

LOMA PRIETA JOINT UNION ELEMENTARY SCHOOL DISTRICT

STUDENTS Section 5000

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Policy No.: 5020

Parent Rights and Responsibilities

Board Adopted: 9/12/07

The Board of Trustees of the Loma Prieta Joint Union Elementary School District recognizes that parents/guardians have certain rights as well as responsibilities related to the education of their children.

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

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

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

Legal Reference:	Education Code	
	44670.5	Professional Development Program
	49091.10-	
	49091.19	Parental Review of Curriculum and Instruction
	51100-51102	Parent/Guardian Rights

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Regulation No.: 5020

Parent Rights and Responsibilities – Page 1

Board Adopted: 9/12/07

Parent Rights

The rights of parents/guardians of District students include, but are not limited to, the following:

1. To observe, within a reasonable period of time after making the request, the classroom(s) in which their child is enrolled.

Parents/guardians may observe instructional and other school activities that involve their child in accordance with Board policy and administrative regulations adopted to ensure the safety of students and staff, prevent undue interference with instruction or harassment of school staff, and provide reasonable accommodation to parents/guardians. Upon written request by parents/guardians, the principal shall arrange for parental observation of a class or activity in a reasonable time frame and in accordance with Board policy and administrative regulations.

2. To meet, within a reasonable time of their request, with their child's teacher(s) and the principal of the school.
3. Under the supervision of District employees, to volunteer their time and resources for the improvement of school facilities and school programs, including, but not limited to, providing assistance in the classroom with the approval, and under the direct supervision, of the teacher.
4. To be notified on a timely basis if their child is absent from school without permission.
5. To receive the results of their child's performance and the school's performance on standardized tests and statewide tests.
6. To have a school environment for their child that is safe and supportive of learning.
7. To examine the curriculum materials of the class(es) in which their child is enrolled.
8. To be informed of their child's progress in school and have the appropriate school personnel whom they should contact if problems arise with their child.
9. To have access to the school records of their child.
10. To receive information concerning the academic performance standards, proficiencies or skills their child is expected to accomplish.
11. To be informed in advance about school rules, attendance policies, dress codes and procedures for visiting the school.
12. To receive information about any psychological testing the school does involving their child and to deny permission to give the tests.

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Parent Rights and Responsibilities – Page 2

Board Adopted: 9/12/07

13. To refuse to submit or to participate in any assessment, analysis, evaluation or monitoring of the quality or character of the student's home life; any form of parental screening or testing; any nonacademic home-based counseling program; parent training; or any prescribed family education service plan.
14. To participate as a member of the parent advisory committee or school site council in accordance with any rules and regulations governing membership in these organizations.
15. To question anything in their child's record that the parent/guardian feels is inaccurate or misleading or is an invasion of privacy and to receive a response from the school.

The principal shall obtain informed written parental consent before testing any student for behavioral, mental or emotional evaluation. A general consent, including medical consent used to prove admission to or involvement in, the special education or remedial program or regular school activity, shall not constitute written consent for these purposes.

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

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

Parent Responsibilities

Parents/guardians may support the learning environment of their children by:

1. Monitoring attendance of their children.
2. Ensuring that homework is completed and turned in on time.
3. Encouraging their children to participate in extracurricular and co-curricular activities.
4. Monitoring and regulating the television and other technologies in activities participated in by their children.
5. Working with their children at home in learning activities that extend the classroom learning.
6. Volunteering in their children's classroom(s) or for other school activities.
7. Participating in decisions related to the education of their own children or the total school program as appropriate.

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Policy No.: 5021

Noncustodial Parents

Board Adopted: 9/12/07

Noncustodial parents generally retain the same rights as custodial parents unless a court order restricts the rights of the noncustodial parent. These rights include but are not limited to accessing his/her child's student records, participating in school activities and visiting the child at school. If a completed or pending legal action curtails the noncustodial parent's rights, the parent/guardian with custody shall provide evidence of this action to the principal.

Upon request, the school shall provide noncustodial parents with announcements and notices that are sent to the custodial parent.

While both parents can visit the child at school, only the custodial parent has the right to remove the child from school property. Only a verified note or emergency card from the custodial parent will be cause for exception to this provision.

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

Legal Reference:	Education Code	
	49061	Definitions
	49069	Absolute Right to Access
	Family Code	
	3025	Parental Access to Records

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Policy No.: 5022

Student and Family Privacy Rights

Board Adopted: 9/12/07

The Board of Trustees believes that personal information concerning District students and their families should be kept private in accordance with law.

School districts shall adopt a policy identifying those categories of directory information that may be released. Parents shall be notified in writing of their rights upon the date of the pupil's initial enrollment. The notice shall be, insofar as practicable, in the home language of the pupil.

The Superintendent shall consult with parents and guardians regarding the development and adoption of this policy.

Collection of Personal Information for Marketing Purposes

The Board prohibits District staff from collecting any student personal information for marketing purposes and from administering or distributing to students survey instruments that are designed for the purpose of collecting personal information for marketing or for selling that information.

Legal Reference:	Education Code	
	49450-49457	Physical Examinations
	49061	Pupil Records
	49063	Notification of Parents of Their Rights
	49073	Release of Directory Information
	49602	Confidentiality of Pupil Information
	51101	Parents Rights Act of 2002
	51513	Personal Beliefs
	51938	Sexual Health and HIV/AIDS Prevention Education Act; Notice and Parental Excuse
	United States Code, Title 20	
	1232g	Family Educational Rights and Privacy Act
	1232h	Protection of Pupil Rights

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Regulation No.: 5022

Student and Family Privacy Rights – Page 1

Board Adopted: 9/12/07

Definition

Personal information means individually identifiable information including a student's or parent/guardian's first and last name, a home or other physical address (including street name and the name of the city or town), a telephone number, or a social security identification number.

Surveys Requesting Information About Beliefs and Practices

A student's parent/guardian shall provide prior written consent before the student participates in a survey containing one or more of the following items:

1. Political affiliations or beliefs of the student or his/her family
2. Mental or psychological problems of the student or his/her family
3. Sexual behavior or attitudes or personal beliefs and practices in family life or morality
4. Illegal, anti-social, self-incriminating or demeaning behavior
5. Critical appraisals of other individuals with whom students have close family relationships
6. Legally recognized privileged or analogous relationships, such as those of lawyers, physicians or ministers
7. Religious practices, affiliations or beliefs of the student or his/her parent/guardian
8. Income, except to the extent that income is required to be disclosed by law for participation in a program or for receiving financial assistance under such a program

If a student participates in a survey regarding information about beliefs and practices as identified above, school officials and staff members shall not request or disclose the student's identity.

Notwithstanding the above requirements, the District may administer to students in grades 7-8, anonymous, voluntary, and confidential research and evaluation tools to measure student health risks and behaviors, including tests and surveys about the student's attitudes or practices related to sex as long as parents/guardians are provided written notice and given an opportunity to request that their child not participate.

Any District restriction regarding collection of personal information shall not apply to the collection, disclosure, or use of personal information collected from students for the purpose of developing, evaluating or providing educational products or services for, or to, students or educational institutions, such as the following:

1. Book clubs, magazines, and programs providing access to low-cost literary products

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Student and Family Privacy Rights – Page 2

Board Adopted: 9/12/07

2. Curriculum and instructional materials used by elementary schools
3. Tests and assessments to provide cognitive, evaluative, diagnostic, clinical, aptitude, or achievement information about students (or to generate other statistically useful data for the purpose of securing such tests and assessments) and the subsequent analysis and public release of the aggregate data from such tests and assessments
4. The sale by students of products or services to raise funds for school-related or education-related activities
5. Student recognition programs

Parent/Guardian Access to Surveys and Instructional Materials

Before school staff administers a survey or evaluation containing personal information as identified above or distributes an instrument to a student for the purpose of collecting personal information for marketing, the student's parent/guardian may:

1. Upon request, inspect that survey or instrument before it is administered or distributed to his/her child or any instructional material used as part of his/her child's educational curriculum

Within a reasonable period of time of receiving a request, the principal shall permit a parent/guardian to view a survey, instrument or instructional material. A parent/guardian may view the document any time during normal business hours.

2. Refuse to allow his/her child to participate in the activity

Students whose parents/guardians exercise this option shall not be penalized by the District.

Health Examinations

No school official or staff member shall subject a student to a non-emergency, invasive physical examination as a condition for school attendance, except as permitted or required under California law.

Invasive physical examination means any medical examination that involves the exposure of private body parts or any act during such examination that includes incision, insertion or injection into the body, but does not include a properly authorized hearing, vision or scoliosis screening.

During the school year, the Superintendent shall notify parents/guardians of:

1. The District's policy regarding student privacy
2. The process to opt their children out of participation in any activity described in this policy and administrative regulation

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Regulation No.: **5022**

Student and Family Privacy Rights – Page 3

Board Adopted: **9/12/07**

3. The specific or approximate dates during the school year when the following activities are scheduled:
 - a. Survey requesting personal information
 - b. Physical exams or screenings
 - c. Collection of personal information from students for marketing

Prior to administering anonymous and voluntary surveys regarding health risks and behaviors to students in grades 7-8, the District shall provide parents/guardians with written notice that the survey is to be administered.

Parents/guardians shall also be notified of any substantive change in this policy and administrative regulation within a reasonable period of time after adoption of the change.

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Policy No.: 5100

Admission

Board Adopted: 9/12/07

The Board of Trustees believes that all children should have the opportunity to receive educational services. Staff shall encourage parents/guardians to enroll all school-aged children in school.

The Superintendent shall maintain procedures which provide for the verification of all entrance requirements specified in law and in Board policies and regulations.

Legal Reference:	Education Code	
	46600	Agreements for Admission of Pupils Desiring Interdistrict Attendance
	48000	Minimum Age of Admission (Kindergarten)
	48002	Evidence of Minimum Age Required to Enter Kindergarten or First Grade
	48010	Minimum Age of Admission (First Grade)
	48011	Admission from Kindergarten or Other School; Minimum Age
	48050-48053	Nonresidents
	48200	Children between Ages of 6 and 18 years (Compulsory Full-Time Education)
	49076	Access to Records by Persons without Written Consent or Under Judicial Order
	49408	Information of Use in Emergencies
	Health and Safety Code	
	120325-120380	Education and Child Care Facility Immunization Requirements
	121475-121520	Tuberculosis Test for Pupils
	Code of Regulations, Title 5	
	200	Promotion from Kindergarten to First Grade
	201	Admission to High School
	Code of Regulations, Title 17	
	6000-6075	School Attendance Immunization Requirements
	United States Code, Title 20	
	11431-11435	McKinney Homeless Assistance Act

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Regulation No.: 5100

Admission – Page 1

Board Adopted: 9/12/07

Age of Admission

Proof of age shall be required of all enrolling students. The legal evidences of age, in order of desirability, are a birth certificate, baptismal certificate, passport, immigration certificate, Bible record, or affidavit from the parent/guardian.

Age of Admission - Kindergarten

A child who will be five years old on or before December 2 of the school year shall be eligible for enrollment in kindergarten at the beginning of that school year or at any later time in the same year.

Age of Admission – First Grade

A child who will have reached the age of six years on or before December 2 of the current school year shall be eligible for enrollment in the first grade.

A child enrolled in kindergarten may be admitted to the first grade at the discretion of the principal and upon determination of the principal that the child is socially, emotionally, and academically ready for first grade. Admission shall be subject to the following minimum criteria.

1. The child is at least five years of age.
2. The child has attended a public school kindergarten for a long enough time to enable school personnel to evaluate his/her ability.
3. The child is in the upper five percent of his/her age group in terms of general mental ability.
4. The physical development and social maturity of the child are consistent with his/her advanced mental ability.
5. The parent/guardian of the child has filed a written statement with the school district approving the child's placement in first grade.

Evidence of Minimum Age

Prior to admission to kindergarten or first grade, the parents or guardians of a child shall present proof of age that the child is of legal age for admission.

Exception to Minimum Age Requirement

It is the policy of the Loma Prieta Joint Union Elementary School District to make no exceptions to the minimum age requirements for admission to kindergarten.

LOMA PRIETA JOINT UNION ELEMENTARY SCHOOL DISTRICT

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Regulation No.: 5100

Admission – Page 2

Board Adopted: 9/12/07

Evidence of Immunization

To be admitted to school, a child must be fully immunized in accordance with law. Children shall be excluded from school or exempted from immunization requirements only as allowed by law.

Children entering school for the first time must show proof of immunization against diphtheria, pertussis (whooping cough), tetanus, poliomyelitis, measles, mumps and rubella. The immunizations must be documented by a physician, nurse or clinic in the manner prescribed by the State Department of Health. Students seven years or older shall not be required to be immunized against pertussis or mumps.

A child may be admitted to school without proof of full immunization upon annual presentation of a written statement by the child's legal parent or guardian to the effect that such immunization and/or examination would be contrary to the personal beliefs of the child's parent or guardian or a written statement by a physician that medical circumstances make immunization unsafe.

Any students without such evidence shall be excluded from school until the immunization is obtained or until the student presents a letter of or affidavit of exemption from his/her parent/guardian or physician.

Evidence of CHDP (Child Health & Disability Program) Physical

Children entering kindergarten must show proof of CHDP physical in the form of a certificate of physical examination from the physician.

Legal Reference:	Education Code	
	46600	Agreements for Admission of Pupils Desiring Interdistrict Attendance
	48000	Minimum Age of Admission (Kindergarten)
	48002	Evidence of Minimum Age Required to Enter Kindergarten or First Grade
	48010	Minimum Age of Admission (First Grade)
	48011	Admission From Kindergarten or Other School; Minimum Age
	Code of Regulations, Title 5	
	200	Promotion From Kindergarten to First Grade
	Code of Regulations, Title 17	
	6000-6075	School Attendance Immunization Requirements
	Title VII, Subtitle B, The McKinney Act of 1987	

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Policy No.: 5101

District Residency – Page 1

Board Adopted: 9/12/07

Criteria for Residency

Prior to admission to the District, students shall provide proof of residency.

A student shall be deemed to have complied with residency requirements if he/she meets any of the following criteria:

1. The student's parents/guardians reside within District boundaries.
2. The student is placed within District boundaries in a regularly established licensed children's institution, a licensed foster home or a family home pursuant to a court-ordered commitment or placement.
3. The student has been admitted through the District's interdistrict attendance program.
4. The student lives with the caregiving adult within District boundaries.
5. The student resides in a state hospital located within District boundaries.
6. The student is an elementary school student whose parent/guardian is employed within District boundaries. However, the District is not required to admit students for this reason.
7. The student is confined to a hospital or other residential health facility within District boundaries for treatment of a temporary disability.

Definition of Residence

Every person has, in law, a residence. In determining the place of residence the following rules are to be observed:

1. There can be only one residence.
2. A residence is the place where one remains when not called elsewhere for labor or other special or temporary purposes, and to which he or she returns in seasons of repose.
3. A residence cannot be lost until another is gained.
4. The residence can be changed only by the union of act and intent.
5. A man or woman may establish his or her residence. A woman's residence shall not be derivative from that of her husband.

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District Residency – Page 2

Board Adopted: 9/12/07

6. The residence of the parent with whom an unmarried minor child maintained his or her last place of abode, provided the minor may establish his or her residence when both parents are deceased and a legal guardian has not been appointed.
7. The residence of an unmarried minor child who has a parent living cannot be changed by his or her own act, by the appointment of a legal guardian, or by relinquishment of a parent's right of control.
8. An alien, including an unmarried minor alien, may establish his or her residence, unless precluded by the Immigration and Nationality Act from establishing domicile in the United States.
9. The residence of an unmarried minor alien shall be derived from his or her parents pursuant to the provisions of 6 and 7 above.

Proof of Residency

The Superintendent shall retain a copy of the document or written verification offered as proof of residency. In addition, the Superintendent shall annually verify the student's residency and retain a copy of the document or written statement offered as verification.

When presented with a substitute address designated by the Secretary of State for victims of domestic violence or stalking residing within District boundaries, the Superintendent shall accept and use the substitute address for all future communication and correspondence and in all public records.

If any District employee reasonably believes that the parent/guardian of the student has provided false or unreliable evidence of residency, the Superintendent shall make reasonable efforts to determine whether the student meets legal residency requirements.

Reasonable evidence of residency may be established by documentation including, but not limited to, any of the following:

1. Property tax payment receipts
2. Rent payment receipts
3. Utility service payment receipts
4. Declaration of residency executed by the student's parent/guardian

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Policy No.: 5101

District Residency – Page 3

Board Adopted: 9/12/07

Revocation of Enrollment

If the Superintendent, upon investigation, determines that a student's enrollment is based on false evidence of residency, he/she shall revoke the student's enrollment. Before any such revocation, the parent/guardian shall be sent written notice of the facts leading to the decision. This notice shall state the parent/guardian's right, within 5 school days, to schedule a meeting with the Superintendent to inspect supporting documents, rebut District evidence, question any District witnesses, and present oral and/or documentary evidence, including witnesses, on the student's behalf. For good cause, the Superintendent may extend the meeting date for an additional 5 days to permit the parent/guardian to obtain required documentation.

If the parent/guardian fails to schedule the above meeting, the student's enrollment shall be revoked 6 school days after the date of the notice.

If the above meeting is held, the Superintendent shall prepare a written decision describing his/her findings. If this decision upholds the revocation, the parent/guardian shall be informed of his/her right to appeal to the Board within 5 days. The Superintendent's decision shall be final unless appealed.

A parent/guardian who appeals to the Board shall have the right to have a representative present and to rebut District evidence, question any District witnesses, and present oral and/or documentary evidence, including witnesses, on the student's behalf. Except in cases where good cause is shown, the Board shall not reopen the record to consider evidence or argument which was not presented to the Superintendent or designee. The student may continue to attend school during the period of the appeal. The Board's decision shall be final.

Legal Reference:	Education Code	
	35351	Assignment of Students to Particular Schools
	48050-48053	Nonresidents
	48200-48204	Persons Included (Compulsory Education Law)
	48204.5	Districts Adjacent to International Border
	48204.6	Evidence of Residency
	48206.3-48208	Students with Temporary Disability
	48980	Notification of Parent or Guardian
	52317	Admission of Persons Including Nonresidents to Attendance Area
	Family Code	
	6550-6552	Caregivers
	Government Code	
	6205-6211	Confidentiality of Residence for Victims of Domestic Violence
	Code of Regulations, Title 5	
	432	Varieties of Student Records

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Policy No.: 5101

District Residency – Page 4

Board Adopted: 9/12/07

Legal Reference: (cont.)

Code of Regulations, Title 22
87001 Definitions

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Regulation No.: 5102

Residency of Students with Caregiver – Page 1

Board Adopted: 9/12/07

Students shall qualify as District residents if placed within the District in a regularly established licensed children's institution, a licensed foster home, or a family home pursuant to a commitment or placement under Welfare and Institutions Code 200-987. The agency placing a student in such a home or institution shall provide evidence to the school that the placement or commitment is pursuant to law.

Students shall qualify as District residents if they reside in the home of a care-giving adult within District boundaries.

Upon enrollment, the care-giving adult shall execute, under penalty of perjury, the affidavit specified in Family Code 6552. Affidavits are valid for one year. Evidence that the caregiver lives at the address given on the affidavit shall be required at the time of enrollment as it is required of all other student registrations. If the student stops living with the caregiver, Family Code 6550 requires the caregiver to so notify the school.

When their whereabouts is known, parents/guardians of students living with a caregiver or in foster care shall receive all parental notifications required by law. They shall be contacted for all major educational decisions concerning enrollment, discipline and final grades. Unless legal guardianship has been established by a court order, the parent/guardian still exercises authority with regard to attendance and grades.

Caregivers and foster parents who have filed the affidavit specified in Family Code 6552 may authorize school-related medical care.

Caregivers and foster parents shall receive a copy of all school notices.

Under certain circumstances, a "surrogate parent" may be appointed to represent a special education student regarding the provision of special education services. A surrogate parent is not a parent or a legal guardian for purposes of determining students who qualify as District residents.

Legal Reference:	Education Code	
	35351	Assignment of Students to Particular Schools
	42920-42925	Educational Services
	48200-48204	Persons Included (Compulsory Education Law)
	56028	Parent
	56050	Surrogate Parent
	Family Code	
	6550-6552	Caregivers
	Government Code	
	7579.5	Surrogate Parent
	Code of Regulations, Title 22	
	87001	Definitions

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Residency of Students with Caregiver – Page 2

Board Adopted: 9/12/07

Legal Reference: (cont.)

Code of Federal Regulations, Title 34
300.519 Surrogate Parent

LOMA PRIETA JOINT UNION ELEMENTARY SCHOOL DISTRICT

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Exhibit No.: 5102

Residency of Students with Caregiver

Board Adopted: 9/12/07

CAREGIVER'S AUTHORIZATION AFFIDAVIT

Use of this affidavit is authorized by Part 1.5 (commencing with Section 6550) of Division 11 of the California Family Code.

Instructions: Completion of items 1-4 and the signing of the affidavit is sufficient to authorize enrollment of a minor in school and authorize school-related medical care. Completion of items 5-8 is additionally required to authorize any other medical care. Print clearly.

The minor named below lives in my home and I am 18 years of age or older.

1. Name of minor: _____

2. Minor's birth date: _____

3. My name (adult giving authorization): _____

4. My home address: _____

5. I am a grandparent, aunt, uncle, or other qualified relative of the minor (see next page for a definition of "qualified relative").

6. Check one or both (for example, if one parent was advised and the other cannot be located):

I have advised the parent(s) or other person(s) having legal custody of the minor of my intent to authorize medical care, and have received no objection.

I am unable to contact the parent(s) or other person(s) having legal custody of the minor at this time, to notify them of my intended authorization.

7. My date of birth: _____

8. My California driver's license or identification card number: _____

Warning: Do not sign this form if any of the statements above are incorrect, or you will be committing a crime punishable by a fine, imprisonment, or both.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Dated: _____

Signed: _____

LOMA PRIETA JOINT UNION ELEMENTARY SCHOOL DISTRICT

STUDENTS

Exhibit No.: 5102

Residency of Students with Caregiver

Board Adopted: 9/12/07

Notices

1. This declaration does not affect the rights of the minor's parents or legal guardian regarding the care, custody, and control of the minor, and does not mean that the caregiver has legal custody of the minor.
2. A person who relies on this affidavit has no obligation to make any further inquiry or investigation.
3. This affidavit is not valid for more than one year after the date on which it is executed.

Additional Information

TO CAREGIVERS:

1. "Qualified relative," for purposes of item 5, means a spouse, parent, stepparent, brother, sister, stepbrother, stepsister, half-brother, half-sister, uncle, aunt, niece, nephew, first cousin, or any person denoted by the prefix "grand" or "great" or the spouse of any of the persons specified in this definition, even after the marriage has been terminated by death or dissolution.
2. The law may require you, if you are not a relative or a currently licensed foster parent, to obtain a foster home license in order to care for a minor. If you have any questions, please contact your local department of social services.
3. If the minor stops living with you, you are required to notify any school, health care provider, or health care service plan to which you have given this affidavit.
4. If you do not have the information requested in item 8 (California driver's license or I.D.), provide another form of identification such as your social security number or Medi-Cal number.

TO SCHOOL OFFICIALS:

1. Section 48204 of the Education Code provides that this affidavit constitutes a sufficient basis for a determination of residency of the minor, without the requirement of a guardianship or other custody order, unless the School District determines from actual facts that the minor is not living with the caregiver.
2. The School District may require additional reasonable evidence that the caregiver lives at the address provided in item 4.

LOMA PRIETA JOINT UNION ELEMENTARY SCHOOL DISTRICT

STUDENTS

Exhibit No.: **5102**

Residency of Students with Caregiver

Board Adopted: **9/12/07**

TO HEALTH CARE PROVIDERS AND HEALTH CARE SERVICE PLANS:

1. No person who acts in good faith reliance upon a caregiver's authorization affidavit to provide medical or dental care, without actual knowledge of facts contrary to those stated on the affidavit, is subject to criminal liability or to civil liability to any person, or is subject to professional disciplinary action, for such reliance if the applicable portions of the form are completed.
2. This affidavit does not confer dependency for health care coverage purposes.

LOMA PRIETA JOINT UNION ELEMENTARY SCHOOL DISTRICT

STUDENTS

Regulation No.: 5105

Enrollment Options

Board Adopted: 9/12/07

In receiving and considering intra and inter District transfer requests the District feels it is important to clearly identify the priority rankings for acceptance of students in a school. Those rankings are as follows:

1. Children of Loma Prieta Joint Union Elementary School District employees
2. Requests for continuing inter and intra District transfers approved the prior year
3. Siblings of continuing transfers
4. Intradistrict transfer requests
5. All other interdistrict transfer requests

All intradistrict transfer requests will be initiated through the school of the child's attendance area and will be submitted to that school for processing using Request for Intradistrict Transfer form. Elements of Policy 5116 and the accompanying Administrative Regulations will be followed with parents being notified as per those guidelines.

Interdistrict transfer requests will be submitted through the District office using the Request for Interdistrict Transfer form. The Superintendent, reviews reason for request and determines if compatible with District provisions. The District office will log all requests and will submit a copy to the school of request if a specific school has been identified. The principal will review the request, the school's projected enrollment and space availability and will act on the request as per interdistrict transfer policy 5117 and the accompanying Administrative Regulations.

Administrative staff will, at their regular Administrative Staff meetings, review District enrollment, transfer requests outstanding, space availability and make a decision as to whether or not additional inter or intra District transfer will be approved.

LOMA PRIETA JOINT UNION ELEMENTARY SCHOOL DISTRICT

STUDENTS

Policy No.: 5110

Exemptions From Attendance

Board Adopted: 9/12/07

The Board of Trustees may grant exemptions from compulsory attendance to students as allowed by law and in the best interests of the student.

Exemptions shall not be used to remove students who are disciplinary problems. Suspension, expulsion, transfer to alternative programs and other administrative measures shall be used with the students.

Legal Reference:	Education Code	
	33190	Affidavit by Persons Conducting Private School Instruction
	46113	Minimum School Day for Grades Four through Eight
	48200-48341	Compulsory Education Law
	48400	Weekly Minimum Attendance Requirement
	48410	Persons Exempted from Continuation Classes
	Labor Code	
	1295.5	Employment of Minors; Performance of Sports-Attending Services
	1394	Employment of Minors
	United States Code, Title 20	
	1681-1688	Title IX, Discrimination
	United States Code, Title 29	
	794	Section 504 of the Rehabilitation Act of 1973
	Code of Federal Regulations, Title 34	
	106.40	Marital or Parental Status
	Court Decisions	
	<i>Thomas v. Atascadero Unified School District</i> (1987) 662 F.Supp. 342	

LOMA PRIETA JOINT UNION ELEMENTARY SCHOOL DISTRICT

STUDENTS

Regulation No.: **5110**

Exemptions From Attendance

Board Adopted: **9/12/07**

Request for exemption from compulsory full-time attendance shall include satisfactory evidence of conditions upon which an exemption can be legally justified.

Students may be exempted from full-time attendance in the District's regular education program if they:

1. Are being instructed in a private full-time school and the attendance supervisor or designee verifies that the private school has filed an affidavit.
2. Are being instructed by a private tutor who holds a valid state credential for the grade taught, provided that the instruction consists of study and recitation for at least three hours a day for 175 days of each calendar year.
3. Hold work permits to work temporarily in the entertainment or allied industry.
4. Hold work permits and attend part-time classes.
5. Are between the ages of 12 and 18 and enter a school attendance area from another state within 10 days of the end of the school term, with the exception applicable for the remainder of the term.

LOMA PRIETA JOINT UNION ELEMENTARY SCHOOL DISTRICT

STUDENTS

Policy No.: 5111

Exclusions From Attendance – Page 1

Board Adopted: 9/12/07

Students may be excluded from District attendance if they:

1. Are under the legal age of attendance, except as otherwise provided by law.
2. Do not present evidence of immunization from certain infectious diseases as required by law. Such a student shall not be excluded, however, if the parent/guardian, in writing, requests exemption from the immunization requirements on the basis of the student's physical condition or conflict with the parent/guardian's religious beliefs.
3. Are reasonably suspected of having active tuberculosis.
4. Reside where any contagious, infectious, or communicable disease subject to quarantine exists or has recently existed, unless written permission of the health officer is provided.
5. Have not had a health screening before the first 90 days of attending first grade. Such students may be excluded for up to five days unless the parent/guardian has presented an appropriate waiver or the District has exempted the student from this requirement in accordance with law.
6. Have filthy or vicious habits, or suffer from contagious or infectious diseases.

The Board of Trustees shall periodically review its decisions to exclude students of filthy or vicious habits or suffering from contagious or infectious diseases.

Before excluding any such student, the Superintendent shall send a notice to the parent/guardian of the student. This notice shall state the facts leading to a decision to propose exclusion and shall further state that:

- a. The parent/guardian has a right to meet with the Board to discuss the proposed exclusion.
- b. At this meeting, the parent/guardian shall have an opportunity to:
 - (1) Inspect all documents upon which the District is basing its decision to propose exclusion.
 - (2) Challenge any evidence and question any witness presented by the Board.
 - (3) Present oral and documentary evidence on the student's behalf.
 - (4) Have one or more representatives present at the meeting.
- c. The decision to exclude the child is subject to periodic review and the procedures for such periodic review.

LOMA PRIETA JOINT UNION ELEMENTARY SCHOOL DISTRICT

STUDENTS

Policy No.: 5111

Exclusions From Attendance – Page 2

Board Adopted: 9/12/07

The Superintendent is not required to send prior notice of exclusion to the parent/guardian if the student is excluded because:

- a. He/she resides in an area subject to quarantine.
- b. He/she is exempt from a medical examination but suffers from a contagious or infectious disease.
- c. It is determined that the presence of the student would constitute a clear and present danger to the life, safety, or health of students or school personnel.

However, the Superintendent shall send a notice as soon as reasonably possible after the exclusion.

Legal Reference:	Education Code	
	48210-48214	Persons Excluded
	49076	Access to Records by Person without Written Consent or Under Judicial Order
	49408	Information of Use in Emergencies
	49451	Parent's Refusal to Consent
	Health and Safety Code	
	120230	Exclusion of Persons from School
	120325-120380	Educational and Child Care Facility Immunization Requirements
	121475-121520	Tuberculosis Tests for Students
	124025-124110	Child Health and Disability Prevention Program
	Code of Regulations, Title 5	
	202	Exclusion of Students with a Contagious Disease

LOMA PRIETA JOINT UNION ELEMENTARY SCHOOL DISTRICT

STUDENTS

Policy No.: 5112

Absences and Excuses – Page 1

Board Adopted: 9/12/07

The Board of Trustees believes that regular attendance plays an important role in student achievement. The Board recognizes its responsibility under the law to ensure that students attend school regularly. Parents/guardians of children aged 6 to 18 are obligated to send their children to school unless otherwise provided by law. The Board shall abide by all state attendance laws and may use appropriate legal means to correct the problems of excessive absence or truancy.

Excused Absences

Absence from school shall be excused only for health reasons, family emergencies and justifiable personal reasons, as permitted by law, Board policy and administration regulations.

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

At the beginning of each academic year, notifications shall be sent to the parents/guardians of all students, and to all students in grades 7 and 8, informing them that school authorities may excuse any student from school to obtain confidential medical services without the consent of the student's parent/guardian.

Students in grades K-6 shall not be absent from school without their parents/guardians' knowledge or consent except in cases of medical emergency. Students in grades 7-8 shall not be absent from school without their parents/guardians' knowledge or consent except in cases of medical emergency or confidential medical appointment.

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

A student's grades may be affected by excessive unexcused absences in accordance with Board policy.

Legal Reference:	Education Code	
	1740	Employment of Personnel to Supervise Attendance (County Superintendent)
	2550-2558.6	Computation of Revenue Limits
	37201	School Month
	37223	Weekend Classes
	41601	Reports of Average Daily Attendance
	42238-42250.1	Apportionments
	46000	Records (Attendance)
	46010-46014	Absences
	46100-46119	Attendance in Kindergarten and Elementary Schools
	46140-46147	Attendance in Junior High and High Schools
	48200-48208	Children Ages 6-18 (Compulsory Full-Time Attendance)

LOMA PRIETA JOINT UNION ELEMENTARY SCHOOL DISTRICT

STUDENTS

Policy No.: 5112

Absences and Excuses – Page 2

Board Adopted: 9/12/07

Legal Reference:	Education Code (cont.)
	48210-48216 Exclusions from Attendance
	48240-48246 Supervisors of Attendance
	48260-48273 Truants
	48292 Filing Complaint Against Parent
	48320-48324 School Attendance Review Boards
	48340-48341 Improvement of Student Attendance
	49067 Unexcused Absences as Cause of Failing Grade
	Elections Code
	12302 Student Participation on Precinct Boards
	Family Code
	6920-6929 Consent by Minor
	Vehicle Code
	13202.7 Driving Privileges; Minors; Suspension or Delay for Habitual Truancy
	Welfare and Institutions Code
	601-601.4 Habitually Truant Minors
	11253.5 Compulsory School Attendance
	Code of Regulations, Title 5
	306 Explanation of Absence
	420-421 Record of Verification of Absence Due to Illness or Other Causes
	Attorney General Opinions
	66 Ops.Cal.Atty.Gen 245, 249 (1983)
	Court Decisions
	<i>American Academy of Pediatrics et al. v. Lungren et al.</i> (1997) 16 Cal.4 th 307

LOMA PRIETA JOINT UNION ELEMENTARY SCHOOL DISTRICT

STUDENTS

Regulation No.: 5112

Absences and Excuses – Page 1

Board Adopted: 9/12/07

Excused Absences

A student's absence shall be excused for the following reasons:

1. Personal illness.
2. Quarantine under the direction of a county or city health officer.
3. Medical, dental, optometric, or chiropractic appointments.
4. Attendance at funeral services for a member of the immediate family.
 - a. Excused absence in this instance shall be limited to one day if the service is conducted in California or three days if the service is conducted out of state.
 - b. "Immediate family" shall be defined as mother, father, grandmother, grandfather, spouse, son/son-in-law, daughter/daughter-in-law, brother, sister, caregiver or any relative living in the student's immediate household.
5. Upon advance written request by the parent/guardian and the approval of the principal or designee, justifiable personal reasons including but not limited to:
 - a. Appearance in court
 - b. Attendance at a funeral service
 - c. Observation of a holiday or ceremony of his/her religion
 - d. Attendance at religious retreats not to exceed four hours per semester
6. Participation in religious instruction or exercises in accordance with District policy:
 - a. In such instances, the student shall attend at least the minimum school day
 - b. The student shall be excused for this purpose on no more than four days per school month

Method of Verification

When students who have been absent return to school, they shall present a satisfactory explanation verifying the reason for the absence. The following methods may be used to verify student absences:

1. Written note from parent/guardian or parent representative.

LOMA PRIETA JOINT UNION ELEMENTARY SCHOOL DISTRICT

STUDENTS

Regulation No.: 5112

Absences and Excuses – Page 2

Board Adopted: 9/12/07

2. Conversation, in person or by telephone, between the verifying employee and the student's parent/guardian or parent representative. The employee shall subsequently record the following:
 - a. Name of student
 - b. Name of parent/guardian or parent representative
 - c. Name of verifying employee
 - d. Date(s) of absence
 - e. Reason for absence
3. Visit to the student's home by the verifying employee, or any other reasonable method which establishes the fact that the student was absent for the reasons stated. A written recording shall be made, including information outlined above.
4. Physician's verification
 - a. When excusing students for confidential medical services or verifying such appointments, District staff shall not ask the purpose of such appointments but may contact a medical office to confirm the time of the appointment.

LOMA PRIETA JOINT UNION ELEMENTARY SCHOOL DISTRICT

STUDENTS

Policy No.: 5113

Truancy – Page 1

Board Adopted: 9/12/07

To improve student attendance, the Superintendent shall implement positive steps to identify the reasons for a student's unexcused absences and to help resolve the problems caused by truancy. Such strategies shall focus on early intervention and may include, but not be limited to, communication with parents/guardians and the use of student study teams.

In addition, the Superintendent shall cooperate with other agencies within the community to meet the needs of students who have serious school attendance or behavior problems and to maintain the continuing inventory of community resources, including alternative programs.

Habitually truant students may be referred to a school attendance review Board, a truancy mediation program operated by the county's district attorney or probation officer, and/or juvenile court in accordance with law.

For purposes of California's welfare system (CalWORKS), a student shall be determined to be regularly attending school unless he/she has been referred to the Santa Clara County District Attorney or probation office.

Legal Reference:	Education Code	
	1740	Employment of Personnel to Supervise Attendance (County Superintendent)
	37223	Weekend Classes
	41601	Reports of Average Daily Attendance
	46000	Records (Attendance)
	46010-46014	Absences
	46110-46119	Attendance in Kindergarten and Elementary Schools
	46140-46147	Attendance in Junior High and High Schools
	48200-48208	Children Ages 6-18 (Compulsory Full-Time Attendance)
	48240-48246	Supervisors of Attendance
	48260-48273	Truants
	48290-48296	Failure to Comply; Complaints Against Parents
	48320-48324	School Attendance Review Boards
	48340-48341	Improvement of Student Attendance
	49067	Unexcused Absences as Cause of Failing Grade
	Vehicle Code	
	13202.7	Driving Privileges; Minors; Suspension or Delay for Habitual Truancy
	Welfare and Institutions Code	
	601-601.4	Habitually Truant Minors
	11253.5	Compulsory School Attendance
	Code of Regulations, Title 5	
	306	Explanation of Absence

LOMA PRIETA JOINT UNION ELEMENTARY SCHOOL DISTRICT

STUDENTS

Policy No.: 5113

Truancy – Page 2

Board Adopted: 9/12/07

Legal Reference: Code of Regulations, Title 5 (cont)
420-421 Record of Verification of Absence Due to Illness and Other
Causes

Attorney General Opinions
66 Op.Cal.Atty.Gen. 245, 249 (1983)

LOMA PRIETA JOINT UNION ELEMENTARY SCHOOL DISTRICT

STUDENTS

Regulation No.: 5113

Truancy – Page 1

Board Adopted: 9/12/07

An attendance supervisor or designees, peace officer, or school administrator or designee may arrest or assume temporary custody, during school hours, of any minor student found away from his/her home who is absent from school without a valid excuse. Any person so arresting or assuming temporary custody shall deliver the student to school and make reports.

Upon receiving a complaint from a person that a parent/guardian has violated the state compulsory education laws, the Board of Trustees or Superintendent shall make a full and impartial investigation of all charges. If it appears upon investigation that the parent/guardian has violated these laws, the Superintendent shall refer such parent/guardian to the school attendance review board.

Strategies for Addressing Truancy

The following steps shall be implemented based on the number of truanancies committed by the student:

1. Students shall be classified as truant if absent from school without a valid excuse three full days in one school year, or tardy or absent for more than any 20-minute period during the school day without a valid excuse on three occasions in one school year, or any combination thereof. Such students shall be reported to the Superintendent.

The parent/guardian of a student classified as a truant shall be notified of the following:

- a. The student is truant.
- b. The parent/guardian is obligated to compel the student to attend school.
- c. The parent or guardian who fails to meet this obligation may be guilty of an infraction of the law and subject to prosecution.
- d. Alternative education programs are available in the District.
- e. The parent/guardian has the right to meet with appropriate school personnel to discuss solutions to the student's truancy.
- f. The student may be subject to arrest by a probation officer, a peace officer, a school administrator, an attendance supervisor or his/her designee if found away from home and absent from school without a valid excuse.

Upon his/her first truancy, a student may be given a written warning by a peace officer. A record of this warning may be kept at school for not less than two years or until the student graduates or transfers from the school. If the student transfers, the record may be forwarded to the new school.

Upon a student's truancy, the student may be required to attend make up classes on one day of a weekend.

LOMA PRIETA JOINT UNION ELEMENTARY SCHOOL DISTRICT

STUDENTS

Regulation No.: 5113

Truancy – Page 2

Board Adopted: 9/12/07

2. Any student who has once been reported as truant shall again be reported to the Superintendent as a truant if he/she is absent from school without a valid excuse one or more days or is tardy on one or more days.

Upon his/her second truancy within the same school year, a student may be assigned to an after-school or weekend study program within the county. If the student fails to successfully complete this study program, he/she shall be subject to item #3 below.

In addition, an appropriate District staff member shall make every effort to hold at least one conference with the student and parent/guardian and may discuss resources available for achieving regular school attendance.

3. Upon his/her third truancy within the same school year, a student shall be classified as a habitual truant.

Students who are habitual truants, irregular in school attendance, or habitually insubordinate or disorderly during attendance at school may be referred to, and required to attend, a school attendance review board, a truancy mediation program established by the district attorney or the probation officer, or a comparable program deemed acceptable by the District's attendance supervisor.

Upon making a referral to a school attendance review board or the probation department, the Superintendent shall provide the student and parent/guardian in writing, the name and address of the school attendance review board or probation department and the reason for the referral. This notice shall indicate that the student and parent/guardian shall be required, along with the District person making the referral, to meet with the school attendance review board or probation officer to consider a proper disposition of the referral.

If the student does not successfully complete the truancy mediation program or other similar program, he/she will be subject to item #4 below.

4. Upon his/her fourth truancy within the same school year, the student shall be within the jurisdiction of the juvenile court.

If a student has been judged by the county juvenile court to be a habitual truant, the Superintendent shall inform the juvenile court and the student's probation or parole officer whenever that student is truant one or more days or tardy on one or more days without a valid excuse in the same or succeeding school year, or is habitually insubordinate or disorderly at school. The juvenile court and probation or parole officer shall be so notified within 10 days of the violation.

LOMA PRIETA JOINT UNION ELEMENTARY SCHOOL DISTRICT

STUDENTS

Regulation No.: 5113

Truancy – Page 3

Board Adopted: 9/12/07

Reports

The Superintendent shall gather and transmit to the Santa Clara County Superintendent of Schools the number of referrals and type of referrals made to the school attendance review board and the number of requests for petitions made to the juvenile court.

LOMA PRIETA JOINT UNION ELEMENTARY SCHOOL DISTRICT

STUDENTS

Policy No.: 5114

Work Permits

Board Adopted: 9/12/07

The Board of Trustees recognizes that part-time jobs can give students needed supplementary income, valuable work experience, and enhanced self-esteem. However, the Board also believes that outside employment should not interfere with students' educational progress nor impair their health. In accordance with law, students must obtain work permits from school authorities before accepting employment.

The Superintendent shall issue work permits only as allowed by law and only to the extent that outside employment does not significantly interfere with the student's schoolwork. Students granted work permits must demonstrate and maintain satisfactory grades.

Legal Reference:	Education Code	
	48231	Entrance into Attendance Area Within 10 School Days of End of Term
	49110-49119	Permits to Work
	49130-49135	Permits to Work Full Time
	49140-49141	Exceptions
	49164	Inspection; Cancellation or Revocation
	Labor Code	
	1285-1312	Employment of Minors
	1391-1394	Working Hours for Minors

LOMA PRIETA JOINT UNION ELEMENTARY SCHOOL DISTRICT

STUDENTS

Regulation No.: 5114

Work Permits

Board Adopted: 9/12/07

Approval/Revocation of Work Permits

1. No work permit shall be issued until the student's parent/guardian, foster parent or residential shelter services provider has filed a written request with the District.
2. To help in determining the extent to which outside employment may be approved, the Superintendent shall:
 - a. Inspect the student's records for evidence of satisfactory grades and attendance.
 - b. Confer with at least one of the student's teachers to determine whether the student appears to have the time, stamina, motivation and maturity to maintain academic progress while working.
3. After issuing a work permit, the Superintendent shall periodically inspect the student's scholastic and attendance records.
4. The Superintendent shall revoke a student's work permit whenever he/she determines that employment is impairing the student's health or education.

Permits to Work Part Time When School Is in Session

1. When school is in session, a student 14 or 15 years of age who has completed the seventh grade may receive a permit to work outside of school hours for no more than three hours on any school day and no more than 18 hours in any week.
2. With the consent of the Superintendent, a student who is 13 years old and has completed the sixth grade may receive a permit to work for no more than two hours on any given day, up to a maximum of four hours each week.

Permits to Work When School Is Not in Session

Students 12 through 17 years of age may receive a permit to work on a regular school holiday, during a regular or specified occasional public school vacation, and when the student is exempt from compulsory school attendance because he/she arrived from another state within 10 days before the end of the school term.

LOMA PRIETA JOINT UNION ELEMENTARY SCHOOL DISTRICT

STUDENTS

Policy No.: **5115**

School Attendance Boundaries

Board Adopted: **9/12/07**

The Board of Trustees of the Loma Prieta Joint Union Elementary School District endorses the neighborhood public school concept.

Home school attendance areas are established to optimize the use of existing facilities and to avoid crowded conditions.

The Board of Trustees shall regularly review District attendance boundaries, taking into account school capacities and enrollment data, geographic features, student safety and transportation, racial and ethnic balance, educational programs such as magnet schools, and community input.

The Superintendent may place some students in a school outside of their attendance area in order to alleviate overcrowding.

LOMA PRIETA JOINT UNION ELEMENTARY SCHOOL DISTRICT

STUDENTS

Policy No.: 5116

Intradistrict Open Enrollment

Board Adopted: 9/12/07

The Governing Board desires to provide enrollment options that meet the diverse needs and interest of District students. In accordance with law, no student currently residing within the District's attendance area shall be displaced by another student transferring from outside the attendance area.

The Board retains the authority to maintain appropriate racial and ethnic balances in the District at its discretion or as specified in applicable court-ordered or voluntary desegregation plans.

The Board shall annually review this policy.

Enrollment Priorities

A student may be given priority for attendance outside his/her current attendance area when special circumstances exist that may be harmful or dangerous to that particular student. Harmful or dangerous special circumstances shall be identified pursuant to law and administrative regulations.

The Superintendent shall inform parents/guardians when certain grade levels within a school are currently, or are likely to be, at capacity and therefore unable to accommodate any new students.

Legal Reference: Education Code
 35160.5 District Policies; Rules and Regulations
 35291 Rules
 35351 Assignment of Students to Particular Schools
 48980 Notice at Beginning of Term

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

LOMA PRIETA JOINT UNION ELEMENTARY SCHOOL DISTRICT

STUDENTS

Policy No.: 5117

Interdistrict Attendance – Page 1

Board Adopted: 9/12/07

Revised: 11/14/07

The Governing Board recognizes that students who reside in one district may choose to attend school in another district and that such choices are made for a variety of reasons. The District supports the opportunity for choice within its limitations insuring that no student currently residing within the District's attendance area shall be displaced by new interdistrict transfer.

Because of capacity issues within the District and limited District resources, the Governing Board will consider approving transfers on a case-by-case basis. The reasons for which transfers will be considered are listed below:

1. To complete a school year when the parent/guardian has moved out of the District during the school year.
2. Continuing Interdistrict Transfers from previous year.
3. When the student has brother(s) or sister(s) attending the school, to avoid splitting the family's attendance.
4. The request for inter-district transfer shall be approved if the parent of the student is a full-time employee of the Loma Prieta Joint Union Elementary School District. The request may be approved if the parent of the student is a full-time employee of the Los Gatos-Saratoga Joint Union High School District on a space available basis. For purposes of this policy, a Classified employee working 60% or more shall be designated a full-time employee. A Certificated employee working 60% or more shall be designated a full-time employee for the purposes of this policy.
5. All other requests – these requests are processed in order of date received and based on space availability.
 - Parent/guardian employment within the District (the District does not honor Allen Bill transfers)
 - Childcare is in the District (parent, relative, sitter)
 - Transportation

Transportation shall not be provided for pupils attending on an interdistrict attendance agreement.

Interdistrict attendance will be disallowed under the following provisions:

1. The student is under expulsion from another school district.
2. The student has been suspended two or more times during the preceding or current school year.
3. The student has or has had an attendance problem.
4. The student is found to have a behavior or discipline problem.

LOMA PRIETA JOINT UNION ELEMENTARY SCHOOL DISTRICT

STUDENTS

Policy No.: 5117

Interdistrict Attendance – Page 2

Board Adopted: 9/12/07

Revised: 11/14/07

Attendance of Loma Prieta Joint Union Elementary School District Students in Other Districts

Interdistrict transfer requests refer to request from parents who live in the Loma Prieta Joint Union Elementary School District who wish to attend a school in another district.

The Superintendent shall approve an interdistrict transfer request provided there is no adverse impact on enrollment, finances, racial or ethnic balance, and/or educational program.

Parent request for interdistrict transfers outside of Loma Prieta Joint Union Elementary School District will be based upon the following considerations:

1. To complete a school year when the parent/guardian has moved out of the District during the school year.
2. Continuing Interdistrict Transfers from the previous year.
3. When the student has brother(s) or sister(s) attending the school, to avoid splitting the family's attendance.
4. All other requests – these requests are processed in order of date received and based on space availability.
 - Parent/guardian employment within the District of requested attendance
 - Childcare is in the District of requested attendance (parent, relative, sitter)
 - Transportation

Parent requests for approval of an interdistrict transfer shall be initiated in the district of residence and upon approval forwarded to the Loma Prieta Joint Union Elementary School District.

Parents shall be notified, in writing, of approval or disapproval by the Superintendent. (In the case of disapproval, the notification shall be accompanied by a statement of procedures to be followed should a parent wish to appeal the decision.) Appeals shall be made, in writing, to the Superintendent within ten days of the receipt of the denial.

Interdistrict transfers must be renewed annually.

The District, for good reason, may revoke an interdistrict transfer at any time.

LOMA PRIETA JOINT UNION ELEMENTARY SCHOOL DISTRICT

STUDENTS

Policy No.: 5117

Interdistrict Attendance – Page 3

Board Adopted: 9/12/07

Legal Reference:	Education Code	
	46600-46611	Interdistrict Attendance Agreements
	48204	Residency Requirements for School Attendance
	48915	Expulsion; Specific Circumstances
	48915.1	Expelled Individuals: Enrollment in Another District
	48918	Rules Governing Expulsion Procedures
	48980	Notice at Beginning of Term
	52317	Admission of Persons Including Nonresidents to Attendance Area; Workers' Compensation for Pupils

LOMA PRIETA JOINT UNION ELEMENTARY SCHOOL DISTRICT

STUDENTS

Regulation No.: 5117

Interdistrict Attendance – Page 1

Board Adopted: 9/12/07

The following procedures shall be adhered to in the granting of interdistrict agreements.

1. Parent/guardian initiates request from current district of residence with approval sent to the Loma Prieta Joint Union Elementary School District.
2. Parent/guardian completes Loma Prieta Joint Union Elementary School District Request for Interdistrict Attendance Form.
3. Superintendent reviews reason for request and if compatible with District provisions determines with site administrator whether class enrollment/program availability permits out-of-district students.
 - 3.1 Interdistrict attendance will be disallowed under the following provisions:
 - 3.1.1 The student is under expulsion from another school district.
 - 3.1.2 The student has been suspended two or more times during the preceding or current school year.
 - 3.1.3 The student has or has had an attendance problem.
 - 3.1.4 The student is found to have a behavior or discipline problem.
 - 3.1.5 Incoming transfer of the pupil shall be denied if the District determines that the additional cost of educating the pupil would exceed the amount of additional state aid received as a result of the transfer.
4. Superintendent notifies parent/guardian in writing of approval or denial of request within the following timelines.
 - 4.1 Requests received shall be reviewed and a decision made prior to the start of the new school year in any of the following three ways: approved, placed on hold until enrollment is clarified, or denied.
 - 4.1.1 Priority will be given to new interdistrict transfers in the following categories:
 - a) children of Loma Prieta Joint Union Elementary School District employees and
 - b) siblings of current interdistrict transfer student (if space available)
 - 4.1.2 All other requests will be reviewed in order by date of receipt.

LOMA PRIETA JOINT UNION ELEMENTARY SCHOOL DISTRICT

STUDENTS

Regulation No.: 5117

Interdistrict Attendance – Page 2

Board Adopted: 9/12/07

- 4.2 After the staffing level is determined requests will be approved based on space availability and date of receipt.
- 4.3 Decision will be made on all requests by the end of the second full week of the new school year.
- 4.4 When a request is denied, specific reasons for denial shall be identified in the communication.
5. Superintendent obtains approval or denial of transfer from other district involved in the transfer request.
 - 5.1 District of residence must release to the Loma Prieta Joint Union Elementary School District all financial allocations for students who are known to require special education assistance, or who are evaluated as having a special education need subsequent to the transfer action.
6. Transfers are renewed on an annual basis to assure the continued eligibility of the pupils.
 - 6.1 Continue placement of interdistrict transfer requests for continuing students so long as behavior and attendance is acceptable and space is available.
 - 6.1.1 Requests received shall be reviewed and a decision made in the spring in any of the following three ways: approved, placed on hold until enrollment is clarified, or denied.
7. Should a student's eligibility for interdistrict attendance change during the school year, the interdistrict agreement may be revoked at that time.

Denial of Interdistrict Transfer Agreement

The parent/guardian of a student who is denied a transfer requested pursuant to Education Code 46600-46611 shall receive timely notice, in accordance with law, regarding the process for appeal to the Santa Clara County Board of Education. This notice shall be provided by the district denying the request, or, in the absence of an agreement between the districts, by the district of residence.

Students who are under consideration for expulsion or who have been expelled may not appeal interdistrict attendance denials or decisions while expulsion proceedings are pending, or during the term of expulsion.

LOMA PRIETA JOINT UNION ELEMENTARY SCHOOL DISTRICT

STUDENTS

Regulation No.: 5117

Interdistrict Attendance – Page 3

Board Adopted: 9/12/07

Legal Reference:	Education Code	
	46600-46609	Agreements for Interdistrict Attendance; Terms and Conditions; Individual Permits Verifying District's Approval; Application
	48204(f)	Residency Requirements for School Attendance

LOMA PRIETA JOINT UNION ELEMENTARY SCHOOL DISTRICT

STUDENTS

Exhibit No.: 5117

Request for Interdistrict Transfer

Board Adopted: 9/12/07

PLEASE COMPLETE A SEPARATE FORM FOR EACH CHILD

REQUEST DATE: _____ REQUEST FOR YEAR: _____

PARENT NAME: _____

STREET ADDRESS: _____ CITY: _____

HOME PHONE: _____ BUSINESS PHONE: _____

Child's Name: _____ Birthdate: _____

Current Grade: _____ Grade Requested: _____

Requested School: _____ Requested District: _____

Current School of Attendance: _____ Current District: _____

Is child in a special program? _____ If so, what program? _____

Have you ever requested an Interdistrict transfer request before? _____ Was it approved? _____

Reason for Request: _____

Child Care Information: (see attached form to be filled out by provider and notarized).

Parent/Guardian Employment: (See attached employment verification form to be completed by employer and returned).

I UNDERSTAND THAT SHOULD THIS REQUEST BE GRANTED, IT IS ON AN ANNUAL BASIS AND MUST BE RENEWED EACH SCHOOL YEAR. I UNDERSTAND THAT I MUST PROVIDE TRANSPORTATION TO AND FROM SCHOOL FOR MY CHILD. I UNDERSTAND THE LOMA PRIETA JOINT UNION ELEMENTARY SCHOOL DISTRICT DOES NOT ACCEPT ALLEN BILL TRANSFERS. I UNDERSTAND THIS TRANSFER MAY BE RECONSIDERED IF THE GRADE LEVEL BECOMES OVERLOADED, THE DISTRICT INCURS INCREASED COSTS, OR MY CHILD BECOMES A DISCIPLINE OR ATTENDANCE PROBLEM. THIS TRANSFER MAY ALSO BE RECONSIDERED IF I FAIL TO PROVIDE SAFE AND TIMELY TRANSPORTATION.

Signature of Parent/Guardian: _____

LOMA PRIETA JOINT UNION ELEMENTARY SCHOOL DISTRICT

STUDENTS

Policy No.: 5119

Transfers

Board Adopted: 9/12/07

Transfers into the District

Students who apply for admission to District schools will be placed at the grade level they have reached elsewhere pending observation and evaluation of their academic, social and emotional performance by their teachers, guidance personnel and the principle or designee.

Within 30 days of the student's enrollment, staff shall complete its observation and evaluation and the principal or designee shall determine the student's appropriate grade level.

Transfers out of the District

When a student transfers out of the District, a brief statement will be attached to his/her permanent record showing which basic proficiencies, if any, have been assessed and satisfactorily met according to the standards of this District. This statement will be appended to any permanent record sent to another school in or outside California.

Students transferring or withdrawing from school shall return all school books and materials and settle any unpaid fines on or before their last days of attendance.

Legal Reference:

Education Code
48011

Admission from Kindergarten or Other School

LOMA PRIETA JOINT UNION ELEMENTARY SCHOOL DISTRICT

STUDENTS

Policy No.: 5120

Students Expelled From Other Districts

Board Adopted: 9/12/07

The Board of Trustees may admit students expelled from other districts upon request as long as their admission is consistent with providing a safe, secure and positive school environment for all District students and staff.

In order to prohibit the enrollment of a potentially dangerous student, the Board shall hold a hearing before admitting any student who has been expelled from another district. If the student has been expelled for certain serious reasons specified in Education Code 48915(a) or (c), his/her enrollment may occur only after the term of expulsion, and only if he/she has established legal residence in the District or is enrolled pursuant to an interdistrict attendance agreement.

Legal Reference:	Education Code	
	46600	Agreements for Inter-District Attendance
	46601	Failure to Approve Inter-District Attendance; Expulsion Prohibiting Appeal
	48660-48666	Community Day Schools
	48915	Expulsion; Particular Circumstances
	48915.1	Expelled Individuals; Enrollment in Another District
	48915.2	Expelled Student; Enrollment During and After Period of Expulsion
	48918	Rules Governing Expulsion Procedures

LOMA PRIETA JOINT UNION ELEMENTARY SCHOOL DISTRICT

STUDENTS

Regulation No.: 5120

Students Expelled From Other Districts

Board Adopted: 9/12/07

Hearings and Notices related to the enrollment of students expelled from other districts shall be conducted in accordance with expulsion procedures consistent with Education Code 48918.

No student shall be enrolled until after the term of his/her expulsion if he/she was expelled for any of the following acts:

1. Possessing, as verified by a district employee, or selling or otherwise furnishing a firearm, unless the student had obtained prior written permission to possess the item from a certificated school employee, with the principal or designee's concurrence.
2. Brandishing a knife at another person.
3. Unlawfully selling controlled substances.
4. Committing or attempting to commit a sexual assault or committing a sexual battery.
5. Causing serious physical injury to another person, except in self-defense.
6. Possessing any knife, explosive or other dangerous object of no reasonable use to the student.
7. Unlawfully possessing any controlled substance, except for the first offense for possessing not more than one ounce of marijuana, other than concentrated cannabis.
8. Robbery or extortion.
9. Assault or battery upon a school employee.

Enrollment During the Term of Expulsion

If a student has been expelled for an act other than those specified in Education Code 48915(a) or (c), the parent/guardian shall, upon enrollment, inform the receiving district of the student's status with the previous district.

A student expelled for acts other than those specified in Education Code 48915(a) or (c) may be admitted or conditionally admitted during the term of expulsion when the Board of Trustees determines at a hearing that the student does not pose a potential danger to district students or employees. The student shall be admitted, provided that, subsequent to the expulsion, he/she either has established a legal residence in the District or has enrolled as part of an interdistrict agreement. However, if such a student is found to pose a potential danger, the Board may deny enrollment for the remainder of the expulsion period.

If the student or parent/guardian neglects to inform the District that the student was expelled from his/her previous district for an act other than those listed in Education Code 48915(a) or (c), the Board shall record and discuss this lack of compliance during the hearing.

LOMA PRIETA JOINT UNION ELEMENTARY SCHOOL DISTRICT

STUDENTS

Policy No.: 5121

Grades/Evaluation of Student Achievement

Board Adopted: 9/12/07

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

The teacher of each course shall determine the student's grade. The grade assigned by the teacher shall not be changed by the Board or the Superintendent except as provided by law, Board policy and administrative regulation.

Teachers shall evaluate a student's work in relation to standards which apply to all students at his/her grade level. The Superintendent shall establish and regularly evaluate a uniform grading system, and ensure that student grades conform to this system. Teachers shall inform students and parents/guardians how student achievement will be evaluated in the classroom.

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

Unexcused Absences

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

Legal Reference: Education Code
 48070 Promotion and Retention
 48205 Excused Absences
 49066 Grades; Finalization; Physical Education Class
 49067 Mandated Regulations Regarding Pupil's Achievement

United States Code, Title 20
1232g Family Education Rights and Privacy Act (FERPA)
6101-6251 School-to-Work Opportunities Act of 1994

Court Decisions

Owasso Independent School District v. Falvo (2002) 122 S.Ct. 934
Las Virgenes Educators Association v. Las Virgenes Unified School District (2nd Appellate District 2001) 86 Cal.App.4th 1
Swany v. San Ramon Valley Unified School District (N.D.Cal. 1989) 720 F.Supp. 764
Johnson v. Santa Monica-Malibu Unified School District Board of Education (App. 2 Dist. 1986) 224 Cal. Rptr. 885, 179 C.A. 3d 593

LOMA PRIETA JOINT UNION ELEMENTARY SCHOOL DISTRICT

STUDENTS

Policy No.: 5123

Promotion/Acceleration/Retention

Board Adopted: 9/12/07

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

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

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

As early as possible in the school year, the Superintendent shall identify students who should be retained and are at risk of being retained in accordance with law, Board policy, administrative regulation, and District criteria. Written notice shall be provided, as early in the year as is practical, to the parents/guardians.

Students shall be identified on both individual student grades and the State grade level achievement standards. In determining retention multiple factors shall be considered.

When a student in grades 2 through 8 is retained or recommended for retention, the Superintendent may offer programs of direct, systematic and intensive supplemental instruction.

Nothing in this policy supersedes state or federal law governing students receiving special education services. As required by state or federal law, the Individualized Education Program (IEP) shall govern promotion and placement determination for students receiving special education services.

Legal Reference:	Education Code	
	46300	Method of Computing ADA
	48011	Admission on Completing Kindergarten; Grade Placement of Pupils Coming from other Districts
	48070-48070.5	Promotion and Retention
	56000 <u>et seq.</u>	Special Education Programs
	60641-60648	Standardized Testing and Reporting Program
	60850-60856	Exit Examinations
	Code of Regulations, Title 5	
	200-202	Admission and Exclusion of Students
	3000 <u>et seq.</u>	Special Education
	Federal Law and Regulations	
	20 U.S.C. 1400, <u>et seq.</u>	Individuals with Disabilities Education Act
	29 U.S.C. 794	Rehabilitation act of 1973 (Section 504)
	34 C.F.R. Part 300; 34 C.F.R. Section 104.1, <u>et seq.</u>	

LOMA PRIETA JOINT UNION ELEMENTARY SCHOOL DISTRICT

STUDENTS

Regulation No.: 5123

Promotion/Acceleration/Retention – Page 1

Board Adopted: 9/12/07

Acceleration from Kindergarten to First Grade

A student enrolled in kindergarten may be admitted to the first grade at the discretion of the Superintendent and with the consent of the parent/guardian, upon determination that the child is ready for first-grade work.

Admission shall be subject to the following minimum criteria:

1. The student is at least five years of age.
2. The student has attended a public-school kindergarten for a long enough time to enable school personnel to evaluate his/her ability.
3. The student is in the upper five percent of his/her age group in terms of general mental ability.
4. The physical development and social maturity of the student are consistent with his/her advanced mental ability.
5. The parent/guardian of the student has filed a written statement with the school District approving the placement in first grade.

Continuation in Kindergarten

Students who have completed one year of kindergarten shall be admitted to first grade unless the parent/guardian and the principal agree that the student shall continue in kindergarten for not more than one additional school year.

Whenever a student continues in kindergarten for an additional year, the principal shall secure an agreement, signed by the parent/guardian, stating that the student shall continue in kindergarten for not more than one additional school year.

Retention at Other Grade Levels

A decision for promotion or retention at one school is binding on all other schools in the District. The principal shall identify students who should be retained or who are at risk of being retained at the following grade levels:

1. Between grades 2 and 3.
2. Between grades 3 and 4.
3. Between grades 4 and 5.

LOMA PRIETA JOINT UNION ELEMENTARY SCHOOL DISTRICT

STUDENTS

Regulation No.: 5123

Promotion/Acceleration/Retention – Page 2

Board Adopted: 9/12/07

4. Between grades 5 and 6.
5. Between the end of the middle school grades and the beginning of high school grades.

Students between grades 2 and 3 and grades 3 and 4 shall be identified primarily on the basis of their level of proficiency in reading. Proficiency in reading, English language arts and mathematics shall be the basis for identifying students between grades 4 and 5, between intermediate and middle school grades, and between middle school grades and high school grades. The Superintendent or designee may recommend students at any grade for discretionary retention if the student fails to meet established minimum academic standards at each grade level.

Students shall be identified on the basis of either statewide assessment results or grades and other indicators of academic achievement, as established by Board policy.

If a student is identified as performing below the minimum standard for promotion, the student shall be retained in his/her current grade level unless the student's regular classroom teacher determines, in writing, that retention is not the appropriate intervention for the student's academic deficiencies. This determination shall specify the reasons that retention is not appropriate for the student and shall include recommendations for interventions other than retention that, in the opinion of the teacher, are necessary to assist the student in attaining acceptable levels of academic achievement.

If the teacher's recommendation to promote is contingent on the student's participation in a summer school or interim session remediation program, the student's academic performance shall be reassessed at the end of the remediation program, and the decision to retained or promote the student shall be reevaluated at that time. The teacher's evaluation shall be provided to and discussed with the student's parents/guardians and the principal before any final determination of retention or promotion.

In the case of discretionary retention, the principal will assist all parties involved in reaching a consensus decision. If a consensus decision is not possible, the principal shall make the final decision and inform all persons.

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

When a student is identified as being at risk of retention, the principal shall so notify the student's parent/guardian as early in the school year as practicable. The student's parent/guardian shall be provided an opportunity to consult with the teacher(s)_responsible for the decision to promote or retain the student.

Parental requests for student retention shall also be carefully evaluated by school personnel.

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

LOMA PRIETA JOINT UNION ELEMENTARY SCHOOL DISTRICT

STUDENTS

Regulation No.: 5123

Promotion/Acceleration/Retention – Page 3

Board Adopted: 9/12/07

The burden shall be on the appealing party to show why the teacher's decision should be overruled.

To appeal a teacher's decision, the appealing party shall submit a written request to the principal specifying the reasons that the teacher's decision should be overruled. The appeal must be initiated within 10 school days of the determination of retention or promotion.

The teacher shall be provided an opportunity to state orally and/or in writing the criteria on which his/her decision was based.

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

The principal's determination may be appealed by submitting a written appeal to the Superintendent then the Board within 15 school days. Within 30 days a receipt of a written appeal, the Board shall meet in closed session to decide the appeal. The Board's decision may be made on the basis of documentation prepared as part of the appeal process or, at the discretion of the Board; the Board may also meet with the appealing party, the teacher and the Superintendent to decide the appeal. The decision of the Board shall be final.

If the decision of a Board is unfavorable to the appealing party, he/she shall have the right to submit a written statement of objections which shall become part of the student's record.

LOMA PRIETA JOINT UNION ELEMENTARY SCHOOL DISTRICT

STUDENTS

Policy No.: 5124

Communication With Parents/Guardians – Page 1

Board Adopted: 9/12/07

Because parents/guardians have a right to be informed about their child's academic achievement and may use this information to support student learning, the Board of Trustees encourages frequent communication to parents/guardians about student progress. The Superintendent and teacher may communicate by means of conferences, class newsletters, mail, telephone, and/or school visits by parents/guardians.

As part of this communication, teachers shall send progress reports to parents/guardians at regular intervals and shall encourage parents/guardians to communicate any concerns to the teacher. In addition, the District shall send parents/guardians all notifications required by law.

The Superintendent shall ensure that appropriate means of communication are established whenever he/she learns that a parent/guardian, for any reason, may not be able to understand written communication from school or oral communications made during conferences related to the student's program, assessment, progress or school activities.

As needed, the Superintendent shall use interpreters who are fully competent in the specialized method of communication needed for effective communication with disabled parents/guardians.

The Superintendent shall also use interpreters for parents/guardians who do not understand English, shall provide progress reports in the primary language of the parent/guardian, and/or shall identify appropriate means of communication with such parents/guardians.

The Superintendent shall establish a procedure whereby parents/guardians may request an interpreter and shall inform parents/guardians about this procedure.

Legal Reference:	Education Code	
	48985	Notices in Language other than English
	49067	Mandated Regulations Regarding Student Achievement
	49069	Absolute Right to Access (Parents' Right to Student Records)
	Government Code	
	11135	State Funded Programs or Activities
	United States Code, Title 29	
	794	Rehabilitation Act of 1973, Section 504
	United States Code, Title 42	
	2000d <u>et seq.</u>	Title VI, Civil Rights Act of 1964
	12101 <u>et seq.</u>	Americans with Disabilities Act
	Code of Federal Regulations, Title 28	
	35.104	Definitions; Auxiliary Aids and Services
	35.130	General Prohibitions against Discrimination
	35.160	Communications

LOMA PRIETA JOINT UNION ELEMENTARY SCHOOL DISTRICT

STUDENTS

Policy No.: 5124

Communication With Parents/Guardians – Page 2

Board Adopted: 9/12/07

Legal Reference: (cont.)

Code of Federal Regulations, Title 34
104.4 Discrimination Prohibited

LOMA PRIETA JOINT UNION ELEMENTARY SCHOOL DISTRICT

STUDENTS

Policy No.: 5125

Student Records – Page 1

Board Adopted: 9/12/07

The Board of Trustees recognizes the importance of keeping accurate, comprehensive student records as required by law. Procedures for maintaining a confidentiality of student records shall be consistent with state and federal law.

The Superintendent shall establish regulations governing the identification, description and security of student records, as well as timely access for authorized persons. These regulations shall ensure parental rights to review, inspect, and copy student records and shall protect the student and the student's family from invasion of privacy.

The Superintendent shall serve as custodian of records, with responsibility for student records at the District level. The custodian of records shall be responsible for implementing Board policy and administrative regulation regarding student records.

Legal Reference:	Education Code	
	48201	Student Records for Transfer of Students Who Have Been Suspended/Expelled
	48904-48904.3	Withholding Grades, Diplomas, or Transcripts of Pupils Causing Property Damage or Injury; Transfer of Pupils to New School Districts; Notice to Rescind Decision to Withhold
	48918	Rules Governing Expulsion Records
	49091.14	Parental Review of Curriculum
	Code of Civil Procedure	
	1985.3	Subpoena Duces Tecum
	Family Code	
	3025	Access to Records by Noncustodial Parents
	Government Code	
	6252-6260	Inspection of Public Records
	Health and Safety Code	
	120440	Immunizations; Disclosure of Information
	Welfare and Institutions Code	
	681	Truancy Petitions
	16010	Health and Education Records of a Minor
	Code of Regulations, Title 5	
	430-438	Individual Pupil Records
	16020-16027	Destruction of Records of School Districts

LOMA PRIETA JOINT UNION ELEMENTARY SCHOOL DISTRICT

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Policy No.: 5125

Student Records – Page 2

Board Adopted: 9/12/07

Legal References (cont.)

United States Code, Title 20

1232g Family Educational Rights Privacy Act

Code of Federal Regulations, Title 34

99.1-99.8 Family Educational Rights and Privacy

300.500 Definition of “Personally Identifiable”

300.501 Opportunity to Examine Records for Parents of Student with
Disability

300.624 Destruction of Information

Court Decisions

Falvo v. Owasso Independent School District (10th Cir. 2000) 220 F.3d. 1200

LOMA PRIETA JOINT UNION ELEMENTARY SCHOOL DISTRICT

STUDENTS

Regulation No.: 5125

Student Records – Page 1

Board Adopted: 9/12/07

Definitions

Student record is any item of information other than directory information, gathered within or outside the District, that is directly related to an identifiable student and maintained by the District or required to be maintained by an employee in the performance of his/her duties. Any information maintained for the purpose of second-party review is considered a student record. A student record may be recorded in handwriting, print, computer media, video or audiotape, the field, microfilm, microfiche or by other means. Student records include the student's health record.

Student records do not include:

1. Informal notes compiled by a school officer or employee which remain in the sole possession of the maker, are used only as a personal memory aid, and are not accessible or revealed to any other person except a substitute.
2. Records of the law enforcement unit of the District.

Mandatory permanent student records are those records which are maintained in perpetuity and which schools have been directed to compile by state law, regulation or administrative directive.

Mandatory interim student records are those records which the schools are directed to compile and maintain for stipulated periods of time and are then destroyed in accordance with state law, regulation or administrative directive.

Permitted student records are those records having clear importance only to the current educational process of the student.

Access means a personal inspection and review a record, an accurate copy of the record or receipt of an accurate copy of a record, an oral description or communication of a record, and request to release a copy of any record.

Disclosure means to permit access to or the release, transfer, or other communication of personally identifiable information contained in education records, to any party, by any means including oral, written or electronic means.

Personally identifiable information includes but is not limited to the student's name, the name of the student's parent/guardian or other family member, the dress of the student or student's family, a personal identifier such as a student's Social Security number or student number, and a list of personal characteristics or other information that would make the student's identity easily traceable.

Adult student is a person who is or was enrolled in school and who is at least 18 years of age.

School officials and employees are officials are employees whose duties and responsibilities to the District, whether routine or as a result of special circumstances, require that they have access to student records.

LOMA PRIETA JOINT UNION ELEMENTARY SCHOOL DISTRICT

STUDENTS

Regulation No.: 5125

Student Records – Page 2

Board Adopted: 9/12/07

A legitimate educational interest is one held by officials or employees whose duties and responsibilities to the District, whether routine or as a result of special circumstances, require that they have access to student records.

Changes to Student Records

Only a parent/guardian having legal custody of the student may challenge the content of a record or offer a written response to record.

Retention and Destruction of Student Records

The following mandatory permanent student records shall be kept indefinitely:

1. Legal name of student.
2. Date and place of birth, and method of verifying birthday.
3. Gender of student.
4. Name and address of parent/guardian of minor student.
 - a. Address of minor student if different from the above.
 - b. Annual verification of parent/guardian's name and address and student's residents.
5. Entrance and departure date of each school year and for any summer session or other extra session.
6. Subjects taken during each year, half-year, summer session or quarter, and marks or credits given.
7. Verification of or exemption from required immunizations.
8. Dated of high school graduation or equivalent.

Unless afforded to another District, mandatory interim student records shall be maintained subject to destruction during the third school year following a determination that their usefulness has ceased or the student has left the District. These records include:

1. Expulsion orders and the causes therefore.
2. A log identifying persons or agencies who request or receive information from the student record.

LOMA PRIETA JOINT UNION ELEMENTARY SCHOOL DISTRICT

STUDENTS

Regulation No.: 5125

Student Records – Page 3

Board Adopted: 9/12/07

3. Health information, including Child Health and Disability Prevention Program verification or waiver.
4. Information on participation in special education programs, including required tests, case studies, authorizations, and evidence of eligibility for admission or discharge.
5. Language training records.
6. Progress slips/notices.
7. Parental restrictions/stipulations regarding access to directory information.
8. Parent/guardian or adult student rejoinders to challenged records and to disciplinary action.
9. Parent/guardian authorization or denial of student participation in specific programs.
10. Results of standardized tests administered within the past three years.

Permitted student records may be destroyed six months after the student completes or withdraws from the educational program, including:

1. Objective counselor/teacher ratings.
2. Standardized test results older than three years.
3. Routine disciplinary data.
4. Verified reports of relevant behavioral patterns.
5. All disciplinary notices.
6. Supplementary attendance records.

Record shall be destroyed in a way that assures that they will not be available to possible public inspection in the process of destruction.

Persons With Access to Student Records

Persons, agencies or organizations specifically granted access rights pursuant to state law shall have access without written parental consent or judicial order. In addition, parental consent is not required when information is shared with other persons within educational institutions, agencies or organizations obtaining access, as long as those persons have a legitimate educational interest in the information.

The following persons or agencies shall have absolute access to any and all student records in accordance with state law:

LOMA PRIETA JOINT UNION ELEMENTARY SCHOOL DISTRICT

STUDENTS

Regulation No.: 5125

Student Records – Page 4

Board Adopted: 9/12/07

1. Natural parents, adoptive parents, or legal guardians of students younger than age 18.

Access to student records and information shall not be denied to a parent/guardian because he/she is not the child's custodial parent.

2. Those so authorized in compliance with a court order or lawfully issued subpoenaed.

In addition, the following persons or agencies shall have access to those particular records that are relevant to the legitimate educational interests of the requester:

1. Natural parents, adoptive parents or legal guardians of a dependent student age 18 or older.
2. Students 16 or older who have completed the 10th grade.
3. School officials and District employees.
4. Members of a school attendance review board, and any voluntary aide age 18 or older who has been investigated, selected and trained by such a board to provide follow-up services to a referred student.
5. Officials and employees of other public schools or school systems where the student intends or is directed to enroll, including local, county or state correctional facilities where educational programs leading to high school graduation are provided.
6. Federal, state and local officials, as needed for program audits are compliance with law.
7. Any District attorney who is participating in or conducting a truancy mediation program or participating in the presentation of evidence in the truancy petition.
8. A prosecuting agency for consideration against a parent/guardian for failure to comply with compulsory education laws.
9. Any probation officer or District attorney for the purposes of conducting a truancy criminal investigation or an investigation in regards to declare any person a ward of the court or involving a violation of a condition of probation.
10. Any judge or probation officer for the purpose of conducting a truancy mediation program for student, or for purposes of presenting evidence in the truancy petition.

Santa Clara County Child welfare services workers responsible for the case plan of the minor who is being placed in foster care shall have access to the student's school records.

Foster family agencies with jurisdiction over currently enrolled or former students may access those students' records of grades and transcripts, and any Individualized Education Program (IEPs) developed and maintained by the District with respect to such students.

LOMA PRIETA JOINT UNION ELEMENTARY SCHOOL DISTRICT

STUDENTS

Regulation No.: 5125

Student Records – Page 5

Board Adopted: 9/12/07

The Superintendent may release a student's immunization record information to local health departments operating countywide immunization information and reminder systems and the State Department of Health Services. The following information may be released: the name of the student in the student's parent/guardian; types and dates of immunizations received by the student; manufacturer and Lot number of the immunization received; adverse reaction to immunization; other non-medical information necessary to establish the student's unique identity and record; current address and telephone number of the student and his/her parent/guardian; the student's gender; and the student's place of birth.

When authorized by law to assist law enforcement in investigations of suspected kidnapping, the Superintendent shall provide information about the identity and location of the student as it relates to the transfer of the student's records to another District or private school within the state. The information shall be released only to designated peace officers, Federal criminal investigators and Federal law-enforcement officers whose names have been submitted in writing by their law enforcement agency.

The Superintendent may release information from student records to the following:

1. Appropriate persons in an emergency if the health and safety of a student or other persons are at stake.
2. Agencies or organizations in connection with the student's application for or receipt of financial aid.
3. Accrediting associations.
4. Under the conditions specified in Education Code 49076, organizations conducting studies on behalf of educational institutions or agencies for the purpose of developing, validating or administering predictive tests, administering student aid programs are improving instruction.
5. Officials and employees of private schools or school systems where the student is enrolled or intends to enroll.

Persons, agencies or organizations not afforded access rights pursuant to state law may be granted access only through written permission of the parent/guardian or adult student, or by judicial order.

Only a parent/guardian having legal custody of the student may consent the release of records to others. Either parent/guardian may grant consent if both parents notify the District, in writing, that such an agreement has been made.

Any person or agency granted access is prohibited from releasing information to another person or agency without written permission from the parent/guardian or adult student.

LOMA PRIETA JOINT UNION ELEMENTARY SCHOOL DISTRICT

STUDENTS

Regulation No.: 5125

Student Records – Page 6

Board Adopted: 9/12/07

Procedures for Access

Student records shall be maintained in a central file at the school attended by the student or, when records are maintained in different locations, a notation shall be placed in the central file indicating where other records may be found. Parents/guardians shall be notified of the location of student records if not centrally located.

To inspect, review or obtain copies of student records, authorized persons shall submit a request to the Custodian of Records.

Authorized persons from outside the school whose access requires consent from the parent/guardian or adult student shall submit their request, together with any required authorization, to the Superintendent or designee or the custodian of records.

Within five days following the date of request, and authorized person shall be granted access to inspect, review and obtain copies of student records during regular school hours.

Qualified certificated personnel shall be available to interpret records when requested.

The custodian of records shall be responsible for the security of student records and shall assure that access is limited to authorized persons.

The custodian of records shall prevent the alteration, damage or loss of records during inspection.

Prior to disclosing a record pursuant to court order, the Superintendent shall, unless otherwise instructed by the order, give the parent/guardian or adult student at least three days' notice of the name of the requesting agency and the specific record requested if lawfully possible with the requirements of the judicial order.

When the District discloses personally identifiable information to officials of another school, school system or postsecondary institution where the student seeks or intends to enroll, the Superintendent or designee shall make a reasonable attempt to notify the parent/guardian or adult student at his/her last known address, provide a copy of the record that was disclosed, and give him/her an opportunity for a hearing to challenge the record.

Upon releasing student information to a judge or probation officer for the purpose of conducting a truancy mediation program or presenting evidence in a truancy petition, the Superintendent or designee shall inform, or provide written notification to, the student's parent/guardian within 24 hours.

If the District is planning to release a student's immunization information to the County Health Department or state Department of Health Services, the Superintendent or designee shall inform the student's parents/guardians of the following:

1. The type of information that will be shared.

LOMA PRIETA JOINT UNION ELEMENTARY SCHOOL DISTRICT

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Student Records – Page 7

Board Adopted: 9/12/07

2. The name and address of the agency with which the District will share the information.
3. That any shared information shall be treated as confidential and shall be used to share only with each other and, upon request, with healthcare providers, childcare facilities, family childcare homes, service providers for the Women, Infants and Children (WIC) food program, county welfare departments, and healthcare plans.
4. That the information may be used only to provide immunization service; to provide or facilitate third-party payer payments for immunizations; to compile and disseminate statistical information on immunization status on groups of people, without identifying the student.
5. That the parent/guardian has the right to examine any immunization-related information shared in this manner and to correct any errors.
6. That the parent/guardian may refuse to allow this information to be shared.

Duplication of Student Records

To provide copies of any student record, the District shall charge a reasonable fee not to exceed the actual cost of furnishing the copies. No charge shall be made for providing up to two transcripts or up to two verifications of various records for any former student. No charge shall be made to locate or retrieve any student record.

The Superintendent shall set a fee and update the amount periodically if actual costs change.

Access Log

A log shall be maintained for each student's record which lists all persons, agencies or organizations requesting or receiving information from the records and the legitimate educational interests of the requester.

In every instance of inspection by persons who do not have assigned educational responsibility, the Superintendent shall make an entry in the log indicating the record inspected, the name of the person granted access, the reason access was granted, and the time and circumstances of inspection.

The log does not need to include:

1. Parents/guardians or adult students.
2. Student's 16 years of age or older who have completed the 10th grade.
3. Parties obtaining District-approved directory information.

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4. Parties to provide written parental consent, in which case the consent notice shall be filed with the record.
5. School officials or employees will legitimate educational interests.

The log shall be accessible only to the parent/guardian, adult student, dependent adult student, student age 16 years or older or who has completed the 10th grade, custodian of records, and certain state/federal officials.

Transfer of Student Records

If a student transfers into this District from any other school district or a private school, the Superintendent shall inform the parent/guardian of his/her rights regarding student records, including the right to review, challenge and receive a copy of student records.

When a student transfers into this District from another, the Superintendent shall request that the student's previous District provide any records, either maintained by that District in the ordinary course of business or received from a law-enforcement agency, regarding acts committed by the transferring student that resulted in his/her suspension or expulsion.

When a student transfers from this District to another school district or to private school, the Superintendent shall forward a copy of the student's mandatory permanent records as requested by the other district or private school. The original record or a copy shall be retained permanently by this District. If the transfer is to another California public school, the student's entire mandatory interim record shall be forwarded. If the transfers out-of-state or to a private school, the mandatory interim record may be forwarded. Permitted student records may be forwarded to any other district or private school.

When informed that a District student in foster care transferring to another local educational agency, the Superintendent shall cooperate to ensure that the student's health and education records are transferred to the receiving District. The District shall transfer the records within five working days of receiving notification regarding the student's new educational placement.

All student records shall be updated before they are transferred.

Student records shall not be withheld from the requesting District because of any charges or fees owed by the student or parent/guardian.

If the District is withholding grades, diploma or transcripts from the student because of his/her damage or loss of school property, this information shall be sent to the requesting District along with the student's records.

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STUDENTS

Regulation No.: 5125

Student Records – Page 9

Board Adopted: 9/12/07

Notification of Parents/Guardians

Upon students' initial enrollment and at the beginning of each year thereafter, the Superintendent shall notify parents/guardians and eligible students, in writing, of their rights related to student records. Insofar as practicable, the District shall provide these notices in the student's home language and shall effectively notify parents/guardians or eligible students who are disabled.

The notice shall include information about:

1. The types of student records kept by the District and the information contained therein.
2. The titles of officials responsible for maintaining each type of record.
3. The location of the log identifying those request information from the records.
4. District criteria for defining "school officials and employees" and for determining "legitimate educational interests."
5. District policies for reviewing and expunging student records.
6. The right to inspect and review student records, and the procedures for doing so.
7. The right to challenge and the procedures for challenging the content of a student record that the parent/guardian or student believes to be inaccurate, misleading or otherwise in violation of the student's privacy rights.
8. The costs, if any, charged for duplicating copies of records.
9. The categories of information defined as directory information.
10. The right to consent to disclosures of personally identifiable information contained in the student's records except when disclosure without consent is authorized by law.
11. The availability of the curriculum prospectus containing the titles, descriptions and instructional aims of every course offered by the school.
12. Any other rights the requirements set forth in Education Code 49060-49078, and the right of parents/guardians to file a complaint with the United States Department of Health, Education, and Welfare concerning an alleged failure by the District to comply.
13. The notification shall also include a statement that the District for its education records to other agencies and institutions that have requested the records in which the student seeks or intends to enroll.

LOMA PRIETA JOINT UNION ELEMENTARY SCHOOL DISTRICT

STUDENTS

Policy No.: 5126

Release of Directory Information

Board Adopted: 9/12/07

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

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

The student may limit or deny the release of specific directory information to any public or private nonprofit organization based on his/her determination of the best interests of the student.

Legal Reference:	Education Code
	49061 Definitions
	49063 Notification of Parents of their Rights
	49073 Release of Directory Information
	49073.5 Directory Information; Military Representatives; Telephone Numbers
	49603 Public High Schools; Military Recruiting
	United States Code, Title 20
	1232g Family Educational Rights and Privacy Act
	Code of Federal Regulations, Title 34
	99.1-99.67 Family Educational Rights and Privacy

LOMA PRIETA JOINT UNION ELEMENTARY SCHOOL DISTRICT

STUDENTS

Regulation No.: 5126

Release of Directory Information

Board Adopted: 9/12/07

Definition

Directory information means information contained in an education record of a student that would not generally be considered harmful or an invasion of privacy if disclosed. Such student information includes:

1. Name
2. Address
3. Telephone number
4. Electronic-mail address
5. Photograph
6. Date and place of birth
7. Participation in officially recognized activities in sports
8. Date of attendance
9. Awards received
10. Most recent previous school attended

Parent/Guardian Consent

Directory information shall not be released regarding any student whose parent/guardian notifies the District in writing that such information may not be disclosed without the parent/guardian's prior consent.

Notification to Parents/Guardians

At the beginning of each school year, all parents/guardians shall be notified as to the categories of directory information the school or District plans to release and the recipients of the information. The notification shall also inform parents/guardians of the right to refuse to let the District designate any or all types of information as directory information and the period of time within which a parent/guardian must notify the District in writing that he/she does not want a certain category of information designated as directory information.

LOMA PRIETA JOINT UNION ELEMENTARY SCHOOL DISTRICT

STUDENTS

Policy No.: 5127

Withholding Grades, Diploma or Transcripts

Board Adopted: 9/12/07

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

This notice shall include a statement that the District may withhold grades, diploma or transcripts from the student and parent/guardian until reparation is made.

If reparation is not made, the District shall afford the student his/her due process rights in conformance with Education Code expulsion procedures and may withhold the student's grades, diploma or transcripts.

If the student and parent/guardian are unable to pay for the damages or return the property, the Superintendent or designee shall provide a program of voluntary work for the student to do. When this volunteer work is completed, the student's grades, diploma or transcripts shall be released.

When a student from whom the District is withholding grades, diploma or transcripts transfers to another District, this information shall be sent to the new District with the student's records and request that these items continue to be withheld until the new District receives notification that the debt has been cleared.

The Superintendent shall notify the parent/guardian in writing that this District's decision to withhold grades, diploma or transcripts will be enforced by the new District.

The District shall withhold grades, diploma or transcripts from any student transferring into the District whose misconduct caused a previous District to withhold them. When informed by the previous District that its decision has been rescinded, the District shall release these documents.

Legal Reference:	Education Code	
	48904	Liability of Parent
	48904.3	Withholding Grades, Diplomas, or Transcripts of Pupils Causing Property Damage or Injury; Transfer of Pupils to New School Districts; Notice to Rescind Decision to Withhold
	48911	Suspension by Superintendent, Designee or Superintendent
	49069	Absolute Right to Access

LOMA PRIETA JOINT UNION ELEMENTARY SCHOOL DISTRICT

STUDENTS

Policy No.: 5128

Challenging Student Records – Page 1

Board Adopted: 9/12/07

The custodial parent/guardian of any student may submit to the Superintendent a written request to correct or remove from his/her child's records any information concerning the child which he/she alleges to be any of the following:

1. Inaccurate.
2. An unsubstantiated personal conclusion or inference.
3. A conclusion or inference outside of the observer's area of competence.
4. Not based on the personal observation of a named person with the time and place of the observation noted.
5. Misleading.
6. In violation of the privacy or other rights of the student.

When a student grade is challenged, the teacher who gave a grade shall be given an opportunity to state orally, in writing, or both, the reasons for which the grade was given. Insofar as practicable, he/she shall be included in all discussions related to any great change. In the absence of clerical or mechanical error, fraud, bad faith or incompetency, the student's grade as determined by the teacher shall be final.

Within 30 days of receiving a request to correct or remove information from a record, the Superintendent shall meet with the parent/guardian and with the employee (if still employed) who recorded the information in question. The Superintendent shall then sustain or deny the allegations.

If the parent/guardian's allegations are sustained, the Superintendent shall order the correction or removal and destruction of the information.

If the Superintendent denies the allegations, the parent/guardian may write within 30 days to appeal the decision to the Board of Trustees. Within 30 days of receiving the written appeal, the Board shall meet in closed session with the parent/guardian and the employee (if still employed) who recorded the information in question. The Board shall then decide whether or not to sustain or deny the allegations. If it sustains any or all of the allegations, the Superintendent shall immediately correct or remove and destroy the information from the student's records.

The decision of the Board shall be final. If the decision of the Superintendent or Board is unfavorable to the parent/guardian, the parent/guardian shall have the right to submit a written statement of objections. The statement shall become a part of the student's record.

Both the Superintendent and the Board have the option of appointing a hearing panel to assist in making the decision. The hearing panel may be used at the discretion of the Superintendent or the Board provided that the parent/guardian consents to releasing record information to panel members.

LOMA PRIETA JOINT UNION ELEMENTARY SCHOOL DISTRICT

STUDENTS

Policy No.: 5128

Challenging Student Records – Page 2

Board Adopted: 9/12/07

At the beginning of each school year, parents/guardians shall be notified of the availability of the above procedures for challenging student records.

Legal Reference:	Education Code
	49061 Definitions
	49063 Notification of Parents of Their Rights
	49066 Grades; Change of Grade; Physical Education Grade
	49070 Challenging Content of Records
	49071 Hearing Panel
	United States Code, Title 20
	1232g Family Educational and Privacy Rights Act of 1974

LOMA PRIETA JOINT UNION ELEMENTARY SCHOOL DISTRICT

STUDENTS

Policy No.: 5129

Conduct – Page 1

Board Adopted: 9/12/07

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

The Superintendent shall develop standards of conduct and discipline consistent with District policies and administrative regulations.

Behavior is considered appropriate when students are diligent in study, careful with school property, courteous and respectful towards their teachers, other staff, students and volunteers.

Prohibited student conduct includes but is not limited to:

1. Behavior that endanger staff and/or students.
2. Behavior that disrupts the orderly classroom or school environment.
3. Harassment of students or staff, including bullying, intimidation, hazing, or any other verbal, written or physical conduct that causes or threatens to cause bodily harm or emotional suffering.
4. Damage to or theft of property belonging to the District, staff or students.
5. Except in accordance with school rules, possession or use of electronic signaling devices.

Electronic signaling devices may include, but not be limited to, pagers, beepers and cellular/digital telephones.
6. Possession or use of laser pointers, unless use for valid instructional or other school-related purpose, including employment.

Prior to bringing in laser pointer on school premises, student shall first obtain permission from the Superintendent or designee. The Superintendent or designee shall determine whether the requested use of the laser pointer is for valid instructional or other school-related purpose.
7. Profane, vulgar or abusive language.
8. Plagiarism or dishonesty in schoolwork or on tests.
9. Inappropriate dress.
10. Tardiness and unexcused absence from school.
11. Failure to remain on school premises in accordance with school rules.

LOMA PRIETA JOINT UNION ELEMENTARY SCHOOL DISTRICT

STUDENTS

Policy No.: 5129

Conduct – Page 2

Board Adopted: 9/12/07

Students and parents/guardians shall be notified of District and school rules related to conduct and receive regular instruction regarding these rules. In addition, parents/guardians and students may be provided information about early warning signs of harassing, intimidating behaviors as well as prevention and intervention strategies.

Enforcement of Standards

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

Students who violate District or school rules and regulations may be subject to discipline, including but not limited to suspension, expulsion or transfer to alternative programs in accordance with Board policy and administrative regulation. In addition, when the conduct involves intimidation, harassment, or other endangerment of a student or employee, the Superintendent or designee shall provide appropriate assistance as necessary for the victim and the offender or make appropriate referrals for such assistance.

Legal Reference:	Education Code	
	35181	Governing Board Policy on Responsibilities of Students
	35291-35291.5	Rules
	44807	Duty Concerning Conduct of Students
	48900-48925	Suspension or Expulsion
	48908	Duties of Students
	Civil Code	
	1714.1	Liability of Parents and Guardians for Willful Misconduct of Minor
	Penal Code	
	417.25-417.27	Laser Scope
	Code of Regulations, Title 5	
	300-307	Duties of Pupils
	United States Code, Title 42	
	2000h-2000h-6 Title IX, 1972 Education Act Amendments	

LOMA PRIETA JOINT UNION ELEMENTARY SCHOOL DISTRICT

STUDENTS

Regulation No.: 5129

Bus Conduct – Page 1

Board Adopted: 9/12/07

Because school bus passengers' behavior can directly affect their safety or the safety of others, the following regulations apply at all times when students are riding a school bus, including school activity trips.

1. Riders shall follow the instructions and directions of the bus driver at all times
2. Riders should arrive at the bus stop on time and stand in a safe place to wait quietly for the bus
3. Riders shall enter the bus in an orderly manner and go directly to their seats
4. Riders shall remain seated while the bus is in motion and shall not obstruct the aisles with their legs, feet, or other objects. When reaching their destination, Riders shall remain seated until the bus stops and only then enter the aisle and go directly to the exit
5. Riders should be courteous to the driver and to fellow passengers
6. Because serious safety hazards can result from noise or behavior that distracts the driver, loud talking, laughing, yelling, singing, whistling, scuffling, throwing objects, smoking, eating, drinking, standing and changing seats are prohibited actions which may lead to suspension of riding privileges
7. No part of the body, hands, arms or head should be put out of the window. Nothing should be thrown from the bus
8. Riders shall help keep the bus and the area around the bus stop clean. Riders shall not damage or deface the bus or tamper with bus equipment
9. No animals shall be allowed on the bus without express permission from the principal
10. Riders should be alert for traffic when leaving the bus

Riders who fail to comply with the above rules shall be reported to the school principal, who shall determine the severity of the misconduct and take action accordingly. In all instances of misconduct, the rider and his/her parent/guardian shall be given notice and warning. In the case of a severe violation or repeated offenses, the rider may be denied transportation for a period of time determined by the principal up to the remainder of the school year.

Bus drivers shall not deny transportation except as directed by the principal.

Legal Reference:	Education Code
	35160 Authority of Governing Boards
	39800 Transportation
	44808 Duty to Supervise Conduct of Students
	48918 Expulsion Procedures

LOMA PRIETA JOINT UNION ELEMENTARY SCHOOL DISTRICT

STUDENTS

Regulation No.: 5129

Bus Conduct – Page 2

Board Adopted: 9/12/07

Legal Reference:

Education Code (cont.)

49061 Definitions of Student Records

49073-49079 Privacy of Student Records

Government Code

6253-6253.4 Public Records Open to Inspection

6254 Records Exempt from Disclosure

Code of Regulations, Title 5

14103 Authority of the Driver

United States Code, Title 20

1232g Family Educational Rights and Privacy Act

LOMA PRIETA JOINT UNION ELEMENTARY SCHOOL DISTRICT

STUDENTS

Policy No.: 5130

Campus Disturbances

Board Adopted: 9/12/07

The Board of Trustees recognizes that all school staff must be prepared to cope with campus disturbances and to minimize the risks they entail. Staff should be especially sensitive to conditions that foster racial conflict, student protests, or gang intimidation and confrontations.

The Superintendent shall establish a disturbance response plan for curbing disruptions which create disorder and may lead to riots, violence or vandalism at school or school-sponsored events.

The Superintendent shall consult with law enforcement authorities to plan for police support during school disruptions. Each school's disturbance response plan shall address the rule of law enforcement. When a disturbance directly threatens students or staff, the Superintendent has authority to call in law enforcement personnel for assistance and may dismiss school.

Students who participate in disturbances may be subject to disciplinary action.

Legal Reference:	Education Code	
	32210	Willful Disturbance of Public School or Meeting
	32211	Threatened Disruption or Interference with Classes
	32280	School Safety Plans
	38000-38005	Security Patrols
	44810	Willful Interference with Classroom Conduct
	44811	Disruption of Classwork or Extracurricular Activities
	48907	Student Exercise of Free Expression
	Penal Code	
	403-420	Crimes against the Public Peace, Especially:
	415	Fighting; Noise; Offensive Words
	415.5	Disturbance of Peace of School
	416	Assembly to Disturb Peace; Refusal to Disperse
	626-626.10	Crimes on School Grounds
	627-627.10	Access to School Premises

LOMA PRIETA JOINT UNION ELEMENTARY SCHOOL DISTRICT

STUDENTS

Regulation No.: 5130

Campus Disturbances – Page 1

Board Adopted: 9/12/07

All school staff shall respond to campus disturbances in accordance with the District's response plan. Response plans shall describe:

1. The means which will be used to signaling emergency situation and maintain communication among staff and with the Superintendent.
2. Each staff member's specific duties during a disturbance.
3. Procedures for ensuring the safety of students and staff.
4. Conditions, as prearranged with law enforcement authorities, under which the Superintendent shall:
 - a. Inform the Sheriff's department.
 - b. Secure law enforcement assistance.
 - c. Give the Sheriff's office responsibility for specific crisis situation.
5. Procedures for the orderly dismissal of school where authorized by the Superintendent.

All media inquiries during crisis situations shall be routed to the Superintendent.

Extension of Class Period

During any disturbance in which additional students might become involved while changing classes, the Superintendent may notify all staff that the present class will be extended until further notice. Upon receiving this notification:

1. Teachers shall ensure that all students in their charge remain in one location under their supervision.
2. Teachers shall ask any students who are in the halls to return to their classes at once.

Prohibited Activities

1. Disturbing the Peace

It is a misdemeanor to intentionally cause or attempt to cause a riot by engaging in conduct which urges a riot or urges others to act forcefully or violently, or to burn or destroy property under circumstances which produce a clear, present, and an immediate danger of such acts occurring.

LOMA PRIETA JOINT UNION ELEMENTARY SCHOOL DISTRICT

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Regulation No.: 5130

Campus Disturbances – Page 2

Board Adopted: 9/12/07

Anyone who, in a public place, fights, challenges another to fight, or uses offensive words likely to provoke the fight is guilty of a misdemeanor.

2. Disruption of School Operations

Students shall be subject to disciplinary action for any exercise of free expression which so incites students as to create a clear present danger of the commission of unlawful acts on school premises or the violation of lawful school regulations, or the substantial disruption of the orderly operation of the school, such as may occur when students:

- a. Organize or participate in unauthorized assemblies on school premises.
- b. Participate in sit-ins or stand-ins which deny students or employees normal access to school premises.

3. Refusal to Disperse

Persons who assembled for the purpose of disturbing the public peace or committing any unlawful acts are severely guilty of a misdemeanor if they do not disperse when desired or commanded to do so by public officer.

Persons who remain present at the place of any riot, rout or unlawful assembly after being lawfully warned to disperse are guilty of a misdemeanor.

4. Boycotts

Students participating in any protest that involves nonattendance at school or at a school activity where attendance is required shall be identified as truant, regardless of any parental approval of their acts.

LOMA PRIETA JOINT UNION ELEMENTARY SCHOOL DISTRICT

STUDENTS

Policy No.: 5131

Vandalism, Theft and Graffiti

Board Adopted: 9/12/07

The Board of Trustees considers vandalism a very serious matter. Vandalism includes the negligent, willful, or unlawful damaging or theft of any District-owned real or personal property, including the writing of graffiti.

Any District student who commits an act of vandalism shall be subject to disciplinary action by the District and also may be prosecuted through other legal means. If reparation of damages is not made, the District also may withhold the student's grades, diploma and/or transcripts in accordance with law.

Legal Reference:	Education Code	
	48900	Grounds for Suspension or Expulsion
	48904	Willful Misconduct, Limit of Liability of Parent or Guardian
	48904.3	Withholding Grades, Diplomas, or Transcripts of Pupils Causing Property Damage or Injury; Transfer of Pupils to New School Districts; Notice to Rescind Decision to Withhold
	Civil Code	
	1714.1	Liability of Parent or Guardian for Act of Willful Misconduct by a Minor
	Government Code	
	53069.5	Reward for Information Concerning Person causing Death, Injury or Property Damage; Liability for Reward
	Penal Code	
	594	Vandalism
	640.5	Graffiti; Facilities or Vehicles of Governmental Entity
	640.6	Graffiti
	Code of Regulations, Title 5	
	305	Pupil Responsible for Care of Property

LOMA PRIETA JOINT UNION ELEMENTARY SCHOOL DISTRICT

STUDENTS

Policy No.: 5132

Alcohol and Other Drugs – Page 1

Board Adopted: 9/12/07

The Loma Prieta Joint Union Elementary School District Board of Trustees believes that the use of alcohol or other drugs adversely affects the student's ability to achieve academic success, is physically and emotionally harmful, and has serious social and legal consequences. The Board desires to keep the District free of alcohol and other drugs and desires that every effort be made to prevent student use of these substances. The Board perceives this effort as an important step towards preventing violence, promoting school safety and creating a disciplined environment conducive to learning.

The Superintendent shall develop a comprehensive prevention and intervention program that includes instruction, referral to a rehabilitation program, enforcement/discipline, activities that promote the involvement of parents/guardians and coordination with appropriate community agencies and organizations.

The Superintendent shall clearly communicate to all students, staff and parents/guardians the District's policies, regulations and school rules related to the use of alcohol and other drugs on school campuses or at school activities. Information about program needs and goals shall be widely distributed in the community.

The Board expects staff to conduct themselves in accordance with the District's philosophy related to alcohol and other drugs. Staff should help students see themselves as responsible partners in efforts to maintain a safe, constructive school climate.

Instruction

The District shall provide preventative instruction which helps students avoid the use of alcohol and other drugs. Comprehensive, age-appropriate K-8 instruction shall address the legal, social, personal and health consequences of drug and alcohol use, promoting sense of individual responsibility, and inform students about effective techniques for resisting peer pressure to use alcohol and other drugs.

All instruction and related materials shall consistently state that unlawful use of alcohol or other drugs is wrongful and harmful. Instruction shall not include the concept of responsible use when such use is illegal.

Teachers shall be trained to answer students' questions related to alcohol and drugs and to help students obtain and use current and accurate information, develop and maintain a positive self-concept, take positive actions to cope with stress, and use appropriate social and personal skills to resist involvement with alcohol and other drugs.

Intervention, Referral and Recovering Student Support

The Board believes that effective interventions should be available to assist students who use alcohol or other drugs. School staff, students and parents/guardians shall be informed about signs and symptoms which may indicate alcohol and other drug use and about appropriate agencies offering intervention programs, counseling and rehabilitation for students and their family members. The District shall help recovering students to avoid reinvolvement with alcohol and other drugs by providing school and/or community service activities designed to increase students' sense of community.

LOMA PRIETA JOINT UNION ELEMENTARY SCHOOL DISTRICT

STUDENTS

Policy No.: 5132

Alcohol and Other Drugs – Page 2

Board Adopted: 9/12/07

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

Enforcement/Disciplined

The Superintendent shall take appropriate action to ensure there is no possession, use or sale of alcohol and other drugs and related paraphernalia on school grounds, at school events, or any situation in which the school is responsible for the conduct and well-being of the students. School authorities may search students and school properties for the possession of alcohol and other drugs in accordance with law, Board policy administrative regulations.

Students possessing, using or selling alcohol or other drugs or related paraphernalia at school or at a school event shall be subject to disciplinary procedures including suspension or expulsion in accordance with law, Board policy and administrative regulations. Such students also may be referred to an appropriate rehabilitation program.

Legal Reference:	Education Code
	44049 Known or Suspected Alcohol or Drug Abuse by Student
	48900 Suspension or Expulsion (Grounds)
	48900.5 Suspension, Limitation on Imposition; Exception
	48901 Smoking or Use of Tobacco Prohibited
	48901.5 Prohibition of Electronic Signaling Devices
	48902 Notification of Law Enforcement Authorities; Civil or Criminal Immunity
	48909 Narcotics or other Hallucinogenic Drugs
	48915 Expulsion; Particular Circumstances
	49423 Administration of Prescribed Medicine
	49480 Notice to School by Parent or Guardian; Consultation with Physician
	49602 Confidentiality of Pupil Information
	51202 Instruction in Personal and Public Health and Safety
	51203 Instruction on Alcohol, Narcotics and Restricted Dangerous Drugs
	51210 Areas of Study
	51220 Areas of Study, Grades 7 to 12
	51260 Elementary and Secondary School Instruction in Drug Education by Appropriately Trained Instructors
	51262 Use of Anabolic Steroids; Legislative Finding and Declaration
	51264 CDE Assistance for Inservice Training
	51265 Gang Violence and Drug and Alcohol Abuse Prevention Inservice
	51268 Collaboration to Avoid Duplication of Effort

LOMA PRIETA JOINT UNION ELEMENTARY SCHOOL DISTRICT

STUDENTS

Policy No.: 5132

Alcohol and Other Drugs – Page 3

Board Adopted: 9/12/07

Legal Reference: (cont.)

Business and Professions Code

25608 Alcohol on School Property; Use in Connection with Instruction

Health and Safety Code

11032 Narcotics, Restricted Dangerous Drugs and Marijuana;
Construction of Terms Used in Other Divisions

11053-11058 Standards and Schedules

11353.6 Juvenile Drug Trafficking and Schoolyard Act

11357 Unauthorized Possession of Marijuana; Punishment; Prior
Conviction; Possession in School or on School Grounds

11361.5 Destruction of Arrest or Conviction Records

11372.7 Drug Program Fund; Uses

11802 Joint School-Community Alcohol Abuse Primary Education
and Prevention Program

11998-11998.3 Drug and Alcohol Abuse Master Plans

11999-11999.3 Alcohol and Drug Program Funding; No Unlawful Use

124175-124200 Adolescent Family Life Program (Department of Health
Services)

Penal Code

13864 Comprehensive Alcohol and Drug Prevention Education

Vehicle Code

13202.5 Drug and Alcohol Related Offenses by Persons Under 21, but
aged 13 or over; Suspension, Delay, or Restriction of Driving
Privileges

Welfare and Institutions Code

828 Disclosure of Information Re: Minors

828.1 Disclosure of Criminal Records; Protection of Vulnerable Staff
and Students

United States Code, Title 20

5812 National Education Goals

7101-7143 Safe and Drug Free Schools and Communities Act of 1994

LOMA PRIETA JOINT UNION ELEMENTARY SCHOOL DISTRICT

STUDENTS

Regulation No.: 5132

Alcohol and Other Drugs – Page 1

Board Adopted: 9/12/07

Instruction

Students shall receive instruction by appropriately trained instructors about the nature and effects of alcohol and other drugs, including dangerous drugs defined by Health and Safety Code 11032.

Site Administrators shall determine that drug education instructors possess:

1. The ability to interact with students in a positive way.
2. Knowledge of the properties and effects of tobacco, alcohol, narcotics, dangerous drugs, and shared drug apparatus.
3. Effective teaching skills and competency in helping students to express opinions responsibly and become aware of their values as they affect drug-use decisions.

At all grade levels, instruction shall include a study of the effects of alcohol and other drugs upon the human system, as determined by science. Instruction shall be sequential in nature and suited to meet the needs of students at the respective grade level.

In grades 1 through 6, instruction in drug education should be given in health courses required by Education Code 51210.

In grades 7 and 8, instruction in drug education shall be conducted in health courses and in any other appropriate areas of study required by Education Code 51220.

The District drug education program shall augment county drug education services, if any. District staff shall take every opportunity to cooperate with Santa Clara County Office of Education staff in planning and implementing collaborative alcohol and drug prevention programs.

Intervention

The staff shall intervene whenever students use alcohol or other illegal drugs while on school property or under school jurisdiction. Staff members who believe that a student may be under the influence of alcohol or drugs should immediately notify the Superintendent.

If the Superintendent knows, observes or suspects that a student may be under the influence of alcohol or drugs, he/she may notify the parent/guardian.

However, school staff shall not disclose confidential information provided during counseling by student 12 years of age or older. School counselors may report such information to the Superintendent or parent/guardian only when they believe that disclosure is necessary to avert a clear and present danger to the health, safety or welfare of the student or other persons living in the school community. They shall not disclose such information to the parent/guardian if they believe that the disclosure would result in a clear and present danger to the student's health, safety or welfare.

LOMA PRIETA JOINT UNION ELEMENTARY SCHOOL DISTRICT

STUDENTS

Regulation No.: 5132

Alcohol and Other Drugs – Page 2

Board Adopted: 9/12/07

In cases of medical emergency, the Superintendent is authorized to call an ambulance to remove the student to a hospital. Parents/guardians will be notified of this action and shall be responsible for the incurred expenses.

Enforcement/Discipline

Staff shall notify the Superintendent immediately upon suspecting a student is selling, providing or using alcohol or other drugs.

When any student uses, possesses or sells alcohol or illegal drugs at school or while under school jurisdiction, the following shall result:

1. Parent/guardian contact.
2. Suspension or expulsion in accordance with law or Board policy.
3. Contact with law enforcement authority within one school day of the suspension.

Reports

Upon request, the Superintendent shall submit alcohol and drug prevention program information to the California Department of Education, including information on the prevalence of drug use and violence by youth in schools and community. Such information shall also be made readily available to the public.

LOMA PRIETA JOINT UNION ELEMENTARY SCHOOL DISTRICT

STUDENTS

Policy No.: 5133

Tobacco

Board Adopted: 9/12/07

The Board of Trustees recognizes that tobacco use presents health hazards and desires to discourage students' use of tobacco products.

Students shall not smoke, chew or possess tobacco or nicotine products on school property or during school hours, at school-sponsored events, or while under the supervision of District employees. Students who violate this prohibition shall be subject to disciplinary procedures which may result in suspension from school.

Students shall receive instruction on the effects of smoking on the human body.

Legal Reference:	Education Code	
	48900	Suspension or Expulsion (Grounds)
	48900.5	Suspension, Limitation on Imposition; Exception
	48901	Smoking or Use of Tobacco Prohibited
	51202	Instruction in Personal and Public Health and Safety
	Health and Safety Code	
	104420	Implementation of Tobacco Use Prevention Program

LOMA PRIETA JOINT UNION ELEMENTARY SCHOOL DISTRICT

STUDENTS

Regulation No.: 5133

Tobacco

Board Adopted: 9/12/07

Discipline

Students who possess or use tobacco on school premises or at school-sponsored events shall be subject to the following disciplinary procedures:

1. First Offense:
 - a. Student conference.
 - b. Parent/guardian contact.
2. Second Offense:
 - a. Parent/guardian contact.
 - b. One- to two-day suspension or detention alternative to suspension.
3. Third and Subsequent Offenses:
 - a. One- to five-day suspension.
 - b. Transfer.
 - c. Disciplinary probation with behavioral contract.

A behavioral contract is a written agreement between a student, parent/guardian and administrator, setting forth conditions that the student must meet during the probation period. Students under disciplinary probation shall either fulfill these conditions or be denied specified privileges until their behavior improves. Failure to comply with the agreement also may result in further disciplinary action.

Tobacco Use Prevention Instruction

All students in grades four through eight shall receive instruction that addresses the following topics:

1. Immediate and long-term undesirable psychological, cosmetic and social consequences of tobacco use.
2. Reasons that adolescents say they smoke or use tobacco.
3. Pure norms and social influences that promote tobacco use.
4. Refusal skills for resisting social influences that promote tobacco use.

LOMA PRIETA JOINT UNION ELEMENTARY SCHOOL DISTRICT

STUDENTS

Policy No.: 5134

Weapons and Dangerous Instruments – Page 1

Board Adopted: 9/12/07

The Board of Trustees desires students and staff to be free from the fear and danger presented by firearms and other weapons. The Board therefore prohibits any person other than authorized law enforcement or security personnel from possessing weapons, imitation firearms, or dangerous instruments of any kind in school buildings, on school grounds or buses, or at a school-related or school-sponsored activity away from school.

Possession of Weapons

Under the power granted to the Board to maintain order and discipline in the schools and to protect the safety of students, staff and the public, any school employees is authorized to confiscate a weapon, dangerous instrument or imitation firearm from any person on school grounds.

Students possessing or threatening others with the weapon, dangerous instrument or imitation firearm are subject to suspension and/or expulsion in accordance with law, Board policy and administrative regulations.

The Superintendent shall notify law enforcement authorities when any student possesses the weapon or commits any act of assault with a firearm or other weapon.

Upon written permission of the Superintendent, a student may possess a weapon on school grounds when necessary for school-sponsored activity or class. The Superintendent or designee shall inspect the weapon to ensure that necessary safety precautions have been taken.

Reporting of Injurious Objects

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

The Superintendent shall develop strategies designed to facilitate student reporting of the presence of injurious objects on school grounds. Incident reports and records shall not identify the student who reported the position. The strategy shall also include means of informing staff, students and parents/guardians that students who report the presence of injurious objects on school campuses are to be protected and their identity shielded.

Legal Reference:	Education Code	
	35291	Governing Board to Prescribe Rules for Discipline of the Schools
	48900	Grounds for Suspension/Expulsion
	48902	Notification of Law Enforcement Authorities
	48915	Required Recommendation for Expulsions
	48916	Readmission
	49330-49335	Injurious Objects

LOMA PRIETA JOINT UNION ELEMENTARY SCHOOL DISTRICT

STUDENTS

Policy No.: 5134

Weapons and Dangerous Instruments – Page 2

Board Adopted: 9/12/07

Legal Reference: (cont.)

Penal Code

- 245 Assault with a Deadly Weapon
- 417.4 Imitation Firearm; Drawing or Exhibiting
- 626.9 Gun-Free School Zone Act of 1995
- 626.10 Dirks, Daggers, Knives, Razor or Stun Gun; Bringing or Possessing in School or on School Grounds; Exception
- 653k Soliciting a Minor to Commit Certain Felonies
- 12001 Control of Deadly Weapons
- 12020-12028.5 Unlawful Carrying and Possession of Concealed Weapons
- 12403.7 Weapons Approved for Self Defense
- 12220 Unauthorized Possession of a Machine Gun
- 12401 Tear Gas
- 12402 Tear Gas Weapon
- 12403.7 Weapons Approved for Self Defense
- 12403.8 Minors 16 or Over; Tear Gas and Tear Gas Weapons

United States Code, Title 20

- 6301-7916 Improving America's Schools Act, Especially:

LOMA PRIETA JOINT UNION ELEMENTARY SCHOOL DISTRICT

STUDENTS

Regulation No.: 5134

Weapons and Dangerous Instruments

Board Adopted: 9/12/07

Weapons and dangerous instruments include, but are not limited to:

1. Firearms: pistols, revolvers, shotguns, rifles, "zip guns," "stun guns," tasers, and any other device capable of propelling a projectile by the force of an explosion or other form of combustion.
2. Knives: any dirks, diggers or other weapons with a fixed, sharpened blade fitted primarily for stepping, weapons with the blade fitted primarily for stabbing, weapons with the blade longer than 3-1/2 inches, folding knives with the blade that locks into place, and razors with an unguarded blade.
3. Explosive and/or incendiary devices: pipe bombs, time bombs, guns, containers of inflammable fluids, and other hazardous devices.
4. Any instrument that expels a metallic projectile, such as a BB or a pellet, through the force of air pressure, carbon dioxide pressure or spring action, or any spot marker gun.
5. Any other dangerous device, instrument or weapon, especially those defined in Penal Code 12020, including a blackjack, slingshot, billy, nunchaku, sandclub, sandbag, metal knuckles, or any metal plate with three or more radiating points with one or more sharp edges designed for use as a weapon.
6. Any imitation firearms, defined as 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.

LOMA PRIETA JOINT UNION ELEMENTARY SCHOOL DISTRICT

STUDENTS

Policy No.: 5135

Gangs

Board Adopted: 9/12/07

The Governing Board desires to keep the District and students free from the threats or harmful influence of any groups or gangs which advocate drug or alcohol use, violence, or disruptive behavior. The principal shall maintain continual, visible supervision of school premises so as to deter gang intimidation of students and confrontations between members of different gangs.

The Superintendent shall periodically establish open lines of communication with local law enforcement authorities so as to share information and provide mutual support in this effort.

The Superintendent shall provide inservice training which helps staff to identify gangs and gang symbols, recognize early manifestations of disruptive activities, and respond appropriately to gang behavior. Staff shall be informed about conflict management techniques and alerted to intervention measures and community resources which may help our students.

Prevention Education

The Board realizes that many students become involved in gangs without understanding the consequences of gang membership. Early intervention is a key component of efforts to break the cycle of gang membership.

Gang Symbols

The California Legislature has declared that gang-related apparel is hazardous to the health and safety of the school environment. The Board prohibits the presence of any apparel, jewelry, accessory, notebook or manner of grooming which, by virtue of its color, arrangement, trademark or any other attribute, denotes membership in gangs which advocate drug use, violence, or disruptive behavior. The Superintendent may establish reasonable dress code regulations prohibiting students from wearing gang-related apparel when necessary for the health and safety of the school environment.

Legal Reference:	Education Code	
	51264	Educational Inservice Training; SDE Guidelines
	51265	Gang Violence and Drug and Alcohol Abuse Prevention Inservice Training
	Penal Code	
	186.22	Participation in Criminal Street Gang
	13826-13826.7	Gang Violence Suppression

LOMA PRIETA JOINT UNION ELEMENTARY SCHOOL DISTRICT

STUDENTS

Regulation No.: 5135

Gangs

Board Adopted: 9/12/07

In accordance with Board policy, districts that have a gang presence may, in their safety plans, include school wide dress codes which prohibit the presence of gang-related apparel at school or school activities. These plans shall define "gang-related apparel" and shall limit this definition to apparel that reasonably could be determined to threaten the health and safety of the school environment if it were worn or displayed at school.

Because gang-related symbols are constantly changing, definitions of gang-related apparel shall be updated whenever related information is received and reviewed at least once each semester.

School staff may use the following techniques to discourage the influence of gangs:

1. In accordance with school safety plans, any student wearing gang-related apparel or carrying gang-related paraphernalia shall be referred to the principal. The student's parent/guardian shall be contacted and the student sent home to change clothes if necessary.
2. Any gang graffiti on school premises shall be quietly removed, washed down or painted over as soon as discovered.
 - a. Daily checks for graffiti shall be made throughout the campus, including restroom walls and doors.
 - b. Graffiti shall be photographed/video-taped before it is removed. These photographs will be shared with local law enforcement authorities and used in future disciplinary or criminal action against the offenders.
3. Classroom and after-school programs shall be designed to enhance individual self-esteem, provide positive reinforcement for acceptable behavior, and foster interest in a variety of wholesome activities.
4. Staff shall actively promote membership in authorized student organizations which can provide students companionship, safety, and a sense of purpose and belonging.

Encouragement of Positive Behavior

Gang prevention comes through the promotion of pro-social behaviors and positive self-esteem. Features should include:

1. Explanation of dangers of gang membership.
2. Lessons or role-playing workshops in nonviolent conflict resolution and gang avoidance skills.
3. Promotion of constructive activities available in the community.
4. Involvement of students in structured, goal-oriented community service projects.

LOMA PRIETA JOINT UNION ELEMENTARY SCHOOL DISTRICT

STUDENTS

Policy No.: 5136

Dress and Grooming

Board Adopted: 9/12/07

The Board of Trustees believes that appropriate dress and grooming contribute to a productive learning environment. The Board expects students to give proper attention to personal cleanliness and wear clothes that are suitable for the school activities in which they participate. Students' clothing must not present a health or safety hazard or distraction which would interfere with the educational process.

Students and parents/guardians shall be informed about dress and grooming standards during the school year and whenever the standards are revised. A student who violates the standards shall be subject to appropriate disciplinary action.

Legal Reference: Education Code
 32281 School Safety Plans
 35183 School Dress Codes; Uniforms
 35183.5 Sun-Protective Clothing
 48907 Student Exercise of Free Expression
 49066 Grades; Effect of Physical Education Class Apparel

Code of Regulations, Title 5
302 Pupils to be Neat and Clean on Entering School

Court Decisions
Marvin H. Jeglin et al. v. San Jacinto Unified School District et al. (C.D. Cal. 1993) 827 F.Supp. 1459
Arcadia Unified School District v. California Department of Education (1992) 2 Cal.4th 251
Hartzell v. Connell (1984) 35 Cal.3d 899

LOMA PRIETA JOINT UNION ELEMENTARY SCHOOL DISTRICT

STUDENTS

Regulation No.: 5136

Dress and Grooming

Board Adopted: 9/12/07

In cooperation with teachers, students and parents/guardians, the principal shall establish school rules governing student dress and grooming which are consistent with law, Board of Trustees policy and industry regulations. The school dress code shall be regularly reviewed.

Students shall be allowed to wear sun-protective clothing, including but not limited to hats, for outdoor use during the school day.

In addition, the following guidelines shall apply to all regular school activities:

1. Shoes must be worn at all times.
2. Clothing, jewelry and personal items (backpacks, fanny packs, gym bags, water bottles, etc.) shall be free of writing, pictures or any other insignia which are crude, vulgar, profane or sexually suggestive, which bear drug, alcohol or tobacco company advertising, promotions and likenesses, or which advocate racial, ethnic or religious prejudice.
3. Hats, caps and other head coverings shall not be worn indoors, except for religious purposes.
4. Clothes shall be sufficient to conceal undergarments at all times. See-through or fish-net fabrics, halter tops, off-the-shoulder or low-cut tops, bare midriffs and skirts or shorts shorter than mid-thigh are prohibited.
5. Hair shall be cleaned and neatly groomed. Hair may not be sprayed by any coloring that would drip when wet.

Coaches and teachers may impose more stringent dress requirements to accommodate the special needs of certain sports and/or classes.

No grade of a student participating in a physical education class shall be adversely affected if the student does not wear standardized physical education apparel because of circumstances beyond the student's control.

The Superintendent, staff, students and parent/guardians at each school may establish reasonable dress and grooming regulations for times when students are engaged in extracurricular or other special school activities.

LOMA PRIETA JOINT UNION ELEMENTARY SCHOOL DISTRICT

STUDENTS

Policy No.: 5137

Positive School Climate

Board Adopted: 9/12/07

The Board of Trustees desires to provide an orderly, caring and nondiscriminatory learning environment in which all students can feel comfortable and take pride in their school and their achievements.

The Board encourages staff to teach students the meaning of equality, human dignity, and mutual respect, and to employ cooperative learning strategies that foster positive interactions in the classroom among students from diverse backgrounds.

Students shall have opportunities to voice their concerns about school policies and practices and to share responsibility for solving problems that affect their school. Staff shall encourage and reward success and achievement, participation in community projects and positive student conduct.

The District shall promote nonviolent conflict resolution techniques in order to encourage attitudes and behaviors that foster harmonious relations.

Legal Reference: Education Code
 233.5 Duty Concerning Instruction of Students
 35160 Authority of Governing Boards
 35160.1 Broad Authority of School Districts

LOMA PRIETA JOINT UNION ELEMENTARY SCHOOL DISTRICT

STUDENTS

Regulation No.: 5138

Health Care and Emergencies

Board Adopted: 9/12/07

Emergency Information

Parents/guardians shall furnish the schools with the current information specified below:

1. Home address and telephone number.
2. Parent/guardian's business address and telephone number.
3. Name, address and telephone number of a relative or friend who is authorized by the parent/guardian to care for the student in cases of emergency when the parent/guardian cannot be reached.
4. Local physician to call in case of emergency.

Under Education Code 49407, no school District shall be held liable for the reasonable treatment of a student without the consent of the parent/guardian when the student requires medical treatment and the parent/guardian cannot be reached, unless a written objection to medical treatment has been filed with the school District.

Consent by Caregiver

Persons 18 years of age and older who filed with the District a completed caregiver's authorization affidavit shall have the right to consent to or refuse school-related medical care for a District student. The caregiver's authorization shall be valid for one year after the date on which it is executed. The caregiver's decision shall be superseded by any contravening decision of the parent or other person having legal custody of the student, provided that this contravening decision does not jeopardize the student's life, health or safety.

School-related medical care is medical care that is required by state or local governmental authority as a condition for school enrollment, including immunizations, physical examinations, and medical examinations conducted in schools for students.

LOMA PRIETA JOINT UNION ELEMENTARY SCHOOL DISTRICT

STUDENTS

Policy No.: 5139

Accidents

Board Adopted: 9/12/07

Although the District makes every reasonable effort to prevent student accidents and injuries, accidents occur. The Superintendent shall develop procedures to ensure that first aid and/or medical attention is provided as quickly as possible and that parents/guardians are notified of accidents.

Universal precautions shall be observed whenever it is possible that students, employees or others may have contact with blood or body fluids as a result of the accident.

District staff shall appropriately report and document student accidents.

Legal Reference:	Education Code	
	32040-32044	First Aid Equipment
	49300-49307	School Safety Patrols
	49408	Emergency Information
	49409	Athletic Events; Physicians and Surgeons; Emergency Medical Care; Immunity
	49470	Medical and Hospital Services for Athletic Program
	49471	Medical and Hospital Services Not Provided or Available
	49472	Medical and Hospital Services for Pupils
	49474	Ambulance Services
	51202	Instruction in Personal and Public Health and Safety
	Code of Regulations, Title 8	
	5193	California Bloodborne Pathogens Standards

LOMA PRIETA JOINT UNION ELEMENTARY SCHOOL DISTRICT

STUDENTS

Policy No.: 5140

Administering Medication and Monitoring Health Conditions

Board Adopted: 9/12/07

The Board of Trustees recognizes that students may need to take prescribed medication during the school day in order to be able to attend school without jeopardizing their health.

When the District has received written statements from the student's physician and parent/guardian, designated personnel shall assist a student in taking the medication. In addition, upon written request, designated personnel may assist the student and monitoring, testing or other treatment of an existing medical condition.

Upon written request by the parent/guardian and with the approval of the student's physician, a student with an existing medical condition that requires frequent monitoring, testing or treatment may be allowed to self-administer this service. The student shall observe universal precautions in handling of blood and bodily fluids.

Anaphylactic Injections

The Board recognizes that some students have allergies of such severity that they may require an emergency anaphylactic injection during the course of a school day. Parents/guardians who are aware of this foreseeable need may ask the District to provide such injections in accordance with administrative regulations.

School staff who may be required to administer anaphylactic injections shall receive training from qualified medical personnel. They will be authorized to administer the injections in accordance with administrative regulations and will be afforded appropriate liability protection.

Legal Reference:	Education Code	
	49407	Liability for Treatment
	49408	Emergency Information
	49423	Administration of Prescribed Medication for Student
	49423.5	Specialized Health Care Services
	49426	School Nurses
	49480	Continuing Medication Regimen; Notice
	Business and Professions Code	
	2700-2837	Nursing, Especially:
	2726	Authority Not Conferred
	2727	Exceptions in General

LOMA PRIETA JOINT UNION ELEMENTARY SCHOOL DISTRICT

STUDENTS

Regulation No.: 5140

Administering Medication and Monitoring Health Conditions – Page 1

Board Adopted: 9/12/07

Before a designated employee assists in the administration of any prescribed medication to any student during school hours, the District shall have:

1. A written statement from the student's physician detailing the method, amount and time schedules by which the medication is to be taken.
2. A written statement from the student's parent/guardian requesting the District to assist the student in taking the medication is prescribed by the physician.

Parents/guardians shall be asked to provide a properly labeled pharmacy bottle containing the name and telephone number of the pharmacy, the student's identification, name of the physician, and dosage of the medication to be given.

The designated employee shall:

1. Be responsible for the medication at school and administer it in accordance with the physician's indicated instructions.
2. Maintain a list of students needing medication during school hours, including the type of medication, times, and dosage.
3. Maintain a log recording the student's name and the time and date when medications were given.
4. Keep all medication in a locked drawer or cabinet.

Parents/guardians request that a student be allowed to self-administer, monitor or treat his/her existing medical condition must make this request in writing and provide written approval by the student's physician.

Notifications

The Superintendent shall inform all parents/guardians of the following requirements:

1. The parent/guardian and the student on a continuing medication regimen from a nonepisodic condition shall inform the school designated certificated employee of the medication being taken, the current dosage and the name of the supervising physician.
2. With the parent/guardian's consent, the school may communicate with the student's physician regarding the medication and its effects and may counsel school personnel regarding the possible effects of the drug when the student's physical, intellectual and social behavior, as well as possible behavioral signs and symptoms of adverse side effects, omission or overdose.

LOMA PRIETA JOINT UNION ELEMENTARY SCHOOL DISTRICT

STUDENTS

Regulation No.: 5140

Administering Medication and Monitoring Health Conditions – Page 2

Board Adopted: 9/12/07

Anaphylactic Injections

1. Parents/guardians of students who may require emergency anaphylactic injections shall provide written permission for authorized staff to administer these injections.
2. Each year, school employees designated by the Superintendent shall receive training in administering anaphylactic injections. Qualified medical personnel shall provide this training.
3. The Superintendent shall schedule inservice meetings to:
 - a. Familiarize authorized staff with the prescribed medications in their location.
 - b. Ensure that authorized staff are competent to administer anaphylactic injections.
 - c. Train all school personnel to recognize the symptoms of anaphylactic reactions.

Physicians and parents/guardians of students who may require anaphylactic injections may be invited to attend these meetings.
4. The Superintendent shall prepare a list naming the students who may need emergency anaphylactic injections. This list shall be given to all concerned staff and updated annually.
5. All medication for injections shall be labeled with the student's name, type of medicine and expiration date.
6. The parents/guardians of students who carry their own kits for the purpose of anaphylactic injections shall so inform the Superintendent or designee, who shall prepare a list naming these students, give it to concerned staff and update the list annually.
7. The Superintendent shall post in the school office a list of symptoms usually associated with anaphylactic reactions and a clear, specific procedure for administering injections in case of emergency. If authorized staff are not available at the time of an emergency, this written procedure will be followed by anyone who must administer the injection in order to save a life.

LOMA PRIETA JOINT UNION ELEMENTARY SCHOOL DISTRICT

STUDENTS

Policy No.: 5141

Infectious Diseases – Page 1

Board Adopted: 9/12/07

The Board of Trustees desires to protect students from risks posed by exposure to infectious diseases while providing an appropriate education for all students.

The Superintendent shall determine whether to admit a student with an infectious disease, and shall exclude students only in accordance with law. In making this determination, he/she shall consult the student's parents/guardians, the student's physician and/or the county health department, in accordance with law and consistent with confidentiality provisions. Because bloodborne pathogens such as hepatitis B virus, hepatitis C virus and human immunodeficiency virus (HIV) are not casually transmitted, the sole presence of bloodborne pathogens is not sufficient reason to exclude students from attending school.

Parents/guardians are encouraged to inform the Superintendent if their child has an infectious disease so that school staff may work cooperatively with the student's parents/guardians to minimize the child's exposure to other diseases in the school setting. The Superintendent or designee shall ensure that student confidentiality rights are strictly observed in accordance with law. No District employee shall release medical information, including knowledge of a bloodborne pathogen infection, without written consent from the parent/guardian or adult student. Such information shall be shared only with those persons specifically named in the written permission.

The Board requires students and staff to routinely observe universal precautions to prevent exposure to bloodborne pathogens and to prevent the spread of all infectious disease.

The Superintendent shall ensure that the District's health education program provides information about the nature of bloodborne pathogens and their transmission.

Legal Reference:	Education Code	
	48210-48213	Persons Excluded
	49073-49075	Privacy of Pupil Records
	49076	Access to Records by Persons without Written Consent or Under Judicial Order
	49403	Cooperation on Control of Communicable Disease and Immunization of Students
	49405	Smallpox Control
	49406	Examination for Tuberculosis (Employees)
	49408	Information of Use in Emergencies
	49450	Rules to Insure Proper Care and Secrecy
	49451	Parent's Refusal to Consent to Medical Exam
	49602	Confidentiality of Student Information

California Constitution
Article I, Section I Right to Privacy

Civil Code
56-56.37.1 Confidentiality of Medical Information Act
1798-1798.76 Information Practices Act

LOMA PRIETA JOINT UNION ELEMENTARY SCHOOL DISTRICT

STUDENTS

Policy No.: 5141

Infectious Diseases – Page 2

Board Adopted: 9/12/07

Legal Reference: (cont.)

Health & Safety Code

120230 Exclusion for Communicable Disease
120325-120380 Immunization against Communicable Diseases
120875-120895 AIDS Information
120975-121020 Mandated Blood Testing and Confidentiality to Protect Public Health
120980 Unauthorized Disclosures
121010 Disclosure to Certain Persons without Written Consent
121475-121520 Tuberculosis Testing for Pupils

California Code of Regulations, Title 8

5193 Bloodborne Pathogen Standards

United States Code, Title 20

1232g Family Educational and Privacy Act
1400-1487 Individual with Disabilities Education Act

United States Code, Title 29

794 Section 504 of the Rehabilitation Act of 1973

LOMA PRIETA JOINT UNION ELEMENTARY SCHOOL DISTRICT

STUDENTS

Regulation No.: 5142

Specialized Health Care Services – Page 1

Board Adopted: 9/12/07

The parent/guardian of students who require specialized physical health care services during the school day shall provide a written request for the needed physical health care service. This request shall include:

1. The student's name, address and phone number.
2. The physician's name, address and phone number.
3. The needed healthcare procedure.
4. Statement authorizing qualified school personnel to perform the procedure, as approved by the physician.
5. Statement agreeing to notify the school immediately of any change in the child's regimen or the authorizing physician.
6. Statement agreeing to provide all supplies needed for the procedure.

The student's physician shall submit a written statement authorizing the administration of the specified physical health care service. The statement shall indicate:

1. The student's name and address.
2. Condition for which treatment is to be given.
3. Specific procedure to be given.
4. Time schedules for the procedure.
5. Precautions, possible untoward reactions and recommended intervention.

The program administrator shall name the qualified school personnel who will perform the service in accordance with standardized procedures.

A qualified school nurse, public health nurse or licensed physician and surgeon shall supervise physical health care services in the school setting in accordance with law.

Qualified personnel shall be trained in accordance with law. They shall possess a current valid certificate from an approved program in cardiopulmonary resuscitation and shall be able to demonstrate current knowledge of community emergency medical resources and skill in the use of equipment and the performance of techniques necessary to provide specialized health care services.

Schools shall provide appropriate accommodations for safety and necessary physical care services. The student's personal privacy and dignity shall be assured.

LOMA PRIETA JOINT UNION ELEMENTARY SCHOOL DISTRICT

STUDENTS

Regulation No.: **5142**

Specialized Health Care Services – Page 2

Board Adopted: **9/12/07**

Staff designated to perform the specialized service shall maintain and sign daily record of the services on a District form. This form shall be kept either in the student's classroom or in the school health office, depending on the health services being provided.

LOMA PRIETA JOINT UNION ELEMENTARY SCHOOL DISTRICT

STUDENTS

Policy No.: 5143

Health Examinations

Board Adopted: 9/12/07

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

In addition to verifying that students have complied with legal requirements for health examinations and immunizations before enrolling in school, but District shall administer tests for vision, hearing and scoliosis as required by law.

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

Reports to the board regarding the number of students found to have physical problems and the effort made to correct them shall in no way reveal the identity of students.

Legal Reference:	Education Code	
	44871-44879	Employment Qualifications
	49400-49413	General Powers – School Boards (Re: Pupil Health)
	49422	Supervision of Health and Physical Development
	49450-49457	Physical Examinations (of Pupils)
	49460-49466	Development of Standardized Health Assessments
	Health and Safety Code	
	120325-120380	Immunization Against Communicable Diseases
	121475-121520	Tuberculosis Tests for Pupils
	Code of Regulations, Title 5	
	590-596	Vision Screening
	3027	Hearing and Vision Screening for Special Education
	3028	Audiological Screening

LOMA PRIETA JOINT UNION ELEMENTARY SCHOOL DISTRICT

STUDENTS

Regulation No.: 5143

Health Examinations

Board Adopted: 9/12/07

The Superintendent shall notify parents/guardians of the rights of students and parents/guardians related to health examinations.

A parent/guardian may annually file a written statement with the Superintendent withholding consent to the physical examination of his/her child. The child shall be exempt from any physical examination but shall be subject to exclusion from attendance when contagious or infectious disease is reasonably suspected.

Vision and Hearing Tests

Students shall have their vision and hearing tested by qualified personnel authorized by the District.

All students shall be tested for visual acuity when they first enroll in elementary school and every three years thereafter until the student completes grade 8. External observations of the student's eyes, visual performance and perception shall be made by the school nurse and the classroom teacher.

For male students, color vision shall be tested one time, after the student reaches grade 1. Results of the test shall be entered into the student's health record.

Evaluation of a student's vision may be waived at the parent/guardian's request if the parent/guardian presents a certificate from either a medical doctor or an optometrist specifying the results of an examination of the student's vision including visual acuity, and, in male students, color vision.

Visual defects or any other defects found as a result of the vision examination shall be reported to the parent/guardian with the request that remedial action be taken.

Scoliosis Screening

Each female student in grade 7 and each male student in grade 8 shall be screened for scoliosis. The screening shall comply with California Department of Education standards and shall be performed by qualified personnel as specified in law.

Persons performing the screening shall not solicit, encourage or advise treatment of the student for scoliosis or any other condition discovered in the course of the screening.

The parent/guardian of any student suspected of having scoliosis shall receive a notice which includes an explanation of scoliosis and describes the significance of treatment at an early age. This notice shall also describe the public services available for treatment and include a referral to appropriate community resources.

LOMA PRIETA JOINT UNION ELEMENTARY SCHOOL DISTRICT

STUDENTS

Policy No.: 5144

Immunizations

Board Adopted: 9/12/07

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

Students entering District school or child care and development program, or transferring between school campuses, shall present an immunization record which shows at least a month and year of each immunization in accordance with law. Students shall be excluded from school or exempted from immunization requirements only as allowed by law.

Each transfer student shall present his/her immunization record certifying that he/she has received all required immunizations currently due before he/she is admitted to school.

Legal Reference:	Education Code	
	46010	Total Days of Attendance
	48216	Immunization
	48980	Required Notification of Rights
	49403	Cooperation in Control of Communicable Disease and Immunizations
	Health and Safety Code	
	120325-120380	Immunizations Against Communicable Disease Especially:
	120335	Immunization Requirement for Admission
	120440	Disclosure of Immunization Requirements
	Code of Regulations, Title 17	
	6000-6075	School Attendance Immunization Requirements

LOMA PRIETA JOINT UNION ELEMENTARY SCHOOL DISTRICT

STUDENTS

Regulation No.: 5144

Immunizations – Page 1

Board Adopted: 9/12/07

The Superintendent shall not unconditionally admit any student to the District or childcare and development program unless that student has presented documentation of full immunization.

At the beginning of the school year, the Superintendent shall notify parents/guardians of the rights of students and parents/guardians relating to immunizations under Education Code 49403.

Immunizations for Grades K-8

Students entering the District in grades kindergarten through 8 shall have received the following immunizations:

1. Measles, mumps and rubella (MMR) vaccine
 - a. Students entering at the kindergarten level shall have received two doses on or after the first birthday, except one does may be measles-only vaccine.
 - b. Mumps vaccine shall not be required for students age 7 or older.
 - c. Students entering or advancing to seventh-grade shall be required to have a second dose of measles-containing vaccine if they do not previously obtain a second dose.
2. Diphtheria, tetanus and pertussis (whooping cough) vaccine (DTP or DTaP)
 - a. Five doses shall be required for students ages four through six. However, four doses shall meet the requirement if at least one dose was given on or after the fourth birthday.
 - b. Four doses shall be required for students age seven or older. However, three doses shall meet the requirement if at least one dose was given on or after the second birthday.
 - c. Pertussis immunization shall not be required for students age seven or older.
 - d. A tetanus and diphtheria (Td) shot is recommended but not required for seventh-grade students who have not had a booster within the past five years.

3. Poliomyelitis (polio) vaccine

Four doses shall be required at any age. However, three doses shall meet the requirement for ages four through six if at least one dose was given on or after the fourth birthday, and three doses shall meet the requirement for ages seven to seventeen if at least one dose was given on or after the second birthday.

LOMA PRIETA JOINT UNION ELEMENTARY SCHOOL DISTRICT

STUDENTS

Regulation No.: 5144

Immunizations – Page 2

Board Adopted: 9/12/07

4. Hepatitis B vaccine
 - a. Three doses shall be required for entry into kindergarten.
 - b. Students shall not be unconditionally admitted or advanced to seventh-grade unless they have been fully immunized against hepatitis B. A student who has previously had three doses of hepatitis B vaccine at any age before seventh-grade shall not be required to receive any additional shots.
5. Varicella (chickenpox) vaccine

Students who skipped kindergarten shall meet immunization requirements for hepatitis B and a second measles dose prior to entering first grade.

Students transferring into the District at a grade other than kindergarten or seventh-grade shall be exempt from the requirement for a second measles dose or hepatitis B immunization.

Immunizations Below Kindergarten Level

Children younger than age four years, six months shall have received haemophilus influenza type b (Hib meningitis) vaccine.

Other immunization requirements for children below kindergarten level depend on the child's age.

Exemptions

Exemption from immunization requirements is as allowed when:

1. The student's parent/guardian states in writing that immunization is contrary to his/her beliefs.
2. The student's parent/guardian provides a written statement by a licensed physician that the physical condition or medical circumstances of the student are such that immunization is unsafe or is permanently not indicated.

However, if there is good cause to believe that the student has been exposed to one of the communicable diseases listed above, the student may be temporarily excluded from school until the local health officer is satisfied that the student is no longer at risk of developing the disease.

LOMA PRIETA JOINT UNION ELEMENTARY SCHOOL DISTRICT

STUDENTS

Regulation No.: 5144

Immunizations – Page 3

Board Adopted: 9/12/07

Exclusions Due to Lack of Immunizations

Any student without the required evidence of immunization may be excluded from school until immunization is obtained or until the student presents a letter or affidavit exemption from his/her parent/guardian or physician.

Before student is excluded from school attendance because of lack of immunization, the Superintendent shall notify the parent/guardian that he/she has 10 school days in which to supply evidence of proper immunization or an appropriate letter of exemption. This notice shall refer the parent/guardian to the child's usual source of medical care. If no usual source of medical care exists, the parent/guardian shall be referred to the Santa Clara County Health Department.

The Superintendent shall exclude from further attendance any student who fails to obtain the required immunization within 10 school days for receipt of the parent/guardian notice specified above, unless the student is exempt from immunization for medical reasons or personal beliefs. The student shall remain excluded from school until he/she has received another dose of each required vaccine due at that time. The student shall also be reported to the Superintendent.

Conditional Enrollment

The Superintendent may conditionally admit a student with documentation from a physician that:

1. He/she has received some but not all required immunizations and is not due for any vaccine dose at the time of admission.
2. He/she has a temporary exemption from immunization for medical reasons.

The Superintendent shall notify the student's parents/guardians of the date by which the student must complete all the remaining doses when they become due.

The Superintendent shall review the immunization record of each student admitted conditionally every 30 days until that student has received all the required immunizations. If the student does not receive the required immunizations within the specified time limits, he/she shall be excluded from further attendance until immunizations are received.

Records

The Superintendent shall record each new entrant's immunizations in the mandatory permanent student record. District staff shall maintain the confidentiality of immunization records and may disclose such information to state and local health departments only in accordance with law.

LOMA PRIETA JOINT UNION ELEMENTARY SCHOOL DISTRICT

STUDENTS

Policy No.: 5145

Head Lice

Board Adopted: 9/12/07

To prevent the spread of head lice infestations, school employees shall report all suspected cases of head lice to the secretary as soon as possible. The secretary shall examine the student and any siblings of affected students or members of the same household. If nits or lice are found, the student shall be excluded from attendance and parents/guardians informed about recommended treatment procedures and sources of further information.

The Superintendent shall send home the notification required by law for excluded students.

If there are two or more students affected in any class, all students in the class shall be examined, and information about head lice shall be sent home to all parents/guardians of those students.

Staff shall maintain the privacy of students identified as having head lice and excluded from attendance.

Excluded students may return to school when (1) they bring a note from the parent/guardian verifying treatment, and (2) re-examination by the secretary or designee shows that all nits and lice have been removed.

Legal Reference: Education Code
 48210-48214 Persons Excluded
 49451 Physical Examinations: Parent's Refusal to Consent

LOMA PRIETA JOINT UNION ELEMENTARY SCHOOL DISTRICT

STUDENTS

Policy No.: 5146

Child Abuse Reporting Procedures

Board Adopted: 9/12/07

The Board of Trustees recognizes that the District has responsibility to protect students by facilitating the prompt reporting of known and suspected incidents of child abuse and neglect. The Superintendent shall establish regulations for use by District employees in identifying and reporting such incidents.

District employees are obligated to report all known or suspected incidents of child abuse and neglect in accordance with law, Board policy, and administrative regulation. Employees shall not investigate any suspected incidents but rather shall fully cooperate with agencies responsible for reporting, investigating and prosecuting cases of child abuse and neglect.

Parents/guardians may file a complaint against a District employee or other person whom they suspect has engaged in abuse of a child at a school site. The Superintendent shall provide parents/guardians information about reporting procedures in accordance with law.

The principal shall provide training regarding the reporting duties of District employees mandated by law to report suspected child abuse and neglect.

In the event that training is not provided to the employees mandated to report child abuse and neglect, the Superintendent shall report to the California Department of Education the reasons that such training is not provided.

Legal Reference:	Education Code	
	33308.1	Guidelines on Procedure for Filing Child Abuse Complaints
	44690-44691	Staff Development in the Detection of Child Abuse and Neglect
	48906	Notification when Student Released to Peace Officer
	48987	Dissemination of Reporting Guidelines to Parents
	Penal Code	
	152.3	Duty to Report Murder, Rape or Lewd or Lascivious Act
	273a	Willful Cruelty or Unjustifiable Punishment of Child; Endangering Life or Health
	11164-11174.3	Child Abuse and Neglect Reporting Act
	Welfare and Institutions Code	
	15630-15637	Dependent Adult Abuse Reporting
	Code of Regulations, Title 5	
	4650	Filing Complaints with CDE, Special Education Students

LOMA PRIETA JOINT UNION ELEMENTARY SCHOOL DISTRICT

STUDENTS

Regulation No.: 5146

Child Abuse Reporting Procedures – Page 1

Board Adopted: 9/12/07

Definitions

Child abuse or neglect includes the following:

1. A physical injury inflicted by other than accidental means on a child by another person.
2. Sexual abuse of a child as defined in Penal Code 11165.1.
3. Neglect as defined in Penal Code 11165.2.
4. Willful cruelty or unjustifiable punishment of a child as defined in Penal Code 11165.3.
5. Unlawful corporal punishment or injury resulting in the traumatic condition as defined in Penal Code 11165.4.

Child abuse or neglect does not include:

1. A mutual affray between minors.
2. An injury caused by reasonable and necessary force used by peace officer acting within the course and scope of his/her employment.
3. The exercise by a teacher or other certificated employee of the same degree of physical control over a student that a parent/guardian would be privileged to exercise, not exceeding the amount of physical control reasonably necessary to maintain order, protect property, protect the health and safety of students, or maintain proper and appropriate conditions conducive to learning.
4. An amount of force that is reasonable and necessary for a school employee to quell a disturbance threatening physical injury to persons or damage to property, to protect himself/herself, or to obtain weapons or other dangerous objects within the control of the student.
5. Physical pain or discomfort caused by athletic competition or other such recreational activity voluntarily engaged in by the student.

Mandated reporters include but are not limited to teachers; instructional aids; teacher's aides or assistants; classified employees; certificated pupil personnel employees; administrative officers or supervisors of child attendance; administrators and employees of a licensed daycare facility; District police or security officers; and administrators, presenters or counselors of a child abuse prevention program.

Reasonable suspicion means that it is objectively reasonable for a person to entertain a suspicion, based upon facts that could cause a reasonable person in a like position, drawing when appropriate on his/her training and experience, to suspect child abuse or neglect.

LOMA PRIETA JOINT UNION ELEMENTARY SCHOOL DISTRICT

STUDENTS

Regulation No.: 5146

Child Abuse Reporting Procedures – Page 2

Board Adopted: 9/12/07

Reportable Offenses

A mandated reporter shall make a report using the procedures provided below whatever, in his/her professional capacity or within the scope of his/her employment, he/she has knowledge of or observes child whom the mandated reporter knows or reasonably suspects has been the victim of child abuse or neglect.

Any mandated reporter who has knowledge of or who reasonably suspects that mental suffering has been inflicted upon a child, or that the Child's emotional well-being is endangered in any other way, may report the known or suspected instance of child abuse or neglect to appropriate agency designated below.

Instances that indicate that the emotional well-being of a child might be in danger to include, but are not limited to, evidence that the child is suffering from emotional damage, such as severe anxiety, depression, withdrawal, or untoward aggressive behavior towards self or others.

Any person shall notify a peace officer if he/she reasonably believes that he/she has observed the commission of a murder, rape, or lewd or lascivious act by use of force, violence, duress, menace, or fear of immediate and unlawful bodily injury, where the victim is a child under age 14.

Responsibility for Reporting

The reporting duties are individual and cannot be delegated to another person.

When two or more mandated reporters jointly have knowledge of a known or suspected instance of child abuse or neglect, and when there is agreement among them, the report may be made by a member of the team selected by mutual agreement and a single report may be made and signed by the selected member of the reporting team. Any member who has knowledge that the member designated to report has failed to do so shall thereafter make the report.

No supervisor or administrator shall impede or inhibit a mandated reporter from making a report.

Any person not identified as a mandated reporter who has knowledge of or observes a child whom he/she knows or reasonably suspects has been a victim of child abuse or neglect may report the known or suspected instance of child abuse or neglect to the appropriate agency.

Reporting Procedures

1. Initial Telephone Report

Immediately or soon as practicably possible after knowing or observing suspected child abuse or neglect, a mandated reporter shall make a report by telephone to any sheriff's department, county probation department if designated by the county to receive such reports, or the county welfare department.

LOMA PRIETA JOINT UNION ELEMENTARY SCHOOL DISTRICT

STUDENTS

Regulation No.: 5146

Child Abuse Reporting Procedures – Page 3

Board Adopted: 9/12/07

When the telephone report is made, the mandated reporter shall note the name of the official contacted, the date and time contacted, and any instructions or advice received.

2. Written Report

Within 36 hours of receiving the information concerning the incident, the mandated reporter shall prepare and send to the appropriate agency a written report which includes a completed Department of Justice form.

Mandated reporters may obtain copies of the above form from either the District or the appropriate agency.

Reports of suspected child abuse or neglect shall include, if known:

- a. The name, business address and telephone number of the person making the report and the capacity that makes the person a mandated reporter.
- b. The child's name and address, present location and, where applicable, school, grade and class.
- c. The names, addresses and telephone numbers of the child's parents/guardians.
- d. The information that gave rise to the reasonable suspicion of child abuse or neglect and the source(s) of that information.
- e. The name, address, telephone number and other relevant personal information about the person(s) who might have abused or neglected the child.

The mandated reporter shall make a report even if some of this information is not known or is uncertain to him/her.

Information relevant to the incident of child abuse or neglect may also be given to an investigator from an agency that is investigating the case.

3. Internal Reporting

Employees reporting child abuse or neglect to appropriate agency are required, to notify the principal or designee as soon as possible after the initial telephone report to an appropriate agency. When so notified, the principal shall inform the Superintendent.

The Superintendent so notified shall provide the mandated reporter with any assistance necessary to ensure the reporting procedures are carried out in accordance with law, Board of Trustees policy and administrative regulation. At the mandated reporter's request, the Superintendent may assist in completing and filing these forms.

LOMA PRIETA JOINT UNION ELEMENTARY SCHOOL DISTRICT

STUDENTS

Regulation No.: 5146

Child Abuse Reporting Procedures – Page 4

Board Adopted: 9/12/07

The mandated reporter shall not be required to disclose his/her identity to the Superintendent.

He/she may provide or mail a copy of the written report to the Superintendent without his/her signature or name.

Reporting the information to employer, supervisor, Superintendent, school counselor, co-worker, or other person shall not be a substitute for making a mandated report to the appropriate agency.

Training

Training of mandated reporters shall include child abuse identification and reporting. All employees receiving such training shall receive written notice of state reporting requirements and employees' confidentiality rights.

Training shall also include guidance in the appropriate discipline of students, physical contact with students, and maintenance of ethical relationships with students to avoid actions that may be misinterpreted as child abuse.

Victim Interviews

Upon request, a representative of an agency investigating suspected child abuse or neglect may interview a suspected victim during school hours, on school premises, concerning a report of suspected child abuse or neglect that occurred within the child's home or out-of-home care facility. The child shall be given the choice of being interviewed in private or in the presence of any adult school employee or volunteer aide selected by the child.

A staff member or volunteer aide selected by a child may decline to be present at the interview. If the selected person accepts, the Superintendent or designee shall inform him/her, before the interview takes place, of the following requirements:

1. The purpose of the selected person's presence at the interview is to lend support to the child and enable him/her to be as comfortable as possible.
2. The selected person shall not participate in the interview.
3. The selected person shall not discuss the facts or circumstances of the case with the child.
4. The selected person is subject to the confidentiality requirements of the Child Abuse and Neglect Reporting Act, in violation of which is punishable as specified in Penal Code 11167.5.

If a staff member agrees to be present, the interview shall be held at a time during school hours when it does not involve an expense to the school.

LOMA PRIETA JOINT UNION ELEMENTARY SCHOOL DISTRICT

STUDENTS

Regulation No.: 5146

Child Abuse Reporting Procedures – Page 5

Board Adopted: 9/12/07

Release of Child to Peace Officer

When a child is released to a peace officer and taken into custody as a victim of suspected child abuse or neglect, the Superintendent and/or principal shall not notify the parent/guardian as required in other instances of removal of a child from school, but rather shall provide the peace officer with the address and telephone number of the child's parent/guardian. It is the responsibility of the peace officer or agent to notify the parent/guardian of the situation.

Peace officers shall be asked to sign an appropriate release or acceptance of responsibility form.

Parent/Guardian Complaints

To file a complaint against a District employee or other person suspected of child abuse or neglect at a school site, parents/guardians may file a report by telephone, in person or in writing with any appropriate agency identified above under "Reporting Procedures."

LOMA PRIETA JOINT UNION ELEMENTARY SCHOOL DISTRICT

STUDENTS

Policy No.: 5147

Safety – Page 1

Board Adopted: 9/12/07

The Board of Trustees believes priority should be given to safety and to the prevention of student injury. School facilities shall be designed and equipment shall be selected to minimize the risk of harm to students.

The Superintendent, teachers and other staff shall be responsible for the conduct and safety of students during school hours and school-sponsored activities and while students are using District transportation to and from school.

The Superintendent shall establish school rules consistent with law, Board policy and administrative regulation for the safe and appropriate use of school equipment, materials and for student conduct. School staff shall train students on the safety rules and shall provide safety instruction as appropriate. Copies of the rules shall be sent to parents/guardians and be readily available at the school at all times.

Legal Reference:	Education Code	
	8482-8484.6	After School Learning and Safe Neighborhood Partnerships Program
	17280-17317	Building Approvals (Field Act)
	17365-17374	Fitness of School Facilities for Occupancy
	32001	Fire Alarm and Drills
	32020	School Gates; Entrances for Emergency Vehicles
	32030-32034	Eye Safety
	32040	First Aid Equipment
	32225-32226	Two-Way Communication Devices in Classrooms
	32240-32245	Lead-Free Schools
	32250-32254	CDE School Safety and Security Resources Unit
	32280	Safety Plans
	44807	Duty of Teachers Concerning Conduct of Students to and from Schools, on Playgrounds, and During Recess
	44808	Exemption from Liability when Students are Not on School Property
	44808.5	Permission for Students to Leave School Grounds (High School)
	49300-49307	School Safety Patrol
	49330-49334	Injurious Objects
	49341	Hazardous Materials in School Science Laboratories
	51202	Instruction in Personal and Public Health and Safety
	Government Code	
	810-996.6	California Tort Claims Act, especially:
	815	Liability for Injuries generally; Immunity of Public Entity
	835	Conditions of Liability
	4450-4458	Access to Public Buildings by Physically Disabled Persons

LOMA PRIETA JOINT UNION ELEMENTARY SCHOOL DISTRICT

STUDENTS

Policy No.: 5147

Safety – Page 2

Board Adopted: 9/12/07

Legal Reference: (cont.)

Health and Safety Code

115725-115750 Playground Safety

115775-115800 Wooden Playground Equipment

Penal Code

14200-14213 Violent Crime Information Center

Public Resources Code

5411 Purchase of Equipment Usable by Physically Disabled Persons

Code of Regulations, Title 5

202 Exclusion of Students with a Contagious Disease

5531 Supervision of Social Activities

5552 Playground Supervision

5570 When School Shall be Open and Teachers Present

14103 Bus Driver; Authority over Pupils

Code of Regulations, Title 22

65700-65750 Safety Regulations for Playgrounds; Definitions and General Standards

LOMA PRIETA JOINT UNION ELEMENTARY SCHOOL DISTRICT

STUDENTS

Regulation No.: 5147

Safety – Page 1

Board Adopted: 9/12/07

Release of Student to Adult

Students shall be released during the school day in the custody of an adult only if:

1. The adult is a student's parent/guardian with custody.
2. The adult has been authorized on the student's emergency card as someone to whom the student may be released when the parent/guardian cannot be reached, and the Superintendent verifies individual's identification.
3. The adult is a properly authorized officer acting in accordance with law.
4. The adult is taking the student to emergency medical care at the request of the Superintendent.

Supervision of Students

Teachers shall be present at their respective rooms and shall open them to admit students not less than 30 minutes before the time when school starts.

Every teacher shall hold students to a strict account for their conduct on the way to and from school, on the playgrounds and during recess.

Where playground supervision is not otherwise provided, the principal shall provide for certificated employees to supervise the conduct and safety, and direct the play, of students who are on school grounds before and after school and during recess and other intermissions.

The principal shall:

1. Clearly identify supervision zones on the playground and require that supervisors remain outside at a location for which they can observe their entire zone of supervision.
2. Require that all individuals supervising students remain alert in spotting dangerous conditions, promptly reporting any such conditions to the Superintendent, and file a written report on such conditions, as appropriate.
3. Establish emergency procedures to ensure swift response to accidents, fighting and situations that could become dangerous, such as overcrowding or unusual gatherings of students.

LOMA PRIETA JOINT UNION ELEMENTARY SCHOOL DISTRICT

STUDENTS

Regulation No.: **5147**

Safety – Page 2

Board Adopted: **9/12/07**

Playground Safety

The Superintendent shall ensure that playgrounds comply with 22 CCR 65700-65,750 pertaining to the design, installation, inspection and maintenance of playgrounds and playground equipment.

Upon inspection of playgrounds by a certified playground safety inspector as required by law, the Superintendent shall implement any changes needed in the design, installation, maintenance and supervision of playgrounds.

Playground equipment shall be either:

1. Assembled and installed by or under the direct supervision of an individual authorized by the manufacturer.
2. Inspected by a certified playground safety inspector prior to its first use.

The Superintendent shall ensure that District personnel have readily understood the requirements in 22 CCR 65700-65750 before participating in the design, installation and maintenance of a playground.

LOMA PRIETA JOINT UNION ELEMENTARY SCHOOL DISTRICT

STUDENTS

Policy No.: 5148

Insurance

Board Adopted: 9/12/07

To ensure that injured students receive needed health care services, the Board of Trustees may make medical and/or hospital service available to District students through nonprofit membership corporations and/or group, blanket or individual policies from an authorized insurer.

The Superintendent shall provide or make available:

1. Medical or hospital service or insurance protection against injuries to students while participating in any excursion or field trip under the jurisdiction of, or sponsored by or controlled by, the District.

The Superintendent may distribute printed matter furnished by the insurer or membership corporation to students and their parents/guardians.

Legal Reference:	Education Code	
	32220-32224	Insurance for Athletic Teams
	33353.5	Interscholastic Federation; Insurance Program; Nontransaction of Insurance
	35331	Insurance for Field Trips and Excursions
	48980	Parental Notifications
	49470-49474	District Medical Services and Insurance
	51760	Insurance, Work Experience Programs
	52530	Insurance for Healing Arts Program Students
	Insurance Code	
	10493	Benefit and Relief Association

LOMA PRIETA JOINT UNION ELEMENTARY SCHOOL DISTRICT

STUDENTS

Policy No.: 5149

Discipline

Board Adopted: 9/12/07

The Board of Trustees desires to prepare students for responsible citizenship by fostering self-discipline and personal responsibility. The Board believes that high expectations for student behavior, effective classroom management and parent/guardian involvement can minimize the need for discipline. Staff shall use preventative measures and positive conflict resolution techniques whenever possible.

Board policies and regulations shall delineate acceptable student conduct and provide the basis for sound disciplinary practices.

When misconduct occurs, staff shall implement appropriate discipline and attempt to identify and address the causes of the student's behavior. Habitually disruptive students may be assigned to alternative programs or removed from school. At all times, the safety of students and staff and the maintenance of an orderly school environment shall be priorities in determining appropriate discipline.

Staff shall enforce disciplinary rules fairly, consistently and without discrimination.

The Superintendent shall provide professional development as necessary to assist staff in developing classroom management skills in implementing effective disciplinary techniques.

Legal Reference:	Education Code	
	32280	School Safety Plans
	35146	Closed Sessions
	35291	Rules
	35291.5	School Adopted Discipline Rules
	35291.7	School Adopted Discipline Rules: Additional Employees
	37223	Weekend Classes
	44807.5	Restriction from Recess
	48900-48925	Suspension and Expulsion
	48980-48985	Notification of Parents or Guardians
	49000-49001	Prohibition of Corporal Punishment
	49330-49334	Injurious Objects
	Civil Code	
	1714.1	Parental Liability for Child's Misconduct
	Code of Regulations, Title 5	
	307	Participation in School Activities until Departure of Bus
	353	Detention After School

LOMA PRIETA JOINT UNION ELEMENTARY SCHOOL DISTRICT

STUDENTS

Regulation No.: 5149

Discipline – Page 1

Board Adopted: 9/12/07

Corporal Punishment

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

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

Recess Restriction

A teacher may restrict a student's recess time when he/she believes that this action is the most effective way to bring about improved behavior, subject to the following conditions:

1. The student shall be given adequate time to use the restroom and get a drink or eat lunch, as appropriate.
2. The student shall remain under a certificated employee's supervision during the period of restriction.
3. Teachers shall inform the principal of any recess restrictions they impose.

Detention After School

Students may be detained for disciplinary reasons up to one hour after the close of the maximum school day.

If a student will miss his/her school bus on account of being detained after school, or if the student is not transported by school bus, the Superintendent shall notify parents/guardians of the detention at least one day in advance so that alternative transportation arrangements may be made. The student shall not be detained unless the Superintendent speaks to the parent/guardian.

Students shall remain under the supervision of a certificated employee during the period of detention.

Community Service

As part of or instead of disciplinary action, the Board, Superintendent or designee may, at his/her discretion, require a student to perform community service on school grounds, or with written permission of the student's parent/guardian off school grounds, during nonschool hours. Such service may include, but is not limited to, community or school outdoor beautification, campus betterment, and teacher, peer or youth assistance programs.

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Regulation No.: 5149

Discipline – Page 2

Board Adopted: 9/12/07

This community service option is not available for a student who has been suspended, pending expulsion. However, if the recommended expulsion is not implemented or the expulsion itself is suspended, then a student may be required to perform community service for the resulting suspension pursuant to this section.

Notice to Parents/Guardians and Students

At the beginning of the school year, the Superintendent shall notify parents/guardians, in writing, about the availability of District rules related to discipline.

In addition, during the school year, the Superintendent or designee shall notify students and parents/guardians, in writing, regarding school rules related to discipline. Transfer students and their parents/guardians shall receive such notice upon enrollment.

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STUDENTS

Policy No.: 5150

Suspension and Expulsion/Due Process – Page 1

Board Adopted: 9/12/07

The Board of Trustees has established policies and standards of behavior in order to promote learning and protect the safety and well-being of all students. When these policies and standards are violated, it may be necessary to suspend or expel a student from regular classroom instruction.

Suspended or expelled students shall be excluded from all school-related extracurricular activities during the period of suspension or expulsion.

Except where suspension for a first offense is warranted in accordance with law, suspension shall be imposed only when other means of correction fail to bring about proper conduct.

Expulsion is an action taken by the Board for severe or prolonged breaches of discipline by a student. Except for single acts of a grave nature, expulsion is used only when there is a history of misconduct, when other forms of discipline, including suspension, have failed to bring about proper conduct, or when the student's presence causes a continuing danger to him/herself or others.

The grounds for suspension and expulsion and the procedures for considering, recommending and/or implementing suspension and expulsion shall be specified in administrative regulation.

Zero Tolerance

The Board supports a zero tolerance approach to serious offenses. This approach makes the removal of potentially dangerous students from the classroom a top priority. It ensures fair and equal treatment of all students and requires that all offenders be punished to the fullest extent allowed by law. Staff shall immediately report to the Superintendent any incidence of offenses specified in law, Board policy and administrative regulation as cause for suspension or expulsion.

The Superintendent shall notify staff, students and parents/guardians about the District's zero tolerance policy and the consequences which may result from student offenses. He/she shall also ensure strict enforcement of this policy.

Student Due Process

The Board shall provide for the fair and equitable treatment of students facing suspension and expulsion by affording them their due process rights under the law. The Superintendent shall comply with procedures for notices and appeals as specified in administrative regulation and law.

On-Campus Suspension Program

The Board recognizes that students who are suspended from school often have no supervision or guidance during the school hours when they are off campus and may fall behind in the coursework. The board believes that, in many cases, it would be better to manage the student's behavior by keeping the student at school and providing him/her with supervision that is separated from the regular classroom.

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Suspension and Expulsion/Due Process – Page 2

Board Adopted: 9/12/07

The Superintendent shall establish a supervised in-house suspension program which meets the requirements of law for suspended students who pose no imminent danger or threat at school and for whom an expulsion action has not been initiated.

The Superintendent shall examine alternatives to off-campus suspension and may establish a suspension program which involves progressive discipline during the school day on campus; use of conferences between staff, parents/guardians and students; detention; student study teams or other assessment-related teams; and/or referral to school support services staff. The use of such alternatives does not preclude off-campus suspensions.

Required Parental Attendance

The Board believes that parental involvement plays an important role in the resolution of classroom behavior problems. The Board expects that teachers will communicate with parents/guardians when behavior problems arise.

Whenever a student is removed from a class because he/she committed an obscene act, engaged in habitual profanity or vulgarity, disrupted school activities or otherwise willfully defied valid staff authority, the teacher of the class from which the student was removed may provide that the student's parent/guardian attend a portion of a school day in that class. After completing the classroom visit and before leaving school premises, the parent/guardian also shall meet with the Superintendent.

The Board encourages teachers, before requiring parental attendance, to make reasonable efforts to have the parent/guardian visit the class voluntarily. The teacher also may inform the parent/guardian about available resources and parent education opportunities. Teachers should reserve the option of required parental attendance for cases in which they have determined that it is the best strategy to promote positive interaction between the student and the parent/guardian and to improve classroom behavior.

The teacher shall apply this policy uniformly to all students within the classroom. This policy shall apply only to a parent/guardian who lives with the student.

Parental attendance may be requested on the day the student returns to class or within one week thereafter. The Superintendent shall contact any parents/guardians who do not respond to the request to attend school. The Board recognizes that parental compliance with this policy may be delayed, modified or prevented for reasons such as serious illness/injury/disability, absence from town, or inability to get release time from work.

District regulations and school-site rules for student discipline shall include procedures for implementing parental attendance requirements.

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Suspension and Expulsion/Due Process – Page 3

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Decision Not to Enforce Expulsion Order

On a case-by-case basis, the enforcement of an expulsion order may be suspended by the Board pursuant to the requirements of law.

Legal Reference:	Education Code	
	212.5	Sexual Harassment
	233	Hate Violence Reduction
	1981	Enrollment of Students
	17292.5	Program for Expelled Students
	35146	Closed Sessions (Re: Suspensions)
	35291	Rules (For Government and Discipline of Schools)
	35291.5	Rules and Procedures on School Discipline
	48660-48666	Community Day Schools
	48900-48926	Suspension and Expulsion
	48950	Speech and Other Communication
	49073-49079	Privacy of Student Records
	Civil Code	
	48.8	Defamation Liability
	Code of Civil Procedure	
	1985-1997	Subpoenas; Means of Production
	Government Code	
	11455.20	Contempt
	54950-54962	Ralph M. Brown Act (Re: Closed Sessions)
	Health and Safety Code	
	11014.5	Drug Paraphernalia
	11053-11058	Standards and Schedules
	Labor Code	
	230.7	Discharge or Discrimination Against Employee for Taking Time Off to Appear in School on Behalf of a Child
	Penal Code	
	31	Principal Defined
	240	Assault Defined
	241.2	Assault Fines
	242	Battery Defined
	243.2	Battery Fines
	243.4	Sexual Battery
	245	Assault with a Deadly Weapon

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Legal Reference:	Penal Code (cont.)
	261 Rape Defined
	266c Unwanted Sexual Intercourse
	286 Sodomy Defined
	288 Lewd or Lascivious Acts with Child Under Age 14
	288a Oral Copulation
	289 Penetration of Genital or Anal Openings
	626.2 Entry Upon Campus After Written Notice of Suspension or Dismissal Without Permission
	626.9 Gun-Free School Zone Act of 1995
	626.10 Dirks, Daggers, Knives, Razors or Stun Guns
	868.5 Supporting Person; Attendance During Testimony of Witness
	Welfare and Institutions Code
	729.6 Counseling
	United States Code, Title 18
	921 Definitions
	United States Code, Title 20
	6301-8962 Improving America's Schools Act, Especially:

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Suspension and Expulsion/Due Process – Page 1

Board Adopted: 9/12/07

Notice of Regulations

During the school year, the Superintendent or designee shall ensure that all students and parents/guardians are notified in writing of all school rules related to discipline, suspension and expulsion. Transfer students and their parents/guardians shall be notified at the time of enrollment.

Notification shall include information about the availability of individual school rules and all District policies and regulations pertaining to student discipline.

Definitions

1. Suspension from school means removal of a student from ongoing instruction for adjustment purposes. However, suspension does not mean any of the following:
 - a. Reassignment to another class where the student will receive continuing instruction for a length of day prescribed by the Board of Trustees for students of the same grade level.
 - b. Referral to a certificated employee designated by the Superintendent to advise students.
 - c. Removal from the class, but without reassignment to another class or program, for the remainder of the class period. Removal from a particular class shall not occur more than once every five school days.
2. Expulsion means removal of a student from the immediate supervision and control, or the general supervision, of school personnel.
3. Day means a calendar day unless otherwise specifically provided.
4. Legal counsel means an attorney or lawyer who is admitted to the practice of law in California and is an active member of the State Bar of California.
5. Nonattorney advisor means an individual who is not an attorney or lawyer, but who is familiar with the facts of the case, and has been selected by the student or student's parent/guardian to provide assistance at the hearing.
6. School day means a day the school is in session or weekdays during the summer recess.
7. Student includes a student's parent/guardian or legal counsel.

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Suspension and Expulsion/Due Process – Page 2

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8. Superintendent's designee means one or more administrators or a certificated person specifically designated by the principal, in writing, to assist with disciplinary procedures. Only one such person may be designated at any time as the principal's primary designee and only one such person may be designated as secondary designee for the school year. The names of such persons shall be on file in the principal's office.

Grounds for Suspension and Expulsion

A student may be subject to suspension or expulsion when it is determined that he/she:

1. Caused, attempted to cause, or threatened to cause physical injury to another person or willfully used force or violence upon the person of another, except in self-defense.

A student who aids or abets the infliction or attempted infliction of physical injury on another person may be suspended, but not expelled. However a student may be suspended or expelled once he/she has been adjudged by a juvenile court to have committed, as an aider or abettor, a crime of physical violence in which the victim suffered great or serious bodily injury.

2. Possessed, sold, or otherwise furnished any firearm, knife, explosive, or other dangerous object unless, in the case of possession of any object of this type, the student had obtained written permission to possess the item from a certificated school employee, with the Superintendent or designee's concurrence.
3. Unlawfully possessed, used, sold, or otherwise furnished, or was under the influence of, any controlled substance, alcoholic beverage, or intoxicant of any kind.
4. Unlawfully offered, arranged, or negotiated to sell any controlled substance, alcoholic beverage or intoxicant of any kind, and then sold, delivered or otherwise furnished to any person another liquid, substance or material and represented same as controlled substance, alcohol beverage or intoxicant.
5. Committed or attempted to commit robbery or extortion.
6. Caused or attempted to cause damage to school property or private property.
7. Stole or attempted to steal school property or private property.
8. Possessed or used tobacco or any products containing tobacco or nicotine products, including but not limited to cigars, cigarettes, miniature cigars, clove cigarettes, smokeless tobacco, snuff, chew packets and betel. This restriction shall not prohibit a student from using or possessing his/her own prescription products.
9. Committed an obscene act or engaged in habitual profanity or vulgarity.

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10. Unlawfully possessed or unlawfully offered, arranged, or negotiated to sell any drug paraphernalia.
11. Disrupted school activities or otherwise willfully defied the valid authority of teachers, other school officials, or other school personnel engaged in the performance of their duties.
12. Knowingly received stolen school property or private property.
13. Possessed an imitation firearm, i.e., 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.
14. Committed or attempted to commit a sexual assault or committed a sexual battery.
15. Harassed, threatened, or intimidated a student who is a complaining witness or witness in a school disciplinary proceeding for the purpose of preventing that student from being a witness and/or retaliating against that student for being a witness.
16. Made terrorist threats against school officials and/or school property.

A student in grades 4 through 8 is also subject to suspension or recommendation for expulsion when it is determined that he/she:

17. Committed sexual harassment.
18. Caused, attempted to cause, threatened to cause, or participated in an act of hate violence.
19. Intentionally harassed, threatened or intimidated a student or group of students to the extent of having the actual and reasonably expected effect of materially disrupting classwork, creating substantial disorder, and invading student rights by creating an intimidating or hostile educational environment.

A student may be suspended or expelled for any of the acts listed above if the act is related to school activity or school attendance, including but not limited to the following circumstances:

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

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Suspension and Expulsion/Due Process – Page 4

Board Adopted: 9/12/07

The Superintendent may use his/her discretion to provide alternatives to suspension or expulsion for a student subject to discipline under this administrative regulation, including, but not limited to, counseling and an anger management program.

Alternatives to suspension or expulsion will be used with students who are truant, tardy, or otherwise absent from assigned school activities.

Removal from Class by a Teacher/Parental Attendance

A teacher may suspend any student from his/her class for the remainder of the day and the following day for any act listed in “Grounds for Suspension and Expulsion” above.

A teacher also may refer a student to the Superintendent or designee for consideration of suspension from school.

When removing a student from his/her class, the teacher shall immediately report this action to the Superintendent or designee and send the student to the Superintendent or designee for appropriate action. The student shall be appropriately supervised during the class periods from which he/she has been removed.

As soon as possible, the teacher shall ask the student’s parent/guardian to attend a parent-teacher conference regarding the removal. A counselor or psychologist should attend the conference if it is practicable, and a school administrator may attend if either the parent/guardian or teacher so requests.

A student removed from class shall not be returned to class during the period of removal without the approval of the teacher of the class and the Superintendent.

A student removed from class shall not be placed in another regular class during the period of removal. However, if a student is assigned to more than one class per day, he/she may be placed in any other regular classes except those held at the same time as the class from which the student was removed.

The teacher of any class from which a student is removed may require the student to complete any assignments and tests missed during the removal.

Pursuant to Board policy, a teacher may provide that the parent/guardian of a student whom the teacher has removed attend a portion of a school day in his/her child’s classroom. When a teacher makes this request, the Superintendent shall send the parent/guardian a written notice that the parent/guardian’s attendance is requested pursuant to law.

The notice shall also:

1. Inform the parent/guardian when his/her presence is expected and by what means he/she may arrange an alternate date.

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2. Ask the parent/guardian to meet with the Superintendent after the visit and before leaving school.

Suspension by Superintendent or Superintendent's Designee

The Superintendent or Superintendent's designee may suspend a student from a school for not more than five consecutive school days unless the suspension is extended pending expulsion.

The Superintendent or designee shall immediately suspend any student found at school or at a school activity to be:

1. Possessing, as verified by a District employee, or selling or otherwise furnishing a firearm, unless the student had obtained prior written permission to possess the item from a certificated school employee, with Superintendent or designee's concurrence.
2. Brandishing a knife at another person.
3. Unlawfully selling a controlled substance.
4. Committing or attempting to commit a sexual assault or committing a sexual battery as defined in item #14 under "Grounds for Suspension and Expulsion" above.
5. Possession of an explosive.

Suspension also may be imposed upon a first offense if the Superintendent or designee determines the student violated items #1-5 listed in "Grounds for Suspension and Expulsion" above or if the student's presence causes a danger to persons or property or threatens to disrupt the instructional process.

A student may be suspended from school for not more than 20 school days in any school year, unless for purposes of adjustment a student enrolls in or is transferred to another regular school, an opportunity school, or continuation school or class, in which case suspension shall not exceed 30 days in any school year. However, this restriction on the number of days of suspension does not apply when the suspension is extended pending an expulsion.

The Superintendent or designee may count suspensions that occur while a student is enrolled in another school district toward the maximum number of days for which a student may be suspended in any school year.

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Suspension and Expulsion/Due Process – Page 6

Board Adopted: 9/12/07

Suspensions shall be initiated according to the following procedures:

1. Informal Conference: Suspension shall be preceded by an informal conference conducted by the Superintendent or designee with the student and, whenever practicable, the teacher, supervisor or school employee who referred the student to the Superintendent or designee. At the conference, the student shall be informed of the reason for the disciplinary action and the evidence against him/her; the student shall be given the opportunity to present his/her version and evidence in support of his/her defense.

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

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

This notice shall state the specific offense committed by the student. In addition, the notice may also state the date and time when the student may return to school. If school officials wish to ask the parent/guardian to confer regarding matters pertinent to the suspension, the notice may add that state law requires the parent/guardian to respond to such requests without delay.

4. Parent/Guardian Conference: Whenever a student is suspended, the Superintendent or designee may meet with the parent/guardian to discuss the causes and duration of the suspension, the school policy involved and any other pertinent matter.

While the parent/guardian is required to respond without delay to a request for a conference about a student's behavior, no penalties may be imposed on the student for the failure of the parent/guardian to attend such a conference. The student may not be denied readmission solely because the parent/guardian failed to attend.

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Board Adopted: 9/12/07

5. Extension of Suspension: If the Board is considering the expulsion of a suspended student from school, the Superintendent or designee may, in writing, extend the suspension until such time as the Board has made a decision.

Any extension of the original period of suspension shall be preceded by notice of such extension with an offer to hold a conference concerning the extension, giving the student an opportunity to be heard. This conference may be held in conjunction with a meeting requested by the student or parent/guardian to challenge the original suspension. Extension of the suspension may be made only if the Superintendent or designee determines, following a meeting in which the student and the student's parent/guardian were invited to participate, that the student's presence at the school would endanger persons or property or threaten to disrupt the instructional process.

Suspension by the Board

The Board may suspend a student for any of the acts listed in "Grounds for Suspension and Expulsion" above and within the limits specified in "Suspension by the Superintendent or Superintendent's designee" above.

When the Board is considering a suspension, disciplinary action or any other action (except expulsion) against any student, it shall hold closed sessions if a public hearing would lead to disclosure of information violating a student's right to privacy.

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

On-Campus Suspension Program

Students for whom an expulsion action has not been initiated and who pose no imminent danger or threat to the school may be assigned to a separate, supervised suspension classroom for the entire period of suspension. The following conditions shall apply:

1. The supervised suspension classroom shall be staffed in accordance with law.
2. The student shall have access to appropriate counseling services.
3. The supervised suspension classroom shall promote completion of school work and tests missed by the student during the suspension.

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4. Each student shall be responsible for contacting his/her teacher(s) to receive assignments to be completed in the supervised suspension classroom. The teacher shall provide all assignments and tests that the student will miss while suspended. If no such work is assigned, the person supervising the suspension classroom shall assign schoolwork.

At the time a student is assigned to a supervised suspension classroom, the Superintendent or designee shall notify the student's parent/guardian in person or by telephone. When the assignment is for longer than one class period, this notification shall be made in writing.

Authority to Expel

A student may be expelled only by the Board. The Board shall expel, as required by law, any student found to have committed certain offenses listed below under "Mandatory Recommendation and Mandatory Expulsion."

The Board may also order a student expelled for any of the acts listed above under "Grounds for Suspension and Expulsion" upon recommendation by the Superintendent, hearing officer or administrative panel, based on finding either or both 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 student causes a continuing danger to the physical safety of the student or others.

Mandatory Recommendation for Expulsion

Unless the Superintendent or designee finds that expulsion is inappropriate due to particular circumstances, the Superintendent or designee shall recommend a student's expulsion for any of the following acts:

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 student.
3. Unlawful possession of any controlled substance, except for the first offense for the possession of not more than one ounce of marijuana, other than concentrated cannabis.
4. Robbery or extortion.
5. Assault or battery.

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Board Adopted: 9/12/07

Mandatory Recommendation and Mandatory Expulsion

The Superintendent or designee shall recommend that the Board expel any student found at school or at a school activity to be:

1. Possessing, as verified by a District employee, or selling or otherwise furnishing a firearm, unless the student had obtained prior written permission to possess the item from a certificated school employee, with the Superintendent or designee's concurrence.
2. Brandishing a knife at another person.
3. Unlawfully selling a controlled substance.
4. Committing or attempting to commit a sexual assault or committing a sexual battery as defined in Regulation 5150/#14 under "Grounds for Suspension and Expulsion".
5. Possessing an explosive.

Upon finding that the student committed any of the above acts, the Board shall expel the student.

Student's Right to Expulsion Hearing

The student is entitled to a hearing to determine whether the student should be expelled. The hearing shall be held within 30 school days after the Superintendent or designee determines that one of the acts listed under "Grounds for Suspension and Expulsion" has occurred.

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

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

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

Once the hearing starts, all matters shall be pursued with reasonable diligence and concluded without unnecessary delay.

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Board Adopted: 9/12/07

Rights of Complaining Witness

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

Whenever the Superintendent or designee recommends an expulsion hearing that addresses allegations of sexual assault or sexual battery, he/she shall give the complaining witness a copy of the District's suspension and expulsion policy and regulation and shall advise the witness of his/her right to:

1. Receive five days' notice of his/her scheduled testimony at the hearing.
2. Have up to two adult support persons of his/her choosing present in the hearing at the time he/she testifies.
3. Have a closed hearing during the time he/she testifies.

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

Written Notice of the Expulsion Hearing

Written notice of the hearing shall be forwarded to the student and the student's parent/guardian at least 10 calendar days before the date of the hearing. The notice shall include:

1. The date and place of the hearing.
2. A statement of the specific facts, charges and offense upon which the proposed expulsion is based.
3. A copy of District disciplinary rules which relate to the alleged violation.
4. Notification of the student's or parent/guardian's obligation to provide information about the student's status in the District to any other district in which the student seeks enrollment. This obligation applies when a student is expelled for acts other than those described in Education Code 48915(a) or (c).
5. The opportunity for the student or the student's parent/guardian to appear in person or be represented by legal counsel or by a nonattorney advisor.
6. The right to inspect and obtain copies of all documents to be used at the hearing.
7. The opportunity to confront and question all witnesses who testify at the hearing.

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8. The opportunity to question all evidence presented and to present oral and documentary evidence on the student's behalf, including witnesses.

Conduct of Expulsion Hearing

1. Closed Session: Notwithstanding the provisions of Government Code 54953 and Education Code 35145, the Board shall conduct a hearing to consider the expulsion of the student in a session closed to the public unless the student requests in writing at least five days prior to the hearing that the hearing be a public meeting. If such request is made, the meeting shall be public unless another student's privacy rights would be violated.

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

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

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

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

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

4. Presentation of Evidence: While technical rules of evidence do not apply to expulsion hearings, evidence may be admitted and used as proof only if it is the kind of evidence on which reasonable persons can rely in the conduct of serious affairs. The decision of the Board to expel must be supported by substantial evidence that the student committed any of the acts listed in “Grounds for Suspension and Expulsion” above.

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

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

5. Testimony by Complaining Witnesses: The following procedures shall be observed when hearings involve allegations of sexual assault or sexual battery by a student:
 - a. Any complaining witness shall be given five days’ notice before being called to testify.
 - b. Any complaining witness shall be entitled to have up to two adult support persons, including but not limited to a parent/guardian or legal counsel, present during his/her testimony.
 - c. Before a complaining witness testifies, support persons shall be admonished that the hearing is confidential.
 - d. The person presiding over the hearing may remove a support person whom he/she finds is disrupting the hearing.
 - e. If one or both support persons are also witnesses, the hearing shall be conducted according to Penal Code 868.5.

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- f. Evidence of specific instances of prior sexual conduct of a complaining witness shall be presumed inadmissible and shall not be heard unless the person conducting the hearing determines that extraordinary circumstances require the evidence to be heard. Before such a determination is made, the complaining witness shall be given notice and an opportunity to oppose the introduction of this evidence. In the hearing on the admissibility of this evidence, the complaining witness shall be entitled to be represented by a parent/guardian, legal counsel or other support person. Reputation or opinion evidence regarding the sexual behavior of a complaining witness shall not be admissible for any purpose.
- g. In order to facilitate a free and accurate statement of the experiences of the complaining witness and to prevent discouragement of complaints, the District shall provide a nonthreatening environment.
 - (1) The District shall provide a room separate from the hearing room for the use of the complaining witness before and during breaks in testimony.
 - (2) At the discretion of the person conducting the hearing, the complaining witness shall be allowed reasonable periods of relief from examination and cross-examination during which he/she may leave the hearing room.
 - (3) The person conducting the hearing may:
 - (a) Arrange the seating within the hearing room so as to facilitate a less intimidating environment for the complaining witness.
 - (b) Limit the time for taking the testimony of a complaining witness to the hours he/she is normally in school, if there is no good cause to take the testimony during other hours.
 - (c) Permit one of the support persons to accompany the complaining witness to the witness stand.
- 6. Decision Within 10 Days: The Board's decision on whether to expel a student shall be made within 10 school days after the conclusion of the hearing, unless the student requests in writing that the decision be postponed.
- 7. Decision Within 40 Days: If the Board does not meet on a weekly basis, its decision on whether to expel a student shall be made within 40 school days after the student is removed from his/her school of attendance, unless the student requests in writing that the decision be postponed.

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Alternative Expulsion Hearing: Hearing Officer or Administrative Panel

Instead of conducting an expulsion hearing itself, the Board may contract with the Santa Clara County Hearing Officer or with the Office of Administrative Hearings of the State of California for a hearing officer. Alternatively, the Board may appoint an impartial administrative panel composed of three or more certificated personnel, none of whom shall be members of the Board or on the staff of the school in which the student is enrolled.

A hearing conducted by the hearing officer or administrative panel shall conform to the same procedures as apply to a hearing conducted by the Board as specified above in "Conduct of Expulsion Hearing."

The hearing officer or administrative panel shall, within three school days after the hearing, determine whether to recommend expulsion of the student to the Board. If expulsion is not recommended, the student shall be immediately reinstated. The Superintendent or designee shall place the student in a classroom instructional program, any other instructional program, a rehabilitation program, or any combination of these programs after consulting with District staff, including the student's teachers and with the student's parent/guardian.

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

In accordance with Board policy, the hearing officer or administrative panel may recommend that the Board suspend the enforcement of the expulsion for a period of one year.

The Board shall make its decision about the student's expulsion within 40 school days after the date of the student's removal from school unless the student requests in writing that the decision be postponed.

Final Action by the Board

Whether the expulsion hearing is conducted in closed or public session by the Board, a hearing officer, or an administrative panel, the final action to expel shall be taken by the Board at a public meeting.

If the Board conducts the hearing and reaches a decision not to expel, this decision shall be final and the student shall be reinstated immediately.

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Upon ordering an expulsion, the Board shall set a date when the student shall be reviewed for readmission to the District. For a student expelled for an act listed under “Mandatory Recommendation and Mandatory Expulsion” above, this date shall be one year from the date the expulsion occurred, except that the Board may set an earlier date on a case-by-case basis. For a student expelled for other acts, this date shall be no later than the last day of the semester following the semester in which the expulsion occurred.

At the time of the expulsion order, the Board shall recommend a plan for the student’s rehabilitation, which may include:

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

With parental consent, students who have been expelled for reasons relating to controlled substances or alcohol may be required to enroll in a county-sponsored drug rehabilitation program before returning to school.

Written Notice to Expel

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

1. The specific offense committed by the student for any of the causes for suspension or expulsion listed in Education Code 48900(a)-(o), Education Code 48900.2-48900.4 and Education Code 48915(c).
2. The fact that a description of readmission procedures will be made available to the student and his/her parent/guardian.
3. Notice of the right to appeal the expulsion to the Santa Clara County Board of Education.
4. Notice of the alternative educational placement to be provided to the student during the time of expulsion.
5. Notice of the student’s or parent/guardian’s obligation to inform any new district in which the student seeks to enroll of the student’s status with the expelling district, pursuant to Education Code 48915.1.

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Suspension and Expulsion/Due Process – Page 16

Board Adopted: 9/12/07

Decision Not to Enforce Expulsion Order

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

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

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

1. The Board may, as a condition of the suspension of enforcement, assign the student to a school, class or program appropriate for the student's rehabilitation. This rehabilitation program may provide for the involvement of the student's parent/guardian in the student's education. However, a parent/guardian's refusal to participate in the rehabilitation program shall not be considered in the Board's determination as to whether the student has satisfactorily completed the rehabilitation program.
2. During the period when enforcement of the expulsion order is suspended, the student shall be on probationary status.
3. The suspension of the enforcement of an expulsion order may be revoked by the Board if the student commits any of the acts listed under "Grounds for Suspension and Expulsion" above or violates any of the District's rules and regulations governing student conduct.
4. When the suspension of the enforcement of an expulsion order is revoked, a student may be expelled under the terms of the original expulsion order.
5. Upon satisfactory completion of the rehabilitation assignment, the Board shall reinstate the student in a District school. Upon rein-statement, the Board may order the expunging of any or all records of the expulsion proceedings.
6. Suspension of the enforcement of an expulsion order shall not affect the time period and requirements for the filing of an appeal of the expulsion order with the Santa Clara County Board of Education.
7. The Superintendent or designee shall send written notice of any decision to suspend the enforcement of an expulsion order during a period of probation to the student or parent/guardian. The notice shall also inform the parent/guardian of the right to appeal the expulsion to the Santa Clara County Board of Education.

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Board Adopted: 9/12/07

Right to Appeal

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

The student shall submit a written request for a copy of the written transcripts and supporting documents from the District simultaneously with the filing of the notice of appeal with the Santa Clara County Board of Education. The District shall provide the student with these documents within 10 school days following the student's written request.

Post-Expulsion Placements

The Board shall refer expelled students to a program of study that is:

1. Appropriately prepared to accommodate students who exhibit discipline problems.
2. Not provided at a comprehensive middle, junior or senior high school or at any elementary school, unless the program is offered at a community day school established at such a site.
3. Not housed at the school site attended by the student at the time of suspension.

When the placement described above is not available, and when the Santa Clara County Superintendent of Schools so certifies, students expelled for acts described in items #6 through #13 and #17 through #19 under "Grounds for Suspension and Expulsion" above may be instead referred to a program of study that is provided at another comprehensive middle school or at an elementary school.

The program for a student expelled from any of grades K-6 shall not be combined or merged with programs offered to students in any of grades 7-8.

Readmission After Expulsion

Readmission procedures shall be as follows:

1. On the date set by the Board when it ordered the expulsion, the District shall consider readmission of the student.
2. The Superintendent or designee shall hold a conference with the parent/guardian and the student. At the conference the student's rehabilitation plan shall be reviewed and the Superintendent or designee shall verify that the provisions of this plan have been met.

School regulations shall be reviewed and the student and parent/guardian shall be asked to indicate in writing their willingness to comply with these regulations.

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3. The Superintendent or designee shall transmit to the Board his/her recommendation regarding readmission. The Board shall consider this recommendation in closed session if information would be disclosed in violation of Education Code 49073-49079. If a written request for open session is received from the parent/guardian, it shall be honored.
4. If the readmission is granted, the Superintendent or designee shall notify the student and parent/guardian, by registered mail, of the Board's decision regarding readmission.
5. The Board may deny readmission only if it finds that the student has not satisfied the conditions of the rehabilitation plan or that the student continues to pose a danger to campus safety or to other District students or employees.
6. If the Board denies the readmission of a student, the Board shall determine either to continue the student's placement in the alternative educational program initially selected or to place the student in another program that serves expelled students, including placement in a county community school.
7. The Board shall provide written notice to the expelled student and parent/guardian describing the reasons for denying readmittance into the regular program. This notice shall indicate the Board's determination of the educational program which the Board has chosen. The student shall enroll in that program unless the parent/guardian chooses to enroll the student in another school district.

Maintenance of Records

The Board shall maintain a record of each expulsion, including the specific cause of the expulsion. The expulsion record shall be maintained in the student's mandatory interim record and sent to any school in which the student subsequently enrolls, within five days of a written request by the admitting school.

The Superintendent or designee shall, within five working days, honor any other district's request for information about an expulsion from this District.

Notifications to Law Enforcement Authorities

Prior to the suspension or expulsion of any student, the Superintendent or designee shall notify appropriate city or county law enforcement authorities of any student acts of assault which may have violated Penal Code 245.

The Superintendent or designee also shall notify appropriate county law enforcement authorities of any student acts which may involve the possession or sale of narcotics or of a controlled substance or possession of weapons or firearms in violation of Penal Code 626.9 and 626.10.

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Suspension and Expulsion/Due Process – Page 19

Board Adopted: **9/12/07**

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

Outcome Data

The Superintendent or designee shall maintain the following data and report such data annually to the California Department of Education, using forms supplied by the California Department of Education:

1. The number of students recommended for expulsion.
2. The specific grounds for each recommended expulsion.
3. Whether the student was subsequently expelled.
4. Whether the expulsion order was suspended.
5. The type of referral made after the expulsion.
6. The disposition of the student after the end of the expulsion period.

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Policy No.: 5151

Suspension and Expulsion/Due Process (Students with Disabilities) – Page 1

Board Adopted: 9/12/07

A student identified as an individual with disabilities pursuant to the Individuals with Disabilities Education Act (IDEA) is subject to the same grounds for suspension and expulsion which apply to students without disabilities (*see Regulation 5150 at page 2*).

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

Procedures for Students not yet Eligible for Special Education Services

A student who has not been identified as an individual with disabilities pursuant to IDEA and who has violated the District's disciplinary procedures may assert the procedural safeguards granted under this administrative regulation only if the District had knowledge that the student was disabled before the behavior occurred.

The District shall be deemed to have knowledge that the student had a disability if one of the following conditions exists:

1. The parent/guardian has expressed concern in writing, or orally if the parent/guardian does not know how to write or has a disability that prevents a written statement, that the student is in need of special education or related services.
2. The behavior or performance of the student demonstrates the need for such services.
3. The parent/guardian has requested an evaluation of the student for special education.
4. The teacher of the student or other district personnel has expressed concern about the behavior or performance of the student to the District's Director of Special Education or to other personnel in accordance with the District's established child find or special education referral system.

A district would not be deemed to "have knowledge" as specified in items #1-4 above, if, as a result of receiving such information, the District either (1) conducted an evaluation and determined that the student was not a student with a disability, or (2) determined that an evaluation was not necessary and provided notice to the parent/guardian of its determination.

If it is determined that the District did not have knowledge that the student was disabled, then the student shall be disciplined in accordance with procedures established for students without disabilities.

If a request is made for an evaluation of a student during the time period in which the student is subject to disciplinary measures, the evaluation shall be conducted in an expedited manner. Until the evaluation is completed, the student shall remain in the educational placement determined by school authorities.

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Policy No.: 5151

Suspension and Expulsion/Due Process (Students with Disabilities) – Page 2

Board Adopted: 9/12/07

Suspension

The Superintendent or designee may suspend a student with a disability for up to five (5) school days for a single incident of misconduct. A student with disabilities may have his/her suspension extended to ten (10) consecutive days if he/she possesses an immediate threat to the safety of him/herself, or others. Whenever a series of suspensions of a student with disabilities begins to total ten (10) days or more, the IEP team will be convened to consider possible alternative placements for the student. The Superintendent or designee shall monitor the number of days including portions of a day a student with a valid individualized education program (IEP) have been suspended during the school year.

Interim Alternative Placement Due to Special Circumstances (20 USC § 1415(k)(1)(G))

The Superintendent or designee may remove a student to an interim alternative educational setting for not more than 45 days without regard to whether the behavior is determined to be a manifestation of the child's disability in cases where a child:

1. Carries or possesses a weapon to or at school, on school premises, or to or at a school function under the jurisdiction of the District;
2. Knowingly possesses or uses illegal drugs or sells or solicits the sale of a controlled substance, while at school, on school premises or at a school function under the jurisdiction of the District; or
3. Has inflicted serious bodily injury upon another person while at school, on school premises, or at a school function under the jurisdiction of the District.

The student shall continue to receive educational services as required by law so as to enable the child to continue to participate in the general education curriculum although in another setting and to progress toward meeting the goals set out in the pupil's IEP. As appropriate the pupil is to receive a functional behavioral assessment, behavioral intervention services and modification that are designed to address the behavior violation so that it does not reoccur

Procedural Safeguards/Manifestation Determination

Either before or not later than 10 business days after a student has been suspended for more than 10 school days or placed in an alternative educational setting, the District shall convene an IEP team meeting to conduct a functional behavior assessment and implement a behavioral intervention plan. If the student already has a behavioral intervention plan, the IEP team shall review the plan and modify it as necessary to address the behavior.

As soon as practicable after developing the behavioral intervention plan and completing the required assessments, the IEP team shall meet to develop appropriate behavioral interventions to address the behavior and shall implement those interventions.

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Policy No.: 5151

Suspension and Expulsion/Due Process (Students with Disabilities) – Page 3

Board Adopted: 9/12/07

The following procedural safeguards shall apply when a student is suspended for more than 10 school days, when disciplinary action is contemplated for a dangerous behavior as described above, or when a change of placement of more than 10 school days is contemplated:

1. The parents/guardians of the student shall be immediately notified of the decision and provided all procedural safeguards on the day the decision to take action is made.
2. Immediately if possible, but in no case later than 10 school days after the student has been suspended for a total of ten (10) days, or if a decision has been made to change the student's placement, a manifestation determination shall be made of the relationship between the student's disability and the behavior subject to the disciplinary action by the IEP team and other qualified personnel.

The IEP team and other qualified personnel shall consider, in terms of the behavior subject to the disciplinary action, all relevant information, including:

- a. Evaluation and diagnostic results, including the results or other relevant information supplied by the student's parents/guardians.
- b. Observations of the student.
- c. The student's IEP and placement.

In relationship to the behavior subject to the disciplinary action, the team shall then determine whether the IEP and placement were appropriate and whether supplementary aids, services, and behavioral interventions were provided. The team shall also determine that the student's disability did not impair the ability of the student to understand the impact and consequences of the behavior, nor did it impair his/her ability to control the behavior subject to the disciplinary action.

If the team determines that the student's behavior was not a manifestation of his/her disability, then the student may be disciplined in accordance with the procedures for students without disabilities.

If the team determines that the student's behavior was a manifestation of his/her disability, then the student's placement may only be changed via the IEP team process.

Expulsion

The Board of Trustees may only expel a student with a disability if all of the following conditions are met:

1. An IEP meeting was held;
2. The IEP team determines that the misconduct was not caused by, or was not a direct manifestation of, the student's identified disability; and,

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Suspension and Expulsion/Due Process (Students with Disabilities) – Page 4

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3. The IEP determines that the student was appropriate placed at the time the misconduct occurred.

Pre-Expulsion Assessment and Meeting

Procedures and timelines governing the expulsion of students with disabilities shall be the same as those for all other students. However, before any change in placement a manifestation determination and a pre-expulsion assessment shall be made and an IEP team meeting held under conditions and with possible consequences indicated below.

1. The parent/guardian shall receive written notice of the District's intent to conduct the pre-expulsion assessment and shall make the student available for the assessment without delay at a site designated by the District. The parent/guardian shall also have the right to an independent assessment.
2. The pre-expulsion assessment shall be conducted in accordance with the guidelines of 34 CFR 104.35, which shall include a review of the student's placement at the time of the alleged misconduct and a determination of the relationship, if any, between the student's behavior and his/her disability.
3. The IEP team shall meet to determine if an expulsion hearing is appropriate. This meeting shall be held at a time and place mutually convenient to the parent/guardian and District within the period, if any, of the student's pre-expulsion suspension. The parent/guardian's participation may be made through actual participation, representation, or a telephone conference call.
4. The parent/guardian shall be notified of his/her right to participate in the meeting at least 48 hours before the meeting. This notice shall specify:
 - a. That the meeting may be held without the parent/guardian's participation unless he/she requests a postponement for up to three additional school days.
 - b. That the suspension will be continued during the postponement if the student continues to pose an immediate threat to the safety of himself/herself or others.

In order to make a record of its attempts to arrange the meeting at a mutually convenient time and place, the District shall keep documentation such as:

- a. Detailed records of telephone calls made or attempted, and the results of those calls.
- b. Copies of correspondence sent to parents/guardians and any response received.
- c. Detailed records of visits made to the parent/guardian's home or place of employment, and the results of those visits.

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Suspension and Expulsion/Due Process (Students with Disabilities) – Page 5

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5. The District shall grant a parent/guardian's request that the meeting be postponed for up to three additional school days and may extend a student's suspension for the period of postponement if he/she continues to pose an immediate threat to the safety of himself/herself or others. However, the suspension shall not be extended beyond 10 consecutive school days unless agreed to by the parent/guardian or required by court order. If the parent/guardian refuses to consent to an extension beyond 10 consecutive school days and chooses not to participate, the meeting may be conducted without the parent/guardian's participation.
6. The IEP team shall consider the pre-expulsion assessment results and shall also review and consider the student's health records and school discipline records.
7. If the IEP team determines that the alleged misconduct was caused by, or was a direct manifestation of, the student's disability or that the student was not appropriately placed, the expulsion shall not proceed.
8. If the IEP team determines that the alleged misconduct was caused by, or was a direct manifestation of, the student's disability, and if it is determined that the student was appropriately placed, the student shall be subject to expulsion in accordance with procedures that apply to all students.
9. When expulsion is ordered, the Board shall recommend a rehabilitation plan for the student.

Due Process Appeals

If the parent/guardian disagrees with a decision that the behavior was not a manifestation of the student's disability or with any decision regarding placement, he/she has a right to appeal the decision.

The expulsion hearing shall not be conducted, and the 30-day expulsion proceedings time limit shall not commence, until after completion of the:

1. Pre-expulsion assessment and the manifestation determination.
2. IEP team meeting.
3. Due process hearings and appeals, if initiated.

The Board may expel a student with disability only if an IEP team has determined that the misconduct was not caused by, or a direct manifestation of, the student's identified disability, and the student was appropriately placed at the time the misconduct occurred.

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Suspension and Expulsion/Due Process (Students with Disabilities) – Page 6

Board Adopted: 9/12/07

Services During Expulsion

During the term of the expulsion, a student with a disability shall continue to be offered a program of free and appropriate public education. Such services may include independent study, home instruction, or another appropriate alternative program.

The alternative program must provide services to the extent necessary to enable the student to appropriately progress in the general curriculum and appropriately advance toward achieving the goals set out in the student's IEP.

Readmission

Readmission procedures for students with disabilities shall be the same as those used for all students. The Superintendent or designee may consider the input of the student's IEP team when developing recommendations to the Board regarding a request for readmission. Upon readmission, an IEP team meeting shall be convened to determine whether a new IEP needs to be established.

Legal Reference:	Education Code	
	35146	Closed Sessions (Re: Suspensions)
	35291	Rules (of Governing Board)
	48900-48925	Suspension and Expulsion
	56000	Special Education; Legislative Findings and Declarations
	56320	Educational Needs; Requirements
	56321	Development or Revision of Individualized Education Program
	56329	Independent Educational Assessment
	56340-56347	Individual Education Program Teams
	56505	State Hearing
	Penal Code	
	245	Assault with a Deadly Weapon
	626.2	Entry Upon Campus after Written Notice of Suspension or Dismissal without Permission
	626.9	Gun-Free School Zone Act
	626.10	Dirks, Daggers, Knives, Razors or Stun Guns
	United States Code, Title 18	
	930	Weapons
	United States Code, Title 20	
	1412	State Eligibility
	1415	Procedural Safeguards

LOMA PRIETA JOINT UNION ELEMENTARY SCHOOL DISTRICT

STUDENTS

Policy No.: 5151

Suspension and Expulsion/Due Process (Students with Disabilities) – Page 7

Board Adopted: 9/12/07

Legal Reference: (cont.)

United States Code, Title 29

706 Definitions

794 Rehabilitation Act of 1973, Section 504

Code of Federal Regulations, Title 34

104.35 Evaluation and Placement

104.36 Procedural Safeguards

300.1-300.718 Assistance to States for the Education of Students with Disabilities

Court Decisions

Parents of Student W. v. Puvallup School District (1994 9th Cir.) 31 F.3d 1489

Padilla v. Padilla (1994) 858 F.Supp. 1044

Honig v. Doe (1988) 484 U.S. 305

Doe v. Maher (1986) 793 F.2d 1470

Individuals with Disabilities Education Law Report

Rock Island School District #41 IDELR 549

San Juan Unified School District 20 IDELR 549

LOMA PRIETA JOINT UNION ELEMENTARY SCHOOL DISTRICT

STUDENTS

Policy No.: 5152

Questioning and Apprehension

Board Adopted: 9/12/07

Law enforcement officers have the right to interview and question students on school premises. When such an interview is requested, the Superintendent or designee shall ascertain the officer's identity, official capacity, and the authority under which he/she acts. If the officer needs to interview or question the student immediately, the Superintendent or designee shall accommodate the process in a way that causes the least possible disruption to the school, gives the student appropriate privacy, and models exemplary cooperation with community law enforcement authorities.

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

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

If the law officer finds it necessary to remove the student from school, the Superintendent or designee shall first ascertain the reason for such action. Upon releasing the student, the Superintendent or designee shall immediately attempt to inform the student's parent/guardian.

Personnel responsible for releasing a student from school custody shall exercise extreme diligence to prevent such release to any unauthorized or unidentified person.

Subpoenas

Although subpoenas may legally be served at school, the Board believes that serving officials should be strongly urged to serve subpoenas at the home of the student whenever possible. In these situations, steps should be taken to ensure a minimum of embarrassment or loss of class time for the student.

Legal Reference:	Education Code	
	44807	Duty Concerning Conduct of Pupils
	48264	Arrest of Truants
	48265	Delivery of Truant
	48902	Notice to Law Authorities
	48906	Release of minor Pupil to Peace Officers; Notice to Parent, Guardian or Relative
	48909	Narcotics and other Hallucinogenic Drugs (Re: Arrest)
	Penal Code	
	830-832.8	Re: Peace Officers
	833-851.85	Re: Arrests
	1328	Service of Subpoena
	Code of Regulations, Title 5	
	303	Duty to Remain at School

LOMA PRIETA JOINT UNION ELEMENTARY SCHOOL DISTRICT

STUDENTS

Regulation No.: 5152

Questioning and Apprehension

Board Adopted: 9/12/07

Questioning on School Grounds

The school shall keep a record of any interviews of students by law officers on school premises. Such records shall include the date and time, name and identifying number of the officer, the agency employing the officer and his/her official capacity, the time when he/she arrived and left, the fact that the Superintendent or designee was or was not present during the interview, the reason for the questioning and/or release, and any other pertinent information.

Apprehension

Police officers, officers of the juvenile court, and other authorized law enforcement officials have an absolute right to enter a school to take a student into custody or to make an arrest of a student.

If a minor student is removed from school into the custody of a peace officer, the Superintendent or designee shall immediately notify the parent/guardian or responsible relative regarding the student's release and the place to which he/she is reportedly being taken, except when the minor has been taken into custody as a victim of suspected child abuse.

The Superintendent or designee shall record the time(s) of contact or attempted contact with the parent/guardian.

If the student is suspected of being a victim of child abuse, the Superintendent or designee shall give the telephone number and address of the student's parent/guardian to the law enforcement officer, and the officer then has the responsibility of immediately notifying the parent/guardian.

The Superintendent or designee shall immediately be notified of the student's removal. This initial verbal notice will be followed by a written report by the Superintendent or designee and shall include the date and time of arrest, the identity, badge number and official capacity of the officer and the reason for release.

LOMA PRIETA JOINT UNION ELEMENTARY SCHOOL DISTRICT

STUDENTS

Policy No.: 5153

Search and Seizure – Page 1

Board Adopted: 9/12/07

As necessary to protect the health, safety and welfare of students and staff, school officials may search students, their property and/or District property under their control, and may seize illegal, unsafe and prohibited items. The Board of Trustees requires that discretion, good judgment and common sense be exercised in all cases of search and seizure.

Individual Searches

School officials may search individual students, their property and District property under their control, when there is a reasonable suspicion that the search will uncover evidence that the student is violating the law, Board policy, administrative regulation, or other rules of the District or the school.

Employees shall not conduct strip searches or body cavity searches of any student.

Searches of individual students shall be conducted in the presence of at least two District employees.

The Superintendent or designee shall notify the parent/guardian of a student subjected to an individualized search as soon as possible after the search.

Student Lockers/Desks

The Superintendent or designee may conduct a general inspection of school properties that are within the control of students, such as lockers and desks, on a regular, announced basis, with students standing by their assigned lockers or desks. Any items contained in a locker or desk shall be considered to be the property of the student to whom the locker or desk was assigned.

Because lockers and desks are under the joint control of the student and the District, school officials shall have the right and ability to open and inspect any school locker or desk without student permission or prior notice when they have reasonable suspicion that the search will uncover evidence of illegal possessions or activities or when odors, smoke, fire and/or other threats to health, welfare or safety emanate from the locker or desk.

Legal Reference:	Education Code	
	32280	School Safety Plans
	35160	Authority of Governing Boards
	35160.1	Broad Authority of School Districts
	49050-49051	Searches by School Employees
	49330-49334	Injurious Objects
	Penal Code	
	626.9	Firearms
	626.10	Dirks, Daggers, Knives or Razor; Bringing into Possession of Upon or Within Public School Ground; Exception
	Attorney General Opinions	
	83 Op.Cal.Atty.Gen. 257 (2001)	

LOMA PRIETA JOINT UNION ELEMENTARY SCHOOL DISTRICT

STUDENTS

Policy No.: 5153

Search and Seizure – Page 2

Board Adopted: 9/12/07

Legal Reference: Attorney General Opinions (cont.)
75 Ops.Cal.Atty.Gen. 155 (1992)

Court Decisions

B.C. v. Plumas (9th Cir. 1999) 192 F.3d 1260

O'Connor v. Ortega (1987) 107 S.Ct. 1492

New Jersey v. T.L.O. (1985) 469 U.S. 325

Horton v. Goose Creek Independent School District (5th Cir. 1982) 690 F.2d 470

Zamora v. Pomeroy (10th Cir. 1981) 639 F.2d 662

LOMA PRIETA JOINT UNION ELEMENTARY SCHOOL DISTRICT

STUDENTS

Regulation No.: 5154

Childcare and Development

Board Adopted: 9/12/07

Childcare providers shall be in compliance with state regulations included, but not limited to Education Code requirements and Health and Safety Code.

Admissions

Parent/Guardian Access

The childcare provider shall inform parents/guardians of their right to enter and inspect childcare facilities during normal operating hours or any time their child is receiving services in the facilities.

Health and Safety Code 1596.859 provides that each licensed child day care facility must make accessible to the public a copy of any licensing report pertaining to the facility as specified below.

The childcare provider shall make accessible to the public a copy of any licensing report pertaining to the childcare facility that documents a facility visit or a substantiated complaint investigation.

In addition, the child care provider shall advise every person who requests a child care referral of his or her right to the licensing information of a licensed child day care facility required to be maintained at the facility and to access any public files pertaining to the facility that are maintained by the State Department of Social Services Community Care Licensing Division.

“State law requires licensed child day care facilities to make accessible to the public a copy of any licensing report pertaining to the facility that documents a facility visit or a substantiated complaint investigation. In addition, a more complete file regarding a childcare licensee may be available at an office of the State Department of Social Services Community Care Licensing Division. You have the right to access any public information in these files.”

The Loma Prieta Joint Union Elementary School District requires all childcare providers to allow all students equal access to their programs. No discrimination of any kind will be tolerated and may result in the cancellation of lease agreements between the provider and the District.

Loma Prieta Joint Union Elementary School District requires all childcare providers to have a clearly defined written discipline policy that is presented to the parent upon admission to the program. No child will be exited from the program without due cause and evidence of direct violations. The parent/guardian must agree in writing to the policy and procedures as outlined in the provider's parent handbook. The provider must maintain a copy of the signed agreement on file.

LOMA PRIETA JOINT UNION ELEMENTARY SCHOOL DISTRICT

STUDENTS

Policy No.: 5155

Freedom of Speech/Expression

Board Adopted: 9/12/07

The Board of Trustees believes that free inquiry and exchange of ideas are essential parts of a democratic education.

On-Campus Expression

Students' freedom of expression shall be limited only as allowed by law in order to maintain an orderly school environment and to protect the rights, health and safety of all members of the school community.

Legal Reference: Education Code
48907 Exercise of Free Expression; Rules and Regulations
48950 Speech and Other Communication
51520 Prohibited Solicitations on School Premises

California Constitution
Article 1, Section 2 Freedom of Speech and Expression

U.S. Constitution
Amendment 1 Freedom of Speech and Expression

Court Decisions
Lavine v. Blaine School District (2001) 257 F.3d 981
Emmett v. Kirkland School District No. 415 (2000) 92 F.Supp. 2d 1088
J.S. v. Bethlehem Area School District (2000) 757 A.2d 412 (Pa. Commw. 2000)
Beussink v. Woodland R-IV School District (1998) 30 F.Supp.2d 1175 (E.D. Mo. 1998)
Muller v. Jefferson Lighthouse School (1996) 98 F.3d 1530
Hazelwood School District v. Kuhlmeier (1988) 108 S. Ct. 562
Leeb v. DeLong (1988) 198 Cal.App.3d 47
Perumal et al. v. Saddleback Valley Unified School District (1988) 198 Cal.App.3d 64
Bethel School District No. 403 v. Fraser (1986) 478 U.S. 675
Collin v. Smith (1978) 447 F.Supp. 676, affd. (1978) 278 F.2d 1197, cert. den. (1978) 439 U.S. 969
Bright v. Los Angeles Unified School District (1976) 134 Cal. Rptr. 639, 556 P.2d 1090, 18 Cal.3d 350
Tinker v. DesMoines Independent Community School District (1969) 393 U.S. 503

LOMA PRIETA JOINT UNION ELEMENTARY SCHOOL DISTRICT

STUDENTS

Policy No.: 5156

Nondiscrimination/Harassment – Page 1

Board Adopted: 9/12/07

Loma Prieta Joint Union Elementary School District programs and activities shall be free from discrimination, including harassment, with respect to the actual or perceived ethnic group, religion, gender, color, race, ancestry, national origin, and physical or mental disability, age or sexual orientation.

The Board of Trustees shall ensure equal opportunities for all students in admission and access to the educational program, guidance and counseling programs, athletic programs, testing procedures, and other activities. Eligibility for choral and cheerleading groups shall be determined solely on the basis of objective competencies. School staff and volunteers shall carefully guard against segregation, bias and stereotyping in instruction, guidance and supervision.

The District shall provide male and female students with separate sex education classes in order to protect student modesty. In physical education, when objective standards have an adverse effect on students because of their gender, race, ethnic group or disability, other standards shall be used to measure achievement and create comparable educational opportunities.

The Board prohibits intimidation or harassment of any student by any employee, student or other person in the District. Staff shall be alert and immediately responsive to student conduct which may interfere with another student's ability to participate in or benefit from school services, activities or privileges.

Students who harass other students shall be subject to appropriate discipline, up to and including counseling, suspension and/or expulsion. An employee who permits or engages in harassment may be subject to disciplinary action, up to and including dismissal.

Any student who feels that he/she is being harassed should immediately contact either the Superintendent or designee. If a situation involving harassment is not promptly remedied by the Superintendent or designee, a complaint may be filed with the Superintendent or designee who shall determine which complaint procedure is appropriate.

Legal Reference:	Education Code	
	200-262.4	Prohibition of Discrimination on the Basis of Sex; Especially:
	221.5	Prohibited Sex Discrimination
	221.7	School-Sponsored Athletic Programs; Prohibited Sex Discrimination
	48900.3	Suspension or Expulsion for Act of Hate Violence
	48900.4	Suspension or Expulsion for Threats or Harassment
	48904	Liability of Parent/Guardian for Willful Student Misconduct
	48907	Student Exercise of Free Expression
	48950	Freedom of Speech
	49020-49023	Athletic Programs
	51006-51007	Equitable Access to Technological Education Programs
	51500	Prohibited Instruction or Activity
	51501	Prohibited Means of Instruction
	60044	Prohibited Instruction Materials

LOMA PRIETA JOINT UNION ELEMENTARY SCHOOL DISTRICT

STUDENTS

Policy No.: 5156

Nondiscrimination/Harassment – Page 2

Board Adopted: 9/12/07

Legal Reference: (cont.)

Civil Code

1714.1 Liability of Parents/Guardians for Willful Misconduct of Minor

Code of Regulations, Title 5

4621 District Policies and Procedures

4622 Notice Requirements

Penal Code

422.6 Interference with Constitutional Right or Privilege

United States Code, Title 42

2001d-2001e-17 Title VI & VII Civil Rights Act of 1964 as Amended

2001h-2-2001h-6 Title IX, 1972 Education Act Amendments

Code of Federal Regulations, Title 34

100.3 Prohibition of Discrimination on the Basis of Race, Color or National Origin

104.7 Designation of Responsible Employee for Section 504

106.8 Designation of Responsible Employee for Title IX

106.9 Notification of Nondiscrimination on the Basis of Sex

LOMA PRIETA JOINT UNION ELEMENTARY SCHOOL DISTRICT

STUDENTS

Policy No.: 5157

Parental Notifications – Page 1

Board Adopted: 9/12/07

The Board of Trustees recognizes that notifications are essential to effective communication between the school and the home. The Superintendent shall send students and parents/guardians all notifications required by law, including notifications about their legal rights, and any other notifications he/she believes will promote parental understanding and involvement.

The Superintendent shall ensure that notifications include a request that the parent/guardian sign the notice and return it to the school.

Notifications to parents/guardians shall be written both in English and in the family's primary language when so required by law. Whenever an employee learns that a student's parent/guardian is for any reason unable to understand the District's printed notifications, the Superintendent shall work with the parent/guardian to establish other appropriate means of communication.

Legal Reference:	Education Code	
	221.5	Prohibited Sex Discrimination
	231.5	Sexual Harassment Policy
	262.3	Appeals; Information Re: Availability of Civil Remedies
	310	Structured English Immersion Program
	17288	Pupils: School Buildings
	17612	Notification Re: Pesticide Use
	32255-32255.6	Right to Refuse Harmful or Destructive Use of Animals
	32390	Fingerprint Program; Contracts; Funding; Consent of Parent/Guardian; Mailing of Documents Containing Fingerprints to Parent/Guardian
	35178.4	Notice of Accreditation Status
	35183	School Dress Codes; Uniforms
	35256	School Accountability Report Card
	35291	Rules
	35291.5	Rules and Procedures on School Discipline
	37616	Consultation
	39831.5	School Bus Rider Rules and Information
	44808.5	Permission to Leave School Grounds
	46010.1	Notice Re: Excuse to Obtain Confidential Medical Services
	46014	Regulations Regarding Absences for Religious Purposes
	46600-46611	Interdistrict Attendance Agreements Especially:
	46601	Failure to Approve Interdistrict Attendance
	48000	Minimum Age of Admission
	48070.5	Promotion or Retention of Students
	48204	Residency Requirements for School Attendance
	48205	Absence for Personal Reasons
	48206.3	Pupils with Temporary Disabilities; Individual Instruction; Definitions
	48207	Pupils with Temporary Hospitals Outside of School District

LOMA PRIETA JOINT UNION ELEMENTARY SCHOOL DISTRICT

STUDENTS

Policy No.: 5157

Parental Notifications – Page 2

Board Adopted: 9/12/07

Legal Reference:	Education Code (cont.)
	48208 Students with Temporary Disabilities in Qualifying Hospitals
	48213 Notice to Parent or Guardian
	48216 Immunization
	48260.5 Notice to Parent Re: Truancy
	48263 Referral to SARB or Probation Department
	48432.5 Involuntary Transfers of Pupils
	48900.1 Attendance of Parent or Guardian for Portion of School Day
	48904 Liability of Parent/Guardian for Willful Pupil Misconduct
	48904.3 Withholding Grades, Diplomas or Transcripts
	48906 Notification of Release of Pupil to Peace Officer
	48911 Notification in Case of Suspension
	48912 Closed Sessions; Consideration of Suspension
	48915.1 Expelled Individuals; Enrollment in Another District
	48915.5 Expulsion of Special Education Student
	48916 Readmission Procedures
	48918 Rules Governing Expulsion Procedures
	48980 Required Notification at Beginning of Term
	48980.3 Notification of Pesticide Use
	48981 Times and Means of Notification
	48982 Signature; Return to School; Effect of Signature
	48983 Contents of Notice
	48984 Activities Prohibited Unless Notice Given
	48985 Notices to Parents in Language other than English
	48987 Child Abuse Information
	49063 Notification of Parents of their Rights
	49067 Regulations Regarding Pupils Achievements
	49068 Transfer of Permanent Enrollment and Scholarship Record
	49069 Absolute Right to Access
	49070 Challenging Content of Records
	49073 Release of Directory Information
	49076 Access to Student Records
	49077 Access to Information Concerning a Student in Compliance with a Court Order
	49091.14 Prospectus
	49302 Parental Consent
	49332 Notification of Retention of Object by School Personnel; Release
	49403 Cooperation in Control of Communicable Disease and Immunization
	49423 Administration of Prescribed Medication for Pupil
	49451 Physical Examinations: Parent's Refusal to Consent
	49452.5 Screening for Scoliosis
	49456 Report to Parent

LOMA PRIETA JOINT UNION ELEMENTARY SCHOOL DISTRICT

STUDENTS

Policy No.: 5157

Parental Notifications – Page 3

Board Adopted: 9/12/07

Legal Reference:	Education Code (cont.)
	49472 Medical and Hospital Services for Pupils
	49480 Continuing Medication Regimen for Nonepisodic Conditions
	49510-49520 Duffy-Moscone Family Nutrition Education and Services Act of 1970
	51240 Excuse from Instruction Due to Religious Beliefs
	51513 Personal Beliefs
	52164.1 Census-taking Methods; Determination of Primary Language; Assessment of Language Skills; Notice
	52164.3 Notice of Reassessment of Language Skills
	52173 Consultation with Parents or Guardians; Notice to Parents/Guardians; Withdrawal of Pupil from Program
	52244 Advanced Placement Program
	54444.2 Migrant Education Programs; Parent Involvement
	56301 Child-find System; Policies Re: Written Notification Rights
	56321 Special Education: Proposed Assessment Plan
	56329 Written Notice of Right to Findings; Independent Assessment
	56341 Individualized Education Program Team
	56343.5 IEP Meetings
	56346 Parental Notice and Consent to Special Education Program
	56507 State Hearing; Use of Attorney
	58501 Alternative Schools: Notice Required Prior to Establishment
	60641 Standardized Testing and Reporting Program
	60850 High School Exit Exam
	Health and Safety Code
	1596.857 Right to Enter Child Care Facility
	120365 Immunizations
	120370 Immunizations
	120375 Immunizations
	120440 Sharing Immunization Information
	124085 Certificate of Receipt; Health Screening and Evaluations Services; Waiver by Parent/Guardian
	124100 School Districts and Private Schools; Information to Parents or Guardians of Kindergarten Children; Withholding of Average Daily Attendance Funds
	Penal Code
	627.5 Hearing Request Following Denial or Revocation of Registration
	Welfare and Institutions Code
	18976.5 Parental Notice; Right of Refusal to Participate

LOMA PRIETA JOINT UNION ELEMENTARY SCHOOL DISTRICT

STUDENTS

Policy No.: 5157

Parental Notifications – Page 4

Board Adopted: 9/12/07

Legal Reference: (cont.)

Code of Regulations, Title 5

863	Standardized Testing and Reporting Program
3052	Behavioral Intervention
3831	General Standards (Gifted and Talented Program)
4306	Reclassification
4622	Notice Requirements and Recipients
4631	Responsibilities of the Local Agency
11303	Education for English Language Learners
11523	Notice of Proficiency Examinations (HS)
18066	Policies and Procedures Absences for Child Care

United States Code, Title 20

1232g	Family Educational and Privacy Rights Act
1415	Procedural Safeguards
1681-1688	Title IX, Discrimination Based on Sex or Blindness
6319	Title I Programs, Parent Involvement

United States Code, Title 42

2001d-2001d-7, Title VI, Civil Rights Act of 1964

Code of Federal Regulations, Title 34

99.7	Student Records, Annual Notification
99.34	Student Records, Disclosure to Other Educational Agencies
104.36	Procedural Safeguards
106.9	Dissemination of Policy, Nondiscrimination on Basis of Sex
300.322	Parent Participation
300.502	Independent Educational Evaluation
300.503	Prior Written Notice
300.504	Procedural Safeguards Notice
300.505	Electronic Mail
300.507	Filing a Due Process Complaint
300.508	Due Process Complaint

LOMA PRIETA JOINT UNION ELEMENTARY SCHOOL DISTRICT

STUDENTS

Policy No.: 5158

Sexual Harassment – Page 1

Board Adopted: 9/12/07

The Board of Trustees is committed to maintaining an educational environment that is free from harassment. The Board prohibits sexual harassment of students by other students, employees or other persons, at school or at school-sponsored or school-related activities. The Board also prohibits retaliatory behavior or action against persons who complain, testify, assist or otherwise participate in the complaint process established pursuant to this policy and the administrative regulation.

Instruction/Information

The Superintendent shall ensure that all District students receive age-appropriate instruction and 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 gender.
2. A clear message that students do not have to endure sexual harassment.
3. Encouragement to report observed instances of sexual harassment, even where the victim of the harassment has not complained.
4. Information about the person(s) to whom a report of sexual harassment should be made.

Complaint Process

Any student who feels that he/she is being or has been subjected to sexual harassment shall immediately contact his/her teacher or any other employee. A school employee to whom a complaint is made shall, within 24 hours of receiving the complaint, report it to the Superintendent.

Any school employee who observes any incident of sexual harassment involving a student shall report this observation to the Superintendent, whether or not the victim files a complaint.

In any case of sexual harassment involving the Superintendent or any other District employee to whom the complaint would ordinarily be made, the employee who receives the student's report or who observes the incident shall report to the Superintendent or the Board of Trustees.

The Superintendent to whom a complaint of sexual harassment is reported shall immediately investigate the complaint in accordance with administrative regulation. Where the Superintendent finds that sexual harassment occurred, he/she shall take prompt, appropriate action to end the harassment and address its effects on the victim. The Superintendent shall also advise the victim of any other remedies that may be available. The Superintendent shall file a report and refer the matter to law enforcement authorities, where required.

LOMA PRIETA JOINT UNION ELEMENTARY SCHOOL DISTRICT

STUDENTS

Policy No.: 5158

Sexual Harassment – Page 2

Board Adopted: 9/12/07

Disciplinary Measures

Any student who engages in sexual harassment of anyone at school or at a school-sponsored or school-related activity is in violation of this policy and shall be subject to disciplinary action. For students in grades 4 through 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.

Record-Keeping

The Superintendent shall maintain a record of all reported cases of sexual harassment to enable the District to monitor, address and prevent repetitive harassing behavior in its schools.

All complaints and allegations of sexual harassment shall be kept confidential except as necessary to carry out the investigation or take other subsequent necessary action.

Legal Reference:	Education Code	
	200-262.4	Prohibition of Discrimination on the Basis of Sex
	48900.2	Additional Grounds for Suspension or Expulsion; Sexual Harassment
	48904	Liability of Parent/Guardians for Willful Student Misconduct
	48980	Notice at Beginning of Term
	Civil Code	
	51.9	Liability for Sexual Harassment; Business, Service and Professional Relationships
	1714.1	Liability of Parents/Guardians for Willful Misconduct of Minor
	Code of Regulations, Title 5	
	4900-4965	Nondiscrimination in Elementary and Secondary Education Programs Receiving State Financial Assistance
	United States Code, Title 20	
	1681-1688	Title IX, Discrimination
	United States Code, Title 42	
	2000d-2000d-7	Title VI, Civil Rights Act of 1964
	2000e-2000e-17	Title VII, Civil Rights Act of 1964 as Amended
	Code of Federal Regulations, Title 34	
	106.1-106.71	Nondiscrimination on the Basis of Sex in Education Programs
	Court Decisions	
	<i>Reese v. Jefferson School District</i> (2001) 208 F.3d 736	
	<i>Davis v. Monroe County Board of Education</i> (1999) 526 U.S. 629	

LOMA PRIETA JOINT UNION ELEMENTARY SCHOOL DISTRICT

STUDENTS

Policy No.: 5158

Sexual Harassment – Page 3

Board Adopted: 9/12/07

Legal Reference:

Court Decisions (cont.)

Gebner v. Lago Vista Independent School District (1998) 118 S.Ct. 1989

Nabozny v. Podlesny (1996, 7th Cir.) 92 F. 3d 446

Doe v. Petaluma City School District (1995, 9th Cir.) 54 F.3d 1447

Oona R.-S. etc. v. Santa Rosa City Schools, et al. (1995) 890 F.Supp. 1452

Rosa H. v. San Elizario Ind. School District (W.D. Tex. 1995) 887 F.Supp. 140, 143

Clyde K. v. Puyallup School District #3 (1994) 35 F.3d 1396

Patricia H. v. Berkeley Unified School District (1993) 830 F.Supp. 1288

Franklin v. Gwinnet County Schools (1992) 112 S.Ct. 1028

Kelson v. City of Springfield, Oregon (1985, 9th Cir.) 767 F.2d 651

LOMA PRIETA JOINT UNION ELEMENTARY SCHOOL DISTRICT

STUDENTS

Regulation No.: 5158

Sexual Harassment – Page 1

Board Adopted: 9/12/07

Prohibited 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 gender, in the educational setting, when:

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.

Types of conduct which are prohibited in the District and which may constitute sexual harassment include, but are not limited to:

1. Unwelcome leering, sexual flirtations or propositions.
2. 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, notes, stories, drawings, pictures or gestures.
5. Spreading sexual rumors.
6. Teasing or sexual remarks about students enrolled in a predominantly single-gender class.
7. Massaging, grabbing, fondling, stroking or brushing the body.
8. Touching an individual's body or clothes in a sexual way.
9. Purposefully cornering or blocking normal movements.
10. Displaying sexually suggestive objects.

LOMA PRIETA JOINT UNION ELEMENTARY SCHOOL DISTRICT

STUDENTS

Regulation No.: 5158

Sexual Harassment – Page 2

Board Adopted: 9/12/07

Investigation of Complaints at School (Site-Level Grievance Procedure)

1. The Superintendent or designee shall promptly investigate all complaints of sexual harassment. In so doing, he/she shall talk individually with:
 - a. The student who is complaining.
 - b. The person accused of harassment.
 - c. Anyone who witnessed the conduct complained of.
 - d. Anyone mentioned as having related information.
2. The student who is complaining shall have an opportunity to describe the incident, present witnesses and other evidence of the harassment, and put his/her complaint in writing.
3. The Superintendent or designee shall discuss the complaint only with the people described above. When necessary to carry out his/her investigation or for other good reasons that apply to the particular situation, the Superintendent or designee also may discuss the complaint with the following persons:
 - a. The parent/guardian of the student who complained.
 - b. If the alleged harasser is a student, his/her parent/guardian.
 - c. A teacher or staff member whose knowledge of the students involved may help in determining who is telling the truth.
 - d. Child protective agencies responsible for investigating child abuse reports.

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Regulation No.: 5158

Sexual Harassment – Page 3

Board Adopted: 9/12/07

4. When the student who complained and the alleged harasser so agree, the Superintendent or designee may arrange for them to resolve the complaint informally with the help of a counselor, teacher, or trained mediator. The student who complained shall never be asked to work out the problem directly with the accused person unless such help is provided and both parties agree.
5. In reaching a decision about the complaint, the Superintendent or designee may take into account:
 - a. Statements made by the persons identified above.
 - b. The details and consistency of each person's account.
 - c. Evidence of how the complaining student reacted to the incident.
 - d. Evidence of any past instances of harassment by the alleged harasser.
 - e. Evidence of any past harassment complaints that were found to be untrue.
6. To judge the severity of the harassment, the Superintendent or designee may take into consideration:
 - a. How the misconduct affected one or more student's education.
 - b. The types, frequency and duration of the misconduct.
 - c. The number of persons involved.
 - d. The age and gender of the person accused of harassment.
 - e. The subject(s) of harassment.
 - f. The place and situation where the incident occurred.
 - g. Other incidents at the school, including incidents of harassment that were not related to gender.
7. The Superintendent or designee shall write a report of his/her findings, decision, and reasons for the decision and shall present this report to the student who complained and the person accused.
8. If the Superintendent or designee verifies that sexual harassment occurred, this report shall describe the actions taken to end the harassment, address the effects of the harassment on the student harassed, and prevent retaliation or further harassment.

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Sexual Harassment – Page 4

Board Adopted: 9/12/07

9. Within two weeks after receiving the complaint, the Superintendent or designee shall determine whether or not the student who complained has been further harassed. The Superintendent or designee shall keep a record of this information and shall continue this follow-up.

Enforcement

The Superintendent shall take appropriate actions to reinforce the District's sexual harassment policy. As needed, these actions may include any of the following:

1. Removing vulgar or offending graffiti.
2. Providing staff inservice and student instruction or counseling.
3. Notifying parents/guardians of the actions taken.
4. Notifying child protective services.
5. Taking appropriate disciplinary action. In addition, the Superintendent may take disciplinary measures against any person who is found to have made a complaint of sexual harassment which he/she knew was not true.

LOMA PRIETA JOINT UNION ELEMENTARY SCHOOL DISTRICT

STUDENTS

Policy No.: 5159

Hate-Motivated Behavior

Board Adopted: 9/12/07

The Board of Trustees affirms the right of every student to be protected from hate-motivated behavior. It is the intent of the Board to promote harmonious relationships that enable students to gain a true understanding of the civil rights and social responsibilities of people in our society. Behavior or statements that degrade an individual on the basis of his/her race, ethnicity, culture, heritage, gender, sexual orientation, physical/mental attributes, religious beliefs or practices shall not be tolerated.

Any student who feels that he/she is a victim of hate-motivated behavior shall immediately contact the principal. If the student believes that the situation has not been remedied by the principal, he/she shall contact the Superintendent. If the situation is not remedied then he/she may file a complaint in accordance with District complaint procedures.

Staff who receive notice of hate-motivated behavior or personally observe such behavior shall notify the Superintendent, and law enforcement, as appropriate. Students demonstrating hate-motivated behavior shall be subject to discipline in accordance with Board policy and administrative regulation.

The District shall provide age-appropriate instruction to help promote understanding of and respect for human rights.

Legal Reference:	Education Code	
	200-262	Prohibition of Discrimination on the Basis of Sex
	48900.3	Suspension for Hate Violence
	Penal Code	
	186.21	Street Terrorism; Legislative Findings and Declarations
	422.6-422.95	Civil Rights
	11410-11414	Terrorism
	13023	Reports by Law Enforcement of Crimes Motivated by Race, Ethnicity, Religion, Sexual Orientation or Physical or Mental Disability
	13519.6	Hate Crimes, Training Courses and Guidelines
	United States Code, Title 18	
	245	Federally Protected Activities

LOMA PRIETA JOINT UNION ELEMENTARY SCHOOL DISTRICT

STUDENTS

Policy No.: 5160

At-Risk Students – Page 1

Board Adopted: 9/12/07

The Board of Trustees recognizes that personal, social, health and economic conditions of children and families sometimes place students at greater risk of school failure. The Board believes, however, that each student can succeed in meeting District academic standards with an appropriate educational program and support services.

District assessments and ongoing classroom evaluations shall be used to identify students performing below grade level or at risk of failing to meet District standards. The primary emphasis shall be on prevention and early intervention. The principal also shall ensure that school staff is prepared to implement intervention strategies as needed or to make appropriate referrals.

Legal Reference:	Education Code	
	8800-8807	Healthy Start Support Services for Children
	8900-8902	Pregnant Minors Program
	11500-11506	Programs to Encourage Parent Involvement
	35160	Authority of Governing Boards
	35183	Gang-Related Apparel
	44049	Report of Alcohol or Controlled Substance Abuse
	48260-48273	Truancy
	48400-48454	Continuation Education
	48640-48641	Opportunity Schools
	48660-48666	Community Day Schools
	49400-49409	Student Health
	49450-49457	Physical Examinations of Students
	49600-49604	Educational Counseling, Including:
	49602	Confidentiality of Student Information
	49604	Suicide Prevention Training for Counselors
	51266-51266.5	Gang and Substance Abuse Prevention Curriculum
	51268	Collaboration Re: Drug, Alcohol and Tobacco Prevention
	51745	Independent Study Program
	52200-52212	Gifted and Talented Pupil Program
	52800-52890	School Based Program Coordination Act
	54400-54425	Programs for Disadvantaged Children
	54440-54445	Migrant Children
	56000-56001	Special Education Programs
	56302	Identification and Assessment of Needs for Individuals with Disabilities
	Health and Safety Code	
	11802	Joint School-Community Alcohol Abuse Primary Education and Prevention Program
	120325-120380	Immunizations
	121475-121520	Tuberculosis Tests for Students
	124025-124110	Child Health and Disability Prevention Program

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Policy No.: 5160

At-Risk Students – Page 2

Board Adopted: 9/12/07

Legal Reference: (cont.)

Penal Code

11164-11174.3 Child Abuse and Neglect Reporting

Welfare and Institutions Code

4343-4360 Primary Intervention Programs – Mental Health

4370-4390 School-Based Early Mental Health Intervention and Prevention

18975-18979 Child Abuse Prevention Training

18986.40-

18986.46 Interagency Children's Services Programs

Code of Regulations, Title 5

11900-11935 Healthy Start Program

United States Code, Title 20

6301-7941 Title I Programs

LOMA PRIETA JOINT UNION ELEMENTARY SCHOOL DISTRICT

STUDENTS

Regulation No.: 5160

At-Risk Students

Board Adopted: 9/12/07

The Superintendent shall identify factors that place students at risk, including but not limited to poverty, homelessness, neglect, abuse, poor health and nutrition, potential language and cultural barriers, substance abuse, gang membership or delinquency, changing family structure, cognitive, emotional and other disabilities, and behavioral problems.

District strategies for addressing the needs of at-risk students may include but are not limited to:

1. Instruction that is responsive to individual student needs, interests and learning styles.
2. Curricula and instructional materials that are relevant and meaningful for students.
3. Integration of the core and supplemental educational programs.
4. Establishment and maintenance of a safe, positive school climate.
5. Availability of effective support services.
6. Collaboration with other agencies and community organizations in the delivery of services for children and families.
7. Parent support and involvement and/or parent education.
8. Efforts to increase student attendance.
9. Availability of resources targeted to meet the needs of at-risk students.
10. Staff development on the identification of student needs and strategies for addressing those needs.
11. Adult-student connections and activities to help students develop a sense of belonging at school.
12. Additional instructional assistance, especially efforts that can accelerate learning to help students meet grade-level standards.
13. Alternative programs.
14. Ongoing assessment of student outcomes and accountability for student learning.
15. Regular evaluation of the effectiveness of programs designed to assist at-risk students.
16. Advocacy at the local, state and/or national levels to improve the conditions of children and families.

LOMA PRIETA JOINT UNION ELEMENTARY SCHOOL DISTRICT

STUDENTS

Policy No.: 5161

Privacy

Board Adopted: 9/12/07

The Board of Trustees recognizes that personal beliefs are a private matter. Without the written notice and written consent of a parent/guardian, no student shall be given any test, survey, questionnaire or examination containing questions about personal or family beliefs or practices in sex, family life, morality or religion.

As required by law, school counselors shall respect the confidentiality of any personal information disclosed by students 12 years of age or older during the course of educational counseling. Personal information given to a counselor by the parent/guardian of a student 12 or older shall also be kept confidential and included in the student's record only with the parent/guardian's written consent. Exceptions shall be made only as provided by law:

1. In discussion with health care providers, or certain psychotherapists, solely when referring the student for treatment.
2. As required by law when reporting child abuse or neglect.
3. To the Superintendent or parents/guardians when the counselor believes it necessary to avert a clear and present danger to the health, safety, or welfare of the student, parents/guardians, other students, school staff or community members.
4. To the Superintendent, parents/guardians, other persons outside the school and other persons as necessary inside the school when the student says that a crime will be or has been committed involving the likelihood of personal injury or significant property loss.
5. When the student, 12 years of age or older, has read and signed a waiver naming one or more persons to whom information may be reported. The waiver must be kept in the student's file.
6. To law enforcement agencies when required by court order to aid in a criminal investigation, or when ordered to testify in administrative or judicial proceedings.

In any case, the counselor shall not disclose information to parents/guardians when having any cause to believe that this disclosure would endanger the health, safety or welfare of the student.

Legal Reference: Education Code
 49602 Confidentiality of Pupil Information
 51513 Personal Beliefs

LOMA PRIETA JOINT UNION ELEMENTARY SCHOOL DISTRICT

STUDENTS

Policy No.: 5165

Refusal to Harm or Destroy Animals

Board Adopted: 9/12/07

The Governing Board supports the right of students to refrain from participating in instruction which involves dissecting or otherwise harming or destroying animals when they have a moral objection to such activities.

Students shall not be discriminated against because of a decision to exercise this right.

After notifying the teacher of his/her objection pursuant to law and administrative regulations, the student shall be excused from the project and may be provided an appropriate alternative project. The Board encourages staff, whenever possible, to provide an alternative project that teaches the same knowledge and skills as the original project. In any case, staff shall ensure the effective use of the students' time by providing instructional activities relevant to the course of study.

Legal Reference:	Education Code	
	32255-32255.6	Student's Right to Refrain from Harmful/Destructive Use of Animals
	48980	Parental Notification at Beginning of Term
	48981-48984	Method and Content of Notification; Signature Required