



2020-2021 PARENT GUIDE ANNUAL NOTIFICATION OF RIGHTS AND RESPONSIBILITIES

BOARD OF TRUSTEES

Cara Hoxie, President, choxie@orindaschools.org
Liz Daoust, Vice President, lidaoust@orindaschools.org
Carol Brown, Member, cbrown@orindaschools.org
Jason Kaune, Member, jkaune@orindaschools.org
Hillary Weiner, Member, hweiner@orindaschools.org

Orinda Union School District Main Phone Number (925) 254-4901

Carolyn Seaton, Ed.D., Superintendent, (925) 258-6201, cseaton@orindaschools.org
Bobby Bardenhagen, Director of Technology, (925) 258-6205, bbardenhagen@orindaschools.org
Stuart House, Director of Facilities, (925) 258-6203, shouse@orindaschools.org
Brian Inglesby, Ed.D., Director of Human Resources, (925) 258-6306, binglesby@orindaschools.org
Carrie Nerheim, Ed.D., Director of Student Services, (925) 258-6218, cnerheim@orindaschools.org
David Schrag, Director of Curriculum and Instruction, (925) 258-6206, dschrag@orindaschools.org
Teresa Sidrian, Interim Director of Business Services, (925) 258-6210, tsidrian@orindaschools.org

ORINDA UNION SCHOOL DISTRICT MISSION STATEMENT

Building on a tradition of educational excellence and strong community support, we will inspire and challenge each student through strong academics and continuously improving programs that will develop the character and abilities needed to shape an ever-changing world.

Dear Parent/Guardian:

California Education Code Sections (§§) 48980 *et seq.* mandate that school districts notify parents and guardians of their rights and responsibilities at the beginning of the academic year. Education Code Section 48982 requires that parents or guardians sign an acknowledgment and return it to school. The signature, whether electronic or manual, is an acknowledgement by parents or guardians that they have been informed of their rights but does not indicate that consent to participate in any particular program has either been given or withheld. Orinda USD parents/guardians will acknowledge having been informed of their rights and responsibilities via the district's online enrollment/re-enrollment process.

Some laws and regulations require additional notification to the parents or guardians during the school term or prior to a specific activity. A separate notification will be sent to parents or guardians prior to any of these specified activities or classes, and the student will be excused whenever the parent/guardian files with the principal of the school a statement, in writing, requesting that his/her child not participate. Other laws and regulations grant certain rights that are explained in this document. For purposes of this document, "parent" includes parent or legal guardian.

Carolyn Seaton, Ed.D., Superintendent

KEY AND LINKS TO CODE SECTIONS

<u>Abbreviation</u>	<u>Title</u>	<u>Internet Link</u>
BP	Orinda USD Board Policy	http://www.gamutonline.net/district/orinda/
5 CCR	Title 5, California Code of Regulations	https://bit.ly/2WPqgSi
CEC	California Education Code	http://leginfo.legislature.ca.gov
CFR	Code of Federal Regulations	https://www.gpo.gov/fdsys
HSC	California Health and Safety Code	http://leginfo.legislature.ca.gov
IDEA	Individuals with Disabilities Education Act	https://sites.ed.gov/idea/statuteregulations
ESSA	Every Student Succeeds Act	https://www.ed.gov/essa
LC	Labor Code	http://leginfo.legislature.ca.gov
PC	California Penal Code	http://leginfo.legislature.ca.gov
USC	United States Code	https://www.gpo.gov/fdsys
VC	California Vehicle Code	http://leginfo.legislature.ca.gov
WIC	California Welfare and Institutions Code	http://leginfo.legislature.ca.gov

TABLE OF CONTENTS

ATTENDANCE	4
CALENDAR.....	5
CHILD ABUSE AND NEGLECT	5
COMPLAINT RESOLUTION	5
CUSTODY	7
ENROLLMENT	7
FAMILY INVOLVEMENT	9
FOSTER/HOMELESS YOUTH	10
HEALTH	11
INSTRUCTION	18
NONDISCRIMINATION/TOLERANCE	20
NOTIFICATIONS.....	21
NUTRITION.....	21
SAFETY	21
SCHOOL ACCOUNTABILITY REPORT CARD (SARC).....	23
SPECIAL EDUCATION.....	23
STANDARDS OF CONDUCT	28
STUDENT RECORDS.....	35
SURVEYS.....	36
TECHNOLOGY	36
TESTING	37

Appendix:

2020-2021 School Year Calendar
Testing (information sheet)
Uniform Complaint Procedures Form

ATTENDANCE

AVOIDING ABSENCES, WRITTEN EXCUSES

Orinda USD urges parents to make sure their children attend school regularly and to schedule medical and other appointments after school or during school holidays. The district also asks that travel or other absences be avoided during the time school is in session. The higher the district's daily attendance rate, the more a student will learn and the greater the amount of funding that the district will receive from the state for classroom instruction and academic programs. The school calendar is designed to minimize problems for families which plan vacations around traditional holiday periods, and thereby minimize student absences. Following an absence, a student is required to bring a written excuse from home when returning to school. Illnesses and doctor/dental appointments are considered excused absences. Children should not be sent to school when they are not feeling well. Absences without a written excuse are recorded as unexcused and therefore truant. See "**TRUANCY**" below.

CLOSED CAMPUS LUNCH (CEC § 44808.5)

Orinda Union School District campuses are not open during lunch periods. Notwithstanding any other provision of this code, no school district, city or county board of education, county superintendent of schools, or any officer or employee of such district or board shall be responsible or in any way liable for the conduct or safety of any pupil of the public schools at any time when such pupil is not on school property, unless such district, board, or person has undertaken to provide transportation for such pupil to and from the school premises, has undertaken a school-sponsored activity off the premises of such school, has otherwise specifically assumed such responsibility or liability, or has failed to exercise reasonable care under the circumstances. In the event that such policies change in the future, a notice shall be sent to the parents and guardians as required by section 48980.

CONFIDENTIAL MEDICAL SERVICES (CEC § 46010.1)

School authorities may excuse any pupil in grades 7 or 8 from the school for the purpose of obtaining confidential medical services without the consent of the pupil's parent or guardian. Please be aware that it is not the intention of Orinda USD to release students of this age level from campuses where their parents expect them to be in attendance.

EXCUSED ABSENCES (BP/AR 5113; CEC § 46014, CEC § 48205)

Students receive an excused absence for the reasons set forth in CEC 48205, which is copied below, upon written notification by the parent or guardian to the school office. Pupils, with the written consent of their parents or guardians, may be excused from school in order to participate in religious exercises or to receive moral or religious instruction. No pupil shall have his or her grade reduced or lose academic credit for any excused absence or absences, if missed assignments and tests that can reasonably be provided are satisfactorily completed within a reasonable period of time.

California Education Code § 48200 Excused Absences:

- (a) Notwithstanding CEC § 48200 (See "**COMPULSORY EDUCATION**" under "ENROLLMENT"), a pupil will be excused from school when the absence is:
- (1) Due to his or her illness.
 - (2) Due to quarantine under the direction of a county or city health officer.
 - (3) For the purpose of having medical, dental, optometric, or chiropractic services rendered.
 - (4) For the purpose of attending the funeral services of a member of his or her immediate family, so long as the absence is not more than one day if the service is conducted in California and not more than three days if the service is conducted outside California.
 - (5) For the purpose of jury duty in the manner provided for by law.
 - (6) Due to the illness or medical appointment during school hours of a child of whom the pupil is the custodial parent.
 - (7) For justifiable personal reasons, including, but not limited to, an appearance in court, attendance at a funeral service, observance of a holiday or ceremony of his or her religion, attendance at religious retreats, or attendance at an employment conference, or attendance at an educational conference on the legislative or judicial process offered by a nonprofit organization when the pupil's absence has been requested in writing by the parent or guardian and approved by the principal or a designated representative pursuant to uniform standards established by the governing board.
 - (8) For the purpose of serving as a member of a precinct board for an election pursuant to Section 12302 of the Elections Code.
 - (9) For the purpose of spending time with his/her immediate family member who is an active duty member of the uniformed services, as defined in CEC § 49701, and has been called to duty for, is on leave from, or has immediately returned from, deployment to a combat zone or a combat support position. Absences granted pursuant to this paragraph shall be granted for a period of time to be determined at the discretion of the superintendent of the school district.
 - (10) For the purpose of attending the pupil's naturalization ceremony to become a United States citizen.
- (b) A pupil absent from school under this section will be allowed to complete all assignments and tests missed during the absence that can be reasonably provided and, upon satisfactory completion within a reasonable period of time, will be given full credit therefore. The teacher of the class from which a pupil is absent will determine which tests and assignments will be reasonably equivalent to, but not necessarily identical to, the tests and assignments that the pupil missed during the absence.
- (c) For purposes of this section, attendance at religious retreats will not exceed four hours per semester.
- (d) Absences pursuant to this section are deemed to be absences in computing average daily attendance and will not generate state apportionment payments.
- (e) "Immediate family," as used in this section, means the parent or guardian, brother or sister, grandparent, or any other relative living in the household of the pupil.

GRADE REDUCTION/LOSS OF ACADEMIC CREDIT (CEC § 48205 (b), CEC § 48980 (j))

No pupil may have his or her grade reduced or lose academic credit for any absence or absences excused pursuant to Section 48205 when missed assignments and tests that can reasonably be provided are satisfactorily completed within a reasonable period of time.

ATTENDANCE, continued

TARDINESS

Children should be encouraged to be prompt as part of developing good habits. They are expected to be at school on time. If a child is late, the child should bring an excuse from home to the school office. Repeated tardies in excess of 30 minutes lead to the student being designated as truant.

TRUANCY (CEC § 48260, CEC § 48260.5, CEC § 48262, CEC § 48263.6)

A student is considered truant after three absences or three tardies of more than 30 minutes each time, and the absences or tardies are unexcused. After a student has been reported as a truant three or more times in a school year, the student is considered a habitual truant. A student who is absent from school without a valid excuse for 10% or more of the schooldays in one school year, from the date of enrollment to the current date, is considered chronic truant. Unexcused absences are all absences that do not fall within EC 48205. The text of EC 48205 is provided under **"EXCUSED ABSENCE"** in the same "ATTENDANCE" section above.

ARREST OF TRUANTS/SCHOOL ATTENDANCE REVIEW BOARD (CEC § 48263, CEC § 48264)

The school attendance supervisor, administrator or designee, a peace officer, or probation officer may arrest or assume temporary custody during school hours, of any minor who is found away from his/her home and who is absent from school without valid excuse within the county, city, or school district. A truant student may be referred to the School Attendance Review Board (SARB).

CALENDAR

SCHOOL CALENDAR/ MINIMUM DAYS AND PUPIL-FREE STAFF DEVELOPMENT DAYS (EC 48980 (c))

The Orinda Union School District calendar for the 2020-2021 school year is provided as an attachment to this document. In addition, the calendar can be accessed on the district's website at <http://www.orindaschools.org>. All scheduled minimum days and pupil-free staff development days are noted on the calendar. When the district is observing normal school schedules during which all students are present at school, elementary schools observe early release Mondays to promote collaboration among staff. Orinda Intermediate School observes late start Wednesdays to allow departmental collaboration and staff meeting time. In addition, each school will notify parents regarding specific dates and times of minimum days, pupil-free staff development days, and other important events throughout the school year. In the unlikely event that minimum or pupil-free staff development days are scheduled after the start of the school year, the school will notify parents and guardians of affected pupils as early as possible.

CHILD ABUSE AND NEGLECT

COMPLAINTS REGARDING CHILD ABUSE (PC 11164 *et seq.*)

The Orinda Union School District is committed to protecting all students in its care. All employees of the district are considered mandated reporters, required by law to report cases of child abuse and neglect whenever there is reasonable suspicion abuse or neglect has occurred. District employees may not investigate to confirm a suspicion.

All complaints must be filed through a formal report, over the telephone, in person, or in writing, with an appropriate local law enforcement agency (i.e., Police or Sheriff's Department, County Probation Department, or County Welfare Department/County Child Protective Services). Both the name of the person filing the complaint and the report itself are confidential and cannot be disclosed except to authorized agencies.

Parents and guardians of students also have a right to file a complaint against a school employee or other person that they suspect has engaged in abuse of a child at a school site. Complaints may be filed with the local law enforcement agency; you may also notify the district of an incident by contacting the Director of Student Services, Dr. Carrie Nerheim, at (925) 258-6218, or cnrheim@orindaschools.org.

Child abuse does not include an injury caused by any force that is reasonable and necessary for a person employed by or engaged in a school:

1. To stop a disturbance threatening physical injury to people or damage to property;
2. For purposes of self-defense;
3. To obtain possession of weapons or other dangerous objects within control of a student;
4. To exercise the degree of control reasonably necessary to maintain order, protect property, protect the health and safety of pupils, and maintain proper and appropriate conditions conducive to learning.

COMPLAINT RESOLUTION

COMPLAINTS CONCERNING DISTRICT EMPLOYEES (BP/AR 1312.1)

The Board of Trustees accepts responsibility for providing a means by which the public can hold employees accountable for their actions. The Board desires that complaints be resolved expeditiously without disrupting the educational process. The Superintendent or designee shall develop regulations which permit the public to submit complaints against district employees in an appropriate way. These regulations shall protect the rights of involved parties. The Board may serve as an appeals body if the complaint is not resolved. The Board prohibits retaliation against complainants. The Superintendent or designee at his/her discretion may keep a complainant's identity confidential, except to the extent necessary to investigate the complaint. The district will not investigate anonymous complaints unless it so desires. The Superintendent or designee will determine whether a complaint should be considered a complaint against the district and/or an individual employee, and whether it should be resolved by the district's process for complaints concerning personnel and/or other district procedures. To promote prompt and fair resolution of the complaint, the following procedures shall govern the resolution of complaints against district employees:

1. Every effort should be made to resolve a complaint at the earliest possible stage. Whenever possible, the complainant should communicate directly to the employee in order to resolve concerns.
2. If a complainant is unable or unwilling to resolve the complaint directly with the employee, he/she may submit an oral or written complaint to the employee's immediate supervisor or the principal.

COMPLAINT RESOLUTION, continued

3. All complaints related to district personnel other than administrators shall be submitted in writing to the principal or immediate supervisor. If the complainant is unable to prepare the complaint in writing, administrative staff shall help him/her to do so. Complaints related to a principal or central office administrator shall be initially filed in writing with the Superintendent or designee. Complaints related to the Superintendent shall be initially filed in writing with the Board.
4. When a written complaint is received, the employee shall be notified within five days or in accordance with collective bargaining agreements.
5. A written complaint shall include:
 - a. The full name of each employee involved.
 - b. A brief but specific summary of the complaint and the facts surrounding it.
 - c. A specific description of any prior attempt to discuss the complaint with the employee and the failure to resolve the matter.
6. Staff responsible for investigating complaints shall attempt to resolve the complaint to the satisfaction of the parties involved within 30 days.
7. Both the complainant and the employee against whom the complaint was made may appeal a decision by the principal or immediate supervisor to the Superintendent or designee, who shall attempt to resolve the complaint to the satisfaction of the person involved within 30 days. Parties should consider and accept the Superintendent or designee's decision as final. However, the complainant, the employee, or the Superintendent or designee may ask to address the Board regarding the complaint.
8. Before any Board consideration of a complaint, the Superintendent or designee shall submit to the Board a written report concerning the complaint, including but not limited to:
 - a. The full name of each employee involved
 - b. A brief but specific summary of the complaint and the facts surrounding it, sufficient to inform the Board and the parties as to the precise nature of the complaint and to allow the parties to prepare a response
 - c. A copy of the signed original complaint
 - d. A summary of the action taken by the Superintendent or designee, together with his/her specific finding that the problem has not been resolved and the reasons
9. The Board may uphold the Superintendent's decision without hearing the complaint.
10. All parties to a complaint may be asked to attend a Board meeting in order to clarify the issue and present all available evidence.
11. A closed session may be held to hear the complaint in accordance with law.
12. The decision of the Board shall be final.

Any complaint of child abuse or neglect alleged against a district employee shall be reported to the appropriate local agencies in accordance with law, Board policy, and administrative regulation.

UNIFORM COMPLAINT PROCEDURES (BP/AR 1312.3; 5 CCR § 4600 *et seq.*; CEC § 32289 and CEC § 234.1)

The Uniform Complaint Procedures apply to the filing, investigation, and resolution of complaints regarding alleged: 1) failure to comply with federal or state law or regulations governing adult education, consolidated categorical aid programs, migrant education, vocational education, child care and developmental programs, child nutrition programs, and special education programs; 2) unlawful discrimination against any protected group as identified under Education Code (EC) sections 200 and 220 and Government Code section 11135, including actual or perceived sex, sexual orientation, gender, ethnic group identification, race, ancestry, national origin, religion, color, or mental or physical disability, or age, or on the basis of a person's association with a person or group with one or more of these actual or perceived characteristics, in any program or activity conducted by a local agency, which is funded directly by, or that receives or benefits from any state financial assistance; 3) failure to comply with school safety planning requirements as specified in Section 7114 of Title 20 of the United States Code; 4) unlawful discrimination, harassment, intimidation, and bullying based on actual or perceived characteristics set forth in Section 422.55 of the Penal Code and EC 220, and disability, gender, gender identity, gender expression, nationality, race or ethnicity, religion, sexual orientation, or association with a person or group with one or more of these actual or perceived characteristics; 5) unlawful imposition of pupil fees for participation in educational activities in public schools; 6) failure to comply with the requirements established through the Local Control Funding Formula related to the Local Control and Accountability Plan as described in EC sections 52060 through 52076 or sections 47606.5 and 47607.3; 7) noncompliance with physical education instructional minutes at specified grade levels; 8) inappropriate assignment of a pupil to courses without educational content or previously completed and received a grade sufficient for satisfying the requirements for high school graduation and admission into post-secondary education; 9) noncompliance with education provisions for pupils in foster care, who are homeless, or who are former juvenile court school students; and 10) failure to reasonably accommodate lactating pupils.

A complaint must be filed no later than six months from the date the complainant first obtains knowledge of the concern. These uniform procedures require the complainant to submit a written complaint to Dr. Brian Inglesby, Director of Human Resources, at (925) 258-6303, or binglesby@orindaschools.org who will coordinate an investigation and response within 60 calendar days of receipt of the written complaint, unless the complainant agrees in writing to extend the time line. If the district finds merit in a complaint, the district shall provide a remedy to all affected pupils, parents/guardians. A complainant may appeal the district's decision to the California Department of Education (CDE) by filing a written appeal within 15 calendar days after receiving the district's decision. The CDE may directly intervene in the complaint without waiting for action by the district when one of the conditions listed in Section 4650 of Title 5 of the California Code of Regulations exists, including cases in which the district has not taken action within 60 calendar days of the date the complaint was filed with the district. If a district is found to have violated a state or federal law and/or regulation, and the district does not take corrective action to comply, then various civil remedies may be available. Contact Dr. Brian Inglesby, Director of Human Resources, for additional information or assistance.

COMPLAINT RESOLUTION, continued

WILLIAMS UNIFORM COMPLAINT PROCEDURES (AR/E 1312.4; CEC § 35186 amended by AB 831, Ch. 118, Statutes of 2005)

Every school must provide sufficient textbooks and instructional materials. Every student, including English learners, must have textbooks or instructional materials, or both, to use at home or after school. School facilities must be clean, safe, and maintained in good repair. There should be no teacher vacancies or misassignments. If a school is found to have deficiencies in these areas and does not take corrective action, then a complaint form may be obtained at the end of this document or at: <http://www.gamutonline.net/district/orinda/DisplayPolicy/1129336/>. Parents, students, teachers, or any member of the public may submit a complaint regarding these issues; however, it is highly encouraged that individuals express their concerns to the principal before completing the complaint form to allow the school to respond. Questions may be directed to the Director of Curriculum and Instruction, David Schrag, at (925) 258-6206, or dschrag@orindaschools.org.

CUSTODY

CUSTODY ISSUES

Custody disputes must be handled by the courts. The school has no legal jurisdiction to refuse a biological parent access to his/her child and/or school records. The only exception is when signed restraining orders or proper divorce papers, specifically stating visitation limitations, are on file in the school office. Any student release situation which leaves the student's welfare in question will be handled at the discretion of the site administrator or designee. Should any such situation become a disruption to the school, law enforcement will be contacted and an officer requested to intervene. Parents are asked to make every attempt not to involve school sites in custody matters. The school will make every attempt to reach the custodial parent when a parent or any other person not listed on the emergency card attempts to pick up a child.

ENROLLMENT

ATTENDANCE OPTIONS (BP 5116.1, BP 5253; CEC § 35160.5, CEC § 46600 *et seq.*, CEC § 48204 (b), CEC § 48209, CEC § 48300 *et seq.*, and CEC § 48350 *et seq.*)

Orinda Union School District strives to make available enrollment options that meet the diverse needs, potential, and interests of the pupils of California. The district has established policies for students who wish to attend schools other than the school of residence through open enrollment, intradistrict transfers, and interdistrict transfers, all of which are based on space availability at the requested school. Transportation is not provided for transfer students. Additional information regarding all attendance options is available from the Interim Director of Business Services, Teresa Sidrian, at (925) 258-6210, or tsidrian@orindaschools.org.

District of Choice (CEC § 48300 *et seq.*)

The Board of Trustees has not designated Orinda USD as a District of Choice. A Board of Trustees that elects to operate the school district as a district of choice must determine the number of transfers it is willing to accept and shall accept all pupils who apply to transfer until the school district is at capacity. The school district of choice shall make sure that students are selected through an unbiased and random process that does not take into consideration a student's academic or athletic performance, physical condition, proficiency in English, family income, ethnicity, primary language, literacy, special needs, or any of the individual characteristics listed in Section 200. The parent of a pupil requesting to transfer must submit an application to the school district of choice no later than January 1 of the school year preceding the school year for which the student wishes to transfer. The parent shall be notified in writing by February 15 if the student was provisionally accepted, rejected, or placed on a waiting list for the next school year. A modified application process is available for children of military personnel.

The following are options for requesting attendance at a school other than the school of residence:

Intradistrict Transfer (CEC § 35160.5(b))

Intradistrict transfers allow Orinda parents/guardians to request enrollment of their children in another school that serves the same grade levels within the Orinda Union School District. Intradistrict transfer requests will be granted for available space at the school requested. If requests exceed available spaces, a random and unbiased lottery will determine selection. Intradistrict transfer applications shall be submitted between April 1 and May 15 of the school year preceding the school year for which the transfer is requested. Transportation to any school is the responsibility of the parent. No pupil who currently resides in the attendance area of a school can be displaced by new pupils transferring from outside the attendance area. Information on each school within the district is provided on the district website at <http://www.orindaschools.org>.

Students who are a victim of bullying shall be allowed an intradistrict permit to transfer if space is available at the same grade level. If there is no "intra-district" space to attend, the student may seek an "inter-district" permit to another district without any delay in release from the home district, but it does not guarantee entrance to an outside district. The process to enter another school district will be according to the desired district's transfer policies. "Bullying" means any severe or pervasive physical or verbal communication made in writing or by means of an electronic act directed toward one or more pupils that results in placing a reasonable person in fear of harm of self or property. It may cause a substantially detrimental effect on physical or mental health, interfere with academic performance or the ability to participate in or benefit from the services, activities, or privileges provided by a school, and may be done in person or online. Bullying may be exhibited in the creation or transmission of bullying online, on or off the school site, by telephone or other device in a message, text, sound, video, or image in a post on a social network internet website or burn page that creates a credible impersonation of another student knowingly and without consent for the purpose of bullying. Sharing or forwarding messages contributes to the act of bullying.

Interdistrict Transfer (CEC § 46600 *et seq.*)

The parent or legal guardian of a pupil may seek release from the school district of residence to attend a school in any other school district. School districts may enter into agreements for the interdistrict transfer of one or more pupils for a period of up to five years. The agreement must specify the terms and conditions for granting or denying transfers, and may contain standards of reapplication and specify the terms and conditions under which a permit may be revoked. Unless otherwise specified in the agreement, a pupil will not have to reapply for an interdistrict transfer, and the school board of the district of enrollment must allow the pupil to continue to attend the school in which he/she is enrolled. A student who has completed grade 10 by June 30, may enroll within the district of enrollment through grades 11 and 12 without any revocation from the desired district, and must be treated the same as any other resident student.

Regardless of whether an agreement exists or a permit is issued, the school district of residence cannot prohibit the transfer of a pupil who is a child of an active military duty parent to a school district of proposed enrollment if that district approves the application for transfer. Nor may a district prohibit an interdistrict permit release when no intradistrict permit options are available to a victim of bullying. "Bullying" means any severe or pervasive physical or verbal communication made in writing or by means of an electronic act directed toward one or more pupils that results in placing a reasonable person in fear of harm of self or property. It may cause a substantially detrimental effect on physical or mental health, interfere with academic performance or the ability to participate in or benefit from the services, activities, or privileges provided by a school, and may be done in person or online. Bullying may be exhibited in the creation or transmission of bullying online, on or off the school site, by telephone or other device in a message, text, sound, video, or image in a post on a social network internet website or burn page that creates a credible impersonation of another student knowingly and without consent for the purpose of bullying. Sharing or forwarding messages contributes to the act of bullying.

A student who is appealing a decision for an interdistrict permit approval through the County Office of Education may be eligible for provisional admission to the desired district in grades TK through 12, while continuing through the process of appeal, if space is made available by the desired district, not to exceed two months.

A pupil who has been determined by personnel of either the school district of residence or the district of proposed enrollment to have been the victim of an act of bullying, as defined in EC 48900(r), shall, at the request of the parent or legal guardian, be given priority for interdistrict attendance under any existing agreement or, in the absence of an agreement, be given additional consideration for the creation of an interdistrict attendance agreement.

Each school district shall post their interdistrict policy agreements and local district caps on their district and/or school websites. Reasons for approval and denial of interdistrict transfer requests must be updated on the district website according to board policies. The County appeals process will be offered with the final denial in writing by the school district. The County appeal process may take up to a maximum of two months. If you have any questions about the interdistrict process, call the District Office at (925) 258-6214, or the County Office of Education at (925) 942-3359.

COMPULSORY EDUCATION/RESIDENCY (CEC § 48200, CEC § 48204, CEC § 48204.3; BP 5111.1)

A minor between the ages of 6 and 18 years is subject to compulsory education and, unless exempted, must enroll in school in the school district in which the residence of either the parent or legal guardian is located. The school must accept enrollment applications by electronic means, and the parent must provide proof of residence within 10 days after the published arrival date provided on official documentation. A pupil may alternatively comply with the residency requirements for school attendance in a school district if he or she is any of the following:

1. Placed within the boundaries of the school district in a regularly established licensed children's institution or licensed foster home, or a family home following a commitment or placement under the Welfare and Institutions Code.
2. A foster child who remains in his or her school of origin.
3. An emancipated youth who resides within the boundaries of the school district.
4. Living in the home of a caregiving adult that is located within the boundaries of the school district.
5. Residing in a state hospital located within the boundaries of the school district.
6. Living with a parent or legal guardian at his or her employment within the boundaries of the school district for a minimum of three days during the school week.
7. Has a parent or guardian who transferred or is pending transfer to a military installation within the state while on active military duty pursuant to an official military order.

A school district may also deem a pupil as having complied with the residency requirements for school attendance in the school district if a parent or legal guardian of the pupil is physically employed within the boundaries of the school district and lives with the pupil at the parent's/guardian's place of employment within the boundaries of the school district for a minimum of three days during the school week.

Parents are required to sign an affidavit of residency form. The school district will request that the parent or legal guardian provide reasonable evidence that a pupil meets the residency requirements for school attendance. If an employee of the school district reasonably believes that the parent or legal guardian has provided false or unreliable evidence of residency, the district may make reasonable efforts to determine that the pupil actually meets residency requirements. Orinda USD has the right to perform residency checks to validate student addresses.

TEMPORARY DISABILITY (CEC §§ 48206.3, 48207, 48208)

Students with temporary disabilities who cannot attend regular classes may receive individual instruction in the pupil's home for one hour a day provided by the district. For more information, please contact the Director of Student Services, Dr. Carrie Nerheim, at (925) 258-6218, or cnrheim@orindaschools.org. For the purposes of CEC § 48207, a pupil with a temporary disability has complied with residency requirements for school attendance when admitted to a hospital or residential care facility located in a district, even though the parents or legal guardians reside in another district. It is the parent's responsibility to notify the school district in which the hospital or residential care facility is located of the student's presence in a qualifying facility. Upon receipt of the notification, the district will determine within five working days whether the pupil will be able to receive individualized instruction pursuant to CEC § 48206.3 and, if so, provide the instruction within five working days or fewer.

A pupil with a temporary disability may remain enrolled in the district of residence and may attend regular classes when not confined to the hospital setting; however, the total days of instruction may not exceed the maximum of five days with both school settings, and attendance may not be duplicated. If necessary, the district of residence may provide instruction in the home for the days the student is not receiving instruction in the hospital setting, depending upon the temporary orders issued by the doctor. The supervisor of attendance shall ensure that absences from the regular program are excused until the pupil is able to return to the regular school program.

FAMILY INVOLVEMENT**COLLEGE AND CAREER TECHNICAL EDUCATION** (CEC §§ 221.5(d), 51229)

Commencing with grade 7, school personnel shall assist pupils with course selection or career counseling, exploring the possibility of careers, or courses leading to careers based on the interest and ability of the pupil and not on the pupil's gender. Parents or legal guardians are notified so that they may participate in such counseling sessions and decisions.

OPEN MEETINGS: PUBLIC COMMENTS – TRANSLATION (GC 64954.3)

Requires school districts to provide at least twice the allotted time for public comment to speakers who require translation services.

PARENT ENGAGEMENT – SCHOOL ACCOUNTABILITY (CEC §§ 11500-11503)

To participate in the district parent education and provide parental input to the local training programs for parents, please contact the following district representative for more information: Director of Curriculum and Instruction, David Schrag, at (925) 258-6206, or dschrag@orindaschools.org.

PARENT PARTICIPATION IN SCHOOL MEETINGS AND CONFERENCES (LC 230.8)

If the parent's employer has 25 or more employees, the parent must be allowed to attend school meetings and events for your children, up to a maximum of 40 hours each year without discrimination or fear of job loss. Purposes to attend child-related activities include: enrollment in grades 1-12, to address child care or school emergency, behavior or discipline problem that requires immediate parent attention, sudden school closure, or natural disaster. ("Parent" means a parent, guardian, stepparent, foster parent, or grandparent of, or a person who stands in.) If an employer discharges, threatens to discharge, demotes, suspends or otherwise discriminates against the parent, the employee may be entitled to reinstatement and reimbursement for lost income or benefits. See Labor Code for more details.

PARENTS' RIGHTS (BP 1250; CEC §§ 51100-51101, 51101.1)

The parents and guardians of pupils enrolled in public schools have the right and should have the opportunity, as mutually supportive and respectful partners in the education of their children within the public schools, to be informed by the school, and to participate in the education of their children, as follows: (1) Within a reasonable period of time after making the request, to observe their child's classroom(s). (2) Within a reasonable time of their request, to meet with their child's teacher(s) and the principal. (3) To volunteer their time and resources for the improvement of school facilities and school programs under the supervision of district employees, including, but not limited to, providing assistance in the classroom with the approval and under the direct supervision of the teacher. (4) To be notified on a timely basis if their child is absent from school without permission. (5) To receive the results of their child's performance on standardized tests and statewide tests and information on the performance of their child's school on standardized, statewide tests. (6) To request a particular school for their child and to receive a response from the school district. (7) To have a school environment for their child that is safe and supportive of learning. (8) To examine the curriculum materials of their child's class(es). (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. (10) To have access to the school records of their child. (11) To receive information concerning the academic performance standards, proficiencies, or skills their child is expected to accomplish. (12) To be informed in advance about school rules, including disciplinary rules and procedures, attendance policies, dress codes, and procedures for visiting the school. (13) To receive information about any psychological testing the school does involving their child and to deny permission to give the test. (14) To participate as a member of a parent advisory committee, school site council, or site-based management leadership team. (15) To question anything in their child's record that the parent feels is inaccurate or misleading or is an invasion of privacy and to receive a response from the school. (16) To be notified, as early in the school year as possible, if their child is identified of being at risk of retention and of their right to consult with school personnel responsible for a decision to promote or retain their child and to appeal a decision to retain or promote their child.

Parents/Guardians Who Lack English Proficiency (CEC § 51101.1): Parents/guardians who lack English fluency may request notification in English and in their home language of the rights and opportunities available to them. Parents and guardians of English learners are entitled to participate in the education of their children, receive the results of their child's performance on standardized tests, including the English language development test, and to be given any required written notification in English and the pupil's home language. They may participate in school and district advisory bodies in accordance with federal and state laws and regulations. School personnel will encourage parents and guardians of English learners to support their child's progress toward literacy both in English and, to the extent possible, in the child's home language.

Policy Development (CEC § 51101 (b)): Parents and guardians have the right and should be given the opportunity to work in a mutually supportive and respectful partnership with the school to help their child succeed. The governing board of each school district will adopt a jointly created policy that outlines how parents and guardians, school staff, and students may share the responsibility for the intellectual, physical, emotional, social development, and well-being of their students. This policy shall include, but is not limited to:

1. How parents/guardians and the school will help students to achieve academic and other standards.
2. How the school will provide high-quality curriculum and instruction in a supportive learning environment to all students enrolled.

FAMILY INVOLVEMENT, continued

3. What parents and guardians can do to support their child's learning environment, including but not limited to:

- Monitoring school attendance
- Monitoring homework completion
- Encouraging participation in available extracurricular activities
- Monitoring and regulating television viewing
- Volunteering at school
- Participating in decision-making processes at school
- Planning and participating in activities at home supportive of classroom activities

Retention (CEC § 51101 (a) (16)): Parents have the right to be notified as early in the year as practicable if their child is identified as being at risk of retention and of their right to consult with school personnel regarding any decision to promote or retain and to appeal a decision to promote or retain.

School/Parent Compact: We value parents'/guardians' role in supporting their child to achieve high academic standards. The following is an outline of some ways parents/guardians and school staff can build and maintain a partnership to share the responsibility for supporting a student's learning.

School's Responsibility:

- Provide high quality curriculum and learning materials
- Provide assistance to parents/guardians in understanding academic achievement standards and assessments and how to monitor their child's progress
- Provide opportunities for ongoing communication between parents/guardians and teachers through, at a minimum:
 - Annual parent-teacher conferences in grades TK-5
 - Frequent reports regarding the student's progress
 - Opportunities to talk with staff, volunteer in class, and observe classroom activities

Parent/Guardian's Responsibility:

- Encourage your child to attend school regularly
- Encourage your child to show positive school behavior
- Review your child's homework
- Monitor television watching and digital device usage and encourage positive use of your child's extracurricular time
- Volunteer in your child's school and classroom if time or schedule permits
- Attend parent-teacher conferences and participate, when appropriate, in decisions relating to the education of your child

Visitors/Visitation Procedures (BP 1250): The district encourages parents/guardians and interested members of the community to visit the schools. To ensure the safety of students and staff and to avoid potential disruptions, all visitors shall register immediately upon entering the school grounds when school is in session and during school office hours. For purposes of school safety and security, the principal or designee shall provide a visible means of identification for visitors while on school premises.

FOSTER AND HOMELESS YOUTH

EDUCATION OF FOSTER YOUTH (CEC §§ 48850 *et seq.*)

The district's educational liaison is required to ensure pupils in foster care receive stable school placements which are in the best interests of the child, placement in least restrictive educational programs, access to academic resources, services, and extracurricular and enrichment activities available to all pupils, full and partial credits for coursework taken, and meaningful opportunities to meet state pupil academic achievement standards. Foster youth education rights can be viewed on the California Department of Education's website at:

<https://www.cde.ca.gov/ls/pf/fy/documents/fosteryouthedrights.pdf>

The district liaison for education of foster youth is the Director of Student Services, Dr. Carrie Nerheim. Dr. Nerheim can be reached at (925) 258-6218, or cnerheim@orindaschools.org.

EDUCATION OF HOMELESS YOUTH (42 USC § 11432; CEC § 51225.1 and 51225.2)

The McKinney-Vento Act defines homeless children and youths as individuals who lack a fixed, regular, and adequate nighttime residence. This definition also includes:

- Children and youths who are sharing the housing of other persons due to loss of housing, economic hardship, or a similar reason
- Children and youths who may be living in motels, hotels, trailer parks, shelters
- Children and youths who have a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings
- Children and youths who are living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings, or
- Migratory children who qualify as homeless because they are children who are living in similar circumstances listed above

The district homeless liaison is required to ensure parents of homeless pupils are informed of educational and related opportunities available to their children and are provided with meaningful opportunities to participate in the education of their children. Unaccompanied youth, such as teen parents not living with their parent/guardian or students that have run away or have been pushed out of their homes, have access to these same rights. Questions should be directed to the Director of Student Services, Dr. Carrie Nerheim, at (925) 258-6218, or cnerheim@orindaschools.org.

CALIFORNIA HEALTHY YOUTH ACT, Chapter 5.6

CEC § 51930-Purpose (a) This chapter shall be known and may be cited as the California Healthy Youth Act. (b) The purposes of this chapter are as follows: (1) To provide pupils with the knowledge and skills necessary to protect their sexual and reproductive health from HIV and other sexually transmitted infections and from unintended pregnancy. (2) To provide pupils with the knowledge and skills they need to develop healthy attitudes concerning adolescent growth and development, body image, gender, sexual orientation, relationships, marriage, and family. (3) To promote understanding of sexuality as a normal part of human development. (4) To ensure pupils receive integrated, comprehensive, accurate, and unbiased sexual health and HIV prevention instruction and provide educators with clear tools and guidance to accomplish that end. (5) To provide pupils with the knowledge and skills necessary to have healthy, positive, and safe relationships and behaviors.

The California Healthy Youth Act requires school districts to provide pupils with integrated, comprehensive, accurate, and unbiased sexual health and HIV prevention education at least once in middle school and once in high school. It is intended to ensure that pupils in grades 7-12 are provided with the knowledge and skills necessary to: 1) protect their sexual and reproductive health from HIV, other sexually transmitted infections, and unintended pregnancy; 2) develop healthy attitudes concerning adolescent growth and development, body image, gender, sexual orientation, relationships, marriage, and family; and 3) have healthy, positive, and safe relationships and behaviors. It also promotes understanding of sexuality as a normal part of human development.

Parents or legal guardians have the right to:

1. Inspect the written and audiovisual educational materials used in the comprehensive sexual health and HIV prevention education.
2. Request in writing that their child not receive comprehensive sexual health or HIV prevention education.
3. Request a copy of Education Codes 51930 through 51939, the California Healthy Youth Act.
4. Be informed whether the comprehensive sexual health or HIV prevention education will be taught by district personnel or outside consultants.
5. Receive notice by mail or another commonly used method of notification no fewer than 14 days before the instruction is delivered if arrangements for the instruction are made after the beginning of the school year.
6. When the district chooses to use outside consultants or to hold an assembly with guest speakers to teach comprehensive sexual health or HIV prevention education, be informed of:
 - a. The date of the instruction
 - b. The name of the organization or affiliation of each guest speaker

The district may administer to students in grades 7 through 8 anonymous, voluntary, and confidential research and evaluation tools to measure students' health behavior and risks, including tests, questionnaires, and surveys, containing age appropriate questions about their attitudes or practices relating to sex. Parents or legal guardians will be notified about the administration of, the right to review, and the right to excuse their child from any test, questionnaire, or survey.

CEC § 51931-Definitions For the purposes of this chapter, the following definitions apply: (a) "Age appropriate" refers to topics, messages, and teaching methods suitable to particular ages or age groups of children and adolescents, based on developing cognitive, emotional, and behavioral capacity typical for the age or age group. (b) "Comprehensive sexual health education" means education regarding human development and sexuality, including education on pregnancy, contraception, and sexually transmitted infections. (c) "English learner" means a pupil as described in subdivision (a) of Section 306. (d) "HIV prevention education" means instruction on the nature of human immunodeficiency virus (HIV) and AIDS, methods of transmission, strategies to reduce the risk of HIV infection, and social and public health issues related to HIV and AIDS. For the purposes of this chapter, "HIV prevention education" is not comprehensive sexual health education. (e) "Instructors trained in the appropriate courses" means instructors with knowledge of the most recent medically accurate research on human sexuality, pregnancy, and sexually transmitted diseases. (f) "Medically accurate" means verified or supported by research conducted in compliance with scientific methods and published in peer-reviewed journals, where appropriate, and recognized as accurate and objective by professional organizations and agencies with expertise in the relevant field, such as the federal Centers for Disease Control and Prevention, the American Public Health Association, the American Academy of Pediatrics, and the American College of Obstetricians and Gynecologists. (g) "School district" includes county boards of education, county superintendents of schools, the California School for the Deaf, and the California School for the Blind.

CEC § 51932-Exclusions from Application of Chapter (a) This chapter does not apply to description or illustration of human reproductive organs that may appear in a textbook, adopted pursuant to law, if the textbook does not include other elements of comprehensive sexual health education or HIV prevention education or HIV prevention education as defined in Section 51931. (e.g. textbooks on physiology, biology, zoology, general science, personal hygiene, or health.) (b) This chapter does not apply to instruction, materials, presentations, or programming that discusses gender, gender identity, gender expression, sexual orientation, discrimination, harassment, bullying, intimidation, relationships, or family and does not discuss human reproductive organs and their functions.

CEC § 51933-Instructional and Material Requirements

All comprehensive sexual health education and HIV prevention education pursuant to Section 51934, whether taught or supplemented by school district personnel or by outside consultants or guest speakers pursuant to Section 51936, shall satisfy all of the following criteria: (a) Instruction and materials shall be age appropriate. (b) All factual information presented shall be medically accurate and objective. (c) All instruction and materials shall align with and support the purposes of this chapter as set forth in paragraphs (1) to (5), inclusive, of subdivision (b) of Section 51930 and may not be in conflict with them. (d) (1) Instruction and materials shall be appropriate for use with pupils of all races, genders, sexual orientations, and ethnic and cultural backgrounds, pupils with disabilities, and English learners. (2) Instruction and materials shall be made available on an equal basis to a pupil who is an English learner, consistent with the existing curriculum and alternative options for an English learner pupil as otherwise provided in this code. (3) Instruction and materials shall be accessible to pupils with disabilities, including, but not limited to, the provision of a modified

curriculum, materials and instruction in alternative formats, and auxiliary aids. (4) Instruction and materials shall not reflect or promote bias against any person on the basis of any category protected by Section 220. (5) Instruction and materials shall affirmatively recognize that people have different sexual orientations and, when discussing or providing examples of relationships and couples, shall be inclusive of same-sex relationships. (6) Instruction and materials shall teach pupils about gender, gender expression, gender identity, and explore the harm of negative gender stereotypes. (e) Instruction and materials shall encourage a pupil to communicate with his or her parents, guardians, and other trusted adults about human sexuality and provide the knowledge and skills necessary to do so. (f) Instruction and materials shall teach the value of and prepare pupils to have and maintain committed relationships such as marriage. (g) Instruction and materials shall provide pupils with knowledge and skills they need to form healthy relationships that are based on mutual respect and affection, and are free from violence, coercion, and intimidation. (h) Instruction and materials shall provide pupils with knowledge and skills for making and implementing healthy decisions about sexuality, including negotiation and refusal skills to assist pupils in overcoming peer pressure and using effective decision making skills to avoid high-risk activities. (i) Instruction and materials may not teach or promote religious doctrine.

CEC § 51934-Instruction for Pupils in Grades 7 through 12 (a) Each school district shall ensure that all pupils in grades 7 to 12, inclusive, receive comprehensive sexual health education and HIV prevention education from instructors trained in the appropriate courses. Each pupil shall receive this instruction at least once in junior high or middle school and at least once in high school. This instruction shall include all of the following: (1) Information on the nature of HIV, as well as other sexually transmitted infections, and their effects on the human body. (2) Information on the manner in which HIV and other sexually transmitted infections are and are not transmitted, including information on the relative risk of infection according to specific behaviors, including sexual activities and injection drug use. (3) Information that abstinence from sexual activity and injection drug use is the only certain way to prevent HIV and other sexually transmitted infections and abstinence from sexual intercourse is the only certain way to prevent unintended pregnancy. Instruction shall provide information about the value of delaying sexual activity while also providing medically accurate information on other methods of preventing HIV and other sexually transmitted infections and pregnancy. (4) Information about the effectiveness and safety of all federal Food and Drug Administration (FDA) approved methods that prevent or reduce the risk of contracting HIV and other sexually transmitted infections, including use of antiretroviral medication, consistent with the federal Centers for Disease Control and Prevention. (5) Information about the effectiveness and safety of reducing the risk of HIV transmission as a result of injection drug use by decreasing needle use and needle sharing. (6) Information about the treatment of HIV and other sexually transmitted infections, including how antiretroviral therapy can dramatically prolong the lives of many people living with HIV and reduce the likelihood of transmitting HIV to others. (7) Discussion about social views on HIV and AIDS, including addressing unfounded stereotypes and myths regarding HIV and AIDS and people living with HIV. This instruction shall emphasize that successfully treated HIV-positive individuals have a normal life expectancy, all people are at some risk of contracting HIV, and the only way to know if one is HIV-positive is to get tested. (8) Information about local resources, how to access local resources, and pupils' legal rights to access local resources for sexual and reproductive health care such as testing and medical care for HIV and other sexually transmitted infections and pregnancy prevention and care, as well as local resources for assistance with sexual assault and intimate partner violence. (9) Information about the effectiveness and safety of all FDA-approved contraceptive methods in preventing pregnancy, including, but not limited to, emergency contraception. Instruction on pregnancy shall include an objective discussion of all legally available pregnancy outcomes, including, but not limited to, all of the following: (A) Parenting, adoption, and abortion. (B) Information on the law on surrendering physical custody of a minor child 72 hours of age or younger, pursuant to Section 1255.7 of the Health and Safety Code and Section 271.5 of the Penal Code. (C) The importance of prenatal care. (10) Information about sexual harassment, sexual assault, sexual abuse, and human trafficking. Information on human trafficking shall include both of the following: (A) Information on the prevalence, nature, and strategies to reduce the risk of human trafficking, techniques to set healthy boundaries, and how to safely seek assistance. (B) Information on how social media and mobile device applications are used for human trafficking. (11) Information about adolescent relationship abuse and intimate partner violence, including the early warning signs thereof. (b) A school district may provide optional instruction, as part of comprehensive sexual health education and HIV prevention education, regarding the potential risks and consequences of creating and sharing sexually suggestive or sexually explicit materials through cellular telephones, social networking Internet websites, computer networks, or other digital media. (c) A school district may provide comprehensive sexual health education or HIV prevention education consisting of age-appropriate instruction earlier than grade 7 using instructors trained in the appropriate courses. A school district that elects to offer comprehensive sexual health education or HIV prevention education earlier than grade 7 may provide age appropriate and medically accurate information on any of the general topics contained in paragraphs (1) to (11), inclusive, of subdivision (a).

CEC § 51935-HIV Prevention Education; Development Through Regional Planning, Joint Powers Agreements or Contract Services (a) A school district shall cooperatively plan and conduct in-service training for all school district personnel that provide HIV prevention education, through regional planning, joint powers agreements, or contract services. (b) In developing and providing in-service training, a school district shall cooperate and collaborate with the teachers of the district who provide HIV prevention education and with the State Department of Education. (c) In-service training shall be conducted periodically to enable school district personnel to learn new developments in the scientific understanding of HIV. In-service training shall be voluntary for school district personnel who have demonstrated expertise or received in-service training from the State Department of Education or federal Centers for Disease Control and Prevention. (d) A school district may expand HIV in-service training to cover the topic of comprehensive sexual health education in order for school district personnel who provide comprehensive sexual health education to learn new developments in the scientific understanding of sexual health.

CEC § 51936-Outside Consultants and Guest Speakers; Contracts for Services School districts may contract with outside consultants or guest speakers, including those who have developed multilingual curricula or curricula accessible to persons with disabilities, to deliver comprehensive sexual health education and HIV prevention education or to provide training for school district personnel. All outside consultants and guest speakers shall have expertise in comprehensive sexual health education and HIV prevention education and have knowledge of the most recent medically accurate research on the relevant topic or topics covered in their instruction.

CEC § 51937-Legislative Intent It is the intent of the Legislature to encourage pupils to communicate with their parents or guardians about human sexuality and HIV and to respect the rights of parents or guardians to supervise their children's education on these subjects. The Legislature intends to create a streamlined process to make it easier for parents and guardians to review materials and evaluation tools related to comprehensive sexual health education and HIV prevention education, and, if they wish, to excuse their children from participation in all or part of that instruction or evaluation. The Legislature recognizes that while parents and guardians overwhelmingly support medically accurate, comprehensive sex education, parents and guardians have the ultimate responsibility for imparting values regarding human sexuality to their children.

CEC § 51938-Right of Parent or Guardian; Notification of Course Contents and Materials; Tools to Measure a Pupil's Health Behaviors and Risks (a) A parent or guardian of a pupil has the right to excuse his/her child from all or part of comprehensive sexual health education, HIV prevention education, and assessments related to that education through a passive consent ("opt-out") process. A school district shall not require active parental consent ("opt-in") for comprehensive sexual health education and HIV prevention education. (b) At the beginning of each school year, or, for a pupil who enrolls in a school after the beginning of the school year, at the time of that pupil's enrollment, each school district shall notify the parent or guardian of each pupil about instruction in comprehensive sexual health education and HIV prevention education and research on pupil health behaviors and risks planned for the coming year. The notice shall do all of the following: (1) Advise the parent or guardian that written and audiovisual educational materials used in comprehensive sexual health education and HIV prevention education are available for inspection. (2) Advise the parent or guardian whether the comprehensive sexual health education or HIV prevention education will be taught by school district personnel or by outside consultants. A school district may provide comprehensive sexual health education or HIV prevention education, to be taught by outside consultants, and may hold an assembly to deliver comprehensive sexual health education or HIV prevention education by guest speakers, but if it elects to provide comprehensive sexual health education or HIV prevention education in either of these manners, the notice shall include the date of the instruction, the name of the organization or affiliation of each guest speaker, and information stating the right of the parent or guardian to request a copy of this section, Section 51933, and Section 51934. If arrangements for this instruction are made after the beginning of the school year, notice shall be made by mail or another commonly used method of notification, no fewer than 14 days before the instruction is delivered. (3) Include information explaining the parent's or guardian's right to request a copy of this chapter. (4) Advise the parent or guardian that parents or guardians have the right to excuse their child from comprehensive sexual health education and HIV prevention education and that in order to excuse their child they must state their request in writing to the school district. (c) Notwithstanding Section 51513, anonymous, voluntary, and confidential research and evaluation tools to measure pupils' health behaviors and risks, including tests, questionnaires, and surveys containing age-appropriate questions about the pupil's attitudes concerning or practices relating to sex, may be administered to any pupil in grades 7 to 12, inclusive. Parents or guardians have the right to excuse their child from the test, questionnaire, or survey through a passive consent ("opt-out") process. A school district shall not require active parental consent ("opt-in") for these tests, questionnaires, or surveys in grades 7 to 12, inclusive. Parents or guardians shall be notified in writing that this test, questionnaire, or survey is to be administered, given the opportunity to review the test, questionnaire, or survey if they wish, notified of their right to excuse their child from the test, questionnaire, or survey, and informed that in order to excuse their child they must state their request in writing to the school district. (d) The use of outside consultants or guest speakers as described in paragraph (2) of subdivision (b) is within the discretion of the school district.

CEC § 51939-Written Request to Excuse; Effect Upon Receipt by School; Alternative Educational Activities (a) A pupil may not attend any class in comprehensive sexual health education or HIV prevention education, or participate in any anonymous, voluntary, and confidential test, questionnaire, or survey on pupil health behaviors and risks, if the school has received a written request from the pupil's parent or guardian excusing the pupil from participation. (b) A pupil may not be subject to disciplinary action, academic penalty, or other sanction if the pupil's parent or guardian declines to permit the pupil to receive comprehensive sexual health education or HIV prevention education or to participate in an anonymous, voluntary, and confidential test, questionnaire, or survey on pupil health behaviors and risks. (c) While comprehensive sexual health education, HIV prevention education, or an anonymous, voluntary, and confidential test, questionnaire, or survey on pupil health behaviors and risks is being administered, an alternative educational activity shall be made available to pupils whose parents or guardians have requested that they not receive the instruction or participate in the test, questionnaire, or survey.

COMMUNICABLE DISEASE (CEC § 49403, CEC § 48980 (a))

The district may permit the administration of immunizing agents by appropriately qualified and supervised medical personnel when parents have given written consent for that immunization.

CONCUSSIONS AND HEAD INJURIES (CEC § 49475)

A concussion is a brain injury that can be caused by a bump, blow, or jolt to the head, or by a blow to another part of the body with the force transmitted to the head. Even though most concussions are mild, all concussions are potentially serious and may result in complications including prolonged brain damage and death if not recognized and managed properly. A school district that elects to offer athletic programs must immediately remove from a school-sponsored athletic activity for the remainder of the day an athlete who is suspected of sustaining a concussion or head injury during that activity. The athlete may not return to that activity until he or she is evaluated by, and receives written clearance from, a licensed health care provider. If the licensed health care provider determines the athlete has a concussion or head injury, the athlete shall also complete a graduated return-to-play protocol of no less than 7 days in duration under the supervision of a licensed health care provider. On a yearly basis, a concussion and head injury information sheet must be signed and returned by the athlete and the athlete's parent or guardian before the athlete initiates practice or competition. This requirement does not apply to an athlete engaging in an athletic activity during the regular school day or as part of a physical education course.

CONTINUING PROGRAM OF MEDICATION (CEC § 49480; BP 5141.21)

The parent shall notify the school when his/her child is on continuing medication for a long-term condition. Permission is included for the district nurse to communicate with the child's doctor regarding medication and to counsel with staff regarding possible side effects. If medication is to be given at school, the requirements and information below apply (Medication at School-Administration of Prescribed Medication).

CONTROLLED SUBSTANCES: OPIOIDS (CEC § 49476)

School authorities must provide facts regarding the risks and side effects of opioid use each school year to athletes. Parents and student athletes must sign acknowledgement of receipt of the document annually.

ELECTRONIC NICOTINE DELIVERY SYSTEMS (e-cigarettes) (HSC 11014.5; PC 308)

The Orinda Union School District prohibits the use of electronic nicotine delivery systems (ENDS) such as e-cigarettes, hookah pens, cigarillos, and other vapor-emitting devices, with or without nicotine content, that mimic the use of tobacco products on all district property and in district vehicles at all times. ENDS are often made to look like cigarettes, cigars, and pipes, but can also be made to look like everyday items such as pens, asthma inhalers, and beverage containers. These devices are not limited to vaporizing nicotine; they can be used to vaporize other drugs such as marijuana, cocaine, and heroin.

Students using, in possession of, or offering, arranging, or negotiating to sell ENDS can be subject to disciplinary action, particularly because ENDS are considered drug paraphernalia, as defined by 11014.5 of the Health and Safety Code. Section 308 of the Penal Code also states that every person under 18 years of age who purchases, receives, or possesses any tobacco, cigarette, or cigarette papers, or any other preparation of tobacco, or any other instrument or paraphernalia that is designed for the smoking of tobacco, tobacco products, or any controlled substance shall, upon conviction, be punished by a fine of seventy-five dollars (\$75) or 30 hours of community service work.

EXCLUSION FOR RASHES (BP/AR 5141.22)

If a student presents at school with an exposed rash of uncertain nature or suspected infectious nature, the student shall be sent home. The student may return to school when he/she shows no evidence of the rash or with a doctor's note indicating non-infectious status.

FEVER

Students with an oral temperature over 100.4 degrees will be excluded from school until the temperature is normal for at least 24 hours.

HEALTH CARE COVERAGE (CEC § 49452.9)

Your child and family may be eligible for free or low-cost health care coverage. For information about health care coverage options and enrollment assistance, contact the Director of Student Services, Dr. Carrie Nerheim, at (925) 258-6218, or cnerheim@orindaschools.org, or go to www.CoveredCA.com. Additionally, California law allows all low-income children under 19 years old, regardless of status, to enroll in Medi-Cal at any time in the year. Families can apply in person at their local county human services office, over the phone, online, with a mail-in application, or at a local health center. For more information about Medi-Cal enrollment, visit www.health4allkids.org.

HEALTH SCREENING AND EVALUATION (BP/AR 5141.3, BP/AR 5141.32; CEC § 48980 (a), CEC § 49450 *et seq.*, CEC § 49451; HSC § 124085, HSC § 124100, HSC § 124105)

State law requires that the parent or legal guardian of each pupil entering first grade provide the school with documentary proof that the pupil has received a health screening examination by a doctor within the prior 18 months. This documentary proof must be provided to the school within 90 days after the pupil's entrance to first grade. Pupils may be excluded up to five days from school for failing to comply or not providing a waiver. Free health care screening is available for eligible students through the Child Health Disabilities Program.

HUMAN TRAFFICKING PREVENTION (CEC § 51934, CEC § 51950)

The Human Trafficking Prevention Education and Training Act amends California *Education Code* (EC) Section 51934 of the Health Education Framework for grades seven through twelve to require human trafficking prevention education in public schools. This legislation also amends EC Section 51950 to require the continuation of training for school district personnel regarding human trafficking beginning January 1, 2018.

IMMUNIZATIONS (CEC § 49403, CEC § 48216; HSC § 120325, HSC § 120335, HSC § 120365, HSC § 120370, HSC § 120375)

Students must be immunized against certain communicable diseases. Students are prohibited from attending school unless immunization requirements are met for age and grade. The school district shall cooperate with local health officials in measures necessary for the prevention and control of communicable diseases in school age children. The district does not currently provide immunizations to students. The district may use any funds, property, or personnel and may permit any person licensed as a physician or registered nurse to administer an immunizing agent to any student whose parents have consented in writing. The parent/guardian must show evidence that a student has had all required immunizations prior to enrollment. Students out of compliance will be excluded from school (NO SHOTS, NO SCHOOL).

State law requires the following immunizations before a child may attend school: (a) All new students, in transitional kindergarten through grade 8, to the Orinda Union School District must provide proof of polio, diphtheria, pertussis, tetanus, measles, mumps, rubella, and varicella immunizations. (b) All transitional kindergarten and kindergarten students must also provide proof of vaccination against hepatitis B. (c) All seventh grade students must also provide proof of a second measles-containing vaccine, and a pertussis booster vaccine.

Parents/guardians are no longer allowed to submit a personal beliefs exemption to a currently required vaccine. A personal beliefs exemption on file at school prior to January 1, 2016, will continue to be valid until the student enters the next grade span at kindergarten (including transitional kindergarten) or 7th grade. The immunization requirements do not prohibit students from accessing special education and related services required by their individualized education programs.

Students are not required to have immunizations if they attend a home-based private school or an independent study program and do not receive classroom-based instruction. However, parents must continue to provide immunization records for these students to their schools. The immunization requirements do not prohibit students from accessing special education and related services required by their individualized education programs.

A student not fully immunized may be temporarily excluded from a school or other institution when that child has been exposed to a specified disease and whose documentary proof of immunization status does not show proof of immunization against one of the communicable diseases described above.

LIABILITY FOR EMERGENCY TREATMENT (CEC § 49407)

No school district, officer of any school district, school principal, physician, or hospital treating any child enrolled in any school in any district shall be held liable for the reasonable treatment of a child without the consent of a parent or guardian of the child when the child is ill or injured during regular school hours, requires reasonable medical treatment, and the parent or guardian cannot be reached, unless the parent or guardian has previously filed with the school district a written objection to any medical treatment other than first aid.

LIMITATIONS AT SCHOOL/ INSTRUCTIONS FOR CARE

Written instructions from the student's physician stating limitations and/or instructions for care while at school will be required for the following:

- A student returns to school with a cast, crutches, or other orthopedic appliance, and a wheelchair.
- A student returns after a serious illness requiring 3 days or more absence from school, a surgical procedure, or an overnight hospitalization.
- A student is to be excused from physical education/playground activities for more than 3 days in a row.

MEDICAL AND HOSPITAL SERVICES (BP 5143; CEC § 49472)

The Orinda Union School District does not provide or make available medical and hospital services for pupils who are injured in accidents related to school activity or attendance. Some pupils may qualify to enroll in no-cost or low-cost local, state, or federally sponsored health insurance programs. Information about these programs may be obtained by visiting the Healthy Families website at https://www.dhcs.ca.gov/services/medi-cal/eligibility/Pages/Medi-Cal_CovCA_FAQ.aspx or by calling (800) 771-4270.

MEDICAL RECORDS SHARING (HSC § 120440)

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

MEDICATION AT SCHOOL

Administration of Prescribed Medication (CEC § 49423, CEC § 49423.1, CEC § 49480, CEC § 49880 (a))

The parent or legal guardian of any pupil taking medication on a regular basis must inform the school nurse or school secretary of the medication being taken, the current dosage, and the name of the supervising physician. With the consent of the parent or legal guardian, the school nurse may communicate with the physician and may counsel with school personnel regarding the possible effects of the medication on the pupil. Any pupil who is required to take, during the regular school day, medication prescribed by a physician may be assisted by the school nurse or other designated school personnel if the school district receives both a written statement of instructions from the physician detailing the method, amount, and time schedules by which such medication is to be taken requesting the school nurse to assist the pupil with prescribed medication as set forth in the physician statement. Students may carry and self-administer auto-injectable epinephrine or inhaled asthma medication if the school district receives both a written statement of instructions from the physician detailing the method, amount, and time schedules by which such medication is to be taken and a written statement from the parent or guardian requesting that the student self-administer. All requests are to be approved by school nurse prior to use.

Anti-Seizure Medication (CEC § 49414.7)

California public schools may train designated school personnel in the administration of specified emergency anti-seizure medication to students with epilepsy who are experiencing a seizure. Parents may request that their student's school have one or more of its employees receive voluntary training in the administration of anti-seizure medication. Upon receipt of the parent's request, the district must notify the parent that his or her child may qualify for a Section 504 Plan or Individualized Education Program.

Auto-Injectable Epinephrine (CEC § 49423)

A student may carry and self-administer prescription auto-injectable epinephrine if the school district receives both a written statement from the physician detailing the name of the medication, method, amount, and time schedules by which the medication is to be taken and a written statement from the parent, foster parent, or guardian of the pupil indicating the desire that the school district assist the pupil in the matters set forth in the statement of the physician. In order for a pupil to carry and self-administer prescription auto-injectable epinephrine, the school district will obtain both a written statement from the physician and surgeon detailing the name of the medication, method, amount, and time schedules by which the medication is to be taken, and confirming that the pupil is able to self-administer auto-injectable epinephrine, and a written statement from the parent, foster parent, or guardian of the pupil consenting to the self-administration, providing a release for the district nurse or other designated school personnel to consult with the health care provider of the pupil regarding any questions that may arise with regard to the medication, and releasing the school district and school from civil liability if the self-administering pupil suffers an adverse reaction as a result of self-administering medication. The written statements shall be provided at least annually and more frequently if the medication, dosage, frequency of administration, or reason for administration changes. A pupil may be subject to disciplinary action if that pupil uses auto-injectable epinephrine in a manner other than as prescribed.

Emergency Treatment for Anaphylaxis (CEC § 49414)

Anaphylaxis is a severe and potentially life-threatening allergic reaction that can occur after encountering an allergic trigger, such as food, medicine, an insect bite, latex or exercise. Symptoms include narrowing of the airways, rashes or hives, nausea or vomiting, a weak pulse, and dizziness. It is estimated that approximately 25% of the anaphylactic reactions occur during school hours to students who had not previously been diagnosed with a food or other allergy. Without immediate administration of epinephrine followed by calling emergency medical services, death can occur. Being able to recognize and treat it quickly can save lives. Recent changes to EC 49414 now require school districts to provide epinephrine auto-injectors to school nurses and trained personnel and authorizes them to use epinephrine auto-injectors for any student who may be experiencing anaphylaxis, regardless of known history.

Inhaled Asthma Medication (CEC § 49423.1)

If a child has a diagnosis of asthma, it is strongly recommended that he/she keep an inhaler at school in the event of an emergency. Students in the sixth grade and above may carry their own inhalers if their parents complete and submit the "Medication Permission Form" available on the district website at <http://orinda-ca.schoolloop.com/file/1456823981022/1445668398016/2153868423540970665.pdf>. The student's health care provider must sign this form.

Students in the lower grades generally need adult supervision when using their inhalers but may carry an inhaler under special circumstances. It is recommended that these students also keep a backup inhaler at school. Parents are advised to encourage their children to communicate with the teacher when they are experiencing asthma symptoms so that medication may be administered in a timely manner. If a student with asthma uses his/her inhaler at school more than once per day or for three days in a row, the parent shall be notified. A student with asthma may use a nebulizer at school no more than once a day. If a student requires more frequent treatment at school, the student should remain home. A nebulizer may be used at school for no more than five consecutive school days unless authorized by the student's physician.

In order for a pupil to carry and self-administer prescription inhaled asthma medication, the school district shall obtain both a written statement from the physician detailing the name of the medication, method, amount, and time schedules by which the medication is to be taken, and confirming that the pupil is able to self-administer inhaled asthma medication, and a written statement from the parent, foster parent, or guardian of the pupil consenting to the self-administration, providing a release for the district nurse or other designated school personnel to consult with the health care provider of the pupil regarding any questions that may arise with regard to the medication, and releasing the school district and school personnel from civil liability if the self-administering pupil suffers an adverse reaction by taking medication. The written statements shall be provided at least annually and more frequently if the medication, dosage, frequency of administration, or reason for administration changes. A pupil may be subject to disciplinary action if that pupil uses inhaled asthma medication in a manner other than as prescribed.

MENTAL HEALTH (CEC § 49428)

In order to initiate access to available pupil mental health services, you may contact the following mental health provider: Contra Costa Behavioral Health Services, Mental Health Administration, 1340 Arnold Drive, Suite 200, Martinez, CA 94553, (925) 957-5150. Our school district will notify parents at least twice per year how to access pupil mental health services in our county. To learn about student mental health services available in the school district, contact the Director of Student Services, Dr. Carrie Nerheim, at (925) 258-6218, or cnerheim@orindaschools.org.

PROHIBITION ON REQUIRING MEDICATION (CEC § 56040.5)

School staff are prohibited from requiring a pupil with exceptional needs to obtain a prescription for medication as a condition for attending school or receiving services

PUPIL HEALTH, ORAL HEALTH ASSESSMENT (CEC § 49452.8)

Record of a dental assessment done by a dental professional is required for all kindergarteners and first graders attending public school for the first time. Dental assessments must be completed in the 12 months prior to entry or by May 31st of the pupil's first school year.

SEXUAL ABUSE AND SEXUAL ASSAULT AWARENESS AND PREVENTION (CEC § 51950)

Authorizes school districts to provide sexual abuse and sex trafficking prevention education which includes instruction on the frequency and nature of sexual abuse and sex trafficking, strategies to reduce their risk, techniques to set healthy boundaries, and how to safely report an incident. Parents or guardians may submit a written request to excuse their child from participation in any class involving sexual abuse and sex trafficking prevention education and assessments related to that education.

SEX EDUCATION, AIDS PREVENTION, AND VENEREAL DISEASE INSTRUCTION (CEC § 48980, CEC § 51201.5, CEC § 51240, CEC § 51550, CEC § 51820, CEC § 51553, CEC § 51554, CEC § 51555, CEC § 51938)

Parent notification is required prior to commencement of instruction in sex education, AIDS prevention, family life, or sexually-transmitted diseases. Materials to be used may be reviewed prior to instruction. Included in the course of instruction will be an explanation of the provisions of Section 271.6 of the Penal Code and Section 1255.7 of the Health and Safety Code which allow parents and others to voluntarily surrender physical custody of a minor child 72 hours old or younger at a hospital emergency room or other designated location without being subject to prosecution. Whenever any part of the instruction in health, family life, or sex education conflicts with religious training and beliefs or personal moral convictions of the parent or guardian, the student shall be excused from that part of the instruction upon written parental request.

Each student will receive AIDS prevention instruction at least once in middle school school. AIDS prevention instruction will include information on the nature of AIDS and its effects on the human body, how it is transmitted, methods to reduce the risk of infection, public health issues, resources for testing and medical care, refusal skills, and effective decision making. Written notice shall be sent to parents. Any parent may request that his/her child not receive AIDS prevention instruction. Parents may request copies of Education Code sections 51930 and 59939. (See above- chapter 5.6 California Healthy Youth Act.)

SUDDEN CARDIAC ARREST (CEC § 33479 et seq.)

Sudden cardiac arrest (SCA) is when the heart stops beating, suddenly and unexpectedly. When this happens, blood stops flowing to the brain and other vital organs. SCA is not a heart attack; it is a malfunction in the heart's electrical system, causing the victim to collapse. The malfunction is caused by a congenital or genetic defect in the heart's structure. SCA is more likely to occur during exercise or sports activity, so athletes are at greater risk. These symptoms can be unclear and confusing in athletes. Often people confuse these warning signs with physical exhaustion. If not properly treated within minutes, SCA is fatal in 92 percent of cases. In a school district, charter school, or private school that elects to conduct athletic activities, the athletic director, coach, athletic trainer, or authorized person must remove from participation a pupil who passes out or faints, or who is known to have passed out or fainted, while participating in or immediately following an athletic activity. A pupil who exhibits any of the other symptoms of SCA during an athletic activity may be removed from participation if the coach or authorized person reasonably believes that the symptoms are cardiac related. A pupil who is removed from play may not return to that activity until he or she is evaluated by, and receives written clearance from, a physician or surgeon. On a yearly basis, an acknowledgement of receipt and review of information regarding SCA must be signed and returned by the pupil and the pupil's parent or guardian before a pupil participates in specific types of athletic activities which generally does not apply to those conducted during the regular school day or as part of a physical education course.

SUICIDE PREVENTION POLICY (CEC § 215)

Student suicide rates are of concern to all members of the school community. One child, ages 12 and older, dies by suicide every five days in California. Local districts were required by California law to provide suicide prevention education, according to age-appropriate and sensitive local policies, for grades 7 to 12. Legislators have determined that training in mental health and coordination around improved services is extended to our elementary students. A shared goal by all staff educators is to keep a safe place to learn, free from harm to any of our students.

SUNSCREEN AND SUN-PROTECTIVE CLOTHING (CEC § 35183.5)

Students may use sunscreen during the school day, without a physician's note or prescription, within the school site rules. Students may utilize articles of sun-protective clothing, including hats, for outdoor activities during the school day.

TOBACCO-FREE CAMPUS (BPC 22950.5; HSC § 104420, HSC § 104495, HSC § 104559)

The use of tobacco and nicotine products is prohibited on school or district grounds, buildings, and vehicles, and within 250 feet of a youth sports event. Smoking or use of any tobacco-related products and disposal of any tobacco-related waste within 25 feet of a school playground, except on a public sidewalk located within 25 feet of the playground, is prohibited. This prohibition applies to all employees, students, visitors, and other persons at any school or school-sponsored activity or athletic event. Tobacco products include, but are not limited to, cigarettes, cigars, little cigars, chewing tobacco, pipe tobacco, snuff, or an electronic device (e.g., electronic cigarette, cigar, pipe, or hookah) that delivers nicotine or other vaporized liquids.

TYPE 2 DIABETES INFORMATION (CEC § 49452.7)

Type 2 Diabetes is becoming more common in children, especially overweight teens. According to the U.S. Centers for Disease Control and Prevention, one in three American children born after 2000 will develop Type 2 Diabetes in his/her lifetime. The California Departments of Public Health and Education, along with health care professionals have developed information about Type 2 Diabetes. Because of the increase in Type 2 Diabetes in adolescents and young adults, we want you to be able to recognize 1) the health concerns that can lead to diabetes and 2) the early signs of diabetes, as well as ways to prevent diabetes in your family.

In Type 2 Diabetes, insulin produced by the pancreas isn't as effective at moving glucose from carbohydrates into the body's cells. Instead, glucose circulates in the blood; blood glucose levels rise. Over time, blood glucose levels get dangerously high. This is called hyperglycemia. Hyperglycemia leads to health problems like heart disease, blindness, and kidney failure.

Researchers do not understand why some people develop Type 2 Diabetes; however, the following factors are associated with an increased risk in children.

- Being overweight is the single greatest risk factor. In the U.S., almost one in five children is overweight.
- Having at least one parent with diabetes or having a family member with diabetes.
- Being inactive reduces the body's ability to respond to insulin.
- Native Americans, African Americans, Hispanics/Latinos, or Asian/Pacific Islanders are more likely than other ethnic groups to develop Type 2 Diabetes.
- Young people in puberty are more susceptible because normal rises in hormone levels during puberty can cause insulin resistance during this stage of rapid growth and physical development.

HEALTH, continued

Signs in children develop slowly, and initially there may not be symptoms. Not everyone who has these symptoms develops Type 2 Diabetes. Not everyone with the disease develops these signs prior to diagnosis.

- Increased hunger, even after eating
- Unexplained weight loss
- Increased thirst, dry mouth
- Frequent urination
- Feeling very tired
- Blurred vision
- Slow healing of sores or cuts
- Dark velvety or ridged patches of skin, especially on the back of the neck or under the arms
- Irregular or absent menstrual periods
- Facial and body hair growth in girls
- High blood pressure or abnormal blood fats levels

It is recommended that students experiencing any risk factor or warning sign be screened/tested for the disease. Type 2 Diabetes can be prevented by healthy lifestyle choices. Eating healthy foods in the proper amounts and exercising every day can help children achieve or maintain a normal weight and normal blood glucose levels.

- Eat healthy foods and make wise food choices. Eat more foods low in fat and calories.
- Get more physical activity. Increase physical activity to at least 60 minutes every day.

The first step in caring for Type 2 Diabetes is to visit a health care provider to determine if a child is overweight based on the child's age, weight, and height. Tests to check the blood glucose can be done to see if the child has diabetes or pre-diabetes (a condition which may lead to Type 2 Diabetes). A special diet and regular exercise may be enough to control the disease. If not, medication may be prescribed.

Types of Diabetes Screening Tests:

Fasting blood sugar test—Blood sample taken after overnight fast. Level less than 100 mg/dL is normal; 100-125 mg/dL is considered pre-diabetes; 126 mg/dL or higher on 2 separate tests indicates diabetes.

Random (non-fasting) blood sugar test—Blood sample taken at random time. Level of 200 milligrams per deciliter (mg/dL) or higher suggests diabetes. This test must be confirmed with a fasting blood glucose test.

Oral glucose tolerance test—Blood test measuring the fasting blood sugar level after an overnight fast with periodic testing over several hours after drinking a sugary liquid. A reading of more than 200 mg/dL two hours after drinking the solution indicates diabetes.

Glycated hemoglobin (A1C) test—Blood test measures the average blood sugar level over 2-3 months. An A1C level of 6.5 percent or higher on two separate tests indicates diabetes.

Type 2 Diabetes in children is preventable and treatable. Please contact the district nurse or your health care provider if you have questions. For more information, log on to the following websites:

<https://kidshealth.org/en/parents/type2.html>

<https://www.mayoclinic.org/diseases-conditions/type-2-diabetes-in-children/symptoms-causes/syc-20355318>

<https://www.niddk.nih.gov/health-information/diabetes/overview/what-is-diabetes/type-2-diabetes>

VISION, HEARING AND SCOLIOSIS SCREENING (BP 5141.3; CEC § 49452, CEC § 49452.1, CEC § 49452.5, CEC § 49455, CEC § 49456)

School districts shall provide screening of the vision and hearing of students in grades K, 2, 5, 8, and 10, and scoliosis screening of 7th grade girls and 8th grade boys. The screenings are performed by district nurses. Parents will receive written notification of their children who have failed the screening. A parent or guardian may file a waiver of the examination requirement based on personal beliefs.

VOMITING/DIARRHEA

Students will be excluded from school until they have had no vomiting/diarrhea for at least a 24-hour period

INSTRUCTION

ALCOHOL, DRUG, AND TOBACCO USE PREVENTION INSTRUCTION (CEC § 51203, CEC § 51210, CEC § 51220.1, CEC § 51260)

Instruction to prevent the use and abuse of all controlled substances is provided in grades K-8. Additional activities or interventions are available at many schools. Surveys may be given to students to gather information on substance abuse issues and other health-related topics. Questions regarding this subject should be directed to the Director of Curriculum and Instruction, David Schrag, at dschrag@orindaschools.org or (925) 258-6206.

ALTERNATIVE SCHOOLS (CEC § 58501)

California State law authorizes all school districts to provide for alternative schools. These are defined as a school or a separate class group within a school that is operated in a manner designed to

- a. Maximize the opportunity for students to develop the positive values of self-reliance, initiative, kindness, spontaneity, resourcefulness, courage, creativity, responsibility, and joy.

- b. Recognize that the best learning takes place when the student learns because of his/her desire to learn.
- c. Maintain a learning situation maximizing student self-motivation and encouraging the student in his/her own time to follow his/her own interests. These interests may be conceived by him/her totally and independently or may result in whole or in part from a presentation by his/her teachers of choices of learning projects.
- d. Maximize the opportunity for teachers, parents, and students to cooperatively develop the learning process and its subject matter. This opportunity shall be a continuous, permanent process.
- e. Maximize the opportunity for students, teachers, and parents to continuously react to the changing world, including but not limited to the community in which the school is located.

In the event any parent, pupil, or teacher is interested in further information concerning alternative schools, the county superintendent of schools, the administrative office of this district, and each principal's office have copies of the law available for your information. This law particularly authorizes interested persons to request the Board of Trustees of the district to establish an alternative school program in the district.

COMPETITIVE ATHLETICS (CEC § 221.9)

Each public elementary and secondary school that offers competitive athletics shall publicly make available at the end of the school year all of the following information:

1. The total enrollment of the school, classified by gender.
2. The number of pupils enrolled at the school who participate in competitive athletics, classified by gender.
3. The number of boys' and girls' teams, classified by sport and by competition level.

Schools shall make the information identified above publicly available by posting it on the school's website. "Competitive athletics" means sports where the activity has coaches, a governing organization, practices, and competes during a defined season, and has competition as its primary goal.

COURSEWORK AND GRADUATION REQUIREMENTS: CHILDREN OF MILITARY PERSONNEL (CEC § 51225.1, CEC § 51225.2)

OUSD serves students in grades TK-8. For students of military personnel who enroll at Miramonte High School, the Acalanes Union High School District (AUHSD) shall notify children of military families within 30 days of enrollment if they are qualified to be exempted from local graduation coursework requirements that go above and beyond state graduation requirements. The coursework completed while attending another school is to be issued full or partial credit. "Pupil who is a child of a military family" means a pupil who meets the definition of "children of military families" under Section 49701.

CURRICULUM (CEC § 49063, CEC § 49091.14)

Students in the Orinda Union School District in grades K-12 are provided with a California standards-aligned curriculum and instructional materials. The district observes the state's textbook and instructional materials adoption cycle in order to provide students with the most up-to-date curriculum.

The California State Standards are available online at: <http://www.cde.ca.gov/be/st/ss/>, and the Common Core State Standards are available at: <http://www.cde.ca.gov/re/cc/index.asp>. Parents have the right to request a meeting to review instructional materials and discuss the curriculum of their student's course(s). More information about curriculum and instruction in OUSD schools can be viewed at: <https://www.orindaschools.org/achievement/assessment>

ENGLISH LANGUAGE EDUCATION (CEC § 310, CEC § 311, CEC § 52164.3; 5 CCR § 11309)

Parents are to be notified by schools that in addition to the child's English proficiency status for which they are notified using the English Language Proficiency Assessments for California (ELPAC), they are to be notified that their child is a "long term English learner" or is an "English learner at risk of becoming a long term English learner."

A parent, teacher, or school administrator may require the school district to reassess a pupil whose primary language is other than English when there is reasonable doubt about the accuracy of the pupil's designation. Parents will be notified of the reassessment result.

OUSD provides supplemental services to students for whom English is a second language. Under the direction of the classroom teacher and the English Language Development teacher, EL students receive individual and small group instruction to become proficient in English as quickly as possible.

GRADING OF STUDENTS (CEC §§ 49066-49067)

When grades are given for any course of instruction taught in a school district, the grade given to each student shall be the grade determined by the teacher of the course, and the determination of the student's grade by the teacher, in the absence of mistake, fraud, bad faith, or incompetence, shall be final. When a student is failing or in danger of failing, a notice to parents/guardians is required.

LANGUAGE ACQUISITION PROGRAM (CEC § 310; 5 CCR 11309)

In order to facilitate parental choice of program, all parents and guardians must be informed at the beginning of each school year or upon the student's enrollment of the placement of their children in a structured English immersion program and must be notified of an opportunity to apply for a parental exception waiver. Parents and guardians must also be notified regarding the process to request a language acquisition program, including a dual language immersion program, for their child. The Orinda Union School District provides English language acquisition support to students individually and in small groups by a credentialed English Language Development teacher. The district does not offer a dual language immersion program. Students who wish to study a world language are encouraged to enroll in Spanish or French as part of the elective program at Orinda Intermediate School. Schools in which the parents or legal guardians of 30 pupils or more per school or the parents or legal guardians of 20 pupils or more in any grade request a language acquisition program that is designed to provide language instruction shall be required to offer such a program to the extent possible, based upon the requirements of CEC § 305, English Language Education. See "**ENGLISH LANGUAGE EDUCATION**" above.

INSTRUCTION, continued

PROSPECTUS OF THE CURRICULUM (CEC § 49063 and CEC § 49091,14)

Each school must annually compile a prospectus of the curriculum to include titles, descriptions, and instructional goals for every course offered by the school. Please contact the Director of Curriculum and Instruction, David Schrag, at (925) 258-6206, or dschrag@orindaschools.org for a copy of the prospectus.

PUPIL'S RIGHT TO REFRAIN FROM HARMFUL OR DESTRUCTIVE USE OF ANIMALS (CEC § 32255 *et seq.*)

Any pupil with a moral objection to dissecting or destroying an animal, or any part thereof, must inform his or her teacher of the objection. Objections must be substantiated by a note from the pupil's parent or guardian. A pupil who chooses to refrain from participation in an education project involving the harmful or destructive use of an animal may receive an alternative education project, if the teacher believes that an adequate alternative education project is possible. The teacher may work with the pupil to develop and agree upon an alternative education project so that the pupil may obtain the knowledge, information, or experience required by the course of study in question.

STUDENT STUDY TEAM (CEC §§ 54720-54734)

Every school operates a Student Study Team, also known as a Student Success Team, which combines the efforts of teachers, other school resource staff, and parents to assist students not progressing satisfactorily. The team will identify and see that resources and strategies to promote student success in regular classes are implemented. Referrals may be made by school staff or parents.

TEMPORARY DISABILITY INSTRUCTION (CEC § 48206.3, CEC § 48207, CEC § 48208, CEC § 48980)

A student with a temporary disability, not covered under special education provisions, shall receive individualized (home and hospital) instruction. Temporary disability means a physical, mental, or emotional disability incurred while a pupil was enrolled in regular classes and after which the pupil can reasonably be expected to return to regular classes without special intervention. Upon notification by parents of a student's temporary disability, the school district shall, within five working days, determine whether the pupil will be able to receive individualized (home and hospital) instruction for one hour a day and, if so determined, commence such instruction within five additional working days. For more information, please contact the Director of Student Services, Dr. Carrie Nerheim, at (925) 258-6218, or cnerheim@orindaschools.org.

TEACHER AND PARAPROFESSIONAL QUALIFICATIONS (20 USC 6311(h)(6))

Parents have the right to request information regarding the professional qualifications of their child's teacher or any paraprofessional serving their child.

USE OF ELECTRONIC INFORMATION RESOURCES (BP 6162.7, BP 6162.7 (a), BP 6163.4 (a), BP 6163.4 (b))

Students and staff will have access to electronic mail, public college and university libraries, research and governmental institutions, museums, and discussion groups on a wide variety of topics related to the district curriculum and/or support services. The goal in providing access to electronic information resources is to promote educational excellence by facilitating resource sharing, innovation, and communication.

While electronic information resources offer tremendous opportunities of educational value, they also offer persons with illegal, immoral, or unethical purposes avenues for reaching students, teachers, and other personnel. To guard against misuses of the system and to promote appropriate use of online services, the Superintendent/designee shall establish procedures to ensure that all students and staff receive training in user obligations and responsibilities and that parents are made aware of and agree in writing to abide by the established policies and procedures prior to using any online services. The district requires that all students, parents/guardians, and staff members read, sign, and have on file at their school or work site a contract before being provided an access account. Users who fail to abide by the agreement may be subject to revocation of the privilege to use the service, disciplinary action, and/or legal action.

NONDISCRIMINATION/TOLERANCE

EDUCATIONAL EQUITY: IMMIGRATION STATUS (CEC § 66251, CEC § 66260.6, CEC § 66270, CEC § 66270.3)

The Equity in Higher Education Act, states that all persons, regardless of their disability, gender, gender identity, gender expression, nationality, race or ethnicity, religion, sexual orientation, or any other specified characteristic such as hairstyles, equal rights and opportunities and adds this opportunity to apply for financial aid for higher education to also be equitable, and an application may not be denied of a student based on their immigration status. This does not guarantee any final eligibility, but simply an ability to apply for financial aid just like any other student, without discrimination.

NONDISCRIMINATION IN DISTRICT PROGRAMS AND ACTIVITIES (EC § 200 *et seq.*, CEC § 260, CEC § 51501; FEDERAL REGULATIONS, TITLE VI, TITLE IX, 504.7-8, SECTION 504 OF REHABILITATION ACT OF 1973; 5 CCR § 4900 *et seq.*; 20 USC § 1681 *et seq.*, 29 USC § 794, 42 USC § 2000d *et seq.*; 42 USC § 12101 *et seq.*; BP 1312.3)

The Orinda Union School District is committed to providing a safe school environment where all individuals in education are afforded equal access and opportunities. The district's academic and other educational support programs, services, and activities shall be free from discrimination, harassment, intimidation, and bullying of any individual based on the person's actual race, color, ancestry, national origin, ethnic group identification, age, religion, marital or parental status, physical or mental disability, sexual orientation, gender, gender identity, or gender expression; the perception of one or more of such characteristics; or association with a person or group with one or more of these actual or perceived characteristics.

Specifically, state law prohibits discrimination on the basis of gender in enrollment, counseling, and the availability of physical education, athletic activities, and sports. Transgender students shall be permitted to participate in gender-segregated school programs and activities (e.g. athletic teams, sports competitions, and field trips) and to use facilities consistent with their gender identity. The district assures that a lack of English language skills shall not be a barrier to admission or participation in district programs.

NONDISCRIMINATION/TOLERANCE, continued

Complaints of unlawful discrimination, harassment, intimidation, or bullying are investigated through the Uniform Complaint Process. Such complaints must be filed no later than six months after knowledge of the alleged discrimination was first obtained. For a complaint form or additional information contact the Director of Human Resources, Dr. Brian Inglesby, at (925) 258-6306, or binglesby@orindaschools.org.

TITLE IX (CEC § 221.61)

Title IX of the Education Amendments of 1972 is one of several federal and state anti-discrimination laws that ensure equality in educational programs and activities that receive federal funding. Specifically, Title IX protects male and female pupils and employees, as well as transgender pupils and pupils who do not conform to sex stereotypes, against discrimination based on gender, gender expression, gender identity, and sexual orientation. Under Title IX, pupils may not be discriminated against based on their parental, family, or marital status, and pregnant and parenting pupils may not be excluded from participating in any educational program, including extracurricular activities, for which they qualify. For more information about Title IX, or how to file a complaint of noncompliance with Title IX, contact the Director of Curriculum and Instruction, David Schrag, at (925) 258-6206, or dschrag@orindaschools.org. You may also visit <https://orinda-ca.schoolloop.com/TitleIX> for more information.

NOTIFICATIONS

BROWN ACT: REQUIRED NOTICES AND AGENDAS FOR OPEN PUBLIC MEETINGS (GC 54954.2, 54956, 54956.5, 54954.2, GC 54954.5, GC 54957.1, 54957.7, and GC 54954.2(b))

REGULAR MEETINGS: Agenda in 20 words or less, posted within 72 hours of meeting.

SPECIAL MEETINGS: Twenty-four hour notice must be provided to members of legislative body and media outlets including a brief general description of matters to be considered or discussed.

EMERGENCY MEETINGS: One-hour notice in case of work stoppage or crippling activity, except in the case of a dire emergency.

CLOSED SESSION AGENDAS: All items to be considered in closed session must be described in the notice or agenda for the meeting. The body must orally announce the subject matter of the closed session. If final action is taken in closed session, the body generally must report the action at the conclusion of the closed session.

AGENDA EXCEPTION: Special procedures permit a body to proceed without an agenda in the case of emergency circumstances, or where a need for immediate action came to the attention of the body after posting of the agenda.

NUTRITION

FREE AND REDUCED-PRICE MEALS (CEC § 49510 *et seq.*)

Free or reduced-price meals are available at school for pupils whose parents or legal guardians qualify, based on annual household income and completion of the required application form. Pupils participating in the program will not be identified, and the information on the application will be kept confidential. Applications may be submitted at any time during school hours. Application forms are available at each school's office and at the District Office. In addition, they are available online at:

https://www.orindaschools.org/pf4/cms2/view_page?d=x&group_id=1517645276658&vdid=i20d1s2bsms51x6

CHILD HUNGER PREVENTION AND FAIR TREATMENT ACT OF 2017 (CEC § 49557.5)

The Orinda Union School District has a policy about how students who pay the full or reduced cost of a school meal are impacted by not having enough cash on hand or in their account to purchase a meal. For a copy of the policy, please contact the school site principal.

SAFETY

ASBESTOS MANAGEMENT PLAN (40 CFR § 763.93)

The Orinda Union School District maintains and annually updates its management plan for asbestos-containing material in school buildings. For a copy of the asbestos management plan, please contact the Director of Facilities, Stuart House, at (925) 258-6203, or shouse@orindaschools.org.

CAMERA SURVEILLANCE ON SCHOOL PROPERTY (PC 647(j))

For the safety of our students, staff and visitors, the Orinda Union School District employs camera surveillance equipment for security purposes. This equipment may or may not be monitored at any time. Surveillance cameras will generally be utilized only in public areas where there is no "reasonable expectation of privacy." Public areas may include school buses; building entrances; hallways; parking lots; front offices where students, employees, and parents come and go; gymnasiums during public activities; cafeterias; and supply rooms. However, it is not possible for surveillance cameras to cover all public areas of district buildings or all district activities. District surveillance cameras will not be installed in "private" areas such as restrooms, locker rooms, changing areas, private offices (unless consent by the office owner is given), or classrooms.

DISASTER PREPAREDNESS EDUCATIONAL MATERIALS (CEC § 32282.5)

Natural and human-caused disasters affect everyone which is why it is important to be prepared at home, at school, at work, and in the community. Parents and guardians are encouraged to review the safety educational materials provided on the California Department of Education web page at: <http://www.cde.ca.gov/ls/ss/cp/pupilsafetyeducmat.asp>. The materials are available in multiple languages and can be used to help families prepare for different types of emergencies and crises.

GUN-FREE SCHOOL ZONE ACT (PC 626.9, 30310)

California prohibits any person from possessing a firearm on, or within 1,000 feet from, the grounds of a public or private school, unless it is with the written permission of the school district superintendent, his or her designee, or equivalent school authority. This does not apply to law enforcement officers, members of the military forces of California or the United States, or armored vehicle guards engaged in the performance of, or acting in the scope of, their duties. A violation of this law is punishable by imprisonment in a county jail for up to six months, a fine of up to \$1,000, or both imprisonment and fine.

INTERNET SAFETY

The Board of Trustees intends that the Internet and other online resources provided by the district be used to support the instructional program and further student learning. BP 6163.4 provides guidelines for student access to the Internet. Regulations have been established governing student access to technology. These regulations prohibit access to harmful material on the Internet which may be obscene or pornographic and preclude other misuses of the system. In addition, these regulations establish the fact that users have no expectation of privacy and that district staff will monitor and examine all system activities to ensure proper use of the system. Students who fail to abide by district rules shall be subject to disciplinary action, revocation of the user account, and legal action as appropriate.

Because the Internet contains an unregulated collection of resources, the district cannot guarantee the accuracy of the information or the appropriateness of any material that a student may encounter. Therefore, before using the district's online resources, each student and his/her parent/guardian shall sign and submit an Acceptable Use Agreement. This agreement shall specify user obligations and responsibilities and shall indemnify the district for any damages. The parent/guardian shall agree not to hold the district responsible for materials acquired by the student on the system, for violations of copyright restrictions, user mistakes or negligence, or any costs incurred by users. Acceptable User forms are included as part of the annual student enrollment/re-enrollment process.

Parents should be aware of what their children are posting on the Internet and what others are posting in reply. We encourage parents to talk with their children about the potential danger of the Internet. Ask if they have an account with Snapchat, Instagram, or similar social media sites. If a child is using such a site with parent permission, the parents may want to review the child's profile to ensure that no personal and identifiable information has been posted. We encourage parents to establish rules and guidelines to ensure the safety of their children while on the Internet. Some websites offer parental or family guidance for Internet safety; for example, ConnectSafely, located online at <https://www.connectsafely.org/>, and Web Wise Kids, located online at <http://www.webwisekids.org>. The Orinda Union School District will continue to provide Internet security within our schools. It is important that parents also monitor Internet use at home.

MEGAN'S LAW (PC § 290 *et seq.*)

Information about registered sex offenders in California can be found on the California Department of Justice's Internet website, <http://meganslaw.ca.gov/>. The website also provides information on how to protect yourself and your family, facts about sex offenders, frequently asked questions, and sex offender registration requirements in California.

NOTIFICATION OF USE OF PESTICIDE PRODUCTS (CEC § 17610.1, CEC § 17612 (a), CEC § 48980.3)

The Orinda Union School District does not use pesticides. It only uses citrus-based herbicides, such as Avenger Weed Killer containing orange oil and Tero Ant Bait. The district's Integrated Pest Management Plan can be accessed online at: <http://orinda-ca.schoolloop.com/file/1346930750504/1335087846692/4707341385191938903.pdf>

Orinda USD is required to inform parents/guardians that Education Code § 17610.1 prohibits the application of certain pesticides on school sites. Go to the following link for more information on pesticide regulations: <http://www.cdpr.ca.gov>. To obtain a copy of all herbicide products and expected use at the school facility during the year, please contact the Director of Maintenance and Operations, Stuart House, at (925) 258-6203, or shouse@orindaschools.org.

PERSISTENTLY DANGEROUS SCHOOLS (20 USC 7912; BP/AR 5116.1)

20 USC 7912 requires that school districts have a written policy stating that students who attend a persistently dangerous school must be allowed to attend a safe public school. The written policy must be communicated to all parties. OUSD Board Policy and Administrative Regulation 5116.1 address students who attend a persistently dangerous school and may be accessed [here](#).

SAFE PLACE TO LEARN ACT (CEC § 234 and CEC § 234.1)

The Orinda Union School District is committed to maintaining a learning environment that is free from discrimination, harassment, violence, intimidation, and bullying based on actual or perceived characteristics set forth in Section 422.55 of the Penal Code and CEC § 220, and disability, gender, gender identity, gender expression, nationality, race or ethnicity, religion, sexual orientation, or association with a person or group with one or more of these actual or perceived characteristics. All school personnel who witness an act of discrimination, harassment, intimidation, or bullying must take immediate steps to intervene when safe to do so. Any student who engages in acts of discrimination, harassment, violence, intimidation, or bullying related to school activity or school attendance occurring within a school of the school district may be subject to disciplinary action up to and including expulsion. To report an incidence and/or to receive a copy of the district's antidiscrimination, anti-harassment, anti-intimidation, and anti-bullying policies, please contact the Director of Student Services, Dr. Carrie Nerheim, at (925) 258-6218, or cnerheim@orindaschools.org.

SCHOOL SAFETY: BULLYING (CEC § 234.4 and CEC § 32283.5)

The Orinda Union School District is committed to the prohibition of discrimination, harassment, intimidation, and bullying. Annual training will be provided to all staff who work with students to prevent bullying and cyberbullying. You may find a list of education web pages describing the staff training at: <https://www.cde.ca.gov/ls/ss/se/bullyres.asp>. If you or your child should experience any bullying on campus, at school events, or on the way to or from

SAFETY, continued

school, please contact the Director of Student Services, Dr. Carrie Nerheim, at (925) 258-6218, or cnerheim@orindaschools.org.

SCHOOL SAFETY PLANS (CEC § 32280 *et seq.*)

Each Orinda Union School District school site has a Comprehensive School Safety Plan which includes a disaster preparedness plan and emergency procedures. Copies are available to read at each school office. Fire and emergency drills are held regularly at each school site throughout the district.

VICTIM OF A VIOLENT CRIME (20 USC 7912)

A pupil who becomes a victim of a violent crime while in or on the school grounds must be offered the opportunity to transfer to a safe public school within the school district, including a public charter school, within ten calendar days. If there is not another school within the area served by the district, the district is encouraged, but not required, to explore other appropriate options such as an agreement with a neighboring school district to accept pupils through an interdistrict transfer. Primary examples of violent criminal offenses in the Penal Code include attempted murder, battery with serious bodily injury, assault with a deadly weapon, rape, sexual battery, robbery, extortion, and hate crimes. For more information contact the Director of Student Services, Dr. Carrie Nerheim, at (925) 258-6218, or cnerheim@orindaschools.org.

WALKING OR RIDING A BIKE TO SCHOOL (VC § 21212)

Parents of children who walk or ride their bicycles to school are asked to go over a safe route to school with their children. Walkers may not take shortcuts through private property. All children are expected to display good behavior on the way to and from school. The district prohibits the use of skateboards, scooters, and related items on all school site and district property, including parking lots, at any time.

No person under the age of 18 years of age may operate a bicycle, non-motorized scooter, skateboard, or wear in-line or roller skates, nor ride as a passenger upon a bicycle, non-motorized scooter, or skateboard upon a street, bikeway, or any other public bicycle path or trail unless that person is wearing a properly fitted and fastened bicycle helmet that meets specified standards.

SCHOOL ACCOUNTABILITY REPORT CARD (SARC)

SCHOOL ACCOUNTABILITY REPORT CARD (SARC) (BP 0510, CEC § 32286, CEC § 33126, CEC § 35256, CEC § 35258, CEC § 35294.6, CEC § 52056)

The Board of Trustees issues a school accountability report card (SARC) for each school site by or before February first of each school year. The report cards are designed to inform parents/guardians and the community about conditions, needs, and progress at each school and to help provide data by which parents/guardians can make meaningful comparisons among schools. The Board publicizes the issuance of SARCs and notifies parents/guardians that an electronic or hard copy will be provided upon request. The superintendent or designee ensures that the information contained in the SARC is accessible on the Internet and that the information is updated annually. The content of the SARC defined under CEC § 33126 reflects information regarding the prior school year, including revised estimated expenditures per pupil and types of services funded, sufficiency of textbooks or instructional materials by subject area, and aggregate results of physical performance testing. OUSD SARCs can be accessed at: http://www.orindaschools.org/pf4/cms2/view_page?d=x&group_id=1517645276720&vdid=i20d1s2s52oa.

SPECIAL EDUCATION

SPECIAL EDUCATION RIGHTS AND RESPONSIBILITIES (CEC § 56300 *et seq.*, CEC § 56500 *et seq.*; 20 USC § 1415, 20 USC 1400 *et seq.* [Individuals with Disabilities Education Act])

"Special Education" means specially designed instruction, at no cost to the parent, to meet the unique needs of individuals with exceptional needs whose educational needs cannot be met with modification of the regular instructional program, and related services which may be needed to assist such individuals to benefit from specially designed instruction. Special education provides a full continuum of program options to meet the educational and service needs of individuals with exceptional needs in the least restrictive environment.

Parents and guardians of pupils enrolled in or being considered for enrollment in special education programs have certain rights and responsibilities related to their potential or ongoing placement in special education. An explanation of these rights and responsibilities is available from the Contra Costa Special Education Local Plan Area (SELPA) at: <http://www.ccselpa.org/Publications/publications/prights%20update%2010-2016%20English.pdf>. A copy of this document may be obtained by contacting the Director of Student Services, Dr. Carrie Nerheim, at (925) 258-6218, or cnerheim@orindaschools.org.

District special education services are available to school-age children and preschoolers (ages 3 to 5 years) with eligible disabling conditions. Infants through age 2 are served through county-operated programs and through the Regional Center of the East Bay. Referrals for school-age children may be made through the school of attendance or by calling the Student Services Office at (925) 258-6218.

In an effort to enable school-age children to be successful in school and to locate children with disabilities who may need special education and/or related services (child find), each school operates a Student Study Team (SST). Parents, teachers, and staff may refer children for the SST. The law provides that parents may initiate a request to have their child assessed to determine eligibility for special education and/or related services. Such requests shall be in writing and may be submitted to the principal at the child's school site. As part of the SST process, children may receive a speech and language screening by a speech specialist or observation by the speech specialist, occupational therapist and/or school psychologist for the purpose of identifying possible accommodations or modifications to the regular school program. When the SST determines that a referral for special

education consideration is appropriate, parental consent is obtained to conduct an assessment. Upon completion of the assessment, a copy of which will be provided to the parent, eligibility and placement/services are determined by an individualized education program (IEP) team, in compliance with existing state and federal laws. The IEP team includes, at a minimum, a representative of the district, a special education teacher, a general education teacher, and the parents/guardians.

Parents have the right to digitally/tape record IEP team meetings as long as they provide the district with 24-hour notice. Parents shall receive a copy of the documentation of the determination of eligibility.

Special education services include a continuum of services within the district. Under certain conditions, students may receive services from other agencies such as county-operated programs, state schools, and nonpublic schools/agencies or through home and hospital instruction. Each child between the ages of birth and 21 years with a disability under federal and state law is entitled to receive a free appropriate public education in the least restrictive environment as determined by his/her IEP. No services may be provided without parental consent. All IEPs are reviewed annually. Students in special education programs are reassessed at least every three years or more frequently, if conditions warrant.

When differences of opinion occur within the IEP team process related to the student's assessment, identification, services, or placement, any member of the IEP team, including the parent/guardian, may seek resolution through the due process procedures of a pre-hearing request mediation or a due process hearing, with or without mediation. At a pre-hearing request mediation conference, no attorneys may be used. The state provides a mediator to assist in resolving the dispute. If this mediation is not successful, or if the parties do not choose to utilize this option, a state due process hearing may be pursued.

Either the school district or the parent/guardian may request resolution through the due process hearing procedure. The hearing process may include mediation. Attorneys may be used at this level. Either the parent or the district may waive mediation. Requests for due process hearings and pre-hearing request mediation conferences must be submitted in writing to:

Office of Administrative Hearings, Special Education Division
2349 Gateway Oaks Drive, Suite 200, Sacramento, CA 95833

When a parent/guardian believes the district has violated a state or federal law or regulation, a complaint procedure may be pursued. Complaints alleging such violations may be addressed to:

Procedural Safeguards Referral Service
1430 "N" Street, Suite 2401
Sacramento, California 95814

Any complaints will be handled under the district's Uniform Complaint Procedures described in this document. The district is interested in resolving complaints at the earliest opportunity. Parents/guardians are encouraged to discuss concerns with the teacher, principal, special education staff, program specialists, and administrators before filing a formal complaint.

SPECIAL EDUCATION TEACHER QUALIFICATIONS (CEC § 56058, CEC § 56059)

Special education teachers providing instruction and educational services must meet the same "highly qualified" requirements, as defined in Section 1401(10) of Title 20 of the United States Code, and in Section 300.18 of Title 34 of the Code of Federal Regulations, and personnel qualifications described in Section 1412(a)(14) of Title 20 of the United States Code, and in Section 300.156 of Title 34 of the Code of Federal Regulations. This part does not create a right of action on behalf of an individual with exceptional needs or class of pupils for failure of a state or local educational agency employee to be highly qualified.

SPECIAL EDUCATION LOCAL PLAN (SELPA) (CEC § 56205)

The SELPA must have policies governing personnel qualifications to ensure teachers and paraprofessionals are appropriately and adequately prepared and trained; participation in state and district wide assessments; access to instructional materials by blind individuals and others with print disabilities; over identification and disproportionate representation by race and ethnicity of children as individuals with exceptional needs, including children with disabilities with a particular impairment and prohibition on mandatory medication. The SELPA local plan is to be written in language understandable to the general public.

CHILD FIND PROCESS (CEC § 56301; 20USC1401(3); 1412(a)(3); 34CFR300.111(c)(d))

All children with disabilities residing in the state, including children with disabilities who are homeless children or are wards of the state and children with disabilities attending private, including religious, elementary and secondary schools, regardless of the severity of their disabilities, and who are in need of special education and related services, will be identified, located, referred, and assessed and a practical method developed and implemented to determine which children with disabilities are currently receiving needed special education and related services. The Child Find process will ensure the equitable participation in special education and related services of parentally placed private school children with disabilities and an accurate count of those children. OUSD's Child Find system is operated in partnership with the Contra Costa Special Education Local Plan Area (CC Selpa). The CC SELPA Child Find procedures are available at: <http://www.ccselpa.org/Publications/Topics/childfindframe.htm>.

Parents/guardians should contact either the CC SELPA or the OUSD Director of Student Services if they have questions about referring a child for special education services. The Executive Director of the CC SELPA, Laraine Domenico, can be reached at (925) 827-0949, ext. 24, and the OUSD Director of Student Services, Dr. Carrie Nerheim, can be reached at (925) 258-6218 or cnrheim@orindaschools.org.

ALTERNATE MEANS OF PARTICIPATION (CEC § 56304)

The parents or guardians of a pupil who has been referred for initial assessment, or of a pupil identified as an individual with exceptional needs, will be afforded an opportunity to participate in meetings with respect to identification, assessment, and educational placement. The parent of an individual with exceptional needs and a local educational agency may agree to use alternative means of meeting participation, such as videoconferences and conference calls.

TESTING AND ASSESSMENT (CEC § 56320)

Testing and assessment materials and procedures used for the purposes of assessment and placement of individuals with exceptional needs are selected and administered so as not to be racially, culturally, or sexually discriminatory. The materials and procedures will be provided in the pupil's native language or mode of communication, unless it is clearly not feasible to do so. Tests and other assessment materials must also be administered in the language and form most likely to yield accurate information on what the pupil knows and can do academically, developmentally, and functionally.

INITIAL ASSESSMENT (CEC § 56321)

The local educational agency proposing to conduct an initial assessment to determine if the child qualifies as an individual with exceptional needs will obtain informed consent from the parent of the child before conducting the assessment. If the parent of the child does not provide consent for an initial assessment, or the parent fails to respond to a request to provide the consent, the local educational agency may pursue the initial assessment utilizing the procedures described in Section 1415 of Title 20 of the United States Code. The screening of a pupil by a teacher or specialist to determine appropriate instructional strategies for curriculum implementation will not be considered to be an assessment for eligibility for special education and related services.

ASSESSMENT PLAN (CEC § 56329)

As part of the assessment plan given to parents or guardians, the parent or guardian of the pupil will be provided with a written notice that will include the following information: (1) Upon completion of the administration of tests and other assessment materials, an individualized education program team meeting, including the parent or guardian and his or her representatives, will be scheduled to determine whether the pupil is an individual with exceptional needs, and to discuss the assessment, the educational recommendations, and the reasons for these recommendations. (2) In making a determination of eligibility, a pupil will not be determined to be an individual with exceptional needs if the factor for the determination is any of the following: Lack of appropriate instruction in reading, including the essential components of reading instruction, lack of instruction in mathematics, or limited-English proficiency. (3) A copy of the assessment report and the documentation of determination of eligibility will be given to the parent or guardian.

IEP TEAM MEMBERSHIP REQUIREMENTS (CEC § 56341)

A member of the individualized education program team will not be required to attend an individualized education program meeting, in whole or in part, if the parent of the individual with exceptional needs and the local educational agency agree that the attendance of the member is not necessary because the member's area of the curriculum or related services is not being modified or discussed in the meeting. A member of the individualized education program team may be excused from attending an individualized education program meeting, in whole or in part, when the meeting involves a modification to or discussion of the member's area of the curriculum or related services, if both of the following occur: (1) The parent and the local educational agency consent to the excusal after conferring with the member, and, (2) The member submits in writing to the parent and the individualized education program team, input into the development of the individualized education program prior to the meeting.

TIMELINES AFFECTING SPECIAL EDUCATION (CEC § 56043, CEC § 56341.1, CEC § 56345; 20 USC § 1414, 5 CCR 3040)

Once a child has been referred for an initial assessment to determine whether the child is an individual with exceptional needs and to determine the educational needs of the child, these determinations will be made, and an individualized education program team meeting will occur within 60 days of receiving parental consent for the assessment. A parent or guardian will be notified of the individualized education program meeting early enough to ensure an opportunity to attend. In the case of an individual with exceptional needs who is 16 years of age or younger, if appropriate, the meeting notice will indicate that a purpose of the meeting will be the consideration of the postsecondary goals and transition services for the individual with exceptional needs, and the meeting notice described in this subdivision will indicate that the individual with exceptional needs is invited to attend. An individualized education program required as a result of an assessment of a pupil will be developed within a total time not to exceed 60 calendar days, not counting days between the pupil's regular school sessions, terms, or days of school vacation in excess of five school days, from the date of receipt of the parent's or guardian's written consent for assessment, unless the parent or guardian agrees, in writing, to an extension. Beginning not later than one year before the pupil reaches the age of 18 years, the individualized education program will contain a statement that the pupil has been informed of his/her rights under this part, if any, that will transfer to him/her upon reaching the age of 18. An individualized education program team will meet at least annually to review a pupil's progress, the individualized education program, including whether the annual goals for the pupil are being achieved, the appropriateness of placement, and to make any necessary revisions. The local educational agency will maintain procedures to ensure that the individualized education program team reviews the pupil's individualized education program periodically, but not less frequently than annually, to determine whether the annual goals for the pupil are being achieved, and revise the individualized education program as appropriate. A reassessment of a pupil will occur not more frequently than once a year, unless the parent and the local educational agency agree otherwise in writing, and will occur at least once every three years, unless the parent and the local educational agency agree, in writing. A complaint filed with the department will allege a violation of the Individuals with Disabilities Education Act (20 U.S.C. Sec. 1400 *et seq.*) or a provision of this part that occurred not more than one year prior to the date that the complaint is received by the department.

PROVISION OF SPECIAL EDUCATION AND RELATED SERVICES (CEC § 56346)

A local educational agency that is responsible for making a free appropriate public education (FAPE) and related services to the child with a disability will seek to obtain informed consent from the parent of the child before providing special education and related services to the child. If the parent of the child refuses to consent to the initiation of services, the district will not provide special education and related services to the child by filing for due process, and the district is not required to provide FAPE or develop an IEP. If the parent or guardian of a child who is an individual with exceptional needs refuses all services in the individualized education program after having consented to those services in the past, the local educational agency will file a request for due process. If the parent of the child consents in writing to the receipt of special education and related services for the child but does not consent to all of the components of the individualized education program, those components of the program to which the parent has consented will be implemented so as not to delay providing instruction and services to the child. If the local educational agency determines that the proposed special education program component to which the parent does not consent is necessary to provide a free appropriate public education to the child, a due process hearing will be initiated.

DESIGNATED INSTRUCTION AND SERVICES (CEC § 56363)

As used in this part, the term "designated instruction and services" means "related services" as that term is defined in paragraph (26) of Section 1401 of Title 20 of the United States Code and Section 300.24 of Title 34 of the Code of Federal Regulations. The term "related services" means transportation, and such developmental, corrective, and other supportive services (including speech-language pathology and audiology services, interpreting services, psychological services, physical and occupational therapy, recreation, including therapeutic recreation, social work services, school nurse services designed to enable an individual with exceptional needs to receive a free appropriate public education as described in the individualized education program of the child, counseling services, including rehabilitation counseling, orientation and mobility services, and medical services, except that such medical services will be for diagnostic and evaluation purposes only) as may be required to assist an individual with exceptional needs to benefit from special education, and includes the early identification and assessment of disabling conditions in children. The terms "designated instruction and services" and "related services" do not include a medical device that is surgically implanted, or the replacement of that device.

CHANGES TO AN IEP (CEC § 56380.1)

- (b) In making changes to a pupil's individualized education program after the annual individualized education program meeting for a school year, the parent of the individual with exceptional needs and the local educational agency may agree not to convene an individualized education program meeting for the purposes of making those changes, and instead may develop a written document, signed by the parent and by a representative of the local educational agency, to amend or modify the pupil's existing individualized education program.
- (c) Changes to the individualized education program may be made either by the entire individualized education program team, as provided in subdivision (a), or by amending the individualized education program rather than by redrafting the entire individualized education program. Upon request, a parent will be provided with a revised copy of the individualized education program with the amendments incorporated.

REASSESSMENT OF PUPILS (CEC § 56381)

Assessment will not be required before the termination of a pupil's eligibility due to graduation from secondary school with a regular diploma, or due to exceeding the age eligibility for a free appropriate public education. The district will provide the pupil with a summary of the pupil's academic achievement and functional performance, which will include recommendations on the manner in which to assist the pupil in meeting his or her postsecondary educational goals.

ALTERNATIVE ASSESSMENTS (CEC § 56385)

Individuals with exceptional needs will be included in general statewide and districtwide assessment programs with appropriate accommodations and alternate assessments where necessary and as indicated in their respective individualized education programs. Alternative assessments must meet specified criteria.

INVESTIGATIONS OF COMPLAINTS (CEC § 56500.2)

A complaint filed with the district regarding any alleged violations of the Individuals with Disabilities Education Act (20 USC § 1400 *et seq.*) or a provision of this part will be investigated in an expeditious and effective manner. A complaint filed will allege a violation that occurred not more than one year prior to the date that the complaint is received by the district.

MEDIATION (CEC § 56500.3)

If a resolution is reached that resolves the due process issue through the mediation process, the parties will execute a legally binding written agreement that sets forth the resolution, states that all discussions that occurred during the mediation process will be confidential and may not be used as evidence in any subsequent due process hearing or civil proceeding, must be signed by both the parent and the representative of the district, and is enforceable in state or federal court.

PRIOR WRITTEN NOTICE (CEC § 56500.4)

Prior written notice will be given by the public education agency to the parents or guardians of an individual with exceptional needs, or to the parents or guardians of a child upon initial referral for assessment, and when the public education agency proposes to initiate or change, or refuses to initiate or change, the identification, assessment, or educational placement of the child, or the provision of a free appropriate public education to the child.

RESOLUTION SESSION (CEC § 56501.5)

Prior to a party invoking his or her right to an impartial due process hearing, the local educational agency will convene a resolution session, which is a meeting between the parents and the relevant member or members of the individualized education program team, who have specific knowledge of the facts identified in the due process hearing request. The resolution session is not required if the parents and the local educational agency agree in writing to waive the meeting, or agree to use mediation.

DUE PROCESS HEARING REQUEST (CEC § 56502)

The due process hearing request notice will remain confidential. The request will include the name of the child, the residence address, available contact information, name of the school the child is attending, description of the nature of the problem, and proposed resolution of the problem to the extent known. A party may not have a due process hearing until the party, or the attorney representing the party, files a request that meets the above requirements. The due process hearing request notice will be deemed to be sufficient unless the party receiving the notice notifies the due process hearing officer and the other party in writing that the receiving party believes the due process hearing request notice has not met the notice requirements. A party may amend a due process hearing request notice only if the other party consents in writing to the amendment and is given the opportunity to resolve the hearing issue through a meeting.

STATE HEARING (CEC § 56505)

The hearing will be conducted by a person who will, at a minimum, possess knowledge of, and the ability to understand, the provisions of this part and related state statutes and implementing regulations. The decision of a due process hearing officer will be made on substantive grounds based on a determination of whether the child received a free appropriate public education. In matters alleging a procedural violation, a due process hearing officer may find that a child did not receive a free appropriate public education only if the procedural violation impeded the child's right to a free appropriate public education, significantly impeded the parents' opportunity to participate in the decision making process regarding the provision of a free appropriate public education, or caused a deprivation of educational benefits. Any request for a due process hearing will be filed within three years from the date the party initiating the request knew or had reason to know of the facts underlying the basis for the request. A two year statute of limitations applies.

DUE PROCESS RIGHTS (CEC § 56506)

A parent of an individual with exceptional needs may elect to receive notices required under this chapter by an electronic mail communication, if the local educational agency makes that option available.

AWARD OF ATTORNEYS' FEES (CEC § 56507)

If either party to a due process hearing intends to be represented by an attorney in the state hearing, notice of that intent will be given to the other party at least 10 days prior to the hearing. The failure to provide that notice will constitute good cause for a continuance. An award of reasonable attorneys' fees to the prevailing parent, guardian, or pupil, as the case may be, may only be made either with the agreement of the parties following the conclusion of the administration hearing process, or by a court of competent jurisdiction. The court, in its discretion, may award reasonable attorneys' fees as part of the costs to a prevailing party who is a state educational agency or local education agency.

DUE PROCESS HEARING SEPARATE REQUEST (CEC § 56509)

A parent is not precluded from filing a separate due process hearing request on an issue separate from a due process hearing request already filed.

RELEASE OF INFORMATION FROM EDUCATIONAL RECORDS OF PUPIL WITH EXCEPTIONAL NEEDS (CEC § 56515)

The district will not release information from the education records of an individual with exceptional needs to participating agencies without the consent of the parent or guardian.

FEDERAL SECTION 504 (29 USC § 794; 34 CFR § 104.32)

Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act (42 USC 12101 *et seq.*) prohibit discrimination on the basis of disability. The Orinda Union School District provides a free and appropriate public education to all pupils regardless of the nature or severity of their disability. The district has a responsibility to identify, evaluate, and if eligible, provide pupils with disabilities the same opportunity to benefit from education programs, services, or activities as provided to their non-disabled peers. To qualify for Section 504 protections, the pupil must have a mental or physical impairment which substantially limits one or more major life activity. For additional information about the rights of parents of eligible pupils, or questions regarding the identification, evaluation, and eligibility of Section 504 protections, please contact the person designated by the district to be responsible for implementing Section 504, the Director of Student Services, Dr. Carrie Nerheim, at (925) 258-6218, or cnrheim@orindaschools.org. Screening and evaluation procedures according to Board Policy are implemented at the student's school site whenever there is a reason to believe that a student has a disability that substantially limits his/her ability to attend or function at school. Parents or guardians have the right to a written accommodation plan if the student is found to have a disability that requires services under Section 504. The student has the right to be educated with nondisabled students to the maximum extent appropriate to the student's individual needs. Procedural safeguards are guaranteed by law.

USE OF ASSISTIVE TECHNOLOGY (CEC § 56509)

Requires districts, charter schools, and county schools to allow home and community use of assistive technology devices by students who have assistive technology devices as part of their IEP FAPE offer. Students may continue to use while at distributing school and for up to a maximum of two months or until a replacement or comparable device is obtained in new setting. Not every IEP will have an AT device as part of the IEP team offering, but if it is there, it must remain in possession so that the student does not have a lapse in educational access to such device.

STANDARDS OF CONDUCT

BUS SAFETY (CEC § 56040.3)

All pupils in grades TK to 6 shall receive written information on school bus safety (i.e., a list of school bus stops near each pupil's home, general rules of conduct at school bus loading zones, red light crossing instructions, school bus danger zone, and walking to and from school bus stops). Prior to departure on a school activity trip, all pupils riding on a school bus or school activity bus shall receive safety instruction that includes, but is not limited to, location of emergency exits and location and use of emergency equipment. Instruction may also include responsibilities of passengers seated next to an emergency exit.

DANGEROUS OBJECTS- LASER POINTERS AND IMITATION FIREARMS (PC § 417.27, PC § 12550, PC § 12556)

It is a crime for any student to possess a laser pointer on any elementary or secondary school premise, unless the possession is for a valid instructional or other school-related purpose. A BB device can be considered an imitation firearm. The Penal Code makes it a criminal offense to openly display or expose any imitation firearm in a public place, **including a public school**. Additionally, students should refrain from bringing to school objects that have the potential to inflict serious bodily injury to others. Examples of these objects include, but are not limited to, mini baseball bats, martial arts weapons, or any other sharp, pointy objects.

DISCIPLINE RULES AND REGULATIONS (CEC § 35291, CEC § 35291.5, CEC § 35291.7, CEC § 48900.1, CEC § 48900.3, CEC § 48900.4, CEC § 48980)

Discipline rules, consistent with state law, will be adopted by the district. These rules are to be communicated to students at the beginning of each school year and to transfer students when enrolling. A copy of these rules is available for review at each school.

DRESS CODE (CEC § 35183; BPAR 5132)

School districts may adopt a reasonable dress code policy that prohibits pupils from wearing gang-related apparel. OUSD's Board Policy and Administrative Regulation 5132, Dress and Grooming, can be accessed at <http://www.gamutononline.net/district/orinda/DisplayPolicy/1129685/>.

DUTIES OF PUPILS (5 CCR § 300)

Pupils shall conform to school regulations, obey all directions, be diligent in study, and respectful to teachers and others in authority, and refrain from the use of profane and vulgar language.

GROUND FORS SUSPENSION OR EXPULSION (CEC § 48900 *et seq.*; PC § 12550, PC § 12556)

A pupil shall 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 any of subdivisions (a) to (r), inclusive:

- (a) (1) Caused, attempted to cause, or threatened to cause physical injury to another person. (2) Willfully used force or violence upon the person of another, except in self-defense.
- (b) Possessed, sold, or otherwise furnished a firearm, knife, explosive, or other dangerous object, unless, in the case of possession of an object of this type, the pupil had obtained written permission to possess the item from a certificated school employee, which is concurred by the principal or his/her designee.
- (c) Unlawfully possessed, used, sold or otherwise furnished, or been under the influence of a controlled substance listed in Chapter 2 (commencing with Section 11053) of Division 10 of the Health and Safety Code, an alcoholic beverage, or an intoxicant of any kind.
- (d) Unlawfully offered, arranged, or negotiated to sell any controlled substance listed in Chapter 2 (commencing with Section 11053) of Division 10 of the Health and Safety Code, an alcoholic beverage, or an intoxicant of any kind, and either sold, delivered, or otherwise furnished to a 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, including electronic files and databases.
- (g) Stole or attempted to steal school property or private property.
- (h) Possessed or used tobacco, or any products containing tobacco or nicotine products, including, but not limited to, cigarettes, cigars, miniature cigars, clove cigarettes, smokeless tobacco, snuff, chew packets, and betel. However, this section does not prohibit the use or possession by a pupil of his or her own prescription products.
- (i) Committed an obscene act, or engaged in habitual profanity or vulgarity.
- (j) Unlawfully possessed or unlawfully offered, arranged, or negotiated to sell any drug paraphernalia as defined in Section 11014.5 of the Health and Safety Code.
- (k) (1) 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. (2) Except as provided in Section 48910, a pupil enrolled in kindergarten or any of grades 1-8 inclusive, shall not be suspended for any of the acts enumerated in this subdivision, and this subdivision shall not constitute grounds for a pupil enrolled in kindergarten or any of grades 1 to 12, inclusive, to be recommended for expulsion. Commencing July 1, 2020, these provisions will apply to charter schools. Commencing July 1, 2020, the bill would additionally prohibit the suspension of a pupil enrolled in a school district or charter school in grades 4 and 5 for disrupting school activities or otherwise willfully defying the valid authority of those school personnel engaged in the performance of their duties. The bill, from July 1, 2020, until July 1, 2025, would prohibit the suspension of a pupil enrolled in a school district or charter school in any of grades 6 to 8, inclusive, for those acts.
- (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 as substantially similar in physical properties to an existing firearm as to lead a reasonable person to conclude that the replica is a firearm.

- (n) Committed or attempted to commit a sexual assault as defined in Section 261, 266c, 286, 288, 288a, or 289 of the Penal Code or committed a sexual battery as defined in Section 243.4 of the Penal Code.
- (o) Harassed, threatened, or intimidated a pupil who is a complaining witness or witness in a school disciplinary proceeding for the purpose of either preventing the 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. For purposes of this subdivision, "hazing" means a method of initiation or preinitiation into a pupil organization or body, whether or not the organization or body is officially recognized by an educational institution, that is likely to cause serious bodily injury or personal degradation or disgrace resulting in physical or mental harm to a former, current, or prospective pupil. For purposes of this subdivision, "hazing" does not include athletic events or school-sanctioned events.
- (r) Engaged in an act of bullying, including but not limited to, bullying committed by means of an electronic act. For purposes of this subdivision, the following terms have the following meanings:
 - (1) "Bullying" means any severe or pervasive physical or verbal act or conduct, including communications made in writing or by means of an electronic act, and including one or more acts committed by a pupil or group of pupils as defined in Section 48900.2, 48900.3, or 48900.4, directed toward one or more pupils that has or can be reasonably predicted to have the effect of one or more of the following:
 - A. Placing a reasonable pupil or pupils in fear of harm to that pupil's or those pupils' person or property.
 - B. Causing a reasonable pupil to experience a substantially detrimental effect on his or her physical or mental health.
 - C. Causing a reasonable pupil to experience substantial interference with his or her academic performance.
 - D. Causing a reasonable pupil to experience substantial interference with his or her ability to participate in or benefit from the services, activities, or privileges provided by a school.
 - (2)(A) "Electronic act" means the creation or transmission originated on or off the school site, by means of an electronic device, including, but not limited to, a telephone, wireless telephone, or other wireless communication device, computer, or pager, of a communication, including, but not limited to any of the following:
 - (i) A message, text, sound, video, or image.
 - (ii) A post on a social network Internet website, including, but not limited to:
 - (I) Posting to or creating a burn page. "Burn page" means an Internet website created for the purpose of having one or more of the effects listed in paragraph (1).
 - (II) Creating a credible impersonation of another actual pupil for the purpose of having one or more of the effects listed in paragraph (1). "Credible impersonation" means to knowingly and without consent impersonate a pupil for the purpose of bullying the pupil and such that another pupil would reasonably believe, or has reasonably believed, that the pupil was or is the pupil who was impersonated.
 - (III) Creating a false profile for the purpose of having one or more of the effects listed in paragraph (1). "False profile" means a profile of a fictitious pupil or a profile using the likeness or attributes of an actual pupil other than the pupil who created the false profile.
 - (iii) An act of cyber sexual bullying.
 - (IV) For purposes of this clause, "cyber sexual bullying" means the dissemination of, or the solicitation or incitement to disseminate, a photograph or other visual recording by a pupil to another pupil or to school personnel by means of an electronic act that has or can be reasonably predicted to have one or more of the effects described in subparagraphs (A) to (D), inclusive, of paragraph (1). A photograph or other visual recording, as described above, shall include the depiction of a nude, semi-nude, or sexually explicit photograph or other visual recording of a minor where the minor is identifiable from the photograph, visual recording, or other electronic act.
 - (V) For purposes of this clause, "cyber sexual bullying" does not include a depiction, portrayal, or image that has any serious literary, artistic, educational, political, or scientific value or that involves athletic events or school-sanctioned activities.
 - (B) Notwithstanding paragraph (1) and subparagraph (A), 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.
- (3) "Reasonable pupil" means a pupil, including, but not limited to, an exceptional needs pupil, who exercises average care, skill, and judgment in conduct for a person of his or her age, or for a person of his or her age with his or her exceptional needs.
- (s) A pupil shall not be suspended or expelled for any of the acts enumerated in this section, unless that act is related to school activity or school attendance occurring within a school under the jurisdiction of the superintendent of the school district or principal or occurring within any other school district. A pupil may be suspended or expelled for acts that are enumerated in this section and related to school activity or attendance that occur at any time, including, but not limited to, any of the following: (1) While on school grounds. (2) While going to or coming from school. (3) During the lunch period whether on or off the campus. (4) During, or while going to or coming from, a school sponsored activity.
- (t) A pupil who aids or abets the infliction or attempted infliction of physical injury to another person may suffer suspension, but not expulsion, pursuant to 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).
- (u) As used in this section, "school property" includes, but is not limited to, electronic files and databases.
- (v) For a pupil subject to discipline under this section, a superintendent or principal may use his or her discretion to provide alternatives to suspension or expulsion that are age appropriate and designed to address the pupil's misbehavior as specified in Section 48900.5.
- (w) It is the intent of the Legislature that alternatives to suspension or expulsion be imposed against a pupil who is truant, tardy, or otherwise absent from school activities.

STANDARDS OF CONDUCT, continued

A pupil may be suspended from school or recommended for expulsion if the superintendent or the principal of the school in which the pupil is enrolled determines that the pupil:

1. Has committed sexual harassment as defined in Section 212.5. The conduct described in Section 212.5 must be considered by a reasonable person of the same gender as the victim to be sufficiently severe or pervasive to have a negative impact upon the individual's academic performance or to create an intimidating, hostile, or offensive educational environment. This section shall not apply to pupils enrolled in kindergarten and grades 1 to 3, inclusive. (CEC § 48900.2)
2. Has caused, attempted to cause, threatened to cause, or participated in an act of hate violence, as defined in subdivision (e) of Section 233 (grades 4 to 12). (CEC § 48900.3)
3. Has intentionally engaged in harassment, threats, or intimidation, directed against school district personnel or pupils, that is sufficiently severe or pervasive to have the actual and reasonably expected effect of materially disrupting classwork, creating substantial disorder, and invading the rights of either school personnel or pupils by creating an intimidating or hostile educational environment (grades 4 to 12). (CEC § 48900.4)
4. Has made terroristic threats against school officials or school property, or both. (CEC § 48900.7)

Suspension, including supervised suspension as described in Section 48911.1, shall be imposed only when other means of correction fail to bring about proper conduct. A school district may document the other means of correction used and place that documentation in the pupil's record, which may be accessed pursuant to Section 49069. However, a pupil, including an individual with exceptional needs, as defined in Section 56026, may be suspended, subject to Section 1415 of Title 20 of the United States Code, for any of the reasons enumerated in Section 48900 upon a first offense, if the principal or superintendent of schools determines that the pupil violated subdivision (a), (b), (c), (d), or (e) of Section 48900 or that the pupil's presence causes a danger to persons or property or threatens to disrupt the instructional process. (CEC § 48900.5)

When a student is suspended from school because he/she committed an obscene act, engaged in habitual profanity or vulgarity, disrupted school activities, or otherwise willfully defied valid staff authority, the principal or designee may require the student's parent/guardian to attend a portion of the school day. After completing the classroom visit and before leaving school premises, the parent/guardian shall also meet with the principal or designee. (CEC § 48900.1, BP 5144.1, AR 5144.1)

HARASSMENT, THREATS, OR INTIMIDATION (CEC § 48900.4)

In addition to the grounds specified in Sections 48900 and 48900.2, a pupil enrolled in any of grades 4 to 12, inclusive, may be suspended from school or recommended for expulsion if the superintendent or the principal of the school in which the pupil is enrolled determines that the pupil has intentionally engaged in harassment, threats, or intimidation, directed against school district personnel or pupils, that is sufficiently severe or pervasive to have the actual and reasonably expected effect of materially disrupting classwork, creating substantial disorder, and invading the rights of either school personnel or pupils by creating an intimidating or hostile educational environment.

HATE VIOLENCE (CEC § 48900.3)

In addition to the reasons set forth in Sections 48900 and 48900.2, a pupil in any of grades 4 to 12, inclusive, may be suspended from school or recommended for expulsion if the superintendent or the principal of the school in which the pupil is enrolled determines that the pupil has caused, attempted to cause, threatened to cause, or participated in an act of hate violence as defined in subdivision (e) of Section 233.

HAZING PROHIBITION (CEC § 32051, CEC § 48900 (q), PC § 245.6)

Pupils and other persons in attendance at any public school are prohibited from conspiring to engage in hazing as defined in PC § 245.6. Violation of CEC § 32051 is a misdemeanor.

JURISDICTION/ PUPIL CONDUCT TO AND FROM SCHOOL (CEC § 44807)

Teachers, staff, and administrators shall hold pupils to strict account for their conduct on the way to and from school, on the playground, or during recess.

LIMITATIONS ON IMPOSING SUSPENSION (CEC § 48900.5)

Suspension, including supervised suspension as described in Section 48911.1, shall be imposed only when other means of correction fail to bring about proper conduct. A school district may document the other means of correction used and place that documentation in the pupil's record, which may be accessed pursuant to Section 49069. However, a pupil, including an individual with exceptional needs as defined in Section 56026, may be suspended, subject to Section 1415 of Title 20 of the United States Code, for any of the reasons enumerated in Section 48900 upon a first offense, if the principal or superintendent of schools determines that the pupil violated subdivision (a), (b), (c), (d), or (e) of Section 48900 or that the pupil's presence causes a danger to persons.

LOCKERS

School lockers remain the property of the Orinda Union School District even when assigned to students. The lockers are subject to search whenever the district finds a need to do so. The use of the locker for other than school-related purposes is prohibited. Improper use of school lockers will result in appropriate disciplinary consequences.

MANDATORY EXPULSION VIOLATIONS (CEC § 48915; PC § 240-245, PC § 261, PC § 289)

(a) (1) Education Code Section 48915(a) requires that the principal or superintendent of schools recommend expulsion for any of the following acts committed at school or at a school activity off school grounds unless the principal or superintendent determines that expulsion should not be recommended under the circumstances or that an alternative means of correction would address the conduct:

- A. Causing serious physical injury to another person, except in self-defense.
- B. Possession of any knife or other dangerous object of no reasonable use to the pupil.

- C. Unlawful possession of any controlled substance, listed in Chapter 2 (commencing with Section 11053) of Division 10 of the Health and Safety Code, except for either of the following:
 - (i) The first offense for the possession of not more than one avoirdupois ounce of marijuana, other than concentrated cannabis.
 - (ii) The possession of over-the-counter medication for use by the pupil for medical purposes or medication prescribed for the pupil by a physician.
- D. Robbery or extortion.
- E. Assault or battery, as defined in Sections 240 and 242 of the Penal Code, upon any school employee.
- (a) (2) If the principal or the superintendent of schools makes a determination as described in the introductory paragraph of this section, he or she is encouraged to do so as quickly as possible to ensure that the pupil does not lose instructional time.
- (b) Upon recommendation by the principal or the superintendent of schools, or by a hearing officer or administrative panel appointed pursuant to subdivision (d) of Section 48918, the governing board of a school district may order a pupil expelled upon finding that the pupil committed an act listed in paragraph (1) of subdivision (a) or in subdivision (a), (b), (c), (d), or (e) of Section 48900. A decision to expel a pupil for any of those acts shall be based on a finding of one or both of the following: (1) Other means of correction are not feasible or have repeatedly failed to bring about proper conduct. (2) Due to the nature of the act, the presence of the pupil causes a continuing danger to the physical safety of the pupil or others.
- (c) The principal or superintendent of schools shall immediately suspend, pursuant to Section 48911, and shall recommend expulsion of a pupil that he or she determines has committed any of the following acts at school or at a school activity off school grounds: (1) Possessing, selling, or otherwise furnishing a firearm. This subdivision does not apply to an act of possessing a firearm if the pupil had obtained prior written permission to possess the firearm from a certificated school employee, which is concurred in by the principal or designee of the principal. This subdivision applies to an act of possessing a firearm only if the possession is verified by an employee of a school district. The act of possessing an imitation firearm, as defined in subdivision (m) of Section 48900, is not an offense for which suspension or expulsion is mandatory pursuant to this subdivision and subdivision (d), but it is an offense for which suspension or expulsion pursuant to subdivision (e) may be imposed. (2) Brandishing a knife at another person. (3) Unlawfully selling a controlled substance listed in Chapter 2 (commencing with Section 11053) of Division 10 of the Health and Safety Code. (4) Committing or attempting to commit a sexual assault as defined in subdivision (n) of Section 48900. (5) Possession of an explosive.
- (d) The governing board of a school district shall order a pupil expelled upon finding that the pupil committed an act listed in subdivision (c) and shall refer that pupil to a program of study that meets all of the following conditions: (1) Is appropriately prepared to accommodate pupils who exhibit discipline problems. (2) Is not provided at a comprehensive middle, junior, or senior high school, or at any elementary school. (3) Is not housed at the school site attended by the pupil at the time of suspension.
- (e) Upon recommendation by the principal or the superintendent of schools or by a hearing officer or administrative panel appointed pursuant to subdivision (d) of Section 48918, the governing board of a school district may order a pupil expelled upon finding that the pupil, at school or at a school activity off of school grounds, violated subdivision (f), (g), (h), (i), (j), (k), (l), or (m) of Section 48900, or Section 48900.2, 48900.3, or 48900.4, and either of the following: (1) That other means of correction are not feasible or have repeatedly failed to bring about proper conduct. (2) That due to the nature of the violation, the presence of the pupil causes a continuing danger to the physical safety of the pupil or others.
- (f) The governing board of a school district shall refer a pupil who has been expelled pursuant to subdivision (b) or (e) to a program of study that meets all of the conditions specified in subdivision (d). Notwithstanding this subdivision, with respect to a pupil expelled pursuant to subdivision (e), if the county superintendent of schools certifies that an alternative program of study is not available at a site away from a comprehensive middle, junior, or senior high school or another elementary school, the pupil may be referred to a program of study that is provided at a comprehensive middle, junior, or senior high school or at an elementary school.
- (g) As used in this section, "knife" means any dirk, dagger, or other weapon with a fixed, sharpened blade fitted primarily for stabbing, a weapon with a blade fitted primarily for stabbing, a weapon with a blade longer than 3.5 inches, a folding knife with a blade that locks into place, or a razor with an unguarded blade.
- (h) As used in this section, the term "explosive" means "destructive device" as described in Section 921 of Title 18 of the United States Code.

Education Code Section 48915 (c) requires that the principal or superintendent of schools immediately suspend and recommend expulsion of a pupil that he or she determines has committed any of the following acts at school, or at a school activity off school grounds:

1. Possessing, selling, or otherwise furnishing a firearm.
2. Brandishing a knife at another person.
3. Unlawfully selling a controlled substance.
4. Committing or attempting to commit a sexual assault or committing a sexual battery.
5. Possession of an explosive.

The Board of Trustees will order a student expelled when it is found that the student committed an act listed in CEC § 48915(c).

INVOLUNTARY TRANSFER (BP 5116.2; CEC 48980(n), 48929)

Notwithstanding any other law, the governing board of a school district may transfer to another school in that school district a pupil enrolled in that school district who has been convicted of a violent felony, as defined in subdivision (c) of Section 667.5 of the Penal Code, or convicted of a misdemeanor listed in Section 29805 of the Penal Code if the pupil to be transferred and the victim of the crime for which the pupil was convicted are enrolled at the same school, subject to satisfaction of both of the following conditions:

STANDARDS OF CONDUCT, continued

- (a) The governing board of the school district has adopted a policy at a regularly scheduled meeting that contains all of the following provisions:
- (1) A requirement that the pupil and pupil's parent or guardian be notified of the right to request a meeting with the school principal or designee of the school or school district.
 - (2) A requirement that the school first attempt to resolve the conflict before transferring a pupil, including, but not limited to, using restorative justice, counseling, or other services.
 - (3) Whether the decision to transfer a pupil is subject to periodic review and the procedure for conducting the review.
 - (4) The process to be used by the governing board of the school district to consider and approve or disapprove of the recommendation of the school principal or other school or school district designee to transfer the pupil.
- (b) The governing board of the school district has provided notice of the policy to parents or guardians as part of the annual notification required pursuant to Section 48980.

PROPERTY DAMAGE (BP 5131; BP/AR 5125.2; CEC § 48904, CEC § 48904.3)

Parents or guardians will be held financially liable if their child willfully damages school property or fails to return school property loaned to the child. The school may further withhold the grades of the pupil until restitution is paid.

REQUIREMENT OF PARENT/GUARDIAN SCHOOL ATTENDANCE (CEC § 48900.1, LABOR CODE § 230.7)

Teachers may require the parent/guardian of a student who has been suspended by a teacher to attend a portion of that school day in his or her student's classroom. The attendance of the parent/guardian will be limited to the class from which the student was suspended. A written notice will be sent to the parent/guardian regarding implementation of this requirement. Employers are not allowed to apply sanctions against the parent/guardian for this requirement if the parent/guardian has given reasonable notice to his/her employer.

SEXUAL HARASSMENT (BP/AR 5145.7; CEC § 230, CEC § 231.5, CEC § 48980 (g); CEC § 48900.2; 5 CCR § 4917; TITLE VII OF THE CIVIL RIGHTS ACT OF 1964; TITLE IX OF THE EDUCATIONAL AMENDMENTS ACT OF 1972)

The Orinda Union School District is committed to maintaining a learning and working environment that is free from sexual harassment. The Board prohibits sexual harassment of students by another student, by an employee, or by any other persons, at school or at a school-sponsored or school-related activity or event. Any student who engages in sexual harassment of anyone in or from the district may be subject to disciplinary action up to and including expulsion. Any employee who permits, engages in, or fails to report sexual harassment shall be subject to disciplinary action up to and including dismissal. To report incidences of sexual harassment, please contact the Director of Human Resources, Dr. Brian Inglesby, at (925) 258-6306, or binglesby@orindaschools.org. A copy of the district's sexual harassment policy, Board Policy 5145.7, can be accessed at: <http://www.gamutonline.net/district/orinda/DisplayPolicy/1129727/5>.

In addition to the reasons for suspension specified in Section 48900, a pupil may be suspended from school or recommended for expulsion if the superintendent or the principal of the school in which the pupil is enrolled determines that the pupil has committed sexual harassment as defined in Section 212.5. For the purposes of this chapter, the conduct described in Section 212.5 must be considered by a reasonable person of the same gender as the victim to be sufficiently severe or pervasive to have a negative impact upon the individual's academic performance or to create an intimidating, hostile, or offensive educational environment. This section shall not apply to pupils enrolled in kindergarten and grades 1 to 3, inclusive.

Teachers will discuss this policy with their students in age-appropriate ways and should assure them that they need not endure any form of sexual harassment. Such instruction and information will include:

1. What acts and behavior constitute sexual harassment, including the fact that sexual harassment can occur between people of the same gender.
2. A clear message that students do not have to endure sexual harassment. Students should be encouraged to report observed instances of sexual harassment, even where the victim of the harassment has not complained.
3. Information about the person(s) at the school or in the district to whom a report of sexual harassment should be made, and about the process the school and/or district uses to investigate such a report.

Any student who believes that he/she and/or another student is being or has been subjected to sexual harassment shall immediately contact the school principal or his/her designee. Any school employee who observes any incident of sexual harassment against any student shall similarly report his/her observation to the principal or his/her designee, whether or not the victim makes a complaint. If the student contacts another school staff member, such as a teacher or an advisor, that person should immediately inform the principal or his/her designee of the alleged incident.

The principal or designee to whom a complaint of sexual harassment is reported shall immediately investigate the complaint in a way that protects the privacy of all parties concerned. (A copy of AR 1312.3 - Uniform Complaint Procedures - should be furnished to the victim.) When the principal or designee finds that sexual harassment has occurred, he/she will take immediate, appropriate action to end the harassment and address its effects on the victim. The principal or designee will file a report with the Superintendent or his/her designee and will refer the matter to law enforcement as appropriate.

In any case of sexual harassment involving the principal or any other district employee to whom the complaint would ordinarily be made, the employee who receives the student's report or who observes the incident shall report to the district's nondiscrimination coordinator or to the Superintendent or designee.

STANDARDS OF CONDUCT, continued

Any student who engages in sexual harassment of anyone at school or at a school-sponsored or school-related activity is in violation of this policy and shall be subject to disciplinary action. For students in grades 4 through 8 (Education Code 48900.2), disciplinary action may include suspension and/or expulsion, provided that in imposing such discipline the entire circumstances of the incident(s) shall be taken into account. Such circumstances shall include but are not limited to:

1. Age and maturity of the victim and of the perpetrator;
2. Pervasiveness and severity of the alleged harassing conduct;
3. Prior complaints against the perpetrator.

In addition, to warrant suspension/expulsion, the alleged conduct "must be considered by a reasonable person of the same gender to be sufficiently severe or pervasive to have a negative impact upon the individual's academic performance or to create an intimidating, hostile, or offensive educational environment." (Education Code 48900.2)

Any employee who permits or engages in the sexual harassment of a student is subject to disciplinary action up to and including dismissal. The Superintendent or his/her designee will maintain a record of all reported cases of sexual harassment in order to monitor, address, and prevent repetitive harassing behavior in district schools.

Information gathered in the course of investigating any and all sexual harassment complaints will be kept confidential to the greatest extent possible. Prohibited sexual harassment includes, but is not limited to, unwelcome sexual advances, requests for sexual favors, and other verbal, visual or physical conduct of a sexual nature when: (Education Code 212.5)

1. Submission to the conduct is explicitly or implicitly made a term or condition of an individual's employment, academic status, or progress;
2. Submission to or rejection of the conduct by an individual is used as the basis for academic or employment decisions affecting the individual;
3. The conduct has the purpose or effect of having a negative impact on the individual's academic or work performance, or of creating an intimidating, hostile, or offensive educational or work environment;
4. Submission to or rejection of the conduct by the individual is used as the basis for any decision affecting the individual regarding benefits and services, honors, programs, or activities available at or through the school.

Types of conduct which are prohibited in the district and which may constitute sexual harassment include, but are not limited to:

1. Unwelcome leering, sexual relations, or propositions;
2. Unwelcome sexual slurs, epithets, threats, verbal abuse, derogatory comments, or sexually degrading descriptions;
3. Graphic verbal comments about an individual's body or overly personal conversation;
4. Sexual jokes, stories, drawings, pictures, or gestures;
5. Spreading sexual rumors;
6. Teasing or sexual remarks about students enrolled in a predominantly single-sex class;
7. Touching an individual's body or clothes in a sexual way;
8. Unwanted touching of an individual's clothes or body, sexual or not;
9. Limiting a student's access to educational tools;
10. Cornering or blocking normal movements; unreasonable invasion of personal space;
11. Displaying sexually suggestive objects in the educational environment;
12. Any act of retaliation against an individual who reports a violation of the district's sexual harassment policy or who participates in the investigation of a sexual harassment complaint.

Notifications

A copy of the district's sexual harassment policy shall be:

1. Included in the notifications that are sent to parents/guardians at the beginning of each school year; (Education Code 48980)
2. Displayed in a prominent location near each school principal's office; (Education Code 212.6)
3. Provided as part of any orientation program conducted for new students at the beginning of each quarter, semester, or summer session; (Education Code 212.6)
4. Included in any school or district publication that sets forth the school or district's comprehensive rules, regulations, procedures, and standards of conduct; (Education Code 212.6)
5. Provided to employee and employee organizations.

Complaint Procedures

In response to a complaint of sexual harassment, the following steps will be taken:

1. The principal or designee shall immediately investigate all complaints of sexual harassment. In so doing, he/she shall talk individually with:
 - a. The student or individual who is making the complaint;
 - b. The victim of harassment if other than the complainant;
 - c. The person accused of harassment;
 - d. Anyone who witnessed the harassment take place;
 - e. Anyone mentioned as having related information.
2. The student or individual who makes a complaint shall have an opportunity to describe the incident, present witnesses and other evidence of the harassment, and put his/her complaint in writing.

STANDARDS OF CONDUCT, continued

3. The principal or designee shall discuss the complaint only with the people described above. When necessary to carry out his/her investigation, or for other good reasons that apply to the particular situation, the principal or designee also may discuss the complaint with the following persons:
 - a. The Superintendent or designee;
 - b. The parent/guardian of the student who made the complaint;
 - c. The parent/guardian of the harassment victim;
 - d. The parent/guardian of the person accused of harassment;
 - e. A teacher or staff member whose knowledge of the students involved may help in determining who is telling the truth;
 - f. Child protective agencies responsible for investigating child abuse reports;
 - g. Legal counsel for the district.
4. The principal or designee shall inform the student victim that he/she has the right to file a formal complaint at any time in accordance with the district's uniform complaint procedures. If the student wishes to file a formal complaint, the principal or designee shall assist the student as requested.
5. In reaching a decision about the complaint, the principal or designee may take into account:
 - a. Statements made by the persons identified above;
 - b. The details and consistency of each person's account;
 - c. Evidence of how the victim reacted to the incident;
 - d. Evidence of past instances of harassment by the accused;
 - e. Evidence of past harassment complaints that were found to be untrue
6. To judge the severity of the harassment, the principal or designee may take into consideration:
 - a. How the harassment affected the education of the victim(s);
 - b. The type, frequency, and duration of the harassment;
 - c. The number of victims involved;
 - d. The age and sex of the person accused of harassment;
 - e. The place and situation where the incident occurred;
 - f. Other incidents at the school, including incidents of harassment that were not related to sex, committed by the perpetrator.
7. The principal or designee shall write a report of his/her findings, decision, and reasons for the decision, and shall present this report to the complainant and/or the victim and to the person accused. The parents of both students will be included in this process.
8. The principal or designee shall give the Superintendent or designee a written report of the complaint and investigation. If he/she verifies that sexual harassment occurred, this report shall include a description of the evidence used to verify that the harassment took place, an explanation of the process used to collect that evidence, a list of the steps taken to end the harassment, a list of the consequences received by the perpetrator, and an action plan that will ensure that retaliation and/or further harassment will not occur to the victim or to anyone else involved in resolving the incident.

Enforcement

The Superintendent or designee, and/ or the principal or designee, shall take appropriate actions to reinforce the district's sexual harassment policy. As needed, these actions may include any of the following:

1. Removing vulgar or offending graffiti;
2. Providing staff inservice and student instruction or counseling;
3. Notifying parents/guardians;
4. Notifying child protective services;
5. Taking appropriate disciplinary action. In addition, the principal or designee may take disciplinary measures against any person who is found to have made a complaint of sexual harassment which he/she knew was not true.

TERRORISTIC THREATS (CEC § 48900.7)

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

USE OF ELECTRONIC RECORDING/ LISTENING DEVICES (CEC § 51512)

No recording of any conversation, conference, or classroom presentation may be made without prior consent of all parties. Violation of these prohibitions will result in disciplinary action. The use by any person, including a student, of any electronic listening or recording device in any

STANDARDS OF CONDUCT, continued

classroom of the elementary and secondary schools without the prior consent of the teacher and the principal of the school given to promote an educational purpose disrupts and impairs the teaching process and discipline in the elementary and secondary schools, and such use is prohibited. Any person, other than the student, willfully in violation shall be guilty of a misdemeanor. Any student violating this section will be subject to appropriate disciplinary action.

STUDENT RECORDS

COLLECTION OF SOCIAL SECURITY NUMBERS (EC § 49076.7)

Pupils and their parents or guardians should not be asked to provide their social security numbers or the last four digits of the social security numbers unless required by state or federal law. If a form is requesting a social security number or the last four digits of the social security number for a parent or child and it does not specify the state or federal law that requires this information, ask the school administrator for more information before providing it.

DIRECTORY INFORMATION (CEC § 49063, CEC § 49064, CEC § 49065, CEC § 49073; 20 USC § 7908)

The district makes student directory information available in accordance with state and federal laws. "Directory Information" includes one or more of the following items: a student's name, address, telephone number, e-mail address, date of birth, participation in officially recognized activities and sports, weight and height of members of athletic teams, dates of attendance, awards received, and the most recent public or private school attended by the student. The district has determined that directory information may be disclosed for district publications including, but not limited to, the following: a playbill for a drama production, the annual yearbook, honor roll or recognition lists, promotion programs, and sports activity sheets. The district has also determined that directory information may be disclosed to organizations, including, but not limited to, the following: the site Parents' Club and the Educational Foundation of Orinda. Directory information may be disclosed without prior consent from the parent or legal guardian unless the parent or legal guardian submits a written notice to the school to deny access to his/her pupil's directory information. Directory information regarding a pupil identified as a homeless child or youth shall not be released unless a parent, or eligible pupil, has provided written consent that directory information may be released.

PUPIL RECORDS AND INFORMATION (BP/AR 5125; CEC § 49063, CEC § 49069; Family Education Rights and Privacy Act (FERPA); 34 CFR § 99.7; 20 USC § 1232 (g))

Under the Family Educational Rights and Privacy Act (FERPA) of 1974 and state laws and regulations, parents of currently enrolled students or former students attending a postsecondary education program under the age of 18 have a right to inspect and review any and all records related to the student. These rights include the following: A cumulative record, whether recorded by handwriting, print, tapes, film, microfilm, or other means, must be maintained on the history of a pupil's development and educational progress. The district will protect the privacy of such records. Parents/guardians have the right to 1) inspect and review the student's educational record maintained by the school, 2) request that a school correct records which they believe to be inaccurate or misleading, and 3) have some control over the disclosure of information from the educational records. School officials with legitimate educational interests may access student records without parental consent as long as the official needs to review the records in order to fulfill his/her professional responsibility. Upon request from officials of another school district in which a student seeks or intends to enroll, the district shall disclose educational records without parental consent. Parents' request to access their student's educational records must be submitted in a written form to the principal, and the school will have five (5) business days from the receipt of the request to provide access to the records.

Any challenge to school records must be submitted in writing to the principal. A parent challenging school records must show that the records are 1) inaccurate, 2) an unsubstantiated personal conclusion or inference, 3) a conclusion or inference outside the observer's area of competence, 4) not based on the personal observation of a named person with the time and place of the observation noted, 5) misleading, or 6) in violation of the privacy or other rights of the student. Parents have the right to file a complaint with the United States Department of Education concerning an alleged failure by the district to comply with the provisions of the United States Family Educational Rights and Privacy Act (FERPA) by writing to: Family Policy Compliance Office, U.S. Department of Education, 400 Maryland Avenue, SW, Washington D.C. 20202-4605.

PHOTOGRAPH AND/OR PUBLICITY RELEASE (BP 1112)

The Orinda Union School District may take photographs or make video recordings of students to be used for educational or publicity purposes only; no commercial use will be made of the photographs/recordings. Photographs and video recordings may include award presentations or other school activities. Permission to release any photograph or video recording is included as part of the district's online enrollment/re-enrollment process.

RELEASE OF INFORMATION PURSUANT TO COURT ORDER (CEC § 49077)

Information concerning a student shall be furnished in compliance with a court order or a lawfully issued subpoena. Reasonable effort shall be made to notify the parent and the pupil in advance.

RELEASE OF JUVENILE INFORMATION (WIC 831)

Juvenile court records should be confidential regardless of the juvenile's immigration status. Only if a court order is provided will any student information be disseminated, attached, or provided to federal officials. The court order must indicate prior approval of the presiding judge of the juvenile court. Otherwise, juvenile information is protected from distribution and remains private without a court order. Whenever a pupil has been found by a court to have committed any felony or misdemeanor involving curfew, gambling, alcohol, drugs, tobacco products, carrying of weapons, a sex offense, assault or battery, larceny, vandalism, or graffiti, the court will provide a written notice to the superintendent of the school district of attendance. The superintendent will then provide the information to the principal at the school of attendance, who will disseminate the information to any administrator, teacher, or counselor directly supervising or reporting on the behavior or progress of the pupil, allowing them to work with the pupil in an appropriate manner.

SURVEYS

USE OF SURVEYS, QUESTIONNAIRES, EXAMINATIONS (CEC § 51513, CEC § 51514, CEC § 51938(b); 20 USC § 1232h; BP/AR 5022)

Anonymous, voluntary, and confidential research and evaluation tools to measure students' health behaviors and risks, including tests, questionnaires, and surveys containing age-appropriate questions about a student's attitudes and practices relating to sex, family life, morality, and religion may be administered to students if the parent is notified in writing that 1) this test, questionnaire, survey, or examination is to be administered, 2) Parents/guardians must be given the opportunity to review the test, questionnaire, survey, or examination and 3) Parents/guardians must consent in writing (active consent). In grades seven and eight, tests, questionnaires, surveys, and examinations containing age-appropriate questions about students' attitudes concerning or practices relating to sex, family life, morality, and religion may be administered to students if parents have been notified in writing that 1) the test, questionnaire, or survey is to be administered, 2) Parents/guardians are given the opportunity to review the test, questionnaire, or survey, and 3) Parents/guardians have not submitted in writing a request that a student not participate (passive consent).

TECHNOLOGY

TECHNOLOGY ACCEPTABLE USE AGREEMENT AND RELEASE OF DISTRICT FROM LIABILITY (BP 6163.4)

The Orinda Union School District authorizes students to use technology owned or otherwise provided by the district as necessary for instructional purposes. The use of district technology is a privilege permitted at the district's discretion and is subject to the conditions and restrictions set forth in applicable Board policies, administrative regulations, and this Acceptable Use Agreement. The district reserves the right to suspend access at any time, without notice, for any reason. The district expects all students to use technology responsibly in order to avoid potential problems and liability. The district may place reasonable restrictions on the sites, material, and/or information that students may access through the system. Each student who is authorized to use district technology and his/her parent/guardian shall sign the Orinda Union School District Technology Acceptable Use Agreement as an indication that they have read and understand the agreement.

Definitions

District technology includes, but is not limited to, computers, the district's computer network including servers and wireless computer networking technology (Wi-Fi), the Internet, email, USB drives, wireless access points (routers), tablet computers, smartphones and smart devices, telephones, cellular telephones, personal digital assistants, pagers, media players, wearable technology, any wireless communication device including emergency radios, and/or future technological innovations, whether accessed on or off site or through district-owned or personally owned equipment or devices.

Student Obligations and Responsibilities

Students are expected to use district technology safely, responsibly, and for educational purposes only. The student in whose name district technology is issued is responsible for its proper use at all times. Students shall not share their assigned online services account information, passwords, or other information used for identification and authorization purposes, and shall use the system only under the account to which they have been assigned. Students are prohibited from using district technology for improper purposes, including, but not limited to, use of district technology to:

1. Access, post, display, or otherwise use material that is discriminatory, libelous, defamatory, obscene, sexually explicit, or disruptive
2. Bully, harass, intimidate, or threaten other students, staff, or other individuals ("cyberbullying")
3. Disclose, use, or disseminate personal identification information (such as name, address, telephone number, Social Security number, or other personal information) of another student, staff member, or other person with the intent to threaten, intimidate, harass, or ridicule that person
4. Infringe on copyright, license, trademark, patent, or other intellectual property rights
5. Intentionally disrupt or harm district technology or other district operations (such as destroying district equipment, placing a virus on district computers, adding or removing a computer program without permission from a teacher or other district personnel, changing settings on shared computers)
6. Install unauthorized software
7. "Hack" into the system to manipulate data of the district or other users
8. Engage in or promote any practice that is unethical or violates any law or Board policy, administrative regulation, or district practice

Privacy

Since the use of district technology is intended for educational purposes, students shall not have any expectation of privacy in any use of district technology. The district reserves the right to monitor and record all use of district technology, including, but not limited to, access to the Internet or social media, communications sent or received from district technology, or other uses. Such monitoring/recording may occur at any time without prior notice for any legal purposes including, but not limited to, record retention and distribution and/or investigation of improper, illegal, or prohibited activity. Students should be aware that, in most instances, their use of district technology (such as web searches and emails) cannot be erased or deleted. All passwords created for or used on any district technology are the sole property of the district. The creation or use of a password by a student on district technology does not create a reasonable expectation of privacy.

Personally Owned Devices

If a student uses a personally owned device to access district technology, he/she shall abide by all applicable Board policies, administrative regulations, and this Acceptable Use Agreement. Any such use of a personally owned device may subject the contents of the device and any communications sent or received on the device to disclosure pursuant to a lawful subpoena or public records request.

Reporting

If a student becomes aware of any security problem (such as any compromise of the confidentiality of any login or account information) or misuse of district technology, he/she shall immediately report such information to the teacher or other district personnel.

Consequences for Violation

Violations of the law, Board policy, or this agreement may result in revocation of a student's access to district technology and/or discipline, up to and including suspension or expulsion. In addition, violations of the law, Board policy, or this agreement may be reported to law enforcement agencies as appropriate.

TECHNOLOGY, continued

As the parent/guardian, I have read, understand, and agree that my child shall comply with the terms of the Acceptable Use Agreement. I give permission for my child to use district technology and/or to access the school's computer network and the Internet. I understand that, despite the district's best efforts, it is impossible for the school to restrict access to all offensive and controversial materials. I agree to release from liability, indemnify, and hold harmless the school, district, and district personnel against all claims, damages, and costs that may result from my child's use of district technology or the failure of any technology protection measures used by the district. Further, I accept full responsibility for supervision of my child's use of his/her access account if and when such access is not in the school setting.

ELECTRONIC SIGNALING DEVICES (CEC § 48901.5)

The use by any person, including a pupil, of any electronic signaling device in any classroom without the prior consent of the teacher and the principal is prohibited as it disrupts and impairs the teaching process and discipline in the schools. The only allowable use would be acceptable if it is determined by a licensed physician that the pupil must use for the health and safety of a pupil. Any pupil in violation shall be subject to appropriate disciplinary action. Smartphone use may be prohibited by districts, charter schools, and county schools while a student is at a school site and under supervision and control of staff. There are health and special education limits or usage that may differ from the general student population, but must be in writing and kept on file in student records for confidential record keeping and reasons.

TESTING

PHYSICAL PERFORMANCE TEST (CEC § 60800)

The governing board of each school district maintaining students in grades 5, 7, and 9 shall administer to each pupil in those grades the physical performance test designated by the State Board of Education. Each physically handicapped pupil and each pupil who is physically unable to take the entire physical performance test shall be given as much of the test as his or her condition will permit. The governing board of a school district shall report the aggregate results of its physical performance testing administered in each school site's annual School Accountability Report Card (SARC).



Orinda Union School District

2020-2021 Academic School Year Calendar

First Day of School: August 13

Last Day of School: May 28

Student Days: 180

Teacher Days: 184

S	M	T	W	T	F	S
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17*	18	19 (L)	20	21	22
23	24*	25	26 (L)	27	28	29
30	31*					

S	M	T	W	T	F	S
		1	2°(L)	3	4	5
6	7	8	9(L)	10	11	12
13	14*	15	16(L)	17	18	19
20	21°	22°	23° (L)	24°	25°	26
27	28*	29	30(L)			

S	M	T	W	T	F	S
				1	2	3
4	5*	6	7(L)	8	9	10
11	12	13	14 (L)	15	16	17
18	19*	20	21 (L)	22	23	24
25	26*	27	28 (L)	29	30	31

S	M	T	W	T	F	S
1	2*	3	4 (L)	5	6	7
8	9*	10	11	12	13	14
15	16*	17	18 (L)	19	20	21
22	23	24	25	26	27	28
29	30*					

S	M	T	W	T	F	S
			1	2 (L)	3	4
5	6	7*	8	9 (L)	10	11
12	13	14*	15	16 (L)	17	18°
19	20	21	22	23	24	25
26	27	28	29	30	31	

AUGUST 2020

Aug-7: New Employee Orientation

Aug-10-11: Prof. Dev. Day

Aug-12: Teacher Work Day

Aug-13: First Day of School

SEPTEMBER 2020

Sep-2: Prof. Dev.; Stu. Min. Day

Sep-7: Labor Day

Sep-21-25: Conf.; Elem. Min.Days

OCTOBER 2020

Oct-9: Quarter Ends OIS

Oct-12: Prof Dev; Non-Student Day

NOVEMBER 2020

Nov-6: Trimester Ends K-5

Nov-11: Veteran's Day

Nov-23-27: Thanksgiving Break

DECEMBER 2020

Dec-18: Semester Ends OIS

Dec-21-31: Winter Break

S	M	T	W	T	F	S
					1	2
3	4*	5	6 (L)	7	8	9
10	11*	12	13 (L)	14	15	16
17	18	19	20 (L)	21	22	23
24	25*	26	27 (L)	28	29	30
31						

S	M	T	W	T	F	S
	1*	2	3 (L)	4	5	6
7	8*	9	10 (L)	11	12	13
14	15	16	17 (L)	18	19	20
21	22°	23°	24 (L)	25	26	27
28						

S	M	T	W	T	F	S
	1*	2	3 (L)	4	5	6
7	8*	9	10 (L)	11	12	13
14	15*	16	17 (L)	18	19	20
21	22*	23	24 (L)	25	26	27
28	29	30	31			

S	M	T	W	T	F	S
				1	2	3
4	5*	6	7 (L)	8	9	10
11	12*	13	14 (L)	15	16	17
18	19*	20	21 (L)	22	23	24
25	26*	27	28 (L)	29	30	

S	M	T	W	T	F	S
						1
2	3*	4	5 (L)	6	7	8
9	10*	11	12 (L)	13	14	15
16	17*	18	19 (L)	20	21	22
23	24*	25	26 (L)	27 (P)	28°	29
30	31					

JANUARY 2021

Jan-1: Winter Break

Jan-18: Martin Luther King, Jr. Day

FEBRUARY 2021

Feb-12/15: Presidents' Day Weekend

Feb 12: Potential "Weather" Day

Feb-22-23: Conferences

Feb-26: Trimester Ends K-5

MARCH 2021

Mar-11: Quarter Ends OIS

Mar-12: Potential "Weather" Day

Mar-29-31: Spring Break

APRIL 2021

Apr-1-2: Spring Break

MAY 2021

May-27: OIS Promotion-Min Day OIS only

May-28: Last Day of School

May-28: Semester Ends OIS

May-28: Trimester Ends K-5

CALENDAR INFORMATION

	Prof. Dev./Teacher Work Day-Non Student day
	First/Last Day of School
	Break/Holiday
	Elem. Conferences - Min. Days - 12:20 p.m.
*	Early Release Elem. Only - 1:55 p.m.
**	Early Release Elem. - 1:55 p.m.
	Early Release OIS - 2:45 p.m.
°	Minimum Day Elem. Only - 12:20 p.m.
°°	Minimum Day Elem. - 12:20 p.m.
	Minimum Day OIS - 1:05 p.m.
L	Late Start OIS Only - 9:25 a.m.
P	OIS Promotion-Minimum Day OIS Only - 1:05 p.m.

Jul. 31	Eid al-Adha*
Sept. 19-20	Rosh Hashanah*
Sept. 28	Yom Kippur*
Oct. 18	Birth of the Bab
Oct. 19	Birth of Baha u llah
Nov. 14-18	Diwali
Nov. 26	Thanksgiving
Dec. 11-18	Hanukkah*
Dec. 24 & 25	Christmas Eve & Christmas
Dec. 26-Jan. 1	Kwanzaa
Dec. 31 & Jan 1	New Year's Eve & Day

Jan. 7	East. Orthodox Christmas
Feb. 12	Chinese New Year
Feb. 17	Ash Wednesday
Mar. 20	Naw-Ruz
Mar. 28-Apr. 4*	Passover
Apr. 2	Good Friday
Apr. 4	Easter Sunday
Apr. 20	First Day of Ridvan

*Begins at sunset the evening before

Minimum Days: (K-8 - Sept. 2, Dec. 18, May 28) (Elem only - Sept. 21-25, Feb. 22-23) (OIS only May 27)

Back to school and open house dates are minimum days and are available at each school site.

Adopted by the Board of Trustees: April 15, 2019

Revised: September 11, 2019

Revised: January 13, 2020

Revised: June 1, 2020

Revised: July 20, 2020

TESTING AND SURVEYS

NOTICE TO PARENTS, GUARDIANS, AND STUDENTS

The Orinda Union School District administers various tests, surveys, and questionnaires annually, with results providing different kinds of important information about student achievement and/or our instructional program. These include:

CALIFORNIA ASSESSMENT OF STUDENT PERFORMANCE AND PROGRESS (CAASPP)

In October 2013, former Governor Brown signed into law Assembly Bill 484 to replace the state's former standardized testing program, Standardized Testing and Reporting (STAR), with modern, computer-adaptive assessments aligned with the new California Standards in English Language Arts and mathematics. The law transitioned school districts to the new state student assessment program called the California Assessment of Student Performance and Progress (CAASPP). In the spring of each year, students in Grades 3-8 and 11 participate in the CAASPP. The CAASPP encompasses, among other assessments, the California Science Tests (CAST) in Grades 5, 8, and once in high school. A parent or guardian may annually submit to the school a written request to excuse his or her child from any or all parts of any test provided pursuant to Education Code section 60640 for the school year. The Local Education Agency and its employees shall not solicit or encourage any written exemption request on behalf of any child or group of children. For more information on the CAASPP, please go to: <http://www.cde.ca.gov/ta/tg/ca/>.

CALIFORNIA HEALTHY KIDS SURVEY (CHKS)

The California Healthy Kids Survey (CHKS), sponsored by the California Department of Education, is an anonymous, confidential survey of school climate and safety, student wellness, and youth resiliency. It is administered to students at grades five, seven, nine, and eleven. It enables schools and communities to collect and analyze data regarding local youth health risks and behaviors, school connectedness, school climate, protective factors, and school violence. The CHKS is part of a comprehensive data-driven decision-making process on improving school climate and student learning environment for overall school improvements. Student participation is voluntary and anonymous. No names or any other identifying information is connected to the answers except for the name of the school.

CELDT → ELPAC TESTING (CEC § 313.2)

State and federal law require that local educational agencies administer a state test of English language proficiency (ELP) to eligible students in kindergarten through grade twelve. This test was formerly the California English Language Development Test (CELDT). The California Department of Education (CDE) transitioned from the CELDT to the ELPAC as the state ELP assessment in 2018. The ELPAC will be aligned with the 2012 California English Language Development Standards. It will be comprised of two separate ELP assessments: one for the initial identification of students as English learners (ELs), and a second for the annual summative assessment to measure a student's progress in learning English and to identify the student's level of ELP. Students in kindergarten through grade twelve, who are classified as English learners, will take the ELPAC Summative Assessment every year until they are reclassified as proficient in English. Students are tested on their skills in listening, speaking, reading, and writing.

PHYSICAL FITNESS TESTING

The statewide physical fitness testing program was first authorized in 1976 and reestablished in 1995 as part of the California Assessment of Academic Achievement Act (Assembly Bill [AB] 265 which added EC Section 60800). In February 1996, the State Board of Education designated *FITNESSGRAM*® as the required physical fitness test that LEAs shall administer to California students in grades five, seven, and nine during the months of February through May.

FOR MORE INFORMATION...

For the latest information regarding testing, please visit the California Department of Education webpage at <http://www.cde.ca.gov/ta/tg/>. If you have any further questions, please contact the Director of Curriculum and Instruction, David Schrag, at (952) 258-6206, or dschrag@orindaschools.org.



8 Altarinda Road
Orinda, CA 94666
952: 254-4901

WILLIAMS/UNIFORM COMPLAINT FORM For Education Code Section 35186 Complaints

Education Code (EC) Section 35186 created a procedure for the filing of complaints concerning deficiencies related to instructional materials, conditions of facilities that are not maintained in a clean or safe manner or in good repair, and teacher vacancy or misassignment.

The complaint and responses are public documents as provided by statute. Complaints may be filed anonymously. However, if you wish to receive a response to your complaint, you must provide the following contact information.

Response requested? ☐ Yes ☐ No

Name (Optional): _____

Mailing Address (Optional): _____

Phone Number: Day (Optional): _____ Evening (Optional): _____

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

1. **Textbooks and Instructional Materials:**

- ☐ A pupil, including an English learner, does not have standards-aligned textbooks or instructional materials or state-adopted or district-adopted textbooks or other required instructional materials to use in class.
- ☐ A pupil does not have access to textbooks or instructional materials to use at home or after school. This does not require two sets of textbooks or instructional materials for each pupil.
- ☐ Textbooks or instructional materials are in poor or unusable condition, have missing pages, or are unreadable due to damage.
- ☐ A pupil was provided photocopied sheets from only a portion of a textbook or instructional materials to address a shortage of textbooks or instructional materials.

2. **Facility Conditions:**

- ☐ A condition poses an urgent or emergency threat to the health or safety of students or staff, including: gas leaks, nonfunctioning heating, ventilation, fire sprinklers or air-conditioning systems, electrical power failure, major sewer line stoppage, major pest or vermin infestation, broken windows or exterior doors or gates that will not lock and that pose a security risk, abatement of hazardous materials previously undiscovered that pose an immediate threat to pupils or staff, structural damage creating a hazardous or uninhabitable condition, and any other emergency conditions the school district determines appropriate.
- ☐ A school restroom has not been maintained or cleaned regularly, is not fully operational, or has not been stocked at all times with toilet paper, soap, and paper towels or functional hand dryers.
- ☐ The school has not kept all restrooms open during school hours when pupils are not in classes, and has not kept a sufficient number of restrooms open during school hours when pupils are in classes.

3. **Teacher Vacancy or Misassignment:**

- ☐ Teacher Vacancy- A semester begins and a teacher vacancy exists. (A teacher vacancy is 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.)
- ☐ Teacher misassignment- A teacher who lacks credentials or training to teach English learners is assigned to teach a class with more than 20 percent English learner pupils in the class.
- ☐ Teacher misassignment- A teacher is assigned to teach a class for which the teacher lacks subject matter competency.

Date(s) of Problem: _____

Location of Problem (School Name, Room Number or Location): _____

Course/Grade Level/Teacher Name (if applicable): _____

Please describe the issue of your complaint in detail. You may attach additional pages if necessary to fully describe the situation:

Please file this complaint with the principal at your school site.

ORINDA UNION SCHOOL DISTRICT
Orinda, California