



PACIFIC GROVE UNIFIED SCHOOL DISTRICT  
435 Hillcrest Avenue Pacific Grove, CA 93950

Dr. Ralph Gómez Porras  
Superintendent  
(831) 646-6520  
Fax (831) 646-6500  
rporras@pgusd.org

Rick Miller  
Assistant Superintendent  
(831) 646-6509  
Fax (831) 646-6582  
rmiller@pgusd.org

www.pgusd.org

August 2014

Dear Parent or Guardian:

Welcome to a new school year. The handbook, *Rights and Responsibilities, Information for Parents, Guardians and Students*, describes your rights and responsibilities as a parent or guardian of a student in our District. Whether you read it online at [www.pgusd.org/schools](http://www.pgusd.org/schools) or in print form, please carefully review the handbook and become familiar with its contents.

**Access to Programs, Activities, and Facilities Based on Gender Identity.** Pursuant to state law, students may access sex-segregated programs, activities, and facilities, including locker room and restroom facilities, consistent with their gender identity. Any student may request the use of private or unisex restroom facilities for increased privacy. The District endeavors to protect the privacy of all students. Education Code Section 221.5, subdivision (f).

It is important that you complete and return the bottom portion of this letter to your child's school.

If you have any questions regarding the material in this handbook, please contact your child's principal.

Sincerely,

Dr. Ralph Gómez Porras,  
Superintendent

***Please sign and return the bottom portion of this letter to your child's school.***

----- ✂ -----

By signing below, I am neither giving nor withholding my consent for my child/children to participate in any program. I am merely indicating that I have received and read this information regarding my rights and responsibilities.

\_\_\_\_\_  
Child's Name (please print)

\_\_\_\_\_  
Parent's or Guardian's Name (Please print)

\_\_\_\_\_  
Child's Grade

\_\_\_\_\_  
Parent's or Guardian's Signature

\_\_\_\_\_  
Child's School

\_\_\_\_\_  
Date



[www.pgusd.org](http://www.pgusd.org)

---

# RIGHTS AND RESPONSIBILITIES

2014-15

## *Information for Parents, Guardians and Students*

### **Board of Education**

Tony Sollecito, President  
John Thibeau, Vice President  
Debbie Crandell, Member  
John Paff, Member  
Bill Phillips, Member

*Table of Contents*

	Page
<b>I. NOTICE OF PARENTAL RIGHTS</b>	
A. Student Attendance .....	1
B. Student Discipline .....	2
C. Student Health .....	5
D. Student Records.....	7
E. Student Instruction .....	8
F. California Healthy Kids Survey .....	9
G. Miscellaneous	
1. Anti-Discrimination .....	9
2. Access to Programs, Activities, and Facilities Based on Gender ..... Identity .....	10
3. Families in Transition/Homeless.....	10
4. Rehabilitation Act and ADA Act .....	10
5. Uniform Complaint Procedures .....	10
6. School Accountability Report Card (SARC) .....	11
7. Management Plan for Asbestos.....	11
8. Technology/Internet Use .....	11
9. School District Committees .....	11
10. Pest Control Procedure and Notification.....	11
H. Special Education Rights Of Parents And Children.....	12
I. Notice Of Parent And Student Rights Under Section 504 .....	17
 <b>II. ATTACHMENTS</b>	
Policy #1312.3, <i>Uniform Complaint Procedures</i> .....	20
Regulations #1312.4, <i>Williams Uniform Complaint Procedures</i> .....	20
Exhibit #1312.4, <i>Notice to Parents/Guardians: Complaint Rights</i> .....	22
Policy #3513.3, <i>Tobacco-Free Schools/Smoking</i> .....	22
Policy #4100, <i>Positive School Climate</i> .....	22
Policy #5020, <i>Parent Rights and Responsibilities</i> .....	23
Regulations #5020, <i>Parent Rights and Responsibilities</i> .....	23
Policy #5113, <i>Absences And Excuses</i> .....	24
Regulations #5113, <i>Absences and Excuses</i> .....	24
Regulation #5116.1, <i>Intra-District Open Enrollment</i> .....	27
Policy #5117, <i>Interdistrict Attendance Agreement</i> .....	27
Policy #5117.1, <i>Interdistrict Attendance – Open Enrollment Act</i> .....	28
Policy #5125, <i>Student Records</i> .....	30
Policy #5131, <i>Conduct</i> .....	30
Regulations #5131, <i>Conduct</i> .....	32
Policy #5131.3, <i>Bullying/Cyberbullying</i> .....	33
Policy #5144.1, <i>Suspension and Expulsion/Due Process</i> .....	35
Policy # 5145.3, <i>Nondiscrimination/Harassment</i> .....	36
Policy #5145.7, <i>Sexual Harassment</i> .....	37
Policy #5146, <i>Electronic Signaling Devices</i> .....	38
Policy #6145, <i>Extra-curricular and Co-curricular Activities</i> .....	38
Regulations #6154, <i>Homework/Makeup Work</i> .....	38
Policy #6163.4, <i>Student Use of Technology</i> .....	39
Regulations #6163.4, <i>Student Use of Technology</i> .....	39
<i>Complaint Form: Williams Uniform Complaint Procedure</i> .....	41
<i>Uniform Complaint Form</i> .....	42
Memo on School Asbestos Inspections and Management Plan .....	43

## PARENTAL RIGHTS AND RESPONSIBILITIES

The Governing Board recognizes that parents/guardians of District students have certain rights as well as responsibilities related to the education of their children. (*Refer to Board Policy and Regulations 5020 in the Attachments section.*)

Parents/guardians shall have the opportunity to work with schools in a mutually supportive and respectful partnership and to help their children succeed in school. (Ed. Code 51100)

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

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

The District encourages parents/guardians to support the learning environment of their children by monitoring attendance.

The following is a list of the rights you have as a parent or guardian of a child in public school. The rights listed are granted by federal or state laws and regulations. You have a right to review school rules regarding student discipline. If you wish to do so, please contact the school office (Ed. Code § 48980, 35291)

### A. STUDENT ATTENDANCE

You have the right as a parent:

1. To obtain a copy of the Governing Board's policies and regulations on student discipline. (Ed. Code § 35291) (*See Attachment section*)
2. To be informed that you may be required to attend your child's class if he or she is suspended for unruly or disruptive conduct. (Ed. Code § 48900.1, 48914)
3. To apply for enrollment of your elementary school child in a district in which you are employed; however, the district may have the right to deny the application under certain conditions. (Ed. Code § 48204(f))

4. To request information about enrollment in alternative schools. (Ed. Code § 58501) *Refer to Board Policies 5116.1, 5117 and 5117.1 in the Attachments section.*
5. To excuse a child from school to attend religious exercises or classes upon written notice. Such absences may not exceed four days per month. An excused child must nevertheless attend his/her attendance at the minimum level of school days required for his/her grade. (Ed. Code § 46014) *Refer to Board Policy 5113 in the Attachments section.*
6. To excuse your child from school for justifiable personal reasons upon written notice and approval by the Principal or designated representative. Personal reasons may include attendance at a religious retreat, not to exceed four hours per semester, and the observance of a religious holiday or ceremony. No child may have his/her grade reduced or lose academic credit for any absence(s) excused pursuant to Education Code section 48205 when missed assignments and tests that can reasonably be provided are satisfactorily completed within a reasonable period of time. (Ed. Code § 48205) *Refer to Regulations #6154 in the Attachments section.*
7. To receive the District's written policy on sexual harassment as it relates to students. (Ed Code § 231.5) *Refer to Board Policies 5145.3 and 5145.7 in the Attachments section.*
8. To receive notification of all current statutory attendance options and local attendance options. Parents will receive a written description of all options for meeting residency requirements for school attendance, all programmatic options offered within the local attendance areas, and any special programmatic options available on both an inter-district and intra-district basis. The notice will include a description of the procedure for application for alternative attendance areas or programs, an application form for requesting a change of attendance, and a description of the appeals process available, if any, for a parent or guardian denied a change of attendance. [Ed. Code § 48980(j)].
9. To receive notification that, notwithstanding Education Code § 48200, a pupil with a temporary disability who is in a hospital or other residential health facility, excluding a state hospital, which is located outside of the school district in which the pupil's parent or guardian resides shall be deemed to

have complied with the residency requirements for school attendance in the school district in which the hospital is located, pursuant to Education Code § 48207. Once the parent has notified the District in which the hospital is located of the student's presence in qualifying hospital, the District has five working days to notify the parent if individualized instruction shall be made available. If the determination is positive, individualized instruction shall commence within five days.

10. To be notified of minimum days or staff development days. The following minimum days have been established for the 2013/14 school year (for students only): Nov. 27, 2013, Dec. 20, 2013, March 28, 2013 and May 30, 2013.
11. Attendance and participation in class are essential if the student is to gain the maximum benefit of the educational program. Regular and punctual school attendance of students is expected, encouraged and will be enforced. School attendance is an area which requires mutual cooperation between the schools, the parents and the student so that the whereabouts of each student will be known at all times during the school day.

Education Code § 48200 requires full time student attendance for all children between ages 6 and 18. The California Education Code and the Welfare and Institution Code provide that legal action may be taken against a student and/or parent when a student is declared a habitual truant. (Education Code § 48260 et seq.).

- First declaration of a legal truant: A student who is absent without valid excuse on three or more days or tardy in excess of 30 minutes on three or more days in a school year.
- Second declaration of a legal truant: A student, once reported as a legal truant, who is absent without a valid excuse on one or more days or is tardy on one or more days in a school year.
- Declaration as a habitual truant: A student who has been declared to be a legal truant on three or more occasions in a school year. (Education Code § 48262)

When a student is declared a habitual truant, he/she will be referred to the Monterey County District Attorney's Office. (Education Code 48263)

Verification of student absences is accepted only from parents or guardians. Excessive excused

absences will also be monitored, as attendance excused or unexcused interferes with your child's educational progress. Excused absences exceeding 10% of the school year will be monitored and may require doctor verification of medical difficulty and needs. If your child is going to miss school for a medical reason that exceeds two weeks they may be eligible for home-hospital instruction. Your child may be eligible for home independent study if he/she will be absent for reasons other than illness.

## **B. STUDENT DISCIPLINE**

1. Students are expected to respect themselves, respect others, and respect property. Therefore, students should be aware of possible consequences of their behavior. Disciplinary action taken by school officials is a direct consequence of unacceptable behavior by a student. Rules and regulations are established to maintain an atmosphere conducive to learning. Students who fail to comply with these rules and regulations will be counseled, reprimanded, suspended and/or expelled and/or arrested, as the laws are applied and dependent on the situation. All students shall comply with the regulations, pursue the required course of study, and submit to the authority of the teachers of the schools. (Education Code §48908).
2. The Board desires to prevent bullying by establishing a positive, collaborative school climate and clear rules for student conduct. The district may provide students instruction in the classroom or other school settings that promotes communication, social skills, and assertiveness skills and may involve parents/guardians, staff, and community members in the development of strategies to prevent and respond to bullying.
  - 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 and students may be provided with similar information.
  - Students may submit a verbal or written complaint of conduct they consider to be bullying to a teacher or administrator and may also request that their name be kept in confidence. The Superintendent or designee may establish other processes whereby students may submit anonymous reports of bullying.
  - When a student is suspected of or reported to be using electronic or digital communications to engage in cyberbullying against other students or staff or to

threaten district property, the investigation shall include documentation of the activity, identification of the source, and a determination of the impact or potential impact on school activity or school attendance. Students shall be encouraged to save and print any messages sent to them that they feel constitutes cyberbullying and to notify a teacher, principal, or other employee so that the matter may be investigated.

- Cyberbullying conducted using district-owned equipment or on school premises, as well as off-campus cyberbullying that impacts school activity or school attendance, may be subject to discipline in accordance with district policies and regulations. If the student is using a social networking site or service that has terms of use that prohibit posting harmful material, the Superintendent or designee also may file a complaint with the Internet site or service to have the material removed. *Refer to Board Policy and Regulations 5131, Policy 5131.3, and Policy and Regulations 6163.4 in the Attachments section.*
3. Students and parents may report incidents of misconduct, bullying and sexual harassment by submitting to a teacher or administrator a verbal or written complaint of conduct they consider to be bullying or any disrespectful behavior. Complaints of bullying or harassment shall be investigated and resolved in accordance with site-level grievance procedures. The superintendent or designee shall work with the student and family to determine whether it is in the best interest of the student to maintain anonymity during the investigation. *Refer to Board Regulation 5131 in the Attachments section.*
  4. Districts may regulate the possession or use of any cell phones, pagers or electronic signaling device while pupils are on campus, while attending school-sponsored activities, or while under the supervision and control of school district employees (Ed. Code 48901.5). *Refer to Board Policy 5146.*
  5. Zero Tolerance of unlawful behavior is crucial in maintaining an orderly, purposeful and safe school environment free from weapons, drugs, tobacco, vandalism, and the threat of physical harm. Students who threaten physical harm to anyone through the possession of, use of, or threatened use of weapons will be immediately arrested, suspended and recommended for expulsion. Similar disciplinary steps will be taken in cases involving the sale of controlled substances at school, on the way to and from school, while going to or coming from a school sponsored activity, while at any school sponsored event and during lunch whether on or off school grounds. All unlawful behavior will be reported to the police, followed by suspension and possible expulsion. *Refer to Board Policy 3513.3 and 5144.1 in the Attachments section.*
  6. A pupil may not be suspended from school or recommended for expulsion unless the superintendent or the Principal of the school in which the pupil is enrolled determines that the pupil has committed an act as defined pursuant to one or more of the following subdivisions:
    - a 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.
    - b Possessed, sold, or otherwise furnished any firearm, knife, explosive, or other dangerous object unless, in the case of possession of any such object of this type, the pupil had obtained written permission to possess the item from a certificated school employee, which is concurred in by the Principal or the designee of the Principal.
    - c Unlawfully possessed, used, sold, or otherwise furnished, or been under the influence of, any controlled substance listed in Chapter 2 (commencing with Section § 11053) of Division 10 of the Health and Safety code, an alcoholic beverage, or an intoxicant of any kind, and then either sold, delivered, or otherwise furnished to any person another liquid, substance, or material and represented the liquid, substance, or material as a controlled substance, alcoholic beverage, or intoxicant.
    - d Unlawfully offered, arranged, or negotiated to sell any controlled substance listed in Chapter 2 (commencing with §11053) of Division 10 of the Health and Safety Code, an alcoholic beverage, or an intoxicant of any kind and then either sold, delivered, or otherwise furnished to any person another liquid, substance, or material and represented the liquid, substance, or material as a controlled substance, alcoholic beverage, or intoxicant.
    - e Committed or attempted to commit robbery or extortion.
    - f Caused or attempted to cause damage to school property or private property.
    - g Stolen or attempted to steal school property or private property.

- h. Possessed or used tobacco, or any products containing tobacco or nicotine products, including, but not limited to, cigarettes, cigars, miniature cigars, clove cigarettes, smokeless tobacco, snuff, chew packets, and betel. However, this action does not prohibit use or possession by a pupil of his or her own prescription products.
- i. Committed an obscene act or engaged in habitual profanity or vulgarity.
- j. Unlawfully possessed or unlawfully offered, arranged, or negotiated to sell any drug paraphernalia, as defined in §11014.5 of the Health and Safety Code.
- k. Disrupted school activities or otherwise willfully defied the valid authority of supervisors, teachers, administrators, school officials, or other school personnel engaged in the performance of their duties.
- l. Knowingly received stolen school property or private property.
- m. Possessed an imitation firearm. As used in this section “imitation firearm” means a replica of a firearm that is so substantially similar in physical properties to an existing firearm as to lend a reasonable person to conclude that the replica is a firearm.
- n. Committed or attempted to commit a sexual assault as defined in §261, 286, 288, 288a, or 289 of the Penal Code or committed a sexual battery as defined in §243.3 of the Penal Code.
- o. Harassed, threatened, or intimidated a pupil who is a complaining witness or witness in a school disciplinary proceeding for the purpose of either preventing that pupil from being a witness or retaliating against that pupil for being a witness or both.
- p. Unlawfully offered, arranged to sell, negotiated to sell, or sold the prescription drug Soma.
- q. Engaged in, or attempted to engage in, hazing as defined in §32050.
- r. A pupil may not be suspended or expelled for any of the acts enumerated unless that act is related to school activity or school attendance occurring within a school under the jurisdiction of the superintendent or Principal or occurring within any other school district. A pupil may be suspended or expelled for acts which are enumerated in this section and related to school activity or attendance that occur at any time, including, but not limited to, any of the following:
- (1) while on school grounds.
  - (2) while going to or coming from school.
  - (3) during the lunch period whether on or off the campus.
  - (4) during, or while going to or coming from a school sponsored activity.
- s. A pupil who aids or abets, as defined in Section 31 or the Penal Code, the infliction or attempted infliction of physical injury to another person may suffer suspension, but not expulsion, pursuant to the provisions of this section. Except that a pupil who has been adjudged by a juvenile court to have committed, as an aider and abettor, a crime of physical violence in which the victim suffered great bodily injury or serious bodily injury shall be subject to discipline pursuant to subdivision (a).
- t. As used in this section, “school property” includes, but is not limited to, electronic files and databases.
- u. A superintendent or Principal may use their discretion to provide alternatives to suspension or expulsion, including, but not limited to, counseling and an anger management program, for a pupil subject to discipline under this section.
- v. It is the intent of the Legislature that alternatives to suspension or expulsion be imposed against any pupil who is truant, tardy, or otherwise absent from school activities [Amended by AB 1411, Ch. 21, Statutes of 2003].
7. Mandatory Suspension
- The Principal or Superintendent of Schools shall immediately suspend, pursuant to § 48911, a shall recommend expulsion of a pupil that he or she determines has committed any of the following acts at school or at a school activity off school grounds:
- a. Possessing, selling, or otherwise furnishing a firearm. This subdivision does not apply to an act of possessing a firearm if the pupil had obtained prior or written permission to possess the firearm from a certificated school employee,

which is concurred in by the Principal or the designee of the Principal. This subdivision applies to an act of possessing firearm only if the possession is verified by an employee of a school district.

- b. Brandishing a knife at another person.
- c. Unlawfully selling a controlled substance listed in Chapter 2 (commencing with § 11053) of Division 10 of the Health and Safety Code.
- d. Committing or attempting to commit a sexual assault as defined in subdivision (n) of § 48900 or committing a sexual battery as defined in subdivision (n) of § 48900.
- e. Possession of an explosive.

#### 8. Mandatory Expulsion

Education Code §48915(a): Except as provided in subdivisions (c) and (e), the Principal or the Superintendent of Schools shall recommend the expulsion of a pupil for any of the following acts committed at school or at a school activity off school grounds, unless the Principal or superintendent finds that the expulsion is inappropriate, due to the particular circumstance:

- a. Causing serious physical injury to another person except in self-defense.
  - b. Possession of any knife, explosive, or other dangerous object of no reasonable use to the pupil.
  - c. Unlawful possession of any controlled substance listed in Chapter 2 (commencing with § 1 1053) of Division 10 of the Healthy and Safety Code, except for the first offense for the sale of not more than one avoirdupois ounce of marijuana, other than concentrated cannabis.
  - d. Robbery or extortion.
  - e. Assault or battery, as defined in § 240 and 242 of the Penal code, upon any school employee. Education Code § 4891(c):
9. If a school official releases your child from school to a peace officer for the purpose of removing him/her from the school premises, the school official shall take immediate steps to notify you or a responsible relative of your child, except when a student has been taken into custody as a victim of suspected child

abuse. In those cases, the peace officer will notify the parent or guardian. [Ed. Code 48906]

- 10. Parents or guardians are liable for all the damages caused by the willful misconduct of their minor children which result in death or injury to other students, school personnel, or damage to school property. Parents are also liable for any school property loaned to the student and willfully not returned. Parents' or guardians' liability may be as much as \$10,000 in damages and another maximum of \$10,000 for payment of a reward, if any. [E.C. 48904] The School District may withhold the grades, diplomas, or transcripts of the student responsible until such damages are paid or the property returned or until completion of a voluntary work program in lieu of payment of money. [E.C. 48904, Civil Code Section 1714.1] If your child commits an obscene act or engages in habitual profanity or vulgarity, disrupts school activities, or otherwise willfully defies the authority of school personnel, and is suspended for such misconduct, you may be required to attend a portion of a school day in your child's classroom. [E.C. 48900.1]
- 11. Possession of laser pointer by any student is prohibited on any elementary or secondary school premise, unless possession is for valid instruction. The beam of a laser pointer is prohibited from being directed into the eyes of another or into a moving vehicle or into the eyes of a guide dog. (Penal Code 417.27)
- 12. The school Principal or designee may search the person of a student, the student's locker, backpack or purse if there is a reasonable suspicion to believe the student may have a concealed weapon, explosives, alcohol, narcotics, stolen property, or contraband. [U.S. Supreme Court Case: New Jersey v. T.L.O. (1985) 469 U.S. 325]

### C. STUDENT HEALTH

You have the right as a parent:

- 1. To be informed that school authorities will notify students in grades 7 to 12 that they may be excused from school for the purpose of obtaining confidential medical services without your consent. (Ed. Code § 46010.1)
- 2. To be informed that your child must be immunized against certain diseases before being admitted to school, unless exempted for medical or religious reasons. However, where there is a good reason to believe that your child is suffering from a



- recognized contagious or infectious disease, your child will be sent home and will not be permitted to return until school authorities are satisfied that any contagious or infectious disease does not exist. (Ed. Code § 49451 and § 48216)
3. To consent to the immunization of your child whenever the immunization of children is permitted at the District. (Ed. Code § 49403)
  4. To request assistance in administering medication to your child during school hours. Such assistance requires your written authorization and that of a physician detailing the method, amount and time schedules for taking the medication. (Ed. Code § 49423)
  5. To exempt your child from any physical examination upon your written notification. However, where there is a good reason to believe that your child is suffering from a recognized contagious or infectious disease, your child will be sent home and will not be permitted to return until school authorities are satisfied that any contagious or infectious disease does not exist. (Ed. Code § 49451)
  6. To purchase insurance for medical and hospital services for your child's injuries while participating in athletic activities since the District does not provide such medical and hospital services. (Ed. Code § 49472)
  7. To be informed of your obligation to notify appropriate school personnel (e.g., school nurse or designated employee) of your child's continuing medication regimen for a non-episodic condition. With your consent, the school nurse may communicate with your child's physician and may counsel school personnel regarding the possible effects of the drug on the child's physical, intellectual, and social behavior, as well as possible behavioral signs and symptoms of adverse side effects, omission, or overdose. (Ed. Code § 49480)
  8. To obtain information and apply for participation in the Free and Reduced Lunch Program offered by the District to provide nutritional meals to needy pupils. (Ed. Code § 49510 et seq.)
  9. To be notified in accordance with the requirements of the Healthy Schools Act of 2000 of all pesticides the District expects to apply during the year.
  10. State law requires that for each child enrolling in the first grade, the parent must present a certificate, signed by a physician, verifying that the child has received a physical examination within the last 18 months. If your child does not receive this exam, you must file with the School District a waiver stating the reasons you are unable to obtain such services. You must understand that your child may be sent home if you fail to provide the certificate or waiver, or if your child is suspected to be suffering from a contagious disease. You may find it convenient to have your child immunized at the same time that the physical examination is conducted.
  11. All students must have an oral assessment by May 31<sup>st</sup> of their kindergarten or 1<sup>st</sup> grade year, whichever is his or her first year of public school. The assessment must be performed by a licensed dentist or other licensed or registered dental health professional. Parents may request a waiver in writing.
  12. Anything to the contrary withstanding, the Governing Board of our school district will cooperate with the local health officer in measures necessary for the prevention and control of communicable diseases in school age children. For that purpose, the Board may use any funds, property and personnel of the District, and may permit a licensed physician and surgeon to administer an immunizing agent to any student whose parents have given written consent to the administration of such an immunizing agent. [E.C. 49403]
  13. Between grades 6 and 8, your child may be screened for scoliosis (curvature of the spine), unless you submit a written denial of consent. [E.C. 49452.5]
  14. Your child's vision will be checked by an authorized person between grades Kindergarten through 8, unless you present to the school a certificate from a physician or optometrist verifying prior testing or a letter stating it violates your faith in a recognized religious belief. [E.C. 49455 and 49422]
  15. The School District is required to provide for the testing of the sight and hearing of each student enrolled unless you submit a written denial of consent. [E.C. 49452]
  16. Please see the attached memo from Assistant Superintendent, Rick Miller, regarding the Annual Notification-Integrated Pest Control Procedures (BP 3514). Please contact the Assistant Superintendent (646-6509) if you wish to receive written notification at least 72 hours prior to the application of an individual pesticide at your school. Prior to

the application of any pesticide, the District will post a warning sign at the area to be treated at least 24 hours prior to the pesticide application and such sign will remain posted for at least 72 hours after the application. In the event of an emergency condition, advance notification and prior sign posting may not be feasible, but a warning sign will be posted immediately upon application of the pesticide. For additional information regarding pesticides and pesticide use, please visit the web site for the State of California's Department of Pesticide Regulation at <http://www.cdpr.ca.gov>. (Ed. Code § 48980.3 and §17612.)

#### D. **STUDENT RECORDS**

You have the right as a parent:

1. To be notified of the District's policies concerning student records maintained by the District. (Ed. Code § 49063; 34 C.F.R. Part 99.7) *Refer to Board Policy 5125 in the Attachments section.*
2. To know that your child's right to privacy prohibits the release of confidential information in your child's records to individuals other than yourself, your child (if 16 or older), or certain authorized individuals. (Ed. Code § 49060 et seq.)
3. The Family Educational Rights and Privacy Act (FERPA) affords parents and students over 18 years of age ("eligible students") certain rights with respect to the student's education records. These rights are:
  - a. The right to inspect and review the student's education records within 45 days of the day the School receives a request for access.

Parents or eligible students should submit to the school Principal [or appropriate school official] a written request that identifies the record(s) they wish to inspect. The school official will make arrangements for access and notify the parent or eligible student of the time and place where the records may be inspected.

- b. The right to request the amendment of the student's education records that the parent or eligible student believes are inaccurate.

Parents or eligible students may ask the school to amend a record that they believe is inaccurate. They should write the school Principal [or appropriate school official], clearly identify the part of the record they want changed, and specify why it is inaccurate. If the school decides not to

amend the record as requested by the parent or eligible student, the school will notify the parent or eligible student of the decision and advise them of their right to a hearing regarding the request for amendment. Additional information regarding the hearing procedures will be provided to the parent or eligible student when notified of the right to a hearing.

- c. The right to consent to disclosures of personally identifiable information contained in the student's education records, except to the extent that FERPA authorizes disclosure without consent.

One exception, which permits disclosure without consent, is disclosure to school officials with legitimate educational interests. A school official is a person employed by the school as an administrator, supervisor, instructor, or support staff member (including health or medical staff and law enforcement unit personnel); a person serving on the School Board; a person or company with whom the School has contracted to perform a special task (such as an attorney, auditor, medical consultant, or therapist); or a parent or student serving on an official committee, such as a disciplinary or grievance committee, or assisting another school official in performing his or her tasks.

A school official has a legitimate educational interest if the official needs to review an education record in order to fulfill his or her professional responsibility.

- d. The right to file a complaint with the U.S. Department of Education concerning alleged failures by the *School District* to comply with the requirements of FERPA. Contact:

Family Policy Compliance Office  
U.S. Department of Education  
400 Maryland Avenue, SW  
Washington, DC 20202-4605  
1-800-872-5327

[NOTE: In addition, a school may want to include its directory information public notice, as required by § 99.37 of the regulations, with its annual notification of rights under FERPA.](e.g., court order). (Ed. Code § 49073 et seq.)

4. To prohibit the release of directory information on your child when you notify the District in writing not to release such information on your child.

Otherwise, the District may release directory information as to any pupil or former pupil, provided that annual notice is given of the categories of information to be released and of the recipients of said information. Directory information includes one or more of the following items: student's name, address, date and place of birth; major field of study; participation in officially recognized activities and sports; the weight and height of members of athletic teams; dates of attendance degrees and awards received; and most recent previous public or private school attended by the student. Directory information released to PTA's, PG Pride, Breakers Club, law enforcement agencies, military recruiters and institutions of higher education may include a student's name, address and phone number. Parents may request in writing that directory information not be released. Any request to withhold directory information must be received by the school within 10 days from this notice. (2001 No Child Left Behind Act § 9528(a)(2); 34CFR § 99.37(a)(3), Ed. Code § 49063 and 49073)

#### **E. STUDENT INSTRUCTION**

You have the right as a parent:

1. To substantiate your child's moral objection to dissecting, destroying or otherwise harming animals as part of an education project. Teachers of courses utilizing dead animals or animal parts will inform students of their right to object to participate in a particular project involving the harmful or destructive use of animals.

Your written note attesting to your child's objection may, at the teacher's option, entitle your child to participate in an alternative education project or to be excused from the project altogether. (Ed. Code § 32255, et seq.)

2. To have your child with a temporary disability receive individual instruction if attendance at school is impossible or inadvisable. Individual instruction may be provided at your child's home, in a hospital or other residential health facility. (Ed. Code § 48206.3, et seq.)
3. To be informed of District programs for students with special needs, including your right to have your child placed in an "appropriate" program, and to be consulted about the assessment and placement of your child. Students with exceptional needs have a right to a free appropriate public education. (Ed. Code § 56000 et seq.)

4. To excuse your child from taking part in training in health, family life education, and sex education instruction which conflicts with your religious training, beliefs, and moral convictions or those of your child. (Ed. Code § 51240)
5. To be informed, in writing, of sex education classes offered by the District and of your opportunity to inspect and review all instructional materials to be used in such classes. You may request, in writing, if you do not want your child to attend these classes. Your request will be valid for a school year but may be withdrawn by you at any time. This notice does not apply to human reproductive organs, which may appear in physiology, biology, zoology, general science, personal hygiene, or health textbooks, adopted pursuant to law. (Ed. Code § 51550)
6. To be informed, in writing, of AIDS prevention instruction offered by the District for students in grades 7 through 12. You have a right to be notified of the purpose of the AIDS prevention instruction and that you may request, in writing, that your child not receive such instruction.

You have the right to request a copy of Education Code section 51201.5 and 51553, which relates to AIDS prevention instruction. (Ed. Code § 51201.5)

You also have the right to request, in writing, to view material what will be used and are available for inspection prior to the start of classes. You have a right to request, in writing, that your child not attend these classes. You may withdraw this request at any time.

School districts must ensure that all pupils receive sexual health instruction from adequately trained personnel in appropriate courses. In this District Staff are used. This instruction will emphasize that sexual abstinence and abstinence from intravenous drug use as the most effective means for AIDS prevention and avoiding sexually transmitted diseases. The instruction will also include development of refusal skills to assist pupils to overcome peer pressure and use effective decision-making skills to avoid high-risk activities. During this class students in grades 7-12 may be asked to anonymously, voluntarily, and confidentially fill out evaluation and research tools such as surveys, tests, questionnaires measuring student attitudes toward health, sex, and risk behaviors. Parents are hereby notified that they have the opportunity to review the material and can request in writing that their child not participate. Copies of this Ed. Code § 51938 can be requested from your school or district office or

can be obtained online at [www.eginfo.ca.gov](http://www.eginfo.ca.gov) (Ed. code 51938).

7. To have a conference scheduled when a teacher has determined and informed you that your child is in danger of failing a course. (Ed. Code § 49067)
8. You may request a meeting to review instructional materials and discuss the curriculum of your child's courses.
9. To be notified, that beginning in the 2008-09 school year, each 12<sup>th</sup> grader is required to pass the California High School Exit Exam (CAHSEE) to receive a high school diploma. Each pupil shall take the CAHSEE beginning in 10<sup>th</sup> grade and may retake the examination as follows – two opportunities in 11<sup>th</sup> and 12<sup>th</sup> grades. Students may have one opportunity after 12<sup>th</sup> grade to pass the examination, but they must have completed all other graduation requirements. CAHSEE Testing Dates for the 2013/14 school year are available by calling the High School.

Education Code section 37254 requires that students and/or their parents/guardians (if the student is under 18) who have not passed one or both parts of the CAHSEE by the end of grade 12 be notified of the availability of services and the right to file a complaint regarding those services. This notification must be in writing to the last known address and occur before the end of each school term in sufficient time for the [student] to avail themselves of services each term for two consecutive academic years after grade 12. *Refer to Board Regulations 1312.4 in the Attachments section.*

10. To be informed of the availability of state funds to cover the costs of advanced placement examination fees pursuant to Education Code section 52244. (Education Code §488980(m).)
11. A provision of Federal law requires all districts to notify parents of all children in Title I schools that they have the right to request and receive timely information on the professional qualifications of their children's classroom teachers and paraprofessionals. [The No Child Left Behind (NCLB) Act of 2001]
12. The Board of Education has adopted student standards of proficiency as required by law in basic skills. Skills shall include, but are not limited to, reading comprehension, writing, and articulated across the grade levels. [E.C. 51215]

13. The District is committed to providing a tobacco-free environment. In accordance with state and federal law, smoking is prohibited in all District facilities and vehicles. In accordance with Board policy, the use of tobacco products is prohibited at all times on District grounds.

**F. CALIFORNIA HEALTHY KIDS SURVEY NOTIFICATION AND WITHDRAWAL FORM FOR THE CURRENT SCHOOL YEAR**

Each year, students at the 5<sup>th</sup>, 7<sup>th</sup>, 9<sup>th</sup>, and 11<sup>th</sup> grades participate in The Healthy Kids Survey sponsored by the California Department of Education. This is a very important survey that will help promote better health among our youth and combat problems such as drug abuse and violence. The survey gathers information on behaviors such as environmental and individual strengths and assets; alcohol, tobacco, and other drug use and bullying and violence. You may examine the questionnaire in the school office or at the WestEd website at [www.wested.org](http://www.wested.org). Your child does not have to take the survey. Students who participate only have to answer the questions they want to answer, and they may stop taking it at any time. No names will be recorded or attached to the survey forms or data. The results will be made available for analysis only, under strict confidentiality controls. The survey will be administered in November. It will take about one class period to complete (about 50 minutes) and will be administered in your child's P.E. class.

The survey was developed by WestEd, a public, non-profit educational institution. If you have any questions about this survey, or about your rights, call the curriculum office at 831-646-6526.

*If you do not want your child to complete the survey, you must notify Ani Silva, Curriculum Director at the District Office by letter, email ([asilva@pgusd.org](mailto:asilva@pgusd.org)) or telephone (831-646-6526).*

**G. MISCELLANEOUS:**

**1. Anti-Discrimination**

Title VI of the Civil Rights Act of 1964 and Title IX of the Education Amendments of 1972 prohibit discrimination on the basis of race, color, national origin, or sex in federally financed education program or activities. The District does not discriminate in admission or access to its programs or activities. *Refer to Board Policy 4100 in the Attachments section.*

You have certain rights under the law, including Title VI of the Civil Rights Act of 1974, Title IX of the Education Amendments of 1972, § 504 of the Rehabilitation Act of 1973, and the Individuals with Disabilities Education Act (IDEA, formerly known as EHA). A handicap or limited English language skills will not be a barrier to District programs. The California Department of Education and the Office for civil Rights of the U.S. Department of Education have authority to enforce these laws and all programs and activities that receive federal funds [Ed. Code 260, et seq., above cited federal statutes].

Any questions or concerns concerning noncompliance can be directed to your school Principal. (34 C.F.R. §§ 100.6, 106.9)

## 2. Access to Programs, Activities, and Facilities Based on Gender Identity.

Pursuant to state law, students may access sex-segregated programs, activities, and facilities, including locker room and restroom facilities, consistent with their gender identity. Any student may request the use of private or unisex restroom facilities for increased privacy. The District endeavors to protect the privacy of all students. Education Code Section 221.5, subdivision (f).

## 3. Families in Transition/Homeless

Local educational agencies (LEA) provides the parents or guardians of homeless children and youth with opportunities to participate in the education of their children. (42 USC 11432[g][6][A][iv])

Homeless children and youth have equal access to the same free, appropriate public education, including a public preschool education, as is provided to other children and youth. If you have uncertain housing, a temporary address, or no permanent physical address, federal and California laws guarantee that your children may be enrolled in their previous school. If this describes your family's living situations, or if you are a student not living with a parent or guardian, please contact Cynthia Gallo, Director of Student Services ([cgallo@pgusd.org](mailto:cgallo@pgusd.org) or 831-646-6523).

## 4. Rehabilitation Act and ADA Act

Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act prohibit discrimination against qualified handicapped persons in federally financed education programs or

activities. The District does not discriminate in admission or access to its programs or activities. Please contact the District Program Coordinator with any questions. (34 C.F.R. § 104.8, 28 C.F.R. § 35.106 and 34 C.F.R. § 100.3)

## 5. Uniform Complaint Procedures

It is the district's goal to resolve most parent/guardians concerns or complaints informally and/or at the level closest to the concern/complaint as possible with the assistance of the school site administrators. If this is not possible, or if parents/guardians wish to file a written complaint about a district policy, regulation, an employee, or unlawful discrimination, or alleged violations of federal or state laws/ regulations; parents/guardians may initiate the formal complaint process.

Title 5 of the California Code of Regulations requires districts to adopt and provide Uniform Complaint Procedures to assist you with the procedure for and processing of complaints, the appeal and review procedures for complaints, and of available remedies at law. *Refer to Board Policies 1312.3 and 1312.4 in the Attachments section.*

The Governing Board designates the following compliance officer to receive and investigate all complaints and ensure District compliance with law:

Ms. Billie Mankey  
Director II, Human Resources  
435 Hillcrest Avenue  
Pacific Grove, CA 93950  
(831) 646-6507

### Procedures for Filing Complaints

1. Complaint forms are specific to the type of complaint (i.e., employee, program, discrimination, Williams, Uniform, etc.) The forms are available at any school site, the district office, the district website and in this handbook.
2. The process begins by completing a complaint form and returning it to the site administrator, department head, the District Compliance Officer or the Superintendent. Complaints concerning unlawful discrimination must be initiated no later than six (6) months from the date when the alleged discrimination occurred.
3. The complaint process is handled in a confidential manner. Retaliation for a filing

complaint is prohibited by law.

Contact the school Principal, Director of Human Resources or Superintendent's office for more information or to request an additional copy of these procedures. (Title 5 California Code Regulations § 4622, 4652, and 4671)

#### 6. School Accountability Report Card (SARC)

The SARC is available upon request, and is also on the District's website at [www.pgusd.org](http://www.pgusd.org). It contains information about the district and schools regarding the quality of programs and its progress toward achieving stated goals. A copy will be provided upon request. [Ed. Code § 33126, 32286, 35256 35258, 52056.]

#### 7. Management Plan for Asbestos

You may request to review the complete updated management plan for asbestos containing material in school buildings. (40 C. F. R. § 763.93) *Refer to the Annual Notification Memo in the Attachments section.*

#### 8. Technology/Internet Use

Computers and the internet provide teachers and students with access to global information that greatly enhances their classroom experiences. To avoid the misuse of technology and related communication services, students will receive age-appropriate instruction about the obligations and responsibilities inherent with having access to technology and related communication services.

Students, as district technology users, shall sign the District's Technology User Agreement and any associated Technology User Contracts, indicating that they understand and agree to abide by all obligations and responsibilities. *Refer to Policy and Regulations 6163.4 in the Attachments section.*

#### 9. School District Committees

Parents and community members are invited to apply for membership on any committee that is called to service by the Pacific Grove Unified School District. The purpose of district committees is to advise the school and/or Board of Education regarding school problems, needs and issues. Committees function to serve in an advisory capacity to the Board of Education. For further information please contact the Superintendent's Office, (831) 646-6510.

#### 10. Pest Control Procedure and Notification

To enhance the environmental safety of students and staff, the District has adopted an integrated pest control procedure and notification process.

Therefore, in determining when to control pests and whether to use mechanical, physical, chemical, cultural or biological means, the District shall follow the principles of integrated pest management. Procedures shall include the following:

- a. The choice of using a pesticide will be based on a review of all other available options and a determination that these options are not acceptable or not feasible. The full range of alternatives, including no action, will be considered.
- b. Selected non-chemical pest management methods will be used whenever possible to provide the desired control. Cost of staffing considerations alone will not be adequate justification for use of chemical control agents.
- c. The pest and the site of infestation shall be carefully identified. Strategies for managing the pest will be influenced by the pest species and whether that species poses a threat to people, property or the environment.
- d. When it is determined that a pesticide must be used, the least hazardous material will be chosen and applied in accordance with law.
- e. Staff, student and parents/guardians shall receive information about the district's integrated pest procedures and notification of any upcoming pesticide treatments. Notice of upcoming pesticide treatments shall also be posted in areas designated by the Superintendent or designee.
- f. The following records shall be maintained at each school site:
  - 1) Records of pesticide use at the site.
  - 2) Pest surveillance data sheets that record the number of pests or other indicators of pest populations that verify the need for treatments.
- g. Pesticide purchases shall be limited to amounts authorized by the Superintendent or designee for use during the year. Pesticides shall be stored in a secure site not accessible to students or unauthorized staff; they shall be stored and disposed of in accordance with EPA-registered label directions and state regulations.
- h. Persons applying pesticides shall follow label precautions and shall be trained in the principles and practices of integrated pest management.

Further information regarding our District schools, programs, policies and procedures is available to any interested person upon request to our District Office and at the District's website [pgusd.org](http://pgusd.org) [E.C. 48209.13; FERPA, 34; CFR Section 99.7(b)]

## **H. SPECIAL EDUCATION RIGHTS OF PARENTS AND CHILDREN**

*Under the Individuals with Disabilities Education Act, Part B, revised January 2007.*

Note: The term school district is used throughout this document to describe any public education agency responsible for providing your child's special education program. The term assessment is used to mean evaluation.

### **What is the Notice of Procedural Safeguards?**

This information provides you as parents, legal guardians, and surrogate parents of children with disabilities from three (3) years of age through age twenty-one (21) and students who have reached age eighteen (18), the age of majority, with an overview of your educational rights or procedural safeguards. The Notice of Procedural Safeguards is required under the Individuals with Disabilities Education Act (IDEA) and must be provided to you:

1. When you ask for a copy;
2. The first time your child is referred for a special education
3. Each time you are given an assessment plan to evaluate your child;
4. Upon receipt of the first state or due process complaint in a school year; and
5. When the decision is made to make a removal that constitutes a change of placement.

(20 USC 1415[d]; 34 CFR 300.504; Ed. Code 56301[d] [2], EC 56321, and 56341.1[g] [1])

### **May I participate in decisions about my child's education?**

You must be given opportunities to participate in any decision-making meeting regarding your child's special education program. You have the right to participate in IEP team meetings about the identification (eligibility), assessment, or educational placement of your child and other matters relating to your child's FAPE. (20 USC 1414[d] [1]B-[d][1][D]; 34 CFR 300.321; EC 56341[b], 56343[c])

You have the right to participate in the development of the IEP and to record electronically the proceedings of the IEP team meetings on an audiotape recorder.

Your rights include information about the availability of FAPE, including all program options, and all available alternative programs, both public and nonpublic. (20 USC

1401[3], 1412[a][3]; 34 CFR 300.111; EC 56301, 56341.1[g][1] and 56506)

### **Where can I get more help?**

When you have a concern about your child's education, it is important that you contact your child's teacher or administrator to talk about your child and any problems you see. Staff in your school district or special education local plan area (SELPA) can answer questions about your child's education, your rights, and procedural safeguards. Also, when you have a concern, this informal conversation often solves the problem and helps to maintain open communication. Additional resources are listed at the end of this document to help you understand the procedural safeguards.

### **Notice, Consent, Assessment, Surrogate Parent Appointment, and Access to Records**

#### ***Prior Written Notice***

#### **When is a notice needed?**

This notice must be given when the school district proposes or refuses to initiate a change in the identification, assessment, or educational placement of your child with special needs or the provision of a free appropriate public education. (20 USC 1415[b][3] and [4], 1415[c][1], 1414[b][1]; 34 CFR 300.503; EC 56329, and 56506[a])

#### **What will the notice tell me?**

The Prior Written Notice must include the following:

1. A description of the actions proposed or refused by the school district;
2. An explanation of why the action was proposed or refused;
3. A description of each assessment procedure, record, or report the agency used as a basis for the action proposed or refused;
4. A statement that parents of a child with a disability have protection under the procedural safeguards;
5. Sources for parents to contact to obtain assistance in understanding the provisions of this part;
6. A description of other options that the IEP team considered and the reasons those options were rejected;
7. A description of any other factors relevant to the action proposed or refused.

(20 USC 1415[b][3] and [4], 1415[c][1], 1414[b][1]; 34 CFR 300.503)

#### ***Parent Consent***

**When is my approval required for assessment?**

You have the right to refer your child for special education services. You must give informed, written consent before your child's first special education assessment can proceed. The parent has at least fifteen (15) days from the receipt of the proposed assessment plan to arrive at a decision. The assessment may begin immediately upon receipt of the consent and must be completed and an IEP developed within sixty (60) days of your consent.

**When is my approval required for services?**

You must give informed, written consent before your school district can provide your child with special education and related services.

**What are the procedures when a parent does not provide consent?**

If you do not provide consent for an initial assessment or fail to respond to a request to provide the consent, the school district may pursue the initial assessment by utilizing due process procedures.

If you refuse to consent to the initiation of services, the school district must not provide special education and related services and shall not seek to provide services through due process procedures.

If you refuse all services in the IEP after having consented to those services in the past, the school district must not provide special education and related services and shall not seek to provide services through due process procedures.

If you consent in writing to the special education and related services for your child but do not consent to all of the components of the IEP, those components of the program to which you have consented must be implemented without delay.

If the school district determines that the proposed special education program component to which you do not consent is necessary to provide a free appropriate public education to your child, a due process hearing must be initiated. If a due process hearing is held, the hearing decision shall be final and binding.

In the case of reevaluations, the school district must document reasonable measures to obtain your consent. If you fail to respond, the school district may proceed with the reevaluation without your consent. (20 USC 1414[a][1][D] and 1414[c]; 34 CFR 300.300; EC 56506[e], 56321[c] and [d], and 56346)

***Surrogate Parent Appointment*****What if a parent cannot be identified or located?**

School districts must ensure that an individual is assigned to act as a surrogate parent for the parents of a child with a

disability when a parent cannot be identified and the school district cannot discover the whereabouts of a parent.

A surrogate parent may also be appointed if the child is an unaccompanied homeless youth, an adjudicated dependent or ward of the court under the state Welfare and Institution Code, and is referred to special education or already has an IEP. (20 USC 1415[b][2] ; 34 CFR 300.519; EC 56050; GC 7579.5 and 7579.6)

***Nondiscriminatory Assessment*****How is my child assessed for special education services?**

You have the right to have your child assessed in all areas of suspected disability. Materials and procedures used for assessment and placement must not be racially, culturally, or sexually discriminatory.

Assessment materials must be provided and the test administered in your child's native language or mode of communication and in the form most likely to yield accurate information on what the child knows and can do academically, developmentally, and functionally, unless it is clearly not feasible to so provide or administer.

No single procedure can be the sole criterion for determining eligibility and developing FAPE for your child. (20 USC 1414[b][1]-[3], 1412[a][6][B]; 34 CFR 300.304; EC 56001[j] and 56320)

***Independent Educational Assessments*****May my child be tested independently at the district's expense?**

If you disagree with the results of the assessment conducted by the school district, you have the right to ask for and obtain an independent educational assessment for your child from a person qualified to conduct the assessment at public expense. The parent is entitled to only one independent educational evaluation at public expense each time the public agency conducts an evaluation with which the parent disagrees.

The school district must respond to your request for an independent educational assessment and provide you information about where to obtain an independent educational assessment.

If the school district believes that the district's assessment is appropriate and disagrees that an independent assessment is necessary, the school district must request a due process hearing to prove that its assessment was appropriate. If the district prevails, you still have the right to an independent assessment but not at public expense. The IEP team must consider independent assessments.



District assessment procedures allow in-class observation of students. If the school district observes your child in his or her classroom during an assessment, or if the school district would have been allowed to observe your child, an individual conducting an independent educational assessment must also be allowed to observe your child in the classroom.

If the school district proposes a new school setting for your child and an independent educational assessment is being conducted, the independent assessor must be allowed to first observe the proposed new setting. (20 USC 1415[b][1] and [d][2][A]; 34 CFR 300.502; *EC* 56329[b] and [c])

### ***Access to Educational Records***

#### **May I examine my child's educational records?**

You have a right to inspect and review all of your child's education records without unnecessary delay, including prior to a meeting about your child's IEP or before a due process hearing. The school district must provide you access to records and copies, if requested, within five (5) business days after the request has been made orally or in writing. (*EC* 49060, 56043[n], 56501[b][3], and 56504)

#### **How Disputes Are Resolved**

##### ***Due Process Hearing***

#### **When is a due process hearing available?**

You have the right to request an impartial due process hearing regarding the identification, assessment, and educational placement of your child or the provision of FAPE. The request for a due process hearing must be filed within two years from the date you knew or should have known about the alleged action that forms the basis of the due process complaint. (20 USC 1415[b][6]; 34 CFR 300.507; *EC* 56501 and 56505[1])

##### ***Mediation and Alternative Dispute Resolution***

#### **May I request mediation or an alternative way to resolve the dispute?**

A request for mediation may be made either before or after a request for a due process hearing is made.

You may ask the school district to resolve disputes through mediation or alternative dispute resolution (ADR), which is less adversarial than a due process hearing. ADR and mediation are voluntary methods of resolving a dispute and may not be used to delay your right to a due process hearing.

#### **What is a prehearing mediation conference?**

You may seek resolution through mediation prior to filing a request for a due process hearing. The conference is an

informal proceeding conducted in a nonadversarial manner to resolve issues relating to the identification, assessment, or educational placement of a child or to a FAPE.

At the prehearing mediation conference, the parent or the school district may be accompanied and advised by nonattorney representatives and may consult with an attorney prior to or following the conference. However, requesting or participating in a prehearing mediation conference is not a prerequisite to requesting a due process hearing.

All requests for a prehearing mediation conference shall be filed with the Superintendent. The party initiating a prehearing mediation conference by filing a written request with the Superintendent shall provide the other party to the mediation with a copy of the request at the same time the request is filed.

The prehearing mediation conference shall be scheduled within fifteen (15) days of receipt by the Superintendent of the request for mediation and shall be completed within thirty (30) days after receipt of the request for mediation unless both parties agree to extend the time. If a resolution is reached, the parties shall execute a legally binding written agreement that sets forth the resolution. All discussions during the mediation process shall be confidential. All prehearing mediation conferences shall be scheduled in a timely manner and held at a time and place reasonably convenient to the parties. If the issues fail to be resolved to the satisfaction of all parties, the party who requested the mediation conference has the option of filing for a due process hearing. (*EC* 56500.3 and 56503)

##### ***Due Process Rights***

#### **What are my due process rights?**

You have a right to:

1. Have a fair and impartial administrative hearing at the state level before a person who is knowledgeable of the laws governing special education and administrative hearings (20 USC 1415[f][1][A], 1415[f][3][A]-[D]; 34 CFR 300.511; *EC* 56501[b][4]);
2. Be accompanied and advised by an attorney and/or individuals who have knowledge about children with disabilities (*EC* 56505 [e][1]);
3. Present evidence, written arguments, and oral arguments (*EC* 56505[e][2]);
4. Confront, cross-examine, and require witnesses to be present (*EC* 56505[e][3]);
5. Receive a written or, at the option of the parent, an electronic verbatim record of the hearing, including findings of fact and decisions (*EC* 56505[e][4]);
6. Have your child present at the hearing (*EC* 56501[c][1]);
7. Have the hearing be open or closed to the public (*EC* 56501[c][2]);
8. Receive a copy of all documents, including assessments completed by that date and recommendations, and a list of

witnesses and their general area of testimony within five (5) business days before a hearing (*EC 56505[e][7]* and *56043[v]*);

9. Be informed by the other parties of the issues and their proposed resolution of the issues at least ten (10) calendar days prior to the hearing (*EC 56505[e][6]*);
10. Have an interpreter provided (*CCR 3082[d]*);
11. Request an extension of the hearing timeline (*EC 56505[f][3]*);
12. Have a mediation conference at any point during the due process hearing (*EC 56501[b][2]*); and
13. Receive notice from the other party at least ten days prior to the hearing that the other party intends to be represented by an attorney (*EC 56507[a]*). (20 USC 1415[e]; 34 CFR 300.506, 300.508, 300.512 and 300.515)

### ***Filing a Written Due Process Complaint***

#### **How do I request a due process hearing?**

You need to file a written request for a due process hearing. You or your representative needs to submit the following information in your request:

1. Name of the child;
2. Address of the residence of the child;
3. Name of the school the child is attending;
4. In the case of a homeless child, available contact information for the child and the name of the school the child is attending; and
5. A description of the nature of the problem, including facts relating to the problem(s) and a proposed resolution of the problem(s).

Federal and state laws require that either party filing for a due process hearing must provide a copy of the written request to the other party. (20 USC 1415[b][7], 1415[c][2]; 34 CFR 300.508; *EC 56502[c][1]*)

Prior to filing for a due process hearing, the school district shall be provided the opportunity to resolve the matter by convening a resolution session, which is a meeting between the parents and the relevant members of the IEP team who have specific knowledge of the facts identified in the due process hearing request. (20 USC 1415[f][1][B]; 34 CFR 300.510)

#### **What does a resolution session include?**

Resolution sessions shall be convened within fifteen (15) days of receiving notice of the parents' due process hearing request. The sessions shall include a representative of the school district who has decision-making authority and not include an attorney of the school district unless the parent is accompanied by an attorney. The parent of the child may discuss the due process hearing issue and the facts that form the basis of the

due process hearing request.

The resolution session is not required if the parent and the school district agree in writing to waive the meeting. If the school district has not resolved the due process hearing issue within thirty (30) days, the due process hearing may occur. If a resolution is reached, the parties shall execute a legally binding agreement. (20 USC 1415[f][1][B]; 34 CFR 300.510)

#### **Does my child's placement change during the proceedings?**

The child involved in any administrative or judicial proceeding must remain in the current educational placement unless you and the school district agree on another arrangement. If you are applying for initial admission of your child to a public school, your child will be placed in a public school program with your consent until all proceedings are completed. (20 USC 1415[j]; 34 CFR 300.518; *EC 56505[d]*)

#### **May the decision be appealed?**

The hearing decision is final and binding on both parties. Either party may appeal the hearing decision by filing a civil action in state or federal court within 90 days of the final decision. (20 USC 1415[i][2] and [3][A], 1415[l]; 34 CFR 300.516; *EC 56505[h]* and [k], *EC 56043[w]*)

#### **Who pays for my attorneys' fees?**

In any action or proceeding regarding the due process hearing, the court, in its discretion, may award reasonable attorneys' fees as part of the costs to you as parent of a child with a disability if you are the prevailing party in the hearing. Reasonable attorneys' fees may also be made following the conclusion of the administrative hearing, with the agreement of the parties. (20 USC 1415[i][3][B]-[G]; 34 CFR 300.517; *EC 56507[b]*)

Fees may be reduced if any of the following conditions prevail:

The court finds that you unreasonably delayed the final resolution of the controversy;

1. The attorneys' hourly fees exceed the prevailing rate in the community for similar services by attorneys of reasonably comparable skill, reputation, and experience;
2. The time spent and legal services provided were excessive; or
3. Your attorney did not provide to the school district the appropriate information in the due process request notice.

Attorneys' fees will not be reduced, however, if the court finds that the State or the school district unreasonably delayed the final resolution of the action or proceeding or that there was a

violation of this section of law. (20 USC 1415[i][3][B]-[G]; 34 CFR 300.517)

Attorneys' fees relating to any meeting of the IEP team may not be awarded unless an IEP team meeting is convened as a result of a due process hearing proceeding or judicial action. Attorneys' fees may also be denied if you reject a reasonable settlement offer made by the district/public agency ten (10) days before the hearing begins and the hearing decision is not more favorable than the offer of settlement. (20 USC 1415[i][3][B]-[G]; 34 CFR 300.517)

To obtain more information or to file for mediation or a due process hearing, contact:

Office of Administrative Hearings  
Attention: Special Education Division  
2349 Gateway Oaks Drive, Suite 200  
Sacramento, CA 95833-4231  
(916) 263-0550  
FAX (916) 376-6319

### **School Discipline and Placement Procedures for Students with Disabilities**

#### ***School Discipline/Alternative Interim Educational Settings***

#### **May my child be suspended or expelled?**

School personnel may consider any unique circumstances on a case-by-case basis when determining whether a change in placement is appropriate for a child with a disability who violates a code of student conduct from his or her setting to:

1. An appropriate interim alternative education setting, another setting, or suspension for not more than ten (10) consecutive school days; and
2. Additional removals of not more than ten (10) consecutive school days in the same school year for separate incidents of misconduct

#### **What occurs after a removal of more than ten (10) days?**

After a child with a disability has been removed from his or her current placement for ten (10) school days in the same school year, during any subsequent days of removal the public agency must provide services to enable the child to continue to participate in the general education curriculum and progress toward meeting the goals set out in the child's IEP. Also, a child will receive, as appropriate, a functional behavioral assessment and behavioral intervention services and modifications, which are designed to address the behavior violation so that it does not recur.

If a child exceeds ten (10) days in such a placement, an IEP team meeting must be held to determine whether the child's

misconduct is caused by the disability. This IEP team meeting must take place immediately, if possible, or within ten (10) days of the school district's decision to take this type of disciplinary action.

As a parent you will be invited to participate as a member of this IEP team. The school district may be required to develop an assessment plan to address the misconduct or, if your child has a behavior intervention plan, review and modify the plan as necessary.

What happens if the IEP team determines that the misconduct is not caused by the disability?

If the IEP team concludes that the misconduct was not a manifestation of the child's disability, the school district may take disciplinary action, such as expulsion, in the same manner as it would for a child without a disability. (20 USC 1415[k][1] and [7]; 34 CFR 300.530)

If you disagree with the IEP team's decision, you may request an expedited due process hearing, which must occur within twenty (20) school days of the date on which you requested the hearing. (20 USC 1415[k][2]; 34 CFR 300.531[c])

Regardless of the setting the school district must continue to provide FAPE for your child. Alternative educational settings must allow the child to continue to participate in the general curriculum and ensure continuation of services and modifications detailed in the IEP. (34 CFR 300.530; *EC* 48915.5[b])

#### ***Children Attending Private School***

#### **May students who are parentally placed in private schools participate in publicly funded special education programs?**

Children who are enrolled by their parents in private schools may participate in publicly funded special education programs. The school district must consult with private schools and with parents to determine the services that will be offered to private school students. Although school districts have a clear responsibility to offer FAPE to students with disabilities, those children, when placed by their parent in private schools, do not have the right to receive some or all of the special education and related services necessary to provide FAPE. (20 USC 1415[a][10][A]; 34 CFR 300.137 and 300.138; *EC* 56173)

If a parent of an individual with exceptional needs who previously received special education and related services under the authority of the school district enrolls the child in a private elementary school or secondary school without the consent of or referral by the local educational agency, the school district is not required to provide special education if the district has made FAPE available. A court or a due process hearing officer may require the school district to reimburse the

parent or guardian for the cost of special education and the private school only if the court or due process hearing officer finds that the school district had not made FAPE available to the child in a timely manner prior to that enrollment in the private elementary school or secondary school and that the private placement is appropriate. (20 USC 1412[a][10][C]; 34 CFR 300.148; *EC* 56175)

#### **When may reimbursement be reduced or denied?**

The court or hearing officer may reduce or deny reimbursement if you did not make your child available for an assessment upon notice from the school district before removing your child from public school. You may also be denied reimbursement if you did not inform the school district that you were rejecting the special education placement proposed by the school district, including stating your concerns and intent to enroll your child in a private school at public expense.

Your notice to the school district must be given either:

1. At the most recent IEP team meeting you attended before removing your child from the public school; or
2. In writing to the school district at least ten (10) business days (including holidays) before removing your child from the public school. (20 USC 1412[a][10][C]; 34 CFR 300.148; *EC* 56176)

#### **When may reimbursement not be reduced or denied?**

A court or hearing officer must not reduce or deny reimbursement to you if you failed to provide written notice to the school district for any of the following reasons:

1. The school prevented you from providing notice;
2. You had not received a copy of this Notice of Procedural Safeguards or otherwise been informed of the requirement to notify the district;
3. Providing notice would likely have resulted in physical harm to your child;
4. Illiteracy and inability to write in English prevented you from providing notice; or
5. Providing notice would likely have resulted in serious emotional harm to your child. (20 USC 1412[a][10][C]; 34 CFR 300.148; *EC* 56177)

#### ***State Complaint Procedures***

#### **When may I file a state compliance complaint?**

You may file a state compliance complaint when you believe that a school district has violated federal or state special education laws or regulations. Your written complaint must specify at least one alleged violation of federal and state special education laws. The violation must have occurred not more than one year prior to the date the complaint is received

by the California Department of Education (CDE). When filing a complaint, you must forward a copy of the complaint to the school district at the same time you file a state compliance complaint with the CDE. (34 CFR 300.151-153; 5 CCR 4600)

Complaints alleging violations of federal and state special education laws or regulations may be mailed to:

California Department of Education  
Special Education Division  
Procedural Safeguards Referral Service  
1430 N Street, Suite 2401  
Sacramento, CA 95814

For complaints involving issues not covered by federal or state special education laws or regulations, consult your district's uniform complaint procedures.

To obtain more information about dispute resolution, including how to file a complaint, contact the CDE, Special Education Division, Procedural Safeguards Referral Service, by telephone at 800-926-0648; by fax at 916-327-3704; or by visiting the [Special Education](#) section of the Department's Web site.

For complaints involving issues not covered by IDEA, consult your district's Uniform Complaint Procedures (UCP).

#### **I. NOTICE OF PARENT AND STUDENT RIGHTS UNDER SECTION 504, REHABILITATION ACT OF 1973**

The Rehabilitation Act of 1973, which includes "Section 504," is a nondiscrimination statute enacted by the United States Congress. The purpose of the Act is to prohibit discrimination and to assure that disabled students have educational opportunities and benefits equal to those provided to non-disabled students.

An eligible student under Section 504 is a student who has a physical or mental impairment that substantially limits a major life activity such as learning.

**Dual Eligibility:** Some students may be eligible for educational services under both Section 504 and the Individuals with Disabilities Education Act ("IDEA").

The enabling regulations for Section 504, as set out in 34 CFR, Part 104, provide parents and/or students with the following rights:

1. **Parents' Rights:** You have a right to be informed by the District of your rights under Section 504. (The purpose of this Notice form is to advise you of those rights.) 34 CFR 104.32.
2. **FAPE.** Your child has the right to a free appropriate

public education designed to meet his/her individual educational needs as adequately as the needs of non-disabled students are met. 34 CFR 104.33

3. Free Education. Your child has the right to free educational services except for those fees that are imposed on non-disable students or their parents. Insurers and similar third parties are not relieved of an otherwise valid obligation to provide or pay for services provided to a disabled student. 34 CFR 104.33
4. LRE. Your child has right to placement in the least restrictive environment. 34 CFR 104.34.
5. Comparable Facilities. Your child has a right to facilities, services, and activities that are comparable to those provided for non-disabled students. 34 CFR 104.35.
6. Evaluations. Your child has a right to an evaluation prior to an initial Section 504 placement and any subsequent significant change in placement. 34 CFR 104.35.
7. Testing. Testing and other evaluation procedures must conform to the requirements of 34 CFR 104.35 as to validation, administration, areas of evaluation, etc. The District shall consider information from a variety of sources, including aptitude and achievement tests, teacher recommendations, physical condition, social and cultural background, and adaptive behavior. 34 CFR 104.35.
8. Section 504 Student Study Team. Placement decisions must be made by a group of persons, including persons knowledgeable about your child, the meaning of the evaluation data, the placement options, and the legal requirements for least restrictive environment and comparable facilities. 34 CFR 104.35.
9. Re-evaluations. If eligible under Section 504, your child has a right to periodic re-evaluations prior to any significant change in placement. 34 CFR 104.35.
10. Prior Notice. You have the right to notice prior to any action by the District in regard to the identification, evaluation, or placement of your child. 34 CFR 104.36
11. Records. You have the right to examine relevant records of your student. 34 CFR 104.36
12. Due Process Procedures. You have the right to an impartial hearing with respect to the District's action regarding your child's identification, evaluation, or educational placement, with opportunity for parental participation in the hearing and representation by an attorney. 34 CFR 104.36

If you disagree with the identification, evaluation, or placement of a student with disabilities under Section 504, you may initiate the following procedures. We encourage parents to utilize Levels One and Two in an effort to resolve issues informally, but you may go directly to Level Three.

**LEVEL ONE:** In writing, request a meeting with your child's Section 504 Student Study Team in an attempt to resolve the disagreement. This meeting shall be held within a reasonable period of time after receiving the

parents' request.

**LEVEL TWO:** If the disagreement continues, request in writing a meeting with the District Section 504 Coordinator.

**LEVEL THREE:** If disagreement continues, or upon initial request, a parent/guardian may request in writing an impartial hearing. The steps involved in initiating and implementing a Section 504 impartial hearing follow:

- (a) A request in writing for a Section 504 impartial hearing must be filed in the office of the District Section 504 Coordinator. This request must generally be received by the District within thirty (30) calendar days from the parents' or guardians' receipt of written notice of the decision leading to the request for the impartial hearing. This time frame may be extended for good cause or by mutual agreement. This time frame will also be renewed upon the parents' request for and participation in a scheduled Section 504 student study team meeting.
- (b) The written request shall contain the following:
  - i) The specific nature of the decisions(s) made by the District with which the person disagrees.
  - ii) The specific relief the person seeks.
  - iii) Any other information the person believes will assist in understanding the request.
- (c) Within a reasonable period of time following receipt of a written request for hearing, the District Section 504 Coordinator will select an impartial hearing officer.
- (d) A hearing officer selected by the District must satisfy the following requirements:
  - i) Be qualified to review District decisions relating to Section 504.
  - ii) Not be an employee of, or under contract with, the District or the SELPA of which the District is a member in any capacity other than that of a hearing officer.
  - iii) Not have any professional or personal involvement that would affect his or her impartiality or objectivity in the matter.
- (e) Within sixty (60) days after receipt of parent's request, the hearing shall be conducted, and a written decision mailed to all parties.
- (f) Any party to the hearing shall be afforded the following rights:
  - i) The right to be accompanied and advised by counsel and by individuals with special knowledge or training relating to the problems of students who are qualified individuals within the meaning of Section 504.
  - ii) The right to present evidence, written and oral.
  - iii) The right to question and cross-examine witnesses.

- iv) The right to written findings of fact, conclusions of law, and a decision prepared by the hearing officer.
  - v) The right to a written or electronic verbatim record of the hearing prepared at the expense of the individual requesting such record.
  - vi) The right to prohibit the introduction of evidence at the hearing that has not been disclosed to the other party or parties at least five (5) calendar days prior to the hearing, except for good cause shown.
  - vii) Receipt of notice from the other party or parties at least ten (10) calendar days prior to the hearing that they will utilize the services of an attorney, except for good cause shown.
  - (g) The hearing officer shall render a decision pursuant to the legal standards set forth in 34 C.F.R., Part 104.
  - (h) either party may seek review of the hearing officer's decision by timely filing with a court of competent jurisdiction.
  - (i) Reimbursement of attorneys' fees, expert witnesses' fees, and other costs is available only as authorized by law.
13. District Level Complaints. On Section 504 matters other than your child's identification, evaluation, and placement, you may file a complaint with the District's Section 504 Coordinator who will investigate the allegations in an effort to reach a prompt and equitable resolution.
14. OCR Complaints. You also have a right to file a complaint with the Office for Civil Rights. The address of the regional Office that covers California is:

Office for Civil Rights  
 U.S. Department of Education  
 50 Beale Street, Suite 7200 San  
 Francisco, CA 94105-1813  
 Telephone: (415) 486-5555  
 Facsimile: (415) 486-5570  
 Email: [OCR.SanFrancisco@ed.gov](mailto:OCR.SanFrancisco@ed.gov)

15. Suspension/expulsion Discipline Issues.

- (a) No Section 504 student may be expelled for misconduct which is caused by reason of his/her disability, or was the result of an inappropriate placement.
- (b) When suspension results in a period of more than 10 consecutive school days, or a series of suspensions that creates a pattern each of which is 10 or fewer days in duration, totaling more than 10 school days, the Section 504 Student Study Team will convene to determine whether the alleged misconduct was a result of the student's disability, or a result of an

inappropriate placement.

- (c) When expulsion is being considered, the Section 504 Student Study Team will convene. The parent/guardian will be given at least 40 hours' notice of the meeting. The Section 504 Student Study Team will determine whether the alleged misconduct was a result of the student's disability, or a result of an inappropriate placement.
- (d) If the parent/guardian disagrees with the Team's determination, he/she may appeal that determination under the procedures outlined in Step 12, above.
- (e) A parent or guardian's disagreement with the Team's determination or their request for an impartial hearing shall not preclude the District from proceeding with an expulsion or suspension of more than 20 days, if the Team has determined that the student's alleged misconduct was not caused by the student's disability or by an inappropriate placement.

*REMINDER: The procedural safeguards outlined in this Notice apply only to students or their parents/guardians making claims under Section 504. Students or their parents/guardians making claims under the IDEA must follow IDEA procedures.*

***This completes the "Notice of Parental Rights and Responsibilities" section. On the following pages are the referenced board policies and regulations (also available on the District's website), complaint forms, and the annual notification regarding asbestos inspections and management.***

## **POLICIES AND REGULATIONS APPROVED BY THE PGUSD GOVERNING BOARD**

---

### **Policy #1312.3 UNIFORM COMPLAINT PROCEDURES Mandated Policy**

The Governing Board recognizes that the District is responsible for ensuring that it complies with state and federal laws and regulations governing educational programs. The District shall follow uniform complaint procedures when addressing complaints alleging failure to comply with such laws and/or alleging discrimination based on any protected group including actual or perceived sex, sexual orientation, ethnic group identification, race, ancestry, national origin, religion, age, gender, color, or physical or mental disability, or on the basis of a person's association with a person or group with one or more of these actual or perceived characteristics in any program or activity that receives or benefits from state financial assistance.

The District shall also follow uniform complaint procedures when addressing complaints alleging failure to comply with state or federal laws in adult education programs, consolidated categorical aid programs, migrant education, career technical and technical education and career technical and technical training programs, child care and development programs, child nutrition programs and special education programs. (Title 5, Section 4621)

The Board encourages the early, informal resolution of complaints at the site level whenever possible.

Upon receipt of a written complaint from an individual, public agency or organization (Exhibit 1312.3(a), uniform complaint procedures shall be initiated. The Superintendent or designee shall distribute full information about these procedures.

The Board recognizes that a neutral mediator can often suggest an early compromise that is agreeable to all parties in a dispute. In accordance with uniform complaint procedures, whenever all parties to a complaint agree to try resolving their problem through mediation, the Superintendent or designee shall initiate a mediation process before beginning a formal compliance investigation. The Superintendent or designee shall ensure that mediation results are consistent with state and federal laws and regulations. ( Title 5, Section 4631)

The Board acknowledges and respects student and employee rights to privacy. Discrimination complaints shall be investigated in a manner that protects the confidentiality of the parties and the facts. This includes keeping the identity of the complainant confidential except to the extent necessary to carry out the investigation or proceedings, as determined by

the Superintendent or designee on a case-by-case basis. (Title 5, Section 4621)

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

---

### **Regulations #1312.4 WILLIAMS UNIFORM COMPLAINT PROCEDURES NOTICE TO PARENTS/GUARDIANS: COMPLAINT RIGHTS**

#### **Types of Complaints**

The district shall use the following procedures to investigate and resolve complaints when the complainant alleges that any of the following has occurred: (Education Code 35186)

1. Instructional materials
  - a. A student, including an English learner, does not have standards-aligned textbooks or instructional materials or state- or district-adopted textbooks or other required instructional materials to use in class.
  - b. A student does not have access to instructional materials to use at home or after school in order to complete required homework assignments.
  - c. Textbooks or instructional materials are in poor or unusable condition, have missing pages, or are unreadable due to damage.
2. Teacher vacancy or misassignment
  - a. A semester begins and a certificated teacher is not assigned to teach the class.  
*Vacancy* means a position to which a single designated certificated employee has not been assigned at the beginning of the year for an entire year or, if the position is for a one-semester course, a position to which a single designated certificated employee has not been assigned at the beginning of a semester for an entire semester. (Education Code 33126)
  - b. A teacher who lacks credentials or training to teach English learners is assigned to teach a class with more than 20 percent English learner students in the class.
  - c. A teacher is assigned to teach a class for which the teacher lacks subject matter competency.  
*Misassignment* means the placement of a certificated employee in a teaching or services position for which the employee does not hold a legally recognized certificate or credential or the placement of a certificated employee in a teaching or services

position that the employee is not otherwise authorized by statute to hold. (Education Code 35186)

### 3. Facilities

A condition poses an emergency or urgent threat to the health or safety of students or staff.

*Emergency or urgent threat* means structures or systems that are in a condition that poses a threat to the health and safety of students or staff while at school, including but not limited to gas leaks; nonfunctioning heating, ventilation, fire sprinklers, or air-conditioning systems; electrical power failure; major sewer stoppage; major pest or vermin infestation; broken windows or exterior doors or gates that will not lock and that pose a security risk; abatement of hazardous materials previously undiscovered that pose an immediate threat to students or staff; or structural damage creating a hazardous or uninhabitable condition. (Education Code 17592.72)

### 4. Valenzuela/CAHSEE Intensive Instruction and Services Programs

A student was not offered or did not receive requested additional instruction and assistance towards passing the CAHSEE for up to two years after the completion of grade 12 or until he/she passes both parts of the CAHSEE, whichever comes first.

1. Pupils, including English learners, who have not passed one or both parts of the California High School Exit Examination (CAHSEE) by the end of grade 12 are entitled to receive intensive instruction and services for up to two consecutive academic years after completion of grade 12 or until they pass both parts of the CAHSEE, whichever comes first;
2. English learners, who have not passed one or both parts of the CAHSEE by the end of grade 12, are entitled to receive services to improve English proficiency as needed to pass those parts of the CAHSEE not yet passed, for up to two consecutive academic years after completion of grade 12 or until they pass both parts of the CAHSEE, whichever comes first; and

Pupils, who have not passed one or both parts of the CAHSEE by the end of grade 12, have the right to file a complaint regarding intensive instruction and services under the Uniform Complaint Procedures if he or she was not provided the opportunity to receive intensive instruction and services for up to two consecutive academic years after completion of grade 12 or until they pass both parts of the CAHSEE, whichever comes first.

### Filing of Complaint

A complaint alleging any condition(s) specified above shall be filed with the principal or designee. The principal or designee shall forward a complaint about problems beyond his/her authority to the Superintendent or designee within 10 working days. (Education Code 35186)

The principal or designee shall make all reasonable efforts to investigate any problem within his/her authority. He/she shall remedy a valid complaint within a reasonable time period not to exceed 30 working days from the date the complaint was received. (Education Code 35186)

Complaints may be filed anonymously. If the complainant has indicated on the complaint form that he/she would like a response to his/her complaint, the principal or designee shall report the resolution of the complaint to him/her within 45 working days of the initial filing of the complaint. At the same time, the principal or designee shall report the same information to the Superintendent or designee. (Education Code 35186)

If a complainant is not satisfied with the resolution of the complaint, he/she may describe the complaint to the Governing Board at a regularly scheduled hearing. (Education Code 36186)

For complaints concerning a facility condition that poses an emergency or urgent threat to the health or safety of students or staff as described in item #3 above, a complainant who is not satisfied with the resolution proffered by the principal or Superintendent or designee may file an appeal to the Superintendent of Public Instruction. (Education Code 35186)

Complaints and written responses shall be public records. (Education Code 35186)

### Reports

The Superintendent or designee shall report summarized data on the nature and resolution of all complaints to the Board and the County Superintendent of Schools on a quarterly basis. The report shall include the number of complaints by general subject area with the number of resolved and unresolved complaints. These summaries shall be publicly reported on a quarterly basis at a regularly scheduled Board meeting. (Education Code 35186)

### Forms and Notices

The Superintendent or designee shall ensure that the district's complaint form contains a space to indicate whether the complainant desires a response to his/her complaint and specifies the location for filing a complaint. A complainant may add as much text to explain the complaint as he/she wishes. (Education Code 35186)



The Superintendent or designee shall ensure that a notice is posted in each classroom in each school containing the components specified in Education Code 35186.

---

**Exhibit #1312.4**

**WILLIAMS UNIFORM COMPLAINT PROCEDURES  
NOTICE TO PARENTS/GUARDIANS: COMPLAINT  
RIGHTS**

Parents/Guardians:

Education Code 35186 requires that the following notice be posted in your child's classroom:

1. There should be sufficient textbooks and instructional materials. For there to be sufficient textbooks and instructional materials, each student, including English learners, must have a textbook or instructional material, or both, to use in class and to take home to complete required homework assignments.
2. School facilities must be clean, safe, and maintained in good repair. Good repair means that the facility is maintained in a manner that assures that it is clean, safe and functional as determined by the Office of Public School Construction.
3. To file a complaint regarding the above matters, complaint forms can be obtained at the principal's office, district office, or can be downloaded from the school district's or California Department of Education's website. *A copy of the Complaint Form is at the back of this booklet.*
4. Pupils, including English learners, who have not passed one or both parts of the **high school exit examination** by the end of 12<sup>th</sup> grade are to be provided the opportunity to receive intensive instruction and services for up to two (2) consecutive academic years after the completion of the 12<sup>th</sup> grade.

---

**Policy #3513.3**

**TOBACCO-FREE SCHOOLS/SMOKING  
Mandated Policy**

The Governing Board recognizes that the health hazards associated with smoking and the use of tobacco products, including the breathing of second-hand smoke, are inconsistent with its goal to provide a healthy environment for students and staff.

The Board further prohibits the use of tobacco products at any time in district-owned or leased buildings, on district property, and in district vehicles. (*Health and Safety Code 104420; Labor Code 6404.5; 20 USC 6083*). This prohibition applies to all employees, students, and visitors at

any school-sponsored instructional program, activity or athletic event on or off district property. Any written joint use agreement governing community use of district facilities or grounds shall include notice of the district's tobacco-free schools policy and consequences for violations of the policy.

State law does not define "tobacco products" for purposes of the district's tobacco-free schools policy. The CDE's Web site recommends that a district's policy define "tobacco products" to prohibit the use of products containing tobacco or nicotine, including nicotine delivery devices such as electronic cigarettes which provide an inhalable dose of nicotine by delivering a vaporized solution. *Health and Safety Code 119405*, added by SB 882 (Ch. 312, Statutes of 2010), makes it unlawful for a person to sell or otherwise furnish an electronic cigarette to a minor under age 18.

Prohibited products include any product containing tobacco or nicotine, including, but not limited to, cigarettes, cigars, miniature cigars, smokeless tobacco, snuff, chew, clove cigarettes, betel, and nicotine delivery devices such as electronic cigarettes, electronic hookahs, and other vapor emitting devices, with or without nicotine content, that mimic the use of tobacco products any time, in school district-owned or leased buildings, on school or district property, and in school or district vehicles. However, 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.

---

**Policy #4100**

**POSITIVE SCHOOL CLIMATE**

The Governing Board is committed to providing and maintaining a positive learning environment for all students. As a means for achieving this goal, the Governing Board expects all staff to:

Create an environment which engenders safety and respect and does not expose students to embarrassment, or disparagement, verbal abuse, ridicule, or humiliation.

The Superintendent is directed to inform the school community of the Board's intent to create a positive school climate and to establish a procedure in which parents or students can inform the school administration if they believe there have been violations.

---

**Policy #5020**  
**PARENTS RIGHTS & RESPONSIBILITIES**

The Governing Board recognizes that parents/guardians of District students have certain rights as well as responsibilities related to the education of their children.

Parents/guardians shall have the opportunity to work with schools in a mutually supportive and respectful partnership and to help their children succeed in school. (Ed. Code 51100)

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

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

The District encourages parents/guardians to support the learning environment of their children by monitoring attendance.

**Parent Responsibilities**

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

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

---

**Regulations #5020**  
**PARENT RIGHTS & RESPONSIBILITIES**

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

1. To observe, within a reasonable period of time after

- making the request, the classroom(s) in which their child is enrolled or for the purpose of selecting the school in which their child will be enrolled (Education Code 51101)
2. To meet, within a reasonable time of their request, with their child's teacher(s) and the principal of the school in which their child is enrolled (EC 51101)
3. Under the supervision of District employees, to volunteer their time and resources for the improvement of school facilities and school programs, including, but not limited to, providing assistance in the classroom with the approval, and under the direct supervision, of the teacher (EC 51101)
4. To be notified on a timely basis if their child is absent from school without permission (Education Code 51101)
5. To receive the results of their child's performance and the school's performance on standardized tests and statewide tests (Education Code 51101)
6. To request a particular school for their child and to receive a response from the District (Education Code 51101)
7. To have a school environment for their child that is safe and supportive of learning (Education Code 51101)
8. To examine the curriculum materials of the class(es) in which their child is enrolled (Education Code 51101)
9. To be informed of their child's progress in school and of the appropriate school personnel whom they should contact if problems arise with their child (Education Code 51101)
10. To have access to the school records of their child (Education Code 51101)
11. To receive information concerning the academic performance standards, proficiencies or skills their child is expected to accomplish (EC 51101)
12. To be informed in advance about school rules, attendance policies, dress codes and procedures for visiting the school (Education Code 51101)
13. To receive information about any psychological testing the school does involving their child and to deny permission to give the test (EC 51101)
14. To refuse to submit or to participate in any assessment, analysis, evaluation or monitoring of the quality or character of the student's home life; any form of parental screening or testing; any nonacademic home-based counseling program; parent training; or any prescribed family education service plan. (Education Code 49091.18)
15. To participate as a member of a parent advisory committee, school site council or site-based management leadership team in accordance with any rules and regulations governing membership in these organizations (EC 51101)
16. To question anything in their child's record that the parent/guardian feels is inaccurate or misleading or is an invasion of privacy and to receive a response from the school (Education Code 51101)
17. To provide prior written consent before their student

participates in a survey containing the mental or psychological problems of the student or his/her family, the sexual behavior or attitudes or personal beliefs and practices in family life.

18. To be provided written notice and given an opportunity to request that their child not participate in district administered anonymous and voluntary surveys regarding health risks and behaviors, relating to student's attitudes or practices related to sex in grades 7-12.
19. The Superintendent or designee shall obtain informed written parental consent before testing any student for a behavioral, mental or emotional evaluation. A general consent, including medical consent used to approve admission to or involvement in, a special education or remedial program or regular school activity, shall not constitute written consent for these purposes. (EC 49091.12)
20. All students shall have the right to obtain confidential medical care or confidential counseling related to the diagnosis or treatment of a drug or alcohol-related problem, or mental health treatment or counseling, without the consent of his/her parent/guardian. (Education Code 49091.12)
21. The Superintendent or designee shall ensure that District staff understand the rights of parents/guardians afforded by law and Board policy and follow acceptable practices that respect those rights.
22. The Superintendent or designee shall ensure that parents/guardians receive notification regarding their rights in accordance with law.
23. School officials or law enforcement officials have the authority to investigate or intervene in cases of suspected child abuse, (Education Code 49091.12)

encouraged to schedule medical appointments during nonschool hours.

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

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 Board desires to emphasize the importance of school attendance. The Superintendent or designee shall implement positive steps to reduce truancy, such as communication with parents/guardians and the use of student study teams.

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

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, a student who has been classified as truant may be referred to the District attorney or probation officer for truancy mediation.

A student's grades may be affected by excessive unexcused absences in accordance with Board policy. Students with excessive unexcused absences (25% of the school days in a quarter) may receive a failing grade and may not receive credit for the class(es).

---

### **Policy #5113 ABSENCES AND EXCUSES**

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

#### **Excused Absences**

Absence from school shall be excused only for health reasons, family emergencies and justifiable personal reasons, (listed in the regulation) as permitted by law, Board policy and administration regulations. (EC 46010, 46010.5, 48205)

Insofar as class participation is an integral part of students' learning experiences, parents/guardians and students shall be

---

### **Regulations #5113 ABSENCES AND EXCUSES**

#### **Excused Absences**

A student's absence shall be excused for the following reasons, and the student shall be allowed to make up work for full credit, as assigned by the classroom teacher (additionally Ed Code 46010, 48205):

1. Personal illness
2. Quarantine under the direction of a county or city health officer
3. Medical, dental, optometric, or chiropractic appointments
4. Attendance at funeral services for a member of the immediate family

- a. Excused absence in this instance shall be limited to one day if the service is conducted in California or Three days if the service is conducted out of state.
  - b. "Immediate family" shall be defined as mother, father, grandmother, grandfather, spouse, son/son-in-law, daughter/ daughter-in-law, brother, sister or any relative living in the student's immediate household. (additionally Ed Code 45194)
5. Jury duty in the manner provided by law
  6. Participation in religious instruction or exercises in accordance with District policy
    - a. In such instances, the student shall attend at least the minimum school day.
    - b. The student shall be excused for this purpose on no more than four school days per month. (additionally Ed Code 46014)

In addition, a student's absence shall be excused for justifiable personal reasons. Advance written request by the parent/guardian and approval of the principal or designee shall be required for absences for: (additionally Ed Code 48205)

1. Appearance in court
2. Attendance at a funeral service for a person other than 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

### **Expands Basis for Excused Absences to Accommodate Military Families**

Assembly Bill No. 387 provides that excused absences include spending time with an immediate family member who is an active duty member of the uniformed services, as defined, and who has been called to duty for, is on leave from, or has immediately returned from, deployment to a combat zone or combat support position. The superintendent of the school district has the discretion to determine the period of time for such excused absences. (Stats. 2011, ch. 610, effective January 1, 2012.)

### **Unexcused Absences**

The Board desires to emphasize the importance of school attendance. Therefore, students with excessive unexcused absences (25% of the school days in a grading period) may receive a failing grade and may not receive credit for the class(es).

### **Allowable Credit Due to Unexcused Absences**

Parents or guardians may be allowed, on a limited basis, to have students submit pre-approved class work or assignments for partial or full credit due to an unexcused absence.

- a. The parent/guardian must request approval from the site principal in advance of the absence. Parents are strongly discouraged from scheduling non-medical appointments, business or vacation travel during times when school is in session, as these are considered unexcused absences. Any parent contemplating family travel during school must contact the school at least two weeks prior to the absence to ascertain its probable impact on their child's academic and credit situation.
- b. Approval for allowable credit due to an unexcused absence may be granted for up to ten (10) days per school year if the absence is due to business or travel that has demonstrable educational value and the student's academic progress will not be impeded as a result.
- c. Teacher or Administrative pre-approved students absences for school sponsored events may be eligible for full credit outside of the allowable days noted in (b) above.
- d. The maximum number of days of allowable credit shall be ten (10) days per school year, except in unusual circumstances.
- e. Make-up work and/or tests will not be provided for unexcused absences in excess of the established limits.

### **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 (EC 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 that establishes the fact that the student was absent for the reasons stated. A written recording shall be made, including information outlined above.
4. Physician's verification
  - a. When excusing students for confidential medical services or verifying such appointments, District staff shall not ask the purpose of such appointments but

may contact a medical office to confirm the time of the appointment.

- b. When a student has had 14 absences in the school year for illness verified by methods listed in 1 through 3 above, any further absences for illness must be verified by a physician.

### Explanation of Student Absences

#### A. Procedure for Parents to Explain Absences:

##### 1. Absence from School

If a student is absent from school, the parent or guardian should call the school that morning to report the absence or the student will be required to bring a note from the parent to the office upon returning to school within two (2) days of return to school.

##### 2. Tardiness to School

If a student will be late to school, parents are requested to call the school office prior to 9:30 a.m. to inform the school. Regardless of this call, the tardy will remain unexcused unless it qualifies as a justifiable or excused absence.

##### 3. Early Dismissal from School

If a parent wishes to have a student dismissed from school early, the parent shall sign the student out of school at the school office prior to leaving. Students are not permitted to leave the building or school grounds without prior approval.

- B. The Board of Education treats all students equally regardless of age. Students who are 18 or older are responsible for abiding by all attendance regulations including absences, dismissal, tardiness and class cutting. Students age 18 and over who do not live at home and who have filed with the high school office a verification of their legal and financial emancipation may provide their own verification.

- C. Failure to account for absences as described above will result in the absence being treated in the same manner as trancies.

### Truancy

1. Students shall be classified as truant if absent from school without a valid excuse three full days in one school year, or tardy or absent for more than any 30-minute period during the school day without a valid excuse on three occasions in one school year, or any combination thereof. Such students shall be reported to the Superintendent or designee. (Ed Code 48260)

The parent/guardian of a student classified as a truant shall be notified of the following (EC 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 EC 48290-48296
- d. The parent/guardian has the right to meet with appropriate school personnel to discuss solutions to the student's truancy
- e. Alternative educational programs are available in the District
- f. The student may be subject to arrest by a probation officer, a peace officer, a school administrator, an attendance supervisor or his/her designee under Ed Code 48264 if found away from home and absent from school without a valid excuse
- g. The student may be subject to suspension, restriction or delay of his/her driving privilege pursuant to Vehicle Code 13202.7
- h. It is recommended that the parent/guardian accompany the student to school and attend classes with the student for one day
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 at least 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.
3. Upon his/her second truancy within the same school year, a student may be assigned to an after-school or weekend study program within the county. If the student fails to successfully complete this study program, he/she shall be subject to item #5 below.
4. Upon his/her first or second truancy within the same school year, an appropriate District staff member shall make every effort to hold at least one conference with the student and parent/guardian and may discuss resources available for achieving regular school attendance, which may include:
  - a. Program changes
  - b. Referral of family to community agency
  - c. Referral to school psychologist or student study team
  - d. Modified day
  - e. Independent study
  - f. Special school projects, special programs
  - g. School furlough
  - h. Work-experience education
  - i. Alternative education
  - j. Referral for health checkup, medical examination
5. Upon his/her third truancy within the same school year, a student may be referred to, and required to attend, an attendance review board, a truancy mediation program established by the District attorney or the probation officer, or a comparable program deemed acceptable by the Superintendent or designee. If the student does not successfully complete the truancy mediation program or other similar program, he/she shall be subject to item #6 below.

6. Upon his/her fourth truancy within the same school year, the student shall be classified a habitual truant as defined in Ed Code 48262. (EC 48264.5)

A habitual truant may be referred to a school attendance review board or to the probation department. (Ed Code 48263)

When a student is referred to a school attendance review board or to the probation department, the 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 District staff member, to meet with the school attendance review board or probation officer to consider a proper disposition of the referral. (Ed Code 48263) The Superintendent or designee shall gather and transmit to 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. (Ed Code 48273)

---

### **Policy #5116.1**

#### **INTRA-DISTRICT OPEN ENROLLMENT**

##### **Selection Procedures**

1. The Superintendent or designee shall identify those schools which may have space available for additional students. A list of these schools and open enrollment applications shall be available at all school offices.
2. Students who submit applications to the District by January 1 shall be eligible for admission to their school of choice the following school year under the District's open enrollment policy.
3. Enrollment in a school of choice shall be determined by lot from the eligible applicant pool, and a waiting list shall be established to indicate the order in which students may be accepted as openings occur. Late applicants may be added to the waiting list in the order in which they apply.
4. The Superintendent or designee shall inform applicants by mail as to whether their applications have been approved, denied, or placed on a waiting list. If the application is denied, the reasons for denial shall be stated.
5. Applicants who receive approval must confirm their enrollment within two weeks.
6. Admission to a particular school shall not be influenced by a student's academic or athletic performance except insofar as academic standards are required for admission to specialized schools or programs such as programs for gifted and talented students. Such standards shall be uniformly applied to all students.

Any complaints regarding the selection process should be taken to the Superintendent or designee.

#### **Harmful or Dangerous Special Circumstances**

Any decision to grant priority for attendance outside a student's current attendance area because of harmful or dangerous special circumstances shall be based upon one of the following: (Education Code 35160.5)

1. A written statement from a representative of an appropriate state or local agency, including, but not limited to, a law enforcement official, social worker, or properly licensed or registered professional psychiatrist, psychologist, marriage, family and child counselor, or other professional.
2. A court order, including a temporary restraining order and injunction, issued by a judge.

Upon making such a finding, the Superintendent or designee may approve the student's transfer to a District school that is at capacity and otherwise closed to transfers. (Education Code 35160.5)

#### **Notifications**

Notifications shall be sent to parents/guardians at the beginning of each year describing all current statutory attendance options and local attendance options available in the District, including: (EC 48980)

1. All options for meeting residency requirements for school attendance.
2. Program options offered within local attendance areas.
3. A description of any special program options available on both an inter-District and intra-District basis.
4. A description of the procedure for application for alternative attendance areas or programs and the appeals process available, if any, when a change of attendance is denied.
5. A District application form for requesting a change of attendance.
6. The explanation of attendance options under California law as provided by the California Department of Education. (Education Code 48980)

---

### **Policy #5117**

#### **INTERDISTRICT ATTENDANCE AGREEMENT**

The Pacific Grove Unified School District is a "basic aid" school district, therefore the enrollment of children who reside in other districts brings only a nominal additional amount into the district's budget, whereas the cost of educating each additional student transferred from another district is the same as if the student lived in the district. It is therefore the district's

general policy not to accept interdistrict transfer students who might otherwise be allowed to enroll under Education Code sections 46600 et. seq. or subdivision (f) section 48204 of the Education Code.

1. The district may make exceptions to its general policy in any of the following situations:
  - a. When the student has spent at least one full school year in the district, on an inter-District agreement, prior to the 1992-93 school year, on an inter-District agreement.
  - b. When the student has a sibling with whom he or she lives who has spent one or more full school years in the district prior to the 1992-93 school year.
  - c. When the student's parent/guardian provides written evidence that the family will be moving to the district in the immediate future and would like the student to start the year in the district.
  - d. When the student is the child of a district employee living outside the district boundaries. Note: Beginning with employees hired on or after August 13, 1998, this section shall only apply to such employees (certificated, classified, confidential or management) working a minimum of twenty (20) hours per week or 0.5 FTE. The student of an employee hired before August 13, 1998 shall continue to be eligible under this section as long as the parent continues as an employee, regardless of the number of hours worked.
2. The district will consider the following factors in determining whether to admit a student who applies for readmission pursuant to paragraph 1:
  - a. Whether there is space available to admit the student without upsetting student-teacher ratios,
  - b. The student's school record, including any discipline and/or attendance problems, and
  - c. Whether the student has developed needs for special education which may cost the district more to educate the student than the district would have expended in educating the student had she/he not developed needs for special education and/or which may cause additional cumulative demands upon district resources.
3. The district shall consider requests to admit students who do not live within the district which are made on the grounds that admission would positively affect the students' child care needs, but need not admit the students unless the requests would have been granted after taking into consideration the factors set forth in paragraph 2.
4. Each student who resides outside the district boundaries and who wishes to attend a school within the district must apply for readmission to the district prior to each school year.

**Policy #5117.1**  
**INTERDISTRICT ATTENDANCE – OPEN**  
**ENROLLMENT ACT**

Because the Pacific Grove Unified School District is a "basic aid" district, the State does not provide funding to educate children who reside in other school districts. As a result, enrollment of students whose parents or guardians reside in other school districts reduces the educational resources available for resident students and increases class size. For this reason, it is the general policy that the District does not accept interdistrict transfer students except under those limited circumstances described in Board Policy Number 5117. Accordingly, interdistrict transfer requests made pursuant to the Open Enrollment Act (commonly referred to as the Romero Bill), as set out at Education Code sections 48350 et seq. ("Open Enrollment Act transfers"), shall only be approved by the Superintendent or designee in accordance with the provisions of this Policy and any implementing regulations.

**Definitions**

"School district of residence" means the school district in which a student's parent or guardian resides and in which the student would otherwise be required to enroll pursuant to Education Code section 48200.

"School district of enrollment" means a school district other than the student's school district of residence in which the student's parent or guardian intends to enroll the student pursuant to the Open Enrollment Act.

"Open enrollment school" means a school identified by the Superintendent of Public Instruction and the California Department of Education (CDE) on the annual list of 1,000 Open Enrollment schools under the Open Enrollment Act.

**Note to Parents and Guardians with Children Attending Open Enrollment Schools**

The Superintendent or designee shall provide notice of the right to transfer to District students attending an Open Enrollment school, as identified by the CDE's annual list of 1,000 Open Enrollment schools, on the first day of instruction of each school year, or, if the CDE has not released the annual list of Open Enrollment schools on the first day of instruction, within fourteen (14) days after the CDE releases the annual list of Open Enrollment schools.

**A. Application and Review Process**

1. Priority enrollment opportunities at all District schools and programs shall be given to those applications received from students residing in the District and requesting transfers pursuant to the

District's intradistrict transfer policy (Board Policy No. 5116.1).

2. In order to ensure that District school sites, classrooms, grade levels, and programs, do not exceed established capacity, the Open Enrollment Act transfer applications will be accepted each year by the District Office, for a period of forty-five (45) calendar days only ("Application Period"), commencing sixty (60) calendar days before the first day of the school year for which the student is requesting a transfer. Any applications received outside of the Application Period shall be returned to the applicant.
3. The application deadline specified in Paragraph A.2, does not apply to an application requesting an Open Enrollment Act transfer if the parent with whom the student resides is enlisted in the military and was relocated by the military within 90 days prior to submitting the application.
4. All completed Open Enrollment Act transfer applications received during the Application Period will be reviewed by the District Office, and parents/guardians will be notified in writing of approval or denial of their application within fifteen (15) days of the close of the Application Period.
5. A student whose Open Enrollment Act transfer application is approved must enroll in the District school to which the student has been admitted no later than fourteen (14) days from the date of notification of approval of his or her application.
6. If an Open Enrollment Act transfer application is denied, the District's notice to parent or guardian shall provide the reason for denial. If the application is approved, the applicant's school district of residence will be notified of such approval.

**B. Basis for Denial/Approval of Romero Bill Transfers by Superintendent or Designee**

1. The Superintendent or designee shall not approve the initial application of a student requesting an Open Enrollment Act transfer if the transfer would require the displacement, from the desired District school or program, of any other student who resides within the attendance area of that school or is currently enrolled in that school or program.
2. The Superintendent or designee may deny an Open Enrollment Act transfer application under any of the following circumstances:
  - a. If approval of the transfer application would result in a District school site, classroom, grade level, or program exceeding the District's maximum student-teacher ratio or site or program capacity determination, as set forth in District policy or practice;

- b. If approval of the transfer application would result in any adverse financial impact to the District, including, but not limited to:
  - i. If, as a result of the District's continuing "basic aid" status, enrollment of a student requesting an Open Enrollment Act transfer would reduce the educational resources available for resident students;
  - ii. Any increase in a class or program size that would result in the District's loss or any reduction of "class size reduction" program revenues or would require the District to violate a collective bargaining agreement with regard to class size reduction, or hire additional certificated or classified employees.
  - iii. Any increase in costs for facilities, through the addition or operation of additional classrooms or other instructional facilities; or
  - iv. Any unreimbursed transportation costs, except for transportation services for a special education student whose individualized education program ("IEP") requires such services, pursuant to state and federal law.
- c. If the District Governing Board determines the transfer would negatively impact either of the following: (1) a court-ordered or voluntary desegregation plan of the District; or (2) the racial and ethnic balance of the District, as provided in state and federal law.
- d. If the applicant has been expelled for any amount of time, regardless of whether the expulsion was suspended, or the applicant has been suspended for any violation of California Education Code within one school year, or if the applicant has been cumulatively suspended for more than ten (10) schooldays, or suspended on more than three (3) separate occasions (regardless of the duration of the suspensions), within the previous two (2) school years.
- e. If the application does not meet the requirements for an Open Enrollment Act transfer or approval, or if the approval of the application would be inconsistent with the District's policies and procedures.
3. In considering whether to approve or deny an Open Enrollment Act transfer application, the Superintendent or designee shall not consider a student's previous academic achievement, physical condition, proficiency in the English language, family income, or any other characteristic set forth in Education Code section 200.
4. In addition to the requirements set forth in this Policy and any implementing regulations, students applying



for Open Enrollment Act transfers who are requesting enrollment in a District program that serves gifted and talented students, must meet all additional requirements, including academic performance, which are used to determine eligibility for, or placement in, those programs.

### C. Terms of Approval

1. Any student whose Open Enrollment Act transfer is approved must be enrolled in a District school with a higher Academic Performance Index (“API”) than the school in which the student was previously enrolled.
2. A student approved for an Open Enrollment Act transfer into a District school or program shall be deemed to have fulfilled the residency requirements for attendance in the District set out in Education Code section 48204, and shall not be required to reapply for enrollment in that school, regardless of whether the student’s school of residence remains on the CDE’s list of 1,000 Open Enrollment schools.
3. A student approved for an Open Enrollment Act transfer into a District school or program who wishes to matriculate to a middle or high school in the District or transfer to another District school shall be required to reapply for admission to the new District school pursuant to the requirements of this Board Policy and any applicable administrative regulations.
4. Following a student’s enrollment in the District pursuant to this Policy, he or she will receive any credits towards graduation that were awarded by the student’s previous district of residence, and shall be eligible for graduation from the District upon completion of all state and local graduation requirements.

### D. Enrollment Priorities

1. In the event that the number of qualified Open Enrollment Act transfer applicants for any school year exceeds the spaces available in a requested District school or program, applications shall be selected through a random, unbiased process that prohibits consideration of any student’s individual academic or athletic performance, or any of the other characteristics described in Section B.3 of this Policy, except that, students shall be assigned priority for approval as follows:
  - a. Priority Group 1: siblings of children who already attend the desired school or program;
  - b. Priority Group 2: students transferring from a Program Improvement (“PI”) school ranked in decile 1 on the API as determined pursuant to Education Code section 48352, subdivision (a).

2. If the number of students who request a particular District school exceeds the number of spaces available in that school or program, students in Priority Group 1 shall be selected through a lottery process until all the available spaces have been filled. If spaces at the desired school or program remain available following completion of that lottery process, students in Priority Group 2 shall be assigned the remaining spaces through a lottery process.

---

### Policy #5125 STUDENT RECORDS

The Governing Board recognizes the importance of keeping accurate, comprehensive student records as required by law. Information about a student shall be used judiciously in ways that contribute to the student’s welfare, in accordance with law.

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

#### Custodian of Records

The Superintendent or designee shall designate a certificated employee to serve as custodian of records, with responsibility for student records at the District level. At each school, the Principal or a certificated designee shall act as custodian of records for students enrolled. The custodian of records shall be responsible for implementing the Board policy and administrative regulation regarding student records. (Code of Regulations, Title 5, Section 431)

---

### Policy #5131 CONDUCT

The Governing Board 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 district transportation.

The Superintendent or designee shall ensure that each school site develops standards of conduct and discipline consistent with district policies and administrative regulations. Students

and parents and/or guardians shall be notified of district and school rules related to conduct.

Prohibited student conduct includes, but is not limited to:

1. Conduct that endangers students, staff, or others
2. Conduct that disrupts the orderly classroom or school environment
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"
4. Damage to or theft of property belonging to students, staff or the District
5. Possession or use of a laser pointer, unless used for a valid instructional or other school-related purpose, including employment (Penal Code 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 in school work or on tests
8. Inappropriate attire
9. Tardiness or unexcused absence from school
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 prohibitive drugs

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 district or school rules and regulations may be subject to discipline including but not limited to suspension, expulsion, transfer to an alternative program or denial of the privilege of participation in extracurricular or co-

curricular activities in accordance with Board policy, and administrative regulation. The Superintendent or designee shall notify local law enforcement as appropriate.

Students may also be subject to discipline in accordance with law, Board policy and administrative regulations for any off-campus conduct during nonschool hours which poses a threat or danger to the safety of students, staff, or district property or disrupts the orderly delivery of the educational program.

### **Possession/use of Cellular Phones and Other Mobile Communication Devices (EC 48901.5)**

The Governing Board may regulate the possession or use of any electronic signaling device that operates through the transmission or receipt of radio waves, including, but not limited to, paging and signaling equipment, by pupils of the school district while the pupils are on campus, while attending school-sponsored activities, or while under the supervision and control of school district employees.

No pupil shall be prohibited from possessing or using an electronic signaling device that is determined by a licensed physician and surgeon to be essential for the health of the pupil and use of which is limited to purposes related to the health of the pupil.

### **Bullying/Cyberbullying**

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

The district may provide students with instruction, in the classroom or other school 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.

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.

Students may submit a verbal or written complaint of conduct they consider to be bullying or cyberbullying to a teacher or administrator. Complaints of bullying/cyberbullying shall be investigated and resolved in accordance with site-level grievance procedures.

When a student is suspected of or reported to be using electronic or digital communications to engage in cyberbullying against other students or staff, or to threaten

district 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, ~~or~~ 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 constitutes cyberbullying and to notify a teacher, 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 district policies and regulations. If the student is using a social networking site or service that has terms of use that prohibit posting harmful material, the Superintendent or designee may also file a complaint with the Internet site or service to have the material removed.

---

### **Regulations #5131 CONDUCT**

#### **Employee expectations regarding student standards of conduct**

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.

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 a school employee finds it necessary to confiscate a device, he/she shall return it, based on the school's handbook.

#### **General Procedures**

Procedural due process as defined by legislative action and judicial guidelines shall be followed in all instances of suspension, expulsion, or other serious punishment.

School and classroom rules and regulations shall be made available to students and parents, preferably in written form.

#### **Preventive and Remedial Disciplinary Procedures**

Appropriate preventive and remedial disciplinary actions shall be taken by school and district staff whenever circumstances require. These may include:

1. Classroom discussion of student responsibility, school procedures and reasons for them
2. Formation of class rules and procedures; participation in class and school government
3. Conference of teacher and student on steps he/she can take that will lead to improvement in behavior, including identification of causes, observations of classroom behavior
4. Conference of teacher with administrator and/or counselors
5. Conference of teacher and parent (with student if appropriate)
6. Removal from school sponsored activities
7. Oral reprimands, written or oral statements to students on the nature of the problem
8. Detention after school (Sec. 22, Title 5, California Administrative Code)
9. Requiring student to perform school service on school grounds during nonschool hours.
10. Student sent to office, accompanied by written statement or cause for dismissal from class, followed by consultation with principal on action taken and possible future action
11. Suspensions of up to five days or less
12. Contact with local law enforcement
13. Family to make reparations for lost, stolen, or damaged property
14. 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. (EC 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 district property. (EC 49001)

#### **Communication regarding discipline and student conduct**

School site administrators will provide age appropriate and detailed communication at least twice each school year to all students regarding appropriate student behavior. Students in grades 4-8 will also receive specific and age appropriate information regarding the expectations and consequences pertaining to drugs, alcohol, tobacco, weapons, look-alikes, and all forms of bullying, including sexual harassment.

The district may provide instruction in the classroom or other school settings that promotes positive student conduct, communication, social skills, and assertiveness skills and may involve parents/guardians, staff, and community members in the development of strategies to prevent inappropriate behavior and respond to bullying and any disrespectful behavior.

**Communication to Staff**

School staff shall receive related professional development regarding the promotion of positive student conduct, including information about early warning signs of harassing/intimidating behaviors and effective prevention and intervention strategies.

**Communication to Families**

Parent Handbooks (in the annual notification to parents section) will include specific information regarding the grounds for suspension and expulsion with a special emphasis on bullying: verbal bullying, physical bullying, sexual harassment, and cyberbullying. Schools will be responsible for collecting acknowledgement forms signed by parents indicating that they have discussed the contents of the handbook with their children. Additionally, parents will be notified of their personal liability for lost, stolen or damaged district property resulting from their child's behavior.

**Administrative record-keeping**

All site administrators will keep records of significant student transgressions and misbehavior on the district student electronic data base system, to ensure a consistent and progressive discipline practice.

**Reporting of misconduct, bullying and sexual harassment**

Students and parents may submit to a teacher or administrator a verbal or written complaint of conduct they consider to be bullying or any disrespectful behavior.

Complaints of bullying or harassment shall be investigated and resolved in accordance with site-level grievance procedures. The superintendent or designee shall work with the student and family to determine whether it is in the best interest of the student to maintain anonymity during the investigation.

**Investigation of Complaints at School (Site-Level Grievance Procedure)**

The principal or designee shall promptly investigate all complaints of sexual harassment.

Complaints of bullying or harassment shall be investigated and resolved in accordance with site-level grievance procedures specified in AR 5145.7 - Sexual Harassment.

---

**Policy #5131.3**  
**BULLYING/CYBERBULLYING**

**Philosophy**

The Board of Education is committed to providing a safe, positive learning environment for all students. The Board recognizes that bullying and cyberbullying create an atmosphere of fear and intimidation, detract from the safe environment necessary for student learning, and may lead to

more serious violence. All forms of bullying and cyberbullying by students are hereby prohibited.

**Definition**

For the purposes of this policy, bullying shall mean unwelcome verbal, written or physical conduct directed at a student by another student that has the effect of:

1. Physically, emotionally or mentally harming a student
2. Damaging, extorting or taking a student's personal property
3. Placing a student in reasonable fear of physical, emotional or mental harm
4. Placing a student in reasonable fear of damage to or loss of personal property or
5. Creating an intimidating or hostile environment that substantially interferes with a student's educational opportunities.

For the purposes of this policy, cyberbullying is considered an electronic act that includes the social network activity of: (1) creating a credible impersonation of a student with ill intent; (2) creating a false student profile with ill intent; or (3) creating or posting to a "burn page." Burn pages, a newer phenomenon in popular culture, are Internet sites created to lampoon or ridicule an individual or individuals.

Cyberbullying includes the transmission of communications, posting of 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, and includes breaking into another person's electronic account and assuming that person's identity in order to damage that person's reputation, which has the effect of:

1. Physically, emotionally or mentally harming a student;
2. Placing a student in reasonable fear of physical, emotional or mental harm;
3. Placing a student in reasonable fear of damage to or loss of personal property or
4. Creating an intimidating or hostile environment that substantially interferes with a student's educational opportunities.

The terms "bullying" and "cyberbullying" shall not be interpreted to infringe upon a student's right to engage in legally protected speech or conduct.

## Implementation

This policy shall apply to all academic programs and extracurricular activities, including school-sponsored events away from school and while traveling to and from any school activity.

Staff shall be alert and immediately responsive to any individual's conduct, which may interfere with a student's ability to participate in or benefit from school services, activities or privileges. Upon witnessing an act of bullying or cyberbullying, staff members are expected to immediately intervene, unless intervention would pose a threat to the staff member's safety. All incidents of bullying or cyberbullying are to be reported to the school principal for investigation.

A pupil who severely or pervasively engages in such electronic acts may be punished if such an act causes:

1. a student to fear harm to his or her person or property,
2. substantial harm to a student's physical or mental health,
3. substantial interference with a student's academic performance, or
4. substantial interference with a student's ability to participate in or benefit from school services, activities, or privileges. (Ed. Code 48900)

Pervasive is defined as providing that an electronic act shall not constitute pervasive conduct solely on the basis that it has been transmitted on the Internet or is currently posted on the Internet.

Any student who feels that he/she is being or has been subjected to bullying or cyberbullying, or has witnessed bullying or cyberbullying shall immediately report the incident to a school employee and/or contact the district's anonymous, confidential reporting system. Parents and/or guardians, on behalf of their child, are similarly expected to report incidents of bullying or cyberbullying to the principal immediately and/or contact the district's anonymous, confidential reporting system. A school employee to whom a complaint is made shall report it to the principal or designee immediately. Any student who retaliates against another for reporting bullying or cyberbullying may be subject to disciplinary action as defined in this policy.

In addition, the student or employee may file a formal complaint with the Superintendent or designee in accordance with the district's uniform complaint procedures (BP 1312.3).

School staff may receive related professional development, including information about early warning signs of bullying/cyberbullying behaviors and effective prevention and intervention strategies. Parents/guardians and students also may be provided with similar information.

## Investigation

An investigation shall be conducted by school district officials or by a third party designated by the school district. The investigation shall include interviews of all students directly involved and contact with the parent(s) of the involved students. The investigation may include interviews with students, parents, and staff; review of school records; and identification of parent and family issues.

In determining whether alleged conduct constitutes a violation of this policy, the investigator should consider the surrounding circumstances, the nature of the behavior, past incidents or continuing patterns of behavior, the relationships between the parties involved and the context in which the alleged incidents occurred. Whether a particular action or incident constitutes a violation of this policy requires a determination based on all of the facts and surrounding circumstances. The investigation will be completed thoroughly and as soon as practicable.

The administration shall take appropriate steps to protect the privacy of accusers and/or victims and to assure that they are not subjected to retaliation for making a complaint.

## Disciplinary Action/Intervention

Any student who engages in bullying or cyberbullying will be subject to disciplinary action and/or intervention including, but not limited to, warning, counseling, parent contact, detention, restriction of activities, exclusion, suspension, involuntary transfer, and expulsion. A student shall be subject to discipline for off-campus expression, including expression on off-campus Internet web sites, when such expression substantially disrupts the educational program. The superintendent or designee shall document the impact the expression had or could be expected to have on the school program.

Depending on the severity of the incident, the principal may also take additional steps to ensure student safety. These may include, but are not limited to, implementing a safety plan; separating and supervising the students involved; providing staff support for students; and developing a supervision plan with the parents. Any employee who permits bullying or cyberbullying may be subject to disciplinary action including, but not limited to, warning, suspension, transfer, and dismissal. Consequences shall be commensurate with the findings of the investigation. Any student who engages in bullying or cyberbullying of a student may also be subject to criminal prosecution.

## Documentation

The Superintendent or designee shall maintain a record of reported cases of bullying and cyberbullying to enable the district to monitor, address and prevent repetitive bullying and cyberbullying behavior in its schools.

## Communication of Policy

Each school site administrator shall be responsible for implementing programs that are designed to promote positive social interactions, inform students of their rights and responsibilities under this policy and the district's anonymous, confidential reporting system.

School Discipline Plans (BP 5144.1 Suspension/Expulsion Due Process) shall prohibit bullying and cyberbullying. All parents and/or guardians will receive a copy of the School Discipline Plan upon registering their child at any school site in the district. Students in grades 6 through 12 will also receive a copy of the School Discipline Plan each year. School Discipline Plans shall be articulated among the district's schools sites to encourage consistent and developmentally appropriate application of this policy.

---

### Policy #5144.1

#### SUSPENSION AND EXPULSION/DUE PROCESS

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

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

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

Expulsion is an action taken by the Board for severe or prolonged breaches of discipline by a student. Except for single acts of a grave nature, expulsion is used only when there is a history of misconduct, when other forms of discipline, including suspension, have failed to bring about proper conduct, or when the student's presence causes a continuing danger to him/herself or others. (EC 48915)

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

#### Zero Tolerance

The Board supports a zero tolerance approach to serious offenses. This approach makes the removal of potentially dangerous students from the classroom a top priority. It ensures fair and equal treatment of all students and requires that all offenders be punished to the fullest extent allowed by

law. Staff shall immediately report to the Superintendent or designee any incidence of offenses specified in law, Board policy and administrative regulation as cause for suspension or expulsion.

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

#### Student Due Process

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

#### On-Campus Suspension Program

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

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

The Superintendent or designee shall examine alternatives to off-campus suspension and may establish a suspension program which involves progressive discipline during the school day on campus; use of conferences between staff, parents/guardians and students; detention; student study teams or other assessment-related teams; and/or referral to school support services staff. The use of such alternatives does not preclude off-campus suspensions. (EC 48911.2)

#### Required Parental Attendance

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

Whenever a student is removed from a class because he/she committed an obscene act, engaged in habitual profanity or vulgarity, disrupted school activities or otherwise willfully defied valid staff authority, the teacher of the class from which the student was removed may provide that the student's

parent/guardian attend a portion of a school day in that class. After completing the classroom visit and before leaving school premises, the parent/guardian also shall meet with the Principal or designee. (Education Code 48900.1)

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

The teacher shall apply this policy uniformly to all students within the classroom. This policy shall apply only to a parent/guardian who lives with the student. (Ed Code 48900.1)

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

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

#### **Decision not to Enforce Expulsion Order**

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

### **Policy #5145.3 NONDISCRIMINATION/HARRASSMENT**

#### **Philosophy**

Students have the fundamental right to a safe and secure environment. Students and parents place their trust in school officials to take all reasonable steps to provide a setting that is free of humiliation, intimidation and threat. Accordingly, the district and staff shall not tolerate any incidents of bullying or harassment. To this end, the administration has the duty to implement programs that encourage students to behave with civility and common decency, and to establish and enforce codes of conduct that hold students accountable should they violate this policy.

#### **Definitions**

For purposes of this policy, harassment consists of verbal or physical conduct relating to an individual's gender, race, color, religion, ancestry, national origin, ethnic group, marital or parental status, physical or mental disability, age, economic status, sexual orientation or the perception of one or more of such characteristics when:

1. The harassing conduct is sufficiently severe, persistent or pervasive that it affects a student's ability to participate in or benefit from an educational program or activity or creates an intimidating, threatening or abusive educational environment; or
2. The harassing conduct has the purpose or effect of substantially or unreasonably interfering with an individual's academic performance; or
3. The harassing conduct otherwise adversely affects an individual's learning opportunities.

For the purposes of this policy, bullying occurs when a student is intimidated by verbal or physical conduct or actions by one or more persons, i.e., "picked on." Bullying includes assault; extortion; oral or written threats; teasing; putdowns; name-calling; threatening looks, gestures, or actions; cruel rumors; false accusations; social isolation; and hazing, which is defined as ritualistic behavior that subjects persons to abusive or humiliating tasks and ridicule. Intimidation refers to actions that would inflict or attempt to inflict fear, humiliation, or injury.

#### **Application**

This policy shall apply to all academic programs and extracurricular activities, including school-sponsored events away from school and while traveling to and from any school activity.

The Board of Education prohibits harassment or bullying of any student by any employee, student or other person in the district. Staff shall be alert and immediately responsive to any individual's conduct, which may interfere with a student's ability to participate in or benefit from school services, activities or privileges. Upon witnessing an act of bullying or harassment, staff members are expected to immediately intervene, unless intervention would pose a threat to the staff member's safety. All incidents of bullying or harassment are to be reported to the school principal for investigation.

Any student who feels that he/she is being or has been subjected to harassment or bullying shall immediately report the incident to a school employee. Any student who has witnessed harassment or bullying is expected to immediately report the incident to a school employee. Parents and/or guardians, on behalf of their child, are similarly expected to

immediately report incidents of harassment or bullying to the principal. A school employee to whom a complaint is made shall report it to the principal or designee immediately. If the alleged harasser is the principal or designee, the person reporting the complaint shall report the incident to the Superintendent or designee. Any student who retaliates against another for reporting bullying or harassment may be subject to disciplinary action as defined in this policy.

In addition, the student or employee may file a formal complaint with the Superintendent or designee in accordance with the district's uniform complaint procedures (BP 1314).

### **Investigation**

An investigation shall be conducted by school district officials or by a third party designated by the school district. The investigation shall include interviews of all students directly involved and contact with the parent(s) of the involved students. The investigation may include interviews with students, parents, and staff; review of school records; and identification of parent and family issues.

In determining whether alleged conduct constitutes a violation of this policy, the investigator should consider the surrounding circumstances, the nature of the behavior, past incidents or continuing patterns of behavior, the relationships between the parties involved and the context in which the alleged incidents occurred. Whether a particular action or incident constitutes a violation of this policy requires a determination based on all of the facts and surrounding circumstances. The investigation will be completed thoroughly and as soon as practicable.

The administration shall take appropriate steps to protect the privacy of accusers and/or victims and to assure that they are not subjected to retaliation for making a complaint.

### **Disciplinary Action/Intervention**

Any student who engages in harassment or bullying will be subject to disciplinary action and/or intervention including, but not limited to, warning, counseling, parent contact, detention, restriction of activities, exclusion, suspension, involuntary transfer, and expulsion (BP 5144). Depending on the severity of the incident, the principal may also take additional steps to ensure student safety. These may include, but are not limited to, implementing a safety plan; separating and supervising the students involved; providing staff support for students; and developing a supervision plan with the parents. Any employee who permits or engages in harassment or bullying may be subject to disciplinary action including, but not limited to, warning, suspension, transfer, and dismissal. Consequences shall be commensurate with the findings of the investigation. Any student or employee who engages in harassment or bullying of a student may also be subject to criminal prosecution.

### **Documentation**

The Superintendent or designee shall maintain a record of reported cases of harassment to enable the district to monitor, address and prevent repetitive harassing behavior in its schools.

### **Communication of Policy**

Each school site administrator shall be responsible for implementing programs that are designed to promote positive social interactions and to inform students of their rights and responsibilities under this policy.

School Discipline Plans (BP 5144.1) shall prohibit harassment and bullying. All parents and/or guardians will receive a copy of the School Discipline Plan upon registering their child at any school site in the District. Students in grades 6 through 12 will also receive a copy of the School Discipline Plan each year. School Discipline Plans shall be articulated among the district's schools sites to encourage consistent and developmentally appropriate application of this policy.

---

## **Policy #5145.7 SEXUAL HARASSMENT**

The Governing Board is committed to maintaining a learning environment that is free of harassment. The Board prohibits the unlawful sexual harassment of any student by any employee, student, or other person at school or at any school-related activity.

The Principal 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 behavior or communication, including harassment because of sexual orientation. They shall further be assured that they need not endure, for any reason, any harassment that impairs the educational environment or a student's emotional well-being at school.

Any student who engages in the sexual harassment of anyone at school or a school-related activity shall be subject to disciplinary action. For students in grades K-3, this disciplinary action shall depend on the maturity of the students and the circumstances involved. For students in grades 4 through 12, the disciplinary action may include suspension and/or expulsion.

Any employee who engages in, permits or fails to report sexual harassment shall be subject to disciplinary action up to and including dismissal. In addition, criminal or civil charges may be brought against the alleged harasser; sexual harassment also may be considered a violation of laws relating to child abuse.

Students shall be informed that they should immediately



contact a staff member if they feel they are being harassed. Within 24 hours, staff shall report complaints of sexual harassment to the Principal or designee or to another District administrator. Staff shall similarly report any such incidents they may observe, even if the harassed student has not complained. (EC 212.6)

The Principal or designee shall immediately investigate any report of the sexual harassment of a student. Upon verifying that sexual harassment occurred, he/she shall ensure that appropriate action is promptly taken to end the harassment, address its effects on the person subjected to the harassment, and prevent any further instances of the harassment. In addition, the student may file a formal complaint with the Superintendent or designee in accordance with the District's uniform complaint procedures.

The District prohibits retaliatory behavior against any complainant or any participant in the complaint process. 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 not discuss related information outside the investigation process.

---

**Policy #5146**  
**ELECTRONIC SIGNALING DEVICES**

The Board of Education believes that electronic signaling and imaging devices, e.g. cell phones and cameras, offer the opportunity for individuals to invade students' privacy, disrupt the educational program, and inappropriately share information. This could bring about substantial issues and problems for all students on our campus. Therefore, the Board of Education is directing the Superintendent to establish regulations that will assist in reducing the possibilities of inappropriate use of electronic signaling devices.

---

**Policy #6145**  
**EXTRA-CURRICULAR AND CO-CURRICULAR**  
**ACTIVITIES**

California Interscholastic Federation (CIF) by-laws have set forth minimum requirements for scholastic eligibility in order to participate in high school athletics. Additionally, the District has established scholastic and behavioral extra-curricular and co-curricular eligibility requirements for grades 6-12.

Extra-curricular and co-curricular activities are an integral but supplemental part of the educational program in grades 6-12 inclusive and they are encouraged as a way to enhance academic and career goals. The purpose of this policy is to emphasize that the primary responsibility of each student is to

meet the academic challenge of learning, to establish minimum standards of academic performance and progress for eligibility, and to specify the minimum behavioral eligibility requirements expected of students as a pre-requisite or condition for participation in the District's extra-curricular and co-curricular programs.

---

**Regulation #6154**  
**HOMEWORK/MAKEUP WORK**

**Homework**

The principal and staff at each school shall develop and regularly review a school site homework plan that includes guidelines for the assignment of homework and describes the responsibilities of students, staff and parents/guardians. The plan shall identify all of the following:

1. For each grade level, the amount of time that students shall be expected to spend on homework
2. For each grade level, the extent to which homework assignments shall systematically involve participation by parents/guardians
3. The means by which parents/guardians shall be informed about:
  - a. Homework expectations
  - b. How homework relates to the student's grades
  - c. How best to help their children
4. Techniques that will be taught to help students allocate their time wisely, meet their deadlines and develop good personal study habits
5. The access that students shall have to obtain:
  - a. Resource materials from the library media center
  - b. Assistance and/or tutoring through telephone help lines and/or after school centers
6. The means by which teachers shall coordinate assignments so that students do not receive an overload of homework one day and very little the next
7. For each grade level, the extent to which homework assignments shall emphasize independent research, reports, special reading and problem-solving activities

**Missed work and assignments for justifiable absences**

Class work missed shall be completed and submitted to the classroom teacher immediately upon returning to school regardless of the absence justification. Any exceptions shall be made only by the classroom teacher. Class work missed shall be addressed in one the following four methods, as previously approved by the classroom teacher:

1. turn in all homework before leaving
2. turn in homework immediately upon return
3. perform an alternative assignment
4. not be assigned any homework, and "weigh" final grade on completed assignments only

---

**Policy #6163.4**  
**STUDENT USE OF TECHNOLOGY**

The Governing Board intends that technological resources provided by the District be used in a safe, responsible, and proper manner in support of the instructional program and for the advancement of student learning.

The Superintendent or designee shall notify students and parents/guardians about authorized uses of district computers, user obligations and responsibilities, and consequences for unauthorized use and/or unlawful activities in accordance with district regulations and the district's Acceptable Use Agreement.

Before a student is authorized to use the District's technological resources, the student and his/her parent/guardian shall sign and return an Acceptable Use Agreement specifying user obligations and responsibilities. In that agreement, the student and his/her parent/guardian shall agree to not hold the district or any district staff responsible for the failure of any technology protection measures, violations of copyright restrictions, or user mistakes or negligence. They shall also agree to indemnify and hold harmless the District and District personnel for any damages or costs incurred.

The Superintendent or designee shall provide age-appropriate instruction regarding safe and appropriate behavior on social networking sites, chat rooms, and other Internet services. Such instruction shall include, but not be limited to, the dangers of posting personal information online, misrepresentation by online predators, how to report inappropriate or offensive content or threats, behaviors that constitute cyberbullying, and how to respond when subjected by cyberbullying.

The Superintendent or designee, with input from students and appropriate staff, shall regularly review this policy, the accompanying administrative regulation, and other relevant procedures to help ensure that the district adapts to changing technologies and circumstances.

**Use of District Computers for Online Services/Internet Access**

The Superintendent or designee shall ensure that all district computers with Internet access have a technology protection measure that blocks or filters Internet access to visual depictions that are obscene, child pornography, or harmful to minors, and that the operation of such measures is enforced. (20 USC 6777, 47 USC 254)

To reinforce these measures, the Superintendent or designee shall implement rules and procedures designed to restrict

students' access to harmful or inappropriate matter on the Internet and to ensure that students do not engage in unauthorized or unlawful online activities. Staff shall supervise students while are using online services and may have teacher aides, student aides, and volunteers assist in this supervision.

Student use of district computers to access social networking sites is prohibited. To the extent possible, the Superintendent or designee shall block access to such sites on district computers with Internet access.

---

**Regulation #6163.4**  
**STUDENT USE OF TECHNOLOGY**

The principal or designee shall oversee the maintenance of each school's technological resources and may establish guidelines and limits on their use. All instructional staff shall receive a copy of this administrative regulation, the accompanying Board policy, and the District's Acceptable Use Agreement describing expectations for appropriate use of the system and shall also be provided with information about the role of staff in supervising student use of technological resources. All students using these resources shall receive instruction in their proper and appropriate use.

Teachers, administrators, and/or library media specialists shall prescreen technological resources and online sites that will be used for instructional purposes to ensure that they are appropriate for the intended purpose and the age of the students.

**On-Line/Internet Services: User Obligations and Responsibilities**

Students are authorized to use District's equipment to access the Internet or other online services in accordance with Board policy, the user obligations and responsibilities specified below and the District's Acceptable Use Agreement.

1. The student in whose name an online services account is issued is responsible for its proper use at all times. Students shall keep personal account numbers and passwords private and shall only use the account to which they have been assigned.
2. Students shall use the District's system safely, responsibly and primarily for educational purposes.
3. Students shall not access, post, submit, publish or display harmful or inappropriate matter that is threatening, obscene, disruptive or sexually explicit, or that could be construed as harassment or disparagement of others based

on their race/ethnicity, national origin, sex, gender, sexual orientation, age, disability, religion or political beliefs.

Harmful matter includes matter, taken as a whole, which to the average person, applying contemporary statewide standards, appeals to the prurient interest and is matter which depicts or describes in a patently offensive way sexual conduct and which lacks serious literary, artistic, political or scientific value for minors. (Penal Code 313)

4. Unless otherwise instructed by school personnel, students shall not disclose, use, or disseminate personal identification information about themselves or others when using electronic mail, chat rooms, or other forms of direct electronic communication. Students are also cautioned not to disclose such information by other means to individuals contacted through the Internet without the permission of their parents/guardians.

Personal information includes the student's name, address, telephone number, Social Security number, or other individually identifiable information.

5. Students shall not use the system to encourage the use of drugs, alcohol or tobacco, nor shall they promote unethical practices or any activity prohibited by law, Board policy or administrative regulations.
6. Students shall not use the system to engage in commercial or other for-profit activities.
7. Students shall not use the system to threaten, intimidate, harass, or ridicule other students or staff.
8. Copyrighted material shall be posted online only in accordance with applicable copyright laws. Any materials utilized for research projects should be given proper credit as with any other printed source of information.
9. Students shall not intentionally upload, download, or create computer viruses and/or maliciously attempt to harm or destroy district equipment or materials or manipulate the data of any other user, including so-called "hacking."
10. Students shall not attempt to interfere with other users' ability to send or receive email, nor shall they attempt to read, delete, copy, modify or use another individual's identity.
11. Students shall report any security problem or misuse of the services to the teacher or principal.

The district reserves the right to monitor use of the District's systems for improper use without advance notice or consent. Students shall be informed that computer files and electronic

communications, including email, are not private and may be accessed by the District for the purpose of ensuring proper use.

Whenever a student is found to have violated Board policy, administrative regulation, or the District's Acceptable Use Agreement, the principal or designee may cancel or limit a student's user privileges or increase supervision of the student's use of the District's technological resources, as appropriate. Inappropriate use also may result in disciplinary action and/or legal action in accordance with law and Board policy.

**PACIFIC GROVE UNIFIED SCHOOL DISTRICT**  
**435 Hillcrest Avenue**  
**Pacific Grove, CA 93950**

**COMPLAINT FORM: WILLIAMS/VALENZUELA UNIFORM COMPLAINT PROCEDURE**

Complaints may be filed anonymously. However, if you wish to receive a response to your complaint, you must provide the contact information below.

Response requested?  Yes  No

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Phone Number: Day: \_\_\_\_\_ Evening: \_\_\_\_\_

Issue(s) of the complaint: Please check all that apply:

- 1. Textbooks and instructional materials:
  - A student lacks textbooks or instructional materials to use in class.
  - A student does not have access to instructional materials to use at home or after school to complete homework assignments.
  - Textbooks or instructional materials are in poor or unusable condition, have missing pages, or are unreadable due to damage.
- 2. Teacher vacancy or misassignment:
  - A semester begins and a certificated teacher is not assigned to teach the class.
  - A teacher lacks credentials or training to teach English learners or is assigned to teach a class with more than 20% English learners in the class.
  - A teacher is assigned to teach a class for which the teacher lacks subject matter competency.
- 3. Facility conditions:
  - A condition exists that poses an emergency or urgent threat to the health or safety of students or staff as defined in AR 1312.4.
- 4. Valenzuela/CAHSEE Intensive Instruction and Services Programs:
  - An eligible student was not offered and/or did not receive requested additional instruction and assistance towards passing the CAHSEE for up to two years after the completion of grade 12 or until he/she passes both parts of the CAHSEE, which ever comes first.

Please describe the issue of your complaint in detail, including the date of the problem and specific location where the problem occurred (school, room number). You may attach additional pages if necessary to fully describe the situation:

\_\_\_\_\_  
\_\_\_\_\_

Please file this complaint with the person specified below at the following location:

\_\_\_\_\_  
(principal or title of his/her designee)

\_\_\_\_\_  
(address)

\_\_\_\_\_

PACIFIC GROVE UNIFIED SCHOOL DISTRICT
Uniform Complaint Form

Please complete all information and return this form to: PGUSD Human Resource Office
435 Hillcrest Avenue
Pacific Grove, CA 93950.

If you need help filling out the form please contact the Human Resources Director at 646-6507.

Form with fields for Date, Name of Complainant, School, Address, City, State, Zip, Phone (Day), Phone (Evening), Phone (Cell)

Name of Parent if not Complainant

Please check and complete "A" or "B"

- A. I am filing a complaint alleging unlawful discrimination based on ethnic group identification, religion, age, gender, color, or physical and/or mental disability, sex, sexual orientation, race, ancestry, national origin in any program or activity that receives or benefits from state financial assistance.
B. I am filing a complaint alleging failure to comply with a violation of federal and/or state laws in any of the following: adult education, consolidated categorical aid programs, migrant education, vocational education, child care and development programs, child nutrition programs or special education programs and federal school safety planning requirements. Please specify the program(s).

Name of Employee or Program about whom the complaint is being made:

Alleged Law/Regulation Violated:

Date and results of informal meeting and/or mediation (if applicable):

(If you need additional space, you may attach a separate sheet of paper to this complaint form.)

For each box that you checked, please specifically describe the nature of your complaint. Be as factual and specific as possible. Discrimination complaints must be initiated no later than six months from the date when the alleged discrimination occurred or when the complainant first obtained knowledge of the facts supporting the alleged discrimination. Therefore, you must at least indicate the approximate date of the alleged violation. If the violation has occurred over a period of time or is continuing, please indicate the time period in question.

Details of the complaint (attach appropriate supporting documents):

Specific remedy sought:

Within 60 calendar days following the receipt of the complaint a written report of the district's investigation shall be completed.

Signature of Complainant:

(For Office Use Only)

Date Received Date Complainant was contacted

Expected Date of Written Response (60 working days)

---

## M E M O R A N D U M

---

**DATE:** August, 2014  
**TO:** Parents, Teachers and Staff  
**FROM:** Rick Miller, Assistant Superintendent  
**RE:** Annual Notification - School Asbestos Inspections and Management Plans

The U.S. Environmental Protection Agency (EPA) requires all school districts to have an ongoing program to make sure that we are identifying and taking care of any potentially hazardous asbestos materials which may occur in our facilities. The EPA also requires an annual notification of our efforts under this program. Our District has hired a consulting company, M<sup>3</sup> Environmental, to complete the EPA requirements to inspect our schools for asbestos and update the management plan for the control of any asbestos that may be found. All these activities are standardized and do not reflect any unusual circumstances. **There are currently no known hazardous situations in our schools resulting from the existence of asbestos containing materials.**

The management plan includes the results of inspections, response actions, post response action activities and periodic re-inspection and maintenance activities. It also includes the names of the inspector, the management planner, the State's required management plan forms, and the documentation of any significant events including any fiber release episodes. All data relating to asbestos activities is entered into the plan within 30 days of the event.

A copy of the District's entire plan is available in the District Business Office. Individual site plans are available at the Principal's office at each site.

This is our annual notification of the Asbestos Hazard Emergency Response Act (AHERA) inspection and management plan.

The management plan(s) will be available for review during regular business hours. A nominal duplication fee may be charged for those who wish to keep copies of the plans.

If you have any questions regarding the above procedure, please don't hesitate to contact me at 646-6509.