

**Above All, Education**

# **Loma Prieta District**

## **PARENT/STUDENT RIGHTS**

### **2011-2012**

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## **HEALTH SERVICES & EXAMINATIONS**

The physical well-being of children is a major concern of both parents and educators. We realize there may be medical reasons which require medication to be given at school. We will be glad to assist in giving medication at school providing State and District regulations are met. We are concerned with the safety of all students and would like to remind you of the regulations which help us to maintain a safer environment.

### **Medication:**

A parent or guardian of a pupil on prescribed medication must provide the school with (1) A WRITTEN STATEMENT FROM THE PHYSICIAN DETAILING THE METHOD, AMOUNT AND TIME SCHEDULES BY WHICH SUCH MEDICATION IS TO BE TAKEN and (2) A WRITTEN STATEMENT FROM THE PARENT/GUARDIAN INDICATING THE DESIRE THAT THE SCHOOL DISTRICT ASSIST THE PUPIL IN THE MATTERS SET FORTH IN THE PHYSICIAN'S STATEMENT, (Education Code Section 49423) and (3) THE MEDICATION MUST BE IN A PROPERLY LABELED ORIGINAL CONTAINER.

The label should include the following:

- |                        |                        |
|------------------------|------------------------|
| (1) child's name       | (3) amount to be given |
| (2) type of medication | (4) time to be given   |

1. Medication must be handled in the following manner:
  - a. Medication must be in a properly labeled pharmacy bottle.
  - b. Medication must be transported to school by an adult. **Please, do not send it with your student.**
  - c. Medication requests must be renewed yearly.
  - d. Medication is stored in a locked cabinet.
2. If your child forgets his/her morning dose of medication at home it cannot be given at school unless the doctor has signed a permission slip in advance. The parent will need to come to the school and administer the missed medication.
3. All medication must be picked up after the Doctor's order expires. Any unclaimed medication will be discarded. If a student moves or discontinues medication, the medication will be discarded one month from the day the student leaves.
4. Personnel of the school district shall not be held liable for the reasonable treatment of a child through the authorized dispensing of medication as prescribed within this Regulation.

Over-the-counter medication still requires completion of the District Medication Authorization Form and must also be in properly labeled original containers. All medications must be brought to the school by the parent/guardian. Medications may not be sent with students on the bus. For your child's protection and the protection of other children, the medicine will be kept locked in the school health office and will be administered there.

### **Continuing Medication Regimen for Nonepisodic Condition:**

The parent or legal guardian of any public school student on a continuing medication regimen for long-term administration of medicine SHALL INFORM THE SCHOOL IN WRITING of the medicine, the current dosage, and the name of the supervising physician. The school nurse or other designated employees of the school may communicate with the physician and counsel with school personnel regarding the possible effects of the medication on the child's intellectual, physical, and social behavior such as signs and symptoms of adverse side effects, or consequences of omission or overdose (Education Code Section 49480).

**Disaster Medications:**

If your child takes a daily medication for a life threatening condition, he/she should have enough medication at school (3-7 days advised), in case of a disaster, to sustain him/her for a short time.

**Immunizations:**

The California Health and Safety Code requires that every child entering a California school be immunized against diphtheria, tetanus, pertussis, polio, rubella, mumps, measles, and Hepatitis B according to regulations of the Health Department. A written immunization record of each required vaccine dose must be presented at school entry. Parents/guardians who do not have immunization records for their children will be referred to their physician, or the Health Department to obtain a written immunization record for presentation at school entry.

**Required Immunizations:**

- Polio-OPV and/or IPV, 3 doses (last dose after two years of age)
- DPT, DTaP, or any combination of DPT or DTaP with DT), 4 doses with last dose after two years of age. **For the 2011-12 school year only** new California law, requires students entering 7<sup>th</sup> and 8<sup>th</sup> grades to be immunized against pertussis and need proof of a Tdap booster shot within thirty days of the start of school. **Beginning July 1, 2012, and beyond, all students entering the 7<sup>th</sup> grade will need proof of a Tdap booster shot before starting school.**
- MMR (measles/mumps/rubella) one dose required after one year of age. Two doses required for students entering Kindergarten. (Mumps immunization not required after seven years of age)
- Hepatitis B (series required for all students entering Kindergarten)
- Varicella, one dose or proof of varicella (chicken pox) disease or immunity documented by M.D.

Your child may be exempted (excused) from the required immunizations for medical reasons (by your medical doctor) or if these are against your belief. Note, however, that in a disease outbreak your child may be excluded from school until the outbreak is over if he/she is not immunized against that disease, regardless of the reason.

**Tuberculosis Screening:**

The County of Santa Clara, Department of Health is enforcing the regulation that children entering Kindergarten and **all** students entering a Santa Clara County school district for the **first time must** have a Mantoux TB skin test. Parents must provide a written statement to the school showing the date and result of the child's Mantoux TB skin test before attending school. Tests given within one year of school attendance will be accepted. (CAC Title 22, Sections 41327 and 41329)

Your child may be exempted (excused) from the mandatory TB skin test for medical reasons or if it is against your belief. If you have questions in regard to immunization policies, please contact the District Office at 408/353-1101.

**Emergency Information:**

The Governing Board requires each parent or guardian of a pupil enrolled in a District school to keep an "Emergency Release Information Card" current at the pupil's school of attendance, listing the following information: home address, business address and telephone number of the parent or guardian, and the name, address and telephone number of a relative or friend who is authorized to care for the pupil in an emergency situation if the parents or guardian cannot be reached. (Education Code Section 49408)

**Mental Health:**

Only with the WRITTEN CONSENT of a parent or guardian may either psychological or psychiatric treatment of a pupil be given at school or a place outside school, or for placement of a pupil in any other facility for treatment within or outside the attendance area of the school. (Education Code Section 49443)

**Physical Examination:**

Documentation of a health examination and immunizations shall be required at the child's first entry into school, either kindergarten or first grade. The health examination must be within six (6) months prior to kindergarten enrollment. This exam is important because it aids in early detection of conditions that may affect school performance and adjustment. Child Health and Disability Prevention (CHDP) providers offer the exam and needed boosters free to low income families. Parents can get forms and other information at [www.dhs.ca.gov/pcfh/cms/chdp](http://www.dhs.ca.gov/pcfh/cms/chdp). With the written consent of the parent or guardian of a pupil, a physician, dentist, or optometrist may perform health examinations within the scope of their licenses on a pupil, and shall REPORT THEIR FINDINGS AND RECOMMENDATIONS to the school and the parent or guardian of the pupil (Education Code Section 49453). Health and Safety Code Sections 324.2 and 324.3 requires up to five (5) days exclusion from school for failure to comply or sign a waiver. A child may be exempt from any physical examination, provided the parent or guardian files A WRITTEN STATEMENT REFUSING TO CONSENT to such examination of the pupil (Education Code Section 49451).

**Vision and Hearing Testing:**

The Governing Board of a school district is required to provide for the testing of vision and hearing by duly qualified supervisors of health of each pupil enrolled. Children will be exempt if parent or guardian notifies the school principal in writing annually that such appraisal is in conflict with their religious beliefs. This testing program begins in July. (Education Code Section 49452)

**Reports of Defects in Health:**

When a health defect in a pupil has been noted, a report of the defect noted shall be sent to the parents, without recommending any individual or class of practitioners for the purpose of curing such defect. (Education Code Section 49456 [a] - [c])

**Medical Services for Pupils:**

The Governing Board shall make available opportunities for parents or guardians to purchase injury or accident insurance for pupils while at school sponsored activities or while being transported to or from school. No pupil shall be compelled to accept such services WITHOUT THE CONSENT of the parent or guardian of such pupil. (Education Code Section 49472)

## **RULES AND REGULATIONS FOR BUS RIDERS**

The following rules have been established by the Loma Prieta Joint Union Elementary School District for students who ride buses to school. We need your cooperation in order to allow the bus driver to devote her/his full attention to safe driving, not discipline. It is very important for each bus rider to be familiar with and understand each rule. Please review the rules with your son/daughter, then sign and return the form on the last page of this Parents/Student Rights Handbook to school by September 16, 2005. Remember, the bus driver has a high degree of responsibility, but so do the passengers! Advise your son/daughter to cooperate with the bus driver(s) so that the trip is safe and pleasant.

### **Six Basic Bus Rules:**

1. **No "rough housing" of any kind.** Pushing, loud noises, fighting, profanity, and throwing of anything is strictly forbidden.
2. **All riders must remain seated** until the bus comes to a complete stop and the door is opened.
3. **NOTHING** (arms, legs, lunches, objects, etc..) should be out any window of the bus.
4. Line up at the bus stop and wait until the bus stops fully before approaching to load. Depart off the bus in an orderly and controlled, safe and patient manner.
5. **Behave** in a way which shows RESPONSIBILITY, CONSIDERATION, and RESPECT for others and for property
6. **FOLLOW ALL DIRECTIONS FROM THE BUS DRIVERS – NO EXCEPTIONS!**

### **Consequences for Misbehavior on the School Bus:**

Any infractions of the rules shall result in the following actions. The ultimate consequence is that a student may be forbidden to ride the school bus. Bus regulations are controlled by the CHP, DMV, Title 13 and Title 5.

1. The bus driver will talk with the student, identify the problem, and request cooperation.
2. If the misbehavior continues, the driver will refer the student to the principal. The principal will contact the parents.
3. If the second consequence is not effective and the misbehavior continues, the student rider will not be allowed to ride the bus for one week (5 days).

### **Consequences for SEVERE Misbehavior:**

The following misbehaviors will result in the student meeting with the principal immediately and being removed from riding the bus for one school week (5 days). Parents will be notified. If the misbehavior is chronic, the student may be denied riding the bus for longer periods, up to a year. Additionally, certain acts or behavior constitute grounds for suspension or possible expulsion from school.

1. Defiance of the driver's instructions. (The driver is the final authority on all transportation safety issues.)
2. Smoking of any type, including lighting of a match or lighter.
3. Fighting (striking another student with hands, feet or objects), "play fighting," or "horseplay."
4. Possession or use of firecrackers or explosives of any type, or any other dangerous items.
5. Vandalism, property damage of any type

**Section 1463 of the State Board of Education Regulations governing pupil transportation states:** "Pupils transported in a school bus shall be under the authority of and responsible directly to the driver of the bus, and the driver shall be held responsible for the orderly conduct of the pupils while they are on the bus or being escorted across a street, highway, or road. **CONTINUED DISORDERLY CONDUCT OR PERSISTENT REFUSAL TO SUBMIT TO THE AUTHORITY OF THE DRIVER SHALL BE SUFFICIENT REASON FOR A PUPIL TO BE DENIED TRANSPORTATION. A bus driver shall not require any pupil to leave the bus in route between home and school or other destination.**

## **PUPIL & PARENT/GUARDIAN RIGHTS**

The District is required by law (Education Code 48980) to notify parents or guardians of minor pupils regarding certain parent and guardian rights. Following are excerpts or paraphrases of the Education Code explaining these rights. Exact language of the cited sections can be found in the California Education Code. Any questions regarding either the sections or the activities should be addressed to the principal of the school in which your child is enrolled.

### **Attendance:**

Regular attendance in school is mandatory for the student to gain the maximum benefit from his/her education; therefore, all absences are subject to verification by school officials. It is the parent's responsibility to call the school on the first day of absence to inform the secretary of the reason for absence.

### **Acquired Immune Deficiency Syndrome (AIDS) Education:**

All pupils in grades 7 to 12, inclusive, shall receive AIDS prevention instruction at least once in middle school and once in high school. The purpose of this instruction will be to (a) inform pupils on the nature of AIDS and its effects on the human body; (b) inform pupils how the human immunodeficiency virus (HIV) is and is not transmitted; and, (c) discuss methods to reduce risk of HIV infection, stressing sexual abstinence and abstinence of intravenous drug use as the most effective means of AIDS prevention. Any parent or guardian may request that his or her child or ward not receive instruction in AIDS prevention. (Education Code Section 51201.5)

### **Child Abuse:**

The parent or guardian has the right to file a complaint against a school district employee or other person that they suspect has engaged in abuse of a child at a school site. To ensure that proper investigation takes place, a verbal or written complaint must be filed with the local child protective agency, school district, or county office of education. (Education Code 33308.5)

### **Compliance with Title IX - Sexual Equality:**

School districts are not to discriminate on the basis of sex in the educational programs or activities operated by the District or in the employment procedures and practices of the District. All classes, including non-academic and elective classes and courses, will be conducted without regard to the sex of the student enrolled. No student shall be prohibited from enrolling in any class on the basis of his/her sex and no student of one sex will be required to enroll in a class unless the same class is also required of the opposite sex. Any complaints or questions may be referred to the Superintendent.

### **District Residency:**

California state law provides that public school districts are to serve only children who are residents of the district or children who have an approved interdistrict agreement. Residency is defined as five (5) consecutive days/nights weekly in a domicile. Ownership of real property within the district does not in and of itself constitute residency. Employment within the district boundaries does not constitute residency. The LPJUESD routinely investigates addresses and declared residency to verify their validity. District residency may be granted to any student not residing in the District if the student's parent/guardian is an employee of the District pursuant to BP 5117. Proof of such employment shall be required prior to enrollment and may be required subsequently at regular intervals.

**Duties of Pupils:**

The pupils' duties are to conform to school regulations; obey all directions; be diligent in study and respectful to teachers and others in authority; and refrain from the use of profane and vulgar language. (California Code of Regulations, Title 5, Sections 300, 302, 303; Education Codes 44807; 48908)

**Excused From Health, Family Life, and Sex Education:**

On WRITTEN REQUEST of the parent or guardian of any pupil, a pupil shall be excused from any part of instruction in health, family life education, sex education, or animal dissection where such instruction conflicts with the religious training and beliefs or moral convictions of the parent or guardian. (Education Code Sections 51240, 32255.4)

**Free and Reduced Lunch Program:**

National School Lunch Program regulations require that lunch be provided for needy students when family income is insufficient to provide the basic necessities. Eligibility for free and reduced price meals is based on federal regulations as provided by the State Department of Education. All applications and records related to eligibility shall be confidential. (Education Code Sections 49510-49520)

**Grading of Pupil:**

When grades are given for any course of instruction taught in a school district, the grade given to each pupil shall be the grade determined by the teacher and, in the absence of mistake, fraud, bad faith, or incompetence, shall be final. An official notification to the parent/guardian of the possibility of failure must be made by the teacher prior to issuance of a failing grade. (Education Code Sections 49066-49067)

**Home/Hospital Instruction:**

Home/hospital teaching may be provided for students who are temporarily disabled by accident or by physical, mental, or emotional illness, if it is to last longer than two (2) weeks and if it meets the guidelines set forth in District procedures. No pupil shall be required to attend home-teaching programs of instruction on Saturday without prior consent of his/her parent or guardian. When a student becomes temporarily disabled, it is the parent/guardian's responsibility to notify the District in which the student is receiving care. Pupils hospitalized with a temporary disability are residents of the school district in which the hospital is located. (Education Code Sections 48206.3; 48207; 51802)

**Insurance Plan:**

The District provides parents with information regarding optional student insurance for medical and hospital services needed for student injuries while involved in school-related activities.

**Non-Discrimination:**

The District has a policy of nondiscrimination on the basis of sex, race, color, religion, national origin, ethnic group, age or handicap, and promotes programs which ensure that discriminatory practices are eliminated in all District activities. Any complaints or questions may be referred to the Principal or Superintendent. Complaints may be made through the complaint form, which is available at each school site.

**Personal Beliefs:**

No test, questionnaire, survey, or examination containing any questions about the pupil's personal beliefs, family life, morality or religion, shall be administered to any pupil in the schools of this District unless the PARENT IS NOTIFIED IN WRITING that such test, survey, questionnaire, or examination is to be administered and the parent or guardian of the pupil GIVES WRITTEN PERMISSION for the pupil to take such test, questionnaire, survey or examination. (Education Code Section 60650)

**Promotion from Kindergarten:**

Any Kindergarten pupil, regardless of age, deemed by the school district to be ready for first grade work, may be admitted to first grade at the discretion of the school district and with the CONSENT of the child's parent/guardian. (Education Code Section 48011)

**Pupil Absence for Religious Purposes:**

Students with WRITTEN PARENTAL CONSENT may be excused from school to receive moral or religious instruction or to participate in religious exercises for not more than four (4) days per month, provided the pupil attends school for the minimum day. (Education Code Section 46014)

**Pupil's Right to Refrain From Harmful/Destructive Use of Animals:**

Students will be informed by teachers in courses that use live or dead animals, or animal parts, of their right to refrain from participation in projects that harm or destroy said animals. (Education Code Section 32255)

**Retention in Kindergarten:**

No child shall be retained in kindergarten unless the parent or guardian of the child and the school district AGREE that the child may be retained in kindergarten. (Education Code Section 48011)

**School Accountability Report Cards:**

An annual assessment of specific accountability indicators is conducted at each District school site. This assessment is produced and reported annually in a "report card" document. A copy of the School Accountability Report Card can be obtained by contacting the district office or accessing the school website. (Education Code Section 35256)

**Section 504 of the Rehabilitation Act of 1973:**

Section 504 is a civil rights act which prohibits discrimination against students with disabilities. U.S. Department of Education regulations require that students with disabilities be provided with a free and appropriate public education – a program designed to meet their educational needs as adequately as the needs of students without disabilities. These regulations require identification, evaluation, provisions of appropriate services, and procedural safeguards. A student may be referred for an evaluation under 504 by District personnel, parent/guardian or someone authorized, in writing, to act on the parents' behalf. For services contact the Superintendent.

Any parents suspecting that a child has exceptional needs (disabilities) may request an assessment for eligibility for special education services through the school principal or psychologist. Policy and procedures shall include written notification to all parents of their rights. (Education Code Section 56300)

**Sex Education Courses:**

No pupil shall attend any class in which human reproductive organs and their functions and processes are described, illustrated or discussed, unless the parent or guardian of each pupil enrolled in such class shall be FIRST NOTIFIED IN WRITING OF THE OPPORTUNITY TO INSPECT AND REVIEW SUCH MATERIALS, AND ALSO NOTIFIED IN WRITING OF THE RIGHT TO REQUEST IN WRITING that the child or ward of such parent or guardian NOT ATTEND SUCH CLASS. SUCH REQUEST SHALL BE VALID FOR THE SCHOOL YEAR but may be withdrawn by the parent or guardian at any time. (Education Code Section 51550)

**Sexual Harassment:**

The Governing Board prohibits the unlawful sexual harassment of any student by any employee, student, or other person in or from the District. Any student who engages in the sexual harassment of anyone in or from the District may be subject to disciplinary action up to and including expulsion. Any employee who permits or engages in sexual harassment will be subject to disciplinary action up to and including dismissal.

Any student who feels that he/she is being harassed should immediately contact the principal or designee at his/her school or another District administrator. The District prohibits retaliatory behavior against any complainant or any participant in the complaint process. Each complaint of sexual harassment shall be promptly investigated in a way that respects the privacy of all parties concerned. (Board Policy 5153)

**Sexually Transmitted Disease Instruction:**

No pupil shall attend any class of sexually transmitted disease instruction unless the guardian or parent of the pupil is NOTIFIED AT LEAST FIFTEEN (15) DAYS PRIOR to the commencement of such instructions, ADVISING THE PARENT OR GUARDIAN OF THE RIGHT TO INSPECT THE INSTRUCTIONAL MATERIALS USED IN SUCH CLASS, AND THE RIGHT TO REQUEST THAT SUCH CHILD OR WARD OF THE PARENT OR GUARDIAN NOT ATTEND ANY SUCH CLASS. (Education Code Section 51550)

**Smoke-Free District:**

The use of all tobacco products by anyone on District property, in District vehicles, or at District-sponsored events is prohibited. District employees, students, and members of the public are expected to observe this restriction. (Education Code Section 48901)

**Special Education:**

Under California law, every child has the right to a "free, appropriate public education." This right includes school-age children with disabilities based on Public Law (PL) 94-142 passed in 1975 and the Individuals with Disabilities Education Act (I.D.E.A.). The LPJUESD provides services for students with special needs and holds the philosophy that all disabled children have the right to a placement in the "least restrictive, most appropriate environment."

Within a consortium of eleven school districts, the LPJUESD provides Services for these "special education" students, available upon qualification, include the following:

- Resource Specialist services which provide help with specific academic areas;
- Special Day Classes/Centers which provide a low teacher-student ratio to address the needs of each student;
- Designated Instructional Services (DIS) which include speech and language, adapted physical education, transportation, instruction for visually and hearing impaired, etc.

Students with severe disabilities that occur infrequently are served within the Special Education Local Planning Area (SELPA). Placement in a private/nonsectarian school can be considered if appropriate services are not available in our public schools. Special State schools are also

available options. The Loma Prieta Joint Union Elementary School District also provides evaluation and individual school services for students 3 to 5 years of age based upon PL 99-457 passed in 1986 and a SELPA program for infants with special needs.

In order to "search for and serve" all students in the District, parents have the right to request information and an evaluation to assess children's special needs. Parents are partners in the evaluation of their child through the written Individual Education Planning (IEP) meeting when decisions about eligibility and educational placement for disabled children occur.

Parents of disabled students are guaranteed "Due Process Rights" based on PL 94-142 and I.D.E.A. which ensures that changes cannot be made in a child's program without prior notice to the parents. Due Process also provides a mechanism for the resolution of disagreements.

The Loma Prieta Joint Union Elementary School District provides services for all special education students according to their individual needs and reviews these at least once annually with parents. Both parents and District representatives meet as a Community Advisory Council (CAC) to discuss common concerns and interests.

If a parent wants to learn more about available programs for special education students, please contact the Director of Special Education.

**Student Records and Information:**

The compiling of appropriate facts and records pertaining to each student is a necessary function of the school district. This information is needed as a record of each student's progress. A "cumulative records" file is maintained for each student enrolled in the District. This file contains student identification data, academic work completed, grades and test scores, attendance data, health records, teacher and counselor comments and behavior records. These files are located in the pupil's school offices. All active pupil records are under the supervision of the school principal. The records for your child are available for your review upon request to the school principal. The District reserves the right to charge up to 15 cents per page if copies are requested of these records.

Information included in pupil records may be challenged. If you wish to challenge the content of these records, procedures may be obtained from the school principal or the Office of the Superintendent, 23800 Summit Road, Los Gatos, CA. 95033, phone 408-353-1101. Student directory information may be released to agencies as permitted by law to include those cooperating organizations normally connected with activities of a school or school district. Parents desiring directory information not be released are required to make this known in writing to their school principal. (Education Code Sections 49063, 49073-49078)

**Uniform Complaint Procedures:**

The Governing Board designates the following compliance officer to receive and investigate complaints and ensure District compliance with law for special education, adult education, child development and child nutrition:

Superintendent  
23800 Summit Road  
Los Gatos, CA 95033  
408-353-1101

The Governing Board recognizes that the District has primary responsibility for insuring that it complies with State and Federal laws and regulations governing educational programs. The District shall investigate and seek to resolve complaints at the local level. The District shall follow this Uniform Complaint Procedure whenever a complaint is received alleging:

- Unlawful discrimination based on race, sex, age or disability
- Sexual harassment/gender equity per Title IX
- Failure to comply with requirements of the Americans with Disabilities Act, or Section 504 of the Rehabilitation Act of 1973
- Failure to comply with requirements of the Williams Settlement Agreement
- Failure to comply with the legal requirements pertaining to:
  - adult basic education
  - consolidated categorical aid programs
  - vocational education
  - child care and development programs
  - child nutrition programs
  - special education programs

The Board prohibits retaliation in any form for the filing of any complaint, the reporting of instances of any type of discrimination, or for participation in complaint procedures. Such participation shall not in any way affect the status, grades, or work assignments of the complainant.

The Board acknowledges and respects student and employee rights to privacy. Complaints shall be investigated in a manner that protects these rights. The identity of any complainant shall be kept confidential except to the extent necessary to carry out the investigation or proceedings, as determined by the superintendent or designee on a case-by-case basis.

The superintendent or designee shall ensure that employees designated to receive and investigate complaints are knowledgeable about the laws and programs for which they are responsible. Such employees may have access to legal counsel as determined by the superintendent or designee.

The Board recognizes that a neutral mediator can often suggest an early compromise that is agreeable to all parties in a dispute. Whenever all parties to a complaint agree to try resolving their problem through mediation, the superintendent or designee may initiate a mediation process before beginning a formal compliance investigation. The superintendent or designee shall ensure that mediation results are consistent with State and Federal laws and regulations.

All complainants have the right to appeal any finding of fact and conclusion. Procedures to be followed for initiating such an appeal, including appropriate civil law remedies, may be obtained from the compliance officer. (CCR-Title V, Section 4622)

## **STUDENT DISCIPLINE/LIABILITY**

### **Suspension and/or Expulsion of Pupils:**

A teacher may suspend a pupil from class for the day and the day following, or a principal may suspend a pupil from school for not more than five (5) days, for "good cause." The teacher shall ask the parent of the pupil to attend a conference, and the teacher may require the parent to attend a portion of a school day in that class. If the teacher or parent REQUESTS, a school administrator shall attend such conference. The principal who suspends a pupil shall NOTIFY IN WRITING, the parent or guardian of such suspension. (Education Code Sections 48900, 48900.1, 48900.2, 48900.3, 48900.4, 48911, 48915).

#### **1. Grounds for suspension or expulsion; legislative intent (Education Code 48900):**

A pupil may not be suspended from school or recommended for expulsion unless the superintendent or the principal of the school in which the pupil is enrolled determines that the pupil has:

- (a) Caused, attempted to cause, or threatened to cause physical injury to another person.
  - (1) Caused, attempted to cause, or threatened to cause physical injury to another person; or (*assault*);
  - (2) Willfully used force or violence upon the person of another, except in self-defense (*battery*);
- (b) Possessed, sold or otherwise furnished any firearm, knife, explosive, or other dangerous object unless, in the case of possession of any object of this type, the pupil had obtained written permission to possess the item from a certificated school employee, which is concurred in by the principal or the designee of the principal.
- (c) Unlawfully possessed, used, sold, or otherwise furnished, or been under the influence of, any controlled substance listed in Chapter 2 (commencing with Section 11053) of Division 10 of the Health and Safety Code, an alcoholic beverage, or an intoxicant of any kind.
- (d) Unlawfully offered, arranged, or negotiated to sell any controlled substance listed in Chapter 2 (commencing with Section 11053) of Division 10 of the Health and Safety Code, an alcoholic beverage, or an intoxicant of any kind, and then either sold, delivered, or otherwise furnished to any person another liquid, substance, or material and represented the liquid, substance, or material as a controlled substance, alcoholic beverage, or intoxicant.
- (e) Committed or attempted to commit robbery or extortion.
- (f) Caused or attempted to cause damage to school property or private property.
- (g) Stolen or attempted to steal school property or private property.
- (h) Possessed or used tobacco, or any products containing tobacco or nicotine products, including, but not limited to, cigarettes, cigars, miniature cigars, clove cigarettes, smokeless tobacco, snuff, chew packets, and betel. However, this section does not prohibit use or possession by a pupil of his or her own prescription products.
- (i) Committed an obscene act or engaged in habitual profanity or vulgarity.
- (j) Unlawfully possessed or unlawfully offered, arranged, or negotiated to sell any drug paraphernalia, as defined in Section 11014.5 of the Health and Safety Code.
- (k) Disrupted school activities or otherwise willfully defied the valid authority of supervisors, teachers, administrators, school officials, or other school personnel engaged in the performance of their duties.
- (l) Knowingly received stolen school property or private property.
- (m) Possessed an imitation firearm. As used in this section, "imitation firearm" means a replica of a firearm that is so substantially similar in physical properties to an existing firearm as to lead a reasonable person to conclude that the replica is a firearm.
- (n) Committed or attempted to commit a sexual assault as defined in Sections 261, 266c, 286, 288, 288a, or 289 of the Penal Code or committed a sexual battery as defined in Section 243.4 of the Penal Code.

- (o) Harassed, threatened, or intimidated a pupil who is a complaining witness or witness in a school disciplinary proceeding for the purpose of either preventing that pupil from being a witness or retaliating against that pupil for being a witness, or both. (Amended by Stats. 1996, Ch. 915 Sec 1)
- (p) A pupil may not be suspended or expelled for any of the acts enumerated unless that act is related to school activity or school attendance occurring within a school under the jurisdiction of the superintendent or principal or occurring within any other school district. A pupil may be suspended or expelled for acts that are enumerated in this section and related to school activity or attendance that occur at any time, including, but not limited to, any of the following:
  - (1) While on school grounds;
  - (2) While going to or coming from school;
  - (3) During the lunch period whether on or off the campus;
  - (4) During or while going to or coming from, a school sponsored activity.

It is the intent of the Legislature that alternatives to suspension or expulsion be imposed against any pupil who is truant, tardy, or otherwise absent from school activities. (Amended by Stats. 1997, Ch. 637, Sec. 1.)

**2. Additional grounds for suspension or expulsion; sexual harassment (Education Code 48900.2):**

In addition to the reasons specified in Section 48900, a pupil may be suspended from school or recommended for expulsion if the superintendent or the principal of the school in which the pupil is enrolled determines that the pupil has committed sexual harassment as defined in Section 212.5.

**Sexual harassment includes:**

- (a) Sexual advances, request for sexual favors, and other verbal or physical conduct of a sexual nature when submission conduct is made - either explicitly or implicitly - a term or condition of an individual's employment or educational career/school program.
- (b) Hostile or offensive work/school environment sexual harassment occurs when an employer creates or permits a hostile, intimidating, or offensive work/school environment to exist due to unwelcome sexual conduct.

For the purposes of this chapter, the conduct described in Section 212.5 must be considered by a reasonable person of the same gender as the victim to be sufficiently severe or pervasive to have a negative impact upon the individual's academic performance or to create an intimidating, hostile, or offensive educational environment. This section shall not apply to pupils enrolled in kindergarten and grades 1 to 3, inclusive. (Added by Stats. 1992, Ch. 909, Sec. 2.)

**3. Additional grounds for suspension or expulsion; hate violence (Education Code 48900.3):**

A pupil in any one of grades 4 to 12, inclusive, may be suspended from school or recommended for expulsion if the superintendent or the principal of the school in which the pupil is enrolled determines that the pupil has caused, attempted to cause, threatened to cause, or participated in an act of, hate violence, as defined in subdivision (e) of Section 33032.5. (Added by Stats. 1994, Ch. 1198, Sec. 6)

**4. Additional grounds for suspension or expulsion; harassment, threats, or intimidation (Education Code 48900.4):**

A pupil enrolled in any of grades 4 to 12, inclusive, may be suspended from school or recommended for expulsion if the superintendent or the principal of the school in which the pupil is enrolled determines that the pupil has intentionally engaged in harassment, threats, or intimidation, directed against a pupil or group of pupils, that is sufficiently severe or pervasive to have the actual and reasonably expected effect of materially disrupting class work, creating substantial disorder, and invading the rights of that pupil or group of pupils by creating an intimidating or hostile educational environment.

**5. Terrorist threats against school officials or school property, or both (Education Code 48900.7):**

- (a) In addition to the reasons specified in Sections 48900, 48900.2, 48900.3 and 48900.4, a pupil may be suspended from school or recommended for expulsion if the superintendent or the principal of the school in which the pupil is enrolled determines that the pupil has made terrorist threats against school officials or school property, or both;
- (b) For the purposes of this section, "terrorist threat" shall include any statement, whether written or oral, by a person who willfully threatens to commit a crime which will result in death, great bodily injury to another person, or property damage in excess of one thousand dollars (\$1,000), with the specific intent that the statement is to be taken as a threat, even if there is no intent of actually carrying it out, which, on its face and under the circumstances in which it is made, is so unequivocal, unconditional, immediate, and specific as to convey to the person threatened a gravity of purpose and an immediate prospect of execution of the threat, and thereby causes that person reasonably to be in sustained fear for his or her own safety, or for his or her immediate family's safety, or for the protection of school district property, or the personal property of the person threatened, or his or her immediate family. (Added by Stats. 1997 Ch. 405, Sec. 1)

**6. Notification to parents and reporting of expulsion or suspension offenses to State Department of Education (Education Code 48900.8):**

For purposes of notification to parents and for the report of expulsion or suspension offenses to the State Department of Education, each school district shall specifically identify, by offense committed, in all appropriate official records of a pupil each suspension or expulsion of that pupil for the commission of any of the offenses set forth in subdivisions (a) to (o), inclusive of Section 48900, in Section 48900.2, in Section 48900.3, in Section 48900.4, in Section 48900.7, or in paragraphs (1) to (5) inclusive, of subdivision (a) of, or paragraphs (1) to (4), inclusive of subdivision (c) of Section 48915. (Added by Stats. 1997, Ch. 637, Sec. 2)

**7. Expulsion; particular circumstances (Education Code 48915):**

- (a) Except as provided in subdivisions (c) and (e), the principal or the superintendent of schools shall recommend the expulsion of a pupil for any of the following acts committed at school or at a school activity off school grounds, unless the principal or superintendent finds that expulsion is inappropriate, due to the particular circumstance.
  - (1) Causing serious physical injury to another person, except in self-defense.
  - (2) Possession of any knife, explosive, or other dangerous object of no reasonable use to the pupil.
  - (3) Unlawful possession of any controlled substance listed in Chapter 2 (commencing with Section 11053) of Division 10 of the Health and Safety Code, except for the first offense for the possession of not more than one avoirdupois ounce of marijuana, other than concentrated cannabis.
  - (4) Robbery or extortion.
  - (5) Assault or battery, as defined in Sections 240 and 242 of the Penal Code, upon any school employee.
- (b) Upon recommendation by the principal, superintendent of schools, or by a hearing officer or administrative panel appointed pursuant to subdivision (d) of Section 48918, the in subdivision (a), (b), (c), (d), or (e) of Section 48900. A decision to expel shall be based on a finding of one or both of the following:
  - (1) Other means of correction are not feasible or have repeatedly failed to bring about proper conduct.
  - (2) Due to the nature of the act, the presence of the pupil causes a continuing danger to the physical safety of the pupil or others.

- (c) The principal or superintendent of schools shall immediately suspend, pursuant to Section 48911, and shall recommend expulsion of a pupil that he or she determines has committed any of the following acts at school or at a school activity off school grounds:
- (1) Possessing, selling, or otherwise furnishing a firearm. This subdivision does not apply to an act of possessing a firearm if the pupil had obtained prior written permission to possess the firearm from a certificated school employee, which is concurred in by the principal or the designee of the principal. This subdivision applies to an act of possessing a firearm only if the possession is verified by an employee of a school district.
  - (2) Brandishing a knife at another person.
  - (3) Unlawfully selling a controlled substance listed in Chapter 2 (commencing with Section 11053) of Division 10 of the Health and Safety Code.
  - (4) Committing or attempting to commit a sexual assault as defined in subdivision (n) of Section 48900 or committing a sexual battery as defined in subdivision (n) of Section 48900.
- (d) The Governing Board shall order a pupil expelled upon finding that the pupil committed an act listed in subdivision (c), and shall refer that pupil to a program of study that meets all of the following conditions:
- (1) Is appropriately prepared to accommodate pupils who exhibit discipline problems.
  - (2) Is not provided at a comprehensive middle, junior, or senior high school, or at any elementary school.
  - (3) Is not housed at the school site attended by the pupil at the time of suspension.
- (e) Upon recommendation by the principal, superintendent of schools, or by a hearing officer or administrative panel appointed pursuant to subdivision (d) of Section 48918, the Governing Board may order a pupil expelled upon finding that the pupil at school or at a school activity off of school grounds violated subdivision (f), (g), (h), (i), (j), (k), (l), or (m) of Section 48900, or Section 48900.2 or 48900.3, and either of the following:
- (1) That other means of correction are not feasible or have repeatedly failed to bring about proper conduct.
  - (2) That due to the nature of the violation, the presence of the pupil causes a continuing danger to the physical safety of the pupil or others.
- (f) The Governing Board shall refer a pupil who has been expelled pursuant to subdivision (b) or (e) to a program of study that meets all of the conditions specified in subdivision (d). Notwithstanding this subdivision, with respect to a pupil expelled pursuant to subdivision (e), if the county superintendent of schools certifies that an alternative program of study is not available at a site away from a comprehensive middle, junior, or senior high school, or an elementary school, and that the only option for placement is at another comprehensive middle, junior, or senior high school, or another elementary school, the pupil may be referred to a program of study that is provided at a comprehensive middle, junior, or senior high school, or at an elementary school.
- (g) As used in this section, "knife" means any dirk, dagger, or other weapon with a fixed, sharpened blade fitted primarily for stabbing, a weapon with a blade fitted primarily for stabbing, a weapon with a blade longer than 3 1/2 inches, a folding knife with a blade that locks into place, or a razor with an unguarded blade. (Amended by Stats. 1995, Ch. 972, Sec. 8)

**8. Expulsion of pupils with exceptional needs enrolled in special education programs (Education Code 48915.5):**

In a matter involving a pupil with previously identified exceptional needs who is currently enrolled in a special education program, the governing board may order the pupil expelled pursuant to subdivisions (b) or (formerly and) (d) of Section 48915 only if all of the following conditions are met:

- (a) An individualized education program team meeting is held and conducted pursuant to Article 3 (commencing with section 56340) of Chapter 2 of Part 30.
- (b) The team determines that the misconduct was not caused by, or was not a direct manifestation of, the pupil's identified disability.
- (c) The misconduct occurred.

**9. Restrictions on Days of Suspension (Education Code 48903):**

The principal of the school or his/her designee may suspend a pupil from the school for any reasons enumerated in Section 48900 for no more than five (5) consecutive days. No pupil shall be suspended from school for more than twenty (20) school days in one school year, provided that, if a pupil, for adjustment purposes, is transferred to, or enrolled in, another regular school, an opportunity class in his/her school of residence, an opportunity school or class, days of suspension following such reassignment are limited to 10. (Education Code 48903)

**Students Leaving School Grounds:**

Whenever a student leaves school grounds during the school day without permission, or with permission during the lunch period, the parent or guardian of such pupil is notified that neither the District nor any officer or employee of the District shall be liable for the conduct or safety of any pupil during such time as the student has left the school grounds. (Education Code Section 49808.5)

**Local School Attendance Review Board (S.A.R.B.):**

If any pupil is a habitual truant, is habitually insubordinate or disorderly during attendance at school, the student may be referred to a School Attendance Review Board, and the District SHALL NOTIFY IN WRITING the parents or guardians of the pupil of the name and address of the Board and the reason for such referral. THE NOTICE SHALL INCLUDE an invitation to the parent or guardian to meet with the Board to consider a proper disposition of the case. (Education Code Section 35146)

**Liability of Parent or Guardian:**

1. Any minor who cuts, defaces, or otherwise injures in any way any real or personal property of the District is liable to suspension or expulsion, and the parent or guardian shall be liable for all damages caused by the minor, or for all property loaned to the minor and not returned on demand of a District employee authorized to make such demand. The parent or guardian shall be liable in an amount not to exceed twenty-five thousand dollars (\$25,000) for the purposes of this paragraph. (Education Code Section 48904)

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

**District Liability for Students:**

The District, Governing Board, officers, and employees shall be held harmless for any injuries caused by students' negligent acts or for any loss of personal property or equipment through students' negligent acts while on school grounds or involvement in any school activity. The above injury or loss of personal property shall be the responsibility of the student's parents or legal guardians except in instances where negligence can be proven by the appropriate court of jurisdiction. (Government Code 815.2)

## **STUDENT USE OF TECHNOLOGY**

### **Information Service Agreement and Acceptable Use Policy.**

Network services (including the internet) can provide unprecedented access to information and professional advice providing the foundation for a true guided learning experience. The Loma Prieta School District strongly believes in the educational value of such network services and recognizes their potential to support its curriculum and student learning in facilitating resource sharing, innovation, and communication. With the introduction of network services into the classroom environment however, comes a responsibility to manage this shared resource in the best interests of all users. Please read this document carefully. We must have your signature and that of your parent/guardian before we can provide you with access to the network.

1. Students are responsible for good behavior on school computers and school computer networks, just as they are responsible for their behavior in school. Communication on the network is public in nature. The general school rules for behavior of students applies to computer, communication, and network usage. Parents are responsible for making sure that their students understand the appropriate use of these technologies in the same manner that they are responsible for making sure that their students understand the school rules as stated in the student handbook.
2. Network storage areas may be treated like school lockers. Network administrators may review files and communication to maintain system integrity and ensure that students are using the system responsibly. Users should not expect that files stored on district servers will always be private.
3. You are expected to abide by these generally accepted rules of network etiquette (remember that you are a representative of your school and district on a public global network):
  - Stay on task. Use the network in a manner that supports the project your teacher has given you.
  - Be polite - Never send, or encourage others to send, abusive messages.
  - Use appropriate language - Never swear, use vulgarities, or any other inappropriate language. Always consider how other will interpret your message. Humor is very often misinterpreted. Use Emoticons when appropriate :-).
  - Never use or attempt to use a password belonging to someone else.
  - Never trespass in to the files, folders, or disks belonging to other network users.
  - Never intentionally waste resources such as paper, printer ink, disks, or disk memory.
  - Never transmit personal information such as addresses, phone numbers, or pictures of yourself or anyone else.
  - Never agree to meet someone you met online except as part of a school sanctioned event.
  - Observe any additional rules, practices, and procedures presented by the classroom teacher or project administrator.
  - **STUDENTS ARE NOT PERMITTED TO ACCESS *MY SPACE* OR ANY OTHER INAPPROPRIATE WEBSITE AT ANY TIME.**

All network users are expected to observe these rules when using the network. Violators of these rules can expect to receive disciplinary action appropriate to the severity of the infraction. Severe or repeated misuse will result in the loss of network access privileges. If applicable, law enforcement agencies may be involved.

## **USE OF STUDENT PHOTOGRAPHS/VIDEO TAPING**

We would like your permission to occasionally post your child's photograph or video to our school's website. Rest assured, we would never post he/her name with a photograph/video. You should also know that when we do post student names, it is district policy to only post first names. We rarely use student names and never with photographs/videos. This can be a great motivational tool for kids and a good way for you to see your child while at school. Relatives also enjoy seeing these photos and videos on the web.

## **VIDEO PERMISSION**

We would like your permission to occasionally show videos to students that directly relate to the instructional curriculum. At the elementary school teachers will only show videos with a G rating and in the middle school, teachers may only show films rated G or PG, unless they are reviewed and approved by the principal.

At times, we do show movies or clips that have a rating higher than G, however the section that is shown relates to the curriculum and in no way exhibits inappropriate sex, violence or language. An example would be a NASA space shuttle when shown to students who are studying the Space Program. Of course, prior to showing the clip, the teacher will obtain permission from the principal.

The purpose of this permission form is to allow the school the professional discretion to review movies or clips that may be other than G rating, and show them if they are part of the instructional curriculum provided they do not exhibit inappropriate sex, violence, or language. As it is very difficult and time consuming for teachers to send home a note each time they include a video in their curriculum, we value your trust and confidence. On the other hand, we also respect your right as a parent to want to make this decision for your child, and realize that you may not grant this permission.

## **RESIDENCY REQUIREMENT**

### Residency Requirements for Attendance

California State Law provides that public school districts are to serve only those children who are residents in the district or children who have an approved interdistrict agreement. Residency is defined as five (5) consecutive days/nights weekly in a domicile. Ownership of real property within the district does not in and of itself constitute residency. The employment within the district may not constitute residency. The Loma Prieta Joint Union Elementary School District routinely investigates addresses and declared residency to verify their validity.

### Declaration of Residency

I hereby certify that the address as given for enrollment purposes is true and correct in that the child(ren) reside at that address no less than five\*(5) consecutive days and nights each week. I understand and agree that if it is determined that this information is false, I am in violation of State Law and may be held liable for all legal, investigative, and/or educational costs that may be incurred as a result of any false information I have submitted. I further understand that if it is determined that a registered child is not a resident of the Loma Prieta Joint Union Elementary School District and does not have a valid interdistrict agreement allowing attendance, the child may be removed from the district immediately and may be denied all services by the district.