

RESPONSE FORM: 2023-2024 Marin Civil Grand Jury Report

Report Title: _____

Respondent/Agency Name: _____

Submitter Name: _____ Title: _____


FINDINGS

- Agree with the findings numbered: _____
- Disagree *partially* with the findings numbered: _____
- Disagree *wholly* with the findings numbered: _____

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

RECOMMENDATIONS

- Recommendations numbered _____ have been implemented.
(Attach a **summary** describing the implemented actions.)
- Recommendations numbered _____ have not yet been implemented, but will be implemented in the future.
(Attach a **timeframe** for the implementation.)
- Recommendations numbered _____ 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 _____ will not be implemented because they are not warranted or are not reasonable.
(Attach an **explanation**.)

Date: _____ Signed:  _____

Number of pages attached: 103



**LARKSPUR-
CORTE MADERA
SCHOOL DISTRICT**

Board of Trustees: Beth Blair, Natalie Medved, Amir Movafaghi, Eric Schmutz, Annie Sherman
Superintendent: Brett Geithman, Ed.D.

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August 15, 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 Larkspur Corte Madera School District 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 Larkspur Corte Madera School District's responses.

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

Sincerely,

Brett Geithman, Ed.D.
Superintendent

PDF file sent to CourtroomL@marin.courts.ca.gov and foreperson@MarinCivilGrandJury.org

Larkspur-Corte Madera School District Response

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

The Larkspur-Corte Madera School District agrees that communication with parents regarding the provision of special education services is critical; however, the initial communication with Larkspur-Corte Madera School District parents/guardians regarding special education services takes place when all general education interventions have been exhausted or the student is demonstrating acute educational needs that likely could not be addressed without the provision of special education support and services - and not before. The Larkspur-Corte Madera School District's communications with parents/guardians typically center on a child's present levels when compared to developmental milestones or age/grade level behavioral/academic expectations, not the provision of special education services - unless such discussions are warranted. The Larkspur-Corte Madera School District's approach is driven by 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."

To ensure that all parents and guardians are made aware of the availability of special education services, the Larkspur-Corte Madera School District provides annual notice regarding special education and the Child Find process to all families of children enrolled within the district (see the 2024-2025 Larkspur-Corte Madera School District's Annual Notice driven by California Education Code 56301 attached). Additionally, when general education supports are not successful in addressing a student's needs, and again consistent with California Education Code 56301, all children within the Larkspur-Corte Madera School District who are *or* may be in need of special education and related services, are identified, located, and assessed. It is at this time, when the "Child Find" process has been initiated and a student is suspected of having a disability, that specific communication related to special education services takes place.

Once the Child Find process is activated, Larkspur-Corte Madera School District parents/guardians receive a more explicit and lengthy communication that provides a full explanation of parent's special education rights within thirteen identified categories. That statement of rights, commonly referred to as "Procedural Safeguards," is provided to Larkspur-Corte Madera School District parents upon initial referral for special education services and at least annually thereafter if the child is receiving special education services (see sample Procedural Safeguards attached).

All of the activities above permit the Larkspur-Corte Madera School District to meet or exceed their Child Find obligations under state and federal law.

- 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, the Larkspur-Corte Madera School District did 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 the Larkspur-Corte Madera School District website does serve an important function related to generalized one-way communication with our school community, the Larkspur-Corte Madera School District elects to communicate with families regarding the federal and state laws concerning special education in many other ways, such as in-person meetings, phone calls, student study teams meetings, and Individualized Education Program (IEP) meetings, etc.

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). This is first accomplished by the Marin County Special Education Local Plan Area (SELPA) developing and adopting an annual special education service plan consistent with California Education Code 56205(b)(2). The plan (see attached Marin County SELPA 2024-2025 Service Plan) includes a description of special education services to be provided by the Larkspur-Corte Madera School District, including the nature of the services and the physical location at which the services will be provided. 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 Marin County SELPA website (see <https://selpa.marinschools.org/about-selpa>).

It would be misleading to attempt to describe the specific special education services available under the IDEA on the Larkspur-Corte Madera School District's website. Every student with an Individualized Education Program (IEP) is unique and the range of services available to a student is dependent on the identified needs of the student and the recommendation(s) of the IEP team. By design, IEP service delivery is something that cannot be meaningfully prepackaged into a list or description. More importantly, posting a listing of possible IEP services available to students removes the "Individualized" from the IEP.

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 the Larkspur-Corte Madera School District with online access to develop Individualized Education Programs (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 school districts in Marin County, the Larkspur-Corte Madera School District is recording and tracking 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 the Larkspur-Corte Madera School District to help determine if special education services are being delivered at the frequency and duration indicated in the last agreed upon IEP. The Larkspur-Corte Madera School District will provide the requested information to the parent/guardian (electronically or otherwise) and work to address any reported discrepancies in service delivery, if needed.

- 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. The Larkspur-Corte Madera School District is 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. The Larkspur-Corte Madera School District is 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

The Larkspur-Corte Madera School District is currently utilizing a system to effectively maintain the necessary information to track Individualized Education Program (IEP) service delivery at no cost to the district. The Larkspur-Corte Madera School District has ensured all service providers understand their obligation to deliver services in accordance with each student's agreed upon IEP. The service tracking system is actively and effectively working to meet all the current service tracking requirements identified by the California Department of Education (see attached). Additionally, the service tracking system is directly connected to other unique school district data management operations. Transferring to another system would be an unnecessary hardship to the Larkspur-Corte Madera School District and does not appear warranted at this time.

- 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.

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

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	https://www.smcfrc.org/

Organization	Counties Served	Website
Alpha Family Resource Center	Santa Barbara	https://alphasb.org/
Exceptional Family Resource Center (EFRC)	Imperial, San Diego	https://efrconline.org/
Exceptional Parents Unlimited (EPU)	Fresno, Kings	https://www.epuchildren.org/
Exceptional Parents Unlimited (EPU)	Madera	https://www.epuchildren.org/
Family Focus Resource and Empowerment Center	North Los Angeles (San Fernando, Santa Clarita, Antelope Valley)	https://csun.edu/family-focus-resource-center
Family Resource Navigators	Alameda	https://familyresourcenavigators.org/
Family SOUP	Colusa, Sutter, Yuba	http://www.familysoup.org/
H.E.A.R.T.S. Connection Family Resource Center and Empowerment Center	Kern	http://www.heartsfrc.org/
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)	https://www.helunahealth.org/partners/eastern-los-angeles-regional-family-resource-center/
Matrix Parent Network & Resource Center	Napa, Solano, Sonoma	https://www.matrixparents.org/
Matrix Parent Network	Marin	https://www.matrixparents.org/
Parents Helping Parents, Inc.	Santa Clara	https://www.php.com/
Parents Helping Parents San Luis Obispo	San Luis Obispo	http://www.php slo.org/

Organization	Counties Served	Website
The Parents' Place Family Resource Center	Los Angeles (San Gabriel Valley, Pomona)	http://www.parentsplacefrc.com/
Plumas Rural Services, Inc.	Lassen, Modoc, Plumas, Sierra	https://www.plumasruralservices.org/
Rowell Family Empowerment of Northern California (RFENC)	Butte, Glenn, Shasta, Siskiyou, Tehama, Trinity	https://rfenc.org/Home/
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)	https://sclarc.org/
Special Kids Connect	Monterey	https://specialkidsconnect.org/
Special Parents Information Network (SPIN)	San Benito, Santa Cruz	https://www.spin.org/
Support for Families of Children with Disabilities	San Francisco	https://www.supportforfamilies.org/
Team of Advocates for Special Kids, Inc. (TASK)	Orange	https://taskca.org/
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)	https://taskca.org/

Organization	Counties Served	Website
Team of Advocates for Special Kids, Inc. (TASK)	Los Angeles (Signal Hill, Long Beach, Catalina Island)	https://taskca.org/
Team of Advocates for Special Kids, Inc. (TASK)	Los Angeles (Lakewood, East Lakewood, Hawaiian Gardens, Bellflower, Norwalk/Little Lake, Artesia, Cerritos)	https://taskca.org/
Warmline Family Resource Center	Alpine, El Dorado, Nevada, Placer, Sacramento, Yolo	http://www.warmlinefrc.org/
Westside Family Resource Center	West Los Angeles	http://wfrec.org/

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

SELPA

Fiscal Year

LOCAL PLAN
Section E: Annual Service Plan
SPECIAL EDUCATION LOCAL PLAN AREA



California Department of Education

Special Education Division

Local Plan Annual Submission

SELPA:

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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 (01), 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).

Section E: Annual Service Plan

SELPA:

Fiscal Year:

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).

Section E: Annual Service Plan

SELPA:

Fiscal Year:

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

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.

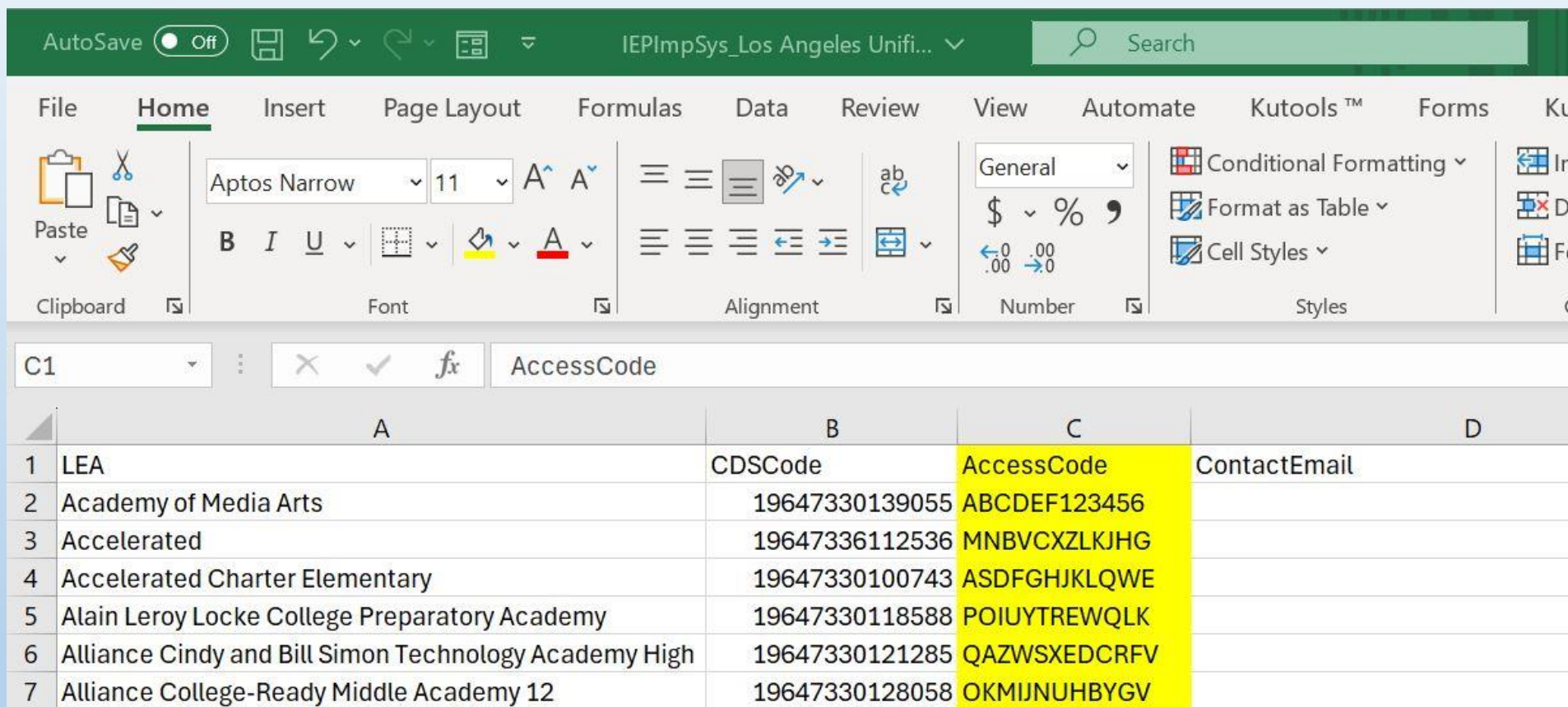
Data Collection Website (SELPA View 1)

The screenshot shows the IEP Implementation System dashboard for Los Angeles Unified. At the top left is the California Department of Education logo. At the top right is a 'Logoff' button. Below the logo is a dark blue navigation bar with the word 'Dashboard'. The main heading is 'Los Angeles Unified'. There are two main sections: '2023 Overview' and 'User Actions'. The '2023 Overview' section contains a table with the following data:

SELPA Name	Los Angeles Unified
SELPA Code	1914
LEA Status	

The 'User Actions' section contains a single link: 'Download LEA Records', which is circled in green.

SELPA View of LEA Access Codes



The screenshot shows the Microsoft Excel interface with the following data table:

	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 | [Logoff](#)

California DEPARTMENT OF EDUCATION
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: **Past Due Date**
Please submit as soon as possible

User Actions

- Download Student Records
- Submit IEP Data

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%

90-94.9%

Less Than 90%

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.

AutoSave Off

File Home Insert Page Layout Formulas

Aptos Narrow 11

B I U

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)

Palmdale Elementary | [Logoff](#)

California DEPARTMENT OF EDUCATION
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.



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 | [Logoff](#)

California DEPARTMENT OF EDUCATION

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% ⓘ	350
90-94.9% ⓘ	100
Less Than 90% ⓘ	50
Total Students	500 of 500 Sampled

Data Collection Website (SELPA View 2)



Antelope Valley | [Logoff](#)

IEP Implementation System

Overview Settings

Antelope Valley

2022 Overview

SELPA Name	Antelope Valley
SELPA Code	1911
LEA Status	0 of 1 LEAs are Approved

User Actions

- [Download LEA Records](#)

LEA Submission(s)

LEA Name CDS Code	Submission Status	Contact Email	Action
Palmdale Elementary 19648570000000	Awaiting Review Submitted on November 23, 2022		Review Submission

Data Collection Website (SELPA Review, Approval)

The screenshot displays the IEP Implementation System interface for Palmdale Elementary. At the top, the California Department of Education logo is visible, along with the text 'Antelope Valley | Logout' and 'IEP Implementation System'. A navigation bar includes 'Overview' and 'Settings'. The main header identifies the school as 'Palmdale Elementary' and provides a link to 'Return to SELPA Overview'.

The '2022 Overview' section lists the following details:
LEA Name: Palmdale Elementary
CDS Code: 19648570000000
SELPA Name: Antelope Valley
LEA Due Date: September 9, 2022
Submission Status: Awaiting SELPA Review

The 'User Actions' section contains a link for 'Download Student Records'.

The 'Sampled Students' section features a search filter 'Filter by Name or SSID (partial OK)' and a 'Filter' button. It indicates 'Showing 1 - 10 of 500 Students' and includes a table with columns for 'Student Name (Last, First)' and 'Statewide Student Identifier (SSID)'. The table is currently empty.

The 'SWD IEP Implementation Success Rates' section shows three categories with their respective counts:
95-100%: 350
90-94.9%: 100
Less Than 90%: 50
Total Students: 500 of 500 Sampled

The 'SELPA Review' section contains two radio button options:
 Approve Submission
 Reject Submission
Below the 'Reject Submission' option is a text input field labeled 'Provide actionable feedback to the LEA:' with a placeholder '[Enter Reason For Rejection]'. A green box highlights the 'Approve Submission' option, and a red box highlights the 'Reject Submission' option and its feedback field. A green arrow points from the bottom of the 'Sampled Students' table to a 'Save Data And Go To Overview' button.

Data Collection Website (SELPA, Confirmation)

Antelope Valley | [Logoff](#)

California DEPARTMENT OF EDUCATION

IEP Implementation System

Overview Settings

Antelope Valley

2022 Overview

SELPA Name	Antelope Valley
SELPA Code	1911
LEA Status	1 of 1 LEAs are Approved

User Actions

- [Download LEA Records](#)

LEA Submission(s)

LEA Name CDS Code	Submission Status	Contact Email	Action
Palmdale Elementary 19648570000000	Approved Approved on November 23, 2022		View Submission

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

**ANNUAL NOTICE TO PARENTS
2023-2024**

DEAR PARENT/GUARDIAN:

Section 48980 of the Education Code of California requires that notice be given at the beginning of the first semester or quarter of the regular school term to the parent or guardian of the minor pupils in the school district regarding the rights of the parent or guardian under sections 35291, 46014, 46015, 48205, 48207, 48208, 49403, 49423, 49451, 49472, 51938, Chapter 2.3 (commencing with section 32255) of Part 19, and notice of the availability of the program prescribed by Article 9 (commencing with section 49510) of Chapter 9 and of the availability of individualized instruction under section 48206.3. If the notice is provided in electronic format, the parent or guardian must submit receipt of this notice.

Some legislation requires additional notification to the parents or guardians during the school term or at least 15 days prior to a specific activity. (A separate letter will be sent to parents or guardians prior to any of these specified activities or classes, and the student will be excused whenever the parents or guardians file with the principal of the school a statement in writing requesting that their child not participate.) Other legislation grants certain rights that are spelled out in this form.

Accordingly, you are hereby notified as follows (when used in this notification "parent" includes a parent or legal guardian):

STUDENT DISCIPLINE

RULES AND PROCEDURES ON SCHOOL DISCIPLINE (EC §35291): Rules pertaining to student discipline, including those that govern suspension or expulsion, are set forth in Education Code Sections 48900 and following, and are available upon request from the school. In addition, the following disciplinary information is provided to parents:

DUTY CONCERNING CONDUCT OF PUPILS (EC §44807): Every teacher shall hold pupils accountable for their conduct on the way to and from school, and on the playground.

DUTIES OF PUPILS (5 CCR §300): Pupils must conform to school regulations, obey all directions, be diligent in study, be respectful of teachers/others in authority, and refrain from profane/vulgar language.

HAZING PROHIBITION (EC §48900(q)): Pupils and other persons in attendance are prohibited from engaging or attempting to engage in hazing.

DRESS CODE/GANG APPAREL (EC §35183): The district is authorized to adopt a reasonable dress code.

ATTENDANCE OF SUSPENDED PUPIL'S PARENT (EC §48900.1; LC §230.7): If a teacher suspends a student, the teacher may require the child's parent to attend a portion of the school day in his or her child's class. Employers may not discriminate against parents who are required to comply with this requirement.

SCHOOL ACCOUNTABILITY REPORT CARD (EC §35256, 35258): Districts are to make a concerted effort to notify parents of the purpose of school accountability report cards, and ensure that all parents have access to a copy.

SAFE PLACE TO LEARN ACT (EC §234.1): The district is committed to maintaining a learning and working environment that is free from bullying, as defined in EC §48900(r). Any student who engages in bullying of anyone in or from the district may be subject to disciplinary action up to and including expulsion. The district's policies and process for filing a complaint should be publicized to pupils, parents, employees and agents of the governing board. The notice shall be in English and in the primary language of the recipient. For a copy of the district's anti-discrimination, anti-harassment, anti-intimidation, and anti-bullying policies or to report incidences of bullying, please contact the district office. These policies shall be posted in schools and offices.

SCHOOL RECORDS AND ACHIEVEMENT

PUPIL RECORDS/NOTICE OF PRIVACY RIGHTS OF PARENTS AND STUDENTS (EC §49063 et seq., §49069.7, §49073, 34 CFR 99.30, 34 CFR 99.34, and the federal Family Educational Rights and Privacy Act): Federal and state laws concerning student records grant certain rights of privacy and right of access to students and to their parents. Full access to all personally identifiable written records concerning student records maintained by the school district must be granted to: (1) Parents of students 17 and younger; (2) Parents of students age 18 and older if the student is a dependent for tax purposes and the records are needed for a legitimate educational purpose; (3) Students age 18 and older, or students who are enrolled in an institution of postsecondary instruction (called "eligible students"); (4) Pupils age 14 and over who are identified as both homeless and an unaccompanied youth; (5) Individuals who have completed and signed a Caregiver's Authorization Affidavit.

Parents, or an eligible student, may review individual records by making a request to the principal. Districts must respond to a pupil record request by providing access no later than five business days following the date of the request. The principal will see that explanation and interpretations are provided if requested. Information that is alleged to be inaccurate or inappropriate may be removed upon request. In addition, parents or eligible students may receive a copy of any information in the records at reasonable cost per page. District policies and procedures relating to: location of, and types of records; kinds of information retained; availability of certificated personnel to interpret records if requested; persons responsible for records; directory information; access by other persons; review and challenge of records are available through the principal at each school. When a student moves to a new district, records will be forwarded upon the request of the new school district within ten school days. At the time of transfer, the parent or eligible student may review, receive a copy (at a reasonable fee), and/or challenge the records.

If you believe the district is not in compliance with federal regulations regarding privacy, you may file a complaint with the United States Department of Education (20 USC §1232g).

You have the right to inspect all instructional materials which will be used in connection with any survey, analysis, or evaluation as part of any applicable program.

RELEASE OF PUPIL DIRECTORY INFORMATION (EC §49073, 34 CFR 99.37): The district also makes student directory information available in accordance with state and federal laws. This means that each student's name, birth date, address, telephone number, email address, major course of study, participation in officially recognized school activities, dates of attendance, degrees and awards received, and most recent previous public or private school attendance may be released in accordance with board policy. In addition, height and weight of athletes may be made available. Appropriate directory information may be provided to any agency or person except private, profit-making organizations (other than employers, potential employers or the news media). Directory information does not include citizenship

status, immigration status, place of birth, or any other information indicating national origin (except where the district receives consent as required under state law). Names and addresses of seniors or terminating students may be given to public or private schools and colleges. Parents and eligible students will be notified prior to the destruction of any special education records. You have the right to inspect a survey or other instrument to be administered or distributed to your child that either collects personal information for marketing or sale or requests information about beliefs and practices and any instructional material to be used as part of your child's educational curriculum. Please contact your child's school if you wish to inspect such a survey or other instrument.

Upon written request from the parent of a student age 17 or younger, the district will withhold directory information about the student. If the student is 18 or older or enrolled in an institution of postsecondary instruction and makes a written request, the student's request to deny access to directory information will be honored. Requests must be submitted within 30 calendar days of the receipt of this notification. (Opt-out option available by emailing mokeeffe@icmschools.org and providing each of your students' names, schools, and grade levels no later than October 15, 2023). Additionally, directory information related to homeless or unaccompanied youths will not be released without the express written consent for its release by the eligible pupil or guardian.

RELEASE OF INFO TO MILITARY SERVICES REPS / RELEASE OF TELEPHONE NUMBERS (EC §49073.5; 20 USC §7908): Parents of secondary students may request in writing that the student's name, address, and telephone listing not be released to armed forces recruiters without prior written parental consent.

PARTICIPATION IN STATE ASSESSMENTS AND OPTION TO REQUEST EXEMPTION (EC § 60615, 5 CCR § 852): Pupils in applicable grade levels will participate in the California Assessment of Student Performance and Progress (CAASPP) except as exempted by law. Each year, a parent may submit a written request to excuse his or her child from any or all parts of the CAASPP assessments for that school year. If the parent submits the exemption request after testing begins, any test(s) completed before the request is submitted will be scored; the results will be included in the pupil's records and reported to the parent. School district employees will not solicit or encourage any exemption request on behalf of a pupil or group of pupils.

HIGH SCHOOL CURRICULUM: NOTIFICATION REGARDING COLLEGE PREPARATORY COURSES (EC §51229): Districts are required to provide parents of each minor pupil enrolled in grades 9 to 12 written notice of college admission requirements and career technical education courses.

ADVANCED PLACEMENT EXAMINATION FEES (EC §48980(j), EC §52242): State funds are available to cover the costs of advanced placement examination fees.

RELEASE OF STUDENT RECORDS/COMPLIANCE WITH SUBPOENA OR COURT ORDER (EC §§49076 and 49077): Districts are required to make a reasonable effort to notify parents in advance of disclosing student information pursuant to a subpoena or court order.

RELEASE OF STUDENT RECORDS TO SCHOOL OFFICIALS AND EMPLOYEES OF THE DISTRICT (EC §§49076(a)(1) and 49064(d)): Districts may release educational records, without obtaining prior written parental consent, to any school official or employee, which would include accountants, consultants, contractors, or other service providers, who have a legitimate educational interest in the educational record.

HEALTH SERVICES

CHILD HEALTH AND DISABILITIES PREVENTION PROGRAM (H&SC §124085): Physical examinations are required as a prerequisite for enrollment in the first grade. Free health screening may be available through the local health department. Failure to comply with this requirement or sign an appropriate waiver may result in exclusion of your child from school for up to five days.

PHYSICAL EXAMINATION; PARENT REFUSAL TO CONSENT (EC §49451): A child may be exempt from physical examination whenever the parents file, annually, a written statement with the school principal stating that they will not consent to routine physical exam of their child. Whenever there is good reason to believe the child is suffering from a recognized contagious disease, the child will be excluded from school attendance.

VISION APPRAISAL (EC §49455): The district is required to appraise each student's vision during kindergarten, upon initial enrollment, and in grades 2, 5, and 8. Appraisal in the year immediately following a student's first enrollment in grades 4 or 7 shall not be required. The appraisal shall include tests for visual acuity, near vision, and color vision; however, color vision shall be appraised once and only on male students. The evaluation may be waived upon presentation of a certificate from a physician, surgeon, physician's assistant, or optometrist setting out the results of a determination of the student's vision, including visual acuity and color vision. This appraisal is not required if a parent files a written objection based on a religious belief with the principal.

SCOLIOSIS SCREENING NOTICE (EC §§49451 and 49452.5): In addition to the physical examinations required pursuant to Sections 100275, 124035 and 124090 of the Health and Safety Code, the district may provide for the screening of every female student in grade 7 and every male student in grade 8 for the condition known as scoliosis.

DENTAL FLUORIDE TREATMENT (H&SC §104830 et seq.): Pupils will be provided the opportunity to receive the topical application of fluoride or other decay-inhibiting agent to each pupil's teeth if the parent, or eligible pupil submits a letter stating that the treatment is desired.

PUPIL NUTRITION/NOTICE OF FREE AND REDUCED PRICE MEALS (EC §§48980(b), 49510, 49520 and 49558): Needy children may be eligible for free or reduced price meals. Details, eligibility criteria, and applications to participate in a free or reduced price meal program if it is available are available at your child's school. Individual records pertaining to student participation in any free or reduced-price meal program may, under appropriate circumstances, be used by school district employees to identify students eligible for public school choice and services pursuant to the federal Every Student Succeeds Act. When a household is selected for verification of eligibility for free and reduced meals, the District must notify the parent that their child(ren)'s eligibility is being verified.

COMMUNICABLE DISEASES (EC §48216 and 49403): The district is authorized to administer immunizing agents to pupils whose parents have consented in writing to the administration of such immunizing agent. The district is required to exclude pupils who have not been properly immunized pursuant to Health and Safety Code 120325 and 120335. The district must notify parents that they have two weeks to supply evidence either that the pupil has been properly immunized or is exempted from the requirement. All students entering kindergarten, advancing from sixth to seventh grade in the district, or prior to his or her first admission to the district, will be required to comply with the immunization requirements of Health and Safety Code section 120335, unless the student provides the district with a valid exemption from a licensed physician. No new personal belief exemptions will be accepted. Students with personal-belief exemptions on file with the district as of January 1, 2016, shall be allowed to continue enrollment until entering the next grade span in the district. Grade spans are defined as birth through preschool, K-6, including

transitional kindergarten, and 7-12. Students qualified for an individualized education program may access special education and related services as required by his or her individualized educational program.

MEDICATION (EC §49423, §49423.1): Any student who must take prescribed medication at school and who desires assistance of school personnel must submit a written statement of instructions from the physician and a parental request for assistance in administering the medication. Students may also carry and self-administer prescription auto-injectable epinephrine and prescription inhaled asthma medication upon the school's receipt of specified written confirmation with instructions for self-administration and authorization from the student's parent and physician or surgeon. The parent must release the school district and personnel from liability for any harm resulting from the self-administered medication, and provide a release for authorized school personnel to consult with the physician or surgeon.

MEDICAL AND HOSPITAL SERVICES FOR PUPILS (EC §§49471 and 49472): The district is required to notify parents in writing if it does not provide or make available medical and hospital services for students injured while participating in athletic activities. The district is also authorized to provide medical or hospital services through non-profit membership corporations or insurance policies for student injuries arising out of school-related activities.

AVAILABILITY OF INDIVIDUALIZED INSTRUCTION/PRESENCE OF PUPIL WITH TEMPORARY DISABILITY IN HOSPITAL (EC §§48206.3, 48207-48208): Individualized instruction is available to students with temporary disabilities whose disability makes attendance in the regular day classes or alternative education program in which the student is enrolled impossible or inadvisable. Parents of students hospitalized or with a temporary disability shall notify the school district(s) where the student attends, resides and/or where the student receives care if an individualized instruction program is desired.

CONTINUING MEDICATION REGIMEN (EC §49480): Parents of any student on a continuing medication regimen for a non-episodic condition shall inform the school nurse or other designated certificated school employee of the medication(s) being taken, the current dosage, and the name of the supervising physician. (**See attached form.**) With the consent of the parent, the school nurse may communicate with the physician and may counsel with school personnel regarding the possible effects of the drug on the child's physical, intellectual, and social behavior, as well as possible behavioral signs and symptoms of adverse side effects, omission, or overdose.

SUN PROTECTIVE CLOTHING/USE OF SUNSCREEN (EC §35183.5): School sites must allow for outdoor use of sun-protective clothing and must allow students to use sunscreen, without a prescription or physician's note, during the school day.

ASBESTOS (40 CFR 763.84, 40 CFR 763.93): The district has a plan for eliminating health risks that are created by the presence of asbestos in school buildings. It may be reviewed at the district office. At least once each year, the district will notify parents of inspections, response actions, and post-response action activities that are planned or in progress.

USE OF PESTICIDES (EC §§17611.5, 17612 and 48980.3): School districts are required to inform parents about the use of pesticides on school grounds and provide access to the integrated pest management plan when certain pesticides are used. (**See attached.**)

COMPREHENSIVE SCHOOL SAFETY PLAN (EC §§32280 et seq.): Each school is required to report on the status of its school safety plan, including a description of its key elements, in the annual school accountability report card (SARC). The planning committee is required to hold a public meeting to allow members of the public the opportunity to express an opinion about the school plan. The planning committee shall notify specified persons and entities in writing.

NOTICE OF COMPLIANCE (EC §32289): A complaint of noncompliance with the school safety planning requirements may be filed with the State Department of Education under the Uniform Complaint Procedures (5 CCR 4600 et seq.).

TOBACCO FREE SCHOOLS (HS §104420): Use of tobacco products at any time by students, staff, parents, or visitors, is strictly prohibited in district-owned or leased buildings, on district property, and in district vehicles. This prohibition applies to all employees, students, and visitors at any school-sponsored instructional program, activity, or athletic event held on or off district property. Prohibited products include any product containing tobacco or nicotine, including, but not limited to, smokeless tobacco, snuff, chew, clove cigarettes, and electronic cigarettes that can deliver nicotine and nonnicotine vaporized solutions. Exceptions may be made for the use or possession of prescription nicotine products. Any employee or student who violates the district's tobacco-free schools policy shall be asked to refrain from smoking and shall be subject to disciplinary action as appropriate.

STUDENT SERVICES

MINIMUM AGE OF ADMISSION TO KINDERGARTEN (EC §48000): A child shall be eligible for enrollment in kindergarten at the beginning of the school year or at a later time in the same year, if the child has their fifth birthday, respectively, on or before September 1. For the 2023-24 school year, any child who will have their fifth birthday between September 2 and April 2 shall be admitted to a transitional kindergarten program in accordance with law and district policy. On a case-by-case basis, a child who has reached age five after the date listed above but before the end of the applicable school year, may be admitted to transitional kindergarten with the approval of the child's parent and subject to board approval in accordance with EC §48000. A school district may place a child who will have their fourth birthday on or before December 1 and is enrolled in a California state preschool program into a transitional kindergarten program classroom in accordance with EC §48000.

PREGNANT AND PARENTING PUPILS (EC §§ 221.51, 222, 222.5, 46015): Districts may not exclude nor deny any pupil from any educational program or activity on the basis of the pupil's pregnancy, childbirth, false pregnancy, termination of pregnancy, or recovery therefrom, and shall treat these conditions in the same manner and under the same policies as any other temporary disabling condition. A pregnant or parenting pupil is entitled to 8 weeks of parental leave, or additional leave if deemed medically necessary by the pupil's physician. During parental leave, absences shall be excused and the pupil shall not be required to complete academic work or other school requirements. After return from parental leave, a pupil may resume the course of study in which he/she was previously enrolled, is entitled to make up work missed, and to take a fifth year of high school instruction if necessary to complete graduation requirements. A pupil may elect to attend an alternative education option instead of returning to the school in which he or she was enrolled prior to parental leave. Schools shall provide reasonable accommodations to a lactating pupil on a school campus to express breast milk, breast-feed an infant child, or address other needs related to breast-feeding. A pupil shall not incur an academic penalty as a result of his or her use of these accommodations.

PROSPECTUS OF SCHOOL CURRICULUM (EC §49091.14): The curriculum of every course offered by the schools of the district is compiled annually by each school in a prospectus. Each school prospectus is available for review upon request at each school site. Copies are available upon request for a fee not to exceed the actual copying cost.

MULTILINGUAL EDUCATION (EC §310): If the district implements a language acquisition program pursuant to EC §310, information on the types of language programs available and a description of each program will be made available with this notice or upon enrollment.

SPECIAL EDUCATION (IDEA): State and federal law requires that a free appropriate public education (FAPE) in the least restrictive environment be offered to qualified pupils with disabilities ages 3 through 21 years. More information concerning student eligibility, parental rights and procedural safeguards are available upon request.

SPECIAL EDUCATION; CHILD FIND SYSTEM (EC §56301): Any parent suspecting that a child has exceptional needs may request an assessment for eligibility for special education services through the school principal. Policy and procedures shall include written notification to all parents of their rights pursuant to EC §56300.

SPECIAL EDUCATION COMPLAINTS (5 CCR §3080): State regulations require the district to establish procedures to deal with complaints regarding special education. If you believe that the district is in violation of federal or state law governing the identification or placement of a special education student, or similar issues, you may file a written complaint with the district. State regulations require the district to forward your complaint to the State Superintendent of Public Instruction. Procedures are available from your school principal.

SECTION 504/DISABLED PUPILS (Section 504 of the Rehabilitation Act of 1973): Federal law requires the district to annually notify disabled pupils and their parents of the district's non-discriminatory policy and duty under Section 504 of the Rehabilitation Act.

STATEMENT OF NONDISCRIMINATION (Title VI of the Civil Rights Act of 1964; Title IX of the U.S. Education Amendments of 1972; Americans with Disabilities Act; Section 504 of the Vocational Rehabilitation Act of 1973; EC §200 et seq.): The district does not discriminate on the basis of gender, gender identity, gender expression, sex, race, color, religion, national origin, ethnic group identification, age, genetic information, mental or physical disability, sexual orientation, immigration status, or the perception of one or more of such characteristics. The district's policy of nondiscrimination requires notification in native language if the district's service area contains a community of minority persons with limited English language skills. Notification must state that the district will take steps to assure that the lack of English will not be a barrier to admission and participation in district programs. This policy applies to all students insofar as participation in programs and activities is concerned, with few exceptions such as contact sports. In accordance with federal law, complaints alleging noncompliance with this policy should be directed to the school principal. Appeals may be made to the district superintendent. A copy of the district's nondiscrimination policy is available upon request.

EDUCATIONAL EQUITY REGARDLESS OF IMMIGRATION STATUS, CITIZENSHIP, OR RELIGION (EC §234.7): Children have a right to a free public education, regardless of immigration status, citizenship status, or religious beliefs. When enrolling a child, schools must accept a variety of documents from the student's parent to demonstrate proof of child's age or residency. No information about citizenship/immigration status or Social Security number is required to enroll in school. Parents have the option to provide a school with emergency contact information, including the information of secondary contacts, to identify a trusted adult guardian who can care for a minor student in the event the parent is detained or deported. Parents 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 a minor student. Students have the right to report a hate crime or file a complaint to the school district if they are discriminated against, harassed, intimidated, or bullied on the basis of actual or perceived nationality, ethnicity, or immigration status. The district will not release information to third parties for immigration-enforcement purposes, except as required by law or court order. The California Attorney General's website provides "know your rights" resources for immigrant students and family members online at <https://oag.ca.gov/immigrant/rights>.

FINGERPRINTING PROGRAM (EC §32390): Districts are authorized to offer fingerprinting programs for children enrolled in kindergarten or newly enrolled in the district. If the district has adopted such a program, you will be notified of procedures, applicable fee and your right to decline your child's participation upon your child's initial enrollment.

CHILDREN IN HOMELESS SITUATIONS (42 USC §11431-11435): Each local district shall appoint a liaison for homeless children who shall ensure the dissemination of public notice of the educational rights of students in homeless situations.

SEX / HIV EDUCATION

INSTRUCTION IN COMPREHENSIVE SEXUAL HEALTH EDUCATION AND HIV PREVENTION (EC §51938): The district shall annually notify parents about instruction in comprehensive sexual health education and HIV prevention education and research on student health behaviors and risks planned for the school year. Written and audiovisual educational materials used in such education are available for inspection. If arrangement for the instruction is made after the beginning of the school year, parents will be notified no fewer than 14 days prior to the commencement of any such instruction if the district elects to provide the instruction by outside consultants in class or during an assembly. The notice must include the date of instruction, the name of the organization or affiliation of each guest speaker and information stating that the parent has the right to request a copy of the law pertaining to such instruction. Parents have the right to excuse his or her child from all or part of the comprehensive sexual health and HIV prevention education by submitting a written request to the district. Those students whose parents do not submit a written request to excuse them will receive such instruction. The law also authorizes the district, without prior parental consent, to use anonymous, voluntary and confidential research and evaluation tools to measure student's health behaviors and risks, including tests, questionnaires, and surveys containing age appropriate questions in grades 7 to 12 about the student's attitudes concerning or practices relating to sex. The district must notify parents in writing before any such test, questionnaire, or survey is administered and provide them with an opportunity to review the materials. Parents have the right to excuse his or her child from such participation by submitting a written request to the school district.

HEALTH INSTRUCTION/CONFLICTS WITH RELIGIOUS TRAINING AND BELIEFS (EC §51240): Upon written request of a parent, students shall be excused from part of any school instruction in health if it conflicts with the religious training and beliefs of a parent.

SCHOOL ATTENDANCE/ATTENDANCE ALTERNATIVES

California law (EC §48980(g)) requires all school boards to inform each student's parent at the beginning of the school year of the various ways in which they may choose schools for their children to attend other than the ones assigned by school districts. Students who attend schools other than those assigned by the districts are referred to as "transfer students" throughout this notification. There is one process for choosing a school within the district which the parent lives (intradistrict

transfer), and potentially three separate processes for selecting schools in other districts (interdistrict transfer). The general requirements and limitations of each process are described as follows:

Choosing a School Within District in Which Parent Lives:

The law (EC §35160.5(b)) requires the school board of each district to establish a policy that allows parents to choose the schools their children will attend, regardless of where the parent lives in the district. The law limits choice within a school district as follows:

- Students who live in the attendance area of a school must be given priority to attend that school over students who do not live in the school's attendance area.
- In cases in which there are more requests to attend a school than there are openings, the selection process must be "random and unbiased," which generally means students must be selected through a lottery process rather than on a first-come, first-served basis. A district cannot use a student's academic or athletic performance as a reason to accept or reject a transfer.
- Each district must decide the number of openings at each school which can be filled by transfer students. Each district also has the authority to keep appropriate racial and ethnic balances among its schools, meaning that a district can deny a transfer request if it would upset this balance or would leave the district out of compliance with a court-ordered or voluntary desegregation program.
- Each district may adopt a school selection policy that takes into consideration special circumstances that might be harmful or dangerous to a particular pupil, whether the sibling of the pupil is already in attendance at the school, and/or whether the pupil's parent is employed at the school.
- 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.

Choosing a School Outside District in Which Parent Lives:

Parents have three different options for choosing a school outside the district in which they live. The three options are:

Option 1: Districts of Choice (EC §§48300 through 48315): The law allows, but does not require, each school district to become a "district of choice" – that is, a district that accepts transfer students from outside the district under the terms of the referenced Education Code sections. If the school board of a district decides to become a "district of choice" it must determine the number of students it is willing to accept in this category each year and accept all pupils who apply to transfer until the school district is at maximum capacity. The school district of choice shall ensure that pupils admitted under this article are selected through an unbiased process that prohibits consideration of factors such as academic or athletic performance, physical conditions, or proficiency in English. If the district chooses not to become a "district of choice," a parent may not request a transfer under these provisions. Other provisions of the "district of choice" option include:

- Either the district a student would transfer to or the district a student would transfer from may deny a transfer if it will negatively affect the racial and ethnic balance of the district, or a court-ordered or voluntary desegregation plan. A district of choice cannot deny a transfer request on the basis that the costs to provide services exceeds the revenue received, but it may reject a request if doing so would require the creation of a new program. However, the district of choice may not deny the transfer of any special needs student, including an individual with exceptional needs, or an English Learner student even if the cost to educate the student exceeds the revenue received or the creation of a new program is required. The district a student would be leaving may also limit the total number of students transferring out of the district each year to a specified percentage of its total enrollment, depending on the size of the district.
- Communications to parents by a school district of choice shall be factually accurate and shall not target students based upon academic ability, athletic performance, or other personal characteristics.
- The district of choice must post transfer application information on its website, including any applicable forms, the timeline for a transfer, and an explanation of the selection process.
- All communications from a school district of choice regarding transfer opportunities must be available in all languages for which translations are required in the school district of residence under EC §48985.
- No student who currently attends a school or lives within the attendance area of a school can be forced out of that school to make room for a student transferring under these provisions.
- Entrance priority must be given as follows:
 - Siblings of students already attending school in the "district of choice" must be given first priority.
 - Pupils eligible for free or reduced-price meals must be given second priority.
 - Children of military personnel must be given third priority.
- A parent may request transportation assistance within the boundaries of the "district of choice." The district is required to provide transportation only to the extent it already does so.
- A school district in which an active military duty parent of a student resides shall not deny the transfer of that student to a school in any district, if the school district to which the parent of the student applies approves the application for transfer.

Option 2: Other Interdistrict Transfers (EC §46600 et seq.): 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. Districts of residence may not deny a transfer of a student whose parent is active duty military where the district of proposed enrollment approves the application, or for students who are the victim of an act of bullying unless the requested school is at maximum capacity. The law on interdistrict transfers also provides for the following:

- 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.

Option 3: Parental Employment in Lieu of Residency Transfers (EC §48204(b)): If at least one parent of a student is physically employed in the boundaries of a school district other than the one in which they live for a minimum of 10 hours during the school week, the student may be considered a resident of the school district in which their parents work. 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 EC §48204(b) include:

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

Open Enrollment Act (EC §48350 et seq.)

Whenever a student is attending a district school on the Open Enrollment List, as identified by the Superintendent of Public Instruction, the student may apply to transfer to another school within or outside of the district, if the school to which they are transferring has a higher Academic Performance Index. Districts with a school on the List must notify the parents at that school on or before the first day of the school year of their option to transfer to another public school. Information regarding the application process and applicable deadlines can be obtained from the district office.

This summary provides an overview of the laws applicable to school attendance for each alternative. Additional information is available upon request.

NOTICE OF ALTERNATIVE SCHOOLS (EC §58501): State law authorizes all school districts to provide for alternative schools. Education Code section 58500 defines an alternative school as a school or separate class group within a school that is operated in a manner designed to:

- (1) Maximize the opportunity for students to develop the positive values of self-reliance, initiative, kindness, spontaneity, resourcefulness, courage, creativity, responsibility, and joy.
- (2) Recognize that the best learning takes place when the student learns because of his/her desire to learn.
- (3) Maintain a learning situation maximizing student self-motivation and encouraging the student in his/her own time to follow his/her own interests. These interests may result in whole or in part from a presentation by his/her teachers of choices of learning projects.
- (4) 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.
- (5) 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, student, 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 area shall have copies of the law available for your information. This law particularly authorizes interested persons to request that the governing board of the district to establish alternative school programs.

GRADE REDUCTION/LOSS OF ACADEMIC CREDIT (EC §48980(i)): No student shall have his/her grade reduced or lose academic credit for any excused absence pursuant to EC §48205 if missed assignments/tests that can reasonably be provided are satisfactorily completed within a reasonable period of time.

ABSENCES FOR CONFIDENTIAL MEDICAL SERVICES (EC §46010.1): Students in grades 7-12 and their parents are notified that the law permits schools to excuse students for the purpose of obtaining confidential medical services without parental consent. District policy regarding excusing such absences is available upon request.

ABSENCE FOR RELIGIOUS INSTRUCTION (EC §46014): Districts may allow pupils with parent consent to be excused to participate in religious exercises/instruction.

NOTICE OF MINIMUM DAYS AND PUPIL-FREE STAFF DEVELOPMENT DAYS (EC §48980(c)): The district is required to annually notify parents of its schedule(s) of minimum days and student-free staff development days at the beginning of the year or as early as possible, but no later than one month prior to the scheduled minimum or student-free day. (*See attached.*)

MISCELLANEOUS

NON-MANDATORY PROGRAMS FOR PARENTAL/PUPIL PARTICIPATION (EC §49091.18): Schools may not require a student or student's family to submit to or participate in any assessment, analysis, evaluation, or monitoring of the quality or character of student home life, parental screening or testing, nonacademic home-based counseling program, parent training, or prescribed family educational service plan.

SEX EQUITY IN CAREER PLANNING (EC §221.5(d)): 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.

SEXUAL HARASSMENT POLICY (EC §231.5; 5 CCR §4917): Each district is required to have adopted a written policy on sexual harassment, and shall provide a copy of such policy, as it pertains to students, with the annual notification. (*See attached.*) Districts are also required to display such policies in a prominent location and include it in orientation for employees and students, and provide a copy of such policy to new and continuing students as part of any orientation program held on a quarterly, semester or summer session basis.

DRUG FREE CAMPUS (Alcohol and Other Drug Use Prevention Education): Possession, use or sale of narcotics, alcohol, or other controlled substances is prohibited and strictly enforced at all school activities. Records will be forwarded to local law enforcement, and district sanctions will result from violations.

RIGHT TO REFRAIN FROM HARMFUL USE OF ANIMALS (EC §32255 et seq.): Pupils may choose to refrain from participating in educational projects involving the dissection or otherwise harmful or destructive use of animals in accordance with the procedures set forth in EC § 32255.1,

EVERY STUDENT SUCCEEDS ACT (20 USC §6301 et seq.): Under ESSA, parents have the following rights:

- **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 she/he teaches, whether the teacher is teaching under an emergency permit or other provisional status because of special circumstances, the teacher's college major, whether she/he has any advanced degrees and the subject(s) of those degrees, and whether any instructional aides or paraprofessionals provide services to your child and, if so, their qualifications. The district shall also notify parents if their child has been assigned to or has been taught for 4 or more consecutive weeks by a teacher who does not meet applicable certification or licensure requirements at the grade level and subject area in which the teacher has been assigned.

- **Information Regarding Individual Student Reports on Statewide Assessments:** Upon request, parents have a right to information regarding any State or local policy mandating pupil assessments and the level of achievement of their student on every State and districtwide academic assessment administered to the student.
- **Limited English Proficient Students:** The Act requires prior notice be given to parents of English learners regarding limited English proficiency programs, including the reasons for the identification of the student as an English learner, the need of placement in a language instruction educational program, the student's level of English proficiency, how such level was assessed, the methods of instruction used in the programs available, how the recommended program will meet the student's needs, program performance, parent options to remove a student from a program and/or to decline initial enrollment, and expected rate of transition into classrooms not tailored for English learners.

The information provided above is available upon request from your child's school or the district office. Additional notices that may be required under the Every Student Succeeds Act shall be sent separately.

UNIFORM COMPLAINT PROCEDURES (5 CCR §4622): The district is required to annually notify parents, pupils, employees, district and school advisory committees and other interested parties in writing of its required Uniform Complaint Procedures. **(See attached.)**

SCHOOL BUSES/PASSENGER SAFETY (EC §39831.5): Districts are required to provide safety regulations to all new students and students who have not previously been transported by school bus.

MEGAN'S LAW NOTIFICATION (PENAL CODE §290.4): Parents and members of the public have the right to review information regarding registered sex offenders at the main office of the local law enforcement agency for this school district.

EXCUSED ABSENCES (EC §48205)

- (a) Notwithstanding Section 48200, a pupil shall be excused from school when the absence is:
- (1) Due to the pupil's illness, including an absence for the benefit of the pupil's mental or behavioral health.
 - (2) Due to quarantine under the direction of a county/city health officer.
 - (3) For the purpose of having medical, dental, optometrical, or chiropractic services rendered.
 - (4) For the purpose of attending the funeral services of a member of the pupil's immediate family, so long as the absence is not more than one day if the service is conducted in California and not more than three days if the service is conducted outside California.
 - (5) For the purpose of jury duty in the manner provided for by law.
 - (6) Due to the illness or medical appointment during school hours of a child of whom the pupil is the custodial parent, including absences to care for a sick child for which the school shall not require a note from a doctor.
 - (7) For justifiable personal reasons, including, but not limited to, an appearance in court, attendance at a funeral service, observance of a holiday or ceremony of his or her religion, attendance at a religious retreat, attendance at an employment conference, or attendance at an educational conference on the legislative or judicial process offered by a nonprofit organization when the pupil's absence is requested in writing by the parent and approved by the principal or a designated representative pursuant to uniform standards established by the governing board of the school district.
 - (8) For the purpose of serving as a member of a precinct board for an election pursuant to section 12302 of the Elections Code.
 - (9) For the purpose of spending time with a member of the pupil's immediate family, who is an active duty member of the uniformed services, as defined in section 49701, and has been called to duty for, is on leave from, or has immediately returned from, deployment to a combat zone or combat support position. Absences granted pursuant to this paragraph shall be granted for a period of time to be determined at the discretion of the superintendent of the school district.
 - (10) For the purpose of attending the pupil's naturalization ceremony to become a United States citizen.
 - (11) For the purpose of participating in a cultural ceremony or event.
 - (12)(A) For the purpose of a middle school or high school pupil engaging in a civic or political event, as provided in subparagraph (B), provided that the pupil notifies the school ahead of the absence.
 - (12)(B)(i) A middle school or high school pupil who is absent pursuant to subparagraph (A) is required to be excused for only one schoolday-long absence per school year.
 - (12)(B)(ii) A middle school or high school pupil who is absent pursuant to subparagraph (A) may be permitted additional excused absences in the discretion of a school administrator, as described in subdivision (c) of Section 48260.
 - (13) Authorized at the discretion of a school administrator, as described in subdivision (c) of Section 48260.
- (b) A pupil absent from school under this section shall be allowed to complete all assignments and tests missed during the absence that can be reasonably provided and, upon satisfactory completion within a reasonable period of time, shall be given full credit therefor. The teacher of the class from which a pupil is absent shall determine which tests and assignments shall be reasonably equivalent to, but not necessarily identical to, the tests and assignments that the pupil missed during the absence.
- (c) For purposes of this section, attendance at religious retreats shall not exceed four hours per semester.
- (d) Absences pursuant to this section are deemed to be absences in computing average daily attendance and shall not generate state apportionment payments.
- (e) For purposes of this section, the following definitions apply:
- (1) A "civic or political event" includes, but is not limited to, voting, poll working, strikes, public commenting, candidate speeches, political or civic forums, and town halls.

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

(3) "Immediate family," as used in this section, means the parent or guardian, brother or sister, grandparent, or any other relative living in the household of the pupil.

INVESTING FOR FUTURE EDUCATION (EC §48980(d)):

Parents are advised of the importance of investing for higher education for their children and of considering appropriate investment options, including, but not limited to, United States savings bonds.

COMPLAINTS CONCERNING DEFICIENCIES RELATED TO INSTRUCTIONAL MATERIALS, ETC. (EC §35186): A Uniform Complaint process is available to help identify and resolve deficiencies related to instructional materials, emergency or urgent facility conditions that pose a threat to the health and safety of pupils or staff, and teacher vacancy or misassignment. Notice of the complaint process and location at which to obtain a complaint form should be posted in the classrooms.

SCHOOL ACCREDITATION (EC §35178.4): Districts are required to notify each parent of a pupil in a school that has lost its accreditation status and the potential consequences of the school's loss of status, in writing or by posting the information on the school district's or school's Internet Website, or by any combination of these methods.

PUPIL FEES (EC §49010 et seq.): The district is required to establish policies concerning the provision of a free education to pupils. The district is also required to establish policies for filing a complaint of noncompliance under this section using the Uniform Complaint Procedures. Notice of the district's fee policies and complaint process shall be provided to pupils, parents, and employees on an annual basis.

LOCAL CONTROL AND ACCOUNTABILITY PLAN (EC §§52059.5-52077): The district is required to adopt a three-year Local Control and Accountability Plan (LCAP) and to update the LCAP on or before July 1 of each subsequent year. The LCAP is required to identify annual goals, specific actions geared toward implementing those goals, and must measure progress for student subgroups across multiple performance indicators based on eight priorities set by the State. The priorities must be aligned to the district's spending plan. The LCAP must be approved before the annual district budget can be adopted. Once the budget and LCAP are adopted at the local level, the plan will be reviewed by the county superintendent to ensure alignment of projected spending toward goals and services. The following are the State priorities:

1. Providing all students access to fully credentialed teachers, instructional materials that align with state standards, and safe facilities;
2. Implementation of and student access to state academic content and performance standards;
3. Parent involvement and participation and family engagement;
4. Improving student achievement and outcomes along multiple measures;
5. Supporting student engagement;
6. Highlighting school climate and connectedness;
7. Ensuring all students have access to a broad course of study;
8. Measuring other important student outcomes related to required areas of study;
9. Coordinating instruction for expelled students; and
10. Coordinating services for foster children.

The Board of Education is required to establish a parent advisory committee (PAC) and English learner parent advisory committee (ELPAC) to provide advice to the Board of Education and the superintendent regarding the LCAP. (ELPACs are required if enrollment in the school district includes at least 15% English learners and the district enrolls at least 50 pupils who are English learners. Districts are not required to establish a new ELPAC if an English learner parent committee has already been established).

Each district is required to consult with its teachers, principals, administrators, other school personnel, local bargaining units, parents, its special education local plan area administrator(s), and pupils in developing the LCAP. As part of this consultation process, districts must present their proposed plans to the PAC and ELPAC. The advisory committees can review and comment on the proposed plan. Districts must respond in writing to the comments of the PAC and ELPAC. Districts are also required to notify members of the public that they may submit written comments regarding the specific actions and expenditures proposed in the LCAP.

Districts must hold at least two public hearings to discuss and adopt (or update) their LCAPs. The district must first hold at least one hearing to solicit recommendations and comments from the public regarding expenditures proposed in the plan, and then adopt (or officially update) the LCAP at a subsequent hearing.

Districts are required to post prominently on the homepage of the school district's website the LCAP approved by the Board of Education and any updates, revisions or addenda to the LCAP as well as post or link to the LCAP submitted by any charter school authorized by the district, and establish policies for filing a complaint of noncompliance under EC §52075 using the Uniform Complaint Procedures. Information regarding the requirements for a Local Control and Accountability Plan and the complaint process shall be provided to pupils, parents, and employees on an annual basis.

The Age Discrimination Act (42 USC § 6101 et seq.): The Age Discrimination Act prohibits discrimination in programs or activities receiving federal and/or state financial assistance.

The Boy Scouts of America Equal Access Act (34 CFR § 108.6): The Boy Scouts of America Equal Access Act requires public schools to provide equal access to the use of school property to the Boy Scouts and other designated youth groups.

Larkspur-Corte Madera School District

Authorization to Administer Medication

Student Medication – Legal Reference: Education Code Section 49423 “...any pupil who is required to take, during the regular school day, medication prescribed for him/her by a physician, may be assisted by the school nurse or other designated school person, if the school district received a written statement from such a physician detailing the name of the parent or guardian of the pupil indicating the desire that the school district assist the pupil in the matter set for in the physician’s statement.” No other medication is to be administered by school personnel. This includes all medication available without prescription. Medication is to be delivered in the original container labeled with the name of the student, name of the prescribing physician, name of the medication and instruction. Over the counter medications must be in their original container and be authorized by the parent and physician. This form must be completed for both prescription and over-the counter medications. It is the parent’s responsibility to update this form as needed.

Student _____ Grade _____ Teacher _____ Date _____

Parent _____ Phone(s) _____

Health Care Provider _____ Phone _____

Table with 5 columns: Medication(s), Dosage, Frequency/Indication, Duration, Possible Side Effects. Two rows of blank lines for data entry.

2. Additional Information and/or Precautions regarding medications or student’s condition. Please include Indications for “as needed” Medication:

3. HEALTH CARE PROVIDER: I am a physician actively licensed by the State of California. Attached hereto is a prescription for the medication/treatment specified above.

PHYSICIAN’S SIGNATURE: _____ Date: _____

4. I am the parent/guardian of the above student and I have lawful custody of said child. I hereby give consent to appropriate District personnel to administer or assist in administering medication(s) and/or treatment as specified by his/her Health Care Provider. Furthermore, I hereby give consent to the School Nurse to receive from, or send to, the Health Care Provider any information concerning my child’s medication or the medical condition.

Parent/Guardian’s Signature _____ Date: _____

5. AUTHORIZATION TO CARRY EMERGENCY MEDICATIONS SUCH AS ASTHMA INHALERS AND EPI-PENS:

Complete this section only if the student needs to carry and self-administer emergency medications such as asthma inhalers, Epi-Pens or other urgently needed medication. Item #1 above must also be completed listing the medication(s), dose, frequency, indications, and side effects.

A. Student: I certify that I have read and understand the instructions regarding the self-administration of my emergency medication(s). I agree to take these above described medications in compliance with my Health Care Provider’s instructions. I understand the consequences of using the medication incorrectly or inconsistently or of sharing the medication with others. I will report problems with the medication, supplies or equipment immediately to the school nurse.

Student’s Signature _____ Date: _____

B. Parent/Guardian: My child has been instructed in the proper dosage and administration of the above medication and has demonstrated the ability to self-administer it. We/I (Parent/Guardian) request that s/he be permitted to self-administer it as directed by our Health Care Provider in compliance with District policy and procedures.

Parent/Guardian Signature _____ Date: _____

C. Physician Approval: The student has been properly trained and is able to self-administer his/her asthma inhaler or Epi-Pen.

Physician Signature _____ Date: _____

LARKSPUR-CORTE MADERA SCHOOL DISTRICT

ANNUAL PESTICIDE NOTIFICATION

Dear Parent or Guardian:

The District has adopted a Least-Toxic Integrated Pest Management (IPM) Policy. The policy states that pests will be controlled to protect the health and safety of the students and staff, to maintain a productive learning environment and to maintain the integrity of the school buildings and grounds. It is the policy of the District to focus and develop long-term pest prevention methods and give “non-chemical” methods first consideration when selecting appropriate control measures.

The Healthy Act of 2000 requires all California school districts to provide parents or guardians of students with annual written notification of expected pesticide use on school sites. During the year 2023-2024, there is no intended use of any pesticide at Neil Cummins Elementary, Hall Middle School or The Cove School. In the event there is an emergency need to use a pesticide, parents and guardians requesting prior notification will be notified at least 72 hours before pesticides are applied. If you would like notification, please complete and return the form below and mail it to:

Larkspur-Corte Madera School District
230 Doherty Drive
Larkspur, CA 94939

If you have any questions, please contact Erik vonBlankenburg – 415-233-3906.

Larkspur-Corte Madera School District Request for Individual Notification of Pesticide Application

I understand that, upon request, the Larkspur-Corte Madera School District is required to supply information about individual pesticide applications at least 72 hours before application. I would like to be notified before each pesticide application at the listed sites.

I would prefer to be contacted by (circle one) US Mail E-Mail Phone

Name of Parent or Guardian: _____ Date: _____

School Site(s): _____

Address: _____

Daytime phone: _____ Evening phone: _____

E-mail: _____

LARKSPUR-CORTE MADERA SCHOOL DISTRICT | 2023-2024

Board approved 5/18/22 / UPDATED: 8/31/23 - CERTIFICATED WORK DAY (3) = ~~8/21, 8/22, 9/25~~ CERTIFICATED PROFESSIONAL DEVELOPMENT DAYS (4) = ~~8/17, 8/18, 11/1 and 3/8~~

NOTE: EARLY DISMISSAL DAYS

4 Independence Day Holiday

JULY 2023						
S	M	T	W	TH	F	S
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30	31					

JANUARY 2024						
S	M	T	W	TH	F	S
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

1 New Year's Holiday (No School)
 2-5 Winter Break (No School)
 15 MLK Holiday (No School)
 17 Staff; 17 Student Days

16 New Certificated Work Day
 17-18 Certificated Professional Development Days
 21-22 Certificated & Para Work Days
 23 First Day of School
 23-31 Kindergarten early dismissal
 31 Hall's Back-to-School Night
 11 Staff; 7 Student Days

AUGUST 2023						
S	M	T	W	TH	F	S
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30	31		

FEBRUARY 2024						
S	M	T	W	TH	F	S
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29		

16 All schools early dismissal
 19-23 Mid-Winter Break (No School)
 19 President's Day Holiday
 23 Lincoln's Birthday Observed
 16 Staff; 16 Student Days

1 All schools early dismissal
 4 Labor Day Holiday (No School)
 7 Neil Cummins and Cove Back-to-School Night
 25 Certificated Work Day (No School)
 20 Staff; 19 Student Days

SEPTEMBER 2023						
S	M	T	W	TH	F	S
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30

MARCH 2024						
S	M	T	W	TH	F	S
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30
31						

7 End of Second Trimester
 8 Certificated Professional Development Day (No School)
 28 Hall's Open House
 21 Staff; 20 Student Days

23-27 All schools Conference Week (All schools early dismissal)
 22 Staff; 22 Student Days

OCTOBER 2023						
S	M	T	W	TH	F	S
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

APRIL 2024						
S	M	T	W	TH	F	S
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30				

4 Elementary Schools Open House
 5 All schools early dismissal
 8-12 Spring Break (No School)
 17 Staff; 17 Student Days

11 Certificated Professional Development Day (No School)
 10 Veterans Day Holiday Observed (No School)
 17 All schools early dismissal
 17 End of First Trimester
 20-24 Thanksgiving Break (No School)
 23 Thanksgiving Holiday
 24 Local Holiday
 16 Staff; 15 Student Days

NOVEMBER 2023						
S	M	T	W	TH	F	S
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30		

MAY 2024						
S	M	T	W	TH	F	S
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	

27 Memorial Day Holiday (No School)
 22 Staff; 22 Student Days

22 All schools early dismissal
 25-31 Winter Break (No School)
 25 Local Holiday
 26 Local Holiday
 29 New Year's Eve Observed
 16 Staff; 16 Student Days

DECEMBER 2023						
S	M	T	W	TH	F	S
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30
31						

JUNE 2024						
S	M	T	W	TH	F	S
					1	
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30						

13 Last Day of School (early dismissal)
 13 End of Third Trimester
 14, 17 Climate Adaptation Days (if needed)
 19 Juneteenth (12 month staff)
 9 Staff; 9 Student Days

Total 187 Staff; 180 Students

SEXUAL HARASSMENT

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

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 take appropriate actions to reinforce the district's sexual harassment policy.

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 where 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 student sexual harassment allegation that involves a student, where as a 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 procedure 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 and shall be subject to disciplinary action. For students in grades 4-8, 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 applicable collective bargaining agreements.

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.

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

SEXUAL HARASSMENT (cont.)

AR 5145.7(b)

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:

Daniel Norbutas, Senior Director or Brett Geithman, Superintendent
230 Doherty Drive
Larkspur, CA 94939
(415) 927-6960
dnorbutas@lcmschools.org / bgeithman@lcmschools.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:

SEXUAL HARASSMENT (cont.)

AR 5145.7(c)

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 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 234.6; 34 CFR 106.8)
4. Be provided as part of any orientation program conducted for new students at the beginning of each quarter, semester, or summer session (Education Code 231.5)
5. 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)
6. 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

SEXUAL HARASSMENT (cont.)

AR 5145.7(d)

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.

Community Relations

UNIFORM COMPLAINT PROCEDURES

BP 1312.3(a)

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

Complaints Subject to the UCP

The district's uniform complaint procedures (UCP) shall be used to investigate and resolve the following 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 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 the UCP is included in a UCP complaint, the district shall refer the non-UCP allegation to the appropriate staff or agency and shall investigate and, if appropriate, resolve the UCP-related allegation(s) through the district's UCP.

The Superintendent or designee shall provide training to district staff to ensure awareness and knowledge of current law and 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 policy.

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:

Any complaint alleging child abuse or neglect shall be referred to the County Department of Social Services, Protective Services Division, and the appropriate law enforcement agency. (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 the procedures in AR 1312.4 - Williams Uniform Complaint Procedures. (Education Code 35186)

Community Relations

UNIFORM COMPLAINT PROCEDURES

AR 1312.3(a)

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.

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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, any 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 UPC 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 UPC 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, 49060.5, 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 UPC 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 laws 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 site and may be provided through district-supported social media, if available.

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

If 15 percent or more of students enrolled in a particular district school speak a single primary language other than English, the district's UPC 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 with 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 requiring students to pay student fees, deposits, and charges or any requirement related to the LCAP may be filed anonymously if the complaint provides evidence, or information leading to evidence, to support an allegation of noncompliance. A complaint about a violation of the prohibition against the charging of unlawful student fees may be filed with the principal of the school or with the Superintendent or designee.
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 approved 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 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 the 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 five business days after the 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 his/her investigation of the complaint.

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

Investigation of Complaint

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

Within three business days 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 offenders, and other relevant witnesses privately, separately, and in a confidential manner. As necessary, additional staff or legal counsel may conduct or support the investigation.

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

Timeline for Investigation Report

Unless extended by written agreement with the complainant, the compliance officer shall prepare and send to the complainant a written investigation report, as described in "Investigation Report" below, within 60 calendar days of the district's receipt of the complaint. (5 CR 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.

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 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 co-curricular activities or other privileges as permitted by law
7. Disciplinary action, such as suspension or expulsion, as permitted by law

When an employee is found to have committed retaliation or unlawful discrimination, 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 laws regarding student fees, deposits, and other charges, physical education instructional minutes, 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 laws 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 the UCP may file an appeal in writing with CDE within 30 calendar days of receiving the district's investigation report. (Education 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 decision 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

UNIFORM COMPLAINT PROCEDURES (cont.)

AR 1312.3(j)

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)