consult with the pupil's health care provider regarding questions that may arise with regard to the medication, and releasing the District and its personnel from civil liability if the self-administering pupil suffers an adverse reaction as a result of self-administering auto-injectable epinephrine or prescription inhaled asthma medication. The written statements specified in this section shall be provided at least annually and more frequently if the medication, dosage, frequency of administration, or reason for administration changes. Forms for administering medication may be obtained from the school secretary. (Ed. Code, §§ 49423, 49423.1, 49423.5)

**Note:** The Authorization for Medication Administration Form is on the last pages of this document.

**48. Asbestos Management Plan:** The current management plan for asbestos-containing material in school buildings is available at the District Business Office. (40 C.F.R. § 763.93)

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

### **HEALTHY SCHOOLS ACT OF 2000**

Notice to all students, parents/guardians and employees of the San Rafael City School District:

Education Code sections 17608 et seq. requires, among other things, that school districts notify parents and staff about the use of pesticides at school. The purpose is to reduce exposure to toxic pesticides through information and application of an integrated pest management system at schools. Towards this end, and pursuant to the requirements of this legislation, please be advised of the following:

It is the policy of the San Rafael City Schools that the least toxic pest management practices are the preferred method of managing pests and that the District, in order to reduce children's exposure to toxic pesticides, shall take the necessary steps pursuant to Food and Agriculture Code section 13180 to facilitate the adoption of the least toxic pest management practices at all sites.

- The District's Integrated Pest Management (IPM) Program begins with education, habitat management, alteration of maintenance activities, physical, geological, and then chemical controls.
- Regular monitoring may involve visual observation, use of tracking powders, baiting and trapping; in any case, this method will be used continuously and regularly.
- When using chemical control for pest management, the District will use a licensed pest control company to administer pesticides.
- A sign will be posted 72 hours before treatment is administered except in a case where an emergency application may be necessary.
- At the Transitional Kindergarten and kindergarten sites, the sign will be posted 96 hours prior to treatment.

A list of pesticides/herbicides that may be used to treat the interior or exterior of the building,

fence lines and dirt areas for ants, cockroaches, rodents, geese, termites and weeds is provided for your information. Parents or guardians may request prior notification of individual pesticide applications at your child's school site. If you would like to be notified every time we apply a pesticide/herbicide or if you have any questions, please contact our Maintenance and Operations Department at 415-485-2445. Once we have your request on file, we will mail you a notification prior to pesticide application use.

You can find more information regarding these pesticides and pesticide use reduction at the Department of Pesticide Regulation's Web site at [www.cdpr.ca.gov](http://www.cdpr.ca.gov).

You may view a copy of the district's integrated pest management plan in the principal's office for each school site, or online at the following

School Site Name	Internet Location
Bahia Vista Elementary School	<a href="http://bv.srcs.ca.schoolloop.com/">http://bv.srcs.ca.schoolloop.com/</a>
San Pedro Elementary School	<a href="http://sp.srcs.ca.schoolloop.com/">http://sp.srcs.ca.schoolloop.com/</a>
Coleman Elementary School	<a href="http://co.srcs.ca.schoolloop.com/">http://co.srcs.ca.schoolloop.com/</a>
Glenwood Elementary School	<a href="http://gl.srcs.ca.schoolloop.com/">http://gl.srcs.ca.schoolloop.com/</a>
Sun Valley Elementary School	<a href="http://sv.srcs.ca.schoolloop.com/">http://sv.srcs.ca.schoolloop.com/</a>
Laurel Dell Elementary School	<a href="http://laureldell.srcs.org/">http://laureldell.srcs.org/</a>
Venetia Valley K-8 School	<a href="http://vv-srcs-ca.schoolloop.com/">http://vv-srcs-ca.schoolloop.com/</a>
Davidson Middle School	<a href="http://dms.srcs.ca.schoolloop.com/">http://dms.srcs.ca.schoolloop.com/</a>
Madrone High School	<a href="http://mhs.srcs.ca.schoolloop.com/">http://mhs.srcs.ca.schoolloop.com/</a>
San Rafael High School	<a href="http://srhs.srcs.ca.schoolloop.com/">http://srhs.srcs.ca.schoolloop.com/</a>
Terra Linda High School	<a href="http://tlhs.srcs.ca.schoolloop.com/">http://tlhs.srcs.ca.schoolloop.com/</a>
<b><i>Pesticide Name</i></b>	<b><i>Active Ingredients</i></b>
Advion Ant Bait Gel	Indoxacarb 0.05%
Advance Ant Bait	Abamectin B1
Agri-Fos Systemic Fungicide	Mono & DI-potassium salts of Phosphorous Acid
Ethanol	Ethanol CAS# 64-17-5
Arena 50 WDG	(E)-1-(2-chloro-1,3-thiazol-5-ylmethyl)-3-methyl-2- nitroguanidine
Arena 50DWG Insec-ticide	Clothianidin
Avert Roach Bait	Abamectin B1

Borid Dust	Boric Acid
Bedlam Insec.	N-Octyl Bicycloheptene Dicarboximide;d-Phenothrin
Cleary's 3336 Sys-temic Fungicide	Thiophanate Methyl
Clorox Total 360 – Disinfectant Cleaner	Tetrasodium EDTA, Quaternary ammonium compounds, C12-18-alkyl & C12-14-alkyl
Clorox Anywhere Hard Surface Sanitizing Spray	Sodium hypochlorite 7681-52-9 (bleach)
Clorox Commercial Solutions Non-bleach wipes	Ethylene glycol monohexyl ether, n-Alkyl dimethyl (ethyl)benzyl ammonium chloride
Diuron 80 Herbicide or =	Diuron
Dragnet SFR	Permethrin 0.5%
Eatons Gopher Bait	Diphacinone.005%
Eco Dust	Clove Oil
Eco Oil	Rosemary/Peppermint/ Wintergreen/Vanilla
Florel Growth Regula-tor	Ethephon
Fumitoxin Tablets	Aluminum Phosphide
Gallery Herbicide	Isoxaben
Jl Eaton Answer	Diphacinone
Gopher Getter Type 1 Bait	Strychnine Alkaloid
Isopropanol	Isopropanol CAS#67-63-0
Maxforce FC Ant Bait Gel	Fipronil 0.01%
Maxforce Granules	Hydramethylnon 1.0%
Max Force FC Roach Bait	Fipronil 0.01
Mecomec 2.5	Mecoprop (MCP)
Methanol	Methanol
Onslaught Microen-cap	Esfenvalerate
Orange Guard	d-Limonene 5.8%
Oust Herbicide	Sulfometuron Methyl
Oxivir tb (US)	Benzyl Alcohol, Hydrogen Peroxide
Pendulum DF or =	n/a
Pentra-Bark	Alkylphenol ethoxylate, polysiloxane polyether copolymer, propylene glycol
Phantom	Chlorfenapyr
Prosecutor Pro	Glyphosate
PT565+aerosol	Pyrethrins+Allethrin
Pure	Citric Acid Wt% Water >95 <5 Silver Ions .0030
ReJeX-iT	Methyl Anthranilate
Rejex-it Migrate	Methyl Anthranilate
Roundup Pro or =	Glyphosate 1-2%
Rozol Pellets	Chlorophacinone
Safari 20SG Insecti-cide	Dinotefuran
Sani-Cloth Prime wipes	Isopropanol, ETOH, Didecyl Dimethyl Ammonium Chloride

Sani-Cloth Bleach Wipes	Sodium Hypochlorite
Sani Prime Spray	Isopropanol, ETOH, Didecyl Dimethyl Ammonium Chloride
Speedzone	Dicamba/2-4D/MCPP
Surflan - Lesco	Oryzalin
Suspend SC Insect	Deltamethrin 0.02%
Talon Pellet Bait	Brodifacoum
Talpirid (Moles)	Bromethalin
Telstar Lawn & Tree	Bifenthrin 0.03%
Tempo 20 WP	Cypermethrin
Termidor SC	Fipronil
Trapping	Traps
Trimec Turf Herbicide	Dicamba/2-4/mcpp
Turflon Ester	Triclopyr
Wasp Free Aerosol	Allethrin+Phenothrin
Wilco Gopher Bait Type 1	Strychnine Alkaloid
ZP Rodent Bait AG	.5%inc Phosphide 2%

Parents/guardians of the San Rafael City School District can register with the District's designee, Dave Pedroli, to receive notification of individual pesticide applications by calling 415-485-2445. Persons who register for this notification shall be notified at least seventy-two (72) hours prior to the application, except in emergencies, and will be provided the name and active ingredient(s) of the pesticide as well as the intended date of application.

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

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

**Firearms Safety Memorandum**

**To:** Parents and Guardians of Students in the San Rafael City Schools District

**From:** Carmen Diaz Ghysels

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

The purpose of this memorandum is to inform and to remind parents and legal guardians of all students in the San Rafael City Schools District of their responsibilities for keeping firearms out of the hands of children as required by California law. There have been many news reports of children bringing firearms to school. In many instances, the child obtained the firearm(s) from his or her home. These incidents can be easily prevented by

storing firearms in a safe and secure manner, including keeping them locked up when not in use and storing them separately from ammunition.

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

- With very limited exceptions, California makes a person criminally liable for keeping any firearm, loaded or unloaded, within any premises that are under their custody and control where that person knows or reasonably should know that a child is likely to gain access to the firearm without the permission of the child's parent or legal guardian, and the child obtains access to the firearm and thereby (1) causes death or injury to the child or any other person; (2) carries the firearm off the premises or to a public place, including to any preschool or school grades kindergarten through twelfth grade, or to any school-sponsored event, activity, or performance; or (3) unlawfully brandishes the firearm to others.

- **Note:** The criminal penalty may be significantly greater if someone dies or suffers great bodily injury as a result of the child gaining access to the firearm.

- With very limited exceptions, California also makes it a crime for a person to negligently store or leave any firearm, loaded or unloaded, on their premises in a location where the person knows or reasonably should know that a child is likely to gain access to it without the permission of the child's parent or legal guardian, unless reasonable action is taken to secure the firearm against access by the child, even where a minor never actually accesses the firearm.

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

2 - See California Penal Code section 25100(c).

- In addition to potential fines and terms of imprisonment, as of January 1, 2020, a gun owner found criminally liable under these California laws faces prohibitions from possessing, controlling, owning, receiving, or purchasing a firearm for 10 years.

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

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

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

Sincerely,



Carmen Diaz Ghysels  
Superintendent  
San Rafael City Schools

Date published: August 2023  
California Department of Education

**51. Policy 1250: Visitors/Outsiders**

*The Board of Education believes that it is important for parents/guardians and community members to take an active interest in the issues affecting district schools and students.*

*The Board encourages parents/guardians and interested members of the community to visit the schools and view the educational program.*

*To ensure the safety of students and staff and minimize interruption of the instructional program, the Superintendent or designee shall establish procedures which facilitate visits during regular school days. Visits during school hours should be first arranged with the principal or designee. When a visit involves a conference with a teacher or the principal, an appointment should be scheduled during noninstructional time.*

*The Attorney General (95 Ops.Cal.Att.Gen. 509 (1996)) holds that by directing school authorities to minimize classroom interruptions, Education Code 32212 gives them direction to require media representatives to register and comply with other reasonable restrictions.*

*A "Visitor" is defined as any person who is not a student or staff member. Visitors shall register immediately upon entering any school building or grounds when school is in session.*

*The principal or designee may provide a visible means of identification for all individuals who are not students or staff members while on school premises.*

*No electronic listening or recording device may be used by students or visitors in a classroom without the teacher and principal's permission. (Education Code 51512)*

*The Board encourages all individuals to assist in maintaining a safe and secure school environment by behaving in an orderly manner while on school grounds and by utilizing the district's complaint processes if they have concerns with any district program or employee. In accordance with Penal Code 626.7, the principal or designee may request that any individual who is causing a disruption, including exhibiting volatile, hostile, aggressive, or offensive behavior, immediately leave school grounds.*

***Presence of Sex Offender on Campus***

*Any person who is required to register as a sex offender pursuant to Penal Code 290, including a parent/guardian of a district student, shall request written permission from the principal before entering the school campus or grounds. As necessary, the principal shall consult with local law enforcement authorities before allowing the presence of any such person at school or other school activity. The principal also shall report to the Superintendent or designee anytime he/she gives such written permission. The principal shall indicate on the written permission the date(s) and times for which permission has been granted. (Penal Code 626.81)*

**Board policy approved:12/8/2008 Revised: 6/27/2018**

**Regulation 1250: Visitors/Outsiders**

*The Superintendent or designee shall post at every entrance to each school and school grounds a notice describing registration requirements, school hours or hours during which registration is required, the registration location, the route to take to that location, and the penalties for violation of registration requirements. (Education Code 32211; Penal Code 627.6)*

*Unless otherwise directed by the principal or designee, a staff member shall accompany visitors while they are on school grounds.*

*Visitor Registration Procedure*

*In order to register, a visitor shall, upon request, furnish the principal or designee with the following information: (Penal Code 627.3)*

- 1. His/her name, address and occupation*
- 2. His/her age, if less than 21*
- 3. His/her purpose for entering school grounds*
- 4. Proof of identity*
- 5. Other information consistent with the provisions of law*

***Principal's Registration Authority***

- 1. The principal or designee may refuse to register any visitor if he/she reasonably concludes that the visitor's presence or acts would disrupt the school, students, or employees; would result in damage to property; or would result in the distribution or use of a controlled substance. The principal or designee or school security officer may revoke a visitor's registration if he/she has a reasonable basis for concluding that the visitor's presence on school grounds would interfere or is interfering with the peaceful conduct of school activities or would disrupt or is disrupting the school, students or staff. (Penal Code 627.4)*

2. *When a visitor fails to register, or when the principal or designee denies or revokes a visitor's registration privileges, the principal may request the individual promptly leave school grounds. When a visitor is directed to leave, the principal or designee shall inform the visitor that if he/she reenters the school within seven days he/she will be guilty of a misdemeanor subject to a fine and/or imprisonment. (Penal Code 627.7)*

### ***Appeal Procedure***

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

**Regulation approved: 12/8/2008 Revised: 6/27/2018**

### **52. Meal Charge Standard Practice:**

\* In accordance with 2022-23 Senate Bill 154 and Assembly Bill/Senate Bill 181, meals are currently served to all students free of charge to families.

The purpose of this Meal Charge Standard Practice is to provide a consistent process for charging meals when a student does not have money to pay for school meals. This policy applies to families who are paying full price for meals.

#### **Preventing meal charges:**

If your child does not qualify for free or reduced price meals, it is the responsibility of the parent/guardian to ensure their child has sufficient funds on their account to cover all school meals and to keep abreast of their child's account. Funds can be deposited to a child's meal account:

1. Online using <https://family.titank12.com> (You will need your child's student ID number, ID numbers can be obtained by calling the Nutrition Services office at 415-492-3572)
2. At the school site (cash or check made payable to SRCS Nutrition Services)

By going to <https://family.titank12.com> you can set up and/or manage your child's meal account. Online prepayments are encouraged but, even if you do not choose to make online payments, you can still utilize the account to check the balance of your child's meal account and see on what dates your child participated in school breakfast or lunch. Online accounts also have a "low balance" or "automatic deposit at low balance" parent email alert feature.

### **Charging meals:**

In accordance with SB250 and SB 265:

SB 250 Pupil Meals: Child Hunger Prevention and Fair Treatment Act of 2017 (also known as the No Shaming Act), became law on January 1, 2018, and was superseded by SB 265 which became law effective October 12, 2019. The purpose of the law is to prevent the shaming of children who do not have the money to pay for a meal or whose family has unpaid meal debt. All public school districts, county offices of education (COE), and charter schools that participate in the National School Lunch Program (NSLP) or School Breakfast Program (SBP) must comply with this law.

SB 265 amended Section 49557.5(b)(1) of the California *Education Code (EC)* stating that a pupil whose parent or guardian has unpaid meal charges is not to be shamed, treated differently, or denied a reimbursable meal of the pupils choice because of the fact that the pupil's parent or guardian has unpaid meal fees, and shall ensure that the pupil is not shamed or treated differently from other pupils. Schools participating in the Community Eligibility Provision or Provision 2 are not affected by this law, as all students receive their meals at no cost; therefore, there is no unpaid meal debt.

**A child who has unpaid meal charges, is to be served a reimbursable meal of their choice throughout the school year regardless of the level of debt incurred by the household.**

### **Collection of unpaid meal charges:**

Parents/Guardians will be notified, in writing via e-mail or US postal mail if a student's meal account has an unpaid balance. Unpaid balances are due within 10 days from the date of the notice.

If the \$9.00 charge limit is reached the parent/guardian will be promptly notified as well as the school office so that the family can be provided with information about the free and reduced price meal program.

USDA is an equal opportunity provider and employer

- 53. Sexual Harassment Policy:** Each student will receive a written copy of the district policy on sexual harassment. The purpose of this policy is to provide notification of the **prohibition** against sexual harassment as a form of sexual discrimination and to provide notification of available remedies. A copy of the District's policy on sexual harassment is attached. (Ed. Code, §§ 231.5, 48980(f))

### **Policy 5145.7: Sexual Harassment**

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

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

*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.*

*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*
- 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*

### ***Disciplinary Actions***

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

### ***Record-Keeping***

*In accordance with law and district policies and regulations, 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.*

*Board policy approved: 12/8/2008 Revised: 5/11/21*

### **Regulation 5145.7: Sexual Harassment**

#### ***Definitions***

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

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

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

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

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

### ***Examples of Sexual Harassment***

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

1. *Unwelcome leering, sexual flirtations, or propositions*

2. *Unwelcome sexual slurs, epithets, threats, verbal abuse, derogatory comments, or sexually degrading descriptions*
3. *Graphic verbal comments about an individual's body or overly personal conversation*
4. *Sexual jokes, derogatory posters, notes, stories, cartoons, drawings, pictures, obscene gestures, or computer-generated images of a sexual nature*
5. *Spreading sexual rumors*
6. *Teasing or sexual remarks about students enrolled in a predominantly single-sex class*
7. *Massaging, grabbing, fondling, stroking, or brushing the body*
8. *Touching an individual's body or clothes in a sexual way*
9. *Impeding or blocking movements or any physical interference with school activities when directed at an individual on the basis of sex*
10. *Displaying sexually suggestive objects*
11. *Sexual assault, sexual battery, or sexual coercion*
12. *Electronic communications containing comments, words, or images described above*

***Title IX Coordinator/Compliance Officer***

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

*Director of Student Services  
San Rafael City Schools  
310 Nova Albion Way  
San Rafael, CA 94903  
415-492-3222  
[communications@srcs.org](mailto:communications@srcs.org)*

***Notifications***

*The Superintendent or designee shall notify students and parents/guardians that the district does not discriminate on the basis of sex as required by Title IX and that inquiries about the*

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

*The district shall notify students and parents/guardians of the name or title, office address, email address, and telephone number of the district's Title IX Coordinator. (34 CFR 106.8)*

*A copy of the district's sexual harassment policy and regulation shall:*

- 1. Be included in the notifications that are sent to parents/guardians at the beginning of each school year (Education Code 48980; 5 CCR 4917)*
- 2. Be displayed in a prominent location in the main administrative building or other area where notices of district rules, regulations, procedures, and standards of conduct are posted (Education Code 231.5)*
- 3. Be summarized on a poster which shall be prominently and conspicuously displayed in each bathroom and locker room at each school. The poster may be displayed in public areas that are accessible to and frequented by students, including, but not limited to, classrooms, hallways, gymnasiums, auditoriums, and cafeterias. The poster shall display the rules and procedures for reporting a charge of sexual harassment; the name, phone number, and email address of an appropriate school employee to contact to report a charge of sexual harassment; the rights of the reporting student, the complainant, and the respondent; and the responsibilities of the school. (Education Code 231.6)*
- 4. Be posted, along with the name or title and contact information of the Title IX Coordinator, in a prominent location on the district's web site in a manner that is easily accessible to parents/guardians and students. (Education Code 236; 34 CFR 106.8)*
- 5. Be provided as part of any orientation program conducted for new and continuing students at the beginning of each quarter, semester, or summer session (Education Code 231.5)*
- 6. Appear in any school or district publication that sets forth the school's or district's comprehensive rules, regulations, procedures, and standards of conduct (Education Code 231.5)*
- 7. Be included, along with the name or title and contact information of the Title IX Coordinator, in any handbook provided to students or parents/guardians (34 CFR 106.8)*

*The Superintendent or designee shall also post the definition of sex discrimination and harassment as described in Education Code 230, including the rights set forth in Education*

Code 221.8, in a prominent location on the district's web site in a manner that is easily accessible to parents/guardians and students. (Education Code 234.6)

### **Reporting Complaints**

*A student or parent/guardian who believes that the student has been subjected to sexual harassment by another student, an employee, or a third party or who has witnessed sexual harassment is strongly encouraged to report the incident to a teacher, the principal, the district's Title IX Coordinator, or any other available school employee. Within one school day of receiving such a report, the principal or other school employee shall forward the report to the district's Title IX Coordinator. Any school employee who observes an incident of sexual harassment involving a student shall, within one school day, report the observation to the principal or Title IX Coordinator. The report shall be made regardless of whether the alleged victim files a formal complaint or requests confidentiality.*

*When a report or complaint of sexual harassment involves off-campus conduct, the Title IX Coordinator shall assess whether the conduct may create or contribute to the creation of a hostile school environment. If the Title IX Coordinator determines that a hostile environment may be created, the complaint shall be investigated and resolved in the same manner as if the prohibited conduct occurred at school.*

*When a verbal or informal report of sexual harassment is submitted, the Title IX Coordinator shall inform the student or parent/guardian of the right to file a formal written complaint in accordance with applicable district complaint procedures.*

### **Complaint Procedures**

*All complaints and allegations of sexual harassment by and against students shall be investigated and resolved in accordance with law and district procedures. The Title IX Coordinator shall review the allegations to determine the applicable procedure for responding to the complaint. All complaints that meet the definition of sexual harassment under Title IX shall be investigated and resolved in accordance with AR 5145.71 - Title IX Sexual Harassment Complaint Procedures. Other sexual harassment complaints shall be investigated and resolved pursuant to BP/AR 1312.3 - Uniform Complaint Procedures.*

*If sexual harassment is found following an investigation, the Title IX Coordinator, or designee in consultation with the Coordinator, shall take prompt action to stop the sexual harassment, prevent recurrence, implement remedies, and address any continuing effects.*

**Regulation approved: 12/8/2008 Revised: 5/11/21**

#### **54. Uniform Complaint Procedures:**

##### **Complaints Alleging Discrimination, Harassment, Intimidation, and Bullying:**

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

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

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

- a. Any individual, public agency or organization has the right to file a written complaint alleging that he/she has personally suffered unlawful discrimination or that an individual or specific class of individuals has been subjected to unlawful discrimination. (Cal. Code Regs., tit. 5, §§ 4610, 4630(b)(1))
- b. Copies of the District's complaint procedures are available free of charge. (Cal. Code Regs., tit. 5, § 4622)
- c. Complaints must usually be filed with the superintendent/designee of the District.
- d. Discrimination complaints must be filed within six (6) months of the date the alleged discrimination occurred, or within six (6) months of the date the complainant first obtained knowledge of the facts of the alleged discrimination. Within that six (6) month period, the complainant may file a written request with the district superintendent or designee for an extension of up to ninety (90) days following the six (6) month time period. Extensions will not be automatically granted, but may be granted for good cause. (Cal. Code Regs., tit. 5, § 4630(b))

### **Policy 5145.3: Nondiscrimination/Harassment**

*This policy shall apply to all acts constituting unlawful discrimination or harassment related to school activity or to school attendance occurring within a 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.*

*The Board of Education 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, medical condition, sex, sexual orientation, gender, gender identity, or gender expression, or genetic information, or association with a person or group with one or more of these actual or perceived characteristics.*

*Unlawful discrimination, including discriminatory harassment, intimidation, or bullying, may result from physical, verbal, nonverbal, or written conduct based on any 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 a 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 reports 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 district's policies prohibiting discrimination, harassment, intimidation, and bullying and other required information on the district's website 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 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 educational program. The Superintendent or designee shall report his/her findings and recommendations to the Board after each review.*

*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 discrimination, including discriminatory harassment, intimidation, retaliation, or bullying, in violation of law, Board policy, or administrative regulation shall be subject to appropriate consequence or discipline, which may include suspension or expulsion when the behavior is severe or pervasive as defined in Education Code 48900.4. Any employee who permits or engages in prohibited discrimination, including discriminatory harassment, intimidation, retaliation, or bullying, shall be subject to disciplinary action, up to and including dismissal.

**Record-Keeping**The Superintendent or designee shall maintain a record of all reported cases of discrimination, including discriminatory harassment, intimidation, or bullying, to enable the district to monitor, address, and prevent repetitive prohibited behavior in district schools.

Board policy approved: 12/8/2008 Revised: 6/8/2020

### **Regulation 5145.3: Nondiscrimination/Harassment**

The district designates the individual(s) identified below as the employee(s) responsible for coordinating the district's efforts to comply with applicable state and federal civil rights laws and to answer inquiries regarding the district's nondiscrimination policies. The individual(s) shall also serve as the compliance officer(s) specified in AR 1312.3 - Uniform Complaint Procedures as the responsible employee to handle complaints alleging unlawful discrimination targeting a student, including discriminatory harassment, intimidation, or bullying, based on the student's actual or perceived race, color, ancestry, nationality, national origin, immigration status, ethnic group identification, ethnicity, age, religion, marital status, pregnancy, parental status, physical or mental disability, medical condition, sex, sexual orientation, gender, gender identity, gender expression, genetic information, or any other legally protected status or association with a person or group with one or more of these actual or perceived characteristics. The coordinator/compliance officer(s) may be contacted at: (Education Code 234.1; 5 CCR 4621

**Senior Director of Human Resources**  
San Rafael City School  
310 Nova Albion Way  
San Rafael, CA 94903  
(415) 492-3531  
[communications@srcs.org](mailto:communications@srcs.org)

**Director of Student Services**  
San Rafael City School  
310 Nova Albion Way  
San Rafael, CA 94903  
(415) 492-3222  
[communications@srcs.org](mailto:communications@srcs.org)

### **Measures to Prevent Discrimination**

To prevent unlawful discrimination, including discriminatory harassment, intimidation, retaliation, and bullying, of students at district schools or in school activities and to ensure equal access of all students to the educational program, the Superintendent or designee shall implement the following measures:

1. *Publicize the district's nondiscrimination policy and related complaint procedures, including the coordinator/compliance officer's contact information, to students, parents/guardians, employees, volunteers, and the general public by posting them in prominent locations and providing easy access to them through district-supported communications*
2. *Post the district's policies and procedures prohibiting discrimination, harassment, student sexual harassment, intimidation, bullying, and cyberbullying, including a section on social media bullying that includes all of the references described in Education Code 234.6 as possible forums for social media, in a prominent location on the district's web site in a manner that is easily accessible to parents/guardians and students (Education Code 234.6)*
3. *Post the definition of sex discrimination and harassment as described in Education Code 230, including the rights set forth in Education Code 221.8, in a prominent location on the district's web site in a manner that is easily accessible to parents/guardians and students (Education Code 234.6)*
4. *Post in a prominent location on the district web site in a manner that is easily accessible to parents/guardians and students information regarding Title IX prohibitions against discrimination based on a student's sex, gender, gender identity, pregnancy, and parental status, including the following: (Education Code 221.6, 221.61, 234.6)*
  1. *The name and contact information of the district's Title IX Coordinator, including the phone number and email address*
  2. *The rights of students and the public and the responsibilities of the district under Title IX, including a list of rights as specified in Education Code 221.8 and web links to information about those rights and responsibilities located on the web sites of the Office for Equal Opportunity and the U.S. Department of Education's Office for Civil Rights (OCR)*
  3. *A description of how to file a complaint of noncompliance under Title IX, which shall include:*
    1. *An explanation of the statute of limitations within which a complaint must be filed after an alleged incident of discrimination has occurred and how a complaint may be filed beyond the statute of limitations*

2. *An explanation of how the complaint will be investigated and how the complainant may further pursue the complaint, including web links to this information on the OCR's web site*
3. *A web link to the OCR complaints form and the contact information for the office, including the phone number and email address for the office*
4. *A link to the Title IX information included on the California Department of Education's (CDE) web site*
5. *Post a link to statewide CDE-compiled resources, including community-based organizations that provide support to youth who have been subjected to school-based discrimination, harassment, intimidation, or bullying and to their families. Such resources shall be posted in a prominent location on the district's web site in a manner that is easily accessible to parents/guardians and students. (Education Code 234.5, 234.6)*
6. *Provide to students a handbook that contains age-appropriate information that clearly describes the district's nondiscrimination policy, procedures for filing a complaint, and resources available to students who feel that they have been the victim of any such behavior.*
7. *Annually notify all students and parents/guardians of the district's nondiscrimination policy, including its responsibility to provide a safe, nondiscriminatory school environment for all students. The notice shall inform students and parents/guardians that they may request to meet with the compliance officer to determine how best to accommodate or resolve concerns that may arise from the district's implementation of its nondiscrimination policies. The notice shall also inform all students and parents/guardians that, to the extent possible, the district will address any individual student's interests and concerns in private.*
8. *Ensure that students and parents/guardians, including those with limited English proficiency, are notified of how to access the relevant information provided in the district's nondiscrimination policy and related complaint procedures, notices, and forms in a language they can understand.*

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

*meaningful access to all relevant information for parents/guardians with limited English proficiency.*

9. *Provide to students, employees, volunteers, and parents/guardians age-appropriate training and/or information regarding the district's nondiscrimination policy; what constitutes prohibited discrimination, including discriminatory harassment, intimidation, retaliation, or bullying; how and to whom a report of an incident should be made; and how to guard against segregating or stereotyping students when providing instruction, guidance, supervision, or other services to them. Such training and information shall include details of guidelines the district may use to provide a discrimination-free environment for all district students.*
10. *At the beginning of each school year, inform school employees that any employee who witnesses any act of unlawful discrimination, including discriminatory harassment, intimidation, or bullying, against a student is required to intervene if it is safe to do so. (Education Code 234.1)*
11. *At the beginning of each school year, inform each principal or designee of the district's responsibility to provide appropriate assistance or resources to protect students from threatened or potentially discriminatory behavior and ensure their privacy rights.*

#### ***Enforcement of District Policy***

*The Superintendent or designee shall take appropriate actions to reinforce BP 5145.3 - Nondiscrimination/Harassment. As needed, these actions may include any of the following:*

1. *Removing vulgar or offending graffiti*
2. *Providing training to students, staff, and parents/guardians about how to recognize unlawful discrimination, how to report it or file a complaint, and how to respond*
3. *Disseminating and/or summarizing the district's policy and regulation regarding unlawful discrimination*
4. *Consistent with laws regarding the confidentiality of student and personnel records, communicating to students, parents/guardians, and the community the school's response plan to unlawful discrimination or harassment*
5. *Taking appropriate disciplinary action against students, employees, and anyone determined to have engaged in wrongdoing in violation of district policy, including any student who is found to have filed a complaint of discrimination that the student knew was not true*

### ***Process for Initiating and Responding to Complaints***

*Students who feel that they have been subjected to unlawful discrimination described above or in district policy are strongly encouraged to immediately contact the compliance officer, principal, or any other staff member. In addition, students who observe any such incident are strongly encouraged to report the incident to the compliance officer or principal, whether or not the alleged victim files a complaint.*

*Any school employee who observes an incident of unlawful discrimination, including discriminatory harassment, intimidation, retaliation, or bullying, or to whom such an incident is reported shall report the incident to the compliance officer or principal within a school day, whether or not the alleged victim files a complaint.*

*Any school employee who witnesses an incident of unlawful discrimination, including discriminatory harassment, intimidation, retaliation, or bullying, shall immediately intervene to stop the incident when it is safe to do so. (Education Code 234.1)*

*When a report of unlawful discrimination, including discriminatory harassment, intimidation, retaliation, or bullying, is made to or received by the principal or compliance officer, the principal or compliance officer shall notify the student or parent/guardian of the right to file a formal complaint in accordance with AR 1312.3 - Uniform Complaint Procedures or, for complaints of sexual harassment that meet the federal Title IX definition, AR 5145.71 - Title IX Sexual Harassment Complaint Procedures. Once notified verbally or in writing, the compliance officer shall begin the investigation and shall implement immediate measures necessary to stop the discrimination and ensure that all students have access to the educational program and a safe school environment. Any interim measures adopted to address unlawful discrimination shall, to the extent possible, not disadvantage the complainant or a student who is the victim of the alleged unlawful discrimination.*

*Any report or complaint alleging unlawful discrimination by the principal, compliance officer, or any other person to whom a report would ordinarily be made or complaint filed shall instead be made to or filed with the Superintendent or designee who shall determine how the complaint will be investigated.*

### ***Issues Unique to Intersex, Nonbinary, Transgender and Gender-Nonconforming Students***

*Gender identity of a student means the student's gender-related identity, appearance, or behavior as determined from the student's internal sense, whether or not that gender-related identity, appearance, or behavior is different from that traditionally associated with the student's physiology or assigned sex at birth.*

*Gender expression means a student's gender-related appearance and behavior, whether stereotypically associated with the student's assigned sex at birth. (Education Code 210.7)*

*Gender transition refers to the process in which a student changes from living and identifying as the sex assigned to the student at birth to living and identifying as the sex that corresponds to the student's gender identity.*

*Gender-nonconforming student means a student whose gender expression differs from stereotypical expectations.*

*Intersex student means a student with natural bodily variations in anatomy, hormones, chromosomes, and other traits that differ from expectations generally associated with female and male bodies.*

*Nonbinary student means a student whose gender identity falls outside of the traditional conception of strictly either female or male, regardless of whether or not the student identifies as transgender, was born with intersex traits, uses gender-neutral pronouns, or uses agender, genderqueer, pangender, gender nonconforming, gender variant, or such other more specific term to describe their gender.*

*Transgender student means a student whose gender identity is different from the gender assigned at birth.*

*The district prohibits acts of verbal, nonverbal, or physical aggression, intimidation, or hostility that are based on sex, gender identity, or gender expression, or that have the purpose or effect of producing a negative impact on the student's academic performance or of creating an intimidating, hostile, or offensive educational environment, regardless of whether the acts are sexual in nature. Examples of the types of conduct which are prohibited in the district and which may constitute gender-based harassment include, but are not limited to:*

- 1. Refusing to address a student by a name and the pronouns consistent with the student's gender identity*
- 2. Disciplining or disparaging a student or excluding the student from participating in activities, for behavior or appearance that is consistent with the student's gender identity or that does not conform to stereotypical notions of masculinity or femininity, as applicable*
- 3. Blocking a student's entry to the restroom that corresponds to the student's gender identity*
- 4. Taunting a student because the student participates in an athletic activity more typically favored by a student of the other sex*
- 5. Revealing a student's gender identity to individuals who do not have a legitimate need for the information, without the student's consent*
- 6. Using gender-specific slurs*
- 7. Physically assaulting a student motivated by hostility toward the student because of the student's gender, gender identity, or gender expression*

*The district's uniform complaint procedures (AR 1312.3) or Title IX sexual harassment procedures (AR 5145.71), as applicable, shall be used to report and resolve complaints alleging discrimination against intersex, nonbinary, transgender, and gender-nonconforming students.*

*Examples of bases for complaints include, but are not limited to, the above list, as well as improper rejection by the district of a student's asserted gender identity, denial of access to facilities that correspond with a student's gender identity, improper disclosure of a student's gender identity, discriminatory enforcement of a dress code, and other instances of gender-based harassment.*

*To ensure that intersex, nonbinary, transgender, and gender-nonconforming students are afforded the same rights, benefits, and protections provided to all students by law and Board policy, the district shall address each situation on a case-by-case basis, in accordance with the following guidelines:*

- 1. Right to privacy: A student's intersex, nonbinary, transgender, or gender-nonconforming status is the student's private information. The district shall develop strategies to prevent unauthorized disclosure of students' private information. Such strategies may include, but are not limited to, collecting or maintaining information about student gender only when relevant to the educational program or activity, protecting or revealing a student's gender identity as necessary to protect the health or safety of the student, and keeping a student's unofficial record separate from the official record.*

*The district shall only disclose the information to others with the student's prior written consent, except when the disclosure is otherwise required by law or when the district has compelling evidence that disclosure is necessary to preserve the student's physical or mental well-being. In any case, the district shall only allow disclosure of a student's personally identifiable information to employees with a legitimate educational interest as determined by the district pursuant to 34 CFR 99.31. Any district employee to whom a student's intersex, nonbinary, transgender, or gender-nonconforming status is disclosed shall keep the student's information confidential. When disclosure of a student's gender identity is made to a district employee by a student, the employee shall seek the student's permission to notify the compliance officer. If the student refuses to give permission, the employee shall keep the student's information confidential, unless the employee is required to disclose or report the student's information pursuant to this administrative regulation, and shall inform the student that honoring the student's request may limit the district's ability to meet the student's needs related to the student's status as an intersex, nonbinary, transgender, or gender-nonconforming student. If the student permits the employee to notify the compliance officer, the employee shall do so within three school days.*

*As appropriate given the student's need for support, the compliance officer may discuss with the student any need to disclose the student's intersex, nonbinary, transgender, or*

*gender-nonconformity status or gender identity or gender expression to the student's parents/guardians and/or others, including other students, teacher(s), or other adults on campus. The district shall offer support services, such as counseling, to students who wish to inform their parents/guardians of their status and desire assistance in doing so.*

- 2. Determining a Student's Gender Identity: The compliance officer shall accept the student's assertion of gender identity and begin to treat the student consistent with that gender identity unless district personnel present a credible and supportable basis for believing that the student's assertion is for an improper purpose.*
- 3. Addressing a Student's Transition Needs: The compliance officer shall arrange a meeting with the student and, if appropriate, the student's parents/guardians to identify and develop strategies for ensuring that the student's access to educational programs and activities is maintained. The meeting shall discuss the intersex, nonbinary, transgender, or gender-nonconforming student's rights and how those rights may affect and be affected by the rights of other students and shall address specific subjects related to the student's access to facilities and to academic or educational support programs, services, or activities, including, but not limited to, sports and other competitive endeavors. In addition, the compliance officer shall identify specific school site employee(s) to whom the student may report any problem related to the student's status as an intersex, nonbinary, transgender, or gender-nonconforming individual, so that prompt action can be taken to address it. Alternatively, if appropriate and desired by the student, the school may form a support team for the student that will meet periodically to assess whether the arrangements for the student are meeting the student's educational needs and providing equal access to programs and activities, educate appropriate staff about the student's transition, and serve as a resource to the student to better protect the student from gender-based discrimination.*
- 4. Accessibility to Sex-Segregated Facilities, Programs, and Activities: When the district maintains sex-segregated facilities, such as restrooms and locker rooms, or offers sex-segregated programs and activities, such as physical education classes, intermural sports, and interscholastic athletic programs, students shall be permitted to access facilities and participate in programs and activities consistent with their gender identity. To address any student's privacy concerns in using sex-segregated facilities, the district shall offer available options such as a gender-neutral or single-use restroom or changing area, a bathroom stall with a door, an area in the locker room separated by a curtain or screen, or use of the locker room before or after the other students. However, the district shall not require a student to utilize these options because the student is intersex, nonbinary, transgender, or gender-nonconforming. In addition, a student shall be permitted to participate in accordance with the student's gender identity in other*

*circumstances where students are separated by gender, such as for class discussions, yearbook pictures, and field trips. A student's right to participate in a sex-segregated activity in accordance with the student's gender identity shall not render invalid or inapplicable any other eligibility rule established for participation in the activity.*

- 5. Student Records: Upon each student's enrollment, the district is required to maintain a mandatory permanent student record (official record) that includes the student's gender and legal name.*

*A student's legal name as entered on the mandatory student record required pursuant to 5 CCR 432 shall only be changed with proper documentation. A student's gender as entered on the student's official record required pursuant to 5 CCR 432 shall only be changed with written authorization of a parent/guardian having legal custody of the student. (Education Code 49061)*

*However, when proper documentation or authorization, as applicable, is not submitted with a request to change a student's legal name or gender, any change to the student's record shall be limited to the student's unofficial records such as attendance sheets, report cards, and school identification.*

- 6. Names and Pronouns: If a student so chooses, district personnel shall be required to address the student by a name and the pronoun(s) consistent with the student's gender identity, without the necessity of a court order or a change to the student's official district record. However, inadvertent slips or honest mistakes by district personnel in the use of the student's name and/or consistent pronouns will, in general, not constitute a violation of this administrative regulation or the accompanying district policy.*
- 7. Uniforms/Dress Code: A student has the right to dress in a manner consistent with the student's gender identity, subject to any dress code adopted on a school site.*

*Regulation approved: 12/8/2008 Revised: 7/6/2022*

### **Policy 5131.2: Bullying**

*The Governing Board recognizes the harmful effects of bullying on student well-being, student learning, and school attendance and desires to provide a safe school environment that protects 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.*

*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.*

*Such strategies shall 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.*

*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.*

*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.*

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

*Board policy approved: 6/25/2012 Last Revised: 7/6/2022*

### **Regulation 5131.2: Bullying**

#### ***Examples of Prohibited Conduct***

*Bullying is an aggressive behavior that involves a real or perceived imbalance of power between individuals with the intent to cause emotional or physical harm. Bullying can be physical, verbal, or social/relational and may involve a single severe act or repetition or potential repetition of a deliberate act. Bullying includes, but is not limited to, any act described in Education Code 48900(r).*

*Cyberbullying includes the electronic creation or transmission of harassing communications, direct threats, or other harmful texts, sounds, or images. Cyberbullying also includes breaking into another person's electronic account or assuming that person's online identity in order to damage that person's reputation.*

*Examples of the types of conduct that may constitute bullying and are prohibited by the district include, but are not limited to:*

- 1. Physical bullying: An act that inflicts harm upon a person's body or possessions, such as hitting, kicking, pinching, spitting, tripping, pushing, taking or breaking someone's possessions, or making cruel or rude hand gestures*
- 2. Verbal bullying: An act that includes saying or writing hurtful things, such as teasing, name-calling, inappropriate sexual comments, taunting, or threats to cause harm*
- 3. Social/relational bullying: An act that harms a person's reputation or relationships, such as leaving a person out of an activity on purpose, influencing others not to be friends with someone, spreading rumors, or embarrassing someone in public*
- 4. Cyberbullying: An act such as sending demeaning or hateful text messages or emails, spreading rumors by email or by posting on social networking sites, or posting or sharing embarrassing photos, videos, web site, or fake profiles*

### ***Measures to Prevent Bullying***

*The Superintendent or designee shall implement measures to prevent bullying in district schools, including, but not limited to, the following:*

- 1. Ensuring that each school establishes clear rules for student conduct and implements strategies to promote a positive, collaborative school climate*
- 2. Providing information to students, through student handbooks, district and school web sites and social media, and other age-appropriate means, about district and school rules related to bullying, mechanisms available for reporting incidents or threats, and the consequences for engaging in bullying*
- 3. Encouraging students to notify school staff when they are being bullied or when they suspect that another student is being bullied, and providing means by which students may report threats or incidents confidentially and anonymously*
- 4. Conducting an assessment of bullying incidents at each school and, if necessary, increasing supervision and security in areas where bullying most often occurs, such as playgrounds, hallways, restrooms, and cafeterias*
- 5. Annually notifying district employees that, pursuant to Education Code 234.1, any school staff who witnesses an act of bullying against a student has a responsibility to immediately intervene to stop the incident when it is safe to do so*

### ***Staff Development***

*The Superintendent or designee shall annually make available to all certificated staff and to other employees who have regular interaction with students the California Department of Education (CDE) online training module on the dynamics of bullying and cyberbullying, including the identification of bullying and cyberbullying and the implementation of strategies to address bullying. (Education Code 32283.5)*

*The Superintendent or designee shall provide training to teachers and other school staff to raise their awareness about the legal obligation of the district and its employees to prevent discrimination, harassment, intimidation, and bullying of district students. Such training shall be designed to provide staff with the skills to:*

- 1. Discuss the diversity of the student body and school community, including their varying immigration experiences*
- 2. Discuss bullying prevention strategies with students, and teach students to recognize the behavior and characteristics of bullying perpetrators and victims*
- 3. Identify the signs of bullying or harassing behavior*
- 4. Take immediate corrective action when bullying is observed*
- 5. Report incidents to the appropriate authorities, including law enforcement in instances of criminal behavior*

### ***Information and Resources***

*The Superintendent or designee shall post on the district's web site, in a prominent location and in a manner that is easily accessible to students and parents/guardians, information on bullying and harassment prevention which includes the following: (Education Code 234.6)*

- 1. The district's policy on student suicide prevention, including a reference to the policy's age appropriateness for students in grades K-6*
- 2. The definition of sex discrimination and harassment as described in Education Code 230, including the rights set forth in Education Code 221.8*
- 3. Title IX information included on the district's web site pursuant to Education Code 221.61, and a link to the Title IX information included on CDE's web site pursuant to Education Code 221.6*
- 4. District policies on student sexual harassment, prevention and response to hate violence, discrimination, harassment, intimidation, bullying, and cyberbullying*

5. *A section on social media bullying that includes all of the references described in Education Code 234.6 as possible forums for social media*
6. *A link to statewide resources, including community-based organizations, compiled by CDE pursuant to Education Code 234.5.*
7. *Any additional information the Superintendent or designee deems important for preventing bullying and harassment*

### ***Student Instruction***

*As appropriate, the district shall provide students with instruction, in the classroom or other educational settings, that promotes social-emotional learning, effective communication and conflict resolution skills, character development, respect for cultural and individual differences, self-esteem development, assertiveness skills, and appropriate online behavior.*

*The district shall also educate students about the negative impact of bullying, discrimination, intimidation, and harassment based on actual or perceived immigration status, religious beliefs and customs, or any other individual bias or prejudice.*

*Students should be taught the difference between appropriate and inappropriate behaviors, how to advocate for themselves, how to help another student who is being bullied, and when to seek assistance from a trusted adult. As role models for students, staff shall be expected to demonstrate effective problem-solving and anger management skills.*

*To discourage cyberbullying, teachers may advise students to be cautious about sharing passwords, personal data, or private photos online and to consider the consequences of making negative comments about others online.*

### ***Reporting and Filing of Complaints***

*Any student, parent/guardian, or other individual who believes that a student has been subjected to bullying or who has witnessed bullying may report the incident to a teacher, the principal, a compliance officer, or any other available school employee.*

*When a report of bullying is submitted, the principal or a district compliance officer shall inform the student or parent/guardian of the right to file a formal written complaint in accordance with AR 1312.3 - Uniform Complaint Procedures. The student who is the alleged victim of the bullying shall be given an opportunity to describe the incident, identify witnesses who may have relevant information, and provide other evidence of bullying.*

*Within one business day of receiving such a report, a staff member shall notify the principal of the report, whether or not a uniform complaint is filed. In addition, any school employee who observes an incident of bullying involving a student shall, within one business day, report such observation to the principal or a district compliance officer, whether or not the alleged victim files a complaint.*

*Within two business days of receiving a report of bullying, the principal shall notify the district compliance officer identified in AR 1312.3.*

*When the circumstances involve cyberbullying, individuals with information about the activity shall be encouraged to save and print any electronic or digital messages that they feel constitute cyberbullying and to notify a teacher, the principal, or other employee so that the matter may be investigated. When a student uses a social networking site or service to bully or harass another student, the Superintendent or designee may file a request with the networking site or service to suspend the privileges of the student and to have the material removed.*

#### ***Discipline/Corrective Actions***

*Corrective actions for a student who commits an act of bullying of any type may include counseling, behavioral intervention and education, and, if the behavior is severe or pervasive as defined in Education Code 48900, may include suspension or expulsion in accordance with district policies and regulations.*

*When appropriate based on the severity or pervasiveness of the bullying, the Superintendent or designee shall notify the parents/guardians of victims and perpetrators and may contact law enforcement.*

#### ***Support Services***

*The Superintendent, principal, or principal's designee may refer a victim, witness, perpetrator, or other student affected by an act of bullying to a school counselor, school psychologist, social worker, child welfare attendance personnel, school nurse, or other school support service personnel for case management, counseling, and/or participation in a restorative justice program as appropriate. (Education Code 48900.9)*

*If any student involved in bullying exhibits warning signs of suicidal thought or intention or of intent to harm another person, the Superintendent or designee shall, as appropriate, implement district intervention protocols which may include, but are not limited to, referral to district or community mental health services, other health professionals, and/or law enforcement.*

***Regulation approved:6/26/2020 Revised:7/6/2022***

#### **55. Complaints Other Than Discrimination, Harassment, Intimidation, and Bullying:**

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

- a. Written complaints may be made regarding:
  - i. Adult Education
  - ii. After School Education and Safety

- iii. Agricultural Career Technical and/or Vocational Education
- iv. American Indian Education Centers and American Indian Early Childhood Education
- v. Bilingual Education
- vi. California Peer Assistance and Review Programs for Teachers
- vii. Consolidated Categorical Aid Programs
- viii. Migrant Child Education Programs
- ix. Every Student Succeeds Act (formerly No Child Left Behind)
- x. Career Technical and Technical Education and Technical Training Programs
- xi. Child Care and Development
- xii. Child Nutrition
- xiii. Compensatory Education
- xiv. Consolidated Categorical Aid
- xv. Economic Impact Aid
- xvi. Special Education
- xvii. "Williams Complaints"
- xviii. Pupil Fees
- xix. Instructional Minutes for Physical Education
- xx. Local Control Funding Formula (LCFF) and Local Control and Accountability Plan (LCAP)
- xxi. Pregnant and Parenting Pupils, including parental leave
- xxii. Student Parent Lactation Accommodations
- xxiii. Course Assignments already Completed or without Educational Content
- xxiv. Physical Education Instructional Minutes
- xxv. Foster Youth, Homeless Youth, former Juvenile Court School Student Services, Migrant Youth, and Pupils of Military Families

- xxvi. Regional Occupational Centers and Programs
- xxvii. Continued Education Options for Former Juvenile Court School Students
- xxviii. School Safety Plans
- xxix. School Plans for Student Achievement (SPSA)
- xxx. Tobacco-Use Prevention Education
- xxxi. School site Councils
- xxxii. Any other district-implemented state categorical program that is not funded through the local control funding formula pursuant to Education Code section 64000
- xxxiii. Any other educational programs the Superintendent deems appropriate

(Cal. Code Regs., tit. 5, §§ 4610(b), 4622, 4630; Ed. Code, §§ 222, 4845.7, 8200-8498, 8500-8538, 32289, 33315, 33380-33384, 35186, 41500-41513, 46015, 47606.5, 47607.3, 48853.5, 49013, 49069.5, 49490-49590, 49701, 51210, 51223, 51225.1, 51225.2, 51226-51226.1, 51228.1, 51228.2, 51228.3, 52060-52075, 52160-52178, 52300-52490, 52334.7, 52500-52616.24, 52800-52870, 54000-54029, 54400-54425, 54440-54445, 54460-54529, 56000-56867, 59000-59300, 64001; 20 U.S.C. §§ 1400, 4600, 6601, 6801, 7101, 7201, 7301 et. seq.; Health & Saf. Code, §§ 1596.792, 1596.7925, 104420)

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

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

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

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

b. Williams Complaints: Complaints, including anonymous complaints, may be made and addressed on a shortened time line for the following areas: (Ed. Code, §§ 8235.5, 35186)

- i. Insufficient textbooks and instructional materials;

- ii. Emergency or urgent school facilities conditions that pose a threat to the health and safety of pupils;
- iii. Noncompliance with the requirement of Education Code section 35292.6 to stock, at all times, at least half of the restrooms in the school with feminine hygiene products and to not charge students for the use of such products;
- iv. Teacher vacancy or misassignment; or
- v. Noncompliance of a license-exempt California State Preschool Program (CSPP) with health and safety standards specified in Health and Safety Code section 1596.7925 and related state regulations.

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

- c. **Pupil Fees Complaints:** A pupil enrolled in the District shall not be required to pay a pupil fee for participation in an educational activity that constitutes an integral fundamental part of the district's educational program, including curricular and extracurricular activities. (Ed. Code, § 49010 et seq.)

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

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

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

Responsible Officials: The District officials responsible for processing complaints are listed below at the following address:

**Senior Director, Human Resources**

San Rafael City Schools  
310 Nova Albion Way  
San Rafael, CA 94903  
415-492-3531

[communications@sres.org](mailto:communications@sres.org)

**Director of Special Education**

San Rafael City Schools  
310 Nova Albion Way  
San Rafael, CA 94903  
415-492-3220

[communications@sres.org](mailto:communications@sres.org)

**Accountability Coordinator  
Homeless and Foster Youth Liaison**

San Rafael City Schools  
310 Nova Albion Way  
San Rafael, CA 94903  
415-492-3589

[communications@sres.org](mailto:communications@sres.org)

**Director, Student Services**

San Rafael City Schools  
310 Nova Albion Way  
San Rafael, CA 94903  
415-492-3222

[communications@sres.org](mailto:communications@sres.org)

**Executive Director, Education Services**

San Rafael City Schools  
310 Nova Albion Way  
San Rafael, CA 94903  
415-492-3222

[communications@sres.org](mailto:communications@sres.org)

**Director of Food and  
Nutrition Services**

San Rafael City Schools  
310 Nova Albion Way  
San Rafael, CA 94903  
415-492-3572

[communications@sres.org](mailto:communications@sres.org)

Updated: August 2023

**Complaints Made Directly to the State Superintendent:**

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

- e. Complaints alleging that the District failed to comply with the complaint procedures described herein, including failure or refusal to cooperate with the investigation.
- f. Complaints regarding Child Development and Child Nutrition programs not administered by the District.
- g. Complaints requesting anonymity, but only where the complainant also provides clear and convincing evidence that the complainant would be in danger of retaliation if filing a complaint at District level.
- h. Complaints alleging that the District failed or refused to implement a final decision regarding a complaint originally filed with the District.

- i. Complaints alleging that the District took no action within sixty (60) days regarding a complaint originally filed with the District.
- j. Complaints alleging immediate and irreparable harm as a result of applying a district-wide policy in conflict with state or federal law and that complaining at the local level would be futile. (Cal. Code Regs., tit. 5, §§ 4630, 4650)

**Appeals:**

- a. Except for Williams Complaints, a complainant may appeal the District's decision to the California Department of Education. (Ed. Code, § 262.3(a); Cal. Code Regs., tit. 5, §§ 4622, 4632)
  - i. Appeals must be filed within fifteen (15) days of receiving the District decision.
  - ii. Appeals must be in writing.
  - iii. Appeals must specify the reason(s) for appealing the District decision, including whether the facts are incorrect and/or the law has been misapplied.
  - iv. Appeals must include a copy of the original complaint and a copy of the District decision.
  - v. Pupil fee complaints appealed to the California Department of Education will receive a written appeal decision within 60 days of the department's receipt of the appeal.
  - vi. If the school/District finds merit in a complaint, or the California Department of Education finds merit in an appeal, the school/District will provide a remedy to all affected pupils, parents, and guardians. For pupil fee complaints, this includes reasonable efforts by the school to ensure full reimbursement to all affected pupils, parents, and guardians, subject to procedures established through regulations adopted by the state board.
- b. If a complaint is denied, in full or in part, by the Department of Education, the complainant may request reconsideration by the State Superintendent of Public Instruction. (Cal. Code Regs., tit. 5, § 4665)
  - i. Reconsideration must be requested within thirty-five (35) days of receiving the Department of Education report.
  - ii. The original decision denying the complaint will remain in effect and enforceable unless and until the State Superintendent of Public Instruction modifies that decision.

### **Civil Law Remedies:**

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

### **Policy 1312.3: Uniform Complaint Procedures**

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

#### ***Complaints Subject to UCP***

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

- 1. Accommodations for pregnant and parenting students (Education Code 46015)*
- 2. Adult education programs (Education Code 8500-8538, 52334.7, 52500-52617)*
- 3. After School Education and Safety programs (Education Code 8482-8484.65)*
- 4. Agricultural career technical education (Education Code 52460-52462)*
- 5. Career technical and technical education and career technical and technical training programs (Education Code 52300-52462)*
- 6. Child care and development programs (Education Code 8200-8488)*
- 7. Compensatory education (Education Code 54400)*
- 8. Consolidated categorical aid programs (Education Code 33315; 34 CFR 299.10-299.12)*
- 9. Course periods without educational content (Education Code 51228.1-51228.3)*

10. *Discrimination, harassment, intimidation, or bullying in district programs and activities, including in those programs or activities funded directly by or that receive or benefit from any state financial assistance, based on a person's actual or perceived characteristics of race or ethnicity, color, ancestry, nationality, national origin, immigration status, ethnic group identification, age, religion, marital status, pregnancy, parental status, physical or mental disability, medical condition, sex, sexual orientation, gender, gender identity, gender expression, or genetic information, or any other characteristic identified in Education Code 200 or 220, Government Code 11135, or Penal Code 422.55, or based on the person's association with a person or group with one or more of these actual or perceived characteristics (5 CCR 4610)*
11. *Educational and graduation requirements for students in foster care, homeless students, students from military families, and students formerly in a juvenile court school (Education Code 48645.7, 48853, 48853.5, 49069.5, 51225.1, 51225.2)*
12. *Every Student Succeeds Act (Education Code 52059.5; 20 USC 6301 et seq.)*
13. *Local control and accountability plan (Education Code 52075)=*
14. *Migrant education (Education Code 54440-54445)*
15. *Physical education instructional minutes (Education Code 51210, 51222, 51223)*
16. *Student fees (Education Code 49010-49013)*
17. *Reasonable accommodations to a lactating student (Education Code 222)*
18. *Regional occupational centers and programs (Education Code 52300-52334.7)*
19. *School plans for student achievement as required for the consolidated application for specified federal and/or state categorical funding (Education Code 64001)*
20. *School safety plans (Education Code 32280-32289)*
21. *School site councils as required for the consolidated application for specified federal and/or state categorical funding (Education Code 65000)*
22. *State preschool programs (Education Code 8207-8225)*
23. *State preschool health and safety issues in license-exempt programs (Education Code 8212)*

24. *Any complaint alleging retaliation against a complainant or other participant in the complaint process or anyone who has acted to uncover or report a violation subject to this policy*

25. *Any other state or federal educational program the Superintendent of Public Instruction or designee deems appropriate*

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

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

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

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

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

### ***Non-UCP Complaints***

*The following complaints shall not be subject to the district's UCP but shall be investigated and resolved by the specified agency or through an alternative process:*

1. *Any complaint alleging child abuse or neglect shall be referred to the County Department of Social Services Protective Services Division or the appropriate law enforcement agency. (5 CCR 4611)*
2. *Any complaint alleging health and safety violations by a child development program shall, for licensed facilities, be referred to Department of Social Services. (5 CCR 4611)*

3. *Any complaint alleging that a student, while in an education program or activity in which the district exercises substantial control over the context and respondent, was subjected to sexual harassment as defined in 34 CFR 106.30 shall be addressed through the federal Title IX complaint procedures adopted pursuant to 34 CFR 106.44-106.45, as specified in AR 5145.71 - Title IX Sexual Harassment Complaint Procedures.*
4. *Any complaint alleging employment discrimination or harassment shall be investigated and resolved by the district in accordance with the procedures specified in AR 4030 - Nondiscrimination in Employment, including the right to file the complaint with the California Department of Fair Employment and Housing.*
5. *Any complaint alleging a violation of a state or federal law or regulation related to special education, a settlement agreement related to the provision of a free appropriate public education (FAPE), failure or refusal to implement a due process hearing order to which the district is subject, or a physical safety concern that interferes with the district's provision of FAPE shall be submitted to the California Department of Education (CDE) in accordance with AR 6159.1 - Procedural Safeguards and Complaints for Special Education. (5 CCR 3200-3205)*
6. *Any complaint alleging noncompliance of the district's food service program with laws regarding meal counting and claiming, reimbursable meals, eligibility of children or adults, or use of cafeteria funds and allowable expenses shall be filed with or referred to CDE in accordance with BP 3555 - Nutrition Program Compliance. (5 CCR 15580-15584)*
7. *Any allegation of discrimination based on race, color, national origin, sex, age, or disability in the district's food service program shall be filed with or referred to the U.S. Department of Agriculture in accordance with BP 3555 - Nutrition Program Compliance. (5 CCR 15582)*
8. *Any complaint related to sufficiency of textbooks or instructional materials, emergency or urgent facilities conditions that pose a threat to the health or safety of students or staff, or teacher vacancies and misassignments shall be investigated and resolved in accordance with AR 1312.4 - Williams Uniform Complaint Procedures. (Education Code 35186)*

**Board policy approved: 12/8/2008 Revised: 7/6/2022**

**Regulation 1312.3: Uniform Complaint Procedures**

*Except as may otherwise be specifically provided in other district policies, these uniform complaint procedures (UCP) shall be used to investigate and resolve only the complaints specified in the accompanying Board policy.*

## **Compliance Officers**

*The district designates the individual(s), position(s), or unit(s) identified below as responsible for receiving, coordinating, and investigating complaints and for complying with state and federal civil rights laws. The individual(s), position(s), or unit(s) also serve as the compliance officer(s) specified in AR 5145.3 - Nondiscrimination/Harassment responsible for handling complaints regarding unlawful discrimination, harassment, intimidation, or bullying and in AR 5145.7 - Sexual Harassment for handling complaints regarding sexual harassment.*

**Senior Director, Human Resources**  
San Rafael City Schools  
310 Nova Albion Way  
San Rafael, CA 94903  
415-492-3531  
[communications@srcs.org](mailto:communications@srcs.org)

**Director of Student Services**  
San Rafael City Schools  
310 Nova Albion Way  
San Rafael, CA 94903  
415-492-3220  
[communications@srcs.org](mailto:communications@srcs.org)

**Director of Special Education**  
San Rafael City Schools  
310 Nova Albion Way  
San Rafael, CA 94903  
415-492-3220  
[communications@srcs.org](mailto:communications@srcs.org)

**Executive Director of Education Services**  
San Rafael City Schools  
310 Nova Albion Way  
San Rafael, CA 94903  
415-492-3222  
[communications@srcs.org](mailto:communications@srcs.org)

**Accountability Coordinator/Homeless and Foster Youth Liaison**  
San Rafael City Schools  
310 Nova Albion Way  
San Rafael, CA 94903  
415-492-3589  
[communications@srcs.org](mailto:communications@srcs.org)

**Director of Food and Nutritional Services**  
San Rafael City Schools  
310 Nova Albion Way  
San Rafael, CA 94903  
415-492-3572  
[communications@srcs.org](mailto:communications@srcs.org)

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

*In no instance shall a compliance officer be assigned to a complaint in which the compliance officer has a bias or conflict of interest that would prohibit the fair investigation or resolution of the complaint. Any complaint against a compliance officer or that raises a concern about the compliance officer's ability to investigate the complaint fairly and without bias shall be filed with the Superintendent or designee who shall determine how the complaint will be investigated.*

*The Superintendent or designee shall ensure that employees assigned to investigate and resolve complaints receive training and are knowledgeable about the laws and programs at issue in the complaints to which they are assigned. Training provided to such employees shall cover current state and federal laws and regulations governing the program; applicable processes for investigating and resolving complaints, including those alleging unlawful discrimination,*

*harassment, intimidation, or bullying; applicable standards for reaching decisions on complaints; and appropriate corrective measures. Assigned employees may have access to legal counsel as determined by the Superintendent or designee.*

*The compliance officer or, if necessary, an appropriate administrator shall determine whether interim measures are necessary during an investigation and while the result is pending. If interim measures are determined to be necessary, the compliance officer or the administrator shall consult with the Superintendent, the Superintendent's designee, or, if appropriate, the site principal to implement one or more interim measures. The interim measures shall remain in place until the compliance officer determines that they are no longer necessary or until the district issues its final written decision, whichever occurs first.*

### ***Notifications***

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

*In addition, the Superintendent or designee shall annually provide written notification of the district's UCP to students, employees, parents/guardians of district students, district advisory committee members, school advisory committee members, appropriate private school officials or representatives, and other interested parties. (5 CCR 4622)*

*The notice shall include:*

- 1. A statement that the district is primarily responsible for compliance with federal and state laws and regulations, including those related to prohibition of unlawful discrimination, harassment, intimidation, or bullying against any protected group, and a list of all programs and activities that are subject to UCP as identified in the section "Complaints Subject to UCP" in the accompanying Board policy*
- 2. The title of the position responsible for processing complaints, the identity of the person(s) currently occupying that position if known, and a statement that such persons will be knowledgeable about the laws and programs that they are assigned to investigate*
- 3. A statement that a UCP complaint, except a complaint alleging unlawful discrimination, harassment, intimidation, or bullying, must be filed no later than one year from the date the alleged violation occurred*
- 4. A statement that a UCP complaint alleging unlawful discrimination, harassment, intimidation, or bullying must be filed no later than six months from the date of the alleged conduct or the date the complainant first obtained knowledge of the facts of the alleged conduct*

5. *A statement that a student enrolled in a public school shall not be required to pay a fee for participation in an educational activity that constitutes an integral fundamental part of the district's educational program, including curricular and extracurricular activities*
6. *A statement that a complaint regarding student fees or the local control and accountability plan (LCAP) may be filed anonymously if the complainant provides evidence or information leading to evidence to support the complaint*
7. *A statement that the district will post a standardized notice of the educational and graduation requirements of foster youth, homeless students, children of military families, and former juvenile court school students now enrolled in the district, as specified in Education Code 48645.7, 48853, 48853.5, 49069.5, 51225.1, and 51225.2, and the complaint process*
8. *A statement that complaints will be investigated in accordance with the district's UCP and a written decision will be sent to the complainant within 60 days from the receipt of the complaint, unless this time period is extended by written agreement of the complainant*
9. *A statement that, for programs within the scope of the UCP as specified in the accompanying Board policy, the complainant has a right to appeal the district's investigation report to the California Department of Education (CDE) by filing a written appeal, including a copy of the original complaint and the district's decision, within 30 calendar days of receiving the district's decision*
10. *A statement advising the complainant of any civil law remedies, including, but not limited to, injunctions, restraining orders, or other remedies or orders that may be available under state or federal laws prohibiting discrimination, harassment, intimidation, or bullying, if applicable*
11. *A statement that copies of the district's UCP are available free of charge*

*The annual notification, complete contact information of the compliance officer(s), and information related to Title IX as required pursuant to Education Code 221.6 shall be posted on the district and district school web sites and may be provided through district-supported social media, if available.*

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

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

### ***Filing of Complaints***

*The complaint shall be presented to the compliance officer who shall maintain a log of complaints received, providing each with a code number and a date stamp. If a site administrator not designated as a compliance officer receives a complaint, the site administrator shall notify the compliance officer.*

*All complaints shall be filed in writing and signed by the complainant. If a complainant is unable to put a complaint in writing due to conditions such as a disability or illiteracy, district staff shall assist in the filing of the complaint. (5 CCR 4600)*

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

- 1. A complaint alleging district violation of applicable state or federal law or regulations governing the programs specified in the accompanying Board policy may be filed by any individual, public agency, or organization. (5 CCR 4600)*
- 2. Any complaint alleging noncompliance with law regarding the prohibition against student fees, deposits, and charges or any requirement related to the LCAP may be filed anonymously if the complaint provides evidence, or information leading to evidence, to support an allegation of noncompliance. A complaint about a violation of the prohibition against the charging of unlawful student fees may be filed with the principal of the school or with the Superintendent or designee.*
- 3. A UCP complaint, except for a UCP complaint alleging unlawful discrimination, harassment, intimidation, or bullying, shall be filed no later than one year from the date the alleged violation occurred. For complaints related to the LCAP, the date of the alleged violation is the date when the County Superintendent of Schools approves the LCAP that was adopted by the Governing Board. (5 CCR 4630)*
- 4. A complaint alleging unlawful discrimination, harassment, intimidation, or bullying may be filed only by a person who alleges having personally suffered unlawful discrimination, a person who believes that any specific class of individuals has been subjected to unlawful discrimination, or a duly authorized representative who alleges that an individual student has been subjected to discrimination, harassment, intimidation, or*

*bullying. (5 CCR 4630)*

5. *A complaint alleging unlawful discrimination, harassment, intimidation, or bullying shall be initiated no later than six months from the date that the alleged unlawful discrimination occurred, or six months from the date that the complainant first obtained knowledge of the facts of the alleged unlawful discrimination. The time for filing may be extended for up to 90 days by the Superintendent or designee for good cause upon written request by the complainant setting forth the reasons for the extension. (5 CCR 4630)*
6. *When a complaint alleging unlawful discrimination, harassment, intimidation, or bullying is filed anonymously, the compliance officer shall pursue an investigation or other response as appropriate, depending on the specificity and reliability of the information provided and the seriousness of the allegation.*
7. *When a complainant of unlawful discrimination, harassment, intimidation, or bullying or the alleged victim, when not the complainant, requests confidentiality, the compliance officer shall inform the complainant or victim that the request may limit the district's ability to investigate the conduct or take other necessary action. When honoring a request for confidentiality, the district shall nevertheless take all reasonable steps to investigate and resolve/respond to the complaint consistent with the request.*

### ***Mediation***

*Within three business days after receiving the complaint, the compliance officer may informally discuss with all the parties the possibility of using mediation to resolve the complaint. Mediation shall be offered to resolve complaints that involve more than one student and no adult. However, mediation shall not be offered or used to resolve any complaint involving an allegation of sexual assault or where there is a reasonable risk that a party to the mediation would feel compelled to participate. If the parties agree to mediation, the compliance officer shall make all arrangements for this process.*

*Before initiating the mediation of a complaint alleging retaliation or unlawful discrimination, harassment, intimidation, or bullying, the compliance officer shall ensure that all parties agree to permit the mediator access to all relevant confidential information. The compliance officer shall also notify all parties of the right to end the informal process at any time.*

*If the mediation process does not resolve the problem within the parameters of law, the compliance officer shall proceed with an investigation of the complaint.*

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

### ***Investigation of Complaint***

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

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

*In conducting the investigation, the compliance officer shall collect all available documents and review all available records, notes, or statements related to the complaint, including any additional evidence or information received from the parties during the course of the investigation. The compliance officer shall individually interview all available witnesses with information pertinent to the complaint, and may visit any reasonably accessible location where the relevant actions are alleged to have taken place. At appropriate intervals, the compliance officer shall inform the parties of the status of the investigation.*

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

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

### ***Timeline for Investigation Report***

*Unless extended by written agreement with the complainant, the investigation report shall be sent to the complainant within 60 calendar days of the district's receipt of the complaint.*

*Within 30 calendar days of receiving the complaint, the compliance officer shall prepare and send to the complainant a written report, as described in the section "Investigation Report" below. If the complainant is dissatisfied with the compliance officer's decision, the complainant may, within five business days, file the complaint in writing with the Board.*

*The Board may consider the matter at its next regular Board meeting or at a special Board meeting convened in order to meet the 60-day time limit within which the complaint must be answered. When required by law, the matter shall be considered in closed session. The Board*

may decide not to hear the complaint, in which case the compliance officer's decision shall be final.

If the Board hears the complaint, the compliance officer shall send the Board's decision to the complainant within 60 calendar days of the district's initial receipt of the complaint or within the time period that has been specified in a written agreement with the complainant. (5 CCR 4631)

For any complaint alleging unlawful discrimination, harassment, intimidation, and bullying, the respondent shall be informed of any extension of the timeline agreed to by the complainant, and, in the same manner as the complainant, may file a complaint with the Board if dissatisfied with the decision.

### **Investigation Report**

For all complaints, the district's investigation report shall include: (5 CCR 4631)

1. The findings of fact based on the evidence gathered
2. A conclusion providing a clear determination for each allegation as to whether the district is in compliance with the relevant law
3. Corrective action(s) whenever the district finds merit in the complaint, including, when required by law, a remedy to all affected students and parents/guardians and, for a student fees complaint, a remedy that complies with Education Code 49013 and 5 CCR 4600
4. Notice of the complainant's right to appeal the district's investigation report to CDE, except when the district has used the UCP to address a complaint not specified in 5 CCR 4610
5. Procedures to be followed for initiating an appeal to CDE

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

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

*If the complaint involves a limited-English-proficient (LEP) student or parent/guardian, then the district's response, if requested by the complainant, and the investigation report shall be written in English and the primary language in which the complaint was filed.*

*For complaints alleging unlawful discrimination, harassment, intimidation, and bullying based on state law, the investigation report shall also include a notice to the complainant that:*

- 1. The complainant may pursue available civil law remedies outside of the district's complaint procedures, including, but not limited to, injunctions, restraining orders or other remedies or orders, 60 calendar days after the filing of an appeal with CDE. (Education Code 262.3)*
- 2. The 60 days moratorium does not apply to complaints seeking injunctive relief in state courts or to discrimination complaints based on federal law. (Education Code 262.3)*
- 3. Complaints alleging discrimination based on race, color, national origin, sex, gender, disability, or age may also be filed with the U.S. Department of Education, Office for Civil Rights at [www.ed.gov/ocr](http://www.ed.gov/ocr) within 180 days of the alleged discrimination.*

#### ***Corrective Actions***

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

*For complaints involving retaliation or unlawful discrimination, harassment, intimidation, or bullying, appropriate remedies that may be offered to the victim but not communicated to the respondent may include, but are not limited to, the following:*

- 1. Counseling*
- 2. Academic support*
- 3. Health services*
- 4. Assignment of an escort to allow the victim to move safely about campus*
- 5. Information regarding available resources and how to report similar incidents or retaliation*
- 6. Separation of the victim from any other individuals involved, provided the separation does not penalize the victim*

7. *Restorative justice*
8. *Follow-up inquiries to ensure that the conduct has stopped and there has been no retaliation*

*For complaints of retaliation or unlawful discrimination, harassment, intimidation, or bullying involving a student as the respondent, appropriate corrective actions that may be provided to the student include, but are not limited to, the following:*

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

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

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

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

*However, if a complaint alleging noncompliance with the law regarding student fees, deposits, and other charges, physical education instructional minutes, courses without educational content, or any requirement related to the LCAP is found to have merit, the district shall provide a remedy to all affected students and parents/guardians subject to procedures established by regulation of the State Board of Education. (Education Code 49013, 51222, 51223, 51228.3, 52075)*

*For complaints alleging noncompliance with the law regarding student fees, the district, by engaging in reasonable efforts, shall attempt in good faith to identify and fully reimburse all affected students and parents/guardians who paid the unlawful student fees within one year prior to the filing of the complaint. (Education Code 49013; 5 CCR 4600)*

#### ***Appeals to the California Department of Education***

*Any complainant who is dissatisfied with the district's investigation report on a complaint regarding any specified federal or state educational program subject to UCP may file an appeal in writing with CDE within 30 calendar days of receiving the district's investigation report. (5 CCR 4632)*

*The appeal shall be sent to CDE with a copy of the original locally filed complaint and a copy of the district's investigation report for that complaint. The complainant shall specify and explain the basis for the appeal, including at least one of the following: (5 CCR 4632)*

- 1. The district failed to follow its complaint procedures.*
- 2. Relative to the allegations of the complaint, the district's investigation report lacks material findings of fact necessary to reach a conclusion of law.*
- 3. The material findings of fact in the district's investigation report are not supported by substantial evidence.*
- 4. The legal conclusion in the district's investigation report is inconsistent with the law.*
- 5. In a case in which the district found noncompliance, the corrective actions fail to provide a proper remedy.*

*Upon notification by CDE that the district's investigation report has been appealed, the Superintendent or designee shall forward the following documents to CDE within 10 days of the date of notification: (5 CCR 4633)*

- 1. A copy of the original complaint*
- 2. A copy of the district's investigation report*
- 3. A copy of the investigation file including, but not limited to, all notes, interviews, and documents submitted by the parties and gathered by the investigator*
- 4. A report of any action taken to resolve the complaint*
- 5. A copy of the district's UCP*

6. *Other relevant information requested by CDE*

*If notified by CDE that the district's investigation report failed to address allegation(s) raised by the complaint, the district shall, within 20 days of the notification, provide CDE and the appellant with an amended investigation report that addresses the allegation(s) that were not addressed in the original investigation report. The amended report shall also inform the appellant of the right to separately appeal the amended report with respect to the allegation(s) that were not addressed in the original report. (5 CCR 4632)*

***Health and Safety Complaints in License-Exempt Preschool Programs***

*Any complaint regarding health or safety issues in a license-exempt California State Preschool Program (CSPP) shall be addressed through the procedures described in 5 CCR 4690-4694.*

*In order to identify appropriate subjects of CSPP health and safety issues pursuant to Health and Safety Code 1596.7925, a notice shall be posted in each license-exempt CSPP classroom in the district notifying parents/guardians, students, and teachers of the health and safety requirements of Title 5 regulations that apply to CSPP programs pursuant to Health and Safety Code 1596.7925 and the location at which to obtain a form to file any complaint alleging noncompliance with those requirements. For this purpose, the Superintendent or designee may download and post a notice available from the CDE web site. (Education Code 8212; 5 CCR 4691)*

*The district's annual UCP notification distributed pursuant to 5 CCR 4622 shall clearly indicate which of its CSPP programs are operating as exempt from licensing and which CSPP programs are operating pursuant to requirements under Title 22 of the Code of Regulations. (5 CCR 4691)*

*Any complaint regarding specified health or safety issues in a license-exempt CSPP program shall be filed with the preschool program administrator or designee, and may be filed anonymously. The complaint form shall specify the location for filing the complaint, contain a space to indicate whether the complainant desires a response to the complaint, and allow a complainant to add as much text as desired to explain the complaint. (Education Code 8212; 5 CCR 4690)*

*If it is determined that the complaint is beyond the authority of the preschool program administrator, the matter shall be forwarded to the Superintendent or designee in a timely manner, not to exceed 10 working days, for resolution. The preschool administrator or the Superintendent or designee shall make all reasonable efforts to investigate any complaint within their authority. (Education Code 8212; 5 CCR 4692)*

*Investigation of a complaint regarding health or safety issues in a license-exempt CSPP program shall begin within 10 days of receipt of the complaint. (Education Code 8212; 5 CCR 4692)*

*The preschool administrator or designee shall remedy a valid complaint within a reasonable time period not to exceed 30 working days from the date the complaint was received. If the complainant has indicated on the complaint form a desire to receive a response to the complaint, the preschool administrator or Superintendent's designee shall, within 45 working days of the*

*initial filing of the complaint, report the resolution of the complaint to the complainant and CDE's assigned field consultant. If the preschool administrator makes this report, the information shall be reported at the same time to the Superintendent or designee. (Education Code 8212; 5 CCR 4692)*

*If a complaint regarding health or safety issues in a license-exempt CSPP program involves an LEP student or parent/guardian, then the district's response, if requested by the complainant, and the investigation report shall be written in English and the primary language in which the complaint was filed.*

*If a complainant is not satisfied with the resolution of a complaint, the complainant has the right to describe the complaint to the Board at a regularly scheduled hearing and, within 30 days of the date of the written report, may file a written appeal of the district's decision to the Superintendent of Public Instruction in accordance with 5 CCR 4632. (Education Code 8212; 5 CCR 4693, 4694)*

*All complaints and responses are public records. (5 CCR 4690)*

*On a quarterly basis, the Superintendent or designee shall report summarized data on the nature and resolution of all CSPP health and safety complaints, including the number of complaints by general subject area with the number of resolved and unresolved complaints, to the Board at a regularly scheduled Board meeting and to the County Superintendent. (5 CCR 4693)*

*Regulation approved: 12/8/2008 Revised: 7/6/2022*

#### **Regulation 1312.4: Williams Uniform Complaint Procedures**

##### ***Types of Complaints***

*The district shall use the procedures described in this administrative regulation only to investigate and resolve the following:*

- 1. Complaints regarding the insufficiency of textbooks and instructional materials, including any complaint alleging that: (Education Code 35186; 5 CCR 4681)*
  - a. A student, including an English learner, does not have standards-aligned textbooks or instructional materials or state- or district-adopted textbooks or other required instructional materials to use in class.*
  - b. A student does not have access to textbooks or instructional materials to use at home or after school. This does not require two sets of textbooks or instructional materials for each student.*
  - c. Textbooks or instructional materials are in poor or unusable condition, have missing pages, or are unreadable due to damage.*

d. *A student was provided photocopied sheets from only a portion of a textbook or instructional materials to address a shortage of textbooks or instructional materials*

2. *Complaints regarding teacher vacancy or misassignment, including any complaint alleging that: (Education Code 35186; 5 CCR 4682)*

a. *A semester begins and a teacher vacancy exists.*

b. *A teacher who lacks credentials or training to teach English learners is assigned to teach a class with more than 20 percent English learners in the class.*

c. *A teacher is assigned to teach a class for which the teacher lacks subject matter competency.*

*Teacher vacancy means a position to which a single designated certificated employee has not been assigned at the beginning of the year for an entire year or, if the position is for a one-semester course, a position to which a single designated certificated employee has not been assigned at the beginning of the semester for an entire semester. (Education Code 35186; 5 CCR 4600)*

*Beginning of the year or semester means the time period from the first day students attend classes for a year-long course or semester-long course though not later than 20 business days afterwards.*

*Misassignment means the placement of a certificated employee in a teaching or services position for which the employee does not hold a legally recognized certificate or credential or the placement of a certificated employee in a teaching or services position that the employee is not otherwise authorized by statute to hold. (Education Code 35186; 5 CCR 4600)*

3. *Complaints regarding the condition of school facilities, including any complaint alleging that: (Education Code 35186; 5 CCR 4683)*

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

*Emergency or urgent threat means structures or systems that are in a condition that poses a threat to the health and safety of students or staff while at school, including, but not limited to, gas leaks; nonfunctioning heating, ventilation, fire sprinklers, or air-conditioning systems; electrical power failure; major sewer line stoppage; major pest or vermin infestation; broken windows or exterior doors or gates that will not lock and that pose a security risk; abatement of hazardous materials previously undiscovered that pose an immediate threat to students or staff; structural damage creating a hazardous or uninhabitable condition; or any other condition deemed appropriate. (Education Code 17592.72)*

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

*Clean or maintained school restroom means a school restroom has been cleaned or maintained regularly, is fully operational, or has been stocked at all times with toilet paper, soap, or paper towels or functional hand dryers. (Education Code 35292.5)*

*Open restroom means the school has kept all restrooms open during school hours when students are not in classes and has kept a sufficient number of restrooms open during school hours when students are in classes. This does not apply when the temporary closing of the restroom is necessary for student safety or to make repairs. (Education Code 35292.5)*

*In any school serving any of grades 6-12, a complaint may be filed alleging noncompliance with the requirement of Education Code 35292.6 to, at all times, stock and make available and accessible free of cost, an adequate supply of menstrual products in every women's and all-gender restroom, and in at least one men's restroom. (Education Code 35292.6)*

### ***Forms and Notices***

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

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

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

### ***Filing of Complaint***

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

### ***Investigation and Response***

*The principal or a designee of the Superintendent shall make all reasonable efforts to investigate any problem within the principal's or designee's authority. (Education Code 35186; 5 CCR 4685)*

*The principal or Superintendent's designee shall remedy a valid complaint within a reasonable time period not to exceed 30 working days from the date the complaint was received. (Education Code 35186; 5 CCR 4685)*

*If the complainant has indicated on the complaint form a desire to receive a response to the complaint, the principal or Superintendent's designee shall send written resolution of the complaint to the mailing address of the complainant as indicated on the complaint within 45 working days of the initial filing of the complaint. If the principal makes this report, the information shall be reported at the same time to the Superintendent or designee. (Education Code 35186; 5 CCR 4680, 4685)*

*When Education Code 48985 is applicable and the complainant has requested a response, the response shall be written in English and in the primary language in which the complaint was filed. (Education Code 35186)*

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

*For any complaint concerning a facilities condition that poses an emergency or urgent threat to the health or safety of students or staff as described in Item #3a in the section "Types of Complaints" above, a complainant who is not satisfied with the resolution proffered by the principal or Superintendent or designee may file an appeal to the Superintendent of Public Instruction within 15 days of receiving the district's response. The complainant shall comply with the appeal requirements specified in 5 CCR 4632. (Education Code 35186; 5 CCR 4687)*

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

### **Reports**

*On a quarterly basis, the Superintendent or designee shall report, to the Board at a regularly scheduled Board meeting and to the County Superintendent of Schools, summarized data on the nature and resolution of all complaints. The report shall include the number of complaints by general subject area with the number of resolved and unresolved complaints. (Education Code 35186; 5 CCR 4686)*

**Regulation approved: 12/8/2008 Revised: 7/8/2022**

**Exhibit 1312.4-E(2): Williams Uniform Complaint Procedures**

**TK-12 COMPLAINT FORM: WILLIAMS UNIFORM COMPLAINT PROCEDURES**

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

Response requested? \_\_\_ Yes \_\_\_ No

Contact information: (if response is requested)

Name: \_\_\_\_\_

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

Phone number: Day: \_\_\_\_\_ Evening: \_\_\_\_\_

E-mail address, if any: \_\_\_\_\_

Date problem was observed: \_\_\_\_\_

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

School name/address: \_\_\_\_\_

Course title/grade level and teacher name: \_\_\_\_\_

Room number/name of room/location of facility: \_\_\_\_\_

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

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

**1. Textbooks and instructional materials: (Education Code 35186; 5 CCR 4681)**

- A student, including an English learner, does not have standards-aligned textbooks or instructional materials or state- or district-adopted textbooks or other required instructional materials to use in class.

- A student does not have access to textbooks or instructional materials to use at home or after school. This does not require two sets of textbooks or instructional materials for each student.
- Textbooks or instructional materials are in poor or unusable condition, have missing pages, or are unreadable due to damage.
- A student was provided photocopied sheets from only a portion of a textbook or instructional materials to address a shortage of textbooks or instructional materials.

2. Teacher vacancy or misassignment: (Education Code 35186; 5 CCR 4682)

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

3. Facilities conditions: (Education Code 17592.72, 35186, 35292.5, 35292.6; 5 CCR 4683)

- A condition exists that poses an emergency or urgent threat to the health or safety of students or staff including gas leaks; nonfunctioning heating, ventilation, fire sprinklers, or air-conditioning systems; electrical power failure; major sewer line stoppage; major pest or vermin infestation; broken windows or exterior doors or gates that will not lock and that pose a security risk; abatement of hazardous materials previously undiscovered that pose an immediate threat to students or staff; structural damage creating a hazardous or uninhabitable condition; and any other condition deemed appropriate by the district.
- A school restroom has not been cleaned or maintained regularly, is not fully operational, or has not been stocked at all times with toilet paper, soap, or paper towels or functional hand dryers.
- For a school serving any of grades 6-12, the school has not, at all times, stocked and made available and accessible free of cost, an adequate supply of menstrual products in every women's and all-gender restroom, and in at least one men's restroom.

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

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

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Please file this complaint at the following location:

\_\_\_\_\_  
(principal or designee)

\_\_\_\_\_  
(address)

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

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Date)

*Exhibit approved: 11/1/2010 Revised: 8/7/2022*

## **56. CHILD ABUSE REPORTING GUIDELINES AND PROCEDURES:**

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

### **Child Abuse Can Be Any of the Following:**

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

### **Child Abuse Does *Not* Include:**

1. A mutual fight between minors;
2. An injury that is caused by the actions of a peace officer using reasonable and necessary force within the scope of his or her employment; or
3. An injury caused by any force that is reasonable and necessary for a person employed by or engaged in a school:
  - d. To stop a disturbance threatening physical injury to people or damage to property;
  - e. For purposes of self-defense;
  - f. To obtain possession of weapons or other dangerous objects within control of a pupil; or
  - g. To exercise the degree of control reasonably necessary to maintain order, protect property, protect the health and safety of pupils, and maintain proper and appropriate conditions conducive to learning.

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

Parents and guardians of pupils have the right to file a complaint against a school employee or other person that they suspect has engaged in abuse of a child at a school site. To file a

complaint, the parent or guardian must file a formal report with an appropriate local law enforcement agency. An appropriate law enforcement agency may be one of the following:

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

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

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

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

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

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

## AUTHORIZATION FOR MEDICATION ADMINISTRATION

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

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

### Student Information

Student Name: \_\_\_\_\_ School Year: \_\_\_\_\_  
Date of Birth: \_\_\_\_\_ School ID: \_\_\_\_\_  
School: \_\_\_\_\_ Grade: \_\_\_\_\_

### Parent/Guardian Authorization: I hereby authorize as follows:

- \_\_\_\_\_ Designated District personnel may assist my child with medication administration, monitoring, and testing according to the Provider's instructions and approval below.
- \_\_\_\_\_ My child may carry and self-administer an auto-injector epinephrine pen, an asthma inhaler, or insulin according to the Provider's instructions and approval below.
- \_\_\_\_\_ The school nurse may communicate with the Provider and may communicate with District employees regarding the possible effects of the medication on my child's physical, intellectual, and social behavior, as well as possible behavioral signs and symptoms of adverse side effects, omission of medication, or overdose.

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

**Waiver of Liability:**

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

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

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

**Assistant Dir. of Student Services**

San Rafael City Schools  
310 Nova Albion Way  
San Rafael, CA 94903  
415-492-3220  
[communications@srcs.org](mailto:communications@srcs.org)

**Date:** \_\_\_\_\_

**Student Name:** \_\_\_\_\_

**Parent/Guardian Printed Name:** \_\_\_\_\_

**Signature:** \_\_\_\_\_

**Address:** \_\_\_\_\_

**Emergency Contact:** \_\_\_\_\_ **Emergency Phone:** \_\_\_\_\_

**Home Phone:** \_\_\_\_\_ **Cell Phone:** \_\_\_\_\_

**PROVIDER AUTHORIZATION**

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

Patient/Student Name: \_\_\_\_\_

DOB: \_\_\_\_\_

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

**Special Instructions/Storage/Administration Procedures/Precautions:**

#1) \_\_\_\_\_

#2) \_\_\_\_\_

#3) \_\_\_\_\_

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

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

\_\_\_\_\_  
Print Name of Provider

\_\_\_\_\_  
CA Medical License Number

\_\_\_\_\_  
Provider's Signature

NPI# \_\_\_\_\_

\_\_\_\_\_  
Provider's Telephone Number

ORP: \_\_\_\_\_ Yes \_\_\_ No \_\_\_

\_\_\_\_\_  
Provider's Facsimile Number

Date: \_\_\_\_\_

**SAN RAFAEL CITY SCHOOLS**

**2023-2024 STUDENT CALENDAR TK-12**

MONTH	M	T	W	T	F	CALENDAR DETAILS	CALENDAR DEVELOPMENT	
August 2023		1	2	3	4	7	Aug. 23: First Day of School	<b>First Day of School:</b> ALL STUDENTS August 23
	7	8	9	10	11			
	14	15	16	17	18			
	21	22	23	24	25			
September 2023	28	29	30	31		20	Sept 4: Labor Day Holiday	
	4	5	6	7	8			
	11	12	13	14	15			
	18	19	20	21	22			
October 2023	25	26	27	28	29	21	Oct 9: No School	
	2	3	4	5	6			
	9	10	11	12	13			
	16	17	18	19	20			
November 2023	23	24	25	26	27	16	Nov 10: Veteran's Day Holiday Nov 20, 21, 22, 24: Local Recess Days Nov 23: Thanksgiving Holiday	
	30	31						
	6	7	8	9	10			
	13	14	15	16	17			
December 2023	20	21	22	23	24	16	Dec 25-Jan 8: Winter Break	<b>Holidays</b> July 4 September 4 November 10 November 23 December 25 January 1 January 15 February 19 May 27
	27	28	29	30				
	4	5	6	7	8			
	11	12	13	14	15			
January 2024	18	19	20	21	22	16	Jan 15: MLK Holiday	
	25	26	27	28	29			
	1	2	3	4	5			
	8	9	10	11	12			
February 2024	15	16	17	18	19	16	Feb 19: President's Day Holiday Feb 19-23: Mid-Winter Break	<b>Thanksgiving Break:</b> November 20-24
	22	23	24	25	26			
	29	30	31					
	5	6	7	8	9			
March 2024	12	13	14	15	16	20	3/11: No school 12-15 TK-5 conference week, min days	<b>Winter Break:</b> December 25 - January 8
	19	20	21	22	23			
	26	27	28	29				
	4	5	6	7	8			
April 2024	11	12	13	14	15	17	Apr 8-12: Spring Break	<b>Mid-Winter Break:</b> February 19-23
	18	19	20	21	22			
	25	26	27	28	29			
	1	2	3	4	5			
May 2024	8	9	10	11	12	22	May 27: Memorial Day Holiday	<b>Spring Break:</b> April 8-12
	15	16	17	18	19			
	22	23	24	25	26			
	29	30						
June 2024	6	7	8	9	10	9	Jun 13: Last Day of School	<b>1st Semester Ends:</b> 12/22 (80 days)
	13	14	15	16	17			
	20	21	22	23	24			
	27	28	29	30	31			
June 2024	3	4	5	6	7	9		<b>2nd Semester Ends:</b> 6/13 (100 days)
	10	11	12	13	14			
	17	18	19	20	21			
	24	25	26	27	28			

**180 TOTAL STUDENT DAYS**

**BOARD APPROVED: 3/27/2023**  
Effective 4/3/2023

KEY	
BREAKS - No School	
HOLIDAYS-No School	



## PARENT'S RIGHTS

### Relating to Interdistrict Attendance Agreement Requests

As a parent, or legal guardian, you have a right to:

- Request an interdistrict attendance permit from your district of residence to the district you desire your child to attend.
- Receive a written copy of local school board policy relating to interdistrict attendance agreement requests from both the district of your residence and the district you desire to attend.
- Whether you may appeal an adverse decision from either the district superintendent or designee to the local school board is subject to local school board policy.
- Receive written notice of local board action or superintendent's decision acting on behalf of the board within a period of time specified by local policy.
- Appeal a denial or failure to take timely action on your request to the Marin County Board of Education, after both the district of residence and the district of intended enrollment, appeals have been exhausted. Please call (415) 499-5801 for appeal procedures.

#### NOTE:

Completed Request for Interdistrict Transfer form is to be returned to the District of Residence. District of Residence returns the completed NCR form (Pink Copy) to the Marin County Office of Education.

Jan. 2016

## STUDENT BEHAVIOR INTERVENTION and DISCIPLINE MATRIX

### ***Living our Values of Community, Equity, and Joy***

Our district's Together 2024 goal is for every student to achieve academic success through rigorous instruction, behavioral/social-emotional supports, safe schools, and a collaborative school environment. Student behavior communicates important thoughts and feelings. With social-emotional curriculum, counseling interventions, and the use of restorative practices, students can learn skills to manage themselves and build relationships and community. When students violate the behavioral expectations, staff must intervene in order to inform the student of the problem behavior, teach the appropriate behavior for the particular situation, and administer appropriate disciplinary action. The goal is for our values of community, equity and joy to guide us even in times of challenging behavior, while we also support students in being in community in ways that embody these values.

### ***Developmentally Appropriate Consequences***

At each level of the discipline matrix, administrators will take the student's age and developmental level into consideration. We know that we must teach behavioral expectations, especially for our youngest learners. For students in TK-grade 2, this [SRCS Elementary School Referral System](#) will be used.

### ***First Violation***

In most cases, students will be assigned a restorative intervention for a first violation of an Education Code. However, for a first time violation of Section 48900 (f) through (r) when a student's presence on campus poses a danger to others, the student may be suspended per Education Code 48900.5.

### ***Disrupt Disproportionality in Disciplinary Consequences for Students of Color***

Research shows that students of color and students with disabilities have been disproportionately assigned exclusionary (out of school or classroom) consequences across the United States. Administrators will use a racially and culturally conscious approach to school discipline focused on building relationships and repairing harm.

### ***Student Confidentiality***

Although students and families may be curious to know the assigned consequences to a student other than their own after a specific incident, it is the responsibility of the school district to maintain confidentiality. Consequences may not be the same for every student in each incident.

**Jurisdiction**

A student may be assigned consequences for incidents that occur at any time during the following:

- (1) While on school grounds.
- (2) While going to or coming from school.
- (3) During the lunch period whether on or off the campus.
- (4) During, or while going to or coming from, a school sponsored activity.
- (5) \*On social media, if it is a case of cyberbullying between students

**Discretionary vs. Mandatory Offenses**

Administrators will decide the consequences for the “discretionary” California Education Codes in the matrix below. For “mandatory” offenses, administrators must recommend the student be expelled from the district due to the severity of the offense per education codes. Situations or negative student behaviors not addressed in this plan will be subject to SRCS Board Policy and California Education Code.

**Alternatives to Suspension**

In 2019, the California Department of Education updated the guidance around school disciplinary consequences. Positive behavior incentives, restorative conversations, counseling services, among other interventions support students who are struggling with behavior management. Schools use a systems approach for student support that leads to a referral to the site Coordination of Services Team who discuss student cases and assign interventions.

A list of the district’s most frequently used interventions are below:

<ul style="list-style-type: none"> <li><a href="#">Accountability Project</a></li> <li>Attendance Contract</li> <li>Behavior Contract</li> <li>Behavior Support Plan (general education)</li> <li>Check In-Check Out Plan</li> <li>Community Service</li> <li>Conflict Mediation (Peer, Teacher, Staff)</li> <li><a href="#">Coordination of Services Team Referral (COST)</a></li> <li>School Counselor Intervention</li> <li>Detention (Admin/Dean, Teacher, or School)</li> <li>Individualized Education Plan Meeting (for students in special education)</li> <li>Loss of Privilege (LOP)</li> <li>Parent Escort (to/from school with admin check in)</li> <li>Parent-Administrator Meeting</li> </ul>	<ul style="list-style-type: none"> <li>Parent-Teacher Conference</li> <li>Peer Mentor</li> <li>Peer Solutions Team</li> <li>Restorative Circle</li> <li>Behavior Expectation Review with Administrator or Teacher</li> <li>School Attendance Review Board (SARB) Referral</li> <li>Student Attendance Review Team (SART) Referral</li> <li>Student Success Team (SST) Referral</li> <li>Teacher - Classroom Intervention</li> <li>Teacher - In Class Time Out (not to exceed 10 mins away from instruction)</li> <li>Threat Assessment</li> <li>TUPE Referral (Tobacco Use Prevention Education)</li> <li>Wellness Center referral</li> </ul>
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**Discretionary Suspension Offenses (• will be revised annually)**

Education Code Violation	1 <sup>st</sup> Intervention/ Consequence	2 <sup>nd</sup> Intervention/ Consequence	3 <sup>rd</sup> Intervention/ Consequence	4 <sup>th</sup> Intervention/ Consequence
<p><b>Physical Injury</b></p> <p><b>48900(a)(1)</b> Caused, attempted to cause, or threatened to cause physical injury on another person.</p> <p>Fighting may include pushing, shoving, and or punching/kicking.</p>	<p><b>Threats:</b></p> <ul style="list-style-type: none"> <li>• Parent meeting</li> <li>• Alternatives to Suspension</li> </ul>	<p><b>Threats:</b></p> <ul style="list-style-type: none"> <li>• Suspension (0-5); Check in with Administrator upon return</li> <li>• Alternatives to Suspension</li> </ul>	<p><b>Threats:</b></p> <ul style="list-style-type: none"> <li>• Suspension (0-5); Check in with Administrator upon return</li> <li>• Alternatives to Suspension</li> </ul>	<p><b>Threats:</b></p> <ul style="list-style-type: none"> <li>• Suspension (0-5); Recommendation for expulsion</li> <li>• Alternatives to Suspension</li> </ul>
	<p><b>Rough Play::</b></p> <ul style="list-style-type: none"> <li>• Alternatives to Suspension</li> <li>• Verbal Warning</li> <li>• Parent notification</li> </ul>	<p><b>Rough Play::</b></p> <ul style="list-style-type: none"> <li>• Parent notification</li> <li>• Alternatives to Suspension</li> </ul>	<p><b>Rough Play::</b></p> <ul style="list-style-type: none"> <li>• Parent meeting</li> <li>• Alternatives to Suspension</li> </ul>	<p><b>Rough Play::</b></p> <ul style="list-style-type: none"> <li>• Suspension (0-3); Check in with Administrator upon return</li> <li>• Alternatives to Suspension</li> </ul>
	<p><b>Verbal Altercation:</b></p> <ul style="list-style-type: none"> <li>• Alternatives to Suspension</li> <li>• Parent meeting</li> <li>• Suspension (0-2 days)</li> </ul>	<p><b>Verbal Altercation:</b></p> <ul style="list-style-type: none"> <li>• Alternatives to Suspension</li> <li>• Parent meeting</li> <li>• Suspension (1-3 days)</li> </ul>	<p><b>Verbal Altercation:</b></p> <ul style="list-style-type: none"> <li>• Alternatives to Suspension</li> <li>• Parent notification</li> <li>• Parent meeting</li> <li>• Suspension (2-3 days)</li> </ul>	<p><b>Verbal Altercation:</b></p> <ul style="list-style-type: none"> <li>• Alternatives to Suspension</li> <li>• Suspension (2 days)</li> <li>• Parent notification</li> <li>• Parent meeting</li> </ul>
	<p><b>Physical Fighting:</b></p> <ul style="list-style-type: none"> <li>• Suspension (0-5); Re-Entry Meeting with Administrator upon return</li> <li>• Alternatives to Suspension</li> </ul>	<p><b>Physical Fighting:</b></p> <ul style="list-style-type: none"> <li>• Suspension (0-5); Re-Entry Meeting with Administrator upon return</li> <li>• Alternatives to Suspension</li> </ul>	<p><b>Physical Fighting:</b></p> <ul style="list-style-type: none"> <li>• Suspension (3-5); Re-Entry Meeting with Administrator upon return. Possible Recommendation for expulsion</li> <li>• Alternatives to Suspension</li> </ul>	<p><b>Physical Fighting:</b></p> <p>Prior action in effect</p>
<p><b>Dangerous Objects</b></p> <p><b>48900 (b)</b> Possession, sale, or furnishing of any knives, firearms, explosives, or other dangerous objects</p> <p><b>(NOTE: possession of</b></p>	<ul style="list-style-type: none"> <li>• Suspension (2-5); Re-Entry Meeting with Administrator upon return</li> <li>• Parent meeting</li> <li>• Principal shall recommend expulsion, unless they find that expulsion is inappropriate, due to the particular circumstance.</li> <li>• Alternatives to Suspension</li> </ul>	<ul style="list-style-type: none"> <li>• Suspension (3-5); Re-Entry Meeting with Administrator upon return</li> <li>• Principal shall recommend expulsion, unless they find that expulsion is inappropriate, due to the particular circumstance.</li> <li>• Alternatives to Suspension</li> <li>• Possible SRPD Referral</li> </ul>	<p>Prior action in effect</p>	<p>Prior action in effect</p>

firearms or explosives violates 48915(c)(1) or (5), respectively)	<ul style="list-style-type: none"> <li>SRPD Referral</li> </ul>			
Possession of a lighter	<ul style="list-style-type: none"> <li>Confiscate</li> <li>Parental notification</li> </ul>	<ul style="list-style-type: none"> <li>Confiscate</li> <li>Parental notification</li> <li>Parent meeting</li> <li>Alternatives to Suspension</li> </ul>	<ul style="list-style-type: none"> <li>Confiscate and parental notification</li> <li>Parent meeting</li> <li>Alternatives to Suspension</li> </ul>	<ul style="list-style-type: none"> <li>Suspension (1-3 days)</li> <li>Parent meeting</li> <li>Alternatives to Suspension</li> </ul>
<p><b>Under the Influence or Possession of Controlled Substance</b></p> <p><b>48900 (c)</b> Unlawfully possessed, used, sold, or furnished, or been under the influence of any controlled substance, an alcoholic beverage, or an intoxicant. (NOTE: possession of controlled substance may also violate 48915(a)(1)(C); sale of a controlled substance violates 48915(c)(3))</p>	<p><b>Under Influence:</b></p> <ul style="list-style-type: none"> <li>Youth Transforming Justice Referral</li> <li>Parent meeting</li> <li>TUPE Referral</li> <li>Alternatives to Suspension</li> <li>Suspension (0-1); Re-Entry Meeting with Administrator upon return</li> </ul>	<p><b>Under Influence:</b></p> <ul style="list-style-type: none"> <li>Suspension (1-3) Re-Entry Meeting with Administrator upon return</li> <li>Parent meeting</li> <li>Alternatives to Suspension</li> <li>Possible SRPD Referral</li> </ul>	<p><b>Under Influence:</b></p> <ul style="list-style-type: none"> <li>Suspension (3-5)</li> <li>Possible recommendation for expulsion</li> <li>Alternatives to Suspension</li> <li>Possible SRPD Referral</li> </ul>	<p><b>Under Influence:</b></p> <ul style="list-style-type: none"> <li>Prior action in effect</li> </ul>
	<p><b>Possession:</b></p> <ul style="list-style-type: none"> <li>Peer Solutions Team or Youth Court Referral</li> <li>Parent meeting</li> <li>Counseling</li> <li>Principal shall recommend expulsion, unless they find that expulsion is inappropriate, due to the particular circumstance.</li> <li>Alternatives to Suspension</li> <li>Possible SRPD Referral</li> <li>Suspension (0-5) Re-Entry Meeting with Administrator upon return</li> </ul>	<p><b>Possession:</b></p> <ul style="list-style-type: none"> <li>Suspension (1-5) Re-Entry Meeting with Administrator upon return</li> <li>Parent meeting</li> <li>Counseling</li> <li>Principal shall recommend expulsion, unless they find that expulsion is inappropriate, due to the particular circumstance.</li> <li>Alternatives to Suspension</li> <li>Possible SRPD Referral</li> </ul>	<p><b>Possession:</b></p> <ul style="list-style-type: none"> <li>Suspension (3-5)</li> <li>Possible Recommend for expulsion</li> <li>Parent meeting</li> <li>Possible SRPD Referral</li> </ul>	<p><b>Possession:</b></p> <ul style="list-style-type: none"> <li>Prior action in effect</li> </ul>
	<p><b>Furnishing:</b></p> <ul style="list-style-type: none"> <li>Suspension (1-5) Re-Entry Meeting with Administrator upon return</li> <li>Counseling</li> <li>Alternatives to Suspension</li> <li>Possible Youth Court Referral</li> <li>Possible SRPD Referral</li> </ul> <p>Principal shall recommend expulsion, unless they find that expulsion is inappropriate, due to the particular circumstance.</p>	<p><b>Furnishing:</b></p> <ul style="list-style-type: none"> <li>Suspension (3-5); Re-Entry Meeting with Administrator upon return</li> <li>Counseling</li> <li>Possible Youth Court Referral</li> <li>Alternatives to Suspension</li> <li>Possible SRPD Referral</li> </ul> <p>Principal shall recommend expulsion, unless they find that expulsion is inappropriate, due to the particular circumstance.</p>	<p><b>Furnishing:</b></p> <ul style="list-style-type: none"> <li>Suspension (4-5)</li> <li>Possible Recommend for expulsion</li> <li>Possible SRPD Referral</li> </ul>	<p><b>Furnishing:</b></p> <ul style="list-style-type: none"> <li>Recommend for expulsion</li> <li>Possible SRPD Referral</li> </ul>

	<b>Sale:</b> <ul style="list-style-type: none"> <li>• Suspension (5)</li> <li>• <b>Mandatory</b> recommendation for expulsion</li> <li>• SRPD Referral</li> </ul>	<b>Sale:</b> <ul style="list-style-type: none"> <li>• N/A</li> </ul>	<b>Sale:</b> <ul style="list-style-type: none"> <li>• N/A</li> </ul>	<b>Sale:</b> <ul style="list-style-type: none"> <li>• N/A</li> </ul>
<b>High School Student Athletes: 48900 (c) continued</b> California Interscholastic Federation rules regarding Drug and Alcohol Use at School or School Sponsored Events	<b>1st Offense</b> School disciplinary action; suspension from team/sports participation (games and practices) for a total of 10 school or athletic participation days. Students can watch practice after completion of school suspension. The 10 days of suspension from team/sports/activities, include the school suspension days. If the current sport season ends before the completion of the 10 day team suspension, the remaining suspension days shall be carried forward to the next sport in which the student participates. However, arrangements shall be made for the student to try-out for the next sport.		<b>2nd Offense</b> Suspension from team/sports participation for 40 calendar days from the date of suspension, not including summer school. If the student participates in a drug treatment program immediately following the second suspension, suspension from athletics and/or activities may be reduced to 30 calendar days from the date of suspension, not including summer school. (It should be noted that school policies regarding the use of alcohol and other drugs will be in effect for all athletic events) These disciplinary actions are cumulative over the four years of high school.	
<b>Intoxicants</b>  <b>48900(d)</b> Unlawfully offered, arranged, or negotiated to sell a controlled substance; an alcoholic beverage, or an intoxicant of any kind, and either sold, delivered, or otherwise furnished to a person another liquid, substance, or material and represented the liquid, substance, or material a controlled substance, alcoholic beverage, or intoxicant.	<ul style="list-style-type: none"> <li>• Counseling</li> <li>• Parent meeting</li> <li>• Suspension (3-5) Re-Entry Meeting with Administrator upon return</li> <li>• Principal shall recommend expulsion, unless they find that expulsion is inappropriate, due to the particular circumstance.</li> <li>• SRPD Referral</li> </ul>	<ul style="list-style-type: none"> <li>• Counseling</li> <li>• Parent meeting</li> <li>• Suspension (5)</li> <li>• Principal shall recommend expulsion</li> <li>• SRPD Referral</li> </ul>	<ul style="list-style-type: none"> <li>• N/A</li> </ul>	<ul style="list-style-type: none"> <li>• N/A</li> </ul>
<b>Robbery/Extortion</b>  <b>48900(e)</b> Committed or attempted to commit robbery or extortion  <i>NOTE: also violates 48915(a)(1)(D)</i>	<ul style="list-style-type: none"> <li>• Alternatives to Suspension</li> <li>• Suspension (0-5)</li> <li>• Principal may recommend expulsion, unless they find that expulsion is inappropriate, due to the particular circumstance.</li> <li>• Possible SRPD Referral</li> </ul>	<ul style="list-style-type: none"> <li>• Recommendation for expulsion</li> <li>• SRPD Referral</li> <li>• Suspension (5)</li> </ul>	<ul style="list-style-type: none"> <li>• N/A</li> </ul>	<ul style="list-style-type: none"> <li>• N/A</li> </ul>

<b>Damaging School Property</b> <b>48900(f)*</b> Caused or attempted to cause damage to school or private property (Including Graffiti, Tagging, Arson)	<ul style="list-style-type: none"> <li>• Alternatives to Suspension</li> <li>• Restitution</li> <li>• Peer Solutions, or Youth Court Referral</li> <li>• Parent meeting</li> <li>• Possible SRPD Referral</li> <li>• Suspension (0-3)</li> </ul>	<ul style="list-style-type: none"> <li>• Alternatives to Suspension</li> <li>• Restitution</li> <li>• Parent meeting</li> <li>• SRPD Referral</li> <li>• Suspension (1-5)</li> </ul>	<ul style="list-style-type: none"> <li>• Alternatives to Suspension</li> <li>• Restitution</li> <li>• SRPD Referral</li> <li>• Suspension (2-5)</li> </ul>	<ul style="list-style-type: none"> <li>• Recommendation for expulsion</li> <li>• Restitution</li> <li>• SRPD Referral</li> <li>• Suspension (5)</li> </ul>
<b>Stealing School Property</b> <b>48900(g)*</b> Stealing, or attempting to steal school or private property	<ul style="list-style-type: none"> <li>• Alternatives to Suspension</li> <li>• Restitution</li> <li>• Peer Solutions Team or Youth Court Referral</li> <li>• Parent meeting</li> <li>• Possible SRPD Referral</li> <li>• Suspension (0-3)</li> </ul>	<ul style="list-style-type: none"> <li>• Restitution</li> <li>• SRPD Referral</li> <li>• Parent meeting</li> <li>• Suspension (1-5)</li> </ul>	<ul style="list-style-type: none"> <li>• Restitution</li> <li>• SRPD Referral</li> </ul> Recommendation for expulsion <ul style="list-style-type: none"> <li>• Suspension (5)</li> </ul>	Prior action in effect
<b>Tobacco/Nicotine</b> <b>48900(h)*</b> Possessed or used tobacco or nicotine products	<ul style="list-style-type: none"> <li>• Alternatives to Suspension</li> <li>• Peer Solutions Team</li> <li>• Parent meeting</li> <li>• Counseling</li> </ul>	<ul style="list-style-type: none"> <li>• Alternatives to Suspension</li> <li>• Counseling</li> <li>• Parent meeting</li> <li>• Peer Court Referral</li> </ul>	<ul style="list-style-type: none"> <li>• Alternatives to Suspension</li> <li>• Counseling</li> <li>• Suspension (1)</li> </ul>	<ul style="list-style-type: none"> <li>• Counseling</li> <li>• Suspension (1)</li> </ul>
<b>Profanity/Vulgarity</b> <b>48900(i)*</b> Committed an obscene act or engaged in habitual profanity or vulgarity  <i>*Code 48900.3 will be used for hate speech</i>	<b>Obscene Act or Gesture:</b> <ul style="list-style-type: none"> <li>• Alternatives to Suspension</li> <li>• Peer Solutions Referral</li> <li>• Class Suspension</li> <li>• Parent meeting</li> <li>• Behavior Contract</li> </ul>	<b>Obscene Act or Gesture:</b> <ul style="list-style-type: none"> <li>• Peer Solutions Referral</li> <li>• Youth Court Referral</li> <li>• Parent meeting</li> <li>• Suspension (1-3); Re-Entry Meeting with Administrator upon return</li> </ul>	<b>Obscene Act or Gesture:</b> <ul style="list-style-type: none"> <li>• Parent Meeting</li> <li>• Suspension (3-5); Re-Entry Meeting with Administrator upon return</li> </ul>	<b>Obscene Act or Gesture:</b> <ul style="list-style-type: none"> <li>• Suspension (5)</li> </ul> Recommendation for Expulsion
	<b>Profanity/Vulgarity</b> <ul style="list-style-type: none"> <li>• Alternatives to Suspension</li> <li>• Possible Peer Solutions Team</li> <li>• Possible Class suspension</li> <li>• Parent meeting</li> <li>• Behavior Contract</li> </ul>	<b>Profanity/Vulgarity</b> <ul style="list-style-type: none"> <li>• Alternatives to Suspension</li> <li>• Youth Court Referral</li> <li>• Parent meeting</li> <li>• Suspension (1)</li> </ul>	<b>Profanity/Vulgarity</b> <ul style="list-style-type: none"> <li>• Alternatives to Suspension</li> <li>• Suspension (2-5)</li> </ul>	<b>Profanity/Vulgarity</b> <ul style="list-style-type: none"> <li>• Alternatives to Suspension</li> <li>• Suspension (5)</li> </ul>
<b>Drug Paraphernalia</b> <b>48900(j)*</b> Possessed, offered, arranged, or negotiated to sell drug paraphernalia	<ul style="list-style-type: none"> <li>• Alternatives to Suspension</li> <li>• Parent meeting</li> <li>• Youth Court Referral</li> <li>• Counseling</li> <li>• Possible SRPD Referral</li> <li>• Suspension (1-3); Re-Entry Meeting with Administrator upon return</li> </ul>	<ul style="list-style-type: none"> <li>• Alternatives to Suspension</li> <li>• Parent meeting</li> <li>• Counseling</li> <li>• SRPD Referral</li> <li>• Suspension (1-3); Re-Entry Meeting with Administrator upon return</li> </ul>	<ul style="list-style-type: none"> <li>• Counseling</li> <li>• SRPD Referral</li> <li>• Suspension (3-5)</li> </ul>	<ul style="list-style-type: none"> <li>• Counseling</li> <li>• SRPD Referral</li> </ul> Recommendation for Expulsion <ul style="list-style-type: none"> <li>• Suspension (5)</li> </ul>

<b>Disruption/Defiance</b>  <b>48900(k)*</b> Disrupted school activities or otherwise willfully defied the valid authority of school personnel engaged in the performance of their duties.  <i>*No suspensions TK-8 for disruption/defiance</i>	<b>Disruption/Defiance</b> <ul style="list-style-type: none"> <li>• Alternatives to Suspension</li> <li>• Parent notification</li> </ul> <b>*No suspensions TK-8 for disruption/defiance</b>	<b>Disruption/Defiance</b> <ul style="list-style-type: none"> <li>• Alternatives to Suspension</li> <li>• Parent meeting</li> </ul> <b>*No suspensions TK-8 for disruption/defiance</b>	<b>Disruption/Defiance</b> <ul style="list-style-type: none"> <li>• Alternatives to Suspension</li> <li>• Parent meeting</li> </ul> (NOTE: teacher suspension permissible under EC 48910)  <b>*No suspensions TK-8 for disruption/defiance</b>	<b>Disruption/Defiance</b> <ul style="list-style-type: none"> <li>• Alternatives to Suspension</li> <li>• Parent meeting</li> </ul> (NOTE: teacher suspension permissible under 48910)  <b>*No suspensions TK-8 for disruption/defiance</b>
	<b>Dress Code (gang/drug related, profane images)</b> <ul style="list-style-type: none"> <li>• Violation correction or go home with parent notification</li> <li>• Item confiscated</li> <li>• Parent meeting</li> <li>• Alternatives to Suspension</li> </ul>	<b>Dress Code (gang/drug related, profane images)</b> <ul style="list-style-type: none"> <li>• Violation correction or go home with parent notification</li> <li>• Parent meeting</li> <li>• Alternatives to Suspension</li> </ul>	<b>Dress Code (gang/drug related, profane images)</b> <ul style="list-style-type: none"> <li>• Violation correction or go home with parent notification</li> <li>• Parent meeting</li> <li>• Youth Court Referral</li> <li>• Alternatives to Suspension</li> </ul>	<b>Dress Code (gang/drug related, profane images)</b> <ul style="list-style-type: none"> <li>• Violation correction or go home with parent notification</li> <li>• Parent meeting</li> <li>• Behavior Contract</li> </ul>
	<b>Gang related drawings or symbols</b> <ul style="list-style-type: none"> <li>• Warning</li> <li>• Parent notification</li> </ul>	<b>Gang related drawings or symbols</b> <ul style="list-style-type: none"> <li>• Behavior contract</li> <li>• Parent meeting</li> </ul>	<b>Gang related drawings or symbols</b> <ul style="list-style-type: none"> <li>• Youth Court Referral</li> <li>• Parent meeting</li> <li>• SRPD Referral</li> </ul>	<b>Gang related drawings or symbols</b> <ul style="list-style-type: none"> <li>• Youth Court Referral</li> <li>• Parent meeting</li> <li>• SRPD Referral</li> </ul>
	<b>Cutting class</b> <ul style="list-style-type: none"> <li>• Parent notification</li> </ul>	<b>Cutting class</b> <ul style="list-style-type: none"> <li>• Parent meeting</li> <li>• Alternatives to Suspension</li> </ul>	<b>Cutting class</b> <ul style="list-style-type: none"> <li>• Parent meeting</li> <li>• Alternatives to Suspension</li> </ul>	<b>Cutting class</b> <ul style="list-style-type: none"> <li>• Parent meeting</li> <li>• Alternatives to Suspension</li> </ul>
	<b>Classroom Referral</b> <ul style="list-style-type: none"> <li>• Counsel &amp; Warning</li> <li>• Parent notification (from referring Teacher)</li> </ul>	<b>Classroom Referral</b> <ul style="list-style-type: none"> <li>• Parent notification</li> <li>• Restorative practice</li> <li>• Possible meeting with student, teacher and administrator</li> </ul>	<b>Classroom Referral</b> <ul style="list-style-type: none"> <li>• Class Suspension</li> <li>• Meeting with Parent, Student, Teacher and Administrator</li> <li>• Behavior Contract</li> </ul>	<b>Classroom Referral</b> <ul style="list-style-type: none"> <li>• Behavior Contract</li> <li>• Parent meeting</li> </ul>
<b>Stolen Property</b>  <b>48900(L)*</b> Knowingly received stolen school or private property	<ul style="list-style-type: none"> <li>• Alternatives to Suspension</li> <li>• Restitution</li> <li>• Suspension (1-5) Re-Entry</li> </ul> Meeting with Administrator upon return or Youth Court Referral <ul style="list-style-type: none"> <li>• SRPD Referral</li> </ul>	<ul style="list-style-type: none"> <li>• Alternatives to Suspension</li> <li>• Restitution</li> <li>• Suspension (1-5); Re-Entry</li> </ul> Meeting with Administrator <ul style="list-style-type: none"> <li>• SRPD Referral</li> </ul>	<ul style="list-style-type: none"> <li>• Restitution</li> <li>• Suspension (3-5); Re-Entry</li> </ul> Meeting with Administrator <ul style="list-style-type: none"> <li>• SRPD Referral</li> </ul>	<ul style="list-style-type: none"> <li>• Suspension (5)</li> </ul> Recommendation for Expulsion

<p><b>Imitation Firearm</b></p> <p><b>48900(m)*</b> Possessed an imitation firearm that is so substantially similar in physical properties to an existing firearm as to lead a reasonable person to conclude that the replica is a firearm</p>	<ul style="list-style-type: none"> <li>• Confiscate object</li> <li>• Behavior Contract</li> <li>• Parent meeting</li> <li>• Suspension (0-5) Re-Entry Meeting with Administrator upon return or Youth Court Referral</li> <li>• SRPD Referral</li> </ul>	<ul style="list-style-type: none"> <li>• Confiscate object</li> <li>• Parent meeting</li> <li>• Loss of Privilege</li> <li>• Suspension (2-5); Re-Entry Meeting with Administrator</li> <li>• SRPD Referral</li> </ul>	<ul style="list-style-type: none"> <li>• Confiscate object</li> <li>• Suspension (5)</li> <li>• SRPD Referral</li> <li>• Recommendation for expulsion</li> </ul>	<ul style="list-style-type: none"> <li>• N/A</li> </ul>
<p><b>Sexual Assault/Battery</b></p> <p><b>48900(n)</b> Committed sexual assault or battery (See Definition; also violates 48915(c)(4))</p>	<ul style="list-style-type: none"> <li>• Suspension (5)</li> <li>• Recommendation for expulsion</li> <li>• SRPD Referral</li> </ul>	<ul style="list-style-type: none"> <li>• N/A</li> </ul>	<ul style="list-style-type: none"> <li>• N/A</li> </ul>	<ul style="list-style-type: none"> <li>• N/A</li> </ul>
<p><b>Threatening a Witness</b></p> <p><b>48900(o)*</b> Harassed, threatened, or intimidated a pupil who is witness in a school disciplinary proceeding for the purpose of intimidation or retaliation</p>	<ul style="list-style-type: none"> <li>• Parent meeting</li> <li>• Suspension (1-3) Re-Entry Meeting with Administrator upon return or Youth Court Referral</li> </ul>	<ul style="list-style-type: none"> <li>• Behavior Contract</li> <li>• Parent meeting</li> <li>• Loss of privilege</li> <li>• Suspension (3-5); Re-Entry Meeting with Administrator</li> </ul>	<ul style="list-style-type: none"> <li>• Suspension (5)</li> <li>• Recommendation for expulsion</li> </ul>	<ul style="list-style-type: none"> <li>• N/A</li> </ul>
<p><b>Drug - Soma</b></p> <p><b>48900(p)</b> Unlawfully offered, arranged to sell, negotiate to sell, or sold the prescription Soma (also violates 48915(c)(3))</p>	<ul style="list-style-type: none"> <li>• Suspension (5)</li> <li>• Recommendation for expulsion</li> <li>• SRPD Referral</li> </ul>	<ul style="list-style-type: none"> <li>• N/A</li> </ul>	<ul style="list-style-type: none"> <li>• N/A</li> </ul>	<ul style="list-style-type: none"> <li>• N/A</li> </ul>
<p><b>Hazing</b></p> <p><b>48900(q)*</b> Engaged in, or attempted to engage in, hazing</p>	<ul style="list-style-type: none"> <li>• Alternatives to Suspension</li> <li>• Behavior Contract</li> <li>• Parent meeting</li> <li>• Suspension (1-5); Re-Entry Meeting with Administrator upon return or Youth Court Referral</li> </ul>	<ul style="list-style-type: none"> <li>• Alternatives to Suspension</li> <li>• Behavior Contract</li> <li>• Loss of Privilege</li> <li>• Parent meeting</li> <li>• Suspension (2-5); Re-Entry Meeting with Administrator upon return</li> </ul>	<ul style="list-style-type: none"> <li>• Alternatives to Suspension</li> <li>• Behavior Contract</li> <li>• Loss of Privilege</li> <li>• Parent meeting</li> <li>• Suspension (3-5); Re-Entry Meeting with Administrator upon return</li> </ul>	<ul style="list-style-type: none"> <li>• Alternatives to Suspension</li> <li>• Suspension (4-5)</li> <li>• Recommendation for expulsion</li> </ul>

<p><b>Bullying</b></p> <p><b>48900(r)*</b> Engaged in an act of bullying, including, but not limited to, bullying by means of an electronic act</p>	<ul style="list-style-type: none"> <li>• Alternatives to Suspension</li> <li>• Parent Notification</li> <li>• Peer Solutions or Youth Court Referral</li> <li>• Parent meeting</li> </ul>	<ul style="list-style-type: none"> <li>• Alternatives to Suspension</li> <li>• Behavior Contract</li> <li>• Loss of Privilege</li> <li>• Parent meeting</li> <li>• Suspension (1-3)</li> </ul>	<ul style="list-style-type: none"> <li>• Alternatives to Suspension</li> <li>• Suspension (1-5); Re-Entry Meeting with Administrator upon return</li> <li>• Possible recommendation for expulsion</li> </ul>	<ul style="list-style-type: none"> <li>• Suspension (5) Recommendation for expulsion</li> </ul>
<p><b>Sexual Harassment</b></p> <p><b>48900.2*</b> Committed an act of sexual harassment</p> <p>(NOTE: not applicable to students in grades TK-3)</p>	<ul style="list-style-type: none"> <li>• Counseling</li> <li>• Alternatives to Suspension</li> <li>• Suspension (1-3); Re-Entry Meeting with Administrator upon return</li> </ul>	<ul style="list-style-type: none"> <li>• Counseling</li> <li>• SRPD referral</li> <li>• Suspension (3-5); Re-Entry Meeting with Administrator upon return</li> </ul>	<ul style="list-style-type: none"> <li>• Suspension (5)</li> <li>• Recommendation for expulsion</li> <li>• SRPD referral</li> </ul>	<ul style="list-style-type: none"> <li>• N/A</li> </ul>
<p><b>Participated in Hate Motivated Behavior*</b></p> <p><b>48900.3*</b> Caused or attempted to cause, threatened to cause or participated in an act of hate violence</p> <p>NOTE: not applicable to students in grades TK-3</p>	<ul style="list-style-type: none"> <li>• Suspension (0-5) for a second offense; Re-Entry Meeting with Administrator upon return</li> <li>• SRPD Referral</li> <li>• Alternatives to Suspension</li> <li>• Parent meeting</li> <li>• Possible recommendation for expulsion</li> </ul>	<ul style="list-style-type: none"> <li>• Suspension (3-5)</li> <li>• SRPD Referral</li> <li>• Possible recommendation for expulsion</li> </ul>	<ul style="list-style-type: none"> <li>• Suspension (5)</li> <li>• Recommendation for expulsion</li> <li>• SRPD Referral</li> </ul>	<ul style="list-style-type: none"> <li>• N/A</li> </ul>
<p><b>Threats To Staff</b></p> <p><b>48900.4</b> Engaged in harassment, threats, or intimidation directed against school personnel</p> <p>(NOTE: not applicable to students in grades K-3)</p>	<ul style="list-style-type: none"> <li>• Suspension (1-5); Re-Entry Meeting with Administrator upon return</li> <li>• Behavior Contract</li> <li>• Parent meeting</li> <li>• Alternatives to Suspension</li> </ul>	<ul style="list-style-type: none"> <li>• Suspension (3-5); Re-Entry Meeting with Administrator upon return</li> <li>• Parent meeting</li> <li>• Behavior Contract</li> <li>• Alternatives to Suspension</li> </ul>	<ul style="list-style-type: none"> <li>• Suspension (5)</li> <li>• Recommendation for expulsion</li> </ul>	<ul style="list-style-type: none"> <li>• N/A</li> </ul>
<p><b>Terrorist Threats</b></p> <p><b>48900.7</b> Making terrorist threats against school officials, school property or both.</p>	<ul style="list-style-type: none"> <li>• Suspension (1-5); Re-Entry Meeting with Administrator upon return</li> <li>• Possible recommendation for expulsion</li> <li>• SRPD Referral</li> </ul>	<p>Prior action in effect</p>	<p>Prior action in effect</p>	<p>Prior action in effect</p>

## Mandatory Suspension Offenses AND Mandatory/Discretionary Expulsion Offenses

In cases of mandatory recommendations for expulsion, students would be notified of an extended suspension after meeting with site and district administration.

Education Code Violation Section 48915	1 <sup>st</sup> Intervention/ Consequence	2 <sup>nd</sup> Intervention/ Consequence	3 <sup>rd</sup> Int/ Consequence	4 <sup>th</sup> Int/ Consequence
<b>48915 (c)(1)</b> Possession, selling, or otherwise furnishing a firearm	5 day home suspension, San Rafael Police (SRPD) Department Referral, and <b>mandatory</b> expulsion.	N/A	N/A	N/A
<b>48915 (c)(2)</b> Brandishing a knife (defined as any dirk, dagger, or other weapon with a fixed, sharpened blade fitted primarily for stabbing; a weapon with a blade longer than 3.5", a folding knife with a blade that locks into place, or a razor with an unguarded blade.)	5 day home suspension, SRPD Referral, and <b>mandatory</b> expulsion.	N/A	N/A	N/A
<b>48915 (c)(3)</b> Selling a controlled substance	5 day home suspension, SRPD Referral, and <b>mandatory</b> expulsion.	N/A	N/A	N/A
<b>48915 (c)(4)</b> Committing or attempting to commit sexual assault or battery	5 day home suspension, SRPD Referral, and <b>mandatory</b> expulsion.	N/A	N/A	N/A
<b>48915 (c)(5)</b> Possession of an explosive	5 day home suspension, SRPD Referral, and <b>mandatory</b> expulsion.	N/A	N/A	N/A
<b>48915 (a)(1)</b> Causing serious physical injury to another person except in self defense	5 day home suspension and SRPD Referral. Principal shall recommend expulsion, unless they find that expulsion is inappropriate, due to the particular circumstance.	If not expelled for a first offense, 5-day home suspension, SRPD Referral, Principal shall recommend expulsion.	N/A	N/A
<b>48915 (a)(2)</b> Possession of any knife, or other dangerous object of no reasonable use to the pupil	2-5 day home suspension and SRPD Referral. Principal shall recommend expulsion, unless they find that expulsion is inappropriate, due to the particular circumstance.	If not expelled for a first offense, 5-day home suspension, SRPD Referral, Principal shall recommend expulsion.	N/A	N/A
<b>48915 (a)(3)</b> Possession of any controlled substance except for the first offense of possession of not more than one ounce of marijuana or the possession of OTC medication for use by the pupil for medical purposes or medication prescribed to the pupil by a physician	5 day home suspension and SRPD Referral. Principal shall recommend expulsion, unless they find that expulsion is inappropriate, due to the particular circumstance.	If not expelled for a first offense, 5-day home suspension, SRPD Referral, Principal shall recommend expulsion.	N/A	N/A
<b>48915 (a)(4)</b> Robbery or Extortion	3-5 day home suspension and SRPD Referral. Principal shall recommend expulsion, unless they find that expulsion is inappropriate, due to the particular circumstance.	If not expelled for a first offense, 5-day home suspension, SRPD Referral. Principal shall recommend expulsion.	N/A	N/A
<b>48915 (a)(5)</b> Assault or battery upon a school employee	5 day home suspension and SRPD Referral. Principal shall recommend expulsion, unless they find that expulsion is inappropriate, due to the particular circumstance.	If not expelled for a first offense, 5-day home suspension, SRPD Referral. Principal shall recommend expulsion.	N/A	N/A

**ACKNOWLEDGEMENT OF PARENT OR GUARDIAN OF ANNUAL RIGHTS  
NOTIFICATION**

**Sign this page indicating that you have received the Parent Notice of Rights and Responsibilities. Also, where specified on this page, indicate if you do not wish directory information to be released. To request a paper copy of the Annual Rights Notice please reach out to your school site.**

Student's Name: \_\_\_\_\_

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

If you do not wish directory information released, please sign where indicated below. Note that this will prohibit the District from providing the student's name and other information to the news media, interested schools, parent-teacher associations, interested employers, and similar parties.

Do NOT release directory information regarding \_\_\_\_\_  
(Pupil's Name)

- Check if an exception may be made to include student information and photos in the yearbook.

I hereby acknowledge receipt of information regarding my rights, responsibilities, and protections.

Signature of Parent or Guardian: \_\_\_\_\_ Date: \_\_\_\_\_

## Notice of Procedural Safeguards

Special Education Rights of Parents and Children Under the Individuals with Disabilities Education Act, Part B, and the California Education Code.

**Revised June 2022**

Note: The term school district is used throughout this document to describe any public education agency responsible for providing your child's special education program. The term assessment is used to mean evaluation or testing. Federal and state laws are cited throughout this notice using English abbreviations, which are explained in a glossary at the end of this notification.

### What is the Notice of Procedural Safeguards?

This information provides you as parents, legal guardians, and surrogate parents of children with disabilities from 3 years of age through age 21 and students who have reached age 18, the age of majority, with an overview of your educational rights or procedural safeguards.

The Notice of Procedural Safeguards is required under the Individuals with Disabilities Education Act (IDEA) and must be provided to you:

- When you ask for a copy
- The first time your child is referred for a special education assessment
- Each time you are given an assessment plan to evaluate your child
- Upon receipt of the first state or due process complaint in a school year, and
- When the decision is made to make a removal that constitutes a change of placement

(20 *United States Code [USC]* Section 1415[d]; 34 *Code of Federal Regulations [CFR]* Section 300.504; *California Education Code [EC]* Section 56301[d] [2], *EC* Section 56321, and *EC* Section 56341.1[g] [1])

### What is the IDEA?

IDEA is a federal law that requires school districts to provide a "free appropriate public education" (FAPE) to eligible children with disabilities. A free appropriate public

education means that special education and related services are to be provided as described in an individualized education program (IEP) and under public supervision to your child at no cost to you.

### **May I participate in decisions about my child's education?**

You must be given the opportunity to participate in any decision-making meeting regarding your child's special education program. You have the right to participate in IEP team meetings about the identification (eligibility), assessment, or educational placement of your child and other matters relating to your child's FAPE. (20 USC Section 1414[d] [1]B-[d][1][D]; 34 CFR Section 300.321; EC Section 56341[b], and EC Section 56343[c])

The parent or guardian, and the local educational agency (LEA), has the right to participate in the development of the IEP and to initiate their intent to electronically audiotape the proceedings of the IEP team meetings. At least 24 hours prior to the meeting, the parent or guardian shall notify the members of the IEP team of their intent to record a meeting. If the parent or guardian does not consent to the LEA audiotape recording an IEP meeting, the meeting shall not be recorded on an audiotape recorder.

Your rights include information about the availability of FAPE, including all program options, and all available alternative programs, both public and nonpublic. (20 USC sections 1401[3], and 1412[a][3]; 34 CFR Section 300.111; EC sections 56301, 56341.1[g][1], and 56506)

### **Where can I get more help?**

When you have a concern about your child's education, it is important that you contact your child's teacher or administrator to talk about your child and any problems you see. Staff in your school district or special education local plan area (SELPA) may answer questions about your child's education, your rights, and procedural safeguards. Also, when you have a concern, this informal conversation often solves the problem and helps to maintain open communication.

You may also want to contact one of the California parent organizations such as the Family Empowerment Centers on Disability (FECs) or the Parent Training and Information Centers (PTICs) located across the state. These organizations were established to increase collaboration between parents and educators to improve the educational system and provide information, training, and additional resources for families of students and young adults with disabilities. Contact information for these organizations is found on the California Department of Education (CDE) Special

Education California Parent Organizations web page at  
<https://www.cde.ca.gov/sp/se/qa/caprntorg.asp>.

Additional resources are listed at the end of this document to help you understand the procedural safeguards.

### **What if my child is deaf, hard of hearing, blind, visually impaired, or deaf-blind?**

The State Special Schools provide services to students who are deaf, hard of hearing, blind, visually impaired, or deaf-blind at each of its three facilities: the California Schools for the Deaf in Fremont and Riverside and at the California School for the Blind in Fremont. Residential and day school programs are offered to students from infancy to age 21 at both State Schools for the Deaf. Such programs are offered to students aged 5 through 21 at the California School for the Blind. The State Special Schools also offer assessment services and technical assistance. For more information about the State Special Schools, please visit the CDE, State Special Schools web page at <https://www.cde.ca.gov/sp/ss/index.asp>, or ask for more information from the members of your child's IEP team.

## **Notice, Consent, Assessment, Surrogate Parent Appointment, and Access to Records**

### **Prior Written Notice**

#### **When is a notice needed?**

This notice must be given when the school district proposes or refuses to initiate a change in the identification, assessment, or educational placement of your child with special needs or the provision of a FAPE. (20 *USC* sections 1415[b][3] and (4), 1415[c][1], and 1414[b][1]; 34 *CFR* Section 300.503; *EC* sections 56329 and 56506[a])

The school district must inform you about proposed evaluations of your child in a written notice or an assessment plan within 15 days of your written request for evaluation. The notice must be understandable and in your native language or other mode of communication, unless it is clearly not feasible to do so. (34 *CFR* Section 300.304; *EC* Section 56321)

### **What will the notice tell me?**

The prior written notice must include the following:

1. A description of the actions proposed or refused by the school district
2. An explanation of why the action was proposed or refused
3. A description of each assessment procedure, record, or report the agency used as a basis for the action proposed or refused
4. A statement that parents of a child with a disability have protection under the procedural safeguards
5. Sources for parents to contact to obtain assistance in understanding the provisions of this part
6. A description of other options that the IEP team considered and the reasons those options were rejected; and
7. A description of any other factors relevant to the action proposed or refused. (20 USC sections 1415[b][3] and [4], 1415[c][1], and 1414[b][1]; 34 CFR Section 300.503)

### **Parental Consent**

#### **When is my approval required for assessment?**

You have the right to refer your child for special education services. You must give informed, written consent before your child's first special education assessment can proceed. The parent has at least 15 days from the receipt of the proposed assessment plan to arrive at a decision. The assessment may begin immediately upon receipt of the consent and must be completed and an IEP developed within 60 days of your consent.

#### **When is my approval required for services?**

You must give informed, written consent before your school district can provide your child with special education and related services.

### **What are the procedures when a parent does not provide consent?**

If you do not provide consent for an initial assessment or fail to respond to a request to provide the consent, the school district may pursue the initial assessment by utilizing due process procedures.

If you refuse to consent to the initiation of services, the school district must not provide special education and related services and shall not seek to provide services through due process procedures.

If you consent in writing to the special education and related services for your child but do not consent to all of the components of the IEP, those components of the program to which you have consented must be implemented without delay.

If the school district determines that the proposed special education program component to which you do not consent is necessary to provide a FAPE to your child, a due process hearing must be initiated. If a due process hearing is held, the hearing decision shall be final and binding.

In the case of reevaluations, the school district must document reasonable measures to obtain your consent. If you fail to respond, the school district may proceed with the reevaluation without your consent. (20 *USC* sections 1414[a][1][D] and 1414[c]; 34 *CFR* Section 300.300; *EC* sections 56506[e], 56321[c] and [d], and 56346).

### **When may I revoke consent?**

If at any time subsequent to the initial provision of special education and related services, the parent of a child revokes consent in writing for the continued provision of special education and related services, the public agency:

1. May not continue to provide special education and related services to the child, but must provide prior written notice in accordance with 34 *CFR* Section 300.503 before ceasing such services
2. May not use the procedures in subpart E of Part 300 34 *CFR* (including the mediation procedures under 34 *CFR* Section 300.506 or the due process procedures under 34 *CFR* Sections 300.507 through 300.516) in order to obtain agreement or a ruling that the services may be provided to the child
3. Will not be considered to be in violation of the requirement to make a FAPE available to the child because of the failure to provide the child with further special education and related services

4. Is not required to convene an IEP team meeting or develop an IEP under 34 *CFR* sections 300.320 and 300.324 for the child for further provision of special education and related services

Please note, in accordance with 34 *CFR* Section 300.9 (c)(3), that if the parents revoke consent in writing for their child's receipt of special education services after the child is initially provided special education and related services, the public agency is not required to amend the child's education records to remove any references to the child's receipt of special education and related services because of the revocation of consent.

### **Surrogate Parent Appointment**

#### **What if a parent cannot be identified or located?**

School districts must ensure that an individual is assigned to act as a surrogate parent for the parents of a child with a disability when a parent cannot be identified and the school district cannot discover the whereabouts of a parent.

A surrogate parent may also be appointed if the child is an unaccompanied homeless youth, an adjudicated dependent or ward of the court under the state Welfare and Institution Code, and is referred to special education or already has an IEP. (20 *USC* Section 1415[b][2]; 34 *CFR* Section 300.519; *EC* Section 56050; *Government Code* Section 7579.5 and 7579.6)

### **Nondiscriminatory Assessment**

#### **How is my child assessed for special education services?**

You have the right to have your child assessed in all areas of suspected disability. Materials and procedures used for assessment and placement must not be racially, culturally, or sexually discriminatory.

Assessment materials must be provided and the test administered in your child's native language or mode of communication and in the form most likely to yield accurate information on what the child knows and can do academically, developmentally, and functionally, unless it is clearly not feasible to so provide or administer.

No single procedure can be the sole criterion for determining eligibility and developing FAPE for your child. (20 *USC* sections 1414[b][1]–[3], 1412[a][6][B]; 34 *CFR* Section 300.304; *EC* sections 56001[j] and 56320)

## **Independent Educational Assessments**

### **May my child be tested independently at the district's expense?**

If you disagree with the results of the assessment conducted by the school district, you have the right to ask for and obtain an independent educational assessment for your child from a person qualified to conduct the assessment at public expense.

The parent is entitled to only one independent educational evaluation at public expense each time the public agency conducts an evaluation with which the parent disagrees.

The school district must respond to your request for an independent educational assessment and provide you information about where to obtain an independent educational assessment.

If the school district believes that the district's assessment is appropriate and disagrees that an independent assessment is necessary, the school district must request a due process hearing to prove that its assessment was appropriate. If the district prevails, you still have the right to an independent assessment but not at public expense. The IEP team must consider independent assessments.

District assessment procedures allow in-class observation of students. If the school district observes your child in his or her classroom during an assessment, or if the school district would have been allowed to observe your child, an individual conducting an independent educational assessment must also be allowed to observe your child in the classroom.

If the school district proposes a new school setting for your child and an independent educational assessment is being conducted, the independent assessor must be allowed to first observe the proposed new setting. (20 USC sections 1415[b][1] and [d][2][A]; 34 CFR Section 300.502; EC Section 56329[b] and [c])

## **Access to Educational Records**

### **May I examine my child's educational records?**

You have a right to inspect and review all of your child's education records without unnecessary delay, including prior to a meeting about your child's IEP or before a due process hearing. The school district must provide you access to records and copies, if requested, within five **business** days after the request has been made orally or in writing. (EC sections 49060, 56043[n], 56501[b][3], and 56504)

## **How Disputes Are Resolved**

### **Due Process Hearing**

#### **When is a due process hearing available?**

You have the right to request an impartial due process hearing regarding the identification, assessment, and educational placement of your child or the provision of FAPE. The request for a due process hearing must be filed within two years from the date you knew or should have known about the alleged action that forms the basis of the due process complaint. (20 USC Section 1415[b][6]; 34 CFR Section 300.507; EC sections 56501 and 56505[1])

### **Mediation and Alternative Dispute Resolution**

#### **May I request mediation or an alternative way to resolve the dispute?**

A request for mediation may be made either before or after a request for a due process hearing is made.

You may ask the school district to resolve disputes through mediation or alternative dispute resolution (ADR), which is less adversarial than a due process hearing. The ADR and mediation are voluntary methods of resolving a dispute and may not be used to delay your right to a due process hearing.

#### **What is a pre-hearing mediation conference?**

You may seek resolution through mediation prior to filing a request for a due process hearing. The conference is an informal proceeding conducted in a nonadversarial manner to resolve issues relating to the identification, assessment, or educational placement of a child or to a FAPE.

At the prehearing mediation conference, the parent or the school district may be accompanied and advised by nonattorney representatives and may consult with an attorney prior to or following the conference. However, requesting or participating in a prehearing mediation conference is not a prerequisite to requesting a due process hearing.

All requests for a prehearing mediation conference shall be filed with the Superintendent of the Office of Administrative Hearings (OAH). The party initiating a

prehearing mediation conference by filing a written request with the Superintendent of the OAH shall provide the other party to the mediation with a copy of the request at the same time the request is filed.

The prehearing mediation conference shall be scheduled within 15 days of receipt by the Superintendent of the OAH of the request for mediation and shall be completed within 30 days after receipt of the request for mediation unless both parties agree to extend the time. If a resolution is reached, the parties shall execute a legally binding written agreement that sets forth the resolution. All discussions during the mediation process shall be confidential. All prehearing mediation conferences shall be scheduled in a timely manner and held at a time and place reasonably convenient to the parties. If the issues fail to be resolved to the satisfaction of all parties, the party who requested the mediation conference has the option of filing for a due process hearing. (*EC* sections 56500.3 and 56503)

## **Due Process Rights**

### **What are my due process rights?**

You have a right to:

1. Have a fair and impartial administrative hearing at the state level before a person who is knowledgeable of the laws governing special education and administrative hearings (20 *USC* sections 1415[f][1][A], and 1415[f][3][A]-[D]; 34 *CFR* Section 300.511; *EC* Section 56501[b][4])
2. Be accompanied and advised by an attorney and/or individuals who have knowledge about children with disabilities (*EC* Section 56505 [e][1])
3. Present evidence, written arguments, and oral arguments (*EC* Section 56505[e][2])
4. Confront, cross-examine, and require witnesses to be present (*EC* Section 56505[e][3])
5. Receive a written or, at the option of the parent, an electronic verbatim record of the hearing, including findings of fact and decisions (*EC* Section 56505[e][4])
6. Have your child present at the hearing (*EC* Section 56501[c][1])
7. Have the hearing be open or closed to the public (*EC* Section 56501[c][2])
8. Receive a copy of all documents, including assessments completed by that date and recommendations, and a list of witnesses and their general area of testimony

within five (5) business days before a hearing (*EC* sections 56505[e][7] and 56043[v])

9. Be informed by the other parties of the issues and their proposed resolution of the issues at least ten (10) calendar days prior to the hearing (*EC* Section 56505[e][6])
10. Have an interpreter provided (*California Code of Regulations*, Title 5 (5 *CCR*) Section 3082[d])
11. Request an extension of the hearing timeline (*EC* Section 56505[f][3])
12. Have a mediation conference at any point during the due process hearing (*EC* Section 56501[b][2]), and
13. Receive notice from the other party at least ten days prior to the hearing that the other party intends to be represented by an attorney (*EC* Section 56507[a]). (20 *USC* Section 1415[e]; 34 *CFR* sections 300.506, 300.508, 300.512 and 300.515)

### **Filing a Written Due Process Complaint**

#### **How do I request a due process hearing?**

You need to file a written request for a due process hearing. You or your representative needs to submit the following information in your request:

1. Name of the child
2. Address of the residence of the child
3. Name of the school the child is attending
4. In the case of a homeless child, available contact information for the child and the name of the school the child is attending, and
5. A description of the nature of the problem, including facts relating to the problem(s) and a proposed resolution of the problem(s)

Federal and state laws require that either party filing for a due process hearing must provide a copy of the written request to the other party. (20 *USC* sections 1415[b][7], and 1415[c][2]; 34 *CFR* Section 300.508; *EC* Section 56502[c][1])

Prior to filing for a due process hearing, the school district shall be provided the opportunity to resolve the matter by convening a resolution session, which is a meeting between the parents and the relevant members of the IEP team who have specific

knowledge of the facts identified in the due process hearing request. (20 USC Section 1415[f][1][B]; 34 CFR Section 300.510)

### **What does a resolution session include?**

Resolution sessions shall be convened within 15 days of receiving notice of the parents' due process hearing request. The sessions shall include a representative of the school district who has decision-making authority and not include an attorney of the school district unless the parent is accompanied by an attorney. The parent of the child may discuss the due process hearing issue and the facts that form the basis of the due process hearing request.

The resolution session is not required if the parent and the school district agree in writing to waive the meeting. If the school district has not resolved the due process hearing issue within 30 days, the due process hearing may occur. If a resolution is reached, the parties shall execute a legally binding agreement. (20 USC Section 1415[f][1][B]; 34 CFR Section 300.510)

### **Does my child's placement change during the proceedings?**

The child involved in any administrative or judicial proceeding must remain in the current educational placement unless you and the school district agree on another arrangement. If you are applying for initial admission of your child to a public school, your child will be placed in a public school program with your consent until all proceedings are completed. (20 USC Section 1415[j]; 34 CFR Section 300.518; EC Section 56505[d])

### **May the decision be appealed?**

The hearing decision is final and binding on both parties. Either party may appeal the hearing decision by filing a civil action in state or federal court within 90 days of the final decision. (20 USC sections 1415[i][2] and [3][A], and 1415[l]; 34 CFR Section 300.516; EC Section 56505[h] and [k], EC Section 56043[w])

### **Who pays for my attorneys' fees?**

In any action or proceeding regarding the due process hearing, the court, in its discretion, may award reasonable attorneys' fees as part of the costs to you as parent of a child with a disability if you are the prevailing party in the hearing. Reasonable attorneys' fees may also be made following the conclusion of the administrative hearing,

with the agreement of the parties. (20 *USC* Section 1415[i][3][B]–[G]; 34 *CFR* Section 300.517; *EC* Section 56507[b])

Fees may be reduced if any of the following conditions prevail:

1. The court finds that you unreasonably delayed the final resolution of the controversy
2. The attorneys' hourly fees exceed the prevailing rate in the community for similar services by attorneys of reasonably comparable skill, reputation, and experience
3. The time spent and legal services provided were excessive, or
4. Your attorney did not provide to the school district the appropriate information in the due process request notice.

Attorneys' fees will not be reduced, however, if the court finds that the State or the school district unreasonably delayed the final resolution of the action or proceeding or that there was a violation of this section of law. (20 *USC* Section 1415[i][3][B]–[G]; 34 *CFR* Section 300.517)

Attorneys' fees relating to any meeting of the IEP team may not be awarded unless an IEP team meeting is convened as a result of a due process hearing proceeding or judicial action. Attorneys' fees may also be denied if you reject a reasonable settlement offer made by the district/public agency 10 days before the hearing begins and the hearing decision is not more favorable than the offer of settlement. (20 *USC* Section 1415[i][3][B]–[G]; 34 *CFR* Section 300.517)

**To obtain more information or to file for mediation or a due process hearing, contact:**

[Office of Administrative Hearings  
Attention: Special Education Division  
2349 Gateway Oaks Drive, Suite 200  
Sacramento, CA 95833-4231  
Phone: 916-263-0880  
Fax: 916-263-0890]

The OAH can also be contacted by email using the Secure e-File Transmission (SFT) system. The SFT may be found on OAH's website at <https://www.applications.dgs.ca.gov/OAH/oahSFTWeb>

School Discipline and Placement Procedures for Students with Disabilities

## **School Discipline and Alternative Interim Educational Settings**

### **May my child be suspended or expelled?**

School personnel may consider any unique circumstances on a case-by-case basis when determining whether a change in placement is appropriate for a child with a disability who violates a code of student conduct from his or her setting to:

- An appropriate interim alternative education setting, another setting, or suspension for not more than 10 consecutive school days
- Additional removals of not more than 10 consecutive school days in the same school year for separate incidents of misconduct

### **What occurs after a removal of more than 10 days?**

After a child with a disability has been removed from his or her current placement for 10 school days in the same school year, during any subsequent days of removal the public agency must provide services to enable the child to continue to participate in the general education curriculum and progress toward meeting the goals set out in the child's IEP. Also, a child will receive, as appropriate, a functional behavioral assessment and behavioral intervention services and modifications, which are designed to address the behavior violation so that it does not recur.

If a child exceeds 10 days in such a placement, an IEP team meeting must be held to determine whether the child's misconduct is caused by the disability. This IEP team meeting must take place immediately, if possible, or within 10 days of the school district's decision to take this type of disciplinary action.

As a parent you will be invited to participate as a member of this IEP team. The school district may be required to develop an assessment plan to address the misconduct or, if your child has a behavior intervention plan, review and modify the plan as necessary.

### **What happens if the IEP team determines that the misconduct is not caused by the disability?**

If the IEP team concludes that the misconduct was not a manifestation of the child's disability, the school district may take disciplinary action, such as expulsion, in the same manner as it would for a child without a disability. (20 USC Section 1415[k][1] and [7]; 34 CFR Section 300.530)

If you disagree with the IEP team's decision, you may request an expedited due process hearing, which must occur within 20 school days of the date on which you requested the hearing. (20 USC Section 1415[k][2]; 34 CFR Section 300.531[c])

Regardless of the setting the school district must continue to provide FAPE for your child. Alternative educational settings must allow the child to continue to participate in the general curriculum and ensure continuation of services and modifications detailed in the IEP. (34 CFR Section 300.530; EC Section 48915.5[b])

### **Children Attending Private School**

#### **May students who are parentally placed in private schools participate in publicly funded special education programs?**

Children who are enrolled by their parents in private schools may participate in publicly funded special education programs. The school district must consult with private schools and with parents to determine the services that will be offered to private school students. Although school districts have a clear responsibility to offer FAPE to students with disabilities, those children, when placed by their parent in private schools, do not have the right to receive some or all of the special education and related services necessary to provide FAPE. (20 USC Section 1415[a][10][A]; 34 CFR sections 300.137 and 300.138; EC Section 56173)

If a parent of an individual with exceptional needs who previously received special education and related services under the authority of the school district enrolls the child in a private elementary school or secondary school without the consent of or referral by the local educational agency, the school district is not required to provide special education if the district has made FAPE available. A court or a due process hearing officer may require the school district to reimburse the parent or guardian for the cost of special education and the private school only if the court or due process hearing officer finds that the school district had not made FAPE available to the child in a timely manner prior to that enrollment in the private elementary school or secondary school and that the private placement is appropriate. (20 USC Section 1412[a][10][C]; 34 CFR Section 300.148; EC Section 56175)

#### **When may reimbursement be reduced or denied?**

The court or hearing officer may reduce or deny reimbursement if you did not make your child available for an assessment upon notice from the school district before removing your child from public school. You may also be denied reimbursement if you did not inform the school district that you were rejecting the special education placement

proposed by the school district, including stating your concerns and intent to enroll your child in a private school at public expense.

Your notice to the school district must be given either:

- At the most recent IEP team meeting you attended before removing your child from the public school, or
- In writing to the school district at least 10 business days (including holidays) before removing your child from the public school. (20 *USC* Section 1412[a][10][C]; 34 *CFR* Section 300.148; *EC* Section 56176)

### **When may reimbursement not be reduced or denied?**

A court or hearing officer must not reduce or deny reimbursement to you if you failed to provide written notice to the school district for any of the following reasons:

- The school prevented you from providing notice
- You had not received a copy of this Notice of Procedural Safeguards or otherwise been informed of the requirement to notify the district
- Providing notice would likely have resulted in physical harm to your child
- Illiteracy and inability to write in English prevented you from providing notice, or
- Providing notice would likely have resulted in serious emotional harm to your child

(20 *USC* Section 1412[a] [10] [C]; 34 *CFR* Section 300.148; *EC* Section 56177)

### **State Complaint Procedures**

#### **When may I file a state compliance complaint?**

You may file a state compliance complaint when you believe that a school district has violated federal or state special education laws or regulations. Your written complaint must specify at least one alleged violation of federal and state special education laws. The violation must have occurred not more than one year prior to the date the complaint is received by the CDE. When filing a complaint, you must forward a copy of the complaint to the school district at the same time you file a state compliance complaint with the CDE. (34 *CFR* Section 300.151–153; 5 *CCR* Section 4600)

Complaints alleging violations of federal and state special education laws or regulations may be mailed to:

[California Department of Education  
Special Education Division  
Complaint Support Unit  
1430 N Street, Suite 2401  
Sacramento, CA 95814]

You may also email your complaint to [speceducation@cde.ca.gov](mailto:speceducation@cde.ca.gov)

For complaints involving issues not covered by federal or state special education laws or regulations, consult your district's uniform complaint procedures.

To obtain more information about dispute resolution, including how to file a complaint, contact the CDE, Special Education Division, Complaint Support Unit, by telephone at 800-926-0648; by fax at 916-327-3704; or by visiting the CDE, Special Education web page at <https://www.cde.ca.gov/sp/se/index.asp>.

## Senate Bill 511, Family Empowerment Centers

### Background

The Family Empowerment Centers (FECs) were established in 2001 by enactment of Chapter 690 of the Statutes of 2001 (Senate Bill 511, Alpert), enacted as *Education Code (EC) 56400-56415*. The FECs provide services to families with children with disabilities ages three to twenty-two. The intent of the legislature is to ensure that parents, guardians, and families of children and young adults with disabilities have access to accurate information, specialized training, and peer-to-peer support.

### FEC Contact and Service Information

Organization	Counties Served	Website
Ability Path's Family Resource Center of San Mateo County	San Mateo	<a href="https://www.smcfrc.org/">https://www.smcfrc.org/</a>

<b>Organization</b>	<b>Counties Served</b>	<b>Website</b>
Alpha Family Resource Center	Santa Barbara	<a href="https://alphasb.org/">https://alphasb.org/</a>
Exceptional Family Resource Center (EFRC)	Imperial, San Diego	<a href="https://efrconline.org/">https://efrconline.org/</a>
Exceptional Parents Unlimited (EPU)	Fresno, Kings	<a href="https://www.epuchildren.org/">https://www.epuchildren.org/</a>
Exceptional Parents Unlimited (EPU)	Madera	<a href="https://www.epuchildren.org/">https://www.epuchildren.org/</a>
Family Focus Resource and Empowerment Center	North Los Angeles (San Fernando, Santa Clarita, Antelope Valley)	<a href="https://csun.edu/family-focus-resource-center">https://csun.edu/family-focus-resource-center</a>
Family Resource Navigators	Alameda	<a href="https://familyresourcenavigators.org/">https://familyresourcenavigators.org/</a>
Family SOUP	Colusa, Sutter, Yuba	<a href="http://www.familysoup.org/">http://www.familysoup.org/</a>
H.E.A.R.T.S. Connection Family Resource Center and Empowerment Center	Kern	<a href="http://www.heartsfrc.org/">http://www.heartsfrc.org/</a>
Heluna Health/Eastern Los Angeles Family Resource Center	Los Angeles (Alhambra, Arcadia, Boyle Heights, City Terrace, Commerce, East Los Angeles, East Pasadena, El Sereno, Eagle Rock/Highland Park, La Habra Heights, La Mirada, Lincoln Heights, Montebello, Monterey Park, Mount Washington, Pico Rivera, Rosemead, San Gabriel, San Marino, South Pasadena, Santa Fe Springs, Temple City, Whittier)	<a href="https://www.helunahealth.org/partners/eastern-los-angeles-regional-family-resource-center/">https://www.helunahealth.org/partners/eastern-los-angeles-regional-family-resource-center/</a>
Matrix Parent Network & Resource Center	Napa, Solano, Sonoma	<a href="https://www.matrixparents.org/">https://www.matrixparents.org/</a>
Matrix Parent Network	Marin	<a href="https://www.matrixparents.org/">https://www.matrixparents.org/</a>
Parents Helping Parents, Inc.	Santa Clara	<a href="https://www.php.com/">https://www.php.com/</a>
Parents Helping Parents San Luis Obispo	San Luis Obispo	<a href="http://www.phpslo.org/">http://www.phpslo.org/</a>

Organization	Counties Served	Website
The Parents' Place Family Resource Center	Los Angeles (San Gabriel Valley, Pomona)	<a href="http://www.parentsplacefrc.com/">http://www.parentsplacefrc.com/</a>
Plumas Rural Services, Inc.	Lassen, Modoc, Plumas, Sierra	<a href="https://www.plumasruralservices.org/">https://www.plumasruralservices.org/</a>
Rowell Family Empowerment of Northern California (RFENC)	Butte, Glenn, Shasta, Siskiyou, Tehama, Trinity	<a href="https://rfenc.org/Home/">https://rfenc.org/Home/</a>
South Central Los Angeles Regional Center (McClaney Family Resource Center)	Los Angeles (South Los Angeles including: Watts, Leimert Park, Florence/Firestone, West Adams, Bell, Bell Gardens, Compton, Cudahy, Downey, Huntington Park, Lynwood, Maywood, Vernon, South Gate, North Carson, Gardena, Paramount)	<a href="https://sclarc.org/">https://sclarc.org/</a>
Special Kids Connect	Monterey	<a href="https://specialkidsconnect.org/">https://specialkidsconnect.org/</a>
Special Parents Information Network (SPIN)	San Benito, Santa Cruz	<a href="https://www.spinisc.org/">https://www.spinisc.org/</a>
Support for Families of Children with Disabilities	San Francisco	<a href="https://www.supportforfamilies.org/">https://www.supportforfamilies.org/</a>
Team of Advocates for Special Kids, Inc. (TASK)	Orange	<a href="https://taskca.org/">https://taskca.org/</a>
Team of Advocates for Special Kids, Inc. (TASK)	Los Angeles (Artesia, Avalon, Bellflower, Carson, Cerritos, Harbor City, Harbor Gateway, Hawaiian Gardens, Hermosa Beach, Lakewood, Lomita, Long Beach, Manhattan Beach, Norwalk, Palos Verdes Estates, Rancho, Palos Verdes, Rolling Hills, San Pedro, Signal Hill, Torrance, Wilmington)	<a href="https://taskca.org/">https://taskca.org/</a>

<b>Organization</b>	<b>Counties Served</b>	<b>Website</b>
Team of Advocates for Special Kids, Inc. (TASK)	Los Angeles (Signal Hill, Long Beach, Catalina Island)	<a href="https://taskca.org/">https://taskca.org/</a>
Team of Advocates for Special Kids, Inc. (TASK)	Los Angeles (Lakewood, East Lakewood, Hawaiian Gardens, Bellflower, Norwalk/Little Lake, Artesia, Cerritos)	<a href="https://taskca.org/">https://taskca.org/</a>
Warmline Family Resource Center	Alpine, El Dorado, Nevada, Placer, Sacramento, Yolo	<a href="http://www.warmlinefrc.org/">http://www.warmlinefrc.org/</a>
Westside Family Resource Center	West Los Angeles	<a href="http://wfrec.org/">http://wfrec.org/</a>

### **Glossary of Abbreviations Used in This Notification**

ADR: Alternative Dispute Resolution

*CFR: Code of Federal Regulations*

*EC: California Education Code*

FAPE: Free Appropriate Public Education

FEC: Family Empowerment Center on Disability

IDEA: Individuals with Disabilities Education Act

IEP: Individualized Education Program

PTIC: Parent Training and Information Center

OAH: Office of Administrative Hearings

SELPA: Special Education Local Plan Area

*USC: United States Code*

Special Education Local Plan Area (SELPA) Local Plan

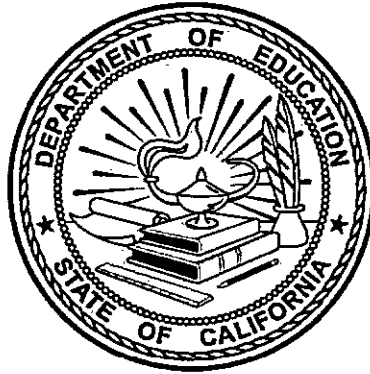
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## **LOCAL PLAN**

### **Section E: Annual Service Plan**

### **SPECIAL EDUCATION LOCAL PLAN AREA**



California Department of Education

Special Education Division

Local Plan Annual Submission

CDE Local Plan Annual Submission

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**Local Plan Section E: Annual Service Plan**

California *Education Code (EC)* sections 56205(b)(2) and (d); 56001; and 56195.9

The Local Plan Section E: Annual Service Plan must be adopted at a public hearing held by the SELPA. Notice of this hearing shall be posted in each school in the SELPA at least 15 days before the hearing. Local Plan Section E: Annual Service Plan may be revised during any fiscal year according to the SELPA's process as established and specified in Section B: Governance and Administration portion of the Local Plan consistent with *EC* sections 56001(f) and 56195.9. Local Plan Section E: Annual Service Plan must include a description of services to be provided by each local educational agency (LEA), including the nature of the services and the physical location where the services are provided (Attachment VI), regardless of whether the LEA is participating in the Local Plan.

**Services Included in the Local Plan Section E: Annual Service Plan**

All entities and individuals providing related services shall meet the qualifications found in Title 34 of the *Code of Federal Regulations (34 CFR)* Section 300.156(b), Title 5 of the *California Code of Regulations (5 CCR)* 3001(r) and the applicable portions 3051 et. seq.; and shall be either employees of an LEA or county office of education (COE), employed under contract pursuant to *EC* sections 56365-56366, or employees, vendors or contractors of the State Departments of Health Care Services or State Hospitals, or any designated local public health or mental health agency. Services provided by individual LEAs and school sites are to be included in **Attachment VI**.

**Include a description each service provided. If a service is not currently provided, please explain why it is not provided and how the SELPA will ensure students with disabilities will have access to the service should a need arise.**

- 330–Specialized Academic Instruction/  
Specially Designed Instruction

Provide a detailed description of the services to be provided under this code.

Adapting, as appropriate, to the needs of the child with a disability the content, methodology, or delivery of instruction to ensure access of the child to the general curriculum, so that he or she can meet the educational standards within the jurisdiction of the public agency that apply to all children. (34 CFR 300.39 (b) (3))

*Service is Not Currently Provided*

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210—Family Training, Counseling, Home Visits (Ages 0-2 only)

*Service is Not Currently Provided*

Provide a detailed description of the services to be provided under this code.

This service includes: services provided by social workers, psychologists, or other qualified personnel to assist the family in understanding the special needs of the child and enhancing the child's development.

220—Medical (Ages 0-2 only)

*Service is Not Currently Provided*

Provide a detailed description of the services to be provided under this code.

Medical services (for evaluation only) (ages 0-2 only): Services provided by a licensed physician to determine a child's developmental status and need for early intervention services.

230—Nutrition (Ages 0-2 only)

*Service is Not Currently Provided*

Provide a detailed description of the services to be provided under this code.

These services include conducting assessments in: nutritional history and dietary intake; anthropometric, biochemical, and clinical variables; feeding skills and feeding problems; and food habits and food preferences.

240—Service Coordination (Ages 0-2 only)

*Service is Not Currently Provided*

Provide a detailed description of the services to be provided under this code.

The coordination of service delivery, distribution of reports, and IFSP meeting facilitation.

250—Special Instruction (Ages 0-2 only)

*Service is Not Currently Provided*

Provide a detailed description of the services to be provided under this code.

Special instruction includes: the design of learning environments and activities that promote the child's acquisition of skills in a variety of developmental areas, including cognitive processes and social interaction; curriculum planning, including the planned interaction of personnel, materials, and time and space, that leads to achieving the outcomes in the child's IFSP; providing families with information, skills, and support related to enhancing the skill development of the child; and working with the child to enhance the child's development.

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260–Special Education Aide (Ages 0-2 only)       *Service is Not Currently Provided*

Provide a detailed description of the services to be provided under this code.

270–Respite Care (Ages 0-2 only)       *Service is Not Currently Provided*

Provide a detailed description of the services to be provided under this code.

340–Intensive Individual Instruction

Provide a detailed description of the services to be provided under this code.

*Service is Not Currently Provided*

350–Individual and Small Group Instruction

Provide a detailed description of the services to be provided under this code.

*Service is Not Currently Provided*

415–Speech and Language       *Service is Not Currently Provided*

Provide a detailed description of the services to be provided under this code.

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articulation (excluding abnormal swallowing patterns, if that is the sole assessed disability); abnormal voice quality, pitch, or loudness; fluency; hearing loss; or the acquisition, comprehension, or expression of spoken language. Language deficits or speech patterns resulting from unfamiliarity with the English language and from environmental, economic, or cultural factors are not included. Services include: specialized instruction and services, monitoring, reviewing, and consultation. Services may be direct or indirect including the use of a speech consultant.

425–Adapted Physical Education

*Service is Not Currently Provided*

Provide a detailed description of the services to be provided under this code.

Direct physical education services provided by an adapted physical education specialist to pupils who have needs that cannot be adequately satisfied in other physical education programs as indicated by assessment and evaluation of motor skills performance and other areas of need. It may include individually designed developmental activities, games, sports and rhythms, for strength development and fitness suited to the capabilities, limitations, and interests of individual students with disabilities who may not safely, successfully, or meaningfully engage in unrestricted participation in the vigorous activities of the general or modified by physical education program.

435–Health and Nursing: Specialized Physical Health Care

*Service is Not Currently Provided*

Provide a detailed description of the services to be provided under this code.

Specialized physical health care services means those health services prescribed by the child's licensed physician and/or surgeon, requiring medically related training of the individual who performs the services and which are necessary during the school day to enable the child to attend school (CCR §3051.12(b)(10(A))). Specialized physical health care services include but are not limited to suctioning, oxygen administration, catheterization, nebulizer treatments, insulin administration and glucose testing (CEC 49423.5 (d)).

436–Health and Nursing: Other

*Service is Not Currently Provided*

Provide a detailed description of the services to be provided under this code.

This includes service that are provided to individuals with exceptional needs by a qualified individual pursuant to an IEP when a student has health problems which require nursing intervention beyond basic school health services. Services include managing the health problem, consulting with staff, group and individual counseling, making appropriate referrals, and maintaining communication with agencies and health care providers. These services do

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not include any physician-supervised or specialized health care service. IEP-required health and nursing services are expected to supplement the regular health services program. (34 CFR 300.34; CCR Title 5 §3051.12 (a)).

445—Assistive Technology

*Service is Not Currently Provided*

Provide a detailed description of the services to be provided under this code.

Any specialized training or technical support for the incorporation of assistive devices, adapted computer technology, or specialized media with the educational programs to improve access for students. The term includes a functional analysis of the student's needs for assistive technology; selecting, designing, fitting, customizing, or repairing appropriate devices; coordinating services with assistive technology devices; training or technical assistance for students with a disability, the student's family, individuals providing education or rehabilitation services, and employers. (34 CFR Part 300.6).

450—Occupational Therapy

*Service is Not Currently Provided*

Provide a detailed description of the services to be provided under this code.

Occupational Therapy (OT) includes services to improve student's educational performance, postural stability, self-help abilities, sensory processing and organization, environmental adaptation and use of assistive devices, motor planning and coordination, visual perception and integration, social and play abilities, and fine motor abilities. Both direct and indirect services may be provided within the classroom, other educational settings or the home; in a group or on an individual basis; and may include therapeutic techniques to develop abilities; adaptations to the student's environment or curriculum; and consultation and collaboration with other staff and parents. Service are provided, pursuant to an IEP, by a qualified occupational therapist registered with American Occupational Therapy Certification Board. (CCR Title 5 §.3051.6, EC Part 30 §56363).

460—Physical Therapy

*Service is Not Currently Provided*

Provide a detailed description of the services to be provided under this code.

These services are provided, pursuant to an IEP, by a registered physical therapist, or physical therapist assistant, when assessment shows a discrepancy between gross motor performance and other educational skills. Physical therapy includes, but is not limited to, motor control and coordination, posture and balance, self-help, functional mobility, accessibility and use of assistive devices. Services may be provided within the classroom, other educational settings or in the home; and may occur in groups or individually. These services may include

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adaptations to the student's environment and curriculum, selected therapeutic techniques and activities, and consultation and collaborative interventions with staff and parents. (B&PC Ch. 5.7, CCR Title 5 §3051.6 EC Part 30 §56363, GC-Interagency Agreements Ch. 26.5 §7575(a) (2))

510–Individual Counseling

Provide a detailed description of the services to be provided under this code.

One-to-one counseling, provided by a qualified individual pursuant to an IEP. Counseling may focus on aspects, such as educational, career, personal; or be with parents or staff members on learning problems or guidance programs for students. Individual counseling is expected to supplement the regular guidance and counseling program. (34 CFR § 300.24 (b) (2), (CCR Title 5 §3051.9).

*Service is Not Currently Provided*

515–Counseling and Guidance

*Service is Not Currently Provided*

Provide a detailed description of the services to be provided under this code.

Counseling in a group setting, provided by a qualified individual pursuant to an IEP. Group counseling is typically social skills development, but may focus on aspects, such as educational, career, personal; or be with parents or staff members on learning problems or guidance programs for students. IEP-required group counseling is expected to supplement the regular guidance and counseling program. (34 CFR §300.24.(b)(2)): CCR Title 5 §3051.9) Guidance services include interpersonal, intrapersonal or family intervention, performed in an individual or group setting by a qualified individual pursuant to an IEP. Specific programs include social skills development, self-esteem building, parent training, and assistance to special education students supervised by staff credentialed to serve special education students. These services are expected to supplement the regular guidance and counseling program. (34 CFR 300.306; CCR Title 5 §3051.9).

520–Parent Counseling

*Service is Not Currently Provided*

Provide a detailed description of the services to be provided under this code.

Individual or group counseling provided by a qualified individual pursuant to an IEP to assist the parent(s) of special education students in better understanding and meeting their child's needs; may include parenting skills or other pertinent issues. IEP-required parent counseling

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is expected to supplement the regular guidance and counseling program. 34 CFR §300.31 (b) (7); CCR Title 5 §3051.11).

525–Social Worker  *Service is Not Currently Provided*

Provide a detailed description of the services to be provided under this code.

Social Work services, provided pursuant to an IEP by a qualified individual, includes, but are not limited to, preparing a social or developmental history of a child with a disability; group and individual counseling with the child and family; working with those problems in a child's living situation (home, school, and community) that affect the child's adjustment in school; and mobilizing school and community resources to enable the child to learn as effectively as possible in his or her educational program. Social work services are expected to supplement the regular guidance and counseling program. (34 CFR §300.24(b)(13); CCR Title 5 §3051.13).

530–Psychological  *Service is Not Currently Provided*

Provide a detailed description of the services to be provided under this code.

These services, provided by a credentialed or licensed psychologist pursuant to an IEP, include interpreting assessment results to parents and staff in implementing the IEP; obtaining and interpreting information about child behavior and conditions related to learning; planning programs of individual and group counseling and guidance services for children and parents. These services may include consulting with other staff in planning school programs to meet the special needs of children as indicated in the IEP. (CFR Part 300 §300.24). IEP-required psychological service are expected to supplement the regular guidance and counseling program. (34 CFR §300.2; CCR Title 5 §3051.10).

535–Behavior Intervention  *Service is Not Currently Provided*

Provide a detailed description of the services to be provided under this code.

A systematic implementation of procedures designed to promote lasting, positive changes in the student's behavior resulting in greater access to variety of community setting, social contacts, public events, and placement in the least restrictive environment. (CCR Title 5 §3001 (d)).

540–Day Treatment

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Provide a detailed description of the services to be provided under this code.

Structured education, training and support services to address the student's mental health needs (Health & Safety Code, Div.2, Chap.3, Article 1, 1502 (a)(3)).

*Service is Not Currently Provided*

**545–Residential Treatment**

Provide a detailed description of the services to be provided under this code.

A 24-hour out-of-home placement that provides intensive therapeutic services to support the educational program (Welfare and Institutions Code, Part 2, Chapter 2.5, Art. 1, §5671)).

*Service is Not Currently Provided*

**610–Specialized Service for Low Incidence Disabilities**

*Service is Not Currently Provided*

Provide a detailed description of the services to be provided under this code.

Low incidence services are defined as those provided to the student population of orthopedically impaired (O1), visually impaired (VI), deaf, hard of hearing/hearing impairment (HH/HI), or deaf-blind (DB). Typically, services are provided in education setting by an itinerant teacher or the the itinerant teacher/specialist. Consultation is provided to the teacher, staff and parents as needed. These services must be clearly written in the student's IEP, including frequency and duration of the service to the student. (CCR Title 5 §3051.16 & 3051.18).

**710–Specialized Deaf and Hard of Hearing**

*Service is Not Currently Provided*

Provide a detailed description of the services to be provided under this code.

These services include speech therapy, speech reading, auditory training and/or instruction in the student's mode of communication. Rehabilitative and education services; adapting curricula, methods, and the learning environment; and special consultation to students, parents, teachers, and other school personnel may also be included. (CCR Title 5 § 3051.16 and 3051.18).

**715–Interpreter**

*Service is Not Currently Provided*

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Provide a detailed description of the services to be provided under this code.

Sign language interpretation of spoken language to individuals, whose communication is normally sign language, by a qualified sign language interpreter. This includes conveying information through the sign system of the student or consumer and tutoring students regarding class content through the sign system of the student.

720–Audiological

*Service is Not Currently Provided*

Provide a detailed description of the services to be provided under this code.

These services include measurements of acuity, monitoring amplification, and frequency modulation system use. Consultation services with teacher, parents or speech pathologists must be identified in the IEP as to reason, frequency and duration of contract; infrequent contact is considered assistance and would not be included. (CCR Title 5 §3051.2).

725–Specialized Vision

*Service is Not Currently Provided*

Provide a detailed description of the services to be provided under this code.

This is a board category of service provided to student with visual impairments. It includes assessment of functional vision; curriculum modifications necessary to meet the student's education needs, including Braille, large type, and aural media; instruction in areas of need; concept development and academic skills; communication skills (including alternative modes of reading and writing); social, emotional, career, vocational, and independent living skills. It may include coordination of other personnel providing services to the students (such as transcribers, readers, counselors, orientation and mobility specialists, career/vocational staff, and others) and collaboration with the student's classroom teacher. (CAC Title 5 §3030(d), EC 56364.1)

730–Orientation and Mobility

*Service is Not Currently Provided*

Provide a detailed description of the services to be provided under this code.

Students with identified visual impairments are trained in body awareness and to understand how to move. Students are trained to develop skills to enable them to travel safely and independently around the school and in the community. It may include consultation service to parents regarding their children requiring such services according to an IEP.



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735–Braille Transcription  *Service is Not Currently Provided*

Provide a detailed description of the services to be provided under this code.

Any transcription services to convert materials from print Braille. It may include textbooks, tests, worksheets, or anything necessary for instruction. The transcriber should be qualified in English Braille as well as Nemeth Code (mathematics) and be certified by appropriate agency.

740–Specialized Orthopedic  *Service is Not Currently Provided*

Provide a detailed description of the services to be provided under this code.

Specially designed instruction related to the unique needs of students with orthopedic disabilities, including specialized materials and equipment (CAC Title 5, §3030(e) & 3051.16)

745–Reading  *Service is Not Currently Provided*

Provide a detailed description of the services to be provided under this code.

Any specialized assistance provided for students who are print-impaired, whether the impairment is the result of a visual disability, other physical disability, or reading disability. This may include but limited to, reader provided for examination, textbooks, and other course related reading assignments and may also include recorded materials.

750–Note Taking  *Service is Not Currently Provided*

Provide a detailed description of the services to be provided under this code.

Any specialized assistance given to the student for the purpose of taking notes when the student is unable to do so independently. This may include, but is not limited to, copies of notes taken by another student or transcription of tape-recorded information from a class or aide designated to take notes. This does not include instruction in the process of learning how to take notes.

755–Transcription  *Service is Not Currently Provided*

Provide a detailed description of the services to be provided under this code.

Any transcription service to convert materials from print to a mode of communication suitable

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for the student. This may also include dictation services as it may pertain to textbooks, tests, worksheets, or anything necessary for instruction.

- 760–Recreation Service, Including Therapeutic Recreation  *Service is Not Currently Provided*

Provide a detailed description of the services to be provided under this code.

Therapeutic recreation and specialized instructional programs designed to assist pupils to become as independent as possible in leisure activities, and when possible and appropriate, facilitate the pupil's integration into general recreation programs; (CAC Title 5, §3051.15; 20 USC 1401 (26(A)(1)) (34 CFR 300.24).

- 820–College Awareness  *Service is Not Currently Provided*

Provide a detailed description of the services to be provided under this code.

College awareness is the result of acts that promote and increase student learning about higher education opportunities, information and options that are available including, but not limited to, career planning, course prerequisites, admission eligibility and financial aid.

- 830–Vocational Assessment, Counseling, Guidance, and Career Assessment  *Service is Not Currently Provided*

Provide a detailed description of the services to be provided under this code.

Organized educational programs that are directly related to the preparation of individuals for paid or unpaid employment and may include provision for work experience, job coaching, development and/or placement, and situational assessment. This includes career counseling to assist student in assessing his/her aptitudes, abilities, and interests in order to make realistic career decisions. (Title 5 §3051.14)

- 840–Career Awareness  *Service is Not Currently Provided*

Provide a detailed description of the services to be provided under this code.

Transition services include a provision in paragraph (1) (c) (vi), self-advocacy, career planning, and career guidance. This comment also emphasized the need for coordination between this provision and the Perkins Act to ensure that students with disabilities in middle schools will be able to access vocational education funds. (34 CFR§300.29).

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850–Work Experience Education

*Service is Not Currently Provided*

Provide a detailed description of the services to be provided under this code.

Work experience education means organized educational programs that are directly related to the preparation of individuals for paid or unpaid employment, or for additional preparation for a career requiring other than a baccalaureate or advance degree. (34 CFR 300.26)

855–Job Coaching

*Service is Not Currently Provided*

Provide a detailed description of the services to be provided under this code.

Job coaching is a service that provides assistance and guidance to an employee who may be experiencing difficulty with one or more aspects of the daily job tasks and functions. This service is provided by a job coach who is highly successful, skilled, and trained on the job who can determine how the employee that is experiencing difficulty learns best and formulate a training plan to improve job performance.

860–Mentoring

*Service is Not Currently Provided*

Provide a detailed description of the services to be provided under this code.

Mentoring is a sustained coaching relationship between a student and teacher through ongoing involvement and offers support, guidance, encouragement, and assistance as the learner encounters challenges with respect to a particular area such as acquisition of job skill. Mentoring can be either formal as in planned, structured instruction or informal that occurs naturally through friendship, counseling and collegiality in a casual, unplanned way.

865–Agency Linkages (referral and placement)

*Service is Not Currently Provided*

Provide a detailed description of the services to be provided under this code.

Service coordination and case management that facilitates the linkage of individualized education programs under this part and individualized family service plans under part C with individualized service plans under multiple Federal and State programs, such as Title I of the Rehabilitation Act of 1973 (vocational rehabilitation), Title XIX of the Social Security Act (Medicaid), and Title XVI of the Social Security Act (supplemental security income). (34 CFR §613).

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870–Travel and Mobility Training

*Service is Not Currently Provided*

Provide a detailed description of the services to be provided under this code.

Orientation and mobility services--(i) Means services provided to blind or visually impaired children by qualified personnel to enable those students to attain systematic orientation to and safe movement with their environments in school, home and community.

890–Other Transition Services

*Service is Not Currently Provided*

Provide a detailed description of the services to be provided under this code.

These services may include program coordination, case management and meetings, and crafting linkages between schools and postsecondary agencies.

900–Other Related Service

*Service is Not Currently Provided*

Description of the "Other Related Service"

Qualifications of the Provider Delivering "Other Related Service"















# IEP Implementation Data Collection

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Special Education Division  
California Department of Education



TONY THURMOND  
State Superintendent of Public Instruction

# Meeting Materials

- CDE Box Link: <https://cde.box.com/v/iepimplementation2024>
  - Power Point Slides
  - Technical Assistance Guide (TAG)
  - Frequently Asked Questions (FAQ)

# Agenda/Topics

- Description/Requirements
- Timeline
- Procedure/Methodology
- Data Collection Website
- Data Validation Requirements

# Description/Requirements

## Objectives

- To fulfill its monitoring and enforcement responsibilities under the federal IDEA in 34 *Code of Federal Regulations sections* 300.600 and 300.323.
- **Identify systemic issues** with LEAs, and help the State identify LEAs that are not providing the services promised in Individualized Education Programs (IEPs).
- Identify and categorize IEPs surveyed by three designated percentage of completion ranges.

# Timeline



# Procedure/Methodology

- On May 1, 2024 CDE will provide a random sample of SWDs to each LEA based upon the following criteria:

Number of SWD	Number of IEPs LEA Must Review	Percentage of IEPs Required for Review
1 – 100	All/Max of 20	20% - 100%
101 – 199	20	10.05% - 19.8%
200 – 4,999	20 – 500	10%
5,000 +	500	0.74% - 9.97%

**NOTE: Small LEAs (LEAs with 100 or fewer SWDs) that were selected for monitoring in Cycles A, B, or C will only be required to submit IEP Implementation data during their next monitoring cycle, beginning with Cycle B in 2025. The random sample generated for large LEAs will EXCLUDE SSIDs from any charters identified for monitoring in Cycles A, B, or C.**

# Student Sample

- Should not include any students from charter schools identified as “small LEAs” being monitored in Cycles A, B, or C
  - This WILL include any charters not selected in those monitoring cycles
- Should only include students enrolled for the entire duration of the evaluation period (March 1, 2024 through April 29, 2024)
- Students on Individualized Education Programs (IEPs) only, including any students enrolled in Nonpublic Nonsectarian Certified schools (NPS)
- If LEAs receive an SSID for a student that transferred out of the LEA prior to or during the evaluation period, the LEA should:
  - Ensure the student’s exit is updated in CALPADS
  - Ensure that the reason for not providing results for that student in the IEP Implementation Data Collection is documented and shared with the SELPA

## Procedure/Methodology (2)

- LEAs will collect and analyze local-level service implementation data.
- Measurements will be based upon total number of service minutes provided for all services in the IEP (numerator), and the total number of service minutes prescribed (denominator). Each IEP ratio will then be summarized into one of three categories:

**A. 100 to 95% of IEP services implemented**

**B. 94.9 to 90% of IEP services implemented**

**C. Less than 90% of IEP services implemented**

# Procedure/Methodology (3)

- **Numerator should include:**

- The total count of **actual** service minutes received for all services provided during the evaluation period

- **Denominator should:**

- **Include:**

- Total count of **prescribed** service minutes included in the special education plan to which the parent/guardian has agreed/signed, including:
  - Service minutes the student received
  - Student absences due to illness (familial or student), truancy, or other excused or unexcused absences
  - Staff absences due to illness or staff shortages

- **Exclude service minutes prescribed during:**

- Field trips
- Scheduled school breaks such as intersession or --Spring Break
- Statewide testing periods
- Student benchmark testing
- Special programming at the school site (e.g., school assemblies)
- School-related emergencies

# Why must student absences be included in the denominator calculation?

- Although student absences may have an impact on a particular student's implementation percentage, when evaluating IEP Implementation at a local educational agency-level, the **CDE is examining the overall percentage of students in the randomly selected sample that are falling into the 90% and below range.**
- A **significant percentage** of students falling into the 90% and below range may identify systemic issues that may offer an opportunity for CDE to provide programmatic and technical assistance to LEAs.

# Procedure/Methodology (4)

## Example

- Sample LEA ABCUSD
  - Large LEA, **5000+** SWDs, n size of sample: **500** IEPs
- Calculation for single student IEP:
  - Time Period for analysis: March 1, 2024 - April 29, 2024
  - 2000 service minutes provided/2160 service minutes prescribed = **93% implementation**. This student is added to the bucket for **category B**
  - 94.9 to 90% of IEP services implemented
- Summary Data by ABCUSD for submission:

Category	Total	Percentage
A. 100 to 95% of IEP services implemented	410	82%
B. 94.9 to 90% of IEP services implemented	70	14%
C. Less than 90% of IEP services implemented	20	4%

# Things to consider when evaluating IEP Implementation...

- LEAs should:
  - Have a clear, documented process for tracking the implementation of IEP services throughout the year in preparation for any audits
  - Have a clear understanding of how your special education data system tracks services
  - Ensure all service providers are clear on their obligation to provide services consistent with the IEP
- When determining IEP implementation rates, staff should consider the following:
  - Electronic or paper service logs
  - Transition Services prescribed and received
  - Push-in or pull-out aide services and who documents those services
  - Specialized Academic Instruction (SAI)
  - Student absences
  - Service provider/staff absences

# How are Specialized Academic Instruction Minutes Calculated?

- If a student is in attendance, specialized academic instruction (SAI) minutes may be counted as received.
- This includes days when an appropriately authorized (certificated or licensed) staff member or contracted provider is substituting for the teacher or staff person of record.

# Compensatory Services

- Students may, but are not required to receive compensatory services
- If provided, the compensatory service minutes provided must fall within the prescribed evaluation period (March 1, 2024 through April 29, 2024)

# IEP Implementation Follow-Up Survey

- CDE must then assess the validity and reliability of data submitted regarding an LEA's implementation of IEP services.
  - State will randomly select 10% of those LEAs and audit the data submitted by those LEAs regarding the LEA's implementation of IEP services.

# IEP Implementation and Annual Determinations

- Annual Determination letters for the 2023–24 academic year included the count of students who fell in category C: Less than 90% of services implemented
- CDE is still in discussions how IEP Implementation data will be factored into the Annual Determination process for the 2024–25 academic year

# Data Collection Website

## User Logon

The Individual Education Plan (IEP) Service Implementation Data Collection is aimed towards continuous improvement of educational services through collecting and understanding critical data. In order to complete this data collection, all questions require a response.

Please complete the following data collection survey based on data you have collected, analyzed, and reviewed on the students selected for this process via random selection of Statewide Student Identifiers (SSIDs).

Please log in using the Access Code issued for your LEA or SELPA.

**Access Code**

Logon

IEP Implementation Website:  
<https://www3.cde.ca.gov/iepimpsys/>  
IEP Implementation Data Collection 2024

# How do I get my access code for the website?

- SELPA access
  - On May 1, 2024, CDE will email access codes to SELPA level users.
- LEA access
  - Once SELPA level users log into the system, they are expected to download access codes for their LEA-level users (available in the application), and then distribute these access codes to their respective LEA representatives.

# Data Collection Website (SELPA View 1)

The screenshot displays the IEP Implementation System interface. At the top left is the California Department of Education logo. At the top right, there is a "Logoff" button and the text "IEP Implementation System". A dark blue navigation bar contains the word "Dashboard". Below this, the page title "Los Angeles Unified" is shown. The main content area is divided into two sections: "2023 Overview" and "User Actions".

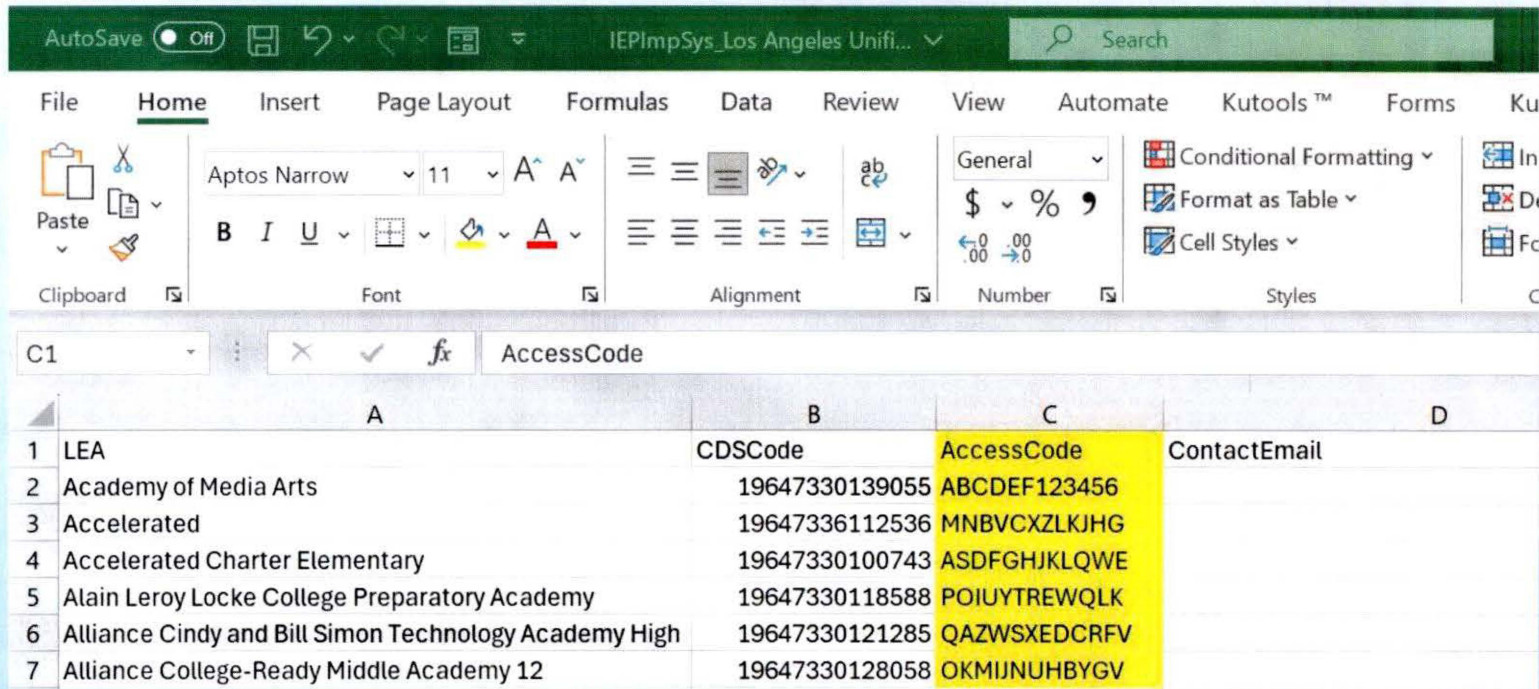
**2023 Overview**

SELPA Name	<b>Los Angeles Unified</b>
SELPA Code	<b>1914</b>
LEA Status	

**User Actions**

- [Download LEA Records](#)

# SELPA View of LEA Access Codes



The screenshot shows an Excel spreadsheet with the following data:

	A	B	C	D
1	LEA	CDSCode	AccessCode	ContactEmail
2	Academy of Media Arts	19647330139055	ABCDEF123456	
3	Accelerated	19647336112536	MNBVCXZLKJHG	
4	Accelerated Charter Elementary	19647330100743	ASDFGHJKLQWE	
5	Alain Leroy Locke College Preparatory Academy	19647330118588	POIUYTREWQLK	
6	Alliance Cindy and Bill Simon Technology Academy High	19647330121285	QAZWSXEDCRFV	
7	Alliance College-Ready Middle Academy 12	19647330128058	OKMIJNUHBYGV	

It will be the responsibility of each SELPA director to distribute the LEA access codes to the associated and responsible LEA representatives.

# Data Collection Website (LEA View)

Palmdale Elementary | Logout  
IEP Implementation System

Palmdale Elementary

2022 Overview

LEA Name: Palmdale Elementary  
CDS Code: 1964357000000  
SELPA Name: Antelope Valley  
LEA Due Date: September 9, 2022  
Submission Status: Past Due Date  
Please submit as soon as possible

Sampled Students

Filter by Name or SSID (partial OK) [Filter]

Showing 1 - 10 of 500 Students

Student Name (Last, First) | Statewide Student Identifier (SSID)

SWD IEP Implementation Success Rates

95-100% [350]

90-94.9% [100]

Less Than 90% [50]

Total Students: 500 of 500 Sampled

[Save Data]

[Submit IEP Data]

Note: After you have confirmed and saved the final numbers for each percentage category (by clicking the "Save Data" button), you must click the "Submit IEP Data" button to finalize your submission.

User Actions

- Download Student Records
- Submit IEP Data

→

AutoSave Off

File Home Insert Page Layout Formulas

Paste

Clipboard Font

C1 SSID

	A	B	C	D
1	LastName	FirstName	SSID	
2	A	Christopher Kyle	1234567890	
3	A	Jesse	9876543211	
4	A	Jessica	5432198765	
5	B	Ava	6789012345	
6	B	Bailey	1029384756	
7	B	Romi	5647382910	
8	C	Emily	1092387456	
9	C	Faith	1122334455	
10	C	Isabella	9988776655	
11	C	Katelynn	5556667778	
12	C	Nicholas	3334445556	

# Data Collection Website (LEA Certification Page)

California DEPARTMENT OF EDUCATION

Palmdale Elementary | [Logout](#)

IEP Implementation System

[Overview](#) [Settings](#)

## IEP Implementation Submission

[← Return to Overview](#)

### Confirm and Submit

Please review and confirm the following information before submission (use the "Return to Overview" link to edit your responses before submitting if needed):

LEA Name	Palmdale Elementary
CDS Code	19648570000000
SELPA Name	Antelope Valley
Submitter Name	<input type="text"/>
Submitter Title	<input type="text"/>
Submitter Email	<input type="text"/>
Submitter Phone	<input type="text"/>
Submitter Phone Ext.	<input type="text" value="Optional"/>

**On behalf of the Superintendent of the district and/or Principal, I certify that the data submitted is true and accurate to the best of my knowledge.**

[Submit IEP Implementation Data](#)

**Note:** Once submitted, no changes may be made and the data will be submitted to SELPA for review.

# Data Collection Website (LEA, Confirmation)

Palmdale Elementary | [Logout](#)  
IEP Implementation System

Overview Settings

## Palmdale Elementary

### 2022 Overview

LEA Name	Palmdale Elementary
CDS Code	19648570000000
SELPA Name	Antelope Valley
LEA Due Date	September 9, 2022
Submission Status	Awaiting SELPA Review

### User Actions

- [Download Student Records](#)

### Sampled Students

Filter by Name or SSID (partial OK) [Filter](#)

Showing 1 - 10 of 500 Students →

Student Name (Last, First) ↑	Statewide Student Identifier (SSID)
------------------------------	-------------------------------------

### SWD IEP Implementation Success Rates

95-100% ⓘ	<input type="text" value="350"/>
90-94.9% ⓘ	<input type="text" value="100"/>
Less Than 90% ⓘ	<input type="text" value="50"/>
Total Students	500 of 500 Sampled

# Data Collection Website (SELPA View 2)

California DEPARTMENT OF EDUCATION

Antelope Valley | [Logoff](#)

IEP Implementation System

Overview Settings

## Antelope Valley

### 2022 Overview

SELPA Name	<b>Antelope Valley</b>
SELPA Code	<b>1911</b>
LEA Status	<b>0 of 1 LEAs are Approved</b>

### User Actions

- [Download LEA Records](#)

### LEA Submission(s)

LEA Name CDS Code	Submission Status	Contact Email	Action
Palmdale Elementary 19648570000000	<b>Awaiting Review</b> Submitted on <b>November 23, 2022</b>		<a href="#">Review Submission</a>

# Data Collection Website (SELPA Review, Approval)

California DEPARTMENT OF EDUCATION  
IEP Implementation System

Overview Settings

### Palmdale Elementary

[Return to SELPA Overview](#)

#### 2022 Overview

LEA Name	Palmdale Elementary
CDS Code	1964857000000
SELPA Name	Antelope Valley
LEA Due Date	September 9, 2022
Submission Status	Awaiting SELPA Review

#### User Actions

- [Download Student Records](#)

#### Sampled Students

Filter by Name or SSID (partial OK)

Showing 10 of 500 Students

Student Name (Last, First)	Statewide Student Identifier (SSID)
----------------------------	-------------------------------------

#### SWD IEP Implementation Success Rates

95-100%	350
90-94.9%	100
Less Than 90%	50

Total Students: 500 of 500 Sampled

#### SELPA Review

Approve Submission

Reject Submission

Provide actionable feedback to the LEA:

# Data Collection Website (SELPA, Confirmation)

California DEPARTMENT OF EDUCATION

Antelope Valley | [Logoff](#)

IEP Implementation System

Overview Settings

## Antelope Valley

### 2022 Overview

SELPA Name	<b>Antelope Valley</b>
SELPA Code	<b>1911</b>
LEA Status	<b>1 of 1 LEAs are Approved</b>

### User Actions

- [Download LEA Records](#)

### LEA Submission(s)

LEA Name CDS Code	Submission Status	Contact Email	Action
Palmdale Elementary 1964857000000	<b>Approved</b> Approved on <b>November 23, 2022</b>		<a href="#">View Submission</a>

# Data Validation Requirements

- CDE will require that each **Superintendent** (or designee) of each **LEA certify** to the State that the data submitted regarding an LEA's implementation of IEP services are accurate and that school principals have certified to the LEA's Superintendent that such submitted data are accurate; and
- To assess the validity and reliability of data submitted in response to the State's annual statewide data collection regarding an LEA's implementation of IEP services, for those LEAs who submit such data, the State will randomly select 10% of those LEAs and audit the data submitted by those LEAs regarding the LEA's implementation of IEP services
- If selected for review, the follow up survey response by LEAs is mandatory

# Goals/Summary

- Statewide data collection to help the State identify LEAs that are not implementing the services promised in Individualized Education Programs (IEPs)
- Help improve LEA's program efficiency and effectiveness through monitoring special education services to students across California.
- Questions? Please send an email to [IEPimplementation@cde.ca.gov](mailto:IEPimplementation@cde.ca.gov)