

**Annual Notification to
Parents/Guardians
2026-2027**

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ABSENCES

Excused Absences (Ed. Code §§ 46010.1, 48200, 48205, 48980)

Except when attendance is excused, students between the ages of 6 and 18 years are required by law to attend school and parents must compel their students to do so. Students will be excused from school for the following reasons:

- (1) Illness of the student, including an absence for the benefit of the student's mental or behavioral health.
- (2) Quarantine under the direction of a county or city health officer.
- (3) Securing medical, dental, optometric, or chiropractic services.
- (4) Attendance of funeral services or grieving the death of a member of the student's immediate family or a person determined by the student's parent or guardian to be in such close association with the student as to be considered the student's immediate family, so long as the absence is not more than three days.
- (5) Seeking and assessing victim, grief, or other support services related to the death of an immediate family member or a person determined by the student's parent or guardian to be in such close association with the student as to be considered the student's immediate family, so long as such absence is not more than three days.
- (6) Jury duty.
- (7) Illness or medical appointment during school hours of a child of whom the student is the custodial parent, including absences to care for a sick child for which the school staff shall not require a note from a doctor.
- (8) For justifiable personal reasons, including, but not limited to, an attendance or appearance in court, attendance at a funeral service, observance of a holiday or ceremony of the student's religion, attendance at religious retreats, attendance at an employment conference, or attendance at an educational conference on the legislative or judicial process offered by a nonprofit organization when the student's absence is requested in writing by the parent and approved by the principal or a designated representative. Attendance at religious retreats cannot exceed one school day per semester.
- (9) Service as a member of a precinct board for an election.
- (10) Spending time with a member of the student's immediate family, who is an active duty member of the uniformed services, and has been called to duty for, is on leave from, or has immediately returned from, deployment; such absences will be granted for a period of time to be determined at the discretion of the Superintendent.
- (11) Attendance of the student's naturalization ceremony to become a United States citizen.
- (12) For the purpose of participating in a cultural ceremony or event. "Cultural" means relating to the habits, practices, beliefs, and traditions of a certain group of people.
- (13) Obtaining confidential medical services without parental consent.
- (14) For the purpose of engaging in a civic or political event, provided that the student is in middle school or high school and notifies the school ahead of the absence. A student may be excused for only one school day-long absence per school year for this purpose, unless the school administrator permits additional excused absences.
- (15) Participating in military entrance processing.

A student may not have their grade reduced or lose academic credit for any excused absence(s) if missed assignments and tests that can reasonably be provided are satisfactorily completed within a reasonable period of time.

Absences for Religious Purposes (Ed. Code § 46014)

With parent written consent, a student may be excused from school to attend religious exercises or classes away from school. Such absences may not exceed four days per month. An excused student must nevertheless maintain his or her attendance at the minimum level of school days required for his or her grade.

ATTENDANCE

Attendance Options (Ed. Code §§ 35160.5, 46600 et seq., 48350 et seq., 48980)

This section does not apply to students enrolled in Special Services Educational Programs (AcCEL/AAP/Court/Community Schools).

California law requires all school boards to inform parents of all existing statutory attendance options and local attendance options available in the District. Students who attend schools other than those assigned by the District are referred to as “transfer students” throughout this Notice.

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

Interdistrict Transfers. California law allows two or more school districts to enter into an agreement for the transfer of one or more students for a period of up to five years. New agreements may be entered into for additional periods of up to five years each. The agreement must specify the terms and conditions under which transfers are permitted or denied. Districts of residence may not deny a transfer of a student whose parent is active duty military where the district of proposed enrollment approves the application. No district is required to provide transportation to a student who transfers into the district. If either district denies a transfer request, a parent may appeal that decision to the county board of education within 30 calendar days from the date of the final denial. There are specified timelines in the law for the county board of education to make a decision.

Residency Requirements (Ed. Code §§ 48200, 48204, 48204.3, 48204.4, 48206.3, 48207, 48208, 48853.5, 48980)

The District desires to admit all students who reside within the District boundaries or who fulfill the District residency requirements through other means as allowed by law. A student shall be deemed to have complied with the District’s residency requirements if any of the following are met:

Residency. The student’s parent or legal guardian resides within the District’s boundaries.

Children of Military Service Members. The student’s parent or legal guardian is transferred or is pending transfer to a military installation within the state while on active military duty pursuant to an official military order. This includes a student eligible for services or accommodations pursuant to

the Individuals with Disabilities Education Act, Section 504 of the Rehabilitation Act, or the Americans with Disabilities Act. The District must accept applications by electronic means for enrollment, including enrollment in a specific school or program within the District, and for course registration. The parent must provide proof of residency in the District within 10 days after the published arrival date provided on official documentation.

Licensed Children's Institution, Foster Home, or Family Home. The student is placed within the District's boundaries in a regularly established licensed children's institution, a licensed foster home, or a family home pursuant to court order.

Foster Children. The student is a foster child who remains in his or her school of origin. When a student's foster student status is terminated by the juvenile court during the school year, former foster students in grades K through eighth must be allowed to finish the school year in his or her school of origin. Former foster students in grades ninth through twelfth must be allowed to continue attending their schools of origin through graduation.

Interdistrict Attendance. The student has been admitting through an interdistrict attendance option, such as an interdistrict attendance agreement, or Open Enrollment Act transfer.

Emancipated Minor. The student resides within the District's boundaries and whose parent or legal guardian has been relieved of responsibility, control, and authority through emancipation.

Caregiving Adult. The student lives with a caregiving adult within the District's boundaries and the caregiving adult submits an affidavit to that effect.

State Hospital. The student resides in a state hospital located within the District's boundaries.

Parent's Employment. The student's parent or legal guardian resides outside of the District's boundaries but is employed within the District's boundaries and lives with the student at the place of employment for a minimum of three days during the school week.

The District may deem a student to have met residency requirements for school attendance if at least one parent or legal guardian of the student is physically employed within the boundaries of that district for a minimum of 10 hours during the school week, subject to the right of the district of residence or the district of employment to prohibit the transfer on various grounds provided for in Education Code section 48204(b), paragraphs (2) to (6). The District is not required to admit the student to its school based on the employment of the parent, but it may not refuse to admit the student on the basis of race, ethnicity, sex, parental income, scholastic achievement, or any other arbitrary consideration. Once a student has been deemed to have residency and is enrolled in the District on this basis, the student does not have to reapply in the next school year to attend a school within the District, and the governing board shall allow the student to attend school through the 12th grade in the District if the parent so chooses and if at least one parent continues to be physically employed in the District.

Students of Detained or Deported Parents. The student's parent has departed California against his or her will, and the student can provide official documentation evidencing the departure; and the student moved outside of California as a result of his or her parent leaving the state against his or her will, and the student lived in California immediately before moving outside the state. The student must provide evidence of enrollment in a California public school immediately before moving outside the state. Deported parents may designate another adult to attend school meetings and to serve as an emergency contact. No charges or fees of any kind may be required for admission or attendance in these circumstances. This law applies to parents who were: (1) in the custody of a government agency and were transferred to another state; (2) subject to a lawful removal order and who were

removed or were permitted to leave California voluntarily before being removed; and (3) subject to any additional circumstances consistent with these purposes, as determined by the District.

Temporary Disability (Ed. Code §§ 48206.3, 48207, 48207.3, 48208, 48980)

A student whose temporary disability makes school attendance impossible or inadvisable must receive individual instruction either at home provided by the school district in which the student resides or in a hospital or other residential health facility, excluding state hospitals, provided by the school district in which the hospital or residential facility is located. “Temporary disability” means a physical, mental or emotional disability incurred while a student is enrolled in regular day classes or an alternative education program to which the student can reasonably be expected to return. “Temporary disability” does not include a disability that would qualify a student as a “student with exceptional needs” under Education Code section 56026.

A student with a temporary disability, who is in a hospital or other residential health facility, excluding a state hospital, located outside of the district in which the student’s parent resides, complies with the school district’s residency requirements for school attendance in the school district in which the hospital is located. Once the parent has notified the district in which the hospital is located of the student’s presence in the qualifying hospital, the district has five working days to notify the parent if individualized instruction shall be made available. If the determination is positive, individualized instruction will begin within five working days.

Students enrolled in individual instruction in a hospital or other residential health facility for a partial week, are entitled to attend school in his or her school district of residence, or to receive individual instruction provided by the school district of residence in the student’s home, on days in which he or she is not receiving individual instruction in a hospital or other residential health facility, if he or she is well enough to do so.

When a student receiving individual instruction is well enough to return to school, he or she must be allowed to return to the school that he or she attended immediately before receiving individual instruction was initiated. Absences from the student’s regular school program due to the student’s temporary disability are excused until the student is able to return to the regular school program.

Students in Active Military Families - Residency Retention and Matriculation (Ed. Code §§ 48204.6, 48980)

A student living in the household of an active duty military service member must be allowed to continue attending the student’s school of origin for the remainder of the school year if the family moves.

A student from an active duty military family who is transitioning between school grade levels must be allowed to continue in the school district of origin and in the same attendance area of his/her school of origin. If the student is transitioning to middle school or high school, and the school designated for matriculation is in another school district, the local educational agency must allow the student to continue to the school designated for matriculation in that school district. The new school must immediately enroll the student, even if the child has outstanding fees, fines, textbooks, or other items or moneys due to the school last attended, or if the student is unable to produce clothing or records normally required for enrollment.

If the parent or legal guardian's military service ends during the school year, then the student is allowed to stay in his or her school of origin for the remainder of the school year if he or she is in grades 1-8, or through graduation if the student is in high school.

To facilitate the transition of students with disabilities whose parent is transferred or pending transfer to a military installation within the state while on active military duty pursuant to an official military order, the receiving school district shall, upon notice, promptly coordinate with the student's parents and previous school pursuant to Education Code section 56325 to ensure the timely exchange of records and to reduce any delays in the student receiving comparable services or accommodations including, but not limited to, implementation of their individualized education program, individualized family service plan, or plan pursuant to Section 504 of the Federal Rehabilitation Act, as applicable. While awaiting the student's official records from the former school, the receiving school district may use unofficial records provided by a parent or guardian as the basis for the design and provision of services.

Migratory Children - Residency Retention and Matriculation (Ed. Code §§ 48204.7, 54441)

A currently migratory child is a child who has moved from one school district to another in order that the child, parent, or immediate family member might secure temporary or seasonal employment in an agricultural or fishing activity.

A currently migratory child must be allowed to continue attending the student's school of origin, regardless of any change of resident during that school year, for the duration of the student's status as a currently migratory child.

A currently migratory child who is transitioning between school grade levels must be allowed to continue in the school district of origin and in the same attendance area of his/her school of origin. If the student is transitioning to middle school or high school, and the school designated for matriculation is in another school district, the local educational agency must allow the student to continue to the school designated for matriculation in that school district. The new school must immediately enroll the student, even if the child has outstanding fees, fines, textbooks, or other items or moneys due to the school last attended, or if the student is unable to produce clothing or records normally required for enrollment.

If the student's status as a currently migratory child ends during the school year, then the student is allowed to stay in his or her school of origin for the remainder of the school year if he or she is in grades 1-8, or through graduation if the student is in high school.

Immigration Enforcement - "Know Your Rights" (Ed. Code § 234.7)

All students have the right to a free public education, regardless of immigration status or religious beliefs. For more information, please see the resources developed by the California Attorney General.

Know Your Educational Rights: Immigration Enforcement Actions at California's TK-12 Schools (Guide for Students and Families)

- English: <https://oag.ca.gov/system/files/media/appendix-g-know-your-educational-rights-english.pdf>

- Spanish: <https://oag.ca.gov/system/files/media/appendix-g-know-your-educational-rights-spanish.pdf>
- Chinese: <https://oag.ca.gov/system/files/media/appendix-g-know-your-educational-rights-chinese.pdf>
- Korean: <https://oag.ca.gov/system/files/media/appendix-g-know-your-educational-rights-korean.pdf>
- Vietnamese: <https://oag.ca.gov/system/files/media/appendix-g-know-your-educational-rights-vietnamese.pdf>
- Tagalog: <https://oag.ca.gov/system/files/media/appendix-g-know-your-educational-rights-tagalog.pdf>

Promoting a Safe and Secure Learning Environment for All: School Guidance and Model Policies: <https://oag.ca.gov/system/files/media/school-guidance-model-k12.pdf>

Notice of Alternative Schools (Ed. Code § 58501)

California state law authorizes all school districts to provide for alternative schools. Section 58500 of the Education Code defines alternative school as a school or separate class group within a school which is operated in a manner designed to:

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

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

Transfer of Victims of Bullying (Ed. Code § 46600)

School districts must approve the request of a bullying victim, as defined, to transfer to another school within the district. If the requested school is at capacity, the school district must accept a request for an alternate site. If the school district of residence has only one school available, the school district of residence must honor the student's interdistrict transfer request if the school district of proposed enrollment approves the transfer.

COMPLAINTS

Uniform Complaint Procedures (Ed. Code §§ 262.3, 33315; 5 C.C.R. §§ 4610, 4622, 4632)

The District has established Uniform Complaint Procedures (“UCP”) to address allegations of unlawful discrimination, harassment, intimidation, and bullying, and complaints alleging violation of state or federal laws governing educational programs, the charging of unlawful pupil fees, and the non-compliance of the District’s Local Control and Accountability Plan. See Appendix for the District’s UCP.

The UCP addresses all allegations of unlawful discrimination, harassment, intimidation, or bullying against any protected group as identified in Education Code section 200 and 220, and Government Code section 11135, including any actual or perceived characteristics as set forth in Penal Code section 422.55 or on the basis of a person’s association with a person or group with one or more of these actual or perceived characteristics in any program or activity conducted by the District that is funded directly by, or that receives or benefits from any state financial assistance. The UCP shall also be used when addressing complaints alleging failure to comply with state and/or federal laws in:

- Adult Education
- After School Education and Safety
- Agricultural Career Technical Education
- American Indian Education Centers and Early Childhood Education Program Assessments
- Bilingual Education
- California Peer Assistance and Review Programs for Teachers
- Career Technical and Technical Education; Career Technical; Technical Training
- Career Technical Education
- Child Care and Development
- Compensatory Education
- Consolidated Categorical Aid
- Course Periods Without Educational Content
- Economic Impact Aid
- Education of Students in Foster Care, Students Who Are Homeless, Former Juvenile Court Students Now Enrolled in a School District, and Children of Military Families
- Every Student Succeeds/No Child Left Behind
- Local Control Accountability Plans
- Migrant Education
- Physical Education Instructional Minutes
- Pupil Fees
- Reasonable Accommodations to a Lactating Student
- Regional Occupational Centers and Programs
- School Safety Plans
- State Preschool Health and Safety Issues
- Tobacco-Use Prevention Education
- Discriminatory Instructional Materials and Curricula
- Discrimination related to the refusal to approve the use or prohibit the use of any textbook, instructional material, supplemental instructional material, or other

curriculum for classroom instruction or any book or other resource in a school library on the basis that it includes a study of the role and contributions of any individual or group consistent with the requirements of Education Code sections 51204.5 and 60040, unless the study of the role and contributions violates Education Code section 51501 or 60044.

The Director of Human Resources shall receive and investigate complaints submitted under the District's UCP and ensure District compliance with the law. For more information concerning the filing of uniform complaints, copies of the Board Policies and Administrative Regulations pertaining to the District's UCP are available free of charge upon request at the school office.

Except for complaints submitted under the District's Williams Complaint Procedures, a complainant may appeal a decision made under the District's UCP to the California Department of Education by filing a written appeal within 30 days of receiving the decision. The appeal must be accompanied by a copy of the complaint filed with the District and a copy of the District's decision.

A complainant may pursue available civil law remedies outside of the District's UCP. Civil law remedies that may be imposed by a court include, but are not limited to, injunctions, restraining orders, or other remedies or orders that may be available under state or federal discrimination, harassment, intimidation, or bullying laws, if applicable.

Uniform Complaint Procedures - Specific Complaints (Ed. Code §§ 48853, 48853.5, 49010, 49011, 49013, 49069.5, 51225.2, 52075; 5 C.C.R. § 4630)

Complaints alleging non-compliance with specific state laws identified below may be submitted under the District's UCP. If a complainant is not satisfied with the District's decision, the complainant may appeal to the California Department of Education and will receive a written decision within 60 days.

Pupil Fees. A pupil enrolled in a public school shall not be required to pay a pupil fee for participation in an educational activity. A pupil fee includes, but is not limited to, all of the following: (1) a fee charged to a pupil as a condition for registering for school or classes, or as a condition for participation in a class or an extracurricular activity, regardless of whether the class or activity is elective or compulsory, or is for credit; (2) a security deposit, or other payment, that a pupil is required to make to obtain a lock, locker, book, class apparatus, musical instrument, clothes, or other materials or equipment; and (3) a purchase that a pupil is required to make to obtain materials, supplies, equipment, or clothes associated with an educational activity. A complaint alleging the imposition of pupil fees for participation in educational activities may be filed with the school's principal under the UCP not later than one year from the date the alleged violation occurred. A complaint may be filed anonymously if the complainant provides evidence or information leading to evidence to support the complaint.

Local Control Accountability Plan. School districts, charter schools and county offices of education are required to adopt and annually update their Local Control Accountability Plans ("LCAPs"). A complaint alleging noncompliance with the LCAP may be filed under the District's UCP and may be filed anonymously. A complaint may be filed anonymously if the complainant provides evidence or information leading to evidence to support the complaint.

Graduation and Coursework Requirements for Foster Youth, Homeless Students, Former Juvenile Court Students, Students Living in Active Duty Military Households, and Migratory and Newly Arrived Immigrant Students Participating in a "Newcomer Program." State law outlines the rights afforded to students in foster care, who are homeless, who are former juvenile court

school students, students living in the household of a parent who is an active duty member of the military, and migratory and newly arrived immigrant students participating in a “Newcomer Program,” which is a program designed to meet the academic and transitional needs of newly arrived immigrant students including, but not limited to, rights regarding a student’s school of origin, enrollment, credits, graduation, college, discipline, records, and/or certain non-educational rights. A notice summarizing the rights of foster youth is available online through the California Department of Education at <http://www.cde.ca.gov/ls/pf/fy/documents/fosteryouthrights.pdf>.

Special Education Program Complaints (5 C.C.R. §§ 3200-3205)

Complaints regarding special education programs are no longer covered by the District’s Uniform Complaint Procedures. Please refer to the Notice of Procedural Safeguards, Special Education Rights or Parents and Children under the IDEA and the California Education Code, which is available from your child’s school or may be accessed here:

<https://www.cde.ca.gov/sp/se/qa/pssummary.asp>, for more information about filing a complaint.

Complaints alleging that a student was discriminated against due to his or her disability still fall under the Uniform Complaint Procedures.

Child Nutrition Program Complaints (5 C.C.R. §§ 15580-15584)

Complaints related to Child Nutrition Programs established pursuant to the National School Lunch Program, Summer Food Service Program, Child and Adult Care Food Program, Special Milk Program, School Breakfast Program, and Food Distribution Program are no longer processed through the LEA’s Uniform Complaint Procedures. Instead, complaints must be processed through the existing procedures outlined in the federal regulations and the new, related state regulations, California Code of Regulations, title 5, sections 15580-15584. A complaint must be submitted within one year of the date of the alleged violation, and may be filed by phone, e-mail, or letter. Please see California Code of Regulations, title 5, sections 15580-15584 for more information.

Lactation Accommodations for Parenting Students (Ed. Code § 222)

A school operated by a school district or a county office of education, the California School for the Deaf, the California School for the Blind, and a charter school must provide reasonable accommodations to a lactating student on a school campus to express milk, breast-feed an infant child, or address other needs related to breastfeeding. Reasonable accommodations under this section include, but are not limited to, all of the following:

- Access to a private and secure room, other than a restroom, to express breast milk or breast-feed an infant child.
- Permission to bring onto a school campus a breast pump and any other equipment used to express breast milk.
- Access to a power source for a breast pump or any other equipment used to express breast milk.
- Access to a place to store expressed breast milk safely.
- A reasonable amount of time to accommodate the need to express breast milk or breast-feed an infant child.

A student may not incur an academic penalty as a result of her use of reasonable lactation accommodations and must be provided an opportunity to make up any work missed due to such use.

A complaint of noncompliance with the requirements of this provision may be filed under the District's Uniform Complaint Procedures. Complainants not satisfied with the District's decision may appeal the decision to the California Department of Education and receive a written decision within 60 days. If the District finds merit in a complaint, or if the Superintendent finds merit in an appeal, the District will provide a remedy to the affected student.

Pregnant and Parenting Student Rights (Ed. Code §§ 221.51, 46015)

The District cannot apply any rule concerning a student's actual or potential parental, family, or marital status that treats students differently on the basis of sex. The District cannot exclude or deny any student from any educational program or activity, including class or extracurricular activity, solely on the basis of the student's pregnancy, childbirth, false pregnancy, termination of pregnancy, or recovery therefrom.

The District may require any student to obtain the certification of a physician or nurse practitioner that the student is physically and emotionally able to continue participation in the regular education program or activity.

Pregnant or parenting students cannot be required to participate in pregnant minor programs or alternative education programs. Pregnant or parenting students who voluntarily participate in alternative education programs will be given educational programs, activities, and courses equal to those they would have been in if participating in the regular education program.

The District must treat pregnancy, childbirth, false pregnancy, termination of pregnancy, and recovery therefrom in the same manner and under the same policies as any other temporary disabling condition.

Pregnant or parenting students are entitled to eight weeks of parental leave, which the student may take before the birth of the student's infant if there is a medical necessity and after childbirth during the school year in which the birth takes place, inclusive of any mandatory summer instruction, in order to protect the health of the student who gives or expects to give birth and the infant, and to allow the pregnant or parenting student to care for and bond with the infant. The student, if the student is 18 years of age or older, or, if the student is under 18 years of age, the person holding the right to make educational decisions for the student, shall notify the school of the student's intent to exercise this right. Failure to notify the school shall not reduce these rights. A pregnant or parenting student who does not wish to take all or part of the parental leave to which he or she is entitled shall not be required to do so. A pregnant or parenting student is entitled to receive more than eight weeks of parental leave if deemed medically necessary by the student's physician.

When a student takes parental leave, the supervisor of attendance shall ensure that absences from the student's regular school program are excused until the student is able to return to the regular school program or an alternative education program. During parental leave, the District shall not require a pregnant or parenting student to complete academic work or other school requirements.

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

Notwithstanding any other law, a pregnant or parenting student may remain enrolled for a fifth year of instruction in the school in which the student was previously enrolled when it is necessary in order for the student to be able to complete state and any local graduation requirements, unless the

District makes a finding that the student is reasonably able to complete the District's graduation requirements in time to graduate from high school by the end of the student's fourth year of high school.

A student who chooses not to return to the school in which he or she was enrolled before taking parental leave is entitled to alternative education options offered by the District. A pregnant or parenting student who participates in an alternative education program shall be given educational programs, activities, and courses equal to those he or she would have been in if participating in the regular education program.

A student shall not incur an academic penalty as a result of his or her use of these accommodations. A complaint of noncompliance with these requirements by be filed with the District under its UCP.

Williams Complaint Procedures (Ed. Code § 35186; 5 C.C.R. §§ 4680, 4681)

The District's Williams Complaint Procedures address the sufficiency of instructional materials, emergency or urgent facilities conditions that pose a threat to the health and safety of students or staff, and teacher vacancies or misassignments. See Appendix for the District's Williams Complaint Procedures. The school principal, or the designee of the Superintendent, shall make all reasonable efforts to investigate complaints submitted under the District's Williams Complaint Procedures.

Nondiscrimination (Ed. Code § 200, 220, 234.1, 48985; 20 U.S.C. §§ 1681-1688, 6311-6312; 29 U.S.C. § 794; 42 U.S.C. §§ 2000d-d7, 12101-12213; 28 C.F.R. § 35.106; 34 C.F.R. §§ 104.8, 106.8, 106.9)

State and/or federal law prohibit discrimination in the basis of race, color, national origin, or sex in federally financed education programs or activities. District programs and activities shall be free from discrimination, including harassment, intimidation, and bullying, based on any of the following actual or perceived characteristics:

- Age
- Ancestry
- Color
- Ethnicity
- Ethnic group identification
- Gender, including a person's gender identity and gender expression, which is a person's gender-related appearance and behavior whether or not stereotypically associated with a person's assigned sex at birth
- Genetic information
- Immigration status
- Lack of English skills
- Marital, family, or parental status
- Nationality or national origin
- Physical or mental disability
- Race
- Religion or religious creed, including agnosticism, atheism, and all aspects of religious belief, observance, and practice
- Sex, including discrimination against a student based on pregnancy, childbirth, false pregnancy, termination of pregnancy or recovery from pregnancy or childbirth-related conditions, or denial of lactation accommodations for lactating students
- Sexual orientation, including heterosexuality, homosexuality, and bisexuality

Harassment, intimidation, or bullying based upon a person's association with a person or group with one or more of these actual or perceived characteristics is also prohibited. The District's policy of nondiscrimination applies to all acts related to school activity or school attendance occurring within a school under the jurisdiction of the District, and to all acts of the Governing Board and the Superintendent in enacting policies and procedures that govern the District and when adopting, approving, or prohibiting the use of, any textbook, instructional material, library book, or classroom curriculum, or when approving the use of any professional development materials or services. Any questions or concerns about noncompliance can be directed to the Director of Human Resources. See Appendix for the District's policy on Nondiscrimination/Harassment.

See Appendix for the District's policy on Nondiscrimination/Harassment.

Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act prohibit discrimination against qualified disabilities individuals in federally financed education programs or activities. The District does not discriminate in admission or access to its programs or activities. In the event of a complaint regarding discrimination based upon an actual or perceived mental or physical disability, please contact:

Tulare County Office of Education
Director of Human Resources
(559) 733-6300

Sexual Harassment Policy and Title IX Sexual Harassment Complaint Procedures (Ed. Code § 231.5, 48980; 5 C.C.R. § 4917)

See Appendix for the District's policy on sexual harassment and Title IX Sexual Harassment Complaint Procedures.

DISCIPLINE

Rules; School Discipline (Ed. Code §§ 35291, 48980)

The District's Governing Board has adopted rules and regulations pertaining to student discipline, including Board Policy 5144 and Administrative Regulations 5144. Parents may request a copy of such rules and regulations.

Required Parental Attendance (Ed. Code §§ 48900.1, 48914)

Parents may be required to attend their student's class if he or she is suspended for unruly or disruptive conduct.

FACILITIES AND SAFETY

Management Plan for Asbestos-Containing Material (40 C.F.R. §§ 763.84, 763.93)

The District has, available upon request, a complete and updated management plan for asbestos-containing material.

Use of Pesticide Products (Ed. Code §§ 48980.3, 17611.5, 17612)

All schools are required to provide parents with annual notice of expected pesticide use at schools. See Appendix for a List of Pesticide Products, including name of each pesticide product, active ingredient(s) and the Internet address for further information. Please contact the school office at your child's school if you wish to receive written notification at least 72 hours prior to the application of an individual pesticide at your school. Each school will maintain a list of parents who want to be notified before individual pesticide applications are made. Prior to the application of any pesticide, the District will post a warning sign at the area to be treated at least 24 hours prior to the pesticide application and such sign will remain posted for at least 72 hours after the application. In the event of an emergency condition, advance notification and prior sign posting may not be feasible, but a warning sign will be posted immediately upon application of the pesticide.

For additional information regarding pesticides and pesticide use, please visit the Department of Pesticide Regulation's website at www.cdpr.ca.gov. Parents may view a copy of the school's integrated pest management plan at the school site office.

Firearm Safety and Safe Storage of Firearms Information (Ed. Code §§ 48986, 49391, 49392)

Beginning with the 2023-2024 school year, school districts are required to include information in their Annual Notices related to the safe storage of firearms and California's child access prevention laws, which establish liability for parents and guardians who should have known that their child could gain access to a firearm at home. The information included in the Annual Notice must be informed by model content developed by the California Department of Education (CDE). Please see the attachment for this notice.

HEALTH & IMMUNIZATIONS

Administration of Prescribed Medication (Ed. Code §§ 48980, 49423, 49480)

Any student who is required to take, during the regular school day, medication prescribed for him or her by a physician and surgeon or ordered for him or her by a physician assistant, may be assisted by the school nurse or other designated school personnel if the District receives the following: (1) a written statement from the physician and surgeon or physician assistant detailing the name of the medication, method, amount, and time schedules by which the medication is to be taken, and (2) a written statement from the student's parent, indicating the desire that the District assist the student in the matters set forth in the statement of the physician and surgeon or physician assistant. These written statements must be

provided at least annually and more frequently if the medication, dosage, frequency of administration, or reason for administration changes.

Any student who is required to take, during the regular school day, medication prescribed for him or her by a physician and surgeon or ordered for him or her by a physician assistant, may carry and self-administer prescription epinephrine delivery systems if the District receives the following: (1) a written statement from the physician and surgeon or physician assistant detailing the name of the medication, method, amount, and time schedules by which the medication is to be taken, and confirming that the student is able to self-administer an epinephrine delivery system, and (2) parent written consent to the self-administration, a release for the school nurse or other designated school personnel to consult with the health care provider of the student regarding any questions that may arise with regard to the medication, and an agreement to release the District and school personnel from civil liability if the self-administering student suffers an adverse reaction as a result of self-administering medication. These written statements must be provided at least annually and more frequently if the medication, dosage, frequency of administration, or reason for administration changes. Students may be subject to disciplinary action pursuant to Education Code section 48900 for using an epinephrine delivery systems in a manner other than as prescribed.

Parents of any student on continuing medication for a non-episodic condition must inform the school nurse or other designated certificated school employee of the medication being taken, the current dosage and the name of the supervising physician. With parent consent, the school nurse may communicate with the student's physician and may counsel school personnel regarding the possible effects of the drug, as well as possible behavioral signs and symptoms of adverse side effects, omission, or overdose.

Administration of Anti-Seizure Medication (Ed. Code §§ 49468.2, 49468.3)

Parents of a student diagnosed with seizures, a seizure disorder, or epilepsy who has been prescribed an emergency anti-seizure medication may request that their student's school have one or more of its employees receive voluntary training in the administration of the medication in the event that the student suffers a seizure when a school nurse is not available. Upon receipt of the parent's request, the District must notify the parent that their child may qualify for an individualized education program or Section 504 plan. Before an emergency anti-seizure medication or therapy treatment may be administered, the parent must provide a seizure action plan to the District.

Inhaled Asthma Medication (Ed. Code § 49423.1)

Any student who is required to take, during the regular school day, medication prescribed for him or her by a physician or surgeon, may be assisted by the school nurse or other designated personnel if the District receives the following: (1) a written statement from the physician or surgeon detailing the medication name, method, amount, and time schedules by which the medication is to be taken, and (2) a written statement from the student's parent requesting that the District assist the student in the administration of medication set forth in the physician or surgeon's written statement. These written statements must be provided at least annually and more frequently if the medication, dosage, frequency of administration, or reason for administration changes.

Any student who is required to take, during the regular school day, medication prescribed for her or her by a physician or surgeon, may carry and self-administer inhaled asthma medication if the District receives the following: (1) a physician or surgeon's written statement confirming that the child is able to self-administer the medication and detailing the name of the medication, the method, amount and time schedules for administration, and (2) parent written consent to the self-administration, a release for the

school nurse or other designated school personnel allowing them to consult with the student's physician, and an agreement to release the District and school personnel from civil liability in the event of an adverse reaction as a result of self-administering medication. These written statements must be provided to the school at least annually or more frequently if the medication, dosage, frequency of, or reason for, the administration changes. Students may be subject to disciplinary action pursuant to Education Code section 48900 for using inhaled asthma medication in a non-prescribed manner.

Physical Examination Exemptions (Ed. Code §§ 48980, 49451)

Parents may exempt their student from physical examinations at school by annually filing a written statement with the school principal refusing such an exam. However, when there is a good reason to believe that a student exempted from physical examination is suffering from a recognized contagious or infectious disease, he or she will be sent home and will not be permitted to return to school until school authorities are satisfied that any contagious or infectious disease does not exist.

Medical & Hospital Services Not Provided or Available for Athletic Activities (Ed. Code § 49471)

The District does not provide or make available medical and hospital services for students who are injured while participating in athletic activities.

Medical & Hospital Services for Students (Ed. Code § 49472)

The District does not provide or make available medical and/or hospital services for students injured on school grounds, or while being transported to or from any school activity or event.

Mental Health Services for Students (Ed. Code § 49428)

Student mental health services are available through the following county and/or community organizations: Visalia Youth Services (VYS) 559-627-1490 (711 N. Court St., Visalia); Hope Horizon 559-688-2043 (327 S. "K" Street, Tulare); Sequoia Youth Services (SYS) 559-594-4969 (514 N. Kaweah Ave, Exeter.); Dinuba Children's Services (DCS) 559-591-6680 (144 S. "L" Street, Dinuba); Porterville Youth Services (PYS) 559-788-1200 (1055 W. Henderson Ave., Porterville); North Tulare County One-Stop (Ages 12-24) 559-627-2046 (201 N. Court St., Visalia); Central Tulare County One-Stop (Ages 12-24) 559-687-8713 (113 S. "M" Street, Tulare); South Tulare County One-Stop (Ages 12-24) 559-784-0312 (409 N. Main St., Porterville); Tulare County Warmline 1-877-306-2413; and the 24-Hour (CARE's) Unit Tulare County Mental Health Crisis Line 1-800-320-1616. Individuals with health insurance can also call the toll-free number on the back of their insurance card to learn how to access mental health services through their insurance.

Immunizations and Control of Communicable Disease (Ed. Code §§ 49403, 48216, 48980; H. & S. Code §§ 120335, 120370, 120372)

The District cooperates with the local health officer in the control and prevention of communicable diseases in school-age children. If a parent consents in writing, the District may permit any person licensed as a physician and surgeon, or a health care practitioner (including a physician assistant, nurse practitioner, registered nurse, licensed vocation nurse, or nursing student who is acting under the supervision of a

registered nurse as provided by law) who is acting under the direction of a supervising physician and surgeon, to administer an immunizing agent to his/her student.

Students must be immunized against certain diseases before being admitted to school, unless exempted for medical reasons. Students who had a signed waiver based on religious or personal beliefs on file by January 1, 2016 are exempt from the immunizations requirement until they complete the “grade span” they were in as of January 1, 2016. Grade spans are: (1) birth through preschool, (2) Kindergarten through 6th grade, and (3) 7th through 12th grade. Students entering the District for the first time or advancing to 7th grade after January 1, 2016 are no longer exempt from immunizations based on their religious or personal beliefs. Students who had a medical exemption issued before January 1, 2021 will be allowed continued enrollment until they enroll in the next grade span. The District must exclude from school any student who does not supply evidence of inoculation (for any of the diseases listed in Health & Safety Code section 120335), and will notify the parent that he/she has two weeks to supply evidence that the student is immunized.

Students who have a medical exemption issued before December 31, 2020 will be allowed continued enrollment until they enroll in the next grade span. As of January 1, 2021, the District will only accept medical exemptions that are submitted on the California Department of Public Health’s standardized, statewide medical exemption certification form.

Cancer Prevention Act/Human Papillomavirus Immunization (Ed. Code § 48980.4; H. & S. Code § 120336)

HPV, or human papillomavirus, is a common virus that can cause cancers later in life. California law requires that students be advised to adhere to current immunization guidelines, as recommended by the California Department of Public Health (CDHP), regarding full HPV immunization before admission or advancement to the eighth grade level of any private or public elementary or secondary school.

Per the CDPH, because the vaccine is more effective when given at younger ages, two doses of the HPV vaccine are recommended for all kids between the ages of 9 to 12 years, and the second dose should be given before the start of eighth grade. Kids who wait until later to get their first dose of HPV vaccine may need three doses.

HPV vaccination can prevent over 90 percent of cancers caused by HPV. HPV vaccines are very safe, and scientific research shows that the benefits of HPV vaccination far outweigh the potential risks.

Child Nutrition; School Meals (Ed. Code §§ 49510-49520, 48980)

Parents may apply for participation in the Free and Reduced Lunch Program offered by the District to provide nutritious meals to students whose parents qualify, based on annual household income. Information and applications are available through the school office.

INSTRUCTION

Minimum and Staff Development Days (Ed. Code § 48980)

A student's parent will be notified during the school year of any additional minimum days or pupil-free staff development days no later than one month before the actual date. Program calendars are provided to parents at the beginning of the school year; parents can contact the Community School, AAP or AcCEL school office in their area for additional copies.

Career Counseling and Course Selection (Ed. Code § 221.5)

Counselors, teachers, instructors, administrators, and aides may not, on the basis of a student's sex, offer vocational or school program guidance to the student that is different from that offered to a student of the opposite sex in counseling, nor may a counselor differentiate career, vocational, or higher education opportunities on the basis of the sex of the student counseled. Any District personnel acting in a career counseling or course selection capacity shall affirmatively explore with the student the possibility of careers or courses leading to careers that are nontraditional for that student's sex.

Right to Refrain From the Harmful or Destructive Use of Animals (Ed. Code § 32255 et seq.)

Any student with a moral objection to dissecting, harming, or destroying animals shall notify his/her teacher regarding this objection. An alternative education project may be arranged if the teacher believes the alternative education project can provide the course of study in question. The alternative requires a comparable amount of time and effort, but must not be more arduous than the original project. The District requires a signed note from a parent indicating their child's objection.

Special Education (Ed. Code § 56000 et seq.; 20 U.S.C. § 1412; 35 C.F.R. § 300.111)

Students with exceptional needs have a right to a free appropriate public education in the least restrictive environment. The District wants to locate, identify, and assess all children with disabilities whether homeless, wards of the state or enrolled in public or private schools. Parents should inform school officials if they have reason to believe their child has a disability requiring special services or accommodations. The child will be evaluated to determine whether he/she is eligible for free special instruction or services.

Excuse from Health Instruction Based on Religious and Moral Grounds (Ed. Code § 51240)

Upon written request of a parent, a student shall be excused from any part of health instruction that conflicts with his/her religious training and beliefs (including personal moral convictions).

Comprehensive Sexual Health Education and HIV/AIDS Prevention (Ed. Code §§ 51938, 51939, 48980)

A parent has the right to excuse his or her child from all or part of comprehensive sexual health education, HIV/AIDS prevention education, and assessments related to that education, as follows:

A parent may request in writing that his/her student be excused from participating in HIV/AIDS prevention or comprehensive sexual health education. Students so excused by their parent shall be given an alternative educational activity.

Parents may inspect the written and audio visual educational materials used in comprehensive sexual health education and HIV/AIDS prevention education. Parents have a right to request that the District provide them a copy of Education Code sections 51930-51939.

Every student's parent will be notified prior to the commencement of any comprehensive sexual health education and HIV/AIDS prevention education instruction as to the date of such instruction and whether the instruction will be taught by District personnel or by outside consultants. If outside consultants are used, the name of the organization of each guest speaker will be identified. Parents have a right to request that the District provide them a copy of Education Code sections 51933, 51934, and 51938.

Anonymous, voluntary and confidential research and evaluation tools to measure students' health behaviors and risks, including tests, questionnaires, and surveys containing age-appropriate questions about the students' attitudes concerning or practices relating to sex may be administered to pupils in grades 7-12. Parents will be notified in writing and given the opportunity to review such tests, questionnaires and surveys and be informed that in order to excuse their student, they must state their request in writing. If a school receives a written request from a parent excusing a student from this activity, the student may not be subject to disciplinary action, academic penalty or other sanction and an alternative educational activity must be made available to the student.

Student Surveys, Tests, and Questionnaires Regarding Beliefs and Practices (Ed. Code §§ 51513, 60614; 20 U.S.C. § 1232h)

No test, questionnaire, survey, or examination which has questions about a student's or his/her parents' beliefs and practices in sex, family life, morality, religion, political affiliations or beliefs, illegal, anti-social, self-incriminating, or demeaning behavior, mental or psychological problems, legally recognized privileged relationships (such as lawyer, physician, or minister), critical appraisals of individuals with whom you have close family relationships, or income (except as required by law to determine eligibility for participation in a program or for receiving financial assistance under such program) shall be administered without prior notification and written permission of the parent. Parents may inspect all instructional materials, including teacher's manuals, films, tapes or other supplementary material to be used in connection with any survey, analysis or evaluation.

California Assessment of Student Performance & Progress (CAASPP) (Ed. Code §§ 60604, 60615, 60640; 5 C.C.R. § 852.)

Each year, parents will be notified regarding their student's participation in the CAASPP assessment system. Parents wanting to excuse their students from any or all parts of the CAASPP must submit a written request. Such written requests must be submitted to the school on an annual basis.

Notification of Potential Failing Grade (Ed. Code §§ 49063, 49067)

Parents will be notified when a teacher has determined that your student is in danger of failing a course.

Teacher and Paraprofessional Qualifications (20 U.S.C. § 6312)

Upon request, parents have a right to request information regarding the professional qualifications of the classroom teachers who instruct their student. Federal law allows parents to request the following information: (1) If the student's teacher has met the state credential or license criteria for grade level and subject matter taught; (2) If the student's teacher is teaching under an emergency or other provisional status because of special circumstances; (3) If the teacher is teaching in the field of discipline of the certification of the teacher; and (4) If the student is receiving services from paraprofessional and, if so, their qualifications.

Educational Rights of High Mobility High School Students (Ed. Code §§ 49069.5, 51225.1, 51225.2)

"High mobility" high school students, which include students who are in foster care, homeless, recent immigrants, migrant students, former juvenile court school pupils, or from military families, have the following rights when transferring to a new school after completion of their second year of high school:

- (1) Have the option to be exempted from all coursework and other requirements that are more than statewide course requirements for graduation, unless the District makes a finding that the student is reasonably able to complete the District's graduation requirements in time to graduate by the end of the fourth year of high school.
- (2) Have the option of attending a fifth year of high school in order to complete statewide graduation course requirements.
- (3) To consult with District staff and the student's educational rights holder regarding other options available to the student, including a fifth year of high school, possible credit recovery, and any transfer opportunities available through the California Community Colleges. Such consultation must also include a discussion of how remaining for a fifth year of high school or accepting an exemption from the local graduation coursework requirements may potentially impact the student's vocational plans or ability to gain admission to college, and also take into consideration the student's academic record and any other information relevant to making an informed decision.
- (4) Foster youth and homeless students have the right to consult with District staff and their educational rights holder regarding the option to remain in their school of origin.
- (5) Have their official transcript, reflecting the correct full and partial credits earned, sent to their new school within two business days. For foster youth, their official transcript must include a determination of the days of enrollment or seat time, or both if applicable, to ensure that transferring foster youth get full credit for coursework completed at their prior school.
- (6) Have their new school accept and issue the credits forwarded by the transferring school to prevent the student from unnecessarily retaking a course.
- (7) If exempted from local graduation requirements, and upon completion of statewide coursework requirements before the end of the fourth year of high school, the District may not require or request that the student graduate before the end of the student's fourth year of high school.

California College Guidance Initiative Data Sharing (Ed. Code § 60900.5(d))

The California College Guidance Initiative (CCGI) works with California school districts to make applying for college and student financial aid a more streamlined experience for students. The CCGI currently receives enrollment data for all public school students in grades 6-12 from the California Department of Education. For more information about the CCGI, visit their website at <https://www.californiacolleges.edu/#/>.

Student transcript information may be shared with the CCGI in order to do both of the following: (a) provide students and their families with direct access to online tools and resources for college and career planning; and (b) enable a student to transit information shared with the CCGI to both institutions of higher education for purposes of admissions and academic placement, and the Student Aid Commission for purposes of determining eligibility for, and increasing uptake of, student financial aid.

RECORDS

Student Records Policy (Ed. Code §§ 49063, 49064; 5 C.C.R. § 432)

The District maintains mandatory permanent (kept indefinitely) and interim (may be destroyed after a stipulated length of time) student records. Mandatory permanent student records include the student's legal name; date of birth; method of verification of birth date; sex of student; name and address of parent of minor student; entering and leaving date of each school year and for any summer session or other extra session; subjects taken during each year, half-year, summer session, or quarter; if marks or credit are given, the mark or number of credits toward graduation allows for work taken; verification of or exemption from required immunizations; and date of high school graduation or equivalent. Mandatory interim student records include a log or record identifying those persons (except authorized school personnel) or organizations requesting or receiving information from the record; health information, including Child Health Developmental Disabilities Prevention Program verification or waiver; participation in special education programs including required tests, case studies, authorizations, and actions necessary to establish eligibility for admission or discharge; language training records; progress slips and/or notices; parental restrictions regarding access to directory information or related stipulations; parent or adult student rejoinders to challenged records and to disciplinary action; parental authorizations or prohibitions of student participation in specific programs; and results of standardized tests administered within the preceding three years. In addition, permitted student records (may be destroyed when no longer useful) are kept. Permitted student records include objective counselor and/or teacher ratings, standardized test results older than three years, routine discipline data, verified reports of relevant behavioral patterns, all disciplinary notices, and attendance records. The following position is responsible for maintaining all student records:

Administrator, Special Services
(559) 730-2910

An access log or record of who has requested or received information from a student's records is kept at Tulare County Office of Education, 6200 S. Mooney Blvd., Visalia. The Education Code and the District's Administrative Regulation 5125 set forth the criteria under which school officials and employees may access, change, or delete information in a student's records.

Parent Access to Records (Ed. Code §§ 49063, 49065, 49069, 49070, 56504; 34 C.F.R. § 99.7)

Parents of currently enrolled or former students have an absolute right of access to any and all student records related to their children that are maintained by the District. Parents have the right to inspect and review their children's student records during regular school hours within five business days of a request. The District may charge parents a reasonable fee not to exceed the actual copying cost for reproducing copies of student records.

Parents may challenge the content of a student record if there is an inaccuracy, an unsubstantiated personal conclusion or inference, a conclusion or inference outside of the observer's area of competence, a comment not based on the personal observation of a named person with the time and place of the observation noted, or if the student record includes misleading information or violates the student's privacy or other rights. The Superintendent or designee will meet with the parent and the certificated employee who recorded the information in question, if any, and presently employed by the District, within 30 days. The Superintendent will determine whether to sustain or deny the allegations. If the challenge is sustained, the changes will be made. If the challenge is denied, the parent may appeal the decision in writing to the District's governing board within 30 days of the refusal. The District's governing board will determine whether to sustain or deny the allegations within 30 days of receipt of an appeal. The decision of the District's governing board is final. The Superintendent and the District's governing board cannot order a student's grade to be changed unless the teacher who determined the grade is given an opportunity to state the reasons for which the grade was given and is included in all discussions relating to changing the grade.

Curriculum Review (Ed. Code §§ 49063, 49091.14)

A prospectus of curriculum, including titles, descriptions, and instructions aims of every course offered, is available at the school site for parent review upon request. Copies are available for a reasonable fee not to exceed the actual copying cost.

Student Records Review (Ed. Code §§ 49063, 49064, 49076; 34 C.F.R. §§ 99.7, 99.31)

The District may share student records with school officials and employees who have a legitimate educational interest. "School officials and employees" and "legitimate educational interest" are defined in the attached Administrative Regulation 5125.

Parental Consent to Release Student Information; No Parental Consent to Release Directory Information (Ed. Code §§ 49061(c), 49063, 49073, 49076, 49077; 10 U.S.C. § 503; 20 U.S.C. §§ 1232g, 7908; 34 C.F.R. § 99.37)

Federal and state law require that the District obtain parent written consent prior to the disclosure of personally identifiable information contained in a student's records, except to the extent disclosure without consent is permitted by law (e.g. subpoena or court order). However, the District may disclose directory information without parental consent to certain entities. Directory information released to law enforcement agencies, employers and prospective employers, news media may include student's name, address, telephone number, date of birth, email address, major field of study, participation in officially recognized activities and sports, weight and height of members of athletic teams, dates of attendance, degrees and awards received, most recent educational agency or institution attended. Upon request by a military

recruiter or an institution of higher education, the District must give the requester the names, addresses, and telephone numbers of its secondary students.

If you do not want the District to disclose directory information from your student's education records without your prior written consent, you must notify the District in writing by August 30th, 2025 using the attached Directory Information Opt-Out Form.

The District will not release directory information pertaining to a homeless student, unless a parent or student accorded parental rights has provided written consent that the directory information may be released. Limited directory information pertaining to homeless students may be shared without written consent to facilitate an eye examination by a nonprofit eye exam provider or a free oral health assessment hosted by schools, unless the parent or the student accorded parental rights provides written notice to the school that they do not consent to the physical examination.

Transfer of Student Records (Ed. Code § 49068; 34 C.F.R. §§ 99.7, 99.34)

The District will forward student records, including transcripts, immunization records, and, when applicable, suspension notices, expulsion records, and individualized education programs, to other school districts that have requested the records and in which the student seeks or intends to enroll or is already enrolled so long as the disclosure is for purposes related to the student's enrollment or transfer.

Student Records Complaints (Ed. Code § 49063; 20 U.S.C. § 1232g; 34 C.F.R. §§ 99.7, 99.63)

Parents have the right to file a complaint with the U.S. Department of Education concerning an alleged failure by the District to comply with the requirements of the General Education Provisions Act or FERPA. The name and address of the office that administers FERPA are:

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

HIGH SCHOOL ONLY

College Admission Requirements/Career Technical Education (Ed. Code §§ 51229, 66204)

University of California:

The University of California (UC) has three paths to eligibility for graduating high school seniors who plan to attend:

- (1) Eligibility by Examination Alone – Students must achieve specified high scores on their college admissions tests.

- (2) Eligibility in the Local Context (ELC) – Students must rank in the top four percent of their graduating class at a participating California high school.
- (3) Eligibility in the Statewide Context – Students must complete specific coursework and college admissions tests and earn the required GPA and test scores.

The following website links provide more information regarding UC admission requirements:

<http://admission.universityofcalifornia.edu/>

California State University:

The California State University (CSU) system has A-G standards that must be met in each of the following areas:

- (1) Specific high school courses
- (2) Grades in specified courses and test scores
- (3) Graduation from high school

The following website link provides more information regarding the CSU admission requirements:

<http://calstate.edu/apply>

Career Technical Education:

Career Technical Education is a program of study that involved a multiyear sequence of courses that integrates core academic knowledge with technical and occupational knowledge to provide students with a pathway to postsecondary education and careers.

The following website link provides more information regarding Career Technical Education:

<https://www.cde.ca.gov/ci/ct/>

Guidance Counseling:

Students may meet with guidance counselors at their school to discuss college admissions requirements and/or to enroll in career technical education courses.

State Funds for Advanced Placement Exams (Ed. Code §§ 48980)

The District may help pay for all or part of the costs of one or more advanced placement examinations that are charged to economically disadvantaged students pursuant to Education Code section 52242.

Cal Grant Program / Student Opt-Out (Ed. Code § 69432.9)

Students will automatically be deemed Cal Grant applicants unless the parent, or the student if the student is 18 years or older, opts out within 30 days of receipt of this notice during the student's eleventh grade year. Eleventh graders who are 18 years or older and parents of minor eleventh graders may contact the Principal at their child's school if they do not want their grade point averages reported to the California Student Aid Commission (CSAC) for purposes of the Cal Grant Program. Court/Community Schools plan to first submit senior grade point averages to CSAC on September 30th, 2026. Court/Community Schools

must first submit senior grade point averages to CSAC no later than October 1 of each year.

Apprenticeship and Pre-Apprenticeship Programs (Ed. Code § 48980.5)

The Department of Industrial Relations' Division of Apprenticeship Standards maintains a database of registered apprenticeship programs and pre-apprenticeship programs, which is accessible via the following website link: <https://www.dir.ca.gov/databases/das/aigstart.asp>. The District shall assist students in locating apprenticeship opportunities through this database, and may use contact information contained in the database to obtain information or materials, including, but not limited to, pamphlets or brochures.

C:\GRW WORD\Board Policies\Parent Handbook\Notice to parents revised.doc
Rev. 8/12/2026

APPENDIX

TULARE COUNTY **OFFICE OF EDUCATION**

Board/Superintendent Policy

Community Relations
BP/SP 1312.3

Uniform Complaint Procedures (UCP)

Uniform Complaint Procedures (UCP) Policies and Procedures

Tulare County Office of Education (TCOE)

6200 South Mooney Boulevard

Visalia, California 93277

(559) 733-6300

www.tcoe.org

Adopted by our Governing Board (here and after “the board”) on December 13, 2024.

Uniform Complaint Procedures (UCP)

This document contains rules and instructions about the filing, investigation and resolution of a Uniform Complaint Procedures (UCP) complaint regarding an alleged violation by the Tulare County Office of Education (TCOE) of federal or state laws or regulations governing educational programs.

This document presents information about how we process UCP complaints concerning particular programs or activities that are subject to the UCP.

A UCP complaint is a written and signed statement alleging a violation of federal or state laws or regulations, which may include an allegation of unlawful discrimination, harassment, intimidation or bullying. A signature may be handwritten, typed (including in an email) or electronically generated. Some complaints may be filed anonymously. A UCP complaint filed on behalf of an individual student may only be filed by that student or that student’s duly authorized representative.

A complainant is any individual, including a person’s duly authorized representative or an interested third party, public agency, or organization who files a written complaint alleging violation of federal or state laws or regulations, including allegations of unlawful discrimination, harassment, intimidation or bullying in programs and activities funded directly by the state or receiving any financial assistance from the state.

If the complainant is unable to put the complaint in writing, due to a disability or illiteracy, we shall assist the complainant in the filing of the complaint.

The Tulare County Office of Education (TCOE) developed the Uniform Complaint Procedures (UCP) process with policies and procedures adopted by the governing board or the authorized designee.

According to state and federal codes and regulations, the programs and activities subject to the UCP are:

- Accommodations for Pregnant and Parenting Pupils
- Adult Education
- After School Education and Safety
- Agricultural Career Technical Education
- Career technical and technical education and career technical and technical training programs
- Child care and development programs
- Compensatory Education
- Consolidated categorical aid programs
- Course Periods without Educational Content
- Discrimination, harassment, intimidation, or bullying against any protected group as identified under Education Code (EC) Sections 200 and 220 and Government Code Section 11135, including any actual or perceived characteristic as set forth in Penal Code Section 422.55, or on the basis of a person's association with a person or group with one or more of these actual or perceived characteristics, in any program or activity conducted by an educational institution, as defined in EC Section 210.3, that is funded directly by, or that receives or benefits from, any state financial assistance.
- Educational and graduation requirements for pupils in foster care, pupils who are homeless, pupils from military families, pupils formerly in Juvenile Court now enrolled in a school district, pupils who are migratory, and pupils participating in a newcomer program.
- Every Student Succeeds Act (ESSA)
- Instructional Materials and Curriculum: Diversity
- Local control and accountability plans (LCAP)
- Migrant Education
- Physical Education Instruction Minutes
- Pupil Fees
- Reasonable Accommodations to a Lactating Pupil
- Regional Occupational Centers and Programs
- School Plans for Student Achievement
- School site Councils
- State Preschool
- State Preschool Health and Safety Issues in LEAs Exempt from Licensing
- And any other state or federal educational program the State Superintendent of Public Instruction (SSPI) or designee deems appropriate.

The following complaints shall be referred to the specified agencies for appropriate resolution and are not subject to our UCP complaint procedures set forth in this document:

- (a) Allegations of child abuse shall be referred to the applicable County Department of Social Services (DSS), Protective Services Division or appropriate law enforcement agency.
- (b) Health and safety complaints regarding licensed facilities operating a Child Development Program shall be referred to DSS.

- (c) Employment discrimination complaints shall be sent to the State Department of Fair Employment and Housing (DFEH). The complainant shall be notified in writing in a timely manner of any DFEH transferal.

The Responsibilities of the Tulare County Office of Education (TCOE)

We shall have the primary responsibility to ensure compliance with applicable state and federal laws and regulations. We shall investigate and seek to resolve, in accordance with our approved UCP process, complaints alleging failure to comply with applicable state and federal laws and regulations including, but not limited to, allegations of discrimination, harassment, intimidation, or bullying or noncompliance with laws relating to all programs and activities we implement that are subject to the UCP.

The UCP Annual Notice

We disseminate on an annual basis the UCP Annual Notice which is a written notice of our approved UCP complaint procedures to all of our students, employees, parents or guardians of its students, school and district advisory committee members, appropriate private school officials or representatives, and other interested parties.

This notice may be made available on our website and shall include the following:

- information regarding allegations about discrimination, harassment, intimidation, or bullying;
- the list of all federal and state programs within the scope of the UCP;
- the title of the position whose occupant is responsible for processing complaints, and the identity(ies) of the person(s) currently occupying that position, if known;
- a statement that the occupant responsible for processing complaints is knowledgeable about the laws and programs that they are assigned to investigate;
- a statement that in order to identify appropriate subjects of state preschool health and safety issues pursuant to Section 1596.7925 of the Health and Safety Code (HSC) a notice, separate from the UCP Annual Notice, shall be posted in each California state preschool program classroom in each school in the local educational agency notifying parents, guardians, pupils, and teachers of (1) the health and safety requirements under Title 5 of the California Code of Regulations (5 CCR) apply to California state preschool programs pursuant to HSC Section 1596.7925, and (2) the location at which to obtain a form to file a complaint.

Filing UCP Complaints

All UCP complaints shall be filed no later than one year from the date the alleged violation occurred.

Complaints within the scope of the UCP are to be filed with the person responsible for processing complaints:

Title: Assistant Superintendent
Unit or office: Human Resources
Address: 6200 S. Mooney Blvd, Visalia CA 93277
Mailing Address: P.O. Box 5091, Visalia CA 93278-5091
Phone: (559) 733-6306
Electronic mail address: dedi.somavia@tcoe.org

A pupil fee includes a purchase that a pupil is required to make to obtain materials, supplies, equipment, or clothes associated with an educational activity.

A pupil fees complaint may be filed with the principal of a school or with our superintendent or their designee. A pupil fees complaint may be filed anonymously, that is, without an identifying signature, if the complaint provides evidence or information leading to evidence to support an allegation of noncompliance.

For complaints relating to Local Control and Accountability Plans (LCAP), the date of the alleged violation is the date when the reviewing authority approves the LCAP or annual update that we adopted. An LCAP complaint may be filed anonymously, that is, without an identifying signature, if the complaint provides evidence or information leading to evidence to support an allegation of noncompliance.

We advise complainants of the right to pursue civil law remedies that may be available under state or federal discrimination, harassment, intimidation or bullying laws, including, but not limited to, injunctions, restraining orders, or other remedies or orders that may also be available to complainants.

Investigating UCP Complaints

The UCP complaint investigation is our administrative process for the purpose of gathering data regarding the complaint. We provide an opportunity for complainants and/or representatives to present evidence or information.

Refusal by the complainant to provide the investigator with documents or other evidence related to the allegations in the complaint, or to otherwise fail or refuse to cooperate in the investigation or engage in any other obstruction of the investigation, may result in the dismissal of the complaint because of a lack of evidence to support the allegations.

Refusal by the Tulare County Office of Education (TCOE) to provide the investigator with access to records and/or other information related to the allegation in the complaint, or to otherwise fail or refuse to cooperate in the investigation or engage in any other obstruction of the investigation, may result in a finding based on evidence collected that a violation has occurred and may result in the imposition of a remedy in favor of the complainant.

We ensure that complainants are protected from retaliation.

We investigate all allegations of unlawful discrimination, harassment, intimidation or bullying against any protected group. Unlawful discrimination, harassment, intimidation or bullying complaints shall be filed no later than six months from the date the alleged discrimination, harassment, intimidation or bullying occurred, or six months from the date the complainant first obtained knowledge of the facts of the alleged discrimination, harassment, intimidation or bullying.

UCP Complaint Resolution

We will thoroughly investigate the UCP complaint and issue a written Investigation Report to the complainant within 60 calendar days from the date of the receipt of the complaint, unless the complainant agrees in writing to an extension of time.

This Investigation Report will contain the following elements:

- the findings of fact based on the evidence gathered;
- a conclusion that provides a clear determination for each allegation as to whether we are in compliance with the relevant law;
- corrective actions if we find merit in a complaint:
 - for complaints regarding Pupil Fees; LCAP; Physical Education Instructional Minutes, or Course Periods without Educational Content, the remedy shall go to all affected pupils, parents, and guardians,
 - for all other complaints within the scope of the Uniform Complaint Procedures the remedy shall go to the affected pupil,
 - with respect to a Pupil Fees complaint, corrective actions shall include reasonable efforts to ensure full reimbursement to all pupils, parents and guardians who paid a pupil fee within one year prior to the filing of the complaint;
- a notice of the complainant's right to appeal our Investigation Report to the Department of Education (CDE); and
- the procedures to be followed for initiating an appeal to the CDE.

UCP Complaint Appeal Process

An appeal is a written and signed request by the complainant to the CDE seeking review of an LEA Investigation Report that was issued in response to a properly-filed complaint. A signature may be handwritten, typed (including in an email) or electronically-generated.

The complainant may appeal our Investigation Report of a UCP complaint to the CDE by filing a written appeal within 30 calendar days of the date. In order to request an appeal, the complainant must specify and explain the basis for the appeal, including at least one of the following:

- The Tulare County Office of Education (TCOE) failed to follow its complaint procedures, and/or
- the Investigation Report lacks material findings of fact necessary to reach a conclusion of law, and/or
- the material findings of fact in the Investigation Report are not supported by substantial evidence, and/or
- the legal conclusion in the Investigation Report is inconsistent with the law, and/or
- in a case in which we were found in noncompliance, the corrective actions fail to provide a proper remedy.

The appeal shall be sent with: (1) a copy of the locally filed complaint; and (2) a copy of the LEA Investigation Report.

All complaints and responses are public records.

UCP Requirements Regarding State Preschool Health and Safety Issues Pursuant to HSC Section 1596.7925:

To file a UCP complaint regarding a state preschool health and safety issue pursuant to HSC Section 1596.7925 the complainant must file with the preschool program administrator or their designee in the Tulare County Office of Education (TCOE).

A state preschool health and safety issues complaint about problems beyond the authority of the preschool program administrator shall be forwarded in a timely manner, but not to exceed 10 working days to our official for resolution.

A state preschool health and safety issues complaint may be filed anonymously. A complainant who identifies themselves is entitled to a response if they indicate that a response is requested. A complaint form shall include a space to mark to indicate whether a response is requested. If EC Section 48985 is otherwise applicable, the response, if requested, and our Investigation Report shall be written in English and the primary language in which the complaint was filed.

A complaint form for a state preschool health and safety issue shall specify the location for filing a complaint. A complainant may add as much text to explain the complaint as they wish.

When investigating a UCP state preschool health and safety issue the preschool program administrator or the designee of our superintendent shall make all reasonable efforts to investigate any problem within his or her authority, and investigations shall begin within 10 calendar days of the receipt of the complaint. A valid complaint shall be remedied within a reasonable time period, but not to exceed 30 working days from the date the complaint was received. The resolution of the complaint shall be reported to the complainant within 45 working days of the initial filing. If the preschool program administrator makes this report, he or she shall also report the same information in the same timeframe to the designee of our superintendent.

Filing an Appeal Regarding UCP State Preschool Health and Safety Issues

A complainant not satisfied with the resolution of the preschool program administrator or the designee of our superintendent has the right to describe the complaint at a regularly scheduled hearing of our board. A complainant will not be precluded from filing an appeal to the State Superintendent of Public Instruction (SSPI) if the complainant does not file a local appeal.

A complainant who is not satisfied with the resolution proffered by the preschool program administrator or the designee of our superintendent has the right to file an appeal to the SSPI within 30 calendar days of the date of the Investigation Report.

The complainant shall comply with the same appeal requirements of 5 CCR Section 4632 as in the section above 'UCP Complaint Appeal Process.'

The complainant shall include a copy of the Investigation Report and specify and explain the basis for the appeal, including at least one of the following:

- the preschool program administrator or the designee of our superintendent failed to follow its complaint procedures, and/or
- the Investigation Report lacks material findings of fact necessary to reach a conclusion of law, and/or
- material findings of fact in the Investigation Report are not supported by substantial evidence, and/or
- the legal conclusion in the Investigation Report is inconsistent with the law, and/or
- If the preschool program is found noncompliant, the corrective actions fail to provide a proper remedy.

The SSPI or his or her designee shall comply with the requirements of 5 CCR Section 4633 and shall provide a written Investigation Report for our agency to the State Board of Education describing the basis for the complaint, our response to the state preschool health and safety issues pursuant to HSC Section 1596.7925 complaint and its remedy or proposed remedy and, as appropriate, a proposed remedy for the issue described in the complaint, if different from our agency's remedy.

We shall report summarized data on the nature and resolution of all UCP state preschool health and safety issues complaints on a quarterly basis to the county superintendent of schools and our board. The summaries shall be publicly reported on a quarterly basis at a regularly scheduled meeting of our board. The report shall include the number of complaints by general subject area with the number of resolved and unresolved complaints.

Legal References:

20 United States Code [20 U.S.C.] Section 6301 et seq.

34 Code of Federal Regulations [34 CFR] sections 106.8, 34 CFR 299.10-13

California Education Code [EC] sections 200, 201, 210.1, 210.3, 220, 221.1, 222, 234.1, 243, 260, 8200-8488, 8500-8538, 12030, 17002, 17592.72, 33126, 33315, 35161, 46015, 48645.7, 48850, 48853, 48853.5, 48911, 48915.5, 48987, 49010-49013, 49069.5, 51210, 51222, 51223, 51225.1-51225.3, 51228.1-51228.3, 52059.5, 52075, 52300-52462, 52500-52616.18, 54440-54445, 64000, 64001, 65000.

California Government Code [GC] sections 11135, 11136

California Penal Code [PC] Section 422.55

California Code of Regulations Title 5 (5 CCR) Sections 4600-4640, 4690-4694

Policy adopted: 9/16/92

Tulare County Board of Education
Visalia, California

Revised: 1/14/03, 12/8/04, 2/14/07, 7/9/14, 3/11/15, 5/12/21, 10/13/21, 11/09/22, 11/8/23, 12/13/24

TULARE COUNTY
OFFICE OF EDUCATION

Board/Superintendent Policy

Community Relations
BP/SP 1312.4

Williams Complaint Policies and Procedures

Williams Complaint Policies and Procedures

Tulare County Office of Education (TCOE)
6200 South Mooney Boulevard
Visalia, California 93277
(559) 733-6300

Adopted by our Governing Board (here and after “the board”) on December 13, 2024.

Williams Complaint Policies and Procedures

This document contains rules and instructions about the filing, investigation and resolution of a Williams complaint.

The Tulare County Office of Education (TCOE) adopted the Uniform Complaint Procedures (UCP) process in accordance with California *Education Code (EC)* Section 35186 and Chapter 5.1 (commencing with Section 4680) of the California Code of Regulations, Title 5, (5 CCR), to help identify and resolve Williams complaints. regarding alleged deficiencies related to instructional materials, emergency or urgent facilities conditions that pose a threat to the health and safety of pupils or staff, and teacher vacancy or missassignment. TCOE is required to have local policies and procedures that enable Williams Complaints to be handled through its UCP process. This document presents information about how we process complaints concerning Williams Settlement issues. A UCP complaint is a written and signed statement by a complainant alleging a violation of state laws or regulations. A complainant is any individual, including a person’s duly authorized representative or an interested third party, public agency, or organization who files a written complaint alleging violation of state laws or regulations, regarding alleged deficiencies related to instructional materials, the condition of a facility that is not maintained in a clean or safe manner or in good repair, and teacher vacancy or misassignment. If a complainant is unable to put the complaint in writing, due to a disability or illiteracy, we shall assist the complainant in the filing of the complaint.

The Responsibility of the Tulare County Office of Education (TCOE)

The Tulare County Office of Education (TCOE) is required to have local policies and procedures that enable Williams Complaints to be handled through our UCP process, to post a classroom notice informing parents, guardians, pupils, and teachers of their rights to file a Williams complaint in each classroom in each school, and to provide a complaint form for Williams complaints regarding alleged deficiencies Page 2 of 5 related to instructional materials, conditions of facilities that are not maintained in a clean or safe manner or in good repair, and teacher vacancy or misassignment.

If a response is requested by the complainant, the response shall be made to the mailing address of the complainant indicated on the complaint.

If Education Code 48985 is applicable and 15 percent or more of the pupils in grades K – 12 enrolled in TCOE programs/schools speak a language other than English, the Williams Complaint Classroom Notice and the Williams Complaint Form shall be written in English and in the primary language of the

complainant. The complaint response, if requested, and final report shall be written in English and the primary language in which the complaint was filed.

A Williams Complaint about problems beyond the authority of the school principal shall be forwarded in a timely manner, but will not exceed 10 working days, to the appropriate TCOE official for resolution.

The principal or the designee of our superintendent, as applicable, shall make all reasonable efforts to investigate any problem within his or her authority.

The principal, or, where applicable, our superintendent or his or her designee shall remedy a valid complaint within a reasonable time period but not to exceed 30 working days from the date the complaint was received.

The principal or, where applicable, our superintendent or his or her designee, shall report to the complainant the resolution of the complaint within 45 working days of the initial filing, if complainant identifies himself or herself and requested a response.

The principal makes this report; the principal shall also report the same information in the same timeframe to our superintendent or his or her designee.

TCOE shall report summarized data on the nature and resolution of all complaints on a quarterly basis to the county superintendent of schools and the governing board.

The summaries shall be publicly reported on a quarterly basis at a regularly scheduled meeting of the governing board.

The report shall include the number of complaints by general subject area with the number of resolved and unresolved complaints.

The complaints and responses shall be available as public records.

The Williams Complaint Classroom Notice

We make sure that the Williams Complaint Classroom Notice is posted in each classroom in each TCOE school and includes the following statements:

- (a) The notice shall address parents, guardians, pupils, and teachers.
- (b) There should be sufficient textbooks and instructional materials. For there to be sufficient textbooks and instructional materials each pupil, including English learners, must have a textbook or instructional materials, or both, to use in class and to take home.
- (c) School facilities must be clean, safe, and maintained in good repair.
- (d) There should be no teacher vacancies or misassignments.
- (e) The location at which to obtain a form to file a complaint in case of a shortage.

(Posting a notice downloadable from the Web site of the CDE shall satisfy this requirement.)

The Williams Complaint Form

We make sure that the Williams complaint form is available for parents, guardians, pupils, and teachers to use.

Every TCOE school shall have a complaint form available for such Williams complaints.

A notice shall be posted in each classroom in each school in the school district, and include the following statements:

The Williams Complaint form shall include:

- A space to mark to indicate if a response is requested,
- A space to include contact information, including mailing address, if the complainant indicates that a response is requested.
- A statement that a pupil, including an English Learner, does not have standards - aligned textbooks or instructional materials or state adopted or TCOE adopted textbooks or other required instructional materials to use in class.
- A statement that a pupil does not have access to textbooks or instructional materials to use at home or after school. This does not require two sets of textbooks or instructional materials for each pupil.
- A statement that textbooks or instructional materials are in poor or unusable condition, having missing pages, or are unreadable due to damage.
- A statement that a pupil was provided photocopied sheets from only a portion of a textbook or instructional materials to address a shortage of textbooks or instructional materials.
- A statement that a condition poses an urgent or emergency threat to the health or safety of pupils or staff while at school. These projects may include, but are not limited to, the following types of facility repairs or replacements: including: gas leaks, nonfunctioning heating, ventilation, fire sprinklers, or air - conditioning systems, electrical power failure, major sewer line stoppage, major pest or vermin infestation, broken windows or exterior doors or gates that will not lock and that pose a security risk, abatement of hazardous materials previously undiscovered that pose an immediate threat to pupils or staff, structural damage creating a hazardous or uninhabitable condition, and any other emergency conditions TCOE determines appropriate.
- A statement that a school restroom has not been maintained or cleaned regularly, is not fully operational, or has not been stocked at all times with toilet paper, soap, and towels or functional hand dryers.
- A statement that the school has not kept all restrooms open during school hours when pupils are not in classes, and has not kept a sufficient number of restrooms open during school hours when pupils are in classes. This does not apply when the temporary closing of the restroom is necessary (1) for a documented pupil safety concern, (2) for an immediate threat to pupil safety, or (3) to repair the facility
- A statement that a semester begins and a teacher vacancy exists. (A position to which a single designated certificated employee has not been assigned at the beginning of the year for an entire year or, if the position is for a one - semester course, a position of which a single designated certificated employee has not been assigned at the beginning of the semester for an entire semester).
- A statement that a teacher who lacks credentials or training to teach English Learners is assigned to teach a class with one or more English Learners pupils in the class.
- A statement that a teacher is assigned to teach a class for which the teacher lacks subject matter competency.
- A space to identify the location where the complaint took place,
- A space to identify the course or grade level, if applicable,
- A space where the complainant describes the specific nature of the complaint in detail,
- A statement that the complainant may add as much text to explain the complaint as the complainant wishes, and

- A statement identifying the place to file the complaint that includes the office and address of the principal or his/her designee of the school in which the alleged violation took place.

Filing a Williams Complaint with the Tulare County Office of Education (TCOE)

A Williams complaint shall be filed with the principal of the school or his or her designee, in which the complaint arises.

A Williams complaint may be filed anonymously.

The complainant need not use the Williams Complaint form to file a complaint.

How to Appeal a Williams Complaint

A complainant who is not satisfied with the resolution of the principal or our superintendent or his or her designee, involving deficiencies related to instructional materials, the condition of a facility that is not maintained in a clean or safe manner or in good repair, and teacher vacancy or misassignment, has the right to describe the complaint to the governing board at a regularly scheduled meeting of the governing board.

A complainant who is not satisfied with the resolution proffered by the principal, or our superintendent or his or her designee, involving a condition of a facility that poses an emergency or urgent threat, as defined in paragraph (1) of subdivision (c) of *EC* Section 17592.72, has the right to file an appeal to the State Superintendent of Public Instruction within 15 calendar days of receiving the report.

Condition that pose an emergency or urgent threat (not cosmetic or nonessential) to the health and safety of pupils or staff while at school include the following:

- Gas leaks.
- Nonfunctioning heating, ventilation, fire sprinklers, or air-conditioning systems.
- Electrical power failure.
- Major sewer line stoppage.
- Major pest or vermin infestation.
- Broken windows or exterior doors or gates that will not lock and that pose a security risk.
- Abatement of hazardous materials previously undiscovered that pose an immediate threat to pupils or staff.
- Structural damage creating a hazardous or uninhabitable condition.

In regards to the resolution proffered by the principal, or our superintendent or his or her designee, involving a condition of a facility that poses an emergency or urgent threat, the complainant shall comply with the appeal requirements specified in 5 CCR Section 4632.

A complainant may appeal the Decision of an emergency or urgent threat to the CDE by filing a written appeal within 15 days of receiving the Decision.

The complainant shall specify the basis for the appeal of the Decision and whether the facts are incorrect and/or the law is misapplied.

The appeal shall be accompanied by:

1. A copy of the original locally filed complaint; and
2. A copy of our Decision of this original locally filed complaint.

State Laws Cited:

California Education Code Sections 1240, 17592.72, 35186, 35292.5, 48985.

California Code of Regulations, Title 5 [5 CCR] Sections 4680–4687.

Regulation Approved: 1/6/05

Tulare County Superintendent of Schools
Visalia, California

Revised: 9/1/05, 1/10/07, 7/13/07, 3/27/09, 01/22/2015

Tulare County Board of Education
Visalia, California

Converted to a Board Policy and adopted: 5/12/2021

Revised: 11/09/2022, 11/8/2023, 12/13/2024

Directory Information Opt-Out Form 2026-2027

This form provides parents and guardians the opportunity to opt their student out of the release of directory information. Please read each section of the form carefully. If you have any questions about this form, please contact:

Tammy Bradford
Assistant Superintendent/SELPA Director
6200 S. Mooney Blvd, Visalia CA
(559) 730-2910

Pursuant to the Family Educational Rights and Privacy Act (FERPA) and the California Education Code, the District may release directory information to certain persons or organizations, as specified in this annual notice, when it is requested. Directory information may be released to law enforcement agencies, employers and prospective employers, news media and may include student's name, address, telephone number, date of birth, email address, major field of study, participation in officially recognized activities and sports, weight and height of members of athletic teams, dates of attendance, degrees and awards received, most recent educational agency or institution attended. In the case of students who have been identified as having special needs or homeless, no material can be released without parent or guardian consent.

Please note: This is an OPTIONAL form. The form should only be returned to the school if you wish to opt your child out of one of these areas.

If you do not want your child's directory information released, please check the box below. This opt-out does not apply to directory information released for District yearbook purposes.

- ☐ I **do not** want my child's directory information to be released.

For Grades 9-12 only:

- ☐ I **do not** want my child's directory information to be released to military recruiters.
☐ I **do not** want my child's directory information to be released to institutions of higher education.

The District may use and release such directory information to third parties for purposes, including, without limitation, compiling, completing, and printing the District's annual yearbook and/or awards listings. If you do not want your child's directory information released and/or used for such purposes, please check the box below.

- ☐ I **do not** want my child's directory information to be released in yearbooks and awards listings.

Parent/Guardian Signature: _____ **Date:** _____

Student Name: _____ ID#: _____

Address: _____ Phone: _____

School: _____ Grade: _____

Students

Discipline

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

Board policies and regulations shall delineate acceptable student conduct and provide the basis for sound disciplinary practices. Each school shall develop disciplinary rules in accordance with the law to meet the school's individual needs.

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

The approved rules and procedures on school discipline are subject to review by the County Board, at an open meeting, to ensure that they are consistent with board policy and State/Federal statutes.

School staff shall enforce discipline rules fairly, consistently and without discrimination.

The County Superintendent or designee shall provide professional development as necessary to assist school staff members in developing classroom management skills and implementing effective disciplinary techniques.

Legal Reference:

CIVIL CODE

1714.1 - Parental liability for child's misconduct

EDUCATION CODE

32280-32288 School Safety Plan

35146 - Closed Sessions

35291 - Rules

35291.5-35291.7 -School-adopted discipline rules

37223 - Weekend classes

44807.5 - Restriction from recess

48900-48923 - Suspension and expulsion

48980- 48985 - Notification of parents or guardians

49001 - Prohibition of Corporal Punishment

49330- 49334 - injurious objects

CODE OF REGULATIONS. TITLE 5

307 - Participation in school activities until departure of bus

353 - Detention after school

See Next Page for Management Resources

Students

Discipline

Management Resources:

CSBA PUBLICATIONS

Protecting Our Schools: Governing Board Strategies to Combat School Violence, 1999

CDE PROGRAM ADVISORIES

1010.89 Physical Exercise as Corporal Punishment, CIL 89/9-3

1223.88 Corporal Punishment, CIL: 88/9-5

WEBSITES

CDE:

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

USDOE:

<http://www.ed.gov>

Policy Adopted: 6/17/00

Revised: 10/10/07

Tulare County Board of Education
Visalia, CA

Students

Suspension And Removal/Due Process

The County Board 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 denied the privilege of participation in all extracurricular activities during the period of suspension or expulsion.

Except where suspension for a first offense is warranted in accordance with the law, suspension shall be imposed only when other means of correction fail to bring about proper conduct. (Education Code 48900.5)

Expulsion is an action taken by the County 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 self or others.

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

Student Due Process

The County Board shall provide for fair and equitable treatment of students facing suspension and expulsion by affording them their due process rights under the law. The Superintendent or designee shall comply with procedures for notices and appeals as specified in administrative regulation and/or law. (Education Code 48911, 48915, 48915.5)

Supervised Suspension Classroom

The County 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 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 classroom.

The County Superintendent or designee shall establish a supervised classroom suspension programs which meets the requirements of law for students suspended for any of the reasons

Students

Suspension And Removal/Due Process

enumerated in Education Code 48900 and 48900.2, who pose no immediate danger or threat at school and for whom an expulsion action has not been initiated.

The County Superintendent or designee 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 Tulare County Board of Education believes that parental involvement plays an important role in the resolution of classroom behavior problems. The county board expects that teachers will communicate with parents/guardians when behavior problems arise.

Whenever a student is suspended from a class by a teacher 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 the class from which the student was suspended. (Education Code 48900.1)

Before requiring parental attendance, the teacher shall 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. (Education Code 48900.1)

When a teacher requires parental attendance, the principal shall send a written notice to the parent/guardian stating that his/her attendance is pursuant to law. (Education Code 48900.1)

The notice shall specify that the attendance may be on either the date the student is scheduled to return to class or within one week thereafter.

A parent/guardian who has received a written notice shall attend class as specified in the notice. After completing the classroom visit and before leaving school premises, the parent/guardian also shall meet with the principal or designee. (Education Code 48900.1)

Students

Suspension And Removal/Due Process

The principal or designee shall contact a parent/guardian who does not respond to the request to attend school. The County Board recognizes that parent/guardian 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.

County Office regulations and school-site rules for student discipline shall include procedures for implementing parental attendance requirements. Parents/guardians shall be notified of this policy prior to its implementation. (Education Code 48900.1)

Students**Suspension And Removal/Due Process****Expulsion**

Expulsion is an action taken by the Governing Board for severe or prolonged breaches of discipline by a student. Except for single act of a grave nature, expulsion shall be 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 self or others.

Decision Not to Enforce Order

In cases where expulsion is mandatory pursuant to Education Code 48915(c), the enforcement of an expulsion order shall not be suspended by the County Board. In all other cases, the order for expulsion may be suspended by the County Board, on a case-by-case basis, pursuant to the requirements of law.

*Legal Reference:***EDUCATION CODE***212.5 - Sexual harassment**1981 - Enrollment of students in community school**17292.5 - Program for expelled students**35146 - Closed sessions (re suspensions)**35291 - Rules (for government and discipline of schools)**35921.5 - Rules and procedures on school discipline**48660- 48666 - Community day schools**48900- 48926 - Suspension and expulsion**48950 - Speech and other communication**48973- 49079 - Privacy of student records***CIVIL CODE***47 -Privileged communication**48.8 - Defamation liability***CODE OF CIVIL PROCEDURE***1985-1997 -Subpoenas: means of production***GOVERNMENT CODE***11455.20- Contempt**54950-54962 - Ralph M Brown Act***HEALTH AND SAFETY CODE***11014.5 - Drug paraphernalia**11053-11056 - Standards and schedules***LABOR CODE***230.7 - Discharge or discrimination against employees for taking time off to appear in school on behalf of a child***PENAL CODE***31 - Principal of a crime, defined**240 -Assault defined**241.2 - Assault fines**242 - Battery defined*

Students**Suspension And Removal/Due Process***Legal Reference continued*PENAL CODE

243.2 -Battery on school property

243.4 - Sexual battery

245 -Assault with deadly weapon

245.6 - Hazing

261 - Rape defined

266c - Unlawful sexual intercourse

286 - Sodomy defined

288 - Lewd or lascivious acts

288a - Oral copulation

289 - Penetration of genital or anal opening

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 persons, attendance during testimony of a witness

WELFARE AND INSTITUTIONS CODE

729.6- Counseling

UNITED STATES COJES. TITLE 18

921 - Definitions, firearm

UNITED STATES COJ. E. TITLE 20

7151 - Gun free schools

COURT DECISIONSTH v. San Diego Unified School District (2004) 122 Cal.App. 4th 1267W00dbzwy v. Dempsey (2003) 108 Cal.App.4th 421Board of Education of St. J. County Unified School District v. Sacramento County Board of Education and Kenneth R (2001) 85Cal.App. 4th 1321Garcia v. Los Angeles Board of Education (1991) 123 Cal.App.3rd 807Frencho & Union High School District v. Santa Clara County Board (1991) 235 Cal.App.3rd 1182John A. v. San Bernardino School District (1982) 33 Cal.3rd 301ATTORNEY GENERAL OPINIONS

84 Ops. Cal. Atty. Gen. 146 (2001)

80 Ops. Cal. Atty. Gen. 91 (1997)

80 Ops. Cal. Atty. Gen. 85 (1997)

*Management Resources*WEBSITESCSBA: <http://www.csba.org>California Attorney General's Office: <http://www.caag.state.ca.us>California Department of Education: <http://www.cde.ca.gov>US. Department of Education, Office of Safe and Drug-Free Schools: <http://www.ed.gov/ices/l-ist/osdfs/index:litmi>

Policy Adopted: 8/7/91

Revised: 6/7/00

Tulare County Board of Education
Visalia, CA

10/10/07

Students

Suspension And Expulsion/Due Process For Students With Disabilities

Rules and procedures for discipline of students with disabilities will conform with Tulare County/District SELPA policy 7077.

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.

Procedures for Students Not Yet Eligible for Special Education Services

A student who has not been officially identified as a student with disabilities pursuant to IDEA and who has engaged in behavior that violated the county office's code of student conduct may assert any of the protections under IDEA the procedural safeguards granted under this administrative regulation only if the county office had knowledge the student is disabled before the behavior that precipitated the disciplinary action occurred. (20 USC 1415(k)(5); 34 CFR 300.534)

The county office shall be deemed to have knowledge that the student had a disability if one of the following conditions exists: (20 USC 1415(k)(5); 34 CFR 300.534)

1. The parent/guardian has expressed concern to county office supervisory or administrative personnel in writing, or to a teacher of the student, 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 parent/guardian has requested an evaluation of the student for special education pursuant to 34 CFR 300.300-300.311.
3. The teacher of the student or other county office personnel has expressed specific concerns directly to the county office's director of special education or to other supervisory county office personnel about a pattern of behavior demonstrated by the student.

The county office would be deemed to *not have knowledge* that a student is disabled if the parent/guardian has not allowed the student to be evaluated for special education services or has refused services. In addition, the county office would be deemed to *not have knowledge* if the county office conducted an evaluation pursuant to 34 CFR 300.300-300.311 and determined that the student was not an individual with a disability. When the county office is deemed to not have knowledge of the disability, the student shall be disciplined in accordance with procedures established for students without disabilities who engage in comparable behavior. (20 USC 1415(k)(5); 34 CFR 300.534)

If a request is made for an evaluation of a student during the time period in which the student is subject to disciplinary measures pursuant to 34 CFR 300.530, 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. (20 USC 1415(k)(5); 34 CFR 300.534)

Students**Suspension And Expulsion/Due Process For Students With Disabilities** (Continued)**Suspension**

The County Superintendent or designee may suspend a student with a disability for up to 10 consecutive school days for a single incident of misconduct, and for up to 20 school days in a school year, as long as the suspension(s) does not constitute a change in placement pursuant to 34 CFR 300.536. (Education Code 48903; 34 CFR 300.530)

The principal or designee shall monitor the number of days, including portions of days, in which a student with a valid individualized education program (IEP) has been suspended during the school year.

The county office shall determine, on a case-by-case basis, whether a pattern of removals of a student from his/her current educational placement for disciplinary reasons constitutes a change of placement. A *change of placement* shall be deemed to have occurred under any of the following circumstances: (34 CFR 300.536)

1. The removal is for more than 10 consecutive school days in a school year.
2. The student has been subjected to a series of removals that constitute a pattern because of all of the following:
 - a. The series of removals total more than 20 school days in a school year.
 - b. The student's behavior is substantially similar to his/her behavior in previous incidents that resulted in the series of removals.
 - c. Additional factors, such as the length of each removal, the total amount of time the student has been removed, and the proximity of the removals to one another, indicate change of placement.

If the removal has been determined to be a *change of placement* as specified in items #1-2 above, the student's IEP team shall determine the appropriate educational services. (34 CFR 300.530)

Services During Suspension

Any student with disabilities suspended for more than 20 school days in the same school year shall continue to receive services during the term of the suspension. School personnel, in consultation with at least one of the student's teachers, shall determine the extent to which services are needed as provided in 34 CFR 300.101(a), so as to enable the student to continue to participate in the general education curriculum in another setting and to progress toward meeting the goals as set out in his/her IEP. (20 USC 1412(a)(1)(A); 34 CFR 300.530)

If a student with disabilities is excluded from school bus transportation, the student shall be provided with an alternative form of transportation at no cost to the student or his/her parent/guardian, provided that transportation is specified his/her IEP. (Education Code 48915.5)

Students**Suspension And Expulsion/Due Process For Students With Disabilities** (Continued)**Interim Alternative Educational Placement Due to Dangerous Behavior**

The county office may unilaterally place a student with a disability in an appropriate interim alternative educational setting for up to 45 school days, without regard to whether the behavior is a manifestation of the student's disability, when the student commits one of the following acts while at school, going to or from school, or at a school-related function: (20 USC 1415(k)(1)(G); 34 CFR 300.530)

1. Carries or possesses a weapon, as defined in 18 USC 930.
2. Knowingly possesses or uses illegal drugs
3. Sells or solicits the sale of a controlled substance as identified in 21 USC 812(c), Schedules I-V.
4. Inflicts serious bodily injury upon another person as defined in 18 USC 1365.

The student's interim alternative education setting shall be determined by his/her IEP team. (20 USC 1415(k)(1)(G); 34 CFR 300.531)

On the date the decision to take disciplinary action is made, the parents/guardians of the student shall be notified of the decision and provided the procedural safeguards notice pursuant to 34 CFR 300.504. (20 USC 1415(k)(1)(H); 34 CFR 300.530)

A student who has been removed from his/her current placement because of dangerous behavior shall receive services to the extent necessary to allow him/her to participate in the general education curriculum and to progress toward meeting the goals set out in his/her IEP. As appropriate, the student shall also receive a functional behavioral assessment and behavioral intervention services and modifications that are designed to address the behavior violation so that it does not recur. (20 USC 1415(k)(1)(D); 34 CFR 300.530)

Procedural Safeguards/Manifestation Determination

The following procedural safeguards shall apply when a student is suspended for more than 10 consecutive school days, when a series of removals of a student constitutes a pattern, or when a change of placement of a student is contemplated due to a violation of the county office's code of conduct.

1. Notice: On the date the decision to take disciplinary action is made, the parents/guardians of the student shall be notified of the decision and provided the procedural safeguards notice pursuant to 34 CFR 300.504. (20 USC 1415(k)(1)(H); 34 CFR 300.530)
2. Manifestation Determination Review: Immediately if possible, but in no case later than 10 school days after the date of the decision to take disciplinary action is made, a manifestation determination review shall be made of the relationship between the student's disability and the behavior subject to the disciplinary action. (20 USC 1415(k)(1)(E); 34 CFR 300.530)

Students**Suspension And Expulsion/Due Process For Students With Disabilities** (Continued)

At the manifestation determination review, the county office, student's parent/guardian, and relevant members of the IEP team (as determined by the county office and parent/guardian) shall review all relevant information in the student's file, including the student's IEP, any teacher observations and any relevant information provided by the parents/guardians to determine whether the conduct in question was either of the following: (20 USC 1415(k)(1)(E); 34 CFR 300.530):

- a. Caused by, or had a direct and substantial relationship to the student's disability.
- b. A direct result of the county office's failure to implement the student's IEP, in which case the county office shall take immediate steps to remedy those deficiencies.

If the manifestation review team determines that a condition in either #a or #b above was met, the conduct shall then be determined to be a manifestation of the student's disability. (20 USC 1415(k)(1)(E); 34 CFR 300.530)

3. Determination that Behavior is a Manifestation of the Student's Disability: When the conduct has been determined to be a manifestation of the student's disability, the IEP team shall conduct a functional behavioral assessment, unless a functional behavioral assessment has been conducted before the occurrence of the behavior that resulted in the change of placement, and shall implement a behavioral intervention plan for the student. If a behavior intervention plan has already been developed, the IEP team shall review the behavioral intervention plan and modify it as necessary to address the behavior. (20 USC 1415(k)(1)(F); 34 CFR 300.530)

The student shall be returned to the placement from which he/she was removed, unless the parent/guardian and county office agree to a change of placement as part of the modification of the behavioral intervention plan. (20 USC 1415(k)(1)(F); 34 CFR 300.530)

4. Determination that Behavior is Not a Manifestation of the Student's Disability: If the manifestation determination review team determines that the student's behavior was not a manifestation of his/her disability, the student may be disciplined in accordance with the procedures for students without disabilities. (20 USC 1415(k)(1)(D); 34 CFR 300.530)

The student shall receive services to the extent necessary to participate in the general education curriculum in another setting and to allow him/her to progress toward meeting the goals set out in his/her IEP. As appropriate, the student shall also receive a functional behavioral assessment and behavioral intervention services and modifications that are designed to address the behavior violation so that it does not recur. (20 USC 1415(k)(1)(D); 34 CFR 300.530)

Due Process Appeals

If the parent/guardian disagrees with any county office decision regarding placement under 34 CFR 300.530 (suspension and removal for dangerous circumstances) or 34 CFR 300.531 (interim alternative placement) or the manifestation determination under 34 CFR 300.530(e), he/she may appeal the decision by requesting a hearing. The county office may request a hearing if the county office believes that maintaining the student's current placement is substantially likely to result in injury to the student or others.

Students**Suspension And Expulsion/Due Process For Students With Disabilities** (Continued)

In order to request a hearing, the requesting party shall file a complaint pursuant to 34 CFR 300.507 and 300.508(a) and (b); 20 UCS 1415(k)(3); 34 CFR 300.532)

Whenever a hearing is requested as specified above, the parent/guardian or the county office shall have an opportunity for an expedited due process hearing consistent with requirements specified in 34 CFR 300.507, 300.508(a)-(c) and 300.510-300.514.

If the student's parent/guardian or the county office has initiated a due process hearing under 34 CFR 300.532 as detailed above, the student shall remain in the interim alternative educational setting pending the decision of the hearing officer or until the expiration of the 45-day time period, whichever occurs first, unless the parent/guardian and county office agree otherwise. (20 USC 1415(k)(4); 34 CF 300.533)

Readmission

Readmission procedures for students with disabilities shall be the same as those used for all students. Upon readmission, an IEP team meeting shall be convened.

Suspension of Expulsion

The county 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. (Education Code 48917)

Notification to Law Enforcement Authorities

Prior to the suspension or expulsion of any student with disabilities, the principal or designee shall notify appropriate city or county law enforcement authorities of any act of assault with a deadly weapon which may have violated Penal Code 245. (Education Code 48902)

The principal or designee also shall notify appropriate city or county law enforcement authorities of acts by any student with a disability 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. (Education Code 48902)

Within one school day after a suspension or expulsion of a student with disabilities, the principal or designee shall notify appropriate city or county law enforcement authorities, by telephone or other appropriate means, of any act by the student 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. (Education Code 48902)

Report to County Superintendent of Schools

The County Superintendent's designee shall report to the County Superintendent when any special education student has been expelled or suspended for more than 10 school days. The report shall include the student's name, last known address, and the reason for the action. (Education Code 48203)

Students**Suspension And Expulsion/Due Process For Students With Disabilities***Legal Reference:***EDUCATION CODE***35146 - Closed sessions (re suspensions) 35921 - Rules (of governing board)**48203 - Reports of severance of attendance of disabled student**48900- 48925 - Suspension and expulsion**56000 - Special education; legislative findings and declarations**56320 - Educational needs; requirements**56321 - Development or revision of IEP**56329 - Independent educational assessment**56340-56347- Individual educational program teams**56505 - State hearing***PENAL CODE***245 -Assault with deadly weapon**626.2 - Entry upon a 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**1365 -Serious bodily injury***UNITED STATES CODE, TITLE 20***1412 - State eligibility**1415 -Procedural safeguards***UNITED STATES CODE, TITLE 21***812(c) - Controlled substances***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**300.1-300.818-Assistance to states for the education of students with disabilities, especially:**300.530-300.537 - Discipline procedures***COURT DECISIONS***Schaffer v. Weast (2005) 125 S.Ct. 528**Parents of Student W. v. Puyallup School District(1994 9th Cir.) 31 F.3d 1489**M.P. v. Governmental Board of Grossmont & Union High School**District (1994)858 F. Supp. 1044**Honig v. Doe (1988) 484 U.S. 305**Management Resources: (see next page)*

Students

Suspension-And Expulsion/Due Process For Students With Disabilities

Management Resources: FEDERAL REGISTER

Rules and Regulations, August 14, 2006, Vol. 71, Number 156, pages 46539-46845

WEBSITES

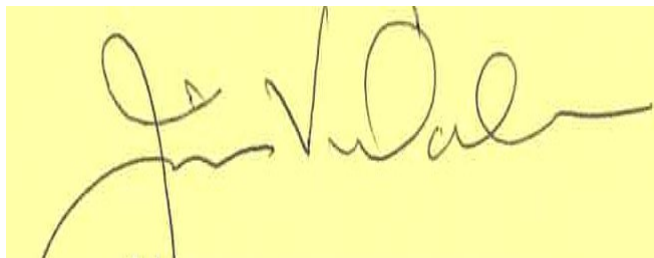
California Department of Education: <http://www.cde.ca.gov/sp/se>

*US Department of Education Office of Special Education Programs:
<http://www.ed.gov/about/offices/list/osep/index.html>*

SELPA PUBLICATIONS

*Over the Rainbow Book Response to Hughes Bill - Positive Behavioral
Intervention Program Guidelines*

*Support for School Staff Dealing with Students with Behavior
Problems*

A handwritten signature in black ink on a yellow background. The signature is cursive and appears to read "J. Valdez".

Regulation Approved: 7/5/00
Revised: 2/26/08

Tulare County Superintendent of Schools
Visalia, CA

TULARE COUNTY OFFICE OF EDUCATION

Administrative Regulation

Students

AR 5145.3

Nondiscrimination/Harassment

Nondiscrimination/Harassment

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

(Education Code 234.1; 5 CCR 4621)

<u>Assistant Superintendent, Instructional Services</u> (title or position) <u>7000 W. Doe Ave., Visalia CA 93291</u> (physical address) <u>P.O. Box 5091, Visalia CA 93278-5091</u> (mailing address) <u>(559) 733-6328</u> (telephone number) <u>jberk@cc.tcoe.org</u> (email)	<u>Assistant Superintendent, Human Resources</u> (title or position) <u>6200 S. Mooney Blvd., Visalia CA 93277</u> (physical address) <u>P.O. Box 5091, Visalia CA 93278-5091</u> (mailing address) <u>(559) 733-6306</u> (telephone number) <u>dedi.somavia@tcoe.org</u> (email)
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Measures to Prevent Discrimination

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

1. Publicize TCOE's nondiscrimination policy and related complaint procedures, including the coordinator/compliance officer's contact information, to students, parents/guardians, employees,

volunteers, and the general public by posting them in prominent locations and providing easy access to them through TCOE-supported communications.

- Post TCOE's policies and procedures prohibiting discrimination, harassment, student sexual harassment, intimidation, bullying, and cyberbullying in a prominent location on TCOE's web site in a manner that is easily accessible to parents/guardians and students. (Education Code 234.6)
- Post a section on social media bullying that includes references to possible forums for social media bullying, including Internet websites with free registration and ease of registration and Internet websites offering peer-to-peer instant messaging, comment forums or sections, and image or video posting platforms, in a prominent location on TCOE's web site in a manner that is easily accessible to parents/guardians and students.
- Post the definition of discrimination and harassment based on sex as described in Education Code 230, including the rights set forth in Education Code 221.8, in a prominent location on TCOE's web site in a manner that is easily accessible to parents/guardians and students. (Education Code 234.6)
- Post in a prominent location on TCOE's web site in a manner that is easily accessible to parents/guardians and students information regarding Title IX prohibitions against discrimination based on a student's sex, gender, gender identity, pregnancy, and parental status, including the following:
 - The name and contact information of TCOE's Title IX Coordinator, including the phone number and email address.
 - The rights of students and the public and the responsibilities of TCOE under Title IX, including a list of rights as specified in Education Code 221.8 and web links to information about those rights and responsibilities located on the web sites of the Office for Equal Opportunity and the U.S. Department of Education's Office for Civil Rights (OCR)
 - A description of how to file a complaint of noncompliance under Title IX, which shall include:
 - An explanation of the statute of limitations within which a complaint must be filed after an alleged incident of discrimination has occurred and how a complaint may be filed beyond the statute of limitations.
 - An explanation of how the complaint will be investigated and how the complainant may further pursue the complaint, including web links to this information on the OCR's web site.
 - A web link to the OCR complaints form and the contact information for the office, including the phone number and email address for the office.
 - A link to the Title IX information included on the California Department of Education's (CDE) web site. (Education Code 221.6, 221.61, 234.6)
- Post a link to statewide CDE-compiled resources, including community-based organizations, that

provide support to youth who have been subjected to school-based discrimination, harassment, intimidation, or bullying and to their families. Such resources shall be posted in a prominent

location on the COE's web site in a manner that is easily accessible to parents/guardians and students. (Education Code 234.5, 234.6)

- (c) Provide to students a handbook that contains age-appropriate information that clearly describes TCOE's nondiscrimination policy, procedures for filing a complaint, and resources available to students who feel that they have been the victim of any such behavior.
- (d) Annually notify all students and parents/guardians of TCOE's nondiscrimination policy, including its responsibility to provide a safe, nondiscriminatory school environment for all students. The notice shall inform students and parents/guardians that they may request to meet with the compliance officer to determine how best to accommodate or resolve concerns that may arise from TCOE's implementation of its nondiscrimination policies. The notice shall also inform all students and parents/guardians that, to the extent possible, TCOE will address any individual student's interests and concerns in private.
- (e) Ensure that all students and parents/guardians, including those with limited English proficiency, are notified of how to access the relevant information provided in TCOE's nondiscrimination policy and related complaint procedures, notices, and forms in a language they can understand.

If 15 percent or more of students enrolled in a particular TCOE program or school speak a single primary language other than English, the county office policy, regulation, forms, and notices concerning nondiscrimination shall be translated into that language in accordance with Education Code 234.1 and 48985. In all other instances, the county office shall ensure meaningful access to all relevant information for parents/guardians with limited English proficiency.

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

Enforcement of TCOE Policy

The County Superintendent or designee shall take appropriate actions to reinforce BP 5145.3 – Nondiscrimination/Harassment. As needed, these actions may include, but are not limited to the

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following:

- (d) Removing vulgar or offending graffiti

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- (e) Providing training to students, staff, and parents/guardians about how to recognize unlawful discrimination, how to report it or file a complaint, and how to respond
- (f) Disseminating and/or summarizing TCOE's policy and regulation regarding unlawful discrimination
- (g) Consistent with the laws regarding the confidentiality of student and personnel records, communicating to students, parents/guardians, and the community the school's response plan to unlawful discrimination or harassment
- (h) Taking appropriate disciplinary action against students, employees, and anyone determined to have engaged in wrongdoing in violation of TCOE policy, including any student who is found to have filed a complaint of discrimination that the student knew was not true

Process for Initiating and Responding to Complaints

Any student who feels that they have been subjected to unlawful discrimination described above or in county office policy is strongly encouraged to immediately contact the compliance officer, principal, or any other staff member. In addition, any student who observes any such incident is strongly encouraged to report the incident to the compliance officer or principal, whether or not the alleged victim files a complaint.

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

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

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

Any report or complaint alleging unlawful discrimination involving the principal, compliance officer, or any other person to whom the complaint would ordinarily be reported or filed shall instead be submitted to the County Superintendent or designee who shall determine how the complaint will be investigated. Even if the student chooses not to file a formal complaint, the principal or compliance officer shall implement immediate measures necessary to stop the discrimination and to ensure all students have access to the educational program and a safe school environment.

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

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

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

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

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

Nonbinary student means a student whose gender identity falls outside of the traditional conceptions of strictly either female or male, regardless of whether the student identifies as transgender, was born with intersex traits, uses gender-neutral pronouns, or uses agender, genderqueer, pangender, gender nonconforming, gender variant, or such other more specific term to describe their gender.

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

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

- Refusing to address a student by a name and the pronouns consistent with the student's gender identity;
- Disciplining or disparaging a student or excluding the student from participating in activities, for behavior or appearance that is consistent with the student's gender identity or that does not conform to stereotypical notions of masculinity or femininity, as applicable;
- Blocking a student's entry to the restroom that corresponds to the student's gender identity;
- Taunting a student because the student participates in an athletic activity more typically favored by a student of the other sex;
- Revealing a student's gender identity to individuals who do not have a legitimate need for the information, without the student's consent;

- Use of gender-specific slurs; and
- Physically assaulting a student motivated by hostility toward the student because of the student's gender, gender identity, or gender expression.

The county office's uniform complaint procedures (AR 1312.3) or Title IX sexual harassment procedures, as applicable, shall be used to report and resolve complaints alleging discrimination against intersex, nonbinary, transgender and gender-nonconforming students. Examples of bases for complaints include, but are not limited to, the above list as well as improper rejection by the county office of a student's asserted gender identity, denial of access to facilities that correspond with a student's gender identity, improper disclosure of a student's gender identity, discriminatory enforcement of a dress code, and other instances of gender-based harassment.

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

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

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

As appropriate given the student's need for support, the compliance officer may consider discussing with the student any need to disclose the student's transgender or gender-nonconformity status to his/her parents/guardians and/or others, including other students, teacher(s), or other adults on campus. The county office shall offer support services, such as counseling, to students who wish to inform their parents/guardians of their status and desire assistance in doing so.

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

A student's legal name as entered on the mandatory student record required pursuant to

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

However, when proper documentation or authorization, as applicable, is not submitted with a request to change a student's legal name or gender, any change to the student's record shall be

limited to the student's unofficial records such as attendance sheets, report cards, and school identification.

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

Regulation approved: 2/19/2015

Tulare
County Superintendent of Schools

A handwritten signature in blue ink, appearing to be "Rau", is written over a horizontal line.

Revised: 9/11/2024

Visalia, California

TULARE COUNTY OFFICE OF EDUCATION

Board Policy

Students
BP 5145.3

Nondiscrimination/Harassment

Nondiscrimination/Harassment

This policy shall apply to all acts constituting unlawful discrimination or harassment related to school activity or to school attendance occurring within a Tulare County Office of Education (TCOE) school or program, to acts which occur off campus or outside of school-related or school-sponsored activities but which may have an impact or create a hostile environment at school, and to all acts of the Tulare County Board of Education and the Tulare County Superintendent of Schools in enacting policies and procedures that govern the TCOE.

The County Board of Education and the County Superintendent of Schools is committed to provide a welcoming, safe, and supportive school environment that allows all students equal access and opportunities in academic and other educational support programs, services, and activities. Unlawful discrimination against a student in any TCOE school, program, or activity, including discriminatory harassment, intimidation, and bullying, is prohibited. Any form of retaliation against an individual who files or otherwise participates in the filing or investigation of a complaint or report regarding an incident of discrimination is also prohibited.

School personnel are required to take immediate steps to intervene when safe to do so when he or she witnesses an act of discrimination, harassment, intimidation, or bullying.

The county office designates the individual(s) identified below as the employee(s) responsible for coordinating the county office's efforts to comply with state and federal civil rights laws including Title IX of the Education Amendments of 1972, Section 504 of the Rehabilitation Act of 1973, Title II of the Americans with Disabilities Act, and the Age Discrimination Act of 1975, and to answer inquiries regarding the county office's nondiscrimination policies. The individual(s) shall also serve as the compliance officer(s) specified in AR 1312.3 – Uniform Complaint Procedures as the responsible employee(s) to handle complaints regarding unlawful discrimination, harassment, intimidation, or bullying based on actual ancestry, age, color disability, gender, gender identity, gender expression, nationality, race or ethnicity, religion, age, sex, sexual orientation, or association with a person or a group with one or more of these actual or perceived characteristics. The coordinator/compliance officer(s) may be contacted at:

Assistant Superintendent, Instructional Services (title or position) 7000 W. Doe Ave., Visalia CA 93291 (physical address) P.O. Box 5091, Visalia CA 93278-5091 (mailing address) (559) 733-6328 (telephone number)	Assistant Superintendent, Human Resources (title or position) 6200 S. Mooney Blvd., Visalia CA 93277 (physical address) P.O. Box 5091, Visalia CA 93278-5091 (mailing address) (559) 733-6306 (telephone number)
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Unlawful discrimination, including discriminatory harassment, intimidation, or bullying, includes physical, verbal, nonverbal, or written conduct against a student based on the student's actual or perceived race, color, ancestry, nationality, national origin, immigration status, ethnic group identification, ethnicity, age, religion, marital status, pregnancy, parental status, physical or mental disability, medical condition, sex, sexual orientation, gender, gender identity, gender expression, or genetic information, or the student's association with a person or group with one or more of these actual or perceived characteristics.

Unlawful discrimination also occurs when the prohibited conduct is so severe, persistent, or pervasive that it affects a student's ability to participate in or benefit from an educational program or activity; creates an intimidating, threatening, hostile, or offensive educational environment; has the effect of substantially or unreasonably interfering with a student's academic performance; or otherwise adversely affects a student's educational opportunities.

Unlawful discrimination also includes disparate treatment of students based on any one of the characteristics specified above with respect to the provision of opportunities for a student's participation in any TCOE school, program, or activity, or a student's receipt of educational benefits or services.

Because unlawful discrimination may occur when disciplining students, including suspension and expulsion, discipline shall be enforced in a fair, consistent, and non-discriminatory manner.

In accordance with law, all TCOE students shall be afforded the same rights, benefits, and protections. When, as permitted by law, the TCOE maintains sex-segregated facilities, such as restrooms and locker rooms, or offers sex-segregated programs and activities, such as physical education classes, students may choose to access facilities and participate in such programs and activities consistent with their gender identity. In addition, students may choose to participate in accordance with their gender identity in other circumstances where students are separated by gender, such as for class discussions, yearbook pictures, and field trips. (Education Code 221.5)

The Board also prohibits any form of retaliation against any individual who files or otherwise participates in the filing or investigation of a complaint or report regarding an incident of discrimination. Retaliation complaints shall be investigated and resolved in the same manner as a discrimination complaint.

Complaints alleging unlawful discrimination, including discriminatory harassment, intimidation, or bullying or retaliation, may be filed in accordance with the TCOE's uniform complaint procedures (UCP) specified in Board Policy 1312.3 - Uniform Complaint Procedures. For complaints of sexual harassment, it is the responsibility of the TCOE's Title IX Coordinator to determine whether the complaint should be addressed through UCP, or if the alleged conduct meets the federal definition of sexual harassment pursuant to 34 CFR 106.30, the complaint procedures established in 34 CFR 106.44-106.45. Regardless of whether a complainant complies with the writing, timeline, and/or other formal filing requirements, all complaints alleging unlawful discrimination, including discriminatory harassment, intimidation, or bullying, shall be investigated and prompt action shall be taken to stop the discrimination, prevent recurrence, and address any continuing effect on students.

Students who engage in unlawful discrimination, including discriminatory harassment, intimidation, retaliation, or bullying, in violation of law, Board policy, or administrative regulation shall be subject

to appropriate consequence or discipline, which may include suspension or expulsion for behavior that is severe or pervasive as defined in Education Code 48900.4.

Antidiscrimination Measures

The County Board hereby incorporates by reference the policies, procedures, and measures implemented by the County Superintendent to prevent or address unlawful discrimination in TCOE schools, programs, and activities. TCOE nondiscrimination policies and practices shall be reviewed regularly, and action shall be taken to remove any identified barriers to student access to or participation in the educational program.

Legal Reference:

EDUCATION CODE

200-262.4 – Educational equity; Prohibition of discrimination on the basis of sex

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; rules and regulations

48950 – Freedom of speech and other communication

48985 – Notices to parents in language other than English

49020-49023 – Athletic programs

49060-49079 – Student records

51204.5 – Social sciences instruction; contributions of specified groups

51500 – Prohibited instruction or activity

51501 – Nondiscriminatory subject matter

60010 – Instructional materials; definition

60040-60052 – Requirements for instructional materials

CIVIL CODE

1714.1 – Liability of parents/guardians for willful misconduct of minor

GOVERNMENT CODE

11135 – Unlawful discrimination

PENAL CODE

422.55 – Definition of hate crime

422.6 – Crimes, harassment

CODE OF REGULATIONS, TITLE 5

432 – Student record

4600-4670 – Uniform complaint procedures

4900-4965 – Nondiscrimination in elementary and secondary education programs

UNITED STATES CODE, TITLE 20

1681-1688 – Title IX of the Education Amendments of 1972

UNITED STATES CODE, TITLE 29

794 – Section 504 of the Rehabilitation Act of 1973

UNITED STATES CODE, TITLE 42

12101-12213 – Americans with Disabilities Act

2000d-2000d-7 – Title VI and Title VII Civil Rights Act of 1964 as amended

2000h-2-2000h-6 – Title IX of the Civil Rights Act of 1964

6101-6107 – Age Discrimination Act of 1975

CODE OF FEDERAL REGULATIONS, TITLE 28

35.107 – Designation of responsible employee and adoption of grievance procedures

CODE OF FEDERAL REGULATIONS, TITLE 34

100.3 – Prohibition of discrimination on basis of race, color or national origin

104.7 – Designation of responsible employee for Section 504

104.8 – Notice

106.30 – Discrimination on the basis of sex; definitions
106.44-106.45 – Grievance process for formal complaints of sexual harassment
106.8 – Designation of responsible employee and adoption of grievance procedures
110.25 – Prohibition of discrimination based on age
99.31 – Disclosure of personally identifiable information

COURT DECISIONS

Donovan v. Poway Unified School District, (2008) 167 Cal.App.4th 567

Flores v. Morgan Hill Unified School District, (2003) 324 F.3d 1130

Management Resources:

CSBA PUBLICATIONS

Legal Guidance on Rights of Transgender and Gender Nonconforming Students in Schools, October 2022

CALIFORNIA OFFICE OF THE ATTORNEY GENERAL PUBLICATION

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

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATION

California Longitudinal Pupil Achievement Data System (CALPADS) Update FLASH #158: Guidance for Changing a Student's Gender in CALPADS, July 2019

U.S. DEPARTMENT OF EDUCATION PUBLICATION

Creating Inclusive and Nondiscriminatory School Environments for LGBTQI+ Students, June 2023

Guidance on Constitutionally Protected Prayer and Religious Expression in Public Elementary and Secondary Schools, May 2023

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

Dear Colleague Letter: Race and School Programming, August 2023

Dear Colleague Letter: Addressing Discrimination Against Jewish Students, May 2023

Supporting Students with Disabilities and Avoiding the Discriminatory Use of Student Discipline under Section 504 of the Rehabilitation Act of 1973, July 2022

Questions and Answers on the Title IX Regulations on Sexual Harassment, June 2022

Enforcement of Title IX of the Education Amendments of 1972 With Respect to Discrimination Based on Sexual Orientation and Gender Identity in Light of *Bostock v. Clayton County*, June 2021

Resolution Agreement Between the Arcadia USD, US Dept of Ed, OCR, & the US DOJ, CRD, (2013) OCR 09-12-1020, DOJ 169-12C-70

Examples of Policies and Emerging Practices for Supporting Transgender Students, May 2016

Dear Colleague Letter: Harassment and Bullying, October 2010

U.S. DEPARTMENT OF JUSTICE & DEPARTMENT OF EDUCATION CIVIL RIGHTS JOINT PUBLICATIONS

Dear Colleague Letter: Resource on Confronting Racial Discrimination in Student Discipline, May 2023

U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES PUBLICATION

Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition against National Origin Discrimination Affecting Limited English Proficient Persons, August 2013

WEBSITES

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

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

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

California Safe Schools Coalition:

<http://www.casafeschools.org> First Amendment Center:

<http://www.firstamendmentcenter.org>

U.S. Department of Education, Office for Civil Rights: <http://www.ed.gov/about/offices/list/ocr>

U.S. Department of Justice, Civil Rights Division, Americans with Disabilities Act: <http://www.ada.gov>

Policy Adopted: 4/8/2015
Revised: 9/11/2024

Tulare County Board of Education
Visalia, CA

TULARE COUNTY OFFICE
OF EDUCATION

Board Policy

Students
BP 5145.7
Sexual Harassment

Sexual Harassment

The Tulare County Office of Education (TCOE) is committed to maintaining a safe school environment that is free from harassment and discrimination. Sexual harassment targeted at any student in a TCOE educational program, school or school-sponsored or school-related activity is prohibited. Retaliatory behavior or action against any person who reports, files a complaint, or testifies about sexual harassment or who otherwise supports a complainant in alleging sexual harassment is also prohibited.

Students who feel that they are being or have been sexually harassed on school grounds or at a school-sponsored or school-related activity by another student or an adult, or who have experienced off-campus sexual harassment that has a continuing effect on campus, are strongly encouraged to immediately contact their teacher, the principal or program administrator, TCOE's Title IX Coordinator, or any other available school employee.

Any employee who receives a report or observes an incident of sexual harassment shall notify the Title IX Coordinator so that steps may be taken to investigate and address the allegation in accordance with law and related TCOE regulations.

Once notified of a complaint or allegation of sexual harassment, the Title IX Coordinator shall ensure that it is addressed through TCOE's Title IX complaint procedures or uniform complaint procedures (UCP), as applicable. Because a complaint or allegation that is dismissed or denied under the Title IX complaint procedure may still be subject to consideration under state law, the Title IX Coordinator shall ensure that any implementation of the Title IX procedure concurrently meets the requirements of UCP.

The Title IX Coordinator shall offer supportive measures to the complainant and respondent, as deemed appropriate under the circumstances.

Upon completion of an investigation of a sexual harassment complaint, any student found to have engaged in sexual harassment or sexual violence in violation of this policy shall be subject to disciplinary action. For students in grades 4-12, disciplinary action may include suspension and/or expulsion pursuant to Education Code 48900.2, provided that, in imposing such discipline, the entire circumstances of the incident(s) shall be taken into account.

Legal Reference:

EDUCATION CODE

200-262.4 – Prohibition of discrimination

1040 – Duties and responsibilities; county boards of education

1042 – County boards; authority 35160 –

Authority of county boards

35160.1 – Authority of county boards; legislative intent

48900 – Grounds for suspension or expulsion

48900.2 – Additional grounds for suspension or expulsion; sexual harassment

48904 – Liability of parent/guardian for willful student misconduct

48915 – Grounds for expulsion 48980 –

Parental notifications

48985 – Notices to parents in language other than English

CIVIL CODE

51.9 – Liability for sexual harassment; business, service and professional relationships

1714.1 – Liability of parents/guardians for willful misconduct of minor

GOVERNMENT CODE

12950.1 – Sexual harassment training

CODE OF REGULATIONS, TITLE 5

4600-4670 – Uniform complaint procedures

4900-4965 – Nondiscrimination in elementary and secondary education programs

UNITED STATES CODE, TITLE 20

1092 – Definition of sexual harassment

1221 – Application of laws

1232g – Family Educational Rights and Privacy Act

1681-1688 – Discrimination based on sex or blindness, Title IX

UNITED STATES CODE, TITLE 34

12291 – Definition of dating violence, domestic violence, and stalking

UNITED STATES CODE, TITLE 42

1983 – Civil action for deprivation of rights

2000d-2000d-7 – Title VI, Civil Rights Act of 1964

2000e-2000e-17 – Title VII, Civil Rights Act of 1964 as amended

CODE OF FEDERAL REGULATIONS, TITLE 34

99.1-99.67 – Family Educational Rights and Privacy

106.1-106.82 – Nondiscrimination on the basis of sex in education programs

Policy adopted: 9/15/93

Tulare County Board of Education
Visalia, California

Revised: 1/11/06, 7/8/15, 5/14/25

TULARE COUNTY OFFICE OF EDUCATION

Administrative Regulation

Students
AR 5145.7
Sexual Harassment

Sexual Harassment **Definitions**

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

- Submission to the conduct is explicitly or implicitly made a term or condition of a student's academic status or progress.
- Submission to or rejection of the conduct by a student is used as the basis for academic decisions affecting the student.
- 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.
- 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 TCOE program or activity.

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

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

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

Examples of Sexual Harassment

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

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

Title IX Coordinator/Compliance Officer

The County Superintendent of Schools designates the following individual(s) as the responsible employee(s) to coordinate TCOE's efforts to comply with Title IX of the Education Amendments of 1972, as well as to oversee, investigate, and/or resolve sexual harassment complaints under TCOE's uniform complaint procedures (UCP). The Title IX Coordinator(s) may be contacted at:

<u>Assistant Superintendent, Student Support Services</u> (title or position) <u>7000 W. Doe Avenue, Visalia CA 93291</u> (physical address) <u>P.O. Box 5091, Visalia CA 93278-5091</u> (mailing address) (559) 651-3022 jberk@cc.tcoe.org (telephone number) (email)	<u>Assistant Superintendent, Human Resources</u> (title or position) <u>6200 S. Mooney Blvd., Visalia CA 93277</u> (physical address) <u>P.O. Box 5091, Visalia CA 93278-5091</u> (mailing address) (559) 733-6306 dedi.somavia@tcoe.org (telephone number) (email)
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Students in all TCOE programs shall receive age-appropriate information on sexual harassment. Such instruction and information shall include:

- What acts and behavior constitute sexual harassment, including the fact that sexual harassment could occur between people of the same sex and could involve sexual violence
- A clear message that students do not have to endure sexual harassment under any circumstance
- Encouragement to report observed incidents of sexual harassment even when the alleged victim of the harassment has not complained
- A clear message that student safety is TCOE's primary concern, and that any separate rule violation involving an alleged victim or any other person reporting a sexual harassment incident will be addressed separately and will not affect the manner in which the sexual harassment complaint will be received, investigated, or resolved
- A clear message that, regardless of a complainant's noncompliance with the writing, timeline, or other formal filing requirements, every sexual harassment allegation that involves a student, whether as the complainant, respondent, or victim of the harassment, shall be investigated and action shall be taken to respond to harassment, prevent recurrence, and address any continuing effect on students
- Information about TCOE's procedures for investigating complaints and the person(s) to whom a report of sexual harassment should be made
- Information about the rights of students and parents/guardians to file a civil or criminal complaint, as applicable, including the right to file a civil or criminal complaint while the TCOE investigation of a sexual harassment complaint continues
- A clear message that, when needed, supportive measures will be implemented to ensure a safe school environment for a student who is the complainant or victim of sexual harassment and/or other students during an investigation

Notifications

The County Superintendent or designee shall notify students and parents/guardians that TCOE does not discriminate on the basis of sex as required by Title IX and that inquiries about the application of Title IX to TCOE may be referred to TCOE's Title IX Coordinator and/or to the Assistant Secretary for Civil Rights, U.S. Department of Education (34 CFR 106.8)

A copy of TCOE's sexual harassment policy and regulation shall:

- Be included in the notifications that are sent to parents/guardians at the beginning of each school year. (Education Code 48980; 5 CCR 4917)
- Be displayed in a prominent location in the main administrative building or other area where notices of rules, regulations, procedures and standards of conduct are posted. (Education Code 231.5)

- Be provided as part of any orientation program conducted for new and continuing students at the beginning of each quarter, semester or summer session. (Education Code 231.5)
- Appear in any publication that sets forth the program/school's or TCOE's comprehensive rules, regulations, procedures, and standards of conduct. (Education Code 231.5)
- Be summarized on a poster which shall be prominently and conspicuously displayed in each bathroom and locker room at each school. The poster may be displayed in public areas that are accessible to and frequented by students, including, but not limited to, classrooms, hallways, gymnasiums, auditoriums, and cafeterias. The poster shall display the rules and procedures for reporting a charge of sexual harassment; the name, phone number, and email address of an appropriate school employee to contact to report a charge of sexual harassment; the rights of the reporting student, the complainant, and the respondent; and the responsibilities of the school. (Education Code 231.6)
- Be posted, along with the name or title and contact information of the Title IX Coordinator, in a prominent location on TCOE's web site in a manner that is easily accessible to parents/guardians and students (Education Code 234.6; 34 CFR 106.8)
- Be included, along with the name or title and contact information of the Title IX Coordinator, in any handbook provided to students or parents/guardian (34 CFR 106.8)

The County Superintendent or designee shall also post the definition of sex discrimination and harassment as described in Education Code 230, including the rights set forth in Education Code 221.8, in a prominent location on TCOE's web site in a manner that is easily accessible to parents/guardians and students. (Education Code 234.6)

Reporting Complaints

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

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

When a verbal or informal report of sexual harassment is submitted, the student or parent/guardian shall be informed of the right to file a formal written complaint in accordance with the applicable TCOE complaint procedure.

Complaint Procedures

All complaints and allegations of sexual harassment by and against students shall be investigated and resolved in accordance with law and TCOE procedures. The Title IX Coordinator shall review the allegations to determine the applicable procedure for responding to the complaint. All complaints that meet the definition of sexual harassment under Title IX shall be investigated and resolved pursuant to 34 CFR 106.44-106.45. Other sexual harassment complaints shall be investigated and resolved in accordance with BP 1312.3 - Uniform Complaint Procedures and any related County Superintendent-approved rules or regulations.

If, upon the conclusion of an investigation, sexual harassment is determined to have occurred, the Title IX Coordinator, or designee in consultation with the Coordinator, shall take prompt action to stop the sexual harassment, prevent recurrence, implement remedies, and address any continuing effects.



Regulation approved: 9/15/93 Revised: 1/11/06, 5/14/25

Tulare County Superintendent of Schools Visalia, California

Page 5 of 5

Board Policy

Students
BP 5145.7
Sexual Harassment

Sexual Harassment

The Tulare County Office of Education (TCOE) is committed to maintaining a safe school environment that is free from harassment and discrimination. Sexual harassment targeted at any student in a TCOE educational program, school or school-sponsored or school-related activity is prohibited. Retaliatory behavior or action against any person who reports, files a complaint, or testifies about sexual harassment or who otherwise supports a complainant in alleging sexual harassment is also prohibited.

Students who feel that they are being or have been sexually harassed on school grounds or at a school-sponsored or school-related activity by another student or an adult, or who have experienced off-campus sexual harassment that has a continuing effect on campus, are strongly encouraged to immediately contact their teacher, the principal or program administrator, TCOE's Title IX Coordinator, or any other available school employee.

Any employee who receives a report or observes an incident of sexual harassment shall notify the Title IX Coordinator so that steps may be taken to investigate and address the allegation in accordance with law and related TCOE regulations.

Once notified of a complaint or allegation of sexual harassment, the Title IX Coordinator shall ensure that it is addressed through TCOE's Title IX complaint procedures or uniform complaint procedures (UCP), as applicable. Because a complaint or allegation that is dismissed or denied under the Title IX complaint procedure may still be subject to consideration under state law, the Title IX Coordinator shall ensure that any implementation of the Title IX procedure concurrently meets the requirements of UCP.

The Title IX Coordinator shall offer supportive measures to the complainant and respondent, as deemed appropriate under the circumstances.

Upon completion of an investigation of a sexual harassment complaint, any student found to have engaged in sexual harassment or sexual violence in violation of this policy shall be subject to disciplinary action. For students in grades 4-12, disciplinary action may include suspension and/or expulsion pursuant to Education Code 48900.2, provided that, in imposing such discipline, the entire circumstances of the incident(s) shall be taken into account.

Legal Reference:

EDUCATION CODE

200-262.4 – Prohibition of discrimination

1040 – Duties and responsibilities; county boards of education

1042 – County boards; authority
35160 – Authority of county boards
35160.1 – Authority of county boards; legislative intent
48900 – Grounds for suspension or expulsion
48900.2 – Additional grounds for suspension or expulsion; sexual harassment
48904 – Liability of parent/guardian for willful student misconduct
48915 – Grounds for expulsion
48980 – Parental notifications
48985 – Notices to parents in language other than English

CIVIL CODE

51.9 – Liability for sexual harassment; business, service and professional relationships
1714.1 – Liability of parents/guardians for willful misconduct of minor

GOVERNMENT CODE

12950.1 – Sexual harassment training

CODE OF REGULATIONS, TITLE 5

4600-4670 – Uniform complaint procedures
4900-4965 – Nondiscrimination in elementary and secondary education programs UNITED STATES CODE, TITLE 20

1092 – Definition of sexual harassment

1221 – Application of laws

1232g – Family Educational Rights and Privacy Act

1681-1688 – Discrimination based on sex or blindness, Title IX

UNITED STATES CODE, TITLE 34

12291 – Definition of dating violence, domestic violence, and stalking UNITED STATES CODE, TITLE 42

1983 – Civil action for deprivation of rights

2000d-2000d-7 – Title VI, Civil Rights Act of 1964

2000e-2000e-17 – Title VII, Civil Rights Act of 1964 as

amended CODE OF FEDERAL REGULATIONS, TITLE 34

99.1-99.67 – Family Educational Rights and Privacy

106.1-106.82 – Nondiscrimination on the basis of sex in education programs

Policy adopted: 9/15/93

Tulare County Board of Education
Visalia, California

Revised: 1/11/06, 7/8/15, 5/14/25

TULARE COUNTY OFFICE OF EDUCATION

Administrative Regulation

**Students
AR 5145.71**

2020 Title IX Sexual Harassment Complaint

Procedures 2020 Title IX Sexual Harassment Complaint Procedures

The complaint procedures described in this administrative regulation shall be used to address any complaint governed by Title IX of the Education Amendments of 1972 alleging that a student, while in an education program or activity in which a Tulare County Office of Education (TCOE) school exercises substantial control over the context and respondent, was subjected to one or more of the following forms of sexual harassment: (34 CFR 106.30, 106.44)

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

All other sexual harassment complaints or allegations brought by or on behalf of students shall be investigated and resolved in accordance with BP/AR 1312.3 - Uniform Complaint Procedures. The determination of whether the allegations meet the definition of sexual harassment under Title IX shall be made by the district's Title IX Coordinator.

Because the complainant has a right to pursue a complaint under BP/AR 1312.3 for any allegation that is dismissed or denied under the Title IX complaint procedure, the Title IX Coordinator shall ensure that all requirements and timelines for BP/AR 1312.3 are concurrently met while implementing the Title IX procedure.

Reporting Allegations/Filing a Formal Complaint

A student who is the alleged victim of sexual harassment or the student's parent/guardian may submit a report of sexual harassment to the county office's Title IX Coordinator using the contact information listed in BP 5145.7 - Sexual Harassment or to any other available school employee, who shall forward the report to the Title IX Coordinator within one day of receiving the report.

Upon receiving such a report, the Title IX Coordinator shall inform the complainant of the right to file a formal complaint and the process for filing a formal complaint. (34 CFR 106.44)

A formal complaint, with the complainant's physical or digital signature, may be filed with the Title IX Coordinator in person, by mail, by email, or by any other method authorized by the county office. (34 CFR 106.30)

Even if the alleged victim chooses not to file a formal complaint, the Title IX Coordinator shall file a formal complaint in situations when a safety threat exists. In addition, the Title IX Coordinator may file a formal complaint in other situations as permitted under the Title IX regulations, including as part of the county office's obligation to not be deliberately indifferent to known allegations of sexual harassment. In such cases, the Title IX Coordinator shall provide the alleged victim notices as required by the Title IX regulations at specific points in the complaint process.

The Title IX Coordinator, investigator, decision-maker, or a facilitator of an informal resolution process shall not have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent. Such persons shall receive training in accordance with 34 CFR 106.45. (34 CFR 106.45)

Supportive Measures

Upon receipt of a report of Title IX sexual harassment, the Title IX Coordinator shall promptly contact the complainant to discuss the availability of supportive measures and shall consider the complainant's wishes with respect to the supportive measures implemented. Supportive measures shall be offered as appropriate, as reasonably available, and without charge to the complainant or the respondent before or after the filing of a formal complaint or where no formal complaint has been filed. Such measures shall be nondisciplinary, nonpunitive, and designed to restore or preserve equal access to the county office's education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the county office's educational environment or to deter sexual harassment. Supportive measures may include, but are not limited to, counseling, course-related adjustments, modifications of class schedules, mutual restrictions on contact, increased security, and monitoring of certain areas of the campus. (34 CFR 106.30, 106.44)

The county office shall maintain as confidential any supportive measures provided to the complainant or respondent, to the extent that maintaining such confidentiality would not impair the county office's ability to provide the supportive measures. (34 CFR 106.30)

Emergency Removal from School

A student shall not be disciplined for alleged sexual harassment under Title IX until the investigation has been completed. However, on an emergency basis, the county office may remove a student from the county office's education program or activity, provided that the county office conducts an individualized safety and risk analysis, determines that removal is justified due to an immediate threat to the physical health or safety of any student or other individual arising from the allegations, and provides the student with notice and an opportunity to challenge the decision immediately following the removal. This authority to remove a student does not modify a student's rights under the Individuals with Disabilities Education Act or Section 504 of the Rehabilitation Act of 1973. (34 CFR 106.44)

If a county office employee is the respondent, the employee may be placed on administrative leave during the pendency of the formal complaint process. (34 CFR 106.44)

Dismissal of Complaint

The Title IX Coordinator shall dismiss a formal complaint if the alleged conduct would not constitute sexual harassment as defined in 34 CFR 106.30 even if proved. The Title IX Coordinator shall also dismiss any complaint in which the alleged conduct did not occur in the county office's education program or activity or did not occur against a person in the United States, and may dismiss a formal complaint if the complainant notifies the county office in writing that the complainant would like to withdraw the complaint or any allegations in the complaint, the respondent is no longer enrolled or employed by the county office, or sufficient circumstances prevent the county office from gathering evidence sufficient to reach a determination with regard to the complaint. (34 CFR 106.45)

Upon dismissal, the Title IX Coordinator shall promptly send written notice of the dismissal and the reasons for the dismissal simultaneously to the parties, and shall inform them of their right to appeal the dismissal of a formal complaint or any allegation in the complaint in accordance with the appeal procedures described in the section "Appeals" below. (34 CFR 106.45)

If a complaint is dismissed, the conduct may still be addressed pursuant to BP/AR 1312.3 - Uniform Complaint Procedures as applicable.

Informal Resolution Process

When a formal complaint of sexual harassment is filed, the county office may offer an informal resolution process, such as mediation, at any time prior to reaching a determination regarding responsibility. The county office shall not require a party to participate in the informal resolution process or to waive the right to an investigation and adjudication of a formal complaint. (34 CFR 106.45)

The county office may facilitate an informal resolution process provided that the county office: (34 CFR 106.45)

- (k) Provides the parties with written notice disclosing the allegations, the requirements of the informal resolution process, the right to withdraw from the informal process and resume the formal complaint process, and any consequences resulting from participating in the informal resolution process, including that records will be maintained or could be shared.
- (l) Obtains the parties' voluntary, written consent to the informal resolution process
- (m) Does not offer or facilitate an informal resolution process to resolve allegations that an employee sexually harassed a student

Written Notice

If a formal complaint is filed, the Title IX Coordinator shall provide the known parties with written notice of the following: (34 CFR 106.45)

- (j) The county office's complaint process, including any informal resolution process
- (k) The allegations potentially constituting sexual harassment with sufficient details known at the time, including the identity of parties involved in the incident if known, the conduct allegedly constituting sexual harassment, and the date and location of the alleged incident if known. Such notice shall be provided with sufficient time for the parties to prepare a response before any initial interview.

If, during the course of the investigation, new Title IX allegations arise about the complainant or respondent that are not included in the initial notice, the Title IX Coordinator shall provide notice of the additional allegations to the parties.

- A statement that the respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the complaint process
- The opportunity for the parties to have an advisor of their choice who may be, but is not required to be, an attorney, and the ability to inspect and review evidence
- The prohibition against knowingly making false statements or knowingly submitting false information during the complaint process

The above notice shall also include the name of the investigator, facilitator of an informal process, and decision-maker and shall inform the parties that, if at any time a party has concerns regarding conflict of interest or bias regarding any of these persons, the party should immediately notify the Title IX Coordinator.

Investigation Procedures

During the investigation process, the county office's designated investigator shall: (34 CFR 106.45)

- Provide an equal opportunity for the parties to present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence
- Not restrict the ability of either party to discuss the allegations under investigation or to gather and present relevant evidence
- Provide the parties with the same opportunities to have others present during any grievance proceeding, including the opportunity to be accompanied to any related meeting or proceeding by the advisor of their choice, who may be, but is not required to be, an attorney
- Not limit the choice or presence of an advisor for either the complainant or respondent in any meeting or grievance proceeding, although the county office may establish restrictions regarding the extent to which the advisor may participate in the proceedings as long as the restrictions apply equally to both parties
- Provide, to a party whose participation is invited or expected, written notice of the date, time, location, participants, and purpose of all investigative interviews or other meetings, with sufficient time for the party to prepare to participate
- Send in an electronic format or hard copy to both parties and their advisors, if any, the evidence obtained as part of the investigation that is directly related to the allegations raised in the complaint, and provide the parties at least 10 days to submit a written response for the investigator to consider prior to the completion of the investigative report
- Objectively evaluate all relevant evidence, including both inculpatory and exculpatory evidence, and determine credibility in a manner that is not based on a person's status as a complainant, respondent, or witness

8. Create an investigative report that fairly summarizes relevant evidence and, at least 10 days prior to the determination of responsibility, send to the parties and their advisors, if any, the investigative report in an electronic format or a hard copy, for their review and written response

Questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence are offered to prove that someone other than the respondent committed the conduct alleged by the complainant or if the questions and evidence concern specific incidents of the complainant's prior sexual behavior with respect to the respondent and are offered to prove consent. (34 CFR 106.45)

Privacy rights of all parties to the complaint shall be maintained in accordance with applicable state and federal laws.

If the complaint is against an employee, rights conferred under an applicable collective bargaining agreement shall be applied to the extent they do not conflict with the Title IX requirements.

Written Decision

The County Superintendent shall designate an employee as the decision-maker to determine responsibility for the alleged conduct, who shall not be the Title IX Coordinator, or a person involved in the investigation of the matter. (34 CFR 106.45)

After the investigative report has been sent to the parties but before reaching a determination regarding responsibility, the decision-maker shall afford each party the opportunity to submit written, relevant questions that the party wants asked of any party or witness, provide each party with the answers, and allow for additional, limited follow-up questions from each party.

The decision-maker shall issue, and simultaneously provide to both parties, a written decision as to whether the respondent is responsible for the alleged conduct. (34 CFR 106.45)

The written decision shall be issued within 60 calendar days of the receipt of the complaint.

The timeline may be temporarily extended for good cause with written notice to the complainant and respondent of the extension and the reasons for the action. (34 CFR 106.45)

In making this determination, the decision-maker shall use the "preponderance of the evidence" standard for all formal complaints of sexual harassment. The same standard of evidence shall be used for formal complaints against students as for complaints against employees. (34 CFR 106.45)

The written decision shall include the following: (34 CFR 106.45)

9. Identification of the allegations potentially constituting sexual harassment as defined in 34 CFR 106.30
10. A description of the procedural steps taken from receipt of the formal complaint through the written decision, including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, and hearings held if the county office includes hearings as part of the grievance process

11. Findings of fact supporting the determination

Page 5 of 9

1. Conclusions regarding the application of the county office's code of conduct or policies to the facts
2. A statement of, and rationale for, the result as to each allegation, including a decision regarding responsibility, any disciplinary sanctions the county office imposes on the respondent, and whether remedies designed to restore or preserve equal access to the county office's educational program or activity will be provided by the county office to the complainant
3. The county office's procedures and permissible bases for the complainant and respondent to appeal

Appeals

Either party may appeal the county office's decision or dismissal of a formal complaint or any allegation in the complaint, if the party believes that a procedural irregularity affected the outcome, new evidence is available that could affect the outcome, or a conflict of interest or bias by the Title IX Coordinator, investigator(s), or decision-maker(s) affected the outcome. If an appeal is filed, the county office shall: (34 CFR 106.45)

3. Notify the other party in writing when an appeal is filed and implement appeal procedures equally for both parties
4. Ensure that the decision-maker(s) for the appeal is trained in accordance with 34 CFR 106.45 and is not the same decision-maker(s) who reached the determination regarding responsibility or dismissal, the investigator(s), or the Title IX Coordinator
5. Give both parties a reasonable, equal opportunity to submit a written statement in support of, or challenging, the outcome
6. Issue a written decision describing the result of the appeal and the rationale for the result
7. Provide the written decision simultaneously to both parties

An appeal must be filed in writing within 10 calendar days of receiving the notice of the decision or dismissal, stating the grounds for the appeal and including any relevant documentation in support of the appeal. Appeals submitted after this deadline are not timely and shall not be considered.

A written decision shall be provided to the parties within 20 calendar days from the receipt of the appeal.

The county office's decision may be appealed to the California Department of Education within 30 days of the written decision in accordance with BP/AR 1312.3.

Either party has the right to file a complaint with the U.S. Department of Education's Office for Civil Rights within 180 days of the date of the most recently alleged misconduct.

The complainant shall be advised of any civil law remedies, including, but not limited to, injunctions, restraining orders, or other remedies or orders that may be available under state or federal antidiscrimination laws, if applicable.

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Remedies

When a determination of responsibility for sexual harassment has been made against the respondent, the county office shall provide remedies to the complainant. Such remedies may include the same individualized services described above in the section "Supportive Measures," but need not be nondisciplinary or nonpunitive and need not avoid burdening the respondent. (34 CFR 106.45)

Corrective/Disciplinary Actions

The county office shall not impose any disciplinary sanctions or other actions against a respondent, other than supportive measures as described above in the section "Supportive Measures," until the complaint procedure has been completed and a determination of responsibility has been made. (34 CFR 106.44)

For students in grades 4-12, discipline for sexual harassment may include suspension and/or expulsion. After the completion of the complaint procedure, if it is determined that a student at any grade level has committed sexual assault or sexual battery at school or at a school activity off school grounds, the principal or Superintendent shall immediately suspend the student and shall recommend expulsion. (Education Code 48900.2, 48915)

Other actions that may be taken with a student who is determined to be responsible for sexual harassment include, but are not limited to:

12. Transfer from a class or school as permitted by law
13. Parent/guardian conference
14. Education of the student regarding the impact of the conduct on others
15. Positive behavior support
16. Referral of the student to a student success team
17. Denial of participation in extracurricular or cocurricular activities or other privileges as permitted by law

When an employee is found to have committed sexual harassment or retaliation, the county office shall take appropriate disciplinary action, up to and including dismissal, in accordance with applicable law and collective bargaining agreement.

Record-Keeping

The County Superintendent or designee shall maintain, for a period of seven years: (34 CFR 106.45)

17. A record of all reported cases and Title IX investigations of sexual harassment, any determinations of responsibility, any audio or audiovisual recording and transcript if applicable, any disciplinary sanctions imposed, any remedies provided to the complainant, and any appeal or informal resolution and the results therefrom

18. A record of any actions, including supportive measures, taken in response to a report or formal complaint of sexual harassment, including the district's basis for its conclusion that its response

was not deliberately indifferent, the measures taken that were designed to restore or preserve equal access to the education program or activity, and, if no supportive measures were provided to the complainant, the reasons that such a response was not unreasonable in light of the known circumstances

3. All materials used to train the Title IX Coordinator, investigator(s), decision-maker(s), and any person who facilitates an informal resolution process. The county office shall make such training materials publicly available on its web site, or if the county office does not maintain a web site, available upon request by members of the public.

Legal Reference:

EDUCATION CODE

200-262.4 – Educational equity; prohibition of discrimination on the basis of sex
48900 – Grounds for suspension and/or expulsion

48900.2 – Additional grounds for suspension or expulsion; sexual harassment

48985 – Notices to parents in language other than English

GOVERNMENT CODE

12950.1 – Sexual harassment training

CIVIL CODE

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

51.9 – Liability for sexual harassment; business, service and professional relationships

CODE OF REGULATIONS, TITLE 5

4600-4670 – Uniform complaint procedures

4900-4965 – Nondiscrimination in elementary and secondary education

programs UNITED STATES CODE, TITLE 20

1092 – Definition of sexual assault

1221 – Application of laws

1681-1688 – Title IX of the Education Amendments of 1972; discrimination based on sex
UNITED STATES CODE, TITLE 34

12291 – Definition of dating violence, domestic violence, and stalking
UNITED STATES CODE, TITLE 42

1983 – Civil action for deprivation of rights

2000d-2000d-7 – Title VI, Civil Rights Act of 1964

2000e-2000e-17 – Title VII, Civil Rights Act of 1964, as

amended CODE OF FEDERAL REGULATIONS, TITLE 34

106.1-106.82 – Nondiscrimination on the basis of sex in education programs

99.1-99.67 – Family Educational Rights and Privacy

COURT DECISIONS

Reese v. Jefferson School District, (2001, 9th Cir.) 208 F.3d 736

Oona by Kate S. v. McCaffrey, (1998, 9th Cir.) 143 F.3d 473

Gebser v. Lago Vista Independent School District, (1998) 524 U.S. 274

Flores v. Morgan Hill Unified School District, (2003) 324 F.3d 1130

Donovan v. Poway Unified School District, (2008) 167 Cal.App.4th 567

Doe v. Petaluma City School District, (1995, 9th Cir.) 54 F.3d 1447

Davis v. Monroe County Board of Education, (1999) 526 U.S. 629

Management Resources:

CSBA PUBLICATION

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

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

FEDERAL REGISTER

Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance, May 19, 2020, Vol. 85, No. 97, pages 30026-30579

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

Sexual Harassment: It's Not Academic, September 2008

Revised Sexual Harassment Guidance: Harassment of Students by School Employees, Other Students, or Third Parties, January 2001

Q&A on Campus Sexual Misconduct, September 2017

Examples of Policies and Emerging Practices for Supporting Transgender Students, May 2016

Dear Colleague Letter: Title IX Coordinators, April 2015

WEB SITES

U.S. Department of Education, Office for Civil Rights: <http://www.ed.gov/about/offices/list/ocr>

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

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

Regulation approved: 5/18/1977



Tulare County Superintendent of Schools
Visalia, California

Revised: 10/1/1986

Revised and renumbered from AR 5146 to AR 5145.71: 9/11/2024



TONY H. TAYLOR, Owner - Chief Executive Officer
MARK S. TAYLOR, Owner - Vice President
WAYNE E. TAYLOR, Chief Financial Officer

The following pesticides could be applied at your school or schools during the 2025-2026 school year.

1. Demon Max — Cypermethrin
 2. Demand CS — Lambda-Cyhalothrin
 3. Termidor — Fipronil
 4. Cykick — Cyfluthrin
 5. CT 511 — Pyrethrin
 6. D-Force H.P.X> - Deltamethrin
 7. Maxforce ant killer bait gel — Fipronil
 8. Suspend Polyzone—Deltamethrin
 9. Maxforce magnum roach bait gel — Fipronil
 10. Suspend SC — Deltamethrin
 11. Gentrol Aerosol — Hydroprene
 12. Gentrol — Hydroprene
 13. Advion WDG—Indoxacarb
 14. Wisdom TC---- Bifenthrin
 15. Maxforce Impact roach gel bait — clothianidin
 16. Niban granular bait — orthoboric acid
 17. Nyguard plus — pyriproxyfen
 18. Cynoff EC- cypermethrin
 19. Wasp-Freeze- d-trans allethrin, Phenothrin
 20. Maxforce Complete granular insect bait — Hydramethylnon
 21. Phantom — Chlorfenapyr
 22. Alpine – Dinotefuran
- Non pesticides

1. Glueboards for mice / rats
2. Lo-line — insect monitor stations

Firearms Safety Memorandum

To: Parents and Guardians of Students in the **AcCEL Program**

From: Tim A. Hire

Subject: California Law Regarding Safe Storage of Firearms

The purpose of this memorandum is to inform and to remind parents and legal guardians of all students in the **AcCEL Program** of their responsibilities for keeping firearms out of the hands of children as required by California law. There have been many news reports of children bringing firearms to school. In many instances, the child obtained the firearm(s) from his or her home. **These incidents can be easily prevented by storing firearms in a safe and secure manner, including keeping them locked up when not in use and storing them separately from ammunition.**

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

- With very limited exceptions, California makes a person criminally liable for keeping any firearm, loaded or unloaded, within any premises that are under their custody and control where that person knows or reasonably should know that a child is likely to gain access to the firearm without the permission of the child's parent or legal guardian, and the child obtains access to the firearm and thereby (1) causes death or injury to the child or any other person; (2) carries the firearm off the premises or to a public place, including to any preschool or school grades kindergarten through twelfth grade, or to any school-sponsored event, activity, or performance; **or** (3) unlawfully brandishes the firearm to others.¹
 - **Note:** The criminal penalty may be significantly greater if someone dies or suffers great bodily injury as a result of the child gaining access to the firearm.
- With very limited exceptions, California also makes it a crime for a person to negligently store or leave any firearm, loaded or unloaded, on their premises in a location where the person knows or reasonably should know that a child is likely to gain access to it without the permission of the child's parent or legal guardian, unless reasonable action is taken to secure the firearm against access by the child, even where a minor **never** actually accesses the firearm.²
- In addition to potential fines and terms of imprisonment, as of January 1, 2020, a gun owner found criminally liable under these California laws faces prohibitions from possessing, controlling, owning, receiving, or purchasing a firearm for 10 years.³

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

² See California Penal Code section 25100(c).

- Finally, a parent or guardian may also be civilly liable for damages resulting from the discharge of a firearm by that person's child or ward.⁴

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

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

Sincerely,

Tim A. Hire

Date published: 07/07/23
California Department of Education

³ See California Civil Code Section 29805.

⁴ See California Civil Code Section 1714.3.

Firearms Safety Memorandum

To: Parents and Guardians of Students in **Court and Community Schools**

From: Tim A. Hire

Subject: California Law Regarding Safe Storage of Firearms

The purpose of this memorandum is to inform and to remind parents and legal guardians of all students in Court and Community Schools of their responsibilities for keeping firearms out of the hands of children as required by California law. There have been many news reports of children bringing firearms to school. In many instances, the child obtained the firearm(s) from his or her home. **These incidents can be easily prevented by storing firearms in a safe and secure manner, including keeping them locked up when not in use and storing them separately from ammunition.**

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

- With very limited exceptions, California makes a person criminally liable for keeping any firearm, loaded or unloaded, within any premises that are under their custody and control where that person knows or reasonably should know that a child is likely to gain access to the firearm without the permission of the child's parent or legal guardian, and the child obtains access to the firearm and thereby (1) causes death or injury to the child or any other person; (2) carries the firearm off the premises or to a public place, including to any preschool or school grades kindergarten through twelfth grade, or to any school-sponsored event, activity, or performance; **or** (3) unlawfully brandishes the firearm to others.⁵
 - **Note:** The criminal penalty may be significantly greater if someone dies or suffers great bodily injury as a result of the child gaining access to the firearm.
- With very limited exceptions, California also makes it a crime for a person to negligently store or leave any firearm, loaded or unloaded, on their premises in a location where the person knows or reasonably should know that a child is likely to gain access to it without the permission of the child's parent or legal guardian, unless reasonable action is taken to secure the firearm against access by the child, even where a minor **never** actually accesses the firearm.⁶
- In addition to potential fines and terms of imprisonment, as of January 1, 2020, a gun owner found criminally liable under these California laws faces prohibitions from possessing, controlling, owning, receiving, or purchasing a firearm for 10 years.⁷

⁵ See California Penal Code sections 25100 through 25125 and 25200 through 25220.

⁶ See California Penal Code section 25100(c).

⁷ See California Civil Code Section 29805.

- Finally, a parent or guardian may also be civilly liable for damages resulting from the discharge of a firearm by that person's child or ward.⁸

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

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

Sincerely,

Tim A. Hire

Date published: 07/07/23
California Department of Education

Firearms Safety Memorandum

To: Parents and Guardians of Students in **Alternate Achievement Program**

From: Tim A. Hire

Subject: California Law Regarding Safe Storage of Firearms

The purpose of this memorandum is to inform and to remind parents and legal guardians of all students in Court and Community Schools of their responsibilities for keeping firearms out of the hands of children as required by California law. There have been many news reports of children bringing firearms to school. In many instances, the child obtained the firearm(s) from his or her home. **These incidents can be easily prevented by storing firearms in a safe and secure manner, including keeping them locked up when not in use and storing them separately from ammunition.**

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- With very limited exceptions, California makes a person criminally liable for keeping any firearm, loaded or unloaded, within any premises that are under their custody and control where that person knows or reasonably should know that a child is likely to gain access to the firearm without the permission of the child's parent or legal guardian, and the child obtains access to the firearm and thereby (1) causes death or injury to the child or any other person; (2) carries the firearm off the premises or to a public place, including to any preschool or school grades kindergarten through twelfth grade, or to any school-sponsored event, activity, or performance; **or** (3) unlawfully brandishes the firearm to others.⁹
 - **Note:** The criminal penalty may be significantly greater if someone dies or suffers great bodily injury as a result of the child gaining access to the firearm.
- With very limited exceptions, California also makes it a crime for a person to negligently store or leave any firearm, loaded or unloaded, on their premises in a location where the person knows or reasonably should know that a child is likely to gain access to it without the permission of the child's parent or legal guardian, unless reasonable action is taken to secure the firearm against access by the child, even where a minor **never** actually accesses the firearm.¹⁰
- In addition to potential fines and terms of imprisonment, as of January 1, 2020, a gun owner found criminally liable under these California laws faces prohibitions from possessing, controlling, owning, receiving, or purchasing a firearm for 10 years.¹¹

⁵ See California Penal Code sections 25100 through 25125 and 25200 through 25220.

⁶ See California Penal Code section 25100(c).

⁷ See California Civil Code Section 29805.

- Finally, a parent or guardian may also be civilly liable for damages resulting from the discharge of a firearm by that person's child or ward.¹²

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

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

Sincerely,

Tim A. Hire

Date published: 07/07/23
California Department of Education

⁷ See California Civil Code Section 29805.

⁸ See California Civil Code Section 1714.3.

TULARE COUNTY OFFICE OF EDUCATION

Administrative Regulation

Students
AR 5125

Student Records; Confidentiality

Student Records; Confidentiality

Definitions

Student means any individual who is or has been in attendance at the Tulare County Office of Education (TCOE) schools and regarding whom TCOE maintains student records. (34 CFR 99.3)

Attendance includes, but is not limited to, attendance in person or by paper correspondence, videoconference, satellite, Internet, or other electronic information and telecommunication technologies for students who are not physically present in the classroom, and the period during which a person is working under a work-study program. (34 CFR 99.3)

Parent/guardian means a natural parent, an adoptive parent, legal guardian, surrogate parent, or foster parent. (Education Code 49061, 56050, 56055)

Student records are any items of information (in handwriting, print, tape, film, computer, or other medium) gathered within or outside TCOE that are directly related to an identifiable student and maintained by TCOE, required to be maintained by an employee in the performance of the employee's duties, or maintained by a party acting for TCOE. Any information maintained for the purpose of second-party review is considered a student record. Student records include the student's health record. (Education Code 49061, 49062; 5 CCR 430; 34 CFR 99.3)

Student records do not include: (Education Code 49061, 49062; 34 CFR 99.3)

- Directory information
- 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 employee
- Records of the law enforcement unit of TCOE, subject to 34 CFR 99.8
- Records created or received by TCOE after an individual is no longer a student and that are not directly related to the individual's attendance as a student
- Grades on peer-graded papers before they are collected and recorded by a teacher

Adult student is a person who is or was enrolled in school and who is at least 18 years of age. (5 CCR 430)

Legitimate educational interest is an interest held by any school official, employee, contractor, or consultant whose official duties, responsibilities, or contractual obligations to TCOE, whether routine or as a result of special circumstances, require access to information contained in student records.

School officials and employees are officials or employees, including teachers, whose duties and responsibilities at TCOE, whether routine or as a result of special circumstances, require access to student records. (34 CFR 99.31)

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. (5 CCR 430)

Mandatory interim student records are those records which the schools are directed to compile and maintain for specified periods of time and are then destroyed in accordance with state law, regulation, or administrative directive. (5 CCR 430)

Permitted student records are those records having clear importance only to the current educational process of the student. (5 CCR 430)

Disclosure means to permit access to, or the release, transfer, or other communication of, personally identifiable information contained in student records to any party, except the party that provided or created the record, by any means including oral, written, or electronic. (34 CFR 99.3)

Access means a personal inspection and review of a record, an accurate copy of a record, or receipt of an accurate copy of a record, an oral description or communication of a record, and a request to release a copy of any record. (Education Code 49061)

Personally identifiable information includes, but is not limited to: (34 CFR 99.3)

- (n) The student's name
- (o) The name of the student's parent/guardian or other family members
- (p) The address of the student or student's family
- (q) A personal identifier, such as the student's social security number, student number, or biometric record (e.g., fingerprints, retina and iris patterns, voiceprints, DNA sequence, facial characteristics, and handwriting)
- (r) Other indirect identifiers, such as the student's date of birth, place of birth, and mother's maiden name
- (s) Other information that, alone or in combination, is linked or linkable to a specific student that would allow a reasonable person in the school community, who does not have personal knowledge of the relevant circumstances, to identify the student with reasonable certainty
- (t) Information requested by a person who the county office reasonably believes knows the identity of the student to whom the student record relates

Contractor or consultant is anyone with a formal written agreement or contract with TCOE regarding the provision of services or functions outsourced by TCOE. Contractor or consultant shall not include a volunteer or other party. (Education Code 49076)

Custodian of records is the employee responsible for the security of student records maintained by TCOE and for devising procedures for assuring that access to such records is limited to authorized persons. (5 CCR 433)

County placing agency means the county social service department or county probation department. (Education Code 49061)

All anecdotal information and assessment reports maintained as student records shall be dated and signed by the individual who originated the data. (5 CCR 431)

The following mandatory permanent student records shall be kept indefinitely: (5 CCR 432, 437)

- (l) Legal name of student
- (m) Date and place of birth and method of verifying birth date
- (n) Sex of student
- (o) Name and address of parent/guardian of minor student
 - Address of minor student if different from the above
 - Annual verification of parent/guardian's name and address and student's residence
- (p) Entrance and departure dates of each school year and for any summer session or other extra session
- (q) Subjects taken during each year, half-year, summer session, or quarter, and marks or credits given towards graduation
- (r) Verification of or exemption from required immunizations
- (s) Date of high school graduation or equivalent

Unless forwarded to another district, Mandatory Interim Student Records may be destroyed three (3) years after determining that their usefulness has ceased or that the student has left the TCOE schools/classes. These records include: (Education Code 48918, 51747; 5 CCR 432, 437, 16027)

- Expulsion orders and the causes therefor
- A log identifying persons or organizations who request or receive information from the student record
- Health information, including verification or waiver of the health screening for school entry
- Information on participation in special education programs, including required tests, case studies, authorizations, and actions necessary to establish eligibility for admission or discharge
- Language training records
- Progress slips/notices required by Education Code 49066 and 49067
- Parental restrictions/stipulations regarding access to directory information
- Parent/guardian or adult student rejoinders to challenged records and to disciplinary action
- Parent/guardian authorization or prohibition of student participation in specific programs
- Results of standardized tests administered within the past three years
- Written findings resulting from an evaluation conducted after a specified number of missed assignments to determine whether it is in a student's best interest to remain in independent study

Permitted Student Records may be destroyed six (6) months after the student completes or withdraws from the educational program and their usefulness ceases, including: (5 CCR 432, 437)

- Objective counselor and/or teacher ratings
- Standardized test results older than three years
- Routine disciplinary data
- Verified reports of relevant behavioral patterns

12. All disciplinary notices
13. Supplementary attendance records

Records shall be destroyed in a way that guarantees they will not be viewed by the public. (5 CCR 437)

Process for Providing Access to Records

Student records shall be maintained in a central file at the school attended by the student or, when records are maintained at different locations, a notation shall be placed in the central file indicating where other records may be found. Parents/guardians and adult students shall be notified of the location of student records if not centrally located. (Education Code 49069.7; 5 CCR 433)

The custodian of records shall be responsible for the security of student records and shall assure that access is limited to authorized persons. (5 CCR 433)

The custodian of records shall develop reasonable methods, including physical, technological, and administrative policy controls, to ensure that school officials and employees obtain access to only those student records in which they have legitimate educational interests. (34 CFR 99.31)

To inspect, review, or obtain copies of student records, authorized persons shall submit a request to the custodian of records. Prior to granting the request, the custodian of records shall authenticate the individual's identity. For any individual granted access based on a legitimate educational interest, the request shall specify the interest involved. This includes any TCOE or district personnel and third-party contractors. Legitimate educational interests shall be authenticated by the staff member's supervisor (or County Superintendent's designee). The individual requesting access to student records in student information systems (including but not limited to CALPADS) will protect this access consistent with the law including protecting login credentials, not sharing login credentials, locking his/her device when not in use and reporting data breaches to supervisors.

When required by law, a student's parent/guardian or an adult student shall provide written, signed, and dated consent before TCOE discloses the student record. Such consent may be given through electronic means in those cases where it can be authenticated. TCOE's consent form shall specify the records that may be disclosed, state the purpose of the disclosure, and identify the party or class of parties to whom the disclosure may be made. Upon request by the parent/guardian or adult student, TCOE shall provide a copy of the records disclosed. (34 CFR 99.30)

If the parent/guardian or adult student refuses to provide written consent for the release of student information, the County Superintendent or designee shall not release the information, unless it is otherwise subject to release based on a court order or a lawful subpoena.

Within five business days following the date of request, the authorized person shall be granted access to inspect, review, and obtain copies of student records during regular school hours. (Education Code 49069.7)

Qualified Certificated personnel will be available to interpret records when requested. (Education Code 49069.7)

The custodian of records or the County Superintendent or designee shall prevent the alteration, damage, or loss of records during inspection. (5 CCR 435)

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 record and the legitimate educational interest of the requester. (Education Code 49064)

In every instance of inspection by persons who do not have assigned educational responsibility, the custodian of records 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. (5 CCR 435)

The custodian of records shall also make an entry in the log regarding any request for record(s) that was denied and the reason for the denial.

The log shall include requests for access to records by:

4. Parents/guardians or adult students.
5. Students sixteen (16) years of age or older who have completed the tenth grade.
6. Parties obtaining TCOE-approved directory information.
7. Parties who provide written parental consent. In this case, the consent notice shall be filed with the record pursuant to Education Code 49075.
8. TCOE officials or employees who have legitimate educational interest.
9. Law enforcement personnel seeking to enforce immigration laws

The log shall be open to inspection only by the parent/guardian, adult student, dependent adult student, the custodian of records, and certain state/federal officials. (Education Code 49064; 5 CCR 432)

Persons Granted Absolute Access

In accordance with law, absolute access to any student records shall be granted to:

1. Parents/guardians of students younger than age 18, including the parent who is not the student's custodial parent (Education Code 49069.7; Family Code 3025)
2. An Adult student, or a student under the age of 18 years who attends a postsecondary institution, in which case the student alone shall exercise rights related to the student's records and grant consent for the release of records (34 CFR 99.3, 99.5)
3. Parents/guardians of an adult student with disabilities who is age 18 years or older and has been declared incompetent under state law (Education Code 56041.5)

Access for Limited Purpose/Legitimate Educational Interest

The following persons or agencies shall have access to those particular records which are relevant to the legitimate educational interests of the requester or other legally authorized purpose:

1. Parents/guardians of a student age 18 or older who is a dependent child as defined in 26 USC 152. (Education Code 49076; 34 CFR 99.31)
2. Students 16 or older or who have completed the tenth grade. (Education Code 49076)

8. School officials and employees, consistent with the definition provided in the section "Definitions" above (Education Code 49076; 34 CFR 99.31)
9. School attendance and review board (SARB) members appointed pursuant to Education Code 48321 who are authorized representatives of TCOE and any volunteer aide age 18 or older who has been investigated, selected, and trained by the SARB to provide follow-up services to a referred student . (Education Code 49076)
10. Officials or employees of other public schools, school systems, or postsecondary institutions 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, or where the student is already enrolled, as long as the disclosure is for purposes related to the student's enrollment or transfer (Education Code 49076; 34 CFR 99.31)
11. Federal, State and local officials, as needed for an audit or evaluation of, or compliance with, a state or federally funded education program and in accordance with a written agreement developed pursuant to 34 CFR 99.35 (Education Code 49076; 34 CFR 99.3, 99.31, 99.35)
12. Any district attorney who is participating in a truancy mediation program or in the presentation of evidence in a truancy petition. (Education Code 49076)
13. A district attorney's office for consideration against a parent/guardian for failure to comply with the Compulsory Education Law. (Education Code 49076)
14. Any probation officer, district attorney, or counsel of record for a student who is a minor for the purposes of conducting a criminal investigation or an investigation in regard to declaring the minor a ward of the court or involving a violation of a condition of probation, subject to evidentiary rules specified in Welfare and Institutions Code 701. (Education Code 49076)

When disclosing records for these purposes, the County Superintendent or designee shall obtain written certification from the recipient of the records that the information will not be disclosed to another party without prior written consent of the student's parent/guardian or the holder of the student's educational rights, unless specifically authorized by state or federal law. (Education Code 49076)

15. Unless the annual parent/guardian notification issued pursuant to Education Code 48980 includes a statement that TCOE may disclose students' personally identifiable information to officials of another school, school system, or postsecondary institution where the student seeks or intends to enroll, the County Superintendent or designee shall, when such a disclosure is made, make a reasonable attempt to notify the parent/guardian or adult student at the last known address, provide a copy of the record that is disclosed, and give the parent/guardian or adult student an opportunity for a hearing to challenge the record. (34 CFR 99.34)
16. The Student Aid Commission, to provide the grade point average (GPA) of all TCOE students in grade 12 and, when required, verification of high school graduation or its equivalent of all students who graduated in the prior academic year, for use in the Cal Grant postsecondary financial aid *program. However, such information shall not be submitted when students opt out or are permitted* by the rules of the Student Aid Commission to provide test scores in lieu of the GPA. (Education Code 69432.9, 69432.92)

No later than January 1 each year, the County Superintendent or designee shall notify each student in grade 11, and the student's parents/guardians if the student is under age 18 years, that the student's GPA will be forwarded to the Student Aid Commission by October 1 unless the student opts out within a period of time specified in the notice, which shall not be less than 30 days. (Education Code 69432.9)

Students' social security numbers shall not be included in the submitted information unless the Student Aid Commission deems it necessary to complete the financial aid application and the Superintendent or designee obtains permission from the student's parent/guardian, or from the adult student, to submit the social security number. (Education Code 69432.9)

18. Any county placing agency acting as an authorized representative of a state or local educational agency which is required to audit or evaluate a state or federally supported education program pursuant to item #11 above (Education Code 49076)
19. Any person, agency, or organization authorized in compliance with a court order or lawfully issued subpoena (Education Code 49077; 5 CCR 435; 34 CFR 99.31)

Unless otherwise instructed by the court, the County Superintendent or designee shall, prior to disclosing a record pursuant to a court order or subpoena, 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 within the requirements of the judicial order. (Education Code 49077; 5 CCR 435; 34 CFR 99.31)

20. Any judge or probation officer for the purpose of conducting a truancy mediation program for a student or for the purpose of presenting evidence in a truancy petition pursuant to Welfare and Institutions Code 681 (Education Code 49076)

In such cases, the judge or probation officer shall certify in writing to the County Superintendent or designee that the information will be used only for truancy purposes. Upon releasing student information to a judge or probation officer, the County Superintendent or designee shall inform, or provide written notification to, the student's parent/guardian within 24 hours. (Education Code 49076)

21. A foster family agency with jurisdiction over a currently enrolled or former student; short-term residential treatment program staff responsible for the education or case management of a student; or a caregiver who has direct responsibility for the care of a student, including a certified or licensed foster parent, an approved relative or nonrelated extended family member, or a resource family, as defined (Education Code 49076)

Such individuals shall have access to the student's current or most recent records of grades, transcripts, attendance, discipline, online communication on platforms established by schools for students and parents/guardians, and any individualized education program or Section 504 plan developed and maintained by TCOE (Education Code 49069.3)

22. A student age 14 years or older who is both a homeless student and an unaccompanied minor as defined in 42 USC 11434a (Education Code 49076)

19. An individual who completes items #1-4 of the caregiver's authorization affidavit pursuant to Family Code 6552 and signs the affidavit for the purpose of enrolling a minor in school (Education Code 49076)
20. A caseworker or other representative of a state or local child welfare agency or tribal organization that has legal responsibility in accordance with state or tribal law for the care and protection of a student, provided that the individual is authorized by the agency or organization to receive the records and the information requested is directly related to assistance to address the student's educational needs (Education Code 49076; 20 USC 1232(g))
21. Appropriate law enforcement authorities, in circumstances where Education Code 48902 requires that TCOE provide special education and disciplinary records of a student with disabilities who is suspended or expelled for committing an act violating Penal Code 245 (Education Code 48902, 49076)

When disclosing such records, the County Superintendent or designee shall obtain written certification by the recipient of the records as described in item #9 above. (Education Code 49076)

22. Designated peace officers or law enforcement agencies in cases where TCOE is authorized by law to assist law enforcement in investigations of suspected criminal conduct or kidnapping and a written parental consent, lawfully issued subpoena, or court order is submitted to TCOE, or information is provided to it indicating that an emergency exists in which the student's information is necessary to protect the health or safety of the student or other individuals (Education Code 49076.5)

In such cases, the County Superintendent or designee shall provide information about the identity and location of the student as it relates to the transfer of that student's records to another public school district in California or any other state or to a California private school. (Education Code 49076.5)

When disclosing records for the above purposes, the County Superintendent or designee shall obtain the necessary documentation to verify that the person, agency, or organization is a person, agency, or organization that is permitted to receive such records.

Any person, agency, or organization granted access is prohibited from releasing information to another person, agency, or organization without written permission from the parent/guardian or adult student unless specifically allowed by state law or the federal Family Educational Rights and Privacy Act. (Education Code 49076)

In addition, the parent/guardian or adult student may provide written consent for access to be granted to persons, agencies, or organizations not afforded access rights by law. The written consent shall specify the records to be released and the party or parties to whom they may be released. (Education Code 49061, 49075)

Only a parent/guardian having legal custody of the student may consent to the release of records to others. Either parent/guardian may grant consent if both parents/guardians notify TCOE, in writing, that such an agreement has been made. (Education Code 49061)

Discretionary Access

At the discretion of the County Superintendent or designee, information may be released from a student's records to the following:

1. Appropriate persons, including parents/guardians of a student, in an emergency if the health and safety of the student or other persons are at stake. (Education Code 49076; 34 CFR 99.31, 99.32, 99.36)

When releasing information to any such appropriate person, the County Superintendent or designee shall record information about the threat to the health or safety of the student or any other person that formed the basis for the disclosure and the person(s) to whom the disclosure was made. (Education Code 49076; 34 CFR 99.32)

Unless it would further endanger the health or safety of the student or other persons, the County Superintendent or designee shall inform the parent/guardian or adult student within one week of the disclosure that the disclosure was made, of the articulable and significant threat to the health or safety of the student or other individuals that formed the basis for the disclosure, and of the parties to whom the disclosure was made.

2. Agencies or organizations in connection with student's application for or receipt of financial aid, provided that information permitting the personal identification of a student or the student's parents/guardians for these purposes is disclosed only as may be necessary to determine the eligibility of the student for financial aid, determine the amount of financial aid, determine the conditions which will be imposed regarding the financial aid, or enforce the terms or conditions of the financial aid.(Education Code 49076; 34 CFR 99.31)
3. Accrediting associations in order to carry out their accrediting functions. (Education Code 49076; 34 CFR 99.31)
4. Under the conditions specified in Education Code 49076 and 34 CFR 99.31, organizations conducting studies on behalf of educational institutions or agencies for the purpose of developing, validating, or administering predictive tests, administering student aid programs, or improving instruction, provided that: (Education Code 49076; 34 CFR 99.31)
 - a. The study is conducted in a manner that does not permit personal identification of students or parents/guardians by individuals other than representatives of the organization who have legitimate interests in the information.
 - b. The information is destroyed when no longer needed for the purposes for which the study is conducted.
 - c. TCOE enters into a written agreement with the organization that complies with 34 CFR 99.31.
5. Officials and employees of private schools or school systems where the student is enrolled or intends to enroll, subject to parent's/guardian's rights in Education Code 49068 and in compliance with 34 CFR 99.34 (Education Code 49076; 34 CFR 99.31, 99.34)

6. Local health departments operating countywide or regional immunization information and reminder systems and the California Department of Public Health, unless the parent/guardian has requested that no disclosures of this type be made (Health and Safety Code 120440)
7. Contractors and consultants having a legitimate educational interest based on services or functions which have been outsourced to them through a formal written agreement or contract with TCOE, excluding volunteers or other parties (Education Code 49076)
8. County elections officials for the purpose of identifying students eligible to register to vote or offering such students an opportunity to register, subject to the limits set by 34 CFR 99.37 and under the condition that any information provided on this basis shall not be used for any other purpose or transferred to any other person or agency (Education Code 49076; 34 CFR 99.37)

When disclosing records for the above purposes, the County Superintendent or designee shall obtain the necessary documentation to verify that the person, agency, or organization is a person, agency, or organization that is permitted to receive such records.

Any person, agency, or organization granted access is prohibited from releasing information to another person, agency, or organization without written permission from the parent/guardian or adult student unless specifically allowed by state law or the federal Family Educational Rights and Privacy Act. (Education Code 49076)

Notification of Parents/Guardians

Upon any student's initial enrollment and at the beginning of each school year thereafter, the County Superintendent or designee shall notify parents/guardians and eligible students, in writing, of their rights related to student records. Insofar as practicable, these notices shall be written in the student's home language. TCOE shall effectively notify parents/guardians or eligible students with disabilities. (Education Code 48985, 49063; 34 CFR 99.7)

The notice shall include: (Education Code 49063; 34 CFR 99.7, 99.34)

1. The types of student records kept by TCOE and the information contained therein.
2. The right to inspect and review student records and the procedures for doing so.
3. The title(s) of the official(s) responsible for maintaining each type of record.
4. The location of the log identifying those who request information from the records.
5. TCOE criteria for defining "school officials and employees" and for determining "legitimate educational interest."
6. TCOE policies for reviewing and expunging student records.
7. The right to challenge and the procedures for challenging the content of student records that the parent/guardian or student believes to be inaccurate, misleading, or otherwise in violation of the student's privacy rights.

8. The cost, if any, charged for duplicating copies of records.

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9. The categories of information defined as directory information pursuant to Education Code 49073.

10. Any other rights and requirements set forth in Education Code 49060- 49085, and the right of parents/guardians to file a complaint with the United States Department of Education concerning an alleged failure by TCOE to comply with 20 USC 1232g

11. 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

12. Availability of the curriculum prospectus developed pursuant to Education Code 49091.14 containing the titles, descriptions, and instructional aims of every course offered by the school

13. A statement that TCOE forwards education records to other agencies or institutions that request the records and in which the student seeks or intends to enroll or is already enrolled as long as the disclosure is for purposes related to the student's enrollment

In addition, the annual parental notification shall include a statement that a student's citizenship status, immigration status, place of birth, or any other information indicating national origin will not be released without parental consent or a court order.

Duplication of Student Records

To provide copies of any student record, TCOE may charge a reasonable fee, not to exceed the actual cost of providing the copies. The custodian of records shall set the fee and update the amount yearly if actual costs change.

No charge shall be made for furnishing 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. (Education Code 49065)

Transfer of Student Records

When a student transfers to a TCOE school/program from any other school district or a private school, the County Superintendent or designee shall inform the student's parent/guardian of rights regarding student records, including a parent/guardian's right to review, challenge, and receive a copy of student records. (Education Code 49068; 5 CCR 438)

When a student transfers to a TCOE school/program from another district, the County Superintendent or designee 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 the student's suspension or expulsion. (Education Code 48201)

When a student transfers from a TCOE school/program to another school district or to a private school, the County Superintendent or designee shall forward a copy of the student's mandatory permanent records within 10 school days of TCOE's receipt of the request for the student's records. The original or a copy shall be retained permanently by TCOE.

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Mandatory interim records shall also be sent upon request to-California public school districts. Mandatory interim records may also be sent to out-of-state or private schools requesting them.

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Permitted student records may be sent to any public school district or private school. (Education Code 48918, 49068; 5 CCR 438)

Upon receiving a request from a county placing agency to transfer a student in foster care out of a TCOE school, the County Superintendent or designee shall transfer the student's records to the next educational placement within two business days. (Education Code 49069.5)

All student records shall be updated before they are transferred. (5 CCR 438)

Student records shall not be withheld from the requesting district because of any charges or fees owed by the student or parent/guardian. (5 CCR 438) If TCOE has been withholding grades, diploma, or a transcript from the student because of damage or loss of school property, this information shall be forwarded to the new school along with the student's record. TCOE shall also notify the parent/guardian in writing that the decision to withhold grades and transcript will be enforced by the new school. (Education Code 48904.3)

TCOE shall withhold grades, diploma and transcripts from any student transferring into the classes/programs operated by TCOE whose misconduct caused a previous district to withhold them. When informed by the previous district that lawful compensation has been made, TCOE shall release these documents. (Education Code 48904.3)

Challenging Content of Student Records

Only a parent/guardian having legal custody of a student or a student who is 18 years of age or is attending an institution of postsecondary education may challenge the content of a record or offer a written response to a record. (Education Code 49061)

No addition or change shall be made to a student's record after high school graduation or permanent departure, other than routine updating, unless required by law or with prior consent of the parent/guardian or adult student. (Education Code 49070; 5 CCR 437)

The parent/guardian may file with the County Superintendent a written request to correct or remove from his/her child's records any information concerning the child which is alleged to be:

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 pupil. (Education Code 49070)

Within thirty (30) days of receipt of request, the County Superintendent or designee shall meet with the parent/guardian and with the certificated employee (if still employed) who recorded the information in

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question. The County Superintendent shall then sustain or deny the allegations. If the allegations are sustained, the County Superintendent shall order the correction or removal and destruction of the information. (Education Code 49070)

If the County Superintendent denies any or all of the allegations, the parent/guardian may, within thirty (30) days of the refusal, appeal the decision in writing to the County Board. Within thirty (30) days of receipt of written appeal, the County Board shall, in closed session meet with the parent/guardian and the certificated employee (if still employed) who recorded the information in question. The County Board shall then decide whether or not to sustain or deny the allegations. If the County Board sustains any or all of the allegations, it shall order the County Superintendent to immediately correct or remove and destroy the information from the student's records and inform the parent or guardian in writing. The decision of the County Board shall be final. (Education Code 49070)

The County Board and the County Superintendent shall not order a student's grade to be changed unless the teacher who gave that grade is, to the extent practicable, given the opportunity to state orally, in writing, or both, the reasons for which the grade was given and is, to the extent practicable, included in all discussions relating to the changing of the grade. (Education Code 49066)

Records of these administrative proceedings shall be maintained in a confidential manner and shall be destroyed one year after the decision of the County Board, unless the parent/guardian initiates legal proceedings relative to the disputed information within the prescribed period.

If the County Superintendent or County Board sustains the parent/guardian's request to change the name, gender, or both, of a student or former student, TCOE shall add a new document to the student's or former student's record that includes all of the following information:

- a. The date of the request.
- b. The date the requested records were corrected.
- c. A list of the records that the parent/guardian of the student or former student requested to be corrected.
- d. The type of documentation, if any, provided by the parent/guardian of the student or former student to demonstrate a legal change to the student's or former student's name, gender, or both. The parent/guardian of the student or former student is not required to provide documentation of a legal change to the student's or former student's name, gender, or both.
- e. The name of the employee that completed the request.
- f. The corrected and former names, genders, or both, of the student or former student.

The document generated regarding a parent/guardian's request to change a student's or former student's name, gender, or both, shall be indefinitely maintained in a confidential manner. (Education Code 49070)

If the final decision of the County Board is unfavorable to the parent/guardian, or if the parent/guardian accepts an unfavorable decision by the County Superintendent, the parent/guardian shall have the right to submit a written statement of objections. This statement shall become a part of the student's record until such time as the information objected to is corrected or removed. (Education Code 49070)

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The County Superintendent has the option of appointing a hearing panel to assist in the decision-making. The hearing panel may be used at the discretion of the County Superintendent, provided that the parent/guardian consents to releasing record information to panel members. (Education Code 49071)

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Release of Directory Information

Directory information means information contained in a student record that would not generally be considered harmful or an invasion of privacy if disclosed. Such student information includes: student's name, address, telephone number, email address, date of birth, major field of study, participation record in officially recognized activities and sports, weight and height of athletic team members, dates of attendance, degrees and awards received, and most recent previous school attended. (Education Code 49061; 20 USC 1232g; 34 CFR 99.3)

Directory information does not include a student's social security number or student identification number. However, for purposes of accessing or communicating in electronic systems, directory information may include a student identification number, user identification, or other personal identifier used by the student provided that the identifier cannot be used to gain access to education records except when used in conjunction with a personal identification number, password, or other factor known or possessed only by the authorized user. (34 CFR 99.3)

Directory information also does not include a student's citizenship status, immigration status, place of birth, or any other information indicating national origin.

At the beginning of each school year, all parents/guardians shall be notified as to the categories of directory information may be released regarding any student or former student. The notification shall also inform parents/guardians of their right to refuse to let the district designate any or all types of information as directory information, how to refuse release, 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. (Education Code 49063, 49073; 20 USC 1232g; 34 CFR 99.37)

In addition, the annual parental notification shall include a statement that directory information does not include citizenship status, immigration status, place of birth, or any other information indicating national origin and that TCOE will not release such information without parental consent or a court order.

The County Superintendent or designee shall notify parents/guardians that they may request that TCOE not release the name, address, and telephone number of their child to military recruiters, employers, or institutions of higher education without prior written consent. (20 USC 7908)

No directory information of a student identified as a homeless child or youth as defined in 42 USC 11434a shall be released, unless the parent/guardian, or the student if he/she is 18 years or older, has provided written consent that directory information may be released. For any other student, directory information shall not be released if his/her parent/guardian notifies TCOE in writing that such information not be disclosed without the parent/guardian's prior consent. (Education Code 49073; 20 USC 1232g, 7908)

For a former student, TCOE shall continue to honor any valid request to opt out of the disclosure of directory information made while the student was in attendance at TCOE, unless the opt-out request has been rescinded. (34 CFR 99.37)

De-identification of Records

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When authorized by law for any program audit, educational research, or other purpose, the County Superintendent or designee may release information from a student record without prior consent of the parent/guardian or adult student after the removal of all personally identifiable information. Prior to releasing such information, the County Superintendent or designee shall make a reasonable determination

that the student's identity is not personally identifiable, whether through single or multiple releases and taking into account other reasonably available information. (Education Code 49074, 49076; 20 USC 1232g; 34 CFR 99.31)

Student Records from Social Media

For the purpose of gathering and maintaining records of students' social media activity, the Superintendent or designee shall: (Education Code 49073.6)

1. Gather or maintain only information that pertains directly to school safety or student safety
2. Provide a student with access to any information that TCOE obtained from the student's social media activity and an opportunity to correct or delete such information
3. Destroy information gathered from social media and maintained in student records within one year after a student turns 18 years of age or within one year after the student is no longer enrolled in TCOE, whichever occurs first
4. Notify each parent/guardian that the student's information is being gathered from social media and that any information maintained in the student's records shall be destroyed as provided in item #3 above. The notification shall also include, but is not limited to, an explanation of the process by which a student or the student's parent/guardian may access the student's records for examination of the information gathered or maintained and the process by which removal of the information may be requested or corrections to the information may be made. The notification may be provided as part of the annual parental notification required pursuant to Education Code 48980.
5. If TCOE contracts with a third party to gather information on a student from social media, ensure that the contract:
 - a. Prohibits the third party from using the information for purposes other than those specified in the contract or from selling or sharing the information with any person or entity other than TCOE, the student, or the student's parent/guardian
 - b. Requires the third party to destroy the information immediately upon satisfying the terms of the contract, or when TCOE notifies the third party that the student has turned 18 years of age or is no longer enrolled in TCOE, whichever occurs first

Updating Name and/or Gender of Former Students

When a former student submits a state-issued driver's license, birth certificate, passport, social security card, court order, or other government-issued documentation demonstrating that the former student's legal name and/or gender has changed, TCOE shall update the former student's records to include the updated legal name and/or gender. Upon request by the former student, TCOE shall reissue any documents

conferred upon the former student, including, but not limited to, a transcript, a high school diploma, a high school equivalency certificate, or other similar documents. (Education Code 49062.5)

If the former student's name or gender is changed and the requested records are reissued, a new document shall be added to the former student's file that includes all of the following information: (Education Code 49062.5)

- The date of the request
- The date the requested records were reissued to the former student
- A list of the records that were requested by and reissued to the former student
- The type of documentation, if any, provided by the former student to demonstrate a legal change to the student's name and/or gender
- The name of the employee who completed the request
- The current and former names and/or genders of the student

Any former student who submits a request to change the legal name and/or gender on the student's records but is unable to provide any government-issued documentation demonstrating the legal name or gender change, may request a name or gender change through the process described in Education Code 49070. (Education Code 49062.5)

Regulation approved: 9/5/1990

Tulare County Superintendent of Schools



Revised: 9/11/2024

Visalia, California

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KNOW YOUR EDUCATIONAL RIGHTS

YOUR CHILD HAS THE RIGHT TO A FREE PUBLIC EDUCATION

- All children have a right to equal access to free public education, regardless of their or their parents'/guardians' immigration status.
- All children in California:
 - Have the right to a free public education.
 - Must be enrolled in school if they are between 6 and 18 years old.
 - Have the right to attend safe, secure, and peaceful schools.
 - Have a right to be in a public school learning environment free from discrimination, harassment, bullying, violence, and intimidation.
 - Have equal opportunity to participate in any program or activity offered by the school without discrimination.

INFORMATION REQUIRED FOR SCHOOL ENROLLMENT

- Schools must accept a variety of documents from the student's parent or guardian to demonstrate proof of child's age or residency and schools are not required to keep a copy of the document used as proof of a child's age.
- Information about citizenship/immigration status is never needed for school enrollment. A Social Security number is never needed for school enrollment.

CONFIDENTIALITY OF PERSONAL INFORMATION

- Federal and state laws protect student education records and personal information. These laws generally require that schools get written consent from parents or guardians before releasing student information, unless the release of information is for educational purposes, is already public, or is in response to a court order or subpoena.
- Some schools collect and provide publicly basic student "directory information." If so, the school district must provide parents/ guardians with written notice of the directory information policy, and provide the option to refuse release of your child's information.

FAMILY SAFETY PLANS IF YOU ARE DETAINED OR DEPORTED

- You can update your child's emergency contact information, including secondary contacts, to identify a trusted adult guardian who can care for your child if you are detained or deported.
- You can complete a Caregiver's Authorization Affidavit or a Petition for Appointment of Temporary Guardian of the Person to give a trusted adult the authority to make educational and medical decisions for your child.

RIGHT TO FILE A COMPLAINT

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

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

Bureau of Children's Justice
California Attorney General's Office
P.O. Box 944255
Sacramento, CA 94244-2550

Phone: (800) 952-5225
E-mail: BCJ@doj.ca.gov
<https://oag.ca.gov/bcj/complaint>

