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Students

Concept and Roles in Student Personnel

The County Board of Education holds the following values and beliefs regarding students:

- all students can experience success regardless of age, sex, race, national origin, background, or ability

- the central interest of educational programs is the learner

- learning is an active and lifelong process

- experiencing success is crucial to the learning process

- teaching and learning are inextricably interwoven

- program improvement is a continuing process

- partnerships must be formed with public and private agencies and organizations in order to strengthen the resources available to education.

The County Office of Education staff shall embody these values and beliefs in all County Office of Education programs and services.

Everyone has a right to a free public school education. Each student varies widely in capabilities, interests, social, and economic background. It is the intent of the County Office of Education to accommodate those individual differences to the fullest extent possible. To this end, the County Board of Education and the County Office of Education will attempt to remove any limitations that stand in the way of achieving these goals. All County Office of Education schools and programs shall be open to all persons who may be eligible and who may benefit from such programs.

Policy
adopted: January 12, 1994

Students

Admission to Schools and Programs

Admission to schools and programs operated by the County Office of Education shall be as follows:

A. Special Education Schools and Programs

Students who have exceptional needs, as determined by each student's Individualized Education Program (IEP) Team, shall be assigned to that school or program most appropriate to the needs of the individual pupil. Such assignments shall be made within the Special Education Local Planning Area of each pupil's residence whenever possible. Cooperative agreements between the County Office of Education, Special Education Local Planning area, and certain local school districts (where applicable), shall be made for such pupils. Educational programs for children accepted into schools or programs of the County Office shall be designed and implemented according to the requirements of P.L. 94-142 and the Code of Federal Regulations, and pertinent laws and regulations of the state of California.

B. Regional Occupational Programs

ROP programs are open to county residents sixteen (16) years of age and older. In addition, each program has specific prerequisites which must be met prior to enrollment in that program.

C. Day Center Community Schools

Day Center/Community Schools are open to any minor referred; by the Probation Department or local School Attendance review Boards; wards of the court; minors who are referred by the court; pupils who have been expelled while attending any alternative education program; and pupils who have been excluded from programs for the educationally handicapped. To be admitted, these minors must not be considered a danger to themselves or others.

D. Education Programs at the Juvenile Hall, Girls' Treatment Center, Boys' Treatment Center, and Byron Boys' Ranch

Students

Admission to Schools and Programs

These programs are open to minors held in the custody of any of the Contra Costa County Juvenile Detention Facilities if he/she is pending court disposition, waiting placement after judication by the court, or sentenced by the court for a definite period of time. To be admitted, these minors must not be considered a danger to themselves others.

Regulation
approved: July 6, 1983

Students

Absences and Excuses

The County Board of Education and the County Superintendent of Schools believe that regular attendance plays a key role in student achievement, and they recognize their responsibility under the law to ensure that students attend school regularly. Parent/guardians of children aged 6 to 18 are obligated to send their children to school unless otherwise provided by law. The County Board of Education and the County Superintendent shall abide by all state attendance laws and may use appropriate legal means to correct the problems of excessive absence or truancy.

Excused Absences

Absence from school shall be excused only for health reasons, family emergencies and justifiable personal reasons, as permitted by law, Board policy and administrative regulations. (Education Code 46010, 46010.5, 48205)

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

At the beginning of each academic year, notifications shall be sent to the parents/guardians of all students and to all students in grades 7 through 12, informing them that school authorities may excuse any student from school to obtain confidential medical services without the consent of the student's parent/guardian. (Education Code 46101.1) Students should not be absent from school without their parents/guardians' knowledge or consent except in cases of medical emergency or confidential medical appointment.

Student absence for religious instruction or participation in religious exercises away from school property may be considered excused subject to administrative regulations and law. (Education Code 46014)

Unexcused Absences/Truancy

The County Superintendent or designee shall implement positive steps to reduce truancy, such as communication with parents/guardians and the use of student study teams.

The County Office of Education may implement the county school attendance review board as allowed by law in order to meet the special needs of students with school attendance or school behavior problems.

Students who are habitual truants or habitually insubordinate or disorderly during attendance at school may be referred to the county probation department.

Absences and Excuses (continued)

When the student's attendance problems cannot be resolved or the student and parent/guardian have failed to respond to directives to correct the problem, the school attendance review board or probation officer may ask the County Superintendent of Schools to request a juvenile court petition on behalf of the student. See Policy and Regulation 5113.1 regarding School Attendance Review Board (SARB).

Legal Reference: Education Code

1740 Employment of personnel to supervise attendance (county superintendent)
2550.3 Attendance report by county superintendent
2550.4 Request for one-time base revenue limit adjustment
37201 School month
37223 Weekend classes
41601 Reports of average daily attendance
42238.8 Request for one-time base revenue limit adjustment
4600 Records (attendance)
46010-46015 Absences
46100-46119 Attendance in kindergarten and elementary schools
46140-46147 Attendance in junior high and high schools
48200 Children between ages of 6 and 18 years (compulsory full-time attendance)
48205 Absence for justifiable personal reasons
48240-48246 Supervisors of attendance
48260-48273 Truants
48292 Filing complaint against parent
48320-48324 School Attendance Review Boards
48340-48341 Improvement of pupil attendance
49067 Unexcused absences as cause of failing grade

Family Code

6920 Capacity of minor to consent
6921 Effect of minority of minor upon consent
6922 Conditions for consent of minor
6924 Mental health treatment or counseling
6925 Prevention of treatment of pregnancy
6926 Diagnosis or treatment of infectious diseases
6927 Diagnosis or treatment for rape
6928 Diagnosis or treatment for sexual assault
6929 Diagnosis or treatment for alcohol or drug abuse

Students

Absences and Excuses

Legal Reference: Vehicle Code
13202.7 Driving privileges; minors; suspension or delay for habitual truancy
Welfare and Institutions Code
601-601.4Habitually truant minors
Code of Regulations, Title 5
306 Explanation of absence
420-421 Record of verification of absence due to illness and other causes
66 Ops. Cal. Atty. Gen. 245, 249 (1983)
American Academy of Pediatrics et al v. Lungren et al (1994) 26 Cal.App. 4th 479

Policy adopted: July 6, 1983
September 27, 1995

Students

Absences and Excuses

Excused Absence Receiving ADA

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

1. Personal illness. (Education Code 46010)

2. Quarantine under the direction of a county or city health officer. (Education Code 46010)

3. Medical, dental, optometrical, or chiropractic appointments. (Education Code 46010)

4. Attendance at funeral services for a member of the immediate family. (Education Code 46010)

    a. Excused absence in this instance shall be limited to one day if the service is conducted in California or three days if the service is conducted out of state. (Education Code 46010)

    b. "Immediate family" shall be defined as mother, father, grandmother, grandfather, spouse, son/son-in-law, daughter/daughter-in-law, brother, sister or any relative living in the student's immediate household. (Education Code 45194, 46010)

5. Jury duty in the manner provided by law. (Education Code 46010)

6. Exclusion, for up to five school days, for failure to present evidence of immunization. (Education Code 46010)

Excused Absence Not Receiving ADA

A student's absence shall be excused for justifiable personal reasons including but not limited to: (Education Code 48205)

1. Appearance in court

2. Attendance at a funeral service, unless for a member of the student's immediate family.

3. Observation of a holiday or ceremony of his/her religion.

4. Attendance at religious retreats for no more than four hours during a semester.

5. Employment interview or conference.

6. When the student is the custodial parent of a child who is ill or has a medical appointment during school hours.

Method of Verification

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

1. Written note from parent/guardian, parent representative, or student if 18 or older. (Education Code 46012)

2. Conversation, in person or by telephone, between the verifying employee and the student's parent/guardian or parent representative. The employee shall subsequently record the following:
   a. Name of student.
   b. Name of parent/guardian or parent representative.
   c. Name of verifying employee.
   d. Date or dates of absence.
   e. Reason for absence.

3. Visit to the student's home by the verifying employee, or any other reasonable method which establishes the fact that the student was actually absent for the reasons stated. A written recording shall be made, including information outlined above.

Truancy

1. Students shall be classified as truant if absent from school without a valid excuse three days in one school year or tardy without a valid excuse in excess of 30 minutes on each of more than three days in one school year. Such students shall be reported to the County Superintendent or Assistant Superintendent of Student Services. (Education Code 48260)

   The parent/guardian of a student classified as a truant shall be notified of the following: (Education Code 48260.5)
   a. The student is truant.
   b. The parent/guardian is obligated to compel the student to attend school.
   c. The parent/guardian who fails to meet this obligation may be guilty of an infraction of the law and subject to prosecution pursuant to Education Code 48290 et seq.
   d. The parent/guardian has the right to meet with appropriate school personnel to discuss solutions to the student's truancy.
   e. The student may be subject to arrest under Education Code 48264
   f. The student may be subject to suspension, restriction or delay of his/her driving privilege pursuant to Vehicle Code 48264.
   g. It may be recommended that the parent/guardian accompany the student to school and attend classes with the student for one day.

Absences and Excuses (continued)

2. Upon his/her first truancy, a student may be given a written warning by a peace officer. A record of this warning may be kept at school for not less than two years or until the student graduates or transfers from the school. If the student transfers, the record may be forwarded to the new school. A record of the warning also may be maintained by the law enforcement agency. (Education Code 48264.5)

3. Upon his/her second truancy within the same school year, a student may be assigned to an afterschool program. If the student fails to successfully complete this study program, he/she shall be subject to item #4 below. (Education Code 48264.5)

4. Upon his/her third truancy within the same school year, a student may be referred to, and required to attend, (a) an attendance review board.

   When a student is referred to a school attendance review board or to the probation department, the County Superintendent or designee shall provide the student and parent/guardian, in writing, the name and address of the school attendance review board or probation department and the reason for the referral. This notice shall indicate that the student and parent/guardian will be required, along with a County Office of Education staff member, to meet with the school attendance review board or probation officer to consider a proper disposition of the referral. (Education Code 48263)

5. Upon his/her fourth truancy within the same school year, the student shall be classified a habitual truant as defined in Education Code 48262 and shall be within the jurisdiction of the juvenile court which may adjudge the student to be a ward of the court pursuant to Welfare and Institutions Code 601. If adjudged a ward of the court, the student shall be required to do one or more of the following: (Education Code 48264.5)

   a. Perform court-approved community service sponsored by a public or private nonprofit agency for 20 to 40 hours over a period of 90 days during a time other than school or work hours. The probation officer shall report to the court any failure of the student to comply with this requirement.
   b. Pay a fine of not more than $100, for which a parent/guardian may be jointly liable.
   c. Attend a court-approved truancy prevention program.

6. A student who has attended a school attendance review board program or a program operated by a probation department acting as a school attendance review board shall be subject to suspension or revocation of driving privileges pursuant to Vehicle Code 13202.7.

7. If a student has been judged by the county juvenile court to be a habitual truant or habitually insubordinate or disorderly at school, or if a student has been required by the court to attend school as a condition of probation, the County Office of Education shall inform the juvenile court and the student's probation or parole officer, within 10 days, whenever that student is insubordinate, disorderly at school, or truant or tardy without a valid excuse. (Education Code 48267)

Absences and Excuses (continued)

The County Office of Education shall gather on behalf of the County Superintendent of Schools the number of referrals and types of referrals made to the school attendance review board and the number of requests for petitions made to the juvenile court for students enrolled in County Office of Education programs. (Education Code 48273)

Regulation
approved: July 6, 1983
September 27, 1995

Students

School Attendance Review Board (SARB)

The purpose of the County School Attendance Review board (SARB)_ is the diversion of school-related problems from the juvenile justice system through the coordinated efforts of schools and community agencies. The County Board of Education believes that students who are habitually truant, irregular in attendance, or insubordinate or disorderly in class should only be referred to the judicial system after all community resources have been utilized and all steps taken to assist these students. The County Board recognizes that attendance is but one of many behaviors that can affect a student's effective school participation and achievement. Therefore, efforts must be expended to improve problem attendance behaviors rather than arbitrarily punishing the child or parent. the County SARB exists to assist in implementing these beliefs.

Legal Reference: Education Code
48320 Legislative intent, duties of board

Policy
adopted: November 18, 1987

Students

School Attendance Review Board (SARB)

The County Superintendent of Schools or his designee shall, at the beginning of each school year, convene a meeting of the County SARB for the purpose of adopting plans to promote interagency and community cooperation and to reduce the duplication of services provided to youth who have serious school attendance and behavior problems. The County SARB shall be established and governed by the following provisions.

1. Membership

   The County School Attendance Review Board (SARB) will consist of no less than (8) members to include:

   a. At least one (1) parent appointed by the County Board of Education.

   b. Representatives from school districts who have been nominated by the governing boards of school districts and appointed by the County Superintendent of Schools.

   c. Representatives from the County Probation Department who are appointed by the County Board of Education.

   d. Representatives from the County Welfare Department who are appointed by the County Board of Education.

   e. Representatives of the County Office of Education who are appointed by the County Board of Education.

   f. Others as appointed by the County Board of Education.

2. Duties

   a. Elect one member as chairperson with the responsibility for coordinating the services of the County SARB.

   b. Provide for the establishment of local school attendance review boards to assist students with attendance problems.

   c. Provide consultant services and coordinate the activities of local school attendance review boards to meet the special needs of students with school attendance or school behavior problems.

   d. Serve as the school attendance review board for all pupils in the county, if it determines that the needs of students can best be served by a single board; or, upon the request of any school district in the county, the County SARB may serve as the SARB for pupils of that district. (ED Code, Section 48321.)

Students

School Attendance Review Bard (SARB) (continued)

3. Procedures

The County SARB is governed by procedures including provisions for

a. Voting - All appointed members have voting privileges.

b. Quorums - A quorum for all meetings is established, and if decisions are to be made, a quorum is mandatory.

c. Meetings - Meetings are scheduled regularly (usually once per month) at the same time and location.

d. Forms - Forms used to implement the duties of SARB and record the student's progress are developed by the County SARB. Accurate records serve the interests of the Student, the family and the SARB.

e. Local School Districts - The County CARB provides local school districts with administrative and technical assistance, upon request, and insures that all county school districts are served.

f. Annual Review - The county SARB conducts an annual review of its policies and procedures to determine strengths and weaknesses and makes modifications where necessary.

g. District/City Attorney - The County SARB obtains the cooperation of the district/city attorney and assists local school districts when a complain is to be filed with the district/city attorney.

h. Juvenile Justice System - The County SARB develops procedures to work with the probation and welfare departments and the agencies involved in filing a petition for juvenile court action on behalf of a minor.

i. Community Agencies - The County SARB solicits the cooperation of community agencies, both public and private, to resolve school attendance and behavior problems. The County SARB encourages local school districts to work with parents and public and private agencies to resolve attendance and behavior problems before referring them to SARB.

Legal Reference: Education Code

48320	Legislative intent, duties of board
48321	Creation, membership, and powers of county board
48322	Community resources
48323	Powers of board participants
48324	Rules and regulations

Regulation
approved: November 18, 1987

Work Permits

The County Board of Education recognizes that many students hold jobs. Part-time jobs can give these students needed supplementary income, valuable work experience, and enhanced self-esteem.

The Board also recognizes that all school-aged persons should acquire an education and that work permit laws exist to prevent outside employment from impairing a student's health and educational progress. Before accepting employment, students must obtain work permits which school authorities have been given the responsibility of issuing.

The Superintendent or designee shall issue work permits only as allowed by law and only to the extent that outside employment does not significantly interfere with the student's schoolwork. Students 16 or 17 years of age shall be granted approval to work more than 20 hours a week only when justified by unusual circumstances which shall be stated on the work permit.

Legal Reference: Education Code
43231 Entrance into attendance area within ten school days of end of term
49110-49119 Permits to work
49130-49135 Permits to work full time
49140-49141 Exceptions
49150.5 Reports not required
49164 Inspection; cancellation or revocation
Labor Code
1285-1312 Employment of minors
1391-1399 Working hours for minors

Policy
adopted: January 12, 1994

Work Permits

Approval/Revocation of Work Permits

1. No work permit shall be issued until the student's parent/guardian has filed a written request for it with the County Office of Education. (Education Code 49110)

2. To help in determining the extent to which outside employment may be approved, the Superintendent or designee shall:

   a. Inspect the student's records for evidence of satisfactory grades and attendance

   b. Confer with at least one of the student's teachers to determine whether the student appears to have the time, stamina, motivation and maturity to maintain academic progress while working.

3. After issuing a work permit, the Superintendent or designee shall periodically inspect the student's scholastic and attendance records.

4. The Superintendent or designee shall revoke a student's work permit whenever he/she determines that employment is impairing the student's health or education. (Education Code 49164)

Permits to Work on Nonschool Days

Students 12 through 17 may receive a permit to work on a regular school holiday, during a regular or specified occasional public school vacation, and when the student is exempt from compulsory school attendance because he/she arrived from another state within ten days before the end of the school term. (Education Code 49111)

Permits to Work on School Days

1. A student 14 or 15 years of age who has completed the seventh grade may receive a permit to work outside of school hours for no more than three hours on any day while school is in session and no more that 18 hours in any week. (Education Code 49112, 49116)

   If enrolled in and employed pursuant to a school-supervised and school-administered work experience and career exploration program, a student 14 or 15 years of age may be employed for up to 23 hours a week, any portion of which may occur during school hours. (Education Code 49116)

Students

Work Permits (continued)

2. A student 16 or 17 who has completed the seventh grade may receive a permit to work outside of school hours for no more than four hours on any day on which the student is required by law to attend school. (Education Code 49112) The following exceptions shall apply:

    a. The four-hour limit may be exceeded for students 16 or 1 who are employed in a school-approved work experience or cooperative vocational education program or in personnel attendance occupations as defined in Industrial Welfare Commission Minimum Wage Order #1-74. (Education Code 49116)

    b. A student 16 or 17 may receive a permit to work outside of school hours for no more than eight hours on any day on which the student is required by law to attend school, provided it is a day which immediately precedes a nonschool day. (Education Code 49112)

    c. A student 16 or 17 may work at an agricultural occupation for up to six hours of any day on which the student is required by law to attend school for four hours or more. (Education Code 49116)

3. With the consent of the Superintendent or designee, a student who is 13 years old and has completed the sixth grade may receive a permit to work for no more than two hours on any given day, up to a maximum of four hours each week, provided that:

    a. The student has been identified by the district as a potential dropout, and

    b. The student is participating in an employment program that is conducted on school premises and sponsored by one or more school districts to foster student appreciation of the importance of education in preparing for future employment and education. (Education Code 49112)

Students

Work Permits (continued)

Legal Reference: Education Code
48231 Entrance into attendance area within ten school days of end of term
49110-49119 Permits to work
49130-4913 Permits to work full time
49140-49141 Exceptions
49150.5 Reports not required
49164 Inspection; cancellation or revocation
Labor Code
1285-1312 Employment of minors
1391-1399 Working hours for minors

Regulation
approved: January 12, 1994

Students

Appeal from Expulsion

The County Board of Education recognizes that student discipline is primarily the prerogative of the local district. Standards of behavior acceptable to the district and procedures to assure that the standards are observed are essential to an effective school climate. The County Board of Education also recognizes, however, that the rights to due process and the rights to a fair and just resolution of behavior issues are supported through the appeal process.

Expulsion is the most severe form of discipline which a local district may invoke. The County Board of Education is vested with the responsibility of serving as the final appeal body in such cases. The hearing of expulsion appeals is intended to safeguard the rights of the student(s) and the rights of the district.

The County Superintendent of Schools is charged with the development of regulations which will assure that expulsion appeals are conducted in a timely and equitable manner.

Policy
adopted: July 11, 1984

Students

APPEAL FROM EXPULSION (ADMINISTRATIVE REGULATION)

1. An expelled student or the student's parent(s) or guardian(s) (hereinafter "Appellant") may appeal the decision by the governing board of a school district (hereinafter "District Board") to expel the student to the County Board of Education (hereinafter "County Board") as provided herein.

2. The appeal must be filed within thirty (30) calendar days following the date of decision of the District Board to expel the student. The place for filing the appeal is the Office of the County Superintendent of Schools, *77* Santa Barbara Road, Pleasant Hill, CA 94523-4201, telephone (925) 942-3372.

3. The appeal shall contain the following information:

   a. Name, address, and telephone number of parent(s) or guardian(s) of the student, and name, address, and telephone number of representative of the student, if any.

   b. Name, mailing address, and telephone number of student.

   c. School district, school, and grade most recently attended by the student.

   d. The date of the school board’s decision to expel and the period of the expulsion.

   e. A copy of Appellant's written request to the governing board to prepare a record of the hearing.

   f. A statement of the basis for the appeal. The grounds for appeal are limited to one or more of the following:

      1) The governing board acted without or in excess of jurisdiction.

      2) The appellant was denied a fair hearing before the governing board.

      3) There was a prejudicial abuse of discretion in the hearing.

      4) There is relevant and material evidence, which, in the exercise of reasonable diligence, could not have been produced or which was improperly excluded at the hearing before the governing board.

APPEAL FROM EXPULSION (continued)

4. Upon receipt of an appeal, the County Superintendent of Schools and/or his/her designee (hereinafter referred to as County Superintendent) shall send a copy of the appeal and any accompanying documents to the District. Thereafter, the County Superintendent shall send notice acknowledging receipt of the appeal to the Appellant and to the District. The notice shall include a statement that the Appellant is entitled to be represented by an attorney or other representative and that all hearings will be in closed session unless at least five days prior to the hearing date the County Board receives the Appellant's written request that the hearing be public. A copy of the County Board's policy and regulation, and procedure on appeals from expulsion shall be mailed with each notice. The County Superintendent shall contact the Appellant and Governing Board to confirm the arrangements for the Appellant to provide the certified written transcript of the District Board hearing which shall serve as the record for the County Board review. The County Superintendent shall set the hearing at a regular or special meeting of the County Board to be held within twenty (20) school days of the receipt of the appeal, unless the Appellant requests or agrees to a postponement.

5. A copy of the expulsion hearing before the District Governing Board, including a transcript, shall be made available to the County Superintendent. The record of the hearing shall be certified by the Secretary or Clerk of the District Board to be a true and complete copy of the record of the hearing at which the District Board determined to expel the student. The cost of such transcript shall be borne by the Appellant, except where 1) the Appellant certifies to the District Board that he or she cannot reasonably afford the cost of the transcript, because of limited income and/or exceptional necessary expenses, or both, or 2) the County Board reverses the decision to expel, in which case the cost of the transcription shall be borne by the District Board.

6. If, for unavoidable but justifiable reasons, a transcript is unavailable, a stipulated record of hearing may be substituted. If the transcript is not available and there is no stipulated record of hearing, the Respondent School Board shall be directed to rehear the Expulsion Action.

7. The County Superintendent shall no later than fourteen (14) days prior to the hearing, notify the Appellant, and the District Board expelling the student of the date, time, and place of the hearing, and of the matter to be heard. Such notices shall be by registered or certified mail, or by personal service.

APPEAL FROM EXPULSION (continued)

8. In addition, the notice to the District Board shall require the District Board to forward to the County Superintendent at least seven (7) days prior to the hearing the following documents, each of which shall be certified by the Secretary or Clerk of the District Board to be a true and complete copy:

    a. The Notice of Hearing to the Appellant.

    b. A record of receipt by the Appellant of the Notice of Hearing.

    c. If the hearing was conducted before a hearing officer or panel, then the findings of fact and recommendations of the hearing officer or panel.

    d. The findings of fact and decision of the District Board.

    e. The minutes of the meeting at which the District Board took action to expel the student.

    f. The rules, regulations, and/or procedures adopted by the District Board relating to the conduct of hearings on the question of the expulsion of a student.

    g. A statement of whether there exists relevant evidence, which, in the exercise of reasonable diligence, could not have been produced or which was excluded at the hearing. If such evidence exists, then full description of it and the reason for exclusion.

    h. Certified copies of all correspondences in Respondent School Board's file, if any, relating to, concerning, or leading to the expulsion. If the correspondence was sent by Respondent School Board by certified or registered mail, copies of the return receipts should be attached to the appropriate copies of the correspondence.

    i. Certified copies of all documentary evidence, if any, before Respondent School Board.

    j. Certified copies of any other pertinent data relating to the expulsion proceedings (other than the transcript which is to be filed by Appellant)

The above documents shall be included as part of the record on appeal.

APPEAL FROM EXPULSION (continued)

9. The Appellant may, but is not required to, submit a written argument to the County Board. At least ten (10) calendar days before the hearing, the Appellant must file his/her written argument, if any, with the County Superintendent and must simultaneously provide it to the District. The District may, but is not required to, submit a written reply to the County Board. At least five (5) calendar days before the hearing, the District must file its written reply, if any, with the County Superintendent and must simultaneously provide it to the Appellant or the Appellant's representative, if any. At the hearing, or good cause shown, the County Board may excuse compliance with these time limits.

10. With the agenda for the meeting at which the appeal is to be heard, the County Superintendent shall forward to each member of the County Board of Education or the Administrative Hearing Panel, along with the agenda for the meeting at which the appeal is to be heard, a copy of the appeal, a complete copy of the record, and any written arguments and replies. Portions of the record which cannot be forwarded with the agenda may be supplied to the members of the County Board, or the Administrative Hearing Panel**,** at the meeting during which the appeal is heard.

11. Requests for continuances may be made either by Appellant or Respondent School Board and shall be directed to the Associate Superintendent of Student Programs and Services (hereinafter, "Associate Superintendent"). The Associate Superintendent shall grant a continuance in the following cases:

    a. Stipulated Postponements. Where all parties jointly seek, in writing, a postponement to a later agreed upon hearing date, and file such written request with the Associate Superintendent; then the Associate Superintendent shall reset the hearing date to the date specified in the written request or to a date as soon thereafter as the matter can reasonably be heard by the County Board.

    b. Request by Either Party. Either party may request one (1) postponement by means of a written notice at least forty-eight (48) hours in advance, except that a Respondent School District's request may not extend the hearing beyond twenty (20) school days following the filing of a request for hearing unless the pupil agrees. The Associate Superintendent shall upon receipt of said request reset the hearing date to the next regularly scheduled County Board meeting date and shall immediately notify all parties in writing of the new hearing date.

    c. Subject to the limitations set forth in number 2 above, the County Board may grant a postponement at any time should it determine that such postponement is necessary to avoid injustice.

Students

APPEAL FROM EXPULSION (continued)

12. The County Superintendent or designee may retain counsel to sit with the County Board or the Administrative Hearing Panel to assist the County Board/Administrative Hearing Panel in the interpretation of any questions of law which may be raised.

13. Use of Administrative Hearing Panel:

    a. In lieu of conducting the hearing, the County Board may have an impartial administrative hearing panel of three (3) or more certificated persons hear expulsion appeals filed pursuant to Section 48919. The members of the hearing panel shall be selected by the County Superintendent or designee and shall not be members of the governing board of the school district nor employees of the school district, from which the pupil filing the appeal was expelled. A presiding officer shall be designated by the County Superintendent or designee.

    b. Upon completion of a hearing conducted by an administrative hearing panel, the panel shall prepare a recommended decision, including any findings of fact or conclusions required for that decision. The panel shall, within three (3) schooldays, submit that recommendation, including findings of fact and conclusions along with the record of the expulsion, to the County Board. All documents submitted to the County Board shall be sent to the pupil and the school district.

    c. Within 10 (ten) schooldays of receiving the recommended decision, findings of fact or conclusions and the record of the expulsion from the administrative hearing panel, the County Board shall review the recommendation along with the record and render a final decision.

    d. Prior to rendering a decision, the County Board shall provide the pupil and the school district an opportunity to address the County Board on the recommendation, including the findings and conclusion submitted by the administrative hearing panel. If requested, each party will be allowed 5 (five) minutes to address the County Board during public comment.

    e. The decision rendered by the County Board is final and shall constitute the final administrative appeal in all expulsion matters.

    f. A hearing conducted by an administrative hearing panel shall conform to the same procedures that apply to a hearing conducted by the County Board.

APPEAL FROM EXPULSION (continued)

14. The hearing shall be conducted as follows:

    a. The hearing will be facilitated by the Associate Superintendent, Student Programs and Services or Superintendent's designee.

    b. Members of the County Board/Administrative Hearing Panel shall review any documents not previously submitted to them.

    c. The Appellant shall be allowed to argue concerning the basis for the appeal.

    d. The Respondent shall be allowed to argue concerning the basis for the District action.

    e. The members of the County Board/Administrative Hearing Panel may question the Appellant and Respondent.

15. Following the hearing, the Appellant and Respondent shall be excused and the County Board/Administrative Hearing Panel shall convene to a closed deliberation and shall consider the following subjects:

    a. <u>Whether the District Board proceeded without or in excess of its jurisdiction in expelling the student</u>:

        1) Was the expulsion hearing commenced within the time periods prescribed by law?

        2) Was the expulsion order based upon acts enumerated in the Education Code?

        3) Was the expulsion order based upon acts related to school activity or attendance?

    b. <u>Whether the student was afforded a fair hearing before the District Board:</u>

        1) Was adequate and timely notice of the hearing given to the Appellant?

        2) Was the Appellant or representative(s), if any, given the opportunity to hear and/or examine all evidence submitted against him/her?

        3) Was the Appellant, given the opportunity to present evidence to deny, explain and/or mitigate the allegations against him/her?

APPEAL FROM EXPULSION (continued)

4) Was the pupil given notice and opportunity of the right to be represented by counsel?

5) Was the pupil given the opportunity to introduce testimony of witnesses on his or her behalf?

6) Did the District introduce substantial evidence to support a recommendation to expel?

7) Is the evidence the kind of evidence upon which reasonable persons are accustomed to rely in the conduct of serious affairs?

8) Was the pupil given the opportunity to confront or question any witnesses who testified at the hearing except as provided in California Education Code section 48918 (f).

c. Whether there was a prejudicial abuse of discretion by the District Board:

1) Did school officials meet the procedural requirements of Article 1 (commencing with Section 48900) of Chapter 6 of Part 27 of the Education Code?

2) Was the decision to expel the student supported by the findings prescribed by Section 48915 of the Education Code?

3) Are the findings supported by the evidence?

d. Whether there exists relevant and material evidence which, in the exercise of reasonable diligence, could not have been produced or was improperly excluded from the hearing before the District Board?

16. The Board shall convene in public session to announce its findings, order, and the vote of each Board member thereon. The County Board may authorize the Board President to sign the Board's findings after they are reduced to writing.

a. Where the County Board/Administrative Hearing Panel finds that relevant and material evidence exists which, in the exercise of reasonable diligence, could not have been produced or which was improperly excluded from the hearing before the District Board (Question 15. d. above) the Board may:

APPEAL FROM EXPULSION (continued)

1) Remand the matter to the District Board for reconsideration and may, in addition, order the student re-enrolled in the schools of the district pending such reconsideration; or:

2) Grant a hearing de novo before the County Board/Administrative Hearing Panel upon reasonable notice to the Appellant and Respondent.

b. Where the County Board/Administrative Hearing Panel makes any other findings, it shall either affirm or reverse the decision of the District Board.

c. If the County Board determines that the decision of the Respondent School Board is not supported by the secondary findings required to be made by Education Code section 48915, but evidence supporting the required secondary findings exists in the record of the proceedings, the County Board shall remand the matter to Respondent School Board for adoption of the required secondary findings. The remand for adoption and inclusion of the required findings shall not result in an additional district hearing pursuant to Education Code section 48918, except that final action to expel the pupil based on the revised findings of fact shall meet all requirements of subdivisions (j) and (k) of section 48918.

17. If the County Board/Administrative Hearing Panel finds there was abuse of discretion by the District Board, the County Board must also find that the abuse of discretion was prejudicial.

18. Where the County Board/Administrative Hearing Panel enters a decision reversing the District Board, the County Board will determine whether to order the District Board to expunge the record of the student, and the records of the district, of any references to the expulsion action.

19. The County Board/Administrative Hearing Panel shall render its decision within three (3) school days of the hearing, unless the Appellant agrees to a postponement.

20. The decision of the County Board/Administrative Hearing Panel shall be final and binding upon the Appellant and upon the District Board.

21. The County Superintendent or designee shall notify the parties of the County Board's final order and findings, in writing, either by certified mail or by personal service.

Students

APPEAL FROM EXPULSION (continued)

22. The County Superintendent or designee shall maintain all records of the appeal as permanent records of the County Board.

23. Termination by Abandonment

    a. Failure of the pupil to reasonably pursue the appeal with diligence within the time frames set forth in these rules and regulations shall be deemed abandonment of such appeal.

    b. Abandonment of the appeal may warrant any of the following actions:

        1) The County Board, on its own motion, may dismiss the appeal.

        2) Unless the statutory time frames governing filing and hearing expulsion appeals (including failure to submit the record of proceeding) are extended and/or waived by the pupil, the Associate Superintendent may dismiss the appeal administratively. However, no appeal shall be administratively dismissed if failure to submit the record of proceeding is caused by delays caused by the school district.

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24. Termination by Agreement. The parties may agree to terminate proceedings under whatever terms deemed appropriate by them. The parties will be expected to promptly notify the Associate Superintendent of any such agreement.

25. Failure to Attend Hearing

    Failure by either party to send a representative to the hearing will not result in a postponement of the hearing. If either party fails to send a representative to the hearing, the hearing will be conducted at the scheduled date and time provided in the notification. If the unrepresented party has previously submitted written statements, the statements will be read in to the record during the hearing.

Students

APPEAL FROM EXPULSION (continued)

Legal Reference: EDUCATION CODE

48919 Expulsion Appeals to County Board of Education
48919.5 Expulsion Appeals: hearing officer or impartial administrative panel
48920 County Board; Manner of Hearing Expulsion Appeal
48921 Expulsion Appeals to County Board; Transcripts
48922 County Board; Scope of Review
48923 Decision of County Board
48924 Finality of County Board Decision

Regulation approved: July 11, 1984

Regulation amended: January 9, 1985 June 23, 2004
May 14, 1997 October 5, 2005
October 14, 1998 September 25, 2013

CONTRA COSTA COUNTY OFFICE OF EDUCATION

Expulsion Appeal and Request for Hearing

TO: County Superintendent of Schools
77 Santa Barbara Road
Pleasant Hill, CA 94523-4201

In accordance with Education Code Sections 48919 - 48924 and the Contra Costa County Board of Education's Administrative Regulation (#5114.7), an Expulsion Appeal Hearing is hereby requested.

Expelled pupil's name:_____

Age:_____Grade:_____

Name of school attended: _____

Parent/legal guardian:_____

Home address:_____

Telephone number (Home):_____(Work):_____

Name, Address, and Phone Number of legal counsel or other designated representative of the Appellant (if any):

Name:_____

Address:_____

_____Phone:_____

Name of expelling school district: _____

Date Respondent Board voted to expel:_____

Period of the Expulsion:_____

5/14/97

STATEMENT OF BASIS FOR THE APPEAL

The County Board's review of the district's decision is limited to the following issues: 1) whether the district board acted without or in excess of its jurisdiction; 2) whether there was a fair hearing before the district board; 3) whether there was a prejudicial abuse of discretion; 4) whether there is relevant and material evidence which, in the exercise of reasonable diligence, could not have been produced or which was improperly excluded at the hearing before the governing board. (See Education Code section 48922). Please check one or more of the following items and describe how such item(s) apply to your case.

___1. Explain how the governing board acted without or in excess of its jurisdiction in expelling the pupil. (See Education Code §48900, 48900.2, 48900.3, 48900.4, or 48915, 48918.)

_____
_____
_____
_____

___2. Explain how the pupil was not afforded a fair hearing before the district governing board. (See Education Code §48918, §48922.)

_____
_____
_____
_____

__3. Explain how there was a prejudicial abuse of discretion by the district governing board in the hearing. (See Education Code §48900, 48900.2, 48900.3, 48900.4, or 48915, 48918, 48922.)

_____
_____
_____
_____

__4. Explain if there is relevant evidence which, in the exercise of reasonable diligence, could not have been produced or which was improperly excluded at the hearing before the governing board. (See Education Code §48918, §48922.)

_____
_____
_____
_____

(**Please use another sheet of paper for additional comments, if necessary. Attach documentation, if any.)**

Expulsion hearings are closed to the public unless you request a session open to the public.
_____ I am requesting an open (public) session.

I hereby certify that I requested in writing that the district superintendent prepare a record of the expulsion hearing on _____. A copy of my request is attached.

I understand that this form **must** be filed with the Contra Costa County Board of Education, to the attention of the Associate Superintendent, Student Programs & Services, **within 30 days** from the date the district board voted to expel my student.

_____ _____
Parent/Legal Guardian Signature (or pupil, if 18 years or older) Date

EXPULSION APPEAL HEARING PROCEDURES
Before
The County Board of Education or Administrative Hearing Panel

_____ 1. Opening: by the Hearing Facilitator who will explain the procedures as follows:

Documents not previously submitted, if any, will be requested and reviewed at this time.

_____2. Presentation: by the Appellant to argue the basis for the appeal. (10 minutes)

_____3. Presentation: by the District to argue the basis for the expulsion. (10 minutes)

Questioning: Board/Administrative Hearing Panel members may question the Appellant and/or the District.

Closed Session: Following the questioning, the Appellant, District, and all persons shall be excused from the hearing room and the Board/Administrative Hearing Panel will close the hearing into a closed deliberation and consider the following:

A. Whether the District Board proceeded without or in excess of its jurisdiction in expelling the student.

B. Whether the student was afforded a fair hearing before the District Board.

C. Whether there was a prejudicial abuse of discretion by the District Board.

D. Whether there exists relevant and material evidence, which, in the exercise of reasonable diligence, could not have been produced or was improperly excluded from the hearing before the District Board.

Following deliberation and action, the Board shall convene in public session and the Board President will announce the Board's findings and action, which may be to:

1. Affirm the decision of the District Board. (Deny the appeal.)
2. Reverse the decision of the District Board. (Affirm the appeal.)
3. Remand the matter back to the District for a rehearing, or
4. Grant a hearing de novo before the County Board of Education.

If the hearing is before an Administrative Hearing Panel, the Panel will reconvene with all parties and the Chair of the panel will announce the Panel's recommendation, which may be one of the above. (1-4).

CLOSED DELIBERATION Information for Board/Administrative Hearing Panel Consideration. Headings (A B C D) refer to headings listed on page 1:

A. ...jurisdiction: (Must deny the appeal, if questions are affirmative.)

Was the expulsion hearing commenced within the time periods prescribed by law?
Was the expulsion order based upon acts enumerated in the Education Code? (For legal bases for expulsions, Refer to Ed. Code section 48900 to 48915, article 1, Chapter 6, part 27)
Was the expulsion order based upon acts related to school activity or attendance?

B. …fair hearing: (Must deny the appeal, if questions are affirmative.)

Was adequate and timely notice of the hearing given to the Appellant?
Was the Appellant or representatives, if any, given the opportunity to hear and/or examine all evidence submitted against him/her?
Was the Appellant given the opportunity to present evidence to deny, explain and/or to mitigate the allegations against him/her?
Was the pupil given notice and opportunity of the right to be represented by counsel?
Was the pupil given the opportunity to introduce testimony of witnesses on his or her behalf?
Did the District introduce substantial evidence to support a recommendation to expel?
Is the evidence the kind of evidence upon which reasonable persons are accustomed to rely in the conduct of serious affairs?
Was the pupil given the opportunity to confront or question any witnesses who testified at the hearing except as provided in California Education Code section 48918 (f)?

C. …prejudicial abuse of discretion: (Must also find that the abuse was prejudicial in order to affirm the appeal.)

Did District officials meet the procedural requirements of the Education Code?
Was the decision to expel supported by the findings prescribed by the Education Code?
Are the findings supported by the evidence?

D. …existing relevant, material evidence: If such evidence exists, the Board may:

…remand the matter back to the District for reconsideration and may, in addition, order the student re-enrolled in a District school pending such reconsideration, or

...grant a hearing de novo before the County Board of Education upon reasonable notice to the Appellant and Respondent.

Board's findings:

If the appeal is affirmed, the Board must also determine separately whether to order the District Board to expunge the record of the student and the records of the District of any references to the expulsion action.

The decision of the County Board shall be rendered within three (3) school days, shall be final and binding, and shall be delivered in writing to both parties by certified mail or personal service.

Reporting to Parents

The County Office of Education believes that good communication between parent and staff is important in the educational process

With this in mind, all staff members are requested to provide for frequent and varied contacts with parents. All appropriate forms and methods of communication, such as parent-teacher conference, mail, telephone, and school visitation by parents, should be used.

Legal Reference: Education Code
49067 Regulations Regarding Pupil's Achievement
49069 Absolute Right to Access (parents' rights to student records)

Regulation
approved: July 6, 1983

Student Records

The County Board of Education and the County Office of Education support the need for keeping records on each student which will reflect the physical, emotional, social and academic aspects of the student's development.

Information about a student demands judicious use and shall always be used so as to contribute to the student's welfare. Safeguards shall be established by the school administration to protect the student and the student's family from invasion of privacy in the collection, maintenance and dissemination of information, and to provide accessibility to recorded information only by those legally entitled thereto.

The County Office recognizes that where the requirements of the Federal Family Educational Rights and Privacy Act (20 U.S.C.) 1232g) conflict with the California Education Code, the County Office of Education shall comply with the requirements of the Education Code. (See HEW Reg. 99.61)

The Board of education directs the County Office of Education to develop regulations for the keeping and management of student records as outlined above.

Policy
adopted: July 6, 1983

Student Records; Confidentiality

Definitions

As used in this regulation:

1. "Pupil Record" means any item of information directly related to an identifiable pupil, other than directory information, which is maintained by a school agency or required to be maintained by an employee in the performance of his/her duties whether recorded by handwriting, print, tapes, film, microfilm or other means. Pupil records include information relative to an individual pupil gathered within or without the school system and maintained within the school system, regardless of the physical form in which it maintained. Essential in this definition is the idea that any information which is maintained for the purpose of second party review is considered a pupil record. (Ed Code 49061; 5 CA Adm. Code 430)

   "Pupil record" shall not include informal notes related to a pupil compiled by a school officer or employee which remain in the sole possession of the maker and are not accessible or revealed to any other person except a substitute. "Substitute" means a person who performs, on a temporary basis, the duties of the individual who made the notes, and does not refer to a person who permanently succeeds the maker of notes. (Ed. Code 49061)

2. "Directory information" means one or more of the following items: student' name, address, telephone number, date and place of birth, 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, and the most recent previous public or private school attended by the student. (Ed. Code 49061)

3. "Parent" means a natural parent, an adopted parent, or legal guardian. If parents are divorced or legally separated, only the parent having legal custody of the pupil may challenge the content of a record pursuant to Education Code Section 49070, offer a written response to a record pursuant to Education Code Section 49072, or consent to release records to others pursuant to Education Code Section 49075, provided, however, that either parent may grant consent if both parents have notified the County office of Education in writing, that such an agreement has been made. Whenever a pupil has attained the age of 18 years, has been designated an emancipated minor, or is attending an institution of post secondary education, the permission or consent required of, and the rights accorded to, the parents or guardian of the pupil shall thereafter only be required of, and accorded to, the pupil. (Ed. Code 49060)

Student Records; Confidentiality (continued)

Definitions (continued)

3A. The County Superintendent shall designate a Certificated employee as a custodian of records. Such employees shall be charged with responsibility for implementing County office of Education policies in all schools and programs operated by the County Office of Education.

4. "Access" means a personal inspection and review of a record or an accurate copy of a record, or receipt of an accurate copy of a record, an oral description or communication of a record or an accurate copy of a record and a request to release a copy of any record. (Ed. Code 49062(3))

5. "Pupil" means a person who is or was enrolled in a school. (5CA Adm. Code 430(a))

6. "Adult pupil" means a person who is or was enrolled in school and who is at least 18 years of age. (5CA Adm. Code 430(b))

7. "Eligible pupil" means a person 16 years or older or who has completed Grade 10. (5CA Adm. Code 430(c))

Types of Records

The Superintendent of Schools shall maintain only the following three classes of student records: (5CAC 431, 432)

1. Mandatory Permanent Pupil Records are those records which are maintained in perpetuity and which schools have been directed to compile by California statute, regulation, or authorized administrative directive. such records shall include the following:

    a. Legal name of pupil
    b. Date of birth
    c. Method of verification of birthrate
    d. Sex of pupil
    e. Place of birth

Student Records; Confidentiality (continued)

Types of Records (continued)

f. Name and address of parent of minor pupil
   (1) Address of minor pupil if different than the above
   (2) an annual verification of the name and address of the parent and the residence of the pupil
g. Entering and leaving date of each school year and for any summer session or other extra session
h. Subjects taken during each year, half-year, summer session, or quarter
i. If marks and/or credit are given, the mark and/or number of credits toward graduation allowed for work taken
j. Verification of exemption from required immunizations
k. Date of high school graduation or equivalent

2. Mandatory Interim Pupil Records are those records which the schools are directed to compile and maintain for stipulated periods of time and are then destroyed as per California statute, regulations, or authorized administrative directive. Such records include the following:

   a. A log or record for each pupil's record which lists all persons, agencies or organization requesting or receiving information from the record, and the legitimate interests therefor. (Exception from listing, see page 5125.1(1), Access Log, #2.)

   b. Health information, including Child Health Developmental Disabilities Prevention Program verification or waiver

   c. Participation in special education programs including required tests, case studies, authorizations, and actions necessary to establish eligibility for admission or discharge

   d. Language training records

   e. Parental restrictions regarding access to directory information or related stipulations.

   f. Parent or adult pupil rejoinders to challenged records and to disciplinary action

Student Records; Confidentiality (continued)

Types of Records (continued)

g. Parental authorizations or prohibitions of pupil participation in specific programs.

h. Results of standardized tests administered within the preceding three years

3. Permitted Records are those records having clear importance only to the current education process of the student. Such records may include the following.

a. Objective counselor and/or teacher ratings

b. Standardized test results older than three years

c. Routine discipline data

d. Verified reports of relevant behavioral patterns

e. All disciplinary notices

f. Attendance records not covered in 5 CA Adm. Code 400

Maintenance and Security of Pupil Records

1. Custodian of Records

a. The Assistant Superintendent, Student Services, is hereby designated as custodian of pupil records. The address of the custodian is 77 Santa Barbara Road, Pleasant Hill 94523. (5 CA Adm. Code 432, 433)

(1) The custodian is charged with responsibility for implementing County Board Policies and administrative regulations relating to pupil records in all schools and programs operated by the County Office of Education.
(2) The custodian shall be responsible for security of pupil records and shall devise procedures for assuring that access to such records is limited to authorized persons.
(3) The custodian of records or a designated Certificated employee shall be responsible during the inspection for interpretation of the records where necessary and for prevention of their alteration, damage or loss. (5 CA Adm. Code 435 (d))

Student Records; Confidentiality (continued)

Maintenance and Security of Pupil Records (continued)

b. In each school, the program administrator or a Certificated employee designated by the program administrator is responsible for implementation of County Board policies and administrative regulations relating to pupil records maintained in that school. (5 CA Adm. Code 431 (b))

2. Files

a. A record for each individual pupil shall be maintained in a central file at the school attended bay the pupil, or when records are maintained in different locations, a notation shall be placed in the central file indicating where such records may be found. (5CA Adm. Code 433)

b. Pupil records shall be stored in locked containers or rooms.

3. Information

a. All anecdotal information and assessment reports maintained as pupil records must be dated and signed by the individual who originated the record. (5 CA Adm. Code 431 (d))

b. Each school program administrator shall keep on file a record of enrollment and scholarship for each pupil currently enrolled in that school. (5 CA Adm. Code 432(a))

Access to Student Records (Ed. Code 49069)

1. Parents

a. Parents of currently enrolled or former pupils shall have an absolute right during regular business hours to access any and all pupil records related to their children. Neither the pupil record, nor any part thereof, shall be withheld or edited. If the pupil records contain information on more than one student, the parent may inspect and review or be informed of only the specific information which pertains to that pupil.

b. A parent's request for access to pupil records shall be made in writing to the custodian of pupil records. Access shall be granted no later than five (5) days following the date of the receipt of the request.

Student Records; Confidentiality (continued)

Access to Student Records (continued)

c. A requesting parent shall be notified of the location of all pupil records, if not centrally located.

d. When a parent's dominant language is not English, the district shall make an effort to
(1) provide interpretation of the pupil record in the dominant language of the parent, or
(2) assist the parent in securing an interpreter.

2. Parental Consent (Ed. Code 49075)

a. The custodian of pupil records may permit access to pupil records during regular school hours to any person for whom a pupil's parent has executed written consent specifying the records to be released and identifying the party or class of parties to whom the records may be released.

b. The recipient must be notified that the transmission of the information to others without consent of the parent is prohibited.

c. The consent notices shall be kept permanently with the pupil record.

d. Upon request, the office shall provide the parent with a copy of the record which is disclosed. (HEW 99.30 (d))

3. Without Parental Consent (Ed. Code 49076)

a. No person or agent shall be permitted access to pupil records without written parental consent or under judicial order, except that access to those particular records relevant to the legitimate educational interests of the requester shall be permitted to the following:

(1) School officials and employees of the County Office of Education and members of a school attendance review board appointed pursuant to Education Code 48321, and any volunteer aide, 18 years of age or older, who has been investigated, selected, and trained by a school attendance review board for the purpose of providing follow-up services to students referred to the school attendance review board, provided that any such person has a legitimate educational interest to inspect a record.

Student Records; Confidentiality (continued)

Access to Student Records (continued)

(2) Officials and employees of other public schools or school system, including all county or state correctional facilities where educational programs leading to high school graduation are provided, where the pupil intends to or is directed to enroll, subject to the rights of parents as provided in Education Code Section 49068. The parent shall be given notice as provided in these regulations before records are disclosed pursuant to this paragraph.

(3) Authorized representatives of the Comptroller General of the United States, the Secretary of Health, Education and Welfare, an administrative head of an educational agency, state education officials, or their respective designees, or the United States Office for Civil Rights where such information is necessary to audit or evaluate a state or federally supported education program or pursuant to a federal or state law, provided that except when collection of personally identifiable information is specifically authorized by federal law, any data collected by such officials shall be protected in a manner which will not permit the personal identification of students or their parents by other than these officials, and such personally identifiable data shall be destroyed when no longer needed for such audit, evaluation, and enforcement of federal legal requirements.

(4) Other state and local officials to the extent that such information is specifically required to be reported pursuant to state law adopted prior to November 19,1974

(5) Parents of a pupil 18 years of age or older who is a dependent as defined in Section 152 of the Internal Revenue Code of 1954.

(6) A pupil 16 years of age or older having completed the tenth grade who requests such access.

Student Records; Confidentiality (continued)

Access to Student Records (continued)

b. Information from pupil records may be released to the following:

(1) Appropriate persons in connection with an emergency if the knowledge of such information is necessary to protect the health or safety of other persons. The factors to be considered in determining whether information may be disclosed include the seriousness of the threat to the health or safety of the student or other individuals, the need for the information to meet the emergency, whether the parties to whom the information is disclosed are in a position to deal with the emergency, and the extent to which time is of the essence in dealing with the emergency. (HEW Reg. 99.36)

(2) Agencies or organizations in connection with a student's application for or receipt of financial aid provided that information permitting the personal identification of students or their parents may be disclosed only as may be necessary for such purposes as to determine the amount of the financial aid, to determine the conditions which will be imposed regarding the financial aid, or to enforce the terms or conditions of the financial aid.

(3) Accrediting organizations in order to carry out their accrediting functions.

(4) Organizations conducting studies for or on behalf of educational agencies or institutions for the purpose of developing, validating, or administering student aid programs, and improving instruction, if such studies are conducted in such a manner as will not permit the personal identification of students or their parents by persons other than representatives of such organizations and such information will be destroyed when no longer needed for the purpose for which it is conducted.

(5) Officials and employees of private schools or school systems where the pupil is enrolled or intends to enroll subject to the rights of parents as provided in Educational Code Section 49068. Such information shall be in addition to the pupil's permanent record transferred pursuant to Education Code Section 49068l.

Student Records; Confidentiality (continued)

Access to Student Records (continued)

c. No person, persons, agency, or organization permitted access to pupil records pursuant to this regulation shall permit access to any information obtained from such records by any other person, persons, agency or organization without the written consent of the pupil's parent; provided, however, that this paragraph shall not be construed as to require prior parental consent when information obtained pursuant to this regulation is shared with other persons within the district so long as such persons have an equal legitimate interest in the information. (Ed. Code 49076)

4. Court Order

a. Information concerning a student shall be furnished in compliance with a court order. (Ed. Code 49077)

(1) Unless otherwise judicially instructed, the custodian shall, prior to the disclosure of any pupil records pursuant to a court order, give the parent and the pupil at least three days' notice, if lawfully possible within the requirements of the judicial order, of the name of the requesting agency and the specific records requested. such notice shall be in writing if possible. (5 CA Adm. Code 435(c))

(2) Only those records related to the specific purpose of the court order shall be disclosed.

b. The service of a subpoena upon a County Office of Education employee or official solely for the purpose of causing the employee to produce a school record pertaining to any pupil may be complied with by such employee, in lieu of personal appearance as a witness in the proceeding, by submitting to the court, or other agency issuing the subpoena, at the time and place required by the subpoena, a copy of such record, accompanied by an affidavit certifying that such copy is a true copy of the original record on file in the school or school office. The copy of the record shall be in the form of a Photostat, microfilm, micro card, or miniature photograph or other photographic copy or reproduction or an enlargement thereof. (Ed. Code 49078)

Student Records; Confidentiality (continued)

Access to Student Records (continued)

5. Nothing in this regulation shall preclude the County Office of Education from providing at its discretion statistical data from which no pupil may be identified to any public agency or entity or private nonprofit college, university, or educational research and development organization when such actions would be in the best educational interests of pupils. (Ed. Code 49074)

6. Criteria

   a. "School officials and employees" as used in this regulation and for purposes of Education Code Section 490064, and paragraph (1) of subdivision (a) of Education Code Section 49076 means County Office of Education employees and elected officials.

   b. The following criteria shall be used in determining whether a "school official or employee" has a legitimate educational interest" as used in Educational Code Section 49064 and paragraph (1) of subdivision (a) of Education Code Section 49076:

      A school official or employee shall be determined to have "legitimate educational interest" in the records of a pupil if he/she is instructing, assessing, providing related services, or consulting about the pupil, or is administering and education program in which the pupil is enrolled.

Challenging Contents of Records

1. Following an inspection and review of a pupil's records the parent or guardian of the pupil or former pupil may challenge the content of any pupil record. (Ed. Code 49070)

   a. The parent may file a written request with the county Superintendent of Schools to correct or remove any information recorded in the written records concerning the parent's child which the parent alleges to be

      (1) inaccurate.
      (2) an unsubstantiated personnel conclusion or inference.
      (3) a Conclusion or inference outside 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.

Student Records; Confidentiality (continued)

Challenging Contents of Records (continued)

b. Within 30 days of receipt of such request, the Superintendent or his/her designee shall meet with the parent or guardian and the certificated employee who recorded the information in question, if any and if such employee is presently employed by the County office of Education

c. The information shall be corrected or removed if the Superintendent sustains any or all of the allegations.

d. If the Superintendent denies any or all of the allegations and refuses to order the correction or the removal of the information, the parent or guardian may, within 30 days of the refusal, appeal the decision in writing to the County Board of Education.

(1) Within 30 days of receipt of such an appeal, the County Board shall, in closed session with the parent or guardian and the certificate employee who recorded the information in question, if any and if such employee is presently employed by the superintendent, determine whether or not to sustain or deny the allegations. The decision of the County Board shall be final.

(2) If the County Board sustains any or all of the allegations, it shall order the Superintendent to correct or remove and destroy the information from the pupil's written records.

(3) 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 or guardian initiates legal proceedings relative to the disputed information within the prescribed period.

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

Student Records; Confidentiality (continued)

Challenging Contents of Records (continued)

2. Hearing Panel (Ed. Code 49071)

a. Either the County Superintendent of Schools or the County Board of Education may convene a hearing panel composed of the following persons, provided the parent has given written consent to release information from the relevant pupil's records to the members of the panel so convened, to assist in making determinations pursuant to Education Code Section 49070:

(1) The program administrator of a public school other than the one at which the record is on file.

(2) A certificated employee appointed by the parent or guardian.

(3) A parent appointed by the Superintendent or by the County Board, depending upon who convenes the panel.

b. The persons appointed pursuant to the above paragraph shall, if possible, not be acquainted with the pupil, his/her parent or guardian, or the certificated employee who recorded the information, except when the parent or guardian appoints the person pursuant to paragraph a(2) above.

c. The program administrator appointed to the hearing panel shall serve as chairperson.

d. The hearing panel shall, in closed session, hear the objections to the information of the parent and the testimony of the certificated employee who recorded the information in question, if any and if such employee is presently employed by the County Office of Education

(1) The hearing panel shall be provided with verbatim copies of the information which is the subject of the controversy.

(2) Written findings shall be made setting forth the facts and decisions of the panel, and such findings shall be forwarded to the Superintendent or the County Board, depending upon who convenes the panel.

e. The proceedings of the hearing shall not be disclosed nor discussed by panel members except in their official capacities.

(3) Whenever there is included in any pupil record information concerning any disciplinary action taken by county personnel in connection with the pupil, the pupil's parent or guardian may include in such pupil's record a written statement or response concerning the disciplinary action. (Ed. Code 49072)

Directory Information (Ed. code 49061; 49073)

1. The following student information is declared to be directory information:

    a. Name
    b. Address
    c. Telephone number
    d. Date and place of birth
    e. Major field of study
    f. Participation in officially recognized activities and sports
    g. Weight and height of members of athletic teams
    h. Dates of attendance
    i. Degrees and awards received
    j. Most recent previous public or private school attended by the student

2. Directory information may be released to the following:

    a. Federal, state and local governmental agencies
    b. Representatives of the news media, including but not limited to newspapers, magazines and radio and television stations
    c. Employers of prospective employers
    d. Nonprofit youth organizations

3. No information may be released to a private profit-making entity other than employers, prospective employers and representatives of the news media.

4. The names and addresses of pupils enrolled in grade 12 or who have terminated enrollment prior to graduation may be provided to a private school or college operation under Education Code (commencing with Section 94300).

5. The Custodian of records may, in his/her discretion, limit or deny the release of specific categories of directory information to any public or private nonprofit organization based upon a determination of the best interests of pupils.

Student Records; Confidentiality (continued)

Directory Information (continued)

6. Notice shall be given annually to the parents or guardian of the categories of information which the office plans to release and of the recipients.

    a. The office shall allow a reasonable period of time after such notice has been given for a parent or guardian to inform the custodian of pupil records that any or all of the information designated should not be released without the parent's or guardian's prior consent.

    b. No directory information shall be released regarding any pupil when a parent or guardian has notified the County Office of Education that such information shall not be released.

Access Log (Ed. Code 49064)

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

2. Such a listing need not include the following:

    a. Parents or pupils to whom the access is granted pursuant to Education Code Section 49069 or paragraph (6) of subdivision (a) of Education Code Section 49076.

    b. Parties to whom directory information is released, pursuant to Education Code Section 49073.

    c. Parties for whom written consent has been executed by the parent or guardian pursuant to Education Code Section 49075.

    d. County Office of Education officials or employees having a legitimate educational interest pursuant to paragraph (1) of subdivision (a) of Education Code Section 49076.

Student Records; Confidentiality (continued)

Access Log (continued)

3. The log or record shall be open to inspection only by a parent or guardian and the custodian of pupil records, or the custodian's designee, and to other school officials with legitimate educational interests in the records, and to the Comptroller General of the United States, the Secretary of Health, Education, and Welfare, an administrative head of an education agency as defined in 20 U.S.C. 1232g. and state educational authorities as a means of auditing the County Office of Education's operation.

Fee for Reproducing Records (Ed. Code 49065)

1. A fee based upon the actual cost of reproduction, handling and postage (if any) may be charged for furnishing copies of any pupil record.

2. The custodian of pupil records annually shall recommend a fee schedule for approval by the County Superintendent of Schools.

3. No fee shall

   a. prevent the parents or guardians from exercising their right to inspect and review pupil records.

   b. be charged for searching or retrieving a student's pupil records

   c. be made for furnishing
      (1) up to two transcripts of former pupil's records.
      (2) up to two verifications of various records of former pupils.

Transfer of Pupil Records (Ed Code 49068; 5 CA Adm. Code 438)

1. Whenever a pupil transfers to another California public school agency, the following pupil records maintained by the County Office of Education shall be forwarded upon request from the other agency:

   a. The pupil's Mandatory Permanent Pupil Record or a copy thereof. The original or a copy shall be retained by the County Office of Education.

   b. The pupil's entire mandatory Interim Pupil Record.

Student Records; Confidentiality (continued)

Transfer of Pupil Records (continued)

2. Whenever a pupil transfers to a school agency in another state or to a private school, the County Office shall transfer the pupil's Mandatory Permanent Pupil Record upon request from the other district or the private school. The pupil's mandatory Interim Record may be forwarded upon request.

3. Permitted pupil records may be forwarded.

4. All pupil records shall be updated prior to transfer.

   Parent notification

   a. If the transfer is a within-state transfer, the receiving school shall notify the parents of the record transfer.
   b. If the pupil transfers out of state, the custodian of pupil records shall notify the parents or guardian at their last know address of the rights accorded them. (HEW Reg. 99.34)
   c. The notification shall include a statement of the parent's or guardian's right to review, challenge and receive a copy of the pupil record, if desired.

Retention and Destruction of Pupil Records (5CA Adm. Code 437; 16020-16030)

1. No additions, except routine update, shall be made to a pupil's record after high school graduation or permanent departure without the parent's or guardian's prior consent.

2. Mandatory Permanent Pupil Records shall be preserved in perpetuity according to a 5 CA Adm. Code 16032.

3. Unless forwarded to another agency, Mandatory Interim Pupil Records may be classified as disposable when the student leaves the district or when their usefulness ceases. Destruction shall be in accordance with 5 CA Adm. Code 16027 during the third school year following such classification.

4. Permitted Pupil Records may be destroyed when their usefulness ceases. They may be destroyed after six months following the pupil's completion of or withdrawal from the educational program.

Students

Student Records; Confidentiality (continued)

Retention and Destruction of Pupil Records (continued)

5. The method of destruction shall assure that records are not available to possible public inspection during the destruction process.

Notification of Parents (Ed. Code 49063)

1. Parents shall be notified in writing of their rights under this regulation upon the date of the pupil's initial enrollment, and thereafter at the same time as notice is issued pursuant to Education Code Section 48980. The notice shall be in a form which reasonably notifies parents of the availability of the following specific information:

    a. The type of pupil records and information contained therein which are directly related to students and maintained by the County Office of Education.

    b. The position of the official responsible for the maintenance of each type of record.

    c. The location of the log or record required to be maintained pursuant to Education Code Section 49064.

    d. The criteria to be used by the office in defining "school officials and employees" and in determining "legitimate educational interest" as used in Education Code Section 49064 and paragraph (1) of subdivision (a) of Education Code Section 49076.

    e. The regulations of the County Superintendent for reviewing and expunging student records.

    f. The right of the parent or guardian to access to pupil records.

    g. The procedures for challenging the content of pupil records.

    h. The cost, if any, which will be charged to the parent or guardian for reproducing copies of records.

    i. The categories of information which the district has designated as directory information pursuant to Education Code Section 49073.

Students

Student Records; Confidentiality (continued)

Notification of Parents (continued)

j. Any other rights and requirements set forth in Education Code Sections 49060-49078, and the right of the parent to file a complaint with the United States Department of Health, Education, and Welfare concerning an alleged failure by the district to comply with the provisions of Section 438 of the Federal Education provisions Act (20 U.S.C.A. 1232g).

2. The notice shall be, insofar as is practicable, in the home language of the pupil.

Sealing of Student Records

In order to comply with court orders to seal student records, the procedures shall be as follows:

1. The individual petitioning the court to seal records will identify the County Office program in which he/she was enrolled.

2. The court will send directly to the County Office of Education an order to seal the client's records. The Superintendent shall immediately forward a copy of the court order to the custodian of records and the program administrator for the action cited:

   a. Receive the order
   b. Check the records to determine whether or not there is any information whatsoever regarding the individual named.
   c. Seal any such records
   d. Make the appropriate notation (no records, or records sealed) on the order
   e. Sign the order
   f. Return the order to the County Superintendent for transmittal to the court

Sealing is accomplished by physically obscuring from view any and all notations that identify the subject's contact with police, probation or court. The actual sealing may be accomplished by any means that renders the record secure against disclosure. It is important to note that the records are NOT intended to be destroyed. A court can at some future date "break the seal" and make the record available for inspection to the persons named in order.

Students

Student Records; Confidentiality (continued)

Sealing of Student Records (continued)

3. Information

   a. All anecdotal information and assessment reports maintained as pupil records must be dated and signed by the individual who originated the record. (5 CA Adm. Code 431(d))
   b. Each school program administrator shall keep on file a record of enrollment and scholarship for each pupil currently enrolled in that school. (5 CA Adm. Code 432(a))

Records may be sealed by placing tape over notations or placing records in a sealed envelope. Any requests for sealed information shall be answered that NO RECORD EXISTS. There shall be no indication to requesting parties that records have been sealed.

The County Superintendent shall designate the custodian of records as the person in charge of these procedures for the County Office of Education.

Legal Reference: Education Code
49060-49078 Pupil Records
56341.2 Examination of School Record; Handicapped Pupil
California Administrative Code, Title 5
430-438 Individual Pupil Records
Civic Code VII
60-63 Emancipation of Minors
Government Code
6252-6260 Inspection of Public Records
Federal Family Educational Rights and Privacy Act of 1974
(20 U.S.C. 1232 g)
Code of Federal Regulations, Article 45
121a.500 Definition of "Personally Identifiable"
121a.501 General Responsibilities of Public Agencies
121a.502 Opportunity to Examine Records
121a.573 Destruction of Information

Additional Reference:
Supplement to California School Law Digest,
"Student Records" by Jay E. Grenig. Vol IV, Nos 9, 10, 11. (September, October, and November 1976)

Regulation
approved: July 6, 1983

Regulation
amended: August 15, 1991

Photographing of Students

Taking pictures of school pupils and buildings for commercial purposes is normally prohibited. Any exception requires an application in writing and the approval of the County Superintendent of Schools or his/her designee.

1. "Commercial purposes" on this context is defined to mean
   a. for sale whether at a profit or not, or
   b. for use in connection with the advertisement or promotion of goods or services.

2. "School pupils" in this context means boys and girls enrolled in the school during that part of the day they are at school, on the school grounds, or engaged in any activity under the direction and supervision of the school.

3. Photographs or videotapes of students may not be taken without prior consent of the parent or guardian.

Exceptions

Not included in the prohibition are the following which are permissible within good judgment as to time, place, and circumstances and with the approval of the principal/program administrator or other person in charge:

1. Pictures by an established news service or publication for purely news or feature use.

2. Pictures taken for use by the schools for illustrative or historical purposes.

3. Pictures taken by individuals for personal use and not for sale.

4. Pictures taken for use in the school annuals.

Regulation
approved: July 6, 1983

Award for Achievement/Diplomas

The County Board of Education encourages staff to recognize students for scholarship and distinguished services in any school activity. It also encourages the development of feelings of accomplishment, recognition and support basic to building a favorable attitude toward school and learning.

The staff is authorized to review and approve or reject proposed trophies, prizes, scholarships or other awards from non-school donors. The following criteria apply:

1. The proposed award must be free from motives of personal or corporate gain and publicity.

2. The criteria for making the award must be under the control of the county Office of Education.

3. The purposes, either implied or explicit, of the proposed award are consistent with the policies and regulations of the County Board of education and the County Office of Education.

Legal Reference: Education Code
51000 et seq. Education Program
51010 et seq. Definitions
51040-51041 Role of Local Agencies
51050 Enforcement of Courses of Study and Use of Textbooks
51053 Courses of Study Prescribed by City r County Board; Development of Courses
51200 et Seq. Required Courses of Study; Proficiency Examinations

Policy
adopted: July 6, 1983

Students

CONDUCT

The County Board of Education believes that all students have the right to be educated in a positive learning environment free from disruptions. Students shall be expected to exhibit appropriate conduct that does not infringe upon the rights of others or interfere with the school program while on school grounds, while going to or coming from school, while at school activities, and while on school transportation. (cf. 5131.1 – Bus Conduct)

The County Superintendent of Schools or designee shall ensure that each school site develops standards of conduct and discipline consistent with County Board policies and administrative regulations. Students and parents/guardians shall be notified of County Office of Education and school rules related to conduct.

Prohibited student conduct includes, but is not limited to:

1. Conduct that endangers students, staff, or others. (cf. 0450 – Comprehensive Safety Plan, cf. 5 131.7 – Weapons and Dangerous Instruments)

2. Conduct that disrupts teaching, learning and/or a positive school environment. (cf. 5131.4 – Student Vandalism)

3. Harassment or bullying of students or staff, including, but not limited to, cyberbullying, intimidation, hazing or initiation activity, extortion or any other verbal written or physical conduct that causes or threatens to cause violence, bodily harm, or substantial disruption, in accordance with the section entitled "Bullying/Cyberbullying" below.

4. Damage to or theft of property belonging to students, staff, or the County Office of Education. (cf. 5131.4– Vandalism and Graffiti)

5. Possession or use of a laser pointer, unless used for valid instructional or other school-related purpose, including employment. (Penal Cole 417.27)

   Prior to bringing a laser pointer on school premises, students shall first obtain permission from the principal or designee. The principal or designee shall determine whether the requested use of the laser pointer is for a valid instructional or other school-related purpose.

6. Use of profane, vulgar, or abusive language.

7. Plagiarism or dishonesty on school work or tests. (cf. 6162.6 – Use of Copyrighted Materials)

8. Inappropriate attire. (cf. 5132 – Dress and Grooming)

Students

CONDUCT (continued)

9. Tardiness or unexcused absence from school. (cf. 5113 – Absences and Excuses, 5113.1 – Truancy)

10. Failure to remain on school premises in accordance with school rules.

11. Possession, use, or being under the influence of tobacco, alcohol, or other prohibited drugs. (cf. 5131.6 – Alcohol and Other Drugs, 5131.62 – Tobacco)

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

Students who violate County Office of Education or school rules and regulations may be subject to discipline including, but not limited to, suspension, expulsion, transfer to alternative programs, or denial of a privilege of participation in extracurricular or cocurricular activities in accordance with County Board policy and administrative regulation. The County Superintendent of Schools or designee shall notify local law enforcement as appropriate. (cf. 1400 – Relations Between Other Governmental Agencies and the Schools, 5144 – Discipline, 5144.1 – Suspension and Expulsion/Due Process, 5144.2 – Suspension and Expulsion/Due Process (Students with Disabilities), 6145 –Student Activities)

Students also may be subject to discipline, in accordance with law, County Board policy, or administrative regulation, for any off-campus conduct during nonschool hours which poses a threat or danger to the safety of students, staff, or County Office of Education property, or substantially disrupts school activities.

Possession/Use of Cellular Phones and Other Mobile Communication Devices

No student shall be prohibited from possessing or using an electronic signaling device that is determined by a licensed physician or surgeon to be essential for the student's health and the use of which is limited to health-related purposes. (Education Code 48901.5)

Students may possess or use on school campus personal electronic signaling devices including, but not limited to, pagers and cellular/digital telephones, as well as other mobile communications devices including, but not limited to, digital media players, personal digital assistants (PDAs), compact disc players, portable game consoles,

Students

CONDUCT (continued)

cameras, digital scanners, and laptop computers provided that such devices do not disrupt the educational program or school activity and are not used for illegal or unethical activities such as cheating on assignments or tests.

Students are required to turn in all electronic signaling devices during all testing and if required by classroom rules.

If a disruption occurs or a student uses any mobile communications device for improper activities, a school employee shall direct the student to turn off the device and/or shall confiscate it. If the school employee finds it necessary to confiscate the device, he/she shall return it at the end of the class period or school day.

In accordance with BP/AR 5145.12 – Search and seizure, a school official may search a student's mobile communications device, including, but not limited to, reviewing messages or viewing pictures.

Students shall not use mobile communications devices, even in hands-free mode, while driving on school grounds or to and from a school-related activity.

A student who violates this policy may be prohibited from possessing a mobile communications device at school or school-related events and/or may be subject to further discipline in accordance with County Board policy and administrative regulation.

Bullying/Cyberbullying

The County Board desires to prevent bullying by establishing a positive, collaborative school climate and clear rules for student conduct.

Cyberbullying includes the transmission of communications, posting or harassing messages, direct threats, or other harmful texts, sounds, or images on the internet, social networking sites, or other digital technologies using a telephone, computer, or any wireless communication device. Cyberbullying also includes breaking into another person's electronic account and assuming that person's identity in order to damage that person's reputation. (cf. 5145.7 – Sexual Harassment)

The County Office of Education may provide students with instruction, in the classroom or other educational settings, that promotes communication, social skills, and assertiveness skills and educates students about appropriate online behavior and strategies to prevent and respond to bullying and cyberbullying. (cf. 1220 – Citizen Advisory Committees, 5300 – Student Use of Technology)

Students

CONDUCT (continued)

School staff shall receive related professional development, including information about early warning signs of harassing/intimidating behaviors and effective prevention and intervention strategies. Parents/guardians, students, and community members also may be provided with similar information. (cf. 4131 – Staff Development, 4331 – Professional Growth Program)

Students may submit a verbal or written complaint of conduct they consider to be bullying to a teacher or administrator. Complaints of bullying shall be investigated and resolved in accordance with site-level grievance procedures specified in AR 5145.7 – Sexual Harassment.

When a student is suspected or reported to be using electronic or digital communications to engage in cyberbullying against other students or staff, or to threaten County Office of Education property, the investigation shall include documentation of the activity, identification of the source, and specific facts or circumstances that explain the impact or potential impact on school activity, school attendance, or the targeted student's educational performance.

Students shall be encouraged to save and print any messages sent to them that they feel constitute cyberbullying and to notify a teacher, the principal or other employee so that the matter may be investigated.

Any student who engages in cyberbullying on school premises, or off campus in a manner that causes or is likely to cause a substantial disruption of a school activity or school attendance, shall be subject to discipline in accordance with County Board policies and regulations. If the student is using a social networking site or service that has terms of use that prohibit posting of harmful material, the County Superintendent of School or designee also may file a complaint with the Internet site or service to have the material removed.

Legal Reference:

<u>EDUCATION CODE</u>	
200-262.4	*Prohibition of discrimination*
32262	*Bullying*
35181	*Governing board policy on responsibilities of students*
35291-35291.5	*Rules*
44807	*Duty concerning conduct of students*
48900-48925	*Suspension or expulsion, especially:*
48908	*Duties of students*
51512	*Prohibition against electronic listening or recording device in classroom without permission*
<u>CIVIL CODE</u>	
1714.1	*Liability of parents and guardians for willful misconduct of minor*

Students

CONDUCT (continued)

Legal Reference: (continued)

PENAL CODE
288.2 *Harmful matter with intent to seduce*
313 *Harmful matter*
417.25-417.27 *Laser scope*
647 *Use of camera or other instrument to invade person's privacy; punishment*
653.2 *Electronic communication devices, threats to safety*
VEHICLE CODE
23124 *Use of cellular phone provisional license holders*
CODE OF REGULATIONS TITLE 5
300-307 *Duties of pupils*
UNITED STATES CODE TITLE 42
2000h-200h6 *Title 1X, 1972 Education Act Amendments*
UNITED STATED CODE TITLE 47
245 *Universal service discount (e-rate)*
COURT DECISIONS
JC v Beverly Hills Unified School District 2009 (CV 08-03824 SVW)
LaVine v Blaine School District (2000. 9th Cir) 257 F.3d 981
Emmett v Kent School District No. 415 (2000) 92 F. Supp. 1088
Bethel School District No 403 v Fraser, (1985) 478 U.S. 675
Tinker v Des Moines Independent Community School District, (1969) 393 U.S. 503

Management Resources:

CSBA PUBLICATIONS
Cyberbullying Policy Considerations for Boards, Policy Brief, July 2007
CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS
Bullying in School, 2003
NATIONAL SCHOOL BOARDS ASSOCIAITON PUBLICATIONS
Digital Discipline: Off campus Student Conduct the First Amendment and Web Sites, School Law in Review, 2001
NATIONAL SCHOOL SAFETY CENTER PUBLICATIONS
Bullying in School: Fighting the Bullying Battle: 2006
WEB SITES:
CSBA: http://www.csba.org
California Cybersafety for Children: http://www.cybersafety.ca.gov
California Department of Education, Safe Schools Office: http://www.cde.ca.gov/ls/ss
Center for Safe and Responsible Internet Use: http://www.cyberbullying.org
National School Boards Association: http://www.nsba.org
National School Safety Center: http://www.schoolsafety.us
U.S. Department of Education: http://www.ed.gov

Policy adopted: January 12, 1994

Policy amended: March 3, 2004
October 5, 2011

Bus Conduct

1. Students may be assigned to a particular seat.
2. Students will remain seated at all times the bus is in motion.
3. Seat belts are to be worn at all times-.
4. No loud conversation, singing or noisy boisterous conduct is allowed.
5. Hands, arms, legs and feet must be inside the school bus at all times-.
6. No foul or abusive language is to used.
7. Eating or drinking is not permitted on the school bus.
8. Students will be discharged only at regularly scheduled stops.
9. No object may be brought aboard the bus that the driver feels could be hazardous to the other passengers. (Examples: glass, knives, skateboards, bowling balls, weapons of any type, irritants, objects too large to hold comfortably on the lap.)
10. Fighting, pinching, hitting, biting, etc., will not be permitted.
11. Smoking-is not permitted on a school bus.
12. Dogs, cats, rabbits, rodents, insects, etc., will not be allowed on the bus at any time.
13. Student shall not be a danger to him/herself or others while being transported.
14. Vandalism to the interior or exterior of the bus is-forbidden.
15. Students shall be courteous and show respect to the driver and obey the driver's instructions at all times.

Suspension Policy

The bus driver has the authority to recommend to the site or program administrator the suspension of pupils for any infraction of the rules. Any pupil may receive the maximum suspension and/or be denied bus transportation if it is determined that he/she created a safety hazard on the bus.

1st violation	written warning
2nd violation	1 day suspension
3rd violation	l week suspension

The bus company will notify parents, the school which pupil attends, and the bus driver of any suspension and the reason for the suspension.

Legal Reference: Education Code
39830 et seq. Transportation; Schoolbuses
51202 Instruction in Personal and Public Health and Safety

CA Adm. Code, Title 13
1403 Authority of Driver

Regulation
approved: July 6, 1983

Vandalism

Vandalism includes negligent, willful or unlawful damaging or taking of any real or personal property of the County Office of Education. Any student in schools or programs operated by the County Office of Education who commits an act of vandalism may also be liable to disciplinary action. Any adult, student, or the parent or guardian of any minor pupil shall be held liable for all County Office of education property loaned to the pupil or individual and not returned upon demand of the office.

In order to protect inventory of equipment and materials, the County Office of Education seeks to obtain reimbursement for any equipment and/or materials destroyed by vandalism.

Legal References: Education Code
48900 Suspension and Expulsion - Grounds
48909 Willful Misconduct, Limit of Liability of Parent or Guardian
44810 Willful Interference with Classroom Conduct (minors over 16 years of age or adults not pupils of school)

CA Adm. Code, Title 5
305 Pupil Responsible for Care of Property

Regulation
approved: July 6, 1983

Alcohol and Other Drugs

The County Board of Education and the County Superintendent of Schools believe that the use of alcohol or other drugs adversely affects a student's ability to achieve academic success, is physically and emotionally harmful, and has serious social and legal consequences. The County Board desires to keep schools free of alcohol and other drugs and desires that every effort be made to reduce student use of these substances.

The County Superintendent of Schools or designee shall develop a comprehensive prevention program that includes instruction, intervention, recovering student support and enforcement/discipline. The program shall be reviewed every two years.

The Superintendent or designee shall clearly communicate to all students, staff and parents/guardians the policies, regulations and school rules preventing the use of alcohol and drugs on school campuses or at school activities.

The Board and the County Superintendent of Schools encourage staff to display attitudes and behaviors which make them positive role models for students with regard to alcohol and other drugs. Staff should help students see themselves as responsible partners in efforts to maintain a safe, constructive school climate.

Because keeping schools free of alcohol and other drugs is a concern common to the County Office of Education and community, the County Board of Education and the County Superintendent of Schools support cooperation among schools, parents/guardians, law enforcement and other appropriate community organizations involved in preventing alcohol and other drug abuse.

To obtain the widest possible input and support for policies and programs, the County Superintendent shall appoint a countywide citizen advisory committee to make recommendations related to the prevention of alcohol and other drug abuse.

Instruction

The County Office of Education shall provide preventative instruction which helps students avoid the use of alcohol or other drugs. Comprehensive, age-appropriate K-12 instruction shall address the legal, social and health consequences of drug and alcohol use.

All instruction and related materials shall discourage unlawful use of alcohol or other drugs and shall not include the concept of responsible use when such use is illegal.

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

Intervention

The County Board of Education and the County Superintendent of Schools recognize that there may be students on our campuses who use alcohol and other drugs and can benefit from intervention. The County Board of Education and the County Superintendent of Schools support intervention programs that include the involvement of students, parents/guardians and community agencies/organizations. Students and parents/guardians shall be informed about the signs of alcohol and other drug use and about appropriate agencies offering counseling and rehabilitation for students and their family members.

The County Board of Education and the County Superintendent of Schools believe that school personnel must be trained to identify symptoms which may indicate use of alcohol and other drugs. The County Superintendent of Schools or designee shall clarify the roles and responsibilities of staff and law enforcement in working with, intervening, and reporting students suspected of using alcohol or other drugs.

Nonpunitive Self-Referral

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

Recovering Student Support

The County Board of Education and the County Superintendent of Schools desire to support recovering students in avoiding reinvolvement with alcohol and other drugs by providing school activities and support services which enhance recovery.

Enforcement/Discipline

The County Superintendent of Schools or designee shall take appropriate action to eliminate possession, use or sale of alcohol and other drugs and related paraphernalia on school grounds, at school events, or in any situation in which the school is responsible for the conduct and well-being of students. Students possessing, selling and/or using alcohol or other drugs or related paraphernalia shall be subject to disciplinary procedures which may result in referral to their district of residence for expulsion.

School authorities may search students and school properties for the possession of alcohol and other drugs as long as such searches are conducted in accordance with law, board policy and administrative regulations.

Legal Reference: Business and Professions Code
25608 Alcohol on school property; use in connection with instruction
Education Code
44049 Known or suspected alcohol or drug abuse by student
48900 Suspension or expulsion (grounds)

Alcohol and Other Drugs (continued)

48900.5 Suspension, limitation on imposition; exception
48901 Smoking or use of tobacco prohibited
48901.5 Prohibition of electronic signaling devices
Health and Safety Code
309.220-302.225 Adolescent family life program (Department of Health Services)
11032 Narcotics, restricted dangerous drugs and marijuana; construction of terms used in other divisions
11353.6Juvenile Drug Trafficking and Schoolyard Act
11357 Unauthorized possession of marijuana; punishment; prior conviction; possession in school or on school grounds
11361.5Destruction of arrest or conviction records
11372.7Drug program fund; uses
11802 Joint school-community alcohol abuse primary education and prevention program
11965-11969 The School-Community Primary Prevention Program
11998-11998.3 Drug and Alcohol Abuse Master Plans
11999-11999.3 Alcohol and drug program funding; no unlawful use
Penal Code
13864 Comprehensive alcohol and drug prevention education
Vehicle code
13202.5 Drug and alcohol related offenses by person under age of 21, but aged 13 or over; suspension delay, or restriction of driving privileges
Welfare and Institutions Code
828 Disclosure of information re minors
828.1 Disclosure of criminal records; protection of vulnerable staff & students
United States Code. Title 20
3171-3232 Drug Free School and Communities Act

Policy
adopted: September 27, 1995

Instruction

Students shall receive instruction by appropriately trained instructors about the nature and effects of alcohol and other drugs, including dangerous drugs defined by Health and Safety Code 11032. (Education Code 51260)

Program administrators shall determine that drug education instructors possess: (Education Code 51260)

1. The ability to interact with students in a positive way;

2. Knowledge of the properties and effects of tobacco, alcohol, narcotics, dangerous drugs, and shared drug apparatus; and

3. Effective teaching skills and competency in helping students to express opinions responsibly and to become aware of their values as they affect drug-use decisions.

At all grade levels, instruction shall include a study of the effects of alcohol and other drugs upon the human system, as determined by science. In grades 1 through 6, instruction in drug education should be given in health courses required by Education Code 51210. In grades 7 through 12, instruction in drug education shall be conducted in health courses and in any other appropriate area of study required by Education Code 51220. Instruction shall be sequential in nature and suited to meet the needs of students at their respective grade level. Secondary school instruction shall include a study of the effects of alcohol and other drugs upon prenatal development. (Education Code 51203 and 51260)

Intervention

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

If the program administrator or designee knows, observes or suspects that the student may be under the influence of alcohol or drugs, he/she may notify the parent/guardian. (Education Code 44049)

However, school staff shall not disclose confidential information provided during counseling by a student 12 years of age or older. School counselors may report such information to the program administrator or parents/guardians only when they believe that disclosure is necessary to avert a clear and present danger to the health, safety or welfare of the student or other persons living in the school community. They shall not disclose such information to the parent/guardian if they believe that the disclosure would result in a clear and present danger to the student's health, safety or welfare. (Education Code 44049, 49602)

Students

Alcohol and Other Drugs (continued)

In severe cases, if the parents/guardians or school medical personnel are not immediately available, the program administrator is authorized to call an ambulance to remove the student to a hospital. Parents/guardians will be notified of this action and shall be responsible for the incurred expenses.

Confiscation of Beepers

Because electronic signaling devices (beepers) are sometimes used to facilitate illegal drug transactions, the possession or use of such devices by students is prohibited on school premises, at all school-sponsored activities, and at any time while students are under the supervision and control of County Office employees. An exception shall be made only when the program administrator or designee has determined the beeper is essential for the student's health and then shall be used only for health purposes. (Education Code 48901.5)

The County Superintendent of Schools or designee shall confiscate beepers from students.

Enforcement/Discipline

1. When any student uses or possesses alcohol or illegal drugs at school or while under school jurisdiction, the following shall result:
   a. Parent/guardian contact.
   b. One-to five-day suspension.
   c. Law enforcement authority contact within one school day of the suspension.
   d. Restriction from school activities.

In addition, the following actions may be taken:
   a. Recommendation of expulsion to district of residence.
   b. Referral by district of residence to an appropriate community counseling program with the expectation that at least one counseling session will be held during the time of suspension.
   c. Transfer/alternative placement.

2. When intervention efforts fail and the student continues to use or possess alcohol or other drugs at school or any school activity, he/she shall be referred to his/her district of residence board of education to be considered for expulsion.

3. When a student sells or provides alcohol or other drugs at school or while under school jurisdiction, the following shall result:
   a. Parent/guardian contact.
   b. Suspension with recommendation of expulsion to the district of residence.
   c. Law enforcement contact within one school day of the suspension.

Staff shall notify the program administrator or designee immediately upon suspecting a student is selling or providing alcohol or other drugs. The program administrator or designee may notify law enforcement prior to confronting or searching the student.

A search for drugs may be made in accordance with the provisions of law, County Board policy, and administrative regulations.

Students

Alcohol and Other Drugs (continued)

When there is evidence that a student has sold or provided alcohol or other drugs or drug paraphernalia on or about the school premises or at school-sponsored functions, law enforcement must be notified. Law enforcement authorities will decide whether they or the school will notify the parent/guardian.

Biennial Program Review

The County Superintendent of Schools or designee shall review the County Office of Education's drug education program every two years in order to determine its effectiveness, implement any needed changes, and ensure that related disciplinary procedures are being consistently enforced. (20 U.S.C. 3224a)

Regulation
approved: July 6, 1983
September 27, 1995

Students

TOBACCO

Smoking presents a health hazard which can have serious consequences both for the smoker and the nonsmoker. Students shall not be allowed to use products containing tobacco and/or nicotine, including, but not limited to, smokeless tobacco, snuff, chew, clove cigarettes, and electronic nicotine delivery systems, such as electronic cigarettes, electronic hookahs, and other vapor emitting devices, with or without nicotine content, that mimic the use of tobacco products on school property at any time, or at school-sponsored events, or under the supervision of County Office employees (Education Code 48901). Students who violate this policy shall be subject to disciplinary procedures which may result in suspension from school (Education Code 48900). This section does not prohibit the use or possession of prescription products, or other cessation aids such as nicotine patches or nicotine gum. Student use or possession of such products must conform to laws governing student use and possession of medications on school property.

Student Services programs shall provide instruction regarding the effects of tobacco on the human body and shall take steps to discourage students from using tobacco (Education Code 48901, 51202). A list of cessation programs for students shall be made available to students through their program administrator.

Parents and students shall be notified of this policy through site handbooks, notices, or in other written formats. Signs are posted at all County Office of Education sites to communicate this restriction.

Legal Reference: EDUCATION CODE

44049 Known or suspected alcohol or controlled substance abuse by student
48900 Suspension or expulsion (grounds)
48900.5 Suspension, limitation on imposition; exception
48901 Smoking or use of tobacco prohibited
48909 Narcotics or other hallucinogenic drugs
51202 Instruction in personal and public health and safety
51203 Instruction on alcohol, narcotics and restricted dangerous drugs
51260 Elementary and secondary school instruction in drug education by appropriately trained instructors

Policy adopted: September 14, 1994

Policy amended: December 11, 2013

Students

TOBACCO

Student possession or use of tobacco on school premises or at school-sponsored events is a violation of law and County Board policy and is not permitted. Students violating this policy shall be subject to the following disciplinary procedures:

1. First Offense:

    a. Student Conference
    b. Parent/guardian contact
    c. One-day suspension or detention alternative to suspension

2. Second Offense:

    a. Parent/guardian contact
    b. One to two-day suspension or detention alternative to suspension

3. Third and Subsequent Offenses

    a. One to five-day suspension
    b. Transfer
    c. Disciplinary probation with behavioral contract

Disciplinary probation is a condition whereby a student must fulfill specific commitments or be denied certain privileges until his/her behavior improves. A behavioral contract is a written agreement among a student, his/her parent/guardian, and an administrator. The contract sets forth conditions that the student must meet for the probation period. Failure to comply with the agreement's terms may result in further disciplinary action.

Regulation
approved: September 14, 1994

Students

Weapons and Dangerous Instruments

The County Board of Education and the County Superintendent of Schools desire students to be free from the fear and danger presented by firearms and other weapons. The County Board of Education and the County Superintendent of Schools therefore prohibit students from possessing weapons, replicas of weapons, or dangerous instruments of any kind in school buildings, on school grounds or buses, or at any school-related or school-sponsored activity away from school.

Any school employee may confiscate any weapon, dangerous instrument or replica from any person on school grounds under the power granted to the County Board and the County Superintendent of Schools to maintain order and discipline in the schools and to protect the safety of students, staff and the public. Students possessing, exhibiting or threatening others with a weapon are subject to suspension and expulsion in accordance with Public Law 103-382, commonly referred to as "Gun-Free School's Act of 1994." Students also may be suspended if they threaten others or disrupt school activities by exhibiting a replica of a weapon.

The County Board and the County Superintendent of Schools recognize that students age 16 or older may become certified to carry tear gas or tear gas weapons such as pepper spray for the purpose of self-defense. However, to prevent potential misuse that may harm students or staff, students are prohibited from possessing such items on campus or at school activities.

State and federal law requires the County Superintendent or designee to immediately suspend and recommend for expulsion to the district of residence any student who brings a firearm to school. The period of expulsion shall be for one calendar year, unless an earlier return date is ordered. The period of expulsion shall be considered on a case-by-case basis. Unless the Superintendent or designee finds that the particular circumstances of a case indicate that expulsion is inappropriate, the County Office of Education shall recommend similar action to the district of residence when students knowingly bring any other weapons to school or participate in any fighting that inflicts serious bodily injury on another person. In addition to a suspension and possible expulsion, these students shall be reported to law enforcement authorities for prosecution of Penal Code violations.

Legal Reference: Education Code

35291 Governing board to prescribe rules for the government and discipline of the schools
48900 Grounds for suspension/expulsion
48902 Notification of law enforcement authorities
48915 Required recommendation for expulsions
49330 Injurious object
49331 Removal from possession of pupil by designated employee
49332 Notification of parent or guardian; retention of object by school personnel; release
49333 Return of object
49334 Injurious objects: notification law enforcement

Students

Weapons and Dangerous Instruments (continued)

Penal Code
245 Assault with deadly weapon
417.2 Imitation firearms
417.4 Imitation firearm; drawing or exhibiting
626.9 Gun-Free school Zone Act of 1995
626.10 Dirks, daggers, knives, razor or stun gun; bringing or possessing in school or on school grounds; exception
12020-12028.5 Unlawful carrying and possession of concealed weapons
12403.7 Weapons approved for self defense
12403.8 Minors 16 or over; tear gas and tear gas weapons

HR 6 Improving America's Schools Act
14061 Gun-Free Schools Act of 1994

Policy
adopted: March 13, 1996

Policy
amended: January 13, 1999

Students

Weapons and Dangerous Instruments

Students shall not possess weapons or dangerous instruments of any kind on school grounds or buildings, nor on school buses, nor on any school-related or school-sponsored activity away from school facilities, unless written permission has been obtained from the program administrator.

Program administrators shall not give written permission except on request of a teacher and on assurance that such possession serves a positive and an appropriate education purpose, and that proper precautions have been taken that no accidents shall occur and that the weapon or dangerous instrument shall not be misused while under school supervision.

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

1. Firearms: Pistols, revolvers, shotguns, rifles, "zip guns", and any other device capable of chemically propelling a projectile. An imitation firearm is defined as a replica of a firearm that is "so substantially similar in physical properties to an existing firearm as to lead a reasonable person to conclude that the replica is a firearm". (Education Code 48900(m))

   For school purposes, this includes air guns, CO_2 guns, BB guns, pellet guns and dart guns, and non-operating devices made to look like a firearm which might be used for intimidation.

2. Cutting and Puncturing Devices: Dirks, daggers, knives or other weapons with a fixed, sharpened blade fitted primarily for stabbing, a weapon with a blade fitted primarily for stabbing, a weapon with blades longer than three and one-half (3 1/2) inches, a folding knife with a blade that locks into place (including a pocket knife), or razor with an unguarded blade. (Education Code 48915(g))

3. Explosive and/or Incendiary Devices: Pipe bombs, time bombs, cap guns, containers of inflammable fluids, and other hazardous devices.

Possession of or bringing such weapons or devices on school grounds may also be a violation of the penal code, and therefore any violation of this regulation shall be reported to the local law enforcement agency. Students who violate this regulation will be subject to appropriate disciplinary action as well as possible court action.

Any Certificated or classified employee of the Contra Costa County Office of Education may seize any dirk, dagger, knife or other weapons with a fixed, sharpened blade fitted primarily for stabbing, a weapon with a blade fitted primarily for stabbing, a weapon with blades longer that three and one-half (3 1/2) inches, a folding knife with a blade that locks into place (including a pocket knife), or a razor with an unguarded blade from the possession of any person upon the grounds of or within a school if he/she knows or has reasonable cause to know the person is prohibited from bringing or possessing the weapon upon the grounds of or within the school. (Penal Code 626.10)

Any other dangerous device or weapon may be seized by a certificated or classified employee of the County Office of Education under the power granted to the governing body to maintain order and discipline in the public schools, and to protect the safety of students, staff, and the public.

Students

Weapons and Dangerous Instruments (continued)

Every employee seizing any weapon or dangerous instrument under the provision of this regulation shall report the incident to the program administrator immediately and deliver the seized device to the program administrator, together with names(s) of persons involved, witnesses, location and circumstances of the seizure. If it is known that a student has possession of such a device but the device has not been seized, the employee should report the matter to the program administrator immediately, and the program administrator shall take such action as is appropriate. The program administrator shall report all violations of this regulation to the Superintendent or designee, and to their local law enforcement agency on approval of the Superintendent or designee.

The program administrator shall also take such disciplinary action as he/she may determine necessary, shall report the incident to the parent or guardian of the pupil by telephone or in person, and follow this notification with a letter.

Legal Reference: Penal Code
626.9 Loaded Firearms; Bringing into or Possession of Upon or Within Public Schools and Grounds; Exceptions
626.10 Dirks, Daggers, Knives or Razor; Bringing into or Possession Upon or Within Public Schools and Grounds: Exception

Education Code
35291 Governing Board to Prescribe Rules for the Government and Discipline of the Schools Under its Jurisdiction

Regulation approved: July 6, 1983

Regulation amended: March 13, 1996

Student Conduct

Special Education - Student Behavior Management Plans

It is the policy of the Board that student behavior be maintained in such a manner as to provide a positive learning environment for all students in programs operated by the County Office of Education. The Board acknowledges that management of student behavior is an integral part of education and that inappropriate behavior presents serious problems in implementation of an educational program. The Board further acknowledges that assisting students with developing positive self conduct and appropriate social skills leads to more success adjusting to working and living in the community. Student behavior management plans and procedures will consider the individual needs of students enrolled in programs operated by the County Office of Education. Individual staff will be trained to implement a variety of behavior management plans and procedures.

The Board recognizes that a continuum of behavior management procedures is available for promoting appropriate student behavior. It is the desire of the Board that positive procedures be implemented initially. However, the Board supports staff who follow Regulation 5131.8 in using negative procedures when they are deemed necessary.

It is the intent of the Board that the rights of all pupils be protected, including the right of pupils to have an environment conducive to learning.

Appropriate regulations and procedures concerning student behavior management will be established to implement this policy.

Legal Reference: Public Law 94-142
California Education Code
44807 - Duty Concerning Conduct of Pupils
49000 - Administration of Punishment to Pupils
49001 - Prohibition of Corporal Punishment without written Parental Consent
California Penal Code 273a
California Administrative Code
300, 307, 351-353, 3080

Policy adopted: February 26, 1986

Students

Student Behavior Management - Special Education

Purpose and Scope

Since it is recognized that maintaining a positive climate for learning is an integral part of education, the purpose of this regulation is to establish that the use of individualized behavior management plans is appropriate for promoting appropriate student behavior. It is recognized that managing student behavior involves the IEP team that may include student, parent/guardian and designated staff. Successful implementation of any plan is based on a positive relationship between the individual student, parents and staff members.

This regulation provides guidelines for establishing individualized behavior management plans for any student enrolled in programs operated by the Special Education Department of the County Office of Education.

The intent of this regulation is to provide for protection of the rights of all students, including the right to an environment conducive to learning, and to establish procedures for the use of behavior management techniques, both positive and negative.

In the development of individualized behavior management plans, a variety of positive procedures will be considered, implemented and documented prior to the use of negative procedures. Further, in the event that negative procedures are deemed necessary, a range of negative procedures will be available. The least intrusive of the procedures will be the first implemented.

Definition of Terms

Individualized Behavior Management Plan - A written report of a student's social behavior with data records, goals, objectives and a behavior management strategy to increase appropriate behavior.

Inappropriate Behavior - Behavior that interferes with the student's academic or social development or with those goals of his/her classmates.

Documentation - Description of procedures used and their impact on identified behavior.

Positive Procedure - Incentive system that involves rewards that the student wants or needs.

Negative Procedure - System that involves consequences the student considers unpleasant. The consequence may be removing something the student wants or scheduling something student considers undesirable or unpleasant.

Students

Student Behavior Management - Special Education (continued)

Definition of Terms (continued)

Mildly Negative - An unpleasant consequence that does not involve physical contact with the student, e.g. a verbal reprimand, or removing something the student wants for a short period of time.

Moderately Negative Procedure - An unpleasant consequence, excluding corporal punishment, that may involve physical contact with the student and/or removing the pupil from others, but not from the learning environment. These procedures do not involve physical restraint.

Severely Negative Procedures - An unpleasant consequence that may involve physically restraining the student, and/or placing him/her in a situation that prevents free access to the learning environment.

Designated Staff - Staff designated to educate the pupil.

Structure and Elements

Need for Individualized Behavior Management Plan

Individualized Behavior Management Plan will be developed for pupils who demonstrate a disability in the social/emotional area. Assessment team personnel will identify the disability and develop and implement the behavior management plan.

Behavior Management Plan as Component of Individual Education Plan

A pupil's individualized behavior management plan will be part of the Individualized Education Plan (IEP). Procedures required by Public Law 94-142 and SB 1870 pertaining to the IEP will be followed in developing, implementing and reviewing the individualized behavior management plan, including due process and complaint procedures.

Written Consent

Written consent will be obtained from parent/guardian prior to implementing each individualized behavior management plan. Consent will be given for a specific program of behavior management and may be withdrawn as outlined in statutes referenced in above paragraph.

Written consent will be obtained for each behavior management plan, whether or not the components of the plan include use of negative procedures.

Legal Reference: Public Law 94-142
California Education Code
44807 - Duty Concerning Conduct of Pupils
49000 - Administration of Punishment to Pupils
49001 - Prohibition of Corporal Punishment without written Parental Consent
California Penal Code 273a
California Administrative Code
300, 307, 351-353, 3080

Regulation approved: February 27, 1986

Students

Dress and Grooming

Students are encouraged to dress appropriately and safely for school. No restrictions on freedom of dress and adornment shall be imposed which may violate a student's civil rights, which impose particular codes of morality or religious tenets, which attempt to dictate style of taste, or which do not fall within the direct or implied powers of the County Superintendent.

Policy
adopted: July 6, 1983

Students

Welfare

Students attending schools and programs operated by the County Office of Education shall be under the supervision of County Office staff from the time they arrive on County Office facilities until they leave them again. When students are provided transportation to and from County Office programs and schools, they shall be under the supervision of County Office staff from the time they board the school bus until they leave the school bus. Students shall also be under County Office supervision at all County Office - sponsored functions such as field days, class parties, etc.

Notification of Parents

By law, the County Office of Education shall notify the parent or guardian of its minor students of the students' and parents' rights concerning the student's welfare.

Legal Reference: Education Code
44807 Duty concerning Conduct of Pupils; Limitations on Criminal Prosecution
44804 Exemption from Responsibility or Liability for Conduct and Safety of Pupil Off-campus; Exceptions
48921 Duties of Pupils
48980-48985 Notification of Parents and Guardians
56130-16131 Notice to parents Prior to Placement

CA Adm. Code, Title 5
14103 Authority of the Driver

Policy
adopted: July 6, 1983

Students

HEALTH CARE AND EMERGENCIES

The County Board of Education recognizes the importance of taking appropriate action whenever an emergency threatens the safety, health or welfare of a student at school or during school-sponsored activities. The County Superintendent or designee shall ask parents/guardians to provide emergency information in order to facilitate immediate contact with parents/guardians if an accident or illness occurs.

(cf. 5141.1 - Accidents)

Resuscitation Orders

The County Office of Education believes that staff members should not be placed in the position of determining whether or not to follow any parental or medical "do not resuscitate" orders (DNR). The staff shall not at any time make the determination that a student is or is not a DNR. The County Office of Education believes that emergency care shall be provided to all students regardless of their prognosis.

Legal Reference:

EDUCATION CODE
49407 Liability for treatment
49408 Information for use in emergencies
FAMILY CODE
6550-6552 Caregivers

Policy adopted: July 6, 1983

Policy amended: February 6, 2002

Students

HEALTH CARE AND EMERGENCIES

Emergency Information

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

1. Home address and telephone numbers.

2. Parent/guardian's business address and telephone numbers.

3. Name, address and telephone number of two relatives or friends who are authorized by the parent/guardian to care for the student in cases of emergency when the parent/guardian cannot be reached.

4. Local physician to call in case of emergency.

5. Need for specialized health care procedures and/or medication administration to be done during the school day.

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

Consent by Caregiver

Persons 18 years of age and older who file a completed caregiver's authorization affidavit simultaneously with the district of residence and the County Office of Education shall have the right to consent to or refuse school-related medical care for a student. The caregiver's authorization shall be valid for one year after the date on which it is executed. The caregiver's decision shall be superseded by any contravening decision of the parent or other person having legal custody of the student, provided that this contravening decision does not jeopardize the student's life, health or safety. (Family Code 6550)

(cf. 5111.11 - Residency of Student with Caregiver)

Regulation
approved: February 6, 2002

Students

ACCIDENTS

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

Universal precautions shall be observed at all times for students, employees or others who may have contact with blood or body fluids as a result of the accident.

(cf. 4119.43/4219.43/4319.43 - Universal Precautions)

CPR masks or mouthpieces and first aid kits shall be available at each school and on field trips in the event of an accident.

(cf. 6145.2 - Athletic Competition)

County Office of Education staff shall appropriately report and document student accidents.

(cf. 3530 - Risk Management/Insurance)
(cf. 4119.42/4219.42/4319.42 - Exposure Control Plan for Bloodborne Pathogens)
(cf. 5142 - Safety)
(cf. 5143 - Insurance)

Policy adopted: July 6, 1983

Policy amended: February 6, 2002

Students

ACCIDENTS

A complete accident report shall be made by the certificated staff member under whose supervisor an accident occurs.

Regulation approved: July 6, 1983

Regulation amended: February 6, 2002

Students

ADMINISTERING MEDICATION AND MONITORING HEALTH CONDITIONS

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

When the County Office of Education has received written statements from the student's healthcare provider licensed to prescribe medications and parent/guardian, the school nurse shall review the medication request and educate the designated personnel regarding the medication request. The designated personnel may then assist the student in monitoring, testing or other treatment of an existing medical condition. (Education Code 49480, 49423)

(cf. 3530 - Risk Management/Insurance)
(cf. 5141.24 - Specialized Health Care Services)

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

(cf. 4119.43 - Universal Precautions)
(cf. 5141.23 - Infectious Disease Prevention)

Anaphylactic Injections

The County Board of Education recognizes that some students have allergies of such severity that they may require an emergency anaphylactic injection during the course of the school day. Parents/guardians who are aware of this foreseeable need may ask the County Office of Education to administer such injections in accordance with administrative regulations. Parents must provide written statements for such injections according to the requirements outlined in this medication policy and in the specialized health care services policy.

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

(cf. 5141 - Health Care and Emergencies)

Students

ADMINISTERING MEDICATION AND MONITORING HEALTH CONDITIONS
(continued)

Legal Reference:

EDUCATION CODE
49407 Liability for treatment
49408 Emergency information
49423 Administration of prescribed medication for student
49423.5 Specialized health care services
49426 School nurses
49480 Continuing medication regimen; notice
BUSINESS AND PROFESSIONS CODE
2700-2837 Nursing, especially:
2726 Authority not conferred
2727 Exceptions in general

Policy adopted: July 6, 1983

Policy amended: February 6, 2002

Students

ADMINISTERING MEDICATION AND MONITORING HEALTH CONDITIONS

Before a designated employee assists in the administration of any prescribed medication or over the counter medication to any student during school hours, the County Office of Education shall have: (Education Code 49423)

1. An annual written statement from the student's healthcare provider licensed to prescribe medication detailing the method, amount and time schedules by which the medication is to be taken.

2. An annual written statement from the student's parent/guardian requesting the county to assist the student in taking the medication as prescribed by the healthcare provider licensed to prescribe medication.

3. A new medication authorization form for any changes to medications or discontinuation of medications.

Parents/guardians shall be asked to provide a properly labeled pharmacy bottle containing the name and telephone number of the pharmacy, the student's identification, name of the healthcare provider licensed to prescribe medications, dosage of the medication to be given and expiration date.

The school nurse shall supervise the following:

1. Be responsible for the medication at school and its administration in accordance with the healthcare provider's indicated instructions.

2. Maintain a list of students needing medication during school hours, including the type of medication, times and dosage.

3. Maintain a log recording the student's name and the time and date when the medication was given and the initial of person administering the medication.

4. Keep all medication in a locked drawer or cabinet.

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

Students

ADMINISTERING MEDICATION AND MONITORING HEALTH CONDITIONS (continued)

Notifications

The Superintendent or designee shall inform all parents/guardian of the following requirements: (Education Code 49480)

1. The parent/guardian of a student on a continuing medication regimen from a nonepisodic condition shall inform the school nurse or other designated certificated employee of the medication being taken, the current dosage and the name of the supervising physician.

2. With the parent/guardian's consent, the school nurse may communicate with the student's physician regarding the medication and its effects and may counsel school personnel regarding the possible effects of the drug on the student's physical, intellectual and social behavior, as well as possible behavioral signs and symptoms of adverse side effects, omission or overdose.

Anaphylactic Injections

1. Parents/guardians of students who may require emergency anaphylactic injections shall provide written permission for authorized staff to administer these injections and written authorization from the healthcare provider licensed to prescribe medications.

2. Each year, school employees designated by the principal shall receive training in administering anaphylactic injections. Qualified medical personnel shall provide this training.

3. The school nurse shall schedule inservice meetings to:

    a. Train all school personnel to recognize the symptoms of anaphylactic reactions

    b. Instruct authorized staff to immediately call 9-1-1

    c. Familiarize authorized staff with the prescribed medications and their location

Students

ADMINISTERING MEDICATION AND MONITORING HEALTH CONDITIONS (continued)

d. Ensure that authorized staff are competent to administer anaphylactic injections

Physicians and parents/guardians of students who may require anaphylactic injections may be invited to attend these trainings.

4. The principal or designee shall prepare a list naming the students who may need emergency anaphylactic injections. This list shall be given to all concerned staff and updated annually.

5. All medication for injections shall be labeled with the student's name, type of medicine and expiration date.

6. The parents/guardians of students who carry their own kits for the purpose of anaphylactic injections shall so inform the principal or designee, who shall prepare a list naming these students, give it to concerned staff and update the list annually.

7. The school nurse shall post in the school classroom a list of symptoms usually associated with anaphylactic reactions and a clear, specific procedure for administering injections in case of emergency. If authorized staff is not available at the time of an emergency, this written procedure may be followed by anyone who must administer the injection in order to save a life.

Regulation approved: July 6, 1983

Regulation amended: January 26, 1994
February 6, 2002

Students

INFECTIOUS DISEASES

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

The Superintendent or designee shall determine whether to admit a student with an infectious disease, and shall exclude students only in accordance with law. In making this determination, he/she shall consult the student's parents/guardians, the student's physician and/or the county health department, in accordance with law and consistent with confidentiality provisions.

Because bloodborne pathogens such as hepatitis B virus, hepatitis C virus and human immunodeficiency virus (HIV) are not casually transmitted, the sole presence of bloodborne pathogens is not sufficient reason to exclude students from attending school.

Students shall be excluded from school only in accordance with law.

(cf. 5112.2 - Exclusions from Attendance)
(cf. 5141.26 - Tuberculosis Testing)
(cf. 5141.3 - Health Examinations)
(cf. 6158 - Independent Study)
(cf. 6159 - Individualized Education Program)
(cf. 6183 - Home/Hospital Instruction)
(cf. 5125 - Student Records)
(cf. 5145.1 - Privacy)

Students

INFECTIOUS DISEASES (continued)

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

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

(cf. 4119.42/4219.42/4319.42 - Exposure Control Plan for Bloodborne Pathogens)
(cf. 4119.43/4219.43/4319.43 - Universal Precautions)
(cf. 5141.23 - Infectious Disease Prevention)

The Superintendent or designee shall ensure that the County Office of Education's health education program provides information about the nature of bloodborne pathogens and their transmission.

(cf. 5141.6 - Student Health and Social Services)
(cf. 6142.2 - AIDS Prevention Instruction)
(cf. 6142.8 - Comprehensive Health Education)

Legal Reference:

EDUCATION CODE
48210-48214 Persons excluded
49073-49075 Privacy of pupil records
49076 Access to records by persons without written consent or under judicial order
49403 Cooperation in control of communicable disease and immunization of students
49405 Smallpox control
49406 Examination for tuberculosis (employees)
49408 Information of use in emergencies
49450 Rules to insure proper care and secrecy
49451 Parent's refusal to consent to medical exam

Students

INFECTIOUS DISEASES (continued)

49602 Confidentiality of student information
CALIFORNIA CONSTITUTION
Article 1, Section 1 Right to Privacy
CIVIL CODE
56-56.37 Confidentiality of Medical Information Act
1798-1798.76 Information Practices Act
HEALTH AND SAFETY CODE
120230 Exclusion of communicable disease
120325-120380 Immunization against communicable diseases
120875-120895 AIDS information
120975-121020 Mandated blood testing and confidentiality to protect public health
120980 Unauthorized disclosures
121010 Disclosure to certain persons without written consent
121475-121520 Tuberculosis tests for pupils
CALIFORNIA CODE OF REGULATIONS, TITLE 8
5193 Bloodborne pathogen standards
UNITED STATES CODE, TITLE 20
1232g Family Educational and Privacy Rights Act
1400-1487 Individuals with Disabilities Education Act
UNITED STATES CODE, TITLE 29
794 Section 504 of the Rehabilitation Act of 1973
COURT DECISIONS
Phipps v. Saddleback Valley Unified School District, (1988) 204 Cal. App. 3d 1110
Doe v. Belleville Public School District, (1987) 672 F. Supp. 342
Thomas v. Atascadero Unified School District, (1987) 662 F. Supp. 376

Management Resources:
WEB SITES
CDE: http://www.cde.ca.gov
California Department of Health Services: http://www.dhs.ca.gov
Centers for Disease Control and Prevention: http://www.cdc.gov
NSBA, School Health Programs: http://www.nsba.org/schoolhealth/

Policy adopted: September 3, 1986

Policy amended: February 6, 2002

Students

Admission/Exclusion and Education of County Office of Education Students Diagnosed As Having Acquired Immunodeficiency Syndrome (AIDS)

Panel

The panel referenced in Policy 5141.22 shall be convened by the County Public Health Officer at the request of the County Office of Education.

The panel shall have the following representation: the student's parent(s), County Public Health Officer and designated staff, private medical physician (pediatrician), a school site administrator, teacher and public health nurse, and a County Office of Education administrator.

If it is the choice of the parent(s) not to attend the panel meeting(s), a member of the panel shall be designated to act as liaison to ensure that parent(s) are fully informed and their views represented.

Process

The student's case is referred to the County Medical/County Office of Education panel as soon as the student is diagnosed either as a carrier of the AIDS virus or as having the disease AIDS, and the school authorities are so notified.

The panel shall act expeditiously and confidentially. During the period of the panel's investigation, review, and deliberations, the student shall remain at home and be granted excused absences for illness. In consultation with the parent(s), appropriate educational activities will be determined and assigned during the mandated absence.

Evaluation

The panel shall review all aspects of the individual student's case, including, but not limited to, the following:

1. Factors relating to the infected student:

    1.1 Physical condition
    1.2 Behavior pattern
    1.3 Age

2. Factors relating to the educational setting:

    2.1 Type and degree of interaction with other students
    2.2 Type and degree of interaction with staff
    2.3 Activities that may pose a risk to the student

Admission/Exclusion and Education of County Office of Education Students Diagnosed as Having Acquired Immunodeficiency Syndrome (AIDS) (continued)

Recommendations

The panel shall recommend an educational setting that meets the health and educational needs of the infected student, while protecting the safety and well-being of other students and staff.

Options for the infected student include the following:

1. Remain in current, unmodified school program
2. Remain in current school program with modification
3. Home or hospital instruction
4. Recorded lessons

The panel's recommendation shall be communicated to the Superintendent, who in turn shall forward said recommendation to the County Board of Education for action. This recommendation is advisory only and not binding on the County Board.

Re-evaluation

Each case shall be re-evaluated annually or sooner, if requested by the parent(s) or school authorities.

Regulation
approved: September 4, 1986

Health Care and Emergencies

The County Board of Education recognizes the importance to taking appropriate action whenever an accident or illness threatens the safety, health or welfare of a student at school or during school-sponsored activities.

Emergency Information

To facilitate immediate contact with parents/guardians when an accident or illness occurs, the Board requires parents/guardians to furnish the schools with the current information specified below:

1. Home address and telephone number.

2. Parent/guardian's business address and telephone number.

3. Name, address and telephone number of a relative or friend who is authorized by the parent/guardian to care for the student in cases of emergency when the parent/guardian cannot be reached.

4. Local physician to call in case of emergency.

Resuscitation Orders

County Office employees are trained and expected to respond to emergency situations without discrimination. If any student needs resuscitation, staff shall make every effort to resuscitate him/her.

The County Board of Education and the County Superintendent of Schools prohibits staff members from accepting or following any parental or medical "Do Not Resuscitate" orders.

The County Superintendent or designee shall ensure that all parents/guardians are informed of this policy.

Legal Reference: Education Code
49407 Liability for treatment
49408 Information for use in emergencies

Policy
adopted: January 26, 1994

Students

SPECIALIZED HEALTH CARE SERVICES

Note: The provision of specialized health care services is authorized by Education Code 49423.5. Reasonable accommodation for individuals with disabilities is required by Section 504 of the federal Rehabilitation Act of 1973 (29 U.S.C.794) and by the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.). Specialized health care services which may be provided include gastrostomy tube feeding, oral suctioning, blood sugar monitoring and postural drainage and percussion.

The Governing Board is aware that some County Office of Education students may require specialized physical health care services during the school day in order to attend school. In accordance with the student's individualized education program or written accommodation plan, trained and qualified personnel shall perform these services under the supervision of a school nurse, public health nurse or licensed physician.

(cf. 0430 – Comprehensive Local Plan for Special Education)
(cf. 6164.6 – Identification and Education under Section 504)

Legal Reference:

EDUCATION CODE
49423.5 Specialized physical health care services
56000-56606 Special Education Programs
CODE OF REGULATIONS, TITLE 5
3051.12 Health and Nursing Services
UNITED STATES CODE, TITLE 20
1400 et seq. Individuals with Disabilities Education Act
UNITED STATES CODE, TITLE 29
701 et seq. Rehabilitation Act of 1973
794 Rehabilitation Act of 1973, Section 504
CODE OF FEDERAL REGULATIONS, TITLE 34
300.16 Related services

Management Resources:

CDE PUBLICATIONS
Guidelines and Procedures for Meeting the Specialized Physical Health Care Needs of Pupils (The Green Book)

Policy
adopted: February 6, 2002

Students

SPECIALIZED HEALTH CARE SERVICES

The parent/guardian of students who require specialized health care services during the school day shall provide a written request for the needed physical health care service. (Code of Regulations, Title 5, Section 3051.12(b)(3)(E)) This request shall include:

1. The student's name, address and phone number.

2. The physician's name, address and phone number.

3. The needed health care procedure.

4. Statement authorizing qualified school personnel to perform the procedure, as approved by the physician. (Code of Regulations, Title 5, Section 3051.12(b)(3)(E))

5. Statement agreeing to notify the school immediately of any change in the child's regimen or the authorizing physician.

Note: Title 5, Section 3051.12(b)(3)(C) states that districts are not required to purchase medical equipment for an individual student. Parents/guardians are responsible for providing such equipment and may seek assistance from Medi-Cal for this cost.

6. Statement agreeing to provide all supplies needed for the procedure.

The student's physician shall submit a written statement authorizing the administration of the specified physical health care service. (Code of Regulations, Title 5, Section 3051.12(b)(3)(E)) This statement shall indicate:

1. The student's name and address.

2. Condition for which treatment is to be given.

3. Specific procedure to be given. (Code of Regulations, Title 5, Section 3051.12)

4. Time schedules for the procedure. (Code of Regulations, Title 5, Section 3051.12)

5. Precautions, possible untoward reactions and recommended intervention.

Students

SPECIALIZED HEALTH CARE SERVICES (continued)

Note: The parent/guardian's request, the physician's authorization and the specific standardized procedures to be used should be included in the IEP of any special education student who requires this service and maintained as mandatory interim student records in accordance with legal requirements for confidentiality. (Code of Regulations, Title 5, Section 3051.12 and Code of Federal Regulations, Title 34, Part 300.16)

(cf. 5125 – Student Records)

The principal shall provide qualified school personnel who will perform the service in accordance with standardized procedures. Accommodation shall be made to train and certify secondary school personnel to be available to provide the service in the absence of the primary school personnel.

A qualified school nurse, public health nurse or licensed physician and surgeon shall supervise physical health care services in the school setting in accordance with the law. (Education Code 49423.5, Code of Regulations, title 5, Section 3051.12)

Qualified personnel shall be trained in accordance with law. They shall possess a current valid certificate from an approved program in cardiopulmonary resuscitation and shall be able to demonstrate current knowledge of community emergency medical resources and skill in the use of equipment and the performance of techniques necessary to provide specialized health care services before actually providing the service. (Education Code 49423.5, Code of Regulations, Title 5, Section 3051.12 (b) (l) (c))

Schools shall provide appropriate accommodations for safety and necessary physical care services. The student's personal privacy and dignity shall be assured. (Code of Regulations, Title 5, 3051.12)

Staff designated to perform the specialized service shall maintain and sign a daily record of these services on the appropriate form. (Code of Regulations, Title 5, Section 3051.12 (b) (l) (E)) The current form shall be kept in the student's classroom.

Regulation
approved: February 6, 2002

Health Education

The County Board of Education recognizes that good health is essential to effective learning. It supports the following preventive activities related to Health education: health examinations, immunizations, training in oral hygiene, general health education, physical education, and nutrition. The County Office of Education will carry out state laws and regulations concerning health and immunizations for all students in schools and programs which it operates. The County Superintendent is directed to develop appropriate administrative regulations and curriculum to implement this policy.

Legal Reference: Education Code
48211-48214 Persons Excluded
49400-48408 General Powers - School Boards (re pupil health)
49422 Qualifications for Employment (medical personnel)
49444 Contract for Mental Health Services
49450-49457 Immunization Against Communicable Diseases

Policy
adopted: July 6, 1983

Health Education

To determine the health status of students, facilitate the removal of handicaps to learning, and find out whether some adaptation of the school facilities or programs may be needed, the Superintendent may request that certain students, or all students, have health examinations.

Parents wishing their children exempted or excused from physical or psychological examinations may file annually with the County office of education a statement in writing, signed by the parent or guardian. (Education Code Section 49451)

Regulation
approved: July 6, 1983

Students

IMMUNIZATIONS

To protect the health of all K-12 students and staff and to curtail the spread of infectious diseases, the Governing Board desires to cooperate with state and local health agencies to encourage immunization of all district students against preventable diseases.

(cf. 1400 – Relations between Other Governmental Agencies and the Schools)
(cf. 5141.22 – Infectious Diseases)
(cf. 5141.23 – Infectious Disease Prevention)

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

(cf. 5112.1 – Exemptions from Attendance)
(cf. 5112.2 – Exclusions from Attendance)
(cf. 5141.23 – Infectious Disease Prevention)

Note: Pursuant to 17 CCR 6070, the district may allow 30 days for the transfer of immunization records from a transfer student's previous school.

A transfer student may be conditionally admitted for up to 30 school days while his/her immunization records are being transferred from the previous school. If these records do not arrive within 30 school days, the student shall present written documentation by a physician, nurse or clinic, showing that the required immunizations were received. If such documentation is not presented, the student shall be excluded from school until immunization requirements are met.

Students

IMMUNIZATIONS (continued)

Legal Reference:

EDUCATION CODE
46010 Total days of attendance
48216 Immunization
48980 Required notification of rights
49403 Cooperation in control of communicable disease and immunizations
HEALTH AND SAFETY CODE
120325-120380 Immunization against communicable disease especially:
120335 Immunization requirement for admission
120440 Disclosure of immunization information
CODE OF REGULATIONS, TITLE 17
6000-6075 School attendance immunization requirements

Management Resources:

DEPARTMENT OF HEALTH SERVICES
Commonly Asked Questions About the New School Immunization Requirements
March 1999
WEB SITES
CDE: http://www.cde.ca.gov
California Department of Health Services: http://www.dhs.ca.gov
Centers for Disease Control and Prevention: http://www.cdc.gov

Policy
adopted: February 6, 2002

Students

IMMUNIZATIONS

The Superintendent or designee shall not unconditionally admit any student to a County Office of Education program or childcare and development program unless that student has presented documentation of full immunization. (Health and Safety Code 120335)

(cf. 5141.22 – Infectious Diseases)
(cf. 5141.23 – Infectious Disease Prevention)
(cf. 5148 – Child Care and Development)

At the beginning of the school year, the Superintendent or designee shall notify parents/guardians of the rights of students and parents/guardians relating to immunizations under Education Code 49403. (Education Code 48980)

(cf. 5145.6 – Parental Notifications)

Immunizations for Grades K-12

Students entering the County Office of Education programs grades kindergarten through 12 shall have received the following immunizations: (Health and Safety Code 120335; 17 CCR 6020)

1. Measles, mumps and rubella (MMR) vaccine

    a. Students entering at the kindergarten level shall have received two doses on or after the first birthday, except one dose may be a measles-only vaccine.

    b. Mumps vaccine shall not be required for students age seven or older.

    c. Students entering or advancing to seventh grade shall be required to have a second dose of measles-containing vaccine if they have not previously obtained a second dose.

2. Diphtheria, tetanus and pertussis (whooping cough) vaccine (DTP or DtaP)

    a. Five doses shall be required for students ages four through six. However, four doses shall meet the requirement if at lease one dose was given on or after the fourth birthday.

Students

IMMUNIZATIONS (continued)

b. Four doses shall be required for students age seven or older. However, three doses shall meet the requirement if at least one dose was given on or after the second birthday.

c. Pertussis immunization shall not be required for students age seven or older.

d. A tetanus and diphtheria (Td) shot is recommended but not required for seventh grade students who have not had a booster within the past five years.

3. Poliomyelitis (polio) vaccine

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

4. Hepatitis B vaccine

a. Three doses shall be required for entry into kindergarten.

Students admitted at the kindergarten level or below before August 1, 1997, shall be exempt from this requirement.

Note: Pursuant to Health and Safety Code 120335, as of July 1, 1999, the district must not unconditionally admit or advance any student to grade 7 unless the student has been fully immunized against hepatitis B, as provided in item #b below.

b. Students shall not be unconditionally admitted or advanced to seventh grade unless they have been fully immunized against hepatitis B. A student who has previously had three doses of hepatitis B vaccine at any age before seventh grade shall not be required to receive any additional shots.

Note: SB 741 (Ch. 747, Statutes of 1999) amended Health and Safety Code 120335 to add a requirement for varicella (chickenpox) immunization effective July 1, 2001, as provided in item #5 below.

Students

IMMUNIZATIONS (continued)

5. Varicella (chickenpox) vaccine

   Any student admitted at the kindergarten level or above before July 1, 2001, shall be exempt from this requirement for school entry.

> Note: In "Commonly Asked Questions About the New School Immunization Requirements," March 1999, the state Department of Health Services clarified that students who skipped kindergarten and entered first grade after August 1, 1997, are subject to hepatitis B and second measles dose requirements, as provided below.

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

> Note: In "Commonly Asked Questions About the New School Immunization Requirements," March 1999, the state Department of Health Services clarified that the hepatitis B requirement does not apply to students transferring into the district at grades other than kindergarten or grade 7, as provided below.

Students transferring into the County Office of Education programs at a grade other than kindergarten or seventh grade shall be exempt from the requirement for a second measles dose or hepatitis B immunization.

Immunizations Below Kindergarten Level

Children younger than age four years, six months shall have received haemophilus influenza type b (Hib meningitis) vaccine. (Health and Safety Code 120335)

Other immunization requirements for children below kindergarten level depend on the child's age as specified in 17 CCR 6020.

Exemptions

Exemption from immunization requirements is allowed when: (Health and Safety Code 120365, 120370, 120375: 17 CCR 6051)

1. The student's parent/guardian states in writing that immunization is contrary to his/her beliefs.

(cf. 6141.2 – Recognition of Religious Beliefs and Customs)

Students

IMMUNIZATIONS (continued)

2. The student's parent/guardian provides a written statement by a licensed physician that the physical condition or medical circumstances of the student are such that immunization is unsafe or is permanently not indicated.

However, if there is good cause to believe that the student has been exposed to one of the communicable diseases listed above, the student may be temporarily excluded from school until the local health officer is satisfied that the student is no longer at risk of developing the disease. (Health and Safety Code 120365)

Exclusions Due to Lack of Immunizations

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

(cf. 5112.2 – Exclusions from Attendance)
(cf. 6183 – Home and Hospital Instruction)

Before a student is excluded from school attendance because of lack of immunization, the Superintendent or designee shall notify the parent/guardian that he/she has 10 school days in which to supply evidence of proper immunization or an appropriate letter of exemption. This notice shall refer the parent/guardian to the child's usual source of medical care. (Education Code 48216; 17 CCR 6040) If no usual source of medical care exists, the parent/guardian shall be referred to the county health department. (Education Code 48216)

The Superintendent or designee shall exclude from further attendance any student who fails to obtain the required immunization for medical reasons or personal beliefs. The student shall remain excluded from school until he/she has received another dose of each required vaccine due at that time. The student shall also be reported to the principal.
(l7 CCR 6055)

Students

IMMUNIZATIONS (continued)

Conditional Enrollment

The Superintendent or designee may conditionally admit a student with documentation from a physician that: (Health and Safety Code 120340; 17 CCR 6000, 6035)

1. He/she has received some but not all required immunizations and is not due for any vaccine dose at the time of admission

2. He/she has a temporary exemption from immunization for medical reasons

The Superintendent or designee shall notify the student's parents/guardians of the date by which the student must complete all the remaining doses when they become due as specified in 17 CCR 6035.

The Superintendent or designee shall review the immunization record of each student admitted conditionally every 30 days until that student has received all the required immunizations. If the student does not receive the required immunizations within the specified time limits, he/she shall be excluded from further attendance until the immunizations are received. (Health and Safety Code 120375; 17 CCR 6070)

Records

The Superintendent or designee shall record each new entrant's immunizations in the mandatory permanent student record. County Office of Education staff shall maintain the confidentiality of immunization records and may disclose such information to state and local health departments only in accordance with law. (Health and Safety Code 120375, 120440; 17 CCR 6070)

(cf. 5125 – Student Records)

Regulation
approved: February 6, 2002

Students

HEAD LICE

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

(cf. 5141.3 - Health Examinations)
(cf. 5141.6 - School-Based Health and Social Services)

Legal Reference:
EDUCATION CODE
48210-48214 Persons excluded
49451 Physical examinations: parent's refusal to consent

Policy
adopted: February 6, 2002

Students

HEAD LICE

The Superintendent or designee shall send home the notification required by law for students excluded for head lice. (Education Code 48213)

(cf. 5112.2 – Exclusions from Attendance)
(cf. 5145.6 – Parental Notification)

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

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

(cf. 4119.23/4219.23/4319.23 – Unauthorized Release of Confidential/Privileged Information)

Excluded students may return to school when (1) they bring a note from the parents/guardian verifying treatment, and (2) reexamination by the nurse or designee shows that all nits and lice have been removed. Exception: In certain cases the school nurse may elect to readmit student with nits and perform serial examinations of the student to verify eradication of the head lice.

Regulation
approved: February 6, 2002

CONTRA COSTA COUNTY OFFICE of EDUCATION

Joseph A. Ovick, Ed.D., Superintendent of Schools

77 Santa Barbara Road • Pleasant Hill, CA 94523 • (925) 942-3388

AR 5141.33
EXHIBIT A

RE: HEAD LICE NOTIFICATION

Dear Parent/Guardian:

Your child was sent home today from school because he/she has signs of head lice. This condition needs to be treated at once. This letter and the fact sheet on the reverse side will acquaint you with the nature of head lice and the steps that you need to take to eliminate this condition. The student shall be excluded from school until no nits or lice are found.

Head lice are small teardrop shaped insects. They are grayish in color. Lice do not hop or fly. Crawling insects like lice move to avoid light and are often hard to see. A diagnosis of head lice is often made on the basis of finding nits, or louse eggs. Lice attach each nit to a hair shaft with a waterproof, cement-like substance. Nits are white in color and cannot be washed out of the hair or brushed out of the hair like dandruff.

Getting rid of head lice requires treating the individual as well as their clothing, towels, bedding, and personal grooming articles (combs, brushes, etc.). The following is a checklist of things you need to do before your child returns to school. It is important that all steps be completed.

_____ Apply lice medicated shampoo according to package instructions - read the label carefully! This treatment must be repeated in 7 - 10 days. Your child can return to school after the first treatment, and after the nits have been removed.
_____ Machine-wash all clothing and bed linens that the child has used in the past 3 days in hot water (140°+) for 5 - 10 minutes.
_____ Place non-washable items (stuffed animals, pillows, etc.) in a plastic bag and seal for 21 days.
_____ Disinfect combs, brushes, etc. by soaking them in the lice shampoo for 5 - 10 minutes.
_____ Vacuum the mattress, furniture, rug, etc., and dispose of the vacuum bag.
_____ Remove all nits from the hair. This requires pulling the nits off the hair shaft one at a time. Also there are hair rinses, such as CLEAR, that are reported to be very effective in nit removal.
_____ Check all household members for possible infestation and treat if needed.
_____ Bring proof of treatment (empty bottle) when your child returns to school. This should be the first morning after the first treatment.

Day care providers, the parents of close friends, and the parents of other children that your child may have had contact with recently should be notified so that other children can be checked for signs of head lice.

Parents/guardians are advised that MediCal will cover expenses for over-the-counter lice treatment kits after receiving a prescription from the family physician.

The County Office of Education is working very hard to keep head lice cases and absence from school to a minimum. Your help and cooperation is greatly appreciated.

If you have any questions, please call your school nurse. Thank you for your help.

_____
School Nurse/Community School Principal

CONTRA COSTA COUNTY OFFICE of EDUCATION

Joseph A. Ovick, Ed.D., Superintendent of Schools

77 Santa Barbara Road • Pleasant Hill, CA 94523 • (925) 942-3388

AR 5141.33
EXHIBIT C

RE: EXPOSURE TO HEAD LICE

Dear Parent/Guardian:

Your child may have been exposed to head lice. In order to prevent possible spread, it is important that you check your child now and watch for signs of head lice during the next
7-10 days.

Head lice are small, teardrop-shaped insects. They are grayish in color. Lice do not hop or fly. Crawling insects like lice move to avoid light and are often hard to see. A diagnosis of head lice is often made on the basis of finding nits, or louse eggs. Lice attach each nit to a hair shaft with a waterproof, cement-like substance. Nits are white in color and cannot be washed or brushed out of the hair like dandruff. The most common place that nits are found is on the hair behind the ears, at the base of the neck, and at the crown of the head where the hair is the thickest. Redness and signs of irritation may be visible. Itching may or may not be present. Be sure to do the check in good light.

Although head lice are completely dependent on the human for nourishment, they can survive for 3-5 days off the human host. They are usually transmitted from one person to another through direct, personal contact. Other sources of transmission include combs, brushes, towels, and articles of clothing. Personal hygiene frequently does not play a factor in determining who gets head lice. If exposed, anyone can become infested. For these reasons, please remind your children not to share their clothing or hair care items with other students. Also, remind your children to avoid storing their clothing (in the classroom or outdoors) next to the clothing of others.

If you find head lice, please contact the school nurse for information on treatment and conditions for readmission to school.

If you have any questions, please call your school nurse. Thank you for your help.

_____
School Nurse

_____
Date

Child Abuse & Neglect

The County Board of Education is concerned with the growing incidence of child abuse. It encourages staff to be sensitive to this issue and knowledgeable about resources available to assist in cases of alleged or suspected child abuse and neglect. The County Superintendent will develop appropriate procedures and regulations for addressing alleged or suspected child abuse and neglect.

Legal Reference: Education Code
44690 et seq. Staff Development in the Detection of Child Abuse and Neglect

California Penal Code
Sections 273a, 11161.5, 11161.6, 11166

Welfare and Institutions Code
Section 600

Policy
adopted: July 6, 1983

Child Abuse and Neglect

All school personnel shall cooperate vigorously in following reporting laws regarding suspected child abuse or neglect. Current law requires that any childcare custodian serving in his/her professional capacity report cases of suspected sexual molestation of minors (under 18) and suspected cases of infliction of designated physical or mental suffering on minors, in addition to cases of suspected non-accidental physical injury of minors, to specified local authorities. Childcare custodian includes teachers, instructional assistants, certificated pupil personnel employees, and administrative officers.

No child care custodian reporting a suspected instance of child abuse shall be civilly or criminally liable for any report required or authorized by the California Penal Code Article 2.5. Any child care custodian who has knowledge of or observes a child in his/her professional capacity or within the scope of his/her employment who he/she reasonably suspects has been the victim of child abuse shall report such suspected instance of child abuse to a child protective agency immediately or as soon as practically possible by telephone and shall prepare and send a written report thereof within 36 hours of receiving the information concerning the incident. The report shall be made on Form 11166PC, Suspected Child Abuse Report (see attached sample). These forms are available through the County Office of Education or the Social Services Department, 2401 Stanwell Drive, #200, Concord, 646-5140, and are to be filed with the appropriate enforcement agency.

Legal Reference: Education Code
44046 Contracting for private social workers as counselors; services
44690 et seq. Staff Development in the Detection of Child Abuse and Neglect
44874 Qualifications for psychologist or social worker

California Penal Code
Article 2.5
Sections 273a, 11161.5, 11161.6, 11166

Welfare and Institutions Code
Section 600

Regulation approved: July 6, 1983

Regulation amended: August 15, 1991

Students
SAFETY

The County Board of Education recognizes the importance of providing a safe school environment in order to help ensure student safety and the prevention of student injury. The County Superintendent of School or designee shall implement appropriate practices relative to school facilities and equipment, outdoor environment, educational programs and school-sponsored activities.

Staff shall be responsible for proper supervision of students during school hours, while at school-sponsored activities and while students are using district transportation to and from school.

The principal or designee shall establish school rules for the safe and appropriate use of school equipment and materials and for student conduct consistent with law, Board policy and administrative regulation. Copies of the rules shall be sent to parents/ guardians and be readily available at the school at all times.

The County Superintendent of Schools or designee shall ensure that students receive appropriate instruction on topics related to safety, injury prevention and disease prevention.

Legal Reference:

EDUCATION CODE
1042 Powers of Boards
8482-8484.6 Before and After School Learning and Safe Neighborhood Partnerships Program
17280-17317 Building approvals (Field Act)
17365-17374 Fitness of school facilities for occupancy
32001 Fire alarms and drills
32020 School gates; entrances for emergency vehicles
32030-32034 Eye safety
32040 First aid equipment
32050-32051 Hazing
32225-32226 Two-way communication devices in classrooms
32240-32245 Lead-free schools
32250-32254 CDE school safety and security resources unit
32270.5 Cellular telephones for classroom safety
35183.5 Sun protection
35294-35294.9 Safety plans
44807 Duty of teachers concerning conduct of students to and from schools, on playgrounds, and during recess
44808 Exemption from liability when students are not on school property
44808.5 Permission for students to leave school grounds; notice (high school)
49300-49307 School safety patrol
49330-49335 Injurious objects

Students
SAFETY

Legal Reference:

EDUCATION CODE (continued)
49341 Hazardous materials in school science laboratories
51202 Instruction in personal and public health and safety
GOVERNMENT CODE
810-996.6 California Tort Claims Act, especially:
815 Liability for injuries generally; immunity of public entity
835 Conditions of liability
4450-4458 Access to public buildings by physically disabled persons
HEALTH AND SAFETY CODE
115725-115750 Playground safety
115775-115800 Wooden playground equipment
115810-115816 Playground safety and recycling grants
PUBLIC RESOURCES CODE
5411 Purchase of equipment usable by physically disabled persons
VEHICLE CODE
21212 Use of helmets
CODE OF REGULATIONS, TITLE 5
202 Exclusion of students with a contagious disease
5531 Supervision of social activities
5552 Playground supervision
5570 When school shall be open and teachers present
14103 Bus driver; authority over pupils
CODE OF REGULATIONS, TITLE 22
65700-65750 Safety regulations for playgrounds: definitions and general standards
COURT DECISIONS
Hoyem v. Manhatten Beach City School District (1978) 22 Cal. 3d 508
Dailey v. Los Angeles Unified School District (1970) 2 Cal. 3d 741

Policy adopted: July 6, 1983

Policy amended: March 3, 2004

Students

SAFETY

Release of Student to Adult

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

1. The adult is the student's parent/guardian with custody.

2. The adult has been authorized on the student's emergency card as someone to whom the student may be released when the parent/guardian cannot be reached, and the principal or designee verifies the individual's identification.

3. The adult is a properly authorized law officer acting in accordance with the law.

4. The adult is taking the student to emergency medical care at the request of the principal or designee.

Supervision of Students

Teachers shall be present at their respective rooms and shall open them to admit students not less than 30 minutes before the time when school starts. (5 CCR 5570)

Every teacher shall hold students to a strict account for their conduct on the way to and from school, on the playgrounds and during recess. (Education Code 44807)

When playground supervision is not otherwise provided, the principal of each school shall provide for certificated employees to supervise the conduct and safety, and direct the play, of students who are on school grounds before and after school and during recess and other intermissions. (5 CCR 5552)

Although the County Office of Education is not liable for the safety of pupils who are not under County Office of Education supervision, the students may be held accountable for their behavior from the time they leave their homes for school until they return to their homes from school.

Program administrators, teachers, or bus drivers to whom they may delegate their authority are responsible for the conduct and safety of students from the time they come under County Office of Education supervision until they leave school supervision, whether on school premises or not.

Students

SAFETY

Supervision of Students (continued)

It is the responsibility of the program administrator to provide for adequate supervision of playgrounds and other school facilities at all times they are in use by students. Special attention should be given to prevention of accidents, and to the development of habits of good citizenship.

Each school site is to develop a set of safety guidelines to be distributed to parents as appropriate.

Legal Reference:

EDUCATION CODE

44807 Duty Concerning Conduct of Pupils: Limitation of Criminal Prosecution

44808 Exemption From Prosecution or Liability for Conduct and Safety of Pupils Off-Campus; Exceptions

51202 Instruction on Personal and Public Health and Safety

CODE OF REGULATIONS, TITLE 5

5552 Playground supervision

5570 When school shall be open and teachers present

14103 Authority of the Driver

Regulation approved: July 6, 1983

Regulation amended: March 3, 2004

Students

Discipline

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

Board policies and regulations shall delineate acceptable student conduct and provide the basis for sound disciplinary practices. Each school shall develop disciplinary rules in accordance with 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 another program or removed from school. At all times, the safety of students and staff and the maintenance of an orderly school environment shall be priorities in determining appropriate discipline.

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

Legal Reference. (See next page)

Students

Discipline (continued)

Legal Reference:

Civil Code
1714.1 Parental liability for child's misconduct

Education Code
35146 Closed sessions
35291 Rules
35291.5 School-adopted discipline rules
35291.7 School-adopted discipline rules: additional employees
35294-35294.9 School safety plans
37223 Weekend classes
44807.5 Restriction from recess
48630- 48644.5 Opportunity schools
48900- 48925 Suspension and expulsion
48980-48985 Notification of parents or guardians
49000-49001 Prohibition of corporal punishment
49330-49334 Injurious objects

Code of Regulations, Title V
307 Participation in school activities until departure of bus
353 Detention after school

Management Resources
CSBA Publications
Protecting Our Schools: Governing Board Strategies to Combat School Violence, 1995 revised 1999

CDE Program Advisories
1010.89 Physical Exercise as Corporal Punishment, CIL 89/9-3
1223.88 Corporal Punishment, CIL: 88/9-5

Web Sites
CDE: http//www.cde.ca.gov
USDE: http/www.ed.gov

Policy
adopted: July 6, 1983

Policy
amended: May 10, 1989
June 7, 2000

Students

Discipline

Site-Level Rules

Rules for student discipline shall be developed at each school site. In developing these rules, each school shall solicit the participation, views, and advice of one representative selected by each of the following group: (Education Code 35291.5)

1. Parents/guardians
2. Teachers
3. School administrators
4. School security personnel, if any
5. For junior high and high schools, students enrolled in the school (when appropriate)

The final version of the rules shall be adopted by a panel comprised of the principal or designee and a representative selected by classroom teachers employed at the school. The rules shall be consistent with law, County Board of Education policy and district regulations. Each school shall file a copy of the rules with the Superintendent or designee and Board. (Education Code 35291.5)

These rules shall be revised as necessary and shall undergo the site-level review and adoption process at least every four years. (Education Code 35291.5)

Disciplinary strategies provided in Board policy, regulation, and law may be used in developing site-level rules. These strategies include but are not limited to:

1. Referral of the student for advice and counseling
2. Discussion or conference with parents/guardians
3. Recess restriction
4. Detention during and after school hours
5. Community service
6. Reassignment to another education environment
7. Suspension
8. Removal from the class in accordance with Board Policy, administrative regulation and law

Students

Discipline (continued)

Corporal Punishment

Corporal punishment shall not be used as a disciplinary measure against any student. Corporal punishment includes the willful infliction of, or willfully causing the infliction of, physical pain on a student. (Education Code 49001)

For purposes of this policy, corporal punishment does not include an employee's use of force that is reasonable and necessary to protect the employee, students, staff or other persons or to prevent damage to county property. (Education Code 49001)

Recess Restriction

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

1. The student shall be given adequate time to use the restroom and get a drink or eat lunch, as appropriate.

2. The student shall remain under a certificated employee's supervision during the period of restriction.

3. Teachers shall inform the principal of any recess restrictions they impose.

Detention After School

Students may be detained for disciplinary reasons up to one hour after the close of the maximum school day. (5 CCR 353)

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

In cases where the school bus departs more than one hour after the end of the school day, students may be detained until the bus departs. (5 CCR 307, 353)

Community Service

Except when suspension or expulsion is required by law, the Superintendent, principal or principal's designee, at his/her discretion, may require a student to perform community service on school grounds during nonschool hours instead of imposing other disciplinary action. Such service may include, but is not limited to, outdoor beautification, campus betterment, and teacher or peer assistance programs. (Education Code 48900.6)

Notice to Parents/Guardians and Students

At the beginning of the school year, the Superintendent or designee shall notify parents/guardians, in writing, about he availability of district rules related to discipline. (Education Code 35291)

In addition, at the beginning of each school year, the principal or designee shall notify students and parents/guardians, in writing, regarding school rules related to discipline. Transfer students and their parents/guardians shall receive such notice upon enrollment. (Education Code 35192.5)

Regulation
approved: July 6, 1983

Regulation
amended: May 11, 1989
June 7, 2000

Students

SUSPENSION DUE PROCESS

Definitions

Suspension from school means removal of a student from ongoing instruction for adjustment purposes. However, suspension does not mean any of the following: (Education Code 48925)

1. Reassignment to another education program or class at the same school where the student will receive continuing instruction for the length of day prescribed by the County Board of Education for students of the same grade level.

2. Referral to a certificated employee designated by the principal to advise students.

3. Removal from the class, but without reassignment to another class or program, for the remainder of the class period without sending the student to the principal or designee as provided in the Education Code 48910. Removal from a particular class shall not occur more than once every five school days.

Day means a calendar day unless otherwise specifically provided. (Education Code 48925)

School day means a day upon which the schools of the Contra Costa County Office of Education are in session or weekdays during the summer recess. (Education Code 48925)

Student includes a student's parent/guardian or legal counsel. (Education Code 48925)

Principal's designee means one or more administrators or, if there is not a second administrator at one school site, a certificated person specifically designated by the principal, in writing, to assist with disciplinary procedures. Only one such person may be designated at any time as the principal's primary designee and only one such person may be designated as secondary designee for the school year. The names of such persons shall be on file in the principal's office. (Education Code 48911)

School property, for the purposes described in Education Code 48900, includes, but is not limited to, electronic files and databases. (Education Code 48900(s))

Notice of Regulations

At the beginning of each school year, the principal of each school shall ensure that all students and parents/guardians are notified in writing of all school rules related to discipline, suspension and expulsion. (Education Code 48900.1, 48980)

Students

SUSPENSION DUE PROCESS

Grounds for Suspension

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

1. Caused, attempted to cause, or threatened to cause physical injury to another person or willfully used force or violence upon the person of another, except in self-defense. (Education Code 48900(a))

   A student who aids or abets the infliction or attempted infliction of physical injury on another person, as defined in Penal Code 31, may be suspended, but not expelled. However, a student may be suspended or expelled pursuant to Education Code 48900(a) once he/she has been adjudged by a juvenile court to have committed, as an aider or abettor, a crime of physical violence in which the victim suffered great or serious bodily injury. (Education Code 48900(q))

2. Possessed, sold, or otherwise furnished any firearm, knife, explosive, or other dangerous object unless, in the case of possession of any object of this type, the student had obtained written permission to possess the item from a certificated school employee, with the principal or designee's concurrence. (Education Code 48900(b))

3. Unlawfully possessed, used, sold, or otherwise furnished, or was under the influence of, any controlled substance as defined in Health and Safety Code 11053-11058, alcoholic beverage, or intoxicant of any kind. (Education Code 48900(c))

4. Unlawfully offered, arranged, or negotiated to sell any controlled substance as defined in Health and Safety Code 11053-11058, alcoholic beverage or intoxicant of any kind, and then sold, delivered or otherwise furnished to any person another liquid, substance or material and represented same as controlled substance, alcohol beverage or intoxicant. (Education Code 48900(d))

5. Committed or attempted to commit robbery or extortion. (Education Code 48900(e))

6. Caused or attempted to cause damage to school property or private property. (Education Code 48900(d))

7. Stole or attempted to steal school property or private property. (Education Code 48900(g))

Students

SUSPENSION DUE PROCESS

Grounds for Suspension (continued)

8. Possess or used tobacco or any products containing tobacco or nicotine products, including but not limited to cigars, cigarettes, miniature cigars, clove cigarettes, smokeless tobacco, snuff, chew packets and betel. This restriction shall not prohibit a student from using or possessing his/her own prescription products. (Education Code 48900(h))

9. Committed an obscene act or engaged in habitual profanity or vulgarity. (Education Code 48900(i))

10. Unlawfully possessed or unlawfully offered, arranged, or negotiated to sell any drug paraphernalia, as defined in Health and Safety Code 11014.5. (Education Code 48900(j))

11. Disrupted school activities or otherwise willfully defied the valid authority of supervisors, teachers, administrators, other school officials, or other school personnel engaged in the performance of their duties. (Education Code 48900(k))

12. Knowingly received stolen school property or private property. (Education Code 48900(l))

13. Possessed an imitation firearm, i.e., a replica of a firearm that is so substantially similar in physical properties to an existing firearm as to lead a reasonable person to conclude that the replica is a firearm. (Education Code 48900(m))

14. Committed or attempted to commit a sexual assault as defined in Penal Code 261, 266c, 286, 288, 288a or 289, or committed a sexual battery as defined in Penal Code 243.4. (Education Code 48900(n))

15. Harassed, threatened, or intimidated a student who is a complaining witness or witness in a school disciplinary proceeding for the purpose of preventing that student from being a witness and/or retaliating against that student for being a witness. (Education Code 48900(o))

16. Unlawfully offered, arranged to sell, negotiated to sell, or sold the prescription drug Soma. (Education Code 48900(p))

17. Made terrorist threats against school officials and/or school property. (Education Code 48900.7)

Students

SUSPENSION DUE PROCESS

Grounds for Suspension (continued)

A student in grades 4 through 12 is also subject to suspension or recommendation for expulsion when it is determined that he/she:

18. Committed sexual harassment as defined in Education Code 212.5. (Education Code 48900.2)

19. Caused, attempted to cause, threatened to cause, or participated in an act of hate violence as defined in Education Code 233. (Education Code 48900.3)

20. Intentionally engaged in harassment, threats or intimidation against district personnel or students that is sufficiently severe or pervasive to have the actual and reasonably expected effect of materially disrupting classwork, creating substantial disorder, and invading the rights of school personnel or students by creating an intimidating or hostile educational environment. (Education Code 48900.4)

A student may be suspended or expelled for any of the acts listed above if the act is related to school activity or school attendance occurring at any school under the jurisdiction of the County Superintendent of Schools or CCCOE's principal or within any school, including but not limited to the following circumstances: (Education Code 48900)

1. While on school grounds

2. While going to or coming from school

3. During the lunch period, whether on or off the school campus

4. During, going to, or coming from a school-sponsored activity

The County Superintendent of Schools or CCCOE's principal may use his/her discretion to provide alternatives to suspension or expulsion for a student subject to discipline under this administrative regulation, including, but not limited to, counseling and an anger management program (Education Code 48900 (r))

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

Students

SUSPENSION DUE PROCESS

Removal from Class by a Teacher/Parental Attendance

A teacher may suspend any student from his/her class for the remainder of the day and the following day for any act listed in "Grounds for Suspension and Expulsion" above. (Education Code 48910)

A teacher also may refer a student to the principal or designee for consideration of suspension from school. (Education Code 48910)

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

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

A student removed from class shall not be returned to class during the period of removal without the approval of the teacher of the class and the principal. (Education Code 48910)

A student removed from class shall not be placed in another regular class during the period of removal. However, if a student is assigned to more than one class per day, he/she may be placed in any other regular classes except those held at the same time as the class from which the student was removed. (Education Code 48910)

The teacher of any class from which a student is removed may require the student to complete any assignments and tests missed during the removal. (Education Code 48913)

Pursuant to Governing Board policy, a teacher may provide that the parent/guardian of a student whom the teacher has removed attend a portion of a school day in his/her child's classroom. When a teacher makes this request, the principal shall send the parent/guardian a written notice that the parent/guardian's attendance is requested pursuant to law. (Education Code 48900.1)

Students

SUSPENSION DUE PROCESS

Removal from Class by a Teacher/Parental Attendance (continued)

This notice shall also:

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

2. Describe the legal protections afforded the parent/guardian as an employee under Labor Code 230.7

3. State that if the parent/guardian does not have a means of transportation to school, he/she may ride the school bus with the student

4. Ask the parent/guardian to meet with the principal after the visit and before leaving school, as required by Education Code 48900.1

Suspension by County Superintendent of Schools, CCCOE's Principal or Principal's Designee

The County Superintendent of Schools, CCCOE's principal or principal's designee may suspend a student from a school for not more than five consecutive school days unless the suspension is extended pending expulsion. (Education Code 48911)

The County Superintendent of Schools or designee shall immediately suspend any student found at school or at a school activity to be: (Education Code 48915)

1. Possessing, as verified by a district employee, or selling or otherwise furnishing a firearm, unless the student had obtained prior written permission to possess the item from a certificated school employee, with the principal or designee's concurrence

2. Brandishing a knife, as defined in Education Code 48915(g), at another person

3. Unlawfully selling a controlled substance listed in Health and Safety Code 11053-11058

4. Committing or attempting to commit a sexual assault or committing a sexual battery as defined in item #14 under "Grounds for Suspension and Expulsion" above

5. Possession of an explosive as defined in 18 USC 921

Students

SUSPENSION DUE PROCESS

Suspension by County Superintendent of Schools, CCCOE's Principal or Principal's Designee (continued)

Suspension also may be imposed upon a first offense if the County Superintendent of Schools, CCCOE's principal or designee determines the student violated items #1-5 listed in "Grounds for Suspension and Expulsion" above or if the student's presence causes a danger to persons or property or threatens to disrupt the instructional process. (Education Code 48900.5)

A student may be suspended from school for not more than 20 school days in any school year, unless for purposes of adjustment a student enrolls in or is transferred to another regular school, an opportunity school, or continuation school or class, in which case suspension shall not exceed 30 days in any school year. However, this restriction on the number of days of suspension does not apply when the suspension is extended pending an expulsion. (Education Code 48903, 48912)

The County Superintendent of Schools or designee may count suspensions that occur while a student is enrolled in another school district toward the maximum number of days for which a student may be suspended in any school year. (Education Code 48903)

Suspensions shall be initiated according to the following procedures:

1. Informal Conference: Suspension shall be preceded by an informal conference conducted by the principal, designee or the County Superintendent of Schools with the student and, whenever practicable, the teacher, supervisor or school employee who referred the student to the principal. At the conference, the student shall be informed of the reason for the disciplinary action and the evidence against him/her; the student shall be given the opportunity to present his/her version and evidence in support of his/her defense. (Education Code 48911(b))

   This conference may be omitted if the principal, designee or the County Superintendent of Schools determines that an emergency situation exits. An emergency situation involves a clear and present danger to the lives, safety or health of students or school personnel. If a student is suspended without this conference, both the parent/guardian and student shall be notified of the student's right to return to school for the purpose of a conference. The conference shall be held within two school days, unless the student waives his/her right to it or is physically unable to attend for any reason. In such case, the conference shall be held as soon as the student is physically able to return to school. (Education Code 48911(c))

Students

SUSPENSION DUE PROCESS

Suspension by County Superintendent of Schools, CCCOE's Principal or Principal's Designee (continued)

2. Administrative Actions: All requests for student suspension are to be processed by the principal or designee of the school in which the student is enrolled at the time of the misbehavior. A school employee shall report the suspension, including the name of the student and the cause for the suspension, to the County Superintendent of Schools or designee.

3. Notice to Parents/Guardians: At the time of the suspension, a school employee shall make a reasonable effort to contact the parent/guardian by telephone or in person. Whenever a student is suspended, the parent/guardian shall be notified in writing of the suspension. (Education Code 48911)

   This notice shall state the specific offense committed by the student. (Education Code 48900.8)

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

4. Parent/Guardian Conference: Whenever a student is suspended, school officials may meet with the parent/guardian to discuss the causes and duration of the suspension, the school policy involved and any other pertinent matter. (Education Code 48914)

   While the parent/guardian is required to respond without delay to a request for a conference about a student's behavior, no penalties may be imposed on the student for the failure of the parent/guardian to attend such a conference. The student may not be denied readmission solely because the parent/guardian failed to attend. (Education Code 48911)

5. Extension of Suspension: If the Board is considering the expulsion of a suspended student from any school or the suspension of a student for the balance of the semester from continuation school, the County Superintendent of Schools or designee may, in writing, extend the suspension until such time as the Board has made a decision. (Education Code 48911(g))

Students

SUSPENSION DUE PROCESS

Suspension by County Superintendent of Schools, CCCOE's Principal or Principal's Designee (continued)

Any extension of the original period of suspension shall be preceded by notice of such extension with an offer to hold a conference concerning the extension, giving the student an opportunity to be heard. This conference may be held in conjunction with a meeting requested by the student or parent/guardian to challenge the original suspension. Extension of the suspension may be made only if the County Superintendent of Schools or designee determines, following a meeting in which the student and the student's parent/guardian were invited to participate, that the student's presence at the school or at an alternative school would endanger persons or property or threaten to disrupt the instructional process. (Education Code 48911)

Suspension by the Board

The Board may suspend a student for any of the acts listed in "Grounds for Suspension and Expulsion" above and within the limits specified in "Suspension by County Superintendent of Schools, CCCOE's Principal or Principal's Designee" above. (Education Code 48912*)*

The Board may suspend a student enrolled in a continuation school or class for a period not longer than the remainder of the semester if any of the acts listed in "Grounds for Suspension and Expulsion" occurred. The suspension shall meet the requirements of Education Code 48915. (Education Code 48912.5)

When the Board is considering a suspension, disciplinary action or any other action (except expulsion) against any student, it shall hold closed sessions if a public hearing would lead to disclosure of information violating a student's right to privacy under Education Code 49073-49079.

The Board shall provide the student and his/her parent/guardian with written notice of the closed session by certified mail. Upon receiving this notice, the student or parent/guardian may request a public meeting, and this request shall be granted if made in writing within 48 hours after receipt of the Board's notice. However, any discussion that conflicts with any other student's right to privacy still shall be held in closed session. (Education Code 35146, 48912)

Students

SUSPENSION DUE PROCESS

On-Campus Suspension Program

Students for whom an expulsion action has not been initiated and who pose no imminent danger or threat to the school may be assigned to a separate, supervised suspension classroom for the entire period of suspension. The following conditions shall apply: (Education Code 48911.1)

1. The supervised suspension classroom shall be staffed in accordance with law.

2. The student shall have access to appropriate counseling services.

3. The supervised suspension classroom shall promote completion of schoolwork and tests missed by the student during the suspension.

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

At the time a student is assigned to a supervised suspension classroom, the principal or designee shall notify the student's parent/guardian in person or by telephone. When the assignment is for longer than one class period, this notification shall be made in writing. (Education Code 48911.1)

Mandatory Recommendation for Expulsion

Unless the Contra Costa County Office of Education's principal, County Superintendent of Schools or designee finds that expulsion is inappropriate due to particular circumstances, the CCCOE's principal, County Superintendent of Schools or designee shall recommend to the student's home district a student's expulsion for any of the following acts: (Education Code 48915(a))

1. Causing serious physical injury to another person, except in self-defense

2. Possession of any knife as defined in Education Code 48915(g), explosive or other dangerous object of no reasonable use to the student

3. Unlawful possession of any controlled substance, as listed in Health and Safety Code 11053-11058, except for the first offense for the possession of not more than one ounce of marijuana, other than concentrated cannabis

Students

SUSPENSION DUE PROCESS

Mandatory Recommendation for Expulsion (continued)

4. Robbery or extortion

5. Assault or battery, as defined in Penal Code 240 and 242, upon any school employee

Mandatory Recommendation and Mandatory Expulsion

The Contra Costa County Office of Education's principal, County Superintendent of Schools or designee shall recommend to the Superintendent of the student's home district that they expel any student found at school or at a school activity to be: (Education Code 48915(c))

1. Possessing, as verified by a Contra Costa County Office of Education employee, or selling or otherwise furnishing a firearm, unless the student had obtained prior written permission to possess the item from a certificated school employee, with the principal or designee's concurrence

2. Brandishing a knife as defined in Education Code 48915(g) at another person

3. Unlawfully selling a controlled substance listed in Health and Safety Code 11053-11058

4. Committing or attempting to commit a sexual assault or committing a sexual battery as defined in item #14 under "Grounds for Suspension and Expulsion" above

5. Possessing an explosive as defined in 18 USC 921

Upon finding that the student committed any of the above acts, the Board shall expel the student. (Education Code 48915)

Notification to Law Enforcement Authorities

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

Students

SUSPENSION DUE PROCESS

Notification to Law Enforcement Authorities (continued)

The principal or designee also shall notify appropriate city or county law enforcement authorities of any student acts which may involve the possession or sale of narcotics or of a controlled substance or possession of weapons or firearms in violation of Penal Code 626.9 and 626.10. (Education Code 48902)

Within one school day after a student's suspension or expulsion, the principal or designee shall notify appropriate city or county law enforcement authorities, by telephone or other appropriate means, of any student acts which may violate Education Code 48900(c) or (d), relating to the possession, use, offering or sale of controlled substances, alcohol or intoxicants of any kind. (Education Code 48902)

Regulation
approved: March 3, 2004

Students

SUSPENSION PROCESS (STUDENTS WITH DISABILITIES)

A student identified as an individual with disabilities pursuant to the Individuals with Disabilities Educating 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 identified as an individual with disabilities pursuant to IDEA and who has violated the County Office of Education's disciplinary procedures may assert the procedural safeguards granted under this administrative regulation only if the County Office of Education had knowledge that the student was disabled before the behavior occurred. (20 USC 1415(k)(8))

The County Office of Education shall be deemed to have knowledge that the student had a disability if one of the following conditions exits: (20 USC 1415(k)(8); 34 CFR 300.527)

1. The parent/guardian has expressed concern in writing, or orally if the parent/guardian does not know how to write or has a disability that prevents a written statement, that the student is in need of special education or related services.

2. The behavior or performance of the student demonstrates the need for such services, in accordance with 34 CFR 300.7.

3. The parent/guardian has requested an evaluation of the student for special education pursuant to 34 CFR 300.530-300.536.

4. The teacher of the student or other County Office of Education personnel has express concern about the behavior or performance of the student to the Office of Education's director of special education or to other personnel in accordance with the Office of Education's established child find or special education referral system.

The Office of Education would be deemed to not have knowledge as specified in items #1-4 above if, as a result of receiving such information, the Office of Education conducted an evaluation and determined that the student was not a student with a disability or determined that an evaluation was not necessary and provided notice to the parent/guardian of its determination. (34 CFR 300.527)

Students

SUSPENSION PROCESS (STUDENTS WITH DISABILITIES)

Procedures for Students Not Yet Eligible for Special Education Services (continued)

If it is determined that the Office of Education did not have knowledge that the student was disabled prior to taking disciplinary action against the student, then the student shall be disciplined in accordance with procedures established for students without disabilities.
(20 USC 1415(k)(8))

If a request is made for an evaluation of a student during the time period in which the student is subject to disciplinary measures, the evaluation shall be conducted in an expedited manner. Until the evaluation is completed, the student shall remain in the educational placement determined by school authorities. (34 CFR 300.527)

Suspension

The County Superintendent of Schools or designee may suspend a student with a disability for up to 10 consecutive school days for a single incident or misconduct, and for up to 20 school days in a school year, as long as the suspension(s) do not constitute a change in placement pursuant to 34 CFR 300.519. (Education Code 48903; 34 CFR 300.520)

The principal or designee shall monitor the number of days, including portions of days, that students with valid individualized education programs (IEP) have been suspended during the school year.

Services During Suspension

Students suspended for more than 10 school days in a school year shall continue to receive services during the term of the suspension, to the extent necessary to provide the student a free and appropriate public education. (20 USC 1412(a)(1)(A); 34 CFR 300.520)

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

Interim Alternate Placement Due to Dangerous Behavior

A student with a disability may be placed in an appropriate interim alternative educational setting for up to 45 days when he/she commits one of the following acts:
(20 USC 1415(k)(1); 34 CFR 300.520)

Students

SUSPENSION PROCESS (STUDENTS WITH DISABILITIES)

Interim Alternate Placement Due to Dangerous Behavior (continued)

1. Carries a weapon, as defined in 18 USC 930, to school or to a school function

2. Knowingly possesses or uses illegal drugs while at school or a school function

3. Sells or solicits the sale of a controlled substance while at school or a school activity as identified in 21 USC 812(c), Schedules I-V

The student's alternative educational setting shall be determined by the student's IEP team. (20 USC 1415(k)(2))

A hearing officer may order a change in placement of a student with a disability to an appropriate interim educational setting if the hearing officer: (20 USC 1415(k)(2); 34 CFR 300.521, 300.522)

1. Determines that the County Office of Education has established by substantial evidence, meaning beyond a preponderance of the evidence, that maintaining the current placement of the student is substantially likely to result in injury to the student or others

2. Considers the appropriateness of the student's current placement

3. Considers whether the County Office of Education has made reasonable efforts to minimize the risk of harm in the student's current placement, including the use of supplementary aids and services

4. Determines that the interim alternative educational setting proposed by school personnel who have met with the student's special education teacher allows the student to:

    a. Progress in the general curriculum and continue to receive those services and modifications, including those described in his/her IEP, to enable the student to meet the goals of the IEP

    b. Receive services and modifications designed to address the behavior and ensure that the behavior does not recur

Students

SUSPENSION PROCESS (STUDENTS WITH DISABILITIES)

Interim Alternate Placement Due to Dangerous Behavior (continued)

The student may be placed in the interim alternative educational setting for up to 45 days, or until the conclusion of any due process hearing proceedings requested by the parent/guardian. (20 USC 1415(k)(2))

Behavior Assessment and Intervention Plan

Not later than 10 business days after a student has been suspended for more than 10 school days or placed in an alternative educational setting, the Office of Education shall convene an IEP team meeting to conduct a functional behavior assessment and implement a behavioral intervention plan. If the student already has a behavioral intervention plan, the IEP team shall review the plan and modify it as necessary to address the behavior. (20 USC 1415(k)(1); 34 CFR 300.520)

As soon as practicable after developing the behavioral intervention plan and completing the required assessments, the IEP team shall meet to develop appropriate behavioral interventions to address the behavior and shall implement those interventions. (34 CFR 300.520)

Procedural Safeguards/Manifestation Determination

The following procedural safeguards shall apply when a student is suspended for more than 10 consecutive school days, when disciplinary action is contemplated for a dangerous behavior as described above, or when a change of placement is contemplated:
(20 USC 1415(k)(4); 34 CFR 300.523)

1. The parents/guardians of the student shall be immediately notified of the decision and provided the procedural safeguards notice pursuant to 34 CFR 300.504 on the day the decision to take action is made.

2. Immediately if possible, but in no case later than 10 schools days after the date of the decision, a manifestation determination review shall be made of the relationship between the student's disability and the behavior subject to the disciplinary action.

   At this review, the IEP team and other qualified personnel shall consider, in terms of the behavior subject to the disciplinary action, all relevant information, including:
   (20 USC 1415(k)(4); 34 CFR 300.523)

Students

SUSPENSION PROCESS (STUDENTS WITH DISABILITIES)

Procedural Safeguards/Manifestation Determination (continued)

a. Evaluation and diagnostic results, including the results or other relevant information supplied by the student's parents/guardians

b. Observations of the student

c. The student's IEP and placement

In relationship to the behavior subject to the disciplinary action, the team shall then determine whether the IEP and placement were appropriate and whether supplementary aids, services, and behavioral intervention strategies were provided consistent with the student's IEP and placement. The team shall also determine that the student's disability did not impair the ability of the student to understand the impact and consequences of the behavior, nor did it impair his/her ability to control the behavior subject to the disciplinary action. (20 USC 1415(k)(4); 34 CFR 300.523)

If the team determines that the student's behavior was not a manifestation of his/her disability, then the student may be disciplined in accordance with the procedures for students without disabilities, as long as the student continues to receive services to the extent necessary to provide that student a free and appropriate public education. (20 USC 1415(k)(4); 34 CFR 300.524)

If the team determines that the student's behavior was a manifestation of his/her disability, then the student's placement may be changed only via the IEP process. (20 USC 1415(k)(4))

Due Process Appeals

If the parent/guardian disagrees with a decision that the behavior was not a manifestation of the student's disability or with any decision regarding placement, he/she has a right to appeal the decision. (20 USC 1415(k)(6); 34 CFR 300.525)

If the student's parent/guardian initiates a due process hearing to challenge the interim alternative educational setting or the manifestation determination, the student shall remain in the interim alternative setting pending the decision of the hearing officer or the expiration of the 45-day time period, whichever occurs first, unless the parent/guardian and County Office of Education agree otherwise.

Students

SUSPENSION PROCESS (STUDENTS WITH DISABILITIES)

Due Process Appeals (continued)

If school personnel maintain that it is dangerous for the student to be placed in the current placement (placement prior to removal to the interim alternative education setting), during the pendency of the due process proceedings, the County Superintendent of Schools or designee may request an expedited due process hearing. (34 CFR 300.526)

Notification to Law Enforcement Authorities

Prior to the suspension of any student, the principal or designee shall notify appropriate city or county law enforcement authorities of any student acts of assault 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 any student acts which may involve the possession or sale of narcotics or of a controlled substance or possession of weapons or firearms in violation of Penal Code 626.9 and 626.10. (Education Code 48902)

Within one school day after a student's suspension, the principal or designee shall notify appropriate city or county law enforcement authorities, by telephone or other appropriate means, of any student acts which may violate Education Code 48900(c) or (d), relating to the possession, use, offering or sale of controlled substances, alcohol or intoxicants of any kind. (Education Code 48902)

Legal Reference:

EDUCATION CODE

35146 Closed sessions (re suspensions)
35291 Rules (of governing board)
48900-48925 Suspension and expulsion
56000 Special education; legislative findings and declarations
56320 Educational needs; requirements
56321 Development or revision of individualized education program
56329 Independent educational assessment
56340-56347 Individual education program teams
56505 State hearing

Students

SUSPENSION PROCESS (STUDENTS WITH DISABILITIES)

Legal Reference: (continued)

PENAL CODE

245 Assault with deadly weapon

626.2 Entry upon campus after written notice of suspension or dismissal without permission

626.9 Gun-Free School Zone Act

626.10 Dirks, daggers, knives, razors or stun guns

UNITED STATES CODE, TITLE 18

930 Weapons

UNITED STATES CODE, TITLE 20

1412 State eligibility

1415 Procedural safeguards

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 REGUALTIONS, TITLE 34

104.35 Evaluation and placement

104.36 Procedural safeguards

300.1-300.756 Assistance to states for the education of students with disabilities

COURT DECISIONS

Parents of Student W. v. Puyallup School District, (1994 9th Cir.) 31 F.3d 1489

M.P. v. Governing Board of Grossmont Union High School District, (1994 S.D. Cal). 858 F.Supp. 1044

Honig v. Doe, (1988) 484 U.S. 305

Doe v. Maher, (1986) 793 F.2d 1470

Regulation
approved: March 3, 2004

Random Search For Weapons

For the reasons set forth in Resolution # 2-94/95 "In the Matter of Resolution of Contra Costa County Board of Education Authorizing Use of Random Metal Detector Searches on Community School Sites" (attached), the Contra Costa County Board of Education finds that the growing presence of weapons in the Community Schools threatens the County Office of Education's ability to provide a safe and orderly learning environment. The Board also finds that random metal detector searches offer a reasonable means to address the problem of weapons at the Community Schools and to mitigate fears of the students and staff. The administration will prepare and administer a uniform procedure to provide for metal detector searches which will be conducted in a random fashion.

Legal Reference: Education Code
35160 Authority of Governing Board
35160.1 Broad Authority of County Boards
35160.2 "School District" defined
49050-49051 Searches by School Employees
49330-49334 Injurious Objects

Penal Code
26.9 Firearms
626.10 Dirks, Daggers, Knives

75 Ops. Cal. Atty. Gen. 155 (1992)

New Jersey v. T.L.O. (1985) 469 U.S. 325

Policy
adopted: August 10, 1994

Students

Research on Students

Research on students in the schools and programs operated by the County Office of Education, whether for the purposes of evaluating the individual student or on all of the students, shall not be carried on except under at least the following conditions:

1. The research design has been presented to and approved by the Superintendent or his/her designee. An approved design will demonstrate value to the County Office of Education and/or to education in general.

2. All research instruments, included but not limited to questionnaires, surveys and interview forms, have been submitted to and approved by the Superintendent or his/her designee.

3. Adequate care has been taken to protect individual students under Policy 5125 (Student Records), Regulation 5125.1 (Student Records; Confidentiality), and other provisions of law.

4. A final copy of all research reports, theses, dissertations and/or surveys, including analyses and conclusions, shall be presented to the Superintendent for the use of the County Office of Education, and that the County Office of Education shall have the right to utilize the research in the best interests of the children of the County Office of Education.

5. The County Superintendent of Schools shall have the right to refuse publication rights if he/she believes that the research was not carried out according to the highest standards of research, that the analysis and/or conclusion presents a biased or incorrect position, that the research was not carried out according to the approved research design, or that publication of the research study will present an immediate danger to the educational program.

Legal Reference: Education Code
35172 Promotional Activities (Particularly 35172(a) concerning research)

Regulation
approved: July 6, 1983

Students

PARENTAL NOTIFICATIONS

The County Board of Education recognizes that notifications are essential to effective communication between the school and the home. The County Superintendent of Schools or designee shall send students and parents/guardians all notifications required by law, including notifications about their legal rights, and any other notifications he/she believes will promote parental understanding and involvement.

The County Superintendent of Schools or designee shall ensure that notification which must be sent at the beginning of each academic year include a request that the parent/guardian sign the notice and return it to the school. (Education Code 48982)

Notifications to parents/guardians shall be written both in English and in the family's primary language when so required by law. Whenever an employee learns that a student's parent/guardian is for any reason unable to understand the district's printed notifications, the principal or designee shall work with the parent/guardian to establish other appropriate means of communication.

Legal Reference:

EDUCATION CODE

221.5 Prohibited sex discrimination
231.5 Sexual harassment policy
262.3 Appeals; information re: availability of civil remedies
310 Structured English Immersion Program
17288 Pupils: school buildings
17612 Notification of pesticide use
32255-32255.6 Right to refuse harmful or destructive use of animals
32390 Fingerprint program; contracts; funding; consent of parent/guardian; mailing of documents containing fingerprints to parent/guardian
35178.4 Notice of accreditation status
35183 School dress codes; uniforms
35256 School accountability report card
35291 Rules
37616 Consultation
39831.5 School bus rider rules and information
44808.5 Permission to leave school grounds
46010.1 Notice re: excuse to obtain confidential medical services
46014 Regulations regarding absences for religious purposes
46600-46611 Interdistrict attendance agreements especially:
46601 Failure to approve Interdistrict attendance

Students

PARENTAL NOTIFICATIONS

Legal Reference:

EDUCATION CODE (continued)

48000 Minimum age of admission
48070.5 Promotion or retention of students
48204 Residency requirements for school attendance
48205 Absence for personal reasons
48206.3 Pupils with temporary disabilities; individual instruction; definitions
48207 Pupils with temporary disabilities in hospitals outside of school district
48208 Students with temporary disabilities in qualifying hospitals
48213 Notice to parent or guardian
48216 Immunization
48260.5 Notice to parent regarding truancy
48263 Referral to SARB or probation department
48432.5 Involuntary transfers of pupils
48637.1 Notice of intended assignment
48900.1 Attendance of parent or guardian for portion of school day
48904 Liability of parent/guardian for willful pupil misconduct
48904.3 Withholding grades, diplomas, or transcripts
48906 Notification of release of pupil to peace officer
48911 Notification in case of suspension
48912 Closed sessions; consideration of suspension
48915.1 Expelled individuals: enrollment in another district
48916 Readmission procedures
48918 Rules governing expulsion procedures
48980 Required notification at beginning of term
48980.3 Notification of pesticide use
48981 Time and means of notification
48982 Signature; return to school; effect of signature
48983 Contents of notice
48984 Activities prohibited unless notice given
48985 Notices to parents in language other than English
48987 Child abuse information
49063 Notification of parents of their rights
49067 Regulations regarding pupil's achievement
49068 Transfer of permanent enrollment and scholarship record
49069 Absolute right to access
49070 Challenging contents of records
49073 Release of directory information

Students

PARENTAL NOTIFICATIONS

Legal Reference:

EDUCATION CODE (continued)

49076 Access to student records
49077 Access to information concerning a student in compliance with court order
49091.14 Prospectus
49302 Parental consent
49332 Notifications of retention of object by school personnel; release
49403 Cooperation in control of communicable disease and immunization
49423 Administration of prescribed medication for pupil
49451 Physical examinations: parent's refusal to consent
49452.5 Screening for scoliosis
49456 Report to parent
49472 Medical and hospital services for pupils
49480 Continuing medication regimen for nonepisodic conditions
49510-49520 Duffy-Moscone Family Nutrition Education and Services Act of 1970
51201.5 Instruction on AIDS and AIDS prevention
51240 Excuse from instruction due to religious beliefs
51513 Personal beliefs
51550 Sex education courses
51554 Parent notification; sex education courses
51555 Parent notification in grades K-6; sex education courses
51820 Venereal disease instructions; written notification to parent; inspection of instructional material; consensual pupil participation
51870.5 Internet access policy
52164.1 Census-taking methods; determination of primary language; assessment of language skills; notice
52164.3 Notice of reassessment of language skills
52173 Consultation with parents or guardians; notice to parents or guardians; withdrawal of pupil from program
52244 Advanced Placement Program
54444.2 Migrant education programs; parent involvement
56301 Child-find system; policies re: written notification rights
56321 Special education: proposed assessment plan
56329 Written notice of right to findings; independent assessment
56341 Individualized education program team
56343.5 IEP meetings
56346 Parental notice and consent to special education program
58501 Alternative schools: notice required prior to establishment
60641 Standardized Testing and Reporting Program
60850 High School Exit Exam

Legal Reference: (continued)

HEALTH AND SAFETY CODES
1596.857 Right to enter child care facility
120365 Immunizations
120370 Immunizations
120375 Immunizations
120440 Sharing immunization information
124085 Certificate of receipt; health screening and evaluation services; waiver by parent/guardian
124100 School districts and private schools; information to parents or guardians of kindergarten children; withholding of average daily attendance funds

PENAL CODE
627.5 Hearing request following denial or revocation of registration

WELFARE AND INSTITUTIONS CODE
18976.5 Parental notice; right of refusal to participate

CODE OF REGUALTIONS, TITLE 5
863 Standardized Testing and Reporting Program
3052 Behavioral Intervention
3831 General standards (Gifted and Talented Program)
4622 Notice requirements and recipients
4631 Responsibilities of the local agency
11303 Reclassification of English language learners
11309 Parental Exception Waivers
11523 Notice of proficiency examinations (HS)
18066 Policies and procedures absences for child care

UNITED STATES CODE, TITLE 20
1232g Family Educational and Privacy Rights Act
1415 Procedural Safeguards
1681-1688 Title IX, discrimination based on sex or blindness

UNITED STATES CODE, TITLE 42
2000d-2000d-7, Title VI, Civil Rights Act of 1964

CODE OF FEDERAL REGULATIONS, TITLE 34
99.7 Student records, annual notification
99.34 Student records, disclosure to other educational agencies
104.36 Procedural safeguards
106.9 Dissemination of policy, nondiscrimination on basis of sex
300.345 Parent participation
300.502 Independent educational evaluation

Students

PARENTAL NOTIFICATIONS

Legal Reference:

CODE OF FEDERAL REGULATIONS, TITLE 34 (continued)
300.503 Prior written notice
300.507 300.505 Parental consent Parent notice due process hearing
300.523 Manifestation determination review
CODE OF FEDERAL REGULATIONS, TITLE 40
763.93 Management plans
PUBLIC LAW 107-110
1111 State Plans
1112 Local educational agency plans
1116 Academic assessment and local educational agency school improvement
1118 Parental involvement
9528 Armed forces recruiter access to students

Policy
adopted: March 3, 2004

Students

Sexual Harassment

The County Board of Education and the County Superintendent of Schools are committed to maintaining a learning environment that is free of sexual harassment. The Board and Superintendent prohibit the unlawful sexual harassment of any student by any employee, student, or other person at school or at any school-related activity.

The County Superintendent of Schools or designee shall ensure that students receive age-appropriate information related to sexual harassment. Students shall be assured that they need not endure any form of sexual conduct or communication, including harassment because of sexual orientation. They shall further be assured that they need not endure, for any reason, any sexual harassment which impairs the educational environment or a student's emotional well being at school. They shall be informed that they should immediately contact an administrator or designee if they feel they are being sexually harassed.

Any student who engages in the sexual harassment of anyone at school or a school related activity shall be subject to disciplinary action up to and including expulsion.

Any employee, who engages in, permits or fails to report sexual harassment shall be subject to disciplinary action up to and including dismissal. When appropriate, a referral to child protective services and law enforcement authority may be made.

Staff shall immediately report complaints of sexual harassment to the site administrator or designee or to another County Office of Education administrator or the Director of Human Resources. Staff shall similarly report any such incidents they may observe, even if the harassed student has not complained.

A complaint of sexual harassment may be filed in accordance with this policy or the County Office of Education's uniform complaint procedures (Policy No. 1312.3). The Superintendent or designee shall determine which procedure is appropriate.

Any student who feels that he/she is being harassed should immediately contact the County Office of Education administrator or designee at his/her school/site, or the Title IX/Gender Equity Coordinator (Director, Human Resources, 510-942-3387, 77 Santa Barbara Road, Pleasant Hill, California 94523).

The County Office of Education prohibits retaliatory behavior against any complainant or any participant in the complaint process. Each complaint of sexual harassment shall be promptly investigated. Information related to a complaint of sexual harassment shall be confidential to the extent possible, and individuals involved in the investigation of such a complaint shall be cautioned not to discuss related information outside the investigation process.

Legal Reference:

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

Education Code
200-240 Prohibition of discrimination on the basis of sex, especially:
212.5 Sexual harassment
212.6 Sexual harassment policy
230 Particular practices prohibited
48900.2 Additional grounds for suspension or expulsion; sexual harassment
48904 Liability of parent/guardian for willful student misconduct
48980 Notice at beginning of term

United States Code, Title 42
2000d & 2000e et seq. Title VI and Title VII, Civil Rights Act of 1964 as amended
2000h-2 et seq. Title IX, 1972 Education Act Amendments

Policy adopted: October 28, 1992

Policy amended: September 24, 1997

Sexual Harassment

Prohibited sexual harassment includes, but is not limited to, unwelcome sexual advances, requests for sexual favors, and other verbal, visual or physical conduct of a sexual nature when: (Education Code 212.5)

1. Submission to the conduct is explicitly or implicitly made a term or condition of an individual's academics status or progress.

2. Submission to or rejection of the conduct by an individual is used as the basis for academics or employment decisions affecting the individual.

3. The conduct has the purpose or effect of having a negative impact on the individual's academic or work performance, or of creating an intimidating, hostile or offensive educational or work environment.

4. Submission to or rejection of the conduct by the individual is used as the basis for any decision affecting the individual regarding benefits and services, honors, programs, or activities available at or through the school.

Other types of conduct which are prohibited and which may constitute sexual harassment include:

1. Unwelcome sexual flirtations or propositions

2. Sexual slurs, leering epithets, threats, verbal abuse, derogatory comments or sexually degrading descriptions

3. Graphic verbal comments about an individual's body, or overly personal conversation

4. Sexual jokes, stories, drawings, pictures or gesture

5. Spreading sexual rumors

6. Teasing or sexual remarks about students enrolled in a predominantly single-sex class

7. Touching an individual's body or clothes in a sexual way

8. Purposefully cornering or blocking normal movements

9. Purposefully limiting a student's access to educational tools

10. Displaying sexually suggestive objects in the educational environment.

Students

Sexual Harassment (continued)

Any act of retaliation against an individual who reports a violation of this sexual harassment policy or who participates in the investigation of a sexual harassment complaint is prohibited.

Notifications

A copy of this sexual harassment policy shall:

1. Be included in the notifications that are sent to parents/guardians at the beginning of each school year. (Education Code 48980)

2. Be displayed in a prominent location near each school/site administrator's office (Education Code 212.6)

3. Be provided as part of any orientation program conducted for new students at the beginning of each quarter, semester or summer session. (Education Code 212.6)

4. Appear in any site or County Office of Education publication that sets for the site or COE comprehensive rules, regulations, procedures and standards of conduct. (Education Code 212.6)

5. Be provided to employees and employee organizations at the beginning of the school year.

Enforcement

The County Superintendent or designees shall take appropriate actions to reinforce this sexual harassment policy. As needed these actions may include any of the following, but are not limited to:

1. Removing vulgar or offending graffiti

2. Providing staff inservice and student instruction or counseling

3. Notifying parents/guardian

4. Notifying child protective services

5. Taking appropriate disciplinary action as needed.

Sexual Harassment (continued)

Informal Complaint Procedures

Any student, or the student's parents/guardian, who believes that another student or County Office of Education employee has sexually harassed him/her should immediately contact a COE administrator or the Director of Human Resources (Gender Equity/Title IX Coordinator). If a COE administrator is the alleged harasser, the student may present his/her complaint to the Director of Human Resources. The complainant should notify the administrator or Director of Human Resources no later than one (l) year from the last incident which is the subject matter of the complaint.

Any employee, other than the site administrator, who receives a student's oral or written complaint of sexual harassment shall immediately report the complaint to the site administrator or designee or to the Director of Human Resources.

The site administrator shall:

1. Counsel the alleged victim and outline options available to him/her and provide a copy of the sexual harassment policy and this administrative regulation.

2. Obtain a factual written statement of the complaint

3. Notify the Director of Human Resources of the complaint

4. Conduct an independent investigation into the allegations of sexual harassment in a manner designed to respect the privacy of all parties concerned. The investigation shall include interviews with the complainant, the alleged harasser, and witnesses identified by either of them, and any supervisorial employees as appropriate and a review of any other pertinent information identified by the complainant or alleged harasser.

5. Review the factual information collected to determine whether the alleged conduct constitutes sexual harassment, giving consideration to the record as a whole and the totality of the circumstances, including the nature of the sexual advances and the context in which the alleged incidents occurred. Recommend the disposition of the complaint.

The administrator will then take and/or authorize appropriate action after consultation with the Director of Human Resources. In the event the complaint is sustained, such action shall be designed to prevent a recurrence of sexual harassment and to remedy the effects of the harassment. Any student or employee who is found to have sexually harassed a student will be subject to discipline according to the nature and severity of the offense.

Sexual Harassment (continued)

Informal Complaint Procedures (continued)

If the allegations of sexual harassment involve an employee, at the discretion of the Director of Human Resources, steps 4 and 5 above will be completed by the Director of Human Resources or his/her designee.

The informal complaint should be resolved by the site administrator within 30 days of the date that the administrator receives the complaint. Timelines may be extended by the mutual agreement of the complainant and the County Office of Education.

To the extent possible consistent with the privacy rights of involved students and employees, the complainant and alleged harasser shall be notified of the outcome of the complaint.

The complainant should notify the site or other COE administrator if he/she is not satisfied with the informal resolution of the complaint. The administrator should then give the complainant a copy of the sexual harassment policy and formal complaint procedures.

Appeal Process

If the complainant is not satisfied with the informal resolution of the complaint by the site administrator, the complainant may choose to file a formal complaint. The following procedures must be followed in filing a formal complaint:

1. Formal Complaint Procedures:
   A. A written complaint shall be sent to the Assistant Superintendent, Student Programs, within 15 days of the termination of the informal process.

      The complaint should contain the following information:

      1. The complainant's name, address, and home telephone number
      2. The name of the student or employee who committed the alleged violation
      3. A description of the alleged sexual harassment
      4. A specific description of the time, place, nature, participants in, and witnesses to the alleged sexual harassment
      5. Other pertinent information which may assist in investigating and resolving the complaint.

Sexual Harassment (continued)

Appeal Process (continued)

B. If the complaining party so desires, he/she may request the assistance of the site administrator to whom he/she informally complained, in preparing and presenting a written complaint.

C. Once the formal written complaint is filed, the Assistant Superintendent, Student Programs or designee, will conduct an independent investigation into the charges made in the written complaint in a manner designed to respect the privacy of all parties concerned. The investigation shall include interviews with the complainant, the alleged harasser, and witnesses identified by either of them, and any supervisorial employees as appropriate, and a review of other pertinent information contained in the written complaint or identified by the alleged harasser. The Assistant Superintendent or designee will render a determination within 60 days of receiving the complaint. To the extent consistent with the privacy rights of involved students and employees, the Assistant Superintendent or designee will notify the complainant and alleged harasser of the determination.

D. If there is a finding of sexual harassment, the Assistant Superintendent will take or authorize such action as is necessary to prevent a recurrence of the sexual harassment and to remedy its effects.

Regulation approved: October 29, 1992

Regulation amended: September 24, 1997

Students

MARRIED/PREGNANT/PARENTING STUDENTS

Married, expectant and parenting students shall have the same educational and extracurricular opportunities as all students in the County Office of Education Programs. Pregnant students shall be allowed to remain in school or in the program, so long as their physical and emotional condition permit.

For school-related purposes, married students under the age of 18 are emancipated minors and have all the rights and privileges of students who are 18, even if the marriage has been dissolved. (Family Code 7002)

Expecting and Parenting Students

The Board is committed to providing to expectant and parenting students a comprehensive, continuous, community-linked program that reflects the cultural and linguistic diversity of the community.

The County Superintendent of Schools or designee shall collaborate with community agencies and organizations to ensure that appropriate educational and related support services are available to meet the needs of expectant and parenting students.

Expectant and parenting students retain the right to participate in any comprehensive school or educational alternative programs. School placement and instructional strategies for participating students shall be based on the needs and learning styles of individual students.

The County Superintendent of Schools or designee shall ensure that age-appropriate, culturally sensitive and community-sensitive instruction and services are available to assist in the prevention of pregnancy among minors. The Office of Education's program shall be based on strategies that have proven effective in delaying the onset of sexual activity and reducing the incidence of pregnancy among school-age youth. Instruction shall be consistent with the Office of Education's family life/sex education curriculum.

Legal Reference:

EDUCATION CODE
2551.3 Determination of state aid for pregnant minors program
8920-8929 Teenage pregnancy prevention grant program
17293 School facilities for pregnant/parenting teen programs
48220 Compulsory education requirement
48410 Persons exempted from continuation classes
49553 Nutrition supplements for pregnant/lactating students

Students

MARRIED/PREGNANT/PARENTING STUDENTS

Legal Reference:

EDUCATION CODE (continued)
49558 Confidentiality of applications and records for free or reduced price meals
51220.5 Parenting skills and education
51745 Independent Study
52610.5 Enrollment of pregnant and parenting students in adult education
54740-54749.5 California School Age Families Education Program (Cal-SAFE)
FAMILY CODE
7002 Description of emancipated minor
7050 Purposes for which emancipated minor considered an adult
HEALTH AND SAFETY CODE
124175-124200 Adolescent and Family Life Act
UNITED STATES CODE, TITLE 20
1681-1688 Title IX, Education Act Amendments
CODE OF FEDERAL REGULATIONS, TITLE 34
106.40 Marital or parental status

Policy
adopted: March 3, 2004

Students

INTERDISTRICT ATTENDANCE TRANSFER APPEALS

Education Code Section 48200 provides that students should attend a school in the district where their parents or guardians reside. At the same time, Education Code Sections 46600 authorizes parents or guardians to request a permit to attend a district other than the district of residence.

According to Education Code Section 46601, if, within 30 calendar days after the person having legal custody of a pupil has so requested, the governing board of either school district fails to approve inter district attendance in the current term, or, in the absence of an agreement between the districts, fails or refused to enter into an agreement, the district of residence, shall advise the person requesting the permit of the right to appeal to the county board of education.

a) An appeal shall be accepted only upon verification by the County Board or County Superintendent's designee that appeals within the districts have been exhausted.

b) The County Board of Education shall, within 30 days after filing of the appeal, determine whether the student(s) should be permitted to attend in the district in which he/she desires to attend and for what period of time. If compliance by the County Board with this time frame is impracticable, the County Board or County Superintendent or designee, for good cause, may extend the time period for up to an additional five school days.

c) The County Board or County Superintendent or designee may continue the hearing upon the request of any party who shows good cause for such continuance. Failure by either party to send a representative to the hearing will not result in a postponement of the hearing. If either party fails to send a representative to the hearing, the hearing will be conducted at the scheduled date and time provided in the notification. If the unrepresented party has previously submitted written statements, the statements will be read into the record during the hearing.

d) The county shall provide adequate notice to all parties of the date and time of any hearing scheduled and of the opportunity to submit written statements and documentation and to be heard on the matter pursuant to rules and regulations adopted by the county board of education.

e) The County Board of Education shall base its decision to approve or deny the appeal on a review of the evidence presented to the district issuing the denial. If new evidence is presented to the County Board that the Board believes would have affected the district's decision, the Board may remand the case back to the district issuing the denial for further consideration.

f) Pupils who are under consideration for expulsion, or who have been expelled pursuant to Education Code Sections 48915 and 48918, may not appeal interdistrict attendance denials or recisions while expulsion proceedings are pending, or during the term of the expulsion.

g) If the County Board of Education determines that the pupil should be permitted to attend in the district in which he or she desires to attend, the pupil shall be admitted to a school in the district without delay.

h) For a period not to exceed two school months, the governing board of a school district may provisionally admit to the schools of the district a pupil who resides in another district, pending a decision of the two boards, or by the County Board of Education upon appeal, regarding the interdistrict attendance.

Students

INTERDISTRICT ATTENDANCE TRANSFER APPEALS

Under Section 48204(b) of the California Education Code, a school district may deem a pupil to have complied with the residency requirements for school attendance in the district if at least one parent or the legal guardian of the pupil is physically employed within the boundaries of that district for a minimum of 10 hours during the school week. Enrollment pursuant to Section 48204(b) is not an interdistrict transfer. If a school district refuses to enroll a student whose parent or guardian is employed within the district boundaries because enrollment would negatively impact the district's court-ordered or voluntary desegregation plan, or if the additional cost of educating the student would exceed the additional state assistance received for the student, or for other lawful, non-arbitrary reasons, the parent or legal guardian may not appeal this denial of enrollment under 48204(b) to the County Board of Education.

Legal Reference: EDUCATION CODE

46600 (Terms of Interdistrict Agreements)
46601 (Appellate Provisions upon Board's Neglect or Refusal to enter into an Interdistrict Agreement)
46602 (Admission to school without Delay upon Board approval)
46603 (Maximum Duration of Provisional Admission Pending Board decision)
48200 (Residence of parents or legal guardians determines school district)
48204(b) (Use of parent or legal guardian employment to establish residency)

Policy adopted: March 28, 1984

Policy amended: April 24, 1996
May 20, 2015

Students

INTERDISTRICT ATTENDANCE TRANSFER APPEALS

A. Filing an Appeal

1. An appeal of denial or failure to approve an interdistrict transfer of attendance shall be in writing on a form prescribed by the County Superintendent and shall specify the grounds for the appeal.

2. An appeal must be filed within 30 calendar days of the refusal or failure to permit interdistrict transfer of attendance by the district. Failure to appeal within the required time is good cause for denial of an appeal.

3. Multiple appeals from one family may be submitted as one; however, there will be a separate vote for each child, but only one written decision.

4. The appellant shall send or deliver the completed, signed, dated appeal to the County Superintendent or designee, and include a copy of the original request for transfer (preferably from both the district of residence and the proposed district), any letters received from either district, and any additional documentation this is pertinent to the request.

5. An appeal shall be accepted only upon verification by the County Superintendent's designee that appeals within the school district have been exhausted.

6. Once an appeal has been received, the County Superintendent or designee shall notify each district that an appeal has been filed.

B. Hearing Date

1. Upon receipt of the appeal, the County Superintendent, or designee will set a hearing on the matter at a regular or special meeting of the County Board of Education to be held no later than 30 days following receipt of the appeal.

2. In the event that meeting the time requirement for determining the appeal is impractical, the County Board of Education or the County Superintendent of Schools or designee may, for good cause, extend the time period for an additional five (5) school days.

3. The County Board of Education may grant a continuance to any party upon a showing of good cause. Such continuances shall result in an extension of the time line for a determination by the County Board equal to the number of days of the granted extension.

4. Failure by either party to send a representative to the hearing will not result in a postponement of the hearing. If either party fails to send a representative to the hearing, the hearing will be conducted at the scheduled date and time provided in the notification. If the unrepresented party has previously submitted written statements, the statements will be read into the record during the hearing.

C. Preparation for Hearing the Appeal

The County Superintendent or designee shall serve as the contact person and liaison among the student's representative, the districts involved, and other appropriate parties.

Students
INTERDISTRICT ATTENDANCE TRANSFER APPEALS

1. Upon receiving the appeal, the County Superintendent or designee shall inform the person appealing of their rights and the procedures by which the appeal will be heard.

2. The County Superintendent or designee shall inform both school districts involved in the appeal and invite them to have representatives at the hearing to speak on their position regarding the appeal.

3. The County Superintendent or designee shall provide adequate notice to all parties of the date and time of the scheduled hearing, the opportunity to submit written statements and documentation, the date upon which any documentation is due, and the option of being represented by legal counsel.

4. The parties shall be required to provide the County Superintendent or designee with all information pertaining to the case no later than fourteen (14) days prior to the hearing. This information will be included in the packet provided to each County Board member and include at a minimum:

    a. Copies of the original interdistrict attendance request and the interdistrict attendance request appeal
    b. A copy of both districts' policy on interdistrict attendance
    c. Materials and documentation relevant to the interdistrict attendance request provided by the district(s) and the appellant

5. Copies of all information provided to the County board shall be distributed to all parties involved prior to the hearing.

D. Conduct of the Appeal Hearing

1. The hearing will be conducted in a public session of the County Board of Education unless the appeal will involve presentation and discussion by any party of the pupil records of the appellant or of any other student.

    1.1 If notified by any party that information concerning pupil records will be discussed at the hearing, or if any party submits pupil records to the County Board in advance of the hearing, the Superintendent or designee will notify the parent in writing that the County Board will hold the appeal in closed session, unless the parent requests in writing in advance of the hearing that the entire hearing be held in public session.

    1.2 In any case, that portion of the appeal involving pupil records of a student other than the appellant will be held in closed session.

    1.3 When a closed session is held, all parties may attend the closed session.

    1.4 When a closed session is held, the County Board of Education will take its final action in public session, and the result of such action will be a public record. Individual board member votes will be documented.

2. The County Superintendent or designee shall preside over the hearing, and may recognize any concerned parties at any time during the hearing to ask questions or to add information.

3. A record of the hearing shall be made.

4. Strict rules of evidence as required in court proceedings will not be applied. Persons to be heard will be limited to the student(s), his/her parent(s) or guardian(s) or other representative, and representatives of the districts involved.

5. The decision by the County Board of Education may only be to (1) approve the appeal, (2) deny the appeal, or (3) remand the matter back to the district. A written statement of the County Board of Education's action will be mailed to the person appealing and to each of the districts involved in the request.

E. Hearing Procedures

The format for the hearing shall be substantially as follows:

1. The County Superintendent or designee will introduce the matter for the record and all parties present will identify themselves.

2. The County Superintendent or designee will review the scope of the County Board's role and receive any additional written evidence regarding the matter.

3. The student's representative will be invited to make a presentation and allotted ten (10) minutes to do so.

4. The representative of the district which failed or refused to approve the interdistrict attendance request will be invited to make a presentation and allotted ten (10) minutes to do so.

5. If present, the representative of the other district involved will be invited to make a presentation and allotted ten (10) minutes to do so.

6. Each County Board of Education Member will be provided an opportunity to ask questions of Parent(s) or guardian(s) of student, the student, district of residence, and district of proposed attendance, and others as appropriate.

7. At the conclusion of the presentations and questioning, the Board President shall declare the hearing closed and request that the appellant and district representatives leave the board room while they conduct their deliberation.

F. Scope of Review and Decision of the Board

1. The party requesting the interdistrict transfer shall have the burden of proof and the responsibility to present sufficient evidence to justify the transfer.

2. The County Board will grant appeals only in cases of significant legal, financial, or equitable hardship or deprivation to the student which cannot reasonably be remedied by any other means. In making its decision, the County Board shall also consider the financial and other needs of the district of residence and the proposed district of attendance, and balance such needs against that of the student.

Students

INTERDISTRICT ATTENDANCE TRANSFER APPEALS

3. The Board shall consider all evidence and information presented by all parties to determine whether to:
    a. Grant the appeal
    b. Deny the appeal
    c. Remand the matter back to the district for further consideration

4. If the County Board determines that the student should be permitted to attend school in the district proposed, the County Board shall fix the length of time for the student's attendance in that district, and the student shall be admitted to a school in the district without delay.

5. Written notice of the decision by the County Board of Education shall be delivered to the student and the parent or legal guardian, and to each district.

G. Criteria for Consideration in Appeals

1. The student's psychological or physical well-being.
   Problems with a student's psychological or physical well-being must be supported by the written statement of a qualified professional.

2. A substantial danger to the student's health or safety.
   A danger to the student's health or safety must be supported by the written statement of a qualified health expert, by police reports, by school records, or by other documentation.

3. A specialized and specific academic program or service, unavailable in the district of residence but necessary to the student's career or academic objectives.
   Such a program or service must be related to the student's career objectives or academic advancement and not based solely on the student's interests or desires, or on extracurricular activities or athletics.

4. Hardship resulting from lack of available or appropriate after school care options for pupil in the district of residence.
   The parent or legal guardian must demonstrate attempts to find appropriate care in the district of residence and must describe these attempts in the written materials provided when the appeal is filed.

5. A severe and demonstrated hardship to parents/guardians which could affect the student's success in school.
   The parent/guardian must specify and describe the type of hardship in writing; "hardship" shall be understood to exclude inconvenience to the parents/guardians or matters of preference.

6. The student's desire to remain in his/her school of current attendance for the balance of the semester of school year.
   The student's desire may be based on his/her anticipated promotion from the school of current attendance at the end of the semester or school year or on a need for education continuity for the remainder of the semester or school year.

7. The student's plan to move in the near future and desire to begin the semester or school year in his or her new school district.

Students

INTERDISTRICT ATTENDANCE TRANSFER APPEALS

The student and his/her parent/guardian must offer written proof of their plan to move into the district of proposed attendance; such written proof may be a rental agreement, a contract to purchase new property, or similar document.

8. The financial impact of educating the student (district of proposed attendance) or of losing the student (district of residence).
   In either case, the impacted district(s) must demonstrate in writing that the student's transfer would place an undue hardship on the district's resident students in terms of reduced services or other unacceptable outcomes.

9. The student's demonstrated failure to meet reasonable standards relating to behavior, attendance, or diligence to studies.
   The demonstration of such failure must be based on a written explanation of the district's previous experience with the student under an interdistrict transfer agreement or on other documented evidence.

10. Lack of space for the student in the receiving district.
    The district of proposed transfer must demonstrate in writing that the student's transfer would result in an undue hardship on the district's resident students in terms of overcrowding and/or would be a violation of district policy or a collective bargaining agreement regarding class size goals.

11. The negative impact of the student's transfer on a court ordered or voluntary desegregation plan of either district.
    The district must provide details about the court order or desegregation plan and provide written evidence of the anticipated negative impact of the student's transfer.

12. Other exceptional or extraordinary circumstances which would weigh heavily in favor of the appellate student or the affected school district.
    The parent/guardian or school district must specify and describe the type of exceptional or extraordinary circumstance and its effect on the appellant student or the resident students of the district.

Regulation approved: March 29, 1984

Regulation amended: March 13, 1996
January 28, 1998
October 14, 1998
October 5, 2005
August 6, 2008
June 3, 2015

Contra Costa County Board of Education
APPEAL OF DENIAL OF INTERDISTRICT ATTENDANCE

(Please print or type all information except signature)

In accordance with Education Code 46601, and the Contra Costa County Board of Education Policy 5200, we hereby request a hearing for the purpose of an Appeal of an Interdistrict Transfer Denial. [NOTE: This request for Appeal shall be submitted to the Contra Costa County Office of Education within thirty (30) calendar days following the date of district failure or refusal to issue a permit or enter into an agreement allowing the attendance.]

Date _____

Appellant(Parent(s)) _____ Cell/Work Phone _____

Residence Address_____ Residence Phone _____

District of Residence _____School District

I am / we are requesting that the Contra Costa County Board of Education hear an appeal of the denial by _____School District of an interdistrict attendance transfer request for my / our son(s) / daughter(s) to attend school in the _____School District.

Student _____Age___ Grade ___ Student _____ Age ___ Grade ___

Student _____Age___ Grade ___ Student _____ Age ___ Grade ___

How many other children in the home? _____ Give ages: _____

Do they attend school in the district of residence? Yes _____ No _____

Explain if answer to above question is no: _____

Respond to the following questions and attach additional pages, if necessary:

1. What reason(s) did you give for requesting an interdistrict transfer in your application to the school district(s)? _____

2. State your understanding of why the school district(s) denied your request for an interdistrict transfer.

_____

3. State why you believe the decision(s) of the school district(s) should be set aside (changed to approve your appeal) _____

I hereby certify that this information is true and correct to the best of my knowledge.

_____ _____

Signature of Parent/Guardian Filing the Appeal Date

Please include all related documentation that you received from the school district(s), including the following:

1) your transfer request;
2) any letters from your district of residence regarding your request;
3) any letters from the district you are requesting to attend;
4) any additional documentation that is pertinent to your request.

Send to CCCOE at 77 Santa Barbara Rd. Pleasant Hill, CA 94523 or fax to 925-942-3353 or email to lgriffin@cccoe.k12.ca.us

INTERDISTRICT ATTENDANCE TRANSFER APPEAL PROCEDURES
The Contra Costa County Board of Education Hearing

_____ I. **Opening** by the Superintendent or Superintendent's designee.
He/she explains the procedures to be followed during the hearing:

A. The persons who may be heard:
   1. Parent(s) or Guardian(s)
   2. Other representative(s) of the student, i.e., legal counsel.
   3. Representatives of involved districts.

B. After the hearing, the Board will deliberate and come to a decision.

C. The Board's determination will be limited to one of the following:
   1. Deny the appeal.
   2. Approve the appeal.
   3. Remand the matter back to the district for further consideration.

_____ II. **Presentation** by Superintendent or Superintendent's designee.

_____ III. **Presentation** by the parent(s)/guardian(s) of the student.

_____ IV. **Presentation** by representative(s) of the district of residence.

_____ V. **Presentation** by representative(s) of the district of proposed attendance.

_____ VI. **Questioning** by County Board of Education members of the parent(s)/guardian(s) of student, and representative(s) of the district of residence, and representative(s) of the district of proposed attendance.

_____ VII. **Deliberation and Decision** by County Board of Education.
Determination will be limited to the following:
   A. Deny the appeal.
   B. Approve the appeal.
   C. Remand the matter back to the district for further consideration.

Interdistrict Transfer Appeal Ground Rules

The Contra Costa County Board of Education has agreed to the following commitments in the conduct of Interdistrict Transfer Appeal Hearings in order to ensure that everyone is treated equally and all issues are considered in a fair and unbiased manner.

Each Board Member shall:

- Review all materials in advance of the hearing
- Listen attentively and without prejudice to all arguments and responses to questions posed
- Ask clarifying questions and reserve all comments and statements for the Board's closed deliberations
- Maintain a professional demeanor at all times
- Make a conscientious effort to conduct each hearing within the allotted timeframe in order to maximize efficiency, and as a courtesy to all parties involved
- Ensure that all decisions are based on the evidence and documentation provided

It is understood that each Board Member and the Superintendent or designee is responsible for adherence to these ground rules.

Use of Technology

The Contra Costa County Office of Education recognizes that technology provides ways to access the most current and extensive sources of information. Technology also enables students to practice skills and to develop reasoning and problem-solving abilities. In addition, electronic resources foster workplace skills that may be transferable to new technologies. Every effort shall be made to provide equal access to technology through out the Contra Costa County Office of Education's schools and classes.

On-Line Services

To discourage access to inappropriate content on on-line electronic services and preclude other misuses of the system, the Superintendent or designee shall ensure that students receive training in user obligations and responsibilities. (see Student User contract #_____ (fill in after adoption)

Before using on-line services, the student and parent/guardian shall sign the County's "Student Acceptable Use Agreement" indicating that the student understands and agrees to abide by specified user obligations and responsibilities.

The Superintendent or designee shall establish administrative regulations governing use of the Contra Costa County Office of Education's on-line services (see Board Rules). He/she shall ensure that students have no expectation of privacy and understand that Contra Costa County Office of Education's staff may monitor or examine all system activities to ensure proper use of the system. Students who fail to abide by these regulations shall be subject to disciplinary action, revocation of the user account, and legal action as appropriate.

Policy
adopted: May 28, 1997

Use of Technology

Standards

The following standards are used as a general structure for student access to electronic resources.

Primary (P-3) Students

1. Primary students are allowed to use network resources using a "student" login (STUDENT1, STUDENT2, etc.). This type of user login allows student read-only access to instructional software and data files.

2. Primary students are not allowed to have unsupervised access to the Internet at school.

3. Internet access software is installed only on the primary teachers' workstations. It is not installed on primary students' workstations.

Elementary (4-5) Students

1. Elementary students are allowed to use network resources using a "student login (STUDENT1, STUDENT2, etc.). This type of user login allows student read-only access to instructional software and data files.

2. Elementary students access to the Internet is only available under the direct supervision of a teacher, instructional assistant or other trained adult volunteer. Elementary students are not allowed to have unsupervised access to the Internet at school.

3. Internet access software is installed only on the elementary teachers' workstations and students' workstations in the classroom. Internet access software is not installed in elementary computer labs.

4. Elementary students can be given access to electronic mail/Internet mail if requested by a sponsoring teacher and/or parent. Students with electronic mail accounts must attend a one hour training/awareness session provided by the network administrator or designee prior to being given the account.

Use of Technology (continued)

Standards (continued)

Middle School (6-8) Students

1. Middle school students are allowed to use network resources using a "student" login (STUDENT1, STUDENT2, etc.). This type of user login allows student read-only access to instructional software and data files.

2. Middle school students are allowed to have an independent school network user account if requested by a sponsoring teacher or parent. This type of account is similar to the "student" type of account with the addition of a private storage directory for student work.

3. Student access to the Internet is only available under direct supervision of a teacher, instructional assistant or other trained adult volunteer. Middle school students can be given access to electronic mail/Internet mail if requested by a sponsoring teacher or parent. Students with electronic mail accounts must attend a one hour training/awareness session provided by a network administrator or designee prior to being given the account.

4. Middle school student can be given access to electronic mail/internet mail if requested by a sponsoring teacher or parent. Students with electronic mail accounts must attend a one hour training/awareness session provided by a network administrator or designee prior to being given the account.

Note - the electronic mail account training is a portion of the Internet Ethics and Use training. Attendance at the Internet Ethics and Use training/awareness constitutes completion of the Electronic Mail training.

High School Students

1. High School students are allowed to use network resources using a "student" login (STUDENT1, STUDENT2, etc.). This type of user login allows student read-only access to instructional software and data files.

2. High School students are allowed to have an independent school network user account if required for a class or requested by a sponsoring teacher or parent. This type of account is similar to the "student" type of account with the addition of a private storage directory for student work.

Use of Technology (continued)

Standards (continued)

3. Student access to the Internet is available only under direct supervision of a teacher, instructional assistant or other trained adult volunteer. High School students are allowed to have independent access to the Internet at school only if they have a release form signed by the parent or guardian. Students with unsupervised Internet access and their parent or guardian must attend a one hour training/awareness session provided by a network administrator or designee prior to being given the account.

4. High school students can be given access to electronic mail/Internet mail if required for a class or requested by a sponsoring teacher or parent. Students with electronic mail accounts must attend a one hour training/awareness session provided by a network administrator or designee prior to being given the account.

Note - the electronic mail account training is a portion of the Internet Ethics and Use training/awareness. Attendance at the Internet Ethics and Use training/awareness constitutes completion of the Electronic Mail training.

Network and Internet Rules and Regulations

1. The use of your account must be in support of education and research and consistent with the educational objective of the Contra Costa Office of Education
2. You may not give your password to anyone.
3. You may not use or alter any one else's Internet account.
4. You may not offer Internet access to any individual via your CCCOE-Net account.
5. You may not break in or attempt to break into other computer network.
6. You may not create or share computer viruses
7. You may not destroy another person's data.
8. You may not monopolize the resources of CCCOE-Net by such things as running large programs and applications over the network during the day, sending massive amounts of mail to other users, or using system resources for games.
9. You may not use MUD (multi-user games) network via the CCCOE-Net.
10. You are not permitted to get from or put onto the network any copyrighted material (including software), or threatening or obscene material.
11. Purposefully annoying other Internet users, on or off the CCCOE-Net system is prohibited. This includes such things as continuous talk requests.

Use of Technology (continued)

Standards (continued)

12. As a user of this community system, users should notify a network administrator of any violations of their contract taking place by other users or outside parties. This may be done anonymously.
13. No illegal activities may be conducted via the network.
14. All communications and information accessible via the network would be assumed to be private property.

Electronic Mail Regulations

1. Be polite. Do not write or send abusive messages to others.
2. Use appropriate language. Do not swear, use vulgarities or any other inappropriate language.
3. Do not reveal your personal address or phone numbers of students or colleagues.
4. Note that electronic mail is not guaranteed to be private. People who operate the system do have access to all mail. Messages relating to or in support of illegal activities may be reported to the authorities.

Regulation
approved: May 28, 1997

CCCOE-NET STUDENT USER CONTRACT

Directions: After reading the Standards, Rules and Regulations Contract(.) for use of CCCOE-Net, please read and fill out the appropriate portions of the following contract completely and legibly. The signature of a parent or guardian is required for all middle and highs school students. Please return the contract to your teacher or network administrator.

First Name: _____ M.I. _____Last Name: _____

School: _____

Expected Year of Promotion to Next School:_____

Expected Year of Graduation from 12th Grade: _____

SPONSORING TEACHER

(If network access is required for a course of study.)

I have read the Terms and Conditions for Use of CCCOE-Net Network Access (version 1.0) and agree to promote this agreement with the student. Because the student may use the network for individual work or in the context of another class, I cannot be held responsible for all of the student's use of the network. As the sponsoring teacher, I do agree to follow and instruct the student to follow acceptable use of the network and proper network etiquette.

Teacher's Name (please print): _____

Teacher's Signature: _____

Date: _____

STUDENT

I have read the CCCOE-Net Terms and Conditions (VERSION 1.011/30/96). I understand and will abide by the stated Terms and Conditions for CCCOE-Net. I further understand that violation of the regulations is unethical and may constitute a criminal offense. Should I commit any violation, my access privileges may be revoked, school disciplinary action may be taken and/or appropriate legal action.

Student's Name (please print): _____

Student's Signature: _____

Date: _____

PARENT OR GUARDIAN

As the parent or guardian of this student, I have read the Terms and Conditions for Use of CCCOE-Net Internet Access (version 1.0). I understand that this access is designed for educational purposes and the Contra Costa County Office of Education has taken available precautions to eliminate access to controversial material. However, I also recognize it is impossible for CCCOE to restrict access to all controversial materials, and I will not hold them responsible for materials this student may acquire on the network. Further I accept full responsibility for supervision if and when my child's use is not in a school setting. I hereby give my permission to issue an account or usage of a shared account for the student named above and certify that the information contained on this form is correct.

Parent or Guardian (please print): _____

Signature: _____

Date: _____

Daytime Phone Number: _____

Evening Phone Number: _____